



**HALL COUNTY PLANNING COMMISSION
MINUTES OF JUNE 17, 2019**

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, Frank Sosebee, Gina Pilcher, Stan Hunt, Johnny Varner

Staff Present: Srikanth Yamala, Planning Director; Sarah McQuade, Manager; Beth Garmon, Senior Planner; Vanessa Foster, Planner; Laura Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:17 pm.

Approval of Minutes: June 3, 2019

OLD BUSINESS

1. **Previously Tabled application of Caleb Mosley for a continuation a nonconforming use on a 1.53± acre tract located on the west side of Lula Road, at its intersection with Old Cornelia Highway; a.k.a. 5505 Lula Road; Zoned H-B; Tax Parcel 15007A000028. Proposed Use: Commercial Signage.* Commission District 3.**

Background Information:

The applicant is requesting the continuation of a nonconforming use of an existing commercial sign. The proposed scope of work is to remove all existing sign cabinets and faces from the existing main ID sign with the Shell logo, and retrofit new sign cabinets and face for new '76' logo. The existing sign poles are proposed to be painted titanium gray. The existing overall sign height is 25 feet-8 inches. The existing sign area is 76.42 square feet, and the proposed sign area is 58.46 square feet.

The statement of hardship states that the cost to construct a monument style sign would be a burden on the store owner because the contract with '76' only pays for retrofitting the existing sign. The decreased visibility would also create a hardship on the store. There are existing Chevron and Exxon stores within a two to three mile range that have tall signs of approximately 30 feet in height.

Applicant's Presentation:

Polly Licciardi, Gainesville, presented the application. Ms. Licciardi asked for the board to approve a retrofit sign for the business owner. She explained the business owner spent of \$75,000 in upgrading his property and was unaware of the sign needing to be a monument style sign and did not budget for that type of sign when the improvements were made. She also mentioned that the location of this property and business was extremely rural and if the sign height was to a monument style sign, due to the way the property is situated on the road, visibility would be very low. She mentioned that the business owner was trying to provide gasoline to this rural area at a low price, but if he was going to have to take out additional loans to remake his sign, he would not be able to provide low price gas. Mr. Braswell asked if the applicant had seen the condition that staff had recommended. **Bo Bearden, Flowery Branch**, stated that he worked for Clipper Petroleum and the property owner was a lessee of theirs. The applicant was aware and agreed with the condition. Mr. Bearden stated that in the

petroleum business, exposure is the best thing for the company and the sign that the applicant was applying for would provide them the most amount of exposure possible. Mr. Braswell asked how long the site had been there and Mr. Bearden stated that it has been there at least fifteen years, possibly longer.

Public Forum:

No one spoke in opposition or in favor of this application.

Planning Commission Comments:

Mr. Braswell stated that what the applicant was asking for was straight forward and asked Mr. Hunt his thoughts since this was in his district. Mr. Hunt stated that he had no problems whatsoever and would approve of this with the conditions. Mr. Varner told Mr. Bearden to make sure that his company was aware of the corridors on all the other preexisting properties, to avoid future problems. Ms. Pilcher agreed that this location would be at a disadvantage from having a lower sign.

Motion: *Mr. Sosebee made a motion to Remove the request from the Table with a second from Ms. Pilcher and the motion passed with a 5-0 vote.*

Motion: *Mr. Hunt made a motion to Approve, with One Condition with a second from Mr. Sosebee and the motion passed with a 5-0 vote.*

Condition:

1. *The existing pole shall be encased in paneling matching the sign material for the entirety of the pole so that it is no longer visible.*
2. **Previously Tabled application of Grey Hill, LLC for a front yard setback variance from 50 ft. to 25 ft. and a side yard setback variance from 30 ft. to 0 ft. on a 2.94± acre tract located on the south side of Gateway Centre Parkway, approximately 600 feet from its intersection with White Sulphur Road; a.k.a. 3026 Gateway Centre Parkway; Zoned I-II; Tax Parcel 15020A000033. Proposed Use: Construct an addition.* Commission District 3.**

Background Information:

The applicant is requesting a front and side yard setback variance in order to construct an addition to an existing building. The Statement of Hardship indicates that the existing building location limits any expansion. The building was constructed in this location to maximize the usable area of the lot. The proposed expansion exceeds what was anticipated when construction began on the original building, resulting in the requested setback variance. The applicant states that since the area of the lot where the variance is requested is along the right-of-way of GA-365/Cornelia Highway the view of the addition will be blocked by vegetation and topography.

