

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Laura Labovitz

Request Use Subject to County Commission Approval for an agri-entertainment business

Proposed Use Agri-entertainment business

Size 31.02± acres

Zoning Agricultural Residential-IV (AR-IV, [17.120](#))

Location 7042 Baker Lane | Tax Parcels 12037 000003

Commission District Three

Planning Commission Date September 18, 2023

Staff Recommendation **Approval with conditions**, based on the findings that the request is consistent with the Rural Residential future land use classification in the [Comprehensive Plan](#), which allows for agriculture as a primary future land use

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 4-0 (Hunt absent)

Conditions:

1. The agri-entertainment business shall operate as described in the narrative and depicted on the site plan. No weddings shall be permitted.
2. A minimum of 15 parking spaces must be provided on site and all vehicles including buses and vans must be parked in a designated parking space. Gravel and grass parking is permitted.
3. Operation of the agricultural business shall commence no earlier than 9:00 a.m. and shall terminate no later than 9:00 p.m. Sunday through Saturday. This excludes uses customary to farm operations.
4. Plans for any further improvements or development of the property shall be submitted for Development Review and appropriate permits obtained.
5. All conditions of zoning shall be made part of any plats created for the property.
6. No outdoor amplification of sound or noise shall be allowed.

Public Forum

Arielle Sabina, 4364 Mangum Mill Road, Gainesville, spoke in favor. Stated that animal assisted therapy would help with her future practice.

Andrew Linker, 652 Shadow Mountain Lane, Cleveland, spoke in favor. Stated it would be an asset and increase farm education.

Rebecca Benfield, 129 Railroad Street, Clermont, spoke in favor. Stated she would have the opportunity to teach in person classes to educate.

Diane Lerner, 6933 Baker Circle, Clermont, spoke in favor. Spoke about neighborhood meetings, controlled noise, safety, traffic, and farm life.

Jane Range, 200 E.E. Butler Parkway, Gainesville, spoke in opposition. Concerns were traffic, narrow dirt road, destination themes, variances, pasture use, horses, and events.

Jeff Carruth, 7005 Baker Circle, Clermont, spoke in opposition. Concerns were increased traffic, noise, dust, and outdoor amplification.

Angie Carruth, 7005 Baker Circle, Clermont, spoke in opposition. Concerns were location, narrow road, noise amplification, reduction of property value, and preserving yard.

Randall Griffin, 6950 Baker Lane, Clermont, spoke in opposition. Concerns were noise, traffic, horses, and loss of privacy.

Carolyn Hutchinson, 6950 Baker Circle, Clermont, spoke in opposition. Concerns were property, narrow roads, dirt road, dust, animal safety, and farm life preservation.

Summary Analysis

The applicant is requesting County Commission approval to utilize 31.02± acres zoned Agricultural Residential-IV (AR-IV, [17.120](#)) for an agri-entertainment business. Agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue.

The applicant's narrative states that the agricultural business, "Ivy Rose Farm", will include horseback riding lessons, equine and farm animal assisted therapy programs, classes centered around farming, animal husbandry, plant uses, crafts, community building, farm tours, and a covered arena for equestrian activities. The applicant will also continue to live at the property in the existing residence identified on the submitted site plan. The applicant's stated uses are consistent with the definition of agri-entertainment.

The submitted site plan (Site Plan Detailed (final), 5/23/2023), depicts six (6) existing structures on the property: a residence, a shed, a cottage, a storage building, a milk parlor, and a new barn with a covered breezeway currently under construction. All structures are intended to remain on the property and will be used for agricultural or agri-entertainment purposes except for the existing residence. The closest structure used for the agricultural business, a proposed covered arena, would be approximately 100 feet away from the nearest property line and around 575 feet from the nearest residential structure. Additionally, the

proposed parking area is approximately 50 feet from the nearest property line and nearly 500 feet from the closest residential structure.

Below outlines the proposed uses and frequency of services:

USE	FREQUENCY
Horseback Riding Lessons	< 4 clients per week, no outside trainers, no competitive horse shows
Equine and Farm Animal Assisted Therapy	1-2 times per week (group) 1-3 times per week (individual/client)
Classes (farming, animal husbandry, animal care, plant uses, crafts, community building, etc.)	2-4 classes per months (maximum 25 people per class, 15 on average)
Events Hosted by Rose Ivy Farm (farm to table dinners / farm related gatherings)	2-3 per month
Farm Tours	1-4 times per week (no more than 2x/day for a total of 1-3 days/week)
Goat and dairy operation, cottage food, and farm product sales	on-going

Weekly vehicular traffic to the facility is not expected to exceed 35 cars. The applicant plans to install a sign at the entrance to the site, but no other sign details have been provided at this time. The applicant anticipates expansions to the well pump house to be necessary if they are to accommodate increased commercial activity. The applicant also plans to install several small sheds for storage purposes, none of which will measure over 144 square feet or 12 feet in length or width.

In addition to the agri-entertainment uses described above, the applicant intends to continue the operation of a cottage food business from the residence and a goat dairy. The property operates under a cottage food license (HBUSR22-1291), which is permitted as a home occupation use in the AR-IV zoning district ([17.120.010.](#)).

The applicant is requesting two (3) variances from the conditions of an agri-entertainment business. Specifically, the applicant has requested relief from the following conditions:

- 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 proposed covered area is located approximately 100 feet from the western property line.*
 - *The new barn (under construction) is also located less than 300 feet from a property line.*
 - *The proposals **do not meet** this condition.*
- All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
 - *The proposed parking area is located approximately 50 feet from the western property line.*
 - *The proposal **does not meet** this condition.*

- 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 letter of intent requests that outdoor amplification be allowed, but limited to an approved decibel limit provided by the county.
 - The proposal **does not meet** this condition since no wedding ceremonies are proposed.

Based on the future land-use plan, staff finds the **zoning request consistent** with the future land use classification of Rural Residential in the [Comprehensive Plan](#), which allows for agriculture as a primary future land use.

Zoning Analysis

Per [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 proposed covered arena and new barn are within 100 feet of the property line and relief (variance) will be required from this standard.*
- 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 proposed parking is located approximately 50 feet from the nearest property line and relief (variance) will be required from this standard.*
- E. Parking shall be permitted on grass or gravel.
 - *The applicant's site plan states that the parking area will be gravel.*
- 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 covered arena for educational and equestrian events, 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.
 - *If approved, the occupancy will be determined by Hall County Building Inspections and the Fire Marshal, based on the above criteria.*
- 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, 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 specified they will not be hosting weddings but do intend to occasionally use outdoor sound amplification during dinners and select educational classes at an acceptable level. Relief (variance) will be required from this standard.*
- 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 does not specify conformity within this condition.*
- 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 has not indicated how potable water and sanitary waste will be handled for the event venue.*
- 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 and Fire Services regarding access to the property.*
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency, and other potential impacts of each event.
 - *The proposed agri-entertainment business does not specify conformity within this condition. However, vehicular traffic is not expected to exceed 35 cars per week.*
- 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 ensure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
 - *In an email dated July 18, 2023, Steve Watson, Chief Appraiser, confirmed that the proposed uses would not constitute a violation of the conservation covenant on the property.*

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 agri-entertainment venue in the Agricultural-Residential-IV (AR-IV, [17.120.](#)) district. All adjacent properties are also designated as AR-IV, without conditions.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use may be more intense than that of the adjacent or nearby parcels and the requested building locations and parking setback reduce the separation of the event venue and parking from adjacent properties.**
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 County Commission ([17.215.020](#)).**
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 Future Land Use in the [Comprehensive Plan](#). The intent of the Rural future land use designation is to preserve the existing rural character, including agricultural uses and large-lot residential uses, as well as natural and historic features. Additionally, rural areas should allow for agricultural/forestry uses, very low-density detached single-family residential uses, civic benefit uses such as places of worship and parks, and greenways and trails. The proposed use is consistent with the [Comprehensive Plan](#).**
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 a single-family residence constructed in 1959 and other accessory structures, per [Property Tax Records](#).**
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; **The property is fully surrounded by other Agricultural Residential parcels, without conditions.**
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 property is in a rural location in the northern portion of the county, where agricultural businesses are common, though most do not have the public education and instruction component.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **A similar request would be necessary elsewhere since agri-entertainment activities within the Agricultural Residential (AR-IV, [17.120](#)) zoning district require conditional use approval.**
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 as agri-entertainment uses require conditional use approval within the AR-IV district ([17.120](#)).**
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 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 addressed 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 submitted a site plan which meets this requirement.**
- 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. **This criteria is not applicable, as there are not 100 or more residential dwelling units proposed.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

An email dated August 18, 2023, from Emily McGahee, Environmental Health, stated “Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Septic Permit OSC-7948 was issued on February 24, 2023 to accommodate a 36’ x 60’ barn with bathroom.”

Hall County Fire Marshal

In an email dated August 14, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

1. The nearest fire hydrant is 2,630 feet away from the proposed Agri Business.
2. IFC 507.5.1 Where Required: Where a building is constructed or moved into and is more than 400 feet from a fire hydrant on a fire apparatus road on site fire main and fire hydrant(s) shall be installed.
3. IFC 503.1.1 Approved fire apparatus access road shall be provided for every building constructed or moved into. The fire apparatus road shall extend to within 150 feet
4. Engineered site plans will be required for review.

Hall County Public Works and Utilities

In a memo dated August 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 centerline of stream.

Traffic:

Improvements along Baker Lane and Baker Circle may be required.

Utilities:

No sewer available.

Georgia Department of Transportation

In an email dated August 15, 2023, from Veronica Chavers, D1TO Civil Engineer 3, confirmed that the project will not require GDOT coordination.

➤ **Excerpts from the minutes of the September 18, 2023 meeting**

Applicant's Presentation:

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

Laura Labovitz, 7042 Baker Lane, presented the request. The applicant described the request and the positive impact it will have on the community. The applicant stated that they are in the middle of acquiring two acres from a neighbor which would increase the setbacks for parking and the main venue where most programming would take place.

Rebuttal

The applicant stated that the livestock feed deliveries will no longer be delivered to the residence reducing traffic. The applicant stated that not all parts of the road are as narrow as stated. The applicant stated that traffic will be timed since the events will be scheduled and there will not be any concerts or weddings. The applicant stated that the voice amplification will not be for children but for animal assisted programs. The applicant stated that their proposal to partner up with schools does not mean there will be busses in the area, they will be arriving in vans or by parent drop off. The applicant spoke of the property they are acquiring to help them with their setbacks.

Public Forum:

Arielle Sabina, 4364 Mangum Mill Road, Gainesville, spoke in favor. Stated that animal assisted therapy would help with her future practice.

Andrew Linker, 652 Shadow Mountain Lane, Cleveland, spoke in favor. Stated it would be an asset and increase farm education.

Rebecca Benfield, 129 Railroad Street, Clermont, spoke in favor. Stated she would have the opportunity to teach in person classes to educate.

Diane Lerner, 6933 Baker Circle, Clermont, spoke in favor. Spoke about neighborhood meetings, controlled noise, safety, traffic, and farm life.

Jane Range, 200 E.E. Butler Parkway, Gainesville, spoke in opposition. Concerns were traffic, narrow dirt road, destination themes, variances, pasture use, horses, and events.

Jeff Carruth, 7005 Baker Circle, Clermont, spoke in opposition. Concerns were increased traffic, noise, dust, and outdoor amplification.

Angie Carruth, 7005 Baker Circle, Clermont, spoke in opposition. Concerns were location, narrow road, noise amplification, reduction of property value, and preserving yard.

Randall Griffin, 6950 Baker Lane, Clermont, spoke in opposition. Concerns were noise, traffic, horses, and loss of privacy.

Carolyn Hutchinson, 6950 Baker Circle, Clermont, spoke in opposition. Concerns were property, narrow roads, dirt road, dust, animal safety, and farm life preservation.

Planning Commission Comments:

Mr. Sosebee questioned how many homes are on the road. The applicant stated there are about 12 to 13 homes with 2 vacant. Mr. Braswell requested clarification on the outdoor amplification. The applicant stated it would be utilized for a maximum of three hours a day. Ms. Pilcher questioned what the applicant expects for the future on the property. The applicant stated that she is planning for the farm to sustain her needs. Mr. Braswell questioned if the applicant would be willing to have time restrictions and only operate from 9am - 9pm through the week. The applicant agreed. Mr. Sosebee questioned when the applicant will need outdoor amplification. The applicant stated it would depend on the class and times of the dinners. The applicant stated that she has tested the noise and you cannot hear it from the road. Ms. Pilcher stated that her concern was the noise amplification. The applicant stated she could do away with it.

***Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Ms. Pilcher.
Vote: 4-0 (Hunt absent)***

Conditions:

1. The agri-entertainment business shall operate as described in the narrative and depicted on the site plan. No weddings shall be permitted.
2. A minimum of 15 parking spaces must be provided on site and all vehicles including buses and vans must be parked in a designated parking space. Gravel and grass parking is permitted.
3. Operation of the agricultural business shall commence no earlier than 9:00 a.m. and shall terminate no later than 9:00 p.m. Sunday through Saturday. This excludes uses customary to farm operations.
4. Plans for any further improvements or development of the property shall be submitted for Development Review and appropriate permits obtained.
5. All conditions of zoning shall be made part of any plats created for the property.
6. No outdoor amplification of sound or noise shall be allowed.