

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-24-01 – Small Welding Shop

DATE: January 4, 2024

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION: N/A

STATUS REPORT

~~ANNUAL-~~

OTHER

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: January 16, 2024

PURPOSE: Make a recommendation to the Board regarding application CU-24-01: Mark Hagen is seeking a conditional use for a small welding shop on his property at 1651 Double Bridge Road, map parcel 108 004A, in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant wants to open a small welding shop in an accessory building on his property. He has recently retired as a welder and wants to open a small welding shop for small retail sales, such as benches. The property is 26.72 acres.
2. The tax maps show the building's location as a separate parcel. However, the one-acre parcel has been recombined with the larger tract but the map hasn't yet been updated. He originally wanted the accessory building on the one-acre parcel but staff couldn't issue a permit as an accessory structure on a lot by itself. Staff advised he would need to wait on the conditional use decision or recombine the two parcels into one lot. He chose to recombine them since he stated he will need the building to store his equipment with or without the conditional use.
3. Mr. Hagen has stated the welding shop for will be for small projects. He plans to weld benches, and other things to sell to the public. It is not planned it will be an industrial scale welding shop.
4. The property is zoned LI, Light Intensity District. The surrounding uses are primarily residential and agricultural uses. There are no commercial properties in the immediate vicinity of the parcel. There is a church a little further north on Double Bridge Road.
5. There were a number of citizens that spoke in opposition of the request. There were concerns expressed about the metal being delivered to the shop. Concerns were expressed that Double Bridge Road is narrow and metal delivery trucks would create a hazardous situation. The potential unsightliness of a welding shop was also mentioned as a concern. Lastly, the impact on adjoining property values were expressed as a concern. Lastly, the fit in the neighborhood was expressed as a concern.
6. The Planning Commission had a long discussion centering on the issues expressed by the citizens.

FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

1. The business is limited to the owner only. He may not have any other employees.
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2. No outside storage is allow or a six foot (6') minimum height privacy fence shall be installed on the front property line between the business and Double Bridge Road.
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OPTIONS: The Board of Commissioners could act on this application as follows:

1. Approval of the request as recommended by the Planning Commission;
 2. Denial of the request as submitted;
 3. Commission defined alternative.
-
-

RECOMMENDED SAMPLE MOTION: I motion to approve CU-24-01 with conditions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

ADMINISTRATIVE

COMMENTS: _____

County Manager

DATE: _____



HABERSHAM COUNTY

Planning & Development

130 Jacob's Way Clarkesville, GA 30523
706-839-0140 www.habershamga.com

PLANNING COMMISSION AGENDA January 2, 2024

CALL MEETING TO ORDER

INVOCATION

ELECTION OF OFFICERS

APPROVAL OF MINUTES

APPROVAL OF AGENDA

PUBLIC COMMENT – Each speaker shall be limited to 3 minutes for their topic or presentation.

NEW BUSINESS

CU-24-01: Mark Hagen is seeking a Conditional Use to operate a welding shop business on his property. The tract is located at 1651 Double Bridge Rd. and is further identified as Map 108 Parcel 004A.

SV-24-01: America's Home Place is seeking approval of a preliminary plat for a 114 lot Conservation Subdivision. The tract is located on Hancock Rd. and is further identified as Map 078 Parcel 088.

OLD BUSINESS

REPORTS TO COMMISSION

ADMINISTRATIVE MATTERS

ADJOURNMENT

As approved by the Habersham County Planning Commission.

Executive Secretary _____ Date: _____ / _____ / _____

***V-23-08** was removed from the December 5, 2023, agenda to be heard at the January 2, 2024 Planning Commission Meeting. It has since been withdrawn and the request to be heard is no longer on the table.



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

Planning & Development Department
130 Jacob's Way, Clarkesville, GA 30523
706-839-0140 www.habershamga.com

Habersham County Planning Commission
Conditional Use Staff Report

APPLICATION NUMBER: CU-24-01

REQUESTED ACTION: Mark Hagen is seeking a Conditional Use to operate a welding shop on his property. The tract is further identified as Map 108 Parcel 004A consisting of 1 acre.

Synopsis: Initial inquiry regarding this was addressed through a written request. Plans are to use this property to operate a welding shop.

