

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant Reynolds-Hemmer Properties, LP

Request Use Subject to County Commission approval

Proposed Use Bring property into compliance

Size 4.50±

Zoning AR-IV

Location On the east side of White Sulphur Road
approximately 620 feet from its intersection
with Cornelia Highway; a.k.a. 3639, 3651, &
3655 White Sulphur Road; Tax Parcel 15019
000002(pt.)

Commission District Three

Planning Commission Date December 20, 2021

Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation – Approval, with conditions

Vote: 5-0

Conditions:

1. *Prior to the issuance of any building permits, a recorded plat shall be required.*
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.”*
3. *All conditions of zoning shall be made part of any plat created for the subdivision.*
4. *The road front variance shall be 90’ on tract two and 114’ on tract three.*

Applicant Proposal

The applicant is seeking approval for a use subject to County Commission for the subdivision of 4.50± acres into 3 lots from a 245.92± acre parent tract to bring the property into compliance. The narrative indicates that the request to subdivide the property is intended to remove the three lots from the parent tract that is currently in a conservation use covenant and have three existing residences separated

onto individual lots. The site plan shows the proposed subdivision of the property from parent tract into 3 new lots all measuring approximately 1.50± acres each for Tract 1, Tract 2, and Tract 3.

History and Existing Land Uses

The parent property, addressed as 3643 White Sulphur Road, consists of 245.92± acres and is zoned Agricultural-Residential-IV (AR-IV). The property also falls within the North Oconee Reservoir Watershed Protection Overlay District. According to tax records, there are four residences that were built in 1900, 1962, and two in 1966 as well as multiple accessory buildings on the property. Tract 1 includes a one-story frame house and barn; Tract 2 and Tract 3 each includes a one-story frame house.

According to Georgia Department of Transportation (GDOT) road classifications, White Sulphur Road is identified as a major collector road; §16.50.040 of the Official Code of Hall County states all new lots accessing a road designated as an arterial or collector shall have a minimum frontage of 150 feet. Of the three new tracts, only Tract 1 meets the road frontage requirement of a minimum of 150 feet for White Sulphur Road. A variance for a reduced road frontage would be necessary for Tract 2 from 150 feet to 90 feet and Tract 3 from 150 feet to 114 feet. All three tracts meet minimum lot area requirements for property zoned AR-IV.

Adjacent property to the west and south is also zoned AR-IV and is a mix of vacant and developed with agricultural and residential uses. Property to the northeast is zoned Planned Industrial Development (PID). and is currently being developed as a manufacturing and testing facility for Kubota.

This appears to be the original zoning for the subject property.

Comprehensive Plan Land Use Designation

The property is located within the “Rural” future land use designation. Rural designations are characterized by agricultural and very low-density single-family residential uses. The primary future land uses for this designation include: agricultural/forestry uses; very low-density detached single-family residential uses; civic benefit uses such as places of worship and parks; and greenways and trails.

This use is consistent with the Comprehensive Plan.

Significant Factors

§17.380.130 of the Hall County Zoning Regulations states that the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.

Hall County Environmental Health

In an email dated December 2, 2021, Emily McGahee stated "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Environmental Health reviewed the proposed plat and provided comments to the surveyor on 9.10.21."

Hall County Public Works and Utilities

In a memo dated December 7, 2021, Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

Engineering Label remnant tract as lot #4 of the 245 acres.

Traffic

White Sulphur Road is a major collector, and lots should have 150' of road frontage.

Utilities

No comments.

Zoning Analysis

- The proposed use request is consistent with the Comprehensive Plan.
- §17.20.1210 of the Hall County Zoning Regulations defines a *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.
 - Within the AR-IV zoning district, subdivisions of land are recognized as a permitted use subject to approval of the Hall County Board of Commissioners.
- §17.240.010 of the Official Code of Hall County designates lots within AR-IV zoning districts with public water supply to be a minimum 43,560 square feet (1 acre) in size or with well water supply to be a minimum 63,340 square feet (1.5 acres) in size.
 - Each of the proposed lots **meet** this standard.
- §17.240.010 of the Official Code of Hall County designates lots within AR-IV zoning districts to have a minimum 150 feet of lot frontage when along roads designated major collectors. White Sulphur Road is designated as a major collector according to the Georgia Department of Transportation (GDOT).
 - Tract 1 **meets** the minimum road frontage requirements. Tract 2 and Tract 3 **do not meet** the minimum road frontage requirements.
 - §17.240.110. of the Official Code of Hall County states that a lot within any Residential zones shall have only one principal structure and its customary accessory buildings. The application brings two of the three residences into compliance by assigning each its own individual lot.

Staff Recommendation

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

1. Prior to the issuance of any building permits, a recorded plat shall be required.

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.”

3. All conditions of zoning shall be made part of any plat created for the subdivision.

Excerpts from minutes from meeting on December 20, 2021:

Background Information:

The applicant is seeking approval for a use subject to County Commission for the subdivision of 4.50± acres into 3 lots from a 245.92± acre parent tract to bring the property into compliance. The narrative indicates that the request to subdivide the property is intended to remove the three lots from the parent tract that is currently in a conservation use covenant and have three existing residences separated onto individual lots. The site plan shows the proposed subdivision of the property from parent tract into 3 new lots all measuring approximately 1.50± acres each for Tract 1, Tract 2, and Tract 3.

Applicant's Presentation:

Beth Garmon, Principal Planner, presented a summary of the request.

Lee Hemmer, Reynolds Road, Gainesville, presented the request. The lots are currently part of the farm. The applicant is wishing to put the existing homes on their own lot. Will not be selling or developing the property. The homeplace dates back to the 1870s.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: A motion was made by Mr. Hunt to approve with conditions. The motion was seconded by Mr. Varner. Vote: 5-0.

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