

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rochester | DCCM

Request **(A)** Rezone from Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50)
(B) Use Subject to County Commission Approval | 14-lot residential subdivision

Proposed Use 14-lot residential subdivision

Size 40.11± acres

Zoning Current: Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) | Proposed: Vacation Cottage (V-C, 17.50)

Location **5608 Azelia Drive** | Tax parcel 11156 000025

Commission District Two

Planning Commission Date June 3, 2024

Staff Recommendation **(A) Approval, with conditions**, as the proposed request is consistent with the Lake Area Residential future land use classification within the Comprehensive Plan; and
(B) Approval, with conditions, as the proposed use is consistent with surrounding development

Record Number(s) HZON24-0010 & HZCU24-0017

Planning Commission Recommendation **(A) Approval, with conditions**
Vote: 5-0
(B) Approval, with conditions
Vote: 5-0

(A) & (B) Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated March 26, 2024, and as described in the project narrative submitted April 8, 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 14 residential building lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) 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, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
5. All conditions of zoning shall be made part of any plats created for the property.
6. Mass grading is prohibited; no more than three lots shall be graded at a time. Once graded lots are stabilized, additional lots may be graded. At no time shall more than three lots be disturbed.
7. There shall be a no access easement along Azelia Drive on the west side of Lots 3, 4, 5, and 6 as depicted on the site plan dated March 26, 2024.

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 lots range in size and are large due to the topography that presents building challenges. Mr. Dunkel stated that the lots will be served by both well water and private septic. Further, the applicant stated that there will be a homeowners association and they will follow architectural standards mentioned in the narrative.

Ms. Pilcher questioned the narrative's statement regarding the proposed amenity area. Mr. Dunkel stated that the existing home on Lot 14 might be used as a future amenity area as a clubhouse and the associated dock for common use by the HOA members. Chairman Braswell clarified with Ms. Greenway

that the request for an amenity area would have to come back before the Planning Commission if the rezoning and conditional use request are approved.

Public Forum:

Terry Graham, 5579 Williamson Drive, Gainesville, spoke in opposition. Concerns were the perceived notification delays, the proposed zoning designation, flag lots that allow for several driveways, a need for a new road for these lots, and stormwater management issues.

Wesley Robinson, 200 E.E. Butler Parkway, Gainesville, spoke in opposition. Concerns were inadequate gravel roadways, inadequate fire access due to the flag lot configuration, need for a PRD zoning to create itemized conditions as part of the zoning, lack of communication with surrounding residents, and the property being listed for sale and assumption that the owner does not intend to be the developer.

Alan Hammermiller, 5694 Azelia Drive, Gainesville, spoke in opposition. Concerns were road width and further damage to the roadway with more traffic volume, lack of road maintenance, fire access, and erosion.

Robert Findley Jr., 5686 Azelia Drive, Gainesville, spoke in opposition. Concerns were lack of turnarounds/cul-de-sacs along the narrow gravel roads, property damage due to traffic turning around on private property, runoff, increased traffic, and driveway configuration.

Eric Curran, 5698 Azelia Drive, Gainesville, spoke in opposition. Concerns were the narrow gravel roads, traffic turning around on private property, erosion flowing to his yard, and driveways.

Keith Lott, 5544 Williamson Drive, Gainesville, spoke in opposition. Concerns were increased traffic on a gravel road and emergency vehicle access.

Michael Bodri, 5641 Ridgeway Circle, Gainesville, spoke in opposition. Concerns were impact on the aquifer and water access, as well as deforestation displacing deer and other animals which could cause accidents.

Applicant Rebuttal

The applicant stated notice signs were posted as directed by Planning staff, and that rezoning to Vacation Cottage was recommended by the Planning staff. The applicant further discussed their intention to restrict access from the west side of Azelia Drive. Mr. Dunckel addressed stormwater concerns and stated that each lot will be individually graded and would manage stormwater as part of its individual development. The applicant stated the property owner is willing to dedicate additional right-of-way on the applicant's side of the road should the County require it for future improvements, but that it is difficult to fix a preexisting road issue as the County would need to lead such efforts. The applicant stated that the displacement of wildlife often occurs with development. He stated that he is unaware of development depleting the water available to existing wells.

Planning Commission Comments:

Mr. Varner questioned if the applicant will improve the road. The applicant stated that is not in the plan and the road is maintained by the County. Mr. Sosebee questioned the width of each driveway. The applicant stated they are 50 feet wide and 350 feet long. Mr. Sosebee questioned if the applicant would agree to add a condition that prohibits mass grading and only grading for 2 to 3 lots at a time. The applicant stated he would prefer three lots at a time and that this condition only apply to the point in time where the lots are adequately stabilized rather than until a Certificate of Occupancy is issued. Mr. Hunt stated that the best way to alleviate drainage concerns is to stipulate that all driveways have to come off the flag lots. The applicant stated that they could add a no access easement to the rear of the lots. Mr. Braswell questioned if the applicant would agree to have a no access easement off lots 3, 4, 5, and 6. The applicant agreed. Mr. Varner questioned if there were any elevations. The applicant stated there were not, but the lots are expected to be in the \$200,000 to \$300,000 price range for custom built homes.

