

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Ali Sadegh

**Request** ..... Conditional Use to County Commission approval

**Proposed Use** ..... used automobile/boat sales and repair

**Size** ..... 1.04± acres

**Zoning** ..... Highway Business (H-B, [17.150](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#))

**Location** ..... **5303 Browns Bridge Road** | Tax Parcels 08080 003018

**Commission District** ..... Two

**Planning Commission Date** ..... April 3, 2023

**Staff Recommendation** ..... **Approval, based on the findings that the request is consistent with [Comprehensive Plan](#).**

**Planning Commission Recommendation**..... **Approval, with conditions**  
**Vote: 4-0 (Sosebee absent)**

**Planning Commission Conditions:**

1. The development shall generally occur as depicted on the site plan modified and dated April 3, 2023 and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations. No variances are granted as part of this request except for those listed below:
  - a. Gravel parking shall be permitted where shown on site plan presented by Planning Commission.
  - b. A 10-foot landscape strip shall be required only between the driveway accessing Browns Bridge Road and the intersection of Browns Bridge Road and Whitmire Drive.
  - c. Black or green vinyl-coated chain link fencing shall be permitted around the area designated as “Sales Lot” at the northwest corner of the lot.
2. The end user shall use the site for either automotive sales and repair or boat sales and repair. The property shall not be used as a storage facility, other than automobiles or boats being serviced or for sale.
3. The development shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, [17.420](#)). No variances are granted from these standards, other than those shown on the site plan with the modified date of April 3, 2023.
4. Any outdoor lighting on the premises shall be full cut-off downlight.
5. The vehicle parking areas shall be paved with either asphalt or concrete.

6. A 25-foot undisturbed landscape buffer shall be maintained along the property lines adjacent to residentially zoned property, per the requirements of [17.420.050](#).
  7. Pursuant to Board of Commissioners' action, [17.380.130.E.8](#), the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.
  8. All conditions of zoning shall be made part of any plats created for the property.
  9. The following uses shall be deleted from the Highway-Business permitted uses:
    - a. Bus stations
    - b. Drive-in theaters
    - c. Motels, hotels
    - d. Subdivisions
    - e. Family day care home
    - f. Group day care home
    - g. Construction trailers
    - h. Adult establishments
  10. All Hall County development standards, including stormwater management regulations, shall apply. It is the responsibility of the developer to obtain all required permits and approvals.
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**Public Forum:**

**Joe K. Twigs, 5320 Sherry Drive, Gainesville**, spoke in opposition. Concerns were road visibility coming out of Whitmire Road and safety.

**Summary Analysis**

The applicant is requesting conditional use approval from the Hall County Board of Commissioners for the proposed use of operating either a used automobile and/or boat sales and repair business on the site. The subject property is 1.04± acres in size and is zoned Highway Business (H-B, [17.150](#)). The property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)) which requires conditional use approval ([17.420.050](#)) for both automobile and boat sales lots (new or used) and automobile and boat repair and maintenance.

The applicant has requested approval for both automobile and/or boat sales and repair of both as the intent is to market the property as available for lease of either of these uses. As the end user is unknown, the applicant requests the flexibility for both uses as the development patterns are very similar, with the primary difference being the size of the parking areas for automobiles vs. boats. Because of this, the applicant has provided two site plans, one representing the site layout for automobile sales and repair, and the other for boat sales and repair.

In both cases, the applicant intends to use the existing buildings on the site. The larger building in the front along Browns Bridge Road will be used as a sales office and the building in the rear as a repair garage. Per the submitted narrative, the "Boat Sales and Repair Site Plan" shows a total of five (5) spaces for customer sales parking, parking area for twenty-two (22) boats in the sales area and sixteen (16) in the boat repair area. All

boat repair will be done either inside the existing building designated as “repair shop” on the site plan or within a screened area.

If utilized for automobile sales instead, the “Car Sales and Repair Site Plan” shows a total of five (5) spaces for customer sales parking, parking area for thirty-one (31) cars in the sales area and sixteen (16) in the repair area. All car repair will be done inside the existing repair garage.

Finally, the applicant is proposing the addition of a gravel parking area, which is currently grass, in both plans. As the property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)), a variance will be required to permit the gravel parking. The non-residential property development standard ([17.420.050](#)) of the GCOD requires all parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director.)

