

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Randy Matheny

Request Use Subject to County Commission Approval |
Reestablish a non-conforming use

Proposed Use Automotive repair and maintenance

Size 0.22± acres

Zoning Residential-II (R-II, 17.80)

Location 402 McConnell Drive | Tax Parcel 00133 010011

Commission District Four

Planning Commission Date May 6, 2024

Staff Recommendation **Approval, with conditions**

Record Number HZCU24-0013

Planning Commission Recommendation Approval, with conditions
Vote: 5-0

Planning Commission Conditions:

1. No new development is approved in this applicant’s request; however, in the future all new development shall be compliant with development standards as applicable at the time of plan approval.
2. All maintenance and repair of vehicles shall be conducted indoors.
3. No unregistered or junk vehicles shall be permitted to be stored onsite.
4. Any business sign shall be in conformance with the current Hall County sign standards.
5. Prior to the issuance of a business license for automotive detailing, documentation shall be provided detailing how wastewater is to be disposed of because sewer service is not available.
6. Prior to the issuance of a business license, an existing septic system evaluation is required.
7. Prior to the issuance of an occupancy permit, there shall be a six (6) foot height solid wood fence or masonry wall installed to provide adequate visual screening next to residential zoning.

8. Prior to the issuance of any building permits, a recorded plat shall be required.
9. All conditions of zoning shall be made part of any plat created for this property.
10. Hours of operation shall be Monday through Friday from 8:00am-6:00pm and Saturday from 8:00am - 3:00pm.
11. No more than twelve (12) vehicles awaiting repair shall be stored onsite and vehicles shall be stored in designated (striped) parking spaces. Vehicles awaiting repair shall not be stored for longer than thirty (30) days.
12. Parking in the right-of-way is prohibited.
13. Prior to the issuance of a business license, a site visit shall be conducted by Hall County Planning staff to verify the number and location of vehicles awaiting repair.
14. Pursuant to [2.60.060](#). – 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.
15. All vehicles shall be parked inside the fencing referencing site plan dated February 24, 1987 and submitted on March 13, 2024.

Excerpts from the minutes of the May 6, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Randy Matheny, 128 Forrester Road, Maysville, presented the request. The applicant stated that the reason for this request is because there was a lapse in the business license.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Varner questioned if the applicant was in agreement with the recommended conditions. The applicant stated that there were four different conditions added to the original 2018 approval. Mr. Hunt stated that he would like to have a condition added to avoid having vehicles parked in the right-of-way.

Motion: A motion to approve, with conditions was made by Mr. Varner and seconded by Mr. Hunt. Vote: 5-0

Conditions:

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15. All vehicles shall be parked inside the fencing referencing site plan dated February 24, 1987 and submitted on March 13, 2024.

Staff Recommended Conditions:

1. No new development is approved in this applicant's request; however, in the future all new development shall be compliant with development standards as applicable at the time of plan approval.
2. All maintenance and repair of vehicles shall be conducted indoors.
3. No unregistered or inoperable vehicles shall be permitted to be stored onsite.
4. Any business sign shall be in conformance with the current Hall County sign standards.
5. Prior to the issuance of a business license for automotive detailing, documentation shall be provided detailing how wastewater is to be disposed of because sewer service is not available.
6. Prior to the issuance of a business license, an existing septic system evaluation is required.
7. Prior to the issuance of an occupancy permit, there shall be a six (6) foot height solid wood fence or masonry wall installed to provide adequate visual screening next to residential zoning.
8. Prior to the issuance of any building permits, a recorded plat shall be required.
9. All conditions of zoning shall be made part of any plat created for this property.
10. Hours of operation shall be Monday through Friday from 8:00am-6:00pm and Saturday from 8:00am - 3:00pm.
11. No more than twelve (12) inoperable vehicles awaiting repair shall be stored onsite and vehicles shall be stored in designated (striped) parking spaces. Vehicles awaiting repair shall not be stored for longer than thirty (30) days.
12. Parking in the right-of-way is prohibited.
13. Prior to the issuance of a business license, a site visit shall be conducted by Hall County Planning staff to verify the number and location of vehicles awaiting repair.
14. Pursuant to [2.60.060](#). – 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.