PETITIONER: Mark Hagen

PROPERTY OWNER: Mark Hagen

EXISTING USE: Residential

PROPOSED USE: Welding shop.

LOCATION: 1651 Double Bridge Rd.

PARCEL SIZE: 1 acre

MAP#: 108 **PARCEL(S)#:** 004A

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	2029 Future Land Use Designation
Parcel	LI	Suburban Transition
North	LI	Suburban Transition
West	LI	Suburban Transition
South	LI	Suburban Transition

MEETING DATES: Planning Commission: January 2, 2024

County Commissioners: January 16, 2024

PLANNING ANALYSIS:

- The existing land uses and zoning classification of nearby property;**
The current land use of this parcel is LI – Low Intensity and all properties adjacent are as well.

2. The suitability of the subject property for the zoned purposes;

The property is designated as LI – Low Intensity. This district will provide and protect an environment suitable for single-family detached residential uses or individual lots, conventional subdivisions and master planned developments, together with such other accessory uses as may be necessary to and compatible with low density residential surroundings.

3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

Property values are not diminished by the current zoning. It is the intent of the Conditional Use process to permit specific uses compatible with a residential area. The process will assist in determining the need for buffers, parking, hours of operation and other concerns that may be presented.

4. The extent to which the diminution of property values of the subject property promote the health, safety, morals or general welfare of the public;

Property values are not diminished by the current zoning.

5. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

A welding shop business should not be a hardship to the community if used within certain guidelines.

6. Whether the subject property has a reasonable economic use as currently zoned;

Property does have a reasonable economic use within the LI District.

7. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

The compatibility of the proposed use with adjacent properties is critical. Specific criteria will need to be addressed such as hours of operation, capacity, noise, cleanliness/sanitation, buffers, etc., to promote harmony and balance in an existing rural neighborhood.

8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

The existing land use patterns in the area is primarily rural. However, during certain times, an increase in traffic, noise, etc. may be an issue that needs to be addressed.

9. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

The Comprehensive Plan identifies this area as Suburban Transition. The scope of the proposed use will support compatibility and balance if certain criteria is met.

10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The increase of noise could possibly be an issue to the neighborhood.

11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The balance of the above mentioned issues at this location are essential to maintaining the integrity of the Comprehensive Plan. The proposed use may need to have restrictions placed upon it to support harmony and balance in this rural neighborhood.

Staff Recommendation:

The Conditional Use request is to allow the applicant to operate a welding shop on his property. Map 108 Parcel 004 was originally one tract. The applicant had a one acre tract cut off from the original which is now Map 108 Parcel 004A. It was cut off due to the parcel being in Conservation. This would allow construction without jeopardizing the Conservation agreement. The tract has recently been combined back into one parcel due to the Habersham County CLDO allowing construction of an accessory building on the property. However, according to section 68-802 paragraph (d) in the Habersham County CLDO, there must be a residence on the property before construction of an accessory building can occur. Mr. Hagen applied for a building permit #

(23-615) to build an accessory building and while in conversation he mentioned that he was planning on operating a welding shop which is not allowed in a LI – Low Intensity District. Mr. Hagen is asking for a Conditional Use on the property so he can proceed with his plans. Staff feels like a welding shop should not affect the harmony and balance of the community and local neighborhood. Therefore, the Planning and Development Staff recommend approval of CU- 24-01.

Staff recommends:

<input checked="" type="checkbox"/> Approve as Submitted	<input type="checkbox"/> Approval with Conditions
<input type="checkbox"/> Denial	<input type="checkbox"/> Table

Planning Commission recommends:

<input type="checkbox"/> Approve as Submitted	<input checked="" type="checkbox"/> Approval with Conditions (1-2-24)
<input type="checkbox"/> Denial	<input type="checkbox"/> Table

- It must be limited to the owner only (no outside employees).
- No outside storage or a 6' privacy fence must be installed.

