

**HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT**

**Applicant** ..... Chao Li Real Estate, Inc.  
**Request** ..... **Special Use** |for a minor subdivision  
**Proposed Use** ..... 2-lot subdivision  
**Size** ..... 5.17± acres  
**Zoning** ..... Residential 1 (R-1)  
**Location** ..... **3860 Wiley Road** | Tax Parcel 10153 000010  
**Commission District** ..... Three  
**Commission Date** ..... April 21, 2026  
**Staff Recommendation** ..... **Approval, with conditions**, as the proposed use meets all minimum standards of the Residential 1 (R-1) zoning district.  
**Record Number** ..... HZCU25-0063

**Staff recommends APPROVAL of the applicant’s requests with the following conditions:**

1. The property shall be developed in accordance with the site plan dated November 5, 2025, and narrative received April 2, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. A building permit for the residence at 3860 Wiley Road shall be completed prior to approval of the minor subdivision plat.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: “Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.

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

**Summary Analysis**

The applicant is requesting a Special Use for a 2-lot subdivision on a 5.17± acre tract, zoned Residential 1(R-1). A building permit was issued May 18, 2023, for a single-family residence, however, the permit expired December 8, 2025. The dwelling appears complete, however, final inspections have not been conducted nor a Certificate of Occupancy issued (HRNEW23-0567).

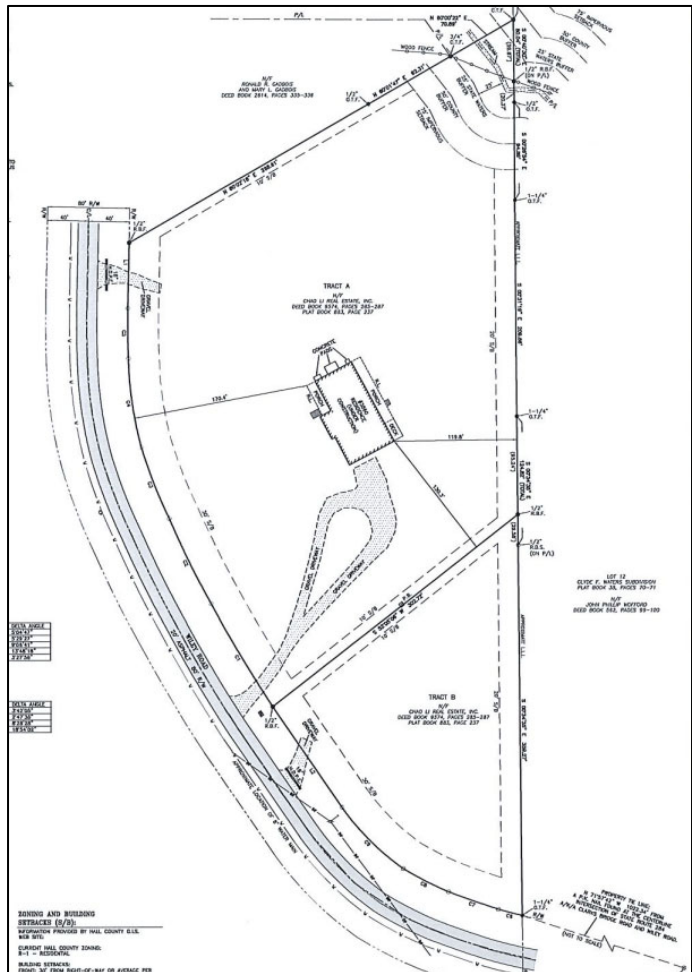


The surrounding properties are zoned and developed as outlined below:

- North: Residential 1 (R-1): single-family residence
- East: Agricultural Residential 1 (AR-1) & Residential 1 (R-1): single-family residences
- South: Residential 1 (R-1): single-family residence
- West: Residential 1 (R-1): single-family residence

Per the submitted narrative, the applicant is proposing a 2-lot subdivision for the construction of a single family residence on Tracts A and B. Per the submitted site plan, Tract A at 3.92 acres and B at 1.25 acres, meet the minimum lot size of 35,000 square feet for parcels served by septic and required minimum road frontage of 50 feet.

Water service is provided by the City of Gainesville and sanitary sewer services will be provided by on-site septic systems.



### Zoning Analysis

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 use is suitable in view of the use and development of adjacent and nearby properties along Wiley Road as there are other R-1 lots and 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 partially constructed residence on the proposed Tract A (HRNEW23-0567).**

- 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; **This special use 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 or the immediate neighborhood.**
- 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 proposed 2-lot subdivision 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 special use for a minor subdivision in Residential 1 (R-1) 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 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 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 March 25, 2026, Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that BOC approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

#### **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:**

No comment.

##### **Traffic:**

This proposal does not impact traffic volumes.

**Utilities**

No comment. Sewer is not available in this area.

**Hall County Fire Marshal**

In an email dated March 18, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."