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Planning Commission Comments - January 3, 2023 - Submission #66448

Date Submitted: 12/31/2022

Comments completed in the form below will be submitted into the record for the January 3, 2023 meeting of the Hall County Planning Commission.

First Name*

Brent

Last Name*

Hatcher

Address1*

3811 Bolding Road

Address2

City*

Flowery Branch

State*

GA

Zip*

30542

Zoning Item for Comment*

5. 3814 Bolding Road

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

Comments in Opposition to the Request to Rezone are set forth in the attached letter.

Please write your comments in the box above.

File Upload

Revised Rezoning Opposition Letter.docx
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

bhatcher@sgwmfirm.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.



SMITH GILLIAM WILLIAMS & MILES

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Mailing Address: P.O. Box 1098
Gainesville, GA 30503

December 31, 2022

VIA ELECTRONIC MAIL

Hall County Planning and Development Department
Hall County Planning Commission
2875 Browns Bridge Road
Gainesville, Georgia 30504

Re: *Opposition to Application to Rezone 3814 Bolding Road from Agricultural-Residential (AR-III) to Mobile Home Park (MHP)*

Dear Planning Department:

My name is Brent Hatcher and I am a resident of Hall County and a partner in the law firm of Smith, Gilliam, Williams & Miles, P.A. in Gainesville. My permanent residence is located at 3811 Bolding Road, Flowery Branch, Georgia 30542, which is located immediately across from the parcel that is the subject of this opposition—3814 Bolding Road (Tax Parcel 15036B000035) (the “Parcel”). My wife (Dr. Sally Evans Hatcher, a Gainesville dentist) and I completed construction of our house in April 2019. Our residence sits on approximately 18.6 acres (Parcel ID 15036A00015), and we purchased the property in reliance on the surrounding zoning being classified as AR-III, A-1 or R-1. We have five children, and it is important that the surrounding properties be relegated to residential and/or agricultural zoning. The owners of the Parcel—Yeon H. Jung and Soyeon Kim (the “Applicants”)—seek to rezone the Parcel from AR-III to MHP. The purpose of this letter is to oppose that Application and request that the Planning Department deny Applicants’ request to rezone the Parcel to MHP.

Current Zoning for Parcel and its Current Use

The Parcel is currently zoned AR-III. There is a single-family residence located on the Parcel, yet that residence has not been occupied since at least 2019. For several months, Applicants have been using the Parcel to store certain travel trailers (pictures will be presented at the scheduled January 3, 2023 hearing). In view of these facts, it appears as though Applicants purchased the Parcel for the purpose of storing travel trailers, or for some other commercial purpose not permitted under the current zoning classification (AR-III).

Applicants’ Request to Rezone Should Be Denied

As referenced above, Applicants seek to rezone the Parcel to MHP, with a proposed use of “travel trailer park.” For several reasons, the Department should deny the Application.

First, a rezoning to MHP would invite multiple permitted uses that are not congruent with the zoning classifications of the surrounding properties. Such permitted uses would include, without limitation, the following: manufactured home parks (with Department site plan approval); and Class A and Class B manufactured homes and industrialized dwelling units on individual lots of five acres or more with 50 feet of

Street Address:

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road frontage. The potential for multiple industrialized dwellings is clearly *not* in keeping with the zoning classifications of the surrounding parcels. As stated clearly in the Commission's Staff Report ("Staff Report"): "Based on future land-use plan, staff finds the requested zoning designation inconsistent with the Residential future land use classification as described in the Hall County Comprehensive Plan." See Staff Report at p. 2 (emphasis in original).

