

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Maja (Maya) Radovic Permits 1, Inc

Request (A) **Rezone** | from Agricultural Residential 1 (AR-1) to Highway Business (H-B)
(B) **Special Use** | to allow vehicle sales in GCOD
(C) **Variance to Section 6.2** | to GCOD standards

Proposed Use (A) Uses permitted in H-B
(B) & (C) Vehicle sales

Size 1.384± acres

Zoning **Current:** Agricultural Residential 1 (AR-1)
Proposed: Highway Business (H-B)

Location **4510 Browns Bridge Road** | Tax Parcel 08057 002002

Commission District Two

County Commission Date October 22, 2026

Staff Recommendation **(A) Approval, with conditions**, as the proposed zoning is consistent with the “Business Nodes & Corridors” future land use classification within the Comprehensive Plan.
(B) Approval, with conditions, as the proposed use meets the standards of the UDC.
(C) Denial, as a hardship does not exist pursuant to the criteria of 11.1.1.D.11.

Record Number..... (A) HZON26-0032
(B) HZCU26-0035
(C) HVAR26-0042

(A) & (B) 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 June 30, 2026, and as described in the project narrative dated August 21, 2026, 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.

3. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

(C) Staff recommends DENIAL as no hardship exists pursuant to Section 11.1.1.D.11.

Summary Analysis

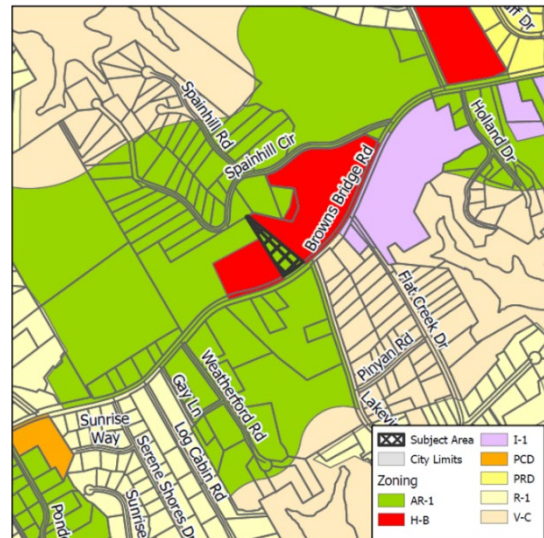
The applicant has submitted three concurrent requests:

- (A) Rezone a 1.384± acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B) to allow uses permitted in the H-B zoning district, specifically vehicle sales.
- (B) Special Use to allow vehicles sales within the Gateway Corridor Overlay District (GCOD).
- (C) Variance to Section 6.2, Gateway Corridor Overlay District (GCOD), specifically Section 6.2.5.B.2.a & b. which states, “a. The landscape strip must be planted with shade trees at least six feet tall and two inches caliper, DBH at time of planting, with a height of at least 35 feet tall at maturity. b. Trees must be planted no less than 40 feet on center.”

According to the Tax Assessor records, the property is developed with a 1,177 square foot, single family residence built in 1959. Furthermore, historical images identify the building closest to the road as a former grocery store and gas station, which Building Inspections identifies as a “Storage Building” established in January 2008 per their submitted comments.

The surrounding properties are zoned and developed as outlined below:

- North: Agricultural Residential 1 (AR-1): single-family residence; Highway Business (H-B): self-storage facility
- East: Highway Business (H-B): self-storage facility
- South: Agricultural Residential 1 (AR-1): single-family residences
- West: Highway Business (H-B): cell tower & former auto repair shop



Per the submitted narrative and site plan, the applicant proposes to redevelop the property to allow vehicles sales. The existing residence would be converted for office use. The building at the front of the property will be demolished, and a new 690 square-foot structure is proposed behind the existing residence. One access drive is proposed along with four (4) customer parking spaces, two (2) employee parking spaces, and 22 inventory parking spaces. A 20-foot undisturbed buffer is proposed where the property abuts residentially zoned property, however, 25 feet is required and can be accommodated.

No changes are proposed to the existing façade materials or color of the existing residence/proposed office building, which will remain brick. A 10-foot-wide landscape strip will be provided along Browns Bridge Road, however, a variance is being requested from tree planting requirements. According to UDC Section 6.2.5.B Additional Landscape and Screening Standards, the landscape strip must be planted with shade trees planted no less than 40 feet on center.



One (1) variance related to GCOD standards will be required if the site plan as presented is approved.

- **Sections 6.2.5.B.2.a and b** state “(a) The landscape strip must be planted with shade trees at least six feet tall and two inches caliper, DBH at time of planting, with a height of at least 35 feet tall at maturity. (b) Trees must be planted no less than 40 feet on center.”
 - The applicant proposes shrubs in-lieu of the six (6) trees required along the 208-foot frontage.

