

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-23-04 – Commercial Towing / Storage Yard

DATE: July 12, 2023

(X) 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-23-04: Donnie Wade is seeking a conditional use for a commercial towing / storage yard at 164 Bryson Road, map parcels 022 150 and 022 153, in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant has 4.93 on two parcels with an address of 164 Bryson Road he has been using as an overflow storage yard for his towing business. He owns a commercial storage lot within the City of Clarkesville and this location is used as an overflow lot. He has had problems with theft at his city storage lot so he has started using this location more.
 2. His towing business is on the County's rotation of removing abandoned vehicles within County rights-of-way and drug seizures. Legally, these vehicles must be kept for varying times before a clear title can be given for disposal. Given these long hold times, the applicant has stated he needs additional storage room and has used his property on Bryson Road.
 3. The property is zoned LI, Light Intensity District. The surrounding uses are primarily residential and agricultural uses.
 4. There were a number of citizens that spoke against the request. The primary concerns expressed were the unsightly nature of the storage yard, the potential environmental impact, noise and light at night, and potential safety concerns.
 5. The Planning Commission had a long discussion centering on the issues expressed by the citizens.
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FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

1. No vehicles shall be brought to the site outside the hours of 8am to 6pm.
 2. A maximum of ten (10) vehicles shall be stored on the site.
 3. The vehicles shall be installed northeast of the old chicken house.
 4. A six-foot (6') wood privacy fence shall be installed around the storage site as depicted on the attached drawing.
 5. The site shall be for storage only. There shall be no dismantling allowed.
 6. The cars may be stored for a maximum of eighteen (18) months on the property.
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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-23-04 with conditions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

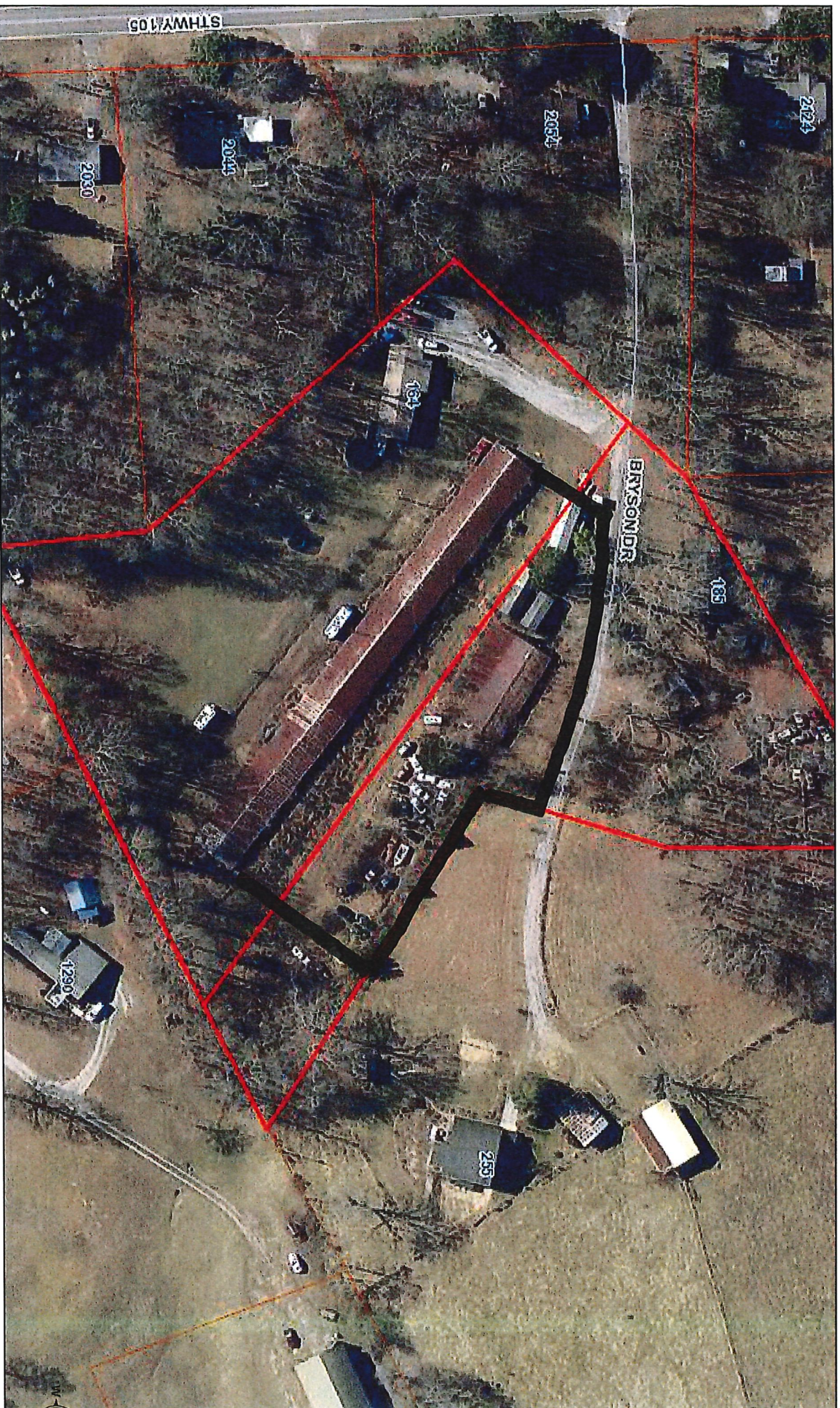
Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

