

BAINBRIDGE-DECATUR

PLANNING COMMISSION

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

March 14th, 2023

6:00 p.m.

City Hall Council Chambers

- I. DETERMINATION OF A QUORUM
- II. CALL TO ORDER AND INVOCATION
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING
- IV. NEW BUSINESS:

ITEM 1: CU-2022-007: Applicant Alesia Brinson is requesting a conditional use for a Short-Term Rental at 809 S Bruton. The property is 0.55 acres and is zoned Urban Residential 6 (UR-6).

ITEM 2: CU-2023-002: Applicant Lewis & Celeste Peterson is requesting a conditional use for a 40x80 Pole barn for livestock at the property located at 1700 Belcher Ln (Parcel B0800012J00). The property is 4000 acres and is zoned SR3.

ITEM 3: DRAFT Fence and Wall Ordinance Text Amendment for discussion only.

- V. OLD BUSINESS

- VI. ADJOURNMENT

BAINBRIDGE-DECATUR COUNTY PLANNING COMMISSION

February 14, 2023

6:00 p.m.

City Council Chambers

MINUTES

MEMBERS PRESENT: Frank Flowers, John Marshall, Lachanda Mackey, Valerie Stubbs, Alan Davis

MEMBERS ABSENT: Keenan Adams

OTHERS PRESENT: Steve O'Neil, Jessica Hicks, Michele Ringle, Bruce Kirbo, Shawn Swartz, Ralna Pearson, Kelvin Sherman

I. CALL TO ORDER

Chairman Frank Flowers called the meeting to order at 6:00 P.M. then gave the invocation.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes from the January 10, 2023, meeting was presented to the Planning Commission. Commissioner Marshall made a motion to approve the minutes, seconded by Commissioner Mackey and passed unanimously.

III. NEW BUSINESS

ITEM 1: CU-2022-007: Applicant Michele Ringle is requesting a conditional use for a Short-Term Rental at 1208 Tallahassee Hwy. The property is 0.55 acres and is zoned Urban Residential 6 (UR-6).

Applicant Michele Ringle came forward and explained her request for a conditional use for a Short-Term Rental at 1208 Tallahassee Hwy. Ringle explained that her daughter lives here in Bainbridge and will be the main caretaker shall any problems arise and she would be back every two months to help

maintain the rental property. Ringle acknowledged that she was aware of the hotel/motel tax upon the city's approval.

Commissioner Flowers opened the floor to any questions. Mrs. Shawn Swartz came forward and asked for the differences between short term rentals and Air B-N-B. Difference were defined by Steve O'Neil, stating that Air B-N-B is a name brand and that they all fall under the umbrella of Short-Term rentals.

Commissioner Flowers opened the floor for further questions. Marshall asked about length of time to open, handicap opportunities and disability request. Ringle returned to the podium and advised she would be ready to open the property within days. Currently there are no handicapped provisions, however she would question the customer about what kind of accommodations were needed and advised she would do her best to provide the requested provisions. Ringle stated that she wants to do the best she can to make sure her property follows all ADA regulations.

Commissioner Flowers Opened the floor for any further questions or concerns, with no response. Commissioner Flowers then opened the floor for a motion to approve the conditional use of the Short-Term Rental Property. Marshall made a motion to approve the conditional use of the property. Motion was seconded by Mackey. The motion passed unanimously.

ITEM 2: CU-2023-001: Applicant Kelvin Sherman is requesting a conditional use for an open-air business (produce stand) at the property located at 203 Shotwell St (Parcel B0260139). The property is .11 acres and is zoned Central Business District (CBD).

Applicant Calvin Sherman came forward and explained his conditional use request for an open-air business (produce stand) at the property located at 203 Shotwell St. Sherman stated the proposed times of operation would be Monday – Sat. He had the same business in Bainbridge 2-3 years back. The business was extremely profitable, unfortunately he was forced to close due to what is now currently Elliano's purchasing the property. Mr. Sherman would be offering "farm fresh produce" year-round. He has that opportunity due to all the contracts he has with Georgia, Florida, and local farmers that he has maintained for 20+ years.

Commissioner Flowers stated that he was concerned with parking for that location. Steve O'Neil commented that the current parking conditions allowed for "maybe" five cars max, any other customers would have to be off site parking. The city couldn't have customers backing out into Shotwell Street due to heavy traffic and that it was dangerous.

Sherman stated that he only anticipated on-site parking for three vehicles max. Additional parking would be in the downtown city parking lot to the north of the requested location. Sherman agreed that he would create a safe parking flow. Entry would be on Shotwell St. and exit would be on Broad St or vice versa.

Commissioner Flowers opened the floor for any questions or concerns. Mackey asked if Mr. Sherman would be willing to put "Parking in Rear" signs out. Sherman agreed.

Marshall questioned Sherman about deliveries of produce due to not having the space for a large delivery vehicle in that area and estimated opening date. Sherman stated that there would be no deliveries. He would be the only one bringing produce to the location, his anticipated opening would be March 9, 2023.

Commissioner Flowers opened the floor to any other questions or concerns. Mrs. Shawn Swartz approached the Podium and asked if the produce stand would undergo any inspections from the health department and the possibility to change the location to allow for a farmers' markets to expand. It was stated that this would be a produce stand not a farmers' market, Commissioner Flowers reminded the group about a farmers' market that Bainbridge used to have and stated it would be subject to DHS inspection.

Commissioner Flowers opened the floor to other questions, after no response, commissioner Flowers opened the floor for a motion to approve the request. Marshall made a motion to approve the request. Mackey seconded the motion. The request was unanimously approved.

V. Old Business

VI.ADJOURNMENT - There being no more business, the meeting was adjourned.

Dr. Frank Flowers, Chairman

February 16, 2023

Mr. Steve O'Neil
City of Bainbridge
Community & Economic Development Director

Bainbridge Planning Commission, Mayor and City Council:

Property owner Alesia Brinson, and applicant Port Mugree LLC are requesting permission for a conditional use for a short term rental (AirBnB) on the property located at 809 S. Bruton St., Parcel ID: B0280154. 809 S. Bruton St. is a 3 bedroom 2 bath unoccupied residential dwelling located in the Bainbridge City Limits.

