

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Bourdua REI, LLC / Brian Bourdura

Request Rezone from Planned Residential Development (PRD, [17.180.060](#)) to Agricultural Residential III (AR-III, [17.110](#))

Proposed Use Permitted uses in AR-III

Size 4.36± acres

Zoning Current: Planned Residential Development (PRD, [17.180.060](#)) | Proposed: Agricultural Residential III (AR-III, [17.110](#))

Location **4033 Hidden Hollow Drive** | Tax Parcel 10098 000125

Commission District Two

Planning Commission Date June 5, 2023

Staff Recommendation **Approval with Conditions, as the proposed request is consistent with the residential future land use designation in the [Comprehensive Plan](#).**

Planning Commission Recommendation.....**Approval, with conditions
Vote: 3-0 (Sosebee & Varner absent)**

Planning Commission Conditions:

1. Development of the subject parcel shall be limited to one (1) site-built single family residence developed with similar materials and colors as surrounding dwelling units established within the existing development. Final elevations shall be subject to the approval of the Planning Director.
2. The Applicant/ Developer shall satisfy all comments from Environmental Health Department, Hall County Fire Marshal, Public Works and Utilities, and Georgia Department of Transportation prior to obtaining a certificate of occupancy.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

4. All conditions of zoning shall be recorded on the final plat.
5. The only allowable uses are the ones allowed in R-I zoning.

Public Forum:

Robert Beales, 4059C Hidden Hollow, Gainesville, spoke in opposition. Concerns were devaluing properties.

Dot Holder, 4078C Hidden Hollow, Gainesville, spoke in opposition. Concerns were visuals and property value.

Jean Buffington, 4024C Hidden Hollow Drive, Gainesville, spoke in opposition. Concerns were aesthetics, community integrity and property value.

Melanie Wise, 4013 Hidden Hollow Drive, Gainesville, spoke in opposition. Concerns were the aesthetics and creek.

Phyllis Hall, 4051 Hidden Hollow Drive, Gainesville, spoke in opposition. Concerns were placing a mobile home.

Summary Analysis

The applicant is requesting to rezone the subject property from Planned Residential Development (PRD, [17.180.060](#)) to Agricultural-Residential-III (AR-III, [17.110](#)) for the purpose of developing the property with a single-family manufactured home. The existing PRD was approved in 1986 for duplexes and triplexes and was developed as such, excluding the subject parcel. The applicant's narrative states that the soil composition of the property and septic regulations limit the property to a maximum of three bedrooms for any residence. Manufactured homes are listed as a permitted use within the Agricultural-Residential-III (AR-III, [17.110](#)) zoning district.

The applicant has requested no variances as part of this application, nor has staff identified any during the analysis of this request.

Based on the future land-use plan, staff finds the requested zoning designation consistent with the future land use classification of Residential in the [Comprehensive Plan](#).

Zoning Analysis

The proposed use of a single-family residence is consistent with the permitted uses within the Agricultural Residential III (AR-III, [17.110](#)) zoning district.

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **No, the proposed use of a manufactured home is incongruent with the existing townhome development. Although the subject property is located in the western portion of the county, where a mixture of agricultural and residential uses are common, the subdivision is developed with 131 dwelling units, which are a mix of duplex and triplex homes.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties. The proposed use of a single-family residential lot is consistent with the surrounding development pattern, however, a manufactured home would not be consistent with the existing neighborhood character.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The subject property is zoned Planned Residential Development (PRD, [17.180.060](#)) and was approved as part of the Hidden Hollow Townhome development, but was never platted as an approved building lot within the development. As such, the applicant is requesting to have the property rezoned so it is not subject to the requirements of the PRD.**
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; **No, the proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Yes, the requested zoning designation is consistent with the future land use classification of Residential in the [Comprehensive Plan](#).**
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.**
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 identified that the property as currently zoned cannot be developed in accordance with the existing PRD standards due to septic limitations.**
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; **Hall County aerial imagery shows various accessory structures on the property, though the application states that the property is currently vacant.**
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; **No, rezoning the property from Planned Residential Development (PRD, [17.180.060](#)) to Agricultural-Residential-III (AR-III, [17.110](#)) will be consistent with adjacent properties to the west.**
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; **The proposed use is not out of scale with the needs of the county as a whole. The**

preservation of large agricultural tracts of land in the western portion of the county are consistent with the intent of the residential future land use classification in the [Comprehensive Plan](#).

- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support the proposed use based on the Future Land Use Map and existing zoning designations.****
- 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 alternatively as a variance as the property is subject to the conditions of the Planned Residential Development (PRD, [17.180.060](#)).****
- 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. Further, any land disturbance activities on the property shall be required to go through the land development permitting process, and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification 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 evidence to indicate a mistake was made in the original zoning of the property.****

Per [17.120.010](#) (permitted uses within the AR-IV zoning district) Class A single-family manufactured homes are a permitted use. Manufactured home is defined in 17.20.711. as a dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.). There may only be one class A single-family manufactured home on each parcel.

[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](#).**
 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 submitted site plan is hand drawn, and shows the location of the proposed residence set back 270 feet from the front property line**
- 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 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 question is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated May 17, 2023, Emily McGahee states “Must meet all Environmental Health residential septic system permitting requirements. A copy of recorded plat showing property in current configuration must be submitted at time of permit application.”

Hall County Fire Marshal

In an email dated May 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 May 18, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

This property may have multiple streams and springheads as depicted on “plat for E.R.E. INC.” any development on this property must show all stream buffers and flood zones.

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

Gainesville sewer district.

Georgia Department of Transportation

An email dated May 11, 2023 from Jonathan Peevy, Assistant District Traffic Engineer, confirmed this project will not require GDOT coordination.

- **Excerpts from the minutes of the June 5, 2023 meeting**

Applicant's Presentation:

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

Brian Bourdua, 4033 Hidden Hollow Drive, Gainesville, presented the request. The applicant stated that he would like to place a manufactured home on the land since it is more cost effective. The applicant stated that he would be willing to maintain landscaping to match the surrounding properties.

Rebuttal

The applicant stated that the property is not part of the HOA and there is adjacent land that is AR-III. The applicant stated that the home would be placed further back so it would not interfere with the aesthetic or creek.

Public Forum:

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Planning Commission Comments:

Ms. Pilcher questioned the reasoning behind rezoning. Mr. Hunt stated that he would not be opposed to the rezoning but he would like the visuals to remain consistent with what is existing.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 3-0 (Sosebee & Varner absent)

Conditions:

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