

Staff Report

Subject: Conditional Use (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: April 4, 2023
Item Description: **Christian Hale** requests a **conditional use** for a **rural business** to allow for an automotive shop. Located at 1173 Highway 21 North. **[Map# 366 Parcel# 40]**

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 a small-scale automotive repair shop
 - Structure – the business operates out of an existing metal shop with 2 bays.
 - 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, which does not meet the minimum required 3 acres. A variance request has been submitted.
- The property was approved for .5 acres to be rezoned to B-3 for use as a mechanic shop in 1997. A condition of the rezoning was the recording of a minor subdivision plat. No plat was submitted and the zoning was reverted to AR-1 in 2008.
- The applicant reports that the property has operated as an automotive repair shop continuously for many years, through multiple owners, and was sold to him as such.
- The applicant has agreed that, if approved, he will install a privacy fence along the property line where the shop sits, and plant to infill the vegetation on the front property line.
- Granting a conditional use for a rural business allows for the property to remain AR-1 and enables the applicant to retain his dwelling on the property.
- This request for a rural business comes as a result of a Staff reported code enforcement violation of business operations without a license. There is no record of any other complaint, and the business operations and structure predate the dwellings to the SE of the property.
- At the March 14, 2023 Planning Board meeting, Mr. Alan Zipperer 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.
 3. The applicant will install a privacy fence in such a manner that it provides visual screening between the shop and adjacent residential properties.
 4. The applicant will plant to add to the existing vegetation on the front property line to provide visual screening to Old Tusculum Road.
- The motion was seconded by Mr. Ryan Thompson, and carried unanimously.

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.
3. The applicant will install a privacy fence in such a manner that it provides visual screening between the shop and adjacent residential properties.
4. The applicant will plant to add to the existing vegetation on the front property line to provide visual screening to Old Tusculum Road.

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

Recommended Alternative: 1

Department Review: Development Services

Attachments:

Other Alternatives: 2

FUNDING: N/A

1. Conditional Use application

2. Aerial photograph 3. Deed