

HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

ApplicantJonathan Rios-Bonilla

Request**Special Use** | Expansion of a nonconforming use

Proposed Use Duplex addition

Size0.65± acres

Zoning Residential 1 (R-1)

Location **54 Dean Street** | Tax Parcel 00053 003011

Commission District Four

Commission Date April 21, 2026

Staff Recommendation **Approval**, as the duplex use and proposed expansion is consistent with the development of surrounding properties.

Record Number(s) HZCU26-0009

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

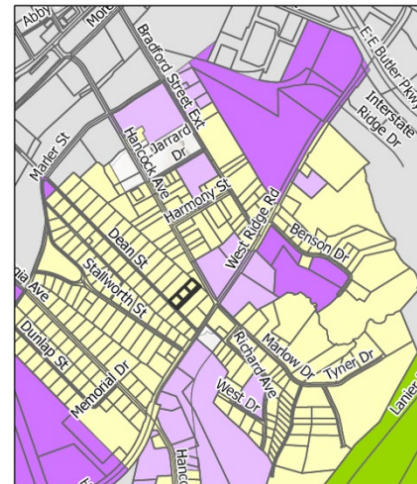
1. The property shall be developed in accordance with the site plan dated March 11, 2026, and the project narrative dated February 16, 2026, modified as necessary for compliance with development standards enforced at the time of site plan approval.

Summary Analysis

The applicant is requesting approval to allow for the expansion of a nonconforming use, specifically a duplex, on a tract measuring approximately 0.65± acres zoned Residential 1 (R-1).

The surrounding properties are zoned and developed as outlined below:

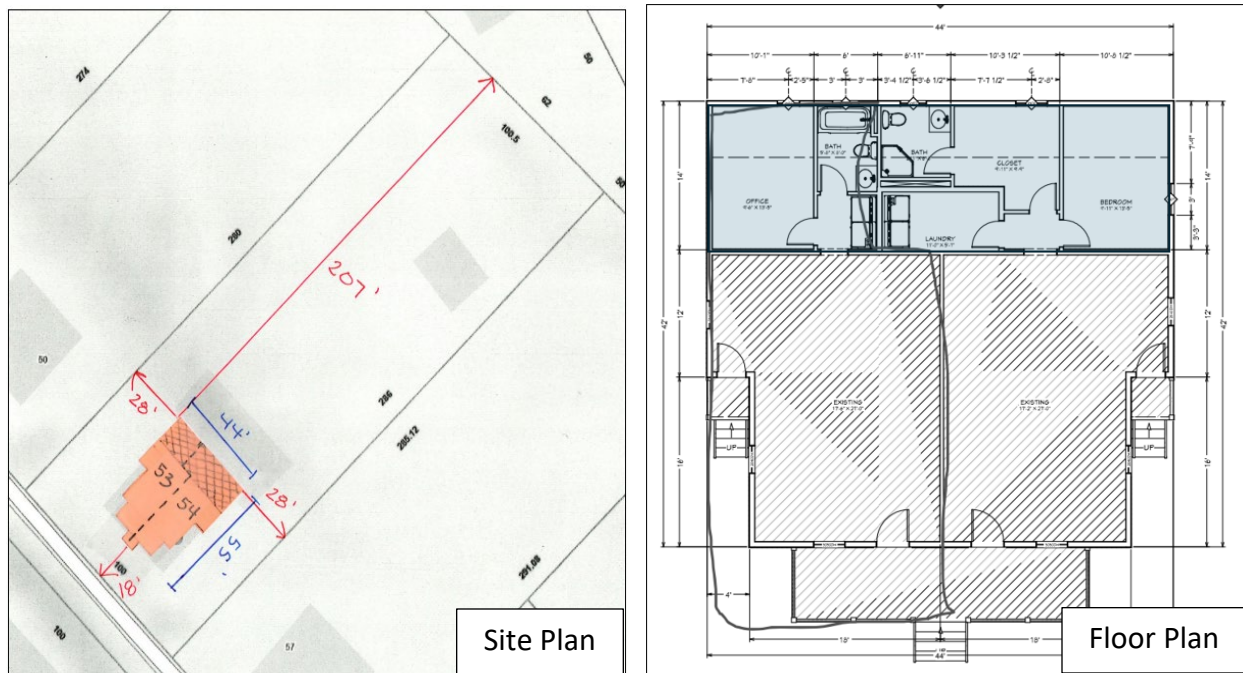
- North: Residential 1 (R-1): Duplexes and single-family residences
- East: Residential 1 (R-1): Duplexes and single-family residences; Light Industrial (I-1): Building materials warehouse



South: Residential 1 (R-1): Duplexes and single-family residences
 West: Residential 1 (R-1): Duplexes and single-family residences

The site is developed with a 1,752 square foot duplex, established in 1900 per Tax Assessor records. The subject property is located within the Gainesville Mill Village subdivision, which was officially recorded with the Hall County Clerk of Courts in 1939. Most of the residences in the subdivision are duplexes with some single-family residences. The area was originally zoned Residential-II (R-II), which permitted duplex development. Over time, updates to the zoning ordinance removed duplexes as a permitted use, and in 2024 all R-II districts were eliminated. As part of that update, the subdivision was rezoned to Residential-I (R-I), which allows only single-family residences.

GIS Imagery shows that the existing structure was expanded between 2023 and 2025. On January 22, 2026, the property owner submitted a retro-active building permit for the additions (HRADD26-0020 & HRADD26-0036), and they were denied pending approval of the expansion of the non-conforming use. Per the submitted narrative, the addition to Unit 53 includes an office, bathroom, and laundry room. The addition to Unit 54 includes a bedroom, closet, and laundry room. Together, the additions total approximately 616 square feet of new floor area to the duplex, shown in blue below.





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 expansion 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 is proposing an expansion of the existing use and is not requesting a change of use. The existing duplex, originally zoned Residential II (R-II) and established in 1900, was a permitted use within the R-II zoning district. Over time, updates to the Unified Development Code (UDC) removed duplexes as a permitted use. In 2024, the UDC was updated and removed all R-II zoning districts replacing them with Residential 1 (R-1).**
3. The structure would have to be removed to permit development of the property for conforming uses. **Staff cannot determine if the existing structure 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. **Imagery shows that the addition was constructed between 2023 and 2025. 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 expansion of 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 surrounding 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 expansion 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 to the applicant's request.**
- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 25, 2026, Emily McGahee stated, "No comment. Public sewer."

Georgia Department of Transportation

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

Hall County Public Works and Utilities

In a memo dated March 26, 2026, Jorge Gomez, Director of Public Works and Utilities provided the following comments:

Engineering:

No comment

Traffic:

This proposal does not impact or increase traffic volumes.

Utilities:

No comment. Property is not in Hall County sewer district.

Hall County Fire Marshal

In an email dated March 18, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."