

## Staff Report

**Subject:** Conditional Use (Fourth District)  
**Author:** Teresa Concannon, AICP, Planning & Zoning Manager  
**Department:** Development Services  
**Meeting Date:** February 15, 2022  
**Item Description:** **Justin Gunther** requests a **conditional use** for a **rural business**: “Gunther’s Spot”, a small-scale, home-based, dog boarding business. Located at 124 Saddlehorn Drive, zoned **AR-2**. **Map# 369B Parcel# 46**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **conditional use** for a **rural business**: “Gunther’s Spot”, a small-scale, home based dog boarding business, with conditions.

### Executive Summary/Background

- The request for Rural Business Conditional Use is a requirement of Appendix C – Zoning Ordinance, Article III-General Provisions, **Section 3.15B - Rural Business**. The Rural Business Conditional use requirements include consideration of:
  - Intent – the dog boarding business, as presented by the applicant, is compatible with the surrounding residential area.
  - Structure – the business will operate out of the existing dwelling, there will not be a kenneling facility.
  - Public Road Frontage – the property has frontage on Saddlehorn Drive.
  - Acreage (3 minimum) – the property is 3.04 acres.
- The applicant states that operation will be limited to up to 5 dogs staying within the residence. The dogs will be supervised outside, in the backyard and on wooded trails, for leisure and toileting.
- Part of the applicant’s business model is pet transportation – customers will rarely come to the site, the applicant will pick up and drop off dog “guests”.
- While the property and scope of business meet all criteria for a rural business, Staff notes that the parcel is in a residential area and the main focus of the business (the house) is in close proximity to neighboring dwellings.
- At the January 31 Planning Board meeting, Brad Smith made a motion to **deny** the request for a **conditional use** for a **rural business** to operate “Gunther’s Spot”, a small-scale, home based dog boarding business.
- The motion was seconded by Alan Zipperer, and carried unanimously.

### Alternatives

1. **1. Approve the conditional use** for a **rural business**: Gunther’s Spot”, a small-scale, home-based dog boarding business, with the following conditions:
  1. The applicant must obtain a kenneling license from the GA Department of Agriculture.
  2. The business operations shall meet the requirements of Section 3.15B Rural Business and Section II, Chapter 10 – Animals,
  3. The applicant must obtain and maintain an annual Occupational Tax Certificate.
2. **Deny the conditional use** for a **rural business**: Gunther’s Spot”, a small-scale, home based dog boarding business.

**Recommended Alternative:** 1

**Other Alternatives:** 2

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Conditional Use application 2. Aerial photograph 3. Deed

**ATTACHMENT A - CONDITIONAL USE APPLICATION**

Application Date: 12/13/21

Applicant/Agent: Justin Gunther

Applicant Email Address: jsnewbox@live.com

Phone # 315 561 0290

Applicant Mailing Address: 124 Saddlehorn dr.

City: Guyton State: GA Zip Code: 31312

Property Owner, if different from above: \_\_\_\_\_

*Include Signed & Notarized Authorization of Property Owner*

Owner's Email Address (if known): \_\_\_\_\_

Phone # \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Property Location: 124 Saddlehorn dr.

Present Zoning of Property AR-2 Tax Map-Parcel # 369B-46 Total Acres 3.04

**CONDITIONAL USE REQUESTED:**

\_\_\_\_ **Section 3.15A – Residential Business**  
*See Section 3.15A for requirements*

**Section 3.15B – Rural Business**  
*See Section 3.15B for requirements*

\_\_\_\_ **OTHER** (provide relevant section of code): \_\_\_\_\_

Reason: Proposed business exceeds scope of home occupation type business license.

How does request meet criteria of Section 7.1.6 (see Attachment C): Meets criteria for frontage/acreage. No adverse effect to surrounding area.

Applicant Signature: Justin Gunther Date 12/13/21

**ATTACHMENT B - OWNERSHIP CERTIFICATION**

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed

Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

8/27/2018, on file in the office of the Clerk of the Superior Court of

Effingham County, in Deed Book 2485 page 212.

I hereby certify that I am the owner of the property being proposed for Conditional Use approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature *Justin J. Gunther*

Print Name Justin J. Gunther

Owner's signature \_\_\_\_\_

Print Name \_\_\_\_\_

Owner's signature \_\_\_\_\_

Print Name \_\_\_\_\_

Sworn and subscribed before me this 13<sup>th</sup> day of December, 20 21.

