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April 24, 2023
VIA EMAIL

Jennifer Rivera- jrivera@hallcounty.org Hall County Commission Clerk
Randi Doveton- rdoveton@hallcounty.org Hall County Planning Director

Honorable Richard Higgins, Chairman
Hall County, Board of Commissioners

RE: Property Owner: Steven and Holly Crumley
Applicant: Steven and Holly Crumley
Address: 8730 Forrester Rd. Lula, GA 30554
Hardship Variance Request: Road Frontage from 50' to 0'

Dear Chairman Higgins and Commissioners Cooper, Powell, Stowe and Poole:

This letter is written in response to the appeal filed by Katherine Askew from the Hall County Planning Commission recommendation of approval, with conditions the variance for road frontage from fifty feet to zero feet for the property of Holly and Steve Crumley located at 8730 Forrester Road, Lula, GA, 30554. This also is in response to the letter submitted to the Board of Commissioners by Ms. Askew's attorney Hunter Milliman.

The evidence submitted to the Planning Board clearly indicates that a hardship exists to the Crumleys because of the application of zoning requirements enacted by Hall County subsequent to their lot being created as a lot of record, when on August 28, 1978 an ordinance was passed requiring fifty feet of road frontage in order to subdivide the property. Therefore, as indicated by the Staff Report, any subdivision of their lot will require relief from the road frontage requirement of the Official Code of Hall County. The Crumleys are not proposing any uses not allowable within the agricultural residential for (AR-IV, 17.120) district, and the Staff Report states, "Staff does not find that there will be any substantial detriment to the public good if approved."

Ms. Askew argues that the Crumleys' property is being used beyond capacity. That is denied by the applicants. Ms. Askew overlooks a brochure that was submitted with the application for a conditional use in 2007 which is incorporated into the record outlining not only the kennel uses but also the ancillary uses. It is denied that there are five businesses being operated on the premises.

Ms. Askew argues that the property should be treated as a residential rural business. That is incorrect. The property is AR-IV with a conditional use. It is not a rural residential business. Ms. Askew next argues the easement accessing the Crumleys' property has overwhelming

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340 Jesse Jewell Parkway, Suite 300
Gainesville, GA 30501

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traffic. That is also disputed. More importantly, there is no limitation on the number of vehicles either in the 2007 approval or when the “non-exclusive” easement was granted to the Crumleys predecessor. Being non-exclusive means Ms. Askew cannot dictate either the use or the amount of the use of the easement. Further, the property has not lost its AR-IV zoning and other AR-IV uses can be used on the Crumleys property. .

Finally, Ms. Askew argues that there was a construction of a kennel closer than 200 feet to the Crumleys’ property line. A variance was granted by the Board of Commissioners in 2007 to allow that to occur. So that is not an issue.

Much like Ms. Askew’s appeal, Mr. Milliman’s letter also misstates the issues. He also overlooks the brochure that was filed along with the application in 2007 which sets out the uses, hours, and ancillary uses of the kennel specifically grooming, boarding, nature walks, bathing, and brushing. The hours are also set forth in the brochure. Again, in the 2007 approval, there is no restriction on the number of vehicles, operating days, number of employees or customers.

Mr. Milliman then makes the statement that there have been accidents because of the traffic. The Crumleys deny that has ever occurred.

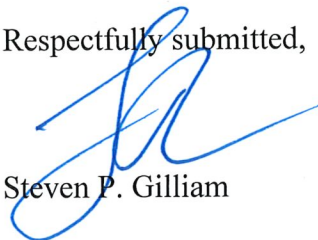
Like Ms. Askew, Mr. Milliman then claims that the property is a rural business, and those restrictions apply. That is incorrect. The property is AR-IV with a conditional use approved by the county for a commercial kennel. Consequently, Mr. Milliman’s arguments in paragraph 19 are incorrect.

Mr. Milliman then states that dogs are not livestock for purposes of the Georgia Auction Statutes. There are various definitions of livestock in all sorts of state and federal laws. In the code of Federal Regulations 29CFR780.328 the meaning of livestock includes domestic animals ordinarily raised or used on a farm. Dogs are ordinarily raised or used on the farm and could be considered such as here. However, you don’t need to reach that conclusion because Condition Number Two passed by the Planning Commission on the recommendation of the Staff provides “No expansion of the commercial kennel or its services shall be allowed. If expansion has occurred that is not included in the 2007 approval, the applicant shall submit a conditional use request to bring the commercial kennel operations into compliance.”

As stated in the Staff Report, “Any issues regarding the use as a commercial kennel and whether the use has expanded beyond its original approval should be addressed separately. Should it be determined that additional approvals are required for operating the kennel and the ancillary uses, a separate application process and public hearings would be required.” The Crumleys have agreed to that provision and are willing to undergo staff scrutiny and explanation to show that they feel they are in compliance, and if not, are willing to go through the conditional use process again, as Ms. Crumley did in 2007.

Accordingly, the Crumleys ask that you approve the variance request. Without that variance they are unable to sell their house and Ms. Crumley's business.

Respectfully submitted,



Steven P. Gilliam

SPG/kr

Cc: Randi Doveton

Holly and Steve Crumley

Enclosures: GA Dept of Agriculture Kennel License

GA Dept of Agriculture Pet Dealer License

Hall County Business License: Boarding Kennel, Pet Sales, Pet Grooming, General
Merchandise, Sales – New Items Only

Georgia Department of Agriculture
Animal Protection Division
19 Martin Luther King Jr. Dr. SW
Atlanta, GA 30334
agr.georgia.gov

KENNEL LICENSE

This license entitles the holder to operate a kennel business in the State of Georgia as a kennel subject of the Laws of Georgia, and the Rules and Regulations promulgated by the Commissioner of Agriculture, thereunder.
This license is subject to revocation by the Commissioner of Agriculture for violation of the Georgia laws, or the Rules and Regulations promulgated by the Commissioner of Agriculture.

License Number:

34-3497947

Date Issued:

6/16/2022

Expiration Date:

9/30/2023

OLLY'S BED & BISCUIT INC
730 Forrester Rd
Atlanta GA 30554

License Type: Capacity for 41 to 80 pets

This License Is Not Transferable and Must Be Posted At All Times In A Prominent Business Location

No. BUS-0027087

2023

HALL COUNTY
BUSINESS LICENSE

2023

Accou

Date:

EFFECTIVE BEGINNING DATE OF BUSINESS

01/31

Owner: HOLLY CRUMLEY
Holly Crumley, Inc

HOLLY CRUMLEY, INC
8730 FORRESTER ROAD
LULA, GA 30554

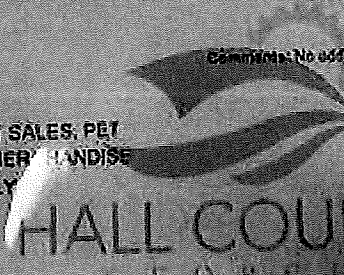
Comments: No additional structures authorized by this Permit

Employees: 8

Business Type: BOARDING KENNEL, PET SALES, PET
GROOMING, GENERAL MERCHANDISE
SALES - NEW ITEMS ONLY

A license is granted in unincorporated Hall County for
period ending December 31, 2023 subject to compliance
with the provision of the Business Occupation Tax Code
carrying on this business as listed herein

Holly Crumley, Inc
8730 FORRESTER RD
LULA, GA 30554



Brandi S...
Permitting Director of Council

NOT TRANSFERABLE - DISPLAY IN A CONSPICUOUS PLACE