Applicant............................................................... Ashley Ruelas

Request.............................................................. Use Subject to County Commission approval and to establish Residential-II setback standards

Proposed Use ...................................................... Construct a residence

Size........................................................................... 0.187± acres

Zoning ................................................................. H-B

Location ............................................................... On the north side of Spring Road, approximately 250 feet from its intersection with Skelton Road; a.k.a. 2052 Spring Road; Tax Parcel 00122 002010

Commission District............................................. Four

Planning Commission Date ................................. July 1, 2019

Staff Recommendation ....................................... Approval

Applicant Proposal

The applicant is requesting the re-establishment of a non-conforming use of a residential home with Residential-II (R-II) building setbacks on a 0.187± acre property zoned Highway Business (H-B). The applicant submitted a document from the Hall County Board of Assessors which has a note that a home was removed in 1992 from the property.

The applicant’s narrative describes the intent to construct a house on the property for a family of four. The applicant is requesting the setbacks be varied to 30 feet to the front property line, 10 feet to the side property lines, and 20 feet to the rear property line. The property has connection to Gainesville City sewer and water services. A recorded plat was submitted with the application; plat book 876 page 437.

History and Existing Land Uses

The subject property has 0.187± acres and is zoned Highway Business (H-B), which is original zoning. It is currently undeveloped. The Hall County GIS digital aerial imagery shows no structures on the property dating back to 1999. The Hall County aerial photo index from 1994 does show a structure on the property that appears residential in nature.

All of the adjacent properties are zoned H-B. The adjacent property to the west is developed with a 958
square foot single family residence constructed in 1950. The adjacent property to the north is developed with a 1,152 square foot single family residence and a 1,560 square foot service repair garage, both constructed in 1948. That property has two business licenses; one is for Servicios Hispanos, LLC for a tax preparation service and the other is for Mastercars Used Auto Sales LLC for a used car dealer. The adjacent property to the east is undeveloped.

**Comprehensive Plan Land Use Designation**

The Comprehensive Plan’s future land use designation for the subject parcel is “Lake Area Residential”. This land use category is characterized by detached single-family low-density residential development, less intensive agricultural uses, greenways and trails, and civic benefit uses such as community centers, libraries, places of worship, and schools.

**Development Support and Constraints**

*Hall County Environmental Health*
No comments were provided.

*Hall County Fire Services*
The subject property is located approximately 2.70 miles from Hall County Fire Station #4, located at 2940 McEver Road. There is a fire hydrant located approximately 500 feet east of the subject property along the south side of Spring Road.

*Hall County Public Works and Utilities*
  
  **Engineering**
  No comments were provided.
  
  **Sewer Services**
  No comments were provided.
  
  **Traffic Engineering**
  No comments were provided.

*Hall County Tax Assessors*
No comments were provided.

*Gainesville Water and Sewer Resources*
The Hall County GIS shows that public water and sewer is available along Spring Road. Nick Swafford, a Civil Engineer and Permitting Services Manager with the City of Gainesville, stated in an email dated June 13, 2019 that there are no records indicating service of either utility {water or sanitary sewer} to the {subject} property.

*Georgia Department of Transportation*
No comments were provided.
Zoning Analysis

- §17.340.050 of the Hall County Zoning Regulations states “for uses discontinued longer than two years, the county commissioners may approve re-establishment of the use as provided in chapter 17.380.
  - The applicant’s document from the Hall County Board of Assessors has a note that a home was removed from the property in 1992.
  - The Hall County aerial photos indicate that the property had a residence in the past.
- The subject parcel is only 0.187 acres in size and is considered a lot of record. It cannot be rezoned to a residential zoning classification because it is below the minimum lot size.
- The proposed property use is consistent with the Comprehensive Plan. Spring Road is not located within any corridors or activity centers.
- The Hall County aerial imagery does suggest that a residence was present on the property.
- Hall County records do not indicate that there was ever a business license issued to the subject property, which suggests that the use was always residential in nature.
- It is unclear if the property would have access to City of Gainesville sewer. The correspondence from Nick Swafford, the Permitting Services Manager with the City of Gainesville, stated that there are no records of service at this address. The recorded plat indicated that the property has a sewer clean out. Environmental Health did not provide comments.
  - The property will need to show confirmation for access to water and sanitary sewer service prior to the issuance of a building permit.
- Due to the number of other residential uses within the H-B zoning along Spring Road, relief, if granted, would not cause substantial detriment to the public good.
- Relief, if granted, to vary the setback requirements from H-B to R-II would not cause substantial detriment to the public good.
  - H-B setbacks:
    - Front yard: 55 feet from center line of road or 30 feet from property line, whichever is greater.
    - Side yard: 20 feet from the property line.
    - Rear yard: 10 feet from the property line.
  - R-II setbacks:
    - Front yard: 55 feet from center line of road or 30 feet from property line, whichever is greater.
    - Side yard: 10 feet from the property line.
    - Rear yard: 20 feet from the property line.

