

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-22-04 – Boat, RV, and Mini-Storage Facility 402 Wheeler Road

DATE: October 7, 2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION: N/A

☐ **STATUS REPORT**

~~ANNUAL-~~

☐ **OTHER**

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: October 17, 2022

PURPOSE: Make a recommendation to the Board regarding application CU-22-04: Brandon Lovell is seeking a conditional use for boat and recreational vehicle (RV) storage along enclosed mini-storage 402 Wheeler Road in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant has 7.14 acres formerly housing chicken houses. He proposes to use the property as boat, RV, and mini storage. There are no dwellings on the property and the applicant has no plans to build any there.
2. The property is located within the LI, Low Intensity District. It is also within the Rural character area from the Comprehensive Plan.
3. The applicant proposes to construct a single commercial driveway with an interior loop road serving the site. It will be surrounded by a six-foot chain-link fence.
4. The applicant has stated the facility would have an electronic gate where he can restrict access to certain hours.
5. The property is located on Wheeler Road near the intersection with Hwy 115. It is behind the existing gas station. There are numerous new homes under construction on the other side of Wheeler Road from this site.
6. There were numerous citizens in attendance, primarily against the request. The concerns expressed were traffic, light pollution, water runoff, and aesthetics.
7. The Planning Commission discussed the traffic issues in detail and said the site distance complaints about the Wheeler Road/Hwy 115 intersection couldn't be solved by the applicant. It's an existing road which would have to be solved by GDOT. It was also discussed how the new homes create much more traffic on Wheeler Road than the proposed conditional use.

FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

- a. Outdoor lighting must be dark sky model lighting to reduce light pollution to neighboring properties.
 - b. The hours of operation are restricted from 6am to 8pm daily.
 - c. In addition to the buffer required by the CLDO, a landscape buffer of evergreen
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- trees shall be planted.
- d. A stormwater management report shall be required.
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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;
 3. Commission defined alternative.
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-

RECOMMENDED SAMPLE MOTION: I motion to approve CU-22-04 with conditions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beechan

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-22-04

REQUESTED ACTION: Brandon Lovell is seeking a Conditional Use to allow for a boat and R/V storage facility with open-air canopy and enclosed mini storage buildings on his property. The tract is further identified as Map 041 Parcel 038 consisting of 7.14 acres.

Synopsis: Initial inquiry regarding this was addressed through a written request. Plans are to use this property for boat and R/V storage. This storage area will be a mixture of both covered and open spaces. There are also plans to have enclosed mini storage buildings on site as well. The facility will be surrounded by a fence and an electronic gate.

PETITIONER: Brandon Lovell

PROPERTY OWNER: Brandon Lovell

EXISTING USE: Residential

PROPOSED USE: Boat & R/V storage facility along with mini storage units.

LOCATION: 402 Wheeler Rd.

PARCEL SIZE: 7.14 acres

MAP#: 041 PARCEL(S)#: 038

EXISTING & FUTURE LAND USE DISTRICT:

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

MEETING DATES: Planning Commission: October 4, 2022

County Commissioners: October 17, 2022

PLANNING ANALYSIS:

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

Properties adjacent are residential with zoning classifications of LI – Low 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. The property is suitable for the intended purpose.

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;

An R/V storage facility can be beneficial to our county residents as well as others that may travel through our area that would possibly spend money while here visiting. Although the current LI- Low Intensity designation limits the range of usability and marketability 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 times, 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;

Due to the R/V storage facility being alongside of a county rd, special attention will need to be given toward entering as well as leaving the facility.

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.

Staff Recommendation:

As stated above, when looking at this application from it's true intent, it does offer great convenience. An R/V storage facility can be beneficial to our county residents as well as others that may travel through our area that would possibly spend money while here visiting. The adding of mini storage buildings could be very beneficial as well. However, a Conditional Use will need to be granted to allow this request in an LI – Low Intensity district. The major issue will be an increase in traffic. Additional noise to the neighborhood may also propose a problem. Setting all issues aside, the area has already been significantly affected with more traffic due to the construction of several new homes in the adjoining neighborhood. Therefore, the Planning & Development staff recommends approval of **CU-22-04**.

