



HALL COUNTY PLANNING COMMISSION
MINUTES OF APRIL 20, 2020

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, Frank Sosebee, Gina Pilcher, Stan Hunt
Johnny Varner

Staff Present: Sarah McQuade, Director of Planning; Katie Greenway, Planner; Laura
Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:20 pm.

Approval of Minutes: March 16, 2020

OLD BUSINESS

- 1. Previously tabled application of Chris Orme for a Use Subject to County Commission approval on a 13.12± acre tract located on the north side of Kenimer Road approximately 423 feet from its intersection with Couch Drive; a.k.a. 6463 Kenimer Road; Zoned AR-IV; Tax Parcel: 12015 000002. Proposed Use: 6 lot subdivision. Commission District 3.**

Background Information:

The applicant is seeking a Use Subject to County Commission approval in order to subdivide 13.12± acres into a total of 6 lots. A plat was submitted for initial review on February 2, 2020 for this subdivision. Per the Official Code of Hall County, one minor subdivision is permitted per year. The applicant is seeking approval to subdivide an Agricultural-Residential-IV (AR-IV) zoned property into 6 lots within one year and is required to obtain Board of Commissioner approval.

Applicant's Presentation:

Applicant was not present to present the request. The applicant had requested to withdraw their request.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: Mr. Hunt made a motion to approve the request to withdraw with a second from Ms. Pilcher and the motion passed with a 5-0 vote.

NEW BUSINESS

- 2. Application of Charles Hobbs for a front yard setback variance from 40 feet to 35 feet and a left side yard variance from 15 feet to 13 feet on a 0.40± acre tract located on the south side of Hummingbird Court approximately 261 feet from its intersection with Cardinal Drive; a.k.a. 6115 Hummingbird Court; Zoned AR-III; Tax Parcel 10011 000064. Proposed Use: single family residence. Commission District 2.**

Background Information:

The applicant is seeking a front yard setback variance from 40 feet to 35 feet and a left side yard variance from 15 feet to 13 feet in order to construct a residence on the same foundation that a home previously existed. The applicant's narrative states that the previous residence burned down and that not allowing them to build on the existing foundation would prohibit them from developing the area. Based upon Hall County Government records, Charles Hobbs was the owner at the time of the fire and is now requesting to rebuild.

Applicant's Presentation:

Charles Hobbs, 6115 Hummingbird Court, presented the request. He stated that he was unaware prior to his home burning down that the foundation was not in the correct spot. Mr. Hobbs stated that the home would be built using the same foundation which would require a front yard and a left side yard setback variance.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Ms. Pilcher made a motion to approve the request with a second from Mr. Sosebee and the motion passed with a 5-0 vote.*

- 3. Application of Jesus O. Mora for a road frontage variance from 150 feet to 50 feet on a 3.30± acre tract located on the west side of Harmony Church Road approximately 725 feet from its intersection with Thousand Oaks Drive; a.k.a. 3182 Harmony Church Road; Zoned AR-IV; Tax Parcel 15015C000025. Proposed Use: minor subdivision. Commission District 3.**

Background Information:

The applicant is seeking a road frontage variance from 150 feet to 50 feet in order to subdivide the property for the purpose of constructing a new single-family residence. Tract 1 consists of 1.60 acres and is developed with a single-family residence and shed. Tract 2 will be 1.69 acres in size and will be where the new residence will be located.

Applicant's Presentation:

Mr. Mora was unable to attend the virtual Planning Commission meeting. **Sarah McQuade, Planning Staff**, gave a summary of Mr. Mora's request to the Planning Commission.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Sosebee asked about the amount of road frontage and why the amount on the site plan and the amount posted on GIS was different. Ms. McQuade explained that the survey had been submitted for review and would be corrected prior to recording, if the variance request was approved.

Motion: *Mr. Hunt made a motion to approve the request with a second from Mr. Varner and the motion passed with a 5-0 vote.*

Conditions:

1. Prior to the issuance of the CO for the guest house a recorded plat shall be required.

- 4. Application of Joyce Westmoreland for a road frontage variance from 150 feet to 145 feet and from 150 feet to 75 feet on a 9.79± acre tract located on the west side of Ransom Free Road approximately 482 feet from its intersection with H White Road; a.k.a. 6669 Ransom Free Road; Zoned AR-IV; Tax Parcel 12012 000004. Proposed Use: 4 lot subdivision. Commission District 3.**

Background Information:

The applicant is seeking a road frontage variance on tract one from 150 to 75 feet and on tract two from 150 to 145 feet. The applicant is seeking this approval so that they can move forward with creating a 4 lot subdivision to settle an estate. The approval of the subdivision requests requires the approval of the road frontage variances.

