



**HALL COUNTY PLANNING COMMISSION  
MINUTES OF MARCH 4, 2019**

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

- Members Present:** Chris Braswell, Chairman, Frank Sosebee, Johnny Varner, Gina Pilcher, Stan Hunt
- Staff Present:** Srikanth Yamala, Director; Sarah McQuade, Manager; Beth Garmon, Senior Planner; Vanessa Foster, Planner; Emily Foote, Secretary
- Call to Order:** The meeting was called to order by the Chairman at 5:15pm.
- Approval of Minutes:** February 18, 2019

**OLD BUSINESS**

1. **Previously Tabled application of Brett and Elizabeth Hayse for a Use Subject to County Commission approval on a 28.402± acre tract located on the west side of Will Wheeler Road, 875± feet south of its intersection with Ben Lee Road; a.k.a. 0 Will Wheeler Road; Zoned AR-IV; Tax Parcel 11030 000006 (pt.). Proposed Use: Commercial Kennel. Commission District 3.**

**Background Information:**

The applicants are requesting permission for a use subject to County Commission approval for a commercial kennel on an Agricultural-Residential-IV (AR-IV) zoned property. The subject property is 28.402± acres. The applicants purchased the subject property next door to the property their home is on and would like to build a dog boarding facility. The narrative states that the original intent was to create one indoor facility as shown on the proposed site plan. The applicants decided to adjust their plans to instead create multiple small buildings that will be placed in the same area as shown on the proposed site plan. No modified site plan was submitted. The small buildings are described in the narrative to be small sheds with fenced in yards so the dogs have indoor and outdoor access. An image of a small shed was submitted with the application. Approximately twenty units are proposed. A concrete driveway with designated parking area for customers to pick up and drop off their dogs is proposed, including 12 parking spaces. Additionally, a shuttle and taxi service will be provided to customers to pick up animals for boarding. This is to remove the necessity for a large parking lot. Operating hours are proposed from 6 am to 7 pm, Sunday through Saturday.

**Applicant's Presentation:**

Applicant was not present. Applicant requested to withdraw their request.

**Motion:** *Mr. Varner 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.*

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

## **NEW BUSINESS**

### **Variance**

- 2. Application of Caleb Mosley to vary the sign standards from 15 feet to 0 feet for the front yard setback on a 2.00± acre tract located at the intersection of Tribble Gap Road and Cornelia Highway; a.k.a. 7316 Tribble Gap Road; Zoned PCD; Tax Parcel 09030 000032. Proposed Use: Commercial signage. Commission District 3.**

### **Background Information:**

The applicant is requesting a front yard setback variance from 15 feet to 0 feet for the construction of a new commercial sign for a gas station and convenience store. When the applicant initially contacted the Planning & Development Department about renovating existing pole signs for the business, they were notified that the sign standards required all signage to be at least 15 feet from all property lines. The current signs are on the property lines and the poor visibility caused by locating the sign 15 feet into the property would create a hardship for the business, according to the application. The proposed sign would be located on the property line adjacent to right-of-way of Cornelia Highway. The proposed sign would be 8 feet tall and 80 inches wide. It would be monument-style, with a masonry base supporting the logo of the gas station and LED gasoline prices.

### **Applicant's Presentation:**

**Caleb Mosley, 2054 Atlas Circle, Gainesville, and Shehzad Mistry, 7467 Shady Glen Drive, Flowery Branch,** presented the application. Mr. Mosley stated that they are requesting a variance from 15 feet to 0 feet for a new sign for their business. Mr. Mosley explained that the sign will still be 135 feet from the road. Mr. Mosely stated that the additional 15 foot right of way will put the sign in the canopy of the trees, making it hidden from the road. Mr. Braswell asked if the previous sign has already been removed. Mr. Mosely confirmed that the previous non-conforming sign has been removed. Mr. Mistry stated that the approval of the application will help their business.

### **Public Forum:**

No one spoke in favor or in opposition to the request.

### **Planning Commission Comments:**

Mr. Braswell stated that there is a large right of way affecting the property. Mr. Braswell stated that the Board is generally not in favor of 0 foot setbacks, but this is an unusual case. Mr. Braswell added that Staff has recommended approval of the application and he will support the application. Mr. Hunt stated that he is familiar with the property and thinks moving the sign closer will enhance safety in the area.