Board of Commissioners Decision:

<input type="checkbox"/> Approve as Submitted	<input type="checkbox"/> Approval with Conditions
<input type="checkbox"/> Denial	<input type="checkbox"/> Table

Deadline 11/20



HABERSHAM COUNTY

Planning Department
130 Jacob's Way, Suite 104, Clarkesville, GA 30523
706-839-0140 Fax: 706-754-1761
www.habershamga.com

APPLICATION TYPE; Variance: _____ Conditional Use: Map Amendment: _____

[Check appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact MARK HAGEN

Address 1651 DOUBLE BRIDGE RD. City DEMOREST State GA Zip 30535

Telephone # () _____ Cell Telephone # (830) 857-5185

Fax# () _____ E-Mail MHAGENGA@GMAIL.COM

Property Owner(s): MARK HAGEN

Address 1651 DOUBLE BRIDGE RD. City DEMOREST State GA Zip 30535

Telephone # () _____ Cell Telephone # (830) 857-5185

Fax# () _____ E-Mail MHAGENGA@GMAIL.COM

Agent: _____

Address _____ City _____ State _____ Zip _____

Telephone # () _____ Cell Telephone # () _____

Fax# () _____ E-Mail _____

Location of Property: _____

Street Address: 1651 DOUBLE BRIDGE RD.

Acreage of Site: 1 Tax Map & Parcel#: _____

Existing LU District: _____ 2029 Map /District: _____

Action Requested: _____

Cite Pertinent Section(s): CU for welding shop

Existing Use: vacant

Proposed Use: welding shop

(A metes and bounds legal description may be required. Also attach a boundary survey of the property if available.)

RECEIVED
NOV 08 2023
BY: troy d.



HABERSHAM COUNTY

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CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Required For All Applications Regarding the Comprehensive Land Development Resolution

Disclosure of Campaign Contributions:

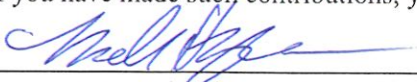
When any application is made for a Public Hearing with regards to the Comprehensive Land Development Resolution within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing body of the respective local government showing:

- (1). the name and official position of the local government official to whom the campaign contribution was made; and
- (2). The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3). The disclosure shall be marked by the **applicant, property owner, or person representing the property owner** and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff. If the disclosure is not provided to the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

I hereby certify that I have ; I have not ; (please \surd one) read the above and that:

Within the two (2) years immediately preceding this date, I have; I have not ; (please \surd one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

	_____	_____	____/____/____
Name of Official(s)	Office	Amount	Date of Contribution
MARK HAGEN			
_____ Applicant's Name (Please Print)			
_____ Signature of Applicant			____/____/____ Date of Signature



HABERSHAM COUNTY

Planning Department
130 Jacob's Way, Suite 104, Clarkesville, GA 30523
706-839-0140 Fax: 706-754-1761
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PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed below is authorized to act as the applicant and/or agent in the pursuit of the proposed application of this property.

Mark Hagen 11 / 8 / 2023
Signature of Property Owner/Executor/Officer Date of Signature

MARK HAGEN

Estate /Company /Corporation Authorized Agent (Please Print)

Signature of Authorized Agent 11 / 8 / 2023
Date of Signature

Estate /Company /Corporation Authorized Agent (Please Print)

Signature of Authorized Agent Date of Signature

eFiled & eRecorded
 DATE: 5/10/2023
 TIME: 1:11 PM
 PLAT BOOK: 00073
 PAGE: 00367
 RECORDING FEES: \$10.00
 PARTICIPANT ID: 0121000214
 CLERK: David C Wall
 HABERSHAM County, GA

NOTES:

- 1) PROPERTY IS PART OF TRACT 14 OF HUNTERS RUN AS MAPPED BY RUSSELL N. BARTLETT, R.L.S. DATED AUGUST 29, 1989.
- 2) PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS OF RECORD, WRITTEN AND UNWRITTEN.
- 3) FIELDWORK COMPLETED MARCH, 22, 2023.

