

HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

Applicant William Henry Slack, IV

Request **Special Use** | amend conditions of zoning

Proposed Use Detached single-family unit

Size 0.575± acres

Zoning Residential Multi-Family (R-MF)

Location **0 & 3180 Haynes Drive** | Tax Parcel "The Cedars CA" (portion of common area) and 10113 000049

Commission District Two

Board of Commissioner Date January 8, 2026

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with the Residential Multi-Family (R-MF) zoning district.

Record Number(s) HZCU25-0054

Staff recommends APPROVAL of the applicant's requests with the following condition:

1. Unit J is hereby recognized as a permitted use within the existing condominium development. This approval is based on the site plan dated July 28, 2025, and the project narrative dated October 2, 2025. All previously established zoning conditions for the overall 8.668-acre tract shall remain in effect, except as specifically modified by this amendment.

Summary Analysis

The applicant is requesting to amend conditions of zoning on a 0.575± acre tract, zoned Residential Multi-Family (R-MF). Specifically, the request is for an existing detached single-family residence to be recognized as a conforming part of the existing zoning and to be removed from the condominium association.

On January 22, 1990, the subject property was approved by the Board of Commissioners to be rezoned from Residential 1 (R-1) to Residential Multi-Family (R-MF) for condominiums subject to the following condition:

1. Approval was given with the condition that no more than forty (40) units be built on the property.

The primary residence measures 3,251 square feet and was constructed in 2001, according to the Hall County Tax Assessors records. The structure has been utilized as a residence since its construction.

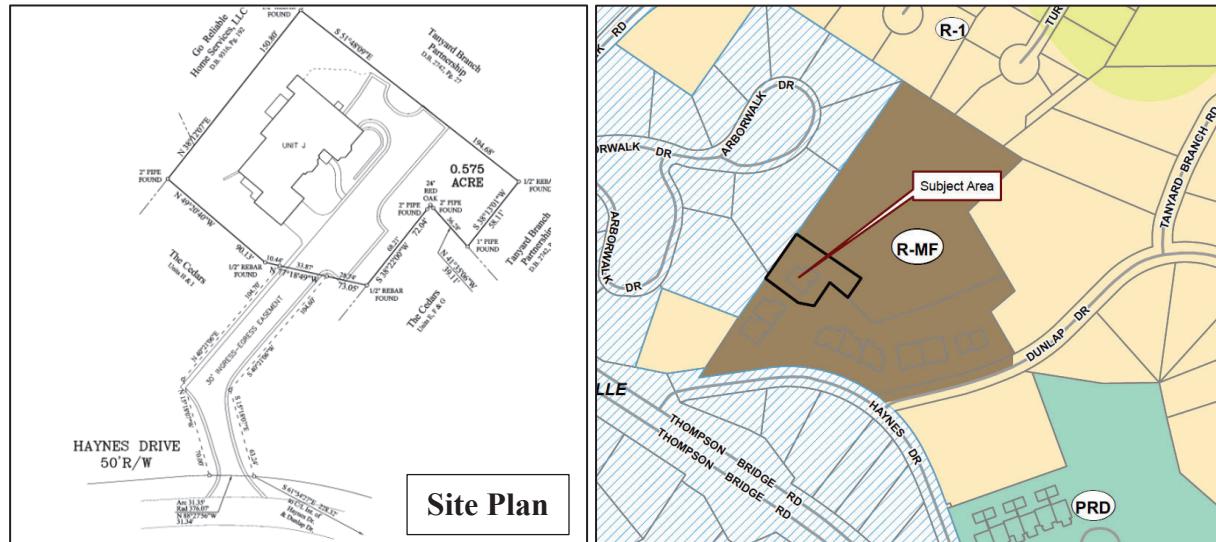
The surrounding properties are zoned and developed as follows:

North: Residential Multi-Family (R-MF): Undeveloped; Residential 1 (R-1): Developed with single family residences

East: Residential Multi-Family (R-MF): Developed with condominiums; Residential 1 (R-1): Undeveloped

South: City of Gainesville: Developed with single family residences

West: City of Gainesville: Developed with single family residences



Per the submitted narrative, the applicant is requesting to amend conditions of a previous rezoning to recognize the existing detached single-family residence as a conforming part of the existing zoning. The narrative states; Unit J was designated as part of The Cedars Condominium Association, Inc. and identified as a distinct property within the Association. Unlike the other units, Unit J was a standalone single-family residence. Specifically, the owner of Unit J was solely responsible for the maintenance, care, and repair of both the dwelling and the property. An access easement has been signed and finalized to allow legal access to the parcel once parceled out, but it has not yet been recorded.

Water service is provided by the City of Gainesville Department of Water Resources. Sanitary sewer services are provided by an on-site septic system located at the rear of the building.

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 use is suitable in view of the use and development of adjacent and nearby properties along Haynes Drive as there are other single family residential uses in the surrounding area.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use does not appear to 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.**
- 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 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 zoning and residential nature of the surrounding properties.**
- 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 developed with a 3,251 square feet detached single-family residence, constructed in 2001.**
- 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; however, the subject property was removed from the existing condominium association.**

- k) Whether the change would create an isolated district unrelated to the surrounding districts; **As the request is to amend zoning conditions of an existing Residential Multi-Family (R-MF), this amendment would not create an isolated district unrelated to the surrounding zoning districts.**
- 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; **The existing zoning of the subject site supports the proposed use; however, the amendment to conditions requires approval by the Board of Commissioners.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **A request to amend the conditions of zoning requires approval by the Board of Commissioners.**
- 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 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 use; 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 December 1, 2025, Emily McGahee stated, "Parcel is considered a lot of record by Environmental Health. The septic serving the structure is approved for a maximum of 3 bedrooms."

Georgia Department of Transportation

In an email dated December 3, 2025, Christopher Hash, P.E., D1 Traffic Operations Supervisor, stated "No impacts to state route expected. No coordination is needed."

Hall County Public Works and Utilities

In a memo dated December 4, 2025, Jason Skarda, Assistant Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No comment.

Utilities

Gainesville-Hall sewer service area, no infrastructure in vicinity.

Hall County Fire Marshal

In an email dated December 3, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."