

between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved.

5. All conditions of zoning shall be made a part of any plats or development plans created for the property.

(B) Staff recommends DENIAL of the applicant's request.

The following should be considered as a variance to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. **7.7.3.B.3 – Agri-entertainment Events** – The agri-entertainment primary event structure must be located at least 300 feet from any property line under separate ownership.
 - The primary event structure, Barn A, is approximately 100 feet from the nearest property line under separate ownership. The other primary event structure, Barn B, is approximately 65 feet from the nearest property line under separate ownership. **This does not meet the standard.**
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Summary Analysis

The applicant is requesting approval of a special use to allow an agri-entertainment venue focused on agri-tourism activities centered around Highland Cattle on a 23.01± acre tract zoned Agricultural Residential 1 (AR-1). In conjunction with this request, the applicant is also seeking a variance from the agri-entertainment use standards to reduce the minimum required setback for primary event structures from adjacent properties under separate ownership, from 300 feet to 65 feet and 100 feet, for two existing barns located on the property.

The subject property is currently developed with a single-family residence, two barns, fenced pastures with run-in sheds, and several accessory structures.

The surrounding properties are zoned Agricultural Residential 1 (AR-1) and are developed with single-family residences and agricultural uses.

Per the narrative, the applicant is requesting special use approval for an agri-entertainment venue focused on an agritourism program that invites visitors to experience Highland Cattle in a safe, educational, and family-friendly setting. In addition to small-group farm tours and educational activities, the applicant proposes hosting a limited number of private events on the property such as weddings.

Proposed activities include:

- Meet the Highland Cattle: Guided introductions to the cattle, including supervised feeding, petting, and brushing.
- Educational Sessions: Short talks about the history, care, and role of Highland Cattle in farming
- Coffee with Cows: A morning social gathering where guests enjoy coffee and pastries while spending time near the herd.

- Crafts and Cow Creations: Hands-on craft activities for children and adults, such as cow-themed art projects, painting, and seasonal decorations.
- Yoga with Cattle: Outdoor yoga sessions in the pasture or overlooking cattle for relaxation and wellness
- Picnic with the Herd: Designated picnic areas near the cows for families and small groups.
- Farm Tours: Guided walking tours explaining sustainable farming practices, pasture management, and livestock care.
- School Field Trips: Providing students with a unique hands-on learning opportunity outside the classroom. Children can experience Highland Cattle up close, learn about animal care, farming practices, and the importance of agriculture in daily life.
- Small-scale private events that may include weddings, family gatherings and community celebrations.
- Seasonal activities could include: pumpkin patch with cows, holiday photos with decorated barn and cows, calf watch and planting activities, ice cream social and cow cooling demonstrations.
- Small farm store for local goods, crafts and refreshments.

Per the submitted narrative, visitation will be by appointment only, Monday through Sunday 9:00am to 10:00pm. The Highland Cattle experience and photo sessions will be limited to groups of no more than six participants. Yoga classes will be limited to 20 people and offered up to three times per week, with each session lasting one hour. Barn A is designated for smaller gatherings and will house the farm store. An outdoor wedding and event area is proposed to the west of Barn A. Barn B is intended to accommodate larger events.

The submitted site plan identifies the locations of the Highland Cattle pastures, the outdoor event location, both barns and the parking area. Barn A, constructed in 2016, is situated approximately 100 feet from the eastern property line. Barn B, constructed in 2023, is approximately 65 feet from the same boundary. The applicant has requested a variance to section 7.7.3.B.3 to allow these structures to be closer than the required distance of 300 feet from any property line under separate ownership. Visitor parking, shown near Barn A, is 200 feet from the nearest property line under separate ownership in compliance with Section 7.7.3.B.5.

Based on the future land-use plan, staff finds the requested special use is consistent with the Hall County Comprehensive Plan future land use designation of “Rural Agriculture”. The intent of this future land use designation is that these areas should consist of active farms and agricultural enterprises and very low-density, large-lot single-family residential use with density of 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 – Special Use

When considering a use subject to approval of the County Commission, 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:

- 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 special use is suitable in view of the use, agricultural zoning, and development of adjacent and nearby properties.**

- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed special use of an agri-entertainment venue, operating under the specified parameters, would adversely affect the existing use or usability of adjacent 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 Agricultural Residential 1 (AR-1); however, a special use for an agri-entertainment venue requires Board of Commissioner approval.**
- 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; **It is not anticipated that the proposed special use will 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 special use aligns with the goals and policies outlined in the Comprehensive Plan and Rural Residential future land use designation. It complements the existing residential and agricultural character of surrounding properties and supports the intended physical development pattern for the area.**
- 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 values 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 property is zoned Agricultural Residential 1 (AR-1). The site is currently developed with a single-family residence, constructed in 1989, as well as two barns and other accessory structures, as reflected in county tax records. Historically, there were two poultry houses on the property.**
- 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; **There are no known changing conditions affecting the use or development of the property.**

- k) Whether the change would create an isolated district unrelated to the surrounding districts; **This question is not applicable as there are no proposed changes to the zoning classification.**
- 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; **An agri-entertainment venue is classified as a special use requiring approval by 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 a special use 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.**

Zoning Analysis - Variance

The Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, as the existing barns (Barn A constructed in 2016 and Barn B constructed in 2023) were built in accordance with setback requirements applicable to general agricultural uses and do not meet the standards specific to agri-entertainment operations.**
2. The application of the requirements of this Unified Development Code to this particular piece of property would create an unusual hardship; **The application of setback requirements to this property would result in a hardship, as it would preclude the use of the existing barns, constructed in compliance with general agricultural use standards, as a functional component of the proposed agri-entertainment venue.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The conditions affecting the subject property are not unique and are generally consistent with those of neighboring parcels. However, the placement and**

development of the existing barns by the applicant has created limitations in meeting current setback requirements specific to agri-entertainment use.

4. Such conditions are not the result of any actions of the property owner; **The barns were constructed by the applicant in 2016 in compliance with standards applicable to general agricultural uses.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article 11; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited or for a conditional use which has been denied by the county Planning Commission; **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article 11.**

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, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Georgia Department of Transportation

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

Hall County Public Works and Utilities

In a memo dated October 3, 2025, Jason Skarda, Assistant Director of Public Works and Utilities, provided the following comments:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic:

Driveway must conform to minimum 20' width.

Utilities:

No sewer in area. Hall County sewer service area.

Hall County Fire Marshal

In an email dated September 29, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, provided the following comments:

1. Any building to be used for commercial purposes must be within 500 feet from a fire hydrant as the truck travels.
2. Fire access from Joe Chandler Road to any commercial building must be 20' wide and include an approved turn around.
3. Engineered site development plans will be required for fire review and approval if the site does not meet the above fire code requirements.