

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Charline Benifield

Request **Variance to Section 9.2.4** | to reduce the required road frontage

Proposed Use Minor subdivision

Size 5.55± acres

Zoning Agricultural Residential 1 (AR-1)

Location **5461 Union Church Road** | Tax Parcel 15042 000028 (pt)

Commission District One

Commission Date March 26, 2026

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

Record Number HVAR26-0007

Staff recommends DENIAL of the applicant’s request. However, if the Commission chooses to approve this request, staff recommends the following conditions:

1. Tracts 4 and 5 shall be served by a common access driveway, which must be clearly identified on the final plat and referenced in all associated deeds.
2. All conditions of zoning shall be made a part of any plats created for the property.

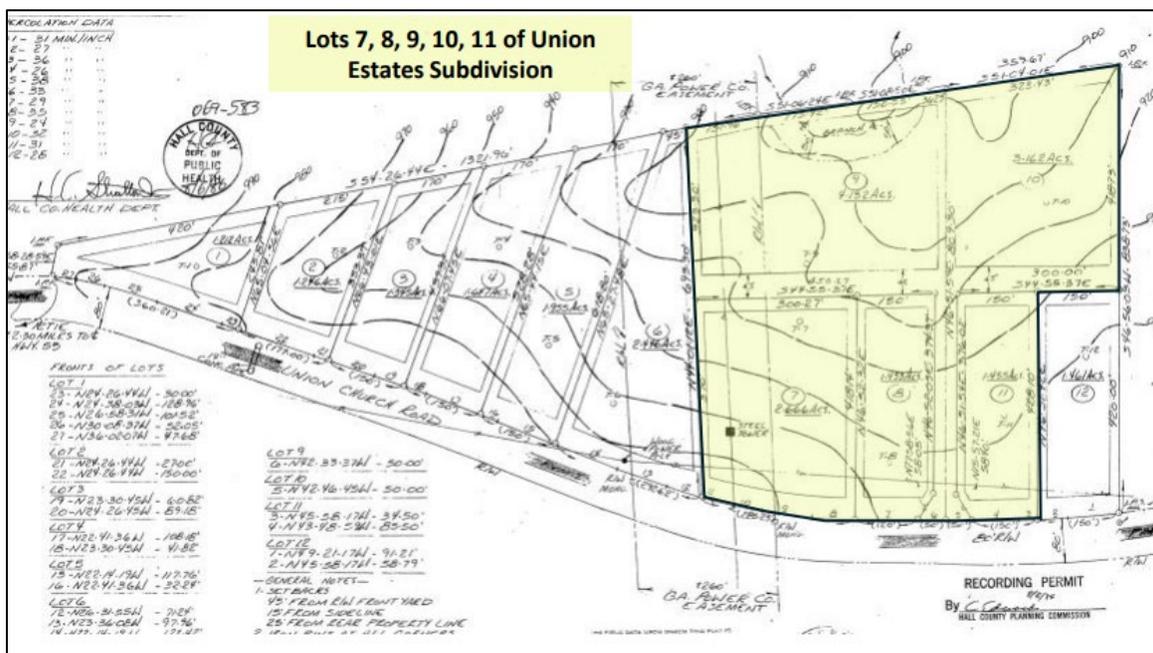
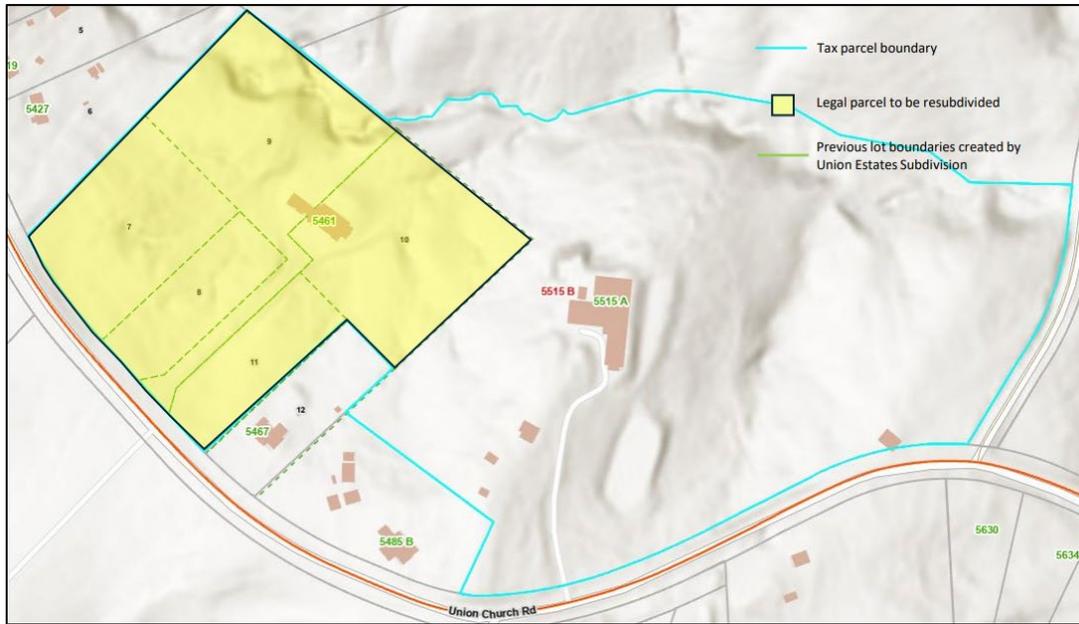
Summary Analysis

The applicant is requesting a variance to Section 9.2.4 to reduce the required road frontage along a collector road from 90 feet to 50 feet for 2 of the proposed tracts, totaling 5.55± acres, within a minor subdivision. The minor subdivision proposes five (5) tracts, totaling 12.83± acres, within an approximately 38.45± acre tax parcel zoned Agricultural Residential 1 (AR-1).

