

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-20-06

DATE: September 14, 2020

BUDGET INFORMATION: N/A

ANNUAL-
CAPITAL-

RECOMMENDATION

POLICY DISCUSSION

STATUS REPORT

OTHER

COMMISSION ACTION REQUESTED ON: September 21, 2020

PURPOSE: Make a recommendation to the Board regarding application CU-20-06: Brian Sosebee of Sosebee’s Lawncare Webb of Webb’s Recycling, Agent – Austin Perry, is seeking a conditional use to continue to use 3019 Riverbend Road as a lawncare business in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. As you may recall, Sosebee’s Lawncare is the business on which we held the business license revocation hearing on July 20, 2020. Planning and Development had received numerous complaints regarding the business operations and debris over the years and recommended the revocation of the business license. At that meeting, you directed Mr. Sosebee to apply for a conditional use so conditions could be placed on the property.
 2. The property is 2.0± acres and contains Mr. Sosebee’s residence in addition to his lawncare business. Mr. Sosebee has received materials from off site and has processed them with either a chipper and/or a leaf vacuum.
 3. A 6’+ privacy fence has been installed on the property and six (6) trees have been planted in the northwestern property corner.
 4. The Planning Commission expressed concerns over the property being a nuisance to neighbors, protecting public property.
 5. Two property owners spoke in opposition to the conditional use request. The concerns expressed included noise, debris from off-site, and the business activity in the area.
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FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

- a. Maintain vegetative buffer along property line adjacent to Lot 26. Maintain existing six (6) cypress trees at corner. Trees shall be replanted due to tree loss.
 - b. Maintain six-foot (6’) wood privacy fence and repair and/or replace, to include gate, when necessary.
 - c. Gate shall remain closed when not entering/exiting property.
 - d. Extend fence to ground to avoid visibility or activity behind fence.
 - e. Hours of operation shall be Monday through Friday 8am to 5pm, Saturday 8am to noon. In addition, no noise generated by equipment or activity associated to said
-
-

business shall occur on Saturday, Sunday, or federal holidays. Unreasonable, boisterous or unusual noise as identified in the Habersham County Noise Ordinance-Article II Sec. 42-23/42-24 shall be prohibited.

- f. All signage shall adhere to the Habersham County Sign Ordinance.
 - g. No encroachment shall occur onto the county right-of-way.
 - h. No business activity shall be visible from Riverbend Road or Alfred Taylor Road.
 - i. Two (2) or more convictions of any condition stated within a calendar year shall result in the revocation of business license.
-
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OPTIONS: The Board of Commissioners could act on this application as follows:

- 1. Approval of the request with conditions as recommended by the Planning Commission;
 - 2. Denial of the request as submitted; or
 - 3. Commission defined alternative.
-
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RECOMMENDED SAMPLE MOTION: Motion to approve CU-20-06 with conditions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:**

_____ **DATE:** _____

County Manager



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-20-6

REQUESTED ACTION: Brian Sosebee is seeking a Conditional Use to Article IV Section 403.C to operate a Lawncare and Firewood Business. The property is further identified as Map 21 Parcel 139.

PETITIONER: Brian Sosebee

AGENT: McClure, Ramsay, Dickerson & Escoe, LLP

PROPERTY OWNER: Same

EXISTING USE: Lawncare Business / Firewood Business

PROPOSED USE: Operation of light lawn & property care related equipment between the hours of 8 am and 6 pm; Store uncut logs on property for use as business materials behind existing fence.

LOCATION: 3019 Riverbend Road

PARCEL SIZE: 2+ ac.

MAP#: 21 **PARCEL(S)#:** 139

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	2029 Future Land Use Designation
Parcel	LI	Rural
Rear	LI	Rural
Across rd	LI	Rural
East	LI	Rural
West	LI	Rural

MEETING DATES: **Planning Commission:** September 1, 2020

County Commissioners: September 21, 2020

PLANNING ANALYSIS:

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

Properties adjacent are residential and are designated as LI- Low Intensity.

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

The LI- Low Intensity District is intended to promote various low-density development where public water and sanitary sewer are unavailable.