Staff Recommendation

Staff recommends approval of the applicant’s request.
Applicant: ASHLEY RUELAS
Tax Parcel #: 00122 002010
Location: 2052 SPRING ROAD, GAINESVILLE, GA 30504
Commission District 4 PC Mtg. Date: 07/01/2019
Applicant: ASHLEY RUELAS
Tax Parcel #: 00122 002010
Location: 2052 SPRING ROAD, GAINESVILLE, GA 30504
Commission District 4        PC Mtg. Date: 07/01/2019
I would like to build a house on the property. There used to be a house built on the property 20 years ago. I have documentation and proof when the house was removed from the property. The setbacks for the house will be 30' from the front, 10' from the sides, 20' from the rear. The property is connected to Gainesville City Sewer and water. The house will be for a family of about 4.

* DOES NOT HAVE
EXACT FOOTPRINT
OF HOME YET,
BUT 20' SIDE
SETBACKS WOULD
ONLY LEAVE 4' 19'.
<table>
<thead>
<tr>
<th>Owner/Information</th>
<th>General Property Information</th>
<th>Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>RUELAS ASHLEY XITLALY</td>
<td>SITUS 2052 SPRING RD</td>
<td></td>
</tr>
<tr>
<td>2052 SPRING RD</td>
<td>LEGAL PT LTS 40 - 42 MOON</td>
<td></td>
</tr>
<tr>
<td>GAINESVILLE, GA 30504</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tax District</th>
<th>COUNTY</th>
<th>GMB</th>
<th>Homestead</th>
<th>S0</th>
<th>Land Val</th>
<th>Total Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COUNTY</td>
<td>GMB</td>
<td>Homestead</td>
<td>S0</td>
<td>Land Val</td>
<td>Total Value</td>
</tr>
<tr>
<td></td>
<td>COUNTY</td>
<td>GMB</td>
<td>Homestead</td>
<td>S0</td>
<td>Land Val</td>
<td>Total Value</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Unit</th>
<th>Return Value</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>HB</td>
<td>LD</td>
<td></td>
<td>0.00000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0.00000</td>
</tr>
</tbody>
</table>

- 1.00 - 1.00 - 1.00 - 1.00 - 1.00 - 1.00 - 1.00 - 1.00 - 1.00 - 1.00 | Commercial - General - 1.00 |

2018 ASSESSMENT NOTICE RETURNED PER USPS 05-10-18 CN; 501 HOLLOWAY; PLAT BOOK 6 PAGE 68; '92 REMOVE HSE - NO VALUE

**SALES INFORMATION**

<table>
<thead>
<tr>
<th>Grantor</th>
<th>Date</th>
<th>Deed Book</th>
<th>Plat Book</th>
<th>Salesprice</th>
<th>CS</th>
<th>Mkt.Value</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>RUELAS, ASHLEY XITLALY</td>
<td>2017-08-22</td>
<td>7953 743</td>
<td>6 68</td>
<td>0</td>
<td>C1</td>
<td>0</td>
<td>26</td>
</tr>
<tr>
<td>RUELAS JESUS</td>
<td>2015-06-03</td>
<td>7534 481</td>
<td>6 68</td>
<td>15,000</td>
<td>C1</td>
<td>0</td>
<td>LM</td>
</tr>
<tr>
<td>DOUBLE SISTERS, LLC</td>
<td>2014-12-31</td>
<td>26,000</td>
<td>C3</td>
<td>0</td>
<td>RL</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**LAND INFORMATION**

<table>
<thead>
<tr>
<th>CS</th>
<th>Code / Description</th>
<th>Method</th>
<th>Units</th>
<th>Depth</th>
<th>From Front</th>
<th>Depth Table</th>
<th>Depth Factor</th>
<th>Unit Value</th>
<th>Adj Unit</th>
<th>Adj</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>C3</td>
<td>5853 Comm-Gainesville 04</td>
<td>Square Foot</td>
<td>7392.00</td>
<td>132</td>
<td>0</td>
<td>100</td>
<td>1.1124</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
<td>14,784</td>
</tr>
</tbody>
</table>
HALL COUNTY NOTES:

"ANY STREAM OR WAREHOUSING AREA LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A FLOOD INSURANCE RATE MAP (FIRM) REQUIRED FOR COMPLIANCE. HALL COUNTY CODE 11-185-040"

