

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Haley Stapleton

Request **Rezone** | Residential Two-Family (R-TF)

Proposed Use Duplex for community residences

Size 1.70± acres

Zoning Agricultural Residential 1 (AR-1)

Location **7355 Tribble Gap Road** | Tax Parcel 09030
000022

Commission District Three

Commission Date April 21, 2026

Staff Recommendation **Denial**, as the proposed zoning is not consistent with the “Suburban Neighborhood, Low Density” future land use classification within the Comprehensive Plan.

Record Number(s) HZON26-0007

Staff recommends DENIAL of the applicant’s request. However, if the Commission chooses to approve this request, staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan dated March 9, 2026, and as described in the project narrative dated March 10, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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.

Summary Analysis

The applicant is requesting to rezone a 1.70± acre tract from Agricultural Residential 1 (AR-1) to Residential Two-Family (R-TF) to allow conversion of an existing building into a duplex for the purpose of establishing a community residence within each unit.

The site is currently developed with a 3,375-square-foot building constructed in 2004 for a daycare center.

The Board of Commissioners approved a Use Subject to County Commission approval for the subject property on January 8, 2004, for a Daycare Center with the following conditions:

1. The proposed development is approved as generally shown on the site plan submitted.
2. The development will be required to meet all the requirements of the Corridor Development Overlay District, or any future overlays for the Corridor of Highway 365 that might apply to this property.
3. Driveway entrance and design is subject to approval by the Hall County Engineering Department. Any road improvements required by the county shall be the financial responsibility of the applicant/developer.
4. All lighting on the premises shall be of a non-spill type.
5. Parking areas shall be paved with either asphalt or concrete.
6. All septic tanks shall have inspection tubes at the inlet and outlet.
7. All conditions of zoning shall appear on any plats created for the development.

The surrounding properties are zoned and developed as follows:

North:	Agricultural Residential (AR-1): Single-family residence
East:	Agricultural Residential (AR-1): Vacant Planned Commercial Development (PCD): Dental lab
South:	Light Industrial (I-1): Self-service - storage facility Planned Industrial Development (PID): Vacant
West:	Agricultural Residential (AR-1): Single-family residence

