

HALL COUNTY BOARD OF COMMISSIONERS STAFF REPORT

Summary Analysis

The applicant is requesting two concurrent variances to (A) section 5.5.1 regarding the minimum yard setbacks of an existing building and existing storage building and (B) section 8.1 parking requirements for a place of worship. The property measures approximately 0.34± acres and is zoned Light Industrial (I-1).

The surrounding properties are zoned and developed as follows:

North:	Light Industrial (I-1): Developed with an automotive repair facility
East:	Residential 1 (R-1): Developed with a mobile home park
South:	Light Industrial (I-1): Developed with a maintenance service facility
West:	Light Industrial (I-1): Developed with an automotive repair facility

The subject property has historically been used as a place of worship, and the applicant proposes to renovate the property to ensure it remains suitable for continued use as a place of worship.

Per the Statement of Hardship, the applicant acquired the property to better accommodate its growing congregation, which currently meets in a two-car garage. The existing gathering space presents significant challenges, particularly with seasonal temperature changes, making it difficult to maintain a suitable environment for its members. While the subject property provides adequate space for the congregation, it does not meet the minimum number of required parking spaces or accommodate additional parking spaces. If the congregation grows, an adjoining neighbor has provided a letter of support offering to allow additional parking on Sundays, if necessary. The Unified Development Code (UDC) allows up to 50 percent of the required offstreet parking for places of public assembly to be met by utilizing parking facilities which normally serve businesses with off-setting hours of operation if the parking facilities are within 300 feet of the place of public assembly. The neighboring property meets this standard.

A memo received from the Director of Development Services, Kristie Turner, provides information regarding an investigative inspection that was performed on July 23, 2025, where Building Inspections staff notes various additions and modifications made to the structure on the subject property. No building permits are on record for these improvements with Hall County. Building Inspections staff noted that the condition of the structure is in poor condition, and the lack of maintenance and neglect of the property and building has resulted in structural repairs and renovations that are estimated to be very costly. The following is a general list of items identified in the memo that must be addressed to convert the occupancy to an assembly:

- Full set of detailed stamped architectural plans
- Structural Engineered plans for the existing building and foundation.
- Engineered designed for mechanical and electrical plans, and equipment.
- Bathrooms for a church with an estimated occupancy of around 233 (estimated based on square footage).
- All ADA requirements will need to be met.
- All Sprinklers and life safety requirements must have Fire Marshal Approval.
- Septic upgrade requirements increased occupancy load to be approved by Environmental Health.
- Parking and ADA Requirements

This is not a complete list as other items may be required.

Six (6) **variances** will be required if the site plan, as presented, is approved.

(A) Place of Worship Building and Storage Building

- 1) **Section 5.5.1.** – Side yard setback requirement of 20 feet from the property line for Light Industrial (I-1) zoning district.
 - The existing building has a side yard setback of 8 feet along the northwestern property boundary. A variance is needed to bring the building into compliance.
- 2) **Section 5.5.1.** – Rear yard setback requirement of 20 feet from the property line for Light Industrial (I-1) zoning district.
 - The existing building has a rear yard setback of 3 feet from the property line. A variance is needed to bring the building into compliance.
- 3) **Section 5.5.1** – Side yard setback requirement of 20 feet from the property line for Light Industrial (I-1) zoning district.
 - The existing building has a side yard setback of 15 feet along the southern property boundary. A variance is needed to bring the building into compliance.
- 4) **Section 5.5.1** – Rear yard setback requirement of 20 feet from the property line for Light Industrial (I-1) zoning district.
 - The existing storage building has a rear yard setback of 2 feet along the southern property boundary. A variance is needed to bring the storage building into compliance.
- 5) **Section 5.5.1** – Side yard setback requirement of 20 feet from the property line for Light Industrial (I-1) zoning district.
 - The existing storage building has a side yard setback of 1 foot along the southern property boundary. A variance is needed to bring the storage building into compliance.

(B) Parking Requirement

- 1) **Per Table 8.1.1** – Place of worship requires 1 space for every 3 seats in the largest assembly space or 1 space per 100 square feet. Total required for this application is 45 parking spaces.
 - The applicant is proposing 15 parking spaces.

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 currently developed. The applicants are planning to use the property as it currently exists and have not proposed any additional improvements.**

2. The application of the requirements of Article 11 to this particular piece of property would create an unusual hardship; **According to Building Inspections staff, it is anticipated that the existing structures would have to be partially demolished or demolished in whole to bring the existing structures into compliance with the existing setbacks.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The topography of the subject parcel is similar to parcels in the surrounding area.**
4. Such conditions are not the result of any actions of the property owner; **The size, shape, and configuration of the lot are not the result of any actions 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 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 September 19, 2025, Emily McGahee stated “The existing septic system is under existing parking and proposed parking. The septic system cannot be modified for any increase in projected water usage as there is insufficient area to repair the system when it fails. Recommend connection to public sewer.”

Georgia Department of Transportation

In an email dated September 23, 2025, Christopher Hash, P.E., D1 Traffic Operations Supervisor, stated “Off-system no impacts expected. ”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated September 19, 2025, Jason Skarda, Assistant Director of Public Works and Utilities provided the following comments:

Engineering:

No comment

Traffic:

No comment

Utilities:

No comment – Gainesville sewer area.

Hall County Fire Marshal

In an email dated September 12, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated “3/10/25 per Lt. Mills from the Hall County Fire Marshal’s Office while conducting an annual life safety inspection on a vacant building he noted in his report that it appears there is current construction activity occurring at 221 Highland Terrace. Not sure if the renovation was permitted or the Hall County Building Department was notified. Since this building is changing occupancy classification and renovation work has occurred, if approved the Hall County Fire Marshal’s Office will require a plan review with plans completed and submitted for review by Georgia registered design professional. Depending on the net occupant load of the building which will be determined by the registered design professional additional life safety requirements may apply.”

Development Services

In a memo dated September 30, 2025, Kristie Turner stated “It is the recommendation of Staff that the applicant address limitation of the structure and the property with a design professional and have a concrete plan in place with full scope of work outlined before proceeding with any Assembly activities in this structure.” Note: See attached memo for further details.