

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

ApplicantWestwood Sheds

Request(A) Use Subject to County Commission Approval | for outdoor storage of inventory items within the Gateway Corridors Overlay District (GCOD, [17.420](#)), - **BOC Final Decision**
 (B) Variance | from the non-residential development standards in the Gateway Corridors Overlay District (GCOD, [17.420](#)) – **BOC Final Decision**
 (C) Variance | front yard setback variance from 50 feet to 35 feet and from 50 feet to 15 feet- **PC ONLY**

Proposed Use(A), (B), and (C) Outdoor storage of inventory items within the Gateway Corridors Overlay District (GCOD, [17.420](#))

Size 2.20± acres

ZoningLight Industrial (I-I, [17.160](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#))

Location **1590 & 0 Monroe Drive** | Tax Parcels 00140 000001D and 000001C

Commission DistrictFour

Planning Commission DateJune 19, 2023

Staff Recommendation **(A) Approval with conditions of the request for outdoor storage within the Gateway Corridors Overlay District (GCOD, [17.420](#)) as the proposed use is consistent with the intent of the Mixed Use Corridor future land use classification in the [Comprehensive Plan](#), - **BOC Final Decision****
(B) Denial of the requested variances from the non-residential development standards in the Gateway Corridors Overlay District (GCOD, [17.420](#)) as the applicant has failed to

demonstrate that hardship exists pursuant to the criteria of [2.60.030](#), and - **BOC Final Decision** (C) Denial of the front yard setback variance from 50 feet to 35 feet and from 50 feet to 15 feet as the applicant has failed to demonstrate that hardship exists pursuant to the criteria of [2.60.030](#). - **PC ONLY**

Planning Commission Recommendation.....(A) Approval, with conditions
Vote: 4-0 (Pilcher absent)
(B) Denial
Vote: 4-0 (Pilcher absent)

Planning Commission Conditional Use Conditions:

1. The property shall be approved for the outdoor storage use, subject to all conditions herein and development standards enforced at the time of site plan approval. No variances are approved as part of this request.
2. Development is approved as generally shown on the concept plan and described in the project narrative modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. The applicant shall be required to submit a combination plat for the two parcels, combining the tracts as one overall property. The plat shall be subject to the review and approval of the Hall County Plat Review process prior to recording.
5. Per, Section 17.380.130. – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
6. All conditions of zoning shall be made part of any plats created for the property.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting (A) Use Subject to County Commission Approval for outdoor storage of inventory items within the Gateway Corridors Overlay District (GCOD, [17.420](#)). Concurrent to the rezoning request, the applicant is requesting (B) relief from the non-residential development standards in the Gateway Corridors Overlay District (GCOD, [17.420](#)), and (C) to vary the front yard setback from 50 feet to 35 feet and from 50 feet to 15 feet, as required by the development standards for the Light Industrial (I-I, [17.160](#)) zoning district.

The applicant is proposing to locate an outdoor product business on the subject property. The applicant proposes to use the property as a retail sales location for outdoor products including portable sheds, gazebos, playhouses, and carports. The property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)) which requires conditional use approval for outdoor storage of inventory items, resulting in this request.

The applicant is also requesting relief from the following non-residential development standards in the Gateway Corridors Overlay District (GCOD, [17.420](#)). The GCOD was adopted in 2007 to establish consistent and harmonious design standards for public improvements and private property development within the Overlay District so as to unify the distinctive visual quality of the Gateway Corridors. The code does not include thresholds at which properties must be brought into compliance with the GCOD for properties that were developed prior to the adoption of the GCOD. As such, the applicant is requesting relief from the following non-residential property development standard ([17.420.050](#)):

