

VARIANCE APPLICATION

Applicant (Name and Mailing Address)

Rochester/DCCM

 425 Oak St.

 Gainesville, GA 30501

 Phone 770-363-1997

 Email Address bkdunckel@rochester-assoc.com

Property Owner (Name and Mailing Address)

Wilbanks Family Holdings, LLC

 4676 Shirley Bridge Road

 Gainesville, GA 30506

 Phone _____

 Email Address _____

Location of Property 4676 Shirley Bridge Road, Gainesville, GA 30506 *Tax PIN: 10119 000001*

4654

Present Zoning V-C Existing Structures Single Family Residential House

Type of Appeal:

- | | | |
|--|---|--|
| <input type="checkbox"/> Setback Variance | <input type="checkbox"/> Front Yard | From ___ ft. to ___ ft. |
| <input checked="" type="checkbox"/> Road Frontage Variance | <input type="checkbox"/> Right Side Yard | From ___ ft. to ___ ft. |
| <input type="checkbox"/> Sign Variance | <input type="checkbox"/> Left Side Yard | From ___ ft. to ___ ft. |
| <input type="checkbox"/> Hardship Mobile Home | <input type="checkbox"/> Rear Yard | From ___ ft. to ___ ft. |
| | <input checked="" type="checkbox"/> Road Frontage | From <u>150</u> ft. to <u>50</u> ft. |
| | <input type="checkbox"/> Sign Area | From ___ ft. to ___ ft. |
| | <input type="checkbox"/> Sign Height | From ___ ft. to ___ ft. |
| | <input type="checkbox"/> Doctor's Letter | <input type="checkbox"/> Terms Agreement |

Supporting Documents: Plat of Property Site Plan
 Deed of Property Floor Plans
 Hardship Statement Other

Hardship Mobile Home:
 I understand that, if granted, the mobile home must be removed from the property when my hardship ceases to exist.

 (Signature)

Fee (Must be paid for application to be complete): \$ _____

I hereby certify that the above information is true & correct to the best of my knowledge.

Sign [Signature] Date 12/13/22

I hereby withdraw this application.

Sign _____ Date _____

Staff Use Only

Application Date: 12/14/22 Taken by: E. Gannon
 Tentative Planning Commission Date: 2/6/23 If Appealed County Commission Date: 3/9/23
 County Commission District: _____



**HALL COUNTY PLANNING AND DEVELOPMENT
AUTHORIZATION OF PROPERTY OWNERS**

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Wilbanks Family Holdings, LLC

Address 4676 Shirley Road

Gainesville, GA 30506

Phone Number 706-499-5493

Name of applicant(s) Rochester I DCCM - Bradley Dunckel

Address 425 Oak St.

Gainesville, GA 30501

Phone Number 770-363-1997

Purpose of Permit Minor Subdivision Plat

Site Address 4676 Shirley Road, Gainesville, GA 30506

I swear that I am the owner of the property, which is the subject matter of the attached applications as shown in the records of Hall County, Georgia. I authorize the person named above to act as applicant in the pursuit of a permit as described above for the subject property.

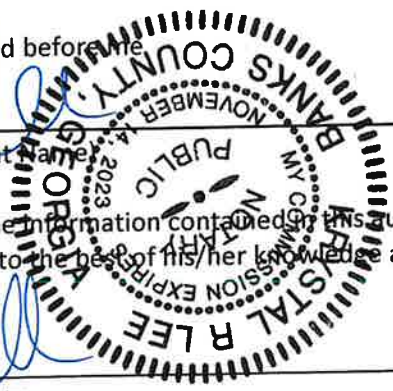
Signature of Owner(s)

Personally appeared before me

Notary Public (Print Name)

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Date 12/1/22



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 within 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: 12/13/22

Applicant's/Owner's Name (Printed): Wilbanks Family Holdings, LLC

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Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: Bradley Dunckel

Date: 12/13/22

Applicant's/Owner's Name (Printed): Bradley Dunckel

STATEMENT OF HARDSHIP

The Hall County Planning Commission has the authority, in specific cases, to grant variances from the terms of the Zoning Regulations when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Regulations will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Zoning Regulations.

In all cases involving requests for residential variances from the terms of the Zoning Regulations, a plat or survey of the property prepared by a registered surveyor, architect, or engineer shall be required. In all cases involving variances for commercial or industrial uses of land, a site plan of the property prepared by a registered surveyor, architect, or engineer shall be required. Variances may be granted only upon a finding by the board that:

Describe how each situation listed below relates to your application:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship).

As is the case with many lake frontage properties, the amount of available road frontage is disproportional to the amount of lake frontage. The lake frontage can easily support 6 lots, based on minimum Army Corps of Engineer's criteria but the road frontage will only support a 3 lot subdivision.

2. The application of the requirements of this resolution to this particular property would create an unusual hardship.

A hardship will be created if the property owner is not allowed to fully subdivide the property based on the underlying zoning requirements. The property owner has offered to construct a common driveway in order to limit the number of driveways from 6 to 2.

3. Such conditions are peculiar to the particular piece of property involved and not common to other properties in the neighborhood. That is, the application of the regulation would deprive the applicant of the rights commonly enjoyed by others in the neighborhood.

Two other projects on Shirley Road, with lake frontage, have been approved with road frontages of less than 150'. The Summercrest S/D in 2016 and the Sosewood Property Group, LLC S/D in 2021.

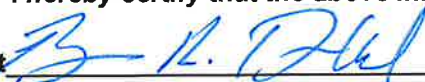
4. Such conditions are not the result of any actions of the property owner.

The property owner has taken no actions which would facilitate the request for this variance.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this resolution provided; however, that no variance may be granted for a use of land or building or structure that is prohibited by this resolution. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district.

If granted, this variance would not be detrimental as the result does not increase the density allowed by the underlying zoning. In fact, the resulting lot sizes are much larger than the minimum for the V-C zoning district. The specifics of this variance are unique to this property and would not confer any other special privilege.

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

Applicant 

Date 12/13/22