

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Larry Phillips

Request Use Subject to County Commission Approval

Proposed Use 2-lot subdivision

Size 6.42± acres

Zoning Agricultural Residential III (AR-III, 17.110) &
Vacation Cottage (V-C, 17.50)

Location **0 Dorsey Drive** | Tax Parcel 08034 004037

Commission District Two

Planning Commission Date November 4, 2024

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

Record Number HZCU24-0048

Planning Commission Recommendations.....**Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated September 10, 2024, and as described in the project narrative dated October 18, 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 two (2) single-family residential lots in accordance with the requirements of the Agricultural-Residential-III (AR-III, 17.60) and Vacation Cottage (V-C) zoning districts 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.
5. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from the minutes of the November 4, 2024 meeting

Applicant's Presentation:

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

Larry Phillips, 3675 Browns Bridge Road, Gainesville, presented the request. The applicant is requesting approval of a use subject to county commission approval to subdivide a 6.42± acre parcel zoned Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) for the purpose of creating a second residential lot. Per the requirements of 17.50.040.K, minor subdivisions within the Vacation Cottage (V-C, 17.50) zoning district require county commissioner approval.

Public Forum:

There were no comments in support or opposition.

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

Vote: 5-0

Conditions:

1. The property shall be developed in accordance with the site plan dated September 10, 2024, and as described in the project narrative dated October 18, 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 two (2) single-family residential lots in accordance with the requirements of the Agricultural-Residential-III (AR-III, 17.60) and Vacation Cottage (V-C) zoning districts 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.
5. All conditions of zoning shall be made part of any plats created for the property.

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 September 10, 2024, and as described in the project narrative dated October 18, 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 two (2) single-family residential lots in accordance with the requirements of the Agricultural-Residential-III (AR-III, 17.60) and Vacation Cottage (V-C) zoning districts 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.
5. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

The applicant is requesting county commission approval to subdivide a 6.42± acre parcel zoned Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) for the purpose of creating a

2-lot residential subdivision. Per the requirements of 17.50.040.K, minor subdivisions within the Vacation Cottage (V-C, 17.50) zoning district require Board of Commissioners approval.

The subject property is zoned both Agricultural Residential-III (AR-II, 17.110I) and Vacation Cottage (V-C, 17.50) with the majority of the property being zoned Vacation Cottage (V-C, 17.50). The property is currently undeveloped.

Per the narrative, the applicant is requesting to split the parcel into two lots in order to meet the requirements of the Corps of Engineers, which only allow for one dock permit per parcel identification number. The applicant states that both lots will be for family use and recreation; however, they may choose to sell the property in the future.

The two lots will have sewer access via an easement, which connects to Dorsey Drive and Cresswind subdivision. No water letter availability has been provided; however, a City of Gainesville water line exists along Dorsey Drive.

Per the submitted site plan, the proposed lots comply with the minimum lot area and frontage requirements for Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50), as outlined in table 17.240.010(A).

No variances have been submitted 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 subdivision plat reflects the desired layout for both lots as follows:

Agricultural Residential III (R-III, 17.110) & Vacation Cottage (V-C, 17.50) Standards	Required	Proposed
Lot Area: AR-III	43,560 square feet	Tract 1: 175,808 sf (4.036 ac)
Lot Area: V-C	35,000 square feet	Tract 2: 103,759 sf (2.382 ac)
Lot Frontage	Local Road: 50 feet	Tract 1: 110 feet Tract 2: 110 feet
Lot Width at Building Line	75 feet	None listed; however, each parcel is 75 feet wide or greater at all points.

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
Right Side Yard Setback: V-C	10 feet	10 feet
Left Side Yard Setback: V-C (Adjacent to United States Army Corps of Engineers property)	0 feet	0 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. The intent of this land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at lower residential densities. This land use designation envisions a maximum density of 1 dwelling unit per acre. The proposed development has an overall density of 0.31 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 and development of adjacent and nearby property; **The proposed use of a 2-lot subdivision is consistent with the use, development, and zoning of adjacent and nearby properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed minor subdivision of the parcel will not adversely affect the existing use or usability of adjacent and nearby property.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50); 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, or utilities; **If approved, the development is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, etc.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **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 0.31 units per acre.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine whether property values are diminished by the existing zoning restrictions without a market study.**
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 undeveloped.**
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; **The applicant states that the purpose for subdividing the lots is to keep the two dock permits that are currently associated with the single parcel (08034 004037). The Corp of Engineers will not allow the transfer of two dock permits to the new owner unless the property is subdivided into two lots.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is for conditional use approval and is intended to allow for the subdivision of the parcel into 2 single-family residential lots. The change would not create an isolated district unrelated to the surrounding districts**
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. The parcel is zoned both Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50).**
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 conditional use approval and is intended to subdivide the parcel into two single-family residential lots. This 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 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, 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.**
- 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 October 3, 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."

Hall County Fire Marshal

In an email dated October 3, 2024, John Hornick, NPQ Fire Service Plans Examiner, Lieutenant stated, "The Hall County Fire Marshall's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated October 3, 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.

Traffic:

No Comments.

Utilities

Hall County Sewer Service Area.

Georgia Department of Transportation

In an email dated October 1, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.