

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Monday, April 22, 2024 10:38 AM
To: Mark Faul; Kathy Cooper (County Commissioner); Richard Higgins (County Commissioner); Billy Powell (County Commission); Jeff Stowe (County Commission); Gregg Poole (County Commissioner)
Cc: Zachary Propes (Administration); Casey Ramsey (Administration); Jennifer Rivera (Administration)
Subject: RE: Mulberry Springs Winery Opposition Letter to Rezoning request - HZON23-0041 (Stanley and Guth Road Proposed development)
Attachments: MSW_development_opposition_042224.docx; Opposition_Stanley_Guth_Road-042224-mfaul-scanned.pdf; Consitutional_Objection_Mark_Faul_042224.pdf

Good morning, Mark.

Thank you for your email. Your documents have been received and forwarded to the clerk so that they may be added to the zoning application file.

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: Mark Faul <arrowquest@gmail.com>
Sent: Monday, April 22, 2024 9:59 AM
To: Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Beth Garmon (Planning) <egarmon@hallcounty.org>
Subject: Mulberry Springs Winery Opposition Letter to Rezoning request - HZON23-0041 (Stanley and Guth Road Proposed development)

Some people who received this message don't often get email from arrowquest@gmail.com. [Learn why this is important](#)

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Please accept this letter of opposition to the proposed development. The winery operations will be severely impacted by proposed subdivision. The winery is a major asset for the community. An enjoyable park-like setting for citizens that Hall County does not have to maintain and actually collects taxes from. Specific impacts are as follows:

- Extreme congestion on Stanley Road. A second entrance is needed for approximately 300 homes via regulation, general safety and efficient winery operations.
- Destruction of natural scenery, which is becoming more rare for the area. The winery will see the constructed homes, which injures the current views.
- High density is Inconsistent with a rural area where tractors use the roads.
- Mosquitoes lurk near non-draining detention ponds. The ABOVE GROUND detention ponds required for this project will nearly always be full due to topography and extreme density. This will hurt quality of outdoor life for people in the area.
- Overall economic harm due to extreme density near a winery that is actually the largest vineyard in Hall County.

Thank you for considering these, and the many points brought up by the community since October of last year.



Mark Faul, PhD
4567 Stanley Road
678-472-6327



Virus-free www.avg.com

Mark Faul. PhD
4567 Stanley Road, Flowery Branch, Georgia 30542

Hall County Planning and Development
2875 Browns Bridge Road
(attn: Randi Doveton, Director of Planning and Development)
Gainesville, GA 30504

Dear Randi Doveton:

I have two properties on Stanley Road that is negatively impacted by the proposed development (HZON23-0041). It is requested that the Board of Commissioners review all the documents that I submitted prior to the Vote by the Planning Commission that recommended denial (5 against and 0 in favor). This letter is to document some of my opposition to the Stanley Road and Guth Road Properties (HZON23-0041), which follows:

1) Water detention ponds – Mr Deihl said that “every drop of water would be accounted for” in addressing the historical flooding at Elah Valley.

- Detention ponds are not flood control – they all have overflow systems to allow excess water to be discharged into streams and wet land areas.

- The Topography on Stanley Road is very steep – water will not soak into the ground, but rather head directly into the detention pond systems and the overflow mechanisms resulting in flooding.

- There has been 5 feet of erosion on one of my properties (17 acres) since the Grandview development.

- Elah valley reports increased flooding after every major development.

- Ponds will be a major source of mosquitoes to residents in the area. If approved please require the developer to have underground detention ponds to control for mosquitoes. Direct impact on the nearby winery.

2) Rural area zoned agricultural III. Regular houses can go in on this current zoning.

- Tractor traffic in the area – at least 4 people have tractors within a ½ mile area.

- Winery operations will be hampered due to 2000 car trips a day on Stanley Road

- Doesn't fit the area at all.

- Largest vineyard in Hall County just 400 feet from Stanley Road.

3) Seven variances requested. Excessive - Why have rules if the County is going to grant 7 exemptions to the rules.

4) Impact on property values:

- One version of this proposal results in Eric Conoly will have 22 homes around his 11 acres.

- Mark Faul will be looking at the back side of 5 houses from his front porch.

- Many home owners will have high density housing around them and it will destroy existing values.

