

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Fady Hanna

Request(A) **Special Use**| Amend conditions of zoning in
GCOD

Proposed Use (A) Expansion of vehicle sales and vehicle repair,
major

Size 1.00± acres

Zoning Highway Business (H-B)

Location **2905 McEver Road** | Tax parcel 07300 000003A

Commission District Two

Planning Commission Date May 5, 2025
April 21, 2025

Staff Recommendation **(A) Approval, with conditions**, as the proposed
use is consistent with the “Business Nodes and
Corridors” future land use classification within
the Comprehensive Plan.

Record Number(s) HZCU25-0009

Planning Commission Recommendation..... **Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

- 1. The property shall be developed in accordance with-development standards enforced at the time of site plan approval, modified as necessary for compliance with conditions herein.
- 2. Hours of operation shall be Monday through Friday, 8:00 a.m. – 6:00 p.m., Saturday: 10:00 a.m. – 2:00 p.m., Sunday: closed.

3. The maximum number of vehicles on site for sale and service shall not exceed fifty (50) or as otherwise limited by the number and location approved by the Fire Marshal and other applicable development standards per the Hall County Unified Development Code (UDC).
4. All vehicles awaiting repair must be parked in designated spaces located on the southeast side of the property, as indicated on the submitted site plan dated February 13, 2025. No vehicles awaiting repair shall be parked in any spaces adjacent to McEver Road.
5. All parking in the right-of-way of both the road and railroad is prohibited.
6. Customer and employee parking shall be designated on site in accordance with the site plan submitted as part of the zoning application.
7. No junk vehicles, scrap materials, or parts shall be stored in such a way as to be visible on the site. All materials utilized in the service of vehicles shall be stored in an enclosed building. No outside storage of equipment or materials is allowed. Additionally, no storage of boats or recreational vehicles shall be allowed on the property.
8. Any change or additions to signage shall adhere to GCOD standards.
9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
10. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from the minutes of the May 5, 2025 meeting

Applicant's Presentation:

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

Fady Hanna, 2905 McEver Road, Buford, presented the request. The applicant is requesting (A) a special use to amend the conditions of zoning on a 1.00± acre tract zoned Highway Business (H-B) for the expansion of vehicle sales and vehicle repair, major. Concurrent with this request, the applicant is requesting (B) a variance to section 6.2 to allow gravel paving within the Gateway Corridor Overlay District (GCOD). The property is currently developed with a vehicle sales lot. The subject parcel was approved for a conditional use on March 24, 2011 (ZON2011-00004) for auto repair and auto sales with seven conditions.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell asked the applicant to clarify the previous approval for 150 cars. The applicant stated their property had been grandfathered to allow this many cars for approximately 15 years. Mr. Hunt asked how many cars are on site including those located within the railroad right-of-way. The applicant stated approximately 70 cars but they are actively removing cars. Hunt asked for clarification of what the

applicant meant when stating actively moving cars. The applicant explained that the cars are being moved to another property that were previously located on the rail road right of way. Mr. Braswell stated the current zoning allows only 15 cars on the subject property. Mr. Hunt asked if the applicant would be agreeable to limiting the amount of cars to 50 given the small size of the lot. Mr. Braswell asked if the applicant's estimation also included the cars within the right-of-way of McEver Road. The applicant stated these cars were not included as those shown in an old aerial image have since been moved and new landscaping was installed to prevent cars from being parked there. Mr. Braswell asked the applicant to explain the current issues with the Fire Marshal. The applicant stated they have been given approval from the Fire Marshal due to recent changes. Mr. Braswell referenced the Fire Marshal's comments for this application which stated that emergency vehicles would not be able to access the site given the current layout of the property. The applicant was not aware of this issue.

A

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

Conditions:

1. The property shall be developed in accordance with-development standards enforced at the time of site plan approval, modified as necessary for compliance with conditions herein.
2. Hours of operation shall be Monday through Friday, 8:00 a.m. – 6:00 p.m., Saturday: 10:00 a.m. – 2:00 p.m., Sunday: closed.
3. The maximum number of vehicles on site for sale and service shall not exceed fifty (50) or as otherwise limited by the number and location approved by the Fire Marshal and other applicable development standards per the Hall County Unified Development Code (UDC).
4. All vehicles awaiting repair must be parked in designated spaces located on the southeast side of the property, as indicated on the submitted site plan dated February 13, 2025. No vehicles awaiting repair shall be parked in any spaces adjacent to McEver Road.
5. All parking in the right-of-way of both the road and railroad is prohibited.
6. Customer and employee parking shall be designated on site in accordance with the site plan submitted as part of the zoning application.
7. No junk vehicles, scrap materials, or parts shall be stored in such a way as to be visible on the site. All materials utilized in the service of vehicles shall be stored in an enclosed building. No outside storage of equipment or materials is allowed. Additionally, no storage of boats or recreational vehicles shall be allowed on the property.
8. Any change or additions to signage shall adhere to GCOD standards.
9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
10. All conditions of zoning shall be made part of any plats created for the property.

B

Motion: A motion to deny was made by Stan Hunt and seconded by Frank Sosebee.

Vote: 5-0

Excerpts from the minutes of the April 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, stated that the applicant has requested to table the application to a future meeting as the public notice sign was not posted by the required deadline of March 23, 2025.

A

Motion: A motion to table to May 5, 2025 was made by Frank Sosebee and seconded by Stan Hunt.

Vote: 4-0 (Davidson absent)

B

Motion: A motion to table to May 5, 2025 was made by Frank Sosebee and seconded by Stan Hunt.

Vote: 4-0 (Davidson absent)

(A) Staff recommends APPROVAL of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated February 13, 2025, and as described in the project narrative dated February 13, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Hours of operation shall be Monday through Friday, 8:00 a.m. – 6:00 p.m., Saturday: 10:00 a.m. – 2:00 p.m., Sunday: closed.
3. The maximum number of vehicles on site for sale and service shall not exceed eighty (80), as indicated on the site plan dated February 13, 2025, or as otherwise limited by the number and location approved by the Fire Marshal and other applicable development standards per the Hall County Unified Development Code (UDC).
4. All vehicles awaiting repair must be parked in designated spaces located on the southeast side of the property, as indicated on the submitted site plan dated February 13, 2025. No vehicles awaiting repair shall be parked in any spaces adjacent to McEver Road.
5. All parking in the right-of-way of both the road and railroad is prohibited.
6. Customer and employee parking shall be designated on site in accordance with the site plan submitted as part of the zoning application.

7. No junk vehicles, scrap materials, or parts shall be stored in such a way as to be visible on the site. All materials utilized in the service of vehicles shall be stored in an enclosed building. No outside storage of equipment or materials is allowed. Additionally, no storage of boats or recreational vehicles shall be allowed on the property.
8. All signage, existing and proposed, shall adhere to GCOD standards.
9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
10. All conditions of zoning shall be made part of any plats created for the property.

(B) Staff recommends DENIAL of the applicant's request.

The following are exceptions requested by the applicant, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. **Section 6.2.5.B.2 – Site Development Standards** – Along street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.
 - The applicant proposes a 6 foot wide landscape strip along McEver Road. **This does not meet the standard.**
2. **Section 6.2.5.C.2.a - Parking Lot Design** - Each parking area with at least 20 spaces must include landscaped islands within the parking area equivalent to not less than 10 percent of the total paved area of the parking lot, not including pervious paving surfaces.
 - The applicant proposes 28 parking spaces along McEver Road. There are no landscape islands shown. **This does not meet the standard.**
3. **Section 6.2.5.C.2.d - Parking Lot Design** - All parking areas shall be paved with asphalt, concrete or pervious materials approved by the Director.
 - The applicant proposes gravel surface for parking and outdoor storage areas. **This does not meet the standard.**
4. **Section 6.2.5.C.e - Parking Lot Design** - Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
 - The applicant proposes inventory parking along McEver Road in front of the principal building. **This does not meet the standard.**

Summary Analysis

The applicant is requesting (A) a special use to amend the conditions of zoning on a 1.00± acre tract zoned Highway Business (H-B) for the expansion of vehicle sales and vehicle repair, major. Concurrent with this request, the applicant is requesting (B) a variance to section 6.2 for gravel parking in Gateway Corridor Overlay District (GCOD). The property is currently developed with a vehicle sales lot.

