

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... James & Amanda Edwards

**Request** ..... Rezone from Residential-I (R-I, [17.60](#)) to  
Agricultural Residential-III (AR-III, [17.110](#))

**Proposed Use** ..... 4-lot single-family development

**Size** ..... 17.13± acres

**Zoning** ..... Current Residential-I (R-I, [17.60](#)) | Proposed  
Agricultural Residential-III (AR-III, [17.110](#))

**Location** ..... **6189, 6191, 6193 & 6195 Christy Lane** | Tax Parcel  
15046 000087, 000088, 000089 & 000100

**Commission District** ..... One

**Planning Commission Date** ..... April 1, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the request is  
consistent with the surrounding zoning districts &  
future land use classification in the  
[Comprehensive Plan](#).

**Record Number** ..... HZON24-0004

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 5-0**

**Planning Commission Conditions:**

1. There shall be no further subdivision of the existing tracts.

**Excerpts from the minutes of the April 1, 2024 meeting**

**Applicant's Presentation:**

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

**Amanda Edwards, 6195 Christy Lane, Gainesville**, presented that request.

**Public Forum:**

**Cynthia Carey, 6200 Christy Lane, Flowery Branch**, spoke in opposition. Concerns were sewage, road frontage, roads, and number of vehicles.

**Nan Wicker, 6187 Christy Lane, Flowery Branch**, spoke in opposition. Concerns were sewer or septic use, contamination to the creek with proximity, use of the property and road maintenance.

**Phillip Albertson, 6171 Christy Lane, Flowery Branch**, spoke in opposition. Concerns were 50 foot setbacks, business operation, motor homes, tractor trailers, boats, and campers on the property.

**Bradley Wilcox, 4839 Daintree Court, Flowery Branch**, spoke in opposition. Concerns were water drainage, AR-III permitted uses, and elevations.

**Dale Hayter, 4863 Remington Drive, Flowery Branch**, spoke in opposition. Concerns were access to the rear lots with the existing creek, nature of the road, and possible livestock.

**Planning Commission Comments:**

Mr. Hunt questioned if there would be a residence on the lot that they are requesting a garage for. The applicant stated that was correct. Mr. Sosebee questioned the type of homes that will be built. The applicant stated that they would be stick-built but they do not yet have final plans. Mr. Braswell questioned if the homes would be for family members. The applicant stated that was correct. Mr. Braswell questioned where the homes will be built on the two rear lots. The applicant stated that soil tests had been completed and the homes would be built at the front of the property without disrupting the creek and would respect the 100-foot stream buffer. The applicant stated that there is no business being run out of the property, everything is personally owned by the family and that is why they would like to build a garage for storage. Mr. Hunt questioned if all of the lots have 50 feet of road frontage. The applicant stated that was correct. Ms. Garmon stated that the lots are plats of record and they will be honored. Mr. Hunt questioned if there will be a shared driveway. The applicant stated that was correct. The applicant stated they would not be keeping livestock on the property, only pets. Mr. Braswell questioned the use of the tractor trailer on the property. The applicant stated that it is mainly parked on the property and it is personally owned.

**Motion: A motion to approve, with condition was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 5-0**

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**Staff recommends Approval of the applicant's request.**

**Summary Analysis**

The applicant is requesting to rezone 17.13± acres from Residential-I (R-I, [17.60](#)) to Agricultural Residential-III (AR-III, [17.110](#)) to utilize the property as 4 single-family lots. The rezoning will allow for the removal of the conditions attached to the R-I zoning approved by the County Commissioners on June 10, 2005, which permitted a 14-lot subdivision. The proposed tract 1 is currently developed with a one-story home and an accessory structure. The remaining tracts are undeveloped. Tracts 3 and 4 are bisected by a stream, which requires a 50-foot undisturbed buffer and 75-foot impervious surface setback to be measured from both sides of the stream.

On June 10, 2005, the County Commissioners approved the rezoning of the subject property from AR-III to R-I for a 14-lot subdivision with the following conditions:

1. Development shall be limited to 14 lots as generally shown on the concept plan.
2. Development shall be limited to site built homes having a minimum of 3,000 square feet of heated floor space with each home having a two-car garage.
3. All residences shall have a minimum roof pitch of 9:12.
4. All lots shall have sodded front lawns.
5. All conditions of zoning shall appear on any plats created for the subdivision.

