

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Tyler Crawford

Request Appeal of administrative decision

Proposed Use Fabrication Business as a Rural Business

Size ±5.74 acres

Zoning AR-IV

Location **6541 Henry Smith Road** | Tax Parcel 11023
000024

Commission District Three

Planning Commission Date December 05, 2022

Staff Recommendation **Staff does not make recommendations for
appeals of staff decisions**

Planning Commission Recommendation..... **Approval, with conditions**

Vote: 4-1 (Braswell opposed)

Planning Commission Conditions:

1. The interior shop area is limited to no more than 1,000 sq. ft. and a divider wall shall be installed between the 1,000 sq. ft. and the remaining 4,000 sq. ft. of the building, per Hall County Code requirements. No storage of materials, finished products and no signage for the business can be outside the 5,000 sq. ft. building (unless required by Code, e.g., ADA Handicap Parking Sign). All aspects related to the operation of the business must be contained within 1,000 sq. ft. of the interior of the building.
2. The applicant shall comply with requirements from the Hall County Fire Marshal.
3. All materials for set business must be stored inside, no materials shall be allowed to be stored outside.
4. The applicant must have the 1,000 sq. ft. shop area permitted and inspected by Hall County Building Inspection to assure that applicable codes are met.
5. Only one (1) employee other than family members residing on the premises shall be permitted.
6. No signage shall be allowed on the property.
7. No more than two (2) parking spaces shall be allowed on the site.
8. The only entrance to the building shall be from Henry Smith Road and no traffic is allowed from the business onto Edwards Road.
9. No clients shall be allowed to pick up manufactured merchandise, only shipped.

10. This conditional use is approved for two (2) years only, starting from the day a final certificate of occupancy from Hall County is received. In two years the applicant shall come back to Hall County and apply for an additional conditional use to assure zoning compliance.
11. The site shall adhere to all Hall County Engineering and stormwater management requirements.

Public Forum:

Marty Crouch, 6631 Edwards Road, Murrayville, spoke in favor. Stated he supported the proposal.

Jimmy Day, 6641 Edwards Road, Murrayville, spoke in favor. Stated he does not have any problems with the building or business.

Sherry Day, 6641 Edwards Road, Murrayville, spoke in favor. Stated she supports the applicants business.

David Herring, 6451 Arrowhead Road, Murrayville, spoke in opposition. Concerns were machinery use, building permits, and barn use.

Gary Copeland, 6685 Henry Smith Road, Murrayville, spoke in opposition. Concerns were uses, machinery, and line of sight.

Jacob Shultz, 6457 Arrowhead Road, Murrayville, spoke in opposition. Concerns were industrial uses in agricultural zoning and masking.

Tasha Franklin, 6680 Henry Smith Road, Murrayville, spoke in opposition. Concerns were future neighboring uses.

Summary Analysis

- The subject property is an approximate 5.74-acre tract with an AR-IV zoning designation and containing a single-family dwelling constructed in 2004, a 13FT x 26FT storage shed (HPZ2022-01283, RES2022-01174), and a 50FT x 100FT storage building/barn (HPZ2022-00932, MIS2022-00243). All adjacent and surrounding properties also have a designation of AR-IV and are either vacant properties or contain single-family dwellings and associated accessory structures.
- In 2021 the applicant submitted a request to rezone a portion of the property at the intersection of Henry Smith Road and Edwards Road to Planned Industrial Development (PID) to allow a fabrication business. On December 20, 2021, the Planning Commission recommended approval with 11 conditions. Seven (7) people spoke in opposition at the December 20th hearing.
- On January 27, 2022, The Hall County Board of Commissioners voted to deny the request.
- On May 2, 2022 the applicant submitted an application for the 50FT x 100FT barn (HPZ2022-00932, MIS2022-00243).
- On June 14, 2022, the applicant submitted an application for the 13FT x 26FT shed (HPZ2022-01283, RES2022-01174).

