

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Bret Muetzelfeld

**Request** ..... Use Subject to County Commission Approval | [17.50.040](#) 22-lot subdivision

**Proposed Use** ..... 22-lot detached single-family development

**Size** ..... 19.18± acres

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

**Location** ..... **6409 Lights Ferry Road** | Tax Parcel 08120 000003

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

**Planning Commission Date** ..... December 18, 2023

**Staff Recommendation** ..... **Approval, with conditions** as the proposed use is consistent with the development pattern of Vacation-Cottage (V-C) and the Lake Area Residential future land use classification in the [Comprehensive Plan](#)

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 4-1 (Pilcher opposed)**

**Conditions:**

1. Development is approved as described in the concept plan dated December 18, 2023 and the project narrative dated December 10, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval, including but not limited to water quality and hydrology study per Hall County Public Works requirements.
2. The property shall be subdivided into a maximum of 21 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.
3. The development shall be connected to the City of Gainesville public water at the developer’s expense. There shall be no cost to the county for this connection. Per the City of Gainesville’s Department of Water Resources, the 2” PVC pipe along Rip Road shall be upgraded to a 6” DIP at the developer’s expense, and service to the existing customer at the end of Rip Road shall remain uninterrupted.

4. All residences shall have a minimum heated floor area (HFA) of 2,500 square feet and have a minimum of 4 bedrooms and 3 bathrooms. Final review and approval of building elevations is subject to the Director of Community Development and Infrastructure, or their designee.
5. A fire hydrant shall be constructed to serve the 21-lot subdivision. This shall be reviewed and approved by the Hall County Fire Marshal.
6. A cul-de-sac shall be constructed at the termination of Rip Road as depicted on the submitted site plan dated December 18, 2023. Improvements shall be made at the developer's expense.
7. All roads shall be constructed with asphalt paving to county standards, with 20 foot wide pavement width and curb and gutter. All improvements shall be made from Lights Ferry Road to the corner of Lot 21 and include a turnaround to be approved by Hall County Engineering. These improvements shall be made at the developer's expense.
8. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
9. Those lots which do not front Lights Ferry Road shall access either Rip Road or Ford Road. Those lots which front Lights Ferry Road shall access via common access driveways per 12.40 Driveway Construction at a minimum of 2 access driveway per 3 lots. Only Lots 5-7 and 15-17 may front Lights Ferry Road, as shown on the site plan.
10. A 5 foot perpetual utility easement shall be included on all lots, to be located adjacent to the right-of-way.
11. During roadway construction, at no time shall access to existing residences be impeded. All utilities shall remain uninterrupted during development.
12. 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."

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**Public Forum:**

**Jon Hayes, 6488 Ford Road, Flowery Branch,** spoke in opposition. Mr. Hayes stated that he was not aware that the road would be paved; asked if the remainder of the road being improved could be conditioned.

**Andrea Bergdoll, 6400 Lights Ferry Road, Flowery Branch,** spoke in opposition. Ms. Bergdoll purchased land for agricultural operations, and has a goat farm. Her questions include: runoff, waterway protection, preventing impact to nearby properties, best management practices (BMP) regarding erosion, sidewalks, lighting.

**Deborah Williams, 6517 Rip Road, Flowery Branch,** spoke in opposition. Ms. Williams stated that the property has encroached upon hers. The walkway was cut back on her property to address the encroachment when she purchased the property.

**Charles Cureton, 6484 Ford Road, Flowery Branch,** spoke in opposition. Mr. Puritan is concerned that his property would be affected by the development as the proposed homes are significantly smaller than other homes in the area. He would like to see the proposed homes

**Sandy LaPlante, 6485/6486 Ford Road, Flowery Branch,** spoke in opposition. She is concerned about the effects on the surrounding homes’ property values, and the future maintenance of Ford Road.

**Lisa Gethers, 6440 Ford Road, Flowery Branch,** spoke in opposition. She is concerned about the effect of the development on her property value, as well as the effects on the environment and nature. Ms. Gathers asked about the improvement to Ford Road and the extent of the improvements, as well as how improvements could be made without restricting access to properties further along the road.

**Summary Analysis**

The applicant is requesting county commission approval to subdivide a 19.18± acre tract zoned Vacation Cottage (V-C, [17.50](#)) for the purpose of constructing a 22- lot single-family subdivision with a total density of 1.12± units per acre. The proposed 19.18± acres to be subdivided is a portion of a larger 43.14± acre lot that is located south of Lights Ferry Road and is bisected by Ford Road and Rip Road.