The subject parcel was approved for a conditional use on March 24, 2011 (ZON2011-00004) for auto repair and auto sales with the following conditions:

1. The development of the facility will be in accordance with the narrative submitted with the application.
2. The applicant shall provide a basic conceptual plan depicting parking spaces and ingress/egress sites.
3. Hours of operation shall be Monday-Friday, 8:00 a.m.-6:00 p.m., Saturday: 10:00 a.m. – 2:00 p.m., closed Sunday.
4. The maximum number of vehicles on site for sale and service shall not exceed fifteen.
5. The applicant is subject to the Gateway Corridors Development Overlay District buffering and landscaping requirements.
6. No junk vehicles, scrap materials, or parts shall be visible from the site. All materials utilized in service of vehicles shall be stored in an enclosed building.
7. Any new lighting on the premises shall be of non-spill type.

The surrounding properties are zoned and developed as follows:

North:	City of Buford: commercial development and Hall County Light Industrial (I-1): Approved for office/warehouse/outside storage (ZON2008-00009) and operating as Global Auto Center LLC (HBUSR24-1977).
East:	Hall County Highway Business (H-B): Vermeer Southeast
South:	City of Buford: Southern Railroad.
West:	Hall County Agricultural Residential 1 (AR-1): Undeveloped.

Per the submitted narrative, the applicant is requesting to amend condition number 4 of the 2011 Highway Business (H-B) zoning to allow for the expansion of vehicle sales and vehicle repair, major. Previously approved conditions restricted the number of vehicles for sale or repair on-site to a maximum of 15 vehicles. The applicant is now requesting an increase for a total of 80 vehicles for sales and repair.

The Hall County Fire Marshal has provided comments regarding the obstruction of fire apparatus access roads and all fire code standards must be met prior to the issuance of the business license.

The applicant is also requesting variances to the standards of the Gateway Corridor Overlay District. Per the narrative, the applicant is requesting to use gravel for the parking areas, excluding the portion directly adjacent to the right-of-way of McEver Road. Additionally, the site plan depicts a 6 foot landscape strip along McEver Road while the code requires a minimum 10 foot strip.

Based on the future land use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan's future land use designation of "Business Nodes and Corridors"

These areas consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses

that house businesses that serve nearby communities, and with some higher density residential, where appropriate.

(A) Zoning Analysis – Special Use

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 use is suitable in view of the use and development of adjacent and nearby properties along McEver Road as there are other commercial uses in the surrounding area.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the development would adversely affect adjacent or nearby property as it is an existing business.**
- 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; **; If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**
- 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 use is consistent with the future land use designation of “Business Nodes and Corridors”**
- 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 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.**
- 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 developed with a vehicle sales lot.**
- 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; **There are no known changing conditions affecting the use or development of the property.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **No, this would not create an isolated district unrelated to the surrounding districts as the H-B zoning district is already established.**
- 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; **No, the request is not out of scale with the needs of the county as a whole.**
- 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 use; however, the proposal to amend conditions of zoning 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 for a special use to amend the conditions of zoning in GCOD 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.**

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.**

(B) Zoning Analysis – Variance

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 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 or exceptional conditions pertaining to the lot in question because of its size, shape, or topography.**

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 prevent the development from complying with parking requirements.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **There are no conditions peculiar to the property involved that are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **The gravel parking area is a direct action of the property owner.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article 11; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited 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 Article 11**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 20, 2025, 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. Please note that Zoning approval does not imply approval from other county departments.”

Georgia Department of Transportation

In an email dated March 13, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is required.

Hall County Public Works and Utilities

In a memo dated March 21, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

This 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:

Any driveway modifications necessary will require permitting/approval through the City of Buford.

Utilities

Buford sewer service area.

Hall County Fire Marshal

In an email dated March 19, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated:

1. Parcel tag attached to 2905 McEver Road.
2. Outstanding Fire Code Violations that have not been corrected as of 3/19/25.
3. The Hall County Fire Marshal's Office has received numerous citizen complaints regarding traffic safety concerns of cars parked along the shoulder of the north bound lane of McEver Road.
4. International Fire Code 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The owner consistently blocks fire apparatus access to the building with vehicles.
5. The owner is approved for 15 cars, as you can see from the attached overview of inventory of vehicles for sale and vehicles awaiting repair exceed 15.
6. If approved the fire code official shall have the authority to require or permit modifications to the access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. See International Fire Code 503.2.2.