

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 $0.51\pm$ acres

Zoning Residential 1 (R-1)

Location **2479B Broadway Place** | Tax Parcel 00121 005007
(pt)

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 HVAR25-0071

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 $0.51\pm$ acres in size and is zoned Residential 1 (R-1).

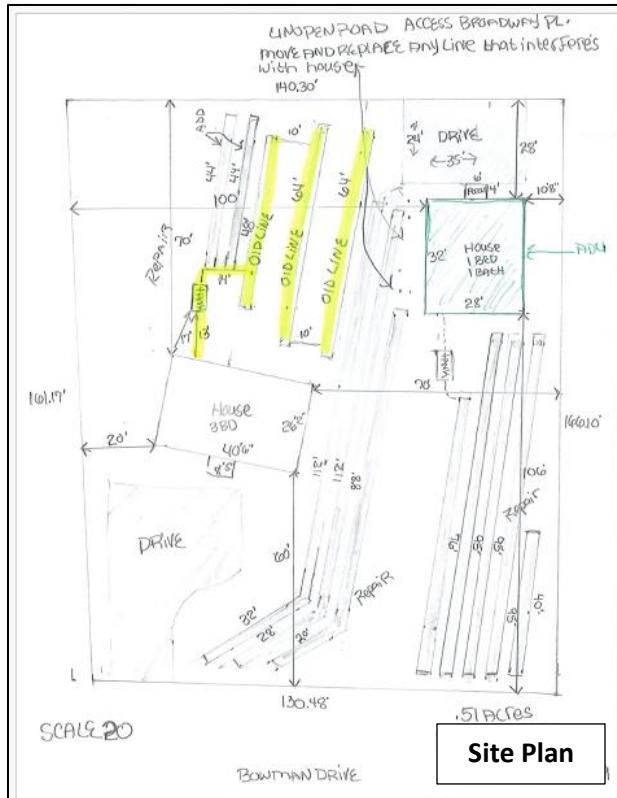
The property is currently developed with a 1,135 square foot single family residence constructed in 2022 with an address of 2299 Bowman Drive and identified with a pink star (RES2021-02435/HRNEW25-1402). This lot is considered unconventional because



the 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 property condition was placed on this parcel and the adjacent parcel at 2295 Bowman Drive in connection with building permits for single-family residences on each lot (RES2021-02434 / HRNEW25-1403 and RES2021-02435 / HRNEW25-1402, respectively). The condition states:

“Hall County Planning Tag – Zoning verification for the building permit applications for 2295 and 2299 Bowman Drive was approved based on a recorded plat dated October 22, 2021. The plat indicates that each lot has frontage on a public way, although 2299 fronts an unopened road. The current property owner also owns 2286 and 2288 Bowman Drive, which share a driveway from Bowman Drive. Hall County Planning has confirmed with the County Traffic Engineer that the existing driveway may also serve as access for 2295 and 2299. However, if ownership of any of these lots changes, an easement must be recorded to provide access, or the new owner may be responsible for making improvements necessary to establish access to their property.”



The applicant proposes to add an ADU to the rear of the existing residence which is technically the front of the parcel. 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 south, allowing each to accommodate access to an ADU (the southern 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 existing residence. The Broadway Place “extension” right-of-way terminates at the north end of this parcel.

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 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 2479A Broadway Place / 2288 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 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 this 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-10616 was issued for a 1 bdrm ADU on December 9, 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.”