

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rochester | DCCM

Request Use Subject to County Commission Approval |
17.50.040.K 9-lot residential subdivision

Proposed Use 9-lot residential subdivision

Size 23.44± acres

Zoning Residential I (R-I, 17.60)

Location 6263 & 6267 Grant Ford Road | Tax parcel 10002
000010 & 000005

Commission District Two

Planning Commission Date June 3, 2024

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

Record Number HZCU24-0016

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 2, 2024, and as described in the project narrative submitted on April 8, 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 nine (9) single-family residential lots in accordance with the requirements of the Residential I (R-I, 17.60) zoning district as detailed in 17.240, Area and Setback Requirements.
3. There shall be a mandatory homeowners’ association (HOA).

4. All designated open space within the development shall be commonly held, and not held by individual homeowner(s).
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, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall appear on any plats created for the subdivision.

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.

Bradley Dunkel, 425 Oak Street, Gainesville, presented the request. The applicant stated that the property owners reside at the property immediately to the east and have owned the property for many years. The applicant stated that all lots will have lake frontage and are all intended to have boat docks. Mr. Dunkel discussed the proposed open space, which will be held by the homeowners' association and mentioned that all lots will be served by public water and private septic.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned if there would be a homeowners' association and if they intend to follow an architectural standard. The applicant stated that was correct. Ms. Pilcher questioned if the applicant was in agreement with the staff recommended conditions. The applicant stated they were in agreement.

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

Conditions:

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 8. All conditions of zoning shall appear on any plats created for the subdivision.
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Staff recommends Approval of the applicant's request, with the following conditions:

1. The property shall be developed in accordance with the site plan dated April 2, 2024, and as described in the project narrative submitted on April 8, 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 nine (9) single family residential lots in accordance with the requirements of the Residential I (R-I, 17.60) zoning district as detailed in 17.240, Area and Setback Requirements.
 3. There shall be a mandatory Homeowners' Association (HOA).
 4. All designated open space within the development shall be commonly held, and not held by individual homeowner(s).
 5. 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.
 6. 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, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
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Summary Analysis

The applicant is requesting County Commission approval to subdivide a combined 23.44± acres zoned Residential I (R-I, 17.60) for the purpose of establishing a 9-lot single family subdivision. Per the

requirements of 17.60.040, subdivisions within the Residential I (R-I, 17.60) zoning district require Board of Commissioner approval.

The subject parcels were part of a larger rezoning request in 1989 when the Board of Commissioners approved the rezoning of 152± acres from Vacation Cottage (V-C) and Agricultural Residential (AR-III) to R-I in order to limit development of this property to site-built homes only.

The property at 6263 Grant Ford Road (tax parcel 10002 000010) features a 20' x 60' farm-use barn, permitted in 2021 (permit MIS2024-00050). The adjacent property at 6267 Grant Ford Road (tax parcel 10002 000005) remains undeveloped with an overhead power line running along the northern section of the parcel. The southwest, south, and east boundaries of these parcels border Lake Lanier, and proposed Lots 3-6 fall within the Hall County Studied Flood Zone. Surrounding properties are zoned Residential-I (R-I) and developed with single-family residences. Additionally, there are two boat docks associated with these properties.

The submitted concept plan shows nine (9) single-family residential lots that range from 1.09 acre to 2.63 acre in size. Additionally, there are four designated areas for open space, totaling 6.84 acres (approximately 29% of the total development). The proposal shows access to the subdivision from Grant Ford Road using an internal street, which the Homeowners' Association may gate and privately maintain. The developer would be responsible for the construction of the street. The narrative also states that the entrance may include an operable or faux gate, gatehouse, wood or PVC fencing, landscaping and irrigation, ornamental sculptures, and illuminated signage in accordance with the Hall County sign ordinance. Furthermore, the narrative states that there will be a central mail kiosk provided for the subdivision; however, the site plan does not indicate the kiosk location.

While architectural standards are not required within the R-I zoning district, the applicant is proposing the following elements as part of the proposed development:

- Two car garage with garage door width not to exceed 55% of the front building width
- Front facades to consist of masonry and Hardi-plank type materials
- Side and rear facades to consist of Hardi-plank or shake siding
- Architectural weight shingles
- Sodded lawns
- One street tree per home with minimum 2 ½" caliper

The applicant states that the development will use individual on-site septic systems, and the City of Gainesville Water Resources Department provided a water availability letter on April 11, 2024

The proposed subdivision plat reflects the desired layout for Lots 1-9 as follows:

Residential-I (R-I, 17.60) Standards	Required	Proposed
Lot Area	35,000 square feet	Lot 1: 2.63± acres Lot 2: 1.82± acres Lot 3: 1.56± acres Lot 4: 1.15± acres Lot 5: 1.77± acres

		Lot 6: 2.33± acres Lot 7: 1.32± acres Lot 8: 1.17± acres Lot 9: 1.09± acres
Lot Frontage	Local Road: 50 feet	Minimum lot frontage 50 feet
Lot Width at Building Line	75 feet minimum	Not specified; however, setbacks are shown on all lots to meet this minimum standard.
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 (0 feet adjacent to CORPS Property)
Rear Yard Setback	20 feet	20 feet (0 feet adjacent to CORPS Property)

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 Residential-I (R-I).

Based on the future land use plan, staff finds the zoning request *is 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 9-lot residential subdivision is consistent with the use, development, and zoning of adjacent and nearby properties, as most neighboring parcels are zoned Residential-I (R-I, 17.60).**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed 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, Residential-I (R-**

I, 17.60); however, the applicant cannot subdivide the property without Board of Commissioner approval.

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 developed with a 24' x 60' barn.**
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 allow for the subdivision of the parcel into 9 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 Residential-I zoning district (R-I, 17.60) 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 9 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. **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

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. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled."

Hall County Fire Marshal

In an email dated May 1, 2024, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, "The Hall County Fire Marshal's Office considers the plan conceptual in nature, and if approved may require modifications during the development review process."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated May 2, 2024, Bill Nash, Director, stated the following:

Engineering:

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

Show FEMA and Hall County studied Flood plains that are present on site.

There appears to be a 46KV transmission line in the location of the proposed road that must be removed.

Traffic:

No comment.

Utilities:

No sewer in area.

Georgia Department of Transportation

In an email dated May 2, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.