

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rachel Christensen Rich

Request Use Subject to County Commission Approval |
17.120.040.N Commercial Kennel

Proposed Use Commercial Kennel

Size 19.34± acres

Zoning Agricultural Residential IV (AR-IV, 17.120)

Location **6147 Dahlonga Highway** | Tax Parcel 11003
000002A

Commission District Three

Planning Commission Date October 7, 2024

Staff Recommendation **Approval**, as the proposed use meets the future
land use designation of Rural Residential in the
Hall County Comprehensive Plan

Record Number.....HZCU24-0034

Planning Commission Recommendations.....**Denial**

VOTE: 5-0

Excerpts from the minutes of the October 7, 2024 meeting

Applicant’s Presentation:

Kristie Turner, Principal Planner, presented a summary of the request.

Rachel Christensen Rich, 6147 Dahlonga Highway, Clermont, presented the request. The applicant presented her amended narrative describing the additional operating conditions for the kennel. The applicant is requesting a conditional use subject to county commission approval for the establishment of a commercial kennel on a 19.34+ acre parcel zoned Agricultural Residential IV (AR-IV, 17.120). A commercial kennel is defined as any place in or at which more than four adult dogs (or cats) are kept for the purpose of sale, boarding, care, breeding or training and for which any fee is charged (17.20.620). The property is currently developed with a single-family residence constructed in 2000 (RES2000-00414) and a barn, constructed in 2000 (MIS2000-00266). Flood zone is shown to run along a stream that bisects the property from east to west.

Public Forum:

Michael West, 6119 Dahlenega Highway, Clermont, spoke in support. Mr. West stated that his property is adjacent to the applicant and he has been over to the property. Mr. West stated he has never had a complaint about the noise from dogs barking or dogs escaping. Mr. West personally spoke to the applicant about the growth of the business and does not believe the applicant wants to continue past what the application shows.

Virginia Martin, 5535 Elliott Crossing, Gainesville, spoke in support.

Douglas Aiken, 6230 Brady Road, Murrayville, spoke in opposition. Concerns raised were that dogs are not agricultural animal, decrease in property values, and the concern of a precedence being set by approval of a commercial kennel in this area.

Wes Robinson, 200 E.E. Butler Parkway, Gainesville, spoke in opposition. Mr. Robinson represents multiple property owners in the area and presented a petition of those in opposition. Concerns were the number of dogs, the commercial kennels distance to the property line, the practicality of enforcing noise ordinances, safety, and decreased property values.

Eddie Smith, 6161 Dahlenega Highway, Clermont, spoke in opposition. Concerns were decreased property values, the potential growth of the business and increased noise.

Martha Young, 5764 Dahlenega Highway, Clermont, spoke in opposition. Concerns were noise, safety, waste disposal, and property values.

Greg Sistrunk, 5936 Dahlenega Highway, Clermont, spoke in opposition. Concerns were the reduction of the setback and the ability to monitor and enforce the noise ordinance. He stated that a commercial use does not fit in the residential area.

Rebuttal

The applicant spoke about the amended narrative which states the 15 dogs will be limited to client dogs which are boarded and trained, only boarded, and personal rescues.

Planning Commission Comments:

Mr. Hunt asked about the business which started in Forsyth County and the applicant explained that they were unaware of the differences between Georgia and Ohio for the business permitting process. Mr. Hunt questioned if the applicant had a state license for the kennel and the applicant stated that they did not but they did have the dog training certification. Mr. Varner asked about the mention of goats in the application. The applicant explained that they do own goats which go into the outside kennel area to manage plant growth. Ms. Pilcher wanted clarification if all the applicant's clients were primarily dogs that have issues. The applicant stated that some clients she works with receive training for behavior modification such as obedience, anxiety, fear, and aggression. Mr. Hunt stated the applicant is not meeting the required setbacks with their request.

Motion: A motion to deny was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0

Staff recommends DENIAL of the applicant's request. However, if the Planning Commissions chooses to approve this request, Staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan dated August 16, 2024, and as described in the project narrative dated August 8, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 2. 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.
 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. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
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The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board, should it choose to approve the submitted narrative and site plan:

17.240.060 Poultry houses, barns, commercial kennels, equestrian centers, composting operations, and structures for storage of organic waste or raising of exotic animals.

- No structure, including outside runs, for the keeping of dogs or cats shall be constructed closer than 200 feet to a property line.
 - The applicant proposes to locate the kennels in the home located approximately 107 feet from front property line.
 - The applicant proposes to locate the fenced "dog lot" area approximately 135 feet from front property line. **This does not meet the standard.**
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Summary Analysis

The applicant is requesting a conditional use subject to county commission approval for the establishment of a commercial kennel on a 19.34± acre parcel zoned Agricultural Residential IV (AR-IV, 17.120). A commercial kennel is defined as any place in or at which more than four adult dogs (or cats) are kept for the purpose of sale, boarding, care, breeding or training and for which any fee is charged (17.20.620).

The property is currently developed with a single-family residence constructed in 2000 (RES2000-00414) and a barn, constructed in 2000 (MIS2000-00266). Flood zone is shown to run along a stream that bisects the property from east to west.

According to the applicant's narrative, they are requesting approval to establish a commercial kennel, by appointment, for overnight boarding and training services. The kennels will be located in the basement of the existing residence, which is approximately 107 feet from the front property line, and will accommodate up to 15 dogs. The narrative also describes designated outdoor areas for training and play, covering approximately 1.5 acres and located about 135 feet from the front property line, as shown on the site plan. Per section 17.240.060 of the Official Code of Hall County, no structure, including outdoor runs, for the keeping of dogs or cats, may be constructed closer than 200 feet to a property line. Both the outdoor play area and the indoor kennel space meet the required setbacks from all other neighboring property lines excluding the front property lines adjacent to Dahlonga Highway.

According to the site plan, 4 spots have been dedicated for parking on an existing gravel lot. The applicant is not proposing any lighting or signage at this time. Two existing wells provide water to the subject property and there is an existing on-site residential septic system.

Based on the future land-use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan. The Comprehensive Plan's future land use designation for the subject parcel is Rural Residential. The intent of this character area is to preserve the established residential/ rural character and create a transition between rural areas and development in residential areas.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision (17.380.060), the commission 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 conditional use is consistent with the use, development, and zoning of adjacent nearby property. The character of the surrounding area is rural, consisting of agricultural tracts and large lots with single-family residences.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for the approval of a conditional use for a commercial kennel. It does not appear that the commercial kennel will have a negative impact on nearby property beyond what is reasonably expected within the Agricultural Residential IV district as the encroachment of the proposed use into the required setbacks is adjacent to Dahlonga Highway and not surrounding neighboring 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 Agricultural Residential IV (AR-IV, 17.120).**
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, or utilities; **Staff does not**

anticipate an excessive or burdensome use of existing streets, utilities, or public services due to the commercial kennel.

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 of a commercial kennel is consistent with the Comprehensive Plan's future land use classification of Rural Residential. In this land use classification, development is envisioned to preserve the established rural character and create a transition between rural areas and development in residential areas.**
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 subject property (tax parcel 11003 000002A) is currently developed with a single-family residence and barn built in 2000.**
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 current request is for a conditional use of a commercial kennel within the Agricultural Residential IV district (AR-IV) and will not create an isolated district.**
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; **Commercial kennels are not permitted by right within any**

Hall County zoning district. Therefore, the establishment of a commercial kennel is subject to approval by the county commission.

15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **The request could not be handled alternatively as 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. The applicant has paid the appropriate fees and 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 September 5, 2024, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.”

Hall County Fire Marshal

In an email dated August 30, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, stated “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated September 6, 2024, Bill Nash, Director of Public Works, stated the following:

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 stream buffer and impervious setback from wrested vegetation not centerline of stream. Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

No comment.

Utilities:

No comment.

Georgia Department of Transportation

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

Hall County Tax Assessor

In an emailed dated August 30, 2024, Cher Melendez, Specialized Assessment Manager, stated “11003 000002A Rachel Christensen Rich the parcel is under Conservation since 2001 our office will reach out to her.”