

1. CALL TO ORDER

2. MINUTES

A. February 9, 2021 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Requests

- (1) Request from **Raymond Smith** to vary the rear yard setback requirement on a 0.57± acre tract located on the north side of Mountain View Circle, east of its intersection with Honeysuckle Road (a/k/a **650 Mountain View Circle, NW**), having a zoning classification of Residential-I (R-I).
Ward Number: One
Tax Parcel Number(s): 01-111-001-006
Request: Screened porch addition
- (2) Request from **Lamb Capital, LLC** to vary the Midtown Overlay Zone prohibited and permitted use standards on a 1.12± acres tract located on the southwest side of the intersection of West Avenue and Jesse Jewell Parkway (a/k/a **506 Jesse Jewell Parkway, SW and 521 West Avenue, SW**), having a zoning classification of General Business (G-B).
Ward Number: Four
Tax Parcel Number(s): 01-028-001-040 and 042
Request: Express Oil Change facility

B. Annexation Request

- (1) Request from **Roberto A. Palacios** to annex a 0.36± acres tract located on the west side of Cherry Circle, north of Cherry Lane (a/k/a **7 Cherry Circle**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 08-015-005-007
Request: Sewer for an existing single-family home

5. MISCELLANEOUS

6. ADJOURNMENT

Date Submitted: 2/12/2021
Presenter: N/A
Item of Business: February 9, 2021 PAB Meeting Minutes
Meeting Date: 3/9/2021

Purpose of Request:

The purpose of this request is to allow the Planning and Appeals Board to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

The draft minutes were reviewed by the Planning Manager and Community Development Director.

Department Recommendation:

Approval of the minutes as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
	Draft Minutes	Minutes

GAINESVILLE PLANNING AND APPEALS BOARD
DRAFT MINUTES OF MEETING
FEBRUARY 9, 2021

CALL TO ORDER Chairman Carter at 5:30 p.m.

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Rich White, Eddie Martin, Kelvin Simmons, Carmen Delgado and Ryan Thompson

Members Absent: None

Staff Present: Community & Economic Director Rusty Ligon and Community & Economic Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Members Barbara Brooks, George Wangemann and Sam Couvillon

MINUTES OF JANUARY 12, 2021

Motion made by Board Member Thompson
Motion seconded by Board Member Delgado
Vote – 7 favor

NEW BUSINESS

A. Rezoning Request

- 1) Request from **Dave Odom** to rezone a 1.56± acres tract located on the south side of Oak Street, west of its intersection with West Academy Street (a/k/a **341 and 361 Oak Street, NW**) from General Business (G-B) to Planned Unit Development (P-U-D).

Ward Number: Four

Tax Parcel Number(s): 01-026-001-002A and 003

Request: Mixed-use residential and commercial

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The proposal includes rezoning the subject property from General Business (G-B) to Planned Unit Development (P-U-D) for a mixed-use development consisting of 20 residential units and improving the existing commercial building.

Adjacent uses include the Academy Oak Business Center office building, a power substation, St. Paul United Methodist Church, the previous Guest House and the Atlanta Union Mission thrift store. The subject property consists of two parcels and are located on south side of Oak Street just west of West Academy Street.

The proposal consists of 9 detached cottage homes, 11 attached townhomes and an existing 1,200 square foot commercial building for office/retail/café purposes. The residential units will have the ability to be sold as fee-simple and/or offered as long-term rental properties.

The 9 cottages are labeled on the concept plan as units 1 - 4 and 16 - 20 and are designed as two-story units with a minimum of 1,150 square feet of heated floor space with two parking spaces. Each unit is designed with a small accessory building that can be used for additional residential living/office space.

The 11 townhomes are labeled as units 5 – 9 and 10 - 15 and are designed as three-story units ranging from 1,600 to 2,100 square feet of heated floor space, with a two-car garage.

Common space will include 6 visitor parking spaces, a small greenspace/park and mail kiosk. The commercial building will utilize the existing two driveways.

The Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category which is planned for a mixture of land uses including office, neighborhood retail, and residential.

As well, the property is located within the *Central Core* Character Area which supports additional office and housing to provide a more sustainable mix of uses. Land uses supported in the subarea include mixed-use, multi-family residential, commercial, public / institutional, and transportation / communications / utilities.

The Planning Division staff is recommending **conditional approval** of this rezoning request from General Business (G-B) to Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent mixture of uses.

Applicant Presentation: **Dave Odom**, 6632 Ben Parks Road, Murrayville, stated he has been meeting with Community & Economic Development staff over the last couple of years trying to find opportunities in Gainesville and has completed one project on Bradford Street. He stated the project has been successful due to its close proximity to the square. Mr. Odom stated over the last six years he's been doing Urban Infill in the Atlanta area and wanted to bring some what he's learned in Midtown Atlanta to Gainesville. He stated there will be a mixture of cottages and townhomes close to street. The street will use a paver system and will be walkable, with everything focused to the center. He said at the back of the property there will be a central park and three story townhomes with roof top decks on the upper floor focused toward the center. Mr. Odom said the size of the units has grown some with the smallest cottage at 1,200 square feet up to 1,700 square feet with two and three bedroom units with a mix of traditional small village and modern design. He said the townhomes are 1,730 to 2,430 square feet all with garages and mixed front elevations but focused toward the center of the property. He spoke about the quality of the interior design showing photos of other projects. He stated Mr. Powell owns building next door was a little concerned about the rear elevation of the townhomes facing his office building. After speaking with him and meeting a few times they have come up with a modification of buildings 10 through 15 being reoriented along the south part of the property and with the park being more east/west orientation. He thinks the project has actually improved and all is contingent on engineering and meeting all the design standards.

Billy Powell, 329 Oak Street, agrees with the revised layout of reorienting units 10 through 15 and believes it will be better for everybody. He is in full support of the new layout.

Richard Padgham, 341 Oak Street, stated he is the property owner and has always wanted a project like this and the reason for purchasing it years ago. Mr. Padgham fully supports the project.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval to rezone the subject property from General Business (G-B) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this rezoning application.
2. Prohibited uses for the subject property shall include extended stay hotels, motels/hotels with rooms accessed from the exterior of the building, adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
3. The owner/developer shall screen the proposed stormwater detention pond and dumpster with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. All proposed residential structures shall be setback a minimum of 10-feet from the adjacent office building located to the east of the subject property and shall have a maximum building height of 35-feet, measured from the lowest elevation.
5. All new structures, signs and trees shall be setback from Oak Street so as not to interfere with the site distance for traffic exiting the development. All improvements such as roads and sidewalks within the subject property shall be privately owned and maintained.
6. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
7. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 7 favor

ADJOURNMENT

There was a motion to adjourn the meeting at 5:47 p.m.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 7 favor

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary

Date Submitted: 2/12/2021

Presenter: Matt Tate

Item of Business: Request from **Raymond Smith** to vary the rear yard setback requirement on a 0.57± acre tract located on the north side of Mountain View Circle, east of its intersection with Honeysuckle Road (a/k/a **650 Mountain View Circle, NW**), having a zoning classification of Residential-I (R-I).
Ward Number: One
Tax Parcel Number(s): 01-111-001-006
Request: Screened porch addition

Meeting Date: 3/9/2021

Purpose of Request:

The applicant is proposing to build a 22-foot wide by 15-foot deep screened porch addition to the rear of his home. The subject property consists of a one-story single-family home built in the 1950's. The applicant is basing the hardship on the location of the home in relation to the rear property line. The surrounding uses include single-family homes.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Statement of Hardship	Backup Material
☐ Concept Plan	Backup Material
☐ Plat	Backup Material
☐ Site Plan	Backup Material
☐ Architectural Rendering	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Raymond Smith
Location..... 650 Mountain View Circle, NW
Request..... Vary the rear yard setback
Size 0.57± acre
Ward..... One
Proposed Use..... Screened porch addition
Planning Division Staff Recommendation **Approval**
Date..... March 9, 2021

▪ **Request**

The applicant is proposing to vary the rear yard setback from 20-feet to 9-feet in order to construct a 22-foot wide by 15-foot deep screened porch addition to the rear of the existing home.

▪ **Background Information and Existing Conditions**

The subject property consists of a one-story single-family home built in the 1950's. According to tax records, the existing home is approximately 2,233 square feet of heated floor space. The surrounding uses include single-family homes and undeveloped property.

▪ **Significant Factors**

The Ordinance requires that the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant is basing the hardship on the location of the home in relation to the rear property line. As well, the proposed location of the screened porch will provide for privacy.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

▪ **Supporting Documents**

Statement of Hardship, Plat, Concept Plan and Picture.

▪ **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The property is of normal shape and size and gradually slopes from east to west. The existing home and property are well maintained with mature vegetation. The area where the screened porch is proposed is flat requiring less grading.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

The purpose of the building setback requirement is to provide for uniformity of building placement, sufficient access, as well as to provide for adequate separation from neighboring properties for fire safety.

