

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Mary Kirrane

Request (A) **Special Use**

Proposed Use (A) Agri-entertainment venue

Size 30.77± acres

Zoning Agricultural Residential 1 (AR-1)

Location **5253 Lawson Road** | Tax Parcel 11008 000023

Commission District Three

Planning Commission Date June 2, 2025

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

Record Number..... HZCU25-0019

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

Vote: 3-1 (Davidson opposed, Varner absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated April 23, 2025, the project narrative dated April 14, 2025, and supplemental narrative dated May 23, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The number of guests shall not exceed 75, or the maximum occupancy as determined by the Hall County Fire Marshal, whichever is less.
3. 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. Where there may be discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved.

4. All conditions of zoning shall be made as part of any plats or development plans created for the property.
5. The approval of an equestrian center and agri-entertainment venue is only applicable to the current owner of this property.
6. No outside amplification of voice, music or instruments of any kind shall be permitted.
7. All activities are limited to Saturdays only. Hours of operation shall be limited to 11:00 a.m. to 4:00 p.m.
8. Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
9. There shall be no more than 6 weddings and 2 birthday parties per year.

Excerpts from the minutes of the June 2, 2025 meeting

Applicant's Presentation:

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

Mary Kirrane, 5253 Lawson Road, Gainesville, presented the request. The applicant is requesting approval of two special uses: (A) an agri-entertainment venue and (B) an equestrian center with variances from the standards on a 30.77± acre tract zoned Agricultural Residential 1 (AR-1). The subject property is currently developed with a single-family residence and barn, both constructed in 1997, as well as a poultry house constructed in 1960 as indicated in Hall County tax records.

Public Forum:

Bob Swoszowski, 5295 Lawson Road, Gainesville, spoke in opposition. Concerns raised were the safety of those that walk the road daily with the increased traffic, that the business contrasts with the current residential character of the area, and the proximity of the venue building to his residence.

Leah Parsons, 5352 Lawson Road, Gainesville, spoke in opposition. Concerns raised were how the application differs from the current rural character, increased traffic and noise, effect on the neighbors, and questioning if there were an emergency plan in case of a fire due to Lawson Road not having fire hydrants. Ms. Parsons further requested the Board to consider requiring speed tables be added to the road if they approve this request.

Kathy Parsons, 5322 Lawson Road, Gainesville, spoke in opposition. The concerns raised were the safety of those that walk the road daily, an increase in traffic and noise, and safety risks to homeowners' animals.

Tommy Towe, 6781 Jake Kemp Road, Murrayville, spoke in opposition. Concerns raised were the light and noise pollution that the venue would create and the disruption of the rural character.

Raymond Dover, 5393 Lawson Road, Gainesville, spoke in opposition. Concerns raised were about the impact to farm animals on Lawson Road that the venue would cause as well as the venue not being consistent with the rural character.

Lucia Towe, 5184 Brit Whitmire Road, Gainesville, spoke in opposition. The concerns raised were the increased traffic, increased noise, and disruptions to surrounding homeowners in evening hours.

Wanda Swoszowski, 5295 Lawson Road, Gainesville, spoke in opposition. Her concerns were the safety to the homeowners affected by the increased traffic, and noise disruptions in the evening hours to the surrounding neighbors.

Rebuttal

Ms. Kirrane expressed she does not want to change the rural nature of the street. She will not be installing a sign at Lawson Road. Ms. Kirrane stated she will only have 6 weddings a year and 2 birthday parties, to be held on Saturdays from the hours of 11 a.m. to 4 p.m. with less than 100 attendees. She also stated the venue would not be visible from the road.

Planning Commission Comments:

Mr. Hunt asked the applicant what the operational hours would be for the venue. The applicant stated the hours of operation would be from 11 a.m. to 4 p.m., only on Saturdays, and up to 6 events a year. Mr. Hunt asked if the music would be amplified and the applicant answered that it would not. Mr. Hunt asked for further explanation of the birthday party events listed in the narrative. The applicant explained this would be for those who have a horse and would want to be able to include their horse in the event. The applicant further stated the venue would not be advertised out to the public. Mr. Hunt asked how many birthday parties per year the venue would host. The applicant stated a maximum of 2 with the same operational hours as weddings with no activities between October and March. Mr. Hunt asked staff if the number of events could be limited in the business license. Ms. Garmon confirmed they could. Mr. Hunt asked the applicant if they were be receptive to reducing the number of attendees to 75. The applicant was agreeable.

