

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Walter R. Hope/Total Construction

**Request** ..... Rezone from Residential I Low Density  
(Conditional) (R-I-L, [17.70](#)) & Agricultural  
Residential IV (AR-IV, [17.120](#)) to Agricultural  
Residential IV (AR-IV, [17.120](#))

**Proposed Use** ..... Single Family Dwelling with Caretaker Residences

**Size** ..... 127.81± acres

**Zoning** ..... Current Residential I Low Density (Conditional) (R-I-L, [17.70](#)) & Agricultural Residential IV (AR-IV, [17.120](#)) | Proposed Agricultural Residential IV (ARIV, [17.120](#))

**Location** ..... **4425 & 4465 Peckerwood Road** | Tax Parcels  
15003 000009 & 000108

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

**Planning Commission Date** ..... February 20, 2023

**Staff Recommendation** ..... **Approval, as the proposed request is consistent with the rural future land use designation in the [Comprehensive Plan](#).**

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

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the standards of the Agricultural Residential IV (ARIV, [17.120](#)) zoning district and the requirements of [17.350.120](#), caretaker or employee residences. Unless further subdivided, the property shall be limited to one primary, site-built, single-family residence and permitted accessory uses, as found in [17.120.010](#), permitted uses. Prior to the development of any caretaker or employee residences, the applicant shall submit a request for conditional use approval from the Planning Commission and demonstrate compliance with [17.350.120](#).
2. The use of the property is for private use only. Up to 4 adult horses may be boarded on the property by right. If at any point there are more than 4 adult horses kept for the purpose of training, boarding, sales or breeding or where instruction pertaining to the same is given for a fee the property shall seek conditional use approval from the Board of Commissioners to

operate as an equestrian center, as required by [17.120.040](#). This condition shall not prohibit the applicant from having four or more horses for private use.

3. The applicant shall record an updated deed to reflect the combination of the properties with the correct plat reference (PB 882, Page 414) prior to a building permit being issued for a residential dwelling(s).
4. The applicant shall provide documents to the Planning Department that the Conservation Easement from the Hall County Tax Assessors (DB 9108, Pages 354-355 and DB 9108, Pages 356-357) is reconciled prior to a building permit being issued for a residential dwelling(s).
5. 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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**Public Forum:**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting to rezone the subject properties from Residential I Low Density (R-I-L, [17.70](#)) & Agricultural Residential IV (AR-IV, [17.120](#)) to Agricultural Residential IV (AR-IV, [17.120](#)) for the purpose of developing the property as a private equestrian farm. The applicant’s narrative describes the intent of developing a main house, stables, an equipment shed, shop and hay-shaving barn with three stalls, a riding ring, and paddocks and pastures for horses. All of the above mentioned improvements are permitted uses within the Agricultural Residential IV (AR-IV, [17.120](#)) district.

If the rezoning request is approved, the applicant intends to apply for conditional use approval to construct two (2) caretakers residences on the property, subject to the standards found in [17.350.120](#), caretaker or employee residences, as required by [17.120.030](#).

The applicant has requested no variances as part of this application, nor has staff identified any during the analysis of this request.

The property has a conservation easement attached to the property from the Hall County Tax Assessors recorded 4/20/2022 at DB 9108, Pages 354-355 and DB 9108, Pages 356-357.

A permit for an agricultural barn is pending on this property, as of 2-10-2023, with the following conditions from the Planning Department attached to the permit (HRNEW23-0238):

“As per application and site plan presented, approval is authorized for a stable with equipment shed and personal workshop. Future shed as shown on site plan is not authorized by this release. Primary residence

as shown on site plan shall require a separate permit. Workshop is for personal use and no commercial or business activity is authorized by this approval. Stables is authorized for 4 horses. Stabling 5 horses or boarding for other people shall constitute an equestrian center and require HCPC and BOC approval. Subject to requirements of Environmental Health, Building Inspections, and all other applicable local, state, and federal regulations.”

**Based on the future land-use plan, staff finds the requested zoning designation consistent with the future land use classification of Rural in the [Comprehensive Plan](#).**

### **Zoning Analysis**

The proposed use of having a single family residence with associated accessory structures is consistent with the permitted uses within the Agricultural Residential IV (AR-IV, [17.120](#)) zoning district. The applicant intends to use the property as a private equestrian center. If the rezoning request is approved then the applicant intends to submit a conditional use request for two (2) caretaker residences.

