

### **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).

The topography of the property is severe with a jurisdictional stream bisecting the entire parcel. The development of townhomes, with limited clearing and grading and utilizing community septic will limit disturbance as opposed to creating a secondary residential use such as large lot single family detached homes.

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

The restriction on townhomes to no more than 50% of the total units is detrimental to the intent of the resolution in providing a mix of residential, commercial and open space uses. As there are no other financially feasible opportunities for other residential types, the limited number of townhomes would be reasonable to meet the overall intent.

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.

This is a relatively large piece of property that is unique from a location and access perspective. The area of the property most appropriate for residential uses is limited by it's topography and configuration, as well as having a restricted access to considerable frontage along Sardis Road.

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

Hall County as denied any access to Sardis Road and therefore has limited the development options for residential uses.

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.

The M-U District does not convey specific residential density, but the Developer has met the County's overall residential density goal of 2 units per acre. This variance to all 100% of the residential units to be townhomes does not violate a use granted under the District and would not convey a special privilege for a similar set of circumstances.

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

Applicant Bradley Dunkel

Date 11/5/25