The existing home is setback approximately 160 feet from the front property line placing it closer to the rear property line. In order to comply with the rear setback requirements, the addition would be required at the front of the house which would not logistically work for the current layout of the home.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

The existing zoning of Residential-I (R-I) requires a 20-foot rear setback requirement. The existing location of the home limits the proposed rear yard addition.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

The adjacent properties are zoned Residential-I (R-I) and include undeveloped property and single-family homes. Specifically, the location of the proposed addition will not be visible from Mountain View Circle and it backs up to heavily wooded property. The proposal would not appear to impair the ordinance.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

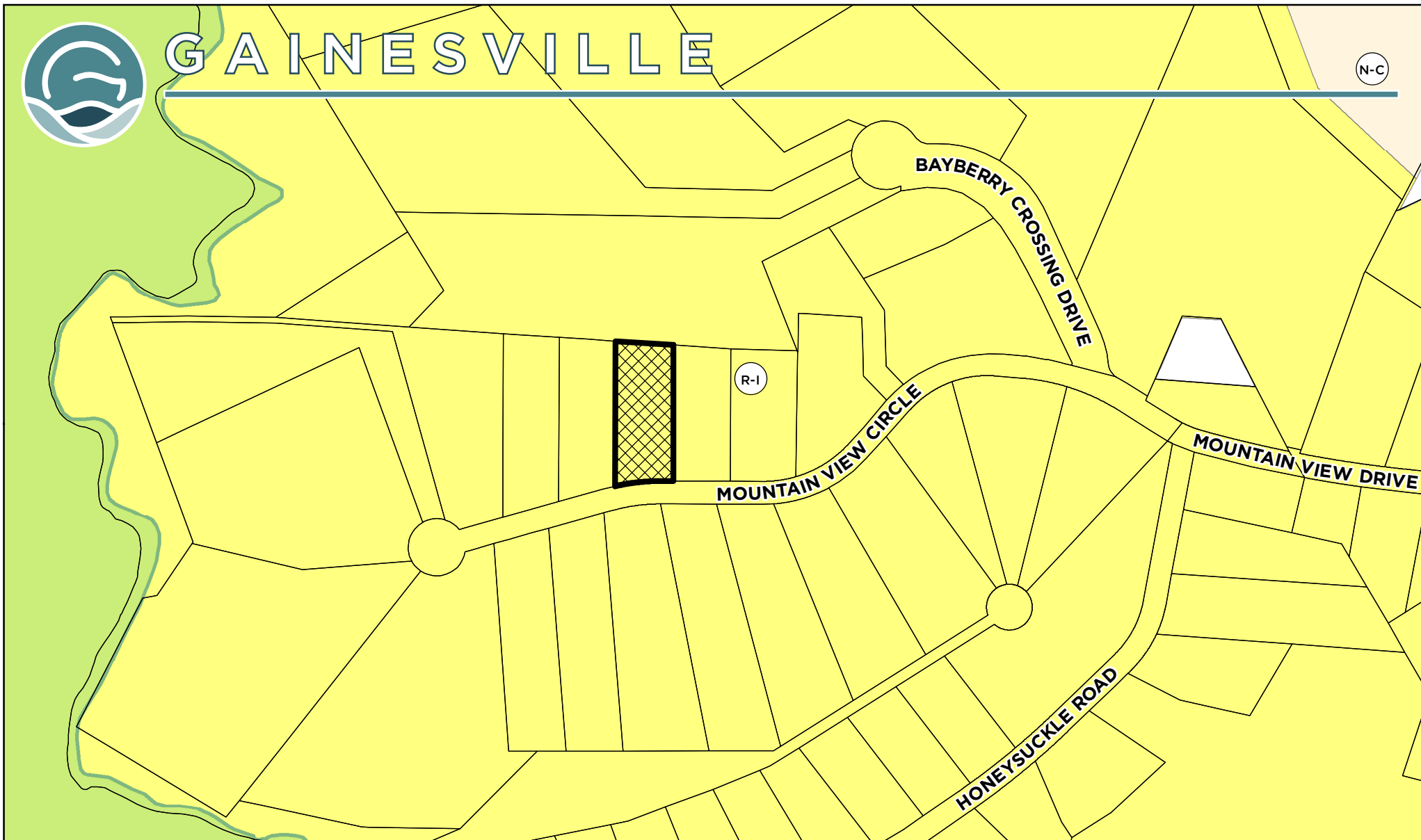
The subject property is large enough to support the proposed addition; however, the location of the existing home in relation to the rear property line limits the ability to build the screened porch addition.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The applicant did not construct the home and was unaware of the setback requirements when the home was purchased.

▪ **Staff Recommendation**

The Planning Division staff is recommending **approval** of this variance request based on the location of the existing home and the surrounding uses.



Applicant: **RAYMOND SMITH**

VARIANCE REQUEST

Subject Property Address:
650 Mountain View Circle, NW

Tax Parcel:
01-111-001-006

Request:

Vary the rear yard setback requirement on a 0.57+/- acre tract for a screened porch addition within Residential-I (R-I) zoning district



Subject Property





GAINESVILLE



Hall County GIS

Applicant: **RAYMOND SMITH**

VARIANCE REQUEST

Subject Property Address:
650 Mountain View Circle, NW

Tax Parcel:
01-111-001-006

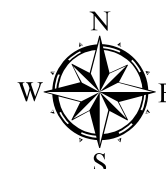
Request:

Vary the rear yard setback requirement on a 0.57+/- acre tract for a screened porch addition within Residential-I (R-I) zoning district



Subject Property

Aerial from 2018



Meeting Date: 03/09/2021

Map Prepared: 02/12/2021

0 130 260 Feet
Page 11 of 39

SCALE: 1" = 233'

Variance Request

STATEMENT OF HARDSHIP

The Gainesville Planning and Appeals Board has the authority, in specific cases, to grant variances from the terms of the Unified Land Development Code of the City of Gainesville, Georgia, when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Unified Land Development Code will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Unified Land Development Code. Variances may be granted only upon a finding by the Gainesville Planning and Appeals Board that:

Describe how each situation listed below relates to your application.

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property 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.)
THE HOUSE WAS BUILT IN THE 1950S AND IS 27 1/2 FT TO THE PROPERTY LINE. THE HOUSE BACKS TO A VACANT LOT FULL OF TREES & FOLIAGE.
- 2) The application of the requirements of this resolution to this particular property would create an unnecessary hardship.
THE SETBACK REQUIREMENTS ARE LIMITED AND DO NOT ALLOW FOR A SCREEN PORCH TO ALLOW US PRIVACY AS WELL AS PRIVACY FOR THE NEIGHBORS
- 3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
THE LOCATION OF THE HOME WHEN IT WAS BUILT DOES NOT ALLOW A SCREEN PORCH. THE HOME IS BUILT 27 1/2 FT FROM THE PROPERTY LINE
- 4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district. Such conditions are not the result of any actions of the property owner.
IT WOULD PROVIDE PRIVACY FOR ME AND THE NEIGHBORS
- 5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.
THE LOCATION OF THE HOME WHERE THE SCREENED PORCH WILL BE BUILT IS FLAT AND CONSPICUE TO BUILDING
- 6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.
I DID NOT KNOW THE SETBACK WHEN I PURCHASED THE PROPERTY

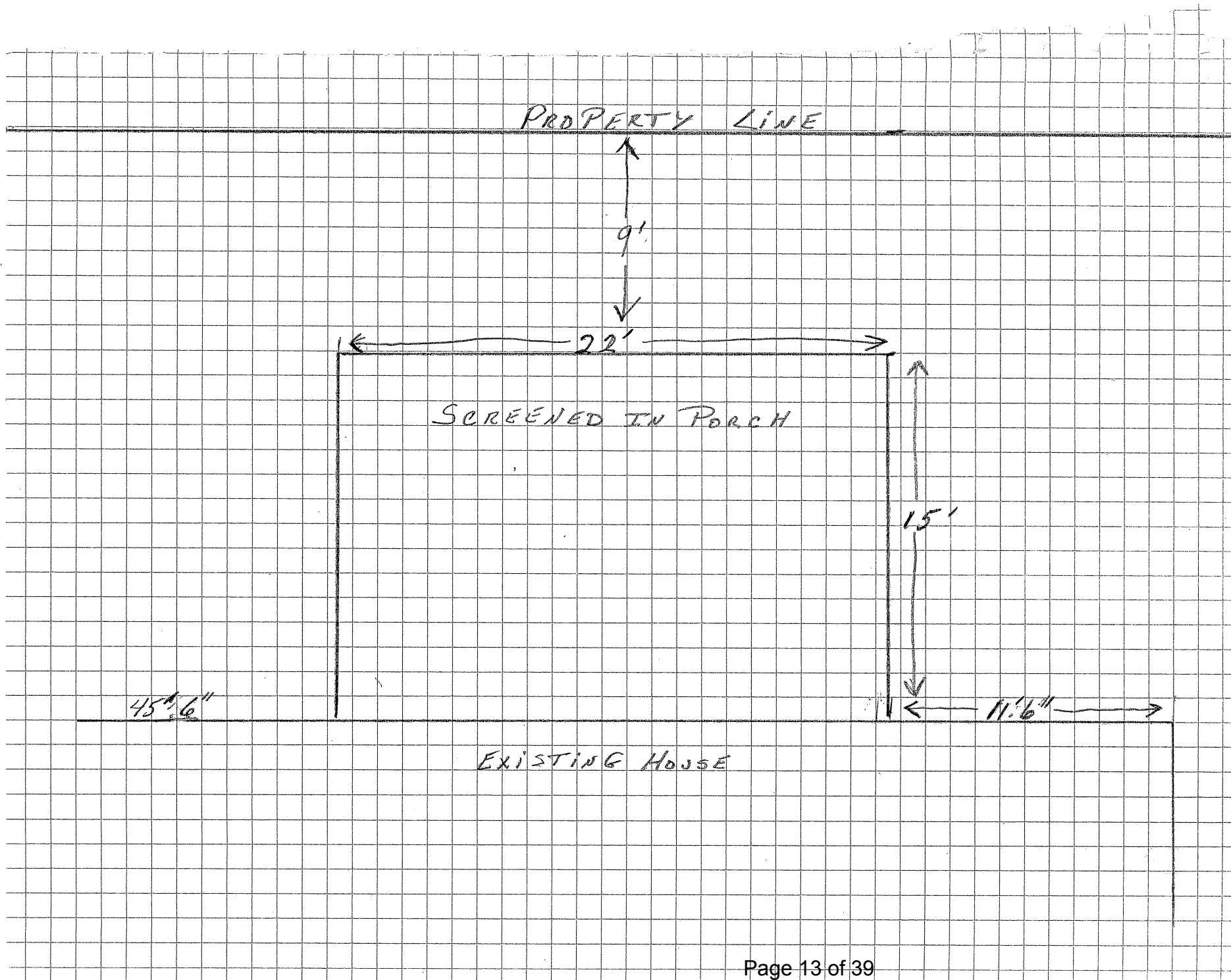
I hereby certify that the above information and all attached information is true and correct.

