

**HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT**

**Applicant** ..... Clyde Morris

**Request** ..... **Variance to Section 4.3** | to reduce the minimum yards

**Proposed Use** ..... New accessory structure

**Size** ..... 0.08± acres

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

**Location** ..... **2375 Whippoorwill Lane** | Tax Parcel 00109A000036

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

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

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

**Record Number** ..... HVAR26-0003

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

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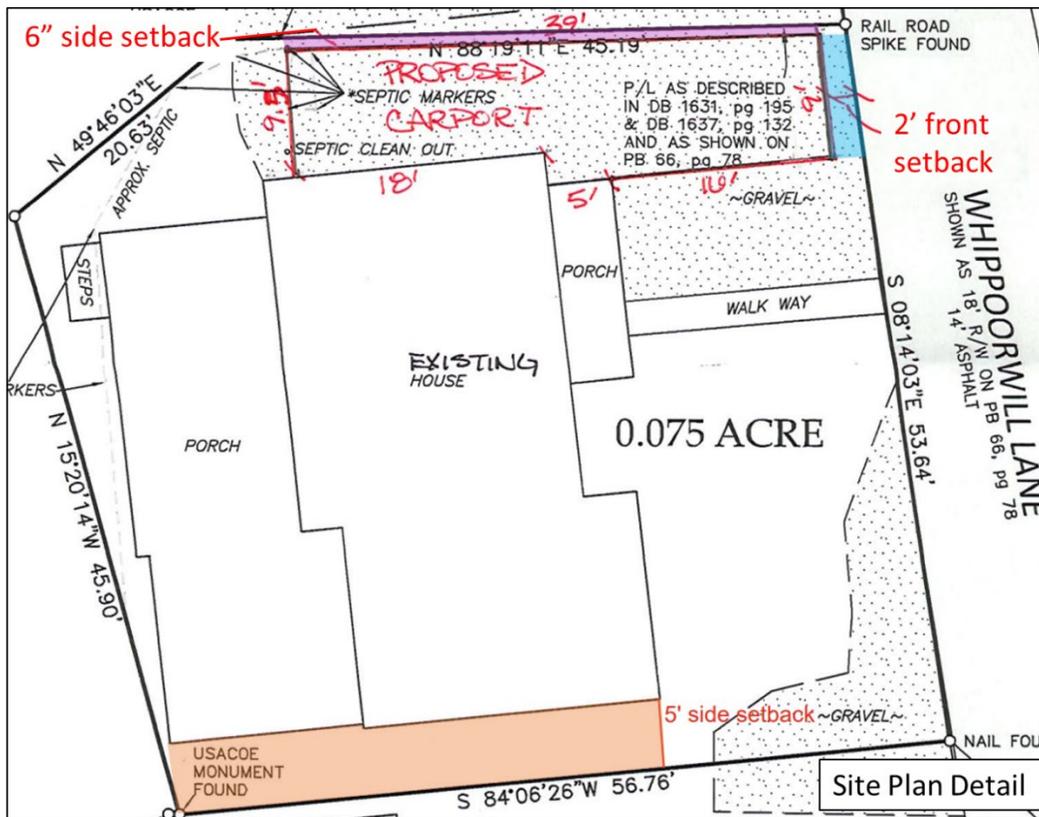
**Summary Analysis**

The applicant is requesting multiple variances to Section 4.3 to reduce the front yard setback from 30 feet to 2 feet (shown in blue), to reduce the side yard setback from 10 feet to 6 inches along the northern property boundary (shown in purple), and to reduce the side yard setback from 10 feet to 5 feet along the southern property boundary (shown in orange). These variances are necessary to recognize the setbacks of the existing residence and to allow the addition of a proposed carport. The subject property is approximately 0.08± acres in size and is zoned Residential 1 (R-1).

The property is currently developed with a single-family residence, constructed in 1960, according to the Hall County Tax Assessors records. Surrounding properties are zoned Residential 1 (R-1) and are developed with single-family residences, with some parcels vacant.

Per the Statement of Hardship, the property owner states that a mature, 75-year-old White Oak tree overhangs the house and driveway, dropping acorns, limbs, leaves, and sap onto parked vehicles. These conditions have led to significant damage and ongoing repair costs. According to the property owner's arborist, removal of the tree is not a viable option, as it is healthy and expected to live for another 150 years.

To protect the vehicles, the property owner proposes installation of a carport. Due to the lot's limited size and existing setback requirements, the proposed structure would require variances for front and side yard setbacks. As the carport would be constructed over existing impervious surface, it would not increase site coverage. The carport must be positioned between the dwelling and the property line and partially in front of the house, as no alternative location on the property can provide effective protection or accommodate parking.



Three (3) **variances** will be required if the site plan, as presented, is approved.

- Front yard setback requirement of 30 feet from the property line as found in Section 4.3 for the Residential 1 (R-1) zoning district.
  - A front yard setback from 30 feet to 2 feet from the property line is proposed to allow the addition of a carport.
- Side yard setback requirement of 10 feet from the property line as found in Section 4.3 for the Residential 1 (R-1) zoning district.
  - A side yard setback from 10 feet to 6 inches along the northern property line is proposed to allow the addition of a carport.

- A side yard setback from 10 feet to 5 feet along the southern property boundary to recognize the location of the existing single-family residence.

### **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); **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. While the lot was created prior to the adoption of zoning regulations and is significantly smaller than the 35,000 square foot minimum lot size currently required in the V-C district, this condition alone does not create a hardship. The proposed carport is an optional, non-essential accessory structure, and the need for it does not arise from any physical characteristics of the lot.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No unusual hardship would result from applying the requirements of this UDC to the property. The subject parcel is developed with a single-family residence. The proposed carport is an optional, non-essential accessory structure.**
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. **Other lots within the vicinity are similar in size and shape. The property does not have special features that would justify a variance.**
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. The location of the residence is the action of a previous property owner, however, the placement of the proposed carport 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, but granting the variance could undermine the intent of the UDC. The setback standards exist to maintain consistent development patterns with reasonable setbacks. All surrounding properties are zoned V-C and subject to these standards.**

### **Development Support and Constraints**

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

In an email dated February 18, 2026, Emily McGahee stated “Environmental Health performed an existing system evaluation in regards to the proposed construction and documentation provided to the owner.”

**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.”

**Hall County Public Works and Utilities**

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

**Engineering:**

Show FEMA and Hall County studied Flood plains that are present on the site.

**Traffic:**

This request will not impact traffic.

**Utilities:**

Gainesville Sewer Service Area; No infrastructure in vicinity.

**Hall County Fire Marshal**

In an email dated February 12, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”