A

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 3-1 (Davidson opposed, Varner absent)

B

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 3-1 (Davidson opposed, Varner absent)

Conditions:

1. The property shall be developed in accordance with the site plan dated April 23, 2025, the project narrative dated April 14, 2025, and supplemental narrative dated May 23, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The number of guests shall not exceed 75, or the maximum occupancy as determined by the Hall County Fire Marshal, whichever is less.
3. 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. Where there may be discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved.
4. All conditions of zoning shall be made as part of any plats or development plans created for the property.
5. The approval of an equestrian center and agri-entertainment venue is only applicable to the current owner of this property.
6. No outside amplification of voice, music or instruments of any kind shall be permitted.
7. All activities are limited to Saturdays only. Hours of operation shall be limited to 11:00 a.m. to 4:00 p.m.
8. Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
9. There shall be no more than 6 weddings and 2 birthday parties per year.

(A) & (B) 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 April 23, 2025, and the project narrative dated April 14, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 2. The number of guests shall not exceed 100, or the maximum occupancy as determined by the Hall County Fire Marshal, whichever is less.
 3. 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. Where there may be discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved.
 4. All conditions of zoning shall be made a part of any plats or development plans created for the property.
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The following should be considered as exceptions to the Unified Development Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. **Section 7.7.2.B** – Equestrian Center- No structure for the keeping of equines, including stables, may be located within 200 feet of any property line.
 - The applicant is proposing to use the existing barn for the keeping of equine, which is approximately 65 feet from property line. **This does not meet the standard.**

Summary Analysis

The applicant is requesting approval of two special uses for (A) an agri-entertainment venue and (B) an equestrian center with variances from the standards on a 30.77± acre tract zoned Agricultural Residential 1 (AR-1).

The subject property is currently developed with a single-family residence and barn, both constructed in 1997, as well as a chicken house constructed in 1960 as indicated in Hall County tax records.

The surrounding properties are zoned Agricultural Residential 1 (AR-1) and are developed with single-family residences.

Per the narrative, the applicant is requesting a special use approval for two uses: an agri-entertainment venue and an equestrian center to offer equestrian-themed weddings. The applicant will partner with a non-profit organization, The Last Stop Horse Rescue, which provides care for abandoned and abused horses brought in by the Hall County Humane Society. In addition to providing care for the horses, the non-profit also provides equine therapy to physically and mentally challenged youth. All revenue generated from the weddings will support the non-profit organization. No new structures are proposed for wedding-related activities, although a two-stall restroom facility will be added to comply with Environmental Health requirements.

Per the submitted narrative, the applicant is proposing a maximum of three weddings per month and the number of guests would be limited to 100. Weddings will occur during daylight hours on weekends with a minimum of three staff members present on-site during the events. The existing gravel parking area can accommodate up to 80 vehicles. Two parking attendants will be available to shuttle attendants using a golf cart if needed.

Per the site plan, the existing barn is approximately 65 feet from the northern property line, and will be used for the keeping of horses as well as other activities offered by the non-profit. The applicant has requested a variance to section 7.7.2.b. to allow this structure to be closer than the required distance of 200 feet from any property line.

Based on the future land-use plan, staff finds the requested special use is consistent with the Hall County Comprehensive Plan future land use designation of “Rural Neighborhood”. The intent of this future land use designation is that these areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential use with density of up to 0.75 dwellings per acre. 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.

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 special uses are suitable in view of the use and development of adjacent and nearby properties.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the special use for an agri-entertainment venue or equestrian center would adversely affect the existing use or usability of adjacent 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 Agricultural Residential 1 (AR-1); however, a special use for an agri-entertainment venue and equestrian center requires Board of Commissioner approval.**
- 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 special uses will not cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**
- 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; **Both proposed special uses are consistent with the Comprehensive Plan and Rural Residential future land use designation and are consistent with the residential use and development of the existing, nearby and adjacent properties.**
- 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 values 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 zoned Agricultural Residential 1 (AR-1). The site is currently developed with a single-family residence and barn, both constructed in 1997, and a chicken house constructed in 1960 as reflected in county tax records.**
- 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; **There are no known changing conditions affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **This question is not applicable as there are no proposed changes to the zoning classification.**
- 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; **Agri-entertainment venues and equestrian centers are both classified as special uses and must be approved 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 a special use 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 May 1, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. An onsite sewage management system (and bathroom structure) will be required on the property for the requested use. Applicant has already been informed of Environmental Health requirements."

Georgia Department of Transportation

In an email dated April 28, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memo dated May 2, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

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:

Not in Hall County Sewer Service Area.

Hall County Fire Marshal

In an email dated April 28, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Tax Assessors

In an email dated April 25, 2025, Steve Watson, Director and Chief Appraiser of Hall Board of Assessors, stated that "Notes from file: 2025 TP ADVISED IF CHANGES POSS BREACH HER PLAN OF ACTION POSSIBLY EARLY OUT??? – 2.3.25 kh snt tp breach estimate- 1.31.25 tp walk in wants to have a wedding venue told that would cause breach cm."