



**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).

See Attached

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

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.

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

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

Applicant Charlene Benfield

Date 2/5/2026

Smt of Hardship  
5461 Union Church Rd FB

1. The subject property presents exceptional conditions that create an unnecessary hardship if the strict application of the Hall County road frontage requirement is enforced.

Due to the configuration of the parcel, existing road alignment, and the unusually large lot sizes, requiring the standard frontage would not advance the intent of the ordinance related to access, safety, or development intensity. The proposed lots substantially exceed the minimum lot size requirements and will remain low-density in character.

Strict compliance with the frontage standard would result in a layout that is inefficient and disproportionate to the size and use of the lots, while providing no additional public benefit. The requested variance to allow 50 feet of road frontage represents the minimum relief necessary to allow reasonable use of the property while maintaining adequate access and consistency with surrounding development patterns.

Granting this variance will not negatively impact traffic, public safety, neighboring properties, or the general welfare and will remain consistent with the spirit and intent of the zoning regulations.

2. Strict application of the requirements of this resolution to the subject property would create an unusual hardship. Accordingly, Scott Smith, surveyor, is requesting a variance on behalf of the property owner to permit development of residential tracts between 1.5 and 5 acres in size.

3. The conditions giving rise to this request are peculiar to the subject property and are not common to other properties in the area. We have much larger lots than others and are still remaining above the minimum of county requirements. As a result, strict application of the ordinance would deprive the applicant of rights commonly enjoyed by other neighboring property owners.

4. The property had been previously approved and we would like to request that you allow us to divide the property to build 4 additional homes on the 10 acres.

5. Strict application of the requirements of this resolution to the subject property would create an unusual hardship. The conditions giving rise to this request are peculiar to the property and are not common to other properties in the area, and strict enforcement would deprive the applicant of rights commonly enjoyed by neighboring property owners. Scott Smith, surveyor, will be requesting a variance on behalf of the property owner to allow development of residential tracts ranging from 1.5 to 5 acres. Granting this variance would not confer any special privilege that has been denied to other properties in the area, nor would the requested relief cause substantial detriment to the public good or impair the intent and purpose of the zoning regulations.