



PLANNING AND ZONING DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902

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 existing house and driveway was sited on the left side of the parcel due to topography, including 2 walls within the 10 ft side yard setback due to steepness of slope to adjacent property. Part of the existing driveway is within the 10 foot side yard set back.

2. The application of the requirements of this resolution to this particular property would create an unusual hardship. Seeking to install a 16ft X 18ft open air timber frame pavilion carport on the existing driveway at the end of the driveway and furtherest from side property line. The carport would encroach into the 10 ft side yard set back resulting in 3.5 feet of distance from the property line to the carport.

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. Homes in Mundy Point have garages/covered parking. This home was built without covered parking due to typography of the lot.

4. Such conditions are not the result of any actions of the property owner. As current owner, I have not made any changes to conditions from original construction.

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. This variance will not have an adverse visual effect to adjoining property due to topography of driveway being below grade of neighbors basement level. The adjoining side yard is steep with a serious of walls above grade of my driveway. The adjoining parcel has a large driveway and parking area plus garage. This variance would not be a detriment to the public good or impair the use of adjoining property.

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

Applicant Quell McMay Date 09/30/2025