Applicant ......................................................... Joseph and Rachel Bahin

Request .............................................................. Vary the front yard setback from 30 ft. to 25 ft.

Proposed Use ......................................................... Construct a porch

Size ........................................................................ 0.595± acres

Zoning ........................................................................ R-I

Location ................................................................. On the east side of Wellington Avenue, approximately 1,200 feet from its intersection with Stratford Drive; a.k.a. 5946 Wellington Avenue; Tax Parcel 10015 000046

Commission District ................................................. Two

Planning Commission Date ........................................ July 1, 2019

Staff Recommendation .............................................. Approval

Applicant Proposal

The applicant is requesting a front yard setback variance in order to construct a front porch addition to an existing residence. The Statement of Hardship indicates that the existing building location limits any expansion; the home was built at the front setback line. The building was constructed in this location to maximize the usable area of the lot, as there is a significant slope at the back of the property. The applicant wishes to construct a front porch in order to provide better protection from the elements to the home. In the Statement of Hardship, the applicant notes that the front entrance is rotting due to its current exposure and lack of a porch. The applicant claims that most other homes in the subdivision have front porches.

The applicant has already applied for and received the approval of the subdivision’s Homeowner’s Association (HOA) and Architectural Control Committee for the proposed addition.

History and Existing Land Use

The property is approximately 0.60 acres and is zoned Residential-I (R-I). It is Lot 117 of Stratford on Lanier subdivision, which was first approved for rezoning on March 28, 1988. The 2,521 square foot residence was constructed in 2005; the applicant purchased the home in 2012.
### Application of Joseph and Rachel Bahin

<table>
<thead>
<tr>
<th>Factor</th>
<th>Analysis</th>
<th>Supports requested rezoning?</th>
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<tbody>
<tr>
<td>1. Are there extraordinary and exceptional conditions pertaining to</td>
<td>The lot is typical of other lots within the subdivision in size, shape, and topography.</td>
<td>X</td>
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<td>the particular lot in question because of its size, shape, or</td>
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<td>topography (the hardship must relate to the physical character of the</td>
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<td>lot and not to a personal or economic hardship)</td>
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<td>2. Would the application of the requirements of the resolution to this</td>
<td>The applicant would be not be able to make the proposed renovations to the residence.</td>
<td>X</td>
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<td>particular piece of property create an unusual hardship?</td>
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<tr>
<td>3. Are such conditions peculiar to the particular piece of property</td>
<td>No</td>
<td>X</td>
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<td>involved and not common to other properties in the neighborhood?</td>
<td></td>
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<tr>
<td>4. Are the conditions the result of any actions of the property owner?</td>
<td>No</td>
<td>X</td>
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<tr>
<td>5. Relief, if granted, would not cause substantial detriment to the</td>
<td>Most homes within the subdivision have front porches. The proposed addition would require less than a 20% reduction in the front setback.</td>
<td>X</td>
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<td>public good or impair the purposes and intent of this resolution</td>
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<td>provided, however, that no variance may be granted for a use of land</td>
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<td>or building or structure that is prohibited by this resolution or</td>
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<td>for a conditional use which has been denied by the Hall County</td>
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<tr>
<td>Planning Dept.</td>
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### Staff Recommendation

Staff recommends **approval** of the applicant’s request.

/EG
Applicant: JOSEPH & RACHEL BAHIN
Tax Parcel #: 10015 000046
Location: 5946 WELLINGTON AVENUE, GAINESVILLE, GA 30506
Commission District 2 PC Mtg. Date: 07/01/2019
Applicant: JOSEPH & RACHEL BAHIN
Tax Parcel #: 10015 000046
Location: 5946 WELLINGTON AVENUE, GAINESVILLE, GA 30506
Commission District 2  PC Mtg. Date: 07/01/2019
Applicant: JOSEPH & RACHEL BAHIN
Tax Parcel #: 10015 000046
Location: 5946 WELLINGTON AVENUE, GAINESVILLE, GA 30506
Commission District 2    PC Mtg. Date: 07/01/2019
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).
   
   Due to the slope of the lot, the builder/owner chose to build at the minimum set back.

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

   If the variance to build a covered front porch is not granted, we would simultaneously be denied the ability to protect the house from the elements while bringing the structure up to community wide standards.

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.

   The vast majority of homes in the neighborhood have covered front porches. Others are able to better protect their investments with covered front entrance that enhances the value of the home.

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

   The house was built in 2006, current property owner purchased the house in 2012, having nothing to do with the planning of the development of the property.

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.

   We have already received a unanimous approval from the neighborhood HOA and Architectural Control Committee. They all believe the porch will increase the property value and the value of the neighborhood.

