

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... PHD Developments LLC

**Request** ..... **Variance** | To vary standards of Section 8.4,  
sidewalks

**Proposed Use** ..... 22-lot single-family subdivision

**Size** ..... 1.46± acres

**Zoning** ..... Residential 1 (R-1)

**Location** ..... **5444 Oak Manor** | Tax Parcel 11031 000005

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

**Planning Commission Date** ..... January 21, 2025

**Staff Recommendation** ..... **Denial**, as no hardship exists pursuant to the  
criteria of Section 9.10

**Record Number** ..... HVAR24-0044

**Planning Commission Recommendation**..... **Denial**

**Vote: 4-0 (Sosebee absent)**

**Excerpts from the minutes of the January 21, 2025 meeting**

**Applicant's Presentation:**

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

**Kent Henderson, 6071 Mount Vernon Road, Murrayville**, presented the request. The applicant is requesting a variance from the sidewalk requirements in Section 8.4 for a 22-lot single-family subdivision. The area affected by sidewalks is the right-of-way of the internal street, which measures approximately 1.46± acres. The development is zoned Residential 1 (R-1). There are currently active building permits for homes at 5408, 5416, and 5420 Oak Manor Way. The remaining lots remain undeveloped without permits.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell explained that the rezoning occurred in 2018 and stated that if the sidewalk on one side was approved at that time, it should continue to be upheld. Mr. Hunt inquired about the number of lots currently sold, to which Mr. Henderson responded that eight lots remain available. Mr. Braswell asked whether there are covenants in place, and Mr. Henderson confirmed that there are. When asked if the sidewalks are included in the covenants, Mr. Henderson clarified that while the sidewalks are shown on the recorded plats, they are not mentioned in the covenants nor used as a selling point.

**Motion: A motion to deny was made by Stan Hunt and seconded by Gina Pilcher. Vote: 4-0 (Sosebee absent)**

---

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

---

**Summary Analysis**

The applicant is requesting a variance from the sidewalk requirements in Section 8.4 for a 22-lot single-family subdivision. The area affected by sidewalks, the right-of-way of the internal street, measures approximately 1.46± acres and the development is zoned Residential 1 (R-1). There are currently open building permits for homes at 5408, 5416, and 5420 Oak Manor Way. The remaining lots remain undeveloped without permits.

In 2018, the parcel was rezoned from Agricultural Residential IV (AR-IV) to Residential 1 (R-1) for a 23-lot subdivision (ZON2018-00058). On June 10, 2019, an application for a land disturbance permit was submitted for a 23-lot subdivision (HDV2019-00033) and was later replaced with updated plans (HDV2021-00069). The surrounding parcels are zoned Agricultural Residential 1 (AR-1), with the exception of five small subdivisions zoned Residential 1 (R-1) and Residential 1 Low Density (R-1-L) ranging from approximately 0.5 miles north of the subject property to 430 feet south of the subject property.

The applicant states that sidewalks do not align with the rural character of the subdivision. The applicant also states that other neighborhoods in the area do not have sidewalks.

One (1) **variance** related to the sidewalk requirement will be required if the site plan, as presented, is approved.

- Sidewalks are to be installed along all new public rights-of-way or private streets as indicated in Section 8.4.3

- The applicant is requesting a variance to exempt the subdivision from providing sidewalks.

### **Zoning Analysis**

Subject to Section 9.10, Modification of Standards, where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations of Article 9 – Subdivisions or the purposes of the regulations may be served to a greater extent by an alternative proposal, it may recommend modifications to these subdivision regulations so that substantial justice may be done and the public interest secured. The modification(s) will not have the effect of nullifying the intent and purpose of these regulations. The Board of Commissioners may not recommend modifications unless based upon the evidence presented to it in each specific case that:

- A. The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property; **The Public Works Department recommends sidewalks on one side of the street to allow pedestrian access to the mail kiosk.**
- B. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property; **There are no conditions that are unique to the subject property and conditions are generally applicable to other properties within the county.**
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; **There is no evidence that the physical surroundings, shape or topographical conditions present a hardship of providing sidewalks.**
- D. The modifications will not in any manner vary the provisions of the zoning regulations. **Allowing no sidewalks will vary the provisions of the zoning regulations.**

### **Development Support and Constraints**

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

In an email dated December 17, 2024, Emily McGahee stated “No Comment.”

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

In an email dated December 13, 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 December 19, 2024, Director Bill Nash stated the following:

#### **Engineering:**

Recommend sidewalk on one side to allow pedestrian access to mail kiosk area.

**Traffic:**

No comment

**Utilities:**

No comment

**Georgia Department of Transportation**

In an email dated December 12, 2024, Henry Stevens, E.I.T. GDOT Civil Engineer 2, stated that GDOT coordination is not required.