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

- 3. Application of Cool Springs Baptist to vary the maximum sign area from 20 square feet to 50 square feet on a 6.68 ± acre tract located at the intersection of Cool Springs Road and Ledan Extension; a.k.a. 5000 Cool Springs Road; Zoned AR-III; Tax Parcel 10031 000004. Proposed Use: Church signage. Commission District 2.**

**Background Information:**

The applicant is requesting a variance to increase the allowable area of a monument sign from 20 square feet to 50 square feet for a church. The narrative states that the original church sign was in place before Hall County had a sign ordinance. The original sign was damaged by a car, and the church is asking to replace the original sign with a new monument sign that will be the same size. The submitted sign detail depicts a 1 foot-6 inch height base with a 5 foot height sign cabinet for a total height of 6 feet-6 inches. The sign height also requires a variance. The new sign will be constructed in the same location as the original sign, which is 60± feet from the edge of the pavement. The subject property is zoned Agricultural-Residential-III (AR-III) and is developed with a 5,740 square foot church constructed in 1979 and 2,263 square foot fellowship hall constructed in 1980.

**Applicant's Presentation:**

**Todd Clark, 4581 Will Wallace Road, Gainesville,** presented the application. Mr. Clark explained that the church's original sign was run over in February of 2018. Mr. Clark stated that the church wants to replace the sign with a new one of the same dimensions. Mr. Clark explained that they ordered the sign and once it arrived, they were informed that the sign does not meet the current sign standards. Mr. Clark explained that they would like to keep the sign the same size as the original, which will allow it to be read from the road without negatively impacting traffic. Mr. Hunt asked if the new sign matches the dimensions recommended in the staff report. Mr. Braswell answered that the new sign is larger than Staff recommends, but is the same size as the original sign. Mr. Clark added that the sign that was destroyed was put up in the 1970s and is located 50-60 feet from the road.

**Public Forum:**

No one spoke in favor or in opposition to the request.

**Planning Commission Comments:**

Mr. Braswell stated that the applicant would not be here today if a car had not knocked down their original sign. Mr. Braswell stated that under the circumstances, he can support the application.

**Motion: Ms. Pilcher made a motion to Approve the request with one Condition with a second from Mr. Sosebee and the motion passed by a 5 – 0 vote.**

**Condition:**

1. *The sign dimensions shall match the submitted sign plan.*

- 4. Application of Cook Residential to vary the right side yard setback requirement from 10 feet to 4 feet on a 0.24± acre tract located on the north side of Highland Gate Parkway approximately 140± feet from its intersection with Yonah Park; a.k.a. 4319 Highland Gate Parkway; Zoned PRD; Tax Parcel 12047 000021. Proposed Use: Bring existing residence into compliance. Commission District 3.**

**Background Information:**

The applicant is requesting a right side yard variance from 10 feet to 4 feet to bring an existing residence into compliance. According to Hall County Building Inspection records, a building permit was issued for the residence on December 22, 2016. The final inspection was completed and certificate of occupancy issued on April 12, 2017. The site plan that was approved for the building permit shows the proposed house to have side setbacks of 11 feet. The site plan submitted with the variance application shows a left side setback of 17.4 feet and a right side setback of 5 feet. The right side yard boundary is the rear boundary for the adjoining lots, which are oriented toward Yonah Park. Along this boundary which is shared with Lot #18, a 5 foot access easement has been granted which prohibits any construction within it. This access easement will ensure that any future structures erected on Lot #18 will maintain a minimum of 10 foot building separation, as required by the International Residential Building Code.

**Applicant's Presentation:**

**Wayne Morris, 118 Windy River Court, Demorest**, presented the application. Mr. Morris stated that an error was made during construction and the house was built 17 feet from one side property line and five feet from the other property line. Mr. Morris explained that the house on the adjoining property line was built over 40 feet from the property line. Mr. Morris stated that there is an existing fence that will act as a buffer between the properties. Mr. Braswell asked how the house was built so far into the setback. Mr. Morris answered that it was human error. Mr. Braswell asked if they have obtained an easement on the other lot. Mr. Morris answered that there is a five foot easement in addition to the existing fence. Mr. Hunt asked if the easement is recorded on the plat for lot 18. Mr. Morris answered that the easement is not recorded on the plat, but the fence is. Mr. Braswell asked the distance from the house on lot 18 to the property line. Mr. Morris answered that the house is five feet from the property line. Mr. Hunt asked if there is a similar buffer on lot 19. Mr. Morris answered that there is a 20 foot no build easement. Mr. Braswell inquired about the possibility of lot 17 obtaining five feet of property from lot 18 to negate the need for a variance. Mr. Morris answered that this may not be an option, as it could drop the lot size of lot 18 below the minimum square footage. **Sarah McQuade, Manager**, stated this was likely the case and that the easement was a better option. Mr. Braswell asked for confirmation that the house was originally designed to be 11 feet of each side property line. Mr. Morris confirmed but stated that the house was moved during construction by mistake. Mr. Sosebee asked how and why the error was caught. Mr. Morris stated that the house was built in April 2017 and the error was discovered recently when a survey was completed for lot 18. Mr. Hunt asked if the house was already owned by the current owners when the survey for lot 18 was conducted. Mr. Morris confirmed and stated that the owners of lot 17 purchased the home in 2017. Mr. Hunt asked if the closing plat showed the actual setbacks when the owners purchased the home in 2017. Mr. Morris stated that he did not know. Mr. Braswell commented that this is a major problem and asked Staff if a fine could be placed on the applicant if the Board approves the variance. Ms. McQuade stated that a fine cannot be placed since the certificate of occupancy has already been issued. Mr. Braswell asked if the house was custom built or a spec house. Mr. Morris answered that it is a spec house. Mr. Morris stated that since this mistake they have hired an in house surveyor to make sure these problems do not happen again.

**Public Forum:**

No one spoke in favor or in opposition to the request.

**Planning Commission Comments:**

Mr. Sosebee stated that he saw nothing wrong with approving the request and commented that the applicant should not make similar mistakes again. Mr. Hunt agreed with Mr. Sosebee.

**Motion:** *Mr. Hunt made a motion to Approve the request with a second from Mr. Sosebee and the motion passed by a 5 – 0 vote.*

**Conditional Use/Use Subject to Approval**

- 5. Application of James Hinshaw for a Use Subject to Planning Commission Approval for a Rural Business on a 6.81±acre tract located on the southeast side of Old Claude Peck Road approximately 610± feet from its intersection with Claude Peck Road; a.k.a. 4568 Old Claude Peck Road; Zoned AR-IV; Tax Parcel 12046 000014. Proposed Use: Vehicle part sales. Commission District 3.**

**Background Information:**

The applicant is requesting a Use Subject to Planning Commission approval for a rural business selling vintage racing motorcycle parts. The narrative states that all sales will be via website, with no retail storefront. The business will operate in a detached garage that is primarily used to work on and store vintage racing motorcycles. The business will be limited to the 1,000 square foot maximum area within the garage. The structure used to house the business sits to the rear of the existing home and is more than 100 feet from the front property line. Only one employee in excess of family members residing on the premises will be permitted onto the property for business purposes. The property has frontage along Old Claude Peck Road. The applicant will comply with signage and business hour requirements. No more than one home occupation, residential business, or rural business will be operated at one time in a residence. No equipment will be used for this business that is not ordinarily found in agricultural or residential uses.

**Applicant's Presentation:**

**James Hinshaw, 4568 Old Claude Peck Road, Gainesville,** presented the application. Mr. Hinshaw stated that he owns a vintage motorcycle racing company and does internet only sales for parts. Mr. Braswell asked if there would be any repair work done at the property. Mr. Hinshaw answered that the only repair work would be on his personal motorcycles. Mr. Braswell asked if there will be any signs since there will be no customers at the property. Mr. Hinshaw answered that he does not want any signs for the business. Mr. Braswell commented that if Mr. Hinshaw decides later that he wants a sign, it will have to be approved by Staff. Mr. Hunt asked about shipments to and from the property. Mr. Hinshaw answered that all shipments are done via USPS or UPS.

**Public Forum:**

No one spoke in favor or in opposition to the request.

**Planning Commission Comments:**

Mr. Braswell commented that the application fits the classification of a rural business and commended Vanessa Foster on the staff report. Ms. Pilcher agreed that the application is in order.

**Motion:** *Ms. Pilcher made a motion to Approve the request with a second from Mr. Sosebee and the motion passed by a 5 – 0 vote.*

- 6. Application of Walters Income Properties, L.P. for a Use Subject to County Commission Approval on a 24.18±acre tract located at the intersection of Clarks Bridge Road and Bogus Road; a.k.a. 5033 Clarks Bridge Road; Zoned AR-IV; Tax Parcel 12069 000003. Proposed Use: 6-lot subdivision. Commission District 3.**

**Background Information:**

The applicant is seeking to subdivide a 24.18± acre tract zoned Agricultural-Residential-IV (AR-IV) into six lots. On the submitted draft plat, Lot 1 is shown at 1.99± acres, Lot 2 is shown at 1.09± acres, Lot 3 is shown at 1.08± acres, Lot 4 is shown at 2.18± acres, Lot 5 is shown at 2.31± acres, and Lot 6 is shown at 15.53± acres. Lots 1, and 2, have frontage along Clarks Bridge Road. Lot 3 has frontage on both Clarks Bridge and Bogus Road. Lots 4 and 5 have frontage on Bogus Road. Lot 6 has frontage on both Bogus Road and Mission Drive. The subject property has 24.18± acres and is zoned Agricultural-Residential-IV (AR-IV). The subject property is developed with single-family site built home measuring 1,930 square feet, constructed in 1966. The adjacent parcels to the south are zoned AR-IV. In this area is a mix of large and small agricultural and single family residential tracts of land.