SURVEYOR'S CERTIFICATE

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

BEARING BASIS
 GRID - GA WEST ZONE



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

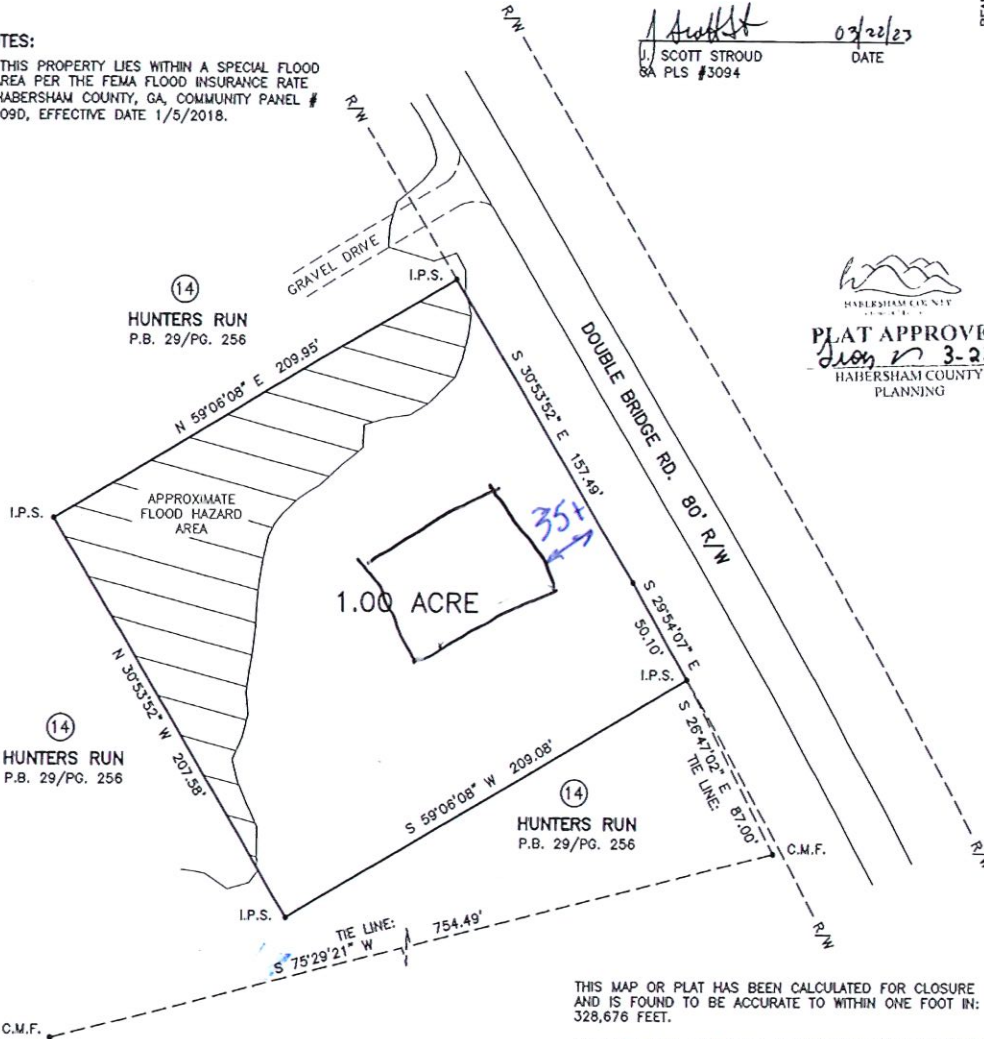
FLOOD NOTES:

PART OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER THE FEMA FLOOD INSURANCE RATE MAP OF HABERSHAM COUNTY, GA, COMMUNITY PANEL # 13137C0209D, EFFECTIVE DATE 1/5/2018.

J. Scott Stroud
 J. SCOTT STROUD DATE 03/22/23
 SA PLS #3094



PLAT APPROVED
Don 3-23-23
 HABERSHAM COUNTY
 PLANNING



THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN: 328,676 FEET.