Additionally, the applicant is requesting two further variances from the GCOD standards for non-residential property development. Specifically, relief is requested from the required landscape along Browns Bridge Road and to allow an existing chain-link fence, which is currently located around much of the exterior boundary, to remain.

The non-residential property development standard ([17.420.050](#)) of the GCOD requires along each street frontage a ten-foot wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities. The outdoor storage requirements of the same ordinance states that outdoor storage or sales displays shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight-foot high solid fence or wall. A chain-link fence does not meet this standard.

### **Zoning Analysis**

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The property is already zoned Highway Business (H-B, [17.150](#)) and the current request is for a use subject to the approval of the County Commission for automotive and/or boat sales and repair. The property is already developed for non-residential uses. The previous use was a boat dock and repair business, which expanded to include boat repair and storage. Those uses were never granted approval by the Board of Commissioners, resulting in the current request.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for conditional use approval for automobile and/or boat sales and repair. While not previously approved for the site, the use is consistent with the existing land use pattern along Browns Bridge Road.**

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Highway Business (H-B, [17.150](#)), but the proposed business cannot occur without conditional use approval.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **This question is not applicable as the property is already developed for non-residential use.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The Highway Business (H-B, [17.150](#)) zoning classification is already established on the property. The parcel falls within the Lake Supportive Corridor, where boat sales and storage are seen as a use supportive to Lake Lanier.**
6. The extent to which property values are diminished by the existing zoning restrictions; **The applicant would not be able to lease the property for the stated use of automobile and/or boat sales and repair.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **As the Highway Business (H-B, [17.150](#)) zoning classification is already established, this criteria is not applicable.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **[Tax parcel 08080 003018](#) is currently developed with two structures. A 1,880 square foot commercial building constructed in 1966 and a 3,200 square foot repair garage, constructed in 1991.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is a conditional use request and there are no proposed changes to the underlying zoning.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval within**

**the Gateway Corridors Overlay District (GCOD, [17.420](#)), the applicant would have to find a location outside of the overlay district appropriately zoned.**

15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **No, the request could not be handled instead by a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **There are no significant changes proposed to the site. Further, any land disturbance activities on the property shall be required to go through the land development permitting process, and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

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

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

In an email dated March 9, 2023, Emily McGahee states “Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Current septic system permitted under OSC930 is designed for 5 employees, not public restrooms.”

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

An email dated March 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated that the Hall County Fire Marshal’s Office has no comments as proposed.

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

In a memo dated March 20, 2023, from Bill Nash, 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:**

No comment.

##### **Utilities**

No comment.

##### **Georgia Department of Transportation**

In an email dated March 24, 2023 from Parker Niebauer, Traffic Operations Supervisor, confirmed that the project will require GDOT coordination.

➤ **Excerpts from the minutes of the April 3, 2023 meeting**

**Applicant's Presentation:**

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

**Wes Robinson, 200 E. E. Butler Parkway, Gainesville**, presented the request. The applicant stated that the site was previously home to boat storage and they would like to continue the use. The applicant stated that they would like the variances to be allowed to pave where boats are being parked on the grass and an opaque fence at the front of the property would not serve the purpose of the business for sales. The applicant mentioned that surrounding businesses have chain link fences.

**Ali Sadegh, 8369 Rock Bridge Road, Lithonia**, presented the request.

**Public Forum:**

**Joe K. Twigs, 5320 Sherry Drive, Gainesville**, spoke in opposition. Concerns were road visibility coming out of Whitmire Road and safety.

**Planning Commission Comments:**

Mr. Braswell explained that regulations have been modified and that is why there are different uses within the road. Mr. Braswell stated that as long as the existing chain link fence is replaced they can work with the applicant to allow a black or green vinyl coated chain link fence. Mr. Braswell stated that a 10 foot buffer at the front of the property along the intersection of Browns Bridge Road and Whitmire Drive would relieve any concerns about road visibility. Mr. Braswell stated that the trees in the rear provide a clear 25 foot buffer, therefore the vegetation should not be disturbed but there can be gravel along that buffer for boat parking. Mr. Robinson questioned if the 10 foot buffer at the front would need to be planted. Mr. Braswell stated that it is specified in the code but it would have to be plants or flowers that don't encroach onto the view of the road.

***Motion: A motion to approve the Use Subject to County Commission approval, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 4-0 (Sosebee absent)***

***Conditions:***

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