



HALL COUNTY PLANNING COMMISSION MINUTES OF FEBRUARY 15, 2021

The regular meeting of the Hall County Planning Commission was held in the 2nd Floor Meeting Room, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia.

Members Present: Chris Braswell, Chairman, Stan Hunt, Gina Pilcher, Johnny Varner, and Trey Bell

Staff Present: Sarah McQuade, Director of Planning; Katie Greenway, Planner; Laura Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:16pm.

Approval of Minutes: February 1, 2021

OLD BUSINESS

Mr. Braswell stated that item 3 would be heard first due to the fact they were tabling.

3. **Previously tabled application of C. Sam McGee to rezone from Agricultural Residential-III (AR-II) to Light Industrial (I-I) on a 34.28± acre tract located on the west side of Spout Springs Road approximately 428 feet from its intersection with Litany Court; a.k.a. 7038 Spout Springs Road; Zoned AR-III; Tax Parcel 15042 000016J. Proposed Use: self-storage warehouse. Commission District 1.**

Motion: *Ms. Pilcher made a motion to remove the request from the table, with a second from Mr. Hunt and the motion passed by a 5-0 vote.*

Background Information:

The applicant is seeking to rezone a 34.28± acre tract from Agricultural-Residential (AR-III) to Light Industrial (I-I) for a self-storage warehouse facility. The narrative states that the proposed development will feature 24-hour access with office hours from 8am to 5pm. The development will include climate-controlled units, non-climate-controlled units, and recreational vehicle (RV) and boat storage. The RV and boat storage is not specified whether this will be covered or uncovered.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. Ms. McQuade stated that the applicant had requested to the table to the March 1, 2021 Planning Commission meeting.

Motion: *Ms. Pilcher made a motion to table the request to the March 1, 2021 Planning Commission meeting, with a second from Mr. Hunt and the motion passed by 5-0 vote.*

1. Previously tabled application of William M. Gillen III for a front yard setback variance from 40 feet to 10 feet on a 1.20± acre tract located on the east side of Tammi Lane approximately 378 feet from its intersection with Sardis Road; a.k.a. 2630 Tammi Lane; Zoned R-I; Tax Parcel 10071 000027A. Proposed Use: construct a carport. Commission District 2.

Motion: *Mr. Hunt made a motion to remove the request from the table, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Background Information:

The applicant is requesting a front yard setback variance from 40 feet to 10 feet from front property line to construct a carport. The proposed carport is 30 feet by 25.5 feet in size.

At the Planning Commission meeting which occurred on January 19, 2021, the applicant agreed to revise his request. This submittal changes the previously requested variance from 5 feet to 10 feet by reducing the number of bays in the proposed carport from three to two. The applicant has provided photo exhibits, which correspond to the measurements on the revised site plan for consideration.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

William Gillen, 2630 Tammi Lane, Gainesville, presented the request. Mr. Gillen stated that he took 10 feet off the structure, which increases the setback. Mr. Braswell asked if the setback would now be 10 feet from the right of way. Mr. Gillen stated that was correct. Mr. Braswell asked staff if requiring the Mr. Gillen to stake the corners of the structure, prior to building would be a good idea. Ms. McQuade stated that it would and it would make things easier for the county inspectors.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Hunt made a motion to approve, with one condition for the request, with a second from Mr. Varner and the motion passed by a 5-0 vote.*

Conditions:

1. *Applicant must stake corners of proposed structure, prior to beginning construction, so an inspector may verify setbacks to the proposed structure.*

2. **Previously tabled application of ACEM Trucking Group, LLC to rezone from Agricultural Residential (AR-IV) to Heavy Industrial (I-II) on a 2.71± acre tract located on the east side Winder Highway approximately 177 feet from its intersection with Technology Parkway; a.k.a. 5465 Winder Highway; Zoned AR-IV; Tax Parcel 15028B000020. Proposed Use: storage yard - truck parking. Commission District 1.**

Motion: *Ms. Pilcher made a motion to remove the request from the table, with a second from Mr. Hunt and the motion passed by a 5-0 vote.*

