

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Rafael Lopez Nuñez

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

**Proposed Use** ..... 2-lot subdivision

**Size** ..... 5.58± acres

**Zoning** ..... Agricultural Residential III (AR-III) and Residential I (R-I)

**Location** ..... On the north side of Poplar Springs Road approximately 953 feet from its intersection with Poplar Springs Church Road; a. k. a. 3523 Poplar Springs Road; Tax Parcel 15036 000005.

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

**Planning Commission Date** ..... September 19, 2022

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

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**Planning Commission Recommendation: Approval, with conditions**

**Vote: 5-0**

**Conditions:**

1. *The front setback of the house being built on Parcel A shall be no less than 86 feet from the road.*

**Applicant Proposal**

The applicant is requesting to subdivide an existing 5.58± acre Agricultural Residential III (ARIII) and Residential I (R-I) zoned parcel into two building lots. Pursuant to §17.60.040, a residential subdivision within the R-I zoning district requires conditional use approval from the County Commission.

The applicant's narrative states that the purpose of the application subdivide the property so that the applicant's son may build a residence on the new building lot. The existing residence will be

located on a 2.93± acre parcel. The second tract will contain 2.67± acres of land and has a lot width of 130 feet.

### **History and Existing Land Uses**

The subject property is 5.68± acres and is Agricultural Residential III (AR-III) and Residential I (R-I). The property is developed with a 3,037 square foot residence, constructed in 2013. In March of 2022 a minor subdivision plat was submitted for review to the Planning Department. It was determined at that time that the applicant would need to apply for a conditional use permit from the Hall County Board of Commissioners to subdivide the property.

The subject property is located on the north side of Poplar Springs Road. Properties to the east and west of the subject property along Poplar Springs Road are also split zoned, with the R-I district fronting the road and the AR-III district to the rear of the lots. This zoning appears to be original to the parcels. Across the street is a Planned Residential Development, which was approved by the Hall County Board of Commissioners on December 15, 2021 for a 192 lot subdivision.

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

The Comprehensive Plan's future land use designation for the subject parcel is "Rural Residential." Rural Residential Areas are characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space (i.e. 'Conservation Subdivision' design).

The applicant's request is consistent with the Comprehensive Plan.

### **Development Support and Constraints**

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

In an email dated August 30, 2022, Emily McGahee, Environmental Health, provided the following comments: "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat."

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

In an email dated September 1, 2022, Lieutenant John Hornick, Hall County Fire Rescue, stated "Hall County Fire Marshal's Office has no comments regarding 2 lot subdivision as proposed."

The subject property is located approximately 3.9 miles from Fire Station #5, located at 4187 Falcon Parkway, Flowery Branch.

Hall County Public Works and Utilities

A memo dated September 2, 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.

Further subdivision of these lots will result in the necessity of a stormwater management plan if the number of lots reaches more than six.

Traffic Engineering No comment.

Utilities

No comment.

Hall County Tax Assessors

No comments were provided in relation to this item.

Gainesville Water and Sewer Resources

Public water is not available along this portion of Snelling Mill Road.

Georgia Department of Transportation

This project will not require GDOT coordination.

**Zoning Analysis**

- The proposed request to subdivide the property into two building lots use is consistent with the Comprehensive Plan. These parcels are not located within any corridors or activity centers and is in a residential area of the county.
- The subject parcel is a total of 5.68± acres in size.
  - The applicant is requesting to allow a subdivision to create two building lots.
- Per § 17.240.010, the minimum dimensional standards for the R-I district is as follows:
  - 35,000 square foot minimum lot size
  - 150' minimum frontage along an arterial or collector road, per §16.50.040
  - 75' minimum lot width (at front setback line) per §17.240.120
  - 30' front and street side setbacks
  - 10' side yard setback
  - 20' rear setback
- Per § 17.240.010, the minimum dimensional standards for the AR-III district is as follows:
  - 43,560 square foot minimum lot size
  - 150' minimum frontage along an arterial or collector road, per §16.50.040
  - 75' minimum lot width (at front setback line) per §17.240.120
  - 40' front setbacks
  - 15' side yard setback
  - 25' rear setback
- In any subdivision not involving the construction of new roads and in any minor subdivision (as defined by the Hall County zoning regulations), all new lots accessing a road designated as an arterial or collector shall have a minimum frontage of 150 feet, §16.50.040.

- The proposed subdivision exceeds the minimum lot size requirement for both zoning district.
- The existing residence meets the setback requirements in the proposed lot split.
- Parcel A does not meet the requirements of §17.240.150 (flag lot width and frontage standards) which requires that the minimum required lot frontage as established by the county zoning regulations shall be maintained as the minimum lot width for all of that portion of the lot between the front property line (frontage) and the actual building site on the lot even if the building site is a greater distance from the front property line than the minimum required front setback.
  - Parcel A has approximately 150.05 feet of frontage along Poplar Springs Road, but the lot narrows to 130 feet in width. The plat will need to be revised to meet the requirements of §17.240.150 or a road frontage variance obtained.
- §17. 380.060 provides the criteria for considering a conditional use. The application **meets** all these standards based on the following analysis:
  - The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential uses in the area of the lake.
  - Due to the number of other residential uses within this area, a conditional use for a minor subdivision, if granted, would not cause substantial detriment to the public good

**Staff Recommendation**

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

1. Tract A shall be revised so that the minimum required lot frontage of 150 feet, as established by the county zoning regulations, shall be maintained as the minimum lot width for all of that portion of the lot between the front property line (frontage) and the actual building site on the lot, even if the building site is a greater distance from the front property line than the minimum required front setback.

**Excerpts from the minutes of the September 19, 2022 meeting**

**Applicant's Presentation:**

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

**Rafael Lopez, 3523 Poplar Springs, Gainesville**, presented the request.

**Marcela Aguilar, 3523 Poplar Springs, Gainesville**, presented the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Hunt questioned the width requirements for zoning. Mr. Braswell stated the road frontage of both lots. Mr. Braswell questioned if the applicant was willing to build the house further back from the existing home. Mr. Lopez stated the new home would be built further back.

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

*Condition:*

1. *The front setback of the house being built on Parcel A shall be no less than 86 feet from the road.*