

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
SEPTEMBER 13, 2022**

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 and Ryan Thompson

Members Absent: Board Member Carmen Delgado

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

Others Present: Council Members George Wangemann and Juli Clay

MINUTES OF AUGUST 9, 2022

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson
Motion seconded by Board Member Martin
Vote – 6 favor, 1 absent (Delgado)

OLD BUSINESS

There was a motion to remove the variance request from the table.

Motion made by Board Member Martin
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 absent (Delgado)

A. Variance Request

- 1) Request from **Greg Loyd** to vary the front yard setback requirement on a 0.12± acre tract located on the south side of Banks Street, between Main Street and Maple Street (a/k/a **658 Main Street, SW**), having a zoning of Light Industrial (L-I).

Ward Number: Three

Tax Parcel Number(s): 01-015-002-009A

Request: Collector vehicle storage and loft dwellings

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

The applicant is proposing to vary the front yard setback requirement along Banks Street from 15-feet to 0-feet for a two-story, 7,300± square foot mixed-use building. The property is zoned Light Industrial (L-I) and is located within the Midtown Overlay Zone. The Midtown Overlay Zone has a blanket front yard setback requirement of 15-feet regardless of what zoning district a property is located within. The adjacent uses include a mixture of uses some of which include Gainesville Paint, Attorney's office, Church, parking lot and the future site of the Solis Phase 2 mixed-use development on the old jail lot. The subject property is approximately 28 feet deep by 192 feet wide and has road frontage on Maple Street, Banks Street and Main Street. There are sidewalks fronting the property along Banks Street and Main Street. The

neighboring building occupied by Gainesville Paint is approximately a half foot (0.5') from the shared side yard property line.

The first floor of the proposed building consists of space to store 10 collector vehicles. Garage access and two proposed parking spaces are proposed on the Maple Street end of the building. A garage exit and landscaped area is proposed on the Main Street end of the building. The second floor includes two loft dwellings, each approximately 2,000 square feet in size. The applicant is basing their hardship on the fact that the lot is only 28-feet deep coupled with the fact that the property has three front yard setbacks.

If the variance request is considered for approval by the Planning and Appeals Board, staff would recommend the following conditions.

Conditions

- 1. The architecture of the proposed building shall be generally consistent with the industrial brick building elevations shown within the attachment entitled “Exhibit A – Architectural Pictures” included with this variance approval. The final architectural design of the building shall require review and approval by the Community & Economic Development Director.**
- 2. There shall be no parking permitted between the proposed building and Main Street. The area shall be landscaped and only allow for garage access.**
- 3. The proposed development shall be limited to the proposed collector vehicle storage area and no more than two loft apartments, not to exceed 5,000 square feet of impervious area.**

Applicant Presentation: **Greg Loyd**, 421 Ridgewood Avenue, stated he is a general contractor representing the owner of the property Alvin Gibson. He advised Mr. Gibson’s desire to build on the property is to have a place to keep his restored vehicles instead of renting space for them along with being able to have them closer to his dental lab. Mr. Loyd stated the first idea of having the building with similar materials and look as the Solis structure and new apartments at Banks Street. He said after meeting with Planning staff the recommendation from them would be a brick building rather than a modern design and stated Mr. Gibson wants the building to look very nice. Mr. Loyd stated the reason for the zero setback is due to the narrow lot which originally had a zero setback but was changed over the years with zoning changes. He said the 15-foot setback makes it virtually unbuildable and Mr. Gibson would like to build something useable with a modern look. Mr. Loyd stated a zero setback is not uncommon in the area as there are older buildings next to the sidewalk further down Main Street but some newer buildings have greater setbacks due to having larger lots after the zoning changes. He stated Mr. Gibson is present and glad to answer any questions too.

FAVOR: None

OPPOSE: **Phil Bonelli**, 4828 Hopewell Church Road, stated he has been very involved improving walkability in the Midland area, the Highlands to Islands Trail, Vision 2030 and Comprehensive Plan which established the 15-foot setback. He believes the 15-foot setback should be maintained and with the proposed building taking up the entire space making the sidewalk unusable/unwalkable but agrees the plans look great but would not feasibly work in that area. He stated he has four children and would be difficult walking with them with only

five feet of space between a building and vehicles. He stated he had researched buildings with zero setbacks but didn't find any only some older buildings with setbacks 8-feet to 10-feet that probably built before paved roads and cars. Mr. Bonelli stated he would prefer to keep the 15-foot setback and not set a precedence for others which would be negative for the Midland area.

Jason Everett, 1820 Blue Ridge Drive, stated he is one of the adjacent property owners at the location of the Gainesville Paint building. He stated he is a member of the Main Street Board for the past ten years and chaired it for six years, involved in Vision 2030 Green Space Committee, chaired the sub-committee for the Greenway and the Redevelopment Authority. He voted for Solis and reviewed the setbacks and walkability of it and has a passion for the Midtown area. Mr. Everett stated Mr. Gibson is a friend, a neighbor and would support him in most everything but not this project since it is not consistent with the Vision 2040 plan. He stated several other buildings nearby have 8-foot and 12-foot setbacks but this setback would be 5-feet from the road making it possible to touch the building and a vehicle. Mr. Everett mentioned the downtown area expanding the sidewalks for walkability but this would be permanent making it difficult to walk with strollers and need to think about the permanence of it. He gave several more examples of other buildings that seemed to be right on the road but actually further back.

