



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
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Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner

From: Randi Doveton, Director of Planning & Development

Date: August 21, 2023

Subject: (A) **6178 Lake Lanier Heights Road | Appeal a Planning Commission Decision for a variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract | Proposed Use: residential addition and bring the existing residence into compliance | Nave Edelstein, applicant; Holly Neyman/Jane Range, appellant.**

(B) **6178 Lake Lanier Heights Road | Appeal a Planning Commission Decision for a variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract | Proposed Use: residential addition and bring the existing residence into compliance | Nave Edelstein, applicant; Holly Neyman/Jane Range, appellant.**

The request before you is the **appeal of Holly Neyman/Jane Range** of the August 7th Hall County Planning Commission decision for two variances from 17.240.010: (A) reduce the left side yard setback from 10 feet to 3 feet and (B) reduce the right side yard setback from 10 feet to 4 feet to allow a residential addition and bring the existing residence into compliance. This item is located within Commission District 2.

At their August 7, 2023 meeting, the Hall County Planning Commission voted to recommend **approval of both variances with two (2) conditions (5-0).**

There was **one (1) comment submitted** in advance of the Planning Commission meeting and **four (4) people spoke in opposition during the public hearing.**

Had the Planning Commission not been appealed, their decision would have been the final action. Approving the appeal, overturns the Planning Commission decision and denies the variance requests. Denying the appeal upholds the Planning Commission decision and approves the variance requests.

Planning Commission Approval Conditions are listed below:

(A)

1. The property shall be developed in accordance with the site plan submitted as part of this request.
2. Pursuant to [2.60.060](#), all applications approved by the board, whether a request for variance from the terms of [Title 17](#), a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of [Title 17](#), shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.

(B)

1. The property shall be developed in accordance with the site plan submitted as part of this request.
2. Pursuant to [2.60.060](#), all applications approved by the board, whether a request for variance from the terms of [Title 17](#), a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of [Title 17](#), shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.