

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Sara Hathaway

**Request** ..... Use Subject to County Commission Approval | [17.110.040\(J\)](#) Equestrian Center

**Proposed Use** ..... Equestrian center

**Size** ..... 53.13 ± acres

**Zoning** ..... Agricultural Residential III (AR-III, [17.110](#))

**Location** ..... **6384 Yellow Creek Road** | Tax Parcel 11129 000028

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

**Planning Commission Date** ..... February 19, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed use is consistent with adjacent land uses and the current zoning district.

**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 December 18, 2023, and as described in the project narrative submitted on December 28, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The structure designated on the site plan as the Rehabilitation Barn or any other structures closer than 200 feet to the property lines shall not be used for consistent and regular boarding of horses. Use of these buildings shall be restricted to the information provided in the application’s narrative.
3. Further development of the property beyond what is delineated on the site plan is permitted provided any improvements comply with all county standards and ordinances, supplemental regulations, and all other requirements as established by the Official Code of Hall County enforced at the time of development.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
5. Interior padlocks shall be moved as needed.

**Staff Recommended Conditions:**

1. The property shall be developed in accordance with the site plan dated December 18, 2023, and as described in the project narrative submitted on December 28, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The structure designated on the site plan as the Rehabilitation Barn or any other structures closer than 200 feet to the property lines shall not be used for consistent and regular boarding of horses. Use of these buildings shall be restricted to the information provided in the application's narrative.
3. Further development of the property beyond what is delineated on the site plan is permitted provided any improvements comply with all county standards and ordinances, supplemental regulations, and all other requirements as established by the Official Code of Hall County enforced at the time of development.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

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**Public Forum:**

**Mark Ellis, 6776 Ach Road, Murrayville**, spoke in favor. Stated it should be approved.

**Rhonda Cantrell, 6392 Yellow Creek Road, Murrayville**, spoke in favor. Stated she was pleased with the proposal.

**Summary Analysis**

The applicant is requesting a conditional use subject to county commission approval for the establishment of an equestrian center on a 53.13± acre parcel zoned Agricultural Residential III (AR-III, [17.110](#)). An Equestrian center is defined as a tract of land measuring no less than five acres on which more than four adult horses, mules, or burros are kept for the purpose of training, boarding, riding, sales, or breeding, or where instruction pertaining to the same is given for a fee ([17.20.410](#)). Within the Agricultural Residential III (AR-III, [17.110](#)) zoning district, equestrian centers are a use subject to the approval of the county commission.

The narrative describes the requested use as an equestrian center, which will provide boarding, rehabilitation, veterinary care, and pastures for the horses. A riding arena, classroom, storage buildings, and a single-family residence (to be occupied by the applicant) will be constructed on the site. According to the site plan, the facility will include an estimated 33.6 acres of pasture space, shared among seven pastures and the riding arena. An existing network of fences along the property lines will be used to contain the horses within each pasture. All horses kept at the site will be kept outside in the pastures, and will not be housed within shelters on a regular basis. There are two proposed lean-tos on the site to provide horses with shelter from inclement weather.

The applicant intends to construct a horse rehabilitation barn in the northwest section of the property, near the home site. The proposed setback for the rehabilitation barn on the northwestern property line (located adjacent to parcel 11112 000004) is 75 feet which is deficient of the 200-foot minimum required setback for any structure used for the keeping of horses. However, it should be noted that the applicant has specified that the barn is not to be used for housing horses on a long-term bases. All other proposed improvements to the property meet this requirement.

The table below summarizes the improvements proposed on the property:

Structure	Area	Distance from Property Line (per narrative, unless otherwise stated)
Single-family House	4,366 square feet	75 feet
Rehabilitation Barn	3,900 square feet	75 feet
Garage	3,750 square feet	15 feet
Lean-to Shelter	1,500 square feet	90 feet
Lean-to Shelter	1,500 square feet	90 feet
Riding Arena	7,500 square feet	250 feet

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 character area is to preserve established neighborhoods and create permanent and vacation residences. Future development will continue to be detached, single-family houses and low-intensity agricultural uses. The development proposes one single-family house and seven pastures for the keeping of horses.

**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 character of the surrounding area is rural, consisting of agricultural tracts and large lots with single-family residences. As such, the proposal is consistent with the use, development, and zoning of adjacent and nearby property.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for the approval of a conditional use for an equestrian center. It is not anticipated that the proposed equestrian center will have an impact on nearby property beyond what is reasonably expected of an agricultural function within the Agricultural Residential III (AR-III, [17.110](#)) district.**
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 III (AR-III, [17.110](#)).**

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; **Staff does not anticipate an excessive or burdensome use of the existing streets, utilities, or public services due to the requested use.**
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 of an equestrian center 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 low-density residential and agricultural uses, as proposed by the applicant.**
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.**
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 subject property is currently developed with a shed and several pastures.**
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 development slightly.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is for a conditional use of an equestrian center within the Agricultural Residential III district (AR-III, [17.110](#)). This zoning designation is consistent with adjacent parcels, most of which measure greater than 10 acres.**
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 proposed use is consistent with the rural nature of northern Hall County.**

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Equestrian centers are not a use permitted by right within any Hall County zoning district. Therefore, the establishment of any new equestrian center is subject to approval by the Hall County Commission.**
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**

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. **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]. **A narrative statement has been provided, outlining the proposed use of the property; 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 conceptual site plan; however, information provided about adjacent parcels 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, as the site development does not include a slow rate land treatment 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 standard is not applicable to the request, as only one residential unit has been proposed.**

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated January 16, 2024, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.”

#### **Hall County Fire Marshal**

In an email dated January 18, 2024, 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 January 18, 2024, Director Bill Nash stated the following:

##### **Engineering:**

Show stream buffer and impervious setback from wrested vegetation no centerline of stream.  
Show FEMA and Hall County studied Flood plains that are present on site.

##### **Traffic:**

No comment.

##### **Utilities:**

Hall County sewer district – No connection within feasible distance available.

#### **Georgia Department of Transportation**

In an email dated January 22, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination would not be required.

➤ **Excerpts from the minutes of the February 19, 2024 meeting**

**Applicant's Presentation:**

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

**Sara Hathaway, 241 Sundown Way, Dawsonville**, presented the request.

**Public Forum:**

**Mark Ellis, 6776 Ach Road, Murrayville**, spoke in favor. Stated it should be approved.

**Rhonda Cantrell, 6392 Yellow Creek Road, Murrayville**, spoke in favor. Stated she was pleased with the proposal.

**Planning Commission Comments:**

Mr. Braswell questioned if the solid lines on the site plan represent fences. The applicant stated that was correct.

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

**Conditions:**

1. The property shall be developed in accordance with the site plan dated December 18, 2023, and as described in the project narrative submitted on December 28, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
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