The property is undeveloped, heavily forested, and includes a small area of flood zone and two springheads which feature a 50-foot undisturbed buffer and 75-foot impervious surface setback. Three of the twenty-two (22) proposed lots (lots 20, 21, and 22 on the concept plan) are subject to a 100-foot septic buffer from a neighboring well. Additionally, there are two power lines that run through a portion of the property. However, the applicant has not provided an easement for either power line. It will be the applicant’s responsibility to adhere to any power line easement restrictions.

The project narrative states that the proposed residences will be a minimum of 2,500 square feet with a minimum of 4 bedrooms and 3 bathrooms. As part of the application materials, the applicant provided two different renderings to illustrate the style of homes proposed for the development. The homes feature board and batten siding with accents of stone and brick. According to the narrative, each proposed lot will have a connection to municipal water service and include individual septic system sanitary disposal.

The submitted site plan shows access to the proposed twenty-two lots along Lights Ferry Road, Ford Road, and Rip Road. Additionally, the submitted site plan includes improvements to Rip Road in the form of a proposed cul-de-sac located at the terminus of the road. This cul-de-sac would provide access to Lights Ferry Road for several lots within the proposed development, as well as allow for the continued access by existing adjacent lots. The Hall County Traffic Engineering has recommended that Ford Road be widened to meet the requirement of a minimum 20-foot wide travel way.

The development standards for the project are described in the table below and are compared with the current V-C requirements, ([17.240.010](#)):

<b>Standard</b>	<b>V-C Requirement (<a href="#">17.180.060</a>)</b>	<b>Proposed Development</b>
Site Area	–	19.18± acres
Number of Units	–	22 single-family residences
Density	1 unit per 35,000 sq ft	1 unit per 49,965(1.15 acres)
Min. Lot Area	35,000 sq ft	35,000 sq ft
Min. Lot Frontage	50 ft	50 ft
Front Setback	55 feet from center line of road or 30 feet from property line, whichever is greater	30 feet from property line
Side Setback	10 feet	10 feet
Rear Setback	20 feet	20 feet

No variances have been submitted or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the requirements of Vacation-Cottage (V-C).

**Based on the future land-use plan, staff finds the requested zoning designation is consistent with the Hall County [Comprehensive Plan](#).** The [Comprehensive Plan's](#) future land use designation for the subject parcels is "Lake Area Residential." The intent of this land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences. Future development is envisioned to consist of detached single-family homes at a density of no greater than one unit per acre; the proposal meets this standard.

### **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 is similar in use, development, and zoning of adjacent and nearby properties. Most of the nearby properties are developed with detached housing units similar to the proposal.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed subdivision will adversely affect nearby properties. It is recommended that Ford Road be widened to 20 feet to meet the travel way minimum requirement and for a cul-de-sac to be constructed at the end of Rip Road; all improvements shall be at the developer's expense.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property appears to have reasonable economic use as currently zoned.**
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 development of twenty-two single family homes should not cause an excessive or burdensome use of the existing streets, utilities or public services.**
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 proposed use is consistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential. In this land use classification, development is envisioned to consist of detached, single-family homes at a low density, not to exceed 1 dwelling unit per acre. The applicant is proposing single family residences at a density of 1 dwelling unit per 1.15± acres.**
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 currently undeveloped, with no record of previous improvements upon the land.**
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; **Staff is not aware of any changing conditions affecting the use or development of the property; however, existing stream buffers and flood zones limit the space for development of these lots.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is for conditional use approval and is intended to subdivide the parcel into twenty-two single-family lots. The change would not create an isolated district unrelated to the surrounding districts.**
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 neighborhood or the county.**
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 (V-C, [17.180.060](#)) requires County Commission approval.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **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; **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 are no anticipated ecological or pollution impacts 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.**

**17.350.040. - Submission requirements for a conditional use request**

An application shall be submitted to the planning department at least 30 working days prior to the date of the Planning Commission meeting at which the application is to be considered. The completed application shall be accompanied by payment of such fee prescribed in [chapter 17.30](#) hereof to cover administrative and advertising costs. The following items of information shall be supplied by the applicant as set forth in [chapter 17.350](#). **The applicant submitted to the planning department more than 30 days prior to the meeting date and has paid the application fee.**[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. **The proposal meets the requirement. The 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 proposal does provide a narrative outlining the intent of condition amendments; however, the applicant has not prepared a response to each of 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 scaled site plan, however, there is no information provided on adjacent parcels.**
- 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 to the applicant's request.**
- 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 standard is not applicable to the applicant's request.**

## **Development Support and Constraints**

### **Hall County Environmental Health**

In an email dated November 15, 2023, Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation.”

