

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Tuesday, October 1, 2024 12:34 PM
To: Jennifer Rivera (Administration)
Subject: FW: Preservation of constitutional Rights
Attachments: 1447_001.pdf

Jennifer,

Would you please add the attached public comments to the file for the JM Turk rezoning request?

Thank you,
Beth

Beth Garmon

Director of Planning and Zoning
Hall County Community Development and Infrastructure
(office) 770-531-6809
(direct) 770-297-2626
bgarmon@hallcounty.org

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.



From: Meghan Lifsey <mlifsey@supplyone.com>
Sent: Tuesday, October 1, 2024 12:16 PM
To: Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>
Cc: Jeff Stowe (County Commission) <jstowe@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Subject: Preservation of constitutional Rights

Some people who received this message don't often get email from mlifsey@supplyone.com. [Learn why this is important](#)

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Hello,

Please see attached in regard to 4912 Deer Creek Ct Flowery Branch Ga 30542

Thank you.

Meghan Lifsey

Director of Sales

1527 May Dr. Gainesville Ga 30507

D| 678-343-2832

W | www.supplyone.com



Douglas M. Horsley
5123 Deer Creek Court
Flowery Branch, Georgia 30542
678-618-6282

September 18, 2024

To my Quailwood Neighbors:

In a recent meeting of the Planning Commission for Hall County, a new proposal for the development for the property on J.M. Turk Road was rejected by a vote of 4 to 1. This would seem to be a positive, however, the Board of Commissioners is the group that has the power to approve this project and the general consensus of individuals closely involved is that they may be inclined to approve it. The project has not been modified much from the one that was dropped during our last battle with the developer.

Some of the contiguous property owners from the other side of Mulberry Creek are presently sending the attached "Preservation of Constitutional Rights" to the Commissioners to maintain our right to sue in the event of approval of the project. I have attached a list of each commissioner and their related email addresses. It would be most helpful if all 23 of the contiguous lots have submitted this document to our Commissioners. Our neighborhood represents 9 of the contiguous lots.

Thanks for your consideration. We do not need 256 tightly spaced homes and townhomes adding to the already crowded conditions on the J.M. Turk or Martin Road.

Name	Title	E-mail
Cooper, Kathy	District 1 Commissioner	kcooper@hallcounty.org
Poole, Greg	District 3 Commissioner	Gpoole@hallcounty.org
Higgins, Richard	Commission Chairman	rhiggins@hallcount.org
Powell, Billy	District 2 Commissioner	bpowell@hallcounty.org
Stowe, Jeff	District 4 Commissioner	jistowe@hallcounty.org
Garmon, Beth	Assistant Director of Planning and Development	bgarmon@hallcounty.org

Sincerely,

Douglas Horsley

Douglas Horsley, Neighbor

Attachment: Preservation of Constitutional Rights

PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION
WITH REZONING OF 117.31 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M
Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential III (AR-
III) to Planned Residential Development (PRD) on 117.31± acres located on the east side of J M
Turk Road at its intersection with Guth Road | Zoned AR-III: Tax Parcels 15043 000027,
000109, 000128, 000201 & 15044 000035, 000035B, 000043, 000100, 000127
BY Thompson O'Brien Kappler & Nasuti PC

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

Meghan Jacey

Address

4912 Deer Creek Ct
Flowery Branch GA
30542