


Mark Pettitt, Clerk
Hall County, Georgia

**IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA**

TIM WILBANKS,

Plaintiff,

V.

HALL COUNTY, GEORGIA,

Defendant.

**CIVIL ACTION FILE NO.
2024CV000065**

JOINT MOTION FOR ENTRY OF CONSENT ORDER REMANDING CASE

COME NOW, Plaintiff Tim Wilbanks (“Plaintiff”) and Hall County, Georgia (“Defendant” or the “County”), and jointly move the Court to enter an order remanding the above-styled case back to the County for reconsideration by the Board of Commissioners (“BOC”).

In support of this Joint Motion, Plaintiff and Defendant (hereafter collectively the “Parties”) show the following:

1.

This action arises from the BOC for Hall County denial of Plaintiff’s Zoning Application No. HZON23-0038 (“Zoning Application”) request of 10.05 +/- acres, commonly known as 1731 Friendship Road, Hoschton, Georgia 30548 and designated as Hall County Tax Parcel Number 15041 000190 (the “Property”).

2.

The Zoning Application sought to rezone 7.33 +/- acres of the Property from Agricultural Residential (AR-IV) to Planned Commercial Development (PCD) zoning district and 2.72 +/- acres of the Property from Agricultural Residential (AR-IV) zoning district to Highway Business (H-B) zoning district. The Zoning Application initially included a variance request that was withdrawn prior to the BOC's denial of the Zoning Application.

3.

After discussions, public hearings, plan revisions, and amendments to the Zoning Application, the Board of Commissioners held a public meeting on December 14, 2023 at which they voted (1) to deny the rezoning of 7.33 +/- acres of Property from Agricultural Residential (AR-IV) to Planned Commercial Development (PCD) and (2) to deny the rezoning of 2.72 +/- acres of the Property from Agricultural Residential (AR-IV) zoning district to Highway Business (H-B) zoning district.

4.

Since the original filing of this action, the Parties have been negotiating in an attempt to resolve the issue that form the basis of Plaintiff's *Complaint for Declaratory Judgement and Injunctive Relieve*. The Parties have exchanged discovery and met to discuss various settlement options. As a result of those discussions, the County has agreed to reconsider the Zoning Application. In order to comply with the mandatory notice and hearing requirements imposed by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-5) on local governments when considering applications to rezone property, it is necessary for the Zoning Application to be remanded back to the BOC, who will then publish the requisite legal notice and conduct any required public hearing(s) prior to taking any further action on the Zoning Application.

WHEREFORE, the Parties ask the Court to enter an Order remanding this case back to the Board of Commissioners of Hall County. A proposed Order is being filed contemporaneously with the Joint Motion for the Court's consideration.

Respectfully and jointly submitted this 24th day of June, 2025.

Prepared and presented by:

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CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel with the foregoing Joint Motion for Entry of Consent Order Remanding Case, via Statutory Electronic Service, addressed as follows:

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Respectfully submitted this 24th day of June, 2024.

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