

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Garry L. English

Request **Special Use** | Subdivision, minor

Proposed Use 6-lot subdivision

Size 5.73± acres

Zoning.....Vacation Cottage (V-C)

Location **0 McKinzey Lane** | Tax Parcel 08089 001019A

Commission District Two

Planning Commission Date April 21, 2025

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with the “Lakeside Residential” future land use classification within the Comprehensive Plan

Record Number.....HZCU25-0014

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

Vote: 4-0 (Davidson absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated February 21, 2025, and as described in the project narrative dated February 21, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property may be subdivided into a maximum of six (6) 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 developer shall be responsible for all costs and plans required to improve McKinzey Lane in order to provide appropriate fire apparatus access roads with an unobstructed width of not less than 20 feet exclusive of shoulders, and to provide an approved area for turning around fire apparatus.
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 state regulations or 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 as part of any plats or construction plans created for the property.

Excerpts from the minutes of the April 21, 2025 meeting.

Applicant's Presentation:

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

Garry English, 5010 McKinzey Lane, Flowery Branch, presented the request. The applicant is requesting approval of a special use for a 6-lot subdivision on a 5.73± acre tract zoned Vacation Cottage (V-C). Per the requirements of Section 7.2.1. Allowed Use Table, minor subdivisions within the Vacation Cottage (V-C) zoning district require approval by the Board of Commissioners. The property is currently undeveloped and wooded. There is a 75 foot impervious setback associated with a stream located along the western boundary of the subject property.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-0 (Davidson absent)

Conditions:

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2. The property may be subdivided into a maximum of six (6) 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.
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5. All conditions of zoning shall be made as part of any plats or construction plans created for the property.

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

1. The property shall be developed in accordance with the site plan dated February 21, 2025, and as described in the project narrative dated February 21, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property may be subdivided into a maximum of six (6) 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.
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5. All conditions of zoning shall be made as part of any plats or construction plans created for the property.

Summary Analysis

The applicant is requesting approval of a Special Use for a 6-lot subdivision on a 5.73± acre tract zoned Vacation Cottage (V-C). Per the requirements of Section 7.2.1. Allowed Use Table, minor subdivisions within the Vacation Cottage (V-C) zoning district require approval by the Board of Commissioners.

The property is currently undeveloped and wooded. There is a 75 foot impervious setback associated with a stream located along the western boundary of the subject property.

The surrounding properties are zoned and developed as follows:

North: Vacation Cottage (V-C): Developed with single-family residences.

South: Vacation Cottage (V-C): Undeveloped, approved for 5-lots (HZCU24-0005) (HPLT24-0180).

East: Vacation Cottage (V-C): Developed with a single-family residence.

West: Vacation Cottage (V-C) and developed with single-family residences; Corps of Engineers.

Per the submitted narrative and site plan, the applicant seeks approval to subdivide the property into six (6) lots for the development of single-family residences. All proposed lots comply with the minimum lot area and frontage requirements for Vacation Cottage (V-C) zoning.

Per the submitted site plan, a 10 foot portion of the property along McKinzey Lane will be dedicated as right of way to meet Hall County Engineering and Hall County Fire requirements.

The site will be served by public water provided by the City of Gainesville as confirmed in an email dated February 26, 2025. Sanitary sewer services will be provided by individual on-site septic systems.

No variances have been submitted or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the standards of the respective zoning districts.

The proposed subdivision plat reflects the desired layout for the 6-lot subdivision as follows:

Vacation Cottage (V-C) Standards	Required	Proposed
Lot Area	35,000 square feet	All lots meet or exceed this standard.
Lot Frontage (McKinzey Lane)	50 feet	All lots meet or exceed this standard.
Lot Width at Building Line	75 feet	None listed; however, each parcel is 75 feet wide or greater at building line
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

Staff finds that the Special Use request is consistent with the Comprehensive Plan's future land use classification of "Lakeside Residential". The intent of this land use designation is to preserve the established lakefront neighborhoods and create opportunities for permanent and vacation residences along and adjacent to the lake. The recommended density for a single-family residence within the Vacation Cottage zoning district is 1 dwellings per lot, with a minimum lot size of 35,000 square feet. The development has an overall proposed density of 1.04 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 use is consistent with the use, development and zoning of adjacent properties. The character of the surrounding area is residential, consisting of tracts developed with single-family residences.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for approval of a Special Use for a 6-lot subdivision. It is**

not anticipated that the 6-lot subdivision will have an adverse impact on adjacent or nearby property.

- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned Vacation Cottage (V-C); however, the proposed Special Use cannot occur as described 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 use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service. Per the Hall County Fire Marshal, improvements to the existing road will be necessary to ensure the road meets International Fire Codes.**
- 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 use is consistent with the Comprehensive Plan's future land use classification of "Lakeside Residential".**
- 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 subject property is currently undeveloped and wooded.**
- 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; **The current request is for a Special Use for a 6-lot subdivision within the existing Vacation Cottage (V-C) zoning district and will not create an isolated district.**

- 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; **While other zoning districts allow for a 6-lot subdivision without Special Use approval, the subject property is zoned Vacation Cottage (V-C) which is subject to Special Use approval by the Board of Commissioners for a minor subdivision.**
- o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **No, the request for a Special Use to subdivide the property into a 6-lot 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 shall appear in person at the public hearing held to consider the district change. **The proposal meets the requirement, and the applicant 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 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 shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department shall 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 March 20, 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 Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

Hall County Fire Marshal

In an email dated March 18, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated,

McKinzey Lane as the road currently exists does not meet the International Fire Codes listed below:

International Fire Code 503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders. The intent of the minimum 20-foot width is to provide space for fire apparatus to pass or get around one another during fire ground operations, current road the entire length is less than 20 foot wide.

International Fire Code 503.2.5 Dead Ends.

Dead-end fire apparatus access roads more than 150 feet in length shall be provided with an approved area for turning around fire apparatus, there is no approved turnaround at the end of McKinzey Lane.

Hall County Public Works and Utilities

In a memo dated March 21, 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.

Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6.

Traffic:

No comment.

Utilities:

Flowery Branch sewer area.

Georgia Department of Transportation

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