Please find location maps enclosed for your review and 'Conditional Use' approval consideration.

Thank you,

Port Mugree, LLC

Email: stay@portmugree.com

Phone: (404) 491-1580

PORT MUGREE LLC
30 N Gould St Ste N
Sheridan, WY 82801

City of
BAINBRIDGE
GEORGIA

P.O. Box 158
Bainbridge, Ga. 39818

www.bainbridgecity.com

Phone: 229-248-2000
Fax: 229-246-7311

APPLICATION #: _____

FEE: \$150.00

CONDITIONAL USE APPLICATION

NOTICE: State Law O.C.G.A. 36-66-4 requires, "a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action at least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation, within the territorial boundaries of the local government, a notice of hearing."

Said notice shall state the time, place, and purpose of the hearing; therefore, applicants must submit their complete application, an application complying with the procedural requirements of the city's zoning ordinance and found to be complete with regard to application materials, payment of fees, supportive material and any other application requirements specified prior to the newspaper public notice advertising deadline date needed to fulfill the requirements of O.C.G.A. 36-66-4. The zoning administrator and/or his representative shall have at least 10 days prior to the advertising deadline date to determine whether an application is complete and eligible for advertisement. Applications submitted less than 10 days prior to the advertising deadline date are not guaranteed to be reviewed or included in the required advertising. Such applications shall be held until the next application cycle.

APPLICATION INFORMATION

APPLICANT(S): Port Mugree IIc
ADDRESS: 30 N. Gould St Ste N, Sheridan WY 82801
PHONE: (404) 491-1580

PROPERTY INFORMATION

PROPERTY OWNER(S): Alesia Brinson
ADDRESS: 518 W. College St. Bainbridge GA 39819
PHONE: (229) 246-2861
LOCATION OF SUBJECT PROPERTY: 809 S. Bruton St. Bainbridge GA 39819

PROPERTY INFORMATION (continued)

TAX MAP: 12428 PARCEL: B0280154 SIZE (ACRES): 0.29

ZONING DESIGNATION OF SUBJECT PROPERTY: UR-9

PROPOSED USE OF PROPERTY (BRIEF): Short Term Rental / AirBNB

REQUIREMENTS FOR CONDITIONAL USE REQUESTS

Conditional use request applications *must* include the following:

- 1. APPLICATIONS REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.1) Page 5
- 2. PLAN REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.2) Page 5
- 3. ANALYSIS REQUIREMENTS (Forms provided on page 3)
(ZONING ORDINANCE TABLE 14.2.3) Page 6

<p><u>Alesia Brinson</u> Property Owner Signature</p> <p><u>Feb 16, 2023</u> Date</p>	<p><u>[Signature]</u> Submitted By:</p> <p><u>02/16/2023</u> Date</p>
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DEPARTMENT USE ONLY

SUBMITTAL DATE: _____ DATE CERTIFIED COMPLETE: _____

Department Representative Signature

CONDITIONAL USE APPLICATION

TABLE 14.2.3
ANALYSIS REQUIREMENTS

1. Existing use(s) of subject property: UNOCCUPIED RESIDENTIAL DEVELLING
2. Existing zoning of property contiguous with or located within 100 feet of subject property: UR-9
-
3. Does the proposed conditional use request permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)? Yes No
Explain: IT IS STILL RESIDENTIAL AND IS NOT AN INTENSE USE
-
4. Will the proposed conditional use result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools? Yes No
Explain: _____
-
5. Is the proposed conditional use in conformity with the policy and intent of the comprehensive plan* including use element? Yes No
6. Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either approval or disapproval of the proposal? Yes No
7. Does the property to be affected by the proposed conditional use have a reasonable economic use as currently zoned? Yes No

*A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the City Hall map room and on the city's website at www.bainbridgecit.com.

CONFLICT OF INTEREST IN ZONING DECISIONS
CAMPAIGN CONTRIBUTIONS

36-67A-3.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, 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 authority 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 years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the Respective local government showing:

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 opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

I CERTIFY THAT ALL STATEMENTS FURNISHED IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AM AWARE OF THE PROVISIONS CONTAINED IN O.C.G.A. 36-67A-3.

Property Owner(s) Signature: <u>Alesia Brinson; Alesia Brinson</u>
Address: <u>518 W. College St., Bainbridge GA 39819</u>

PUBLIC HEARING DATES

DATE OF PLANNING COMMISSION MEETING: _____ @ 6:00 p.m.

DATE OF CITY COUNCIL MEETING: _____ @ 6:30 p.m.

*Planning Commission meetings are held at 6:00 p.m. at City Hall in the City Council Chambers.
City Council meetings are held at 6:30 p.m. at City Hall in the City Council Chambers.*

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Conditional Use
Application fee as established by resolution	Required - \$100.00
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required <i>CONDITIONAL USE APPLICATION</i>
Legal description of the property	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required
Description of efforts of any special conditions voluntarily made a part of the request	Required
Other information required by the zoning administrator	Maybe

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Site Plan Requirement	Conditional Use
Footprints of existing and proposed buildings and structures	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required
Tree protection survey (if applicable)	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required
Preliminary drainage plans (if applicable)	Required
Method of water supply and sewage disposal if not available on-site (if applicable)	Required
Dimensional requirements by zoning district	Required
Specific use provisions (if applicable)	Required
General dimensional provisions (if applicable)	Required
General development requirements (if applicable)	Required
Application requirements (if applicable)	Required
Other Information as required by the Zoning Administrator	Maybe

**TABLE 14.2.3
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application for Conditional Use
1. Existing use(s) and zoning of subject property	Required
2. Existing zoning of nearby property	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Maybe
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element ***	Required
6. 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 proposal	Required
7. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required

*** A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the map room at City Hall.



O.C.G.A. 48-5-264.1 NOTICE

You are hereby notified that pursuant to O.C.G.A. 48-5-264.1 (a), representatives of the Decatur County Tax Assessor's Office, with proper I.D. may enter upon your property during normal business hours, for the purpose of collecting accurate data or any verifications thereof due to permits issued, Returns filed, Revaluations (partial or whole). Neighborhood reviews, sale price verification, land covenants, land splits, 3 year reviews and Appeal reviews. This includes all residential properties, manufactured homes, agricultural, commercial and industrial properties. Should you have any questions, please contact our office.

