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Mr. David Gibbs, Commission Chairman
Ms. Kathy Cooper, District 1
Mr. Billy Powell, District 2
Mr. Gregg Poole, District 3
Mr. Jeff Stowe, District 4
Ms. Jennifer Rivera, Commission Clerk
Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, GA 30504

Re: Lakeview Drive Property LLC
West and Helen Hamryka
6384 Lakeview Drive, Buford
HW File No. 3312-003

Ladies and Gentlemen:

We have the pleasure of representing Lakeview Drive Property LLC and Dr. and Mrs. Donald West Hamryka, the owners of property located at 6384 Lakeview Drive. Our clients' property is located adjacent to the property that is the subject of the variance application filed by Mr. Tyler Young, 6382 Lakeview Drive, Tax Parcel ID 07360A000014.

The variance application was filed to reduce the setbacks required by Section 4.1 of the Unified Development Code of Hall County. In this case, the variance, as filed, *inter alia*, is to reduce the setbacks on one side of the Property to two (2) feet from the property line.

On October 6, 2015, the variance application was presented to the Hall County Planning Commission. The Planning Commission modified the variance application to allow construction of a residence four (4) feet from our clients' property line. If allowed to stand, the setback regulation will essentially be null and void and will set a dangerous precedent.

The Uniform Development Code of Hall County mandates that to grant a variance request, the applicant must clearly establish that a hardship exists to justify ignoring the established regulations.

1. The Staff Report prepared and presented to the Planning Commission states: "*Staff Recommendation – Denial, as no hardship exists pursuant to the criteria of 11.1.1.D.11.*" A copy of the Staff Report is enclosed herewith.

2. There are no extraordinary and/or exceptional conditions pertaining to the Property. As can be seen from the figure that was attached to the application, the Property is substantially similar to numerous other lots located on Lakeview Drive. The only justification given by the applicant for the variance is:

"This lot is a very skinny narrow lot that was originally surveyed and the plat was recorded in March of 1956, decades before the new requirements/restrictions came into effect. This lot presents building challenges due to its small size and narrow shape."

3. The current zoning setback requirements do not create an unusual hardship for the Property. The application states:

"Without the requested side variances we will not be able to build a reasonably-sized house. Lake lots are extremely expensive and we need the requested variance to build a house that makes sense on that expensive of a piece of property."

The claimed hardship is purely an economic interest.

4. There are no conditions that are peculiar to the Property to justify the variance. As you can see from the figure, nearly all the lots on Lakeview Drive are similarly sized and shaped. Furthermore, the application clearly states:

"No, such conditions are not peculiar to this piece of property. This lot is like so many small lake lots where variances are required in order to build home on them."

By the Applicant's own admission, the Property is not unique and many of the lots on Lakeview Drive have similar or smaller dimensions.

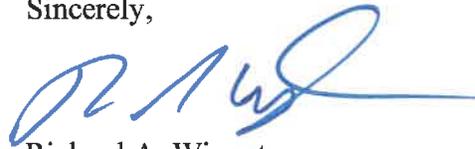
5. The conditions are not the result of any actions of the property owner. As stated in the Staff Report: "*The size, shape, and topography of the lot are not the result of any actions of the property owner; however, the layout of the proposed residence is the direct action of the property owner.*"

6. Relief, if granted, would cause substantial detriment to the public good and would impair the purposes and intent of the zoning setback regulations. Setback

regulations were established to ensure safety, privacy, and aesthetic harmony within communities. If this variance is granted, the owners of adjacent parcels will essentially have another house in their yard. The Staff Report states: “... *no variance may be granted for a use of land or building or structure that is prohibited or for a conditional use which has been denied by the county Planning Commission.*”

If allowed to stand, this variance will result in a massive diminution of value for all of the adjacent properties, particularly our clients'. For these reasons, we respectfully request that this variance application be DENIED.

Sincerely,



Richard A. Wingate

For HALLMAN & WINGATE, LLC

RAW:kps
Enclosure
Staff Report

c: Clients