

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Dalton Self

Request Conditional Use Subject to County Commission Approval to allow the relocation of a site-built dwelling unit

Proposed Use single-family residence

Size 1.02± acres

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

Location **5407 Lowman Road** | Tax Parcel 11082 000079

Commission District Three

Planning Commission Date March 20, 2023

Staff Recommendation **Approval, as the proposed use is consistent with the rural residential future land use classification of the [Comprehensive Plan](#).**

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

Planning Commission Conditions:

1. At time of building permit application, the site layout should be consistent with the site plan and narrative submitted with this request. Minor changes may be made to accommodate on the ground conditions, but the final home location shall meet all setback requirements of the Agricultural Residential III (AR-III, [17.110](#)) district.
2. The relocated structure shall be inspected by Hall County Building Inspections to ensure the structure meets building code requirements.
3. Driveway permits shall be obtained from Hall County Engineering as part of the development process.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to relocate a site-built home to the subject property. Per the requirements of [17.110.040](#), uses permitted subject to approval of the county commission, within the Agricultural Residential III (AR-III, [17.110](#)) zoning district, the relocation of a site-built residence more than 7 years old requires Board of Commissioner approval. The submitted narrative explains that the applicant intends to relocate a site built residence located at 281 Reynolds Road, Hiram, Georgia to the subject property.

A visual inspection was conducted by Hall County Building Inspections to verify conditions. Once relocated, an in person inspection will occur to verify the structure is compliant with Hall County regulations.

The applicant's site plan indicates that the home will be parallel to Lowman Road, 60 feet from the front property line. The home will sit 108 feet from Hubert Stephens Road, 120 feet from the rear property line, and 55 feet from the right side yard property line. A second driveway is shown on the site plan, which will require a second driveway permit from Hall County Engineering.

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. Within the Agricultural Residential III (AR-III, [17.110](#)) district site-built dwelling units are a permitted use.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of a relocated single-family residence will not affect the existing use or usability of adjacent or nearby property. The use is consistent with other uses in the area.**
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, Agricultural Residential III (AR-III, [17.110](#)), the applicant could construct a site built residence on the property, but cannot relocate a structure to the site without board 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 a single-family residence will not cause an excessive or burdensome use of the existing streets, transportation facilities, etc. The lot is already established and recognized as a building lot. The purpose of this applicant is to determine if a site-build residence can be relocated to the property.**
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 is consistent with the [Comprehensive Plan's](#)**

future land use classification of Rural Residential. In this land use classification, the recommended density is 1 – 1.5 dwelling units per acre.

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. The applicant would not be able to relocate the residence to the site, if the request is denied.**
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; **[Tax parcel 111082 000079](#) previously was developed with a single-wide mobile home, which was removed sometime between 2018 and 2021, per aerial imagery.**
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; **The current request is a conditional use request and there are no proposed changes to the underlying zoning.**
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; **No, it is not possible to find another suitable site for the proposed use as the relocation of a site-built dwelling unit requires Board of Commissioners approval for all residential zoning district.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **No, the request could not be handled instead by a variance.**
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. If approved, the**

property will be subject to Hall County residential building requirements in relation to land disturbance and erosion control.

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.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 23, 2023, Emily McGahee states “All proposed structures must meet required setbacks to existing septic system. An existing system evaluation will be required to verify setbacks and area available for full future repair of septic system. Replacement of existing septic system will require Level 3 soil evaluation and area available to relocate system and have full, feasible future repair of septic system”

Hall County Fire Marshal

An email dated March 2, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated that the Hall County Fire Marshal’s Office has no comments as proposed.

Hall County Public Works and Utilities

In a memo dated March 1, 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 Jonathan Peevy, P.E., Assistant District Traffic Engineer, confirmed this project will not require GDOT coordination.

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

Applicant’s Presentation:

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

Dalton Self, 6050 Bark Camp Road, Gainesville, presented the request. The applicant stated that the lot has septic, power, and a water meter.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned the year the unit was built. The applicant stated 1967.

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

Conditions:

1. *At time of building permit application, the site layout should be consistent with the site plan and narrative submitted with this request. Minor changes may be made to accommodate on the ground conditions, but the final home location shall meet all setback requirements of the Agricultural Residential III (AR-III, [17.110](#)) district.*
2. *The relocated structure shall be inspected by Hall County Building Inspections to ensure the structure meets building code requirements.*
3. *Driveway permits shall be obtained from Hall County Engineering as part of the development process.*