

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Monday, September 30, 2024 8:29 AM
To: Jennifer Rivera (Administration)
Subject: FW: Preservation of Constitutional Rights
Attachments: Preservation of Constitutional Rights_000114.pdf

Good morning, Jennifer.

Could you add this to the JM Turk file please?

Thank you,
Beth

Beth Garmon

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Hall County Community Development and Infrastructure
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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: Doug Horsley <doughorsley5123@gmail.com>
Sent: Sunday, September 29, 2024 9:27 AM
Subject: Preservation of Constitutional Rights

You don't often get email from doughorsley5123@gmail.com. [Learn why this is important](#)

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Please note the attached Preservation of Constitutional Rights in Connection with Rezoning of acreage on JM Turk, Stanley and Guth Roads. I am strongly opposed to the current plan being presented. With all of the zoning exceptions being requested and the dense housing proposed, the development will depreciate all of the real estate in the general area and add irresponsible traffic, runoff, and many other undesirable consequences.

Doug Horsley
5123 Deer Creek Court

Flowery Branch, Ga
678-618-6282

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION
WITH REZONING OF 114.147 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 a 114.147± acre tract located on the east side of J M
Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201,
000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 |
Proposed Use: 256-unit residential development | ** Commission District 1 | Steven P. Gilliam,
applicant**

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.

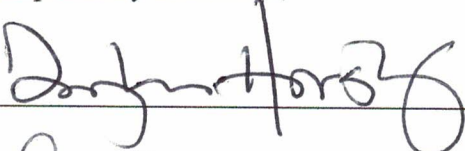
Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia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

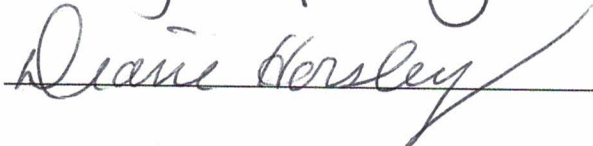
Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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,





Address

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Flowery Branch, GA
30542