

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant John Cane

Request (C) **Variance** | to Section 6.2

Proposed Use Vehicle repair, major

Size 0.61± acres

Zoning Current: Agricultural Residential 1 (AR-1) |
Proposed: Highway Business (H-B)

Location **5323 Thompson Bridge Road** | Tax Parcel
11082 000028A

Commission District Two

Planning Commission Date May 5, 2025

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

Record Number(s) HVAR25-0014

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

Vote: 5-0

Planning Commission 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. A 25 foot wide undisturbed buffer adjacent to all residentially-zoned property shall be maintained. The existing landscaping shall be supplemented with additional planted evergreens with an installation height of no less than 6 feet to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

3. The total number of vehicles parked outside awaiting repair shall be limited to a total of 3.
4. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.
5. 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.
6. All conditions of zoning shall be made part of any plats created for the property.
7. The front façade, as well as the first 15 feet of each side façade extending back from the front, shall comply with GCOD standards. Colors and material to be subject to final review and approval of the Director of Planning and Zoning, or their designee.
8. Business hours shall be limited to Monday – Friday 8 a.m. to 6 p.m.
9. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
10. No fuel sales shall be permitted.

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.

John Cane, 3910 Overlake Drive, Cumming, presented the request. The applicant has submitted three concurrent requests as part of the proposed development: (A) to rezone a 0.61± acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B); (B) a special use for vehicle repair, major in the Gateway Corridor Overlay District (GCOD); and (C) a variance to the architecture design standards of the Gateway Corridor Overlay District (GCOD). The subject parcel is currently undeveloped. A previously existing home was demolished in 2017 (MIS2017-00152).

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Sosebee asked if the applicant would only work on his own personal cars. The applicant stated others have asked him to work on their cars as well, and this shop would serve that purpose.

A

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

B

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

C

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

(A) (B) & (C) 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. A 25 foot wide undisturbed buffer adjacent to all residentially-zoned property shall be maintained. The existing landscaping shall be supplemented with additional planted evergreens with an installation height of no less than 6 feet to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
3. The total number of vehicles parked outside awaiting repair shall be limited to a total of 3.
4. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.
5. 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.
6. All conditions of zoning shall be made part of any plats created for the property.
7. The front façade, as well as the first 15 feet of each side façade extending back from the front, shall comply with GCOD standards. Colors and material to be subject to final review and approval of the Director of Planning and Zoning, or their designee.
8. Business hours shall be limited to Monday – Friday 8 a.m. to 6 p.m.
9. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and

nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

10. No fuel sales shall be permitted.

(A) & (B) Staff recommends APPROVAL of the applicant's requests 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. A 25 foot wide undisturbed buffer adjacent to all residentially-zoned property shall be maintained. The existing landscaping shall be supplemented with additional planted evergreens with an installation height of no less than 6 feet to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
3. The total number of vehicles parked outside awaiting repair shall be limited to a total of 3.
4. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.
5. 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.
6. All conditions of zoning shall be made part of any plats created for the property.

The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

- **Section 6.2.6.B.3 – Building Materials**

Building materials used for all four sides of new or reconstructed buildings are restricted to the following:

- a. Brick.
- b. Natural stone such as granite, limestone, marble or similar materials. Terra cotta or cast stone simulating natural stone is also acceptable. Painted stone is prohibited.

- c. Split-face block/concrete masonry unit (CMU) is restricted to no more than 50 percent of the surface area of each side of a principal nonresidential building.
- d. Split-face block/concrete masonry unit (CMU) is considered prohibited materials for any multi-family residential building.
- e. Stucco is restricted to no more than 50 percent of the surface area of each side of a building.
- f. Glass and glass block.
- g. Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building.
- h. Precast or prestressed concrete may be used for industrial buildings.
- i. Exposed concrete block or painted concrete block are considered prohibited materials for any exterior wall.
 - o The applicant proposes to construct a metal building, and has not proposed any other materials as part of the design.

Summary Analysis

The applicant has submitted three concurrent requests as part of the proposed development: (A) to rezone a 0.61± acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD); (B) a Special Use for vehicle repair, major in the Gateway Corridor Overlay District (GCOD); and (C) a variance to the architecture design standards of the Gateway Corridor Overlay District (GCOD).