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **Yes, the proposed use is suitable in view of the use and development of adjacent and nearby property. The subject property is located in the eastern portion of the county, where larger parcels and agricultural uses are common.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties. The proposed use of a private equestrian farm is consistent with the surrounding development pattern.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The subject property is zoned both Residential I Low Density (R-I-L, [17.70](#)) & Agricultural Residential IV (AR-IV, [17.120](#)). Within the R-I-L district caretaker residences are not a permitted use. The applicant would not be able to construct the intended caretaker residence on the R-I-L portion of the property.**
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, or utilities; **No, the proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. The applicant is proposing a maximum of 3 residences (one primary and two caretaker) on approximately 127 acres.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Yes, the requested zoning designation consistent with the future land use classification of Rural in the [Comprehensive Plan](#).**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
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. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **Hall County aerial imagery shows various accessory structures on the property, though the applicant states that the property is currently vacant.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **No, rezoning the property from Residential I Low Density (R-I-L, [17.70](#)) to Agricultural Residential IV (AR-IV, [17.120](#)) will be consistent with adjacent properties.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use is not out of scale with the needs of the county as a whole. The preservation of large agricultural tracts of land in the eastern portion of the county are consistent with the intent of the rural future land use classification in the [Comprehensive Plan](#).**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support the proposed use based on the Future Land Use Map and existing zoning designations.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the request could not be handled alternatively as a variance as the requested use is not permitted within the Residential I Low Density (R-I-L, [17.70](#)).**
16. 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.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no evidence to indicate a mistake was made in the original zoning of the property.**

Per [17.120.010](#) (permitted uses within the AR-IV zoning district) site-built single-family detached dwellings are a permitted use. Site-built single-family detached dwelling unit is defined in [17.20.1052](#) as “a single-family detached dwelling constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with all requirements of the Building Code as adopted by Hall County.” There may only be one site-build single-family detached dwelling unit on each parcel.

In addition to this structure the applicant is proposing to construct two (2) caretaker residences, subject to the approval of the Planning Commission, per the requirements of [17.120.030](#). A caretaker or employee residence is defined in 17.20.280 as an accessory residence (including manufactured homes) placed on an occupied tract for use by a bona fide caretaker, employee or the owner himself and approved by the zoning board of adjustment in accordance with [17.350.120](#). Subject to approval by the Planning Commission, in the Agricultural Residential IV (AR-IV, [17.120](#)) zoning district, one caretaker and/or employee residence may be permitted for each five acres.

**[17.380.050](#). - Submission requirements for a rezoning request**

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
  - 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in 17.380.060.C.**
  - 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The submitted site plan is hand drawn and not to scale, but does show the approximate locations of the proposed residences and accessory structures on the site.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will be served an onsite septic system.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **As there are not 100 or more residential dwelling units proposed this question is not applicable.**

**Development Support and Constraints – Departmental / Agency Comments**

**Hall County Environmental Health**

In an email dated January 31, 2023, Emily McGahee states “Must meet all Environmental Health residential/commercial septic system permitting requirements. Level 3 Soil Evaluation required at time of septic permit application.”

**Hall County Fire Marshal**

An email dated February 6, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “The Hall County Fire Marshal’s Office has no comments as proposed.”

**Hall County Public Works and Utilities**

In a memo dated February 2, 2023, Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

**Engineering:**

Erosion Control measures will need to be installed. Any agricultural building will need a permit from EPD.

**Traffic:**

No comment.

**Utilities**

No comment.

**Hall County Tax Assessor**

An email dated January 30, 2023, Nicole Griffin, Appraisal Systems Coordinator, confirmed that the subject properties are currently under a Conservation Use Covenant (CUVA).

**Georgia Department of Transportation**

In email dated January 27, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will not require GDOT coordination.

- **Excerpts from the minutes of the February 20, 2023 meeting**

**Applicant’s Presentation:**

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

**Walter Hope, 3426 Ridge Drive, Gainesville**, presented the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell requested the applicant go over the site plan. Mr. Braswell questioned if the tenant house and future home on the site plan would be caretaker homes. The applicant stated that was correct. Ms. Doveton stated there can only be one caretaker home per five acres. Mr. Hunt wanted to clarify to the applicant, if approved, it would be for private use. There was discussion of how many adult horses were allowed on the property.

***Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0***

*Conditions:*

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