Allison Everett, 1820 Blue Ridge Drive, stated she is a co-owner of the property adjacent to the proposed project. She is a member of the Public Art Committee and uses her time and talents to facilitate public art throughout Gainesville and Hall County. She stated in 2017 they wanted to better use their property with a 70-foot mural painted on their property titled "Dream Big" with the hope to bring new life into Midtown/Midland area at that time. Mrs. Everett said now in 2022 Midland is an anchor for the "Highlands to Islands" trail with many amenities and is a destination uniquely different than the downtown square area. She stated the Public Art Committee along side Gainesville Park and Recreation and City government are working to designate the area as the Midland's Art District with exciting things happening. She feels this is a time to reflect on making long-term decisions moving forward given the Comprehensive Plan and the 2040 Downtown Midland study and objects to the variance for three reasons. The first reason for objecting is that it would not benefit the community and would set a precedence not wanted in the area, the second was the future expansion of the sidewalks being a critical issue and would place limiting factors for the city and future development, and third objection would be the unintended consequence of the variance needed to complete the project but would disrupt the planning by the City Council and City Managers and destroy a piece of public art. Mrs. Everett stated the loss of the iconic "Dream Big" mural is an unintended consequence from the variance and appreciates the time given to speak.

BOARD COMMENTS: Board Member Martin asked about the location of the gas lines, water drainage and downspouts at the property line. Deputy Tate stated they have spoken with the applicant and he is aware of the areas that need to be addressed from the development side such as the need for a construction easement from the adjacent property owner or possibly a permanent easement, storm management from the rooftop drainage, gas meters on the back side of the existing building and the power lines along Banks Street over the sidewalk.

REBUTTAL: Mr. Loyd stated some of the issues have been discussed along with asking Georgia Power to install taller poles for the power lines to be taller than the building. He stated the gutter on the back of the adjacent building will need to be large enough to carry the water between the two buildings by installing a valley gutter and if required or needed an underground detention would be installed or pervious concrete. Mr. Loyd said the front of the building along Main Street would be landscaped except for a driveway but no parking in the

front. He then spoke about a 3-foot easement and reducing the size of the building to 25-feet to take care of any water problems and the need of a work easement. He said without the zero setback it would make the building too narrow to have more than one row of cars inside and drive-path needed. Board Member Martin asked about the height of the building and if an easement would be needed for the back side of the apartments. Mr. Loyd stated the building would be 20-feet tall with a low-profile roof and a parapet on it to hide the roof and will not show a pitch on it. He said an easement would be needed if built on a zero setback along with a firewall leaving a four-foot space for the downspouts/drainage and would be the minimum size building feasible and functionable to build. Board Member Martin asked if the applicant would need to come back through the Planning and Appeals Board if the building needed to be narrower and Deputy Director Tate stated if the applicant reduced the footprint of the building he would not be required to come back through the Board but would be required to adhere to the conditions of the approval. Everything will go through development review, architectural review and permitting process for the building. Mr. Tate stated an easement being required would depend upon the distance to the property line and the existing building is a half foot from the shared property line according to the plat. Mr. Loyd stated a construction easement would be required to build at the property line but if built three-foot off then it would not be needed.

There was a motion to deny the request to vary the front yard setback requirement from 15-feet to 0-feet for collector vehicle storage and loft dwellings with a zoning of Light Industrial (L-I).

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Delgado)

NEW BUSINESS

A. Annexation Request

- 1) Request from **Arturo Maruri** to annex two tracts totaling 0.32± acre located on the east and west side of Ralston Street, south of Hazel Street (a/k/a **1511 and 1514 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-129-002-010 and 00-130-001-007
Request: Sewer for two existing single-family homes

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

The applicant is proposing to annex the subject properties with a zoning of Residential-I (R-I) for the purpose of utilizing city sewer for two existing single-family homes. The properties are located east of Atlanta Highway and north of Pearl Nix Parkway are part of a larger incorporated island.

The property located at 1511 Ralston Street is 0.15± acre in size and is located on the east side of Ralston Street. The property is zoned Residential-II (R-II) within the County and contains a new rental home built in 2021. The property located at 1514 Ralston Street is 0.17± acre in size and is located on the west side of Ralston Street. The property is zoned Highway Business (H-B) within the County and contains a rental home originally constructed in 1940. No other changes are proposed at this time.

The properties are located within the *Mixed-Use* and *Multi-family Residential* Future Land use categories and within the *West Side* character area which supports improving the quality and stabilizing the existing older housing and to provide housing affordability.

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.

FAVOR: None

OPPOSE: None

There was a motion to recommend approval of the annexation request for sewer for two existing single-family homes and establish zoning as Residential-I (R-I).

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Delgado)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:03 p.m.

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Delgado)

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary