

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Rochester|DCCM

**Request** ..... Variance | road frontage variance from 150 feet to 50 feet

**Proposed Use** ..... 6-lot subdivision

**Size** ..... 22.04± acres

**Zoning** ..... Vacation Cottage (V-C, [17.50](#))

**Location** ..... **4676 & 4654 Shirley Road** | Tax Parcels 10119 000001(pt.) - 000002

**Commission District** ..... Three

**Planning Commission Date** ..... February 6, 2023

**Staff Recommendation** ..... **Approval, as the request is consistent with the density requirements of the Lake Area Residential Future Land Use classification in the [Comprehensive Plan](#).**

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 5-0**

**Planning Commission Conditions:**

1. The development shall be limited to a maximum of 6 lots. No further subdivision of any lot shall be permitted without additional action by the Hall County Board of Commissioners and the completion of a stormwater management report.
2. Lots 1-5 shall be accessed through a common access drive per the amended site plan dated 1-30-23 and the enlarged driveway detail pan dated 1-19-23, and developed in accordance with common access driveways; minimum standards ([12.40.220](#)), subject to the review and approval of Hall County Engineering. Lot 6 shall be served by an individual driveway connecting directly to Shirley Road.
3. All Zoning conditions shall be part of any plat or site plans prepared.

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**A concurrent conditional use application is on this agenda. The items may be heard together but separate motions and votes are required since these are two distinct applications and agenda items. Should the variance request be denied the conditional use will not be possible as proposed.**

**Public Forum**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting approval reduce the road frontage requirement from 150 feet to 50 feet in order to subdivide the 22.04± acres into a 6-lot subdivision. The submitted narrative explains that the applicant intends to subdivide the property into 6 building lots for high-end residential homes.

Lots 1 – 5 will each have 50 feet of frontage along Shirley Road and be served by a common access drive which connects to Shirley Road, rather than having their own individual driveway. Lot 6 will have an individual driveway. The submitted site plan shows a 20 foot wide t-shaped area labeled as a common access drive. It should be noted that this does not meet the requirements of common access driveways; minimum standards, ([12.40.220](#)). This section requires a common access driveway which terminates in a dead end to terminate in either a cul-de-sac with a paved radius of 25 feet, or another termination method that allows for vehicles to turn around safely and is acceptable to Hall County Engineering.

There is an existing residence on lot 3. Neither the site plan nor the narrative state if this home is to remain or be removed. The lot frontage and area is listed below:

Lot	Area	Frontage	Required Variance
1	3.631 acres	53.41 feet	96.59 feet
2	2.832 acres	53.41 feet	96.59 feet
3	3.469 acres	53.40 feet	96.58 feet
4	3.809 acres	53.40 feet	96.58 feet
5	3.384 acres	53.40 feet	96.58 feet
6	4.920 acres	336.14 feet	N/A

**Five (5) variances** related to access will be required if the site plan, as presented, is approved because the proposal does not meet the requirements.

- Per [16.050.040](#), access, in any subdivision not involving the construction of new roads and in any minor subdivision (as defined by the Hall County zoning regulations), all new lots accessing a road designated as an arterial or collector shall have a minimum frontage of 150 feet.

Per the requirements of [17.50.040](#), uses permitted subject to approval of the county commission, within the Vacation Cottage (V-C, [17.50](#)) zoning district, subdivisions require Board of Commissioner approval. As such, there is a concurrent conditional use request being heard as part of this application.

**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 subject property has approximately 603 feet of road frontage. It is not possible to subdivide the property into 6 building lots and for each lot to have 150 feet of frontage. The subject property is a large parcel, 22.04 acres, with limited road frontage and an existing dwelling.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The applicant would not be able to subdivide the property as proposed. Without the requested variances, the maximum number lots would be 4.**
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 lot is similar to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; and **The applicant has requested the variance to accommodate a 6 lot subdivision.**
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. **The road frontage requirement for collector roads is 150 feet so to minimize the number of curb cuts that slow down and impede the orderly flow of traffic. The utilization of a common access drive will mitigate the potential impacts of 6 building lots.**

#### **Development Support and Constraints / Departmental Comments**

##### **Hall County Environmental Health**

An email dated January 23, 2023 from Emily McGahee states “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. The applicant was notified of EH requirements on 12.19.2022.”

##### **Hall County Fire Marshal**

An email dated January 24, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant states, “The Hall County Fire Marshal’s Office has no comments regarding the proposed common access drive as proposed or existing fire hydrant location.”

##### **Hall County Public Works and Utilities**

In a memo dated January 23, 2023 from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

##### **Engineering:**

Show buffer and impervious setback from wrested vegetation, not centerline of creek.  
Show flood Hall County studied and FEMA.

##### **Traffic:**

Provide site distance for each drive.

**Utilities**

No comment.

**Georgia Department of Transportation**

In an email dated January 19, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed that this project will not require GDOT coordination.

➤ **Excerpts from the minutes of the February 6, 2023 meeting**

**Applicant's Presentation:**

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

**Bradley Dunckel, 425 Oak Street, Gainesville**, presented the request. The applicant stated the five flag lots would share a common driveway access to limit the number of driveways off Shirley Road.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell questioned if the northern lot would have its own driveway. The applicant stated that was correct. Ms. Pilcher requested clarification of the site plans submitted.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher.**

**Vote: 5-0**

**Conditions:**

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