

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Janet Truelove

Request **Rezone** | from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1)

Proposed Use 5-lot subdivision

Size 14.79± acres

Zoning **Current:** Planned Residential Development (PRD) | **Proposed:** Agricultural Residential 1 (AR-1)

Location **5684 & 5702 Bethel Road** | Tax parcels 12007 000001 & 000023

Commission District Three

Planning Commission Date March 17, 2025

Staff Recommendation **Approval, with conditions**, as the proposed zoning and use are consistent with the “Rural Neighborhood” future land use classification within the Comprehensive Plan

Record Number(s) HZON25-0002

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Agricultural-Residential-1.
2. 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.”

3. No variances or development exceptions are granted as part of this request. 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.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured homes.
7. The heated floor area of all residences will be a minimum of 2,500 square feet.
8. There shall be a 40 foot rear yard setback applied to all properties that adjoin the Avalon Hills community.

Applicant's Presentation:

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

Janet Truelove, 5702 Bethel Road, Clermont, presented the request. The applicant is requesting to rezone a combined 14.79± acre tract from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) for a 5-lot subdivision. The overall proposed density for this subdivision is 0.34 dwelling units per acre. The subject parcels are currently developed with two single-family residences constructed in 1970 and 1990, and two accessory structures constructed in 1980 and 2005.

Public Forum:

Kim Lerma, 5811 Claybrooke Court, Clermont spoke in opposition. Concerns raised were the zoning change from surrounding properties, a decrease in surrounding property values, and farm animals being visible to surrounding homeowners.

Melissa Lykins, 5731 Avalon Commons Way, Clermont, spoke in opposition. Concerns raised were stormwater runoff into HOA maintained areas, and the buffer between properties.

Jack Leezy, 5750 Avalon Commons Way, Clermont, spoke in opposition and provided a list of signatures of those within the Avalon Hills neighborhood who are opposed. Concerns raised were the potential for manufactured homes to be on the property, decreasing surrounding property values, and stormwater runoff.

Mr. Braswell mentioned there were two comments in opposition provided electronically before the meeting.

Rebuttal

Phil Truelove, 5684 Bethel Road, Clermont, discussed the history of the property. Mr. Truelove explained they have no intention of allowing farm animals or manufactured homes on the property if they choose to develop the land.

Planning Commission Comments:

Mr. Hunt asked if the applicants would agree to a deed restriction prohibiting manufactured homes. Mr. Truelove affirmed their consent. Mr. Hunt asked if the single family home and barn would be kept on the same lot to meet all setback guidelines. Mr. Truelove said they would be kept together on a lot. Ms. Truelove stated that they wished to rezone the property because they were not able to subdivide unless it was rezoned. Mr. Braswell stated that staff would be able to look into that. Mr. Braswell asked the applicants what conditions they were contemplating. Ms. Truelove stated they did not have a preference on style but the homes would need to be 2,500 square feet heated, with no more than two additional accessory buildings. Mr. Braswell asked Ms. Garmon to confirm that the rear yard setback for the desired zoning is 25 feet. Ms. Garmon affirmed. Mr. Braswell asked the applicants if they would consider a larger setback from the properties that adjoin the Avalon Hills community, and the possibility of a condition was discussed amongst the board. Mr. Sosebee asked if the property is on well water. Mr. Truelove stated the property is served by well water and septic. The Planning Commission discussed how the possible increased rear yard setback might impact future septic systems.

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

Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Agricultural-Residential-1.
2. 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.”
3. No variances or development exceptions are granted as part of this request. 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.
4. All conditions of zoning shall be made part of any plats created for the property.

5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured homes.
7. The heated floor area of all residences will be a minimum of 2,500 square feet.
8. There shall be a 40 foot rear yard setback applied to all properties that adjoin the Avalon Hills community.

Staff recommends APPROVAL of the applicant's requests with the following conditions:

9. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Agricultural-Residential-1.
10. 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."
11. No variances or development exceptions are granted as part of this request. 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.
12. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

The applicant is requesting to rezone a combined 14.79± acre tract from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) for a 5-lot subdivision. The overall proposed density for this subdivision is 0.34 dwelling units per acre. The subject parcels are currently developed with two single-family residences constructed in 1970 and 1990, and two accessory structures constructed in 1980 and 2005.

