

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
MARCH 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 and Carmen Delgado

**Members Absent:** Board Member Ryan Thompson

**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 and George Wangemann

**MINUTES OF FEBRUARY 9, 2021**

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

**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

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

The applicant is proposing to vary the rear yard setback from 20-feet to 9-feet in order to construct a screened porch addition to the rear of the existing home. The subject property consists of a one-story single-family home built in the 1950's is approximately 2,233 square feet in size.

The surrounding uses include single-family homes and undeveloped property. Specifically, the proposed addition is 22-foot wide by 15-foot deep (330 SF). The applicant is basing the hardship on the location of the home in relation to the rear property line.

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

**Applicant Presentation:** **Raymond Smith**, 650 Mountain View Circle, stated he retired in 2020, moved back to Gainesville and bought the house from his sixth grade teacher. Mr. Smith said he was not aware of the setback requirements at that time but the variance

would allow for a screen porch on the back with privacy. He stated he appreciates the board's favorable consideration.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to approve the request to vary the rear yard setback requirement from 20-feet to 9-feet for a screened porch addition having a zoning of Residential-I (R-I).**

Motion made by Board Member Fleming  
Motion seconded by Board Member White  
**Vote – 6 favor, 1 absent (Thompson)**

- 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

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

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.

The applicant currently leases the neighboring property at the corner of Jesse Jewell and John Morrow and Jesse Jewell where the existing Express Oil Change business is located. Due 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 adjacent uses include the existing Express Oil Change, undeveloped property, QT gas station, single-family rental homes and offices.

The subject property consists of two parcels and is the site of the closed Circle K convenience store/gas station/carwash and also contains a billboard. 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 applicant is basing the hardship on the size of the property and the fact that it has historically been used for automotive uses.

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

**Applicant Presentation:** **Brett Buckland**, 506 Jesse Jewell Parkway, stated he is with Bohler Engineering and is the civil engineer on the project. He said he wanted to reiterate what Mr. Tate had mentioned in regards to the use being an existing automotive use. He said it will provide a high quality use verses the older gas station that is currently there now. Mr. Buckland said the size of the property and location optimally is best used as some sort of automotive use in that area. He said they agree to the conditions and plan to keep the vegetative buffer in place, supplement additional plantings and working with staff as to exactly the type of plantings and location of them and in regards to the storm-water pond as well.

**Darrell Lamb**, 1621 Heron Point, Auburn, Alabama stated has owned the existing Express Oil Change for twenty-three years at that location. He said they knew when the DOT came in and started taking the property it would impact his business. Mr. Lamb said he also built the Express Oil Change located at the Kroger shopping center and will be the exact same plans. He said DOT has taken all the parking in the front and access to getting vehicles in too. Mr. Lamb said when the property became available next door it was an opportunity to save the business after twenty-three years and acquired the property. He said at one time he owned the real estate where the current store is located but sold it to a former neighbor Tim Fleming and he is here this evening. He said he believes it will add to what they have now and would like to save the business and appreciates the board's consideration.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to conditionally approve the request to vary the Midtown Overlay Zone prohibited and permitted use standards for an Express Oil Change facility having a zoning of General Business (G-B) with the following conditions:**

**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.**

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

## **B. Annexation Request**

- 1) Request from **Roberto A. Palacios** to annex a 0.36± acre 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

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

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 adjacent properties included mostly single-family homes in the city and county. The subject property contains a single-family home constructed in 1964.

The Future Development Map for the City of Gainesville places the property within the Low-Medium Density Residential land use category. The Character Area map places the subject property within the Suburban Residential Character Area which is consistent with the existing use.

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.

**Applicant Presentation:** None

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend approval of the annexation request and establish zoning as Residential-I (R-I).**

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

## **ADJOURNMENT**

**There was a motion to adjourn the meeting at 5:45 p.m.**

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

Respectfully submitted,

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Doug Carter, Chairman

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Gwen Fleming, Recording Secretary