A revised site plan was submitted after the application was filed which modifies this parcel and the adjacent lots to the east and west. These changes include combining Tracts 1 and 2, and shifting the shared boundary with Tract 3 to the east in order to eliminate the need for a side setback variance. The front setback along GA-365/Cornelia Highway remains at 25 feet with the proposed addition, and will still require a variance.

Applicant's Presentation:

Lee Hemmer, Gainesville, presented the application. Mr. Hemmer stated that he worked with Grey Hill, LLC. He stated the business that is there now grew faster than anticipated and they needed to construct a larger addition than originally planned. This led to the need to request a setback variance. Mr. Hemmer stated that the 26,000 square foot addition would require a 25 foot front setback along Cornelia Highway. He also stated that he had presented a new survey to the staff the week before which adjusted the lot line between lot 2 and lot 3, removing the need for a side yard setback variance. Mr. Braswell asked if the zero foot setback was still needed, applicant agreed that they did not need it if the plat were approved. Mr. Braswell asked Mr. Hemmer if he recalled during the original rezoning request in 2014 requesting that the rear of the building be permitted to be metal due to the anticipated addition. Once the addition was complete the rear of the building would be finished to match the materials utilized for the other walls of the building. Mr. Hemmer stated that he would like to come to an agreement on using a different material on the back of the building but that they had agreed to using brick if that was all that was allowed. Mr. Hemmer requested that the plat approval not delay the issuance of the land disturbance permit process. Sarah McQuade, Manager, stated that the plat was under review and it should not delay the issuance of the land disturbance permit. The first round of comments for the land disturbance permit had been completed and there would need to be a second round, but it should coincide with the approval of this request.

Public Forum:

No one spoke in opposition or in favor of this application.

Motion: Ms. Pilcher made a motion to Remove the request from the Table with a second from Mr. Hunt and the motion passed with a 5-0 vote.

Motion: Mr. Hunt made a motion to Approve, with Conditions with a second from Ms. Pilcher and the motion passed with a 5-0 vote.

Condition:

1. An updated plat shall be recorded prior to the issuance of any land disturbance or building permits.

NEW BUSINESS**Variance**

3. Application of John Idol for a right side yard setback variance from 10 ft. to 5 ft. on a 0.256± acre tract located on the north side of Breezeway Place, at its terminus, being lot 119 of Beach Haven Heights Subdivision; a.k.a. 5378 Breezeway Place; Zoned R-I; Tax Parcel 08081 003057(pt.). Proposed Use: Construct a residence.* Commission District 2.

Background Information:

The applicant is requesting a right side yard setback variance, from 10 feet to 5 feet, for the proposed construction of a residence. The applicant states that the lot slopes from left to right, and top to bottom which limits the area suitable for a septic system. Without the setback variance, the residence

will need to be reduced in size. The proposed site plan shows the residence measuring 35 feet by 40 feet with a deck along the side measuring 35 feet by 10 feet. The proposed septic system is shown along the west half of the lot. The narrative states that the neighboring lot has a setback variance due to similar topographic conditions.

Applicant's Presentation:

John Idol, Gainesville, presented the application. He stated he was applying for a variance from a 10 foot setback to a 5 foot setback so he could make the septic layout work for the house he is trying to build. Mr. Braswell asked if Mr. Idol had already had the soil survey conducted, Mr. Idol stated he had. Mr. Idol said the topography of the property had a lot to do with where the location of the house had to be placed. Mr. Braswell asked if Mr. Idol owns the house next door to the property, Mr. Idol confirmed he did. Mr. Braswell asked if the home that was to be built was for purchase purposes or for a family member. Mr. Idol stated he was downsizing, therefore the house would be for himself and his wife. Mr. Hunt asked if Mr. Idol had future plans to sell his other home, Mr. Idol confirmed he would eventually.

Public Forum:

No one spoke in opposition or in favor of this application.

Planning Commission Comments:

Mr. Hunt asked Mr. Idol if he was aware of the condition that staff had recommended, Mr. Idol stated he was aware and had agreed to it.

