

## Staff Report

**Subject:** 2<sup>nd</sup> Reading – Zoning Map Amendment  
**Author:** Chelsie Fernald, Planner II  
**Department:** Development Services  
**Meeting Date:** November 7, 2023  
**Item Description:** **Joao Batista** requests a **conditional use** for a **rural business**. Located at 174 Noel C. Conaway Road. **[Map# 352 Parcel #56]**

### Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **conditional use** for a **rural business**.

### 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**. Conditional use: rural business requirements include consideration of:
  - Intent – the proposed business use is “fleet parking” for four boom truck cranes and storage of an EPD approved 1,000-gallon diesel tank.
  - Primary land use – the applicant has not provided proof of residence.
  - Structure – the business-related structure in site is an open pole barn – type shelter.
  - Public Road Frontage – the property has frontage on Noel C. Conaway Road.
  - Acreage (3 minimum) – the property is 1.9 acres. The applicant is requesting to include to that acreage, 1.5 acres belonging an adjacent property (which he also owns. Similar considerations have been granted to past rural business applications however, in those instances the adjacent land was vacant. In this situation there is a dwelling on the property.
- The cranes and diesel tank are visible from the road.
- The applicant’s business operations are based from the applicant’s dwelling in Brookfield subdivision in Guyton.
- At the September 12, 2023 Planning Board meeting, Ryan Thompson made a motion to approve with the following conditions:
  1. The applicant shall provide proof of residence.
  2. The applicant shall obtain, and keep in good standing, an Effingham County Occupational Tax certificate (business license).
  3. A copy of GDOT approval for commercial access to/from GA Hwy 30 shall be provided to Development Services prior to the issuance of a business license.
  4. The applicant shall install screening to create a visual barrier from all business elements. This screening shall be approved by Development Services prior to installation and verified after installation.
- And the added condition:
  5. The fleet shall not expand beyond four vehicles on property.
- The motion was seconded by Peter Higgins, and carried unanimously
- At the October 17, 2023 Board of Commissioners meeting Commissioner Floyd made a motion to approve the item with the following conditions:
  1. The applicant must remove the diesel tank from the property.
  2. The applicant must provide proof of residency to obtain, and keep in good standing, an Effingham County Occupational Tax certificate (business license).
  3. The applicant must install a door or cover on the existing pole barn.
  4. All trucks must be parked behind the fence and not visible from Highway 30.
  5. The fleet cannot expand beyond four vehicles on the property.
- After the conditions were explained and made as part of Commissioner’s Floyds motion, the applicant did consent to the conditions.

- Commissioner DeLoach second the motion and it carried unanimously.

**Alternatives**

**1. Approve** the request of a **conditional use** for a **rural business**, with the following conditions:

1. The applicant must remove the diesel tank from the property
2. The applicant must provide proof of residency to obtain, and keep in good standing, an Effingham County Occupational Tax certificate (business license).
3. The applicant must install a door or cover on the existing pole barn.
4. All trucks must be parked behind a fence and not visible from Highway 30.
5. The fleet shall not expand beyond four vehicles on property.

**2. Deny** the request of a **conditional use** for a **rural business**.

**Recommended Alternative: 2**

**Other Alternatives: 1**

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Zoning Map Amendment