

HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

Applicant Joshua Stover

Request **Conditional Use**

Proposed Use Rural Business

Size 2.21± acres

Zoning Agricultural Residential 1 (AR-1)

Location **5953 & 5965 Yellow Creek Road | Tax Parcel 11105 000019 & 11105 000002C (pt)**

Commission District Two

County Commission Date January 22, 2026

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with the residential nature of the surrounding properties.

Record Number.....HZCU25-0056

Staff recommends APPROVAL of the applicant's request with the following conditions:

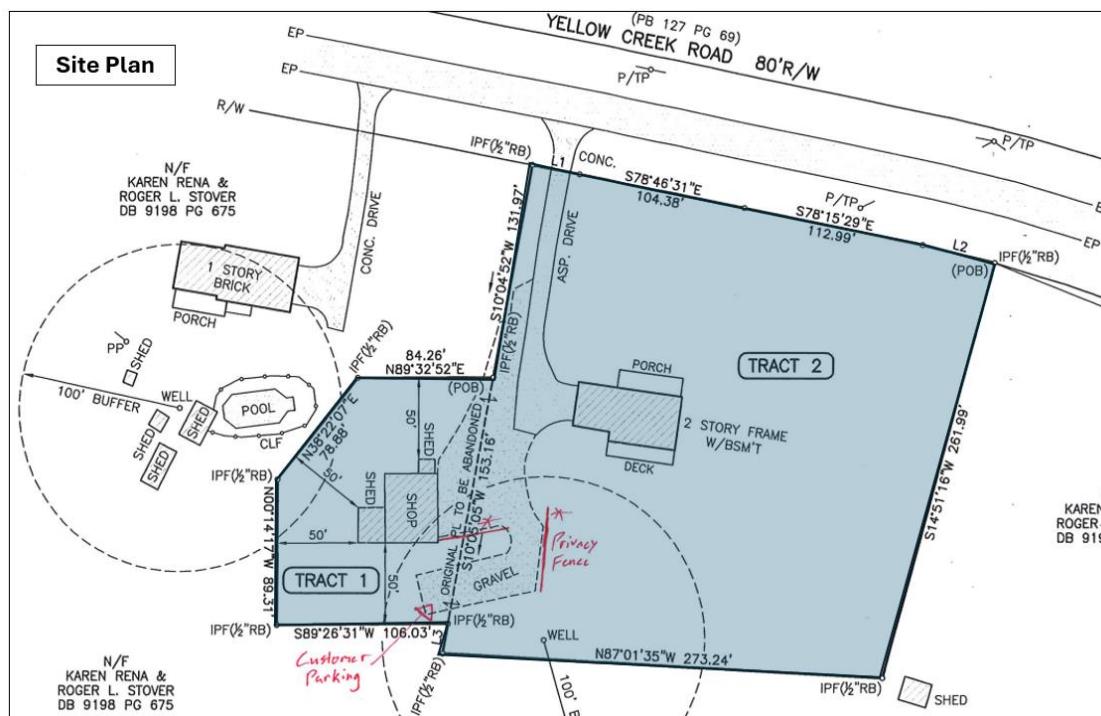
1. The property shall be developed in accordance with the site plan dated October 22, 2025, and the project narrative dated November 18, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering. Where there may be discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved.
3. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Summary Analysis

The applicant is requesting approval of a Conditional Use for a rural business on a 2.21± acre tract zoned Agricultural Residential 1 (AR-1).

The subject property is currently developed with a single-family residence constructed in 1987. Since 1995, the applicant's father has operated a small repair shop within a 1,200-square-foot building located on an adjacent parcel he owns at 5965 Yellow Creek Road; however, this use has not historically been associated with an active business license.

On March 5, 2025, the applicant obtained a business license for mobile vehicle and farm equipment repair. Subsequently, on April 10, 2025, a code enforcement case (HENF25-0323) was initiated due to the complaint of the presence of a junkyard and inoperable vehicles on the property, resulting in a violation. To address these issues, the applicant submitted a reconfiguration plat (HPLT25-0153) to incorporate the 1,200-square-foot shop onto the same parcel as the residence at 5953 Yellow Creek Road. The applicant is now requesting approval of a Conditional Use Permit to bring the property into compliance and to continue operating the automotive repair shop.



The surrounding properties are zoned and developed as outlined below:

North: Agricultural Residential (AR-1): Developed with a single-family residence.
South: Agricultural Residential (AR-1): Developed with a single-family residence.
East: Agricultural Residential (AR-1): Developed with a single-family residence.
West: Agricultural Residential (AR-1): Developed with a single-family residence



Per the narrative, the applicant is requesting a Conditional Use approval for a rural business for an automotive repair shop to include tire sales and installation, brake suspension and steering system repairs, oil changes, engine diagnostics, electrical system repairs, battery replacement, fluid services and fleet maintenance for local commercial vehicles. The applicant indicates that the small repair shop business will be conducted entirely within the existing shop located behind the principal residence, approximately 50 feet from the side and rear property lines. The submitted narrative states that hours of operation will be Monday through Friday from 9:00 a.m. until 5:00 p.m. and closed on Saturdays and Sundays.

