

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** .....Ava Hospitality LLC

**Request** ..... Use Subject to County Commission approval

**Proposed Use** ..... Bed and Breakfast Inn with Small Events

**Size** ..... 1.62± acres

**Zoning** ..... Planned Residential Development (PRD)

**Location** ..... On the east side of Dahlonega Highway  
approximately 1852 feet from its intersection  
with Brady Road; a.k.a. 6210 Dahlonega  
Highway; Tax Parcel **11003 000003**

**Commission District** ..... Three

**Planning Commission Date** ..... April 4, 2022

**Staff Recommendation**..... **Approval, with conditions**

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**Planning Commission Recommendation – Approval, with conditions**  
**Vote: 5-0**

**Conditions:**

1. The development shall be in general conformance with the concept plan and descriptive narrative submitted.
2. Parking areas will be paved with gravel, asphalt or concrete.
3. Any outdoor lighting shall be of a no spill type.
4. All conditions of zoning shall appear on any plats created for this property.
5. If the proposed Bed and Breakfast changes ownership, the continuation of the use would be subject to review and approval by the County Commission.
6. The development must meet all Environmental Health requirements at time of permitting.
7. The proposed development must coordinate with GDOT prior to the issuance of any permits.
8. The maximum occupancy for outdoor events shall be no more than 40 people or amount approved by Hall County Fire Services if it is less than 40 people.

## **Applicant Proposal**

The applicant is requesting approval to continue to operate the Ava House Inn located at 6210 Dahlonga Highway, as a small, luxury, full-service B&B. This business has been in continuous operation upon the property since March 28, 2018, when business license #00323339 was first issued. They also request re-approval of the conditional use permit for Outdoor Event Space authorized by the County Commission for the previous owners in 2020. Per the project narrative, Alex and Suzanne Serrano, the new owners, intend to follow similar policies as the previous owners – including limiting the number of guests upon the property at any one time to 40 individuals and requiring that guests interested in using the property for events rent the entire house for at least one night. Lodging would remain the primary land use with small events as an occasional occurrence.

## **History and Existing Land Uses**

The subject property is approximately 1.62 ± acres (per Plat Book 845, Page 169) and zoned Planned Residential Development (PRD). It is developed with an approximate 4,200 square foot residence, gravel driveway, sufficient parking for 15 spaces, a 24 x 24 detached carport, and planted buffers against abutting residences to the north and south.

The zoning is not original to the parcel. On May 4, 2011, the property was rezoned (Z#2011-00006) from Agricultural-Residential-IV (AR-IV) to PRD for a Bed and Breakfast, subject to the following conditions:

1. The development shall be in general conformance with the concept plan and descriptive narrative submitted.
2. Parking areas will be paved with gravel, asphalt or concrete.
3. Any outdoor lighting shall be of a no spill type.
4. All conditions of zoning shall appear on any plats created for this property.
5. If the proposed Bed and Breakfast changes ownership, the continuation of the use would be subject to review and approval by the County Commission.

On May 13, 2020, the PRD zoning was modified (Z#2020-00021) to allow private functions and small events as a secondary use (i.e., it authorized 'Outdoor Event Venue' uses), subject to the following conditions:

1. All previous conditions of zoning shall apply.
2. The development must meet all Environmental Health requirements at time of permitting.
3. The proposed development must coordinate with GDOT prior to the issuance of any permits.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The maximum occupancy for outdoor events shall be no more than 40 people or amount approved by Hall County Fire Services if it is less than 40 people.

The surrounding area is zoned AR-IV and consists of single-family homes, some serving as working farmsteads. There is no commercial zoning within the area. Letters of support urging the County Commission to approve the conditional use permit for outdoor event space and expressing their general support for continued use of the subject property as Bed and Breakfast were received from the owners of 6200, 6220, and 6258 Dahlonga Highway bordering the property in 2020. These are the same neighbors bordering the property today.

### **Comprehensive Plan Land Use Designation**

The property designated "Rural Residential" by the Comprehensive Plan. The intent of this designation is to preserve existing rural character, including agricultural and large-lot residential uses, as well as natural and historic features. Desirable development features include large distances between buildings and deep setbacks from two-lane roads. Areas are purposefully outside the County's sewer service area in order to safeguard them from development pressures.

The request is consistent with the Comprehensive Plan.

### **Development Support and Constraints**

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

In an email dated March 10, 2021, Emily McGahee stated, "Must meet all Environmental Health Tourist Accommodation permitting requirements."

#### **Hall County Fire Services**

The subject parcel is located approximately 4.8 miles from Hall County Fire Station #2, located at 6012 Hulsey Road. There are no fire hydrants located near the property.

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

In a memorandum dated March 16, 2022, Bill Nash, Interim Director of Public Works and Utilities, stated the following:

##### **Engineering**

N/A

##### **Traffic Engineering**

No comment

##### **Utilities**

No comment

#### **Hall County Tax Assessors**

No comment.

### Gainesville Water Resources

The Hall County GIS shows that public water is not available to the subject property, but Hall County Record (RES#2006-02639) shows there is an existing well for the inn and individual septic system. The former owner added additional field lines to the septic system which was required by the Hall County Environmental Health Department when their rezoning was approved in 2011.

### Georgia Department of Transportation

In an email dated March 15, 2022, Parker Niebauer, DITO Traffic Operations Supervisor for District 1, stated that GDOT coordination required.

### Zoning Analysis

- § 17.180.060. A 1-4. Supports a mixture of land uses and housing, encourages use of natural features through site planning measures, and requires consistency with the Comprehensive Plan **(Site and land uses are consistent with the Comprehensive Plan – Compliant)**.
- § 17.180.060. B2. Requires lot area for lots without sewer access to be determined by Health Department **(Condition Advised)**, a minimum lot width of 50 feet **(146 ft provided– Compliant)**, a minimum front setback of 25 feet **(210 feet provided– Compliant)**, a side setback of 5 feet **(27 from left property line, 14 from right property line provided – Compliant)**, and rear setback of 20 feet **(120 feet provided – Compliant)**.
- § 17.180.060. 5. Requires 50-foot perimeter buffer compliant with 17.260.020.-Vegetation Buffers and Clearance requirements. However, this referenced section exempts the buffer requirement where residential uses abut residential uses. **(Planted buffers are in place upon the perimeter of the property– Compliant)**.
- § 17.180.060. 6. At least two trees per lot required in front, side, rear yard outside of easements and these trees cannot count towards tree density requirements **(Compliant)**.
- § 17.180.060. 7. Requires standards for second entrance upon PRD sites with 150 or more lots and a third entrance upon PRD sites with 400 or more lots **(Not applicable)**. Also requires 5 foot sidewalks on both sides of streets being constructed **(Not applicable)**.
- § 17.180.060. 8. Requires minimum 30 percent of gross tract area be open space (1.62 x 30% = 0.48 acres required. Hall County GIS shows at least 1.25 acres of contiguous, private open space in effect upon the lot. **Compliant.**)
- § 17.180.060. 9. Requires use of an allowed façade material and requires garages to be semi-flush, recessed, side-loaded, carriage court, or detached styles that sit behind the front façade of the home. (Tax records confirm use of cement fiber siding, and RES#2006-02640 confirms the carport was permitted as a detached style. The connecting breeze way later added to the property was also permitted by Hall County - **Compliant**).
- § 17.180.060.10. Requires a county building official receive certificate from a licensed surveyor certifying building setbacks **(Not applicable)**.
- § 17.180.060.11. Requires cluster mailboxes for new subdivisions **(Not applicable)**.

- § 17.180.060.12. Requires property owners or managers to remove damaged, diseased, or dead vegetation visible from the right of way, grass to be kept less than 12 inches tall, and fences to be kept in good repair (**No active code enforcement record found for the property – Compliant**).
- § 17.180.060.13. Allows limited commercial uses upon lots 5 acres or greater (**Not applicable**).
- To uphold public safety and health, it is advised that the following best practices continue to be enforced upon the property (originally outlined in the staff report for Z#2020-00021):
  - The number of guests for the venue will be determined by the Hall County Fire Marshall.
  - The proposed event venue shall meet all Environmental Health commercial septic system permitting requirements (e.g., site plan, detailed business plan, etc.). Further determination will be made during the plan review process, should the property owner seek to make improvements upon the property in the future which are subject to Hall County permitting requirements.
  - A detailed business plan must be submitted to Hall County Environmental Health for review, due to the change in ownership. Requested items may include but are not limited to: recorded plat, soil evaluation, and septic system installation/modification, and/or food establishment permit may be required after review of the business plan.
  - The use of the property as an event venue may have traffic and noise impacts on the general areas; however, surrounding property owners have filed letters of support for the use and the venue shall be required to comply with all noise ordinances.

### **Staff Recommendation**

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

1. All previous conditions of zoning shall apply:
  - a. The development shall be in general conformance with the concept plan and descriptive narrative submitted.
  - b. Parking areas will be paved with gravel, asphalt or concrete.
  - c. Any outdoor lighting shall be of a no spill type.
  - d. All conditions of zoning shall appear on any plats created for this property.
  - e. If the proposed Bed and Breakfast changes ownership, the continuation of the use would be subject to review and approval by the County Commission.
  - f. The development must meet all Environmental Health requirements at time of permitting.
  - g. The proposed development must coordinate with GDOT prior to the issuance of any permits.

- h. The maximum occupancy for outdoor events shall be no more than 40 people or amount approved by Hall County Fire Services if it is less than 40 people.

**Excerpts from the minutes of the Planning Commission meeting on April 4, 2022:**

**Applicant's Presentation:**

**David Webb, Principal Planner**, presented a summary of the request.

**Suzanne Serrano, 6210 Dahlonega Highway, Clermont**, presented the request. Applicant stated that the business would continue to operate as it has with past ownership with luxury accommodations.

**Public Forum:**

There were no comments in support or opposition.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0**

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