

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Paul and Ana Price

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

**Proposed Use** ..... 4-lot subdivision

**Size** ..... 7.58± acres

**Zoning** ..... Vacation Cottage (V-C)

**Location** ..... At the terminus of James Ed Road; a.k.a. 3820 James Ed Road; Tax Parcel 10142 000006.

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

**Planning Commission Date** ..... October 3, 2022

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

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**Planning Commission Recommendation: Approval, with conditions**  
**Vote: 3-0 (Bell & Varner absent)**

**Conditions:**

- 1. The development is approved for a maximum of four (4) lots and shall be in substantially consistent with the submitted site plan and narrative.*

**Applicant Proposal**

The applicant is requesting to subdivide an existing 7.58± Vacation Cottage (V-C) zoned parcel into a maximum of four (4) building lots. Pursuant to §17.50.040, a residential subdivision within the V-C 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 may construct four (4) residences. The applicant’s intends to construct a 4 bedroom residence for their use on Tract 1A. The remaining tracts will have two to three bedroom homes constructed on them for rental on a short term or long term basis.

The minimum lot size and frontage for the lots may be found in the table below:

<b>Lot</b>	<b>Frontage</b>	<b>Area</b>
1A	45.85 feet	2.27 acres
1B	51.85 feet	1.50 acres
1C	73.47 feet	1.4 acres
1D	73.47 feet	2.41 acres

**History and Existing Land Uses**

The subject property is 7.58± acres and is zoned Vacation Cottage (V-C). The property is undeveloped with frontage along James Ed Road as well as a rear boundary shared with the United States Army Corps of Engineers (U.S.A.C.E.), adjacent to Lake Lanier.

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 further subdivide the property. Previously, a minor subdivision plat was approved on November 3, 2021 reconfiguring the subject property and an adjacent 2.42 acres into 3 parcels.

Previously in 2022, the applicant applied for a conditional use permit for a glamping development on the subject property. The applicant requested to withdraw the request on January 31, 2022. The Board of Commissioners voted to allow the withdrawal of the request on February 10, 2022.

The subject property is located on the north side of James Ed Road. Adjacent properties are also zoned Vacation Cottage and are mostly developed with single-family residential uses. This zoning appears to be original to the property.

**Comprehensive Plan Land Use Designation**

The Comprehensive Plan’s future land use designation for the subject parcel is “Lake Area Residential”. The Lake Area Residential category includes low-density residential development and neighborhoods. Land use patterns are similar to Residential Areas, and there is orientation toward Lake Lanier in terms of development and flexibility in use of single-family homes. The area includes the 500-foot buffer around the lake, wherein properties have the potential to be zoned Vacation Cottage District in order for single-family homes to be used as short-term vacation rentals. Future development will continue to be detached, single family homes at low densities in addition to less intensive agricultural uses that are found in the northwestern part of the area. The recommended density for this category is 1 unit per acre.

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

## **Development Support and Constraints**

### **Hall County Environmental Health**

In an email dated September 14, 2022, Emily McGahee, Environmental Health, provided the following comments: "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements."

### **Hall County Fire Services**

In an email dated September 16, 2022, Lieutenant John Hornick, Hall County Fire Rescue, stated "Existing fire hydrant is located at the corner of James Ed and Trotter Rd.

IFC Section 503, Fire apparatus road shall have an unobstructed width of 20' exclusive of shoulders. The portion of James Ed road leading to the proposed driveways would be considered the fire apparatus access road and would have to meet the 20' minimum width requirement.

IFC Section 503, Dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around. Existing dead end turnaround may need to be modified to meet Hall County Fire and Hall County standards."

The subject property is located approximately 3.1 miles from Hall County Fire Station #15, located at 4219 Autry Spur.

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

A memo dated September 16, 2022 from Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comment:

#### **Engineering**

This subdivision is over six (6) lots and will require stormwater management.

#### **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**

Per Hall County GIS, public water is available at the intersection of James Ed Road and Trotter Road.

Georgia Department of Transportation

This project will not require GDOT coordination.

**Zoning Analysis**

- The proposed request to subdivide the property into four (4) 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 7.58± acres in size.
  - The applicant is requesting to allow a subdivision to create four (4) building lots.
- Per § 17.240.010, the minimum dimensional standards for the V-C district is as follows:
  - 35,000 square foot minimum lot size
  - 50' minimum frontage along an local road
  - 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
  - 0' setback where adjacent to Lake Lanier, per §17.240.070
    - The proposed subdivision exceeds the minimum lot size requirement for the V-C zoning district.
- §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 conditions:

1. The development is approved for a maximum of four (4) lots and shall be in substantially consistent with the submitted site plan and narrative.
2. The division of the subject property into four (4) lots shall require the submittal of a hydrology study for the proposed development.

**Excerpts from the minutes of the October 3, 2022 meeting**

**Applicant's Presentation:**

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

**Paul Price, 3190 Sweetwater Drive, Cumming**, presented the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell questioned if the lots were a part of a bigger tract that had already been platted. The applicant stated that was correct.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 3-0 (Bell & Varner absent)**

*Conditions:*

1. *The development is approved for a maximum of four (4) lots and shall be in substantially consistent with the submitted site plan and narrative.*