

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant The Travis and Herman Brown Family Limited Partnership

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

Proposed Use Single family residence

Size 5.56± acres

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

Location **5979 New Bethany Road** | Tax parcel 07328 004003(pt)

Commission District Two

Planning Commission Date July 21, 2025

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

Record Number(s) HZON25-0026

Planning Commission Recommendation **Approval, with conditions**

Vote: 4-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

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 that are not explicitly granted by board approval.
4. All conditions of zoning shall be made part of any plat or plans created for the property.

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

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

Tyler Lasser, 4525 South Lee Street, Buford, presented the request. The applicant is requesting to rezone a 5.56± acre portion of a tract from Planned Residential Development (PRD) to Agricultural Residential (AR-1) to construct a single-family residence. The subject property is a portion of an existing 35.13± acre tract that operates as a cemetery and is currently wooded and undeveloped. A business license for the cemetery was issued in 1988, and the property was later rezoned in 1994 from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) to accommodate the cemetery and future expansion (ZON1994-00005).

Public Forum:

Reggie Morgan, 6048 New Bethany Road, Buford, spoke in opposition. The concern raised was the location of the driveway in proximity to blind curves.

Planning Commission Comments:

Mr. Braswell asked Beth Garmon, Director of Planning and Zoning, if this lot meets all road frontage requirements. Ms. Garmon confirmed that it did. Mr. Braswell asked the applicant to clarify if the portion of the lot connected to Beards Road was an easement. The applicant stated the connection is part of the property, and is not an easement. The applicant stated GDOT had no comments for the driveway placement.

Motion: A motion to approve, with conditions was made by Shannon Davidson and seconded by Frank Sosebee. Vote: 4-0

Conditions:

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 3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
 4. All conditions of zoning shall be made part of any plat or plans created for the property.
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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 May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 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."
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Summary Analysis

The applicant is requesting to rezone a 5.56± acre portion of a tract from Planned Residential Development (PRD) to Agricultural Residential (AR-1) to construct a single-family residence.

The subject property is a portion of an existing 35.13± acre tract that operates as a cemetery, and is currently wooded and undeveloped. A business license for the cemetery was issued in 1988, and the

property was later rezoned in 1994 from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) to accommodate the cemetery and future expansion (ZON1994-00005).

The surrounding properties are zoned and developed as outlined below:

- North: Planned Industrial Development (PID) - Undeveloped
- South: Planned Residential Development (PRD) - Broadlawn Memorial Gardens cemetery
- East: Agricultural Residential 1 (AR-1) - Developed with single-family residences
- West: Planned Residential Development (PRD) - Broadlawn Memorial Gardens cemetery

Per the submitted site plan and narrative, the applicant is requesting to rezone a portion of the Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) to establish a single-family residence.

Water service will be provided by a well and sanitary sewer services will be provided by an on-site septic system.

Based on the future land use plan, staff finds the requested rezoning *is consistent* with the Hall County Comprehensive Plan future land use designations of Lakeside Residential. These areas are located near and adjacent to the edges of Lake Lanier and can range from low-density residential to resort-style multifamily. Lakeside Residential is intended to preserve established lakefront neighborhoods and create opportunities for permanent and vacation residences along and adjacent to the lake. While some of these areas are not located directly on the lake, they have a development pattern similar to their lakeside neighbors or are likely to see a style of development that is denser than Rural Neighborhood or slightly less dense than Suburban Neighborhood, Low Density. Depending on the character area and what zoning districts they allow, residential densities may be limited to 0.75 dwellings per acre or up to 8 dwellings 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 single-family residence is suitable in view of the use, development and zoning of adjacent and nearby property. The surrounding area consists of a variety of land uses which include residential, agricultural, industrial, and commercial uses.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning is not anticipated to 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 develop 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 a well and on-site septic system.**
- 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 intent of the Lakeside Residential future land use designations in the Comprehensive Plan.**
- 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. 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 portion of property is currently undeveloped and forested.**
- 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), Planned Industrial Development (PID) and Planned Residential Development (PRD). An isolated zoning district would not 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 proposed development does not appear to be out of scale with the needs of the surrounding area or 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) and support single-family development; however, the existing zoning restrictions associated with the Planned Residential Development (PRD) do not support the single-family residence 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 June 18, 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."

Georgia Department of Transportation

In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memo dated June 20, 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:

Commercial driveway.

Utilities

Buford sewer service area.

Hall County Fire Marshal

In an email dated June 24, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated “The Hall County Fire Marshal’s Office has no comments as proposed.”