Motion: *Ms. Pilcher made a motion to Approve, with Conditions with a second from Mr. Varner and the motion passed with a 5-0 vote.*

Condition:

1. *The foundation and property lines shall be staked prior to the foundation being poured to verify the location of the proposed structure.*

Conditional Use/Use Subject to Approval

4. **Application of Dena Brown for a Use Subject to County Commission approval on a 5.39± acre tract located on the south side of L J Martin Road, approximately 720 feet from its intersection with Strickland Road; a.k.a. 5238 L J Martin Road; Zoned AR-III; Tax Parcel 15038 000046. Proposed Use: Personal Care Home.** Commission District 1.**

Background Information:

The applicant is requesting a use subject to the county commission approval for a community residence for up to 12 residents. Peaceful Hearts Personal Care Home would operate the community residence for elderly residents. Assistance would be provided with day-to-day activities for the residents as well as 3 meals per day, regular activities, health and wellness programs, and fitness

activities. Residents would also receive assistance with transportation to and from appointments and group outings.

Applicant's Presentation:

Dena Brown, Gainesville, presented the application. Ms. Brown stated that she was the owner and operator of Peaceful Hearts Personal Care Home and that they had five clients at the home. She was requesting an increase in possible clients staying in the home to twelve. She stated she would like to provide more opportunity to the seniors in the community. She stated that most seniors look for more of a home style senior living rather than a nursing home. Mr. Braswell asked if there was an employee with the residents all day. Ms. Brown confirmed and stated there was one employee during the day and one at night. She stated that if approved for the increase, there would be two employees during the day and two at night to meet state regulations. Mr. Braswell asked if Ms. Brown had all her licenses, Ms. Brown confirmed that she had state and county licenses. She stated that in 2015 when she had applied the first time, the time given for the amount of work that needed to be done would not have been possible within the five day time limit and their budget. Mr. Hunt asked if Ms. Brown had read the Environmental Health comments regarding the amount of occupants of employees and residents combined. Ms. Brown stated that she had and they would have to increase the size of septic if they wanted to go above ten occupants. Mr. Varner asked how many bathrooms; Ms. Brown confirmed there were five full bathrooms and one half bathroom. Mr. Sosebee asked what the number of staff would be once the number of residents was increased. Ms. Brown stated there would be five total, including herself.

Public Forum:

No one spoke in opposition or in favor of this application.

Motion: *Mr. Sosebee made a motion to Approve, with Conditions with a second from Mr. Hunt and the motion passed with a 5-0 vote.*

Condition:

1. *A business license shall be obtained within 1 year of approval of the application indicating the facility may house up to 10 residents. The facility shall not exceed the limit of no more than five residents until a business license is obtained reflecting this conditional use.*
- 5. Application of Robert Ratliff for a Use Subject County Commission approval on a 0.97± acre tract located on the south side of Silver Chase Court, at its terminus; a.k.a. 3510 Silver Chase Court; Zoned R-I; Tax Parcel 15015 000287. Proposed Use: Amend conditions of a subdivision.** Commission District 3.**

Background Information:

The applicant is requesting that the original zoning conditions for the subdivision be amended to allow access from the rear of the subject property to Truelove Road as well as varying the vegetative buffer along that road. The applicant states that due to the pie-shaped configuration of his lot, access from the front of the property is restricted by the proximity of the house to the side property lines. Due to this restricted access, he removed a section of the berm measuring approximately 16 feet wide

along the rear of the property adjacent to Truelove Road. This was done so that the applicant could create an access drive to the back of the lot. The applicant's improvements include a privacy fence with electronic keypad access. The applicant also plans to add sod to cover the 16 foot wide driveway leading from Truelove Road to the gate, as well as maintain positive drainage and vegetation to avoid erosion problems in the area.

