

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant.....Patricia M. Egan
Request.....Use Subject to Planning Commission Approval
Proposed Use.....Equestrian center
Size.....87.38± acres
Zoning.....Agricultural Residential IV (AR-IV, [17.120](#))
Location.....**3724 Roy Parks Road** | Tax Parcel 15024 000019
Commission District.....Three
Planning Commission Date.....May 15, 2023
Staff Recommendation..... **Approval, as the proposed request is consistent with the rural residential future land use designation in the [Comprehensive Plan](#).**
Planning Commission Recommendation..... **Approval, with conditions**
Vote: 5-0

Planning Commission Conditions:

1. The equestrian center shall operate as described in the narrative and depicted on the site plan.
2. A Hall County business license shall be obtained.
3. A variance is granted for Barn 2 for the setback requirement for structures used for the keeping of horses, per §17.240.060 from 200 feet to 140 feet from the property line.
4. Per §2.60.060. – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
5. The existing sign shall be allowed to remain as constructed.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting conditional use approval from the County Commission for an equestrian center to be located on an 87.38± acre parcel. Per [17.20.410](#), equestrian center means a tract of land of five acres or more on which more than four adult horses, mules or burros are kept for the purpose of training, boarding, sales or breeding or where instruction pertaining to the same is given for a fee. For the purposes of this regulation this term also includes facilities for riding trails and rings, shows, competitive equestrian events and riding lessons. The raising of four or fewer adult horses, mules or burros would be inherently allowed in all residential zones that allow an equestrian center. Within the Agricultural-Residential-IV (AR-IV, [17.120](#)), equestrian centers are a use subject to the approval of the County Commission, resulting in the current application.

A similar request for an equestrian center was approved in 2018, but the applicant failed to obtain a Hall County Business License, and as such, that use approval has since expired. The applicant's narrative states that they thought the Georgia Department of Agriculture Stable License they obtained satisfied this requirement, which has been renewed annually since. The applicant, who is also the property owner, intends to sell the property and discovered the 2018 conditional use had expired. The buyer plans to continue the operation of the property as an equestrian center.

The submitted narrative describes the use as an equestrian center which would board and care for horses for recreational purposes, as was approved in 2018. The applicant has space to board between 40 – 45 horses on the 87 acres. The applicant states that the size of the property is more than adequate to support this number of horses. The existing use of the farm is for boarding and caring for horses. The hours of operation will be from 9:00am until dusk. A 3 foot by 3 foot sign indicating horse boarding near the entrance to the farm is proposed. The lighting will remain as is on the property. The farm currently has a well, with a backup generator, and five septic systems.

The applicant's narrative states that the property will continue to be kept in its current state, with maintenance and improvements to the existing buildings and fencing. There are three homes on the property; two homes are site-built and one home is a pre-fabricated home. A caretaker has been living in the pre-fabricated home for approximately 18 years. The applicant is trying to find caretakers to reside in the other two site-built homes to help maintain the property. There are no changes proposed for buffers along adjacent properties. Fencing is in place, and the property is surrounded on three sides by either Roy Parks Road or Allen Creek.

A site plan was submitted showing the locations of two houses, two driveway entrances, two storage buildings, two barns, a shelter, and a pre-fabricated home. A variance is needed for Barn 2 since its location is about 145± feet from a side property line. 17.240.060 states that in an equestrian center, no structure for the keeping of horses, including stables, shall be constructed closer than 200 feet to a property line. No other structures or facilities, including but not limited to riding trails, show/training rings or jumps, shall be located closer than 50 feet to a property line. While the variance was not specifically identified in the current application, one was granted in 2018 for the same barn location.

Based on the future land-use plan, staff finds the requested conditional use request consistent with the future land use classification of rural residential in the [Comprehensive Plan](#).

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 of the property is an equestrian center, which has been operating on the property since at least 2018. The area is rural, with large agricultural tracts of land and the proposed use is consistent with the use, development, and zoning of adjacent and nearby property.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for conditional use approval of an equestrian center. The proposed use should not have an impact on the usability of adjacent or nearby property.**
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-IV (AR-IV, [17.120](#)), but the proposed business cannot occur as described without approval of the current item.**
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 proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service.**
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 parcels fall within the Rural Residential character area of the Comprehensive Plan. The intent of this character area is to preserve the established residential/rural character and create a transition between Rural Area and development in Residential Areas. The proposed use is not consistent with the Comprehensive Plan. Primary future land uses include low-density detached single-family residential and agricultural uses.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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 developed with two houses, two driveway entrances, two storage buildings, two barns, a shelter, and a pre-fabricated home.**
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; **There is no proposed change to the underlying zoning district as the request is for conditional use approval.**
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. The proposed use is consistent with the agricultural nature of that portion of Hall County.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **No, all equestrian centers require conditional use approval from the Board of Commissioners.**
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 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 proposed changes to the site.**
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.**

17.380.050. - Submission requirements

- 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 the Hall County Planning Commission.**

- 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 has not explicitly has addressed the criteria listed in [17.350.120](#).**
 - 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 applicant submitted the site plan drawn to scale.**
- 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 by 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 criteria is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

An email dated May 2, 2023, from Emily McGahee, Environmental Health, stated “No comment.”

Hall County Fire Marshal

An email dated April 28, 2023, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “Hall County Fire Comment: Issuance of a Hall County Business license will be contingent upon a passing Life Safety Inspection of all buildings open to the public. Site Inspection by both Hall County Building and Hall County Fire Marshal’s Office will be required to determine if any code deficiencies exist that would need to be corrected prior to issuing the business license.”

Hall County Public Works and Utilities

In a memo dated May 1, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage FEMA and Hall County studied Flood plains present on site.

Show stream buffer and impervious setback from wretched vegetation not center line of stream

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In an email dated April 28, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will not require GDOT coordination.

- **Excerpts from the minutes of the May 15, 2023 meeting**

Applicant's Presentation:

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

Patricia Egan, 752 Cardinal Drive, Blue Ridge, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned if the road sign for the business will remain the same. The applicant agreed.

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

Conditions:

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