

HALL COUNTY BOARD OF COMMISSIONERS STAFF REPORT

Applicant Dwayne Bradley Walton

Request (A) **Special Use** | Agri-entertainment venue
(B) **Variance** | from section 7.7.3

Proposed Use (A) & (B) Agri-Entertainment venue

Size 11.96± acres

Zoning Agricultural Residential 1 (AR-1)

Location **5773 & 5769 Conner Road** | Tax Parcel 08110
000151 & 08110 000015 (pt)

Commission DistrictTwo

Commission DateJanuary 22, 2026

Staff Recommendation (A) **Approval, with conditions**, as the proposed special use is compatible with the Agricultural Residential 1 (AR-1) zoning district.
(B) **Denial**, as no hardship exists pursuant to the criteria of 11.1.1.D.11

Record Number(s) (A) HZCU25-0057
 (B) HVAR25-0070

(A) Staff recommends APPROVAL of the applicant's request, with the following conditions:

1. The property shall be developed in accordance with the site plan dated September 12, 2025, and the project narrative dated October 22, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Prior to issuance of an agri-entertainment venue business license, a combination plat application shall be submitted to the County for approval.
3. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering. Where there may be discrepancies

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

4. 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 variances 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 is approximately 200 feet from the nearest property line under separate ownership.
 2. **7.7.3.B.3 – Agri-entertainment Events** – All parking for agri-entertainment event must be located at least 200 feet from any property line under separate ownership.
 - The parking for the primary event is approximately 32 feet from the nearest property line under separate ownership.
-

Summary Analysis

The applicant is requesting approval of a special use to allow an agri-entertainment venue on an 11.96± acre tract zoned Agricultural Residential 1 (AR-1). The proposed business will be focused on operating a farm winery and vineyard that hosts a variety of special events. Concurrent to this request, the applicant is also seeking multiple variances from the agri-entertainment use standards to reduce the minimum required setback for the existing primary event structure from 300 feet to 200 feet. Additionally, the applicant is requesting to reduce the minimum required setback for the parking area from 200 feet to 34 feet.

The subject property is currently developed with a single-family residence, one metal building, and three areas designated for grape vineyard.

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

Per the narrative, the applicant is requesting special use approval to establish an agri-entertainment venue centered around the operation of a farm winery and



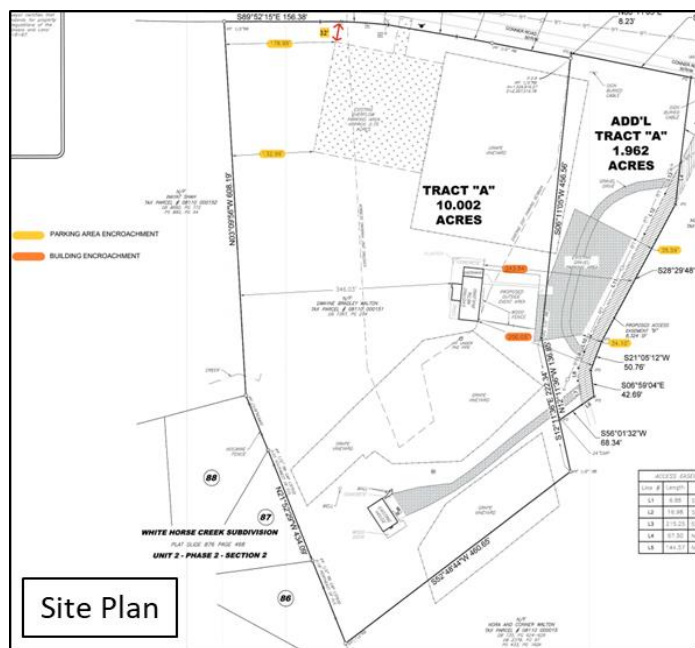
vineyard. In addition to wine production and vineyard tours, the applicant seeks approval to host a variety of special events to include the following:

- Outdoor Vineyard Weddings: Ceremonies and receptions held in designated vineyard areas or in a tent. Events will conclude no later than 9 p.m., with music and activities conducted in compliance with local sound ordinances and guidelines. Maximum attendance would be capped at 50 cars / 100 guests.
- Themed Sunday 'Festivals' Featuring local small businesses: Community-focused festival / gathering typically hosted every couple of months, lasting approximately four hours on Sunday afternoons. Each 'festival' may showcase local artisans, food vendors, and small businesses, encouraging local commerce and tourism while maintaining a relaxed and family-friendly environment.
- Private Office Parties and Corporate Events: Generally small, professional gatherings for local businesses for team-building or appreciation events.
- Private Receptions and Celebrations: Occasional receptions, anniversary parties, birthday parties, and small community celebrations.
- Other events and organizations: Local organizations that can use the space could use the property as needed for promotional events. For example, a local animal adoption group that wants to host an animal adoption event on the premises.

Per the submitted narrative, all of the above would be limited in scale and duration and managed with attention to noise, parking, and safety.

The submitted site plan identifies the locations of the grape vineyards, the existing metal building, and the parking area. The existing metal building, constructed in 2023, is approximately 200 feet from the eastern property line. The applicant has requested a variance to section 7.7.3.B.3 to allow this structure to be closer than the required distance of 300 feet from any property line under separate ownership and to allow the parking area to be closer than the required 200 feet from the nearest property line under separate ownership in compliance with Section 7.7.3.B.5.

Water service is provided by a private well. Sanitary sewer services are provided by an on-site septic system.



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:

- 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 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 agri-entertainment venue is consistent with the Agricultural Residential 1 (AR-1) zoning district and does not impact the Suburban Neighborhood Low Density future land use of 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 2015 and a metal building, constructed in 2023, as reflected in county tax records. The property has had an active business license for the farm winery since March 1, 2022.

- 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; **The existing zoning of the subject site supports the proposed use; however, the expansion of the farm winery into an agri-entertainment venue 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; **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 metal building (constructed in 2023) was 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 UDC to this particular piece of property would create an unusual hardship; **No unusual hardship would be created through application of the requirements of Article 11.**
3. Such conditions are particular to the 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 metal building 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 metal building was constructed by the applicant in 2023 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 this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission; **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC nor authorize any prohibited or previously denied use.**

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 December 16, 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 December 11, 2025, Christopher Hash, P.E., D1 Traffic Operations Supervisor, stated "Off system, no impacts to the state route expected."

Hall County Public Works and Utilities

In a memo dated December 17, 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:

No comments

Utilities

Flowery Branch Sewer Service area.

Hall County Fire Marshal

In an email dated December 15, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "Hall County Fire Comment: existing access to venue does not appear to meet the below fire code requirement, site plan will be required showing road width improvements. International Fire Code SECTION 503 FIRE APPARATUS ACCESS ROADS. 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders."