



Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

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PLANNING AND ZONING
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To: Richard Higgins, Chairman
Kathy Cooper, District 1 Commissioner
Billy Powell, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner

From: Beth Garmon, Director of Planning & Zoning

Date: December 23, 2024

Subject: **5552 Bogus Road | Rezone** | from Planned Residential Development (PRD) & Agricultural Residential IV (AR-IV) to Planned Residential Development (PRD) | on a 13.81± acre tract | Zoned PRD & AR-IV; Tax Parcel 12051 000015 | **Proposed Use: 15-lot residential development | Seth Barnes, applicant**

The request before you is from Seth Barnes to rezone from Planned Residential Development (PRD) and Agriculture Residential IV (AR-IV) to PRD for a 15-lot residential development. This item is located within Commission District 3.

At their December 2, 2024 meeting, the Hall County Planning Commission voted to recommend **approval, with nine (9) conditions (3-1, Pilcher opposed and Johnny Varner absent).**

Staff recommendation: **Approval, with conditions**, as the proposed use is consistent with the surrounding zoning districts and the Rural Residential future land use classification in the Comprehensive Plan.

Public Comments:

- October 7, 2024 HCPC: There was **one comment submitted** in advance of the Planning Commission meeting and **seven spoke during the public hearing.**
- December 2, 2024 HCPC: There were **no comments submitted** in advance of the Planning Commission meeting and **no one spoke during the public hearing.**

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated November 19, 2024, and as described in the project narrative dated on August 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The development shall be limited to 15 residential lots.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,000 square feet.
4. Building materials: All facades of all residences, including single-family, two-family, and/or multi-family, and any non-residential buildings shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. Vinyl siding on all residential and nonresidential buildings shall be prohibited. Final review and approval is subject to the Director of Planning and Zoning or their designee.
5. Sidewalks shall be provided on both sides of the newly constructed road within the development and shall be five (5) feet wide. The access apron at Bogus Road and the newly constructed road shall be paved. Apron design shall be approved by the Hall County Engineering Department.
6. The covenants for the subdivision and the documents establishing the property owner's association shall be submitted for review and approval by the Director of Planning. These documents shall include a provision that would assure maintenance of the newly constructed road through adequate assessment of the subdivision property and would provide for establishing a lien against any property failing to pay said assessment. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision.
7. 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, Fire Marshal, and Hall County Engineering.
8. 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 plats should be prepared to expect the effects of such practices.”
9. All conditions of zoning shall be made a part of any plats or construction plans created for the property.