

## Jennifer Rivera (Administration)

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**From:** Beth Garmon (CDI: Planning)  
**Sent:** Thursday, March 28, 2024 9:49 AM  
**To:** Jennifer Rivera (Administration)  
**Cc:** Casey Ramsey (Administration); Zachary Propes (Administration)  
**Subject:** FW: JM Turk and Guth Road Rezoning  
**Attachments:** image001.jpg; whitaker\_letter.jpg

Good morning, Jennifer.

Would you please add this email to the record for the JM Turk rezoning request?

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](mailto: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](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



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**From:** Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Sent:** Thursday, March 28, 2024 8:49 AM  
**To:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** Fwd: JM Turk and Guth Road Rezoning

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**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Thursday, March 28, 2024 7:51:30 AM  
**To:** Diehl, William <[wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)>  
**Cc:** Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>; Richard Higgins (County Commissioner) <[rhiggins@hallcounty.org](mailto:rhiggins@hallcounty.org)>; Billy Powell (County Commission) <[bpowell@hallcounty.org](mailto:bpowell@hallcounty.org)>; Gregg Poole (County

Commissioner) <[gpoole@hallcounty.org](mailto:gpoole@hallcounty.org)>; Jeff Stowe (County Commission) <[jstowe@hallcounty.org](mailto:jstowe@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>; Ellis Still (CDI: Planning) <[estill@hallcounty.org](mailto:estill@hallcounty.org)>

**Subject:** Re: JM Turk and Guth Road Rezoning

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Diehl and esteemed County Commissioners:

Request you withdraw this application for the following reasons:

Mr. Diehl, has been untruthful or uninformed about the following:

- Claiming the density of this project when you claimed the houses were the same size as adjacent subdivisions.
- Claiming that your proposal did not landlock my property (4555 Stanley and 4567 Stanley Road). You did this twice in public meetings even though the drawing did landlock my properties. Resending attached letter from an attorney.
- Claiming that I would be provided an easement in a public after proposing abolishing a road I live on (never discussed with me).
- Claiming no impact on property values for surrounding homes and property when the home sizes are 50-25% of the home sizes of the major land owners in the area
- Implying that the Dec 18th and 21st meeting with the public were conciliatory in nature. Everyone in the meetings voted against the subdivision during those meetings, no one was in favor during these well attended public meetings. You offered few answers to anything raised in those meetings.
- Claiming that the estate lots were true estate houses, when the home size and land size of these estate lots are a small fraction of what is present in modern day subdivisions.
- Claiming that there is no ordinance requiring a separate road for access to the proposed subdivision (beyond emergency access). Please see Fire code Regulation, dated 2018. Two PUBLIC entrances are required.
- Claiming that there is no farming in the area, when there is the largest vineyard in Hall County 400 feet from Stanley Road. It is a GEORGIA approved agritourism site.
- Failure to accommodate farm tractor and truck traffic currently on Stanley Road. There will be clashes between cars and tractors in the area.
- Claiming that detention ponds are a form of flood control and that "every drop of water" was accounted for to prevent flooding. Meanwhile, every detention pond designed has overflow devices to allow for flooding downstream.
- Claiming no knowledge that a County Commissioner was the real estate agent on the properties in question.
- All the merit based reasons that have raised by the public, and the severe impact to the established business entity in the area.

Alternatively, it is hoped that the County Commissioners will deny this application for the following reasons:

- This public process has been going on for more than 6 months. This has caused much turmoil in the area.
- Requesting 7 variances to the rules and a rezoning request is proof that the project does not fit the area.
- Hall County staff has recommended denial.
- The Planning Commission voted 5 to 0 denying the project.
- The public overwhelmingly requests denial.
- There have been at least 24 versions submitted that have been unacceptable.

Another tabling of the project is just another opportunity for yet another plan to not be directly reviewed by the public and is unfair to all owners in the area. Given the track record of statements, Mr. Diehl's presentations require extra scrutiny and examination. To date, the public has not seen the most recent proposed plan.