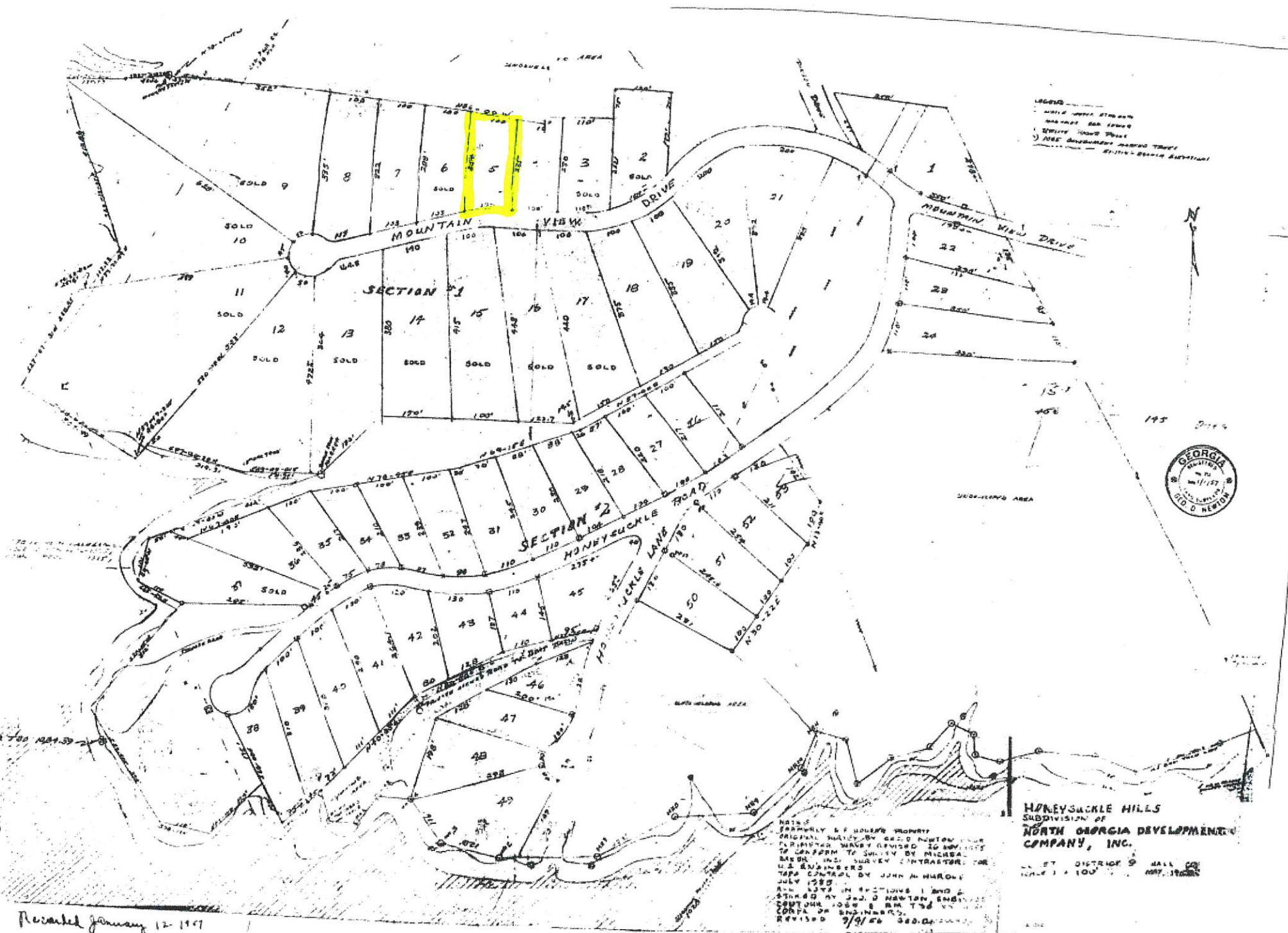
Signature of Applicant

Raymond W. Smith

Date

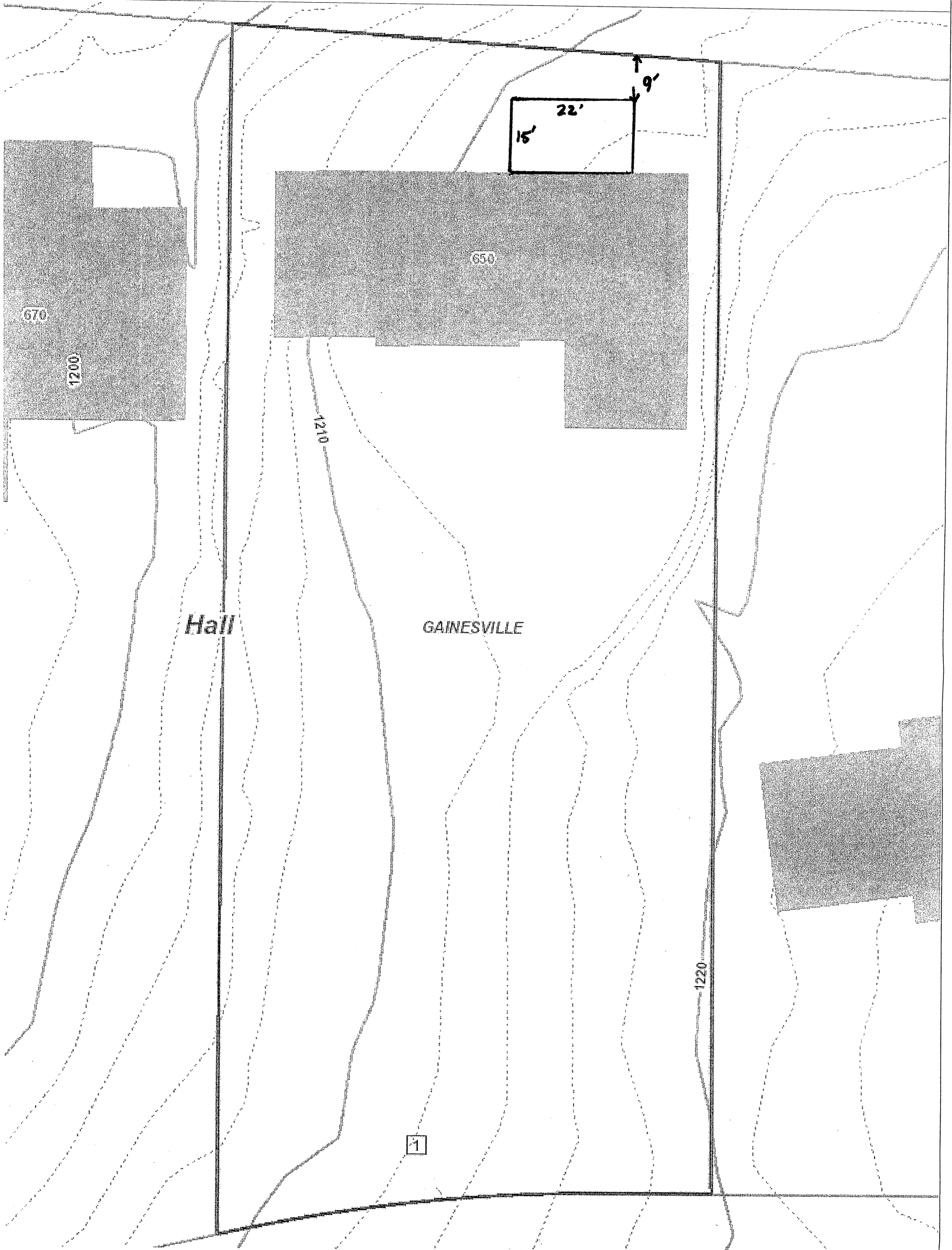
2-3-2011





Recorded January 12, 1957

— Roddy Watson Clerk



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Date Submitted: 2/12/2021

Presenter: Matt Tate

Item of Business: Request from **Lamb Capital, LLC** to vary the Midtown Overlay Zone prohibited and permitted use standards on a 1.12± acres tract located on the southwest side of the intersection of West Avenue and Jesse Jewell Parkway (a/k/a **506 Jesse Jewell Parkway, SW and 521 West Avenue, SW**), having a zoning classification of General Business (G-B).
 Ward Number: Four
 Tax Parcel Number(s): 01-028-001-040 and 042
 Request: Express Oil Change facility

Meeting Date: 3/9/2021

Purpose of Request:

