

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Janeth Ochoa

Request (A) **Rezone** | from Office and Institutional (O-I) to Highway Business (H-B)
(B) **Special Use** | to allow for microblading as classified as a “Tattoo Parlor” in the UDC

Proposed Use (A) Uses permitted in H-B
(B) Microblading as classified as a “Tattoo Parlor” in the UDC

Size 0.25± acres

Zoning **Current:** Office and Institutional (O-I)
Proposed: Highway Business (H-B)

Location **102 Near Way** | Tax Parcel 00133 011007

Commission District Four

Commission Date October 8, 2026

Staff Recommendation (A) **Approval, with conditions**, as the proposed zoning is consistent with “Employment Nodes & Corridors” future land use classification within the Comprehensive Plan.
(B) **Applicant requests to withdraw**

Record Number..... (A) HZON26-0028
(B) HZCU26-0029 - **Applicant requests to withdraw**

(A) Staff recommends APPROVAL of the applicant’s request with the following conditions:

1. A combination plat shall be submitted for Plat Review and recorded prior to issuance of any building permit or business license.
2. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
3. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

(B) Applicant requests to withdraw.

Summary Analysis

The applicant has submitted two concurrent requests:

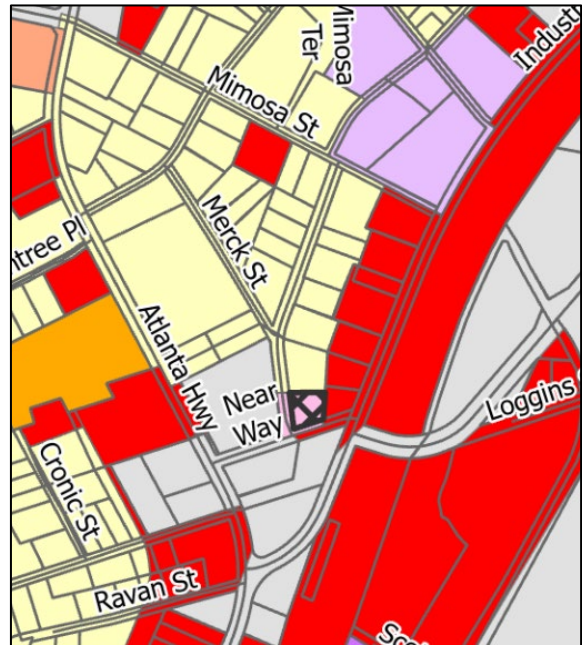
- (A) to rezone a 0.25± acre tract from Office and Institutional (O-I) to Highway Business (H-B) for uses permitted in H-B zoning districts;
- (B) a Special Use to allow microblading as classified as a “Tattoo Parlor” in the Unified Development Code (UDC) – **Applicant requests to withdraw**

According to the Hall County Tax Assessor and Building Department records, the property is currently developed with a 1,566 square foot commercial building constructed in 1946 and expanded in 2018 (COM2018-00334). Water service is currently provided by the City of Gainesville and sanitary sewer services are provided by on-site septic.

The surrounding properties are zoned and developed as outlined below:

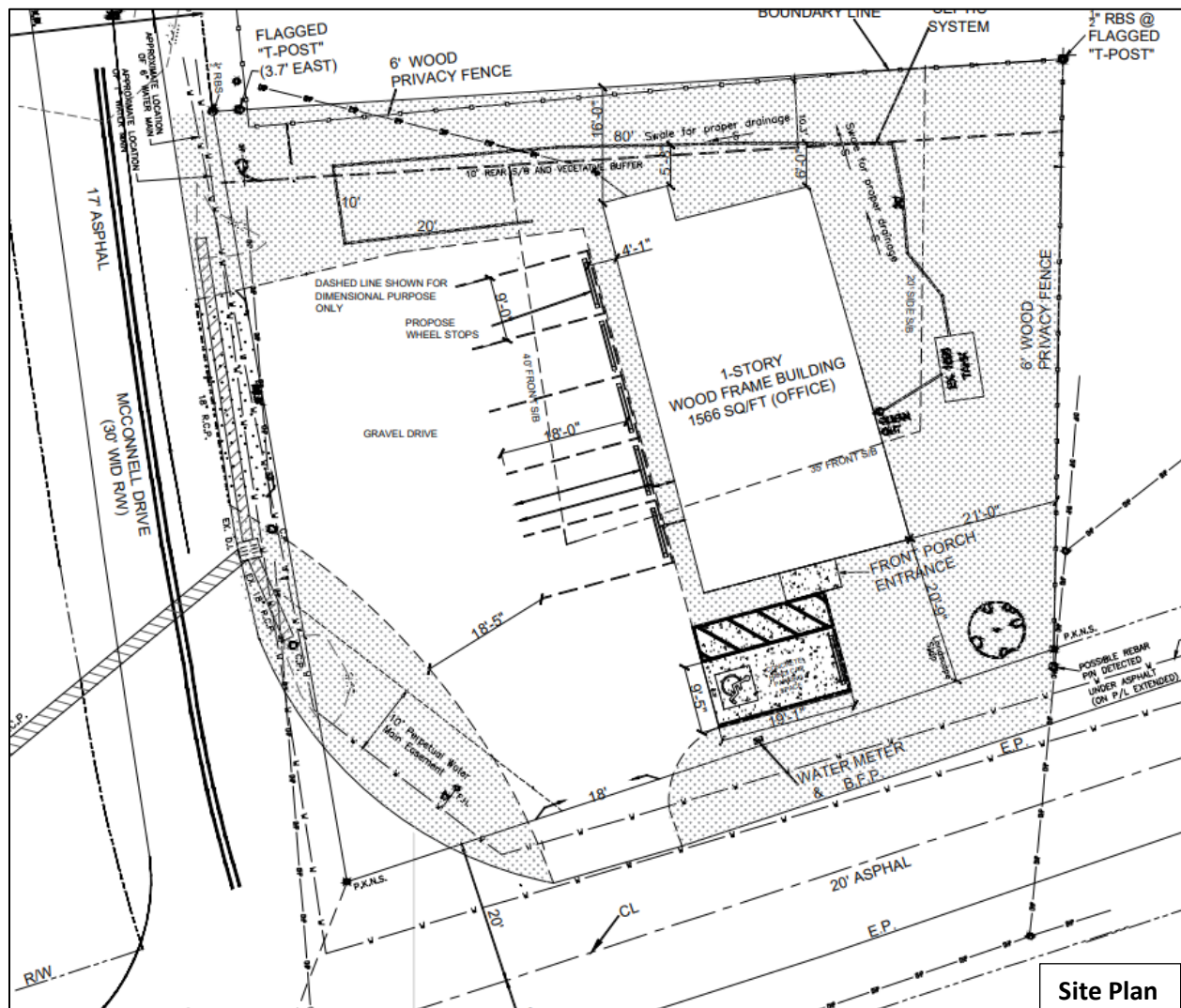
- North: Residential 1 (R-1): single-family residence
- East: Highway Business (H-B): office for tax services
- South: City of Gainesville General Business (G-B): commercial development
- West: City of Gainesville (G-B): undeveloped

Per the submitted narrative, the applicant is proposing to rezone the property to Highway Business (H-B) and use the existing commercial building for low-impact, appointment-based personal-service tenants, including a permanent makeup studio, a barber, and a hairstylist. These uses are compatible with the existing commercial corridor, and no high-traffic or industrial uses are proposed. Stated hours of operation are Monday through Saturday, 9 a.m. to 7 p.m.



Per the submitted site plan, no changes to the existing development are proposed. The applicant does not intend to modify the building footprint, exterior façade, parking areas, landscaping, driveways or access points, stormwater facilities, setbacks, or overall lot configuration. The property will continue to operate in its current form, with changes limited solely to interior tenant improvements required to accommodate personal-service uses.

Subsequent to comments received from the Hall County Environmental Health Department, certain uses on the property are restricted due to the septic system and lack of repair area. Specifically, any Body Art Establishment, Tourist Accommodation, Food Service Establishment, or Pool permit would require connection to public sewer, which is not available at this time. As a result, the applicant has requested withdrawal of the Special Use application for microblading (classified as a “Tattoo Parlor”). However, the applicant is proceeding with the request to rezone the property to Highway Business (H-B) to allow a broader range of uses than currently permitted in the Office and Institutional (O-I) zoning district.



Site Plan



Comprehensive Plan Analysis

Based on the future land use plan, staff finds the rezoning request *is consistent* with the Hall County Comprehensive Plan and the future land use designation of Employment Nodes and Corridors within the Gainesville character area. The intent of this future land use designation is for development to consist of industrial and/or office uses housed in either formalized campuses or along major road corridors that have existing or future access to water and sewer.

(A) Zoning Analysis – Rezone

When considering a zoning amendment to the zoning maps, 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 zoning would permit uses suitable in view of the use, development and zoning of adjacent and nearby properties. The surrounding area is predominantly commercial in nature, including Highway Business (H-B) adjacent to the east, making the requested zoning consistent with the established development pattern.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby properties. The required 10-foot buffer from the adjacent residential property is being met, and the remaining surrounding properties are commercially zoned.**
- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, 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; **If approved and in compliance with all Hall County standards, uses permitted in the Highway Business (H-B) zoning district are not anticipated to 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 zoning is consistent with the Employment Nodes and Corridors future land use designation in the Comprehensive Plan. Additionally, buffer and landscaping requirements are being met, further supporting consistency with the policy and intent of the plan.**
- 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 affected 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 values 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 developed with a 1,566 square foot commercial building constructed in 1946 and expanded in 2018 (COM2018-00334).**
- 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; **The proposed zoning would not create an isolated district unrelated to the surrounding developments and districts. The adjacent parcel to the east is zoned Highway Business (H-B) and parcels to the west and south are zoning City of Gainesville General Business (G-B).**
- 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; **The request does not appear to be out of scale with the needs of the county as a whole or the immediate neighborhood.**
- 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 highway business uses based on the Future Land Use Map; however, to allow a broader range of uses than currently permitted in the Office and Institutional (O-I) zoning district, the property requires rezoning 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 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.**

Development Support and Constraints

Hall County Environmental Health

In a memorandum dated September 2, 2026, the Hall County Environmental Health Department stated: "Please be advised that site plan submitted with application does not correctly represent the existing septic system, which is under the existing parking area. The existing septic system cannot support the proposed use and no area is available to repair the septic system at time of failure; therefore, connection to public sewer is required. Body Art Establishment plan review/permitting will be required. Connection to public sewer is required for Body Art Establishment. Please note that BOC approval does not imply approval from other county departments."

In a supplemental email dated September 15, 2026, the Hall County Environmental Health Department stated: "Issuance of Body Art Establishment, Tourist Accommodation, Food Service Establishment, and Pool permits to any property served by an onsite sewage management system requires a primary system sized to accommodate the proposed use as well as the availability for a full, onsite sewage management system repair/replacement. As this property does not have feasible repair/replacement area available, these permits cannot be issued to this property until such time that the parcel is connected to public sewer."

Georgia Department of Transportation

In an email dated August 31, 2026, Christopher Hash, D1 Traffic Operations Supervisor, stated: "Off-system. No impacts expected to the State Highway System."

Hall County Public Works and Utilities

In a memorandum dated September 9, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

This site may require a storm water management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic:

There are no traffic concerns with the proposed rezoning and special use request.

Utilities:

This property is in the Gainesville service district.

Hall County Fire Marshal

In a memorandum dated September 4, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Building Inspections

In a memorandum dated September 4, 2026, Barry Shaw, Interim Director of Development Services, stated, "No comment."

Hall County Business License

In a memorandum dated August 31, 2026, Brandi Smith, Director of Business License, provided the following comment:

"Ms. Ochoa is applying for a special use permit for microblading as classified as a "Tattoo Parlor". If approved, Ms. Ochoa will need to apply for a Hall County Business License before operating."