Mark Faul, PhD
4567 Stanley Road, Flowery Branch, Georgia 30542

5) Second entrance needed and distances proposed is not complaint – Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications Georgia Administrative Code Department

Add a new section, Appendix D 107.1, as follows: **Developments of one- or two-family dwellings where the number of dwelling units exceeds 120 shall be provided with two separate and approved fire apparatus access roads.**

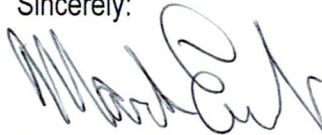
Add a new section, Appendix D 107.2, as follows: **Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses**

Point one – Common Sense suggests that a subdivision of 300 homes needs two entrances for general safety and to reduce congestion. This second entrance that is for emergency vehicles only is unsafe and a traffic nightmare.

Point two - The overall diagonal dimension is about 3,675 and ½ that distance is about 1,838 feet. **Thus, the entrances need to be at least 1,838 feet from one another (enclosure 1).** None of the plans adequately address this safety and regulatory mandate.

No one in the area wants this development. For a full review of my opposition, please see the documents presented in the entire case file maintained by Hall County. I can be reached at 678-472-6327 if you have any questions.

Sincerely:

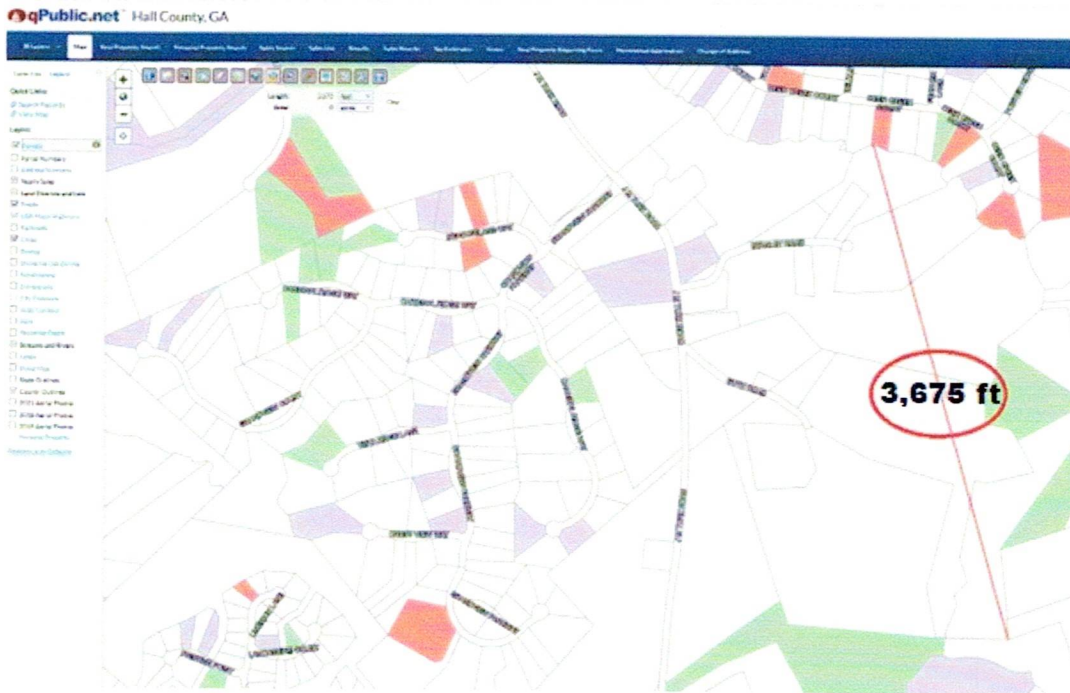


Mark Faul, PhD

1 enclosure

1 enclosure

The overall diagonal dimension is about 3,675 and $\frac{1}{2}$ that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another. This is not what is proposed.



**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,
000100, 000128, 000201 & 15044 000025, 000025D, 000042, 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.

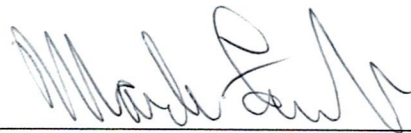
Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia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



Address

4567 STANLEY ROAD, FLOWERY BRANCH, GA 30542
4555 STANLEY ROAD, FLOWERY BRANCH, GA 30542