

**HALL COUNTY PLANNING COMMISSION
RECOMMEDATION REPORT**

Applicant Robert Ratcliffe

Request Use Subject to County Commission Approval |
Amend Conditions of Zoning for a 2-lot subdivision

Proposed Use 2-lot subdivision

Size 17.60± acres

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

Location **5348 Channel Drive** | Tax Parcel 15001C000007

Commission District Three

Planning Commission Date January 2, 2024

Staff Recommendation **Approval, with conditions** as the proposed use is
consistent with surrounding development.

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

Planning Commission Conditions:

1. All previous conditions of zoning included herein shall apply, specifically:
 - a. Mobile homes are prohibited.
 - b. Poultry houses are prohibited.
 - c. Hog parlors are prohibited.
 - d. Stick built homes only with a minimum 1,500 square feet shall be constructed.
 - e. All lots shall have individual wells and septic tanks.
2. The property shall be developed in accordance with the site plan dated February 19, 2023, and as described in the project narrative received February 1, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
3. The developer shall coordinate with Hall County Engineering to obtain the necessary driveway permits for access off Channel Drive.
4. A recorded plat shall be prepared, reviewed, and approved for the newly created parcels. The standard Hall County Plat Review process shall apply.
5. All conditions of zoning shall appear on any plats created for the subject property.
6. The approval of these zoning condition amendments shall only apply to the subject parcel, 15001C000007.

Staff Recommended Conditions:

1. All previous conditions of zoning included herein shall apply, , with the exception of those modified for the current application:
 - a. Mobile homes are prohibited.
 - b. Poultry houses are prohibited.
 - c. Hog parlors are prohibited.
 - d. Stick built homes only with a minimum 1,500 square feet shall be constructed.
 - e. All lots shall have individual wells and septic tanks.
2. The property shall be developed in accordance with the site plan dated 2/19/2023, and as described in the project narrative received 2/1/2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
3. The developer shall coordinate with Hall County Engineering to obtain the necessary driveway permits for access off Channel Drive.
4. A recorded plat shall be prepared, reviewed, and approved for the newly created parcels. The standard Hall County Plat Review process shall apply.
5. All conditions of zoning shall appear on any plats created for the subject property.
6. The approval of these zoning condition amendments shall only apply to the subject parcel, 15001C000007.

Public Forum:

James Eaves, 5347 Channel Drive, Gillsville, spoke in opposition. Concerns were that other property owners would follow and start subdividing their property within the subdivision when there are restrictions in the deeds.

Summary Analysis

The applicant is requesting to amend conditions of a residential subdivision to allow for the subdivision of the subject property, which is a 17.60± acre lot. The parcel is located in the Valley Ridge Farms subdivision. The subdivision was established in 1993 with seven conditions of approval from the Board of Commissioners, and is zoned Agricultural Residential IV (AR-IV, [17.120](#)). The applicant is seeking to amend the zoning conditions to subdivide 4.82± acres from the 17.60± acre parcel for the future construction of a single-family residence; this action will increase the total number of lots within the subdivision from nine (9) to ten (10). The property is developed with a 2,456 square foot single-family dwelling, and there are six farm animals kept on the property.

When the Hall County Board of Commissioners approved the establishment of Valley Ridge Farms subdivision on May 27, 1993, the following conditions were included:

- a. Mobile homes are prohibited.
- b. Poultry houses are prohibited.
- c. Hog parlors are prohibited.
- d. Stick built homes only with a minimum 1,500 square feet shall be constructed.
- e. Future subdivisions of tracts is prohibited.
- f. All lots shall have individual wells and septic tanks.
- g. Even though the size of the tracts change you cannot change the total number of tracts.

The applicant's request is to amend only conditions e and g, and keep all other aforementioned conditions in effect.

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 "Rural." The intent of this land use category is to preserve the existing rural character, including agricultural uses and large-lot residential uses, as well as natural and historic features. Future development is envisioned to consist of agricultural activities and low-density detached single-family homes.

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 associated with the requested amendment to the subdivision is consistent with nearby properties. The newly created parcel will become the smallest in the subdivision; however, this will have minimal impact on the density as that will remain low at no greater than 0.11 dwelling units per acre.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The subdivision of land into two parcels will have little, if any, adverse effects on nearby 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](#)). The site is currently occupied by a single-family house.**
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 subdivision 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 minor subdivision is consistent with the [Comprehensive Plan's](#) future land use classification of Rural.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Absent a market study, staff is unable to determine whether 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. The property owner purchased the property in 2021, after which the conditions of zoning were applied to the development, and are noted on the final plat for the subdivision.**
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; **Tax parcel [15001C000007](#) is currently developed with a 2,456 square foot single-family residence which was constructed in 2002.**
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, however, existing stream buffers limit the available area for development of these lots.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **As the requested action is an amendment to the existing conditions of zoning, the underlying district designation will remain Agricultural Residential IV (AR-IV, [17.120](#)). All adjacent parcels are within this district as well.**
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; **Several sites exist within the county that are adequate for the establishment of a minor subdivision by right. However, many such sites share the same underlying zoning designation as the subject property.**
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 or zoning board of adjustment 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. **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 proposal does provide a narrative outlining the intent of minor subdivision; 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 site plan; however, information about adjacent properties is limited.**
- 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 28, 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. This plat

is currently under review by the Hall County Plat Review Team and Environmental Health contacted the owner on May 5, 2023 concerning requirements to further process the plat for review.”

Hall County Fire Marshal

In an email dated December 1, 2023, from 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:

This 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.

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 would not be required for this request.

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

Applicant’s Presentation:

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

Robert Ratcliffe, 5348 Channel Drive, Gillsville, presented the request. The applicant stated that they would like to build a single family home on the second lot for their family to be close.

Diane Ratcliffe, 5348 Channel Drive, Gillsville, presented the request.

Public Forum:

James Eaves, 5347 Channel Drive, Gillsville, spoke in opposition. Concerns were that other property owners would follow and start subdividing their property within the subdivision when there are restrictions in the deeds.

Planning Commission Comments:

Mr. Braswell questioned if there is a deed restriction on subdividing property in the subdivision and if the County could take action if there are deed restrictions in place. Ms. Garmon stated that the planning department would not interfere or override covenants restrictions, they only enforce zoning regulations and conditions of zoning. Mr. Braswell questioned if there should be an action taken. Ms. Garmon stated that the

zoning request is necessary in order to get the process started but the covenants are a civil issue. Mr. Braswell recommended the applicants reach out to their closing attorney to figure out restrictions.

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

Conditions:

1. All previous conditions of zoning included herein shall apply, specifically:
 - a. Mobile homes are prohibited.
 - b. Poultry houses are prohibited.
 - c. Hog parlors are prohibited.
 - d. Stick built homes only with a minimum 1,500 square feet shall be constructed.
 - e. All lots shall have individual wells and septic tanks.
2. The property shall be developed in accordance with the site plan dated February 19, 2023, and as described in the project narrative received February 1, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
3. The developer shall coordinate with Hall County Engineering to obtain the necessary driveway permits for access off Channel Drive.
4. A recorded plat shall be prepared, reviewed, and approved for the newly created parcels. The standard Hall County Plat Review process shall apply.
5. All conditions of zoning shall appear on any plats created for the subject property.
6. The approval of these zoning condition amendments shall only apply to the subject parcel, 15001C000007.