Summary

Parcel Number B0280154
 Location Address 809 BRUTON ST
 Legal Description 507 277 809 BRUTON ST
(Note: Not to be used on legal documents)
 Class R3-Residential
(Note: This is for tax purposes only. Not to be used for zoning.)
 Tax District Bainbridge (District 02)
 Millage Rate 30.842
 Acres 0.29
 Homestead Exemption No (S0)
 Landlot/District N/A



Owner

BRINSON ALESIA J
 518 W COLLEGE ST
 BAINBRIDGE, GA 39819

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	FF-RES: 40.00	Front Feet	12,750	85	150	0.29	0

Residential Improvement Information

Style One Family
 Heated Square Feet 1240
 Interior Walls Pine
 Exterior Walls Vinyl Siding
 Foundation Piers
 Attic Square Feet 0
 Basement Square Feet 0
 Year Built 1925
 Roof Type Galvanized Metal
 Flooring Type Pine
 Heating Type CH AC
 Number Of Rooms 0
 Number Of Bedrooms 0
 Number Of Full Bathrooms 1
 Number Of Half Bathrooms 0
 Number Of Plumbing Extras 0
 Value \$61,538
 Condition Average
 House Address 809 BRUTON

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
CANOPY, LOW COST (RESIDENTIAL)	2017	18x20 / 0	0	\$1,008
GARAGE	2006	30x48 / 0	1	\$30,600
UTILITY BUILDING, UNFINISHED	1900	8x10 / 0	2	\$800

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
11/30/2022	507277		\$0	Unqualified - Improved	BRINSON THOMAS E	BRINSON ALESIA J
6/24/2005	19653		\$12,000	Unqualified - Improved	THOMSPN GERTRUDE ALLEN	BRINSON THOMAS E
2/28/2003	49274		\$12,000	Unqualified - Improved	WASHINGTON WILLIE BRADY	THOMPSON GERTRUDE ALLEN
1/1/1940	U7367		\$0	Unqualified - Improved		WASHINGTON WILLIE BRADY

Valuation

	2022	2021	2020	2019	2018
Previous Value	\$90,769	\$78,349	\$75,726	\$75,726	\$68,603
Land Value	\$3,400	\$3,400	\$3,400	\$3,400	\$3,400
+ Improvement Value	\$61,538	\$54,961	\$46,848	\$44,225	\$44,225
+ Accessory Value	\$32,408	\$32,408	\$28,101	\$28,101	\$28,101
= Current Value	\$97,346	\$90,769	\$78,349	\$75,726	\$75,726

Area Sales Report

Sale date range:

From: 02 / 13 / 2020 To: 02 / 13 / 2023

Sales by Area

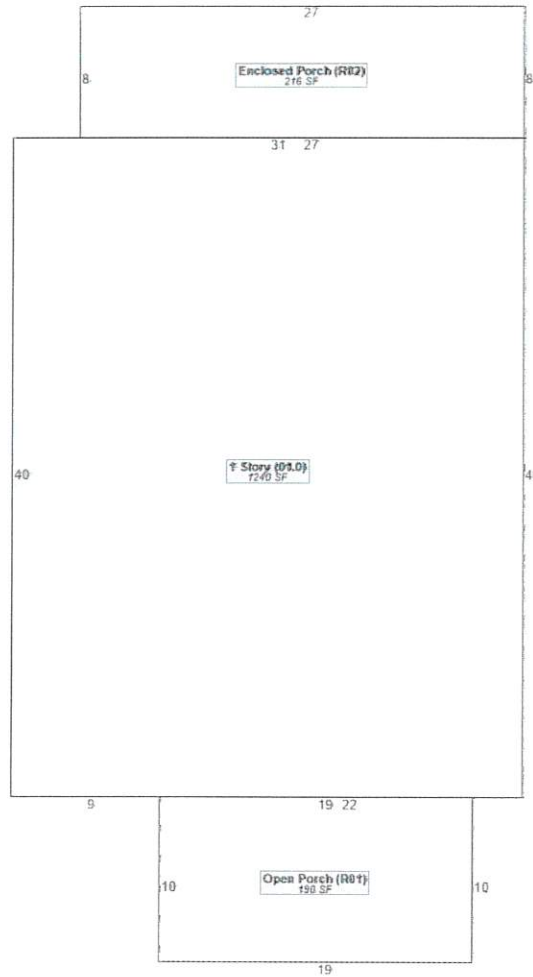
1500 Feet

Sales by Distance

Photos



Sketches



No data available for the following modules: Rural Land, Conservation Use Rural Land, Forest Land Protection Act, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits.

The Decatur County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 2/10/2023, 10:47:30 PM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.246

Staff Analysis

DATE: March 6, 2023

TO: Bainbridge-Decatur County Planning Commission, Mayor and City Council

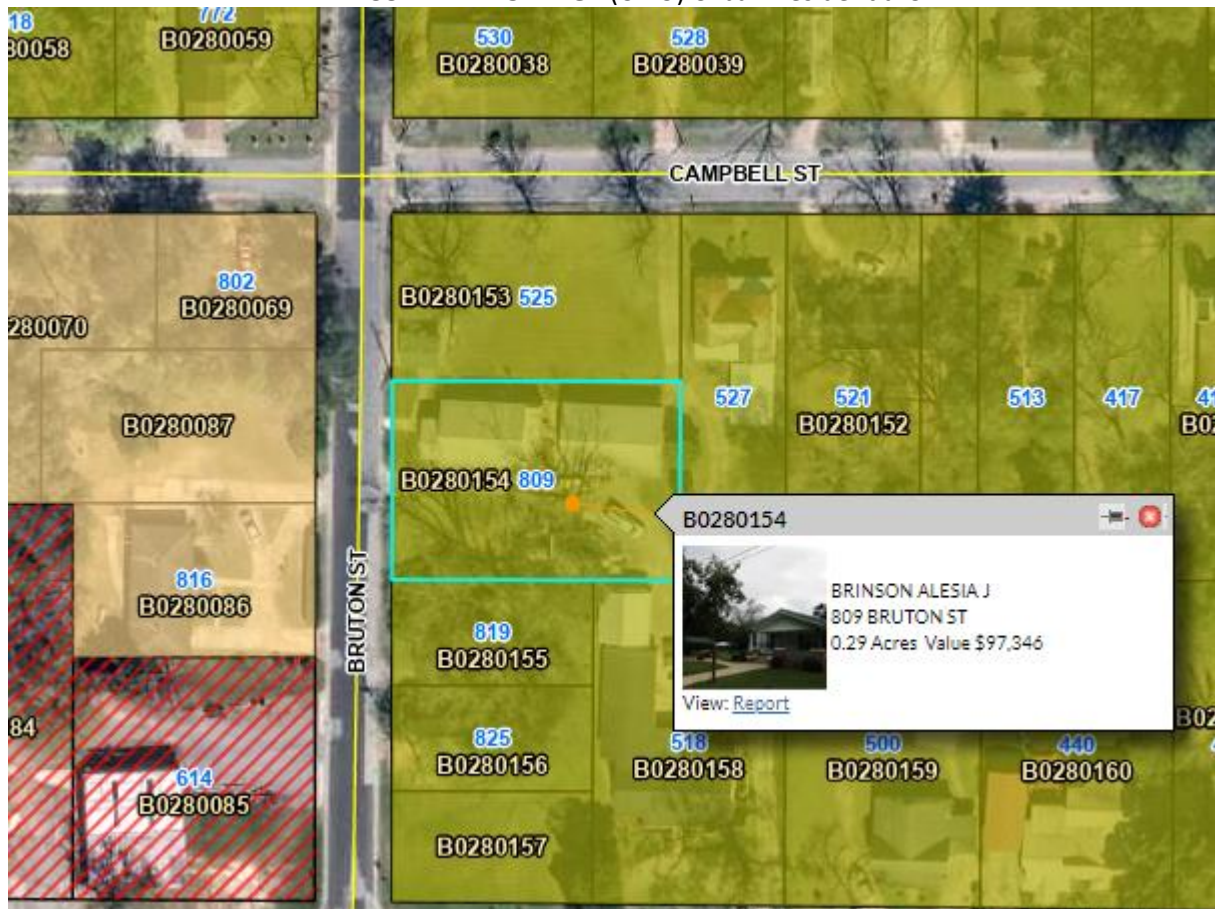
FROM: Steve O'Neil, Community & Economic Development Director

SUBJECT: CU-2023-003

ITEM: CU-2022-007: Applicant Port Mugree LLC. is requesting permission for a conditional use for a short term rental (AirBnB) on the property located at 809 S. Bruton St. The property is 0.29 acres and is zoned Urban Residential 9 (UR-9).

Conditional use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body within that particular zoning district as provided in certain instances by this zoning ordinance. An approved conditional use runs with the property.-City of Bainbridge, GA, Zoning Ordinance.

CURRENT ZONING: (UR-9) Urban Residential 9



BAINBRIDGE-DECATUR

PLANNING COMMISSION

Section 6.3.1. Purpose and Intent.

UR-9 districts are intended to establish medium-density urban residential neighborhoods comprised of predominantly detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

FUTURE LAND USE DESIGNATION: Residential (Urban Medium Density)

Analysis

The applicant's request to utilize an existing residential structure as a short term rental is in conformity with the goals and policies of the City of Bainbridge Comprehensive Plan. The short term rental will be subject to hotel/motel tax. Adequate space for parking exists.

Recommendation

Planning Staff recommend approval of the applicants conditional use request to operate a short term rental facility at 809 S. Bruton St.

February 9, 2023

To whom it may concern:

We purchased 3 acres of land from Thomas Knight to house our horses there. We would like to build a pole barn for the horses and to store equipment. Lewis is a contractor and has constructed over 20 pole barns in surrounding counties for other people. The pole barn will be aesthetically sound and will not be an eye-sore. It will be constructed with great detail and precision. We will maintain the property with a wooden fence surrounding the entire area. The horse will be well maintained. We use Dr. Bailey as a vet; the horses are fully immunized and always well-groomed. We will be at the property for several hours each day. The horse must be fed and watered twice a day. We also plan to get a sign that will visibly display our phone numbers for any concerns.

Caring for horses has been something Lewis has done since he was a teenager. He rides the horses in the city parades and attends several trail rides each year in Georgia, Florida, Alabama, South Carolina, and Tennessee. We are skilled in the care of horses. Please accept this letter as a letter of intent for the use of the property.

Thank you,

Lewis and Celeste Peterson



P.O. Box 158
Bainbridge, Ga. 39818

www.bainbridgecity.com

Phone: 229-248-2000
Fax: 229-246-7311

APPLICATION #: _____

FEE: \$150.00

CONDITIONAL USE APPLICATION

NOTICE: State Law O.C.G.A. 36-66-4 requires, "a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action at least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation, within the territorial boundaries of the local government, a notice of hearing."

Said notice shall state the time, place, and purpose of the hearing; therefore, applicants must submit their complete application, an application complying with the procedural requirements of the city's zoning ordinance and found to be complete with regard to application materials, payment of fees, supportive material and any other application requirements specified prior to the newspaper public notice advertising deadline date needed to fulfill the requirements of O.C.G.A. 36-66-4. The zoning administrator and/or his representative shall have at least 10 days prior to the advertising deadline date to determine whether an application is complete and eligible for advertisement. Applications submitted less than 10 days prior to the advertising deadline date are not guaranteed to be reviewed or included in the required advertising. Such applications shall be held until the next application cycle.

APPLICATION INFORMATION

APPLICANT(S): Lewis & Celeste Peterson
ADDRESS: 1332 E River Rd Bodge, Ga. 39817
PHONE: 229-220-6249 / 850 461 0082

PROPERTY INFORMATION

PROPERTY OWNER(S): Lewis & Celeste Peterson
ADDRESS: 1700 Belcher Lane (1332 E River Rd) Bodge, Ga. 39817
PHONE: 229-220-6249 / 850 461 0082
LOCATION OF SUBJECT PROPERTY: 1700 Belcher Lane Bodge, Ga. 39817

PROPERTY INFORMATION (continued)

TAX MAP: _____ PARCEL: D0800012500 SIZE (ACRES): 3

ZONING DESIGNATION OF SUBJECT PROPERTY: SR-3 / UR-1e

PROPOSED USE OF PROPERTY (BRIEF): Keep Limestone (horses)
40x80 pole Barn work / Limestone

REQUIREMENTS FOR CONDITIONAL USE REQUESTS

Conditional use request applications *must* include the following:

- 1. APPLICATIONS REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.1) Page 5
- 2. PLAN REQUIREMENTS
(ZONING ORDINANCE TABLE 14.2.2) Page 5
- 3. ANALYSIS REQUIREMENTS (Forms provided on page 3)
(ZONING ORDINANCE TABLE 14.2.3) Page 6

<p>_____ <i>Property Owner Signature</i></p> <p>Date <u><i>C. Curtis</i></u></p>	<p>_____ <i>Submitted By:</i></p> <p>Date <u><i>2/1/23</i></u> <u><i>2/1/23</i></u></p>
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DEPARTMENT USE ONLY

SUBMITTAL DATE: _____ DATE CERTIFIED COMPLETE: _____

Department Representative Signature

CONDITIONAL USE APPLICATION

TABLE 14.2.3
ANALYSIS REQUIREMENTS

1. Existing use(s) of subject property: Vacant lot
2. Existing zoning of property contiguous with or located within 100 feet of subject property: _____

3. Does the proposed conditional use request permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)? Yes No
Explain: _____

4. Will the proposed conditional use result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools? Yes No
Explain: _____

5. Is the proposed conditional use in conformity with the policy and intent of the comprehensive plan* including use element? Yes No
6. Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either approval or disapproval of the proposal? Yes No
7. Does the property to be affected by the proposed conditional use have a reasonable economic use as currently zoned? Yes No

*A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the City Hall map room and on the city's website at www.bainbridgecit.com.

CONFLICT OF INTEREST IN ZONING DECISIONS
CAMPAIGN CONTRIBUTIONS

36-67A-3.

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, 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 authority 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 years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the Respective local government showing:

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 opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

I CERTIFY THAT ALL STATEMENTS FURNISHED IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I AM AWARE OF THE PROVISIONS CONTAINED IN O.C.G.A. 36-67A-3.

Property Owner(s) Signature: _____ Address: <u>1700 Belcher Lane Bldge. Ga. 39817</u>
--

PUBLIC HEARING DATES

DATE OF PLANNING COMMISSION MEETING: _____ @ 6:00 p.m.

DATE OF CITY COUNCIL MEETING: _____ @ 6:30 p.m.

*Planning Commission meetings are held at 6:00 p.m. at City Hall in the City Council Chambers.
City Council meetings are held at 6:30 p.m. at City Hall in the City Council Chambers.*

**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Application Requirement	Conditional Use
Application fee as established by resolution	Required - \$100.00
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required <i>CONDITIONAL USE APPLICATION</i>
Legal description of the property	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required
Description of efforts of any special conditions voluntarily made a part of the request	Required
Other information required by the zoning administrator	Maybe

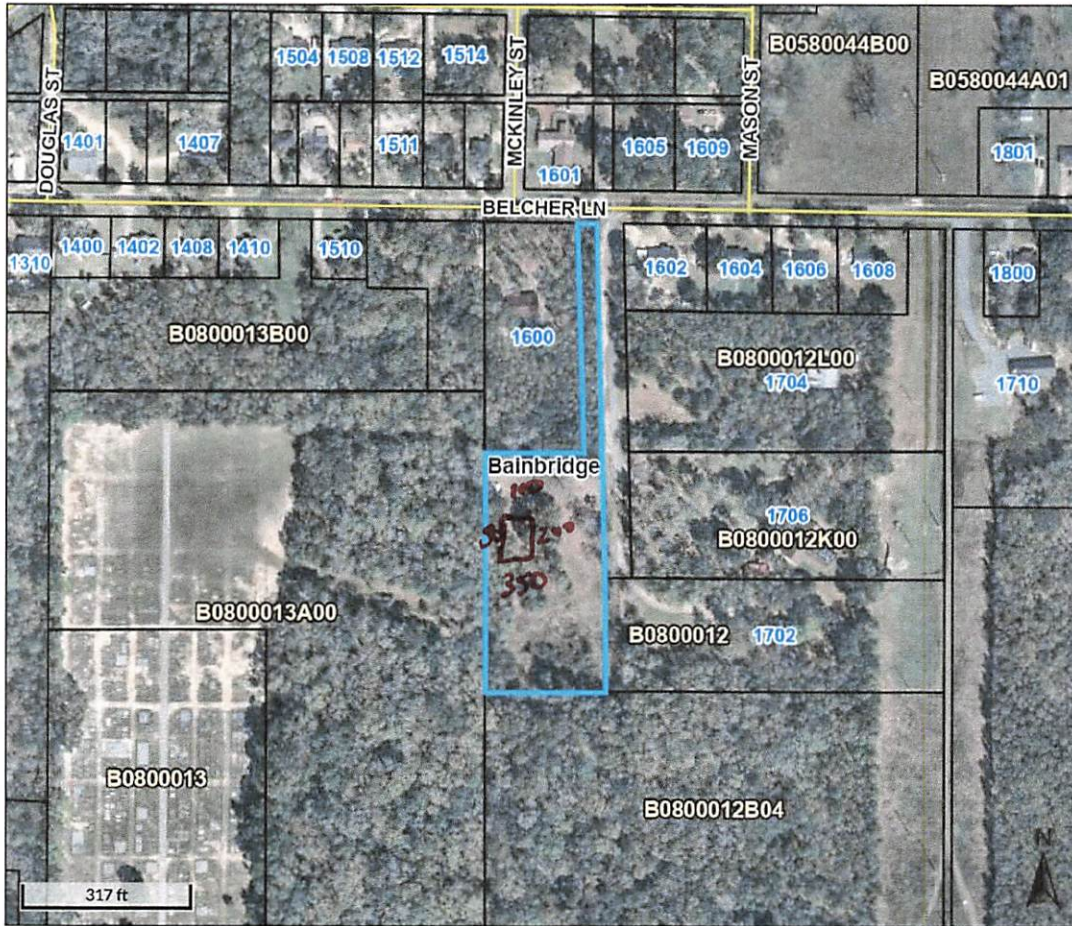
**TABLE 14.2.1
APPLICATION REQUIREMENTS**