Second, the Staff Report provides, in pertinent part, that if the Application is approved "a subsequent application will need to be submitted for consideration by the Planning Commission for approval of the travel trailer park." See *id.* Accordingly, Applicants' plan to open a commercial travel trailer park must satisfy a second level of County scrutiny and approval. If the subsequent application is denied, then the property *would remain zoned as MHP* and thus be subject to multiple permitted uses that are not in line with the residential zoning surrounding the Parcel. Furthermore, even if that subsequent application is approved, should the travel trailer park prove commercially unprofitable, it could cease operations thus *leaving the Parcel zoned as MHP* without the operation or upkeep promised by Applicants in their proposed site plan. As such, given the surrounding residential properties, the Parcel is not suited for the operation of a commercial enterprise that could very well not succeed on a long-term basis.

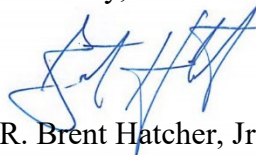
Third, according to the site plan contained in the Staff Report, the only access to the proposed travel trailer park is along Bolding Road. This sole means of access could cause additional traffic along Bolding Road, a street that is surrounded by residential properties. The surrounding parcels have single family dwellings (the overwhelming majority of which are occupied), and children are routinely observed playing and waiting for school buses along Bolding Road. Any commercial use of the Parcel for purposes of leasing and/or parking such travel trailers, is simply not aligned with the uses by owners of surrounding properties. Any such use by Applicants would only serve to increase traffic and potentially diminish the property values of residential lots along Bolding Road.

In sum, as is evident by a review of the pertinent zoning map of the Parcel and the surrounding properties, and as is stated in the Staff Report, the Parcel is not in keeping with the residential nature of the area surrounding Bolding Road, and would create an "isolated district that is unrelated to the surrounding districts." See Staff Report at p. 4. The Parcel, therefore, is not a proper location to build and operate a travel trailer park. The Application should be denied.

Thank you for your attention to this matter.

With cordial regards, I remain

Sincerely,



R. Brent Hatcher, Jr.

c: Dr. Sally Evans Hatcher
M. Tyler Smith, Esq.

12/31/2022

To: Hall County Planning Commission

From: Janet L. Allison
4014 Bolding Road
Flowery Branch, GA 30542

Re: OPPOSITION to Rezoning Application, Agenda Item #5 (Bolding Road) for 1/3/2023 meeting

Here I am again opposing yet another request for a commercial business on Bolding Road in southern Hall County.

I have some of the same concerns that I had in 2019 (grading company), but now I have solid proof those concerns were not only valid, but ignored.

1. **Bolding is not built to accommodate such traffic.** It is narrow and, in this case, RVs will have to maneuver TWO curves (one 90 degrees) in order to get from the proposed campground to Hwy 53. I assume, like before, they will not be allowed to use the portion of Bolding exiting the property to South Hall Middle (Academies of Discovery); therefore, they would travel both curves AND past my property at the 3-way stop.
2. **There are several school bus stops between.**
3. **There is also a grading company (that you allowed – big mistake) between the campground and Hwy 53.**
 - **Will campers be allowed to access Schubert and Sloan Mill roads?** Grading company is not supposed to with the large trucks and heavy equipment, but they do – over, and over, and over. I see it with my own eyes – and it's recorded by my security system.
4. **Will the applicant be allowed to expand again?** There is already a small gravel lot there. I mistakenly thought it was just for parking campers/RVs, but when I have taken that route to the Blackshear Place Trash Compactor several times, there seems to be folks camping there already! How did that happen?
 - The grading company has expanded and continues to park equipment for days and weeks on end on the residential portion. Instead of one tractor trailer cab, he now has about three parking on the rezoned portion. The lot is an eyesore. He spent weeks grading again behind the old garage and storage building at the residence, too. Don't see a permit. I do see there is a dirt road between the back of the residential portion leading to the back of the rezoned portion. Hmmmm.....
5. **Will the applicant have to meet any/all conditions of rezoning, or will he be allowed to do what he wants (with only a few hand slaps) as the grading company has?**
 - A number of the conditions placed on the grading company have still not been met – 3+ years later. Look it up and then ride by, if you don't believe me.