GCOD Analysis

<u>Standard</u>	<u>Proposed</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A.2.a – Transitional buffers	20-foot undisturbed buffer along the western boundary where the property abuts residential zoning.	Where a commercial zoning district abuts property zoned for residential or agricultural use, the transitional buffer width must be at least 25 feet.	Deficient
6.2.5.B.2.a – Frontage landscape	10-foot-wide landscape strip along street frontages.	Along each street frontage there must be a landscape	Complies

		strip at least 10 feet in width.	
6.2.5.B.3.a & b - Additional Landscape and Screening Standards	Shrubs in-lieu of trees	Shade trees planted 40 feet on center required.	Deficient
6.2.5.C.2.e – Parking Lot Design – Off-street parking	Paved parking and circulation	All parking areas must be paved with asphalt, concrete or pervious materials approved by the Director.	Complies
6.2.5.C.2 – Parking Lot Design	Not specified	Various landscaping requirements pertaining to parking areas.	Shall comply
6.2.6.B – Building Materials	Will comply with GCOD standards	Multiple standards	Shall comply
6.2.7 – Signs	Not specified	Signage shall comply with Section 8.6 - Signs.	Shall comply

Comprehensive Plan Analysis

Based on the future land use plan, staff finds the requested rezoning is consistent with the Hall County Comprehensive Plan and the future land use designation of “Business Nodes & Corridors” within the Gainesville character area.” The intent of this future land use designation is for new development along major road corridors and intersections to consist of higher-intensity commercial uses, and low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities. Site designs should use Quality Development Principals, particularly natural resource protections and high-quality landscape installations, to the fullest extent possible.

(A) & (B) Zoning Analysis – Rezone and Special Use

When considering a zoning amendment or a use subject to approval of the County Commission, 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; **While the properties to the north, west, and south are zoned Agricultural Residential 1 (AR-1) and developed with single family residences, the existence of commercially zoned properties to the east and west along with the Comprehensive Plan’s designation of this area as Business Nodes & Corridors, supports the rezoning and proposed use.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby properties. The proposed development can be appropriately buffered from surrounding residential properties, supporting the continued usability of adjacent and nearby properties.**

- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned, however, the applicant cannot develop the property as proposed without approval from the Board of Commissioners.**
- 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 Georgia Department of Transportation and Hall County standards, the use is 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 use is consistent with the intent of the Business Nodes & Corridors future land use designation in the Comprehensive Plan. The intent of this future land use designation is for new development along major road corridors and intersections to consist of higher-intensity commercial uses, and low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities. Site designs should use Quality Development Principals, particularly natural resource protections and high-quality landscape installations, to the fullest extent possible.**
- 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 parcel is currently developed with a 1,177 square foot single family residence built in 1959 and a former grocery store and gas station.**
- 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 is Highway Business (H-B), which is a compatible zoning district within the**

Business Nodes & Corridors future land use designation in the Gainesville character area. The change would not create an isolated district unrelated to the surrounding area as commercial zoning and uses abut the property to the east and west.

- 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.**
- 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 commercial uses based on the Future Land Use Map; however, the current development requires rezoning and Special Use 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 for rezoning 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.**

(C) Zoning Analysis – Variance to Section 6.2, Gateway Corridor Overlay District (GCOD)

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 particular 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); **There are no extraordinary or exceptional conditions related to the parcel's size, shape, or topography that would justify omitting the six (6) required trees within the 10-foot landscape strip. The site appears fully capable of being developed in compliance with GCOD landscape standards without the need for a variance.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **The application of the UDC requirements does not create an unusual hardship for this property. An alternative tree-planting design could provide for sales lot visibility while still aligning with GCOD tree planting requirements. The proposed hardship**

stems from the applicant's preference not to block visibility of the sales lot, rather than stemming from physical characteristics of the lot.

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The conditions are common to other properties. While the GCOD requires tree planting within the frontage landscape strip every 40 feet, it provides flexibility in the placement and configuration of those trees.**
4. Such conditions are not the result of any actions of the property owner; **The site layout as proposed appears to reflect preferred design choices rather than unavoidable physical constraints.**
5. Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission; **Relief, if granted, would impair the purpose and intent of the GCOD, which seeks to improve corridor appearance and promote consistent, high quality development patterns. Allowing elimination of trees would be inconsistent with these objectives and may create precedent contrary to GCOD standards.**

Development Support and Constraints

Hall County Environmental Health

In a memorandum dated September 17, 2026, the Hall County Environmental Health Department stated, "Must meet all Environmental Health commercial septic system permitting requirements. 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 may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled."

Georgia Department of Transportation

In an email dated September 21, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated, "On-System, coordination required for consideration of commercial driveway access."

Hall County Public Works and Utilities

In a memorandum dated September 23, 2026, Jorge Gomez, 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:

An approved G-DOT commercial driveway permit must be provided before Hall County traffic will sign off on LDP approval.

Utilities:

This location is within the Gainesville-Hall County sewer district, but sewer infrastructure is not nearby.

Hall County Fire Marshal

In a memorandum dated September 18, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office considers the plan conceptual and if approved it may require modifications during development review to meet Life Safety and International Fire Code requirements including any applicable state fire code modifications."

Hall County Business License

In a memorandum dated September 22, 2026, Brandi Smith, Business License Director, stated, "If the above items are approved, applicant must apply for a Hall County Business License before any business is conducted onsite."

Hall County Building Inspections

In a memorandum dated September 21, 2026, Barry Shaw, Interim Director of Development Services, provided the following comment:

- Current storage building does not appear to have been permitted but is showing as established on the property in January 2008. The existing building would need to be demolished. As age of building is indeterminable, asbestos documents may need to be obtained prior to demolition. Conversion of existing residential structure would require permitting for structure and all trades. Permits were obtained (RES2018-01907) for repair of roof of storage building due to damage by awning. Partial front wall repair due to water damage and relocation of door and window for the front of the building only. The storage building was also permitted for installation of a metal roof. There were no inspections and asbestos documents were not obtained at the time of permitting. The new proposed building would need to be permitted with Building Inspection before proceeding with new construction. The existing residential structure dated 1959 and would need to obtain permits before conversion of building into a business office. The age of the home dictates that asbestos documents must be required as part of the permitting process. All contractors must be state licensed, as the intent of the renovation would be for commercial purposes.