Sincerely:  
Mark Faul, PhD  
678-472-6327

On Wed, Mar 27, 2024 at 11:59 AM Diehl, William <[wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)> wrote:

Good afternoon,

I wanted inform you that we will be requesting that the JM Turk and Guth Road rezoning be tabled to the April 23<sup>rd</sup> meeting. We are asking that the item be tabled so that we can analyze revisions to the plan.

The request will be made at the public hearing tomorrow and we expect that the item will not be heard. Please note, however, that although we are requesting that the item be tabled, that decision is up to the board of commissioners and we have no control over whether the item moves forward or is tabled.

Please let me know if you have any questions.

Thank you,

**William (Bill) Diehl**  
*Associate*

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**p** | 404-815-3627  
**f** | 404-685-6927  
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1105 W. Peachtree St. NE | Suite 1000 | Atlanta, GA 30309  
[www.sgrlaw.com](http://www.sgrlaw.com) | [My Bio](#)



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**From:** Diehl, William <[wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)>  
**Sent:** Monday, December 11, 2023 12:14 PM  
**To:** Diehl, William <[wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)>  
**Subject:** Community Meeting // JM Turk and Guth Road Development

Dear Neighbor,

You are receiving this communication because you expressed concerns to the planning department about the proposed development off of JM Turk Road. I represent the developer in this rezoning process.

Please let this serve as an invitation to one of the meetings discussed below. We have sent post card invitations to neighbors in the surrounding area, inviting them to the meeting. However, we encourage you to share this email with others that might also have concerns or questions about this project.

Understanding that the holidays are approaching and that scheduling can be difficult during this time, we will host two meetings at the Mulberry Creek Community Center & Park (JM Turk Road, Flowery Branch, Georgia 30542). We have scheduled meeting rooms on **December 18 & 21** at 6:00 PM to 7:30 PM. Please come at your convenience.

I have also attached a conceptual plan regarding road improvements on Stanley Road and Guth Roads. *Please note, these designs are conceptual only and will require additional county approval even if this zoning is approved.* Design elements may be required to change as we move through the permitting process.

Should you have any questions about this rezoning proposal, please feel free to contact me at this email address or by phone at (404) 815-3627.

Thank you,

**William (Bill) Diehl**  
Associate

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**p** | 404-815-3627  
**f** | 404-685-6927  
**e** | [wdiehl@sgrlaw.com](mailto:wdiehl@sgrlaw.com)  
1105 W. Peachtree St. NE | Suite 1000 | Atlanta, GA 30309  
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SMITH GILLIAM  
WILLIAMS & MILES

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Gainesville, GA 30503

October 16, 2023  
VIA ELECTRONIC DELIVERY

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

RE: Effects of Proposed Development Adjacent to 4567 and 4555 Stanley Road

Dear Dr. Faul,

At your request I have conducted a limited search of the property records of your properties commonly known as 4567 and 4555 Stanley Road which are collectively identified as Hall County Tax Parcel No. 15044 000034 (collectively referred to herein as the "Property"). I have also reviewed the information you provided to me pertaining to the proposed development of the adjacent property, which proposal I understand is scheduled be presented to the Hall County Board of Commissioners for consideration.

The purpose of this letter is to provide to you my conclusions as to the potential effects of the proposed development on access to the Property based upon the above information. The development as presented would result in a complete loss of access to the Property from Stanley Road. Further, no other existing roads or driveways provide a means of access to the Property. Accordingly, the proposed development, if approved, will essentially landlock the Property as there are no other present or practical means of access.

If the proposed development is approved as presented to me, you will have potential legal and equitable claims including, but not necessarily limited to, claims of inverse condemnation, claims to reestablish access to and from the Property, and claims to recover your legal damages.

Sincerely,

Keith J. Whitaker