Staff recommends:

<u> X </u> Approve as Submitted	<u> </u> Approval with Conditions
<u> </u> Denial	<u> </u> Table

Planning Commission recommends:

<u> </u> Approve as Submitted	<u> X </u> Approval with Conditions (10-4-22)
<u> </u> Denial	<u> </u> Table

- Must use dark sky model lighting.
- Hours of operation daily are to be from 6am – 8pm only.
- A landscape buffer of evergreen trees must be planted.
- A storm water study is required.

Board of Commissioners Decision:

<u> </u> Approve as Submitted	<u> </u> Approval with Conditions
<u> </u> Denial	<u> </u> Table

eFiled and eRecorded
 DATE: 08/19/2022
 TIME: 9:12 AM
 PLAT BOOK: 73
 PAGE: 118 - 118
 FILING FEES: \$10.00
 PART ID: 5033446127
 RECORDED BY: BO
 David C. Wall
 Habersham County, GA

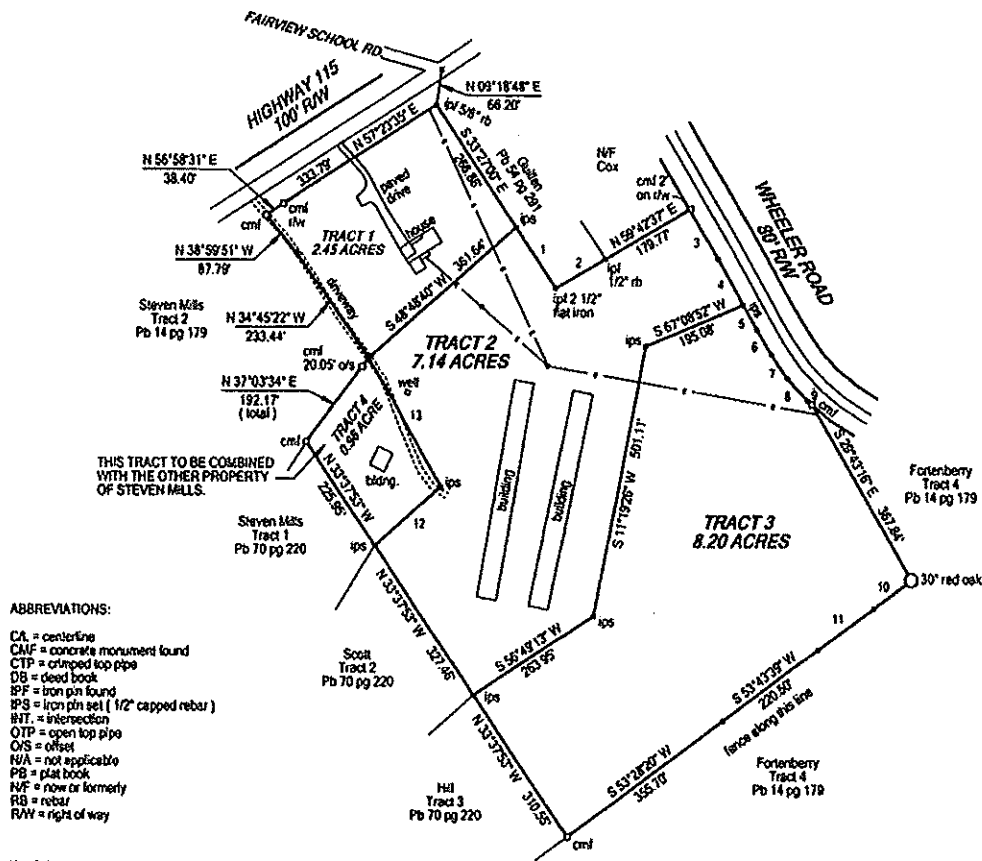
SURVEYOR'S CERTIFICATE
 AS REQUIRED BY SUBSECTION (6) OF O.C.G.A. 15-8-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL ADOPTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE COMPARED WITH THE APPROPRIATE GOVERNMENT BOOKS BY ANY PURCHASER OR USER OF THIS PLAT AS TO THE UNDEVELOPED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLETES WITH THE MANUAL TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-8-47.



