

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Abel Menchaca

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Vacation Cottage (V-C)

Proposed Use 2-lot subdivision

Size 1.84± acres

Zoning Current: Agricultural Residential 1 (AR-1) |
Proposed: Vacation Cottage (V-C)

Location **2922 Sardis Road** | Tax parcel 10083 000012A

Commission District Two

Planning Commission Date February 3, 2025

Staff Recommendation **Approval, with conditions**, as the proposed
zoning is consistent with the Suburban
Neighborhood, Low Density future land use
classification within the Comprehensive Plan

Record Number(s) HZON24-0046

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated December 5, 2024, and as described in the project narrative dated December 10, 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 Vacation Cottage (V-C) zoning district as detailed in Section 4.1 and Table 4.1.1.1 of the Unified Development Code of Hall County.

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

Excerpts from the minutes of the February 3, 2025 meeting

Applicant's Presentation:

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

Abel Menchaca, 3202 Rose Petal Street, Gainesville, presented the request. The applicant is requesting to rezone a 1.84± acre tract from Agricultural Residential 1 (AR-1) to Vacation Cottage (V-C) in order to subdivide the property into two lots. Properties to the north and west are developed with single-family residences and are zoned Agricultural Residential 1 (AR-1). There are parcels zoned Vacation Cottage (V-C) to the south and to the east, a recently approved Planned Residential Development (PRD), Somerset at Sardis Creek (HZON24-0003), is currently being developed and will feature 114 single-family lots.

Public Forum:

Donna Ritter, 2951 Antioch Church Rd, Gainesville, spoke in opposition. Ms. Ritter asked for clarification on the location of the subject property which Staff clarified through aerial maps.

A

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

Conditions:

1. The property shall be developed in accordance with the site plan dated December 5, 2024, and as described in the project narrative dated December 10, 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 Vacation Cottage (V-C) zoning district as

detailed in Section 4.1 and Table 4.1.1.1 of the Unified Development Code of Hall County.

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

(A) & (B) Staff recommends APPROVAL of the applicant's requests with the following conditions:

1. The property shall be developed in accordance with the site plan dated December 5, 2024, and as described in the project narrative dated December 10, 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 Vacation Cottage (V-C) zoning district as detailed in Section 4.1 and Table 4.1.1.1 of the Unified Development Code of Hall County.
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, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

5. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

The applicant is requesting to (A) rezone a 1.84± acre tract from Agricultural Residential 1 (AR-1) to Vacation Cottage (V-C). Concurrent with this request, the applicant is seeking (B) Special Use approval to subdivide the parcel into 2 residential lots.

Properties to the north and west are developed with single-family residences and are zoned Agricultural Residential 1 (AR-1). There are parcels zoned Vacation Cottage (V-C) to the south and to the east, a recently approved Planned Residential Development (PRD), Somerset at Sardis Creek (HZON24-0003), is currently being developed and will feature 114 single-family lots.

Per the submitted narrative and the site plan, the applicant is requesting to rezone and subdivide the subject parcel into 2 lots for the construction of single-family residences. All proposed lots meet the minimum lot area and frontage requirements for Vacation Cottage (V-C).

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed in an email dated November 21, 2024. Sanitary sewer services will be provided by individual on-site septic systems.

The proposed plat reflects the desired layout of for Lots 1 and 2 as follows:

Vacation Cottage (V-C) Standards	Required	Proposed
Lot Area	35,000 square feet (sf)	All lots meet this standard
Lot Frontage (Allison Road – Local and Sardis Road – Collector)	50 feet & 90 feet	All lots meet this standard
Lot Width at Building Line	75 feet	All lots meet this standard
Front Yard Setback	30 feet from property line	30 feet from property line
Side Yard Setback	10 feet	10 feet
Rear Yard Setback	20 feet	20 feet

Based on the future land use plan, staff finds the requested rezoning and subdivision *is consistent* with the Hall County Comprehensive Plan future land use designation of Suburban Neighborhood, Low Density. Suburban Neighborhood, Low Density is intended to consist of low-density, detached single-family housing. In less developed areas of the county, they should be focused where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located.

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 Vacation Cottage (V-C) zoning district and special use for an 2-lot residential subdivision 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 and special use of a 2-lot residential subdivision 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 subdivide the property without approval by the Board of Commissioners for both the rezoning and the special use requests.**
- 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 and special use 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 Suburban Neighborhood, Low Density land use designation.**
- 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 is 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; **On May 8, 2024, a 114-lot single-family subdivision was approved that is located adjacent to this parcel (HZON24-0003).**

- k. Whether the change would create an isolated district unrelated to the surrounding districts; **As the property adjacent across Allison Road is zoned Vacation Cottage (V-C), this would not create an isolated district unrelated to the surrounding districts.**
- 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 to subdivide the property 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 for rezoning and a special use to subdivide the property into a 2-lot residential subdivision 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

Hall County Environmental Health

In an email dated December 27, 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. A minimum Level 3 soil evaluation must be performed on each lot and a minimum of 1 acre must be studied/mapped within each proposed lot. 15,000sf of soil must be qualified for septic installation by the soil classifier for each lot and original, stamped copies of the soil reports must be submitted at time of plat submittal to the Hall County Plat Review Team. Additional requirements will be determined at time of plat review."

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.

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.