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

It is the intent of the Conditional Use Process to permit specific land uses compatible within a rural/residential area and permit home, residential and rural businesses which may be compatible with residential establishments. The process will assist in determining the need for buffers/screening, 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;

The current LI- Low Intensity designation allows for the operation of home, residential and rural businesses. A license was issued in 2017 but the lawn care business was active for years prior. It is the intent of the Conditional Use Process to permit specific land uses, with Commissioners' approval, compatible within a rural/residential area.

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

Property does have an economic use within the LI- Low Intensity designation with specific criteria applied to assist with compatibility in a rural/residential area.

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 residential properties is critical. Specific criteria will need to be addressed such as hours of operation, noise, cleanliness/sanitation, buffers, etc., to promote harmony and balance in an existing residential neighborhood. Staff has received numerous complaints regarding the operation of the business beginning in 2017. Common complaints have been noise and debris stored on the property. Staff has sent letters and issued citations in attempts to rectify the violations. Eventually, staff brought the issue to a hearing before the BOCC to determine whether revocation of the business license was warranted. The BOCC sent the matter to the Planning Commission.

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 are primarily residential. The business activity has received numerous complaints over the last three years. If approved, specific conditions should be applied to alleviate much of the adverse effects of the business operation upon the nearby residences as possible.

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

The 2029 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;
The property is served by City of Demorest water and an individual septic tank(s).

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 a residential neighborhood and a residential business at this location is essential. Neighboring residences will see the effects of the day to day operations. Specific criteria will support compatibility and balance necessary in a residential neighborhood.

Factors to consider:

- Compatibility, Balance and Harmony of residential business growth aligned with established residential neighborhood
- Maintain annual Business License
- A 6'+ high wood privacy fence has been installed along a portion of the property to visually screen (where buffer currently does not exist) as a visual and noise deterrent
- Extent of circumstances have been ongoing since 2017

Staff recommends:

<input type="checkbox"/>	Approve as Submitted	<input type="checkbox"/>	Approval with Conditions
<input checked="" type="checkbox"/>	Denial*	<input type="checkbox"/>	Table

***Inability to reach a resolution in a timely manner**

Planning Commission may recommend approval with the following conditions-

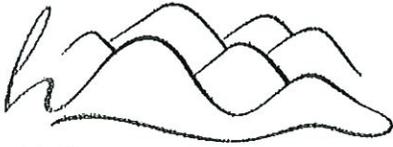
Conditions:

- Maintain vegetative buffer along p/l adjacent to lot 26. Maintain existing 6 cypress trees at corner. Trees shall be replanted due to tree loss.
- Maintain 6' high fence. Repair and/or replace when necessary.
- Hours of Operation: Monday through Friday 8 am – 5 pm
Saturday 8 am – Noon. In addition, no noise shall occur on Saturday, generated by equipment or activity associated to said business. Unreasonable, boisterous or unusual noise as identified in the Habersham County Noise Ordinance- Article II Sec.42-23/42-24 shall be prohibited.
- All signage shall adhere to Habersham County Sign Ordinance
- No encroachment shall occur onto the county r/w
- No business activity shall be visible from Riverbend Road
- 2 or more convictions of any condition stated within a calendar year shall result in the revocation of business license

Planning Commission Recommendation:

- Maintain vegetative buffer along p/l adjacent to lot 26. Maintain existing 6 cypress trees at corner. Trees shall be replanted due to tree loss
- Maintain 6' high fence. Repair and/or replace, to include gate, when necessary
- Gate shall remain closed when not entering/exiting site
- Extend fence to ground to avoid visibility of activity behind fence

- Hours of Operation: Monday through Friday 8 am – 5 pm
Saturday 8 am – Noon. In addition, no noise generated by equipment or activity associated to said business shall occur on Saturday, Sunday nor Federal Holidays. Unreasonable, boisterous or unusual noise as identified in the Habersham County Noise Ordinance- Article II Sec.42-23/42-24 shall be prohibited.
- All signage shall adhere to Habersham County Sign Ordinance
- No encroachment shall occur onto the county r/w
- No business activity shall be visible from Riverbend Road or Alfred Taylor Road
- 2 or more convictions of any condition stated within a calendar year shall result in the revocation of business license



