

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JUNE 11, 2019**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Eddie Martin, Sr., Rich White and Kelvin Simmons

Members Absent: Board Members Carmen Delgado and Ryan Thompson

Staff Present: Community & Economic Development Deputy Director Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF APRIL 9, 2019

Motion made by Board Member White
Motion seconded by Board Member Martin
Vote – 5 favor, 2 absent (Delgado, Thompson)

NEW BUSINESS

A. Variance Request

- 1) Request from **Joe Biddy** to vary the side yard setback requirement on a 0.257± acre tract located on the northeast side of the intersection of North Avenue and Bradford Street (a/k/a **0 and 428 North Avenue, NW**), having a zoning classification of Planned Unit Development (P-U-D).

Ward Number: Two
Tax Parcel Number(s): 01-040-001-012
Request: Uncovered deck addition

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

The applicant is requesting to vary the right-side yard setback requirement from 10-feet to 0-feet for the purpose of constructing a 13' wide x 22' deep uncovered deck addition. The subject property is located on the northeast side of the intersection of North Avenue and Bradford Street and is 0.257± acre in size and is part of a two-unit townhome development. The adjacent properties include single-family homes and duplex townhomes. The proposed addition is to be located on the right side of the existing townhouse above the existing driveway/parking area. The proposed deck will extend to the existing brick retaining wall along the common property line. Access to the deck will be from the main level of the dwelling and will be similar in appearance as the existing front porch facing North Avenue. The applicant is basing the hardship on the location of the townhome as there is no other suitable space available for the deck addition.

The Planning Division staff is recommending conditional approval of this variance request based on the orientation of the townhome and size of the property with one condition.

Applicant Presentation: **Jack Bailey**, 2419 Island Drive, stated he was the project architect representing the applicant. The property is located in an in-town, urban type

residential neighborhood which does not have a lot of open space which offers very few opportunities for outdoor living. The proposed deck would be built over the existing two-lane driveway which leads to two garage doors. The deck would soften the driveway since it would cover all the exposed concrete. Even though the deck would be elevated above the driveway, it would be more street level as the driveway goes downhill from the street. Construction of the deck would be very simple, without a roof, and this is the only area they could come out and enjoy the outside. The reason the deck is proposed to go the width of the driveway is to eliminate the need for support columns underneath the deck and provide a free span underneath.

Joe Biddy, applicant, stated that Mr. Bailey explained the project well and the reasons for it. The only place they have now to sit and enjoy the outdoors is on the front steps. He appreciated the Board's consideration of this request.

FAVOR: Donnie Hunt, 430 North Avenue, stated he occupied the other townhouse and was approved for a variance about this time last year for a similar covered porch on the other side of the building. Outdoor living is an important part of having a good in-town experience so you are not locked inside. He felt the proposed deck was very consistent with what he is doing on the other side and helps to balance out the building.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the variance of the right-side yard setback requirement from 10-feet to 0-feet for an uncovered deck addition with the following condition:

Condition

The proposed deck addition shall be generally consistent with the standards depicted on the architectural rendering submitted with the application.

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 5 favor, 2 absent (Delgado, Thompson)

B. Rezoning Request

1) Request from **Matthew Magnus and Ryan Chambers** to rezone a 1.30± acres tract located southwest of the intersection of Crow Road and White Sulphur Road, having road frontage on the north side of Beverly Road (a/k/a **2092 Crow Road and 2005 White Sulphur Road**) from Residential-I (R-I) to Light Industrial (L-I).

Ward Number: Two

Tax Parcel Number(s): 09-124-000-038 (Part)

Request: HVAC contractor office warehouse

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

The applicant is proposing to rezone the subject 1.3± acres property from R-I to L-I for an HVAC contractor's office warehouse that involves assembling and fabrication of metal ductwork for HVAC systems. The subject property is located southwest of the intersection of Crow Road and White Sulphur Road and has road frontage on the

north side of Beverly Road. The property is owned by the adjacent Faith Baptist Church and is located within the Limestone Parkway Overlay Zone. In addition to the church, the adjacent uses include New Horizons Lanier Park long term care facility, vacant property and single-family homes in the county. The property contains an existing 5,000 square foot metal building that will be renovated for the proposed use with the addition of parking. As well, a 5,000 square foot addition with parking is depicted on the concept plan for future growth, but there is no immediate plan to expand the building. Access is to remain from Crow Road. According to the applicant, there will be approximately 3 to 5 employees and business hours will be from 7:00 AM to 5:00 PM, Monday thru Friday.

The Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. According to the Character Area map for the City of Gainesville, the subject property is located within the *Limestone Medical Corridor* Character Area.

The Planning Division staff is recommending conditional approval of this rezoning request with General Business (G-B) zoning with six conditions, based on the Comprehensive Plan and the surrounding mixture of uses.

Applicant Presentation: Leigh Justice, 855 Cherokee Road, stated she was involved with the project as a landscape architect. The property is somewhat abandoned and has some graffiti on the building. The property retains some natural buffer as shown on the concept plan and even with substantial tree coverage, more of a buffer can be added to meet requirements.

FAVOR: Richard Cole, 3626 Woods Road, stated he was Pastor of Faith Baptist Church which owns the subject property. There were a number of people who were interested in purchasing the property which they felt would not be compatible with the Church and residents in the area. He felt the applicants would be good neighbors for the adjacent property owners.

Daniel Bell, 2646 Sardis Way, Buford, stated he has been a member of Faith Baptist Church for 48 years and felt the proposed use would be a good fit for the area. The building was formerly used as a dormitory for camp meetings and is no longer needed.

Reed Elrod, 3402 Fork Road, stated he has been a member of Faith Baptist Church since 1980 and felt the proposed use was what was needed to keep things safe and under control. He has been in the sheet metal business for fifteen years and it is a quiet and safe business which families would appreciate having in the area.

Ramona Elrod, 3402 Fork Road, stated they were looking forward to the improvements to the property and prefer having a good business there rather than an abandoned building.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-I (R-I) to General Business (G-B) zoning with the following conditions:

Conditions

1. **The subject property shall be limited to the proposed HVAC Contractor office/warehouse use and the permitted uses within the Neighborhood Business (N-B) zoning district excluding a convenience store, dollar-type store, coin laundry facility, convenience store, tobacco or vaping store, massage parlor or tattoo parlor.**
2. **The exterior walls of the existing metal building shall be painted similarly to the existing color or an earth tone color. In addition, a minimum 3-foot high brick or stone water table shall be required on the exterior walls facing north, east and south.**
3. **The existing trees located within the subject property shall remain except for what is only necessary to be removed for the development. If deemed necessary, the required tree/landscape plan shall provide for additional evergreen trees and deciduous trees to be planted to help screen the building, parking area and detention pond from Beverly Road, Crow Road and the adjacent properties. The number, location, spacing, size and type of trees planted shall be subject to the approval of the Director of Community and Economic Development Department.**
4. **There shall be no freestanding signs permitted fronting Crow Road.**
5. **All access point design for the subject property shall require review and approval by the Hall County Public Works Department and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**
6. **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 Vice-Chair Fleming

Motion seconded by Board Member Martin

Vote – 5 favor, 2 absent (Delgado, Thompson)

ADJOURNMENT

There was a motion to adjourn the meeting at 5:52 p.m.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 2 absent (Delgado, Thompson)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary