

Exhibit 8

Ruchi Agarwal

From: Ben Song
Sent: Friday, August 23, 2024 5:25 PM
To: Akili Bivins
Cc: Ruchi Agarwal
Subject: Final Decision Correspondence - McK and Jack Home Occupation

Mr. Bivins:

Thank you for your patience while awaiting the final decision regarding the location of your business at your home located at 220 Poplar View Court.

All requests for new businesses in the City are given careful consideration and reviewed with diligence to ensure that the proposed business conforms to the City's Zoning Ordinance and applicable zoning conditions. I am grateful for your cooperation and willingness to provide all requested information and meeting with us to speak more in-depth of your overall business model.

As I had shared in our meeting from Monday (8/19), the primary concern related to the business is not associated with the publishing of kid's books or recording of social media content at your home, but that of the need to establish a "base of operation" for your mobile food unit (lemonade trailer). Reviewing the Georgia Department of Public Health's (DPH) rules related to food service, the need for a "base of operation" would not be required if it was not for the mobile food unit component, and although DPH regulates for the food service, the City of Johns Creek regulates zoning – governing how real property can and cannot be used based on zoning districts.

The subject property at 220 Poplar View Court is currently zoned R-4, which is a single-family residential zoning district. This means that the primary use of the property is limited to residential use. And because the property is limited to residential use, the City has a provision in the Zoning Ordinance that could allow certain commercial uses as an accessory use of a dwelling, also referred to as a "Home Occupation," with specific limitations (Section 4.12 – Home Occupation). Related to your proposed business, there are two issues that arise related to the Home Occupation limitation as follows:

- 1) For home occupations, it states that there be no signs identifying the home occupation, **nor shall there be any storage, display or activity associated with the home occupation visible outside the structure.**
 - The issue here is the storage or the mobile food unit on the property, which is not permitted (Section 4.12.C.), as it is associated with the proposed business.
- 2) Also, the section of the code also states that said uses are excluded: auto repair, maintenance or similar operations, auto sales, restaurants, keeping of animals, funeral homes, retail or wholesale shops, motel type establishments, taxi services, **or any other occupation found incompatible with the intent of this ordinance** (Section 4.12.D.).
 - The need for a "base of operation" comes from the requirement of DPH for you to operate a mobile food unit, and in the past, the City has not allowed for similar businesses such as catering to be operated as a home occupation, as it brings a more intensive commercial element to a residential neighborhood. With a commercial kitchen setup as you have

proposed, it can allow for a business such as yours to be scaled up for production, which would be found to be incompatible with the intent of the Zoning Ordinance, where again the primary use of the property is associated with a residential use. The prominent commercial nature of a mobile food unit cannot be overlooked as a key aspect of your business and the primary reason for a need to establish a “base of operation.”

Based on the factors outlined above, your proposed business does not qualify as a home occupation, and a commercial business cannot be operated out of your home as an accessory use. An alternative would be for you to consider finding a commercially zoned property for business operation.

If you would like to appeal this decision, you are welcome to apply for a “Secondary Variance” wherein the Board of Zoning Appeals would consider your appeal of my decision. If you would like to move forward with an appeal, you must follow the variance application process by filing the appeal with the city. You can contact Ruchi Agarwal, Planning & Zoning Manager, copied to this email, to receive direction and guidance to start the process.

Respectfully,
Ben Song

Ben Song

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