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

Planning Department
130 Jacob's Way, Suite 104, Clarkesville, GA 30523
706-839-0140 Fax: 706-754-1761
www.habershamga.com

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

[Check appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact Brian Sosebee, d/b/a Sosebee's Lawncare

Address 3019 Riverbend Rd. City Demorest State GA Zip 30535

Telephone # () 706-499-6425 Cell Telephone # () _____

Fax# () _____ E-Mail _____

Property Owner(s): Brian Sosebee

Address 3019 Riverbend Rd. City Demorest State GA Zip 30535

Telephone # () 706-499-6425 Cell Telephone # () _____

Fax# () _____ E-Mail _____

Agent: McClure, Ramsay, Dickerson & Escoe, LLP

Address 38 Falls Rd. City Toccoa State GA Zip 30577

Telephone # () 706-886-3178 Cell Telephone # () _____

Fax# () 706-886-1150 E-Mail alp@mrdelaw.com

Location of Property: Fronts Alfred Taylor Road

Street Address: 3019 River Bend Rd.

Acreage of Site: 2 Tax Map & Parcel#: 021-139

Existing LU District: LI 2029 Map /District: _____

Action Requested: Conditional use for operation of lawncare business and firewood business

Cite Pertinent Section(s): Art IV Sec 403.C

Existing Use: Lawncare business; Firewood business

Proposed Use: Operation of light lawn & property care related equipment between the hours of 8:00 A.M. and 6:00 P.M.; Store uncut logs on property for use as businesses materials behind existing fence.

(A metes and bounds legal description may be required. Also attach a boundary survey of the property if available.)

*Deed 1038 646
727 745*

PROPOSED SITE USE

The primary use of the site will be for storage of light lawn care/property maintenance equipment, as well as logs used as business materials for the firewood business. Mulch will also be stored on site. Any use of business related equipment will be between the hours of 8:00 a.m. – 6:00 p.m.

All storage areas related to the business operation will be located behind the already existing wooden fence. (See site plan)

021

ALFRED TAYLOR RD

EXISTING FENCE

VEGETATION

LOGS

MULCH

FUTURE LOG STORAGE

EQUIP STORAGE

021 139



August 24, 2020

To Members of the Planning Commission:

Please consider the facts very careful in regards to your recommendation to the board of commissioners regarding Mr. Sosebee.

I would ask that you **not** issue a conditional use permit to Mr. Sosebee. The reason would be that he has been cited three different tickets over the span of two years. His disregard of code enforcement requests over a span of several years and his total disregard of Judge Johnson's guilty verdict would be grounds enough to deny his special request.

Why should he be granted special permission in reference to conditional use? Why has disobeying Judge Johnson's guilty verdict been ignored? Why can't he operate a business within code?

For the record, my husband and I have never wanted Mr. Sosebee to lose his business license. As a matter of fact, in open court with Judge Johnson in November, my husband asked the judge to not fine Mr. Sosebee but rather take the money and use it for a buffer. This was completely ignored by Mr. Sosebee. It wasn't until code enforcement threatened to take his business license did Mr. Sosebee install a fence.

If you issue a conditional use permit, it will only enforce his continued ability to break county codes and any applicable OCGA codes.

We are tired of the whole situation. We are tired of Mr. Sosebee being allowed to break the law or suffer any consequences. We feel as though Mr. Sosebee has a total lack of regard for anyone and his attorney has not presented the facts in whole. We feel completely ignored by our district commissioner, Tim Stamey. We also feel as if the board of commissioners only listened to one side and that side was Mr. Sosebees.

In closing, there are two sides to every story. Please choose carefully. We are also taxpayers and registered voters of Habersham County trying to protect our investment. Please deny his request and instruct him to operate his business wholly within Habersham County Codes and OCGA like all other business owners.

