

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Brandon Shadburn

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Agricultural (AG-1)

Proposed Use Second dwelling

Size 14.28± acres

Zoning Current: Agricultural Residential 1 (AR-1) |
Proposed: Agricultural (AG-1)

Location **3663 Roy Parks Road** | Tax parcel 15013
000023C

Commission District Three

Planning Commission Date February 3, 2025

Staff Recommendation **Approval**, as the proposed zoning is consistent
with the intent of the “Rural Neighborhood”
future land use classification within the
Comprehensive Plan

Record Number(s) HZON24-0045

Planning Commission Recommendation **Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. 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.”

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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
3. All conditions of zoning shall be made a part of any plats or construction plans created for the development.

Excerpts from the minutes of the February 3, 2025 meeting

Applicant's Presentation:

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

Megan Shadburn, 116 McEver Lane, Hoschton, presented the request. The applicant is requesting to rezone the subject property from Agricultural Residential-1 (AR-1) to Agricultural (AG-1) to allow for the addition of a second single-family dwelling on the subject parcel. In 2022, the applicant was issued a demo permit for a manufactured home (MIS2022-00312). In March of 2024, the applicant applied for a building permit to construct a new single-family residence (HRNEW24-0432) and an accessory structure (HRNEW24-0433). Both permits are currently in the inspection phase.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 5-0

Conditions:

1. 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."
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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
3. All conditions of zoning shall be made a part of any plats or construction plans created for the development.

Staff recommends APPROVAL of the applicant's requests

4. 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."
5. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
6. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

Summary Analysis

The applicant is requesting to rezone the subject property from Agricultural Residential-1 (AR-1) to Agricultural (AG-1) to allow for the addition of a second single-family dwelling on the subject parcel.

In 2022, the applicant was issued a demo permit for a manufacture home (MIS2022-00312). In March of 2024, the applicant applied for a building permit to construct a new single-family residence (HRNEW24-0432) and an accessory structure (HRNEW24-0433). Both permits are currently in the inspection phase.

Surrounding properties are developed with single-family residences and are zoned Agricultural Residential 1 (AR-1). A Planned Commercial Farm District (PCFD) is located to the north of the property and to the west there are properties zoned Residential 1 (R-1) & Planned Residential Development (PRD).

Per the submitted narrative, the applicant is requesting to rezone the property to Agricultural (AG-1) to allow for a second single-family residence.

Water service is available from the City of Gainesville as described in an email dated December 2, 2024, and sanitary sewer services will be provided by private septic system.

Based on the future land use plan, staff finds the requested rezoning and subdivision is consistent with the intent of the Hall County Comprehensive Plan future land use designation of Rural Neighborhood. The intent of this land use category is to support active farms and agricultural enterprises and low-density, large-lot single-family residential uses up to 0.75 dwellings per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, 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 Agricultural zoning district 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 rezoning 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 a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned; however, the applicant cannot obtain a building permit for a second dwelling without rezoning to AG-1.**
- 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; **The proposed rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by an onsite septic system and a water availability letter was provided by the City of Gainesville.**
- 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 Comprehensive Plan and the intent of the Rural Neighborhood land use designation. The Rural Neighborhood designation envisions a density of 0.75 dwelling units per acre. The subject property has an overall proposed density of 0.13 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 property currently has a single-family home and accessory structure under construction.**
- 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; **The Unified Development Code adopted in 2024 established the Agricultural (AG-1) zoning district. This district was designed to accommodate a density of two (2) dwelling units per parcel for properties 5 acres or larger.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The Hall County Comprehensive Plan and Unified Development Code adopted in 2024 established the Agricultural (AG-1) zoning district. As such the rezoning of this property to Agricultural (AG-1) would not be considered an isolated district as the property meets the minimum acreage standards. Additionally, the surrounding properties are currently zoned Agricultural Residential (AR-1), which supports similar uses.**
- 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; **There are no other properties within the county that are permitted to have a second dwelling unit without first obtaining approval from the Board of Commissioners to rezone to the Agricultural (AG-1) zoning district.**
- o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for rezoning 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 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.**
- 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 must 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 must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 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 may 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 / Departmental Comments

Hall County Environmental Health

In an email dated December 27, 2024, Emily McGahee stated, "Must meet all residential permitting requirements."

Hall County Fire Marshal

In an email dated January 3, 2025, 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 memo dated January 2, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

Show FEMA and Hall County studied Flood plains that are present on site.

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 Comment

Utilities:

No Hall County sewer available

Georgia Department of Transportation

In an email dated January 13, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is not required.

Tax Assessor

In an email dated December 27, 2024, Cher Melendez, Specialized Assessment Manager, stated that this parcel is under conservation.