

PLANNING AND DEVELOPMENT DEPARTMENT
 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
 MAILING ADDRESS, PO BOX 1435, GAINESVILLE, GA 30503
 t. 770-531-6809 | f. 770-531-3902



VARIANCE APPLICATION

Applicant (Name and Mailing Address)

Nave Edelstein

6755 Peachtree Industrial blvd

Doraville GA 30360

Phone (770)263-9020

Email Address c2expediting@yahoo.com

Location of Property 6178 Lake Lanier Heights Rd

Present Zoning V-C Existing Structures Single Family Home

Property Owner (Name and Mailing Address)

Xcellence Realty Group

6755 Peachtree Industrial blvd

Doraville GA 30360

Phone (770)263-9020

Email Address nave@trlconstructiondesign.com

Type of Appeal:

- Setback Variance
- Road Frontage Variance
- Sign Variance
- Hardship Mobile Home

- Front Yard
- Right Side Yard
- Left Side Yard
- Rear Yard
- Road Frontage
- Sign Area
- Sign Height
- Doctor's Letter

- From ft. to ft.
- From 10 ft. to 4.7 ft.
- From 10 ft. to 7.32 ft.
- From ft. to ft.
- From ft. to ft.
- From ft. to ft.
- From ft. to ft.
- Terms Agreement

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

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

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

 (Signature)

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

Sign 

Date 4/18/2023

I hereby withdraw this application.

Sign _____

Date _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ If Appealed County Commission Date: _____

County Commission District: _____

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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: [Signature] Date: 4/12/2023

Applicant's/Owner's Name (Printed): X Nava Edelstein
Partner in: Xcellence Realty Group

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).

The existing single family home as it currently is built encroaches into both side setbacks. In order to keep the look and feel of the existing home we would need to continue the same encroachment into the side setbacks.

2. The application of the requirements of this resolution to this particular property would create an unusual hardship. With the home already in the setback the home would cantilever in and then the addition would be built, however this would not change the fact that the existing home is in the setback. By granting this variance, it would bring the property into compliance. This would make any future need for variances for the existing home mute.

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.

Based on the area that this home is built in, several homes within the neighborhood encroach into the side setback. It would seem that the homes in the property were built prior to the zoning setbacks being implemented. This variance would allow for the existing home to remain on the property as it is currently built.

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

The existing home was built in the 1960s therefore the current property owner inherited the issue with the setback encroachments. This is making the front addition to the home difficult to accomplish so that the home would be a bit more habitable with more than the 975 sf it currently boasts.

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.

The relief would allow for the existing homes encroachment to be brought into zoning compliance, and it would allow for additional square footage. The current home is very cozy and only 975 sf, and the addition would make it more adaptable to a family living on the site.

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

Applicant Nave Edelstein

Date 4/18/23