**Applicant's Presentation:**

**Jim Walters, 718 Green Street, Gainesville**, presented the application. Mr. Walters stated that he is looking to subdivide a 25 acre tract. Mr. Walters stated that each lot will be over an acre in size. Mr. Walters explained that the three lots on Clarks Bridge Road will have public water available. Mr. Braswell asked if Mr. Walters had read the conditions in the staff report. Mr. Walters confirmed that he agrees with the conditions. Mr. Braswell stated that there is a memo from Hall County Engineering stating that Mr. Walters's application does not need a stormwater management plan currently, but if any more lots are added, a stormwater management plan will be required. Mr. Walters agreed.

**Public Forum:**

No one spoke in favor or in opposition to the request.

**Planning Commission Comments:**

Mr. Braswell stated that the application is in order.

**Motion:** *Mr. Hunt made a motion to Recommend Approval of the request with Conditions with a second from Mr. Sosebee and the motion passed by a 5 – 0 vote.*

*Conditions:*

1. *The development shall generally occur as depicted on the site plan and as described in the project narrative, modified for compliance with regulations at time of site plan approval.*
2. *Driveway design and placement are subject to approval by the Georgia Department of Transportation and the Hall County Traffic Engineer.*
3. *All homes on lots 2-5 shall be site-built.*
4. *No vinyl siding shall be allowed for homes on lots 2-5.*
5. *Prior to the issuance of any building permits, a recorded plat shall be required.*
6. *All conditions of zoning shall appear on any plats created for the subdivision.*

- 7. Application of Michael Massey to rezone from Planned Industrial Development (PID) to Agricultural-Residential-III (AR-III) on a 17.95±acre tract located at the intersection of Hidden Hill Drive and Browns Bridge Road; a.k.a. 3942 Hidden Hill Drive; Zoned PID; Tax Parcel 08039 001002(pt.). Proposed Use: Permitted uses in the AR-III zoning district. Commission District 2.**

**Background Information:**

The applicant is requesting to rezone a 17.95± acre tract from Planned Industrial Development (PID) to Agricultural-Residential-III (AR-III) for permitted uses within the AR-III zoning district. The applicant has applied for and received a demolition permit from Hall County Building Inspections for the demolition of a metal poultry house measuring approximately 145 feet by 350 feet. This work has begun but is not yet complete. The subject property was previously used as a storage facility for a nearby marble manufacturer. The property was originally rezoned in 1994 from AR-III to PID with conditions for the manufacturing of counter tops. The property is currently developed with 3 metal storage buildings which were built in 1970, according to Hall County tax records. Another large poultry house, which had been previously used as a warehouse, was recently permitted for demolition by the property owner. Adjacent properties are zoned AR-III and most are developed with single-family residences.

**Applicant's Presentation:**

**Michael Massey, 3951 Hidden Hills Drive, Gainesville**, presented the application. Mr. Massey stated that he has purchased the property, which used to belong to Mincey Marble. Mr. Massey explained that the property currently has a split zoning, with 4 acres being PID and the remainder being AR-III. Mr. Massey stated that he wants to rezone the entire property to AR-III. Mr. Massey stated that he has obtained a demolition permit to remove the existing building. Mr. Braswell asked if Mr. Massey has a specific use for the property after rezoning. Mr. Massey stated that he does not.

**Public Forum:**

**David Chastain, 4158 Greyfield Bluff, Gainesville**, spoke in opposition. Mr. Chastain stated that there is not enough detail in Mr. Massey's application and asked what will be done with the property. Mr. Chastain asked if the demolition permit is for the large structure or for the chicken houses. Ms. McQuade answered that the permit is for the larger structure and no demolition permit has been issued for the chicken houses currently. Mr. Chastain commented that the property never had an occupancy permit, despite being used by Mincey Marble in the past. Mr. Chastain asked about the classification of the storage buildings. Ms. McQuade answered that the Tax Assessors office has identified three storage buildings and one large poultry building, which was used by Mincey Marble and has the current demolition permit. Mr. Chastain asked if a condition can be placed on the application prohibiting heavy industrial storage. Ms. McQuade answered that the AR-III zoning does not allow commercial storage of any kind. Mr. Chastain explained that there is a property across the street zoned AR-III that has industrial storage. Mr. Braswell stated that they are only addressing the property in the application.

**Planning Commission Comments:**

Mr. Braswell stated that the application is clean cut and he is not asking for any special requests. Mr. Sosebee stated that he is in favor of the application.

**Motion:** *Mr. Sosebee made a motion to Recommend Approval of the request with a second from Mr. Varner and the motion passed by a 5 – 0 vote.*

**Other Business**

The next Planning Commission meeting will be on Monday, March 18, 2019.

**ADJOURNMENT:**

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 5:53pm.

  
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Chris Braswell, Chairman  
Hall County Planning Commission

  
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Emily Foote, Secretary  
Hall County Planning Commission