

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Santos Cordoba

Request (A) **Conditional Use** | expansion of a non-conforming use
(B) **Variance** | to Section 5.3 | to reduce the minimum yards

Proposed Use Accessory dwelling unit & to bring an existing structure into compliance.

Size 0.59± acres

Zoning Highway Business (H-B) & Residential 1 (R-1)

Location **1148 Hancock Avenue** | Tax Parcel 00031 005009

Commission District Four

Commission Date January 22, 2026

Staff Recommendation (A) **Approval**, as hardship exists pursuant to criteria of 11.3.3; and
(B) **Approval**, as hardship exists pursuant to the criteria of 11.1.1.D.11

Record Number(s) (A) HZCU25-0058
(B) HVAR25-0062

(A) and (B) Staff recommends APPROVAL of the applicant's requests with the following condition:

1. The proposed expansion of the non-conforming use is approved as generally shown on the site plan dated October 28, 2025 and described in the project narrative dated October 15, 2025 modified as necessary for compliance with development standards enforced at the time of site plan approval.

Summary Analysis

The applicant is requesting approval to expand an existing non-conforming residential use on a tract measuring approximately 0.69± acres with dual zoning classifications of Highway Business (H-B) and Residential 1 (R-1). The proposed expansion of the non-conforming use includes converting an existing accessory structure into an Accessory Dwelling Unit (ADU). A concurrent variance request from Section

5.3 is being requested to recognize the setbacks of the existing single family residence and existing accessory structure proposed to be converted into the ADU.

The surrounding properties are zoned and developed as outlined below:

North: Highway Business (H-B) & Residential 1 (R-1) – Developed with single-family residences built in 1890 & 1940.

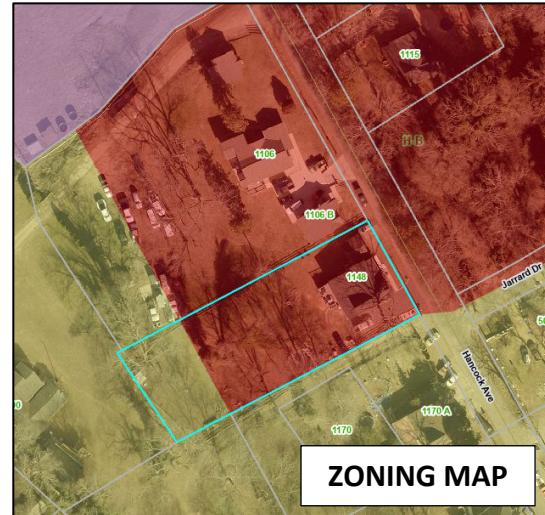
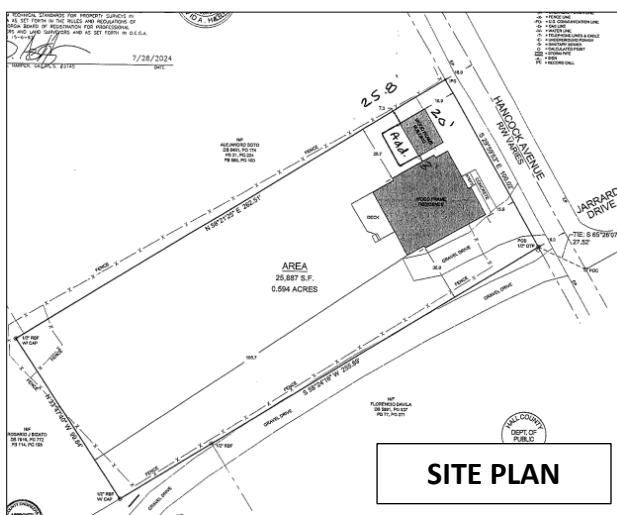
East: Highway Business (H-B) – Developed with a warehouse complex constructed between 1945 and 1982.

Residential 1 (R-1) – Developed with single-family residences.

South: Residential 1 (R-1) – Developed with single-family residences.

West: Residential 1 (R-1) – Developed with single-family residences.

The majority of the subject property is zoned Highway Business which is the original zoning from the establishment of the County's zoning map in 1978. According to Hall County Tax Assessor records, the existing single-family dwelling was constructed in 1890 and an accessory structure added in 1980. A building permit was obtained in 2021 by the current property owner for the interior remodel of the single-family residence (RES2021-00621). Both structures appear to have been utilized for residential use since their construction.



The submitted site plan shows the existing residence situated 15.9 feet from the front property line where 30 feet is required. The residence meets all other setback requirements. The existing accessory structure, measuring 20 feet wide by 10 feet deep according to the recorded plat, is located 16.9 feet from the front property line and 7.3 feet from the side property line where 30 feet and 20 feet are required, respectively. An addition is proposed to the rear of the accessory structure.