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

Applicant ___________________________ Date 12 May 2019

January 2015
Stratford on Lanier

Application for Architectural Review

Print Legibly

Property Owner  Joseph + Rachel Balbin
Street Address  5946 Wellington Ave
Home Telephone  770 654 2058 Joseph
Cell Number  770 398 5303 Rachel

Covenant Mandated Items:
- Minimum 2,200 heated living space
- 51% Front Elevation Brick, Stucco, Stone
- Architectural Shingles (new and replacement)
- Decks on rear of home
- Single Family Residence

New Construction

Submittal Type  Residence SPEC 
Application Date 
Builder 
Beginning Construction Date Completed Construction Date 

Design Data: Provide all Architectural Plans

Slab  Basement  Building Height Front Stoop 
Heated Sq. Footage  Reversed Plan 
Exterior Materials  Colors: (Color Samples Needed)
Brick/Mortar  Stucco  Color 
Stone/Mortar  Siding  Color 
Roofing Mfg.  Style  Color 

Approved By: 
Date: 03/07/19
"New Construction continued"

**Exterior Trim Colors: (Color Samples Needed)**

<table>
<thead>
<tr>
<th>Cornice</th>
<th>Doors</th>
<th>Ext. Casting</th>
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<tr>
<th>Shutters</th>
<th>Decks</th>
<th>Other</th>
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<tr>
<th>Fencing</th>
<th>Materials</th>
<th>Color</th>
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**Additional Pending Approvals:**

- Deck Color
- Final Landscape Plan
- Mailbox Type
  - Brick
  - 6x6 wood
  - Cast Aluminum Pole Color

Any Additional Modifications otherwise not noted above
Stratford on Lanier

Application for Architectural Review

Renovations/Upgrades

Type of Renovation Requested (ie. Exterior Modification/Painting/Roofing etc.)

Covered Front Porch

** Please be advised that any replacement roof must have Architectural Shingles

Application Date 3-5-19 Completion Date pending Contractor Michael Robinson

Exterior Materials Wood Colors: (Color Samples Needed)

Brick/Mortar Stucco Color: brown

Stone/Mortar Siding Type Color

Roofing Mfg. metal Style Color: bronze

Additional Sq. Footage Use New Construction page for “Materials/Colors etc.”

Decking

Fencing

Any Additional Modifications otherwise not noted above

will update board when variance is

approved.

Submit to:

Stratford on Lanier ACC

PO Box 7285

Gainesville, GA. 30506

or www.stratford.on.lanierhoa@gmail.com

Vote 1/0/1

ACC Approval

Dated 3/7/2019

HOA Board Approved

Yes votes J Bahin C Williams S. Terrell

No vote received B Hinon
Variance Application Form

Applicant (Name and Mailing Address)

JOSHUA & RACHEL BAHIN
5946 WELLINGTON AVE
GAINESVILLE, GA 30506
Phone: 770-654-2054
Email Address: jbabin@att.net

Property Owner (Name and Mailing Address)

JOSHUA & RACHEL BAHIN
5946 WELLINGTON AVE
GAINESVILLE, GA 30506
Phone: 770-298-5705
Email Address: jbabin@att.net

Location of Property
Lot 117 Stratford On Lanier S/D
Land & Lot 15, 10th Land District
Present Zoning: R-1 Existing Structures Frame House

Type of Appeal:
X Setback Variance
Road Frontage Variance
Sign Variance
Hardship Mobile Home

XX Front Yard
Right Side Yard
Left Side Yard
Rear Yard
Road Frontage
Sign Area
Sign Height
Doctor’s Letter

From 30 ft. to 26.48 ft.
From ___ ft. to ___ ft.
From ___ ft. to ___ ft.
From ___ ft. to ___ ft.
From ___ ft. to ___ ft.
From ___ ft. to ___ ft.
From ___ ft. to ___ ft.

Supporting Documents:
X Plat of Property
Deed of Property
Hardship Statement
Site Plan
Floor Plans
Other

Fee (Must be paid for application to be complete): $ 350

I hereby certify that the above information is true & correct to the best of my knowledge.

Sign: JOSHUA BAHIN
Date: 02 MAY 19

I hereby withdraw this application.

Sign: 
Date:

Hardship Mobile Home:
I understand that, if granted, the mobile home must be removed from the property when my hardship ceases to exist.

(Signature)

Staff Use Only

Application Date: 05/13/19
Taken by: VANESSA FOSTER
Tentative Planning Commission Date: 07/11/2019
If Appealed County Commission Date: 07/25/2019
County Commission District: Two

Revised August 2018
CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant’s application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed with ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have** ___ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s) ___________________________ Office ___________________________

Dollar Amount ___________________________ Date of Contribution ___________________________

__/12/19

Applicant’s/Owner’s Signature ___________________________ Date ___________________________

Revised November 2017
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Name of Official(s): ________________________________

Office: ________________________________

Dollar Amount: ________________________________

Date of Contribution: ________________________________

Applicant’s/Owner’s Signature: ________________________________

Date: 12 MAY 2019

Revised November 2017