



HALL COUNTY PLANNING COMMISSION MINUTES OF FEBRUARY 17, 2020

The regular meeting of the Hall County Planning Commission was held in the 2nd Floor Meeting Room, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia.

- Members Present:** Chris Braswell, Chairman, Frank Sosebee, Gina Pilcher, Stan Hunt Johnny Varner
- Staff Present:** Sarah McQuade, Director of Planning; Beth Garmon, Senior Planner; Katie Greenway, Planner; Vanessa Foster, Civil Engineer; Laura Ogletree, Clerk
- Call to Order:** The meeting was called to order by the Chairman at 5:15 pm.
- Approval of Minutes:** February 3, 2020

NEW BUSINESS

- 1. Application of Michael Hudson for a front yard setback variance from 40 feet to 20 feet on a 0.61± acre tract located on the west side of Sequoia Road approximately 292 feet from its intersection with Phoenix Cove Drive; a.k.a. 3435 Sequoia Road; Zoned AR-III; Tax Parcel 10049 002089. Proposed Use: single family residence. Commission District 2.**

Background Information:

The applicant is requesting a front yard setback variance from 40 feet to 20 feet on 0.61± acre tract to construct a 34 foot by 38 foot single family residence. The statement of hardship states that the applicant was in the process of constructing a residence and began building the house in the wrong location. Rather than measuring the front yard setback from where the right-of-way ended, the applicant measured from the edge of the asphalt. As a result the house sits 20 feet closer to the front property line than it should. The variance is being sought so that the foundation and framing of the house does not have to be torn down.

Applicant's Presentation:

Michael Hudson, 8760 Stone River Drive, Gainesville, presented the request. Mr. Hudson stated he and his construction company had been building in the neighborhood next door and the setback lines were always at the street. As a result he assumed the rest of the lots were the same. Mr. Hudson stated that it was too late when he and his surveyor realized that the setback was not the same as the rest of the lots. He realized that it was an error on his part, but the house had already been framed and the roof had already been completed. He also stated that the house was right outside the neighborhood, there were no houses around it, and there were not any neighbors on either side. Mr. Hudson also stated that he was building this home to be his personal home. He stated that he would like to construct a

front porch on the house. Mr. Braswell asked if he was the builder as well as the company owner. Mr. Hudson stated that he was and it was his families business. Mr. Braswell stated that the Planning Commission had seen this many times and they discovered that the variance is not going to be as severe as they thought originally. **Sarah McQuade, Director**, stated that the right of way gets narrower toward that lot, therefore the variance is not going to encroach as far onto the property as they thought it was going to be. Mr. Hunt asked how far the porch would be from the foundation. Mr. Hudson stated that the house is 40 feet from the edge of the pavement for the street and the porch would be 4 feet deep.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Sosebee asked if they could require the porch be 5 feet deep with a 29 foot setback. Ms. McQuade confirmed.

Motion: *Mr. Sosebee made a motion to approve the amended request, with a second from Mr. Hunt and the motion passed with a 5-0 vote.*

- 2. Application of The Springs at Clearwater Plantation Homeowners Association for a left side yard setback variance from 50 feet to 20 feet on a 2.25± acre tract located at the terminus of White Rock Drive; a.k.a. 2732 White Rock Drive; Zoned PRD; Tax Parcel 15041B000060; Proposed Use: subdivision amenities. * Commission District 1.**

Background Information:

The applicant is seeking a left side yard setback variance from 50 feet to 20 feet on a 2.78 acre parcel which contains the amenity area for The Springs at Clearwater subdivision. The amenity site is currently developed with an in ground pool and pool house. The pool and concrete decking sit approximately 52 feet from the current property line. The Homeowners Association is requesting a left side yard setback variance from 50 feet to 20 feet, so the amenity site will remain in compliance with County regulations. If the variance is granted, the residence on lot 24 will be located 32.47 feet from the new property line and the edge of the pool deck will be 20 feet.

Applicant's Presentation:

Nikki Phillips, 2763 Clearwater Springs Drive, Buford, presented the request. Ms. Phillips reread the statement that she had submitted with her application. Ms. Phillips stated that the builders had made a mistake and poured the foundation too close and they had to obtain a variance to continue to build the home. She stated that there is not a 10 foot setback from the house to the property line. Mr. Phillips stated there is an imbalance and the surveyors had told her that the best approach would be to maintain the current property lines. She stated there was a buffer already in place along the lot line. The HOA would like to sell this property to the property owners next door to the property to create more balance and make the lot more conforming to the rest of the lots in the neighbor.