According to Tax Assessor records, the property is currently developed with the following structures:

- A 5,460 square foot single-family residence built in 2002.
- An 1,800 square foot single-family residence built in 1926.
- An 8,800 square foot barn built in 1988.
- A 960 square foot barn built in 1980.

The subject Tax Parcel, 15042 000028, outlined in blue below, is comprised of two legal parcels. The area proposed for subdivision was originally five lots, Lots 7 through 11, of the Union Estates Subdivision approved in 1986. The property owner combined those lots into one parcel and constructed a single-family residence. They now propose to re-subdivide the property back into five separate parcels.



According to the site plan, the residence identified as 5461 Union Church Road, would be located on Tract 5 and would utilize the existing driveway that crosses the proposed Tract 4. All other existing structures would remain on the remainder of the current tax parcel. At this time, there is no proposal to formally establish a common access driveway for Tracts 4 and 5. Creating a common access driveway, however, would eliminate the concern of multiple driveways within a 90-foot span.



The surrounding properties are zoned and developed as outlined below:

- North: Planned Commercial Farming District (PCFD) – Undeveloped, agricultural uses
- East: Planned Commercial Farming District (PCFD) – Undeveloped, agricultural uses
- South: Agricultural Residential 1 (AR-1) – Single family residence
Planned Residential Development – Single family subdivisions

West: Agricultural Residential 1 (AR-1) – Single-family residences
Residential 1 (R-1) – Single family subdivision

On December 9, 2025, the applicant submitted a 5-lot subdivision plat for review (HPLT25-0270) encompassing approximately 12.83± acres of the 38.45± parent tract. During review, staff recognized that a road frontage variance would be required for Tracts 4 and 5. Per the Statement of Hardship, the applicant states that “due to the configuration of the parcel, existing road alignment, and the unusually large lot sizes, requiring the standard frontage would not advance the intent of the ordinance related to access, safety or development intensity. The proposed lots substantially exceed the minimum lot size requirement and will remain low-density in character.”



The proposed subdivision area corresponds to the former Lots 7 through 11 of the Union Estates Subdivision, approved by the Planning Commission on August 6, 1986. These lots were acquired and combined into one legal parcel and added to the original 29± acres to form the current 38.45± acre tax parcel. As shown on the 1986 subdivision plat, the subject area was divided into five lots with four access points, with Lots 9 and 10 sharing a common driveway. The proposed reconfiguration the former five lots meets all current subdivision standards with the exception of minimum road frontage for Lots 4 and 5. Though not formally proposed by the property owner, providing a common access driveway for proposed Tracts 4 and 5 would replicate the access pattern approved in the original Union Estate Subdivision and achieve the effect of no more than one driveway within a 90-foot span.

Water service will be provided by the City of Gainesville and all lots will be served by on-site septic systems.

Two (2) **variances** related to road frontage requirements will be required if the site plan, as presented, is approved.

- Road frontage requirement of 90 feet as found in Section 9.2.4 for all roads designated as arterial or collector.
 - A road frontage variance from 90 feet to 50 feet for Tract 4 fronting a collector road.
 - A road frontage variance from 90 feet to 50 feet for Tract 5 fronting a collector road.

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); **No, the property does not have any extraordinary or exceptional physical conditions related to size, shape, or topography that prevent compliance with road frontage requirements. With approximately 613 feet of frontage, the tract is**

capable of meeting the standards. The need for a variance results solely from the applicant's desire to create more lots than the frontage can support. The ordinance does not entitle a property owner to additional lots if minimum standards cannot be met. Previous approvals do not justify a basis for a variance.

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. There is adequate road frontage to meet road frontage requirements.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The conditions are not unique to this property. The subject property is similar in size and shape to surrounding properties. The applicant's stated constraints do not create a condition that limits the ability to design lots that meet road-frontage requirements or entitle a property to additional lots if minimum standards cannot be met.**
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 proposed 5 lot subdivision is a direct action of the owner which can be designed to meet road frontage standards, including reduction of a parcel.**
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, may not cause substantial detriment to the public good, but granting the variances could undermine the intent of the UDC. The minimum road frontage standards are intended to ensure adequate spacing between driveways, reduce turning-movement conflicts, and protect traffic flow on heavily traveled roads. Reducing frontage below the required minimum could weaken these safety and circulation objectives.**

Development Support and Constraints

Hall County Environmental Health

In an email dated February 18, 2026, Emily McGahee stated "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that BOC approval does not imply approval from other county departments. This plat is currently under review by the Hall County Plat Review Team HPLT25-0270. Environmental Health comments were provided to the applicant on January 28, 2026."

Georgia Department of Transportation

In an email dated February 18, 2026, Christopher Hash, 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:

Show stream buffer and impervious setback from wretched vegetation not the centerline of stream. Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6.

Utilities:

No infrastructure in the vicinity.

In a memorandum dated March 5, 2026, Brent Cook, Assistant Director of Public Works and Utilities provided the following comments:

Traffic:

While the traffic volumes associated with the proposed reduction in road frontage are expected to be manageable, there are concerns regarding the safe operation of multiple driveways located in close proximity to one another. To improve safety and reduce potential conflict points, a shared access driveway serving Tracts 4 and 5 should be considered. A common driveway would functionally achieve the intent of providing each parcel with the equivalent of a 90-foot minimum frontage while minimizing the number of individual driveway connections to Union Church Road.

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."