

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Wednesday, April 17, 2024 9:22 AM
To: Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Richard Higgins (County Commissioner)
Cc: Zachary Propes (Administration); Casey Ramsey (Administration); Jennifer Rivera (Administration)
Subject: FW: Planned residential development on J M Turk Road, Guth Road, and Stanley Road
Attachments: Rezoning Opposition Letter.pdf

Good morning,

Please find attached a letter of opposition to the rezoning application for JM Turk/Stanley Road.

Jennifer, would you please add the letter to the file for this application?

Thank you,
Beth

Beth Garmon

Assistant Director of Planning and Development
Hall County Community Development and Infrastructure
(office) 770-531-6809
(direct) 770-297-2626
bgarmon@hallcounty.org

All **ZONING**, **PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.



From: Christina Nguyen <cntnguyen77@gmail.com>
Sent: Wednesday, April 17, 2024 6:20 AM
To: Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Subject: Planned residential development on J M Turk Road, Guth Road, and Stanley Road

You don't often get email from cntnguyen77@gmail.com. [Learn why this is important](#)

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Dear Ms. Garmon,

I am writing this letter to express my strong opposition against the rezoning of a planned residential development on J M Turk Road, Guth Road, and Stanley Road. I believe that this project would have a detrimental impact on our community.

The proposed development is too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting wildlife at risk. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a high-density housing complex.

I strongly urge you to reconsider this proposed housing development. I believe that this project is not the right fit for our community. Thank you for your attention to this matter.

Respectfully,

Christina Nguyen

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION
WITH REZONING OF 117.31 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M
Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential III (AR-
III) to Planned Residential Development (PRD) on 117.31± acres located on the east side of J M
Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027,
000109, 000128, 000201 & 15044 000035, 000035B, 000043, 000100, 000127
BY Thompson O'Brien Kappler & Nasuti PC**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,



Cuong Nguyen and Christina Nguyen

4812 Union Church Road
Flowery Branch, GA 30542

4816 Union Church Road
Flowery Branch, GA 30542



Kelly I Barton 4/15/24