

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Kristy Wilkerson – Brown Haven Homes

Request Variance | [17.240.010](#) to reduce the front yard setback from 55 feet to 36 feet from centerline of road

Proposed Use Construction of a single-family residence

Size 0.34± acres

Zoning Planned Residential Development (PRD, [17.180.060](#))

Location **6585 Johnson Circle** | Tax Parcel 08161 004005

Commission District Two

Planning Commission Date February 19, 2024

Staff Recommendation **Approval, with conditions**, as hardship exists pursuant to the criteria of [2.60.030](#).

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 January 5, 2024, with the front yard setback being reduced from 55 feet to 36 feet from centerline of Johnson Circle.
2. Foundation to be staked by surveyor prior to issuance of building permit.
3. All conditions of zoning shall be made part of any plats created for the property.
4. 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.

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated January 5, 2024, with the front yard setback being reduced from 55 feet to 36 feet from centerline of Johnson Circle.
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Public Forum:

Anthony Fraser, 6622 Johnson Circle, Flowery Branch, spoke in opposition. Concerns were inconsistency with the neighborhood.

Jason Day, 6582 Johnson Circle, Flowery Branch, spoke in opposition. Concerns were safety of the road and well.

Linda Land, 6607 Johnson Circle, Flowery Branch, spoke in opposition. Concerns were setbacks, acreage, trees, and safety.

Michael Hunter, 6599 Johnson Circle, Flowery Branch, spoke in opposition. Concerns were setbacks, topography, safety and size of property.

Abbie Day, 6582 Johnson Circle, Flowery Branch, spoke in opposition. Concerns were visibility, safety, roads, and out of character.

Summary Analysis

The applicant is requesting a variance of the front yard setback from 55 feet to 36 feet from the centerline of Johnson Circle for the construction of a single-family residence. The property measures 0.34± acres and is located within the Planned Residential Development (PRD, [17.180.060](#)) zoning district. The property is currently vacant and wooded.

Per the submitted site plan, the applicant intends to build a single-family residence measuring approximately 40 feet by 38 feet and located in the northeast corner of the property. The site plan indicates that the total heated floor area (HFA) of the proposed home will measure 1,940 square feet. In the statement of hardship, the applicant indicates that the small lot size and double frontage requirement of a corner lot restrict the availability of space to construct the proposed residence.

One (1) **variance** related to the front yard setback requirements will be required if the site plan, as presented, is approved because the proposal does not meet the requirements.

- Front yard setback requirement of 55 feet from centerline of road as found in [Table 17.240.010](#) for the Residential-I District as described in section [17.180.060.B.2](#).
 - The applicant is proposing a front yard setback of 36 feet from centerline of Johnson Circle

Zoning Analysis

Per [2.60.030.J](#), the Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence provided that the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **The requirement of an additional road frontage setback for a corner lot and the size of the lot significantly limit the buildable area of the subject parcel.**
2. The application of the requirements of [Title 17](#) to this particular piece of property would create an unusual hardship; **The lot's buildable area prevents the applicant's ability to construct the single-family residence as proposed.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The subject parcel is smaller in size compared to surrounding lots and is subject to two front yard setbacks due to being a corner lot.**
4. Such conditions are not the result of any actions of the property owner; **The property owner purchased the lot in 2023. The proposed development of the lot would be a direct action of the property owner.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#).**

Development Support and Constraints

Hall County Environmental Health

In an email dated January 16, 2024, Emily McGahee stated "Must meet all residential permitting requirements. Must submit to-scale site plan at time of septic permit application. The site plan must be to-scale and must include (but not be limited to) the following: septic tank location, location and type of onsite sewage management systems (primary and repair) on contour, house size and location, proposed drives, proposed grading, any proposed amenities, soil boundaries, all well buffers, and any calculations used to size the septic system. If an alternative primary system is proposed (Class I effluent system), a design must be submitted by someone certified by that company to provide design plans. Submittal of a site plan/application

does not guarantee permit approval or approval for the number of bedrooms requested at time of application.”

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:

No comment.

Traffic:

No comment.

Utilities:

No comment.

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 for this request.

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

Applicant’s Presentation:

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

Titan Trimble, 837 GA-400 S, Dawsonville, presented the request. The applicant stated that in order to place the home on the property, the proposed septic tank needs to meet the 100 feet distance from the well across the street.

Brian Bell, 837 GA-400 S, Dawsonville, presented the request. The applicant stated that the dimensions of the proposed home are 28 feet by 40 feet.

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Planning Commission Comments:

Ms. Pilcher stated that the variance is really only for 6 feet since that is how much of the home will be built outside of the building line since it's a small lot and on the corner. Mr. Braswell stated that according to the soil study, the septic tank location is already set.

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

Conditions:

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