

**HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT**

**Applicant** ..... Kelly Towers III, LLC

**Request** ..... (A) **Rezone** | from Residential 1 (R-1) to Suburban Shopping (S-S)  
(B) **Special Use** | for a telecommunication tower  
(C) **Variance to Section 7.4.5** | to telecommunication tower standards  
(D) **Variance to Section 5.2** | to reduce minimum road frontage  
(E) **Variance to Section 4.3** | to reduce minimum yards

**Proposed Use** ..... (A), (B), (C), (D) Telecommunication Tower  
(E) Single-family residence

**Size** ..... 4.99± acres

**Zoning** ..... **Current:** Residential 1 (R-1) | **Proposed:** Suburban Shopping (S-S)

**Location** ..... **0, 0 & 2378 Pine Circle Drive** | Tax Parcels, 00116 002023, 00116 002005 (pt) & 08005 000025 (pt)

**Commission District** ..... Four

**Commission Date** ..... August 27, 2026

**Staff Recommendation** ..... (A) **Denial**, as the proposed zoning is not consistent with the “Suburban Neighborhood, Medium-Density” future land use classification within the Comprehensive Plan.  
(B) **Denial**, as the proposed use does not meet the standards of the UDC.  
(C) **Denial**, as no hardship exists pursuant to the criteria of 11.1.1.D.11.  
(D) **Approval**, as hardship exists pursuant to the criteria of 11.1.1.D.11.  
(E) **Denial**, as no hardship exists pursuant to the criteria of 11.1.1.D.11. – **Applicant requests to withdraw**

**Record Number**..... (A) HZON26-0019

- (B) HZCU26-0020
- (C) HVAR26-0027
- (D) HVAR26-0038
- (E) HVAR26-0037

**(A), (B) & (C) Staff recommends DENIAL of the applicant's requests. However, if the Commission chooses to approve these requests, staff recommends the following conditions:**

1. The property shall be developed in accordance with the site plan dated June 26, 2026, and as described in the project narratives dated May 5, 2026, and July 29, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The applicant shall remove the existing garage on tax parcel 08005 000025 prior to plat approval in order to create the 25-foot wide road frontage access for tax parcel 00116 002023.
3. Any modification or replacement of the mobile home shall comply with all standards in effect at the time.
4. The commercial use of a telecommunication facility shall be the only permitted use on tax parcel 00116 002023 without approval from the Board of Commissioners.
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
6. All conditions of zoning shall be made a part of any plats or construction plans created for the properties.

**(D) Staff recommends approval**

**(E) Staff recommends denial - Applicant requests to withdraw**

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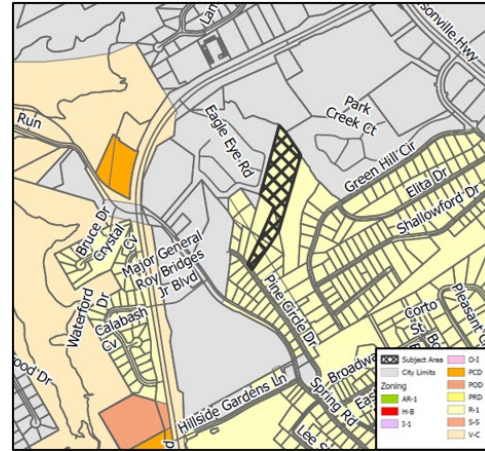
**Summary Analysis**

The applicant has submitted five concurrent requests:

- (A) to rezone a 4.99± acre combined tract from Residential 1 (R-1) to Suburban Shopping (S-S) for a new telecommunication facility,
- (B) a Special Use to allow a Tall Structure Permit for a telecommunication tower
- (C) a Variance to UDC Section 7.4.5, specifically,
  - (i) Section 7.4.5.H.6.a: a setback of the telecommunication tower from property line at 58 feet, where 87.5 feet is required, and
  - (ii) Section 7.4.5.I.2.a.i: a setback of 58 feet where 350 feet is required for the distance of a telecommunication tower from any residentially zoned property.
- (D) a road frontage variance from Section 5.2 to allow a reduction from a 100-foot road width to 25 feet to provide access to a landlocked parcel, and
- (E) a setback variance from the side yard for an existing mobile home – **Applicant requests to withdraw**

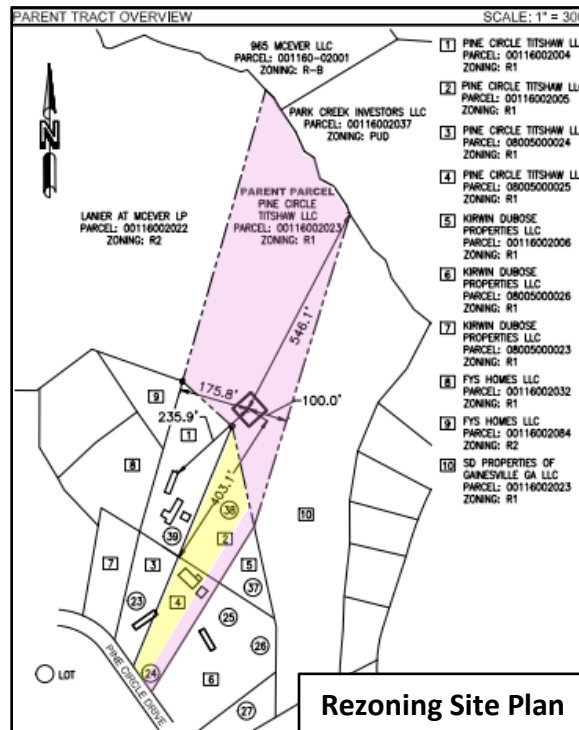
The northern two parcels, tax parcels 00116 002023 and 00116 002005 are undeveloped. According to Hall County Tax Assessor records, the parcel identified as 2378 5 Pine Circle Drive (tax parcel 08005 000025) contains a 1975 mobile home and detached garage. The surrounding properties are zoned and developed as outlined below:

- North: City of Gainesville Retail Business (R-B): undeveloped
- City of Gainesville Planned Unit Development (PUD): multi-family development
- East: City of Gainesville Planned Unit Development (PUD): multi-family development;
- Residential 1 (R-1): single-family residences
- South: Residential 1 (R-1): single-family residences
- West: City of Gainesville R-II: multi-family development
- Residential 1 (R-1): single-family residences



### Telecommunication Tower – Rezoning & Special Use

The area proposed for rezoning from Residential 1 (R-1) to Suburban Shopping (S-S) includes the northern parcel (Tax Parcel 00116 002023) and a 25-foot-wide strip along the eastern property line of Tax Parcels 00116 002005 and 08005 000025 (shown in pink). Together, these areas comprise approximately 4.99± acres intended to accommodate a telecommunication tower and associated ground equipment. A Special Use approval is required to allow the installation of a telecommunication tower within the Suburban Shopping (S-S) zoning district. The remainder of the southern parcels will remain Residential 1 (R-1) (shown in yellow).



Per the applicant's narrative, the project involves installation of a 175-foot-tall monopole telecommunication facility within a 3,600 square-foot lease area on the northern parcel. The submitted site plan and elevations illustrate the location and appearance of the structure. The proposed tower will be a monopole design equipped with stealth panels to screen all tower-mounted equipment from view. Photo simulations from surrounding vantage points have been provided. Ground-level equipment will be enclosed by a six-foot-tall chain-link fence with green privacy slats to blend with the surrounding landscape. A no-climb device will also be installed to enhance public safety and security. The tower is engineered to accommodate a minimum of four carriers and will maintain a galvanized steel finish in accordance with Sec. 7.4.5.H.5.a., which states, "Towers and/or antennas shall either maintain a galvanized steel or concrete finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness."

The wireless facility is unmanned and, following construction, will be visited only for periodic maintenance and occasional equipment upgrades. The facility requires no sewer or wastewater disposal. Required utilities are limited to electric service and fiber. Per the submitted site plan, the applicant proposes primary access from Pine Circle Drive by way of an existing driveway on tax parcel 08005 000025 that serves several mobile homes on 3 parcels owned by the same property owner, along with a 20-foot non-exclusive ingress and egress easement providing access to the lease area. The proposed development will include a 12-foot-wide concrete drive extending approximately 20 feet.

Per the submitted narrative, the tower will not be illuminated, as no lighting is required by the Federal Aviation Administration. Regarding FCC approval, the application is currently pending completion of a National Environmental Policy Act ("NEPA") environmental review. The facility will be in full compliance with all applicable FCC standards and regulations prior to antenna activation, consistent with the requirements of Sec. 7.4.5.H.10.

In summary, the applicant has submitted a complete Tall Structure Permit package that satisfies all requirements of Section 7.4.5 of the Hall County UDC. Independent review by the County's telecom consultant confirmed the application's completeness, including verified PE-sealed engineering plans, a full collocation inventory and analysis, FAA's official Determination of No Hazard, and documentation of federal NEPA and historic preservation clearance. Visual impact materials, topographic mapping, and all required notices were also provided, and the Gainesville Airport Division issued confirmation that it has no objection to the proposed structure. Taken together, the submitted materials fully demonstrate compliance with all Tall Structure Permit standards.

### **Photo Simulations**

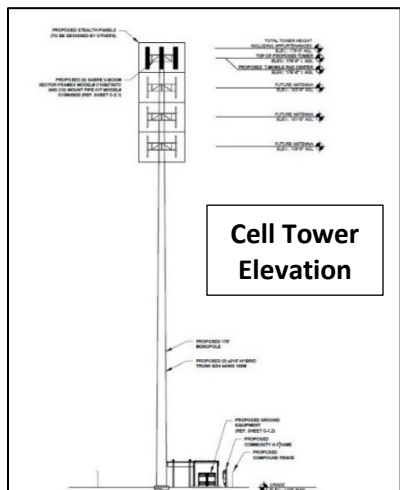
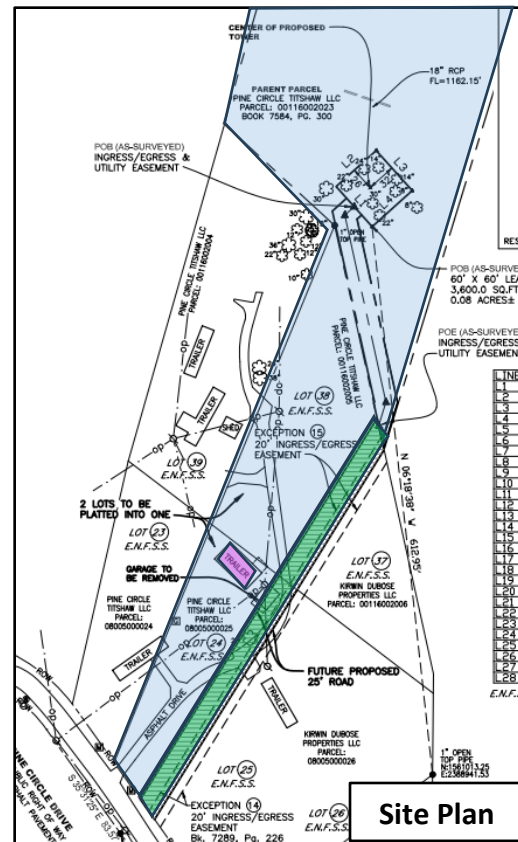


### **Road Frontage, Setbacks & Parcel Reconfiguration**

The northern parcel, Tax Parcel 00116 0002023, is a landlocked parcel. To provide access, the applicant proposes creating a 25-foot-wide strip along the eastern property line of Tax Parcels 00116 002005 and 08005 000025 (shown in green on the site plan below). Following this adjustment, those two parcels will be combined into a single parcel.

The Suburban Shopping (S-S) zoning district requires a minimum road frontage of 100 feet. Because the sole intended use is a telecommunication tower rather than a typical commercial development, a 100-foot frontage requirement is not practical for a property located on a residential road. Strict application of this standard creates a hardship for the applicant.

The creation of the proposed access strip to the landlocked parcel originally was thought to encroach into the newly established side setback due to an existing mobile home on the front parcel, Tax Parcel 08005 000025, established around 1975 prior to adoption of the Zoning Ordinance; however, subsequent information has confirmed no encroach will occur. The existing garage will be removed prior to plating the reconfigured parcels.



## VariANCES

Two (2) variances related to the Telecommunications Antennas and Towers standards will be required if the site plan as presented is approved.

- **Section 7.4.5.H.6.a – Setbacks and Separation:** “Towers shall be set back a distance equal to one-half of the height of the tower, from its base to any public way or property line of the lot or parcel containing the tower.”
  - A setback of 58 feet from the property line, where a minimum setback of 87.5 feet is required.
- **Section 7.4.5.I.2.a.i - Permitted Uses:** “Constructing a new tower, including the placement of a service building or other supporting equipment used in connection with said tower or antenna, in the S-S, H-B, I-1 or I-2 zoning districts; provided, however, that all structures shall meet the setback, screening, and buffer requirements contained herein, and shall be located a minimum distance of two times the height of the tower from any residentially-zoned property.”
  - A setback of 58 feet from any residentially zoned property, where 350 feet is required.

One (1) variance related to minimum road frontage will be required if the site plan as presented is approved.

- **Section 5.2 – Suburban Shopping (S-S) –** Minimum road frontage of 100 feet.
  - A road frontage of 25 feet to provide access to a landlocked parcel.

### **Comprehensive Plan Analysis**

Based on the future land use plan, staff finds the requested rezoning ***is not consistent*** with the Hall County Comprehensive Plan and the future land use designation of Suburban Neighborhood, Medium-Density within the Gainesville Character Area. These areas consist of medium-density, single-family housing (attached or detached). They should be located 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. Depending on the character area and what zoning districts they allow, residential densities can be up to 2.5 dwellings per acre or up to 8 units per acre.

### **(A) & (B) Zoning Analysis – Rezone and Special Use**

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; **The requested commercial zoning (S-S) is not compatible with the predominantly residential context of the surrounding area. Adjacent and nearby properties consist largely of single-family residences, with some commercial and multifamily development present along the broader corridor. However, while commercial zoning itself is not well aligned with nearby land uses, there appears to be a demonstrated need for improved cellular service in the area, and the proposed telecommunication tower would help address that need.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **While the reasoning for the request and the need for improved cellular service in the area are understood, the proposed commercial zoning (S-S) is not compatible with the**

**predominantly residential character of the surrounding properties. Although the telecommunication tower itself is not expected to directly affect the existing uses or usability of adjacent or nearby properties, the incompatibility of the zoning classification remains a concern.**

- 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, however, the applicant cannot develop the property as proposed without approval by the Board of Commissioners.**
- 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; **If approved and in compliance with all Hall County, State and Federal standards, the 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 not consistent with the intent of the Suburban Neighborhood, Medium-Density future land use designation in the Comprehensive Plan. The Suburban Neighborhood, Medium-Density should consist of medium density, single-family housing (attached or detached).**
- 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 affected 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 two northern parcels are vacant. The southern parcel has a mobile home established around 1975.**
- 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; **The proposed zoning would not create an isolated district unrelated to the surrounding**

**developments and districts. The adjacent parcel to the north is commercially zoned within the City of Gainesville. Parcels to the east and west contain higher density residential development within the City of Gainesville, while the area to the south consists of single-family residential uses.**

- 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; **The proposed rezoning appears to be out of scale with the needs of the county and the immediate neighborhood given the predominantly residential context of the surrounding area. However, the specific use for which the rezoning is sought, a telecommunication tower intended to improve cellular service, may align with broader countywide needs, even though the associated commercial zoning classification does not.**
- 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 telecommunication towers; however, the applicant's selected location is intended to address a documented gap in cellular coverage, which may not be as effectively resolved by alternative sites.**
- 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 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.**

**(C) Variance Analysis – Variance to Sections 7.4.5.H.6.a & 7.4.5.I.2.a.i.**

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 particular 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); **The steep topography of the subject property limits the feasibility of traditional residential or commercial development. A telecommunications facility, however, requires minimal land disturbance and can be constructed with limited grading. Given the site constraints, the proposed use represents an appropriate and practical development option and may be considered the highest and best use of the parcel.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **The steep slopes and limited buildable area make it difficult to place the tower elsewhere on the site. However, these site conditions do not constitute an unusual hardship sufficient to justify altering the zoning or setback requirements.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The property does have unique characteristics, including steep topography that limit typical development options. While these conditions are somewhat peculiar compared to nearby properties, they do not make the setback reduction appropriate given the surrounding residential context.**
4. Such conditions are not the result of any actions of the property owner; **No, the steep topography are natural conditions not created by the applicant. However while these constraints are not the result of action of the property owner, they do not justify the setback reductions.**
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, is not expected to result in substantial detriment to the public good, and the proposed telecommunication tower would help address a need for improved cellular service in the area. However, the requested setback reduction does not fully align with the purposes and intent of the UDC, as it would relax established standards intended to guide development consistency and compatibility.**

**(D) Variance Analysis – Variance to Section 5.2 – Minimum road frontage**

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 particular 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); **Because the northern parcel is landlocked, the proposed access fronts a residential street, and given the property is not intended for conventional commercial development but solely for a telecommunication tower, the standard 100-foot frontage requirement of the Suburban Shopping (S-S) zoning district is not appropriate for this setting. These physical and contextual constraints justify consideration of a reduced road-frontage requirement.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Requiring the full 100-foot road frontage would prevent the landlocked parcel from obtaining access, effectively limiting its ability to be developed. Because the parcel is not intended for conventional commercial use and is located on a residential street, the full frontage requirement is not practical and presents a hardship tied to the property's physical configuration.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The landlocked parcel was inherited by the property owner, and the need to create an access strip to reach it is unique in this area. Nearby parcels generally have**

**established frontage and do not require similar adjustments. Furthermore, the fact that the parcel is not intended for conventional commercial development reinforces that the typical commercial frontage requirement is not necessary or compatible with the residential nature of the road.**

4. Such conditions are not the result of any actions of the property owner; **The landlocked nature of the parcel is a longstanding condition not created by the current property owner. The need for reduced frontage stems from historic parcel configuration, not from any action taken by the property owner.**
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; **Granting relief for the reduced road-frontage requirement would not cause substantial detriment to the public good. Because the parcel is intended solely for a telecommunication tower and not a conventional commercial development, a full 100-foot frontage is not appropriate or necessary on a residential street. The proposed 25-foot access strip provides adequate and functional access while maintaining the residential character of the roadway. Allowing this reduced frontage supports reasonable access to a landlocked parcel without impairing the purposes or intent of the UDC.**

#### **Development Support and Constraints**

##### **Hall County Environmental Health**

In a memorandum dated July 29, 2026, Hall County Environmental Health Department stated, “No comment.”

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

In an email dated July 21, 2026, Christopher Hash, D1 Traffic Operations Supervisor, stated, “Off-system, no impacts expected to the State Highway System.”

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

In a memorandum dated July 29, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

##### **Engineering:**

Bond will be required.

##### **Traffic:**

Please provide an intersection sight distance certification at the Pine Cricle drive at driveway access point. This is to ensure the safe operation of the intersection during construction and ongoing use by telecommunication vehicles serving the facility.

##### **Utilities:**

No comment. Property is connected to Gainesville sewer district.

**Hall County Fire Marshal**

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

**Building Inspections**

In a memorandum dated July 28, 2026, Kristie Turner, Development Services Director, stated, "No structures on property, Building Inspections has no Comment."