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August 20, 2025

## VIA CERTIFIED MAIL

David Gibbs

Chairman, Hall County Commission

Kathy Cooper, Billy Powell, Gregg Poole and Jeff Stowe

Commissioners, Hall County

P.O. Box 1435

Gainesville, GA 30503

**RE: Application of BCBTR, LLC to Rezone 130.84± acre tract tax parcels 15007 000254(part); 15019 00014 & 15019 000043 ("the Property") from Agricultural Residential 1 (AR-1) to Residential Mixed (R-X) located at 4745 Cagle Mill Road, 4673 and 4691 Milton Martin Road**

Dear Chairman and Commissioners,

This firm represents BCBTR, LLC and CBD Investments, LLC, the Applicant and Owner of the above referenced Property, in regard to a pending application for rezoning. Please note this letter is being forwarded to you because Georgia Law requires that the following Constitutional objections be submitted in order to preserve the right of the applicant during the rezoning process.

Please accept this letter as notice that it is the position of the Applicant and Owner that those portions of the zoning regulations of Hall County as presently in effect, and applicable to the Property, which prohibits the use of the Property as proposed in the above referenced application, in particular as a residential subdivision, are unconstitutional as applied to the Property. The zoning ordinances as applied to the Property is unconstitutional in that the ordinances render this Property unusable and destroy its marketability and as such, the zoning ordinances, therefore, constitute a taking of the Property without just and adequate compensation and without due process of law and violation of the provisions of the Fifth Amendment of the U.S. Constitution (as made applicable of the States by the Fourteenth Amendment) and Article 1 Section I, Paragraph 1; Art. 1, § 3, ¶ 1; and Art. 1, § 3, ¶ 1A of the Constitution of the State of Georgia.

Additionally, the current zoning ordinances as applied to this Property deny the Applicant and Owner equal protection under the law as provided in the Fourteenth Amendment of the U.S. Constitution and Art. 1, § 1, ¶ I; Art. 1, § 3, ¶ IA; and Art. 1, § 1, ¶ II of the Constitution of the State of Georgia, and that the zoning ordinances as applied to this Property make it impractical to develop the Property and thus significantly diminish its value. The zoning ordinances as applied to this Property are arbitrary and capricious in that they inflict a significant detriment on the Property of the Owner that is insubstantially related to the health, safety, morality, and welfare of the public. These ordinances, as applied, restrict the unfettered use of the Owner's property inflicting serious and significant injury and damage to the Applicant and Owner which results in relatively little gain or benefit to the public. As such, we will object to their application to the above referenced Property and current zoning and ask that they be declared unconstitutional.

The proposed use and zoning set forth in the application complies with the Hall County Unified Development Code and with the Hall County Future Land Use Map as set forth in the Hall County Comprehensive Plan Update (2024).

I request that this letter be made a part of the record regarding the application above.

We appreciate your consideration of this request and encourage the County's approval of the request as submitted.

Sincerely,



T. Wesley Robinson

CC: Zach Propes (via email)  
Beth Garmon (via email)

TWR:alb/17765