

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: February 7, 2023
Item Description: **Marina Lindblom** requests a **conditional use** for a **rural business**. Located at 183 Deerfield Road West, zoned **AR-1. Map# 377A Parcel# 6C**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request of a **conditional use** for a **rural 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 proposed business will add Kindermusik (a reputable, long-standing franchise, offering music enrichment education to young children accompanied by adults) to an existing, licensed business.
 - Structure – the Kindermusik business operates out of a structure, which is attached to the home.
 - Square footage – The area devoted to the business is less than 1,000 square feet.
 - Public Road Frontage – the property has approximately 240 feet of frontage on W Deerfield Road.
 - Acreage (3 minimum) – the property is 7.58 acres.
- The Kindermusik business fulfills an under-served community need.
- There have been two complaints regarding this address since 2020. Both were from the same complainant, who cited the business existing and did not state that the operation was in anyway a nuisance. In 2020, staff indicated to the applicant that Kindermusik could be operated under the same license as 88 Keys, but no process was followed to make this agreement recognizable.
- Up to 12 children at a time may be present for a class. Classes have a minimum 15-minute spacing in between, parking is monitored and assisted; there are approximately 4-10 cars parked per class.
- At the January 18, 2023 Planning Board meeting, Mr. Peter Higgins made a motion for approval, with conditions:
 1. The applicant must obtain an Effingham County Occupational Tax Certificate prior to the start of operation. The business license shall be maintained by annual renewal.
 2. The business shall conform, at all times, to rural business standards as outlined in Section 3.15B.
- The motion was seconded by Mr. Alan Zipperer, and carried 4-1, Mr. Ryan Thompson opposing.

Alternatives

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

1. The applicant must obtain an Effingham County Occupational Tax Certificate prior to the start of operation. The business license shall be maintained by annual renewal.
2. The business shall conform, at all times, to rural business standards as outlined in Section 3.15B.

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

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Conditional Use application

2. Aerial photograph 3. Deed