

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

ApplicantAli Sadegh

RequestVariance from Gateway Corridors Overlay District
(GCOD, [17.420](#)) requirements

Proposed Useused automobile/boat sales and repair

Size1.04± acres

ZoningHighway Business (H-B, [17.150](#)) / Gateway
Corridors Overlay District (GCOD, [17.420](#))

Location**5303 Browns Bridge Road** | Tax Parcel 08080
003018

Commission DistrictTwo

Planning Commission DateApril 3, 2023

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

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 to be exempt from the non-residential development requirements for properties within the Gateway Corridors Overlay District (GCOD, [17.420](#)). The proposed use for the site is either automotive sales and repair or boat sales and repair. The subject property is a 1.04± acre parcel currently zoned Highway Business (H-B, [17.150](#)). The proposed uses require conditional use approval for properties within the GCOD. As part of the conditional use application process the applicant has requested variances related to gravel parking, landscaping, and fencing on the property.

Specifically, the applicant is proposing the addition of a gravel parking area, which is currently grass. 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.

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); **The applicant has not presented extraordinary or exceptional conditions pertaining to the subject property related to its size, shape, or topography, that would necessitate the variances when compared to adjacent parcels.**
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 Highway Business (H-B, [17.150](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#)) districts.**
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 proposed the standards for the development of the site, necessitating the variance request.**
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, relief 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 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 variances, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 4-0 (Sosebee absent)

Conditions:

1. *The development shall generally occur as depicted on the site plans 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.*
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5. *The vehicle parking areas shall be paved with either asphalt or concrete.*
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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.*
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 - f. *Group day care home*
 - g. *Construction trailers*

h. Adult establishments

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