

STATEMENT OF HARDSHIP
Setback Variance Application by
Clyde Young Morris, Jr., Trustee of the Clyde Morris Living Trust Dated June 5, 2023
2375 Whipoorwill Lane
Gainesville, GA 30501

1. My home is a residential lot of record created prior to institution of zoning ordinances. It is approximately 0.075 acre in size and supports a brick dwelling of approximately 1100 sf that was constructed in or around 1960. The property sits near the end of a narrow peninsula in Lake Lanier and shares a gravel driveway with the next-door neighbor to the north. At its closest, the dwelling is about 9' from the property line separating my property from that of my next-door neighbor with whom the driveway is shared.

2. A large White Oak tree about 75 years old stands over the house and gravel driveway. That tree drops literally thousands of acorns, limbs, leaves, and sap on cars parked in the driveway and encourages a lot of birds to use the limbs of the tree, which then defecate frequently on the cars. It is impossible to prevent serious physical damage to my cars without either removing the tree or erecting a carport to protect the cars from the falling objects described above. I do not want to take that beautiful, healthy, adolescent tree down (my arborist says it could live another 150 years), so I need to build a carport to protect my cars because the damage being occasioned on them by the tree has already cost me thousands of dollars in repairs and similar damage will continue to occur without a carport.

3. Unfortunately for me, standard setbacks would prohibit a carport without side, front, and lot coverage variances, as my dwelling is already only 9-10 feet from the side property line, 18 feet from the street right-of-way, and already covers 44% of my lot, having been built prior to the institution of the zoning ordinance. The carport, in order to be large enough to be effective, would need to be built between the dwelling and the side property line and partly in front of the dwelling (between the dwelling and the street right-of-way). It would thus extend nearly all the way to the side property line, which is in a gravel driveway I share with my next-door neighbor (the driveway is wide enough for two rows of cars, although my portion is less than half). The proposed carport would thus be partially within both the standard side and front setbacks. Because of the small size of the lot, there is nowhere else to build a carport and nowhere else to park a car to avoid damage from the White Oak.

The carport I propose is a minimalist structure consisting simply of a roof and the minimum possible number of support posts. I plan a single-slope, shed-type roof next to the house and an asymmetric gable in front of the house to match existing roof slopes and blend in as much as possible with the architectural esthetic of the house. If possible, the roof will be partially supported by mounting it to the exterior walls of my house, eliminating support posts immediately next to the house in order to save precious inches that will be necessary for ingress and egress from the cars. No walls will be built, the driveway will not be paved, and no grading will be performed.

I am requesting a variance to the front setback requirement allowing the carport to be as little as two feet from the front property line. The proposed carport is 39 feet long in order to cover two

cars, end-to-end; the final design length and setback from the front property line will be determined to comply with building permit requirements while accommodating Department of Environmental Health requirements for clearance between my septic tank at the rear of my driveway and the nearest roof support post.

I am also requesting a side setback variance. The proposed width of the carport is 9.5 feet at the rear, to take advantage of as much width as possible in order to make vehicle ingress/egress possible. However, because the side property line is not quite parallel with my house, the actual setback narrows to ~9 feet at the nearest distance between my dwelling and the property line. The carport width will be greater at the front, where additional space in front of my dwelling allows about five additional feet of space for accommodating vehicle ingress and egress as well as the turn-in radius necessary for getting cars in and out of the driveway. The side of the carport will therefore extend to about six inches from the property line, and that is necessary for vehicle ingress/egress and turn-in radius while accomplishing its purpose of protecting my vehicles from tree damage.

I also request a variance regarding the usual lot coverage limitations. As mentioned above, the lot was configured 65 years ago, prior to zoning. Including the porches, the house covers 1439 sf and the lot spans 3249 sf, meaning lot coverage is currently ~44%. Adding the described carport will add 346 sf, for a total coverage of 1785 sf, which is 55% of the lot.

One other detail deserves mention. My septic tank is buried under the rear portion of my driveway. You may note that the DPH Sewage System Assessment form, Items 9 and 10, indicate an “adverse condition,” which is the fact that the nearest roof support post for the carport will be less than five feet from the septic tank. However, after discussion with the Departments of Environmental Health, Planning, and Development Services, I understand a 3.5 foot distance between my septic tank and the nearest carport roof support post will satisfy permitting requirements, provided I am granted the requested variances.

My subdivision was platted prior to the institution of zoning ordinances, and all the lots are of similar size. The property with which I share the driveway over which the carport is requested to be built has a zero-front-setback variance. Other homes on my street have also been granted front and side variances, due to the small sizes of the lots that predate current zoning ordinances.

4. The conditions that require my requested variances are not the result of any action by me or any prior owner.

5. The relief requested would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations. Other property owners in the neighborhood have carports or garages and both front and side setback variances have been granted in the neighborhood – including for the adjacent property - without objection. Therefore, the requested variance would not confer any special privilege that is denied by the zoning regulations to other property in the same zoning district.