VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
***Staff Report* - MEETING DATE: May 1, 2018**

AAD-2018-01
Coleman Brice
5310 Tucker Road, Valdosta, Georgia

This is a request for an Appeal to an Administrative Action as it pertains to Home Occupations. The subject property consists of 12.54 acres and is located at 5310 Tucker Road, in an E-A (Estate Agriculture) zoning district.

Chapter 10.04.01 (A) contained in the ULDC provides that "*appeals to the ZBA may be filed by any person aggrieved by any written interpretation, of the County Manager, TRC, or designated administrative official, based on or made in the enforcement of the ULDC. A person shall be considered aggrieved if:*

1. *Said person or said person's property was the subject of the action appealed from; or*
2. *Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.*"

In this case, the applicant has appealed to the ZBA on an action/decision made by the Lowndes County Zoning Office. The decision was to approve a Lowndes County Occupation Tax Registration for the business establishment, Milo Septic Tanks and Portable Toilets, to operate as a Home Occupation on property located at 5310 Tucker Road, Valdosta, Georgia. The Lowndes County Zoning office approved the business application in December, 2017, then forwarded the application other departmental staff for their review and approval. Subsequently, a Lowndes County Occupation Tax Registration was issued.

As defined in the ULDC, home occupations are "*any business or profession customarily conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.*" Section 5.01.01 (A) provides that "a home occupation is permissible in a lawfully established dwelling unit in any zoning district where residential uses are permissible." Also within the aforementioned section, the ULDC lists several different types of Home Occupation, and allows for an interpretation to be made for those unlisted Home Occupations that are similar in tasks and activities. As follows:

5.01.00 HOME OCCUPATIONS

5.01.01 Generally

A. A home occupation is permissible in a lawfully established dwelling unit in any zoning district where residential uses are permissible. All home occupations shall meet the standards set forth in Section 5.01.02. Home occupations in the E-A and R-A zoning districts shall meet the additional standards in Section 5.01.03.

B. The following and similar uses shall be considered home occupations:

1. Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;
2. Instruction or teaching, such as, but not limited to, academic tutoring, performing arts, or fine arts, provided that no more than two (2) students are instructed at any one (1) time;
3. Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services;
4. Personal services, such as beauty or barber shop, nail technician, dress-making or tailoring, provided that the service is limited to one (1) station;
5. Pet grooming;
6. Day care for six (6) or fewer children;
7. Licensed medical practitioner (excluding veterinarians);
8. Manufacturers' representative;
9. Cottage industries, such as cooking, creation of intellectual property, light assembly of small equipment; and
10. Studios for artists, photographers, or artisans.