The surrounding parcels are zoned and developed as outlined below:

- North: Planned Residential Development (PRD) – Avalon Hills Subdivision, developed with single-family residences and amenities for the development.
- South: Agricultural Residential 1 (AR-1) – Developed with single-family residences
Residential 1 (R-1) – Developed with single-family residences.

- East: Planned Residential Development (PRD)- Avalon Hills Subdivision, developed with single-family residences and amenities for development.
- West: Agricultural Residential 1 (AR-1) - Developed with single-family residences
Planned Commercial Farm District (PCFD)- Developed with single-family residences and poultry houses.

On February 10, 2005, approval was granted to rezone a 144.3± acre tract from Agricultural Residential IV (AR-IV) and Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) with the following conditions for a 95-lot subdivision (ZON2005-00016).

1. Development shall be limited to 95 lots as generally shown on the concept plan, with homes having no less than 2,500 square feet of heated floor space.
2. All lots, with the exception of lots 94 and 95, will access an internal roadway.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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. All conditions of zoning shall appear on any plats created for the subdivision.

At the time of the rezoning, the subject property was part of the 144.3-acre tract. However, the final plat for the Avalon Hills Subdivision development did not incorporate the subject parcels, though the Planned Residential Development (PRD) zoning designation remained in effect.

Per the submitted site plan and narrative, the applicant is requesting to rezone and subdivide the subject parcels into five (5) lots. The applicant proposes that two lots will be designated for family use, while the remaining three will be sold as single-family residential lots. All proposed lots will be served by wells and individual on-site septic systems and will meet the minimum lot area and frontage requirements for the Agricultural Residential 1 (AR-1) zoning district as outlined below:

Agricultural Residential (AR-1) Standards	Required
Lot Area	43,560 square feet
Lot Frontage (Bethel Road – local road)	50 feet
Lot Width at Building Line	75 feet
Front Yard Setback	40 feet from property line
Side Yard Setback	15 feet
Rear Yard Setback	25 feet

Based on the future land use plan, staff finds the requested rezoning ***is consistent*** with the Hall County Comprehensive Plan future land use designation of Rural Neighborhood. These areas should consist of

active farms and agricultural enterprises and low-density, large-lot single-family residential uses. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies. The Rural Neighborhood designation envisions a density of up to 0.75 dwelling units per acre, or one dwelling unit per one and a half acres. This development has an overall proposed density of 0.34 units 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 Residential 1 (AR-1) zoning district for a 5-lot residential subdivision is consistent with the future land use designation of Rural Neighborhood, as the proposed development has an overall density of 0.34 units per acre. The surrounding area consists of residential and agricultural uses.**
- 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 rezone and subdivide the property as proposed 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; **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 individual wells and individual on-site septic systems.**
- 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 Rural Neighborhood land use designation. The Rural Neighborhood designation envisions a density of 0.75 dwelling units per acre. This development has an overall proposed density of 0.34 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 affected 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.**
- h) The relative gain to the public as compared to the hardship imposed upon the individual property owner; **The inclusion of the subject property in the prior Planned Residential Development (PRD) rezoning, combined with its subsequent exclusion from the subdivision plat, has placed the property in a unique situation that prevents the current owner from subdividing as proposed.**
- 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 currently developed with two single-family residences, constructed in 1970 and 1990, and two accessory structures constructed between 1980 and 2005.**
- 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 affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The surrounding parcels consist of Agricultural Residential 1 (AR-1), Residential 1 (R-1), Planned Commercial Farm District (PCFD), and Planned Residential Development (PRD). No isolated zoning district would be created if approved.**
- 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; **The request is not out of scale with the needs of the immediate neighborhood or 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 other properties within the County that are zoned Agricultural Residential 1 (AR-1); however, the existing zoning of Planned Residential Development (PRD) does not support the 5-lot subdivision as proposed.**
- 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 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 February 12, 2025, 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. All proposed plats must be submitted to the Hall County Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

Hall County Fire Marshal

In an email dated February 11, 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 February 13, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

Driveways will need to meet Hall County residential requirements.

Utilities:

No sewer in area, but it is in Hall County sewer district.

Georgia Department of Transportation

In an email dated February 6, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is not required.