

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Yuemian Zhen
Request Appeal of Planning Commission
Proposed Use Single family residence
Size 2.15± acres
Zoning Agricultural Residential IV (AR-IV)
Location **5342 Robin Trail** | Tax Parcel 15039D000018
Commission District One
Planning Commission Date November 4, 2024
Staff Recommendation **Denial**
Record Number HVAR24-0043
Planning Commission Recommendation..... **Denial**

Vote: 3-2

- Mr. Braswell - Aye**
- Mr. Hunt - Nay**
- Ms. Pilcher - Aye**
- Mr. Sosebee - Aye**
- Mr. Varner - Nay**

Excerpts from the minutes of the November 4, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Yuemian Zhen, 5342 Robin Trail, Braselton, presented the request.

Rodney Clark, 2660 White Sulphur Rd, Gainesville, presented the request and described the work done to the home as well as his role as an engineer hired by the applicant.

Planning Commission Comments:

Mr. Hunt asked if the applicant planned to live on the property, to which the applicant stated she did. Mr. Hunt asked Mr. Clark if he had inspected the property as the applicant was completing the work, and Mr. Clark confirmed that he had. Mr. Varner sought clarification on when the applicant had involved Mr. Clark in the project. Mr. Clark replied that it was between the end of August and the beginning of September in 2023. Mr. Braswell clarified that this involvement occurred after the applicant had been informed in writing and in person that all work on the project needed to be halted. Mr. Clark stated that, upon his involvement, he was told that the Marshal had visited the property and instructed the applicant to bring the property into compliance in order to obtain a permit. Mr. Hunt then asked the dimensions of the mobile home, and Mr. Clark stated it was 14 feet by 60 feet, or 26 feet by 60 feet including the addition in that section. Mr. Sosebee stated that he was uncomfortable proceeding with approval and would vote to deny the appeal. Mr. Hunt disagreed, stating that the applicant met the requirements of section 17.40.050.D as the mobile home with the addition meets the 16 feet by 16 feet minimum.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 3-2

Mr. Braswell - Aye

Mr. Hunt - Nay

Ms. Pilcher - Aye

Mr. Sosebee - Aye

Mr. Varner - Nay

Dear Board of Commissioners,

Yuemian Zhen has submitted an application to appeal the decision made by the Assistant Director of Planning and Zoning on February 20, 2024 regarding a retroactive building permit for the exterior and interior remodel of an existing mobile home at 5342 Robin Trail, on a tract measuring approximately 2.15± acres.

A retroactive building permit for the subject parcel was denied based on Section 17.40.050.D, which requires the minimum dimensions of a dwelling unit to be greater than sixteen feet in both length and width. The submitted narrative indicates that the mobile home measures 62 feet in length by 14 feet width. Although the home has been modified with several additions, no section of the house complies with the requirement of Section 17.40.050.D.

The applicant purchased the property at a tax sale on September 7, 2021. At that time, it included a 62-foot by 14-foot mobile home that was in disrepair. According to the narrative, the applicant received a 30-day notice from the Hall County Marshal's office, which prompted them to begin renovations on the home. The applicant claims that in their hurry to begin the repairs, they forgot to apply for a building permit.

On March 16, 2023, the Marshal's Office posted a dangerous structure notice on the property (HENF23-0328), and on August 14, 2023, an officer made contact with the property owner on site. At that time, the applicant had started renovating the structure and the Marshal's Office

advised them to apply for a building permit prior to the continuation of the project. The Marshal's site visit notes reflect the applicant stated they were only working on the exterior and felt that they did not need a permit. The Marshal advised the applicant to contact the building department. Per the narrative, the applicant states they were told they needed a building permit for the renovations when they requested to connect to power.

On October 30, 2023, the applicant applied for a retroactive building permit (HRNEW23-0438). Upon review, Staff determined that due to the extensive renovations of the structure, the requirements of section 17.40.050.D shall apply and advised the applicants to modify the size of the structure to meet the standard. After discussions with the applicant, the permit was denied on February 20, 2024. On June 6, 2024, a Stop Work Order was issued for the property. The applicant is appealing the director's decision, and asking that the board grant a retroactive building permit allowing an exemption for the minimum dimensions of a dwelling unit in Section 17.40.050.D. The applicant believes that the mobile home's existing footprint at the time of purchase, the challenges of widening the base structure, and the significant cost of renovations, supports the appeal.