

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Mulberry Springs Vineyard & Winery

Request (A) **Special Use** | Agri-entertainment venue
(B) **Variance** | to Section 7.7.3

Proposed Use Agri-entertainment venue

Size 19.44± acres

Zoning Agricultural Residential 1 (AR-1)

Location **4527 J M Turk Road & 4567 Stanley Road** | Tax
Parcels 15044 000034A & 000034(pt)

Commission District One

Commission Date June 11, 2026

Staff Recommendation (A) **Approval**, 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.....(A) HZCU25-0037
(B) HVAR25-0035

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

1. Prior to issuance of an agri-entertainment venue business license, the two subject parcels shall be combined by plat, or a reconfiguration plat shall be submitted that enlarges the agri-entertainment parcel to a minimum of 5 acres.
2. A trip generation memo shall be submitted, prior to issuance of an agri-entertainment business license, to inform if a traffic impact study will be required.
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.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

(B) Staff recommends DENIAL of the applicant's request.

Application History

Per a memorandum from the Hall County Law Department in response to Dr. Mark Faul's request to proceed with the County hearing for the tabled Special Use and Variance request, Justin Lawhon, County Attorney, stated:

"...pursuant to O.C.G.A. § 36-66-5.1(d), a stay was applied to all relevant legal proceedings, and the application was tabled due to the pending litigation in *Arrowquest Services, Inc. et al. v. Hall County et al.*, Superior Court of Hall County, Civil Action File Number 2024-CV-002062, which involves an appeal of a rezoning decision directly affecting the subject property."

It is now the opinion of the Hall County Law Department that the BOC may move forward with hearing these requests and that the "...hearing may proceed during the pendency of the zoning appeal, to the extent it is not deemed to be in furtherance of the action under review."

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, the tasting room, is 32 feet from the neighboring property.

 - 2. 7.7.3.B.5 – Agri-entertainment Events** – All parking for an agri-entertainment event must be located at least 200 feet from any property line under separate ownership.
 - The parking area is 35 feet from the neighboring property.
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Summary Analysis

The applicant is requesting approval of a special use to allow an agri-entertainment event venue associated with an existing farm winery, known as Mulberry Springs Vineyard & Winery, on a combined 19.44± acre tract. The property is currently zoned Agricultural Residential 1 (AR-1). Two variances related to the agri-entertainment use standards are also requested which include reducing the required distance of the primary event structure and event parking from properties under separate ownership.

The property at 4527 J M Turk Road is 2.20± acres and developed with a single-family residence, constructed in 1977 according to tax assessor records, along with a pavilion constructed in 2023 (HCNEW23-0016), and a 2,400 square foot tasting room currently in the inspections stage (HCNEW24-0012). The property at 4567 Stanley Road is developed with the applicant's primary residence and includes much of the farm winery vineyard. The property has had an active business license (BUS-0033532) for the farm winery since November 10, 2020.

The surrounding properties are zoned and developed as follows:

- North: Residential 1 (R-1): Single-family residences;
Agricultural Residential 1 (AR-1): Mulberry Creek Park & Community Center & single-family residence
- East: Planned Residential Development (PRD):
Undeveloped – approved for a 256-unit residential development on 10/10/2024 (HZON24-0020)
- South: Agricultural Residential 1 (AR-1): Single-family residences.
Planned Residential Development (PRD): Single-family residences & approved for a 256-unit residential development on 10/10/2024 (HZON24-0020)
- West: Agricultural Residential 1 (AR-1) and Residential 1 (R-1): Single-family residences.



According to the submitted narrative, the applicant is proposing to expand the farm winery to allow agri-entertainment uses including weddings and other private events. The definition of agri-entertainment events is “the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location or venue wherein a fee is charged by the owner or representative of the property for the use of the venue. Events include weddings, receptions, private parties, public gatherings, and community events” (UDC 7.7.3).

Per the submitted narrative, the applicant hosts a variety of events at the farm winery; however, he has not charged a fee for use of the venue.

Per a recent memorandum issued by Hall County development Services, Per section 5.30.020.M1.a of the Official Code of Hall County, and O.C.G.A. § 3-6-21.1, **Farm Winery** means a winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located, and:

- a. Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
- b. Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Based on the above definition of a Farm Winery, hosted events are not permitted as an accessory use. Per Section 7.1.5.A.1-5 of the Hall County Unified Development Code, events are not listed as an allowable accessory use for Farm Wineries and therefore may only be permitted if the Director determines they meet all criteria for accessory use as outlined below. At this time, events associated with a Farm Winery do not meet these standards:

- 1. The use must be clearly incidental to and customarily found in connection with the principal use.**

- Because events can vary greatly in size, frequency, and type, they cannot be determined to be customary or incidental to the Farm Winery use.
- 2. The use must be subordinate to and serving the principal use.**
 - Given the wide range of event types and scales, it cannot be consistently demonstrated that events serve the Farm Winery rather than function as a separate commercial activity.
 - 3. The use must be subordinate in area, extent, and purpose to the principal use.**
 - The potential scope of events makes it unclear whether they would remain subordinate in area or purpose to wine production and tasting.
 - 4. The use must contribute to the comfort, convenience, or needs of occupants or operations of the principal use.**
 - It cannot be definitively shown that events contribute to the comfort, convenience, or operational needs of the Farm Winery.
 - 5. The use must be located on the same lot as the principal use.**
 - This standard alone does not validate events as an accessory use.

For this reason, any events to be hosted will require agri-entertainment approval.

The applicant states that the operational hours for agri-entertainment events will comply with Hall County ordinances and the occupancy will comply with the Hall County Fire Marshal requirements.

Per the site plan, the Tasting Room, which would be the primary event structure, is 32 feet from the closest property line under separate ownership. The parking area for the farm winery is 35 feet from the closest property line under separate ownership. While the location of the Tasting Room and parking area complied with the standards for a farm winery at the time of permit issuance, they do not meet the setback requirements for an agri-entertainment venue.

Water is provided by a well and sanitary sewer services are provided by on-site septic systems.



The development standards for the project are described in the table below:

Agri-Entertainment Development Standard	Existing Conditions	Compliance
7.7.3.B.2: Minimum lot size is 5 acres	If the special use is approved, the applicant proposes to either combine the subject two parcels or submit a lot reconfiguration plat to enlarge the parcel with the agri-entertainment venue to a minimum of 5 acres.	Deficient
7.7.3.B.3: The agri-entertainment primary event structure must be 300 feet from any property line under separate ownership	The primary event structure, the tasting room, is approximately 32 feet from the nearest property line under separate ownership.	Deficient
7.7.3.B.4: Accessory structures for use of the property as an agri-entertainment event facility must be located at least 50 feet from any property line under separate ownership.	The accessory structures including the pavillion and wine house meet this requirement.	Complies
7.7.3.B.5: All parking must be at least 200 feet from any property under	The existing gravel parking lot is 35 feet from the nearest property line under separate ownership.	Deficient

separate ownership. Parking on grass or gravel may be permitted.		
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(A) Zoning Analysis - Special Use

When considering a zoning amendment, 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 current farm winery use and Agricultural Residential 1 (AR-1) zoning of the property.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the expansion of the farm winery into an agri-entertainment use will adversely affect the existing use or usability of adjacent or nearby properties provided proper setbacks are maintained.**
- c) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned; however, the applicant cannot expand the farm winery into an agri-entertainment venue without the Board of Commissioners' approval of a Special Use.**
- 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 use will result in an excessive or burdensome use of existing streets, transportation facilities, utilities or services. The property is served by an on-site well and 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 agri-entertainment venue is consistent with the Agricultural Residential 1 (AR-1) zoning district and does negatively not impact the Suburban Neighborhood Medium 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 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 at 4527 J M Turk Road is currently developed with a single-family residence, constructed in 1977 according to tax assessor records, along with a pavilion constructed in 2023 (HCNEW23-0016), a 2,400 square foot tasting room currently under the inspection phase (HCNEW24-0012) and a gravel parking area. The property at 4567 Stanley Road is developed with a single-family residence, constructed in 2008 according to tax assessor records, and the majority of the farm winery vineyard. The property has had an active business license (BUS-0033532) for a farm winery since November 10, 2020.**
- 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 that affect the use and development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **No change to the current zoning of Agriculture Residential 1 (AR-1) is proposed.**
- 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 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 adhere to the land development permitting process, and as a result, are subject to local, state, and federal regulations. There should not be an ecological or pollution impact 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.**

(B) 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. The structures were constructed to support a farm winery which is a use permitted by right within the AR-1 zoning district. The hardship cited does not arise from the lot's physical characteristics, but instead results from the applicant's chosen placement of the structure and parking area.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **The application of the UDC requirements does not create an unusual hardship for this property.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The topography of the subject parcel is similar to parcels in the surrounding area. The property owner's development of the farm winery limits its ability to comply with agri-entertainment setbacks.**
4. Such conditions are not the result of any actions of the property owner; **The placement of the primary event structure and parking lot is the result of the property owner's actions.**
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, may not cause substantial detriment to the public good, however, a variance would impair the purposes and intent of the agri-entertainment use standards.**

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 shall 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 Hall County Board of Commissioners.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission shall include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 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 shall 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 May 14, 2026, the Hall County Environmental Health Department stated "Must meet all Environmental Health commercial septic system permitting requirements. Septic permit OSC-10407 was issued on February 19, 2026 for the new commercial structure. Food Service permit/plan review may be required after review of business plan."

Georgia Department of Transportation

In an email dated May 5, 2026, Christopher Hash, P.E., D1 Traffic Operations Supervisor, stated "off system and no impacts to the state route are expected."

Hall County Public Works and Utilities

In a memorandum dated May 13, 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. Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

A trip generation memo is required to inform if a traffic impact study will be required.

Utilities:

No comment. Property is in Hall County service area but sewer is not available near that location.

Hall County Fire Marshal

In an email dated May 4, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, provided the following comments:

1. Architectural documents from May 13, 2023, indicate the occupancy load to be 111 occupants in the tasting room and 22 occupants in the basement. According to Life Safety Code section 12.3.5.2 a fire protection system is not required since the occupant load does not exceed 300 occupants. The maximum number of occupants including staff will be 111 in the tasting room and 22 in the basement, total occupant load 133.
2. Architectural documents from May 13, 2023, indicate the applicant will be installing a fire alarm system. The applicant will need to submit fire alarm plans through Accela to the Hall County Fire Marshal's Office for review and approval. As of 5/4/26 fire alarm plans have not been submitted by the applicant for Fire Marshal review and approval.

Hall County Tax Assessor

In an email dated May 12, 2026, John Smith, Deputy Chief Appraiser, stated, "It is the responsibility of the Board of Assessors to approve or deny Conservation Use applications or impose breaches. One of these parcels is under a conservation use contract. Our office has requested a Plan of Action from the owner; however, we have yet to receive it. It is our opinion not having a plan of action to review that we would recommend denial at this time."

Hall County Business License

In a memorandum dated May 5, 2026, Brandi Smith, Business License Director, stated "Mulberry Springs Vineyard & Winery has an active business license for Farm Winery. If approved for a Special Use, applicant will need to update their business license."

Hall County Building Inspections Division

In a memorandum dated May 13, 2026, Kristie Turner, Director of Development Services, stated "There is an active building permit for the tasting room – HCNEW24-0012."