"THIS PROPERTY IS LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY 615"
ZONING APPLICATION

Applicant (Name and Mailing Address)

Property Owner (Name and Mailing Address)

Ashley Ruelas
2529 Hollow Drive,
Gainesville, GA 30504

(770) 878-79-20
ashleyruelas@hotmail.com

Proposed Use: Re-establish a home and vary side yard setbacks

<table>
<thead>
<tr>
<th>Status of Applicant</th>
<th>Requested Action</th>
<th>Supporting Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Existing zoning: 4-B</td>
<td>Plat/site plan</td>
</tr>
<tr>
<td></td>
<td>Rezone to:</td>
<td>Written report</td>
</tr>
<tr>
<td></td>
<td>Permissive Use:</td>
<td>Deed</td>
</tr>
<tr>
<td></td>
<td>HCPC</td>
<td>Other</td>
</tr>
<tr>
<td></td>
<td>Fee $ 450 -</td>
<td></td>
</tr>
</tbody>
</table>

Tax Parcel Number: 00122_002010
Acreage: 0.187

Location Address: 2529 Spring Rd, Gainesville, GA 30504

I hereby certify that the above information and all attached information are true and correct.

Sign: Ashley Ruelas
Date: 05/07/19

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby withdraw the application.

Sign: 
Date: 

Staff Use Only

Application Date: May 7, 2019
Taken by: VANESSA FOSTER

Tentative Planning Commission Date: July 1, 2019
Tentative County Commission Date: July 25, 2019

County Commission District: Four
CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant’s application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed with ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**___ I have not ___

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): ___________________________ Office: ___________________________

Dollar Amount: ___________________________ Date of Contribution: ________________

Applicant’s/Owner’s Signature: ___________________________ Date: 05/07/19

Revised November 2017
June 21, 2019

MEMORANDUM

TO: Sarah McQuade, Planning Manager
FROM: Ken Rearden, Public Works and Utilities Director
SUBJECT: Hall County Planning Commission Agenda for July 1, 2019 Meeting

Please be advised that Public Works & Engineering has reviewed the Hall County Planning agenda for the July 1, 2019 meeting.

Upon review, we provide the following comments on this agenda:

1. Application of Joseph and Rachel Bahin
   a) Utilities: No Comment
   b) Engineering: No Comment
   c) Traffic: No Comment

2. Application of CRH Advertising, Inc.
   a) Utilities: No Comment
   b) Engineering: Sign appears to be in the future floodplain. This may require a design change and will be addressed during the plan review process.
   c) Traffic: No Comment

3. Application of Brittany Gunter Turner
   a) Utilities: No Sewer Available at this time
   b) Engineering: No Comment
   c) Traffic: No Comment
4. Application of Ashley Ruelas
   a) **Utilities**: No Comment in Gainesville Sewer District
   b) **Engineering**: No Comment
   c) **Traffic**: No Comment

5. Application of Kathleen Wedegis
   a) **Utilities**: No Sewer Available at this time shared Gainesville-Hall County Sewer District
   b) **Engineering**: Agri-entertainment districts are subject to stormwater rules and regulations. The site might require a stormwater management plan depending upon impervious square footage and other factors that will be examined during the plan review process.
   c) **Traffic**: No Comment

6. Application of Evandro Rocha
   a) **Utilities**: No Comment in Oakwood Sewer District
   b) **Engineering**: No Comment
   c) **Traffic**: Development will need to meet Hall County Access Requirements

7. Application of Application of WE Flip, LLC
   a) **Utilities**: Proposed plan does not align with planned sewer on this property as lots are on the acquired sewer easement. Detailed email sent to Planning on June 13, 2019. Sewer will be available on this property in approximately 2022 if funding is available.
   b) **Engineering**: Some of the road design parameters may not meet Hall County standards. This will be addressed during plan review.
   c) **Traffic**: At minimum, the recommended improvements within the traffic impact study will be required, however, the development will need to meet Hall County and GDOT access criteria, so additional requirements may be necessary during plan review. Developer will need to coordinate design plans with Hall County Traffic Engineering and GDOT.

8. Application of Howorth Properties, LLC
   a) **Utilities**: No Sewer Available at this time shared Gainesville-Hall Sewer District
   b) **Engineering**: Howorth is currently out of compliance on two of their properties. One has been operating without a business license as they have been unable to get into compliance with stormwater rules and regulations for many years. The other is under stop work order for soil erosion violations. Engineering recommends these issues are corrected prior to allowing this rezoning.
   c) **Traffic**: No Comment