

**HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT**

**Applicant** ..... Cole Burchardt

**Request** ..... **Variance to Section 3.2** | to reduce the minimum yards

**Proposed Use** ..... Accessory building

**Size** ..... 4.87± acres

**Zoning** ..... Agricultural Residential 1 (AR-1)

**Location** ..... **2485 Dawsonville Highway** | Tax Parcel 10085 000054

**Commission District** ..... Two

**Commission Date** ..... March 12, 2026

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

**Record Number** ..... HVAR25-0073

**Staff recommends DENIAL of the applicant’s request.**

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**Summary Analysis**

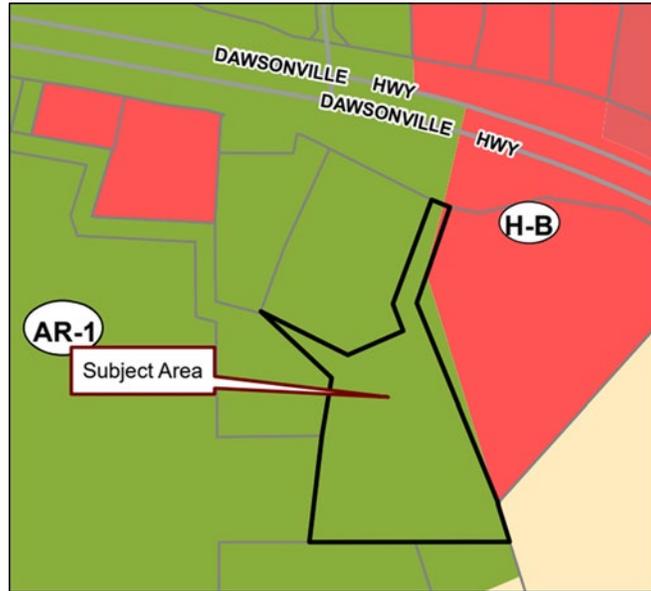
The applicant is requesting a variance to reduce the right side yard setback from 15 feet to 10 feet for the construction of a 32-foot by 32-foot detached garage on a tract measuring 4.87± acres zoned Agricultural Residential 1 (AR-1).

According to the Hall County Tax Assessor records, the property is currently developed with a single-family residence constructed in 1966, along with two sheds – one of which recently obtained a retroactive building permit (HRNEW25-1107) – and a swimming pool (HRNEW25-1355).

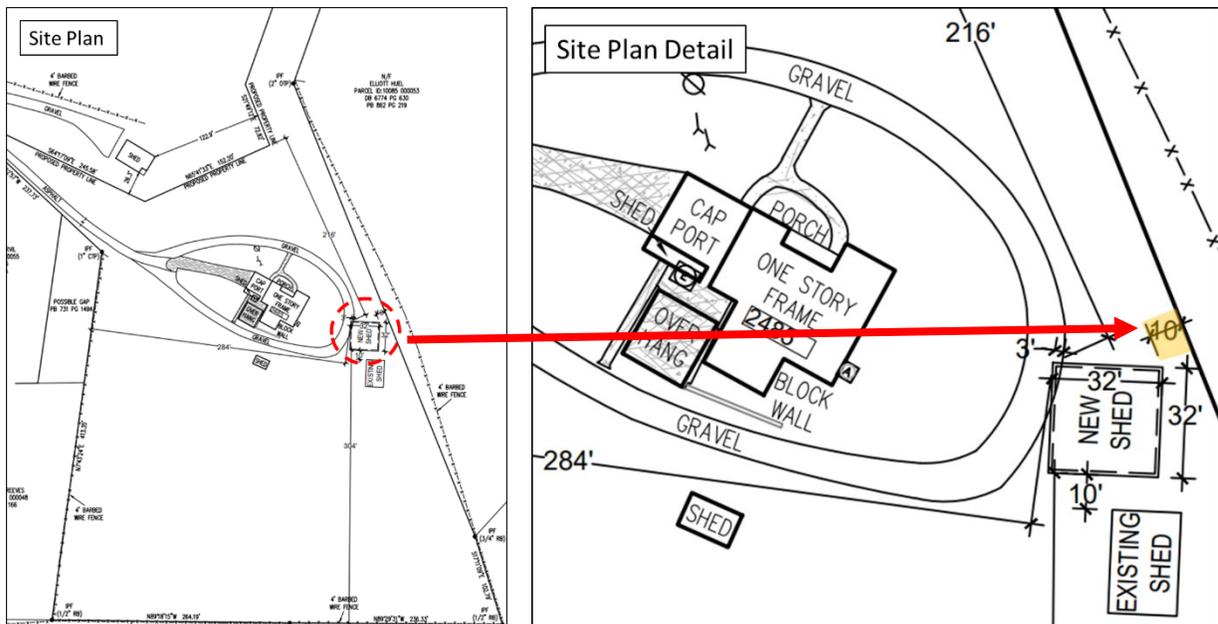
The surrounding properties are zoned and developed as outlined below:

North:        Agricultural Residential 1 (AR-1): Undeveloped &  
                 Highway-Business (H-B): Carwash

- East: Highway-Business (H-B): Undeveloped  
Residential 1 (R-1): Undeveloped
- South: Agricultural Residential 1 (AR-1) & Residential 1 (R-1): Single-family residences
- West: Agricultural Residential 1 (AR-1): Single-family residences



Per the Statement of Hardship, the lot's topography would not support the construction of a detached garage without significant backfill and grading. The selected location is relatively flat, minimizing the need for extensive grading work.



One (1) **variance**, related to the side yard setback requirement will be required if the site plan, as presented, is approved.

- Side yard setback requirement of 15 feet from the property line as found in Table 3.2.1 for the Agricultural Residential 1 (AR-1) zoning district.
  - A side yard setback from 15 feet to 10 feet from the property line is proposed for the detached garage.

### **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 particular 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 subject property is developed with a single-family residence. The subject parcel size, shape and topography are similar to other properties in the area**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No unusual hardship would be created if the requirements of this UDC are applied to this particular piece of property. The subject lot is currently developed with a single family residence.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **Other lots within the development are similar in development, size and shape to the subject parcel.**
4. Such conditions are not the result of any actions of the property owner; **The size, shape, and topography of the lot are not the result of any actions of the property owner; however, the location and size of the proposed detached garage is the direct action of the property 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; **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC.**

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated January 15, 2026, Emily McGahee stated “All proposed structures must meet all residential permitting requirements and/or required setbacks to existing septic system.”

**Georgia Department of Transportation**

In an email dated January 13, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated “Residential no impacts expected.”

**Hall County Public Works and Utilities**

In a memorandum dated January 16, 2026, Jason Skarda, Assistant Director of Public Works and Utilities, provided the following comments:

**Engineering:**

No comment.

**Traffic:**

Variance request does not impact traffic or access.

**Utilities:**

Gainesville/Hall sewer service area; no infrastructure in vicinity.

**Hall County Fire Marshal**

In an email dated January 16, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”