The applicant is proposing to vary the Midtown Overlay Zone standards to allow an Express Oil Change facility which also provides tire service. The property is located within the buffer zone of the Midtown Overlay which prohibits automobile service uses. The applicant currently leases the adjacent property/building to the west and will close the existing facility after the construction of the new facility is complete. The new facility will be similar to the building located further east off of Jesse Jewell Parkway in front of the New Holland Market Shopping Center. The subject property consists of a previous Circle K convenience store/gas station with carwash which will be demolished. The proposed building will meet the Midtown Overlay architectural standards with proposed access from Jesse Jewell Parkway and West Avenue. The applicant is basing the hardship on the size of the property and the fact that it has historically been used for automotive uses. The adjacent uses include the existing Express Oil Change, undeveloped property, QT gas station, single-family rental homes and offices.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with four conditions. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Hardship Statement	Backup Material
☐ Survey	Backup Material
☐ Site Plan	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Lamb Capital, LLC
Location..... 506 Jesse Jewell Parkway, SW and
521 West Avenue, SW
Request..... Vary the Midtown Prohibited and Permitted
Use Standards
Size 1.12± acres
Ward..... Four
Proposed Use..... Express Oil Change facility
Planning Division Staff Recommendation **Approval, with conditions**
Date..... March 9, 2021

▪ **Request**

The applicant is proposing to vary the Midtown Overlay Zone standards to allow an Express Oil Change facility which also provides tire service. The Midtown Overlay Zone prohibits automobile related uses such motor vehicle sales or service, vehicle emissions testing, vehicle compounds, carwashes and gas stations under two acres in size.

▪ **Background Information and Existing Conditions**

The subject property consists of two parcels and is the site of the previous Circle K convenience store/gas station with carwash and a billboard. The applicant currently leases the neighboring building/property to the west which will close once the new building is completed. Do to recent GDOT road construction along Jesse Jewell Parkway, the applicants existing/neighboring parking lot has been reduced in size which has impacted their business.

The proposal includes demolishing the existing convenience store/car wash. The existing fuel canopy has already been removed. The new building will be approximately 4,700 square feet in size and consist of 6 service bays with access proposed from Jesse Jewell Parkway and West Avenue. The design of the building will adhere with the Midtown Overlay architectural standards which is similar to the Express Oil Change facility located in front of the New Holland Market (Kroger) Shopping Center near Limestone Parkway.

The adjacent uses include the existing Express Oil Change, undeveloped property, QT gas station, single-family rental homes and offices.

▪ **Significant Factors**

The Ordinance requires that the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant is basing the hardship on the size of the property and the fact that it has historically been used for automotive uses. The applicant states that given the size of the

property, the optimal use would most likely be for automotive uses and the proposal will update the property with a more modern use within the gateway.

▪ **Other Departmental Comments**

Coordination will be required with the Georgia Department of Transportation regarding access. There were no other departmental comments for this request.

▪ **Supporting Documents**

Statement of Hardship, Plat, Concept Plan and Architectural Elevations.

▪ **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The property consists of two tracts and is unusual in shape with three road frontages. In addition, the front half of the property is located within the buffer area of the Midtown Overlay Zone.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

Historically the property has operated as a gas station and convenience store. The prohibited uses within the Midtown Overlay Zone were originally adopted in 2018 which does not allow the previous and proposed use. The proposal includes demolishing the remaining structures and parking lot and replacing them with the proposed Express Oil Change facility. If approved, the development would be required to adhere to the Midtown Overlay Zone development standards including building, parking and landscaping, which would enhance the aesthetics of the property.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

While the proposed use is permitted within General Business (G-B) zoning, the Midtown Overlay prohibits the proposed use. The intent of the Midtown Overlay Zone is to set higher standards for the appearance and functionality of the land uses while encouraging mixed-use development and the creation of more housing, employment and recreational opportunities in Midtown. Other than being located within the Midtown Overlay Zone, there do not appear to be any other conditions that adversely affect the use of the subject property.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

Approving the request would not appear to cause substantial detriment to the public good. However, the intent to the ordinance is to set higher standards for the Overlay Zone. The proposal would replace a non-conforming use with another non-conforming use but would significantly improve the function and aesthetics of the property.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

The Midtown Overlay does not permit the proposed use. Given that the existing business is located next door, the proposal seems somewhat reasonable. While the subject property could continue to operate as a convenient store without gas sales, it is staff's opinion the subject property should be redeveloped rather than occupying the existing building for a different use.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The applicant was not aware of the prohibited uses within the Midtown Overlay Zone until meeting with the Planning staff. At that time, the applicant was in the due diligence process to purchase the property.

▪ **Staff Recommendation**

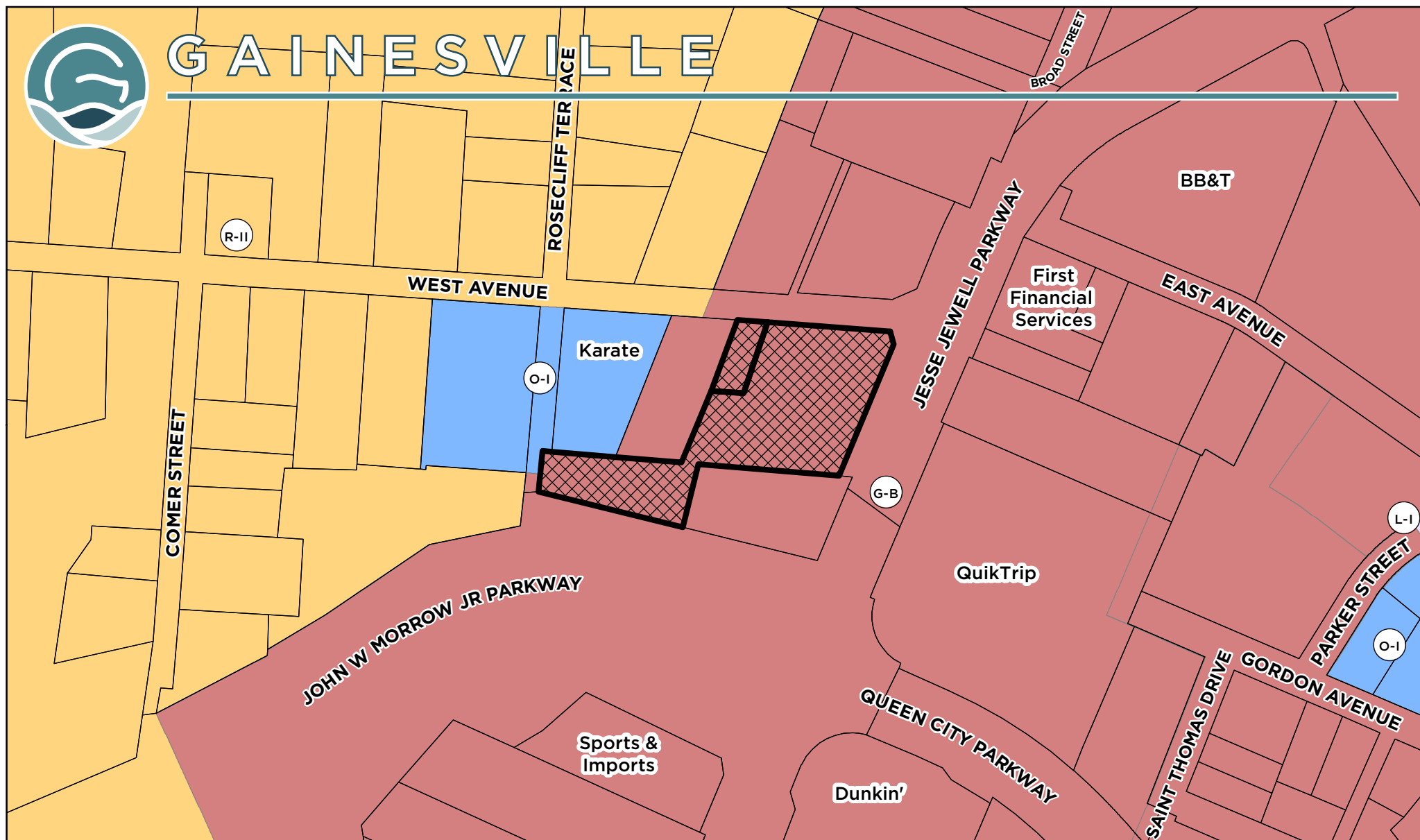
The Planning Division staff is recommending **conditional approval** of this variance request based on the location of the existing use and the proposed improvements.

