

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Marie Allen

Request Use Subject to County Commission Approval |
17.110.040(J) Equestrian Center with variances
from the standards

Proposed Use Equestrian center

Size 11.68 ± acres

Zoning Agricultural Residential IV (AR-III, 17.120)

Location **4549 Clarks Bridge Road** | Tax Parcel 12071
000052

Commission District Three

Planning Commission Date May 20, 2024

Staff Recommendation **Approval, with conditions**, as the proposed use
is consistent with adjacent land uses and the
current zoning district.

Record Number.....HZCU24-0015

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

Planning Commission Conditions:

1. The equestrian center is approved as depicted on the site plan submitted on April 9, 2024 and as described in the project narrative submitted on March 26, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Further development of the property beyond the features indicated on the site plan is allowed provided any improvements comply with all county standards and ordinances, supplemental regulations, and all other requirements as established by the Official Code of Hall County

enforced at the time of development. It shall be the responsibility of the property owner to determine if permits are required for any future improvements.

3. The property owner shall be responsible for bringing any existing structures into compliance with Hall County regulations prior to the issuance of a business license.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Excerpts from the minutes of the May 20, 2024 meeting

Applicant's Presentation:

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

Marie Allen, 4549 Clarks Bridge Road, Gainesville, presented the request. The applicant stated that the request will help fund their nonprofit.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

No Comments.

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

Conditions:

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Staff Recommended Conditions:

1. The equestrian center is approved as depicted on the site plan submitted on April 9, 2024 and as described in the project narrative submitted on March 26, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Further development of the property beyond the features indicated on the site plan is allowed provided any improvements comply with all county standards and ordinances, supplemental regulations, and all other requirements as established by the Official Code of Hall County enforced at the time of development. It shall be the responsibility of the property owner to determine if permits are required for any future improvements.
3. The property owner shall be responsible for bringing any existing structures into compliance with Hall County regulations prior to the issuance of a business license.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

The following should be considered as an exception to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

- 17.240.060 - Poultry houses, barns, commercial kennels, equestrian centers, composting operations, and structures for storage of organic waste or raising of exotic animals.
 - In an equestrian center, no structure for the keeping of horses, including stables, shall be constructed closer than 200 feet to a property line. No other structures or facilities, including but not limited to riding trails, show/training rings or jumps, shall be located closer than 50 feet to a property line.
 - The applicant's barn, currently utilized for the keeping of horses as well as other non-profit activities, is located approximately 160 feet from the closest property lines.

Summary Analysis

The applicant is requesting a conditional use subject to county commission approval for the establishment of an equestrian center on an 11.68± acre parcel zoned Agricultural Residential IV (AR-IV, 17.120). An equestrian center is defined as a tract of land measuring no less than five acres on which more than four adult horses, mules, or burros are kept for the purpose of training, boarding, riding, sales, or breeding, or where instruction pertaining to the same is given for a fee (17.20.410). Within the Agricultural Residential IV zoning district, equestrian centers are a use subject to the approval of the county commission. In an equestrian center, no structure for the keeping of horses, including stables, shall be constructed closer than 200 feet to a property line. No other structures or facilities, including

but not limited to riding trails, show/training rings or jumps, shall be located closer than 50 feet to a property line (17.240.060).

The narrative states that the purpose of this request is to host children's birthday parties for a suggested donation toward the non-profit organization, Whispering Angels Youth Ranch. Whispering Angels Youth Ranch, which has operated at 4549 Clarks Bridge Road since 2014, offers free mentorship to children between the ages of 8 and 18 years of age for one hour a week on Monday, Tuesday and Thursday between 4:00 p.m. and 6:00 p.m. This mentorship consists of time spent learning to care for, lead, and ride a horse, group devotions, conducting chores around the ranch, having art, woodshop, or garden time, and one on one time with the child and mentor. The applicant is seeking to expand their program by allowing birthday parties to be held on the property with a suggested donation to the non-profit organization. By obtaining the equestrian center business license and all other permitting required for this use, this will bring the current operation and the proposed expansion into compliance with the Hall County Ordinance.

Existing structures on the property include a single-family residence, riding arena, barn, and covered pavilion. While permits were obtained for these structures, they were issued for residential and agricultural purposes, not public occupancy. Additional improvements and inspections may be necessary to meet requirements for the public use of the equestrian center.

According to the site plan, the barn, which is utilized for the keeping of horses as well as other activities offered by the non-profit, encroaches into the required 200-foot setback and is situated approximately 160 feet from the closest property line (17.240.060). A variance will be necessary to bring this structure into compliance with this setback requirement. No other construction, in addition to the existing buildings, is proposed at this time.

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 "Rural Residential." The intent of this character area is to preserve the established residential/rural character and create a transition between Rural Areas and development in Residential Areas. The development proposes to utilize the property solely for their non-profit equestrian business.

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, development and zoning of adjacent and nearby property; **The character of the surrounding area is rural, consisting of agricultural tracts and large lots with single-family residences. As such, the proposal is consistent with the use, development, and zoning of adjacent and nearby property.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for the approval of a conditional use for an equestrian center. It is not anticipated that the proposed equestrian center will have an impact on nearby**

property beyond what is reasonably expected of an agricultural function within the Agricultural Residential IV district.

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, Agricultural Residential IV (AR-IV, 17.120).**
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; **Staff does not anticipate an excessive or burdensome use of the existing streets, utilities, or public services due to the requested use.**
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 use of an equestrian center is consistent with the Comprehensive Plan's future land use classification of Rural Residential. In this land use classification, development is envisioned to preserve the established residential/ rural character and create a transition between Rural Areas and development in Residential Areas.**
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. However, based upon the current operation of the property, an equestrian center conditional use would be the most appropriate action taken.**
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 an office/indoor activity space, riding arena, barn, and covered pavilion.**

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; **The current request is for a conditional use of an equestrian center within the Agricultural Residential IV district (AR-IV). This zoning designation is consistent with adjacent parcels, most of which measure greater than 5 acres.**
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. The proposed use is consistent with the rural nature of northern Hall County.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Equestrian centers are not a use permitted by right within any Hall County zoning district. Therefore, the establishment of any new equestrian center is subject to approval by the Hall County Commission.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **No, the request 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.**

17.350.040. - Submission requirements

An application shall be submitted to the planning department at least 30 working days prior to the date of the planning commission meeting or zoning board of adjustment meeting at which the application is to be considered. The completed application shall be accompanied by payment of such fee prescribed in chapter 17.30 hereof to cover administrative and advertising costs. The following items of

information shall be supplied by the applicant as set forth in chapter 17.350. **The applicant submitted to the planning department more than 30 days prior to the meeting date and has paid the application fee.**

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. The 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]. **A narrative statement has been provided, outlining the proposed use of the property; 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. **The applicant has submitted a site plan; however, information provided about adjacent parcels is limited.**
- 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, as the site development does not include a slow rate land treatment 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 standard is not applicable to the request.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated April 17, 2024, Emily McGahee stated “No comment.”

Hall County Fire Marshal

In an email dated April 17, 2024, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office will require a passing life safety inspection for the equestrian center if Hall County requires the business owner to obtain a business license to operate.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated April 18, 2024, Director Bill Nash stated the following:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic:

No comment.

Utilities:

No comment.

Georgia Department of Transportation

In an email dated April 18 , 2024, Veronica Chavers, D1TO Civil Engineer III, stated “GDOT coordination will be required to ensure that added traffic volumes do not adversely impact the state route intersection.”