

HALL COUNTY BOARD OF COMMISSION
STAFF REPORT

Applicant Gerardo Vargas

Request **Variance** | to Section 5.3.1 to reduce the
minimum yards

Proposed Use Commercial addition & to bring an existing
structure into compliance

Size 0.90± acres

Zoning Residential 1 (R-1) & Highway Business (H-B)

Location **1604 & 1608 Whiting Drive and 1790 Browns
Bridge Road** | Tax Parcels 00123 007016,
007015 & 007017

Commission District Four

Commission Date December 11, 2025

Staff Recommendation **Approval, with conditions**, as hardship exists
pursuant to the criteria of 11.1.1.D.11

Record Number(s) HVAR25-0039

Staff recommends APPROVAL of the applicant’s requests with the following condition:

1. A variance is granted to reduce the front yard setback from 30 feet to 20 feet along Whiting Drive and the right side yard setback from 20 feet to 13 feet to bring the existing structure into compliance.

Summary Analysis

The applicant is requesting approval of two (2) variances to section 5.3.1 to reduce the minimum yards on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for a commercial addition and to bring an existing structure into compliance.

The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

On August 28, 2025, the Hall County Board of Commissioners voted to deny a request to rezone 1604 Whiting Drive from Residential 1 (R-1) to Highway Business (H-B) and two special use requests for 1604 & 1608 Whiting Drive and 1790 Browns Bridge Road for vehicle repair, major, and outdoor storage. On July 21, 2025, the Planning Commission voted to approve variances to section 6.2, GCOD standards, and section 8.1, off street parking requirements for the proposed business (HVAR25-0030).

The surrounding properties are zoned and developed as outlined below:

North:	Residential 1 (R-1) – Developed with single-family residences and vacant lots
South:	City of Gainesville – Developed with convenience store, restaurants and warehouse
East:	Office Institutional (O-I) – Developed with a single-family residence; City of Gainesville – Developed with auto sales lots, carwash and retail
West:	Residential 1 (R-1) – Developed with single-family residences; City of Gainesville – Developed with auto sales lots and retail

The submitted site plan shows the existing 8,581 square foot structure encroaches into the 30 foot front yard setback along Whiting Drive and into the 20 foot right side yard setback. The submitted site plan also shows a 1,445 square foot addition that encroaches into the 30 foot front yard setback along Whiting Drive and a proposed addition that encroaches into the 20 foot right side yard setback.

Two (2) **variances** related to Highway Business (H-B) setback requirements will be required if the site plan, as presented, is approved.

- Front yard setback requirement of 30 feet from the property line as found in Table 5.3.1. for the Highway Business (H-B) zoning district.
 - A front yard setback of 20 feet from the property line along Whiting Drive is proposed for the commercial addition and existing structure.
- Right side yard setback requirement of 20 feet from the property line as found in Table 5.3.1. for the Highway Business (H-B) zoning district.
 - A right side yard setback of 1 foot from the property line is proposed for the commercial addition and existing structure.

Zoning Analysis

The 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); **The subject property is developed with a building**

constructed in the 1960's and later modified in 1980 that encroaches into the front yard setback along Whiting Drive and into the right side yard setback; however, the proposed structure is not impacted by any extraordinary or exceptional conditions pertaining to the lot in question because of its size, shape, or topography.

2. The application of the requirements of Article 11 to this particular piece of property would create an unusual hardship; **Portions of the existing building and/or pavement may have to be demolished to bring the property into compliance with current standards; however, the proposed structure may be located elsewhere to comply with setbacks.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The subject parcel features similar topography to surrounding lots.**
4. Such conditions are not the result of any actions of the property owner; **The existing conditions of the property are not the result of any actions of the current property owner; however, the proposed structure would be a direct action of the current 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 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 August 1, 2025, Emily McGahee stated, "No comment. Public sewer."

Georgia Department of Transportation

In an email dated July 28, 2025, Nakia Nembhard, E.I.T., GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities

In a memo dated August 1, 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:

No comment.

Utilities:

Gainesville sewer – Available onsite.

Hall County Fire Marshal

In an email dated July 25, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated:

1. The existing structure, according to GIS has an aggregate square footage of 10,556 SF, the applicant wants to add an additional 1445 SF onto the building which will total 12,001 SF. Depending on the construction type, area, and height a fire protection system might have to be installed in vehicle repair and storage occupancies as required by the International Building Code. See State Modification Chapter 42 Section 42.3.5.2.
2. If approved all commercial buildings greater than 12,000 SF or 2 stories or greater in height will be required to have an emergency responder radio frequency test completed to determine the radio signal strength inside the building, any building failing the test will be required to have a bi-directional antenna system designed, installed, and certified.