

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Garry L. English

Request Use Subject to County Commission Approval |
[17.50.040.K](#) 5-lot subdivision

Proposed Use 5-lot subdivision

Size 5.63± acres

Zoning Vacation Cottage (V-C, [17.50](#))

Location 0 McKinzey Lane | Tax Parcel 08089 001019B (pt.)

Commission District Two

Planning Commission Date March 18, 2024

Staff Recommendation **Approval, with conditions**, as the proposal is consistent with the Lake Area Residential Character Area in the [Comprehensive Plan](#).

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 March 14, 2024 and as described in the project narrative dated January 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The subject property shall be subdivided into a maximum of 5 building lots in accordance with the requirements of the Vacation Cottage (V-C, [17.50](#)) zoning district as detailed in [17.240](#), Area and Setback Requirements.
3. All conditions of zoning shall appear on any plats created for the subdivision.
4. Per [2.60.060](#). – effective period of approved applications, 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.

Excerpts from the minutes of the March 18, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Garry English, 5010 McKinzey Lane, Flowery Branch, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Varner questioned if the applicant was familiar with the recommended staff conditions. The applicant stated he was.

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

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated March 7, 2024 and as described in the project narrative dated March 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The subject property shall be subdivided into a maximum of 5 building lots in accordance with the requirements of the Vacation Cottage (V-C, [17.50](#)) zoning district as detailed in [17.240](#), Area And Setback Requirements.
3. All conditions of zoning shall appear on any plats created for the subdivision.
4. Per [2.60.060](#). – effective period of approved applications, 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.

Summary Analysis

The applicant is requesting County Commission approval to subdivide a 5.63± acre tract zoned Vacation Cottage (V-C, [17.50](#)) for the purpose of establishing five (5) residential lots. Per the requirements of [17.50.040](#), minor subdivisions within the Vacation Cottage (V-C, [17.50](#)) zoning district require County Commission approval.

The property is currently vacant and forested. All proposed tracts are within the Vacation Cottage (V-C) zoning district and meet the minimum lot area and frontage requirements for Vacation Cottage (V-C, [17.50](#)) as established in table [17.240.010\(A\)](#). All proposed tracts include a 75-foot stream buffer located along the northern boundary of the property.

The proposed subdivision plat has been submitted to reflect the desired layout for lots one through five as follows:

| Vacation Cottage (V-C, 17.50) Standards | Required | Proposed |
|----------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Area | 35,000 square feet | Lot 1: 45,580.565 square feet Lot 2: 52,178.984 square feet Lot 3: 55,822.040 square feet Lot 4: 51,458.529 square feet Lot 5: 38,197.657 square feet |
| Lot Frontage | Local Road: 50 feet | Lot 1: 154.17 feet Lot 2: 154.02 feet Lot 3: 154.16 feet Lot 4: 162.95 feet Lot 5: 116.32 feet |
| Lot Width at Building Line | 50 feet | Standard has been met |
| Front Yard Setback | 55 feet from centerline of road or 30 feet from property line | 30 feet from property line |
| Side Yard Setback | 10 feet | 10 feet |
| Rear Yard Setback | 20 feet | 75 feet |

No variances have been submitted or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the requirements of Vacation Cottage (V-C).

Based on the future land-use plan, staff finds the zoning request *consistent* with the future land use classification of Lake Area Residential in the [Comprehensive Plan](#), and consistent with the current zoning.

The intent of the Lake Area Residential land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patterns to Residential Areas, but at lower residential densities. Future development will continue to be detached, single-family homes at low densities.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the board 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 proposed use of a 5-lot subdivision is consistent with the use, development, and zoning of adjacent and nearby properties, as most neighboring parcels are zoned Vacation Cottage (V-C, [17.50](#)) and Agriculture Residential-III (AR-III, [17.110](#))**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed minor subdivision of the parcel will not adversely affect the existing use or usability of adjacent and nearby property.**
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, Vacation Cottage (V-C, [17.50](#)), but the applicant cannot subdivide the property without approval of the County Commission.**
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; **If approved, the development is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, etc.**
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 subdivision 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 detached, single-family homes at a low density.**
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 property is currently undeveloped and vacant.**
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; **Staff is not aware of any changing conditions affecting the use or development of the property.**

11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is for conditional use approval and is intended to subdivide the parcel into five single-family residential lots. The change would not create an isolated district unrelated to the surrounding districts.**
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 immediate neighborhood or county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The subdivision of land within the Vacation Cottage zoning district (V-C, [17.50](#)) requires County Commission approval.**
15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request is for conditional use approval and is intended to subdivide the parcel into five single-family residential lots. This 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.**

[17.380.050](#) - 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, and the applicant 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].

The proposal does provide a narrative outlining the intent of the request; 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. **Proposal meets this requirement.**

- 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 to the applicant's request.**
- 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 applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated February 13, 2024, Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Requirements were provided to owner under HPLT23-0071 in April 2023. Please note that zoning approval does not imply approval from other county departments."

Hall County Fire Marshal

In an email dated February 13, 2023, 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 February 15, 2024, Bill Nash, Director, stated the following:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

Driveways must meet Hall County regulations.

Utilities:

City of Flowery Branch sewer.

Georgia Department of Transportation

In an email dated February 08, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated “No GDOT coordination required.”