THE FIELD DATA COLLECTED IS BASED ON GPS OBSERVATIONS USING A CARLSON BRX7 DUAL FREQUENCY RECEIVER AND CARLSON BRX7 BASE STATION RUNNING CARLSON SURVCE SOFTWARE. RELATIVE POSITIONAL ACCURACY: <0.04'



DIVISION SURVEY
 PART OF TRACT 14, HUNTERS RUN
 O.B. 1153/P.G. 865
 P.B. 29/P.G. 256

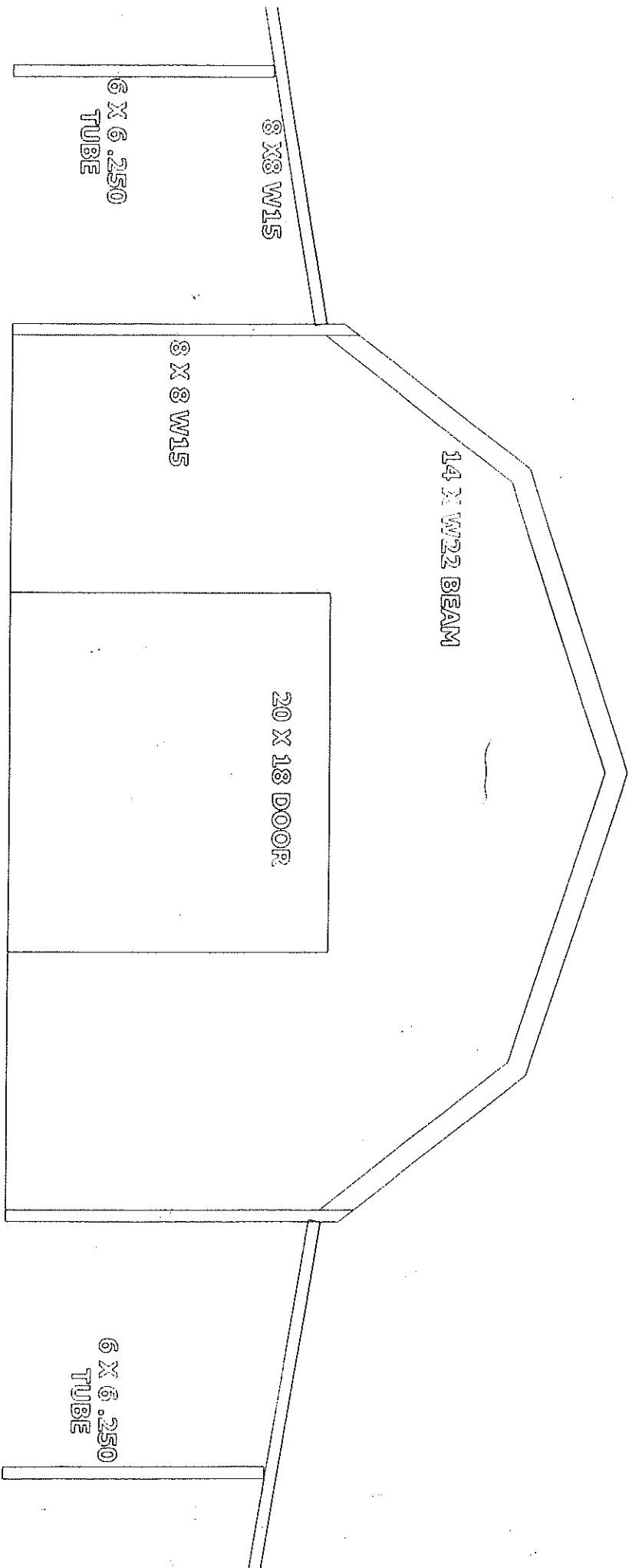


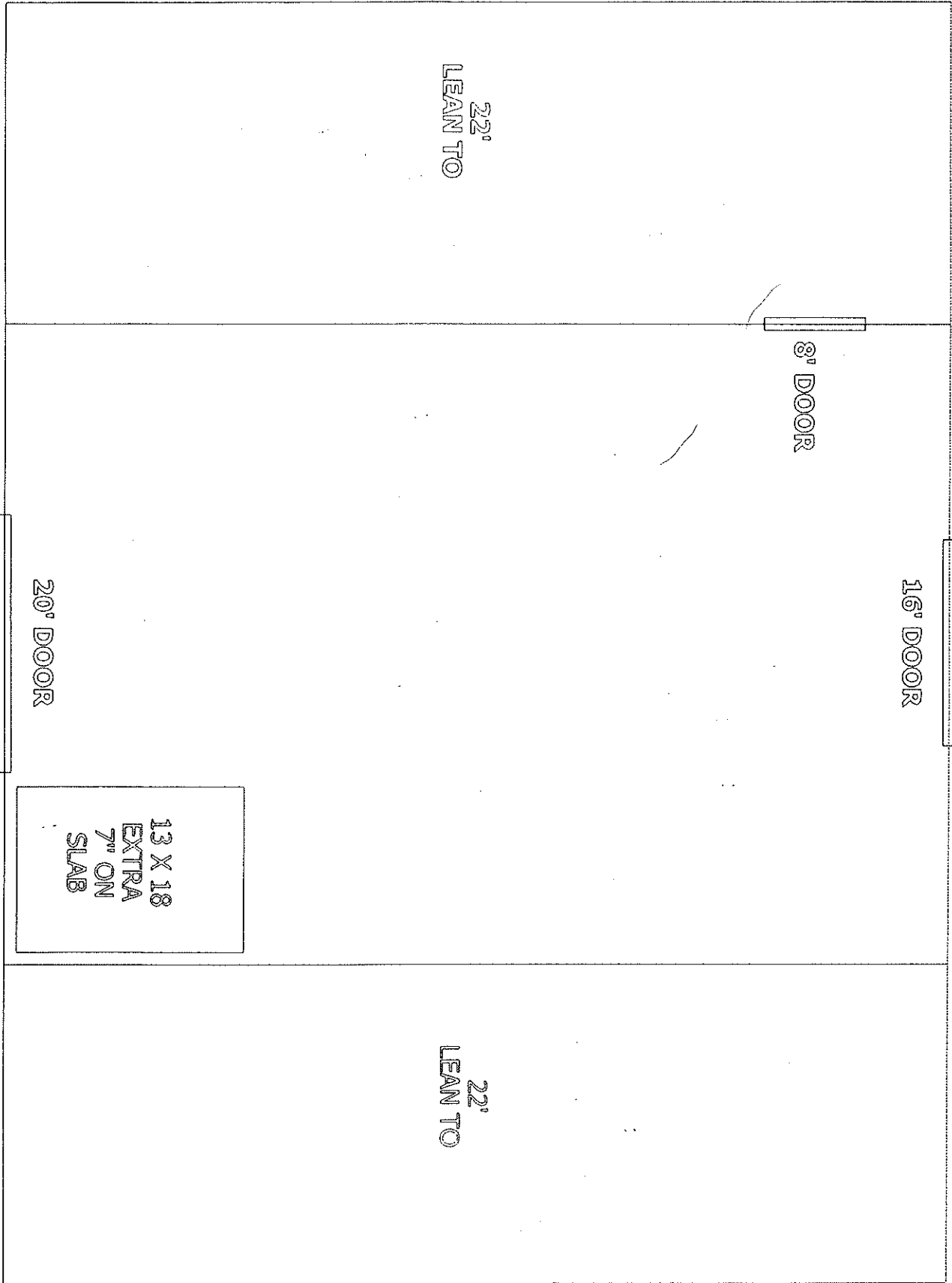
SURVEYORS:
 LOVELL, STROUD AND ASSOCIATES, LLC
 P.O. BOX 906
 CLARKESVILLE, GA. 30523
 R.L.S. #1553, #3094
 CERTIFICATE OF AUTHORIZATION
 NUMBER - LSF 000298
 TELEPHONE - (706)754-9422