Thank you for your time and consideration,

Lena Baggett

To: Habersham County Planning Commission

From: Jeffrey Godwin and Deborah Drew Godwin, 150 Alfred Taylor Drive, Demorest, GA

Date: August 24, 2020

Subject: Request from Brian Sosebee/dba Sosebee's Lawncare for Conditional Use to operate a lawncare and firewood business located at 3019 Riverbend Road, Demorest, GA

To the Planning Commission Members-

We are writing to respectfully request that Brian Sosebee is not granted Conditional Use of his property for the following reasons:

- Our residence is the closest to the area Mr. Sosebee is conducting commercial business operations. We purposefully purchased a home eighteen years ago in this location, which was then, and is now, zoned for residential use, not commercial, use.
- Mr. Sosebee's commercial business operations on his property are incompatible with a residential neighborhood because of the unsightliness of the debris dumped on his property and the noise generated by his equipment operations.
- Mr. Sosebee has been operating these businesses for several years and until 2017 was operating without a business license.
- Mr. Sosebee has habitually violated county codes and ordinances as defined in the Habersham County Comprehensive Land Use Resolution. He was cited for those violations by code enforcement, as recorded in their office. He has continued to violate ordinances after appearing in magistrate court and being ordered by Judge Johnson to not bring debris onto his property or process debris brought from outside to his property.
- We did not ask for revocation of Mr. Sosebee's business license; it was a decision made by Habersham County Planning and Development department to bring that request before the commissioners.
- My husband and I, and our neighbors, the Bagett's, have only asked that Mr. Sosebee is held accountable for code violations. We are justified in making that request as tax paying property owners in an effort to protect our property value. By exercising our rights, however, we were publicly vilified and our character was brought into question by Mr. Sosebee's attorney at the Habersham County Commissioners' meeting on July 20, 2020.
- Mr. Sosebee only recently screened his property once Code Enforcement took steps to have his business license revoked for failure to comply with their agreement with him.
- Mr. Sosebee has large gates that he keeps open for long periods of time (the entirety of last week) and the debris is still visible through that opening (pictures attached).
- Mr. Sosebee is running equipment on his property and in his shop outside of the timeframe that is outlined in his request for Conditional Use and we feel that he will not abide by the guidelines of the permit if it is granted.

Thank you in advance for your thoughtful consideration of our request.

Tammy Carter

From: Deborah Godwin <Deborah.Godwin@ung.edu>
Sent: Monday, August 24, 2020 4:56 PM
To: Tammy Carter
Cc: Curt McGugan
Subject: memo & photos for Planning Commission
Attachments: Sosebee Case for Planning Commission.docx

[CAUTION: This message originated from outside of the Habersham County email system. -- Please exercise caution before clicking links, opening attachments, replying, or providing information to the sender.]

Ms. Carter, the photos below and the attached memo are for the Planning Commission meeting scheduled 09/01/20. Please confirm that you received them. Thanks, Debi









Sent from my iPhone

Lena Baggett, 200 Alfred Taylor Drive, Demorest

Now that the elections are over and everyone can breathe, please take time to consider and vote on an amicable solution for all parties.

This situation went before the planning commission and the vote, as you know, was 4 in favor and 2 against Sosebee's conditional use permit.

This letter will state my feelings and concerns.

Let me begin by asking a question. **Why!**

- Why is the matter of a conditional use permit even on the table for Sosebee?
- Why can't Sosebee operate his business all within code and applicable OCGA?
- Why has the guilty verdicts x 3 by Judge Johnson been completely ignored?
- Why wasn't action taken when Sosebee violated the November guilty verdict by Judge Johnson and had more logs dumped on his property (when he was on probation) in December? (Code enforcement was notified)
- Why did this issue of conditional use permit not go through code enforcement before his business license was issued?
- Why was a driveway permit not issued?
- Why did Sosebee take it upon himself to build his fence on the right of way?

The answer is: Sosebee. He believes he is special. He believes he is above the law and that has been reflected by his disregard of Judge Johnson's verdicts on three separate occasions and his total disregard of code enforcement. The tickets given were in violation of 1119B (CLDR) and 59-22B1 and 30-19-B3. But

yet, here we are again and he is asking for “special” permission in the form of a conditional use permit to violate code. Again, why does he need a conditional use permit?