Conditions

1. **The proposed development shall be generally consistent with the standards depicted on the concept plan and architectural pictures provided with the variance application including exterior materials, roof pitch, canopy and building/canopy setbacks.**
2. **The existing vegetative buffer adjacent to the residential homes located west of the subject property shall be maintained. Where required, additional evergreen trees shall be planted to supplement the exiting vegetative buffer and to screen the detention pond. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.**
3. **The existing commercial billboard sign shall be removed from the property prior to a Certificate of Occupancy being issued for the proposed use.**
4. **Within 30 days of the subject property being issued an Occupancy Permit for the proposed Express Oil Change facility, the existing Express Oil Change facility located at 526 Jesse Jewell Parkway shall be closed for operation.**



GAINESVILLE



Applicant: **LAMB CAPITAL, LLC**

VARIANCE REQUEST

Subject Property Address:
506 Jesse Jewell Parkway, SW and
521 West Avenue, SW

Tax Parcel:
01-028-001-040 and 042

Request:

Vary the Midtown Overlay Zone prohibited and permitted use standards on a 1.12+/- acres tract to allow an express oil change facility



Subject Property



Meeting Date: 03/09/2021

Map Prepared: 02/12/2021

0 90 180 Feet
Page 22 of 39

SCALE: 1" = 167'



GAINESVILLE



Applicant:

LAMB CAPITAL, LLC

Request:

Vary the Midtown Overlay Zone prohibited and permitted use standards on a 1.12+/- acres tract to allow an express oil change facility

VARIANCE REQUEST

Subject Property Address:

506 Jesse Jewell Parkway, SW and
521 West Avenue, SW

Tax Parcel:

01-028-001-040 and 042



Subject Property

Aerial from 2018



Meeting Date: 03/09/2021

Map Prepared: 02/12/2021

0 90 180 Feet
Page 23 of 39

SCALE: 1" = 167'

Variance Request

STATEMENT OF HARDSHIP

The Gainesville Planning and Appeals Board has the authority, in specific cases, to grant variances from the terms of the Unified Land Development Code of the City of Gainesville, Georgia, when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Unified Land Development Code will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Unified Land Development Code. Variances may be granted only upon a finding by the Gainesville Planning and Appeals Board that:

Describe how each situation listed below relates to your application.

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property 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.)

The site is located within the Buffer of the Midtown Overlay, and currently contains a fuel station. This variance is being requested to maintain the site as an automotive use, but to update it to a more up-to-date and modern use at this important intersection that serves as a gateway into the City

2) The application of the requirements of this resolution to this particular property would create an unnecessary hardship.

Due to the existing nature of the site as a current automotive use (fuel station), it creates a hardship on the property to not allow the site to remain as a more updated automotive use, especially with the site likely to remain as the current automotive use due to its size and location, if not redeveloped

3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.

The peculiar condition of this site is that it is currently used for automotive uses, even though it is located within the Buffer of the Midtown Overlay, which does not allow for these types of uses. Due to the size and location of this property, its optimal use is that of a fuel station or other automotive use

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district. Such conditions are not the result of any actions of the property owner.

The Midtown Overlay Buffer did not exist at the time of the original construction of the fuel station so its nonconformance was not caused by the owner. This variance is being requested to update the existing outdated fuel station with a more up-to-date and modern use at this important intersection

5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

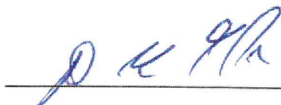
Due to the existing nature of the site as a current automotive use (fuel station), it creates a hardship on the property to not allow the site to remain as a more updated automotive use, especially with the site likely to remain as the current automotive use due to its size and location, if not redeveloped

6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

This site is currently used for automotive uses, even though it is located within the Buffer of the Midtown Overlay, which does not allow for these types of uses. Due to the size and location of this property, its optimal use is that of a fuel station or other automotive use, and without this re-development it will likely remain as the current, dated fuel station.

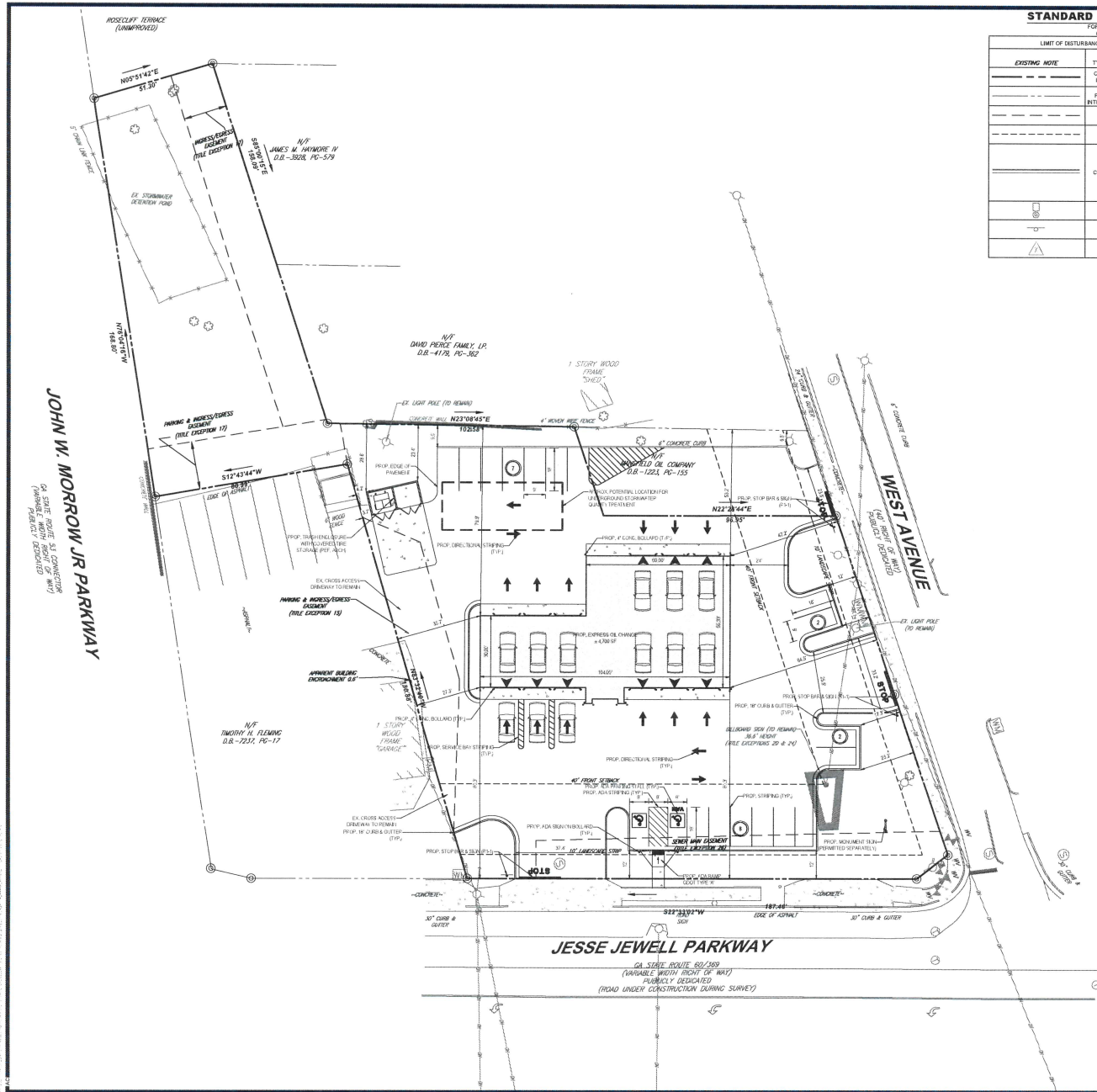
I hereby certify that the above information and all attached information is true and correct.

Signature of Applicant

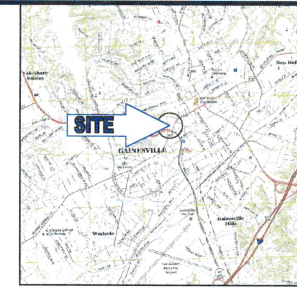


Date

1-21-21



STANDARD DRAWING LEGEND		
FOR ENTIRE PLAN SET (NOT TO SCALE)		
EXISTING NOTE	TYPICAL NOTE TEXT	PROPOSED NOTE
	OUTSIDE PROPERTY LINE FROM LINE	
	INTERSECTING PROPERTY LINE / INTERIOR PARCEL LINE	
	EASEMENT LINE	
	SETBACK LINE	
	CONCRETE CURB & GUTTER	
	TYPICAL LIGHT	
	TYPICAL SIGN	
	PARKING COUNTS	



LOCATION MAP
SCALE: 1" = 2000'

GENERAL SITE NOTES

- OWNER: LAMB CAPITAL LLC
- EQUITABLE DEVELOPER/APPLICANT: LAMB CAPITAL LLC
ADDRESS: P.O. BOX 1715, AUBURN, AL 36830
CONTACT: DANIEL LAMB
PHONE: 334-421-1439
EMAIL: DLAMB@LAMBCAPITAL.COM
- ZONING DATA: PD 17-028, 021044
TOTAL PARCEL AREA: 1.044 AC
EXISTING ZONING: G-8 (GENERAL BUSINESS DISTRICT)
OVERLAY: MOTOWN OVERLAY BUFFER (UNAPPROVED)
EXISTING USE: CIRCLE K & FUEL STATION
PROPOSED USE: AUTO SERVICE CENTER (EXPRESS ONLY)
- THIS PLAN IS BASED ON THE FOLLOWING SURVEY INFORMATION:
LOVELLY & ASSOCIATES LAND SURVEYING, LLC
GAINESVILLE, GA 32611
770-334-1416
WWW.LOVELLYLANDSURVEYING.COM
GEORGIA C.S.A. L.S. 19182
DATE: 10/06/2018 REV. 01
SURVEY FOR RECORD
ELEVATIONS: NAVD 83
- THE IMPROVEMENTS FOR THIS PROJECT INCLUDE THE CONSTRUCTION OF AN EXPRESS OIL CHANGE AND THE ASSOCIATED PARKING FACILITIES, STORMWATER MANAGEMENT FACILITY, AND UNDERGROUND UTILITIES.
- SITE IS SERVED BY CITY OF GAINESVILLE'S PUBLIC WATER SUPPLY.
- SITE IS SERVED BY CITY OF GAINESVILLE'S PUBLIC SEWER SYSTEM.
- SITE IS ANTICIPATED TO REDUCE EXISTING IMPROVEMENT COVERAGE. THIS MEETING CITY OF GAINESVILLE'S FORMATTED DETENTION REQUIREMENTS, STORMWATER QUALITY AND NONPOINT POLLUTION REDUCTION TREATMENT WILL BE PROVIDED PER CITY OF GAINESVILLE REQUIREMENTS AND AS ALLOWED BY EXISTING LAWS.

