

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Emily & John Grist

Request **Variance to Section 3.2** | to reduce the minimum yards

Proposed Use Accessory structure

Size 1.50± acres

Zoning Agricultural Residential 1 (AR-1)

Location **5716 Ned Young Road** | Tax Parcel 11081 000016

Commission District Three

Commission Date May 14, 2026

Staff Recommendation **Approval**, as hardship exists pursuant to the criteria of 11.1.1.D.11

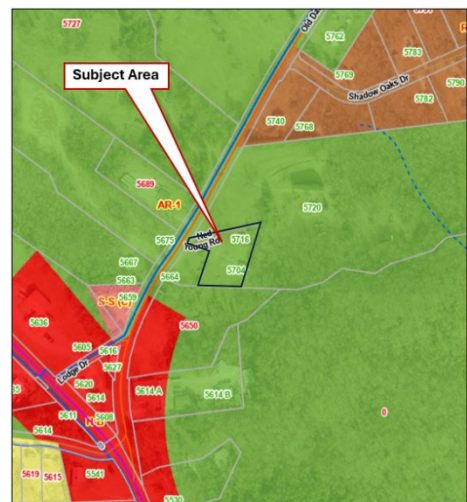
Record Number HVAR26-0014

Staff recommends APPROVAL of the applicant’s request.

Summary Analysis

The applicant is requesting to reduce the rear yard setback from 25 feet to 15 feet to bring an existing accessory structure into compliance on a tract measuring 1.50± acres zoned Agricultural Residential 1 (AR-1).

The property is developed with a 1,764-square-foot single-family residence, constructed in 1920, and a 960-square foot carport. County records and GIS imagery indicate that a smaller carport was replaced by the current larger carport in 2017 without a building permit. On December 26, 2025, and again on March 24, 2026, a permit was denied for a new accessory building due to the unpermitted and encroaching carport. According to the Statement of Hardship, the applicant purchased the property with the existing carport, shown in purple in the site plan below, already in place, and in 2025 the current owners added utilities to the structure.



The residence is physically oriented toward Ned Young Road (highlighted in yellow); however, this access drive is not recognized as a public right-of-way. As a result, the property's official front yard is along Old Dahlonega Highway, and the property line running parallel to Old Dahlonega Highway (shown in dashed green) is classified as the rear property line, which carries a required 25-foot setback. The property owners reasonably interpreted the home's physical orientation toward Ned Young Road to indicate the location of the rear yard and corresponding setback, contributing to the hardship described.



One (1) **variance**, related to the rear yard setback requirement will be required if the site plan, as presented, is approved.

- Rear yard setback requirement of 25 feet from the property line as found in Section 3.2 for the Agricultural Residential 1 (AR-1) zoning district.
 - A rear yard setback from 25 feet to 15 feet from the property line is proposed for the existing accessory structure.

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 particular 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); **Although it appears that there are other locations on the property that the carport could be relocated to that would meet the requirements of this UDC, GIS imagery shows that the carport has been on the property in this location since at least 2017. This long-standing placement, combined with the orientation**

of the residence and overall configuration of the lot, suggests that there are extraordinary and exceptional conditions pertaining to the property that have influenced the structure's location.

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Yes. An unusual hardship would be created if the requirements of this UDC are applied to this particular piece of property as GIS imagery shows that the carport has been in place since at least 2017.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **There are conditions peculiar to the property involved and is not common to other properties in the neighborhood. The subject property's access is Ned Young Road; however, Ned Young Road is not recognized as right-of-way and therefore, the road frontage is along Old Dahlonega Highway. The property line that is parallel to Old Dahlonega Highway is the established rear property line.**
4. Such conditions are not the result of any actions of the property owner; **The size and location of the carport are not the result of any actions 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 or impair the purposes and intent of this UDC.**

Development Support and Constraints

Hall County Environmental Health

In an email dated April 8, 2026, Emily McGahee stated "Environmental Health provided the applicant a completed Existing System Evaluation for a 30' x 42' metal shed with no plumbing on December 17, 2025."

Georgia Department of Transportation

In an email dated April 6, 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 April 15, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No concerns with traffic impacts for this application.

Utilities:

No comment. This property is on septic.

Hall County Fire Marshal

In an email dated April 3, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Building Inspection

In a memorandum dated April 22, 2026, Kristie Turner, Director of Development Services, stated, “Building Inspections requires retroactive permit for carport.”