Public Forum:

Mitch Chapman, 2731 White Rock Drive, Buford, spoke in favor of the request. Mr. Chapman stated that he was the owner of the property next door to the property being discussed in the application. He also stated that he would like the purchase the property and most people think that the property is already part of theirs.

Motion: *Mr. Varner made a motion to approve the request, with a second from Ms. Pilcher and the motion passed with a 5-0 vote.*

- 3. Application of ECS Management, LLC for a right side yard setback variance from 10 feet to 4 feet and a left side yard setback variance from 10 feet to 2 feet on a 0.33± acre tract located on the north side of Old Stringer Road approximately 591 feet from its intersection with Old Federal Road; a.k.a. 6184 Old Stringer Road; Zoned V-C; Tax Parcel 08108 000006E. Proposed Use: to construct an addition. * Commission District 1.**

Background Information:

The applicant is seeking a left side yard setback variance from 10 feet to 4.3 feet and a right side yard setback variance from 10 feet to 2 feet for the purpose of constructing an addition to the rear of the residence. The applicant's narrative states that the recorded plat was incorrect when the additions were approved by the Planning Department and required a variance once the most up to date property lines were discovered. The applicant also included photos of the interior of the home which has been gutted and prepared for the additions and a letter from the adjoining property in support of this variance.

Applicant's Presentation:

Rose Chastain, 5340 Retreat Drive, Flowery Branch, presented the request. Ms. Chastain stated that her company was hired by the property owner to renovate his home on Old Stringer Road, after his other house on the same road had burned down. She stated that he is planning to live in the renovated home while he rebuilds the home that burned. Ms. Chastain explained that the property owner did not have a plat due to losing everything in the fire. She stated that he did contact the surveyor and had one emailed to Ms. Chastain. Ms. Chastain stated that she then brought it to the Planning Department to find out that the survey she had did not match what the Planning Department had on record. Due to policy, the Planning Department had to use the one they had on record. She stated that they have begun demoed everything at the property, however there is a covered patio that they would like to include that area as heated square feet to expand the master bedroom. Ms. Chastain also stated there was a deck that was falling apart so they had it torn down and would like to rebuild that as well. She stated the neighbor of the property had stated that he was fine with the changes, since the foundation was already there and not changing or expanding. Ms. Chastain stated that they were asking for this since the house is already gutted, which they would not have done if they had known it was possible. Mr. Braswell asked for confirmation that they were not making the footprint of the house bigger and what was being added would be added to the back of the house and not the front. Ms. Chastain confirmed that was correct. Mr. Hunt asked staff which site plan was correct. Ms. McQuade stated that both site

plans were correct, however one was recorded and on file with the Clerk of Court but after this plat had been recorded there was a boundary line agreement reached between property owners which corrected a previous survey completed by a different survey company for an adjacent parcel. The incorrect plat wrongly identified the left property line. Ms. McQuade stated that all of this had been recorded, however the plat was never rerecorded to show the corrected property line until now.

Public Forum:

Felix Espinosa, 6068 Jim Crow Road, Flowery Branch, spoke in favor of the request. Mr. Espinosa stated he was the neighbor of Mr. Perkins and wanted to reiterate the fact that the neighborhood is in favor of the request.

Chris Perkins, 6220 Old Stringer Road, Flowery Branch, spoke in favor of the request. Mr. Perkins stated that he was the property owner of the house being renovated and the owner of the house that burned down. He stated that he was hoping to renovate this home in order to keep his family in the same place and to keep his daughter in the same school.

Motion: Ms. Pilcher made a motion to approve the request with a second from Mr. Hunt and the motion passed with a 5-0 vote.

Conditions:

1. *All additions to the residence shall be clearly staked to ensure no part of the addition crosses a property line.*
2. *Development shall occur as generally depicted on the site plan.*
3. *The applicant shall apply for an updated building permit and receive approval from Hall County Environmental Health prior to construction on the proposed additions taking place.*

Other Business


The next Planning Commission meeting will be on Monday, March 2, 2020.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 5:57pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Clerk
Hall County Planning Commission