

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Katherine Kesterson

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Agricultural (AG-1)

Proposed Use Second dwelling

Size 15.45± acres

Zoning **Current:** Agricultural Residential 1 (AR-1) |
Proposed: Agricultural (AG-1)

Location **7051 Ransom Free Road** | Tax Parcel 11001
000003A

Commission District Three

Planning Commission Date August 4, 2025

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

Record Number(s) HZON25-0033

Planning Commission Recommendation **Approval**

Vote: 5-0

Excerpts from the minutes of the August 4, 2025 meeting

Applicant’s Presentation:

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

Pat Garner, 81 Crowne Pointe, Dawsonville, presented the request. The applicant is requesting to rezone the subject property from Agricultural Residential 1 (AR-1) to Agricultural (AG-1) to allow for the addition of a second single-family dwelling on the subject parcel. The subject property is currently developed with a single-family residence (HRNEW23-0606). The property has a creek running along the western property

line, which requires a 50 foot undisturbed buffer and a 75 foot impervious setback. This area is also impacted by the County Studied and FEMA Flood Zones. The application acknowledges the intention to adhere to all required stream buffer and flood zone restrictions.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve was made by Stan Hunt and seconded by Frank Sosebee. Vote: 5-0

Staff recommends APPROVAL of the applicant's requests.

Summary Analysis

The applicant is requesting to rezone the subject property from Agricultural Residential 1 (AR-1) to Agricultural (AG-1) to allow for the addition of a second single-family dwelling on the subject parcel.

The subject property is currently developed with a single-family residence (HRNEW23-0606). The property has a creek running along the western property line, which requires a 50 foot undisturbed buffer and a 75 foot impervious setback. This area is also impacted by the County Studied and FEMA Flood Zones. Per the submitted site plan, the applicant will adhere to all required stream buffer and flood zone restrictions.

The surrounding properties are zoned and developed as outlined below:

North: Agricultural Residential 1 (AR-1): Developed with single-family residences.
South: Agricultural Residential 1 (AR-1): Developed with single-family residences.
East: Agricultural Residential 1 (AR-1): Vacant.
West: Agricultural Residential 1 (AR-1): Vacant.

Per the submitted narrative and the floor plans, the applicant proposes a barndominium-style residence totaling approximately 5,500 to 6,000 square feet to include a shop, office, and four bedrooms. A barndominium is a residential structure that combines a barn-style exterior with living space inside. The applicant has also indicated the potential for future accessory structures to be used for personal storage and agricultural activities. No variances have been requested as part of this application.

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

Comprehensive Plan Land Use Designation

Based on the future land use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan future land use designation of "Rural Neighborhood" These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family

residential 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 Agricultural (AG-1) zoning district is consistent with the use, development, and zoning of adjacent and nearby properties.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning does not 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 obtain a building permit for a second dwelling without rezoning to Agricultural (AG-1).**
- 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 an onsite septic system and a private well.**
- 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 Comprehensive Plan and the intent of the Rural Neighborhood land use designation. The Rural Neighborhood designation envisions a density of 0.75 dwellings per acre. The proposed development has a density of 0.12 dwellings per acre.**
- 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 property is currently developed with a single-family residence (HRNEW23-0606).**
- 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; **The adoption of the Unified Development Code in 2024 established the Agricultural (AG-1) zoning district. This district allows up to two (2) dwelling units per parcel for properties 5 acres or larger.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The Agricultural (AG-1) zoning district was established with the adoption of the UDC in November of 2024. As such, the rezoning of this property to Agricultural (AG-1) would not be considered an isolated district as the property meets the minimum acreage standards and meets the intent of the Hall County Comprehensive Plan. The surrounding properties are zoned Agricultural Residential (AR-1), which supports similar uses as the requested rezoning.**
- 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; **There are no other properties within the county that are permitted to have a second dwelling unit, excluding Accessory Dwelling Units (ADU), without approval from 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 rezoning 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 July 3, 2025, Emily McGahee stated “Must meet all residential permitting requirements.”

Georgia Department of Transportation

In an email dated June 26, 2025, Nakia Nembhard Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated July 3, 2025, Director Bill Nash stated the following:

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. Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

No comment

Utilities:

Hall County sewer area. No sewer in vicinity

Hall County Fire Marshal

In an email dated June 27, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “Hall County Fire Marshal’s Office comment: 1. Access to 2nd dwelling not shown on concept plan.”

Hall County Tax Assessors

In an email dated June 26, 2025, Cher Melendez, Specialized Assessment Manager, stated, “2020 CUVA – TP reached out to CUVA for breach estimate in 2024.”