The subject parcel is currently undeveloped. A previously existing home was demolished in 2017 (MIS2017-00152).

The surrounding properties are zoned and developed as outlined below:

- North: Agricultural Residential 1 (AR-1): Developed with single-family homes
Highway Business (H-B): Developed with a supermarket and a United States Post Office.
- South: Planned Industrial Development (PID): Approved for a poultry processing plant & associated facilities (ZON2018-00047)
- East: Planned Commercial Development (PCD): Developed with a gas station (North East) and
Agricultural Residential 1 (AR-1): Developed with a single-family home.
- West: Agricultural Residential 1 (AR-1): Developed with a single-family home.

Per the submitted narrative and site plan, the applicant is requesting to rezone to Highway Business (H-B, GCOD) for vehicle repair, major. The proposed development includes a 2,800 square foot metal building with 11 parking spaces proposed. Per the submitted narrative, the applicant is proposing to design the metal building as a “Days Gone By” filling station to include old gas pumps and memorabilia in keeping with a country charm appearance. Furthermore, the applicant intends to store most of the vehicles within the shop; however, up to three vehicles may be kept outside awaiting repair. Currently, there is an existing water meter on the property as well as an individual septic system.

The development standards for the project are identified in the table below and compared to the GCOD requirements (6.2):

GCOD Analysis

<u>Standard</u>	<u>Proposed Work</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A.– Transitional buffers	A 25 foot buffer is proposed along the property line abutting the AR-1 zoning districts.	A 25 foot transitional buffer is required adjacent to residential property.	Complies
6.2.5.B.1 & 2– Additional Landscape and Screening	40 feet of grass is proposed along the street frontage.	1. Shrubs must 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 lineal 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. 2. Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Deficient
6.2.5.C.1 – Parking Lot Design -Required # of Parking Spaces	11 parking spaces proposed	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 9 parking spaces required. 11 parking spaces are allowed (per 125 percent maximum)	Complies

6.2.5.C.2.e – Parking Lot Design - Location	All parking spaces are proposed in the rear of the building.	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Complies
6.2.5.D – Outdoor lighting	LED lighting off of the building pointing downward. No lighting will be pointed towards residential properties.	All outdoor lighting must be the semi-cutoff type.	Complies
6.2.6 - Architectural Standards	Metal building is proposed.	Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building. Building materials do not comply with GCOD standards	Deficient
6.2.7 – Signs	One wall sign is proposed, no renderings submitted.	One wall sign is permitted along each facade adjacent to a public right of way.	Unknown

Based on the future land use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan future land use designation of “Business Nodes and Corridors” The intent of this future land use designation is for new development along these major road corridors and intersections to 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) & (B) Zoning Analysis - Rezone and 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 Highway Business (H-B) zoning district 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 rezoning and special use should not adversely affect the existing use or usability of adjacent 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 rezoning and special use 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 is served by Hall County septic and City of Gainesville public water.**
- 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” which consists 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.**
- 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 currently undeveloped.**
- 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; **Staff is not aware of any changing conditions affecting the use or development of the property.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **As the surrounding properties are zoned both PID and H-B, this would not create an isolated district.**

- 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; **There are other properties within the County that support permitted uses within the Highway Business zoning district and Future Land Use designations; however, the development as proposed requires rezoning and special use 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 rezoning and a special use 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.**

(C) Zoning Analysis - Variance to Section 6.2

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 or exceptional conditions pertaining to the physical character of the lot to prevent the project design from meeting development standards.**
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 architectural requirements.**

3. Such conditions are peculiar to the 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; **As there are no current structures on the property, the project can be designed for the building to meet architectural standards.**
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, will not impair the purposes and intent of the Unified Development Code of Hall County.**

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 April 3, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic systems permitted requirements. 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 April 2, 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 April 3, 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:

GDOT approval or access permit required

Utilities

Hall County sanitary sewer area. Nearest infrastructure is 350' south across parcel 11082 000028. Fieldale Farms – easement required

Hall County Fire Marshal

In an email dated March 31, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's has no comments for items A, B, C as proposed."