

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant..... Russell Hausen

Request..... Appeal of Staff Decision not allowing Short
Term Rental

Proposed Use..... Short Term Rental

Size 1.01± acres

Zoning AR-III

Location On the north side of Jim Crow Road
approximately 28 feet from its intersection with
Old Federal Road; a.k.a. 5954 Jim Crow
Road; Zoned AR-III; Tax Parcel 08101
002003.

Commission District..... Two

County Commission Date November 9, 2022

Staff Recommendation..... **Staff does not make a recommendation
when the applicant is appealing a staff
decision.**

Planning Commission Recommendation: Denial
Vote: 4-0 (Varner Absent)

Applicant Proposal

The applicant is appealing the Planning Director's denial of a zoning verification certificate allowing a short term rental (STR) license at 5954 Jim Crow Road. On August 18, 2022, the applicant presented an application to use a dwelling located on tax parcel 08101 002003 to be used as a short term rental. The house is a two (2) bedroom, two (2) bath 1,018SF constructed in 1950. The house was occupied by the applicant's mother-in-law until she passed away and he would like to use it as an STR for supplemental income.

The applicant lives in the second dwelling. This is the structure constructed by the "mother-in-law" addition in 2015. He states that he will be onsite to ensure compliance with regulations and does not propose to rent to anyone under a certain age.

The maximum number of people that could occupy the structure is 7, per the STR regulations found in [Section 17.216](#).

History

- 2015- Permit RES2015-000997 was issued for a 26FT x 35FT 2-story mother-in-law addition and 16FT x 30FT garage.
- 2000- Permit RES2000-01003 was issued for a detached carport.
- 2022-8-9 Code Enforcement initiated from Airbnb listing found on Host Compliance.
- 2022-8-18 Applicant submitted application for a STR license
- 2022-8-18 Application denied by Planning Director because:
 - Tax Assessor shows 2 single-family dwellings on the property.
 - No permit issued for a second dwelling or guest house

- Definition of a guest house does not allow the structure to be occupied as a permanent residence or rented.
- No variances on file allowing the structure to be a permanent residence or rented.

17.20.540. - Guest house.

    

"Guest house" means accessory living quarters situated within a detached or semi-detached site-built structure located on the same premises with the principal residence. Guest houses shall be limited to one such structure per lot and will not include mobile or modular structures. The size of the guest house shall be limited in that the total area of all structures (existing and proposed) shall not be more than 20 percent of the total lot area, if those structures include a guest house. The guest house shall:

- A. Be located a minimum of 20 feet from the principal residence;
- B. Be used by a bona fide non-paying guest or relative of the occupants of the premises; and
- C. Not be rented or otherwise occupied as a principal residence.

(Res. of 8-28-78, § 3; Res. of 4-26-91; Code 1991, § 17.20.350; Res. of 2-27-03(1), § 1)

Should the Planning Commission allow the use, staff recommends:

1. No expansion of the structure to accommodate more than 7 guests.
2. Applicant must comply with all requirements of 17.216 of the Hall County Regulations.
3. The applicant shall not lease the 2-story structure as part of the STR.
4. Property shall not be allowed to operate as an event venue.
5. Change of ownership of the property will require Planning Commission approval to continue the use.

Excerpts from the minutes of the October 3, 2022 meeting

Applicant's Presentation:

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

Russell Hausen, 5954 Jim Crow Road, Flowery Branch, presented the request. The applicant stated that the addition is semi attached to the carport of the home with electric and septic running. The applicant stated that they are living in the in-law-suite and Air bnb the residence to earn a supplemental income for when he retires.

Jan Warner Hausen, 5954 Jim Crow Road, Flowery Branch, presented the request. The applicant stated that they would like to have a supplemental income.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned if the applicant added a separate septic system. The applicant stated that was correct. Mr. Hunt questioned the number of rooms. The applicant stated there is a total of 4 bedrooms on the property. Mr. Braswell questioned if the addition was made for a family member. The applicant stated that was correct. Mr. Braswell stated that the minimum number of nights under short term rental was 2 nights and a maximum of 30 nights.

Motion: A motion to deny the appeal was made by Mr. Hunt and seconded by Ms. Pilcher.

Vote: 4-0 (Varner absent)