A

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

Vote: 5-0

Conditions:

1. The property shall be developed in accordance with the site plan dated March 26, 2024, and as described in the project narrative submitted April 8, 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 14 residential building lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) 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, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
5. All conditions of zoning shall be made part of any plats created for the property.
6. Mass grading is prohibited; no more than three lots shall be graded at a time. Once graded lots are stabilized, additional lots may be graded. At no time shall more than three lots be disturbed.
7. There shall be a no access easement along Azelia Drive on the west side of Lots 3, 4, 5, and 6 as depicted on the site plan dated March 26, 2024.

B

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

Vote: 5-0

Conditions:

1. The property shall be developed in accordance with the site plan dated March 26, 2024, and as described in the project narrative submitted April 8, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
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7. There shall be a no access easement along Azelia Drive on the west side of Lots 3, 4, 5, and 6 as depicted on the site plan dated March 26, 2024.

(A) & (B) 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 March 26, 2024, and as described in the project narrative submitted April 8, 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 14 residential building lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in 17.240 (area and setback requirements).
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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. 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, 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 be made part of any plats created for the property.

Summary Analysis

The applicant is requesting to rezone 40.11± acres of property zoned Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50). Concurrently, the applicant is requesting a conditional use subject to County Commission approval for a 14-lot residential subdivision of a 40.11± acre parcel requested to be zoned Vacation Cottage (V-C, 17.50) (HZCU24-0017). The development is proposed at a density of 0.35 units per acre. The property is currently developed with a single-family residence that was built in 1978 and several accessory structures that will be included on Lot 14. The remainder of the property is undeveloped.

The submitted site plans shows the subject parcel being subdivided into 14 proposed lots with Lots 1-11 having access from Azelia Drive and Lots 12-14 having access from Williamson Drive. According to the submitted site plan, Lots 3, 5, 6, and 7, appear to include slopes greater than 25%, which may affect septic system locations as well as grading and future home sites. Additionally, the site plan and narrative state that the single-family residence and accessory structures on Lot 14 will remain and may be utilized as an amenity area for the subdivision if approved by the Board of Commissioners.

While architectural standards are not required within the V-C zoning district, the applicant is proposing the following elements to be included 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
- Well water and onsite septic

The proposed site plan and narrative submitted to reflect the desired layout of Lots 1 through 14 as follows:

Vacation Cottage (V-C, 17.50) Standards	Required	Proposed
Lot Area	35,000 square feet (approximately 0.80 acres)	Lot 1: 2.34 acres Lot 2: 1.79 acres Lot 3: 2.64 acres Lot 4: 2.97 acres Lot 5: 3.23 acres Lot 6: 4.95 acres Lot 7: 3.64 acres Lot 8: 2.28 acres Lot 9: 2.05 acres Lot 10: 1.37 acres Lot 11: 1.76 acres Lot 12: 1.20 acres Lot 13: 1.22 acres Lot 14: 8.73 acres
Lot Frontage	Local Road: 50 feet	Minimum lot frontage of 50 feet
Lot Width at Building Line	75 feet	None Listed; 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, whichever is greater	30 feet from property line
Side Yard Setback	10 feet	10 feet
Rear Yard Setback	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 “Lake Area Residential”. The intent of this land use category is to support the preservation of established neighborhoods and to support the creation of 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. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre. The development has an overall proposed density of 0.35 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, development and zoning of adjacent and nearby property; **The zoning proposal may be suitable given the context of the surrounding area and the housing needs of the county. The surrounding area consists of vacant land and low-density residential uses.**
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 subdivision will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has a 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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The proposed development is to be served by well water and private septic systems.**
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 is consistent with the Comprehensive Plan and the "Lake Area Residential" land use designation. This land use designation envisions a maximum density of 1 dwelling unit per acre. The proposed development has an overall density of 0.35 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 the extent to which 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 single-family residence that was constructed in 1978 and several 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; **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 surrounding parcels consist of V-C and AR-IV zoning. No isolated zoning district would be created if approved. The rezoning would correct a split zoning of the property.**
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 housing.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Residential subdivisions are a use permitted by right within other zoning districts within Hall County, though the development as proposed cannot be developed on the subject site without a rezoning request. The majority of zoning districts in Hall County require County Commission approval for residential subdivisions that are larger than 6 lots.**
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 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 should not be an ecological or pollution impact 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; however, the property is impacted by the existing split zoning designations of AR-III and V-C. The proposed rezoning will correct the split 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.**

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. 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, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments from the Hall County Fire Marshal's Office:

1) International Fire Code Section 507 Fire Protection Water Supplies: 507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into within the jurisdiction. The intersection of Azelia and Williamson Drive is 2,452 feet from a fire hydrant located on Price Rd at Marks Dr. If approved the development would have to meet the requirements of the above referenced code section. See attachment showing fire hydrant locations

2) International Fire Code Section 503.2.5 Dead Ends: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Both Azelia and Williamson Drives are fire apparatus roads that exceed 150 feet in length and end abruptly with no means for fire apparatus to turn around. If approved turnarounds will be required at the end of Azelia and Williamson Drive that meet Hall County standards.

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:

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

Traffic:

No comment.

Utilities

No sewer system.

Georgia Department of Transportation

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