

Print

Planning Commission Comments - August 7, 2023 - Submission #78733

Date Submitted: 8/4/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Jane

Last Name*

Range

Address1*

200 E.E. Butler Parkway

Address2

City*

Gainesville


State*

GA

Zip*

30501

Zoning Item for Comment*

5. (A)/(B) 6178 Lake Lanier Heights Road | Variance(s) 

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

August 4, 2023
VIA EMAIL
Hall County Planning Commission

RE: Variance Request of Nave Edelstein for 6178 Lake Lanier Heights Road/ Item 5 on the Agenda for August 7, 2023
Dear Commission Members,

I represent Holly Lawrance-Neyman, who is a neighbor and property owner at 6200 Lake Lanier Heights Road. Previously, at the July 24 meeting of the Commission, the variance request(s) of Nave Edelstein were on the agenda and duly called for consideration by the Commission. The applicant/owner, Nave Edelstein, was not present at the meeting, and no one came forward to speak for the applicant or in favor of the application. The Board then provided the opportunity for the public in opposition to come forward and speak. That portion of the meeting was in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66-2 and the Hall County procedures adopted under the authority of the ZPL. After the Chairman announced that the public hearing was closed, Mr. Braswell then proposed to reset the matter for the August 7 hearing date so the Commission could speak with the applicant. My client strongly objects that such procedure is outside the process as allowed under the ZPL and disadvantages the neighbors who were unable to hear the applicant's positions and rebut them in their portion of the hearing.

O.C.G.A. Section 36-66-2 reads:

(b) Consistent with the minimum procedures required by this chapter, local governments may:

(1) Provide by ordinance or resolution for such administrative officers, boards, or agencies as may be expedient for the efficient exercise of delegated, quasi-judicial zoning powers and to establish procedures and notice requirements for hearing before such quasi-judicial officers, boards, or agencies that are consistent with the minimum procedures provided for in this chapter to assure due process is afforded the general public; and

(2) Provide by ordinance or resolution for procedures and requirements in addition to or supplemental to those required by this chapter and, where so adopted, thereby establish the minimum procedures for such local government's exercise of zoning powers.

O.C.G.A. Section 36-66-5 provides ten minutes per side for comments as the minimum. The Planning Commission rules provide up to twenty-one minutes. However, the procedure also allows the applicant to speak, reserve rebuttal, then those in favor to speak and then those opposed to speak. That process assures both the applicant and the opposition an opportunity to direct attention to their evidence and rebut evidence of the other side.

In this case, the failure to strictly adhere to the public hearing procedures will do harm to the opportunity of the neighbors, including my client, to hear any argument of the applicant and rebut them. Such an ad hoc procedure adopted after the public hearing was closed and comment cut off for the opposition, violate the ZPL and the constitutional rights of the neighbors, including my client, to respond fully to any argument the applicant may make.

On behalf of my client, I strongly object to the departure from the law and adopted procedures of Hall County for a hearing in front of the Planning Commission on a variance.

Very truly yours,

Jane A. Range

JAR:alb/17006/W285169

Please write your comments in the box above.

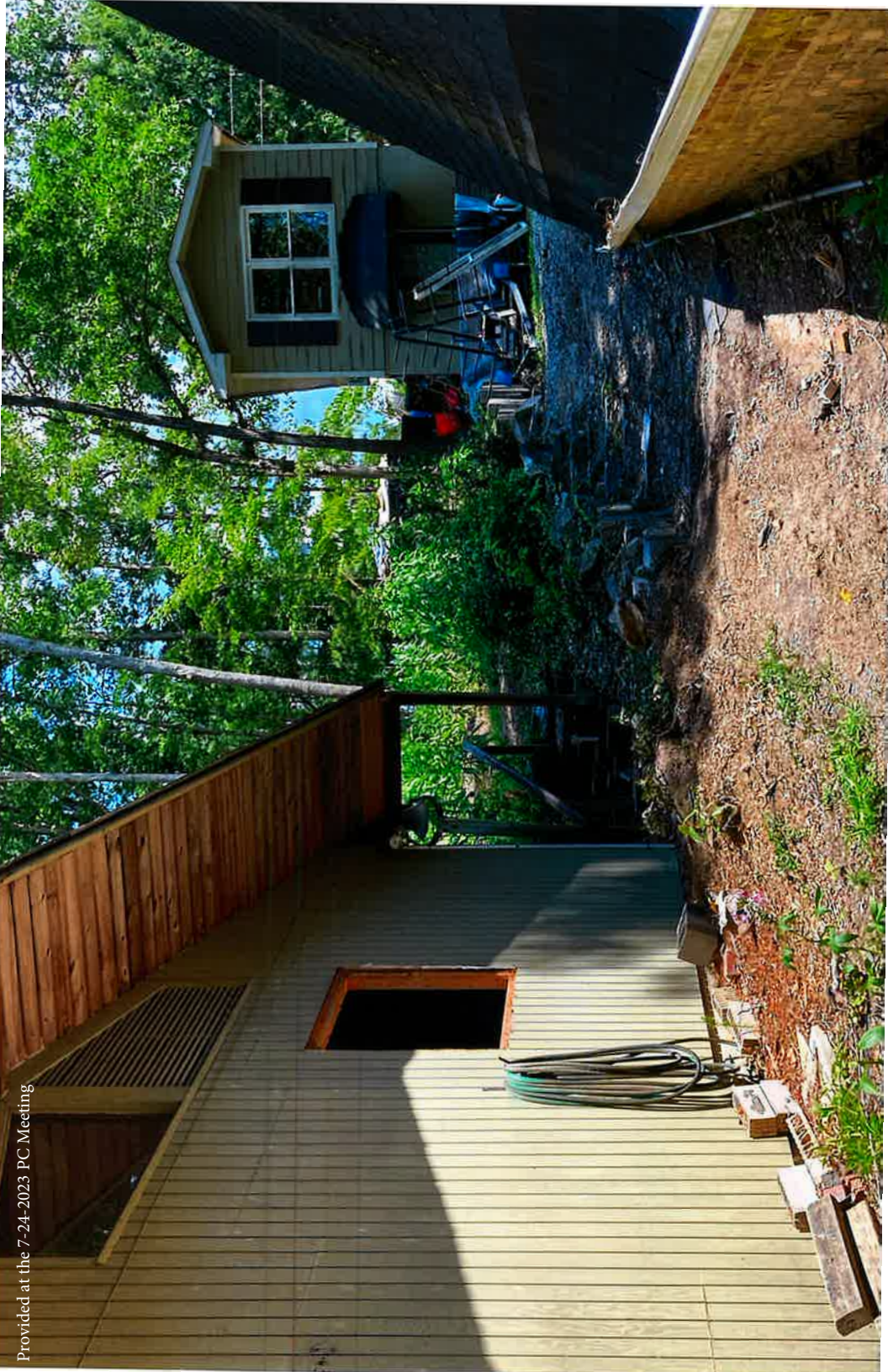
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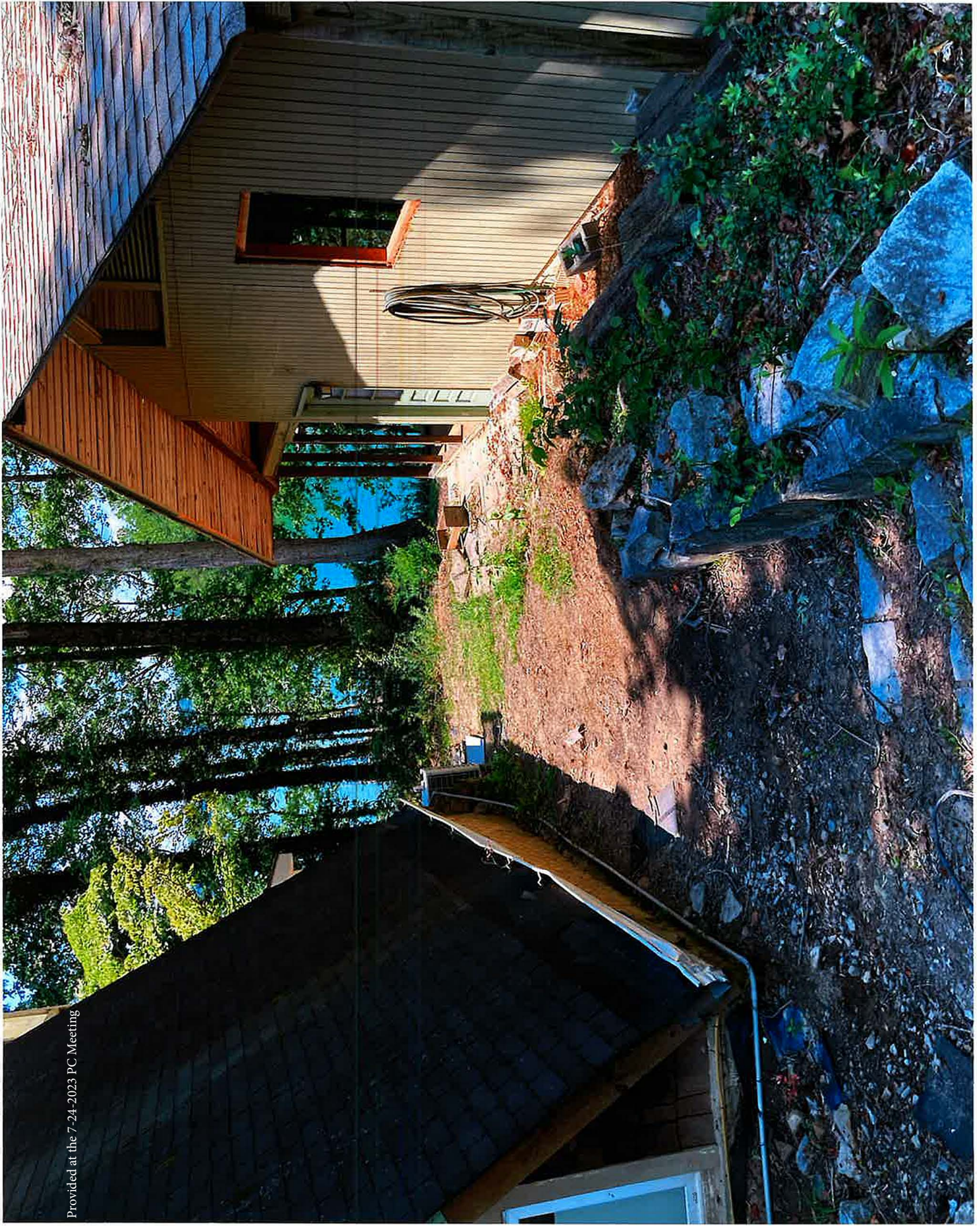
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.



Provided at the 7-24-2023 PC Meeting



Provided at the 7-24-2023 PC Meeting