

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... John S. Hemphill

**Request** ..... Variance from the non-residential property development standard ([17.420.050](#)) of the Gateway Corridors Overlay District (GCOD, [17.420](#))

**Proposed Use** ..... self-storage facility

**Size** ..... 7.0± acres

**Zoning** ..... Current Office Institutional (O-I, [17.130](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) | Proposed Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

**Location** ..... **4916 Cleveland Highway** | Tax Parcel 12029 000011B

**Commission District** ..... Three

**Planning Commission Date** ..... March 6, 2023

**Staff Recommendation** ..... **Denial as the requested variance requests do not to meet the requirements of [2.60.030.K](#).**

**Planning Commission Recommendation**..... **Denial**  
**Vote: 4-1 (Hunt opposed)**

---

**There is a concurrent rezoning request on this agenda. The Planning Commission can hear the rezoning and variance items simultaneously but must vote on them separately.**

**The following report is being written under the assumption the rezoning is approved. Should the Planning Commission deny the rezoning request, the variance request is automatically denied since self-storage facilities are not allowed in the Office Institutional (O-I, [17.130](#)) zoning district.**

**Public Forum:**

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

**William Piper, 5594 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

**Joe Piper, 2117 Brittany Court, Gainesville,** spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

**Ben Filchak, 5588 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

**David Hocker, 5596 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were fencing and appearance.

**Barry Barnes, 5690 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were traffic safety.

**Chris Gibbs, 4695 Jess Holton, Gainesville,** spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

### **Summary Analysis**

The applicant is requesting to rezone a 7.00± acre parcel currently zoned Office Institutional (O-I, [17.130](#)) for the purpose of developing a self-storage facility with boat & RV parking. The property lies within the Gateway Corridors Overlay District, (GCOD, [17.420](#)), which provide design standards for non-residential property development. The applicant has requested to vary several of those requirements.

Per the applicant's submitted materials, the self-storage facility will include a mixture of conditioned and non-conditioned self-storage units. The applicant's narrative states the number of units is expected to be between 500 and 550, with a maximum square footage of 77,050 square feet. This is split among six (6) proposed buildings. The unit make up will include a range of dimensions including: 5'x5', 5'x10', 10'x10', 10'x15', 10'x20', 10'x25', and 10'x30'. The final mix of units will depend on site topography and market demand.

In addition to the self-storage units there are 10 proposed boat & RV parking spaces. 4 spaces in front will be adjacent to Cleveland Highway and the south property line, and are proposed to be 25 feet in depth. The remaining spaces will accommodate a total length of 35 feet. No washing station for the boats & RVs is proposed.

The applicant's narrative and site plan propose a 25 foot buffer along the north and east property lines. The southern property line has a 25 foot buffer where the property is adjacent to property zoned for single-family residential uses. Where the southern boundary is adjacent to property owned by the City of Gainesville, the applicant has requested to reduce the width of the buffer from 25 feet to 10 feet. The applicant has stated this is due to the site topography in this area and to accommodate the boat and RV parking at the front of the property.

The applicant has requested three (3) variances as part of the application. Additionally, staff has identified the need for several additional variances from the non-residential property development standard ([17.420.050](#)) of the Gateway Corridors Overlay District (GCOD, [17.420](#)) during the review of this request.

- In addition to the above mentioned variance to buffer requirements, the applicant is requesting two other variances. Specifically, the applicant is requesting that the reduction of the 25 foot buffer to 10 feet be approved without the requirement of a 6 foot wall, as required in the non-residential property development standard of the Gateway Corridors Overlay District (GCOD, [17.420.050](#)). Additionally, the applicant is requesting to utilize a black vinyl chain-link fence outside of the GCOD boundaries (300 feet from centerline of the road).
- Staff has further identified that relief will be needed from the architectural requirements of the GCOD ([17.420.050.H.2.c](#)), which requires the use of a common pallet of building materials on all four sides of the structure. The applicant is proposing brick endcaps or brick walls along certain portions of the development which will be visible from Cleveland Highway. A site plan has been submitted with the portions of the structure intended to have brick highlighted in yellow. The applicant also details these changes on page 10 of the narrative.
- Additionally, the applicant's narrative states that the intent is to utilize gravel for the parking and drive areas until development of all buildings is complete, at which point the property will be paved. This deviates from the non-residential property development standard of the Gateway Corridors Overlay District (GCOD, [17.420.050](#)), which requires in [17.420.050.E.3](#) that all parking areas shall be paved with asphalt, concrete, or pervious materials approved by the director.