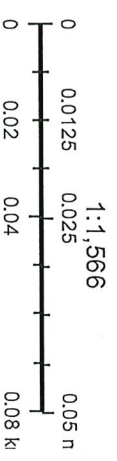
DATE: _____

CU-23-04 Recommended Privacy Fence



July 12, 2023

- | | | |
|-----------|----------------------|----------------|
| Addresses | Municipal Boundaries | CORNELIA |
| Roads | ALTO | DEMOREST |
| Parcels | BALDWIN | TALLULAH FALLS |
| | CLARKESVILLE | |





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-23-04

REQUESTED ACTION: Donnie Wade is seeking a Conditional Use to allow a commercial towing service/ holding lot on his property. The tract is further identified as Map 022 Parcel 150 consisting of 2.93 acres.

Synopsis: Initial inquiry regarding this was addressed through a written request. Plans are to use this property for a commercial towing/holding lot. Vehicles that are towed by request either from a customer or by Habersham County will be stored here until picked up by owner.

PETITIONER: Donnie Wade

PROPERTY OWNER: Donnie Wade

EXISTING USE: Residential

PROPOSED USE: Commercial towing service/holding lot.

LOCATION: 164 Bryson Dr.

PARCEL SIZE: 2.93 acres

MAP#: 022 **PARCEL(S)#:** 150

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	2029 Future Land Use Designation
Parcel	LI	Village Center
North	LI	Village Center
South	LI	Village Center
East	LI	Village Center
West	LI	Village Center

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 towing service/ holding lot 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 Village Center. 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 local 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 towing service / holding lot could be a great asset to the community if the Conditional Use is granted. According to the applicant this property is will be used primarily as a spillover place to park towed cars until picked up by the owner. Mr. Wade tows vehicles for Habersham County as well when called upon. He picks up stalled and or abandoned vehicles that are left along the side of the county roads along with other towing duties and requests. Mr. Wade currently has a holding lot in town and when it becomes full, he then brings them to this property to be stored. However, to keep balance and harmony in the neighborhood there is one issue that needs to be addressed if the Conditional Use is granted. There needs to be work on the part of the applicant to ensure that more steps toward privacy are taken. Therefore, the Planning & Development staff recommend APPROVAL of CU-23-04 with the following condition.

- An opaque structure of at least 6 feet tall shall be installed.

Staff recommends:

☐ Approve as Submitted

☐ Denial

☒ Approval with Conditions

☐ Table

Planning Commission recommends:

☐ Approve as Submitted

☐ Denial

☐ Approval with Conditions

☐ Table

Board of Commissioners Decision:

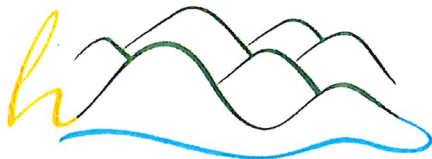
☐ Approve as Submitted

☐ Denial

☐ Approval with Conditions

☐ Table

May 30th deadline for July 11th meeting



HABERSHAM COUNTY
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Planning & Development

130 Jacob's Way Clarkesville, GA 30523
706-839-0140 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 Donnie Wade
Address PO Box 1918 City Clarkesville State Ga Zip 30523
Telephone # () 706-754-4624 Cell Telephone # () _____
E-Mail _____

Property Owner(s): Donnie Wade
Address PO Box 1918 City Clarkesville State Ga Zip 30523
Telephone # () 706-754-4624 Cell Telephone # () _____
E-Mail _____

Agent: _____
Address _____ City _____ State _____ Zip _____
Telephone # () _____ Cell Telephone # () _____
E-Mail _____

Location (Street Address) of Property: 1164 Bryson Drive Demorest, Ga 30535

Acreage of Site: 2.93 Tax Map & Parcel#: 022 150 Existing LUI District: _____

Action Requested: Zone Commercial

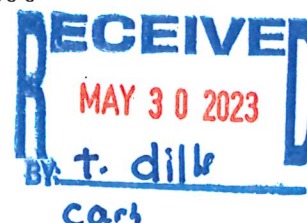
Cite Pertinent Section(s): 1120

Existing Use: Residential

Proposed Use: Commercial / Wade Towing LLC

* towing service, * holding lot

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.

