HALL COUNTY

Variance Training

Variances

- A variance provides limited relief from UDC requirements, allowing development that would otherwise not comply with the code.
- Variances address specific development standards and dimensional regulations, not permitted land uses.
- Requests should be evaluated based on property conditions and site-specific circumstances rather than personal hardships.
  - DOES NOT include financial or personal circumstances (i.e. health, age or family-related problems) or self-created condition of the property.
- Can still have conditions to mitigate negative impact and must be legitimately tied to the public interest
- Tied to the property not the owner

Hall County UDC 11.1.1.D.10

Variances may be approved when strict application of the UDC creates an unnecessary hardship due to unique property conditions.

Approval must be consistent with the UDC's intent, protect public safety and welfare, and serve the public interest.

Limited To:

- Property line setbacks
- Planted buffers and vision clearance
- Off-street parking
- Single-family and two-family design standards
- Other requirements specifically authorized by the UDC

Hall County UDC 11.1.1.D.11

1. There are extraordinary and exceptional conditions pertaining to the particular lot 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).

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

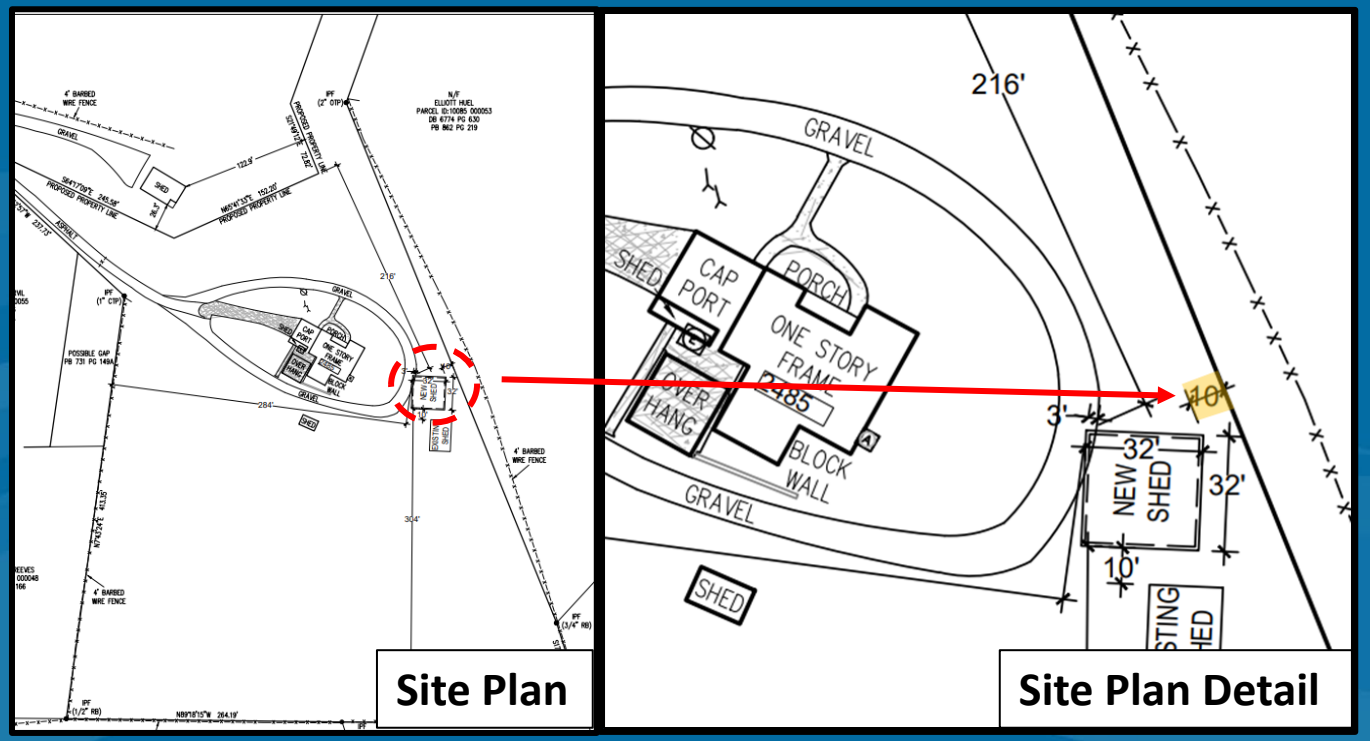
3. Such conditions are particular to the property involved and are not common to other properties in the neighborhood.

Hall County UDC 11.1.1.D.11

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 UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission.

Example - 2485 Dawsonville Highway



Site Area: 4.87± Acres

Request: Variance to Section 3.2 to reduce the minimum side yard from 15 feet to 10 feet from property line.

