



# Hall County Government

## COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND DEVELOPMENT  
DIRECTOR  
**Randi Doveton**

ASSISTANT DIRECTOR  
**Beth Garmon**

**To:** Richard Higgins, Chairman  
Kathy Cooper, District 1 Commissioner  
Billy Powell, District 2 Commissioner  
Gregg Poole, District 3 Commissioner  
Jeff Stowe, District 4 Commissioner

**From:** Beth Garmon, Assistant Director of Planning & Development

**Date:** March 11, 2024

**Subject:** **4199 Perry Drive | Appeal a Planning Commission Decision for a Variance | 17.240.010. to reduce the left side yard setback | on a 0.26± acre tract | Proposed Use: Detached garage | Commission District 3 | Nicholas DiQuollo, applicant; George E. Lee, appellant**

---

The request before you is the **appeal of George E. Lee** of the May 6, 2024 Hall County Planning Commission decision to reduce the left side yard setback to allow a detached garage. This item is located within Commission District 3.

At their May 6, 2024 meeting, the Hall County Planning Commission voted to recommend approval with four (4) conditions **(5-0)**.

Staff recommendation: **Approval, with conditions**, as a hardship exists pursuant to the criteria of 2.60.030.

There were **ten (10) comments submitted** in advance of the Planning Commission meeting and **two (2) 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:**

1. The property shall be developed in accordance with the site plan submitted on March 9, 2024, with the left side yard setback being reduced from 10 feet to 5 feet from the property line.
2. All conditions of zoning shall be made part of any plats created for the property.
3. 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.
4. Foundation to be staked by surveyor prior to issuance of building permit.