

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Ayoub Botrus

Request **(A) Special Use** | to amend conditions of zoning

Proposed Use Vehicle 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 May 5, 2025

Staff Recommendation **(A) Approval, with conditions**, as the request is
consistent with permitted uses in the Light
Industrial zoning district

Record Number(s) HZCU24-0059

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

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan revised April 28, 2025, and as described in the revised project narrative dated April 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be used for vehicle sales and vehicle repair only.
3. The property is not approved for any rental of parking spaces, including those to be leased for truck parking.
4. Customer, employee, and vehicle repair parking shall be provided as required by the Unified Development Code of Hall County per Table 8.1.1.
5. The sales lot shall be limited to 141 parking spaces, with 26 spaces reserved for customer and employee parking.
6. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.

7. 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.
8. 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. Ms. Greenway stated that the truck yard request has been removed from the application.

Mina Botrus, 5707 Holiday Road, Buford, presented the request. The applicant is requesting to (A) amend conditions of zoning on a 3.04± acre tract to allow vehicle sales and vehicle repair. Concurrent to this request, the applicant requested (B) a variance to reduce a truck yard setback from 500 feet to 150 feet from a residential zoning district, as the application originally included a request for leased truck parking spaces. On March 31, 2025, Planning staff received a revised narrative and a revised site plan dated March 28, 2025, which modified the request by removing the application for a truck yard; therefore, the variance is no longer applicable.

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.

Public Forum:

There were no comments in support or opposition.

A

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

Conditions:

1. The property shall be developed in accordance with the site plan revised April 28, 2025, and as described in the revised project narrative dated April 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be used for vehicle sales and vehicle repair only.
3. The property is not approved for any rental of parking spaces, including those to be leased for truck parking.

4. Customer, employee, and vehicle repair parking shall be provided as required by the Unified Development Code of Hall County per Table 8.1.1.
5. The sales lot shall be limited to 141 parking spaces, with 26 spaces reserved for customer and employee parking.
6. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.
7. 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.
8. All conditions of zoning shall be made part of any plats created for the property.

B

Motion: A motion to recommend withdrawal was made by Frank Sosebee and seconded by Shannon Davidson. Vote:5-0

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

1. The property shall be developed in accordance with the site plan revised March 28, 2025, and as described in the revised project narrative dated March 31, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be used for vehicle sales and vehicle repair only.
3. The property is not approved for any rental of parking spaces, including those to be leased for truck parking.
4. Customer, employee, and vehicle repair parking shall be provided as required by the Unified Development Code of Hall County per Table 8.1.1.
5. The sales lot shall be limited to 141 parking spaces, with 26 spaces reserved for customer and employee parking.
6. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.
7. 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.
8. All conditions of zoning shall be made part of any plats created for the property.

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

Summary Analysis

The applicant is requesting to (A) amend conditions of zoning on a 3.04± acre tract to allow vehicle sales and vehicle repair. Concurrent to this request, the applicant requested (B) a variance to reduce a truck yard setback from 500 feet to 150 feet from a residential zoning district, as the application originally included a request for leased truck parking spaces. On March 31, 2025, Planning staff received a revised narrative and a revised site plan dated March 28, 2025, which modified the request by removing the application for a truck yard; therefore, the variance is no longer applicable.

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 issued 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 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 suspended while pending final action 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)

According to the revised narrative dated March 31, 2025, the applicant is seeking to amend the conditions of a previous rezoning to permit vehicle sales and vehicle repair only; the proposed truck yard has been removed from the request.

In addition to repair work performed to prepare inventory for sale, the business will also conduct minor touch-up painting and detailing. The applicant notes that the existing buildings total 4,338 square feet,

including 2,074 square feet dedicated to repair work. A 450 square foot carport will be enclosed and used for minor touch-up painting, and an additional 900 square foot building will be used for touch-up work and detailing. Office hours proposed are Monday through Saturday from 10:30 am to 5:30 pm and closed on Sundays.

According to the revised site plan and narrative, a 610 square foot asphalt pad extends the length of the garage area, and a concrete walk and one handicap parking space is located in front of the office building. All other vehicles are proposed to be parked on the existing gravel parking lot. Per the revised narrative dated March 31, 2025, the applicant proposes 160 parking spaces for used car sales display.

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 west end of the property. Additionally, a 10 foot wide landscape strip is identified along the Holiday Road frontage and some landscape islands are provided throughout the vehicle sales display area.

The submitted narrative and site plan propose 160 parking spaces for vehicle sales display, 3 parking spaces for employees and 4 additional spaces for customer use, one of which is designated as handicapped, for a total of 167 parking spaces. Based on the total square footage of the commercial buildings, the Unified Development Code (UDC) requires a minimum of 26 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	3	

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 incorporate the Quality Development Principals to the fullest extent possible, particularly natural resource protections and high-quality landscape installations.

(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 vehicle sales and repair business is consistent with the use, development, and zoning of adjacent and nearby properties.**

- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed vehicle repair and sales business does not adversely affect the existing use or usability of nearby 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 vehicle sales and vehicle repair 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 by 30 foot. 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; **There are no known existing or changing conditions which support approval or disapproval of the proposal.**

- 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 vehicle sales and repair use is not out of scale with the needs of the county as a whole or the immediate neighborhood.**
- 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, would not cause substantial detriment to the public good.**

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."

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.

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.

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."