### **Hall County Fire Marshal**

In an email dated November 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

#### *503.2.1 Dimensions. International Fire Code 2018 Edition*

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches. Ford road will be required by fire code to have a minimum 20-foot-wide fire apparatus access throughout the length of the subdivision.

#### *503.2.2 Authority. International Fire Code 2018 Edition*

The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

#### *503.2.3 Surface. International Fire Code 2018 Edition*

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

#### *503.2.5 Dead ends. International Fire Code 2018 Edition*

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. At the end of Ford Road an approved turnaround Cul-de-Sac will be required per fire code to turn fire apparatus around.

#### *507.5.1 Where Required. International Fire Code 2018 Edition as modified by the State Fire Commissioner*

Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet from a hydrant on a fire apparatus access road on-site fire hydrant(s) and mains shall be provided where required by the local Fire Chief and/or Fire Code Official of the responding fire department or agency Expansion of the underground water main and fire hydrant(s) may be required along Rip road to meet the above fire code requirement.

### **Hall County Public Works and Utilities**

In a memorandum from Public Works and Utilities dated November 20, 2023, Bill Nash, Director, stated the following:

#### **Engineering:**

Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6. Show stream buffer and impervious setback from wrested vegetation not centerline of stream. Show FEMA and Hall County studied Flood plains that are present on site.

#### **Traffic:**

Recommend that Ford Road (private) be widened to provide a 20-foot minimum travel way from Lights Ferry Road to the far property line of proposed lot #22 as shown on the concept plan. Proposed Rip Road will need to meet Hall County subdivision regulations unless specific variances are requested/ approved during the zoning process. Existing lots at the end of Rip Road will need to touch the proposed right-of-way in order to provide road frontage. Minimum frontage required on a cul-de-sac is 40 feet measured on the chord.

**Utilities:**

Flowery Branch sewer district.

**Georgia Department of Transportation**

In an email dated November 16, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated “No GDOT coordination required.”

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

**Applicant’s Presentation:**

**Katie Greenway, Principal Planner**, presented a summary of the request.

**Bret Muetzelfeld, 505 East Main Street, Buford, and David Sonders, 100 Drake Street, Buford**, presented a slideshow presentation showing the location of the subject property and surrounding zoning, listing proposed standards of the development, and identifying variances. Lots will be connected to public water and utilize individual septic systems. Rip Road is proposed to be improved to a cul-de-sac that meets county standards, including paving and curb and gutter. Ford Road would be paved with asphalt and include curb and gutter. Mr. Sonders clarified the revision numbers on the site plan.

**Public Forum:**

**Jon Hayes, 6488 Ford Road, Flowery Branch**, spoke in opposition. Mr. Hayes stated that he was not aware that the road would be paved; asked if the remainder of the road being improved could be conditioned.

**Andrea Bergdoll, 6400 Lights Ferry Road, Flowery Branch**, spoke in opposition. Ms. Bergdoll purchased land for agricultural operations, and has a goat farm. Her questions include: runoff, waterway protection, preventing impact to nearby properties, best management practices (BMP) regarding erosion, sidewalks, lighting.

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**Planning Commission Comments:**

Mr. Braswell asked the applicant about the effects on properties further along Ford Road; Mr. Muetzelfeld and Mr. Sonders acknowledged that a turnaround could be designed to accommodate traffic, and that improvements could be staged to prevent any obstructions for the current property owners. Mr. Hunt asked that the applicant meet with Ms. Williams to discuss the boundaries. Mr. Braswell asked about street lights; the applicant responded that the lighting plan would be part of the land disturbance permit process if required. Mr. Braswell asked about the home elevations, and the applicants reviewed the floorplans and square footage. Mr. Hunt asked if the homes may be larger; the applicant answered that this is certainly possible. Mr. Braswell asked about the lots which front along Lights Ferry Road, and the applicant responded that these lots would typically have an eyebrow driveway to minimize the need to back into the road. Mr. Braswell asked if they had considered common access drives; the applicant responded that they have also used shared driveways. Ms. Pilcher asked about the dimensions of the home; the applicant responded that the home would be approximately 55 feet by 70 feet. Ms. Pilcher clarified that some lot layouts did not seem to accommodate the proposed footprints due to springheads and buffers. Mr. Braswell asked if the applicants had considered the need to add fire hydrants for the development. The applicants agreed. Mr. Braswell clarified that BMPs must be observed during development.

**Motion: A motion was made to approve with conditions by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Commissioner Pilcher opposed)**

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