



HALL COUNTY PLANNING COMMISSION
MINUTES OF APRIL 19, 2021

The regular meeting of the Hall County Planning Commission was held in the 2nd Floor Meeting Room, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia.

- Members Present:** Chris Braswell, Chairman, Stan Hunt, Gina Pilcher, and Trey Bell; Johnny Varner joined virtually
- Staff Present:** Sarah McQuade, Director of Planning; Justin Crighton, Senior Planner; Katie Greenway, Planner; Laura Ogletree, Clerk
- Call to Order:** The meeting was called to order by the Chairman at 5:25pm.
- Approval of Minutes:** April 5, 2021

NEW BUSINESS

Mr. Braswell stated that item four would be heard first.

4. **Application of Joseph E. Epps for a road frontage variance from 150 feet to 75 feet on a 28.70± acre tract located on the east side of Cleveland Highway approximately 890 feet from its intersection with River Walk Court; a.k.a. 5074 Cleveland Highway; Zoned AR-IV & S-S; Tax Parcel 12029 000015. Proposed Use: 2 lot subdivision. Commission District 3.**

Background Information:

The applicant is seeking a road frontage variance from 150 feet to 75 feet in order to subdivide the property into two parcels. The submitted narrative All new lots accessing a road designated as an arterial or collector are required to have a minimum of 150' of frontage.

Applicant's Presentation:

Sarah McQuade, Planning Director, stated that the applicant had requested to table their item to the May 17, 2021 Planning Commission meeting in order to provide a new and updated site plan.

Motion: *Mr. Hunt made a motion to table the request to the May 17, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

OLD BUSINESS

1. Previously tabled application of Paden Dunagan to rezone from Agricultural Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 8.81± acre tract located on the west side of Candler Road approximately 1,676 feet from its intersection with Lee Land Road; a.k.a. 2010 Candler Road; Zoned AR-IV; Tax Parcel 15031A000002. Proposed Use: permitted industrial uses within the I-II zoning district - welding shop. Commission District 3.

Motion: *Mr. Hunt made a motion to remove the item from the table, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Background Information:

The applicant is seeking to rezone 8.18± acres of the subject property from Agricultural-Residential-III (AR-III) to Light Industrial (I-I) in order to bring the existing use of the property into compliance with zoning regulations. The applicant indicates in the narrative that he intends operate a trucking company based on the property and plans to build an approximately 50,000 square foot building for a future welding service. The site plan does not include the proposed building footprint and no details were provided with regards to architecture style or building materials.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Paden Dunagan, 3515 Tanner Mill Road, Gainesville, presented the request. Mr. Dunagan stated that he was wanting to relocated his business to this new property by the end of the year or the beginning of the next year. Mr. Braswell asked if everything that needed to be brought into compliance had already been done. Ms. McQuade stated that they were in the process. Mr. Braswell asked Mr. Dunagan if he agreed with the staff conditions. Mr. Dunagan stated that he did agree to them all. Ms. Pilcher asked staff about the staff report stating that all future development must meet Gateway Corridor standards. Ms. McQuade stated that it did not apply to the metal-sided building that was already on the site, but would apply for any future buildings.

Public Forum:

Arthur Ching attempted to make a public comment virtually, but was having technical issues.

Motion: *Mr. Hunt made a motion to recommend approval, with conditions for the request, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Conditions:

1. *Upon approval, the applicant shall apply for and maintain a Hall County Business License.*
2. *The standards of the Gateway Corridors Overlay District (GCOD) shall be met for all future development.*
3. *All future development shall be subject to Development Review and the necessary permitting procedures.*
4. *All conditions of approval shall be recorded on any subsequent plats of this property.*

NEW BUSINESS

2. **Application of Kali and Justin Hunt for a hardship mobile home on a 1.21± acre tract located on the west side of Green Circle, approximately 371 feet from its intersection with Bulldog Drive; a.k.a. 5237, 5241, & 5249 Green Circle, 5276 & 5308 Dahlonega Highway; Zoned AR-IV; Tax Parcel 12030 000013I, 000013H (pt.), 000013D (pt.), & 000013F (pt.). Proposed Use: to place a hardship mobile home onto property. Commission District 3.**

Background Information:

