

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Thomas Ryan & Vicki Beddingfield

Request **Variance to section 4.3** | to reduce the minimum yards

Proposed Use Residential addition

Size 0.14± acres

Zoning Residential 1 (R-1)

Location **2363 Whippoorwill Lane** | Tax Parcel 00109A000029

Commission District Four

Commission Date December 11, 2025

Staff Recommendation **Approval**, as hardship exists pursuant to the criteria of 11.1.1.D.11

Record Number HVAR25-0050

Staff recommends APPROVAL of the applicant’s request.

Summary Analysis

The applicant is requesting a variance to reduce the front yard setback from 30 feet to 25 feet, left side yard setback from 10 feet to 5 feet and right side yard setback from 10 feet to 3 feet for a residential addition. The subject property measures approximately 0.14± acres and is zoned Residential 1 (R-1). The property is developed with a single-family residence.

On November 21, 2022, the subject property was approved by the Planning Commission for a variance request to reduce the front yard setback from 55 feet to 35 feet, right side yard setback from 10 feet to 3 feet, and a left side yard setback from 10 feet to 9 feet with the following conditions (VAR2022-00025):

1. Prior to the building permit being issued, the applicant shall demonstrate compliance with all building and fire codes in relation to distances from existing structures on adjacent lots.

2. The proposed site plan shall be drawn by a certified design professional and include the FEMA and Hall County studied flood zones.
3. At the time of footing inspection, the contractor shall provide the county building official with a certificate from a design professional certifying building setbacks for all corners of the structure being inspected to verify construction meets the approved variance.

This variance was valid for six months following the approval by the Planning Commission. The work was not completed within that timeframe; therefore, the approval is null and void. A new variance application with a different scope of work is now requested.

The applicant proposes an addition to the existing residence. Per the Statement of Hardship, the addition includes an office space, art studio and exercise room. The applicant states that the size and shape of the lot as well as the septic area makes it difficult to meet the required setback requirements.

Three (3) **variances** related to the front, left and right yard setback will be required if the site plan, as presented, is approved.

- Front yard setback requirement on Whippoorwill Lane of 30 feet from the property line as found in Table 4.3.1 for Residential 1 (R-1) zoning district.
 - A front yard setback along Whippoorwill Lane of 25 feet from the property line is proposed for the residential addition.
- Left side yard setback requirement of 10 feet from the property line as found in Table 4.3.1 for Residential 1 (R-1) zoning district.
 - A left side yard setback of 5 feet from the property line is proposed for the residential addition.
- Right side yard setback requirement of 10 feet from the property line as found in Table 4.3.1 for Residential 1 (R-1) zoning district.
 - A right side yard setback of 3 feet from the property line is proposed for the residential addition.

The table below shows the comparison between the variance requests that were approved on November 21, 2022 (VAR2022-00025) and the new requests (HVAR25-0050):

	Previously approved Variance Request (2022)	New Variance Request (2025)
Front yard setback Required: 30 feet from PL	35 feet (Required: 55 feet from center line of the road)	25 feet
Left side yard setback Required: 10 feet	9 feet	5 feet
Right side yard setback Required: 10 feet	3 feet	3 feet

Zoning Analysis

The Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the 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); **The parcel's buildable area is limited due to the size and shape of the lot. Furthermore, the location of the residence and existing septic fill lines limits the available space.**
2. The application of the requirements of Article 11 to this particular piece of property would create an unusual hardship; **No unusual hardship would be created if the requirements of Article 11 are applied to this particular piece of property.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The topography of the subject parcel is similar to parcels in the surrounding area; however, the lot size, shape, and the existing location of residence and septic fill lines limit the buildable area.**
4. Such conditions are not the result of any actions of the property owner; **No. Such conditions including the size, shape, existing location of the residence and configuration 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 Article 11; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited or for a conditional use which has been denied by the county Planning Commission; **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article 11.**

Development Support and Constraints

Hall County Environmental Health

In an email dated September 19, 2025, Emily McGahee stated "All proposed structures must meet all residential permitting requirements and/or required setbacks to existing septic system. Please note that Zoning approval does not imply approval from other county departments."

Georgia Department of Transportation

In an email dated September 23, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated "off-system no impacts expected".

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated September 19, 2025, Assistant Director Jason Skarda stated the following:

Engineering:

Show FEMA and Hall County studied Flood plains that are presented on site.

Traffic:

No comment

Utilities:

No comment

Hall County Fire Marshal

In an email dated September 15, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."