

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Kimberly Zax

Request Use Subject to County Commission Approval |
Amend Conditions of zoning for a 5-lot subdivision

Proposed Use 5-lot subdivision

Size 5.28± acres

Zoning Residential-I (R-I, [17.60](#))

Location **5953, 5957, 5961, 5963 & 5967 Pocahontas Drive**
| Tax Parcel 08131 002046

Commission District Two

Planning Commission Date May 6, 2024

Staff Recommendation **Approval, with conditions**

Record Number HZCU24-0011

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

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of five (5) building lots in accordance with the requirements of the Residential-I (R-1, 17.60) zoning district as detailed in 17.240 (area and setback requirements).
2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.
3. All conditions of zoning shall be made part of any plats created for the property.
4. Permitting shall require normal review process.
5. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.

6. Developer shall maintain a 20-foot undisturbed buffer on Lot 5 along the power line easement as shown in the site plan received March 11, 2024.

Excerpts from the minutes of the May 6, 2024 meeting

Applicant's Presentation:

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

Lee Chambers, 4622 Pine Manor Bluff, Suwanee, presented the request. The applicant stated that they would like to modify these conditions to maintain lake views and provide an undisturbed buffer on Lot 5 to maintain privacy between the existing residence and proposed lot.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned clarification on the power line easement. Ms. Greenway explained that nothing can be built within the power line easement.

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

Conditions:

1. The property shall be subdivided into a maximum of five (5) building lots in accordance with the requirements of the Residential-I (R-1, 17.60) zoning district as detailed in 17.240 (area and setback requirements).
 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.
 3. All conditions of zoning shall be made part of any plats created for the property.
 4. Permitting shall require normal review process.
 5. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.
 6. Developer shall maintain a 20-foot undisturbed buffer on Lot 5 along the power line easement as shown in the site plan received March 11, 2024.
-

Staff Recommended Conditions:

1. The property shall be subdivided into a maximum of five (5) building lots in accordance with the requirements of the Residential-I (R-1, 17.60) zoning district as detailed in 17.240 (area and setback requirements).
2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.
3. All conditions of zoning shall be made part of any plats created for the property.
4. Permitting shall require normal review process.
5. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.
6. Developer shall maintain a 20-foot undisturbed buffer on Lot 5 along the power line easement as shown in the site plan received March 11, 2024.

Summary Analysis

The applicant is requesting to amend conditions on a 5.28± acre tract to remove the requirement of a 20-foot planted buffer along the existing power line easement.

On August 24, 2023, the Board of Commissioners approved the subject property to be subdivided into a total of 5 lots with the following conditions:

1. The property shall be subdivided into a maximum of five (5) building lots in accordance with the requirements of the Residential-I (R-1, 17.60) zoning district as detailed in 17.240 (area and setback requirements).
2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.
3. All conditions of zoning shall be made part of any plats created for the property.
4. Developer shall install and maintain a 20 feet buffer of planted trees no less than six (6) feet tall along the power line easement.
5. Permitting shall require normal review process.
6. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.

The applicant is requesting to delete condition 4 which requires a 20-foot planted buffer. The narrative states that the planted buffer associated with Lots 1 - 4 is not necessary to screen the power lines or to add privacy, as these are lake lots and the buffer would impede the desired lake views. The applicant intends to maintain a 20-foot natural buffer along the power line on Lot 5 and states that there is approximately 175 feet of land and buffer between Lot 5 and the closest neighboring home; the applicant states that this should provide sufficient screening for the homes.

Zoning Analysis

When considering a zoning amendment to the zoning maps or a use subject to approval of the county commission, the following items must be considered by the Planning Commission and the County Commission pursuant to [17.380.060](#):

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 associated with the requested amendment to the development is consistent with nearby properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The absence of a planted buffer along the power line easement for Lots 1- 4 will have little, if any, adverse effects on nearby properties as these lots abut Lake Lanier and the currently required buffer will not provide any screening from abutting neighbors.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, Residential-I (R-I, [17.60](#)).**
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; **The proposed amendment to conditions should not cause an excessive or burdensome use of the existing streets, utilities, or public services.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed development is consistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential.**
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 developed with an old shed, which has been on the property since 1985.**
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; **There are no known changing conditions affecting the use or development of the property**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **This question is not applicable as there are no proposed changes to the zoning classification.**

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**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are several sites within the County that could be developed without the requirement of a planted buffer; however, action by the Board of Commissioners is required to amend the existing condition.**
15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **This question is not applicable as there are no proposed changes to the zoning classification.**
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. **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 this 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 or municipal sewer 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 / Departmental Comments

Hall County Environmental Health

In an email dated April 2, 2024, Emily McGahee stated “No comment.”

Hall County Fire Marshal

In an email dated April 3, 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 memo dated April 4, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6.

Traffic:

Proper sight distance required for each driveway.

Utilities

No gravity sewer

Georgia Department of Transportation

In an email dated April 4, 2024, from Veronica Chavers, confirmed this project will not require GDOT coordination.