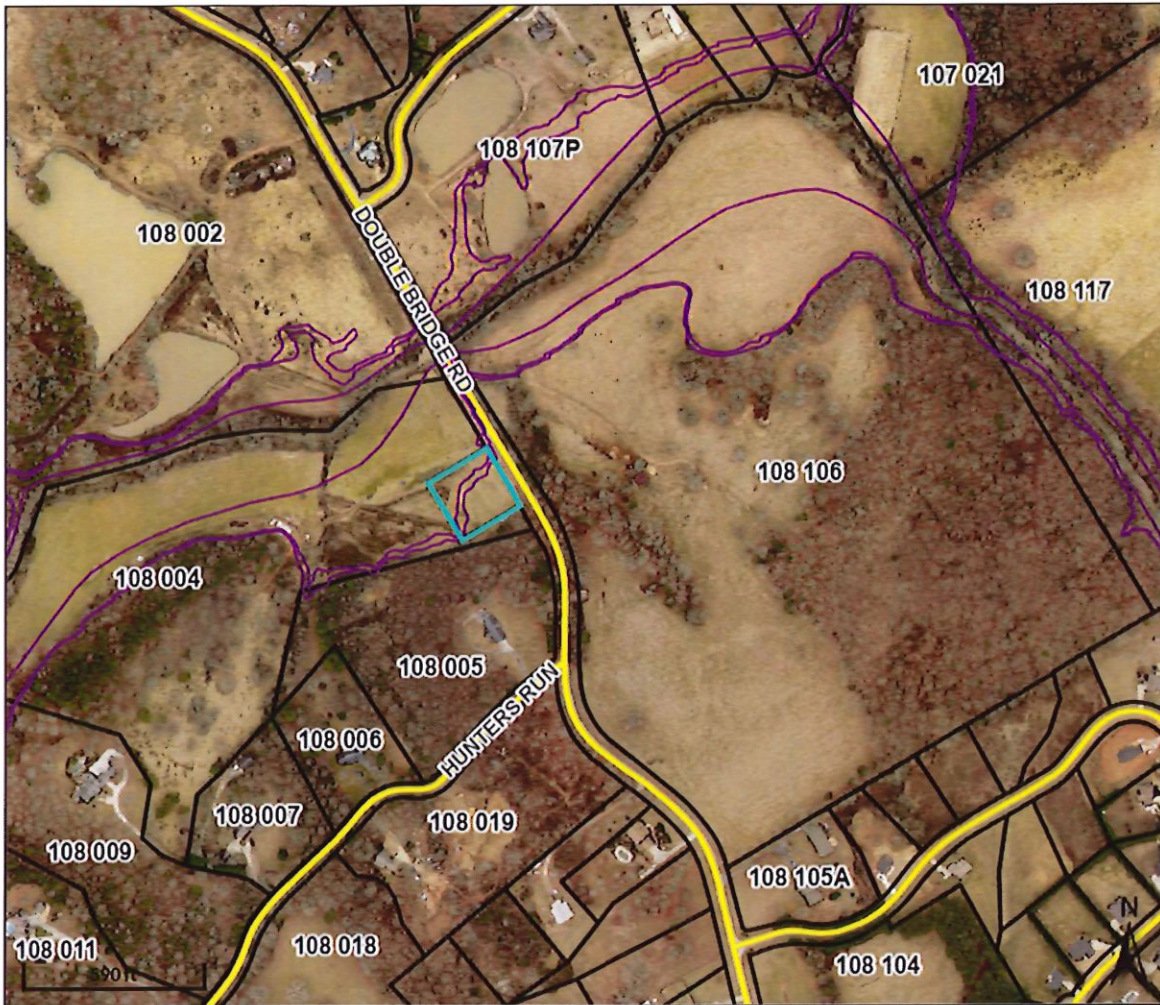
MAP PREPARED FOR
MARK BRIAN HAGEN
 HABERSHAM COUNTY
 GEORGIA

DATE: MARCH 22, 2023
 REVISED:
 LAND LOT: 43
 DISTRICT: 10
 COUNTY OF HABERSHAM
 FILE # 23-035
 FIELD BOOK # MINI2
 INSTRUMENTS USED:
 TOPCON GTS-2110
 SCALE - 1" = 50'
 SYMBOLS:
 O.T.P. = OPEN TOP PIPE
 I.P.F. = IRON PIN FOUND
 I.P.S. = IRON PIN SET
 (5/8" RE-BAR)
 C. M. = CONCRETE MONUMENT

EMAIL ADDRESS - ldmihl@windstream.net







Overview



Legend

-  Parcels
-  Roads
-  Flood Map

Parcel ID	108 004A	Alternate ID	3494407	Owner Address	HAGEN MARK BRIAN
Sec/Twp/Rng	n/a	Class	R		1651 DOUBLE BRIDGE RD
Property Address	DOUBLE BRIDGE RD	Acreege	1.0		DEMOREST GA 30535-4601
	01				
District	01				
Brief Tax Description	10-43 LT 14 DB 1153-865				
	(Note: Not to be used on legal documents)				

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMA's Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location.

Date created: 12/19/2023

Last Data Uploaded: 12/18/2023 11:16:59 PM