- The applicant later submitted an application for a conditional use for a rural business as a metal fabricator within the 50FT x 100FT barn (HPZ2022-00932,MIS2022-00243). During agenda review, the Planning Director determined that the proposal, as presented, did not meet, the criteria for rural business ([17.350.140](#)). Section [17.350.140.E.3](#) prohibits “industrial or manufacturing uses which require specialized equipment not ordinarily associated with agricultural or residential uses, i.e., forges, large milling machinery...”. Section [17.350.140.F.12](#) states that “no equipment which would not ordinarily be found in agricultural or residential use may be used in the rural business”. Based on the application submitted for the rural business, the Planning Director did not believe it met the requirements.
- The current application is an appeal of staff decision regarding an application for a rural business. Section [17.20.960](#) defines a rural business as “an occupation or profession conducted within a dwelling, an accessory structure or outside and which is carried on by a resident of that property and which is clearly incidental and secondary to the use of the property for residential dwelling purposes. The rural business is designed to be less restrictive than a home office, home occupation or residential business in regard to access by the public, size, visibility, number of employees and types of business. Planning commission approval is required for a rural business in accordance with the conditions outlined in section [17.350.140](#).
- The Director based her decision on the word “ordinarily”. Forges, plasma cutters or presses are not ordinarily used in agricultural practices. Most farmers will have parts repaired or fabricated at a machine shop and then have their mechanic repair the equipment. Equipment ordinarily used in agricultural practices includes plows, tractors, seeders, harrows, threshers, balers, irrigation equipment, feeders, combines, etcetera.
- When evaluating the appeal, the Planning Commission shall determine:
 - what type of equipment is considered specialized and not ordinarily associated with agricultural or residential uses;
 - what equipment is ordinarily associated with agricultural or residential uses;
 - what makes a fabrication or manufacturing process acceptable- is it the number of machines, the size of the machine(s), or the volume in decibels of the machine(s)?
- It should be noted that the 50FT x 100FT structure to be used was permitted and inspected as a farm use only structure not a commercial building. The applicant shall have to obtain a Certificate of Occupancy (CO) from Building Inspections prior to obtaining a business license.

Development Support and Constraints – Departmental /agency comments

Hall County Environmental Health

An email dated November 14, 2022 from Emily McGahee states: “Environmental Health issued a septic permit (OSC 7294) for storage building/barn (sink/toilet) in May 2022. The system has not been installed as of this date.”

Hall County Fire Rescue

In an email dated November 18, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states:

“The closest fire hydrant to the proposed rural business site is located 9,496 feet away on Highway 52.”

Hall County Public Works and Utilities

In a memo dated November 17, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage..

Traffic:

No comments.

Utilities:

No comments.

Georgia Department of Transportation

Per an email dated November 17, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor stated “none”.

➤ **Excerpts from the minutes of the December 5, 2022 meeting**

Applicant’s Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Tyler Crawford, 6541 Henry Smith Road, presented the request. The applicant stated that the surrounding trees blocked the view into his building. The applicant presented his own traffic study. The applicant presented pictures of the tractor trailers that cross the property. The applicant presented pictures of other mill shops for comparison. The applicant stated that he does have one intern per semester. The applicant presented a model of what his machines produce. The applicant stated that he rarely has customers go to his property, he usually ships merchandise. He mentioned that the fact he lives on the property holds him accountable to what goes on in the property.

Rebuttal

The applicant stated that his business would blend in with agricultural zoning requirements.

Public Forum:

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Planning Commission Comments:

Mr. Hunt questioned if any customers picked up merchandise from the home. The applicant stated that it only happens a couple times a month. Mr. Hunt questioned if any materials would be stored outside. The applicant stated no. Mr. Hunt questioned how many interns were present. The applicant stated it was seasonal so there is only one intern at a time. Mr. Hunt questioned the hours of operation. The applicant stated the hours would be 7am - 6pm. Mr. Hunt questioned if the only driveway access would be on Henry Smith Road. The applicant stated that was correct. Mr. Hunt questioned if the applicant would abide storm water regulations as well as a hydrology study. Mr. Braswell questioned how the applicant would only utilize 900 sq. ft. of the building. The applicant stated he has had a yellow line to separate the areas. Mr. Hunt stated it would require to build a wall barrier to separate the areas. Mr. Hunt questioned the dimensions of the machinery. The applicant stated they were on the floor plan to scale. Mr. Hunt stated that the only way he could support the request would be to approve a conditional use for two years and then have the applicant come back in front of the board for compliance. Ms. Pilcher questioned if there is a fire suppressant in the current building. The applicant stated there was.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Braswell opposed)

Conditions:

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