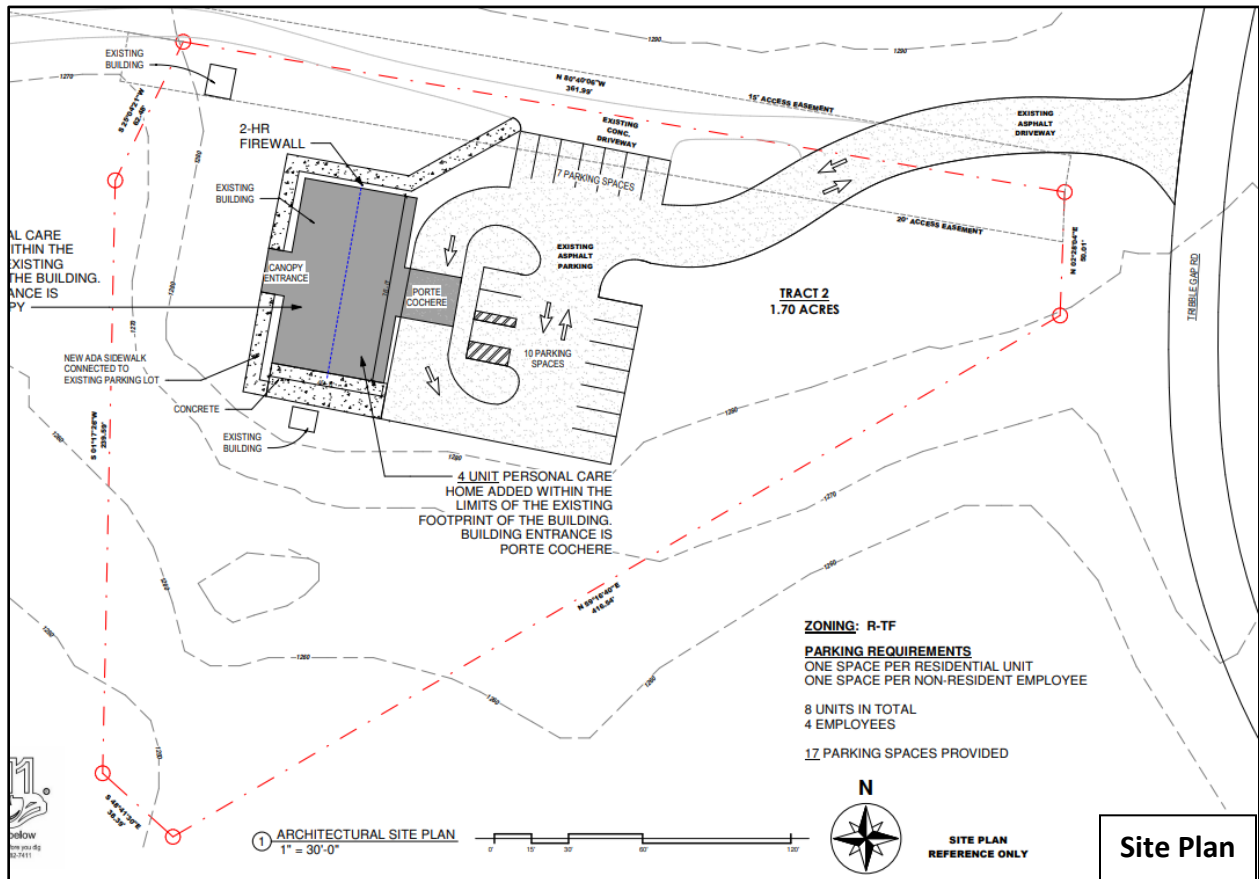


Per the submitted narrative, the applicant proposes to convert the existing structure into two community residence units, each accommodating four residents. Services will include 24-hour supervision and assistance with Activities of Daily Living (ADLs), including tasks such as dressing and feeding; however, no skilled nursing services will be offered. The facility will accommodate up to 8 residents, ages 18 to 105, with anticipated lengths of stay ranging from a minimum of 30 days to as long as 20 years. Staffing levels will include two employees during daytime hours and two employees overnight when operating at full capacity, ensuring continuous on-site supervision and support for all residents.

No exterior modifications are proposed. The request includes only interior renovations to convert the existing daycare building into two community-residence units, including installation of a 2-hour fire-rated wall between the units. The facility will utilize the existing driveway and parking areas, with no additional parking spaces required.

The existing freestanding sign will be removed, as it is located within the right-of-way and does not meet current standards. A new monument-style sign will be installed in compliance with UDC Section 8.6.14.B.1. The monument sign may have a maximum height of 5 feet, a maximum sign area of 16 square feet, and must be located at least 15 feet from all property lines.

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



Based on the future land use plan, staff finds the requested zoning designation *is not consistent* with the Hall County Comprehensive Plan future land use designation of “Suburban Neighborhood, Low Density” These areas consist of low-density, detached single-family housing. In less developed areas of the county, they should be focused where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located. Future infrastructure may be driven by the Sewer System Master Plan & Rate Study or by developers willing to fund access where it isn't already planned.

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; **While the proposed zoning is not supported by the Comprehensive Plan, the residential nature of the proposed use is suitable in view of the use 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; **The proposed zoning and 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; **While the proposed zoning is not supported by the Comprehensive Plan, the residential nature and density of the proposed use could be considered appropriate for the physical development 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 property is currently developed with a 3,375 square-foot building constructed in 2004 and previously licensed for a daycare center.**
- 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 change would create an isolated district unrelated to the surrounding 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 or the immediate neighborhood, as the structure exists and the proposal converts a daycare building to a residential use.**
- 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 Residential Two-Family zoning based on the Future Land Use Map; however, the proposed development is located on a parcel that is not currently zoned for a duplex use and therefore requires rezoning 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 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 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 March 25, 2026, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during 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. Please note that BOC approval does not imply approval from other county departments.”

Georgia Department of Transportation

In an email dated March 16, 2026, 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 memorandum dated March 26, 2026, Jorge Gomez, 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:

The proposal does not impact traffic volumes or cause concerns with the driveway.

Utilities:

No comment. Property is not located in Hall County service district.

Hall County Fire Marshal

In an email dated March 19, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "If approved the code requirements for this project will fall under the International Residential Code, the Hall County Fire Marshal's Office has no comments regarding the proposed changes."