

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Nedra Riddle

Request **Variance** | to Section 7.8.3 ADU Standards

Proposed Use Accessory dwelling unit

Size 5.20± acres

Zoning Residential 1 Low Density (R-1-L)

Location **7365 Bill Wilson Road** | Tax Parcel 09056A000008

Commission District Three

Commission Date December 11, 2025

Staff Recommendation **Denial**, as no hardship exists pursuant to the criteria of 11.1.1.D.11

Record Number HVAR25-0038

Staff recommends DENIAL of the applicant's request.

Minutes from the September 2, 2025 Planning Commission meeting:

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Nedra Riddle, 7365 Bill Wilson Road, presented the request.

Public Forum:

Oriana Black, 7365 Bill Wilson Road, Lula, spoke in favor. Ms. Black stated that she would be the one residing in the ADU. She further explained that she and her mother, Nedra Riddle, were limited by time in properly permitting the structure due to losing her job and place of residence simultaneously. She apologized for not doing further research. She additionally states that her mother's mobility is declining and being close by will allow her to better assist her mother.

Planning Commission Comments:

Chairman Braswell asked whether the accessory building was connected to power. The applicant, Ms. Riddle, responded that it was but the connection was routed through her house. She had contacted Habersham EMC regarding the reconnection. Chairman Braswell asked if she obtained a permit for this work and whether she had spoken with county staff. He also inquired about the plumbing and electrical work, to which Ms. Riddle confirmed that both were completed by licensed professionals but without permits. Chairman Braswell noted that those licenses could be at risk if the work was not properly permitted. When asked about the septic system, Ms. Riddle stated that it was connected to her house's system. Chairman Braswell asked if the building was pre-manufactured, and Ms. Riddle explained that it was constructed off-site in South Carolina and moved to the current location. When asked about the original purpose of the building, she said it was initially purchased as a shed but was converted due to circumstances involving her daughter. She noted that she was on a limited budget and could not afford a larger structure, and the hilly terrain made the current placement the most cost-effective.

Chairman Braswell expressed that the request placed the Planning Commission in a difficult position. While the Commission wants to be helpful, they must also ensure the structure is safe and does not place the county, residents, or subcontractors at risk. He emphasized their duty to protect the life, health, and safety of citizens. Commissioner Sosebee expressed a desire to help and suggested tabling the request to allow the applicant to meet with the county and explore compliance options. He also seconded Chairman Braswell's concerns. Chairman Braswell asked if the applicant's daughter could temporarily move into the main house while a solution is sought, and Ms. Riddle confirmed that she could. Commissioner Davidson asked whether the applicant planned to do any further work on the structure, and Ms. Riddle responded that no additional work is planned. Commissioner Castleberry reiterated concerns and emphasized the importance of the daughter moving into the main residence in the interim. Chairman Braswell requested that Director Garmon meet with the applicant to work toward a resolution, and Director Garmon confirmed she would do so.

Motion: A motion to table to the November 3, 2025 Planning Commission meeting was made by André Castleberry and seconded by Shannon Davidson. Vote: 4-0 (Hunt absent)

Summary Analysis

The applicant is requesting a variance from Section 7.8.3 regarding the location of an accessory dwelling unit (ADU) in relation to the primary residence. The subject property is approximately 5.20± acres and is zoned Residential 1 Low Density (R-1-L).

The property is currently developed with a 1,891 square foot single-family residence constructed in 1989 according to Hall County Tax Assessor records. The property owner recently placed a second structure on the property without a building permit for the purpose of housing a family member. Per the applicant, this structure was a shell building delivered to the property with interior improvements made on-site with the intention of converting it into a residence. There is not enough information at this time to verify whether the structure meets International Residential Code (IRC) standards.

This structure in question meets size requirements for an ADU according to the Hall County Unified Development Code (UDC), however, it does not meet location requirements or minimum dimensions for a residence. The UDC also requires that an ADU must be located in the rear or side yard. The structure is

located to the side of the primary residence; however, it measures closer to the front property line than the primary residence. The size of the structure is 12 feet by 28 feet where minimum dimensions for a residence are 16 feet on all sides (UDC 2.2.1.D). If the variance for the location of the ADU is approved, per the submitted narrative, the applicant proposes to add on to the structure to meet the minimum required dimensions.

One (1) **variance** related to the location of the ADU will be required if the site plan, as presented, is approved.

- A detached ADU must be located in the rear or side yard.
 - The ADU is located approximately 60 feet from the front property line whereas the primary residence is located approximately 70 feet from the front property line.

The development standards for an ADU are described in the table below:

ADU Development Standard	Existing Conditions	Compliance
7.8.3.B.1: Must conform to all codes required for any new construction	No building permit obtained	Retroactive building permit required.
7.8.3.B.2: Must be a site-built structure. Mobile or modular structures may not be used as an ADU	Prefabricated structure	Retroactive building permit required to bring structure into conformance with IRC standards
7.8.3.B.3: 1 ADU per principal dwelling unit	1 ADU	Complies
7.8.3.B.4: a. Detached in an accessory building; or b. Attached or within the principal dwelling unit but not accessible from the interior of said dwelling unit. Such ADU must have its own independent entrance.	Detached	Complies
7.8.3.B.5: If not attached, the ADU must be located in the rear or side yard	Extends into front yard	Deficient
7.8.3.B.6: May not exceed 1000 square feet or be less than 300sf in floor area or have more than 2 bedrooms	336 sf/1 bedroom	Complies
7.8.3.B.7: The ADU must be constructed of materials similar in appearance to the primary residence.	Similar in color	Complies
2.2.1.D: A dwelling unit must be at least 16 feet wide on all sides and 256 square feet in total floor area.	Existing structure: 12'x28'. Applicant will add a 16'x4' addition for a total of 400sf if variance approved in order to meet minimum dimensions	Deficient

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); **There are no extraordinary or exceptional conditions pertaining to the lot in question because of its size, shape, or topography to prevent the accessory dwelling unit from meeting the ADU location standards of the Unified Development Code.**
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. The accessory dwelling unit was placed on the property by the property owner without permits in a location that does not comply with Section 7.8.3.B.5 of the Unified Development Code.**
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 and there are no conditions to prevent the accessory dwelling unit from meeting location requirements of the Unified Development Code.**
4. Such conditions are not the result of any actions of the property owner; **The placement of the accessory dwelling unit is the result of the 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 Commission; **Relief, if granted, would not cause substantial detriment to the public good, however would impair the purposes and intent of Article 11.**

Development Support and Constraints

Hall County Environmental Health

In an email dated August 1, 2025, Emily McGahee stated “Must meet all residential permitting requirements. Original copy of Level 3 soil evaluation and copy of recorded plat will be required at time of septic permit application.”

Georgia Department of Transportation

In an email dated July 28, 2025, Nakia Nembhard Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated August 1, 2025, Director Bill Nash stated the following:

Engineering:

No comment

Traffic:

No comment

Utilities:

Hall sewer service area. No infrastructure in vicinity.

Hall County Fire Marshal

In an email dated July 25, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."