The applicant is requesting a use subject to the Planning Commission's approval for a hardship mobile home in order to provide care for the applicant's grandmother. The Statement of Hardship explains that the proposed home is not believed to cause any disturbance to the area and is intended to improve the quality of life for the property owner. The letter submitted by the applicant from the property owner's physician states that the property owner's health is declining and requests the board's approval to locate a manufactured home on the subject property to assist with the patient's care. No site plan was submitted with this application, but per the requirements of the code, the hardship mobile home must meet the minimum setback requirements of the zoning district.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Justin Hunt, 5237 Green Circle, Clermont, presented the request. Mr. Hunt stated that this home would be for his grandmother and that he would be able to supply a site plan. Mr. Braswell stated that Mr. Hunt would need to have this renewed every 12 months and can only be renewed twice. Mr. Stan Hunt asked if three years was normal. Ms. McQuade stated that it is, however it can go longer than 3 years as long as the applicant can still provide a letter from a physician stating that they are still in need of the hardship mobile home.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Hunt made a motion to approve, with conditions for the request, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Conditions:

1. *The approved plat shall be recorded prior to the issuance of any permit.*
 2. *The manufactured home shall be removed from the property when the specified hardship ceases to exist. The manufactured home shall not be rented or otherwise occupied once the hardship has ceased to exist.*
 3. *A permit for a hardship manufactured home shall be valid for only 12 months. Such permit may be extended an additional 12 months upon application filed in sufficient time for review by the zoning board of adjustment prior to expiration of the permit. A 12-month extension may be granted only two times.*
3. **Application of M. Kay Jones for a hardship mobile home on a 2.02± acre tract located on the west side of Patterson Lane approximately 1,717 feet from its intersection with Price Road; a.k.a. 4880 Patterson Lane; Zoned AR-III; Tax Parcel 10053 000037. Proposed Use: to place a hardship mobile home onto property. Commission District 2.**

Background Information:

The applicant is requesting a use subject to the Planning Commission's approval for a hardship mobile home to care for a family member. The submitted site plan shows the proposed structure located to the rear of the existing home and meeting all required setbacks within the Agricultural Residential-III (AR-III) zoning district. The letter submitted by the patient's physician states that the patient has diagnosed autism and the hardship manufactured home would help his family provide him with close proximity care.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

M. Kay Jones, 4880 Patterson Lane, Gainesville, presented the request. Ms. Jones stated this would be for her grandson. She also stated that her grandson is only 3 years old and did not realize she could only have this request renewed two times. She was concerned with it not lasting long enough for him to grow up and get the help he needs. Mr. Braswell stated that there are people who are able to continue to have their hardship mobile home renewed past two years. He also stated that if she is able to provide proper documents, she should not have an issue. Ms. Jones asked what step she would need to take next. Ms. McQuade stated that Ms. Jones would need to reach out to the Planning Staff and they would help guide her to the next steps.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Hunt made a motion to approve, with conditions for the request, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Conditions:

1. *The manufactured home shall be removed from the property when the specified hardship ceases to exist. The manufactured home shall not be rented or otherwise occupied once the hardship has ceased to exist.*
2. *A permit for a hardship manufactured home shall be valid for only 12 months. Such permit may be extended an additional 12 months upon application filed in sufficient time for review by the zoning board of adjustment prior to expiration of the permit. A 12-month extension may be granted only two times.*

Mr. Braswell stated that items 5 & 6 would be heard together.

5. **Application of Jason Jackson for a right side yard setback variance from 10 feet to 7 feet and a left side yard setback variance from 10 feet to 7 feet on a 0.62± acre tract located on the east side of Wildwood Trail 309 feet from its intersection with Samoa Way; a.k.a. 6496 Wildwood Trail; Zoned R-I; Tax Parcel 08131 008008. Proposed Use: construct a residence. Commission District 1.**

Background Information:

The applicant is requesting a left side-yard setback variance from 10 feet to 7 feet and a right side-yard setback variance from 10 feet to 7 feet to construct a new single-family residence. According to information provided in the submitted Statement of Hardship, the variance is needed to provide additional buildable area due to the property's location adjacent to property managed by the U.S. Army Corps of Engineers.

Motion: *Mr. Bell made a motion to table the request to the June 7, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

6. **Application of Jason Jackson for a right side yard setback variance from 10 feet to 7 feet and a left side yard setback variance from 10 feet to 7 feet on a 0.81± acre tract located on the east side of Wildwood Trail at its terminus; a.k.a. 6498 Wildwood Trail; Zoned R-I; Tax Parcel 08131 008007. Proposed Use: construct a residence. Commission District 1.**

Background Information:

The applicant is requesting a left side-yard setback variance from 10 feet to 7 feet and a right side-yard setback variance from 10 feet to 7 feet to construct a new single-family residence. According to information provided in the submitted Statement of Hardship, the variance is

needed to provide additional buildable area due to the property's location adjacent to property managed by the U.S. Army Corps of Engineers.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Jason Jackson, 4243 Crestwood Bend Circle, Buford, presented the request. Mr. Braswell asked if Mr. Jackson had started construction. Mr. Jackson stated they had not yet started any construction on either site. Mr. Braswell stated that he would like for Mr. Jackson to have the foundation staked and inspected by the county, prior to building or pouring the foundation. Ms. Pilcher asked where the septic would be placed. Mr. Jackson pointed out on the site plan that they would be to the right, behind each house. Ms. Pilcher asked about the details of the driveways. Mr. Jackson stated that the driveways would be about 70 feet long, with room for multiple cars to have room to park. Along with a 3-car garage built with the house.

Public Forum:

Tom Gross, 6487 Samoa Way, Flowery Branch, spoke in opposition of the request. Mr. Gross stated that he was concerned with the setback Mr. Jackson was asking for. He stated that the setback was set to prevent cluster housing. Mr. Gross also stated that he was concerned with the possible value change of the other houses in the area.

Rachelle St Amand, 6490 Wildwood Trail, Flowery Branch, spoke in opposition of the request. Ms. St Amand stated that she did not see the reason to ask for a variance due to the large size of the lots. She also stated that she was concern with the neighboring houses being affected, along with lake views from other homes.

Tracey Smith, 6505 Samoa Way, Flowery Branch, spoke in opposition. Ms. Smith stated that there was a bald eagle's nest on the property that she hoped they would protect.

The following list of names had technical issues trying to speak in opposition over the GoTo meeting:

- **Donna Cansler**
- **James Palmer**
- **Tracy Palmer**
- **Jerry Huffman**

Rebuttal

Ms. McQuade stated that she and staff noticed that this request was advertised incorrectly and it would need to be readvertised before any action can be taken on the item. Mr. Braswell stated that he believed tabling these request would be helpful for Mr. Jackson to address some of the neighbor's concerns. Mr. Braswell stated that he would propose tabling these items to the June 7, 2021 Planning Commission meeting to give staff and Mr. Jackson enough time to get everything in order.

Motion: *Mr. Bell made a motion to table the request to the June 7, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

7. **Application of Intown Home Builders for a front yard setback variance from 55 feet from centerline of road to 40 feet from centerline of road on a 0.29± acre tract located on the east side of Belvedere Circle; a.k.a. 4146 Belvedere Circle; Zoned R-I and AR-III; Tax Parcel 10079 002022. Proposed Use: construct a residence. Commission District 2.**

Background Information:

This request is one (1) of four (4) front yard setback variances to construct a single-family residence, with the exception of this parcel, lot 9, all four lots adjacent to each other and all four requests submitted by the same applicant. This particular home has not yet been built or foundation laid. The applicant is requesting to vary the front yard setback from 55 feet from centerline of road to 40 feet from centerline of road.

Motion: *Mr. Hunt made a motion to approve the request, with one condition, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Condition:

1. *An updated plat shall be recorded prior to the issuance of a certificate of occupancy for the proposed residence.*

8. **Application of Intown Home Builders for a front yard setback variance from 65 feet from centerline of road to 53 feet from centerline of road on a 0.30± acre tract located on the east side of Belvedere Circle; a.k.a. 4138 Belvedere Circle; Zoned R-I and AR-III; Tax Parcel 10079 002024. Proposed Use: bring existing residence into compliance. Commission District 2.**

Background Information:

This request is one (1) of four (4) front yard setback variances to construct a single-family residence, with the exception of lot nine (9), all four lots are adjacent to each other and all four requests submitted by the same applicant. The applicant is requesting to vary the front yard setback from 65 feet from centerline of road to 53 feet from centerline of road. A home has already been constructed on this lot.

Motion: *Mr. Hunt made a motion to approve the request, with one condition, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Condition:

1. *An updated plat shall be recorded prior to the issuance of a certificate of occupancy for the proposed residence.*

9. **Application of Intown Home Builders for a front yard setback variance from 65 feet from centerline of road to 55 feet from centerline of road on a 0.31± acre tract located on the east side of Belvedere Circle; a.k.a. 4134 Belvedere Circle; Zoned R-I and AR-III; Tax Parcel 10079 002025. Proposed Use: bring existing residence into compliance. Commission District 2.**

Background Information:

This request is one (1) of four (4) front yard setback variances to construct a single-family residence, with the exception of lot nine (9), all four lots are adjacent to each other and all four requests submitted by the same applicant. The applicant is requesting to vary the front yard setback from 65 feet from centerline of road to 55 feet from centerline of road. A home has already been constructed on this lot.

