

## Staff Report

**Subject:** Conditional Use (Second District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** July 18, 2023  
**Item Description:** **Holly Winkler** requests for a **rural business**. Located at 590 Old Tusculum Road.  
**[Map# 366 Parcel# 10]**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request 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**. The Rural Business Conditional use requirements include consideration of:
  - Intent – the proposed business will be an existing wrecker company.
  - Structure – the home currently serves as private office space
  - Square footage – The area devoted to the business is less than 1,000 square feet.
  - Public Road Frontage – the property has frontage on Old Tusculum Road
  - Acreage (3 minimum) – the property is 1 acre. The applicant is requesting to include to that acreage, an adjacent, vacant, same owner parcel (366-11), which effectively buffers the rural business parcel. Similar considerations have been granted to past rural business applications.
- The applicant wishes to use the property for fleet parking of the businesses 4 “wreckers”. The vehicles will be stored behind the dwelling and will not be visible from the road of surrounding dwellings.
- The applicant’s business is established on the property. The request for a conditional use will bring the business in to compliance, there have been no code enforcements or complaints.
- At the 6/13/2023 Planning Board meeting, Alan Zipperer made a motion to approve, with the following conditions:
  - Minor subdivision plat must be approved by Development Services and, and be recorded, before the rezoning can take effect.
- And the added condition:
  - the proposed rural business shall be void if map-parcel, 366-11 changes ownership.
- The motion was seconded by Peter Higgins and carried unanimously.

### Alternatives

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

**1.** the proposed rural business shall be void if map-parcel, 366-11 changes ownership.

**2. Deny** the request 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