Donnie Wade

Property Owner/Executor/Officer
(Print)

Donnie Wade

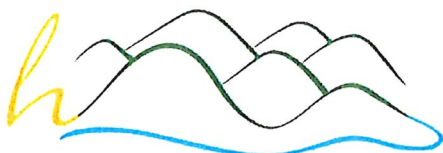
Property Owner/Executor/Officer
(Signature)

5/26/23
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 $\checkmark$ 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
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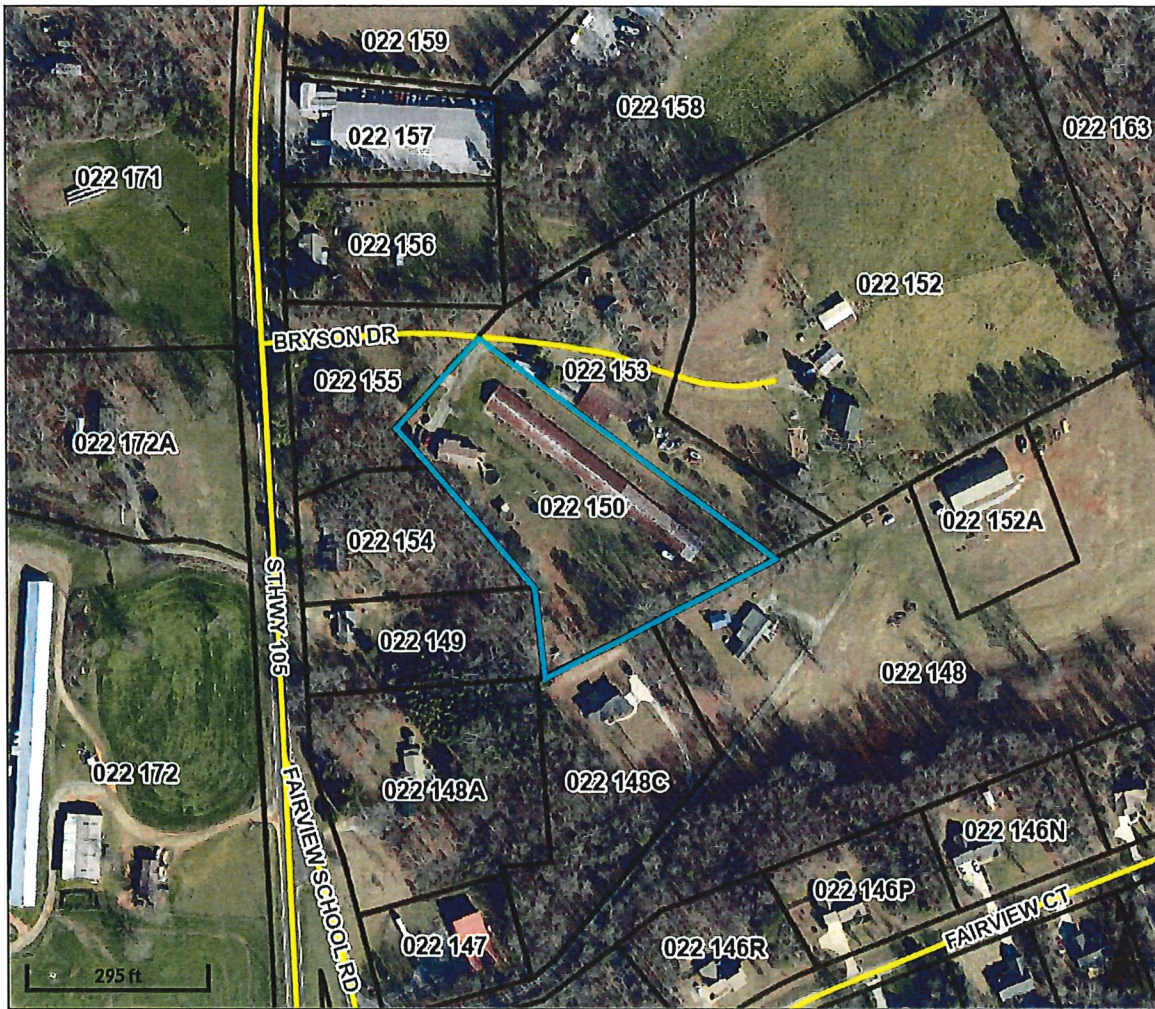
Applicant's Name (Please Print)

Dominic Wade

Signature of Applicant

5/26/23

Date of Signature



Legend

-  Parcels
-  Roads
-  Flood Map

Parcel ID	022 150	Alternate ID	3435376	Owner Address	WADE DONNIE
Sec/Twp/Rng	n/a	Class	R		P O BOX 1918
Property Address	164 BRYSON DR	Acreage	2.93		CLARKESVILLE GA 30523-0000
	01				

District 01
 Brief Tax Description 11-172 PB 18-135 414-554
 (Note: Not to be used on legal documents)

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMA's Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location

Date created: 6/29/2023
 Last Data Uploaded: 6/28/2023 10:09:03 PM

Developed by  **Schneider**
 GEOSPATIAL