VARIANCE REQUEST

- A VARIANCE FROM THE MOTOWN OVERLAY BUFFER REQUIREMENTS WHICH PROHIBITS MOTOR VEHICLE SALES OR SERVICE USES (CITY OF GAINESVILLE ZONING ORDINANCE CHAPTER 9-2A, MOTOWN OVERLAY ZONING, THE MOTOWN OVERLAY BUFFER IS THE 100' SETBACK BUFFER AREA CURRENTLY USED AS AN AVAILABLE FUEL STATION PARAPHRASE. THIS VARIANCE IS BEING REQUESTED TO MAINTAIN THE SITE AS AN AVAILABLE FUEL STATION. IT IS REQUESTED THAT THE CITY OF GAINESVILLE CONSIDER THE VARIANCE REQUESTED AND THE LOCATION OF THE PROPERTY AND PROVIDE A VARIANCE TO A FUEL STATION ON THE AUTOMOTIVE USE AND THAT THE VARIANCE REQUESTED, IF WELL LAYED OUT AS THE CURRENT, DATED FUEL STATION.

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
1000 SANDHURST DRIVE
LANDSCAPE ARCHITECTURE
PLANNING SERVICES
TRANSPORTATION SERVICES

REVISIONS		
REV	DATE	COMMENT

811
Keep it below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT NO: 0420048
DRAWN BY: ALC
CHECKED BY: SAG
DATE: 01/29/2021
SAG ID: 37924

PROJECT: **PROP. SITE DEVELOPMENT PLANS**
FOR

EXPRESS OIL CHANGE
TIRE SERVICE

PROPOSED DEVELOPMENT
506 JESSE JEWELL PKWY
GAINESVILLE, GA 32607
CITY OF GAINESVILLE
HALL COUNTY
PID: 01028, 021042
LAND LOT: 154, DISTRICT: 8TH

BOHLER
211 PERIMETER CENTER, PKWY NE, SUITE 425
ATLANTA, GEORGIA 30346
Phone: (770) 454-8800
GA@BohlerEng.com

REGISTERED PROFESSIONAL ENGINEER
BRETT A. BUCKLAND
11/24/2021

SHEET TITLE: **SITE PLAN**

SHEET NUMBER: **C-301**

ORG. DATE: 01/29/2021



Note: Align top of exterior wall packs with bottom of banding at 12'-0" a.f.f. Top of emergency lighting at exit doors to be aligned with top of door frame. Do not locate exterior wall packs on side of building that contains illuminated lightbars or sconces by others.



1 Front Elevation
1/4" = 1'-0"



NOT FOR
CONSTRUCTION

12/13/2018

NOT FOR
CONSTRUCTION

12/13/2018

50%
REDUCED SET

Express Oil Change & Tire Engineers
Single Building - Left Hand Oil Change

REVIEW

No.	Description	Date

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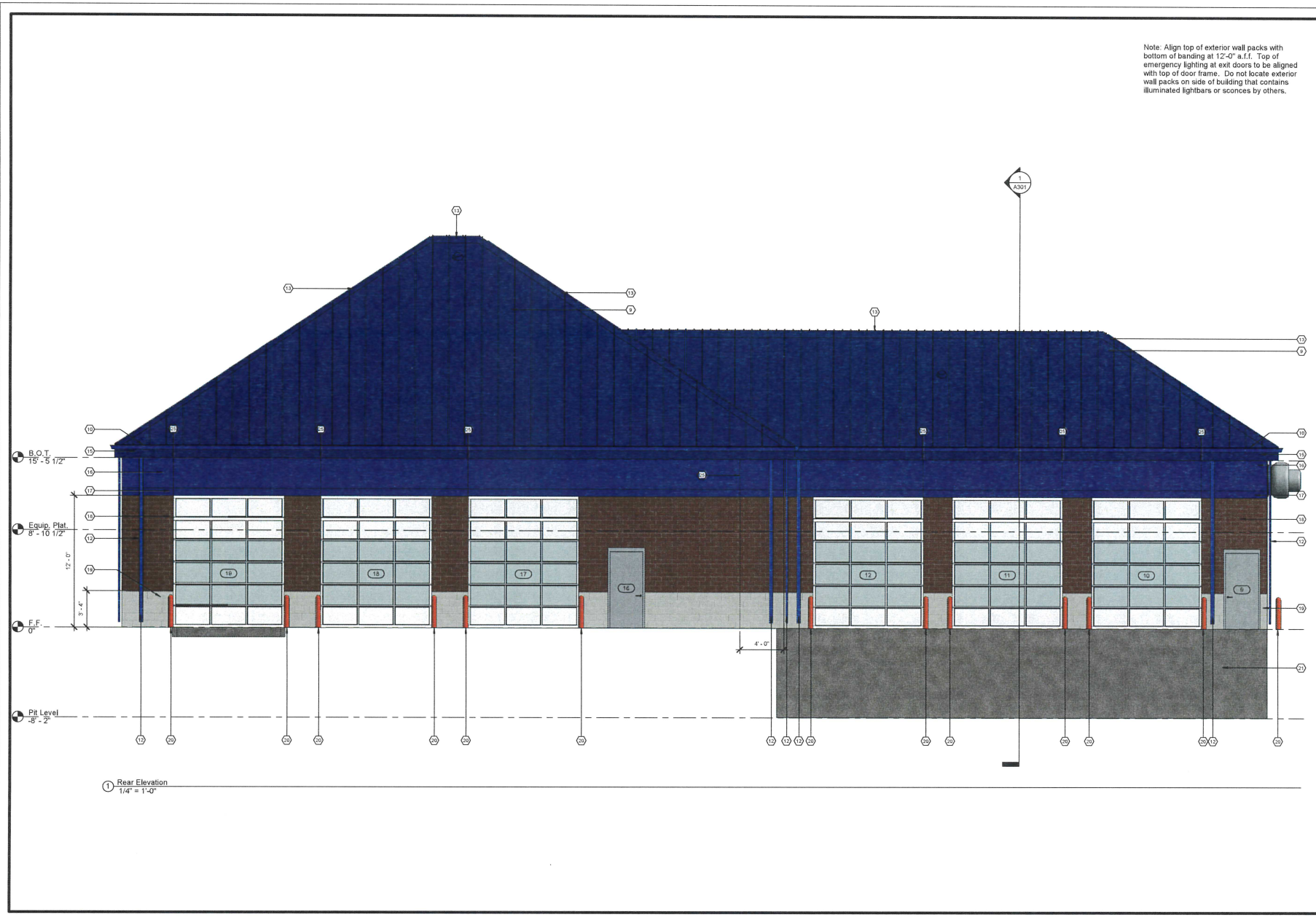
Exterior Elevation - Front

Project number TBD
Date 01/31/2019
Drawn by ARC
Checked by TAA

A200

Scale 1/4" = 1'-0"

1/13/2019 4:11:05 PM



NOT FOR
CONSTRUCTION

12/13/2018

NOT FOR
CONSTRUCTION

12/13/2018

50%
REDUCED SET

Express Oil Change & Tire Engineers
Single Building - Left Hand Oil Change

REVIEW

No.	Description	Date

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Exterior Elevation -
Rear

Project number	TBD
Date	01/31/2019
Drawn by	ARC
Checked by	TAA
A201	
Scale	1/4" = 1'-0"

10/10/2018 4:11:09 PM



2/13/2018

2/13/2018

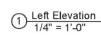
Express Oil Change & Tire Engineers
Single Building - Left Hand Oil Change