Site Plan Requirement	Conditional Use
Footprints of existing and proposed buildings and structures	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required
Tree protection survey (if applicable)	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required
Preliminary drainage plans (if applicable)	Required
Method of water supply and sewage disposal if not available on-site (if applicable)	Required
Dimensional requirements by zoning district	Required
Specific use provisions (if applicable)	Required
General dimensional provisions (if applicable)	Required
General development requirements (if applicable)	Required
Application requirements (if applicable)	Required
Other Information as required by the Zoning Administrator	Maybe

**TABLE 14.2.3
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application for Conditional Use
1. Existing use(s) and zoning of subject property	Required
2. Existing zoning of nearby property	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Maybe
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element ***	Required
6. 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 proposal	Required
7. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required

*** A copy of the city's future land use element (map and narrative), part of the city's adopted comprehensive plan, is available for public review inside the map room at City Hall.



Overview



Legend

-  Parcels
-  Roads
- Flood Zone
 -  A
 -  AE
 -  Attopulcus
 -  Bainbridge
 -  Brinson
 -  Climax

Parcel ID	B0800012J00	Owner	KNIGHT THOMAS J & MARY CHARLENE	Last 2 Sales			
Class Code	Residential		190 RIVERVIEW DR	Date	Price	Reason	Qual
Taxing District	Bainbridge		BAINBRIDGE, GA 39817	1/2/2008	\$26500	LM	Q
Acres	3	Physical Address	n/a	2/24/2006	\$5000	UV	U
		Assessed Value	Value \$12000				

(Note: Not to be used on legal documents)

This layer is maintained by the City of Bainbridge, for questions or comments reach out to:

Steve O'Neil Community & Economic Development Director

O: 229-400-9303 C: 229-220-9975

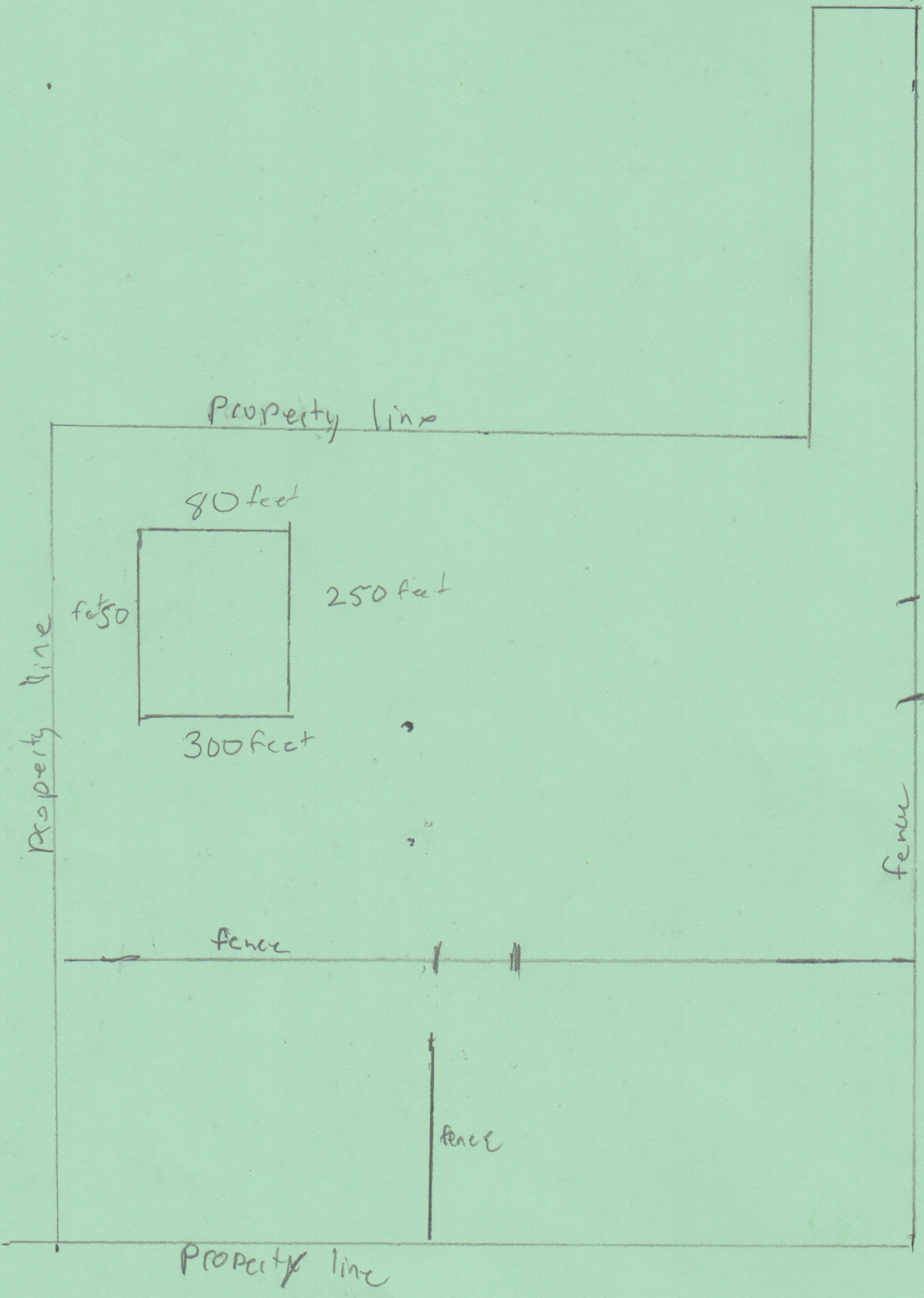
101 S Broad St/P O Box 158 Bainbridge, GA 39818 www.bainbridgecity.com

Date created: 2/8/2023

Last Data Uploaded: 2/7/2023 7:11:36 PM

Developed by  Schneider GEOSPATIAL

Property line



Property line

80 feet

50 feet

250 feet

300 feet

Property line

fence

fence

fence

Property line

Staff Analysis

DATE: March 3, 2023

TO: Bainbridge-Decatur County Planning Commission, Mayor and City Council

FROM: Steve O'Neil, Community & Economic Development Director

SUBJECT: CU-2023-002

ITEM: CU-2023-002: Applicants Lewis and Celeste Peterson are requesting a conditional use for the keeping of livestock (horses) on parcel B0800012J00. The property is 3 acres and is zoned Urban Residential 6 (SR-3). The applicants are also asking for variances for acreage required for the keeping of livestock and setback variances for building accessory to the proposed use.

Conditional use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body within that particular zoning district as provided in certain instances by this zoning ordinance. An approved conditional use runs with the property.-City of Bainbridge, GA, Zoning Ordinance.

CURRENT ZONING: (SR-3) Suburban Residential-3



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Section 6.5.1. Purpose and Intent.

SR-3 districts are intended to establish low-density suburban residential neighborhoods comprised exclusively of detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

FUTURE LAND USE DESIGNATION: Residential (Suburban)

Analysis

This case started in January of 2023 when I was in the Jonas Lobe cemetery and noticed a pole barn being constructed that I did not issue a permit for. A stop work order was placed on the property until the owner spoke with the building department. After speaking with the owner, it came to light that they were putting four horses on the property along with the pole barn. I explained to the owner that their only option to get what they want is to apply for a conditional use and multiple variances.

The Keeping of Livestock is a conditional use in the SR-3 district. The following section is from the Zoning Ordinance regarding the keeping of livestock.

Section 8.3.6. Keeping of Livestock.

Livestock may be kept, raised or bred provided that the property containing the livestock is a minimum of five (5) acres. Livestock may be kept at a maximum density of two (2) such animals per acre of open pasture land. All such livestock shall be contained adequately by suitable fencing within the specific property, and any animal quarters shall be setback at least 100 feet from any property line. Due to the potential negative impacts on surrounding residential areas, the commercial keeping or raising of fowl, or the operation of a feed lot, is expressly prohibited.

The applicants can meet the density requirements of two horses per acre of pastureland. The parcel is a flag lot that includes a 30-35ft wide by 415 ft flag pole that is inadequate for grazing horses and cannot be considered for the purposes of useable land for horses. The "Flag area" of the flag lot comprises approximately 2+ acres and four horses are proposed to reside on this area of the property. The ordinance requires five acres of land for the keeping of livestock. The applicant has three total acres with two of those acres being useable for livestock. This is why the applicant is requesting a variance for the amount of acreage required for the keeping of livestock.

As I mentioned the pole barn was already under construction before being stopped. The applicants are requesting setback variances from the west (Jonas Lobe Cemetery 50ft away) and to the north (Don

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Belcher 80 feet away). The required setbacks from property lines for animal quarters are 100 feet in all directions.

Section 15.2.7. Criteria for Approval of Variances.

The Planning Commission may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon a finding by the Planning Commission that the following exists:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this zoning ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Provided that the Planning Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood. Wherever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Planning Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

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Recommendation

Planning Staff do not make recommendations on variances. The City of Bainbridge does not have an issue with the setbacks for the proposed building as it relates to the property line with Jonas Lobe Cemetery.

As far as the conditional use, staff feel that the application is “approvable”, however staff does highly recommend placing a condition on the approval stating that the number of horses cannot exceed four horses at any time.

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8.1.2. Fences and Walls

Fences and walls are intended to promote privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.

1) *Building permit required.*

(a) All fences shall require a permit prior to installation or erection. It shall be unlawful for any person to erect, alter or locate a fence within the city without first having made application for and having been issued a permit. A building permit is required for fence replacement or any repair of existing fences exceeding fifty percent (50%) of more of the linear frontage. Repair of existing fencing shall be required to be the same material as currently exists. An application for a fence permit shall include a full site plan showing:

- i. All structures on the site;
- ii. All easements, rights-of-way and dedications;
- iii. Location of the fence in relationship to the property boundary lines and all building and structures on the lot;
- iv. Height and material of the fence;
- v. Scaled drawing of a fence section, if the fence must comply with openness requirements;
- vi. Any other information requested by the city manager or designee which is necessary to make a compliance determination.

2) *In general.*

- (a) Other than for retaining walls deemed necessary by the city engineer, all height, location and design restrictions are addressed pursuant to this Zoning Ordinance.
- (b) No fence or wall shall be erected, altered, or located in any way that violates the sight visibility triangle. (See definition and illustration in Chapter 5.1 of this ordinance.)
- (c) Fences and walls are not permitted in the conservation easement.
- (d) Fences and walls may be permitted in the drainage easement provided approval is granted by the engineering and utilities division of the city.
- (e) No fence or wall shall encroach on any right-of-way line.

3) *Permitted fence and wall maximum heights.*

<i>Fence Type</i>	<i>Front Yard (in feet)</i>	<i>Side Yard (in feet)</i>	<i>Rear Yard (in feet)</i>
Solid (wood, PVC, masonry)	4	6	6
Open* (picket, wrought iron style, chain link)	6	6	6
Chainlink	Not permitted	6, not to extend beyond front façade of principal structure)	6

*Open style fencing must be a minimum of fifty percent (50%) opacity.

4) *Chainlink fences.*

- (a) Chainlink fences are permitted in the Heavy Industrial (HI) and Light Industrial (LI) zoning districts, recreational facilities, vacant and undeveloped lots, public utilities/facilities, and telecommunications tower sites, and shall be no higher than ten feet (10'). Chainlink is prohibited in the front and side corner yards.
- (b) Chainlink fencing shall be prohibited within all commercial zoning districts (CBD, NB, O-P, HC).
- (c) Chainlink fencing is prohibited in the front yards in single-family zoning districts. Chainlink fencing is allowed in the side yard, not extending beyond the front façade of the principal structure and the rear yard.

5) *Commercial/multifamily fence and wall height exceptions*

- (a) Masonry walls may be located no closer than seven feet (7') to the property line at the side corner setback. The area between the wall and the property line shall be adequately landscaped.
- (b) Within the Industrial Zoning Districts, masonry walls or precast walls with columns are permitted to be six feet (6') in height within the front yard setback to allow site screening.
- (c) Where a masonry wall is required for non-residential uses abutting single-family uses, the Zoning Administrator may allow a maximum wall height of eight feet (8') to promote privacy and reduce noise, glare, and visual impacts of the non-residential use.