RUSSELL CHEEK DATE _____

LINE TABLE		
Id	Bearing	Distance
1	S 33°27'00" E	132.24'
2	N 68°47'13" E	104.63'
3	S 30°22'17" E	103.80'
4	S 28°58'47" E	96.10'
5	S 28°58'47" E	52.17'
6	S 30°35'13" E	52.58'
7	S 34°10'08" E	52.72'
8	S 41°38'18" E	54.09'
9	S 49°30'53" E	10.92'
10	S 53°40'23" W	86.60'
11	S 53°35'39" W	128.70'
12	N 48°49'22" E	182.62'
13	N 28°20'02" W	268.89'

This property is subject to any valid and enforceable easements, restrictions, and rights of way, written or unwritten.



The field equipment used for this survey was a Nikon DTM 350 total station.
 The field data upon which this plat was based has a closure precision of one foot in 30,257 feet and an angular error of 0.1 seconds per angle point and was adjusted using the no rule.

This plat has been calculated for closure and found to be accurate within one foot in 401,285 feet



SURVEYED BY:
 RUSSELL L. CHEEK
 183 N. CURRAHEE LANE
 TOCCOA, GA 30577
 PHONE: 706-888-8536



DIVISION SURVEY FOR: BRANDON MILLS STEVEN MILLS

Located in: Land Lot 8 District 10th Section n/a
 City: n/a County: Habersham
 Date: 13 - August - 2022 Job No. 2140b Fb: 44
 Revisions: none
 Field work completed: 13 - August - 2022
 Scale: 1 inch = 200 feet File: Mills, Brandon and Steven



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APPLICATION TYPE: Variance: _____ Conditional Use: X _____ Map Amendment: _____
[Check ☒ appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact Brandon Lovell
Address 2751 Hwy 115 City Demorest State GA Zip 30535
Telephone # () 402 wheeler rd Cell Telephone # (706) 768-9089
E-Mail Brandon.Lovell12@Yahoo.Com
Property Owner(s): Brandon Lovell Properties LLC
Address 2751 Hwy 115 City Demorest State GA Zip 30535
Telephone # () _____ Cell Telephone # (706) 768-9089
E-Mail _____
Agent: _____
Address _____ City _____ State _____ Zip _____
Telephone # () _____ Cell Telephone # () _____
E-Mail _____

Location (Street Address) of Property: Behind Marathon Gas Station; access from Wheeler Road
Acreage of Site: 7.14 Tax Map & Parcel#: 041 Existing LUI District: 038
Action Requested: _____
Cite Pertinent Section(s): _____
Existing Use: Agriculture / Vacant Chicken Houses
Proposed Use: Boat and RV storage with open-air canopy and enclosed buildings;
minimal lighting for safety and fencing with electronic gate; Gravel drive
access roads.

APPLICATION PROCESS FEE: \$200.00

RECEIVED
AUG 29 2022
BY: t. dills



HABERSHAM COUNTY

Planning & Development

130 Jacob's Way Clarkesville, GA 30523
706-839-0140 www.habershamga.com

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.

Brandon Lovell

Property Owner/Executor/Officer
(Print)

Brandon Lovell

Property Owner/Executor/Officer
(Signature)

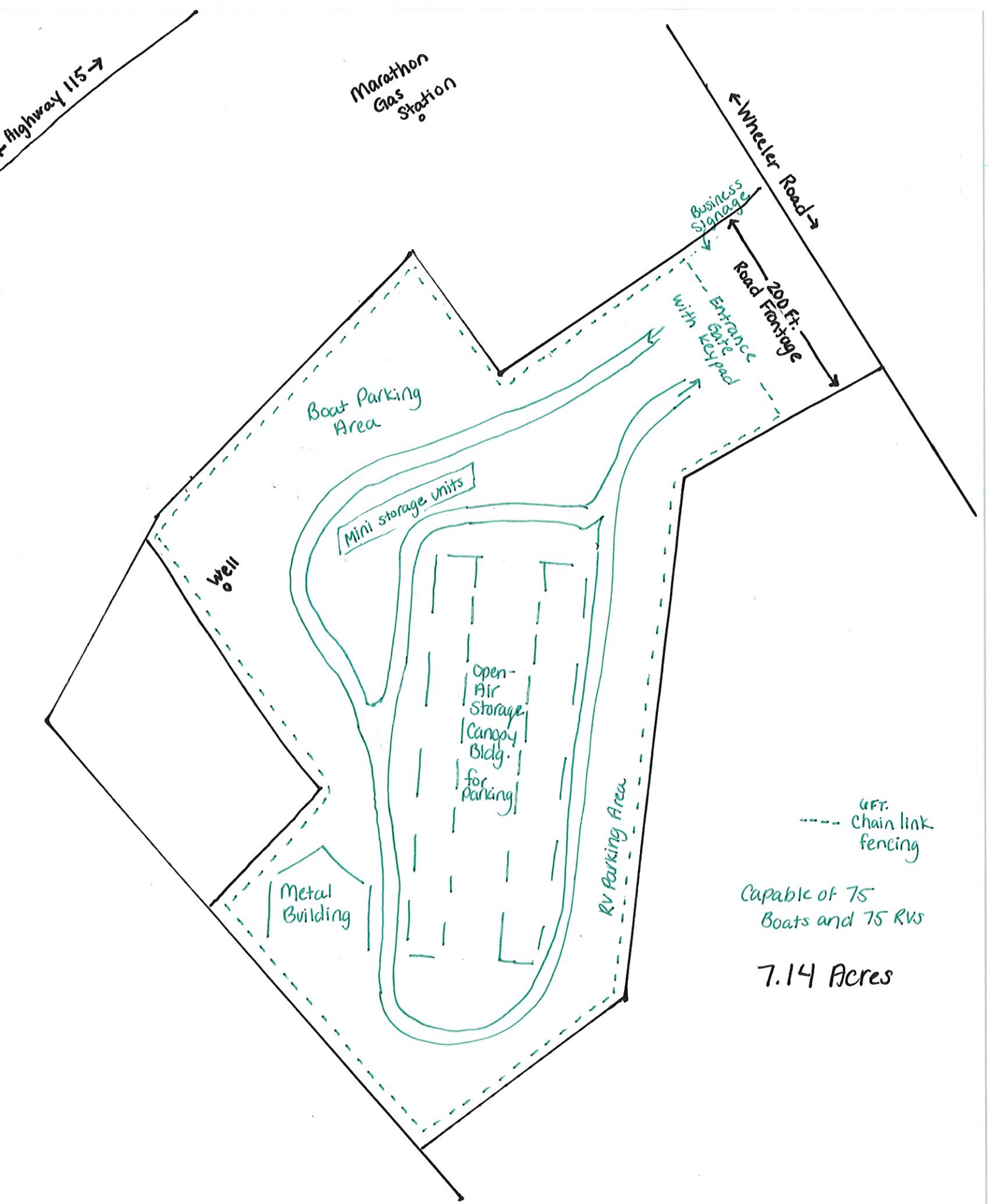
8 / 29 / 22

Date of Signature

Authorized Agent
(Print)

Authorized Agent
(Signature)

 / /
Date of Signature



Highway 115 →

Marathon Gas Station

← Wheeler Road →

Business Storage

200 Ft. Road Frontage

Entrance with Gate with keypad

Boat Parking Area

Mini storage units

Well

Open-Air Storage Canopy Bldg. for parking

Metal Building

RV Parking Area

4ft. chain link fencing

Capable of 75 Boats and 75 RVs

7.14 Acres



NG OAKS LN

041 021

041 034

022 102

022 101

022 104

041 035

041 047C

041 047

041 047B

041 041

041 036

022 106

041 038

023 194

042 001G

042 001B

042 002A

196

023 193A

023 193

ROCKING DR

042 001C

042 001D

042 001

042 002

023 192

023 197