

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** .....John A. Moore, Sr.

**Request** .....(A) Use Subject to County Commission Approval |  
for an agri-entertainment venue  
(B) Variance | from [17.215.040](#) to reduce the  
setback for agri-entertainment structures from  
300 feet to 15 feet  
(C) Variance | from [17.215.040](#) to reduce the  
setback for agri-entertainment parking from  
200 feet to 15 feet

**Proposed Use** ..... Agri-entertainment venue with variances

**Size** ..... 7.03± acres

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

**Location** ..... **3555 North Bogan Road** | Tax Parcels 08155  
000029

**Commission District** .....One

**Planning Commission Date** .....July 24, 2023

**Staff Recommendation** ..... **(A) Denial as the proposed use is inconsistent  
with the Residential Future land use designation  
in the [Comprehensive Plan](#),**  
**(B) Denial of the requested variance from  
[17.215.040](#) to reduce the setback for agri-  
entertainment structures from 300 feet to 15  
feet as the applicant has failed to demonstrate  
that hardship exists pursuant to the criteria of  
[2.60.030](#), and**  
**(C) Denial of the requested variance from  
[17.215.040](#) to reduce the setback for agri-  
entertainment parking from 200 feet to 15 feet  
as the applicant has failed to demonstrate that  
hardship exists pursuant to the criteria of  
[2.60.030](#).**

**Planning Commission Recommendation.....(A) Denial**  
**Vote: 5-0**  
**(B) Denial**  
**Vote: 5-0**  
**(C) Denial**  
**Vote: 5-0**

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**Public Forum:**

**Kelly Morgan, 3552 N Bogan Road, Buford**, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

**Stephen Henley, 4589 Lake Falls Drive, Buford**, spoke in favor. Spoke about the applicant’s character.

**Creston Mapes, 5662 Villa Crest Drive, Hoschton**, spoke in favor. Spoke about the community and land preservation.

**Lilian Pedraza, 4392 Chatuge Drive**, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

**Narcis Ciceu, 3550 N Bogan Road, Buford**, spoke in favor. Spoke about the property’s cleanliness, giving to the community, and amenity to neighbors.

**Jeremy Fowler, 3537 N Bogan Road, Buford**, spoke in favor.

**Connie Riley, 4561 Bogan Gates Trail, Buford**, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

**Tony Riley, 4561 Bogan Gates Trail, Buford**, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

**Sybil Sobanjo, 3534 N Bogan Road, Buford**, spoke in opposition. Concerns were noise, traffic, and property value.

**Summary Analysis**

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

The applicant is proposing to operate an agri-entertainment venue on the subject property, which will be located in a proposed 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion. Per the submitted site plan, the proposed barn location is approximately 20 feet from the right side property line and 140 feet from the rear property line. There is a proposed gravel parking area, located immediately adjacent to the proposed event venue. The parking area is approximately 20 feet from the right side property line and

approximately 25 feet from the rear property line and will contain 60 parking spaces. The site plan notes there area an additional 84 grass parking spaces, but it is not clear where on the property those are located. The site plan shows a proposed buffer of Leyland Cypress trees along the left and right side property lines. The narrative states that the buffer may be vegetated or consist of a split rail fence. Additionally, the site plan notes that the gravel parking area would be surrounded by an 8 foot tall fence to mitigate any impact on the neighboring property.

The submitted narrative states that intent of the agri-entertainment venue is to provide an event space for the community. The primary use will be weddings, which the narrative states may occur Fridays, Saturdays and Sundays from 5pm – 10pm or 11pm. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm. The maximum number of guests proposed by the applicant is 300. The applicant submitted two examples of the proposed structure for reference, which are included in the application packet.

The subject property is developed with a 4,500 square foot single family residence, constructed in 2014. An existing barn will be demolished and the proposed event venue constructed in its place. Access to the property will be from the existing driveway on North Bogan Road.

**Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the [Comprehensive Plan](#). The primary future land uses for this classification are moderate density single-family residential developments, greenspace, and civic uses such as libraries, churches, and schools.**

### **Zoning Analysis**

Per section [17.215.040](#), conditions and regulations for agri-entertainment:

- A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
  - *The applicant will be required to obtain a Hall County Business License, subject to the below conditions and any additional conditions added, prior to beginning operation.*
- B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in [section 17.215.030\(A\)](#).
  - *The proposed uses are consistent with those described in [section 17.215.030\(A\)](#).*
- C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
  - *The applicant has requested relief from the building setback requirement, with the proposed structure located approximately 20 feet from the right side property line. The requested variance is 15 feet from property line.*
  - *Required setback = 300 feet*  
*Proposed setback = 15 feet*  
*Required variance =285 feet*
- D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
  - *The applicant has requested relief from the parking setback requirement, with the proposed parking area located approximately 20 feet from the right side property line and 25 feet from the rear property line. The requested variance is 15 feet from property line.*

- *Required setback = 200 feet*  
*Proposed setback = 15 feet*  
*Required variance = 185 feet*
- E. Parking shall be permitted on grass or gravel.
- *The applicant's narrative states that the parking areas will be both gravel and grass.*
- F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
- *The applicant intends to construct a 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion, if the agri-entertainment use is approved.*
- G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
- *The applicant's narrative states that maximum number of guests is proposed to be 300, with 144 proposed parking spaces. The maximum number of occupants will be determined by the Hall County Fire Marshal during the development process.*
- H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.
- *If approved, the occupancy will be determined by Hall County Building Inspections and the Fire Marshal, based on the above criteria.*
- I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a certificate of occupancy prior to commencing operations.*
- J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a building permit from Hall County Building Inspections.*
- K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
- *The applicant has not indicated that outside amplification of voice, music, and/or instruments is proposed as part of the application.*
- L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.
- *For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.*
  - *The proposed agri-entertainment business meets this condition. The proposed hours of operation for special events such as weddings are Friday – Sunday from 5pm – 10pm and 11pm to meet the requirements of this section. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm.*
- M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
- *The applicant must meet this requirement if the request is approved, and has indicated there is enough land to meet the septic requirements.*
- N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.

- *The applicant will be required to receive approval from Hall County Engineering for the proposed site access.*
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.
  - *If approved, the applicant must meet this requirement.*
- P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-5-7.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
  - *The property is not under a conservation use covenant and as such this regulation is not applicable.*

**(A) Use Subject to County Commission Approval | for an agri-entertainment venue.**

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 and development of adjacent and nearby property; **The proposed use of the property is an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. Properties to the north and west across North Bogan Road are within the city limits of Buford. The properties to the east are zoned Residential I (R-I, [17.60](#)) and are developed with single-family residential uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The request is for conditional use approval for an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. The proposed use may be more intense than that of the adjacent or nearby parcels and the requested variances for the building location and parking setback requirements reduce the separation of the event venue and parking from adjacent properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, but the proposed business cannot occur as described without approval of the conditional use request. The subject property is zoned Agricultural Residential III (AR-III, [17.110](#)) and is developed with a 4,500 square foot single-family residence, constructed in 2014, and a 80 foot by 80 foot barn, per Hall County [Property Tax records](#).**
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; **The proposed use may cause an excessive or burdensome use of existing streets and transportation facilities, depending on the number of visitors the business can accommodate.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The current application is for a conditional use request for agri-entertainment business within the Agricultural-Residential-III (AR-III, [17.110](#)) district. The parcel falls within the Residential future land use classification of in the [Comprehensive Plan](#). The intent of this classification is to preserve the established neighborhoods and create new residential developments consistent with surrounding suburban densities. The proposed use is not consistent with 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 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 site has been developed with a residence since at least 2014.**
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, as such, this criteria is not applicable.**
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, as an event venue could compliment the residential growth occurring in the South Hall area.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval for a conditional use permit, there are not adequate sites already zoned for an agri-entertainment business.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **As the proposed uses require Board of Commissioner approval for a conditional use permit, 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; **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.**