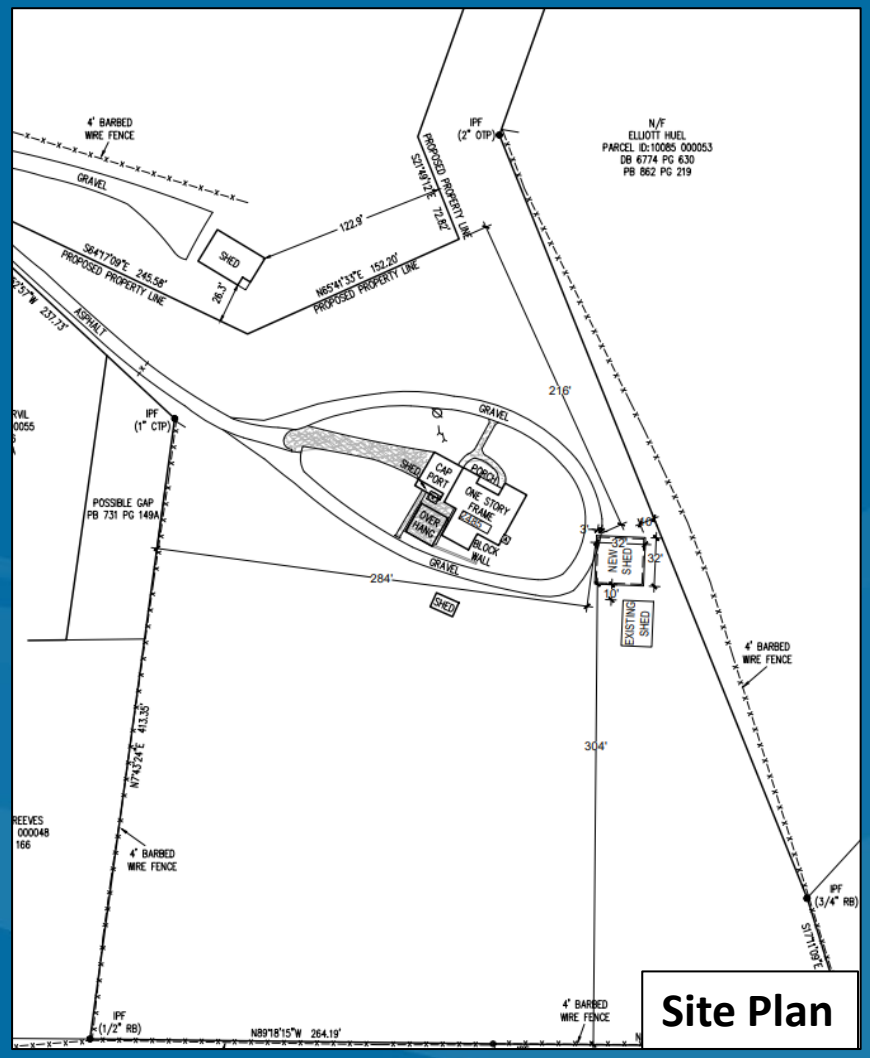
Existing Structures:

- 1,798 SF Single-family residence
- 600 SF Accessory building
- 10' x28' Pool (under construction)

Example - 2485 Dawsonville Highway



Site Plan w/Topo



Site Plan

Example - 2485 Dawsonville Highway

FINDINGS:

No extraordinary physical conditions pertaining to the lot

- The lot's size, shape, and topography are similar to other properties in the area.

No unusual hardship created by the UDC

- The property already supports a single-family residence and two accessory structures without difficulty.

Conditions are not peculiar to the subject property

- Surrounding parcels share similar characteristics and development patterns.

Example - 2485 Dawsonville Highway

FINDINGS:

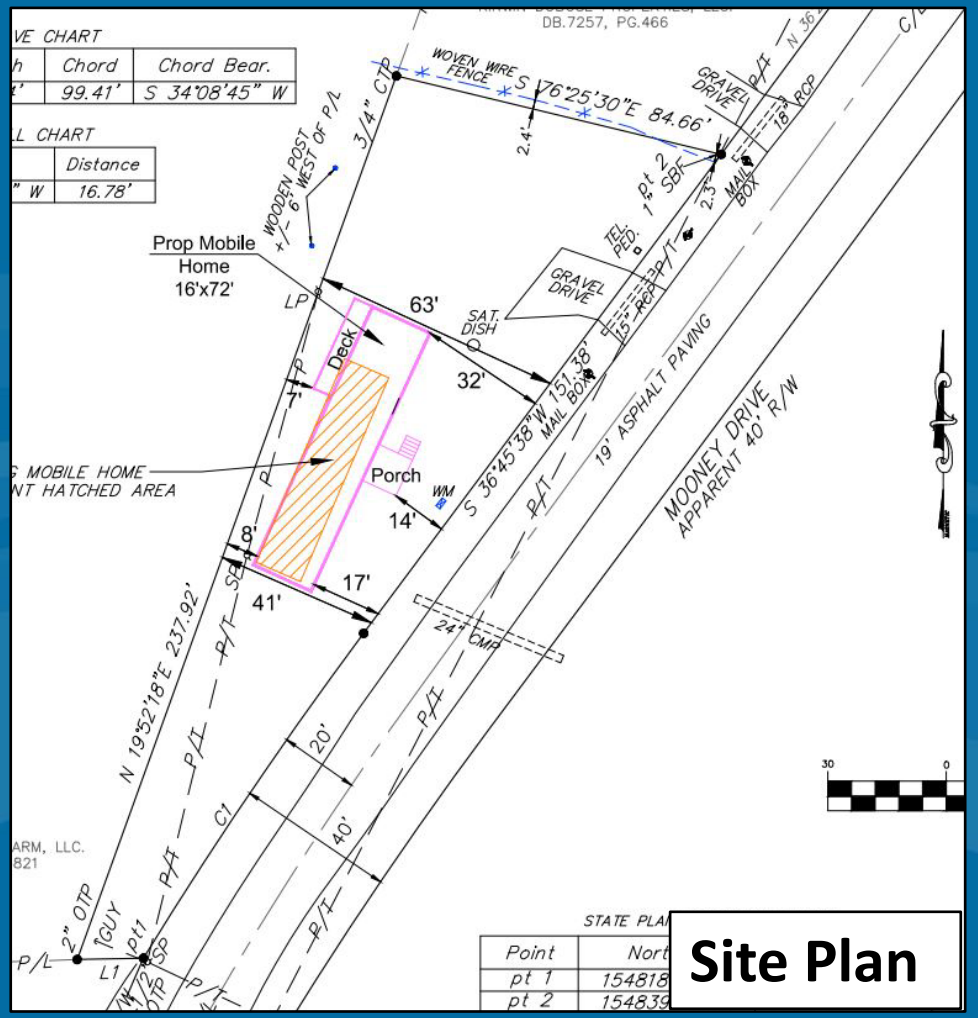
Hardship is a result of the actions of the property owner

- The proposed structure can be modified in dimensions and location to meet setbacks.

Relief would impair the intent of this UDC

- Setback standards exist to maintain consistent development patterns with reasonable setbacks.

