

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 PROPERTY CONTAINS AN EXISTING CONCRETE AND PAVEMENT PATIO THAT EXTENDS INTO THE REAR YARD AND IS LOCATED APPROXIMATELY 11.5' FROM THE REAR PROPERTY LINE. THE EXISTING HOME AND PATIO LAYOUT, TOGETHER WITH THE LOT DIMENSIONS, CREATE A UNIQUE PHYSICAL CONDITION THAT LIMITS THE ABILITY TO CONSTRUCT A COVERED PATIO.

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

REQUIRING THE PROPOSED ROOF STRUCTURE TO REMAIN OUTSIDE THE 20' REAR SETBACK WOULD PREVENT IT FROM COVERING THE EXISTING PATIO, MAKING THE EXISTING OUTDOOR SPACE UNUSABLE FOR ITS INTENDED PURPOSE.

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 UNIQUE HARDSHIP RESULTS FROM THE EXISTING LOCATION OF THE PATIO. WITHOUT THE VARIANCE, THE ROOF WILL ONLY COVER A PORTION OF THE EXISTING PATIO.

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

THE EXISTING PATIO WAS CONSTRUCTED PRIOR TO MY PURCHASE.

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.

GRANTING THE VARIANCE WILL NOT ADVERSELY AFFECT THE NEIGHBORHOOD PROPERTIES, PUBLIC SAFETY, DRAINAGE OR TRAFFIC. THE REQUEST IS ONLY TO REDUCE THE REAR SETBACK FROM 20' TO 11' FOR A COVERED PATIO. IT DOES NOT CHANGE THE USE OF THE PROPERTY. (PICTURES ATTACHED)

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

Applicant

Jane Lynn Hughes Marshall Wells

Date

7-19-2026