Background Information:

The applicant is proposing a use subject to the Board of Commissioners approval to rezone a 2.71± acre tract from Agricultural Residential (AR-IV) to Light Industrial (I-I). The purpose of this request is to develop a parking lot for a trucking company, ACEM Trucking Group, LLC. The narrative states that they plan to have metal fencing around the property, cover the lot with gravel, put up several light posts and create a wider entrance for the trucks.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Ximena Cabrera and Alfredo Cabrera, 734 Pagoda Court, Lawrenceville, presented the item. Mr. Braswell asked if they had any updated information from the engineer. Ms. Cabrera stated that they did and he had given them a plan that showed where the detention pond would be placed, however did not provide the hydro report but would have it ready within the next week. Mr. Braswell asked if they would be willing to use concrete instead of gravel. Ms. Cabrera stated that her dad would like to use asphalt. Mr. Braswell asked if there were any proposed buildings for the property. Ms. Cabrera stated that there would not be any buildings. Mr. Hunt asked about the open canopy that was proposed on the site plan. Ms. Cabrera stated the canopy would just be a covered parking area, but not a building. Ms. McQuade stated that they have allowed that in the past for other requests that were in Gateway. Mr. Braswell asked if all four sides of the structure would be open. Ms. Cabrera stated that was correct. Mr. Bell asked if there were any requirements for the types of materials used due to the property being within Gateway. Ms. McQuade stated typically if it is visible from the roadway, they could require certain materials be used. Mr. Braswell asked if Ms. Cabrera knew what the roof would look like and what color it would be. Ms. Cabrera stated that they did not have a plan yet, but would use whatever they suggested or required. Mr. Braswell stated that they would like for the roof to be metal and an earth tone color. Mr. Braswell also stated that the columns would need to be covered with stone or brick. Ms. Cabrera stated that would be fine. Mr. Braswell stated that if this request was approved, Mr. Cabrera would need to submit the final site plan, as well as the materials that would be used to be approved by the Planning Director. Ms. Pilcher asked about the entrance and if it had been reviewed by an engineer. Ms. Cabrera stated that the engineer had not said anything about the slope of the road; however, the

entrance was designed for two trucks to use at once, one going into the property and one leaving. Mr. Braswell stated that he wanted the entrance to be discussed in Plan Review. Mr. Bell asked if chain link fencing was allowed in the Gateway Corridor. Ms. McQuade stated that the code requires solid fence or wall, however they have allowed chain link be used if it is black vinyl coated. She stated that they have also allowed the screening that is used with chain link fencing as well as the applicant using a different material for the front of the fence along the roadway and chain link around the rest of the property. Mr. Braswell asked if there would be any signage. Ms. Cabrera stated that unless it was required, they were not planning to put any signs on the property.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Ms. Pilcher stated that she had a concern with tractor-trailers turning left out of the proposed site, due to the site sitting lower than the road.

Motion: Mr. Bell made a motion to recommend approval, with conditions for the request, with a second from Mr. Hunt and the motion passed by a 5-0 vote.

Conditions:

1. *The Planning Director shall approve building material for the proposed covered parking prior to issuance of a building permit.*
 2. *The support columns for the proposed covered parking shall be encased with stone.*
 3. *The Planning Director shall approve fencing materials for the proposed fence along the right-of-way of Winder Highway.*
4. **Previously tabled request to determine an unclassified use as it related to the transient occupancy of temporary dwellings as a vacation home in all residential zoning districts. Commission District 1, 2, 3, 4.**

Motion: Ms. Pilcher made a motion to remove the request from the table, with a second from Mr. Hunt and the motion passed by a 5-0 vote.

