

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rashmiranjan Jyotiprakash

Request **Rezone** |from Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50)

Proposed Use 5-lot single-family development

Size 4.80± 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 **2466 Old Fork Road** | Tax Parcel 10085 000061

Commission District Two

Planning Commission Date September 3, 2024

Staff Recommendation **Approval, with conditions**, as the proposed rezoning is consistent with the “Lake Area Residential” future land use classification within the Comprehensive Plan

Record Number(s) HZON24-0021 & HZCU24-0028

Planning Commission Recommendations **Approval, with conditions**

Vote: 3-1 (Pilcher opposed and Sosebee absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, 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 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. 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."
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.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. All Family Daycare Homes and Community Residences shall be prohibited.

Excerpts from the minutes of the September 3, 2024 meeting

Applicant's Presentation:

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

Naveen Kommineni, 1760 Marcia Overlook Drive presented the request. The applicant stated that there is an existing home on the property so they will only be adding four more homes. The applicant stated that two homes would be built off of Old Fork Road and two off of Brand Drive.

Public Forum:

Scott Jacobs, 2488 Old Fork Road, spoke in opposition. His concerns were that privately installed waterlines may be damaged during development, that there may be fire access issues due to road conditions, the use of homes as AirBNBs will create more trash and attract animals, and that the elevation change in this area is steep which will cause stormwater issues for neighboring properties.

Roger Rochat, 2485 Old Fork Road, spoke in opposition. His concerns included water runoff, inadequate infrastructure, and traffic and pedestrian safety.

Donovan Williams, 2485 Brand Drive, spoke in opposition. His concerns included property values, water runoff, road and environmental safety, possible damage to waterlines, and fire access issues.

Rebuttal

The applicant stated that the homes will be single-family site-built homes with no manufactured homes. Additionally, the applicant stated that engineering plans will be submitted showing proper silt fencing and that grading will be as minimal as possible for the development of the homes. Furthermore, he states that they intend to work with Gainesville Water to ensure no damage is done to existing waterlines.

Planning Commission Comments:

Mr. Braswell questioned if the water line would be extended on Old Fork Road. The applicant stated that the City of Gainesville Water Department will provide two new water meters but he is not sure if they will tap into the existing line. Mr. Varner questioned if the applicant would be willing to add a condition in regards to working with the City of Gainesville for water lines. Mr. Hunt questioned if the homes would have brick or stone. The applicant stated they would be 3-sided brick with stone on the front façade. Mr. Hunt questioned if the applicant is going to build and sell the homes. The applicant stated that was correct. Ms. Pilcher questioned the 24-inch pipe that runs under the road that appears to be the only drainage of the area into the cove. Ms. Pilcher questioned if the applicant will be responsible for maintaining the drainpipe. Ms. Garmon stated that the site will not require an LDP so additional drainage improvements may not be required. Mr. Hunt questioned if the applicant could build this request within the existing zone. Ms. Garmon stated that it would still have to go in front of the Board of Commissioners for approval of the subdivision.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner.
Vote: 3-1 (Sosebee absent)**

Braswell – aye

Hunt – aye

Varner – aye

Pilcher – nay

Sosebee – absent

Conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, 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 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. 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.”

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.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. Family Daycare Homes and Community Residences shall be prohibited.

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, 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 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. 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.”
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 4.80± 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) (HZON24-0021). Concurrently, the applicant is requesting a conditional use subject to County Commission approval to subdivide the subject property into five (5) single-family residential lots (HZCU24-0028). The development is proposed at a density of 1.04 units per acre.

The subject property is zoned both Agricultural Residential III (AR-III) and Vacation Cottage (V-C). The property is currently developed with a single-family residence that was built in 1977, a storage building built in 1977, and a detached garage built in 1978. The residence and storage building are included on the proposed Tract 2 and the existing garage will be either removed or relocated within Tract 2 to comply with setbacks. Current access to the existing residence is off of Brand Road. This access will be removed and replaced by a new driveway off of Old Fork Road. The remainder of the property is undeveloped.

All proposed lots meet the minimum lot area and frontage requirements for Vacation Cottage (V-C, 17.50) as established in Table 17.240.010.

Per the submitted narrative, water service will be provided by the City of Gainesville Department of Water Resources with service confirmed by email on June 18, 2024. The development will also be serviced by individual, onsite septic systems.

No variances have been requested or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the respective zoning districts of the parcels.

The proposed site plan and narrative submitted reflects the desired layout of Lots 1 through 5 as follows:

Residential-I-Low-Density (R-I-L, 17.70) Standards	Required	Proposed
Minimum Lot Area	35,000 square feet	Lot 1: 35,000 sf Lot 2: 35,000 sf Lot 3: 35,000 sf Lot 4: 49,707 sf Lot 5: 55,179 sf
Minimum Lot Frontage	Local Road: 50 feet	Lot 1: 155.2 ft

		Lot 2: 118.3 ft Lot 3: 121.4 ft Lot 4: 132.32 ft Lot 5: 132.32 ft
Minimum Lot Width at Building Line	75 feet	None Listed
Front Yard Setback	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
Side Yard Setback	10 feet	10 feet
Rear Yard Setback	20 feet	20 feet

Based on the future land use plan, staff finds the request *is consistent* with the Hall County Comprehensive Plan future land use designation of “Lake Area Residential” which supports low density residential development of up to one unit per acre. 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. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre. The development has an overall proposed density of 1.04 units per acre.

Zoning Analysis – Rezone and Conditional Use

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:

(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 | 5-lot single-family development

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 rezoning and conditional use for a 5-lot single-family subdivision is consistent with the use, development and zoning of adjacent and nearby properties as neighboring parcels are similarly zoned Vacation Cottage (V-C, 17.50) and/or Agricultural Residential III (AR-III, 17.110).**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed rezoning or 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; **Yes, the property has reasonable economic use as currently zoned, Vacation**

Cottage (V-C, 17.50) and Agricultural Residential III (AR-III, 17.110); however, 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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **It is not anticipated that the proposed rezoning or subdivision will result in an excessive or burdensome use of existing infrastructure. The proposal has received an availability letter for public water and will utilize private on-site 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 1.04 units per acre. In addition, all proposed lots meet the minimum lot size required in the underlying zoning district.**
6. The extent to which property values are diminished by the existing zoning restrictions; **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 and 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; **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 surrounding parcels consist of Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) zoning. No isolated zoning district would be created if approved.**
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 Vacation Cottage (V-C, 17.50) zoning district 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 rezoning and a conditional use to subdivide the property into 5 single-family residential lots which 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.**

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. **The proposed development will utilize public water and private on-site septic systems, as such, this is not applicable.**

- 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 July 31, 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. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

Hall County Fire Marshal

In an email dated July 30, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant provided the following comments:

- 1) Old Fork and Brand Roads do not meet the 20-foot road width requirements in several locations as required by Fire Code.
- 2) Old Fork and Brand Roads end abruptly and have no approved turnaround as required by Fire Code.
- 3) The closest fire hydrant is located at 2406 Old Fork Road.

Hall County Public Works and Utilities

In a memo dated August 1, 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 storm water management plan if the total number of lots reaches more than 6.

Traffic:

No comment (revised comment provided August 15, 2024)

Utilities

Septic tank lots Gainesville sewer area.

Georgia Department of Transportation

In an email dated July 30, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.