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Hall County Planning & Zoning Department

Gainesville, Georgia

Reference: Variance Arbor Trace Subdivision and Additional Usage of More Than 35%, 2983 Rivercrest Drive, Gainesville, Georgia, Lot Pt 31, Lot 32, Zoned R-1, Parcel 15030E000005

Dear Members of the Zoning Board and Hall County Commissioners:

This variance and additional usage in excess of 35% of my property is necessary to alleviate a hardship due to rough, uneven terrain that is difficult and dangerous to walk on. Several trees have fallen and hit the existing structure. Erosion is present in several areas of the property with a large drop off located near the setback. I am located on a steep hill that begins on Lot 31 with a gradual slope and levels at the neighbor on Lot 33

Deer are creatures of habit. I have multiple herd crossing on the site where I need to add the addition to correct the hardships.. The deer have been crossing for years. It was only just a few deer, two of the herd have increased to 27 and 15. The deer cross at the site of the addition causing further destruction and erosion to the property. I am requesting the size of the addition to alleviate a steep drop off between my property and Lot 33 and correct the other conditions. I have tried to reroute the deer with repellents, obstacles on the property and other suggestions from the game warden. The deer have cost me several thousand dollars over the years with no long-term solution. By adding the addition this size the deer will be forced back in the woods to reroute giving me a permanent solution to this problem.

I am requesting more than 35% usage of my property. A variance for the set back to add a 40X40 structure to an existing garage on my property. I am requesting a 2.2 feet variance due to the angle of the property line for only the front corner of the building next to lot 33, The house on lot 33 is near the street. The addition would be

near a wooded area behind the house and not next to the house Due to the position of the addition it will be less visible from the street and would not have any impact on the neighbor.

Due to the angle of the property in the back I am requesting a variance for the back of my property of 4.6 feet for the left corner and 5.1 feet for the right corner of the addition. The back of my property adjoins acreage owned by Hall County Board of Education, Chicopee Woods Elementary School and is not a part of Arbor Trace Subdivision.

This acreage begins on a steep hill. There is also a large ravine on the property behind the school. In my opinion it would be doubtful if any development by the school or industry would ever be near the property line. The terrain is extremely steep with difficult accessibility.

I have reviewed the GIS of Arbor Trace Subdivision and found several exceptions/variances of the setbacks in the neighborhood. It also appears more than 35% property usage by several property owners is also enjoyed. These exceptions had no impairment to the neighborhood.

In approving this variance and the additional usage of my property in excess of the 35%, it will in no way impair the character of the neighborhood or effect traffic. I am located at the end of the street. It will allow me to protect the property and improve the appearance. It is difficult to maintain the property in the current condition due to the hardship of the land and wildlife. I will be able to enjoy my property to the full extent after the hardships are resolved as other residents with exceptions.

I appreciate and thank you for your consideration.

Best regards.

James Dustin Slaton

Statement of Hardship – James Dustin Slaton

PT Lot 31 & Lot 32 Zone R-1

2983 Rivercrest Drive

Gainesville, Georgia

I own part of Lot 31 and 32 at 2983 Rivercrest Drive. My lot is an odd shape narrow in the front and wider in the back. My house and the garage I want to extend are midway up a steep hill. Placement of the existing garage is also a factor as it is built at an angle.

At the beginning of my property on Lot 31 the property begins a gradual slope and levels on the neighbor at Lot 33. The problem begins midway in Lot 32. The terrain is rough steep and eroded. It is dangerous and hard to walk in this area. There is a large drop off near Lot 33.

I need more use of my property than the 35% use designated for Zone R-1. I have additional hardship by not having more use of my property. I am extremely frustrated not being able to correct the hardship and financial waste it has caused.

At the top of the hill just past the property line I am bordered by a large acreage. Multiple deer herd cross from the top of the hill and travel between the existing garage and Lot 33. They eat everything in site and sometimes bed there. I have filled in dirt, planted ground cover trying to correct the ruts, erosion and soft soil with no success. I also have damage from heavy rains and loss of trees falling causing damage to the existing structure.

Due to no success to remedy all hardships I am requesting additional usage of my property more than the 35%, as well as the corner and back variance for a 40X40 addition to block the deer from further destruction from crossing my property, take care of the large drop off and eliminate further erosion to my property.

There is a wooded area between Lot 31 and Lot 32 that is very deep in leaves that the deer could reroute. Deer are creatures of habit unless they are blocked by this addition they will continue to cause further destruction to my property.

In my opinion the other property owners that do not have any wooded areas between their properties appear to enjoy more than 35% of usage of their property. No adverse conditions are incurred from the additional usage of the property.

PLANNING AND ZONING DEPARTMENT
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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).

Shape of lot and placement of existing garage. Rough uneven terrain, erosion, ruts, large drop off. Deer herds crossing, grazing causing further erosion.

2. The application of the requirements of this resolution to this particular property would create an unusual hardship.

Hazardous walking conditions on the property. Failure to maintain attractive conditions worsening each year. Due to the terrain and wildlife herds increasing from other projects in the area.

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.

There is no appearance of rough terrain erosion that I have observed in the neighborhood other than my property. Multiple other neighbors built in the setbacks. I would be deprived of use unlike my neighbors.

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

No conditions were caused by the property owner. Condition as worsened each year.

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.

I have reviewed the GIS of the neighborhood and found several exceptions/variances of other lots in the neighborhood. Several lots have additional buildings / garages.

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

Applicant *[Signature]*

Date 2-16-26