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SEP 29 2025

Planning & Zoning Department

Application for Appeal

Per §11.2.7 the public shall have the right to appeal a decision made by the Director of Planning and Zoning or the Planning Commission before the Board of Commissioners.

In order to file an appeal, the appellant must submit a written notice of appeal within thirty working days of written decision to the Planning & Zoning Department. The appellant must submit justification and reasons for the appeal along with a \$200 appeal fee (cash or check).

Please fill out the following information:

Name	Vital Foods, LLC. (Juan Carlos Lomas-Vital) c/o Gaskins + LeCraw
Address	1266 Powder Springs Road, Marietta, Georgia 30066
Phone Number	678.546.8100
Email	dblumenthal@gaskinslecrew.com

Name of original application, case number, and date of meeting for which appeal is requested.

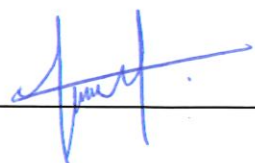
Case 6(B), Variance from Table 8.1.1 Date 09/02/2025

Type of application for which appeal is requested:

☒ Variance ☐ Sign Variance ☐ Conditional Use
☐ Special Use ☐ Rezoning ☐ Decision of an administrative official

Justification and reason(s) for filing this appeal (attach additional sheets if necessary):

Please see attached letter.

Signature:  Date: 09/23/25.



September 29, 2025

Board of Commissioners
Hall County
2875 Browns Bridge Road
Gainesville, GA 30504

LETTER OF INTENT: Appeal Request – Parking Variance re: 2196 Centennial Drive

Honorable Board of Commissioners.

The applicant, Vital Foods, LLC. (Juan Carlos Lomas-Vital), respectfully appeals the denial of its variance request from Table 8.1.1 – Required Parking to reduce the required on-site parking from 58 spaces to 44 spaces at 2196 Centennial Drive, Gainesville, GA (the “Subject Property”).

The property is owned by Vital Foods, LLC. who manages companies that own nearby properties including 2251 Centennial Drive, 909 Atlanta Highway, and 448 W Highland Terrace Drive. To help address parking demand, Vital Foods, LLC along with Covered Bridge Soccer will provide a shuttle bus to safely transport players and families from the other parking areas to the Subject Property.

The future user, Covered Bridge Soccer, will stagger game schedules so that one group finishes well before another begins, avoiding excessive vehicle overlap. Additionally, a tall net will be installed between the soccer field and the parking lot to keep balls within the field area and away from the road, further ensuring safety.

Of the 4.19-acre Subject Property, approximately 1.83 acres are unusable due to the presence of a stream, required buffer, and steep slopes. Even more of the site, toward the rear, is inaccessible for development. These conditions significantly limit the ability to provide the full amount of required parking. To make up for the lost capacity, shared parking, supported by shuttle service and staggered scheduling, is the most practical solution.

Covered Bridge Soccer’s primary goal is to provide a safe, family-oriented program for players and their families. With shared parking, shuttle service, and intentional scheduling, the proposed plan fulfills the intent of the County’s parking requirements while addressing the unique hardships of the Subject Property.

In addition to this letter, please see the attached Hardship Exhibit, Location Map outlining the Subject Property and other properties where additional parking may be provided as well as all required documentation for this appeal. Thank you for your time and consideration.

Best,
Dani Blumenthal

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of Hall County Code of Ordinances, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitutional of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Hall County Code of Ordinances to the Subject Property which restricts its use to any classification other than proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitutional of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the Constitution of the United Staes denying the Applicant and economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal by the Hall County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would have the effect of

further restricting Applicant's utilization of the property, would also constitute and arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would like wise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Hall County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

For the foregoing reasons, the Applicant respectfully requests that the Variance Appeal at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of Hall County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 29th day of September 2025.

Respectfully submitted,

Dani Blumenthal

Shared Parking Exhibit

