

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-21-02 – Wedding at 1789 Alto Mud Creek Rd.

DATE: April 9, 2021

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION: N/A

☐ **STATUS REPORT**

~~ANNUAL-~~

☐ **OTHER**

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: April 19, 2021

PURPOSE: Make a recommendation to the Board regarding application CU-21-02: Hector Sanchez-Fabian, Agent Stephanie Gutierrez, is seeking a conditional use to hold a wedding at 1789 Alto Mud Creek Road in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant has 9.92 acres and proposes to use the property to hold a wedding on July 3, 2021.
 2. The wedding will be for a family member of the owner and is expected to have approximately 200 guests.
 3. The applicant has requested permission to have music and the reception after the wedding. The wedding will begin at 1pm and originally requested permission to have music until approximately 2am but said they would abide to any time restrictions placed on the wedding.
 4. For background, about three (3) years ago this property held numerous events and the County received multiple complaints regarding noise. This occurred over many events and months. Finally, the Code Enforcement Officer had to visit the site during an event and threaten citations.
 5. Given that history, staff recommends against the approval of the wedding as we feel it may lead to more events and complaints.
 6. There two citizens that spoke against the request. Both cited the noise problems of the past and mentioned how the noise could be heard up to a mile away from the property.
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FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Denial:

- a. The motion of the Planning Commission which was voted down 3-2 resulting in a recommendation of denial included the following conditions:
 1. This must be a one-time event to be held on July 3, 2021.
 2. Event will only be allowed from 1pm to 9pm.
 3. No music will be played after 9pm.
 4. All guests must be gone by 10pm.
 5. A POST certified peace officer, familiar with Habersham County's noise ordinance, must be present the entire time to monitor the event.
 - b. If the BOC approves the request, staff recommends these conditions.
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OPTIONS: The Board of Commissioners could act on this application as follows:

1. Denial of the request as recommended by the Planning Commission;
 2. Approval of the request with conditions;
 3. Commission defined alternative.
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RECOMMENDED SAMPLE MOTION: I motion to deny CU-21-02 as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

DATE: _____



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

Planning & Development Department

130 Jacob's Way, Clarkesville, GA 30523

706-839-0140 www.habershamga.com

Habersham County Planning Commission Conditional Use Staff Report

APPLICATION NUMBER: CU-021-02

REQUESTED ACTION: Hector Sanchez-Fabian is seeking a Conditional Use to Article III Section 306 to grant permission to allow a wedding on their property. The property is further identified as Map 053 Parcel 013 consisting of 9.92 acres.

Synopsis: Initial inquiry regarding holding a wedding onsite was addressed through a written request. Plans are to host a one time family wedding on their property. There will be live music along with food. The hours will be from 1 PM until permitted.

PETITIONER: Hector Sanchez-Fabian

PROPERTY OWNER: Hector Sanchez-Fabian

EXISTING USE: Residential

PROPOSED USE: Family wedding

LOCATION: 1789 Alto Mud Creek Rd.

PARCEL SIZE: 9.92 ac.

MAP#: 053 PARCEL(S)#: 013

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	2029 Future Land Use Designation
Parcel	LI	Rural
North	MI	Rural
South	LI	Rural
East	LI	Rural
West	LI	Rural

MEETING DATES: Planning Commission: April 6, 2021

County Commissioners: April 19, 2021

PLANNING ANALYSIS:

1. The existing land uses and zoning classification of nearby property;

Properties adjacent are residential and the primary zoning classification is LI- Low Intensity with one parcel to the north that is MI – Middle Intensity.

2. The suitability of the subject property for the zoned purposes;

The property is designated as LI- Low Intensity. This zoning is intended to promote various low-density development where public water and sanitary sewer are unavailable. The property has adequate area to accommodate small scale gatherings.

3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

Property values are not diminished by the current zoning. It is the intent of the Conditional Use Process to permit specific light commercial uses compatible with a residential area. The process will assist in determining the need for buffers, parking, hours of operation and other concerns that may be presented.

4. The extent to which the diminution of property values of the subject property promote the health, safety, morals or general welfare of the public;

Property values are not diminished by the current zoning.

5. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

Weddings are an endeavor that provides an endless scope of opportunities. The rural/rustic backdrop of this location is a trend the public has shown an interest toward. The current LI- Low Intensity designation limits the range of usability and marketability but remains a viable property for residential or light office and/or retail with light density and low traffic volume. It is the intent of the Conditional Use Process to permit commercial uses compatible with a residential area.

6. Whether the subject property has a reasonable economic use as currently zoned;

Property does have a reasonable economic use within the LI- Low Intensity designation.

7. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

The compatibility of the proposed use with adjacent properties is critical. Specific criteria will need to be addressed such as hours of operation, capacity, noise, lighting, cleanliness/sanitation, buffers, etc., to promote harmony and balance in an existing residential neighborhood.

