

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Kenneth M. Ley & Kimberly Brett-Ley
Request..... Use Subject to County Commission approval
Proposed Use 3-lot subdivision
Size 4.22± acres
Zoning Vacation Cottage (V-C)
Location On the east side of North Waterworks Road
at its intersection with Seymour Circle; a.k.a.
3395 North Waterworks Road; Tax Parcel
08167 004001.
Commission District Two
Planning Commission Date June 20, 2022
Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation: Approval, with conditions
Vote: 4-0 (Varner Absent)

Conditions:

1. *The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Final Plat.*
2. *Prior to the issuance of any building permits, the approved plat shall be recorded.*
3. *Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.*
4. *Relabel the tracts as Tract 1, Tract 2, and Tract 3.*
5. *Show the required Engineering Notes together on the plat for Minor Subdivisions.*
6. *The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.*
7. *All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.*
8. *All conditions of zoning shall be made part of any plat created for the subdivision. A copy of the approval letter shall be placed onto the plat.*
9. *In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: 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 development plat approval.*

Applicant Proposal

The applicant is requesting to subdivide an existing 4.22± acre Vacation Cottage (V-C) zoned parcel into three tracts, creating two new building lots. Pursuant to §17.50.040 of the Official Code of Hall County a residential subdivision in this zoning district requires conditional use approval from the Board of Commissioners.

The submitted site plan depicts the proposed lot layout of the three lots. Tract 2 contains the existing residence and consists of 2.221± acres with approximately 228.82 feet of road frontage. Tract 3 is 1.001± acres and contains approximately 103 feet of road frontage. Tract 4 is 1.00± acres and has 100 feet of road frontage.

The applicant's narrative states that the intention is to sell Tracts 3 and 4 to private buyers for the properties to be developed with single family residences, pending approval of this request.

History and Existing Land Uses

The subject property is 4.22± acres, is zoned Vacation Cottage (V-C) and is developed with a 6,191 square foot residence, constructed in 2019. The property is recorded with the Hall County Clerk of Courts and can be found in Plat Book 875 page 36 recorded on October 15, 2017. The property deed goes back to October 1950, located in Deed Book 126 page 570.

The subject property is located on the east side of North Waterworks Road. To the north and east of the subject property is U.S.A.C.E land which borders Lake Lanier and a 16.28± acre parcel zoned Planned Residential Development (PRD), a former mobile home park proposed to be redeveloped into a mixed use residential community. To the south are two V-C zoned parcels. Further south, and west across North Waterworks Road, are properties which fall within the City of Buford and their zoning is unknown. The property to the west is a City of Buford water treatment plant.

The current V-C zoning does not allow subdivisions by right. The applicant has chosen to request a conditional use approval from the County Commission to accommodate the proposed 3-lot residential subdivision.

Comprehensive Plan Land Use Designation

The Comprehensive Plan's future land use designation for the subject parcel is "Lake Area Residential." This land use category is characterized by low-density single-family residential and neighborhoods. The intent of land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at a lower density.

This request complies with the Comprehensive Plan and Future Land Use Map designation.

Development Support and Constraints

Hall County Environmental Health

In an email dated May 31, 2022, Emily McGahee, Hall Environmental Health, provided the following comment: "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Environmental Health has preliminarily reviewed the submitted plat during Plat Review process and can stamp the plat for recordation with the Clerk of Courts."

Hall County Fire Services

The subject property is located approximately 2.3 miles from Fire Station #13, located at 2709 Sardis Road.

Hall County Public Works and Utilities

A memo dated May 19, 2022 from Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comment:

Engineering

The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic Engineering No comments.

Utilities

No comments.

Hall County Tax Assessors

No comments were provided in relation to this item.

Gainesville Water and Sewer Resources

No comments were provided in relation to this item. Per Hall County GIS, public water is available along this portion of North Waterworks Road but there is no access to sanitary sewer.

Georgia Department of Transportation

This project will not require GDOT coordination.

Zoning Analysis

- The subject parcel is a total of 4.22± acres in size. The applicant is requesting to allow a minor subdivision to create three building lots.
- The proposed property use is consistent with the Comprehensive Plan. These parcels are not located within any corridors or activity centers.
- Per §17.150.010 of the Official Code of Hall County, the following are the permitted uses within the Vacation Cottage zoning district: A. Residences:
 1. Site-built single-family detached dwelling units.
 2. Class A industrialized dwelling units.
 3. Transient occupancy of a vacation home provided all requirements of chapter 17.216 are met.

- B. Noncommercial 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.
 - C. Home offices.
 - D. Agricultural or horticultural uses.
 - E. Churches and other places of worship, but excluding cemeteries.
 - F. County uses including parks and playgrounds, but excluding cemeteries.
 - G. [Reserved.]
 - H. Substations for electrical transformers, gas regulators and telephone subscriber carrier sites, provided the conditions of chapter 17.210 are met.
 - I. Family day care home.
 - J. Community residences, provided the conditions of chapter 17.210 are met.
 - K. Home occupations, provided the conditions of chapter 17.210 are met.
- Per §17.240.010 of the Official Code of Hall County, the minimum dimensional standards for the Vacation Cottage zoning district are as follows:
 - A. 35,000 square foot minimum lot size.
 - 1. This standard **is met** as each lot is greater than 35,000 square feet in size.
 - B. 50' minimum frontage for local roads or 150' minimum frontage for road designated as an arterial or collector per §16.50.040 of the Official Code of Hall County.
 - 1. North Waterworks Road is classified as a local and requires 50 feet of frontage for each lot.
 - 2. The proposed subdivision **meets** this standard.
 - C. 75' minimum lot width (at front setback line) per §17.240.120.
 - 1. Each parcel is at least 75' in width at the building line.
 - 2. This standard **is met**.
 - D. 30' front and street side setbacks
 - E. 10' side yard setback
 - F. 20' rear setback
 - G. Side and rear yards which adjoin Lake Lanier may have a zero setback
 - §17.380.060 of the Official Code of Hall County provides the criteria for considering a conditional use. The application **meets** all these standards based on the following analysis:
 - A. The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential uses in the area of the lake.
 - B. Due to the number of other residential uses within the V-C zoning in this area, a conditional use, if granted, would not cause substantial detriment to the public good.

Staff Recommendation

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

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Excerpts from the minutes of the June 20, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Kenneth Ley, 3395 North Waterworks Road, Buford, presented the request. The applicant stated that they would like to build single family homes to sell. The applicant stated that this would improve the neighborhood.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned if tract two would later be subdivided. The applicant stated that there were no plans of that at this moment but perhaps in the future.

Motion: A motion to approve, with conditions was made by Mr. Bell and seconded by Ms. Pilcher. Vote: 4-0 (Varner absent)

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