

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Donnie and Deberah Kelley

**Request** ..... Rezone from Office Institutional (O-I) and  
Agricultural Residential-III (AR-III) to  
Agricultural Residential-III (AR-III)

**Proposed Use** ..... Single-family residence

**Size** ..... 24.25± acres

**Zoning** ..... O-I & AR-III

**Location** ..... On the south side of Thompson Bridge  
Road approximately 267 feet from its  
intersection with Lee Road; a.k.a. 4783  
Thompson Bridge Road; Tax Parcel 11061  
001002

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

**County Commission Date** ..... June 24, 2021

**Staff Recommendation** ..... **Approval, with one condition**

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**Planning Commission Recommendation – Approval, with one condition**  
**Vote: 4-0 (Mr. Varner absent)**

**Condition**

√	<p>1. <i>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:</i></p> <p><i>“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.”</i></p>
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√ **Applicant agrees with condition.**

## **Applicant Proposal**

The applicant is seeking to rezone a 24.25± acre tract from Office Institutional (O-I) and Agricultural Residential-III (AR-III) to AR-III for a single-family residence. The site plan submitted with the application is from a rezoning request in 2000, which rezoned a portion of the property from Residential-II (R-II) and AR-III to O-I for a medical office. This site plan depicts 4 separate tracts, however it was never recorded, therefore the property remains as one 24.25± acre tract with a portion of the lot zoned O-I.

After the 2000 rezoning request, the original residence was converted into a medical office, which operated for a number of years. The applicants state that they plan to revert the office back to a residence and reside on the property. The remainder of the lot will be in a conservation convent.

## **History and Existing Land Uses**

The subject property is zoned Office Institutional (O-I) and Agricultural-Residential-III (AR-III). The property is developed with a 2,473 square foot office building which was converted from a home in January 2000. This building was originally constructed in 1960. On January 13, 2000, the Board of Commissioners approved with one condition a portion of the subject property to be rezoned from Residential-II (R-II) and AR-III to O-I for an office and to vary the road frontage requirements.

The approved road frontage variance allowed for the subdivision of the O-I tract with 645 feet of frontage, leaving 51 feet of road frontage to access the 19.12± acres of pasture. The subdivision regulations of Hall County require that all new lots accessing an arterial or collector road must have a minimum of 150 feet of road frontage. This survey was never recorded and the road frontage variance expired after a year. The subject property is located on Thompson Bridge Road which is defined as an arterial roadway and requires a minimum road frontage of 150 feet.

Surrounding properties are zoned AR-III, R-II, and Residential-I (R-I) and are mostly developed with single-family site-built homes. The property located at 4782 Thompson Bridge Road, across from the subject property, is occupied by Lanier Elementary school and is zoned Residential II. The properties immediately to the southeast of the property are vacant and mostly wooded, with the exception of a 2 acre lot developed with a single family residence. Properties to the northeast of the property are developed with single-family residences and zoned both R-II and AR-III.

## **Comprehensive Plan Land Use Designation**

The Comprehensive Plan designates the subject property and surrounding area as a “Lake Area Residential” land use. This land use category is characterized by detached single-family low-density residential development, less intensive agricultural uses, greenways and trails, and civic benefits such as community centers, libraries, places of worship, and schools.

The rezoning request is consistent with the Hall County Comprehensive Plan.

## **Development Support and Constraints**

### **Hall County Environmental Health**

In an email dated May 4, 2021, Emily McGahee with Hall County Environmental Health stated

“Must meet all Environmental Health residential septic system permitting requirements. Further determination will be made at time of permit application. At a minimum, the following will be required at time of permit application: recorded plat, soil evaluation(s), and site plan. Additional items may be required after application review.”

#### Hall County Fire Services

The subject property is located approximately 2.6 miles from Hall County Fire station 11 located at 5625 Bark Camp Road. The closest fire hydrant is located approximately 75 feet from the northwest corner of the subject property along Thompson Bridge Road right-of-way.

#### Hall County Public Works and Utilities

In a memo dated May 6, 2021, the Hall County Public Works and Utilities Director Srikanth Yamala provided the following comments:

##### Engineering

No comment

##### Traffic Engineering

No comment

##### Utilities

No comment

#### Hall County Tax Assessors

No comments provided.

#### Gainesville Water Resources

The Hall County GIS shows public water available to the subject property along Thompson Bridge Road.

#### Georgia Department of Transportation

In an email dated April 26, 2021, Jonathan Peevy, the Assistant District Traffic Engineering, stated that this project may require GDOT coordination.

### **Zoning Analysis**

- The proposed use is within the “Lake Area Residential” land use designation.
  - The proposed use is consistent with the Hall County Comprehensive Plan.
  - The rezoning of the property from O-I and AR-III to AR-III would be considered downzoning and permitted uses are considered less intensive than those permitted in the O-I district.
- In the Official Code of Hall County, §17.110.010 permitted uses within the AR-III zoning district include:
  - Site built single-family detached dwelling units, Class A single-family detached dwelling units, Class A single-family manufactured home and Class A single-family industrialized dwelling units

- Non-commercial accessory residential uses, including but not limited to a private garage, detached home workshop, swimming pool, or greenhouse, all of which shall be incidental to the use of the property as a residence, home offices, churches and other places of worship, county uses including parks and playgrounds, substations for electrical transformers, gas regulators and telephone subscriber carrier sites, minor subdivisions, sawmills used to process timber grown and harvested on the property where it is processed, Family day care home, Construction trailer, Community residences, Home occupations, and transient occupancy of a vacation home.
- If the applicant chooses to subdivide the property in the future, the following subdivision requirements shall apply:
  - **Road Frontage:**
    - Section §16.50.040 of the Official Code of Hall County states that any new lot accessing a road designated as a arterial or collector shall have a minimum frontage of 150 feet.
      - Thompson Bridge Road is designated as a Principle Arterial and subject to 150 feet of road frontage for new lots.
  - **Minimum Lot Size:**
    - Section §17.240.010 of the Official Code of Hall County designates minimum lot size within AR-III zoned districts as 1 acre on public water and 1.5 acres on well water.
  - **Minor/major Subdivision requirements:**
    - §17.20.1210 of the Hall County Zoning Regulations defines a major subdivision as the division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale, legacy, a new street or a change in existing streets, and includes re-subdivision.
    - §17.240.010 of the Official Code of Hall County designates lots within an R-I zoning district to be a minimum of 35,000 square feet in size.

### **Staff Recommendation**

Staff recommends **approval** of the applicant's request with the following condition:

2. 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.”

**Excerpts from the minutes of the meeting of May 17, 2021**

**Applicant's Presentation:**

Sarah McQuade, Planning Director, presented a summary of the request.

Deberah Kelley, 7090 Alan Thomas Road, Cumming, presented the request. Ms. Kelley stated that she did not have anything to add to Ms. McQuade's summary.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion: Ms. Pilcher made a motion to recommend approval, with one condition for the request, with a second from Mr. Hunt and the motion passed by a 4-0 vote. (Mr. Varner absent)**

**Conditions:**

1. *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."*