Request Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. Ms. McQuade stated that they have received a few requests to have a location to provide a "glamping" experience to public. Ms. McQuade stated that because they did not have classification for this in the code, it has to be brought before the Planning Commissioners for their approval. She stated that the memo that was provided to them explained where it would best fit in the code and provide a clear definition for these types of requests. Ms. Pilcher asked about two of the conditions being redundant. Ms. McQuade stated that they were, however they could

choose to merge the two conditions into one if they wanted to. Ms. Pilcher stated that she would like it to say 100 feet from the property line, instead of 50 just to make it clearer. Mr. Hunt asked if this would allow for the applicant to build a permanent house on the site as well. Ms. McQuade stated that it would. Mr. Hunt asked if these sites could be connected to a well. Ms. McQuade stated that the sites could be on public water or a well. Mr. Braswell asked about the zoning. Ms. McQuade stated the list of all the zoning types that this would be allowed in. She stated that if they were in a PRD zoning, they would more than likely request them to rezone to the original zoning. Ms. Pilcher asked if they were in a PRD and had a common space. Ms. McQuade stated that if that was the case they would recommend the application amend their zoning conditions due to that being a shared space for the community, not one person's private property. The Planning Commissioners discussed the conditions with Ms. McQuade and decided on adding a few more. Ms. McQuade stated that she would update these conditions and have the county attorney look them over. She stated that because the Planning Commission would be the only ones voting on this change, she would recommend tabling this item again to make sure all the conditions could be reviewed and approved by the county attorney prior to their final vote. The proposed additional conditions are as listed below:

1. No vehicles as defined in 17.20.1320 or pull-behind travel trailer shall be permitted to be utilized as accommodations within the proposed development.
2. The penalties for violation of these conditions or any additional conditions of approval shall be as follows:
 - a. For the first violation within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$250.00;
 - b. For a second violation within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$500.00;
 - c. For a third violation within any 12-month period, the penalty shall be a written notice of violation, a fine not to exceed \$1,000.00, the business license shall be revoked for a period of 24 months, and the owner or local contact person shall not be eligible to reapply for a business license on the property in violation for a period of 24 months from the date of revocation.
3. Approval of this use shall be specific to the applicant's proposal only, and not transferable with expansion, change of ownership, or other circumstance.

Public Forum:

Paul Price, 3190 Sweetwater Drive, Cumming, spoke in favor of the request. Mr. Price stated that he was one of the applicants who was wanting to have a site like this. Mr. Price stated that he and his wife had subdivided their property in order to build their own personal home. He stated that he was wanting to have eight campsites on the remaining of the property. Mr. Price stated that he was in support of this.

Motion: *Mr. Hunt made a motion to table the request to the March 15, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

NEW BUSINESS

- 5. Application of Chris Eberhart for a right yard setback variance from 10 feet to 0 feet on a 0.33± acre tract located on the north side of Stephens Road approximately 184 feet from its intersection with Waverly Way; a.k.a. 4610 Stephens Road; Zoned R-I; Tax Parcel 08054 003004C. Proposed Use: construct an addition. Commission District 2.**

Background Information:

The applicant is requesting a right side-yard setback variance from 10 feet to 0.7 feet to construct an enclosed garage addition. The proposed addition is 12 feet by 24 feet in size and will have an interior entrance to the home. The proposed garage is located at the end of the existing driveway.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Chris Eberhart, 4610 Stephens Road, Gainesville, presented the request. Mr. Eberhart stated that the setback would not affect the access to the neighbor's property and that the only access to his backyard was limited to small foot traffic due to the pool that is already in place. He also stated that the setback would be one foot and he was hoping to be able to provide a safe place for his vehicles. Mr. Eberhart stated that if he tried to build a structure on the front portion of the property, it would encroach into the right of way. Mr. Eberhart stated that the previous plat of the house had different property lines and the house was built right on the property lines. Mr. Braswell asked if Mr. Eberhart had spoken to his neighbor. He stated that he had and his neighbors did not have any issues with it. Mr. Braswell asked to see the survey of the property. Mr. Eberhart stated that the structure is about 11 feet with a 12-inch overhang. He stated that he wanted to keep the overhang so the structure can have a similar appearance to the house. Mr. Braswell asked about moving the garage in front of the house. Mr. Eberhart stated that he could, however backing out onto Stephens Road would be dangerous. Mr. Braswell asked if the right hand portion of the house had been a garage prior. Mr. Eberhart stated that he was not sure, it had been that way the entire time he has owned the house. Mr. Eberhart stated that he would not be opposed to changing the size of the structure. Ms. Pilcher stated that if Mr. Eberhart was to put the garage on the left hand side, would it allow him to access his house from the garage. Mr. Eberhart stated that it would not, he would have to access his house from the front porch. Mr. Braswell stated that he would like to find a way to help Mr. Eberhart find a way to make the setback greater. Mr. Braswell stated that they could table the request and give Mr. Eberhart the opportunity to reconfigure the structure to allow for a greater setback. Mr. Eberhart stated asked what the setback would need to be. Mr. Braswell stated that they are all different so there was not a specific number. Mr. Eberhart stated that he would reconfigure the plan and was willing to table his item.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: Mr. Hunt made a motion to table the request to the March 1, 2021 Planning Commission meeting, with a second from Mr. Varner and the motion passed by a 5-0 vote.