1. [§17.420.050.D.1. Building perimeter walls.](#) Shrubs shall be planted within ten feet of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 linear feet of building facade except for sides or rear of building used for loading or service areas. Foundation plantings may be clustered to provide visual interest.
 - a. The applicant is requesting relief as the building is existing and no site modifications are proposed.
2. [§17.420.050.D.2.a. Street frontage.](#) Along each street frontage there shall be a ten-foot wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities. The landscape strip shall be planted with shade trees (six feet tall, two inches caliper, dbh, at time of planting, and not less than 35 feet tall at maturity) planted not less than 40 feet on center, and shrubbery forming an intermittent hedge not less than three feet in height designed to provide an adequate screen.
 - a. The applicant is requesting relief from this requirement as the site is paved and no site modifications are proposed.
3. [§17.420.050.D.4.d. Screening of storage and accessory equipment. Outdoor storage.](#) Outdoor storage or sales displays shall be prohibited from front yards except when permitted in the underlying zoning district and further authorized by a conditional use permit pursuant to the procedures of the Hall County Zoning Ordinance. 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. The applicant is proposing to locate the inventory of outdoor products in the area of the property designated as the front yard, adjacent to both Monroe Drive and E E Butler Parkway.
 - b. The applicant is requesting to both locate the inventory in the front yard area and be exempt from screening requirements.
4. [§17.420.050.F.1. Streetlights.](#) a. Streetlights shall be provided on all public street; b. The spacing of street lights shall be staggered, 300 feet on-center, along both sides of the roadway; and c. All street lighting shall be subject to review and approval of the Hall County Public Works Department.
 - a. The applicant is not proposing any site improvements and as such is requesting relief from installing streetlights along the frontages of Monroe Drive and E E Butler Parkway.

Finally, the applicant is proposing to locate the outdoor products in the front yard area of both Monroe Drive and E E Butler Parkway. The applicant’s site plan includes a series of boxes (36 in total) around the exterior of the existing paved area to indicate the location of the inventory items. The Gateway Corridors Overlay District (GCOD, [17.420](#)) does not provide a setback standard for inventory items. Because the inventory items are classified as structures, the setback requirements for the Light Industrial (I-I, [17.160](#)) zoning district shall apply. As such, the applicant is requesting the front yard setback requirement be reduced from 50 feet to 35 feet where adjacent to Monroe Drive and from 50 feet to 15 feet where adjacent to E E Butler Parkway.

Based on the future land-use plan, staff finds the *requested use consistent* with the future land use classification of the Mixed Use Corridor in the [Comprehensive Plan](#). The primary future land uses within this corridor are anticipated to include retail activities, office-based employment, civic uses, single-family Residential.

Zoning Analysis

(A) Use Subject to County Commission Approval | for outdoor storage of inventory items within the Gateway Corridors Overlay District (GCOD, [17.420](#)).

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 and development of adjacent and nearby property; **Yes, the proposed use is suitable in view of the use and development of adjacent and nearby property. Monroe Drive is developed with a number of non-residential uses and contains a mixture of zoning classifications including Hall County Light Industrial (I-I, [17.160](#)), City of Gainesville Light Industrial, and City of Gainesville General Business.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The subject property is Light Industrial (I-I, [17.160](#)) and is developed with a 1,888 square foot office building, constructed in 1979, per Hall County [Property Tax records](#).**
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, or utilities; **No, the proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Yes, the requested zoning designation is consistent with the future land use classification of Mixed Use Corridor in the [Comprehensive Plan](#).**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

- 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; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
- 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; **The site has been developed with a commercial building since at least 1979.**
- 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 subject property is surrounded by City of Gainesville property to the north and west, zoned Light Industrial, and bordered by E E Butler Parkway to the south and Monroe Drive to the east. Across both streets are properties within City of Gainesville jurisdiction.**
- 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; **The proposed use is not out of scale with the needs of the county as a whole. Retail businesses play an important role in a community.**
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There may be other appropriately zoned properties in the county where the proposed use would be permitted without zoning action.**
- 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 alternatively as a variance as the requested use requires conditional use approval in the Gateway Corridors Overlay District (GCOD, [17.420](#)).**
- 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 that should have an ecological or pollution impact.**
- 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 evidence to indicate a mistake was made in the original zoning of the property.**