The narrative states that the ADU is intended for occupancy by a family member.

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

- Front yard setback requirement of 30 feet from the property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.

- A front yard setback of 15 feet from the front property line for the existing single family residence.
- Front yard setback requirement of 30 feet from the property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A front yard setback of 16 feet from the front property line for the accessory structure/proposed ADU.
- Side yard setback requirement of 20 feet from the side yard property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A side yard setback of 7 feet from the north side property line for the existing accessory structure and expansion of the structure for conversion to an ADU.

(A) Zoning Analysis – 11.3.3. Continuation of Nonconforming Use or Structure Due to Hardship

The Commission may grant the change, re-establishment or enlargement of a nonconforming use or the enlargement, rebuilding, alteration, repair or replacement of a nonconforming structure upon the following findings:

1. The change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use. **The proposed enlargement of the existing accessory structure to accommodate an Accessory Dwelling Unit (ADU) is not anticipated to create impacts greater than those associated with the existing residential use. The expansion remains residential in nature and is unlikely to generate adverse effects on the surrounding area.**
2. The structure cannot economically be modified to be suitable for uses permitted in the district. **The applicant has not indicated any feasible means of converting the existing residential improvements to a use permitted within the Highway Business (H-B) district. Instead, the request seeks to continue and modestly expand the long-standing residential use, which reflects the historical development pattern of the property.**
3. The structure would have to be removed to permit development of the property for conforming uses. **Staff cannot determine that the existing structures could be reasonably adapted to support a conforming commercial use under the current zoning. It is likely that redevelopment for a permitted H-B use would necessitate significant work to the structures or removal of the existing residential improvements.**
4. The structure has such value that removal to permit development of conforming uses would cause economic hardship to the owner. **The owner purchased the property in 2018 for residential purposes. Requiring demolition of the existing structures to allow commercial redevelopment would impose a significant economic hardship, given the owner's investment and the intended residential use of the property.**
5. The proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would not cause substantial detriment to the public good or impair the purposes and intent of this UDC. **Although the residential use does not conform to the H-B zoning district, the proposed ADU expansion is not expected to negatively affect the public good or undermine the intent of the Unified Development Code. The use remains low-intensity and compatible with the established character of the immediate area.**

6. The requirements of this UDC for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement. **The property's current Highway Business (H-B) zoning does not permit residential uses by right. Based on the Comprehensive Plan future land use designation of Business Nodes and Corridor, rezoning to a residential district would not align with the planned commercial character of the corridor. As such, the UDC's rezoning requirements effectively prevent the property from being reclassified in a manner that would allow the proposed residential expansion.**

(B) Zoning Analysis – 11.1.1.11 Variances

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); **Extraordinary and exceptional conditions exist as a result of the property's development history. The primary residence was constructed in 1890, predating modern land-use regulations, and the accessory structure was built in 1980 with a front setback consistent with the existing residence. These conditions create a unique physical context not shared by properties developed under current standards.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Because the residence predates zoning and the accessory structure was constructed with a setback matching the established pattern along Hancock Avenue, strict application of current setback requirements would impose an unusual hardship. The structures were legally established under earlier development conditions and cannot reasonably be brought into compliance without disproportionate impact.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **While several nearby homes along Hancock Avenue share similar setbacks, the combination of the property's age, development pattern, and the placement of both structures creates a condition that is uniquely tied to this parcel and not representative of properties developed under contemporary zoning standards.**
4. Such conditions are not the result of any actions of the property owner; **The primary residence was constructed in 1890 and the accessory structure in 1980, both long before the current owner acquired the property in January 2021. The existing setbacks and structural placements are therefore not attributable to any action taken by the current 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; **Approval of the requested variance would not negatively affect the public good, nor would it compromise the intent of the UDC. The request simply recognizes long-standing, historically established conditions and does not authorize any prohibited or previously denied use. The character of the area would remain unchanged.**

11.2.6.E. - Submission requirements

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in chapter 11.2 to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **The proposal meets the requirement, and the applicant understands that someone must be present at the Hall County Board of Commissioners' public hearing.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 11.2. **The applicant has submitted a narrative; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The applicant submitted a scaled site plan.**
- C. For any application for a slow rate land treatment system (see chapter 7.6.9.D.1), the following additional requirements apply. **This standard is not applicable as the site will be served by an onsite septic system.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **As there are not 100 or more residential dwelling units proposed, this criterion is not applicable.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 16, 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 December 11, 2025, Christopher Hash, P.E., D1 Traffic Operations Supervisor, stated "Off-system, no impacts to the state route expected."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated December 17, 2025, Jason Skarda, Assistant Director of Public Works and Utilities provided the following comments:

Engineering:

No comment

Traffic:

No comment

Utilities:

Gainesville Sewer – Infrastructure on Marler Street.

Hall County Fire Marshal

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