*K. Dunnigan*  
Notary Public, State of Georgia



Return Recorded Document to:  
The Newberry Law Firm, PC  
129 N. Laurel Street  
Post Office Box 790  
Springfield, Georgia 31329

DOC# 007582  
FILED IN OFFICE  
8/29/2018 12:17 PM  
BK:2485 PG:212-212  
ELIZABETH Z. HURSEY  
CLERK OF SUPERIOR COURT  
EFFINGHAM COUNTY

LIMITED  
WARRANTY DEED

REAL ESTATE TRANSFER TAX  
PAID: \$99.90  
FT-61 051-2018-002288

STATE OF GEORGIA  
COUNTY OF EFFINGHAM

FILE #: 2018-204A

THIS INDENTURE made this 27<sup>th</sup> day of August, 2018, between FNT Investments, LLC, as party of the first part, hereinunder called Grantor, and Justin J. Gunther and Jocelyn A. Olson, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that certain lot, tract or parcel of land situate, lying and being in the 10<sup>th</sup> G.M. District, Effingham County, Georgia, being known as Lot 46, Saddlehorn Subdivision, as shown and more particularly described on that certain map or plan made by Warren E. Poythress, R.L.S. #1953, dated June 19, 2000, recorded in Plat Cabinet B, Slide 132-D, in the records of the Clerk of the Superior Court of Effingham County, Georgia. For a more particular description reference is hereby made to the aforesaid plat, which is specifically incorporated herein and made a part hereof.

Also conveyed herewith is that certain 2001 Schultz Mobile Home permanently affixed to the land by that Certificate of Permanent Location recorded in Deed Book 1597, Page 103-104, Effingham County Records.

This being the same property conveyed by Warranty Deed from Mildred Joyce Bell to FNT Investments, LLC, dated September 7, 2016, recorded in Deed Book 2366, Page 783, aforesaid records.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

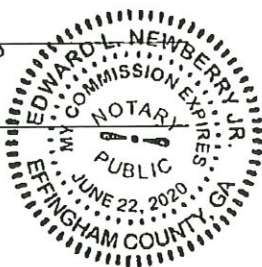
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered this 27<sup>th</sup> day  
of August, 2018, in the presence of:

*Amy R. Hughes*  
Witness

*[Signature]*  
Notary Public



FNT Investments, LLC

By: *[Signature]*  
Jason T. Franklin, Manager

(SEAL)

Effingham County Commissioners, and whomever it may concern:

Thinking about all of the opportunities passed up and vacations not taken, simply because we did not want to put our beloved furkids in an uncomfortable situation, gave me the idea of starting a "glorified kennel," if you will.

To offer people the option of leaving their dogs at another home where they will be more comfortable; well, I know having that option would put my mind at ease during a trip.

My wife and I moved to Effingham county just over three years ago. After spending two years in Chatham county, we decided that we wanted to live in a more relaxed, rural area with a bit of land to call our own.

Always being nature and animal enthusiasts, finding the property on Saddlehorn that was bordered by a forest sold us! Since moving here we have taken great steps to ensure the safety of our animals and the preservation of the forest, and the wildlife in it.

Looking at all the work we have done, we see a great opportunity to offer a "doggie retreat!" Basically, we want to offer a home away from home for the dogs, with a couple perks! Instead of being kenneled and/or put in crates for a period of time, the dogs will be free to run the home and yard as if it was their own.

In addition to having free range, leash led walks on the trails through the forest on the property will be an option.

Before I go into much more detail, I'd like to mention that this is limited to well-behaved, sociable dogs that have to pass a "meet and greet" before staying. Also, proof of vaccinations and preventatives is required.

There would never be more than five client's dogs staying overnight, and no more than seven for a day-stay

We want the experience to be safe, comfortable and easily controlled. Equally important is not to disturb the neighbors, cleanliness, or peace of the area.

We would love to take in every animal that we could but we will only cater to a few good dogs and responsible owners at a time.

#### The process, condensed.

Verified client's will enter the property by pulling into the driveway. We will know they are here because of appointments, motion sensors, and cameras. The client will exit their vehicle with the dog(s) and proceed to the front porch where they will be greeted. If it is a return client, the dog(s) will be taken inside the home into the front "welcome room" that is gated off from the rest of the house. This will give the dog(s) on both sides time to adjust to each other.

This is especially important for first-time visitors as it will allow plenty of adjustment space for everybody.

When, and if, the dog(s) are comfortable then the partition will be opened so the dogs can mingle. If all is well they will be allowed outside into the yard for supervised recreational time. If any dogs have trouble getting along, they will be kept separate until they can safely do so.

### Features

We have put up over 600ft. of secure, privacy fence around the back yard that borders the forest. The yard is sectioned into 3 different areas for comfort, control and safety. The fence blocks sight from the road and/or public.

The fence includes 6 gates to different parts of the yard for better control and access.

The house has been sectioned off to separate the animals, as well.

Ample frontage and off-street parking to accommodate the limited number of customers.

Installed security system with cameras to monitor the property at all times.

The property is kept clean and sanitized with Microban and Odoban. All waste is disposed of properly.

We want a clean, safe, enjoyable, and unobtrusive experience for everybody at The Dog House.