The submitted site plan and narrative shows that screened parking will be provided for customers and vehicles.

UDC Section 7.8.9.E.2 - Rural Business Use Standards Comparison Table

STANDARD	PROPOSED	COMPLIANCE
a. Minimum lot size 1 acre	2.21 acres	Complies
b. Dwelling must be the primary use of the principal practitioner and the rural business may be valid only as long as the principal practitioner resides in the dwelling, is conducting the business and has a current business license.	Principal practitioner of the business resides in the residences.	Complies
c. Rural businesses may not exceed 1,000 square feet if in a structure or 1,000 square feet of land if outside a structure. Should the use require both inside and outside areas, the total area used may not exceed 1,200 square feet. When a rural business is conducted in the residence, it may not exceed 35 percent of the heated floor space or 1,200 square feet, whichever is less. The proposed size of the business must be specified at the time of application for a rural business.	Per the narrative: All repair activity will occur within the existing shop building. No more than 1,000sf of the shop building will be used for the automotive repair building.	Complies
d. Any buildings or structures for the rural business must be located at least 50 feet from any property line.	Shop building is 50 feet from nearest property line.	Complies

e. Any additions or alterations to the residence which will be used for the rural business must be of an architectural style in keeping with the primary structure. Any structure built to house the business must be located to the side or rear of the residence, or, if the structure is in front of the residence, must be at least 100 feet from the front property line. The structure must be readily and easily usable for customary agricultural and residential uses.	The existing shop building is to the side and rear of the residence.	Complies
f. Any outside area other than accessory on-site parking must be completely enclosed or screened in such a manner that the business or outside storage is not visible from the surrounding property as set forth in Sec. 8.2.	Fence proposed to screen parking area.	Complies
g. Only one employee outside of family members residing on the premises may be permitted.	Information not provided.	Unknown
h. Property on which the rural business is proposed must have frontage on a public road.	Parcel fronts a public road.	Complies
i. Parking for customers or clients must be provided on-site as provided in Table 8.1 of Sec. 8.1.	2 spaces/300sf = 7 parking spaces required	Complies
j. Days and hours of operation requiring access by the public, customers or clients are limited to Monday to Saturday, 8:00 a.m. through 6:00 p.m.	Narrative hours of operation: Monday-Friday 9am-5pm	Complies
k. No more than one home occupation, residential business or rural business is allowed on a lot at one time.	No other home occupation, residential business or rural business identified	Complies
l. See Sec. 8.6.14. and 8.6.15. for sign standards.	No signage proposed. Signage allowed with Planning Commission approval is a monument sign with a maximum sign area of 16 square feet ad maximum height of 5 feet.	Complies

Based on the future land-use plan, staff finds the request *is consistent* with the Comprehensive Plan and future land use designation of Rural Neighborhood. These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential up to 0.75 dwellings per acre. The proposed rural business is consistent with the residential use and development of the existing, nearby and adjacent properties.

Zoning Analysis

When considering an application for a conditional use, the 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 conditional use for a rural business is suitable in view of the use and development of adjacent and nearby properties.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that a rural business would adversely affect adjacent or nearby property.**
- c) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Agricultural Residential 1 (AR-1); however, a conditional use for a rural business requires Commission approval.**
- 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 conditional use will not cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**
- 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 Comprehensive Plan and the Rural Neighborhood future land use designation as the proposed rural business is consistent with the residential use and development of the existing, nearby and adjacent properties.**
- 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 subject property is zoned Agricultural Residential 1 (AR-1). The site is currently developed with a single-family residence constructed in 1987, and an accessory structure.**

- 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 changing conditions affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **This question is not applicable as there are no proposed changes to the zoning classification.**
- 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; **Rural businesses requires County Commission approval in AR-1.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request 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 adhere to the land development permitting process, and as a result, are subject to local, state, and federal regulations. There should not be an ecological or pollution impact 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.**

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 the Hall County Planning Commission meeting.**
2. All applications for a change of zoning classification or use subject to approval of the Planning 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 16, 2025, 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 December 11, 2025, Christopher Hash, D1 Traffic Operations Supervisor, stated “Off system, no impacts to the state route expected.”

Hall County Public Works and Utilities

In a memo dated December 17, 2025, Jason Skarda, Assistant 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 comments..

Utilities:

Hall County Sewer Service area- No infrastructure in vicinity.

Hall County Fire Marshal

In an email dated December 16, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated that "The Hall County Fire Marshal's Office has no comments regarding the rural business special use request."