6. This is NOT a commercial area. It is NOT a State highway.

- I've almost been hit backing out of my driveway and at the three-way stop by speeding traffic who also ran the stop signs. The grading company runs the stop sign, too.
- I've almost been hit standing beside, not in the road, my mailbox getting my mail.
- It is a heavily used pathway by residents of Stoney Creek, Sloan Mill Road, and Royal Lakes.
- There are golf carts, ATVs, and UTVs, operated on Bolding, Schubert, and Sloan Mill illegally – and by repeat offenders, including parents and grandparents with small children aboard – sometimes sitting between their legs!
- In one hour (7:05 a.m. – 8:05 a.m.), 164 cars/pickups/SUVs came to the 3-way stop in September, 2019 – 3+ years ago. I'm sure there are more now. That did not include school buses, large trucks hauling heavy equipment, etc. It didn't include the box trucks the landscape company runs in/out of Lanier Nursery – the same landscaping company that has been allowed to park their vehicles there overnight, weekends, holidays. I thought it was approved for Lanier Nursery and Gardens, not another business, too.
- Sure, it appears (and was anticipated) that Hwy 53 is fast becoming heavily commercial, but not the interior roads that are residential and agricultural. *Apparently, many would agree it's a good place to build since approximately 10 new homes have been built/are being built less than a mile from my property – including Mr. Trey Bell's new home.*

7. Will the County repair any/all potholes and shoulders torn up by folks who run off the road onto individual properties?

- I've had to repair the shoulder in front of my house numerous times in the past 3 years. Regular vehicles, pickups, big trucks, heavy equipment, etc., have torn up the shoulder from my driveway to the stop sign. But, it really was minor ... until the grading company showed up. People have a hard time maneuvering their vehicles around these dump trumps, tractor-trailers, and heavy equipment. We already have some large traffic from the small gravel lot already on this guy's property (housing a few travel trailers, RVs).
- Your road maintenance crew said all they could do was tamp it down. They did that once. Every other time – I've had to handle. Will be more than happy to provide pictures of the mess.
- I now have reflectors out there (an eyesore) – and they get knocked down/destroyed and I have to replace those constantly. I don't want them there, but feel I have no other choice.
- Torn up shoulders weren't an issue until big trucks/heavy equipment arrived. And, this traffic is much bigger and more frequent than the old marble company or the old hatchery ever ran. I know – I grew up here. There have been more and more crumbling asphalt and potholes since this heavy equipment arrived. Large campers and RVs will only worsen the situation.

8. Locating a campground here makes no sense.

- When I'm healthy, I am an avid hiker and camper. I have been toying with the idea of getting a small camper van or tow behind. This location doesn't interest me at all for a vacation.
- It will increase traffic even more than we already have to endure.
- The small lot that was approved on the front left of that property makes no sense, either. Unfortunately, I didn't know about that before it happened to express my opposition.

9. **Crime has already ramped up since commercial came here.**

- The nursery has been broken into at least once.
- My truck was entered in May, 2020, and my storage building was entered in August, 2022.
- I know folks have been on my property in the wee hours of the morning several other times – there has been other evidence.
- The grading company has been hit at least twice.
- Another neighbor has been hit at least twice.
- There have been multiple incidences needing HCSO and/or EMS in the past 3-4 years.

10. **Will those of us who oppose and/or report violations be harassed like I have been since I opposed the grading company and/or refused to sell my property to those pushing to get it?**

- I won't name the parties (I'm certain you all know them), but I'm on the verge of filing a report with HCSO if it doesn't stop.

When an inch gets taken, soon they are wanting a mile. Where will it end? Every square inch of southern Hall is being overrun by commercial or large, unaffordable (for the masses) subdivisions. Unaffordable apartments.

It appears businesses trump individual property owners every single time, but some have moved away from southern Hall for this reason – out of control growth.

Also, what is the Comprehensive Plan (with citizen input) even worth these days if there is going to be an exception made for every request brought forward?

Sincerely,

Janet L. Allison