Applicant's Presentation:

Ms. Westmoreland was unable to present her request during our virtual Planning Commission meeting, but her sister in-law, Jamie Boggs, was able to call in and let us know she was listening to the meeting. **Sarah McQuade, Planning Staff**, gave a summary of Ms. Westmoreland's request.

Public Forum:

No one spoke in favor or opposition of the request.

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

- 5. Application of Joyce Westmoreland for a Use Subject to County Commission approval on a 9.79± acre tract located on the west side of Ransom Free Road approximately 482 feet from its intersection with H White Road; a.k.a. 6669**

Ransom Free Road; Zoned AR-IV; Tax Parcel 12012 000004. Proposed Use: 4 lot subdivision. Commission District 3.

Background Information:

The applicant is requesting to subdivide a 9.79± acre tract into 4 lots. Any subdivision which is greater than a minor subdivision requires approval by the Hall County Commission. The applicant's statement of hardship states that this is in order for the estate of Lake Boggs to be divided between his four children. A plat was submitted for preliminary approval on February 10, 2020. The staff has reviewed and provided the surveyor comments. After this request was submitted it was determined that a road frontage variance would be needed. The applicant has submitted the required paperwork for that request and it will be heard by the Hall County Planning Commission on April 20, 2020.

Applicant's Presentation:

Ms. Westmoreland was unable to present her request during our virtual Planning Commission meeting, but her sister in-law, Jamie Boggs, was able to call in and let us know she was listening to the meeting. **Sarah McQuade, Planning Staff**, gave a summary of Ms. Westmoreland's request.

Public Forum:

No one spoke in favor or opposition of the request.

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

Conditions:

1. *The approval of this special use request is contingent on the applicant being approved for a road frontage variance by the Hall County Planning Commission.*
 2. *Prior to the issuance of any building permits on any of the four parcels, a recorded plat shall be required.*
 3. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."*
 4. *All conditions of zoning shall be made part of any plat created for the subdivision.*
- 6. Application of Custom Canine Unlimited, LLC for a Use Subject to County Commission approval on a 45.49± acre tract located on the east side of Old Cornelia Highway at its intersection with White Sulphur Road; a.k.a. 3266 Old**

Cornelia Highway; Zoned AR-IV; Tax Parcel 15018 000103. Proposed Use: commercial kennel. Commission District 3.

Background Information:

The applicant is requesting approval for a use subject to approval of the County Commission for a commercial kennel. The subject parcel is a 45.49± acre tract. The narrative states that the business will provide “local, state, federal, and forging national law enforcement, military, and security with products, services, and training.” The applicant states that services would include consulting, advisement and in person meetings. Products would include stored and drop shipped industry specific product lines. Classroom and outside related training would also be included.

Applicant's Presentation:

AJ Vargas, 6135 Stillwater Place, Flowery Branch, presented the request. Mr. Vargas stated that he had spoken with his neighbors and none of them seemed to have any concerns. He also stated that he was happy to be bringing this type of business to Hall County. Mr. Braswell asked if Mr. Vargas was aware of the conditions and understood them. Mr. Vargas stated that he was aware of the conditions and agreed with them.

Public Forum:

Katherine Smith, 3340 Bennett Lane, Gainesville, spoke in opposition. Ms. Smith stated Mr. Vargas had not reached out to her and that she owned almost all of the property around his. She also stated that her concerns were the noise levels and possible gunfire and explosives to train law enforcement dogs.

Rebuttal

Mr. Vargas stated that he would not be using any explosives and there would be very limited gunfire to train dogs. He stated that he also only being using guns during business hours. Mr. Braswell asked Mr. Vargas if he would be okay with time restrictions for the use of firearm use. Mr. Vargas stated that he would be okay with that. Mr. Varner asked how many jobs were being provided. Mr. Vargas stated that he has 13 employees, with all but one being a Hall County resident.

Motion: Mr. Hunt made a motion to recommend approval with conditions for the request and one additional condition with a second from Mr. Sosebee and the motion passed with a 5-0 vote.

Conditions:

- 1. A setback variance for existing structures shall be granted as part of this request.*
- 2. The applicant shall obtain a Hall County business license upon approval of the application.*
- 3. Any future changes to the property for the business or the business plan shall be brought before the Planning Director before construction begins in order to determine if further zoning action is required.*
- 4. All future development should abide by the North Oconee Reservoir watershed Protection District.*

5. *Any business use of firearms shall be limited to Monday through Saturday from 8:00am to 6:00pm.*

7. **Application of Gary Collins for a Use Subject to County Commission approval on 18.60± acres located on the east side of Greenway Road at its intersection with Whitehall Road; a.k.a. 4328 Greenway Road & 4591 Noah Martin Road; Zoned AR-IV; Tax Parcel: 15019 000032 & 15019 000032A. Proposed Use: 5 lot subdivision. Commission District 3.**

Background Information:

The applicant is requesting approval for a Use Subject to County Commission approval for a 5-lot subdivision. The subject property consists of approximately 18.60± acres and is zoned AR-IV. A plat was approved on January 27, 2020 for a minor subdivision of a one acre tract off of the parent tract. Following the approval of this plat, a preliminary plat was submitted as a site plan for a major subdivision of an additional 3 lots off of the parent tract. The 5th lot will be the remnant parcel of the parent tract, which currently totals 18.60 acres in size.

Applicant's Presentation:

Gary Collins, 4717 Middleboro Lane, Gainesville, presented the request. Mr. Collins stated that he was subdividing the property for his grandchildren and possibly one of his children.

Public Forum:

Terry Woodruff 3127 Harmony Church Road, Gainesville, spoke in favor of the request. Mr. Woodruff stated that he was in favor of this application and that the area was great for this.

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

Conditions:

1. *Prior to the issuance of any building permits, a recorded plat shall be required.*
2. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
3. *All conditions of zoning shall be made part of any plat created for the subdivision.*

8. **Application of Ava House Bed & Breakfast to amend conditions of an existing PRD on a 1.62± acre tract located on the east side of Dählonega Highway**

approximately 1,854 feet from Brady Road; a.k.a. 6210 Dahlonga Highway; Zoned PRD; Tax Parcel 11003 000003. Proposed Use: outdoor event venue. Commission District 3.

Background Information:

The applicant is requesting approval to amend conditions of an existing PRD in order to hold private functions and small events for their guests. The narrative states that the applicant intends to use their outdoor spaces for these events while requiring the private events to rent out the whole house for at least one night. The narrative also states that they will continue to function as a bed and breakfast with individual room rentals. The event rentals will be an addition to their existing business.

Applicant's Presentation:

Michael Daddario, 6210 Dahlonga Highway, Clermont, presented the request. Mr. Daddario stated that they were wanting to use their outdoor area at the bed and breakfast. Mr. Hunt asked if Mr. Daddario was requesting no more than 40 guests at a time. Mr. Daddario stated that that was correct.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: Mr. Hunt made a motion of recommend approval with conditions and one additional condition for the request with a second from Mr. Sosebee and the motion passed with a 5-0 vote.

Conditions:

1. *All previous conditions of zoning shall apply.*
2. *The development must meet all Environmental Health requirements at time of permitting.*
3. *The proposed development must coordinate with GDOT prior to the issuance of any permits.*
4. *All conditions of zoning shall be made part of any plats created for the property.*
5. *The maximum occupancy for outdoor events shall be no more than 40 people or amount approved by Hall County Fire Services if it is less than 40 people.*

9. **Application of Chris Patton to amend conditions of an existing PRD on 25.28± acres located on the south side of Ellison Farm Road approximately 469 feet from its intersection with Cottonwood Drive; a.k.a. Signature Estates Subdivision; Zoned PRD; Tax Parcel: 15028 000010G, 000211, & 000213 - 000216. Proposed Use: 10 lot subdivision. Commission District 1.**

Background Information:

The applicant is requesting approval to amend conditions of an existing Planned Residential Development (PRD). The existing conditions are as follows:

1. Development shall be limited to six lots as generally shown on the concept plan.
2. Development will be limited to site-built homes having no less than 3,000 square feet of heated floor space.
3. All lots will access an internal roadway
4. The existing home and structures will be removed from the property.
5. All conditions of zoning shall appear on any plats created for the subdivision.

The applicant's narrative states that they would like to amend the conditions to read as follows:

1. Development shall be limited to 10 lots as generally shown on the concept plan.
2. Development will be limited to site-built homes having no less than 1,800 square feet of heated floor space.
3. All lots will access the existing internal roadway (Gentle Breeze Way)
4. See preliminary Hydrology study (Exhibit A-1) where each house will use the downspout disconnects stormwater best management practice (BMP) and no additional stormwater BMP's will be required
5. All conditions of zoning shall appear on any plats created for the subdivision.

