

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant Ayoub Botrus

Request **Variance to Section 7.6.6.E.2.d.**

Proposed Use Auto sales, vehicle repair, and truck yard

Size 3.04± acres

Zoning Light Industrial (I-1)

Location **5707 Holiday Road | Tax parcel 07329 001003**

Commission District Two

Planning Commission Date February 3, 2025

Staff Recommendation **Denial** as no hardship exists pursuant to the criteria of 11.1.1.D.11

Record Number(s) HVAR24-0048

Planning Commission Recommendation..... **Withdrawal**

Vote: 5-0

Excerpts from the minutes of the February 3, 2025 meeting

Applicant’s Presentation:

Kristie Turner, Principal Planner, presented a summary of the request.

Mina Botrus, 5707 Holiday Road, Buford, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell asked for further explanation on the changes the applicant is wanting. The applicant stated that he is requesting an office building to start an auto sales business since the cars are already stored on the property. Additionally, he would like to use the remaining untouched property as parking for semi-trucks. Mr. Braswell asked if the applicant was aware of the 500 foot setback required for tractor trailer parking which is not shown on the site plan. Mr. Braswell and Mr. Hunt discussed with the

applicant how the setbacks would impact the site plan. The applicant requested to withdraw the application to modify his request before resubmitting.

Motion: A motion to withdraw was made by Stan Hunt and seconded by Johnny Varner. Vote: 5-0

Staff recommends DENIAL of the applicant's requests.

The applicant is requesting to (A) amend conditions of zoning on a 3.04± acre tract to allow auto sales, vehicle repair, and a truck yard. Concurrent to this request, the applicant is requesting (B) a variance to reduce the truck yard setback from 500 feet to 150 feet from a residential zoning district.

The subject property was rezoned on April 12, 2018, from Agricultural Residential III (AR-III) and Planned Commercial Development (PCD) to Light Industrial (I-I) to allow an automobile repair garage and a machine shop (ZON2018-00018). The adjacent 0.83-acre parcel at 5701 Holiday Road, located at the corner of Holiday Road and Bethlehem Church Road, was also rezoned as part of the same request. The original parcel was divided by plat into two tracts in September 2018, and the parcels were sold to different parties.

In 2021, a land disturbance permit application was submitted for the subject property (HDEV2021-0058). In February 2023, the property owner applied for a building permit for a 1,800 square foot, four-bay garage and office building; however, the permit expired before completion during the inspection phase (HCNEW23-0035). In December 2023, a separate building permit for a 900 square foot two-bay garage and a 450 square foot carport was submitted, and this permit also expired without completion (HCNEW23-0339).

During a review of the property regarding retroactive building permits for the structures referenced above, staff determined that the development, as constructed, does not align with the zoning approval granted in 2018. All permit activity is pending subject to approval by the Board of Commissioners.

The surrounding properties are zoned and developed as outlined below:

- North: City of Buford's General Business (C-2) developed with a Hall County Fire Station
- East: City of Buford's General Business (C-2)
Light Industrial (M-1), occupied by Bethlehem United Methodist Church
- South: Light Industrial (L-1) occupied by a used car sales and vehicle repair business,
Agricultural Residential 1 (AR-1) developed with a single-family residence.
- West: Planned Residential Development (PRD), 4 lot single-family residential subdivision, and
Planned Commercial Development (PCD), approved for an insulation business, boat sales & storage, and self-storage (currently undeveloped)

Per the submitted narrative, the applicant is requesting to amend conditions of a previous rezoning to allow the establishment of auto sales, vehicle repair, and a truck yard. Per the narrative, in addition to the auto repair completed to prepare inventory for sale, the business will also perform minor touch-up, painting and detailing. The applicant states that the existing buildings total 4,338 square feet, with 3,424 square feet used for repair and the remaining 914 square feet for office. Office hours proposed are Monday through Saturday from 10:30 am to 5:30 pm and closed on Sundays.

According to the submitted site plan, a shared concrete driveway from Holiday Road will serve both the truck yard and the auto sales and vehicle repair business. The remainder of the site is gravel. Per the narrative, the applicant proposes 75 parking spaces for used car sales display, 7 parking spaces for employee and customer parking, and 18 truck parking rental spaces within the truck yard area.

Per the submitted site plan, a 50 foot vegetative buffer is provided where the property abuts residential zoning and a fenced detention pond is located adjacent to the road at the north end of the property. Additionally, a 10 foot wide landscape strip is identified along the Holiday Road frontage and some landscape islands are provided within the auto sales display area. The perimeter of the property is fenced with chain-link topped with barbed wire.

Per the site plan, the truck parking yard includes a 20 foot setback from rear and side property lines. However, per the Hall County Unified Development Code Section 7.6.6.E, truck yards require a 500 foot setback from any residential district. The area designated for the proposed truck yard is approximately 170 feet from the abutting property zoned Agricultural Residential 1 (AR-1) and 160 feet from an adjacent Planned Residential Development (PRD) located directly across Holiday Road.

The submitted narrative and site plan propose 75 parking spaces for auto sales display and 7 parking spaces for employee and customer use, one of which is designated as handicapped, for a total of 82 parking spaces. Based on the total square footage of the commercial buildings, the Unified Development Code (UDC) requires a minimum of 25 parking spaces for customers, employees, and repair vehicles, see table below. This does not meet the required standard.

Per UDC Table 8.1.1. the required parking for the proposed development is as follows:

USE	REQUIREMENT	SQUARE FOOTAGE	REQUIRED	PROPOSED
Vehicle Repair	2 spaces/300sf	3,424	23	7
Vehicle Sales	1 space/500sf	914	2	

Water service is provided by the City of Gainesville Department of Water Resources. Sanitary sewer services are provided by an on-site septic system located at the rear of the buildings.

Based on the future land use plan, staff finds the requested *is consistent* with the Hall County Comprehensive Plan future land use designation of “Business Corridor.” New development along major road corridors and intersections should consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities. Site designs should use the Quality Development Principals, particularly natural resource protections and high-quality landscape installations, to the fullest extent possible.

(A) Zoning Analysis – Amend Conditions of Zoning

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

- a. 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 proposed auto sales and repair business is consistent with the use, development, and zoning of adjacent and nearby properties. However, the proposed truck yard is not compatible with adjacent residential zoning districts.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed auto repair and sales business does not adversely affect the existing use or usability of nearby properties. However, the proposed truck yard may adversely affect the existing usability of adjacent residential properties.**
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned.**
- d. 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; **The proposed uses of auto sales, vehicle repair, and truck yard are not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by an onsite septic system, and a water is provided by the City of Gainesville.**
- e. 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 proposed uses are consistent with the Comprehensive Plan and the Business Corridor land use designation. New development along major road corridors and intersections should consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities.**
- f. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
- g. 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 values 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.**
- h. 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.**
- i. 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 partially developed with a commercial building built in 2023 as well as a shed measuring 30 foot x 30 foot and is currently utilized for transfer truck parking vehicle parking per Hall County aerial imagery. Both structures are currently pending restorative building permits.**

- j. 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; **The proximity of the proposed truck yard to residential districts would potentially affect the existing and future residential uses abutting the property.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **As the property is already zoned Light Industrial (I-1), this would not create an isolated district unrelated to the surrounding districts.**
- l. 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.**
- m. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The auto sales and repair use is not out of scale with the needs of the county as a whole or the immediate neighborhood. However, the use of a truck yard is out of scale with the needs of the immediate neighborhood as several surrounding properties are zoned residential, which requires a 500 foot setback from any truck yard.**
- n. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The existing zoning of the subject site supports the proposed uses, however, the proposal to amend the condition requires approval by the Board of Commissioners.**
- o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request to amend conditions could not be handled alternatively as a variance.**
- p. 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.**
- q. 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.**

(B) Zoning Analysis – Variance Request

The Planning Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

- 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 are no extraordinary conditions pertaining to the property.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No evidence has been provided that an unusual hardship exists to allow exception from the distance requirement of a truck yard from a residential district.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The subject parcel has similar topography to surrounding properties.**
4. Such conditions are not the result of any actions of the property owner; **The residential zoning of the abutting properties were established prior to the rezoning of the subject property to Light Industrial (I-1).**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, may impair the purposes and intent of the Unified Development Code of Hall County as reduction of the 500 foot distance requirement between a truck yard and a residential district is intended to provide ample separation from a use that may negatively impact the daily use of residential structures.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must appear in person at the public hearing held to consider the district change. **The proposal meets the requirement. The 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.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
 - b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**

- c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**
- d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 27, 2024, Emily McGahee stated, "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/modification may be required after review of business plan."

Hall County Fire Marshal

In an email dated January 3, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated December 19, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

Need as-builts for storm water.

Traffic:

May require decel lane.

Utilities

No comment.

Georgia Department of Transportation

In an email dated January 13, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is not required.