Motion: *Mr. Hunt made a motion to approve the request, with one condition, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Condition:

1. *An updated plat shall be recorded prior to the issuance of a certificate of occupancy for the proposed residence.*

10. **Application of Intown Home Builders for a front yard setback variance from 65 feet from centerline of road to 54 feet from centerline of road on a 0.33± acre tract located on the east side of Belvedere Circle; a.k.a. 4130 Belvedere Circle; Zoned R-I and AR-III; Tax Parcel 10079 002026. Proposed Use: construct a residence. Commission District 2.**

Background Information:

This request is one (1) of four (4) front yard setback variances to construct a single-family residence, with the exception of lot nine (9), all lots are adjacent to each other and all four requests submitted by the same applicant. The applicant is requesting to vary the front yard setback from 65 feet from centerline of road to 54 feet from centerline of road. The foundation has already been poured for this home.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Randy Wallis, 506 Carriage Drive, Bethlehem, presented the request. Mr. Braswell asked if Mr. Wallis was the builder or the owner. Mr. Wallis stated that he was the builder. Mr. Braswell asked if he was a new builder or if he had built in Hall County before. Mr. Wallis stated that he was not a new builder and was not the first time he had built in Hall County. Mr. Braswell asked if this had ever happened before. Mr. Wallis stated it had not. Mr. Braswell asked why he had to deviate so much from the submitted site plan. Mr. Wallis stated that they had problems with the rear property lines and ended up losing about 40 feet on each lot. Mr. Wallis stated that he went off of the original plat and once they had started building a neighbor told them that the property line was 40 feet further down from where they thought. He stated that after he had spoken to a real estate attorney, he decided it would be quicker and easier for the neighbors to try to fit the house on the smaller lot size. Mr. Braswell asked if he had met with any Planning Staff after that decision was made. Mr. Wallis stated that he did not and also did not realize he would need to have it reapproved. Mr. Braswell stated that Mr. Wallis needed to know what was required in each county that he builds in sense he is a professional. Mr. Wallis stated that he assumed that since these lots were in an R-I zoning, that they met the requirements. He stated that due to the zoning confusion, there is a lot that has encroaching setbacks. Mr. Braswell stated that he believed this could have been prevented, especially with Hall County providing all the tools he would have needed. Ms. Pilcher stated that she agreed with Mr. Braswell. Mr. Hunt asked him to expand on the encroachments. Mr. Wallis stated that the homes are split foyer homes, so you enter the home in the middle. He stated that the porch on the front is encroaching because of the steps that had to be added. Mr. Braswell asked if the variances that are being asked for in the requests take that into account. Mr. Wallis stated that they did. Mr. Hunt asked about 3 of the lots with decks and if they would be within the 55 foot R-I setback. Ms. McQuade stated that any sort of landing or walkway that is elevated from the ground are considered a structure. Mr. Wallis stated that with that information from Ms. McQuade, he believe all the decks would be within the setback. Mr. Braswell stated that the site plans were submitted, none showed a walkway on the front of the house. Mr. Braswell asked staff about the submitted site plan, which had not been stamped or signed, would it be required. Ms. McQuade stated that it would be required and the Planning Department would have to sign off on it prior to any permits being issued. Mr. Bell asked if any of the lots were under contract. Mr. Wallis stated that lots 11 and 12 were under contract.

Public Forum:

Cindy Broeker, 7815 Pooles Mill Road, Ball Ground, spoke in favor of the request. Ms. Broeker stated that she had a client who had lot 12 under contract so she was hoping this would be approved so they could go ahead and move into their new home.

David McKinley, 4145 Summit Chase, Gainesville, spoke in favor of the request. Mr. McKinley stated that this neighborhood has been cleaned up and it is a positive improvement for the area.

Rebuttal

Ms. Pilcher asked staff about the split zoning and asked if the remaining lots are all R-I zoning. Ms. McQuade stated that they were for the most part or they were already developed. Ms. Pilcher asked how the line came across the lots. Ms. McQuade stated that it was zoned so long ago, the zoning was not done on a parcel level or there could have been a zoning that was approved that did not line up with the lots that were already developed.

Motion: *Mr. Hunt made a motion to approve the request, with one condition, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Condition:

- 1. An updated plat shall be recorded prior to the issuance of a certificate of occupancy for the proposed residence.*

Other Business

The next Planning Commission meeting will be on Monday, May 3, 2021.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 7:04pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Clerk
Hall County Planning Commission