



# HP130001 - STAFF REPORT

## PROJECT SUMMARY:

Applicant is requesting to operate a watercraft repair business on 5.0 acres currently zoned Agricultural (A1).

## CONCURRENT REQUESTS (E.G. VARIANCES/CUPS):

Applicant is requesting a variance 1: To have up to 20 vehicles associated with the Home Occupation Permit (HOP) on the subject property (UDC Section 16-3.1 (B)(6) and 2: To exceed the maximum percentage of 33% to 125% total area to conduct activities associated with the Home Occupation Permit (UDC Section 16-3.2(D).

## IMPORTANT DATES:

### APPLICATION FOR PRELIMINARY ZONING REVIEW

Date Submitted:

Zoning Review Meeting Date:

### APPLICATION FOR BOARD CONSIDERATION

Date Submitted: 04/19/2013

Planning Commission Public Hearing: 05/28/2013

BOC Final Decision (estimated):

## CONTACT INFORMATION:

### APPLICANT

Stuart W. Garner  
4545 Dawsonville Hwy.  
Gainesville GA 30506

### ATTORNEY REPRESENTATION

Lipscomb, Johnson, Sleister, Dailey &  
Smith LLC.  
Emory Lipscomb  
112 N Main Street  
Cumming GA 30040

### OWNER(S)

Stuart W. Garner

## PROPERTY INFORMATION:

### LOCATION:

The property is located at 4545 Dawsonville Highway, Gainesville, GA 30506.

### SITE CHARACTERISTICS:

Residential home site with improvements for existing business.

BOC District: 4

Current Zoning: A1

Tax Map & Parcel #'s (PINs):

DRI: No

Watershed: Lake Lanier

314-171 and 314-224

## REQUESTED ACTION:

Proposed Zoning:

Min. Heated Floor Area:

Method of Sewage Disposal:

Proposed # of Lots:

Total Acreage: 5.0000

Septic

Min Lot Size:

Proposed # of Parking:

Location & Distance to

Units or Lots /Acre:

Commercial Square

Sewer/Septic Access:

# Apt./Condo Units:

Footage: 3,074

5000+

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**ADJACENT ZONING/LAND USE:****DIRECTION: ZONING:**

NORTH: A1

SOUTH: A1

EAST: A1

WEST: A1

**LAND USE:**

Residential

Residential

Residential

Residential

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**STAFF COMMENTS:****PLANNING COMMENTS:**

The current status of this property is determined to be beyond the limits of the HP040035 approval granted in 2004.

The property has expanded its business activities to include a large asphalt area in front of the residence. The accessory buildings would exceed the allowed percentage for business use. The outdoor storage of watercraft on the property is not allowed with a home occupation.

The current application requests the operation of this business to be conducted within 3,074 square feet of total area and to allow parking in the existing asphalt area. Applicant is requesting variances 1: To have up to 20 vehicles associated with the Home Occupation Permit (HOP) on the subject property (UDC Section 16-3.1 (B)(6) and 2: To exceed the maximum percentage of 33% to 125% total area to conduct activities associated with Home Occupation Permit (UDC Section 16.3.2(D).

Five acres in Agricultural would not require a HOP to be approved before the Planning Commission, however variances require consideration by the Planning Commission.

**ARBORIST COMMENTS:**

None.

**ENGINEERING COMMENTS:**

Review Date: 02/18/13

Road Name: Dawsonville Highway (S. R. 53) Classification: Major Arterial

Existing R/W: 130' Proposed R/W: 130'

**Traffic Considerations:**

Anticipated Traffic Generation Rates from S/D: N/A

Recommended Improvements: - Improvements as may be required by Georgia DOT. Contact GDOT to inform them of proposed use.

Stormwater Considerations: All developments must comply with Ordinance 75, Stormwater Management and Ordinance 55, Flood Damage Prevention.

**WATER & SEWER COMMENTS:**

Review Date: 14 February 2013

Road Name: SR 53 (Dawsonville Hwy)

Existing Water Service and Location: There is existing 8" water main on SR 53.

Receiving Sewer WRF: Fowler WRF. There is no public sewer within 5,000 feet. The closest available sewer is over 20,000 feet away at Hammonds Crossing

Comment: None.

**NRCS COMMENTS:**

None.

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## **RECOMMENDED STAFF CONDITIONS:**

After reviewing all relevant information, including, but not limited to the information contained in this technical review and the information presented in the public hearing process, should the Board of Commissioners approve this request, County Staff recommend the following conditions:

### **PLANNING CONDITIONS:**

None.

### **WATER & SEWER CONDITIONS:**

None.

### **ENGINEERING CONDITIONS:**

None.

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## **APPLICANT REQUESTED VARIANCES:**

The applicant has requested approval for the following variances to the Unified Development Code(UDC). If approved, the variance would expire one (1) year from the date of approval unless otherwise vested.

1. A variance is granted to increase the vehicles from 2 to 20 associated with the Home Occupation Permit on the subject property at one time. (UDC Chapter 16-3.1(B)(6). Pursuant to the Unified Development Code, this variance will expire four years from the date of approval.
2. A variance is granted to exceed the maximum percentage of total areato conduct activities from 33% to 125 % associated with The Home Occupation Permit. (UDC Section 16.3.2(D). Pursuant to the Unified Development Code, this variance will expire four years from the date of approval.

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## **APPLICANT REQUESTED CONDITIONS:**

The applicant has requested the following conditions be approved as part of this application request. The proposed conditions are as follows:

### **ADDITIONAL APPLICANT REQUESTED CONDITIONS:**

1. The subject property is granted a HOP to allow the operation of a watercraft repair facility.
2. Activities associated with this HOP can be conducted outside the residential structure and any accessory building.
3. Equipment and supplies associated with this HOP can be parked outside the residential structure and any accessory building.
4. Only retail sale of goods consisting of parts utilized for this HOP are permitted on the subject property.
5. A variance is granted to allow up to 20 vehicles associated with this HOP to be on the subject property at one time.

### **APPLICANT REQUESTED MODIFICATION TO STAFF CONDITIONS:**

None.

**PLANNING'S COMMENTS ON APPLICANT REQUESTED CONDITIONS:**

Condition #1 is the purpose for the application.

Conditions # 2 activities can only be conducted entirely within the residential dwelling and/or in an enclosed accessory building.

Condition #3 equipment outside of the dwelling is permitted in an enclosed accessory building

Condition #4 no retail sales of goods not made on the premises

UDC Chapter 16-3.1 (B)

Condition #5 Applicant has requested a variance to allow up to 20 vehicles associated with HOP.