

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

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

**Request** ..... Conditional Use to allow a minor subdivision

**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.
4. Plat shall show the buffer and impervious setback from wrested vegetation, not centerline of creek and shall show Hall County studied floodplain and FEMA floodplain.
5. Development shall follow the standard Hall County Plat Review process.
6. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby

property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”

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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 to subdivide the 22.04± acres into a 6-lot subdivision. 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, minor subdivisions require Board of Commissioner approval. 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 will be served by a common access drive which connects to Shirley Road. Lot 6 will have an individual driveway. The submitted site plan shows a 30 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:

<b>Lot</b>	<b>Area</b>	<b>Frontage</b>
<b>1</b>	3.631 acres	53.41 feet
<b>2</b>	2.832 acres	53.41 feet
<b>3</b>	3.469 acres	53.40 feet
<b>4</b>	3.809 acres	53.40 feet
<b>5</b>	3.384 acres	53.40 feet
<b>6</b>	4.920 acres	336.14 feet

Concurrent to this request, the applicant is requesting a road frontage variance for lots 1 – 5 from 150 feet to 50 feet.

#### **Zoning Analysis**

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed use is consistent with the use, development, and zoning of adjacent and nearby properties. The proposed lot size and development pattern is consistent with other nearby properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of a 6 lot subdivision will not adversely affect the existing use or usability of adjacent or nearby properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Vacation Cottage (V-C, [17.50](#)), but no further subdivision of the property can occur without conditional use approval.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The development of 6 building lots should not cause an excessive or burdensome use of the existing streets, transportation facilities, etc.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use of a 6-lot subdivision is consistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential. In this land use classification, the recommended density is 1 dwelling unit per acre; the current proposal is 0.27 units per acre.**
6. The extent to which property values are diminished by the existing zoning restrictions; **All division of land within the V-C zoning classification requires approval from the Board of Commissioners.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
9. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **All subdivision within the Vacation Cottage (V-C, [17.50](#)) zoning districts require conditional use approval, which would necessitate the same request on any property with that designation.**
10. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **There are no significant changes proposed to the site. Further, any land disturbance activities on the property shall be required to go through the land development**

permitting process, and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.

#### **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 Dunkel, 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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