



Hall County Government

PLANNING & DEVELOPMENT

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To: Richard Higgins, Chairman
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Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 8, 2023

Subject: **6541 Henry Smith Road | Appeal a Planning Commission Approval |** for a Use Subject to Planning Commission approval on a 5.65± acre tract to allow a rural business | **Gary Copeland, applicant.**

The request before you is the application of Gary Copeland to appeal a 12-05-2022 Planning Commission decision to approve the appeal of a staff decision to allow a rural business. **The applicant is appealing the Planning Commission decision to the Board of Commissioners.** This item is located within Commission District 3.

This item was tabled to the February 23, 2023 Board of Commissioners meeting after the public hearing during the January 12, 2023 voting meeting. The Commissioners instructed staff to determine whether any similar businesses have been approved as rural businesses.

Research has revealed that the rural businesses approved have predominantly been for auto repair, parts sales, repair and welding. Staff found a taxidermist approved as a rural business but no CNC shops. Since the January 12th meeting Mr. Crawford has provided copies of staff reports that he contends are similar and that did not require a commercial occupancy by Building Inspections and the Fire Marshal. Of those presented, most were either denied or were not for a rural business, but a home occupation and the staff report was for another matter at the address.

1. 5473 and 5453 Will Wheeler Rd-
 - a. The applicants first applied for a conditional use for a commercial kennel in 2020 and were denied.
 - b. The applicants then applied to rezone to PRD in 2021 to allow a pit-bull rescue, the application was denied by the Planning Commission.
 - c. 10-14-2021 The BOC accepted the withdrawal of the application and refunded the applicants' money.
2. 5412 Green Circle-
 - a. This was approved as a septic installation rural business and issued a Residential Occupancy for an office only. There is a violation letter from Srikanth in the folder from 2015 stating that he was performing septic

pumping and portable toilet rental/storage. I see no other applications or approvals from the Planning Commission to expand this business. I have requested information from Business License and Building Inspections on this one, and will check with Srikanth to see if he knows whether it was ever approved for the more intense use.

b. Even if he was approved to have the additional trucks and the portable toilet storage, having an office in the home with no employees or customers would not require a commercial occupancy nor the additional fire safety.

c. Mr. Crawford's business will be located approximately 300FT from his home in a metal structure.

3. 7463 Old Cornelia Hwy –

a. Rezoned to AR-IV in 2020 to allow a residential addition

b. Obtained a Home Occupation zoning verification and occupancy in 2022 for Railroad Service business.

c. This is for office use only within the existing residence and would not be considered a commercial occupancy.

i. This is an inherent use and did not require Planning Commission action.

4. 4435 Ridge Rd

a. 2017 minor subdivision to create a 50.16-acre tract and 27.43-acre tract.

b. 2019 rezone for 132 lot subdivision and shopping center.

Definitions and standards for the various zoning classifications for businesses not located in a commercial district are found with these links:

1. [Home Occupation - standards](#)
2. [Home Office](#)- standards are within the definition.
3. [Residential Business- standards](#)
4. [Rural Business- standards](#)

At their December 5, 2022 meeting, the Hall County Planning Commission voted to approve an appeal to an administrative decision which determined that the proposed machine shop did not meet the definition of a Rural Business per [sections 17.20.960](#) and [17.350.140](#). The Planning Commission approved the Tyler Crawford's appeal to allow a machine shop as a rural business with eleven (11) conditions. **(4-1, Braswell opposed)**.

There were no written comments submitted in advance of the Planning Commission meeting and **three (3) individuals spoke in favor and four (4) individuals spoke in opposition** during the public hearing. Mr. Copeland, the appellant, was one.

Mr. Crawford has made no changes to his proposal since the Planning Commission meeting.

Planning Commission Approval Conditions:

1. The interior shop area is limited to no more than 1,000 sq. ft. and a divider wall shall be installed between the 1,000 sq. ft. and the remaining 4,000 sq. ft. of the building, per Hall County Code requirements. No storage of materials, finished products and no

signage for the business can be outside the 5,000 sq. ft. building (unless required by Code, e.g., ADA Handicap Parking Sign). All aspects related to the operation of the business must be contained within 1,000 sq. ft. of the interior of the building.

2. The applicant shall comply with requirements from the Hall County Fire Marshal.
3. All materials for set business must be stored inside, no materials shall be allowed to be stored outside.
4. The applicant must have the 1,000 sq. ft. shop area permitted and inspected by Hall County Building Inspection to assure that applicable codes are met.
5. Only one (1) employee other than family members residing on the premises shall be permitted.
6. No signage shall be allowed on the property.
7. No more than two (2) parking spaces shall be allowed on the site.
8. The only entrance to the building shall be from Henry Smith Road and no traffic is allowed from the business onto Edwards Road.
9. No clients shall be allowed to pick up manufactured merchandise, only shipped.
10. This conditional use is approved for two (2) years only, starting from the day a final certificate of occupancy from Hall County is received. In two years the applicant shall come back to Hall County and apply for an additional conditional use to assure zoning compliance.
11. The site shall adhere to all Hall County Engineering and stormwater management requirements.