(B) Variance from the non-residential development standards in the Gateway Corridors Overlay District (GCOD, [17.420](#))

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

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); **There does not appear to be extraordinary or exceptional conditions pertaining to the subject property. Instead, the need for a variance is necessitated by the thresholds that would trigger compliance with the site development standards for non-residential property ([17.420.050](#)).** There are no physical characteristics of the property that would prevent the applicant from bringing the property into compliance with the landscaping requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)).
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The applicant would have to bring the property into compliance with the Gateway Corridors Overlay District (GCOD, [17.420](#)) non-residential property development standards but no unusual hardship would be created.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **No, the conditions are not peculiar to the subject parcel but the result of the proposed use of the property.**
4. Such conditions are not the result of any actions of the property owner; **The applicant is not proposing any significant site modification to the property. The site was developed in 1979, prior to the adoption of the Gateway Corridors Overlay District (GCOD, [17.420](#)) standards.**
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. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#).**

(C) Front yard setback variance from 50 feet to 35 feet and from 50 feet to 15 feet, as required by the development standards for the Light Industrial (I-I, [17.160](#)) district:

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](#).

6. 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); **There does not appear to be extraordinary or**

exceptional conditions pertaining to the subject property. Instead, the need for a variance is necessitated by the proposed location of the applicant's inventory items, which are also classified as structures, and encroach into the front setback on both Monroe Drive and E E Butler Parkway.

7. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The applicant would not be able to locate the inventory as presented, and would instead need to revise the proposed site layout to meet the setback requirements.**
8. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **No, the conditions are not peculiar to the subject parcel but the result of the proposed use of the property.**
9. Such conditions are not the result of any actions of the property owner; **The site development has been proposed by the applicant.**
10. 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. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#).**

[17.380.050](#). - Submission requirements for a rezoning request

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in [17.380.060.C](#).**
 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the

proposed district. **The submitted site plan is an aerial image from the Hall County GIS website, with boxes added to show the proposed location of the inventory items.**

- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will be served by municipal sewer.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **As there are not 100 or more residential dwelling units proposed this question is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated May 26, 2023, Emily McGahee stated “No comment. Public sewer.”

Hall County Fire Marshal

In an email dated June 1, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated May 18, 2023, 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:

Permit from City of Gainesville required for access to Monroe Drive.

Utilities

No Hall County sewer.

Georgia Department of Transportation

In an email dated May 25, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor provided the following comment: “GDOT Coordination required; however, no further action may be required as applicant does not appear to be seeking access to the state route nor doing any work within GDOT R/W. Note: have not confirmed, but frontage along SR 11 is expected to be limited access and if so, no access could be granted along SR 11.”

- **Excerpts from the minutes of the June 19, 2023 meeting**

Applicant’s Presentation:

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

Mike Toder, 1590 Monroe Drive, Gainesville, presented the request. The applicant stated there are not many places in the community that offer their product. The applicant addressed that the variances for outdoor storage will provided them with a retail display to make their sheds attractive and draw customers in.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that Gateway Corridor is established to avoid variances like this. Mr. Varner questioned if the applicants have assessed the community. The applicant stated they have done research for the community and the demographic fits their client profile. Mr. Varner addressed that Gateway prohibits the display of retail goods in parking areas.

Motion: A motion to approve, with conditions was made by Mr. Varner and seconded by Mr. Hunt. Vote: 4-0 (Pilcher absent)

Conditions:

1. The property shall be approved for the outdoor storage use, subject to all conditions herein and development standards enforced at the time of site plan approval. No variances are approved as part of this request.
2. Development is approved as generally shown on the concept plan and described in the project narrative modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. The applicant shall be required to submit a combination plat for the two parcels, combining the tracts as one overall property. The plat shall be subject to the review and approval of the Hall County Plat Review process prior to recording.
5. Per, Section 17.380.130. – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
6. All conditions of zoning shall be made part of any plats created for the property.