

**HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT**

**Applicant** ..... Nancy E. Riggs

**Request** ..... **Rezone** | from Vacation Cottage (V-C) & Agricultural Residential 1 (AR-1) to Agricultural (AG-1)

**Proposed Use** ..... Uses permitted in AG-1

**Size** ..... 9.879± acres

**Zoning** ..... **Current:** Vacation Cottage (V-C) & Agricultural Residential 1 (AR-1)  
**Proposed:** Agricultural (AG-1)

**Location** ..... **5964 Overby Road** | Tax parcel 08109 000015

**Commission District** ..... Two

**Planning Commission Date** ..... May 28, 2026

**Staff Recommendation** ..... **Approval**, as the proposed zoning is consistent with the residential nature of the surrounding properties.

**Record Number**.....HZON26-0009

**Staff recommends APPROVAL of the applicant’s request.**

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**Summary Analysis**

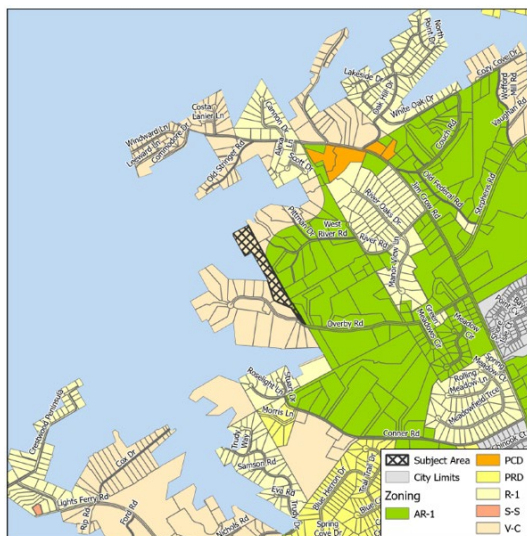
The applicant is requesting to rezone the subject property from Vacation Cottage (V-C) and Agricultural Residential 1 (AR-1) to Agricultural (AG-1) to allow for the addition of a second single-family dwelling on the subject parcel.

According to the Hall County Tax Assessors records, the property is currently developed with a 1,064 square foot single-family residence constructed in 1960.

The surrounding properties are zoned and developed as outlined below:

- North: Army Corps of Engineers – Lake Lanier
- East: Agricultural Residential 1 (AR-1): Single-family residences; Vacation Cottage (V-C): Single-family residences

South: Vacation Cottage (V-C): Single-family residences  
West: Vacation Cottage (V-C): Single-family residences; Army Corps of Engineers – Lake Lanier



Per the submitted narrative, the applicant is requesting to rezone the property to Agricultural (AG-1) to allow for the addition of a 4,500 square foot second single-family dwelling.

Per the submitted site plan, water service is to be provided by a private well. City of Gainesville water is also available along Overby Road. Sanitary sewer services will be provided by an on-site septic system.

**Based on the future land use plan, staff finds the requested rezoning *is consistent* with the Hall County Comprehensive Plan and the future land use designation of Lakeside Residential.** These areas are located near and adjacent to the edges of Lake Lanier and can range from low density residential to resort-style multifamily. Lakeside Residential is intended to preserve established lakefront neighborhoods and create opportunities for permanent and vacation residences along and adjacent to the lake. While some of these areas are not located directly on the lake, they have a development pattern similar to their lakeside neighbors or are likely to see a style of development that is denser than Rural Neighborhood or slightly less dense than Suburban Neighborhood, Low Density. Depending on the character area and what zoning districts they allow, residential densities can be up to 0.75 dwellings per acre or up to 8 dwellings per acre.

### **Zoning Analysis**

When considering a zoning amendment to the zoning maps, the Planning 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 Agricultural (AG-1) zoning district is consistent with the residential use, development, and zoning 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 rezoning does not adversely affect the existing use or usability of adjacent residential 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 rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by private well and an individual on-site septic system.**
- 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 zoning is consistent with the Comprehensive Plan's Future Land Use designation of Lakeside Residential. It also aligns with the residential character 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.**
- 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 1,064 square foot single-family residence constructed in 1960 as reflected in the county tax records.**
- 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; **The Agricultural (AG-1) zoning district was created to accommodate agricultural uses and to allow a second dwelling unit on parcels of 5 acres or more which is directly relevant to the applicant's request.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The Hall County Comprehensive Plan and Unified Development Code adopted in 2024 established the Agricultural (AG-1) zoning district. As such, the rezoning of this property to Agricultural (AG-1) would not be considered an isolated district.**

- 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; **There are no other properties within the county that are permitted to have a second dwelling unit, excluding Accessory Dwelling Units (ADU), without approval from 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 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

- a. 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.**
- b. 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 a memorandum dated April 29, 2026, the Hall County Environmental Health Department states: "Must meet all residential permitting requirements. An original copy of the Level 3 soil evaluation, a copy of recorded plat, and a detailed site plan will be required at time of septic permit application. Please note that BOC approval does not imply approval from other county departments."

#### **Georgia Department of Transportation**

In an email dated April 17, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated "Off system, no impacts to state route expected."

#### **Hall County Public Works and Utilities**

In a memorandum dated April 28, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

##### **Engineering:**

Show FEMA and Hall County studied Flood plains that are present on site.

##### **Traffic:**

The proposed zoning change will not significantly increase traffic volumes.

##### **Utilities:**

No comment. Property is not located in the Hall County service delivery area.

#### **Hall County Fire Marshal**

In a memorandum dated April 20, 2026, the Hall County Fire Marshal's Office stated "The Hall County Fire Marshal's Office has no comments as proposed."