

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Larry Poole

**Request** ..... Rezone from R-I to AR-III

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

**Size** ..... 8.83 ± acres

**Zoning** ..... Current Residential-I (R-I, [17.60](#)) | Proposed  
Agricultural Residential III (AR-III, [17.110](#))

**Location** ..... **3922 Green Drive** | Tax Parcel 10156 000009 (pt.)

**Commission District** ..... Three

**Planning Commission Date** ..... January 2, 2024

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

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

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan dated May 5, 2023 and as described in the project narrative dated October 24, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Agricultural Residential III (AR-III, 17.110) zoning district as detailed in 17.240, area and setback requirements.
3. The developer shall coordinate with the Georgia Department of Transportation (GDOT) and Hall County Engineering to obtain the necessary driveway permits for access off Green Drive.
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.”

5. Pursuant to [2.60.060](#), all applications approved by the board, whether a request for variance from the terms of [Title 17](#), a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of [Title 17](#), shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy, or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
6. All conditions of zoning shall be made part of any plats or construction plans created for the property.

**Staff Recommended Conditions:**

1. The property shall be developed in accordance with the site plan dated May 5, 2023 and as described in the project narrative dated October 24, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Agricultural Residential III (AR-III, 17.110) zoning district as detailed in 17.240, area and setback requirements.
3. The developer shall coordinate with the Georgia Department of Transportation (GDOT) and Hall County Engineering to obtain the necessary driveway permits for access off Green Drive.
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:  
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5. Pursuant to [2.60.060](#), all applications approved by the board, whether a request for variance from the terms of [Title 17](#), a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of [Title 17](#), shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy, or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
6. All conditions of zoning shall be made part of any plats or construction plans created for the property.

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**Public Forum:**

Joan Cagle, 3949 Green Drive, Gainesville, spoke in opposition. Concerns were the number of homes being built on the street. Ms. Garmon explained the previous zoning, and current site plan and need for rezoning.

**Summary Analysis**

The applicant is requesting to rezone an 8.83± acre parcel from Residential-I (R-I) to Agricultural Residential-III (AR-III) to establish a 3-lot subdivision.

The 8.83± property is currently undeveloped, heavily forested, and has a stream running through the middle. The stream includes a 50-foot undisturbed buffer and 75-foot impervious surface setback, each measured from the top of bank on both sides of the stream. Additionally, there is an overhead electrical line on the north portion of the subject property with an apparent 30-foot maintenance easement.

The subject property is part of a 6-lot subdivision that was previously approved on October 14, 2021 by the county commission with the following conditions:

1. The original zoning conditions from 2006 rezoning approval shall not apply and the development standards submitted as part of this application shall take precedence.
2. Development will be limited to homes having no less than 2,200 square feet of heated floor space, with the exception of the existing residence on Lot 6/Outparcel.
3. The applicant shall coordinate with the Georgia Department of Transportation (GDOT) and Hall County Engineering to obtain the necessary driveway permits for access off Clarks Bridge Road and/or Green Drive.
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.”
5. A final plat shall be recorded before any building permit applications are submitted to Hall County.
6. All conditions of zoning shall be made part of any plat created for the subdivision.
7. All homes shall be stick built.

The conditions previously established under the October 14, 2021 Board of Commissioner approval apply to the larger 16± acre tract of which the 8.83± subject property is a part. Due to these conditions restricting development to a total of 6 lots, the applicant is requesting to rezone the 8.83± parcel to AR-III to establish a new 3-lot subdivision. Per section [17.110.010](#), minor subdivisions are a permitted use within the AR-III zoning district.

Within the Agricultural Residential-III District (AR-III, [17.110.](#)) the following development standards are required:

Agricultural Residential (AR-III, <a href="#">17.60</a> ) Standards	Required	Proposed
Lot Area	43,560 square feet	Lot 5A: 147,232.8 square feet Lot 5B: 113,343.12 square feet Lot 5C: 124,015.32 square feet
Lot Frontage	Local Road: 50 feet	Lot 5A: 91.29 feet

		Lot 5B: 91.42 feet Lot 5C: 91.35 feet
<b>Lot Width at Building Line</b>	75 feet	None Listed
<b>Front Yard Setback</b>	65 feet from centerline of road or 40 feet from property line (Whichever is greater)	40 feet from property line
<b>Side Yard Setback</b>	15 feet	15 feet
<b>Rear Yard Setback</b>	25 feet	25 feet
Note: Items marked with an asterisk (*) do not conform to the requirements of the Agricultural Residential - III (AR-III, <a href="#">17.110</a> ) zoning district		

No variances have been submitted as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the requirements of the AR-III zoning district unless granted in the conditions of approval.

**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 parcel 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 and development of adjacent and nearby property; **The proposed use is similar in use, development, and zoning of adjacent and nearby properties.**
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 rezoning will adversely affect nearby properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **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, or utilities **No, the proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The requested zoning designation is consistent with the future land use classification of Lake Area Residential in the [Comprehensive Plan](#). 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 .34 dwelling units per acre.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the rezoning request is approved, the applicant will not be able to further subdivide the property into 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; however, no further subdivision is permitted under the current zoning conditions.**
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; **The existing conditions placed on the property in 2021 do not allow for further subdivision under the current zoning. Applicant is proposing a rezoning the property to further subdivide and develop the parcel.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The surrounding parcels consist of AR-III and R-I zoning. No isolated zoning would be created if approved.**
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; however, the parcel boundaries reflected in GIS are in the process of being updated by the Tax Assessors to reflect plat book 881 page 90-91.**
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 as there is a need for additional and varied housing types.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other parcels within Hall County that would allow a 3-lot subdivision without a rezoning required.**
15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **No, the request could not be handled alternatively as a variance as the requested use is not permitted within the current Residential-I zoning conditions.**
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.**

**17.380.050. - 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 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 November 28, 2023, Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat of Lot 5 into 3 parcels as currently proposed. Any reconfigurations of currently submitted plat due to other county department requirements

will require further review; additional requirements/fees may apply and approval of changes/reconfigurations is not implied”

**Hall County Fire Marshal**

In an email dated December 1, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “The Hall County Fire Marshal’s Office has no comments as proposed.”

**Hall County Public Works and Utilities**

In a memorandum from Public Works and Utilities dated November 30, 2023, Director Bill Nash 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 wretched vegetation not centerline of stream

**Traffic:**

Driveway sight distance

**Utilities**

Gainesville/ Hall sewer district- no sewer connection within feasible distance.

**Georgia Department of Transportation**

In an email dated December 4, 2023, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination is required for driveway access on Clarks Bridge Rd.

- **Excerpts from the minutes of the January 2, 2024 meeting**

**Applicant’s Presentation:**

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

**Larry Poole, 6518 Highway 52, Gillsville**, presented the request. The applicant stated that homes would be built in the same style as the neighboring homes.

**Public Forum:**

**Joan Cagle, 3949 Green Drive, Gainesville**, spoke in opposition. Concerns were the number of homes being built on the street. Ms. Garmon explained the previous zoning, and current site plan and need for rezoning.

**Planning Commission Comments:**

Mr. Braswell questioned if the applicant was in agreement with the staff conditions. The applicant stated they were.

***Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0***

*Conditions:*

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