His attorney, Mr. Perry, in his vocal address to the BOC, presented facts but not the whole facts. He vilified my husband and I and our neighbors in that meeting. In his written presentation, he called us “hypersensitive” neighbors. He can call us that if he desires, but we are **not** the ones consistently violating code. We are the ones asking that our neighbor, Sosebee, only obey and operate within code and applicable OCGA. Why are **we** being vilified for trying to protect our investment? Why?

Mr. Perry also stated that Sosebee wasn't required per code to plant trees as well as build a fence. Article IX, Section 903, Buffer Specifications, of the Habersham Comprehensive Land Development Use Plan, Item No. 3 says, “Vegetation planted for screening except for ground covers shall be of such type as to be a height of not less than three feet when planted and which will, in normal growth attain a height of six feet within three years, provided, however, that such plant materials can form a hardy screen dense enough and high enough both to interrupt vision and to reduce the transmission of sound.”

Furthermore, Section 1119, Home occupation, residential, and rural business outlines the regulations for a home occupation, residential, and rural business. As a residential business or rural business, Section B, allows Sosebee a regulated square footage requirement in which I believe he is in violation. This section also states requirements for buffer.

Perry also told you that the dumping is a new thing. What? A new thing? Sosebee was issued a ticket for the dumping at the end of October 2019. It's against code!!! 54-22(b)(1).

Sosebee presented written letters from neighbors to the BOC but it was not mentioned that these neighbors live a half a mile down the road. Two neighbors, Gale and Branson, spoke at the BOC meeting. However, the Gales, who live beside Sosebee, failed to mention how far away from Sosebee they live. The Gales, on their own admission, own and operate a construction business and we have **yet** to see or hear **any** evidence of it.

Branson failed to mention that he lives up the road, behind a gate, and in the woods. These neighbors expressed that they feel their way of life was being threatened. That is not the case. Again, the facts were not presented in whole to them **either**. I don't feel the neighbors are directly impacted as we are. **We** live across the street.

We are the ones directly impacted, not them. **We** are impacted by the noise of the wood chipper. **We** are impacted by the unsightly logs and chips. **We** are impacted by the commercial vehicles that have, in the past, been in and out of his property. **We** are impacted by the noise of the big logs being dumped.

Sosebee's legal counsel has painted him to be a willing party in this debacle. We have been patient with Sosebee. My husband even testified in front of Judge Johnson on his behalf at the November court date. However, Sosebee has proven he is not a willing party. If he was as willing of a party that his attorney portrays him to be, then why did he "lawyer up" the day we were supposed to meet with him at code enforcement. Why? If he was a willing party, why did he charge me twice in the street, shoot me a bird, threaten to pull his drawers down, "banty rooster" me in the street, call me a bitch, and threaten to come on my property. Why?

In closing, there are **two** sides to every story. "Our side" has only requested, from the beginning, that Sosebee operate within code. We feel that if you grant a conditional use permit, you would be granting him permission to violate code.

If it wasn't important and in violation, code enforcement wouldn't have cited him x3 and Judge Johnson wouldn't have found him guilty x3. Again, why does he need a special conditional use permit to operate a lawn care business **outside** of his home? Why?

Let me be **loud** and **clear** so there are no misinterpretations. We have never **once** asked for Sosebee's license to be revoked. We have never **once** wanted to, in Mr. Perry's words, "use county regulations as a weapon in attempts to achieve our personal goal to destroy Sosebee's livelihood." All we want and have ever wanted is live peacefully and enjoy our home here in Habersham County. Sosebee has made that difficult for us!

As a homeowner, taxpayer and registered voter, please deny his request for conditional use permit. We would also ask that any future violations of code or applicable OCGA be persistently and aggressively enforced.

In the words of one of the planning commission members when he saw the pictures, “this is a commercial operation. I wouldn’t want to live across the street from that!!” Neither would any of you and neither do we!!

