

HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

Applicant Amelia Gray, LLC

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

Proposed Use Accessory dwelling unit

Size $0.29\pm$ acres

Zoning Residential 1 (R-1)

Location **2479A Broadway Place** | Tax Parcel 00121 005001

Commission District Four

Commission Date January 22, 2026

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

Record Number HVAR25-0068

Staff recommends APPROVAL of the applicant's request.

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 $0.29\pm$ acres in size and is zoned Residential 1 (R-1).

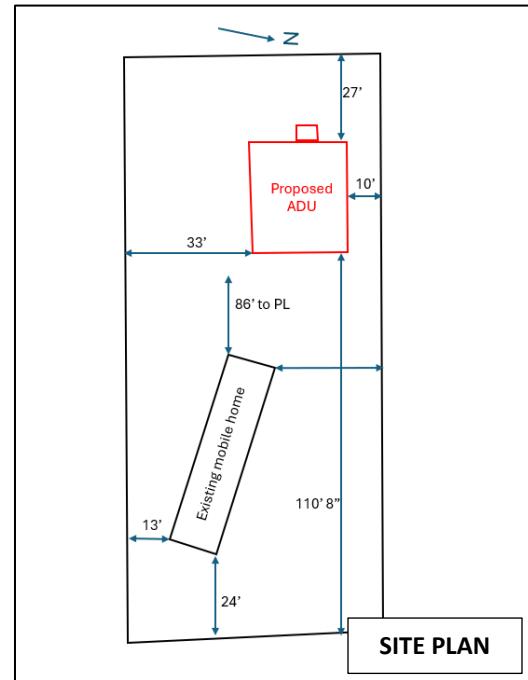
The property at 2288 Bowman Drive (identified with a pink star) is currently developed with a 784-square-foot single-wide mobile home, established in 1998 according to Hall County records. This lot is considered unconventional because access is provided via an easement from Bowman Drive (highlighted in yellow), while the designated front yard abuts an undeveloped right-of-way (highlighted in blue). This unique layout



results in the “front” property line functioning as the rear lot line, as the primary residence faces the rear property line. Practical access to Bowman Drive is achieved through an easement across the adjoining parcel at 2266 Bowman Drive.

A building permit (HRNEW25-1401) was issued in October 2025 to allow construction of an accessory dwelling unit (ADU) on the subject property, located “behind” the existing mobile home. When the property owner of the subject property applied for a building permit for an ADU on the adjacent property at 2479B Broadway Place/2299 Bowman Drive, it was discovered that the building permit for 2479A Broadway Place was issued in error as the “front” of the property is technically Broadway Place. Section 7.8.3.B.5. states that “If not attached to the principal dwelling, the building containing the ADU must be located in the rear or side yard.”

The property owner is constructing an access driveway within the undeveloped right-of-way fronting the subject parcel, known as Broadway Place extension, extending from the paved portion of Broadway Place. This driveway is proposed to serve both the subject property and the adjacent parcel to the north, allowing each to accommodate access to an ADU (the northern parcel being the subject of a separate ADU variance request). Access from Bowman Drive is not feasible without disturbing the existing septic system serving the mobile home. The Broadway Place “extension” right-of-way terminates at the end of the parcel immediately north of the subject property.



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 27 feet from the front property line whereas the primary residence is located approximately 70 feet from the front property line.

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); **Extraordinary and exceptional conditions exist due to the property's unique development history. When placement of the primary residence was originally approved, access from the fronting right-of-way was not available. As a result, the primary residence was oriented toward the rear property line, with its functional access point and address located on Bowman Drive. This atypical orientation stems directly from the physical and access-related characteristics of the lot rather than any personal or economic hardship.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Because the County historically permitted access to the property through a private easement across the neighboring parcel, including a Bowman Drive address, effectively establishing an alternative "front" yard, strict application of Article 11 would impose an unusual hardship.**
3. Such conditions are particular to the property involved and are not common to other properties in the neighborhood; **The property's original access orientation and reliance on a rear easement are unique within the surrounding area. Only the subject parcel and the adjacent property at 2479B Broadway Place / 2299 Bowman Road share this unusual configuration, making the condition distinctly uncommon in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **The placement and access orientation of the primary residence was permitted by the County. Although the construction of an ADU is a voluntary improvement, the unconventional development pattern of the parcel, created by historical access constraints, limits feasible placement options for the ADU.**
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; **Granting the requested variance would not create any substantial detriment to the public good, nor would it undermine the purposes or intent of The UDC. The relief sought pertains solely to accommodating the property's unique physical and historical access conditions and does not authorize any prohibited or previously denied use.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 16, 2025, Emily McGahee stated “Septic permit OSC-10379 was issued for a 1 bdrm ADU on August 25, 2025.”

Georgia Department of Transportation

In an email dated December 11, 2025, Christopher M Hash, 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, Assistant Director Jason Skarda stated the following:

Engineering:

No comment

Traffic:

No comment

Utilities:

Gainesville Sewer - No infrastructure in vicinity.

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.”