The purpose of this rezoning request is to utilize the subject property as 4 single-family lots. Tracts 1 and 2 have been reconfigured to correct the current lot line that bisects the existing single-family residence. Lots 3 and 4 are proposed to remain in their existing configuration.

Within the Agricultural Residential-III District (AR-III, [17.110.](#)) the following development standards are required:

<b>Agricultural Residential (AR-III, <a href="#">17.60</a>) Standards</b>	<b>Required</b>	<b>Proposed</b>
<b>Lot Area</b>	43,560 square feet	Tract 1: 43,560.70 square feet Tract 2: 155,392.15 square feet Tract 3: 231,631.47 square feet Tract 4: 316,074.16 square feet
<b>Lot Frontage</b>	Local Road: 50 feet	Tract 1: 107.54 feet Tract 2: 52.36 feet Tract 3: 50.64 feet Tract 4: 49.46 feet*
<b>Lot Width at Building Line</b>	75 feet	Not specified
<b>Front Yard Setback</b>	65 feet from centerline of road or 40 feet from property line (whichever is greater)	40 feet from property line
<b>Side Yard Setback</b>	15 feet	15 feet
<b>Rear Yard Setback</b>	25 feet	25 feet
Note: Items marked with an asterisk (*) do not conform to the requirements of the Agricultural Residential - III (AR-III, <a href="#">17.110</a> ) zoning district		

No variances have been submitted as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the requirements of the AR-III zoning district unless granted in the conditions of approval.

The road frontage for tract 4 was measure at 49.46 feet based upon a newly submitted survey with fieldwork conducted on December 12, 2022 and January 12, 2024. The original recorded plat was surveyed on August 15, 1984 and measured the road frontage at 50 feet. No property lines have been adjusted since this time;

however, the accuracy of surveys have increase substantially which accounts for the change in measurement.

Based on the future land-use plan, staff finds the requested zoning designation is *consistent* with the Hall County [Comprehensive Plan](#). The [Comprehensive Plan's](#) future land use designation for the subject parcel is "Residential." The intent of this land use category is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. Future development is envisioned to consist of detached residential development at a density of no greater than two dwelling unit per acre; the proposal meets this standard.

### Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed use is similar in use, development, and zoning of adjacent and nearby properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed rezoning will adversely affect nearby properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have reasonable economic use as currently zoned.**
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, or utilities; **No, the proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The requested zoning designation is consistent with the future land use classification of Residential in the [Comprehensive Plan](#). In this land use classification, development is envisioned to consist of detached, single-family homes, not to exceed two dwelling unit per acre. The applicant is proposing single-family residences at a density of 0.23 dwelling units per acre.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the rezoning request is approved, the applicant will not be able to develop the property as desired.**
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; **The gain to the public is the consistency of the request to the surrounding character and lot size. Furthermore, the existing conditions place an undue burden on the property owner by requiring design standards that are not consistent with the surrounding area.**

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 subject property is currently developed with a single-family one-story residence and accessory structures.**
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; **The existing conditions placed on the property in 2005 restrict the use of the property through design standards. The applicant is proposing to rezone the property back to AR-III and develop the parcel 4-single-family lots.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The surrounding parcels consist of AR-III and R-I zoning. No isolated zoning district would be created if approved.**
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 county as a whole as there is a need for additional and varied housing types.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other parcels within Hall County that would allow the proposed development without a rezoning required.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the request could not be handled alternatively as a variance as the requested use is not permitted within the current zoning conditions.**
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 for a rezoning request**

- 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. **Proposal meets the requirement. Applicant has paid the appropriate fees and 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 applicant has submitted a narrative and site plan but did not specifically address 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 the requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This is not applicable as the property will utilize an onsite septic system.**
- 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 is not applicable as the property is less than 100 lots.**

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated February 23, 2024, Emily McGahee stated, “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation.”

#### **Hall County Fire Marshal**

In an email dated February 29, 2024, 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 29, 2024, Bill Nash, Director, stated the following:

#### **Engineering:**

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

All Stream crossing pipe system to be reviewed by engineering.

**Traffic:**

No Comment.

**Utilities:**

Hall County sewer district – No connection within feasible distance.

**Georgia Department of Transportation**

In an email dated February 29, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.