



Hall County Government Planning Department

Application for Appeal

Per §17.370.010, the public shall have the right to appeal a decision made by the Planning Commission before the Board of Commissioners.

In order to file an appeal, the appellant must submit a written notice of appeal within five working days of the Planning Commission decision to the Planning Department. The appellant must submit justification and reasons for the appeal along with a \$200 appeal fee (cash or check).

Please fill out the following information:

Name	Kathryn Askew
Address	8720 Forrester Rd Lula GA
Phone Number	(678) 858-8678
Email	moldaviteblue@gmail.com

Name of original application and date of meeting for which appeal is requested.

Steve and Holly K. Crumley Date 3-17-23

Type of application for which appeal is requested:

- Variance Sign Variance Use Subject to Planning Commission
 Use Subject to County Commission Rezoning

Justification and reason(s) for filing this appeal (attach additional sheets if necessary):

because of numerous violations of the county ordinances as filed as a complaint with the zoning office and marshals. (see attached paper)

Signature Kathryn Askew Date 4-18-23

For staff use only:

Action _____ Date _____ Tax Parcel Number _____

Conditions: _____

- incorrect statements in application for variance including but not limited to

#3 "property is being sold to 1 owner but must be seperated to meet lending criteria for the bank and SBA"

* Lawyer for Crumley's stated there is indeed 2 buyers for property, 1 for residential side and 1 for commercial side.

#1 states "the hardship must relate to the physical character of the lot and not to a personal or economic hardship"

* it seems that this would classify as personal & economic,

- Incorrect statement in "Zoning Analysis"

* #1 - The subject parcel is a non-conforming lot of record, having existed in its current configuration since the mid 1940's.

- This parcel was created by deed in 1999 and "office only" plat filed in 1999.

- Questions still remaining about legalities of "commercial business" vs "residential business" vs "rural business"

These are a few of the issues that we plan to address concerning the appeal for requests for variance.

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Planning & Zoning Department

April 18, 2023

To whom it may concern:

8730 Forrester Rd. was granted permission for a Commercial Kennel in 2007, with the following conditions;

1. Development shall be as generally depicted on the proposed planned narrative submitted, modified for compliance with new development standards as necessary at the time of plan approval.
2. Any expansion of the facility or kennel activity would be subject to further review and approval.
3. Any outdoor lighting on the premises shall be of a non-spill type.
4. The vehicle parking areas shall be paved with either asphalt or concrete.
5. All conditions of zoning shall be made a part of any plat created for property.

In regard to first condition "the proposed plan presented" stated that she would only board 40 dogs at full capacity, operating about 20 hours a week, have dogs about 180days out of the year, generally when school is out.

- The hours of operation are 46+/-hours per week, open daily, at full capacity seemingly 365days a year (considering since the approval for the kennel she has began to breed and house King Charles Spaniels and most recently German Short Hair Pointers as well, not approved by commissioners as requested in second condition). There has also been a tremendous amount of growth to the facility and premises, without approval by the commissioners (see attached photos). There are a total of five businesses being run and operated on the premises: Holly's bed & biscuit, Cavaliers by Crumley, Ruff on Birds, Everything Spaniel, Holly's inc. There is only 1 business license for this property. All of these items would have needed approval according to conditions set forth in 2007.

It seems that, considering the fact that 8730 Forrester is located in AR-IV (Agricultural Residential), that this business is a residential / rural business and should have to also comply to Hall County ordinances set forth (17.350.130-Residential Business and 17.350.140-Rural Business). There are several of these ordinances that are not being followed, specifically concerning number of employees allowed, (according to ordinances only one outside of family that

resides there is allowed, they have 8 listed on business license but about 14+/- are anticipated by findings). The amount of traffic coming and going to said business has become overwhelming (35+/- vehicles daily), which does include employees. This is a major concern considering residence / business uses an easement on and through property belonging to the Askew family at 8720 Forrester Rd., that was granted in 1993(see attached copies of deed), when said property was sold from Askew to Cochran, for ingress and egress (verbally conveyed for agricultural use only). When sell of property then took place in 1999, from Cochran to Crumley (recorded in book #3547 pages 198-199, also attached to this letter), the words "non-exclusive" were added in regards to the said easement.

Last but not least is failure to comply with Hall County ordinances 17.240.060 regarding construction of kennel closer than 200ft to property line, where 8730 did obtain variance from county in 2007 for one adjoining property but not the Askew family's property, where kennel is said to be as close as 113 ft up to 130 ft in more than one area, according to measurement obtained by surveyor. Also 17.240- regarding vegetation buffer that is required when commercial or industrial property adjoins a residential district.

We would very much appreciate your investigation into these matters and look forward to working with you to resolve these issues.

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Virginia Marto