Applicant's Presentation:

Robert Ratliff, Gainesville, presented the application. Mr. Ratliff stated he has a gap gate on the back of his property to be able to maintain his property. He had to remove the berm at the rear of the property to be able to do so. Mr. Ratliff stated that he did not want a driveway, just strictly a gap gate for access and maintenance of the back of his property. Mr. Braswell asked if Mr. Ratliff built the fence and how far it was from the property line. Mr. Ratliff confirmed he built the fence and that it was 2 feet from the property line and 15 feet from the berm. Mr. Braswell states that he did not understand why Mr. Ratliff would need to get to the other side of the berm to maintain that part of the property. Mr. Ratliff stated that there was an overgrowth of vegetation. Mr. Hunt asked Mr. Ratliff why he had removed the berm; Mr. Ratliff stated it was to keep that area along the road mowed. Mr. Hunt stated that when he went to see the property it had looked like a driveway had been cut into the berm. Mr. Ratliff denied that it was a driveway, but that he had cut the berm for his fence, but none of it had affected the right-of-way. Mr. Braswell asked how wide the gap gate was; Mr. Ratliff confirmed it was 14 feet wide. Mr. Hunt asked if Mr. Ratliff was unable to access the property from the left-hand side of his property. Mr. Ratliff stated that he could not do to the shape of the property. Mr. Hunt stated that he concern was not the fence or size of the gap gate, but it was the fact that the berm was cut without a need for it to have been.

Public Forum:

No one spoke in opposition or in favor of this application.

Planning Commission Comments:

Mr. Hunt stated that after reading the staff report and hearing what he had heard, that the recommendation of denial was correct. Ms. Pilcher stated that she agreed. Mr. Hunt stated that when the neighborhood was zoned originally the berm had been part of the conditions of the subdivision and should not have been cut. Mr. Hunt also stated that Mr. Ratliff's deed and plat would have stated that even though Mr. Ratliff stated that he was unaware of it. Mr. Braswell stated that Mr. Ratliff was actually asking for an amendment to the subdivisions conditions. Ms. McQuade stated that if the board was to recommend approval, it would be solely for Mr. Ratliff's lot only and not apply to the entire subdivision. Mr. Braswell suggested that the staff recommend adding a condition to restore the berm if the request was not approved.

Motion: *Mr. Hunt made a motion to Recommend Denial of the request with a second from Mr. Varner and the motion passed with a 5-0 vote.*

Proposed Amendments

6. **Application of Brandon & Haley Sullins to amend conditions of a Planned Commercial Development (PCD) on 1.37± acres located on the north side of Dawsonville Highway approximately 430 feet from its intersection with Old Fork Road; a.k.a. 2436 Dawsonville Highway; Zoned PCD; Tax Parcel 10085 000070. Proposed Use: Commercial parking.** Commission District 2.**

Background Information:

The applicant is requesting to amend the conditions of a Planned Commercial Development (PCD). The original PCD rezoning request was approved on August 25, 2011 with 1 condition. The applicant is requesting to park two to four ambulances on the property for a medical transport company. The applicant does not intend to live on this property or have any residential tenants. The narrative states that there is no intention to make any immediate changes to the existing signage that the prior business used. Pending owner approval, the applicant may use a banner style sign on the side of the building. The proposed hours of operation are Monday through Saturday from 7:00 am to 7:00 pm.

Applicant's Presentation:

Brandon Sullins, Gainesville, presented the application. Mr. Sullins stated that he and his wife were seeking permission to use the property to park ambulances. Mr. Sullins stated that there would not be lights, sirens, or fast driving. Mr. Braswell asked if Mr. Sullins had seen and agreed with the recommendations and conditions from staff. Mr. Sullins confirmed and agreed he was aware. Ms. Pilcher asked about the maximum number of ambulances parked on the property. Mr. Sullins stated that the property would not accommodate if there was a need for more than 4 ambulances being parked there. Ms. Pilcher asked if they were to make a condition that stated he could not have more than 4 ambulances parked there, he would agree with it. Mr. Sullins stated he would agree.

Public Forum:

No one spoke in opposition or in favor of this application.

Motion: *Mr. Hunt made a motion to Recommend Approve, with Conditions with a second from Mr. Varner and the motion passed with a 5-0 vote.*

Conditions:

1. *The parking of up to four ambulances shall be allowed on paved surface within the property boundary. Parking in the right-of-way shall not be allowed.*
2. *Any future development shall be subject to the Hall County Development Review process.*
3. *Any future development shall be subject to the Gateway Corridors Overlay District standards.*
4. *All conditions of zoning shall be made part of any new plats recorded for the property.*

Other Business

The next Planning Commission meeting will be on Monday, July 1, 2019.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:07 pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Secretary
Hall County Planning Commission