

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Andy Carter

**Request** ..... Use Subject to County Commission Approval |  
17.50.040.K 2-lot residential subdivision

**Proposed Use** ..... 2-lot residential subdivision

**Size** ..... 2.66± acres

**Zoning** ..... Residential-I (R-I, 17.60)

**Location** ..... **5279 Union Church Road** | Tax Parcel  
15043A000008

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

**Planning Commission Date** ..... June 3, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed  
request is consistent with the Residential future  
land use classification within the  
Comprehensive Plan.

**Record Number** ..... HZCU24-0018

**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 April 1, 2024 and as described in the project narrative submitted on April 5, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of two (2) residential 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).

3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
4. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County.
5. All conditions of zoning shall be made part of any plats created for the property.

**Excerpts from the minutes of the June 3, 2024 meeting**

**Applicant's Presentation:**

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

**Andy Carter, 4430 J. M. Turk Road, Flowery Branch**, presented the request.

**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. Sosebee and seconded by Ms. Pilcher.  
Vote: 5-0***

***Conditions:***

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2. The property shall be subdivided into a maximum of two (2) residential 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).
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**Staff recommends APPROVAL of the applicant's request with the following conditions:**

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2. The property shall be subdivided into a maximum of two (2) residential 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).
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4. Pursuant to 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.
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County.
6. All conditions of zoning shall be made part of any plats created for the property.

**Summary Analysis**

The applicant is requesting County Commission approval to subdivide a 2.66± acre parcel zoned Residential I (R-I, 17.60) for the purpose of establishing a 2 lot residential subdivision. Per the requirements of 17.60.040, minor subdivision within Residential-I (R-I, 17.60) zoning district require Board of Commissioner approval.

The property is currently undeveloped. All proposed tracts are within the Residential-I (R-I) zoning district and meet the minimum lot area and frontage requirements for R-I as established in table 17.240.010(A).

The narrative states that the purpose of this request is to construct a residence on each of the lots which are proposed to consist of 3 bedrooms, 2.5 bathrooms, and a minimum of 2,800 heated square feet. According to the submitted site plan, tracts 1 and 2 are bisected by a 20-foot drainage easement that separates the front and rear of each lot.

The proposed subdivision plat reflects the desired layout for lots 1 and 2 as follows:

Residential-I (R-I, 17.60) Standards	Required	Proposed
<b>Lot Area</b>	35,000 square feet	Lot 1: 1.335 acres Lot 2: 1.334 acres
<b>Lot Frontage</b>	Collector Road: 90 feet	Lot 1: 120.10 feet Lot 2: 120.10 feet
<b>Lot Width at Building Line</b>	75 feet	None Listed; however, each parcel is greater than 75 feet at all points.
<b>Front Yard Setback</b>	55 feet from centerline of road or 30 feet from property line, whichever is greater	55 feet from centerline of road or 30 feet from property line, whichever is greater
<b>Side Yard Setback</b>	10 feet	10 feet
<b>Rear Yard Setback</b>	20 feet	20 feet

**Based on the future land use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan future land use designation of “Residential”.** The intent of this land use category is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. This land use designation envisions moderate density at 2 dwelling units per acre. The proposed development has an overall density of 0.75 units per acre.

**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 and development of adjacent and nearby property; **The proposed use of a 2-lot subdivision is consistent with the use, development, and zoning of adjacent and nearby properties, as most neighboring parcels are zoned Residential-I (R-I), Agricultural Residential III (AR-III), and Planned Commercial Farm District (PCFD).**
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 reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, Residential-I (R-I), but the applicant cannot subdivide the property without approval by the Board of Commissioners.**
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; **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 land use plan; **The proposed use is consistent with the Comprehensive Plan and the "Residential" land use designation. This land use designation envisions a maximum density of 2 dwelling units per acre. The proposed development has an overall density of 0.75 units per acre.**
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 heavily wooded and undeveloped.**

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 **The subdivision of land within the Residential-I zoning district (R-I) requires Board of Commissioner 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 two 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 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.**

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 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 / Departmental Comments**

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

In an email dated April 30, 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."

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

In an email dated May 1, 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 May 2, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

##### **Engineering:**

All work performed on drainage easement must be approved by the county engineer.

##### **Traffic:**

No comment.

**Utilities**

No sewer system.

**Georgia Department of Transportation**

In an email dated May 2, 2024, Veronica Chavers, stated that GDOT coordination is not required.