

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Garry L. & Gale W. English

**Request** ..... Use Subject to County Commission Approval

**Proposed Use** ..... 3-lot subdivision

**Size** ..... 3.05± acres

**Zoning** ..... Vacation Cottage (V-C, [17.50](#))

**Location** ..... **5010 McKinzey Lane** | Tax Parcel 08089 001019

**Commission District** ..... Two

**Planning Commission Date** ..... August 7, 2023

**Staff Recommendation** ..... **Approval as the proposed subdivision is consistent with the Lake Area Residential future land use classification of the [Comprehensive Plan](#).**

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 5-0**

**Planning Commission Conditions:**

1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Vacation Cottage (V-C, [17.50](#)) zoning district as detailed in [17.240](#), area and setback requirements. No variances are approved as part of this application.
2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.
3. All conditions of zoning shall be made part of any plats created for the property.
4. 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.”

- The developer shall dedicate ten (10) feet of right of way along McKinzey Lane in order to bring the road up to county standards for a ditched section.

**Public Forum:**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting county commission approval to subdivide a 3.05± acre parcel into three (3) residential building lots. Per the requirements of [17.50.040](#), uses permitted subject to approval of the county commission, within the Vacation Cottage (V-C, [17.50](#)) zoning district, subdivisions require Board of Commissioner approval. The submitted narrative explains that the applicant intends to subdivide the property into three (3) building lots, with one lot to include an existing single-family home and new single-family residences to be constructed on the two new lots.

Within the Vacation Cottage (V-C, [17.50](#)) zoning district, the following development standards are required:

<b>Vacation Cottage (V-C, <a href="#">17.50</a>) Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Lot Area</b>	35,000 square feet	Lot 1: 37,853.64 square feet Lot 2: 37,853.64 square feet Lot 3: 58,584.621 square feet
<b>Lot Frontage</b>	Collector Road: 90 feet	Lot 1: 212.99 feet Lot 2: 167.74 feet Lot 3: 288.99 feet
<b>Lot Width at Building Line</b>	75 feet	None Listed
<b>Front Yard Setback</b>	55 feet from centerline of road or 30 feet from property line	55 feet from centerline of road
<b>Side Yard Setback</b>	10 feet	10 feet
<b>Rear Yard Setback</b>	20 feet	20 feet

No variances were requested as part of this application.

**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:

- 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 three (3) residential lots is compatible with the development of nearby and adjacent property. Adjacent and nearby properties are found in a range**

**of sizes, with some being smaller in size than what is proposed by the applicant while others are larger.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of a three (3) lot subdivision will not adversely affect the existing use or usability of adjacent or nearby 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, Vacation Cottage (V-C, [17.50](#)), but the applicant cannot subdivide the property into three (3) lots without approval of the County Commission.**
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; **If approved, the development of three (3) building lots should not cause an excessive or burdensome use of the existing streets, transportation facilities, etc.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use of a 3-lot subdivision is consistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential. In this land use classification, the recommended density is 1 dwelling unit per acre; the current proposal of 0.973 units per acre is within the recommendation.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the conditional use request is approved, the applicant will not be able to subdivide the property into three (3) lots.**
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 currently developed with a single family home, which was constructed in 1999.**
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; **This question is not applicable as there are no proposed changes to the zoning classification.**
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**

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The subdivision of land within the Vacation Cottage zoning district (V-C, [17.50](#)) requires County Commission approval.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **This question is not applicable as there are no proposed changes to the zoning classification.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **No, there should not be an ecological or pollution impact resulting from major modifications 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 indication that a mistake was made in the original zoning.**

**Within the Vacation Cottage (V-C, [17.50](#)) zoning district, subdivisions require conditional use approval from the Board of Commissioners.**

**[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. **Proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This is not applicable as the property will utilize an onsite septic or municipal sewer 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. **This is not applicable as the property is less than 100 lots.**

**Development Support and Constraints / Departmental Comments**

**Hall County Environmental Health**

In an email dated July 3, 2023, Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

**Hall County Fire Marshal**

In an email dated June 29, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “McKinze Lane as is does not meet the International Fire Codes listed below.

503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders. The intent of the minimum 20’ width is to provide space for fire apparatus to pass or get around one another during fire ground operations.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. No approved turnaround constructed at end of McKinze Lane will create hazardous conditions for emergency vehicles especially ladder trucks attempting to back out.”

**Hall County Public Works and Utilities**

In a memo dated June 20, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

**Engineering:**

Further subdivision of these lots will result in necessity of a storm water management plan if the total number of lots reaches more than 6.

**Traffic:**

Ten foot right-of-way dedication will be required along McKinze Lane in order to bring up to Hall County standard for ditched section. Driveways must meet Hall County driveways regulations.

**Utilities**

Flowery Branch sewer district but no feasible connection for sewer lines. Septic system shall comply with all Environmental Health requirements.

**Georgia Department of Transportation**

In an email dated July 6, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed that this project will not require GDOT coordination.

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

**Applicant's Presentation:**

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

**Gary English, 5010 McKinzey Lane, Flowery Branch**, presented the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Ms. Pilcher questioned if the applicant would be willing to add conditions regarding the agricultural statement and dedicate 10 feet of right-of-way along McKinzey Lane in order to bring the road up to county standards for a ditched section. The applicant agreed.

***Motion: A motion to approve, with conditions was made by Ms. Pilcher and seconded by Mr. Sosebee.***

***Vote: 5-0***

***Conditions:***

1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Vacation Cottage (V-C, [17.50](#)) zoning district as detailed in [17.240](#), area and setback requirements. No variances are approved as part of this application.
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