Within the Gateway Corridors Overlay District (GCOD, [17.420](#)), self-storage facilities require conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

**Based on the future land-use plan, staff finds the *requested zoning designation* is consistent with the mixed-use corridor of the [Comprehensive Plan](#), which anticipates primary future land uses to be retail activities or office based employment. The proposed use of a self-storage facility is consistent with the overall growth occurring in the northern part of the county.**

### **Zoning Analysis**

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, there do not appear to be extraordinary or exception conditions pertaining to the particular lot in question due to its size, shape or topography that would necessitate a need for a variance from non-residential property development standard ([17.420.050](#)) of the Gateway Corridors Overlay District (GCOD, [17.420](#)).** The applicant states that the site has some changing topography, but the intent is to leave approximately 50% of the site undisturbed.
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The subject property can be developed in accordance with the**

**permitted uses within the Office Institutional (O-I, [17.130](#)) . The application of [Title 17](#) to this particular piece of property would not create an unusual hardship.**

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The applicant has presented no peculiar conditions to the subject property that would necessitate the variances when compared to adjacent parcels.**
4. Such conditions are not the result of any actions of the property owner; **The applicant has not presented any unusual conditions or circumstances that warrant the deviation from the standards; therefore, it is assumed that none exist.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **If granted, would lead to inconsistent application of the non-residential property development standard ([17.420.050.F.4.a](#)) of the Gateway Corridors Overlay District (GCOD, [17.420](#)) along the primary thoroughfares in Hall County.**

#### **Development Support and Constraints / Departmental Comments**

##### **Hall County Environmental Health**

In an email dated February 13, 2023, Emily McGahee states “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

##### **Hall County Fire Marshal**

An email dated February 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

- 1) IFC Section 903, storage buildings exceeding 12,000 SF will be required to have a fire protection system installed.
- 2) IFC Section 507, all buildings must be within the 400’ hose lay distance requirement from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the fire access route to meet the hose lay distance requirements.
- 3) All access controlled gates will require a Knox key switch override device for fire department access into gated development.
- 4) IFC Section 503, dead end fire apparatus access roads in excess of 150’ shall be provided with an approved turn around.

##### **Hall County Public Works and Utilities**

In a memo dated February 14, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

**Engineering:**

The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

**Traffic:**

GDOT permit will be required for driveway connection to Cleveland Highway.

**Utilities**

No sewer service overflow in the area, septic system will need to be designed and permitted.

**Georgia Department of Transportation**

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

➤ **Excerpts from the minutes of the March 6, 2023 meeting**

**Applicant's Presentation:**

**Randi Doveton, Planning Director**, presented a summary of the request.

**John Hemphill, 3382 Smallwood Lane, Gainesville**, presented the request. The applicant stated his variance requests: 1. Request to have black chain link fence outside of Corridor distance (beyond 300 ft from centerline). 6 ft chain link fence with barbed wire at the top is a more secure and economical option. Visibility of chain link fence from Cleveland Hwy will be almost non-existent. 2. Buffer Variance request along South boarder adjoining the property owned by the City of Gainesville. Request buffer be reduced from 25 feet to 10 feet. Steep topography of property makes the need for this request. 3. With reduced buffer to 10 ft, request exemption to install a finished 6ft wall. The City of Gainesville owns the property and will most likely build a government facility on the site. Currently site is being used to dump concrete pillars disposed from other sites. Very unlikely that anyone would want to build a primary residence on Cleveland Hwy with high level of traffic on highway. 4. Building in a two-phase approach, using gravel before laying asphalt, with an expectancy of completion in 3 to 5 years.

**Darrell Vaughn, 196 Simonton Road, Lawrenceville**, presented the request. The applicant pointed out that the GA Power easement encroaches onto the property so the buffer stays parallel to the property line and not along the easement.

*Rebuttal*

The applicant stated that he was asking for a rear variance so it wouldn't reduce the number of storage spaces. The applicant stated that he will work with GDOT and would grow trees to obstruct the view for the neighboring residents into the property. Mr. Hunt questioned how they would work with the fire marshals to provide a fire turn around since space was limited with the proposed buildings.

**Public Forum:**

**Rita Ledlow, 5565 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

**William Piper, 5594 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

**Joe Piper, 2117 Brittany Court, Gainesville,** spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

**Ben Filchak, 5588 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

**David Hocker, 5596 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were fencing and appearance.

**Barry Barnes, 5690 Riverwalk Court, Gainesville,** spoke in opposition. Concerns were traffic safety.

**Chris Gibbs, 4695 Jess Holton, Gainesville,** spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

**Planning Commission Comments:**

Ms. Pilcher pointed out that it would be difficult to preserve the mature trees on the property to provide a buffer. Mr. Hunt questioned what buildings would be built in phase 1. Mr. Hemphill stated that buildings 1, 2, and 3 along with grading for streets. Mr. Braswell stated that the site plan needed work and that developing in phases could take a very long time. He also mentioned that the buffers requested would encroach into neighboring properties and building 1 itself is in direct conflict with the intent of Gateway Standards. Mr. Hunt stated that his concern was the turning radius in between buildings, especially for fire trucks. Mr. Hemphill questioned if the doors should not be facing the highway. Mr. Braswell stated he thinks they should be parallel to the road. Mr. Braswell questioned if the applicant has tried reaching out to the neighbors. Mr. Hemphill stated that he would have but the community is gated. Mr. Hunt stated that he would be open to tabling the application to allow the applicant a chance to provide a better site plan addressing concerns but he would also be in support of denial if the board so chose.

**Motion: A motion for denial was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-1 (Hunt Opposed)**