

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Shaun Foudy

Request **Rezone** | from Planned Commercial Farm District (PCFD) to Agricultural Residential 1 (AR-1)

Proposed Use Uses permitted in AR-1

Size 9.99± acres

Zoning **Current:** Planned Commercial Farm District (PCFD) | **Proposed:** Agricultural Residential 1 (AR-1)

Location **5742 Bethel Road** | Tax Parcel 12007 000009

Commission District Three

Commission Date December 11, 2025

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

Record Number(s) HZON25-0049

Staff recommends APPROVAL of the applicant’s request.

Summary Analysis

The applicant is requesting to rezone a 9.99± acre portion of a tract from Planned Commercial Farm District (PCFD) to Agricultural Residential 1 (AR-1) to allow uses permitted in the AR-1 zoning district. Currently, the subject property remains undeveloped, pastured and wooded.

The subject property is a portion of a 720± acre combined tract. In 1986, the Board of Commissioners approved a request to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Farm District (PCFD) for dairy cattle farming (ZON1986-00015). The PCFD zoning was approved with no associated conditions. The applicant requests to remove the subject 9.99± acre portion from the PCFD designation.

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 a single-family residence
East: Planned Commercial Farm District (PCFD): Developed with single-family residences
West: Planned Residential Development (PRD): Undeveloped
Agricultural Residential 1 (AR-1): Developed with a single-family residence

Per the narrative, the applicant plans to utilize the property for uses permitted within the Agricultural Residential 1 (AR-1) zoning district. The applicant states that rezoning the property to AR-1 will align with the existing character of the surrounding community and the existing PCFD zoning is no longer the most suitable classification for this parcel.

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 Agricultural” within the North Hall Character Area. These areas should consist of active farms and agricultural enterprises and very low-density, large lot single-family residential up to 0.75 dwellings per acre. Development patterns may involve larger areas of undeveloped or cultivated land characterized by large distances between buildings and deep setbacks.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the 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 rezoning is suitable in view of 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; **No, it is not anticipated that the proposed rezoning will adversely affect nearby 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, future development would be limited by the existing PCFD zoning district without approval of the request.**
- 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; **If approved, the use is not anticipated to 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; **The proposed use is consistent with the Comprehensive Plan and the “Rural Agricultural” land use designation.**
- 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 undeveloped.**
- 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 change in zoning would align the subject property with the current zoning of adjacent parcels.**
- 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 immediate neighborhood or 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 other properties within the County that support agricultural and residential uses based on the Future Land Use Map.**
- 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 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 October 2, 2025, Emily McGahee stated "No comment."

Georgia Department of Transportation

In an email dated September 30, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated "Off system, coordination not needed."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated October 3, 2025, Assistant Director Jason Skarda stated the following:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

No comment

Utilities:

No sewer in area. Hall County sewer area.

Hall County Fire Marshal

In an email dated September 29, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."