6) *Temporary construction fencing.* Temporary security fencing, not to exceed six feet (6') in height, is permitted for nonresidential construction sites. Such fencing may be chainlink and shall be approved in conjunction with the building permits for the subject property. All construction fencing shall be removed prior to the certificate of completion/occupancy for the project.

7) *Wall columns.*

- (a) Wall columns shall have a maximum spacing of thirty feet (30') on walls less than two hundred feet (200') in length and forty feet (40') on walls more than two hundred feet (200') in length.

(b) Wall columns may extend up to twelve inches (12") above the height of the wall or eighteen inches (18") above the height of a wall framing a sign.

(c) Light fixtures may extend up to forty-two inches (42") above the height of the wall.

8) *Orientation.* All fencing and walls shall be erected with the finished side facing the adjacent lot. The face of any fence or wall visible to the public shall also be finished.

9) *Materials.*

(a) All walls, including retaining walls, shall have a finished surface such as stucco or brick, similar to the principal building.

(b) Broken glass, steel spikes and other sharp objects intended to restrict access shall not be permitted along the top edge of a fence or wall, except that barbed wire and wrought iron shall be permitted.

(c) Fences or walls topped with barbed wire shall be permitted only in the industrial zoning districts or in conjunction with an industrial or warehouse use in the highway commercial zoning district. The barbed wire shall be angled in toward the site. V-shaped barbed wire can be used for public utility buildings.

(d) Wall construction, including, but not limited to, precast walls, in close proximity to existing trees must not result in damage to the root system as determined by a certified arborists.

10) *Entrance gates.*

(a) Access shall have an unobstructed width of not less than twenty feet (20') and an unobstructed vertical clearance of thirteen feet, six inches (13'6"). Minimum width may be reduced to meet special access with the approval of the fire official.

(b) Entrance gates for all uses shall not exceed a height of ten feet (10') except when approved by the city, based on drawings which demonstrate that additional height is required to achieve specific design objectives.

11) *Entrance walls.*

(a) Entrance walls shall be permitted as a landscaped feature of any development, including subdivisions, planned office parks, mobile home communities or apartment complexes. Such walls shall not exceed a height of six feet (6').

- (b) Entrance walls and landscaping shall be located within a ten-foot (10') wide easement or common area. Maintenance responsibility by the HOA is to be clearly established in the HOA documents.

12) *Buffer walls required.*

- (a) In order to promote privacy and reduce noise, glare, and visual impacts when nonresidential uses abut residential uses, a minimum six-foot (6') high wall with decorative columns shall be constructed along the property line of any side or rear yard buffer under the following conditions:

Type of Use	Abutting UR-6, UR-9, SR-3, RR-1, PUD or Existing Conforming Single-Family Dwelling in Any District		Abutting UR-12 or Existing Conforming Multifamily Use in Any District.
	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Rear Yard</i>
Commercial	Zoning Administrator	Masonry	Masonry
Public/Institutional	Zoning Administrator	Zoning Administrator	Zoning Administrator
Multifamily	Zoning Administrator	Zoning Administrator	Zoning Administrator
Industrial	Masonry	Masonry	Masonry

- (b) For the purpose of meeting these requirements, the rear yard wall requirement shall be applied to the rear yard of the impacting development and to any other yard that abuts the rear yard of the site being impacted.
- (c) Where noted as Zoning Administrator, the requirement for a wall may be waived by the Zoning Administrator or a wooden fence may be allowed in lieu of a wall where there are large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways or sharp changes in elevation which would make construction of walls difficult and not necessary for the reduction of noise or increased privacy. In all other situations, wall requirements may be waived through the special exception process based on the same findings as noted in this subsection.
- (d) The height of a required buffer wall shall be at least six feet (6') in height. The Zoning Administrator may allow a maximum wall height of eight feet (8') to promote privacy and reduce noise, glare, and visual impacts of the non-residential use.

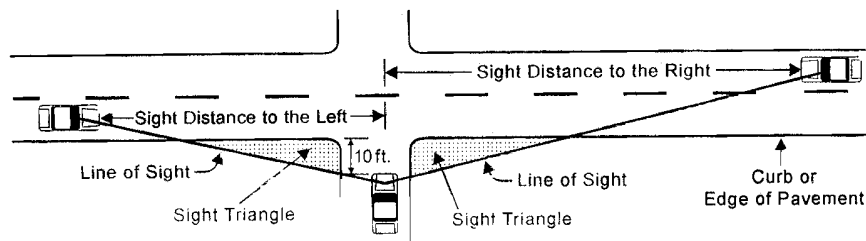
13) *Double frontage walls.* Privacy walls shall be constructed in conjunction with subdivision plats along the rear of double frontage lots. Based on anticipated traffic volumes and type of traffic, a combination of plant materials, wrought iron features, and/or brick and masonry walls may be used, subject to approval by the Zoning Administrator.

14) *Maintenance.*

- (a) All fences and walls shall be maintained in good repair and free of any graffiti.
- (b) All fences and walls shall be maintained in their original upright condition.
- (c) Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.

15) *Sight visibility triangle.*

- (a) A triangular area of clear visibility shall serve as the minimum standard for the clear sight triangle in order to provide a clear view from private access drives (such as from a residence, an apartment complex, shopping center, etc.). The city engineer reserves the right to adjust the legs of a particular sight triangle to ensure the safety of the general public.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 5-13, p. 5-31.

- (b) For all other intersecting rights-of-way and connections to public roadways, sight distance requirements shall adhere to GDOT Regulations for Driveway & Encroachment Control Manual. Deviations from this standard may be made on a case-by-case basis, as approved by the city engineer.
- (c) No structures, fencing, berms or shrubs taller than thirty (30") and no trees with branches lower than ten feet (12') above grade shall be permitted in the area and is to remain free and clear of obstructions. This prohibition is also applicable to the location of vehicle parking spaces and signs. Generally, to avoid obstructing the sight triangle, signs and other possible obstructions should be placed a minimum of twenty five feet (25') away from the front edge of curb.