

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant James (Dustin) Slaton

Request **Variance to Section 4.3** | to reduce the minimum yards and increase lot coverage

Proposed Use Accessory building

Size 0.67± acres

Zoning Residential 1 (R-1)

Location **2983 Rivercrest Drive** | Tax Parcel 15030E000005

Commission District Three

Commission Date April 21, 2026

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

Record Number HVAR26-0010

Staff recommends DENIAL of the applicant’s request.

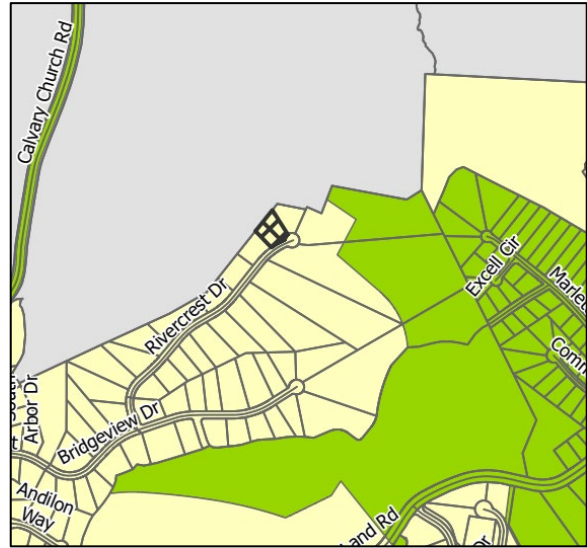
Summary Analysis

The applicant is requesting multiple variances to Section 4.3 to reduce the rear yard setback from 20 feet to 14 feet, reduce the side yard setback from 10 feet to 7 feet along the northeastern property boundary, and increase lot coverage from 35% to 86% to allow a garage addition. The subject property is approximately 0.67± acres in size and is zoned Residential 1 (R-1).

According to the Hall County Tax Assessor records, the property is currently developed with a single-family residence constructed in 1995, along with a swimming pool (MIS2004-00088) and a two-story garage (RES2004-01184). The existing residence and the two-story garage are connected by a structural wall.

The surrounding properties are zoned and developed as outlined below:

- North: City of Gainesville: Chicopee Woods Elementary School
- East: Residential 1 (R-1): Single-family residences & undeveloped
- South: Residential 1 (R-1): Single-family residences & undeveloped
- West: Residential 1 (R-1): Single-family residences & undeveloped; City of Gainesville: Chicopee Woods Elementary School



The applicant explains that the property has challenging terrain that limits how much of the lot can be safely used. The front of the lot is narrow, but it widens toward the back where the ground becomes steep, uneven, and heavily eroded. The house and existing garage sit midway up this slope, and the angled placement of the garage further restricts usable space. The applicant reports ongoing issues with erosion, runoff, fallen trees, and deer frequently traveling through the steep area between the garage and the neighboring lot, contributing to property damage and makes the area difficult to maintain. Despite attempts to stabilize the ground, these problems persist. Because of these conditions, the applicant states that the functional portion of the lot is much smaller than the zoning allowance assumes. To address these issues, the applicant is requesting variances for increased lot coverage and reduced setbacks to construct a 40-by-40-foot addition intended to stabilize the slope, reduce erosion, and limit further damage.

The applicant has provided photographs of the lot that depict these existing conditions and the proposed location of the addition.



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. The circumstances described do not impair the reasonable use of the property as developed, and therefore do not meet this hardship standard required to justify the proposed variances.**

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 circumstances described do not impair the reasonable use of the property as developed, and therefore do not meet this hardship standard required to justify the proposed variances.**

2. 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.**
3. 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 proposed garage addition is a direct action of the property owner.**
4. 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 and lot coverage standards exist to maintain consistent development patterns with reasonable setbacks and lot coverage. All surrounding properties are zoned R-1 and subject to these standards.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 25, 2026, Emily McGahee stated “Must meet all residential permitting requirements. Please note that BOC approval does not imply approval from other county departments.”

Georgia Department of Transportation

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

Hall County Public Works and Utilities

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

Engineering:

No Comment

Traffic:

The proposal does not impact traffic volumes

Utilities:

No comment. This property is located in Gainesville sewer district.

Hall County Fire Marshal

In an email dated March 17, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."