Applicant's Presentation:

Chris Patton, 419 Bradford Street, Gainesville, presented the request. Mr. Patton stated that there were six conditions, all of which they were in agreeance with expect one. Mr. Braswell asked if the existing road was private. Mr. Patton stated that it is a private road and it has been approved. He stated that the goal was to build smaller, more affordable houses.

Public Forum:

Gilbert Reed, 3141 Ellison Farm Road, spoke in opposition. Mr. Reed stated that he was concerned with soil being bad do to a meth lab that was torn down on that property. He also stated that three springs had been ruined and he was forced to dig a well.

Rebuttal

Mr. Patton stated that his property and water supply should not be affected due to being upstream from their property.

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

Conditions:

1. Development shall be limited to 10 lots as generally shown on the concept plan.
2. Development will be limited to site-built homes having no less than 1,800 square feet of heated floor space.
3. All lots will access the existing internal roadway (Gentle Breeze Way)

4. *A full stormwater management report shall be required. All facilities shall be installed as required by the stormwater management report.*
5. *Prior to the issuance of any building permits, a recorded plat shall be required.*
6. *All conditions of zoning shall appear on any plats created for the subdivision.*

10. Application of Justin Dodd to rezone from Suburban Shopping (S-S) to Agricultural Residential-IV (AR-IV) on a 1.53± acre tract located on the west side of Old Cornelia Highway approximately 181 feet from its intersection with Mud Creek Road; a.k.a. 7463 Old Cornelia Highway; Zoned S-S; Tax Parcel 09003 000007. Proposed Use: to construct an addition. Commission District 3.

Background Information:

The applicant is requesting approval to rezone a 1.53± acre tract from Suburban Shopping (S-S) to Agricultural-Residential-IV (AR-IV) in order to construct an addition on an existing home. The narrative states that the applicant simply wants to construct an addition and make improvements on his home that is currently located on a commercially zoned piece of property.

Applicant's Presentation:

Justin Dodd, 7463 Old Cornelia Highway, Alto, presented the application. Mr. Dodd stated that he was wanting to add an addition to his house to be able to have a room big enough for all his family to be in. He stated that the property had been in his family for many years and he was hoping to keep it that way.

Public Forum:

No one spoke in favor or opposition of the request.

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

11. Application of Eric Hickman to rezone from Agricultural Residential-III (AR-III) and Light Industrial (I-I) to Light Industrial (I-I) on 25.69± acres located on the west side of Candler Road at its intersection with Jag Drive; a.k.a. 1424, 1440, 1444, & 1476 Candler Road; Zoned AR-III; Tax Parcel: 15031 000039F, 000063, 000089, and 000039. Proposed Use: storage yard. Commission District 4.

Background Information:

The applicant is requesting approval to rezone 25.69± acres from Agricultural Residential-III (AR-III) and Light Industrial (I-I) to Light Industrial (I-I) in order to expand the outdoor parking space for large commercial equipment. The desire of the business is to improve the existing parking, add additional parking, and add stormwater management controls to the combined tracts 1 through 4.

Applicant's Presentation:

Eric Hickman, 1424 Candler Road, Gainesville, presented the request. Mr. Hickman stated that he had been doing business in Hall County since 2015. Mr. Braswell asked Mr. Hickman if he had read the staff recommendations. Mr. Hickman stated that he had read them and had a question about a few of them, one regarding the business license. Ms. McQuade stated that the business license that they had on file was with another company.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Varner made a motion to recommend approval with conditions for the request with a second from Mr. Sosebee and the motion passed with a 5-0 vote.*

Conditions:

- 1. The development shall occur as generally depicted on the concept plan.*
- 2. Buffers shall be added where required specifically where an industrial use is adjacent to residentially-zoned property.*
- 3. A stormwater management report shall be required prior to any permits being issued.*
- 4. The applicant shall coordinate any required improvements with the Georgia Department of Transportation prior to the issuance of a business license.*
- 5. If there is a change in ownership and new business licenses shall be obtained.*
- 6. Prior to the issuance of any land disturbance or building permits, a recorded plat shall be required.*
- 7. All conditions of zoning shall appear on any plat recorded for this property.*

Other Business

The next Planning Commission meeting will be on Monday, May 4, 2020.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:56 pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Clerk
Hall County Planning Commission