

HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT

**Applicant** ..... Philip Devries

**Request** ..... **Conditional Use** | to allow re-establishment of a nonconforming use

**Proposed Use** ..... Duplex

**Size** ..... 0.48± acres

**Zoning** ..... Residential 1 (R-1)

**Location** ..... **13 Liberty Street** | Tax Parcel 00063 001003

**Commission District** ..... Four

**Commission Date** ..... March 26, 2026

**Staff Recommendation** ..... **Approval**, as the proposed re-establishment is in line with the development of the surrounding properties.

**Record Number(s)** ..... HZCU26-0008

**Staff recommends APPROVAL of the applicant’s requests with the following condition:**

1. The property shall be developed in accordance with the site plan dated February 13, 2026, and the project narrative dated February 16, 2026, modified as necessary for compliance with development standards enforced at the time of site plan approval.

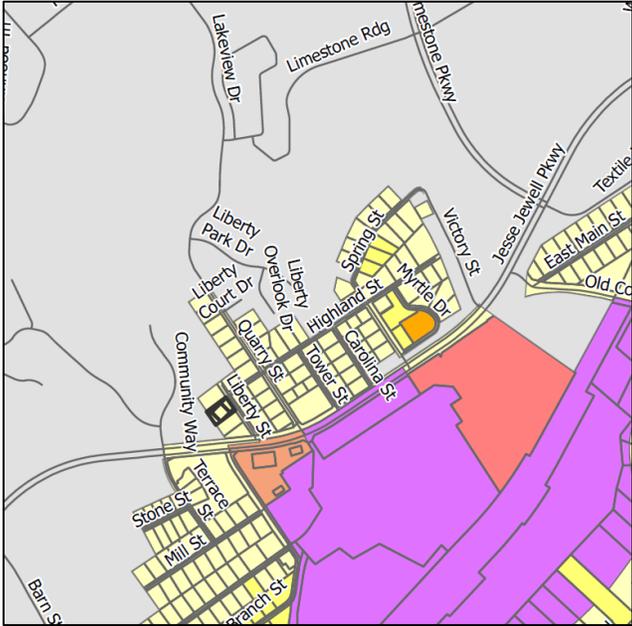


**Summary Analysis**

The applicant is requesting approval to allow for re-establishment of a nonconforming use, specifically a duplex, on a tract measuring approximately 0.48± acres zoned Residential 1 (R-1).

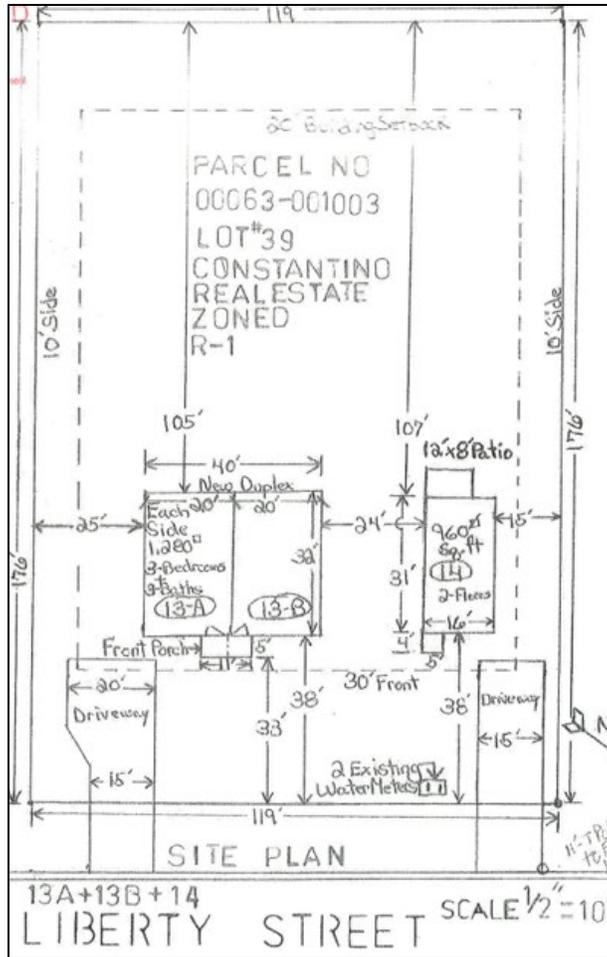
The surrounding properties are zoned and developed as outlined below:

- North: Residential 1 (R-1) – Duplex residences built in 1900
- East: Residential 1 (R-1) – Duplex residences built in 1900
- South: Residential 1 (R-1) – Duplex residences built in 1900
- West: City of Gainesville, Office and Institutional (O-I)



Per GIS imagery, the subject property was developed with a duplex until 2021. On October 13, 2021, a permit for construction of a single-family residence was issued (RES2021-02027) and on April 28, 2022, a demolition permit for a fire-damaged structure (MIS2022-00184) was issued. The subject property remained vacant and then on January 14, 2026, building permits were issued for a 2,560 square foot duplex (HRNEW26-0030 & HRNEW26-0037) and a 992 square foot accessory dwelling unit (HRNEW26-0036) and construction commenced. Staff subsequently determined that issuance of the duplex permits was done in error, as the re-establishment of the nonconforming duplex use requires Board of Commissioners approval.

The subject property lies within what is historically referred to as the New Holland neighborhood, a former textile mill village established in the 1890's. Most of the residences in the subdivision are duplexes built around 1900. The architectural rendering of the proposed duplex is similar in scale, style and materials to the surrounding original duplex homes, supporting compatibility with the historic development pattern. This area was originally zoned Residential-II (R-II) which allowed the development of duplexes. Through time, iterations of the zoning ordinance removed duplex as a permitted use, and in 2024, all R-II zoning districts were removed, and this subdivision was rezoned to Residential 1 (R-1) which permits single-family residences only.



**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 re-establishment of the nonconforming duplex would be no more detrimental to the surrounding area as several surrounding properties have been developed with duplexes since 1900.**
- 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 current structure, currently under construction, to a use permitted within the Residential 1 (R-1) district. Instead, the request seeks to re-establish the duplex, which reflects the historical development pattern of the property and surrounding area.**
- 3. The structure would have to be removed to permit development of the property for conforming uses. **Staff cannot determine that the existing structures can be reasonably adapted to accommodate a conforming use under the current zoning. Redevelopment for a conforming single-family use would likely require substantial alterations to the existing building**
- 4. The structure has such value that removal to permit development of conforming uses would cause economic hardship to the owner. **Building permits were issued on January 14, 2026, and construction of the duplex was started. Removal of the development would cause economic hardship to the owner.**
- 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 proposed use does not conform with the Residential 1 (R-1) zoning district, the duplex would not cause substantial detriment to the public good or impair the purposes or the intent of the Unified Development Code. The use remains low-intensity and compatible with the established development and character of the New Holland neighborhood.**
- 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 Residential 1 (R-1) zoning does not permit duplexes by right. Based on the Comprehensive Plan future land use designation of Suburban Neighborhood, Medium Density, rezoning to a district that would permit for duplexes would create an isolated zoning district. As such, the UDC’s rezoning requirements effectively prevent the property from being reclassified in a manner that would allow the re-establishment of the nonconforming duplex.**

**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 sewer.**
- 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 February 18, 2026, Emily McGahee stated “No comment. Public sewer.”

**Georgia Department of Transportation**

In an email dated February 16, 2026, Christopher Hash, P.E., D1 Traffic Operations Supervisor, stated “Off-system, no impacts expected to the state route. “

**Hall County Public Works and Utilities**

In a memorandum dated February 26, 2026, Jason Skarda, Assistant Director of Public Works and Utilities provided the following comments:

**Engineering:**

No comment

**Traffic:**

No issues with a variance request as it does not cause traffic concerns.

**Utilities:**

No infrastructure in the vicinity.

**Hall County Fire Marshal**

In an email dated February 25, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."