Summary Analysis

The applicant is seeking to reestablish a nonconforming use of an automotive repair and maintenance business on a 0.22± acre tract zoned Residential II (R-II). The applicant operates an automotive repair and

detailing business at the subject property to prepare cars for resale at a different location. The use is not compliant with R-II zoning regulations.

On August 9, 2018, the Board of Commissioners voted to approve the reestablishment of a nonconforming use for an automotive repair and detailing business on the subject property with the following conditions:

1. No new development is proposed in this applicant's request; however, in the future all new development shall be compliant with development standards as necessary at the time of plan approval.
2. All maintenance and repair of vehicles shall be indoors.
3. No unregistered or inoperable vehicles shall be permitted to be stored on site.
4. Any business sign shall be in conformance with the current Hall County Sign Standards.
5. Prior to the issuance of a business license for automotive detailing, documentation shall be provided detailing how wastewater is to be disposed of because sewer service is not available.
6. .Prior to the issuance of a business license, an existing septic system evaluation is required.
7. Prior to the issuance of an occupancy permit, there shall be a six (6) foot height solid wood fence or masonry wall installed to provide adequate visual screening next to residential zoning.
8. Prior to the issuance of any building permits, a recorded plat shall be required.
9. All conditions of zoning shall be made part of any plant created for this property.
10. Hours of operation shall be Monday-Friday from 8:00am-6:00pm and Saturday from 8:00am - 3:00pm.

On February 21, 2024, an application was submitted to renew the business license for automotive repair and maintenance. Planning Staff found that the license had been expired for more than one year; due to this expiration of conditional use, the request must go back before the Board of Commissioners for consideration.

The property is currently developed with a metal commercial building constructed in 1985 and has been operating as a commercial location since this time, according to the applicant. Per the submitted narrative, the applicant is agreeable to operate under the same conditions approved by the county commissioners on August 9, 2018. There are no plans of further improvements to the site for the business.

Zoning Analysis

When considering a zoning amendment to the zoning maps or a use subject to approval of the county commission, the following items must be considered by the Planning Commission and the County Commission pursuant to [17.380.060](#):

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed use is not consistent with nearby properties. The surrounding properties are residential uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The application will not adversely affect the existing use or usability of adjacent properties as this business has operated at this location since 2018 and no increase of the use is being requested.**

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, Residential II (R-II, 17.80). However, it has not been developed for residential use.**
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; **The proposed use should not cause an excessive or burdensome use of the existing streets, utilities, or public services.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The use is not consistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential; however, this location is also within the Revitalization Corridor along Atlanta Highway, which supports a variety of non-residential uses.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Absent a market study, staff is unable to determine whether property values are diminished by the existing zoning restrictions.**
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 property is currently developed with a metal building which is used as an automotive repair and detailing business.**
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; **This question is not applicable as there are no proposed changes to the zoning classification.**
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; **There are several sites within the county that could be developed without the approval of a non-conforming use for automotive repair and maintenance; however, action by the Board of Commissioners is required to reestablish the non-conforming use on this subject property.**
15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **This question is not applicable as there are no proposed changes to the zoning classification.**

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; ; **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 are no anticipated ecological or pollution impacts 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.**

17.380.050. - Submission requirements

- 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. **Proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This is not applicable as the property will utilize an onsite septic or municipal sewer system.**
- 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. **This is not applicable as the property is less than 100 lots.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated April 2, 2024, Emily McGahee stated “No comment.”

Hall County Fire Marshal

In an email dated April 3, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office has no comments regarding the existing site or building.”

Hall County Public Works and Utilities

In a memo dated April 4, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment

Traffic:

No comment

Utilities

No comment

Georgia Department of Transportation

In an email dated April 4, 2024, from Veronica Chavers, confirmed this project will not require GDOT coordination.