EXAMPLE - 3428 Mooney Drive



Site Plan

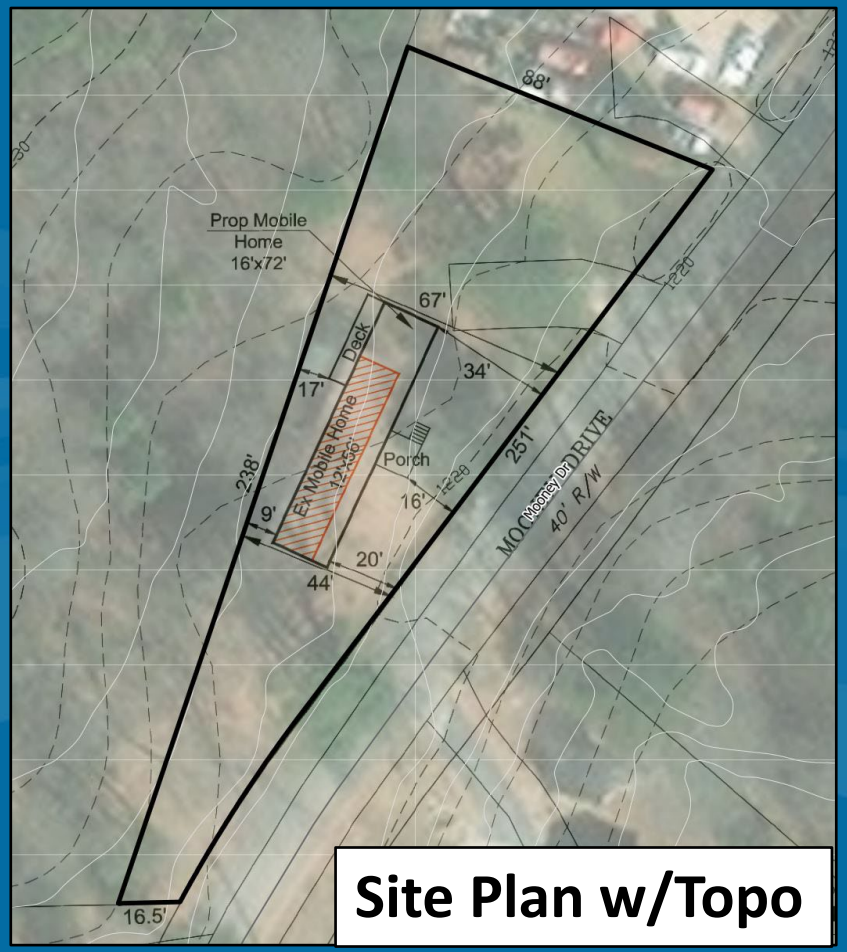
Site Area: 0.34± acres

Request: Variance to Section 3.2

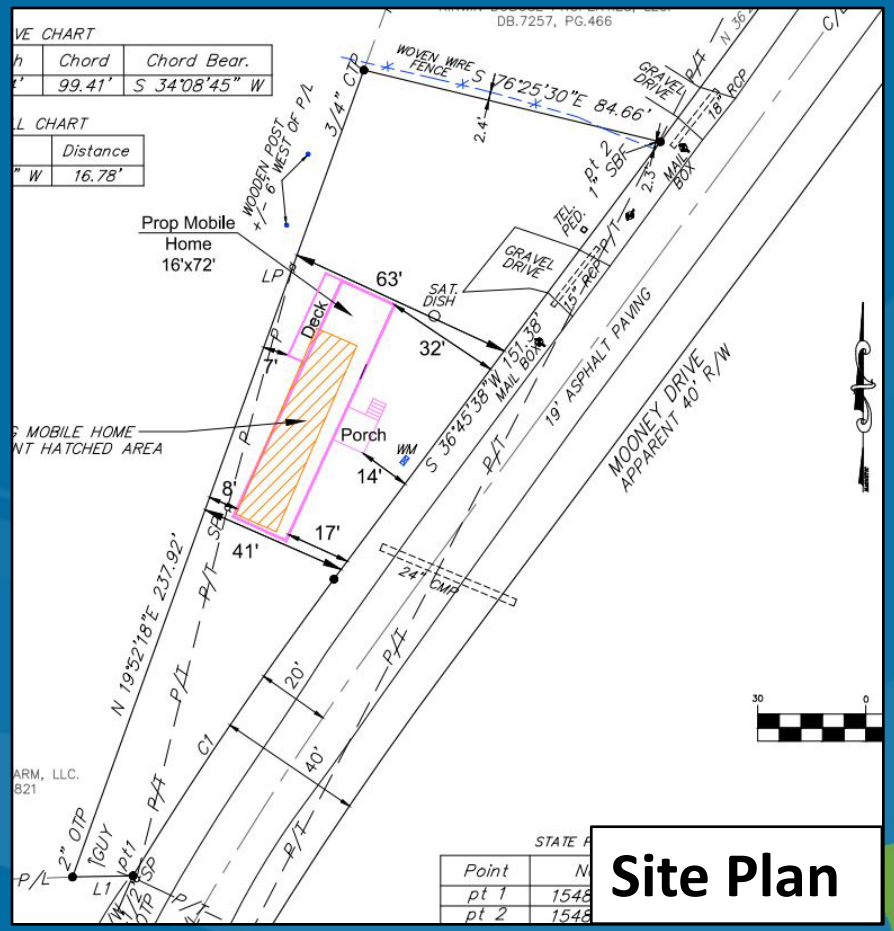
Proposal:

- Variance to reduce the front yard setback from 40 feet to 14 feet
- Variance to reduce the rear yard setback from 25 feet to 7 feet
- To replace a 1970 mobile home with a new manufactured home that meets minimum size standards.

EXAMPLE - 3428 Mooney Drive



Site Plan w/Topo



Site Plan

EXAMPLE - 3428 Mooney Drive

FINDINGS related to the proposed manufactured home:

Extraordinary physical conditions pertaining to the lot

- The subject property is developed with a 12’ x 56’ manufactured home that currently encroaches into the minimum setbacks. The subject parcel size and shape are unique to the property as the setbacks do not leave room for the construction of a residence.

No unusual hardship created by the UDC

- Yes. An unusual hardship would be created if the requirements of this UDC are applied to this particular piece of property as a new home could not be placed on this site unless granted a variance.

EXAMPLE - 3428 Mooney Drive

FINDINGS related to the proposed manufactured home:

Conditions are not peculiar to the subject property

- The property is uniquely constrained due to its shallow triangular shape, small size (0.34 acres), and deep setback requirements. Created prior to zoning regulations in 1974, the lot is significantly smaller than current AR-1 and R-1 minimum lot standards, creating conditions uncommon within the AR-1 district.

EXAMPLE - 3428 Mooney Drive

FINDINGS related to the proposed manufactured home:

Hardship is not the result of the actions of the property owner

- The size and shape, of the lot are not the result of any actions of the property owner.

Relief would not impair the intent of this UDC

- Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC.

HALL COUNTY

Questions?