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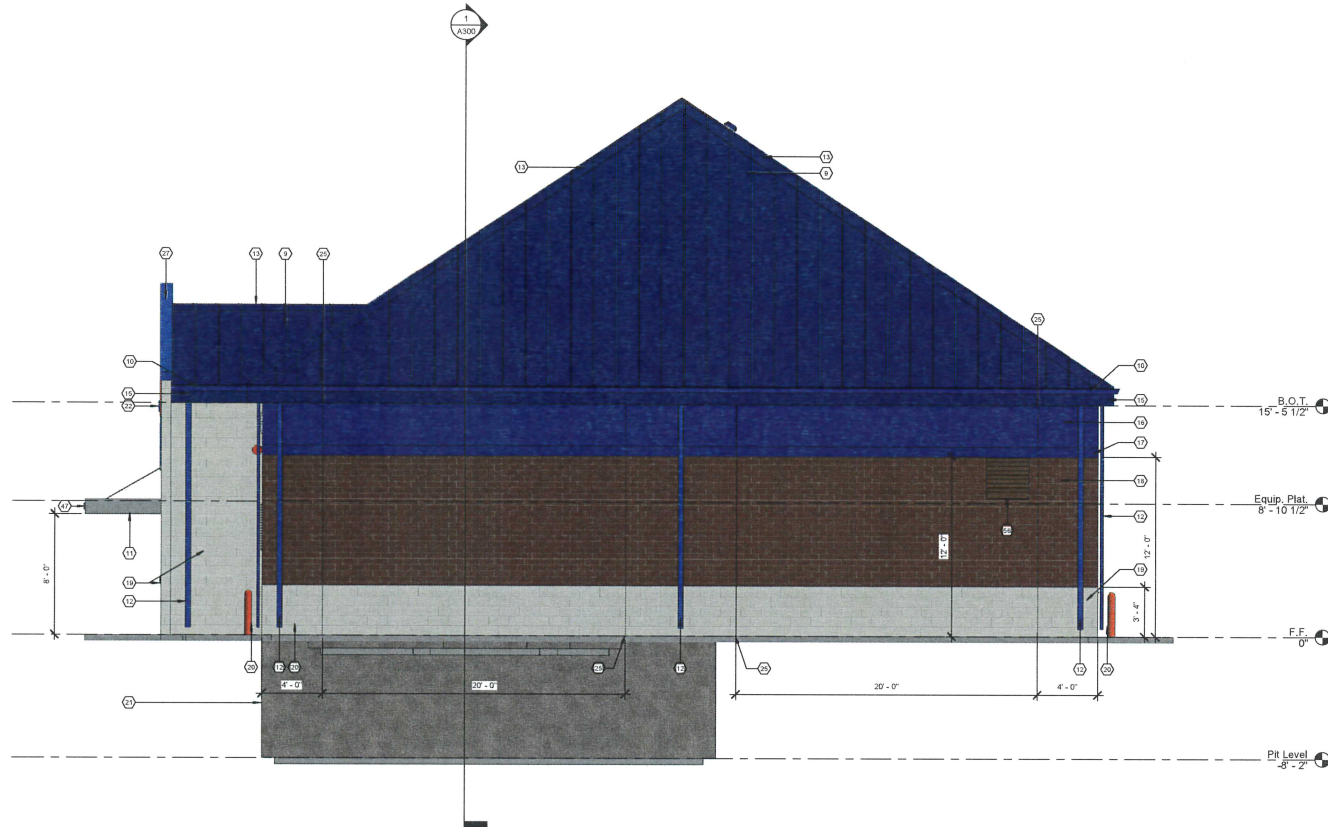
Exterior Elevation -
Left

A203

11/31/2019 4:11:15 PM



Note: Align top of exterior wall packs with bottom of banding at 12'-0" a.f.f. Top of emergency lighting at exit doors to be aligned with top of door frame. Do not locate exterior wall packs on side of building that contains illuminated lightbars or sconces by others.



① Right Elevation
1/4" = 1'-0"



NOT FOR
CONSTRUCTION

12/13/2018

NOT FOR
CONSTRUCTION

12/13/2018

**50%
REDUCED SET**

Express Oil Change & Tire Engineers
Single Building - Left Hand Oil Change

REVIEW

No.	Description	Date

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Exterior Elevation -
Right

Project number TBD
Date 01/31/2019
Drawn by ARC
Checked by TAA

A202

Scale 1/4" = 1'-0"

1/31/2019 4:11:12 PM

Date Submitted: 2/12/2021

Presenter: Matt Tate

Item of Business: Request from **Roberto A. Palacios** to annex a 0.36± acres tract located on the west side of Cherry Circle, north of Cherry Lane (a/k/a **7 Cherry Circle**) and to establish zoning as Residential-I (R-I).
 Ward Number: Four
 Tax Parcel Number(s): 08-015-005-007
 Request: Sewer for an existing single-family home

Meeting Date: 3/9/2021

Purpose of Request:

The applicant is proposing to annex the subject property in order to utilize sewer due to a failed septic system. The property is adjacent to the city limits to the south and west and is zoned Residential-I (R-I) within unincorporated Hall County. The subject property contains a one-story, single-family home constructed in 1967. Adjacent uses include single-family homes and the Fox Hollow Condominiums.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Plat	Backup Material
☐ Exterior Photo	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Roberto A. Palacios
Location..... 7 Cherry Circle
Request..... Annex, with R-I zoning
Total Acres 0.36± acre
Ward..... Four
Proposed Use..... Sewer for an existing single-family home
Planning Division Staff Recommendation **Approval**
Date..... March 9, 2021

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to annex the subject property in order to utilize sewer due to a failed septic system. The property is adjacent to the city limits to the south and west and is zoned Residential-I (R-I) within unincorporated Hall County. The subject property contains a one-story, 1,293 square foot single-family home constructed in 1964.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family home	Residential-I (R-I) County
South	Single-family home	Residential-I (R-I) City
East	Single-family home	Residential-I (R-I) County
West	Fox Hollow Condominiums	Residential-II (R-II) City

Other nearby uses include the Richmond Gardens Condominiums, Ag-Pro and Carriage KIA.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2020- A request by CenterPoint Integrated Solutions to annex a 7.81± acres tract located at 2602 Browns Bridge Road with General Business (G-B) zoning for a CarMax Auto Superstore was approved with conditions.

2020 – A request by Mauricio Ortega to annex a 0.51± acre tract located at 23 Cherrywood Drive with Residential-I (R-I) zoning for sewer for a single-family home was approved.

2017- A request by Pro Building Systems to annex a 0.516± acre tract located at 2431 S Smith Road with General Business (G-B) zoning for Auto Collision Center was approved with conditions.

2010 – A request by Jose Delagarza to annex a 0.33± acre tract located at 3 Cherry Circle with Residential-I (R-I) zoning for sewer for an existing single-family home was approved.

Staff Analysis

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

Yes. The existing single-family residence is appropriate given the adjacent residential properties located to the north, south and east which include single-family detached homes and residential condominiums zoned Residential-I (R-I) and Residential-II (R-II).

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

No. The use will remain single-family residential and will not affect the existing use or usability of the adjacent or nearby property. Similar to other single-family properties located within the neighborhood, annexation for sewer services is required due to failed private septic system.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

Yes. The Future Development Map for the City of Gainesville places the property within the Low-Medium Density Residential land use category, which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject property is located within the Suburban Residential Character Area. The vision for this area is to preserve older, stable residential subdivisions and encourage newer projects with smaller lot sizes, pedestrian infrastructure, and buildings patterned after traditional local housing, possibly containing a small neighborhood-serving "village center". As well, the quality community objectives state that housing choices should continue to be diversified to support a range of household incomes, sizes, types, but consist mostly of traditional single-family detached lots. In areas where natural features or sensitive environments are important, cluster housing or conservation subdivision design may be appropriate. Land uses allowed in the Suburban Residential Character Area include low-density residential, medium-density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation, mixed-use.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

No. The subject property is currently zoned Residential-I (R-I) in the County which is appropriate for the existing use. The applicant desires to annex the property for sewer service due to a failed septic system.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

No. The change from County jurisdiction to City jurisdiction should not substantially affect public facilities or services at this time. The existing residential use will have no additional impact on existing roads over and above what currently exists from surrounding residential properties. There is sufficient water and sewer capacity that can serve the property. The Gainesville Fire and Police Departments currently respond to adjacent and nearby properties and the nearest City of Gainesville Fire Station #4 is approximately 1 mile from the subject property. Given the scale of the request, minimal impacts to the City school system are anticipated as school bus service is currently provided within the immediate area.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

Yes. The surrounding area contains various commercial and residential properties both within the City and County. There are substantial opportunities for new infill development due to the number of older commercial properties, distressed housing and vacant parcels. It is staff's opinion that the existing single-family residential use is consistent with existing and expected uses identified within the Comprehensive Plan.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

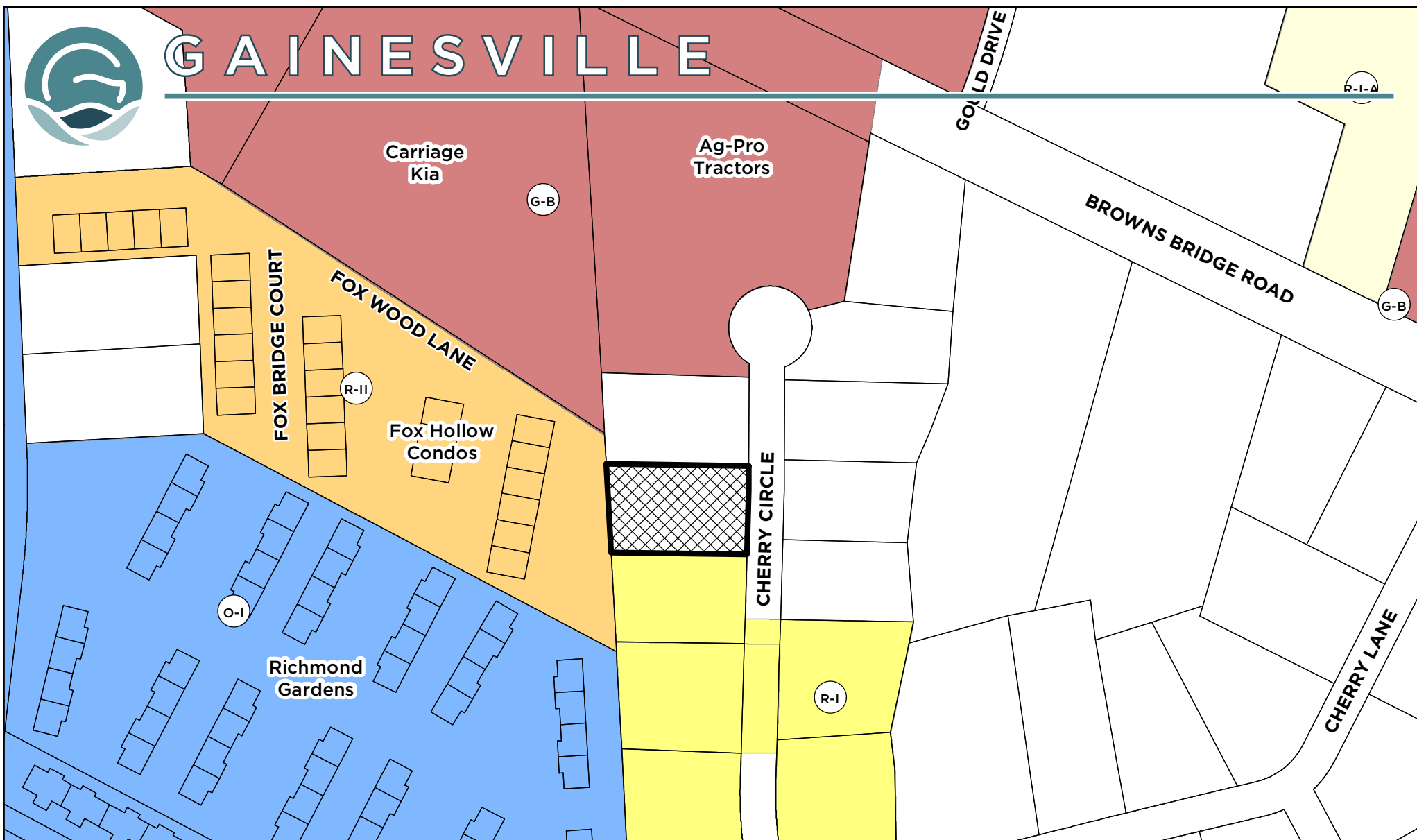
Yes. Based on the subject property's proximity to other residential properties, the proposal appears to promote a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

