

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Matthew Miller

Request Variance from [17.420.050.E](#) to allow gravel parking within the Gateway Corridors Overlay District; a variance from [17.50.040](#) Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from [17.50.040](#) Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet

Proposed Use Event venue

Size 12.99± acres

Zoning Agricultural Residential III (AR-III, [17.110](#))

Location **3515 Friendship Road** | Tax Parcel 15048 000026B

Commission District One

Planning Commission Date January 17, 2023

Staff Recommendation **Denial of the setback variances from [17.215.040](#) because the applicant has not shown [2.60.030.K](#) has been fully met and based on the Planning Commission’s decision for another event venue whose parking was less than 200FT to a property line and more than 250FT to the nearest residence.**

Planning Commission Recommendation.....Denial
Vote: 5-0

It should be noted that this application has a symbiotic relationship with the conditional use application of Mr. Miller’s for an agri-entertainment venue, appearing on this same agenda. The items can be heard together but require separate motions and votes.

Public Forum:

Kathy Garland, 3549 Friendship Road, Buford, spoke in opposition. Concerns were trespassing, noise, traffic, and creek.

Adolfo Guzman, 3520 Autumn Farm Terrace, Buford, spoke in opposition. Concerns were traffic and safety.

James Basile, 3639 Buttercup Court, Buford, spoke in opposition. Concerns were traffic and noise.

Michelle Williams, 3614 Goldenrod Lane, Buford, spoke in opposition. Concerns were acreage, traffic, noise, hours of operation and visual intrusion.

Joseph Garland, 3539 Friendship Road, Buford, spoke in opposition. Concerns were traffic, safety, parking lot size and location.

Summary Analysis

The applicant is requesting three variances from the Zoning Regulations ([Title 17](#)) as part of a conditional use request for an agri-entertainment venue on the subject parcel. The applicant’s narrative describes a business that would operate annual seasonal events for Valentine’s Day, Easter, Halloween, etc. The primary seasonal event will be a haunted trail that will operate in September and October. In the future, the property would be leased for private events and weddings. Events will be able to accommodate 250 guests.

Two **variances** related to setbacks for agri-entertainment venues ([17.215](#)), as presented, is approved because the proposal does not meet the requirements.

- The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner ([17.215.040](#)).

Required setback for any structure used as a venue	= 300FT
House (to be used as event space)	= 95FT

Necessary variance = 205FT

Required setback for any structure used as a venue	= 300FT
Barn (to be used for ticket sales)	= 150FT

Necessary variance = 150FT

Required setback for any structure used as a venue	= 300FT
Garage (to be used as storage for venue)	= 215FT

Necessary variance = 85FT

- All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner ([17.215.040](#)).

Required parking setback	= 200FT
Proposed parking setback	= 50FT

Necessary variance = 150FT

An additional **variance** is requested from the non-residential property development standard ([17.420.050](#)) of the Gateway Corridors Overlay District (GCOD, [17.420](#)), which requires that parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director). Within an agri-entertainment venue,

parking shall be permitted on grass or gravel [17.215.040](#), ***because the property falls within the GCOD a variance is needed to permit the use of gravel.***

Zoning Analysis

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **The variances relating to building setbacks have been requested to accommodate the existing structures on the site. Even if the applicant were to demolish the buildings and rebuild, the narrow width and floodplain on eastern portion of the lot would make it virtually impossible to locate an agri-entertainment structure without needing a variance. In regards to the parking location and material, the proposed location works with the site topography to try and reduce the visibility and impact of the location. The applicant is requesting to use gravel within the Gateway Corridors Overlay District (GCOD, [17.420](#)) to be more consistent with an agricultural setting.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The application of the requirements of [Title 17](#) to this particular piece of property would not create an unusual hardship. The property can continue to be used as currently developed, with single-family residential and agricultural uses.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and **No, the subject property is larger in size than other properties in the area. The applicant has proposed to use existing structures that do not meet the requirements of the agri-entertainment venue standards ([17.215.040](#)).**
4. Such conditions are not the result of any actions of the property owner; and **The applicant is proposing the development standards for the project that require the variance request.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **It is difficult to assess the full impacts of a development on the public, but if these variances were granted there should not be detriment to the public good or impair the intent of [Title 17](#). The property will be subject to all other applicable local, state, and federal development standards.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated January 3, 2023 Emily McGahee states:

“Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat,

soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

Hall County Fire Marshal

An email dated January 3, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following preliminary comments:

“The Hall County Fire Marshal’s Office will require a Certified Land Surveyor to prepare and draft a conceptual plan including verification of boundaries, fire access, topography, existing / proposed building locations and all utilities. The Hall County Fire Marshal’s Office will not comment on a hand sketched concept plan.”

Hall County Public Works and Utilities

In a memo dated December 30, 2022, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

The 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 Comment.

Utilities

No Hall County Sewer.

Georgia Department of Transportation

No comments were received for this agenda.

Public Comments

The Planning Department has received four letters in opposition of the request. These are included as part of the packet.

- **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant’s Presentation:

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

Ed Myers, 752 Chattahoochee Place, Gainesville, presented the request. The applicant stated that an established parking lot would improve traffic flow. The applicant discussed closing hours for Sunday – Thursday to be by 10 p.m. and Friday- Saturday closing by 12:00 a.m. The applicant stated the haunted trail would run through September and October. The applicant stated that there shall be a solid fence with landscaping to shield the neighboring residents and there has been meetings with the HOA to discuss the development.

Sydney Curtain, 3883 Clarks Bridge Road, Gainesville, presented the request. The applicant stated that coordination has been made with GDOT.

Rebuttal

Mr. Myers stated that there will be an 8 foot privacy fence that can have an extended chain link fence towards the creek. Mr. Myers stated that bigger events will have security present and security cameras would be placed around the property for safety. Mr. Myers stated there is a system to manage traffic along the location. Mr. Myers stated that the only part that would require construction would be the driveway and parking lot.

Public Forum:

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Planning Commission Comments:

Mr. Braswell questioned the ingress and egress of the property regarding coordination with GDOT. Mr. Sosebee questioned the fence height. Mr. Myers stated it would be 8 feet height.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 5-0