

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-23-03 – Transmission Repair Shop

DATE: July 12, 2023

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION: N/A

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-

COMMISSION ACTION REQUESTED ON: July 17, 2023

PURPOSE: Make a recommendation to the Board regarding application CU-23-03: Walter Bien, Jr. is seeking a conditional use for a transmission repair shop at his home located at 226 Glade Road, map parcel 144 041, in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant has a home at 226 Glade Road and wants to have a transmission repair shop in his detached garage. The business will be transmission repair only where the transmission is brought to him. There will not be storage of cars on the property. This was discovered by staff when the applicant requested a business license.
 2. The property is located within a platted subdivision and consists of 2.87 acres.
 3. The property is zoned LI, Light Intensity District. The surrounding uses are primarily residential with Antioch Church located on the north side.
 4. The applicant originally requested the ability to build a commercial building in the future. However, the Planning Commission is recommending denial of the commercial building. The PC feels that if the applicant wants to build a commercial building he should reapply so they can review the business at that time and develop appropriate conditions.
 5. There was one citizen that spoke against the request. He questioned the impact of the business on his property values.
 6. The Planning Commission expressed concerns about customers dropping off cars to be repaired. The applicant reiterated there would be no storage of vehicles on the property. The business would consist entirely of transmission repair within the garage. The site will be strictly drop off and pick up of the transmission only. There should be little traffic.
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FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

1. The hours of operation for customers shall be 8am to 5pm.
 2. The business shall consist of transmissions being dropped off with no storage of vehicles while being repaired.
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OPTIONS: The Board of Commissioners could act on this application as follows:

1. Approval of the request 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-23-03 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-23-03

REQUESTED ACTION: Walter Bien, Jr. Is seeking a Conditional Use to allow a transmission repair shop on his property. The tract is further identified as Map 144 Parcel 041 consisting of 2.87 acres.

Synopsis: Initial inquiry regarding this was addressed through a written request. Plans are to use this property for a transmission repair shop in his existing garage. Traffic limited to drop off and pick up only.

PETITIONER: Walter Bien, Jr.

PROPERTY OWNER: Walter Bien, Jr.

EXISTING USE: Residential

PROPOSED USE: Transmission building/repair shop.

LOCATION: 226 Glade Rd.

PARCEL SIZE: 2.87 acres

MAP#: 144 **PARCEL(S)#:** 041

EXISTING & FUTURE LAND USE DISTRICT:

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

MEETING DATES: Planning Commission: July 11, 2023

County Commissioners: July 17, 2023

PLANNING ANALYSIS:

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

The current land use of this parcel is LI – Low Intensity and all properties adjacent as well.

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

The property is designated as LI – Low Intensity. This district will provide and protect an environment suitable for single-family detached residential uses or individual lots, conventional subdivisions and master planned developments, together with such other accessory uses as may be necessary to and compatible with low density residential surroundings.

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 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;

A transmission repair shop can be beneficial to the community if used within certain guidelines to decrease a hardship upon the community.

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

Property does have a reasonable economic use within the LI district.

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, 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. to a residential neighborhood, will be an issue that needs to be addressed.

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 will support compatibility and balance if certain criteria is met.

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 increase of traffic and or noise could possibly be burdensome to the local community.

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 the above mentioned issues at this location are essential to maintaining the integrity of the Comprehensive Plan. The proposed use will need to have restrictions placed upon it to support harmony and balance in this residential neighborhood.

Staff Recommendation:

As stated above, a transmission repair shop could be a great asset to the community if the Conditional Use is granted. The applicant plans for this to be a drop off and pick up site only with limited traffic. Mr. Bien stated that he plans to use the existing garage on his property to be the repair shop. There may be future plans to construct a shop for his business. If a new shop is needed there is ample room behind his house on the Antioch Church Rd side to have it constructed. This Conditional Use will need to be granted to allow him to operate his repair shop as well as permission to construct a shop if needed for future expansion. However, if this Conditional Use is granted, there are a few issues to take into consideration to keep balance and harmony in this residential neighborhood. The Planning & Development staff recommend **Approval** of **CU-23-03** with the following conditions.

- There needs to be guidelines on hours of operation.
- Traffic shall be kept to a minimum per discretion of the Planning Commission.
- If a future shop is constructed it must front and be accessed by Glade Rd.

Staff recommends:

_____ Approve as Submitted

_____ Denial

 X Approval with Conditions

_____ Table

Planning Commission recommends:

_____ Approve as Submitted

_____ Denial

_____ Approval with Conditions

_____ Table

Board of Commissioners Decision:

_____ Approve as Submitted

_____ Denial

_____ Approval with Conditions

_____ Table



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130 Jacob's Way, Suite 104, Clarkesville, GA 30523

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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 Walter Bien Jr.

Address 226 Glade Road City Mount Airy State GA Zip 30563

Telephone # () _____

Cell Telephone # (678) 558-9449

Fax# () _____

E-Mail CURSHAWE TRANSMISSIONS @ GMAIL.COM

Property Owner(s): Walter Bien Jr + Ashley Bien

Address 226 Glade Road City Mount Airy State GA Zip 30563

Telephone # () _____

Cell Telephone # (678) 558-9449

Fax# () _____

E-Mail _____

Agent: _____

Address _____ City _____ State _____ Zip _____

Telephone # () _____

Cell Telephone # () _____

Fax# () _____

E-Mail _____

Location of Property: _____

Street Address: 226 Glade Road Mount Airy Ga 30563

Acreage of Site: 2.87

Tax Map & Parcel#: 144 041

Existing LU District: Low Intensity

2029 Map /District: Rural Conservation

• Action Requested: _____

• Cite Pertinent Section(s): _____

Existing Use: Residential

Proposed Use: Residential / Home Based Business

* transmission repair shop

95% no traffic
bringing in
* dropping
off only

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

RECEIVED
MAY 25 2023
BY: troy d.



HABERSHAM COUNTY

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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 $\checkmark$ one) read the above and that:

Within the two (2) years immediately preceding this date, I have; ____ I have not ☒; (please $\checkmark$ 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
WALTER HARVEY BLEN JR			1/1
Applicant's Name (Please Print)			
[Signature]		525, 23	
Signature of Applicant		Date of Signature	



HABERSHAM COUNTY

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130 Jacob's Way, Suite 104, Clarkesville, GA 30523

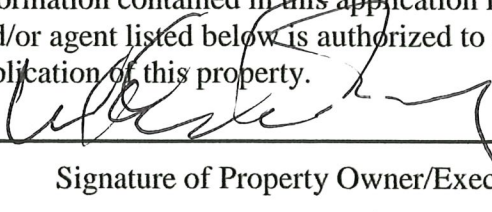
706-839-0140

Fax: 706-754-1761

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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.



Signature of Property Owner/Executor/Officer

05, 25, 23

Date of Signature

Estate /Company /Corporation

Authorized Agent (Please Print)

Signature of Authorized Agent

 / /

Date of Signature

Estate /Company /Corporation

Authorized Agent (Please Print)

Signature of Authorized Agent

Date of Signature

