



# HABERSHAM COUNTY

## Planning Department

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**Habersham County Planning Commission  
Map Amendment  
Staff Report**

**APPLICATION NUMBER:** Z-15-02

**REQUESTED ACTION:** Amend mapping of a 2 +- acre property which is currently LI to HI Mapping District.

**PETITIONER:**

Jerry Ralph Burrell  
640 Camp Creek Road  
Cornelia, Ga. 30531

**PROPERTY OWNER:**

Same

**EXISTING USE:** Auto Service Center

**PROPOSED USE:** Auto Service/Auto Sales

**LOCATION:** 640 Camp Creek Road

**PARCEL SIZE:** 2 acre +-      **MAP#:**112C    **PARCEL#:**058

**EXISTING & FUTURE LAND USE DISTRICT:**

	Current Zoning District	2029 Comp Plan Designation
Parcel	LI	Developing Residential
North	LI/HI	Developing Residential
South	LI	Developing Residential
East	LI	Developing Residential
West	HI/LI	Developing Residential

**MEETING DATES:** Planning Commission: November 3, 2015

Board of Commissioners: November 16, 2015

**PLANNING ANALYSIS:**

1. **The existing land uses and zoning classification of nearby property;**  
All adjacent properties are LI Mapping with some HI Mapping West and North of Camp Creek Road.
2. **The suitability of the subject property for the zoned purposes;**  
The subject property has a residence on it and the accessory building is being used as a auto service center. The residential use is the primary use which is the primary use in LI Mapping Districts.
3. **The extent to which the property values of the subject property are diminished by the particular**

**zoning restrictions;**

There is no diminution of the property value as it is currently mapped or as currently used.

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;**

There is no diminution of the property value as it is currently mapped or as currently used.

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

No hardship exists for the property owner nor is there a gain to the public.

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

The subject property has the same economic use and value as all adjacent property as currently mapped.

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 proposed HI Mapping would be inconsistent with adjacent properties but would be similar to mapping west of the site. The nearby HI property has similar uses to those on the subject property.

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

The proposed mapping would have very little short term effect on adjacent properties.

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

The 2029 Comp Plan has this area as Developing Residential. The change to HI would allow residential but it would be inconsistent with Developing Residential because it allows heavy commercial development.

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;**

The proposed mapping change would place no immediate burden on this roadway which is heavily traveled by commercial and residential users.

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;**

This property is in close proximity of the city limits of the Cornelia and was part of a recent annexation attempt by the city. This area will be subject to annexation in the not too distant future. The development trend for this area is to move toward commercial uses. Existing residential building are older existing homes and the property owners feel the commercial pushing their way.

This change of mapping is not consistent with what exists in the area but reflects the development trend along Camp Creek Road. The Planning staff recommendation to is that the Planning Commission **Deny** this application changing the property from LI to HI Mapping.

\_\_\_\_\_ Approve as Submitted

\_\_\_\_\_ Approval with Conditions

  **X**   Denial

\_\_\_\_\_ Table



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### MINUTES

#### HABERSHAM COUNTY PLANNING COMMISSION

##### Public Hearing

**Tuesday, November 3, 2015**

The Habersham County Planning Commission held a public hearing on Tuesday, November 3, 2015 within the Habersham County Courthouse located at 295 Llewellyn Street in Clarkesville, Georgia.

Chairman Eddie Slay called the meeting to order at 6:04 PM.

Invocation offered by Jason Smith.

Planning Commission Members Present: Eddie Slay, Chris Dini, D Higgins, Jason Smith, and Jim Kiger. Gerald Dunham and Mike Van Winkle were not in attendance.

Also present: Tom Braswell, Planning Director and Mike Beecham, Community Planning and Development Director.

Minutes of October 6, 2015 were approved without change.

The agenda was approved without amendments.

#### **NEW BUSINESS:**

**V-15-01:** Railroad Outdoor LLC is asking for a variance of maximum size, height, and from minimum setback requirements of Article XIV, Signs.

Mr. Braswell presented the application to the commission members and discussed the requests by the applicants. He stated the ordinance setbacks, height maximum, and size limitations of the sign ordinance. He answered several questions from the commission and afterwards returned to his seat.

The applicant's representatives, Mike Fitzgerald and Kelly Shaw, stepped to the podium to present their case for the variance. They discussed traffic speeds, road geography, and topography and how they contributed to the need for a variance. They answered a series of questions from the commission and afterwards returned to their seats.

The commission members discussed options among themselves and when discussion was concluded, the chairman called the question.

Jason Smith moved that the application be tabled until the January 2016 meeting. Chris Dini seconded and the vote was unanimous.

**Z-15-02:** James Ralph Burrell is seeking approval of a mapping change from LI to HI to bring an existing garage into compliance and add a car sales lot.

D Higgins recused himself due to family ownership of an adjacent parcel.

Mr. Braswell presented the application and the reasons for the map amendment request. The existing business was a non-conforming use in LI and could not be expanded. The applicant was looking to add a car sales business to the property but that use was not allowed by right in LI plus it would have been an expansion of the non-conforming status. He answered questions from the commission members and afterwards returned to his seat.

James Ray Wood approached the podium to represent the applicant and answer questions from the commission. He explained the need for the map amendment to allow the planning department to sign off on a state form that the mapping allowed a car sales business. After answering several additional questions, he returned to his seat.

A letter received from Tolbert and Barbara Bramlett was read into the record at the request of the commission chairman.

Carolyn Fox spoke in opposition to the application and thanked the commission members for the opportunity to be heard.

Josh Bramlett spoke in opposition to the application and returned to his seat.

Mr. Braswell answered a question from the commission members in regards to why a variance or conditional use was not used. He explained that the state requirement is that the zoning be such that the use is allowed by right. A variance or conditional use would not be acceptable to the state.

With no additional public comment and no discussion amongst the commission members, the chairman called the question.

Jason Smith moved that the application be denied. Jim Kiger seconded and the vote was unanimous.

### **OLD BUSINESS:**

**CU-15-03:** Conditional Use application by Caleb Huiett to establish a landscape service and supply business on the property at 5426 StHwy 17 also identified as Map 20 Parcel 048. (Tabled at October 6<sup>th</sup> meeting.)

The chairman asked for a motion to remove this application from the table. Chris Dini made a motion to remove the application from the table which was seconded by Jason Smith. Vote was unanimous.

Mr. Braswell presented the application to the members and answered questions. With no further questions he returned to his seat.

Mr. Huiett was represented by attorney Spencer Carr, who stepped to the podium to put forth arguments for the applicant. He answered several questions from the commission members before returning to his seat.

The commission asked Mr. Huiett, the applicant, several questions for clarification of some notes from the October meeting.

The chairman called the question and D Higgins moved that the application be approved with the following conditions:

1. There would be no access from Preacher Campbell Road;

2. A 100 feet buffer would be maintained along Preacher Campbell Road.  
Jason Smith seconded and the vote was unanimous.

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**REPORTS TO THE COMMISSION:**

There were no reports to the Planning Commissioners.

**ADMINISTRATIVE MATTERS:**

**ADJOURNMENT:**

With no further business and no further comments the chairman called for a motion to adjourn.

D Higgins made the motion to adjourn which was seconded by Jason Smith.

The meeting was adjourned at 7:33 PM.

As approved by the Habersham County Planning Commission

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Executive Secretary

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Date