Staff Recommendation

The Planning Division staff is recommending **approval** of this annexation request with **Residential-I (R-I)** zoning, based on the Comprehensive Land Use Plan and the adjacent residential land use.



GAINESVILLE



Applicant: **ROBERTO A. PALACIOS**

ANNEXATION REQUEST

Subject Property Address:
7 Cherry Circle

Tax Parcel:
08-015-005-007

Request:

Annex 0.36+/- acre tract and establish zoning as Residential-I (R-I) for sewer for an existing single-family home



Subject Property



Meeting Date: 03/09/2021

Map Prepared: 02/02/2021

0 80 160 Feet
Page 35 of 39

SCALE: 1" = 150'



GAINESVILLE



Hall County GIS

Applicant: **ROBERTO A. PALACIOS**

ANNEXATION REQUEST

Subject Property Address:
7 Cherry Circle

Tax Parcel:
08-015-005-007

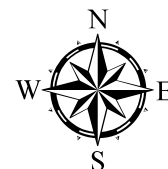
Request:

Annex 0.36+/- acre tract and establish zoning as Residential-I (R-I) for sewer for an existing single-family home



Subject Property

Aerial from 2018



Meeting Date: 03/09/2021

Map Prepared: 02/02/2021

0 80 160 Feet
Page 36 of 39

SCALE: 1" = 150'

Affidavit.

January 6, 2021

I, Roberto A. Palacios by this means I would like to transfer my house property from the Hall County system of septic tank into the city of Gainesville sewer system because the septic tank is broken and we have repaired the septic tank twice.

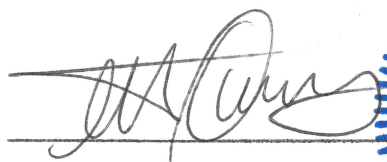
The property is located at: 7 Cherry Circle., Gainesville, GA 30504 and the lot number is 13.

Description of Property: All that track or parcel of land, situate lying being in land lot number. 15 of the 8th land district and being in Wilson Militia District of Hall County, Georgia, being known as lot number. 14 of the Jack Wilson Subdivision, as shown on subdivision plat prepare by George D. Newton, registered surveyor, dated June 4, 1962, recorded in Plat Book 28, page 162 of the Hall County record and being more fully described by survey of the property of Hayward H. Smith, prepared by H. P. Farley, Junior., Registered surveyor, dated April 29, 1964. Recorded in Plat Book 31, page 173 of the Hall County Record and being more fully described according to said Farley. **Said property is currently known as 7 Cherry Circle according to the present system of numbering properties by the Hall County Tax Assessor's Office.**



Roberto A, Palacios

(678) 656-1132



Marvin Triana

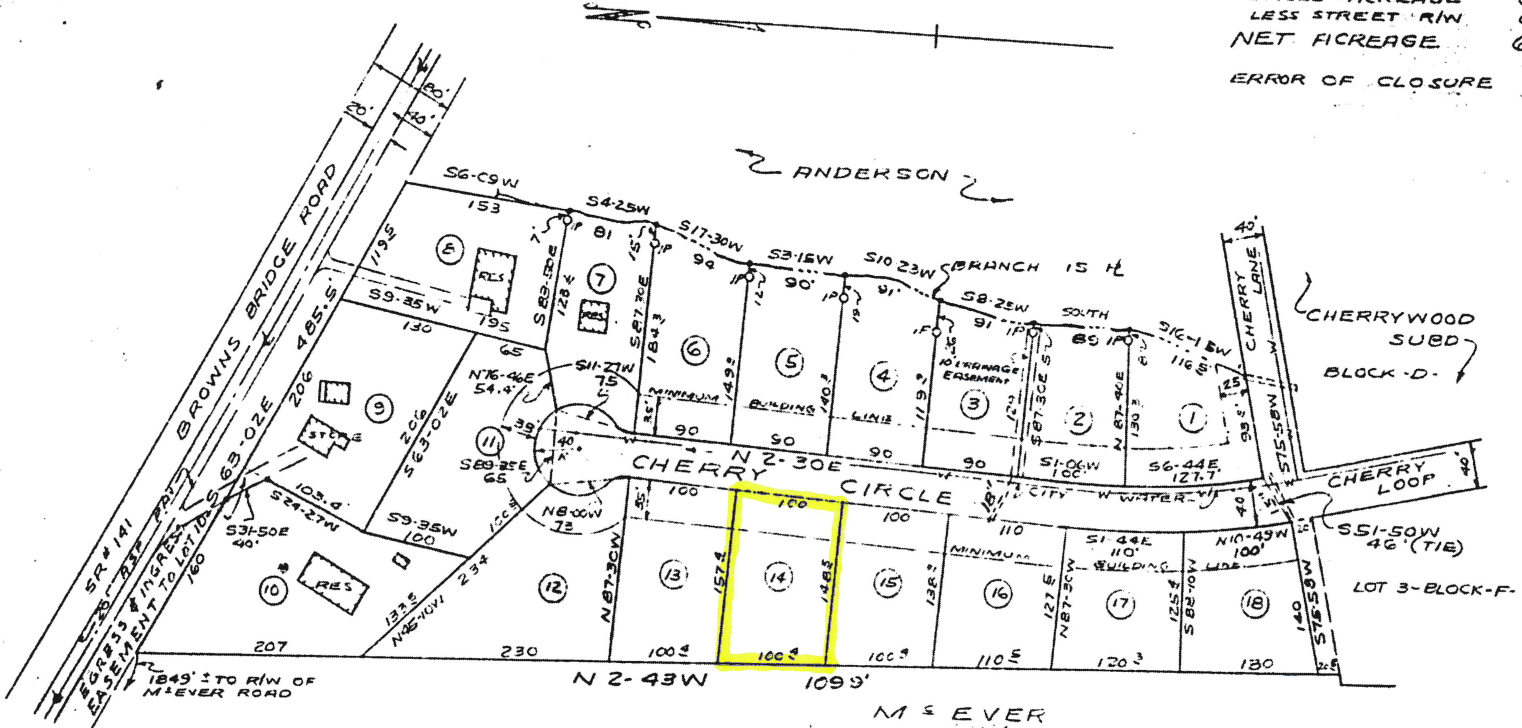
Notary Public/Notario Publico

Date/Fecha 1/6/2021



Revised June 22, 1962

11 Rudy Wilson dtd



GROSS ACREAGE 6.986 ACRES
 LESS STREET R/W 0.685 "
 NET ACREAGE 6.301 ACRES
 ERROR OF CLOSURE = 1 : 2700

NOTE:
 ALL ROADS AND EASEMENTS
 SHOWN HEREON ARE HEREBY
 DEDICATED FOR PUBLIC USE.
 BY Jack E. Wilson
 JACK WILSON - OWNER

APPROVED BY: Eldon Sawyer
 FOR: CITY WATER

THIS PLAT
 HAS BEEN PREPARED IN
 ACCORDANCE WITH THE MINIMUM STANDARDS
 AND REQUIREMENTS OF LAW.
Geo. D. Newton

SUBDIVISION OF
 JACK WILSON PROPERTY

APPROVED BY: Chas. Lee 6-9-62
 HALL COUNTY HEALTH DEPT.
 PERC TIME 30 MIN

APPROVED BY: W. A. Nix
 HALL COUNTY ROAD SUPERVISOR

RECORDED IN BOOK 11
 GAINESVILLE, FLA. COUNTY PLANNING COMMISSION
Ultra S. Sawyer 6/10/62



LL 15 ~ 8TH DISTRICT
 HALL COUNTY, GA.

SCALE: 1"=100'

JUNE 4, 1962

NEWTON-NEWTON & ASSOCIATES
 GAINESVILLE, GA.

IRON PINS @ ALL CORNERS

FS 116-118-120-4-124

