

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Maria Garcia

**Request** ..... Special Use

**Proposed Use** ..... Home older than 7 years to be brought into Hall County

**Size** ..... 3.13± acres

**Zoning** ..... Agricultural Residential 1 (AR-1)

**Location** ..... **3243 Hall Drive** | Tax Parcel 09108 000063C

**Commission District** ..... Three

**Planning Commission Date** ..... January 6, 2025

**Staff Recommendation** ..... **Approval**, as the proposed special use is consistent with the future land use designation of “Lakeside Residential” in the Comprehensive Plan.

**Record Number**.....HZCU24-0053

**Planning Commission Recommendations**.....**Approval**

**Vote: 5-0**

**Excerpts from the minutes of the January 6, 2025 meeting**

**Applicant’s Presentation:**

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

**Maria Garcia, 3946 Old Cornelia Highway, Gainesville**, presented the request. The applicant is requesting approval of a Special Use to allow a home older than 7 years to be brought into Hall County on a 3.13± acre tract, zoned Agricultural Residential 1 (AR-1). The applicant proposes relocating a 1992 manufactured home, approximately 56 feet by 24 feet in size, from Griffin, Georgia, to 3243 Hall Drive (tax parcel 09108 000063C). A structural engineer’s report dated October 8, 2024 was provided stating that the structure of the manufactured home is currently in suitable condition for relocation.

**Public Forum:**

*There were no comments in support or opposition.*

***Motion: A motion to approve was made by Stan Hunt and seconded by Gina Pilcher. Vote: 5-0***

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**Staff recommends APPROVAL of the applicant's request.**

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### **Summary Analysis**

The applicant is requesting approval of a Special Use to allow a home older than 7 years to be brought into Hall County on a 3.13± acre tract, zoned Agricultural Residential 1 (AR-1).

According to the submitted narrative, the applicant proposes relocating a 1992 manufactured home, approximately 56 feet by 24 feet in size, from Griffin, Georgia, to 3243 Hall Drive (Tax Parcel 09108 000063C). A structural engineer's report dated October 8, 2024 was provided stating that the structure of the manufactured home is currently in suitable condition for relocation.

The subject property is currently undeveloped. Surrounding properties are zoned Agricultural Residential 1 (AR-1) and developed with manufactured and site-built homes. A parcel located nearby at 3215 Hall Drive was rezoned from Agricultural Residential-III (AR-III) to Suburban-Shopping (S-S) on April 20, 2020 for a catering service.

The applicant has submitted a site inspection permit (HRNEW24-1534) and a building permit (HRNEW24-1627), both of which are pending approval of the Special Use by the Board of Commissioners. A retracement plat has been submitted and approved (HPLT24-0265). Additionally, a code enforcement case is currently open in response to a complaint regarding residents living in an RV on the property; however, the property owner reports that the RV has been removed (HENF24-0222).

The property will be served by an onsite septic system and public water via the City of Gainesville Department of Water Resources is available along Hall Drive.

No variances have been requested 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.

**Based on the future land use plan, staff finds the request *is consistent* with the Hall County Comprehensive Plan and future land use designation of Lakeside Residential.** The intent of this land use category is to preserve established lakefront neighborhoods and create opportunities for permanent and vacation residences along and adjacent to the lake. Depending on the character area and what zoning districts they allow, the recommended density for a single-family residence is 0.75 dwellings per acre. The development has an overall proposed density of 0.32 units per acre.

### **Zoning Analysis**

When considering an application for a Special Use, the Planning Commission must 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 must be considered:

- a) 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 proposed Special Use for a home older than 7 years to be brought into Hall County is consistent with the use, development, and zoning of adjacent and nearby properties.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed special use does not adversely affect the existing use or usability of adjacent residential properties.**
- c) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned; however, the applicant cannot bring in a home older than 7 years into the county without approval by the Board of Commissioners.**
- d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **If approved, the amendment of conditions is not anticipated to cause an excessive or burdensome use of existing infrastructure or services. The property will be served by an onsite septic system and public water is available along Hall Drive.**
- e) 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 is consistent with the Hall County Comprehensive Plan and future land use designation of Lakeside Residential. This land use designation envisions a maximum density of 0.75 dwellings per acre for a single-family residential development. The proposed development has a proposed density of 0.32 units per acre.**
- f) The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
- g) 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.**
- h) 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.**

- i) 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 site is currently undeveloped.**
- j) 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 that affect the use and development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **No change to the current zoning of Agriculture Residential 1 (AR-1) is proposed.**
- l) 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.**
- m) 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.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The existing zoning of the subject site supports the proposed use; however, the proposal for a home older than 7 years to be brought into Hall County requires approval by the Board of Commissioners.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request could not be handled alternatively as a variance.**
- p) 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 adhere to the land development permitting process, and as a result, are subject to local, state, and federal regulations. There should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
- q) 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.**

#### 11.2.6. E. - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec. 11.2. to cover administrative and advertising costs, in the Planning and Zoning 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission shall include:
  - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 11.2. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
  - b. 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 the requirement.**
  - c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated November 21, 2024, Emily McGahee stated "Must meet all residential permitting requirements. Original copy of Level 3 soil evaluation and copy of recorded plat will be required at time of septic permit application."

#### **Hall County Fire Marshal**

In an email dated November 22, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant stated, "The Hall County Fire Marshal's Office has no comments as proposed."

#### **Hall County Public Works and Utilities**

In a memo dated December 5, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

#### **Engineering:**

No comment.

**Traffic:**

No comment.

**Utilities:**

No sanitary sewer along Hall Drive.

**Georgia Department of Transportation**

In an email dated November 21, 2024, Henry Stevens, GDOT Civil Engineer II, stated that GDOT coordination is not required.