We are not motivated by greed but rather by happiness.

Sincerely,

Justin Gunther and Jocelyn Olson

I Sherry Musk does not need Justin  
Gunter to have a Boarding Kennel in a  
Subdivision.

My dad Ronald Musk is very sick. He  
has cancer and is on Chemo. We have a lot  
of kids that live in the area. We are  
afraid the dogs will get close and  
attack one of the kids or one of  
us. We are also not wanting to  
hear barking all night.

My dad also has blood clots. I  
am sick as well. I have a lot of  
health problems and cancer.

Thank you,

Sherry Musk

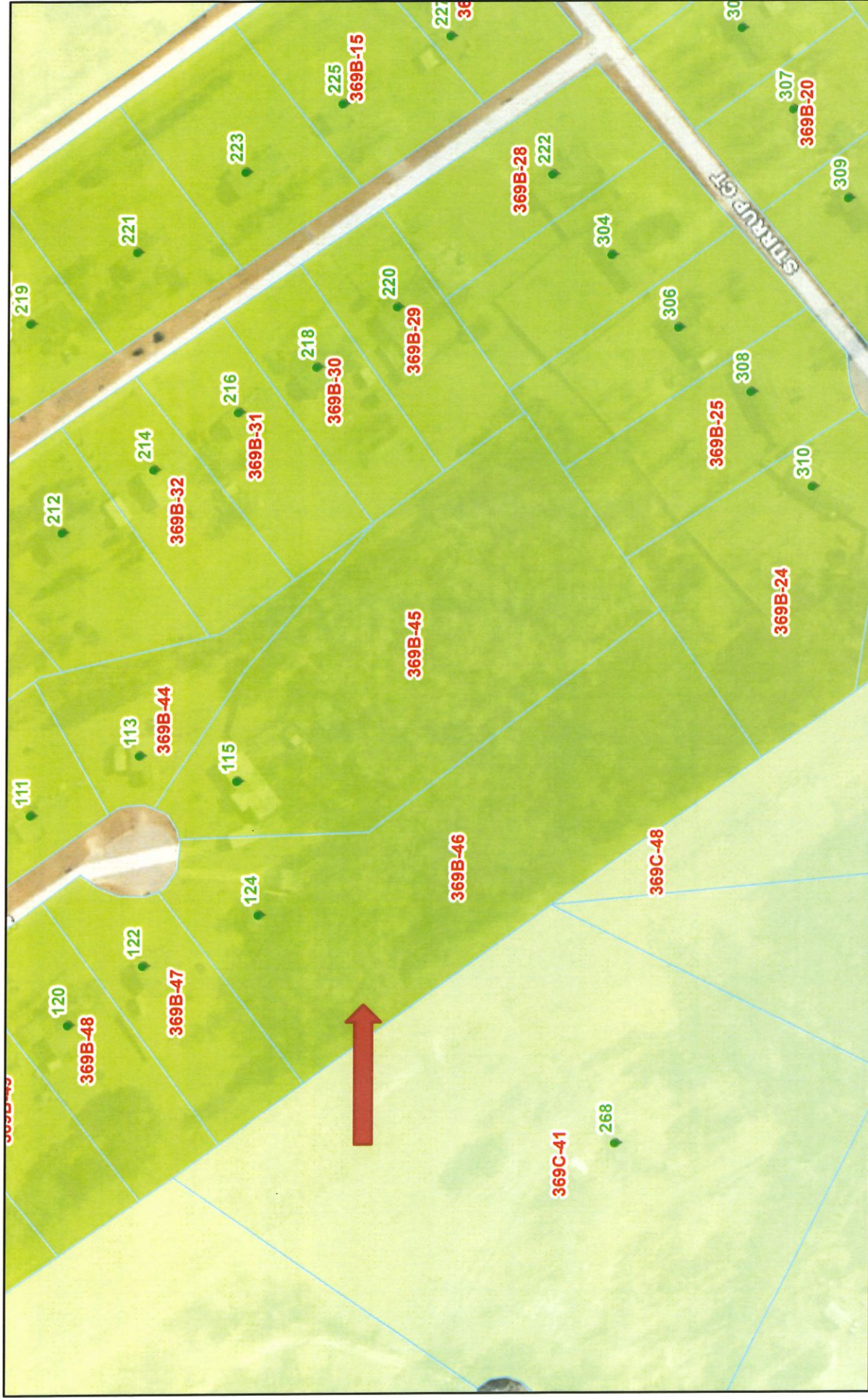
# "GUNTHER'S SPOT"







# 124 SADDLEHORN DRIVE



12/14/2021, 7:55:10 AM

- Address\_Points
  - ▭ Parcels2020
  - ▭ AR-2
  - ▭ AR-1
- Effingham County Zoning

1:2,257

