

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Darin Cain

Request **Variance to Section 2.2.2** | to reduce minimum lot road frontage

Proposed Use 2-lot subdivision

Size 12.76± acres

Zoning Agricultural Residential 1 (AR-1)

Location **3300 Athens Highway** | Tax Parcel 15014 000048A

Commission District Three

Commission Date August 13, 2026

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

Record Number HVAR26-0023

Staff recommends DENIAL of the applicant's request.

Summary Analysis

The applicant is requesting a variance to Section 2.2.2 to reduce the minimum lot frontage from 500 feet to 97.46 feet and 60 feet for a 2-lot subdivision on a tract totaling 12.76± acres zoned Agricultural Residential 1 (AR-1). The proposed minor subdivision consists of Tract 1 at 7.15± acres and Tract 2 at 5.61± acres.

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

- A 1,838 square foot single-family residence built in 1977.
- A 2,100 square foot shop workshop built in 2019.

The surrounding properties include Agricultural Residential-1 (AR-1) with single-family residences and vacant parcels; Highway Business (H-B) developed with a single-family residence; Planned Industrial Development (PID) containing a truck terminal (R&L Carriers); and Light Industrial (I-1), which is currently undeveloped.



On May 21, 2026, the applicant submitted a minor subdivision plat application encompassing approximately 12.76± acres (HPLT26-0111). During review, staff recognized that the proposed lots did not meet the minimum road frontage requirement of 500 feet and advised that a road frontage variance would be required. Per the Statement of Hardship, the applicant states the 500-foot frontage requirement was not in place at the time of the creation of this parcel in 2002. The subject property fronts Athens Highway which is a divided four-lane highway. Per UDC Section 2.2.2, "Lots created after January 11, 1982, which abut a divided four-lane highway must have at least 500 feet of frontage." This road was not a divided highway until 2018 per Hall County Aerial Imagery.

Water service for Tracts 1 and 2 will be served by private well. All lots will be served by on-site septic systems.

Per the site plan, the residence identified as 3300 Athens Highway and existing accessory structure would be located on the proposed Tract 2 and utilize the existing access. At this time, there is no proposal to formally establish a common access driveway for Tracts 1 and 2, however, such determination is under the jurisdiction of GDOT.

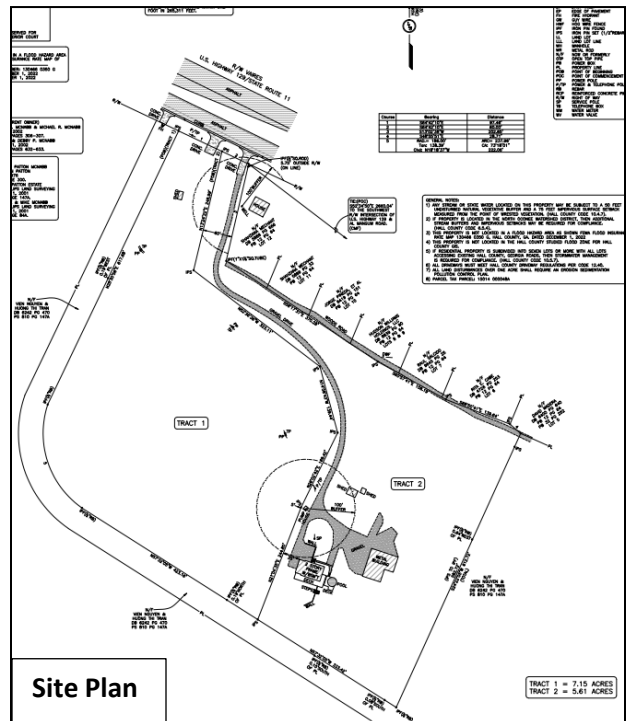
One (1) **variance** related to road frontage will be required if the site plan, as presented, is approved.

- Road frontage requirement of 500 feet as found in Section 2.2.2.
 - A road frontage variance from 500 feet to 97.46 feet for Tract 1 and 60 feet for Tract 2.

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): **There are no extraordinary or exceptional conditions related to the size, shape, or topography of the lot that would justify the requested variance. The subject property has 157.46 feet of frontage, already less than the required 500-foot road frontage standard. The need for the variance arises solely from the applicant's desire to subdivide the lot. The ordinance does not entitle a property owner to additional lots if minimum standards cannot be met. Therefore, the hardship is not attributable to the physical characteristics of the property, but rather to personal reasons of the property owner.**
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 the Unified Development Code (UDC) were applied to this property. Although the frontage requirement in the Hall County UDC and the expansion of Athens Highway to a four-lane highway**



postdates the current configuration of the property, the UDC specifically states: “Lots created after January 11, 1982, which abut a divided four-lane highway must have at least 500 feet of frontage.” Approval of this variance would allow the creation of two lots without meeting the required frontage, thereby directly undermining the intent of the UDC.

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood: **While the tract was established prior to the expansion of Athens Highway into a four-lane highway, 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; however, the proposed 2-lot subdivision is a direct action of the 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, may not cause substantial detriment to the public good, but granting the variance 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 a memorandum dated July 7, 2026, the Hall County Environmental Health Department provided the following comment: “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the latest plat submitted for review under HPLT26-0111.”

Georgia Department of Transportation

In an email dated July 2, 2026, Christopher Hash, D1 Traffic Operations Supervisor, stated, “On-System, consideration of residential driveway by Gainesville Area Office.”

Hall County Public Works and Utilities

In a memorandum dated July 15, 2026, Jorge Gomez, Director of Public Works and Utilities provided the following comments:

Engineering:

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.

Traffic:

There are no concerns with traffic for the single residence driveway. A residential driveway permit will be required from GDOT for access to SR 11/US 129.

Utilities:

No comment. This property is located in the Gainesville/Hall County sewer district, but sewer infrastructure is not located within proximity.

Hall County Fire Marshal

In a memorandum dated July 10, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office has no comments as proposed."