**(B) Variance from [17.215.040](#) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet and (C) Variance from [17.215.040](#) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet:**

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **Though the property is 7.03 acres in size, the site is somewhat limited by the existing structures and a pond on the property. It is possible that the proposed event venue and parking could be located so that no variances are needed, but the potential area is limited by the location of the pond and septic system.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The application of the requirements of [Title 17](#) to this particular piece of property would not create an unusual hardship. The property can continue to be used as currently developed, with single-family residential and agricultural uses.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The existing site development limits the potential places an event venue could be located on the property.**
4. Such conditions are not the result of any actions of the property owner; **The applicant is proposing the development standards for the project that require the variance request.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **It is difficult to assess the full impact of a development on the public, but if these variances were granted there should not be detriment to the public good or impair the intent of [Title 17](#). The property will be subject to all other applicable local, state, and federal development standards.**

**[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.C](#).**
  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 has submitted a 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 question is not applicable.**

#### **Development Support and Constraints – Departmental / Agency Comments**

##### **Hall County Environmental Health**

In an email dated June 22, 2023, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600 gallons per non-restricted acre per day.”

##### **Hall County Fire Marshal**

In an email dated June 22, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:



1. If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee
2. Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required
3. 8 inch underground fire line will be required for the fire protection water supply
4. Gainesville Fire Service Vault will be required
5. Additional fire hydrant(s) may be required
6. Fire apparatus accessibility must meet International Fire Code Standards.
7. Emergency responder radio coverage test will be required

### **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:**

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

#### **Traffic:**

No comment.

#### **Utilities**

City of Flowery Branch sewer district.

### **Georgia Department of Transportation**

In an email dated May 25, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor confirmed GDOT coordination would not be required.

- **Excerpts from the minutes of the August 7, 2023 meeting**

#### **Applicant's Presentation:**

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

**John Moore, 3555 North Bogan Road, Buford**, presented the request. The applicant stated that he also lives on the property and knows the responsibility the approval carries if obtained. The applicant stated that the focus would be on weddings on weekends with the rare weekday event.

#### ***Rebuttal***

The applicant stated that a venue will preserve the property unlike selling and building a subdivision.

**Public Forum:**

**Kelly Morgan, 3552 N Bogan Road, Buford**, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

**Stephen Henley, 4589 Lake Falls Drive, Buford**, spoke in favor. Spoke about the applicant's character.

**Creston Mapes, 5662 Villa Crest Drive, Hoschton**, spoke in favor. Spoke about the community and land preservation.

**Lilian Pedraza, 4392 Chatuge Drive**, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

**Narcis Ciceu, 3550 N Bogan Road, Buford**, spoke in favor. Spoke about the property's cleanliness, giving to the community, and amenity to neighbors.

**Jeremy Fowler, 3537 N Bogan Road, Buford**, spoke in favor.

**Connie Riley, 4561 Bogan Gates Trail, Buford**, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

**Tony Riley, 4561 Bogan Gates Trail, Buford**, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

**Sybil Sobanjo, 3534 N Bogan Road, Buford**, spoke in opposition. Concerns were noise, traffic, and property value.

**Planning Commission Comments:**

Mr. Sosebee stated that seven public comments were submitted in advance of the meeting. Ms. Pilcher requested clarification on the driveway entrance for the proposed parking. Mr. Hunt questioned occupancy for the venue. The applicant stated he has not determined that yet. Mr. Hunt and Mr. Braswell stated that the variances were too aggressive.

**Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0**

**2 (B)**

**Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0**

**Background Information:**

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

**Applicant's Presentation:**

See item 2 (A).

**Public Forum:**

See item 2 (A).

**Planning Commission Comments:**

See item 2 (A).

**Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0**

**2 (C)**

**Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0**

**Background Information:**

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

**Applicant's Presentation:**

See item 2 (A).

**Public Forum:**

See item 2 (A).

**Planning Commission Comments:**

*See item 2 (A).*

**Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0**