8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

The existing land use patterns in the area is primarily residential. During certain events, an increase in traffic, noise, etc. will occur, therefore, specific conditions can be applied to assist with harmony and balance in a residential neighborhood.

9. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

The Comprehensive Plan identifies this area as Rural. The scope of the proposed use and the application of specific criteria will support compatibility and balance necessary in a residential neighborhood.

10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

Possible significant impact will be the use of Alto Mud Creek Rd. during the time of hosting the larger scale events.

11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The balance of residential and light commercial at this location is essential to maintaining the integrity of the Comprehensive Plan. The scope of the proposed use and upon the application of specific

criteria will support compatibility and harmony.

Factors to consider:

- Compatibility, Balance and Harmony
- Cleanliness, lighting, noise, traffic/safety
- Discuss maintaining existing buffers and/or establishing additional screening as a visual and noise deterrent
- Adhere to ADA and local Structural & Parking Requirements

Staff Recommendation:

When looking at this application from the true intent of the land use resolution, it indeed has some merit. The use would be promoting tourism which is important to our county. It will be commercial in nature creating the need to hire caterers, and parking attendants, which are temporary jobs, but jobs just the same. The visitors to the wedding may possibly visit our area again and hopefully frequent our local businesses. However the Planning & Development staff recommends to the Planning Commission denial of CU-021-02.

_____ Approve as Submitted

 X Denial

_____ Approval with Conditions

_____ Table

Planning Commission recommends:

_____ Approve as Submitted

 X Denial

_____ Approval with Conditions

_____ Table

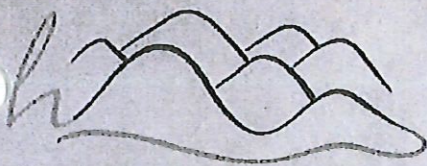
Board of Commissioners Decision:

_____ Approve as Submitted

_____ Denial

_____ Approval with Conditions

_____ Table



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APPLICATION TYPE: Variance: _____ Conditional Use: ☒ Map Amendment: _____

[Check ☒ appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact Hector Sanchez Fabian

Address 1789 Alto Mud Cr. Rd. City Alto State GA Zip 30510

Telephone # () 706-949-0058 Cell Telephone # ()

E-Mail _____

Property Owner(s): Hector Sanchez Fabian

Address 1789 Alto Mud Cr. Rd. City Alto State GA Zip 30510

Telephone # () 706-949-0058 Cell Telephone # ()

E-Mail _____

Agent: _____

Address _____ City _____ State _____ Zip _____

Telephone # () Cell Telephone # ()

E-Mail _____

Location (Street Address) of Property: 1789 Alto Mud Cr. Rd Alto, GA 30510

Acreage of Site: 11 Tax Map & Parcel#: _____ Existing LUI District: _____

Action Requested: Permission to Celebrate a Family Wedding.

Cite Pertinent Section(s): _____

Existing Use: _____

Proposed Use: _____

APPLICATION PROCESS FEE: \$200.00

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PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed below is authorized to act as the applicant and/or agent in the pursuit of the proposed application of this property.

Hector Sanchez Fabian

Property Owner/Executor/Officer
(Print)

Hector Sanchez Fabian

Property Owner/Executor/Officer
(Signature)

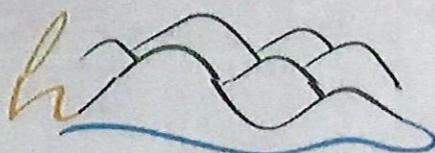
2/20/2021

Date of Signature

Authorized Agent
(Print)

Authorized Agent
(Signature)

 / /
Date of Signature



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CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Required For All Applications Regarding the Comprehensive Land Development Resolution

Disclosure of Campaign Contributions:

When any application is made for a Public Hearing with regards to the Comprehensive Land Development Resolution within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing body of the respective local government showing:

- (1). the name and official position of the local government official to whom the campaign contribution was made; and
- (2). The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3). The disclosure shall be marked by the **applicant, property owner, or person representing the property owner** and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff. If the disclosure is not provided to the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

I hereby certify that I have ☒; I have not ☐; (please ☒ one) read the above and that:

Within the two (2) years immediately preceding this date, I have; ☒ I have not ☐; (please ☒ one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

Name of Official(s)	Office	Amount	Date of Contribution
Hector Sanchez Fabian			

Applicant's Name (Please Print)

X Hector Sanchez Fabian
Signature of Applicant

2/20/2021
Date of Signature



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<u>Hector Sanchez Fabian</u>			
Applicant's Name (Please Print)			

X Hector Sanchez Fabian
Signature of Applicant

2/20/2021
Date of Signature

Hello ,

so the food will be cook by them

The music will be live musician just one band

And the hours will be 1:00pm - till permitted

I spoke to Sheriff and he said we can have party till we want but music has to be at a safe level. It's also 4th of July weekend

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Sent from Gmail Mobile