Thank you,

Lena Baggett

To: Habersham County Board of Commissioners
From: Jeffrey Godwin and Deborah Drew Godwin, 150 Alfred Taylor Drive, Demorest, GA
Date: September 14, 2020 (for BOC review prior to meeting September 21, 2020)
Subject: Request from Brian Sosebee/dba Sosebee's Lawncare for Conditional Use to operate a lawncare and firewood sales business located at 3019 Riverbend Road, Demorest, GA

To the Board of Commissioners-

We are writing to respectfully request that the Board of Commissioners does not approve Brian Sosebee's application for Conditional Use of his property for the following reasons:

It was not a unanimous vote to approve the recommendations the Planning Commission submitted to the Board of Commissioners in consideration of Mr. Sosebee's application. Two of the Planning Commission members voted against the recommendations. We are respectfully asking that you speak with Robert Gutowski and David Purcell before the hearing scheduled for September 21, 2020 to learn the reasons for their opposition to the recommendations.

When we purchased our property eighteen years ago, we would never have bought a house across from what is on Mr. Sosebee's property today. In fact, after we made the offer, it was disclosed that **our property has restrictive covenants, as outlined in the attached copy of the Warranty Deed. It is stated in part, "1. No commercial business establishment of any nature is to be built nor shall any commercial operation be conducted on any lot ..."** It was obviously the intent of the original owners of the property, the "Gales", to maintain the integrity and quality of the residential aspect of our neighborhood.

Approving Mr. Sosebee's Conditional Use application, will take away our option to not live across from a commercial business operation. You will also place an obstacle on our ability to sell our property in the future, if we so choose, by granting Mr. Sosebee Conditional Use.

Mr. Sosebee can continue to earn a living by doing exactly what his business license allows him to do – Lawn Care – and he can conduct that business away from our neighborhood. If the application is approved, allowing him to operate commercially on his property, it will significantly decrease our property value and our quality of life. Putting a fence around a commercial business operation does not change the characteristics of the operation, including the noise and the dumping activity; it only disguises it.

There were several oversights in this case based on Mr. Beecham's admissions during the Planning Commission meeting: 1. The oversight that Mr. Sosebee was not required to apply for Conditional Use three years ago when it was determined he was operating a commercial business on his property. 2. The oversight that the driveway into Alfred Taylor Drive has not been permitted, as of this date, according to the Code of Ordinances, Chapter 20, Sec. 20-4 – Application for permit. 3. The uncertainty of the distance the fence is located from the right-of-way on Alfred Taylor Drive. Mr. Beecham stated the fence might actually be on the right-of-way, which will prohibit Mr. Sosebee from planting vegetation in front of the fence, as Commissioner Crawford recommended. Unless items two and three

are resolved by the time the Board meets on September 21, 2020 it would only be appropriate for the Board to table the decision until the time these items are resolved.

We are asking you, to please not approve Mr. Sosebee's application for Conditional Use of his property and to not give him the leniency to continue operating commercial equipment and dumping debris on his property in our neighborhood.

Sincerely,

Jeff and Debi Godwin

View from our front yard:



View from Alfred Taylor Drive:



Wink

'93 JUL 21 AM 8 51
7-22-93
BOOK PAGE RECORDED
ERNEST W. NATIONS JR

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF HABERSHAM.

THIS INDENTURE, made this 15th day of July in the Year of Our Lord One Thousand Nine Hundred and Ninety-Three between WALTON D. GALE of the State of Georgia and County of Habersham of the first part, and RONALD L. WILSON of the State of Georgia and County of Habersham of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars and Other Good and Valuable Considerations, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all that tract or parcel of land as follows:

ALL THAT TRACT or parcel of land lying and being in Land Lot 177 of the 3rd Land District of Habersham County, Georgia, and being a portion of that certain 5.92 acres as shown by that certain plat of survey by Bartlett & Cash Land Surveyors, Inc., dated January 15, 1993, recorded in Plat Book 33, Page 199, and being more particularly described as follows: TO FIND THE TRUE POINT OF BEGINNING, proceed 632 feet along the easterly margin of right-of-way of Taylor Road from River Bend Road to the southwesterly corner of the 5.92 acre parcel as shown in Plat Book 33, Page 199; thence North 22 degrees 09 minutes West 51.66 feet to a point; thence North 27 degrees 25 minutes West 92.38 feet to an iron pin, the TRUE POINT OF BEGINNING; thence from said POINT OF BEGINNING continuing along the easterly margin of right-of-way of Taylor Road North 34 degrees 15 minutes West 231.23 feet to an iron pin; thence South 87 degrees 47 minutes East 364.79 feet to an iron pin; thence North 83 degrees 31 minutes East 273.42 feet to a point; thence South 06 degrees 28 minutes 25 seconds East 134.66 feet to an iron pin; thence South 81 degrees 54 minutes 34 seconds West 526.47 feet to the iron pin POINT OF BEGINNING.

