

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Uriel Rebollar Solorzano

Request Conditional Use to all 3-lot subdivision

Proposed Use 3-lot subdivision

Size 2.62± acres

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

Location **2014 Edmonds Drive** | Tax Parcel 09124 000027C

Commission District Three

Planning Commission Date March 6, 2023

Staff Recommendation **Denial as it is inconsistent with the Lake Area Residential future land use classification of the [Comprehensive Plan](#).**

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

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, [17.60](#)) zoning district as detailed in [17.240](#), area and setback requirements.
2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to subdivide a 2.62± acre parcel into 3-building lots. Per the requirements of [17.60.040](#), uses permitted subject to approval of the county commission, within the Residential I (R-I, [17.60](#)) zoning district, subdivisions require Board of Commissioner approval. The submitted narrative explains that the applicant intends to subdivide the property into 3 building lots.

The property is currently developed with 2 residences, one being 1,340 square feet in size, constructed in 1980, and will remain on the site. The second residence is 640 square foot guest house that was constructed in 1960. The site plan indicates that this residence will be demolished.

Within the Residential I (R-I, [17.60](#)) the following development standards are required:

Residential I (R-I, 17.60) Standard	Required	Proposed
Lot Area	35,000 square feet	36,590 square feet 36,590 square feet 39,639 square feet / 0.91 acres
Lot Frontage	50 feet	65 feet 70 feet 190 feet
Lot Width at Building Line	75 feet	None Listed
Front Yard Setback	55 feet from centerline of road or 30 feet from property line	None Listed
Side Yard Setback	10 feet	None Listed, proposed residences are shown at 20 feet from side property line
Rear Yard Setback	20 feet	None Listed

No variances were included as part of this request nor did staff identify the need for any. It should be noted that Edmonds Drive is a paved, local road, which is 30 feet wide and is a dead end. This is below the current standards for road design as found in [16.60.160](#), width of right-of-way. Hall County Public Works has reviewed the request and did not have any comments related to the proposed development.

A concurrent request to rezone the property to Residential I (R-I, [17.60](#)) 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 rezoning request be denied the conditional use will not be possible.

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 and development of adjacent and nearby property; **The proposed use of 3 residential lots is somewhat compatible with the development of nearby and adjacent property. Adjacent and nearby properties are found in a range of sizes, with some being smaller in size than what is proposed by the applicant while others are larger.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of a 3 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 reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, Agricultural Residential III (AR-III, [17.110](#)), but there is not enough acreage to subdivide the property into 3 lots without rezoning the property to Residential I (R-I, [17.60](#)).**
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; **If approved, the development of 3 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 land use plan; **The proposed use of a 3-lot subdivision is inconsistent 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 1.15 units per acre.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the rezoning request is approved, the applicant will only be able to subdivide the property into 2 lots.**
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; **The property is currently developed and as such this question is not applicable.**
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; **Yes, the Residential I (R-I, [17.60](#)) would create an isolated district unrelated to the surrounding districts.**
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; **No, the request is not out of scale with the needs of the county as a whole.**

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There subject parcel is not large enough for the applicant to subdivide the tract in the 3 building lots without rezoning to the Residential I (R-I, [17.60](#)) zoning district.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the need for rezoning could not be handled instead by a variance request.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **No, there should not be an ecological or pollution impact resulting from major modifications 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 indication that a mistake was made in the original zoning.**

Within the Residential I (R-I, [17.60](#)) zoning district, subdivisions require conditional use approval from the Board of Commissioners.

[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. **Proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This is not applicable as the property will utilize an onsite septic or municipal sewer 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. **This is not applicable as the property is less than 100 lots.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 2023, Emily McGahee states “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

Hall County Fire Marshal

An email dated February 16, 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 14, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will not require GDOT coordination.

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

Applicant’s Presentation:

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

Kimberley Rebollar, 4014 Glen Ridge, Gainesville, presented the request. The applicant stated that they would like to divide the property leaving the existing residential home and demolishing the guest house that is close to the neighboring property owners.

Uriel Rebollar, 4015 Glen Ridge, Gainesville, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned the frontage of lot 3. Mr. Sosebee questioned if the applicants had spoken to the neighbors of the property. Ms. Rebollar stated that they have and that to her understanding they are fond of the idea since they are cleaning up the property that was abandoned and unkept for a couple of years.

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

Conditions:

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