



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 additional page

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

see additional page

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.

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

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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.

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

Applicant

Don Clark

Date 5/6/20

1161 Candler Road – Carroll Daniel Construction

Variance Request – Statement of Hardship

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 subject property was developed in 1998 with a 103,606 square foot industrial building and has been in operation since that time. The applicant proposes an addition to the building for a breakroom and additional industrial space. The proposed improvements also include converting a gravel area into an asphalt paved parking lot. Site constraints such as the existing building and parking infrastructure, as well as the road, building, and railroad tracks that bound the property all restrict the developer's ability to meet the landscape and open space requirements. The subject property cannot be expanded due to these limitations.

2. The application of the requirements of this resolution to this particular property would create an unusual hardship. The application of these requirements would prohibit the developer from adding critical space to the facility and allow for its continued production and would restrict the addition of a breakroom to serve the employees.
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 site conditions of this property are specific to this particular piece of property. The development standards laid out in the UDC do not account for property with unusual configuration or history that precedes many modern regulations.
4. Such conditions are not the result of any actions of the property owner. The improvements proposed by the developer are intended to improve the function and operations of the facility. However, the developer is not responsible for the configuration of the property, the location of the existing building and associated parking infrastructure, and limited open space as it currently exists.
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 the 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. Relief

from the regulations would not cause substantial detriment to the public good; indeed, the proposed improvements would enhance the appearance of the property with a more cultivated landscape than what currently exists. In addition, the plan addresses the decreased open space with underground detention, which allows stormwater to be managed thoughtfully and intentionally through detailed engineering.

1161 Candler Road – Carroll Daniel Construction

Variance Request – Narrative

The subject property, located at 1161 Candler Road, measures approximately 4.576 acres, and is zoned Heavy Industrial (I-2). The site was developed in 1998 with a 103,606 square foot industrial building and has been in operation since that time. The property is bound by Candler Road to the west, another Heavy Industrial site to the north, CSX railroad tracks to the east, and remnant right-of-way to the south.

The applicant is proposing an addition to the existing building for an employee breakroom and additional industrial space. The proposed improvements also include converting a gravel area into an asphalt paved parking lot.

As noted, the property was developed in 1998 and precedes zoning regulations such as the Gateway Corridor Overlay District (GCOD) and increased standards related to landscaping and open space. Currently, there is approximately 24,219 square feet of open space and minimal landscaping. There is an area in the southern corner of the property that is sparsely vegetated with pines and undergrowth, and there are several evergreen trees and crepe myrtles planted in the right-of-way in front of the facility.

Hall County's Unified Development Code (UDC) requires a site minimum of 20% to remain open space for non-residential uses. The subject property does not currently meet this standard, as there are currently 0.556 acres (24,219.36 square feet) of open space. The proposed improvements would decrease the amount of open space to 0.536 acres (23,348.16 square feet), a difference of 0.02 acres (871.2 square feet), which is less than 0.5% of the total site. **The variance request for an exception to the open space requirement is supported by the minimal impact to the amount of open space currently existing on the subject property.**

The UDC also includes certain landscape requirements related to parking lots and property frontage. Under "Parking Lot Landscaping," one frontage tree is required for every 40 feet of length of street frontage. In addition, one tree is required for every 10 parking spaces. With a total of 795 linear feet of frontage and 39 proposed parking spaces, this requires 24 trees to be planted to satisfy the requirement. The curbing for the parking lot is located adjacent to the property line along the Candler Road frontage, leaving no space for additional landscaping in this area. However, the proposed improvements will allow for the area at the southeast corner of the parcel to be planted, as shown on the submitted site plan. **The variance request for an exception to the frontage requirement is supported by the**

proposed planting area to be located in the southeast corner of the property with the appropriate number of trees needed to satisfy both standards.