The above described property consists of 2.06 acres, more or less, and is the northerly portion of the above referenced 5.92 acres with metes and bounds as above described.

The above-described property is SUBJECT TO the following restrictive covenants:

1. No commercial business establishment of any nature is to be built, nor shall any commercial operation be conducted on any lot nor shall any commercial signs be erected or maintained on any lot.
2. The exterior of any dwelling or residential structure must be completed within one (1) year after the commencing of construction. There shall be no used building materials used for construction upon the subject property.
3. A minimum of ten (10) feet shall be maintained between any line of any lot and the location of any structure.
4. There shall not be maintained upon any lot any noxious or offensive activity, including, but not limited to, the keeping or maintaining of swine and/or poultry.
5. Owners shall provide space for parking at least two (2) automobiles off the road prior to occupancy of any dwelling on any of said lots.
6. The Owner shall provide receptacles for garbage in a screened area from the road or provide underground garbage receptacles.
7. Trailers, mobile homes, modular homes, or any similar units or structures shall not be allowed at any time upon the subject property. Travel trailers shall be permitted only to camp on the subject property for no more than seven (7) consecutive days and no more than fourteen (14) days per month.

Habersham County, Georgia
Real Estate Transfer Tax
Paid \$ 7.50
Date 7-21-93
Ernest W. Nations, Jr.
Clerk of Superior Court



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY
Planning and Development
130 Jacob's Way, Suite 104, Clarkesville, GA 30523
706-839-0210 Fax: 706-754-1761
www.habershamga.com

To: Board of Commissioners

CC: Phil Sutton, County Manager

From: Mike Beecham, Director of Planning and Development MB

Date: September 22, 2020

RE: CU-20-06 – Sosebee's Lawncare

After consulting with County Attorney Donnie Hunt, I wanted to explain what happens now with CU-20-06 Sosebee's Lawncare. At last night's meeting, no action was taken on the conditional use request which means his request to operate his business in the manner he proposed was not approved. He must meet the current requirements of the CLDR or be cited.

Based on the use of the property, Sosebee's Lawncare is considered a residential business by the CLDR and is permitted by right in the LI District. A residential business is defined as:

“A retail or service establishment carried on for gain by at least one person residing on the property on which such establishment is located, not employing more than five persons conducted entirely within the principal or accessory building(s) on the property except for product display and except for outside storage which meets the requirements of these regulations, and which does not generate more than 20 total vehicle trips per day to/from the property, nor generates noise, smoke, odor, dust, glare, vibration, or flies/insects detectable at any property line.”

This means Mr. Sosebee will not be able to conduct any business activity outside of a building, except outside storage explained below, and will also be prohibited from any activity which generates noise, smoke, odor, dust, glare, vibration, or flies/insects detectable at any property line. He will no longer be allowed to run any business equipment which is detectable from the property line. His chipper, leaf vacuum, and dump truck will all be detectable from the property line so he will not be allowed to use them on the property.

In addition, Section 1109(B)1 states, “Any accessory areas involving more than 100 square feet of open-air storage materials... shall be screened from adjacent properties in the LI, Low Intensity District.” If the business has more than 100 square feet of materials stored outside, they must be

screened from LI properties. His property is surrounded by LI, so all sides to which the material is visible must be screened if the storage exceeds 100 square feet.

Lastly, 1109(B)5 states the residential business shall not operate between the hours of 11pm and 6am. He will be able to run the business until 11pm, but he still can't generate noise, glare, etc.

Please contact with any further questions or comments.