6. Application of Joe Cook for a road frontage variance from 150 feet to 50 feet on a 137.26± acre tract located on the west side of Belmont Highway approximately 334 feet from its intersection with Anglin Drive; a.k.a. 3641 Belmont Highway; Zoned AR-IV & I-II; Tax Parcel 15025 000023. Proposed Use: subdivide property into two tracts. Commission District 3.

Background Information:

The applicant is seeking a road frontage variance from 150 feet to 50 feet in order to subdivide the property and create a second building lot. Belmont Highway is classified as a *major collector* and this classification requires all parcels to have 150 feet of road frontage. The parent tract is developed with one residence and the reason for subdividing is to establish a caretaker's residence according to the statement of hardship.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Joe Cook, 1198 Mtn. Creek Church Road, Pendergrass, presented the request. Mr. Cook stated that owners of the property, his aunt and mother, would like to be able to allow one of their grandkids to take of the property. He stated that they needed to subdivide the property but there is only so much road frontage. Mr. Braswell asked if Young Drive accessed the property. Mr. Cook stated that it did and there was not a plan to do anything with the property at the time. Mr. Braswell asked if Mr. Cook would be opposed to accessing the property from Young Drive. Mr. Cook stated that he was not opposed to that; however, he stated that he applied for the road frontage variance to maintain access from Belmont Highway. Mr. Braswell asked staff if this could be possible through an easement. Ms. McQuade stated that it could be possible, however you would want to have the easement in a deed and on a survey so the family has two legal documents to prove it. Mr. Hunt asked if they needed to take action on a deed. Ms. McQuade stated they did not if the property was going to remain as one. She stated that the property could be split off Young Drive, but if the applicant was going to subdivide off on Belmont Highway, the Planning Commission would still have to approve a road frontage variance. Mr. Cook stated that they would still need to split the property for what he and his family are intended to do. Mr. Braswell and Ms. McQuade looked over the survey to see what the options could be. Mr. Bell asked if Mr. Cook was opposed to an easement. Mr. Cook stated that he was not, however we was speaking for many people. Mr. Cook stated that he would be willing to talk to the rest of his family. Ms. McQuade stated that he could table his request in order to speak with his family and depending on what they decide, he can withdraw the request at the next meeting.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Hunt made a motion to table the request to the March 1, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

OTHER

7. Annual review of the previously approved hardship mobile home for Joseph Patterson on property located on the northeast side of Thompson Bridge Road, 440± feet south of its intersection with Elrod Road; a.k.a. 4834 Thompson Bridge Road; Zoned R-II; Tax Parcel 11061 007009. Commission District 3.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. Mr. Braswell asked if everything was in order for this request. Ms. McQuade stated that it was.


Motion: *Mr. Hunt made a motion to approve the request, with second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Other Business

The next Planning Commission meeting will be on Monday, March 1, 2021.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 7:12pm.


 Chris Braswell, Chairman
 Hall County Planning Commission


 Laura Ogletree, Clerk
 Hall County Planning Commission