

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Heather Chandler

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

Proposed Use Residential addition

Size 1.43± acres

Zoning Agricultural Residential 1 (AR-1)

Location **3131 Broome Road** | Tax Parcel 15016 000001E

Commission District Three

Commission Date September 10, 2026

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

Record Number HVAR26-0024

Staff recommends APPROVAL of the applicant's request with the following conditions:

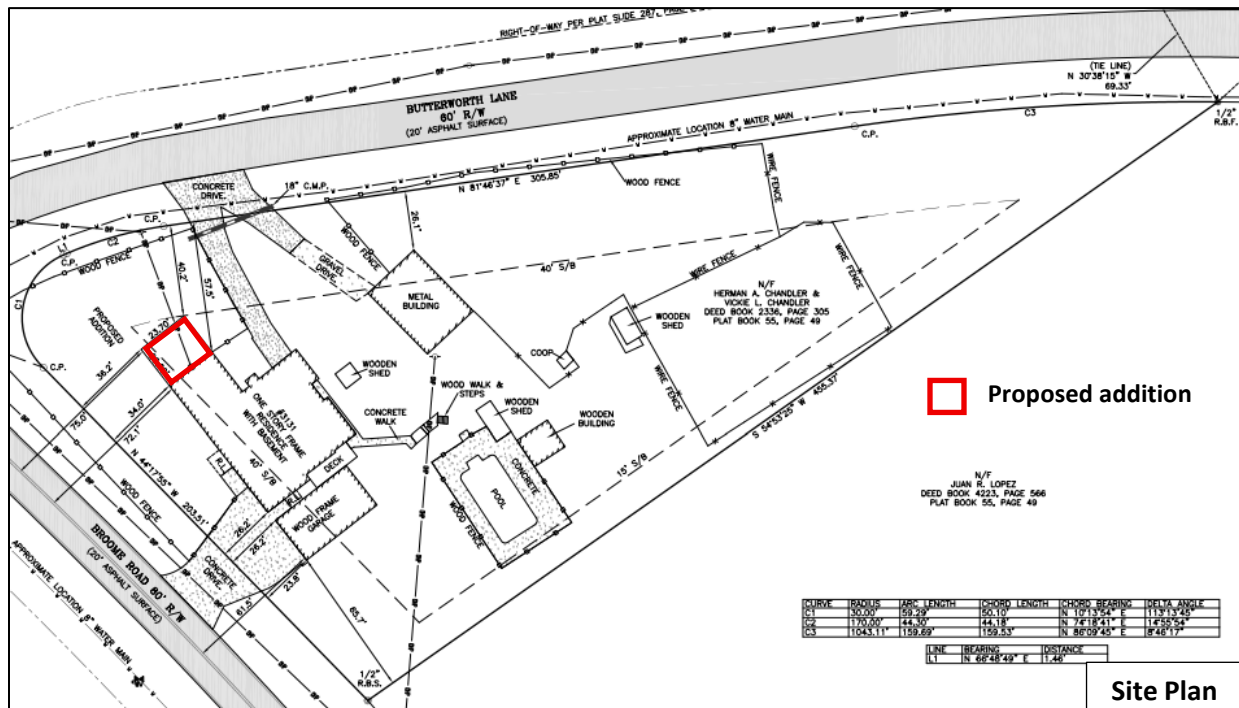
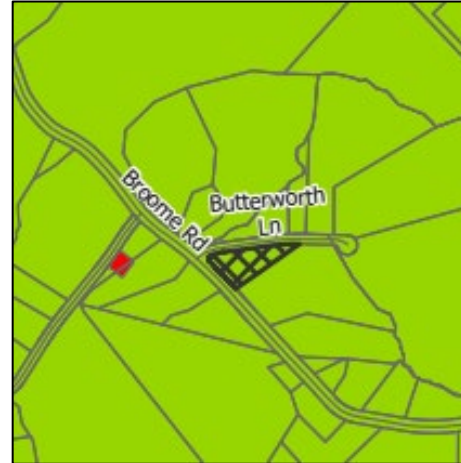
1. The property shall be developed in accordance with the site plan dated "Plat Date: 07/18/2023", modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

The applicant is requesting a variance from Section 3.2 to reduce the front yard setback from 40 feet to 34 feet for a proposed residential addition to an existing single-family residence. The applicant also seeks recognition of the existing home's current nonconforming front setback of 23 feet and the nonconforming front setback of 26 feet for an existing metal building. The subject property is approximately 1.43± acres and is zoned Agricultural Residential 1 (AR-1).

According to the Hall County records, the property is developed with a 1975 mobile home with and addition (HRADD26-0088), a detached garage, a metal building, and a swimming pool. The existing single-family residence and the metal building were established prior to the adoption of zoning regulations, 1978. Surrounding properties are zoned Agricultural Residential 1 (AR-1) and are developed with single-family residences.

On October 3, 2024, a building permit was denied for the proposed addition due to encroachment into the required 40-foot front yard setback (HRADD24-0325). This variance request has subsequently been submitted to address the proposed addition.



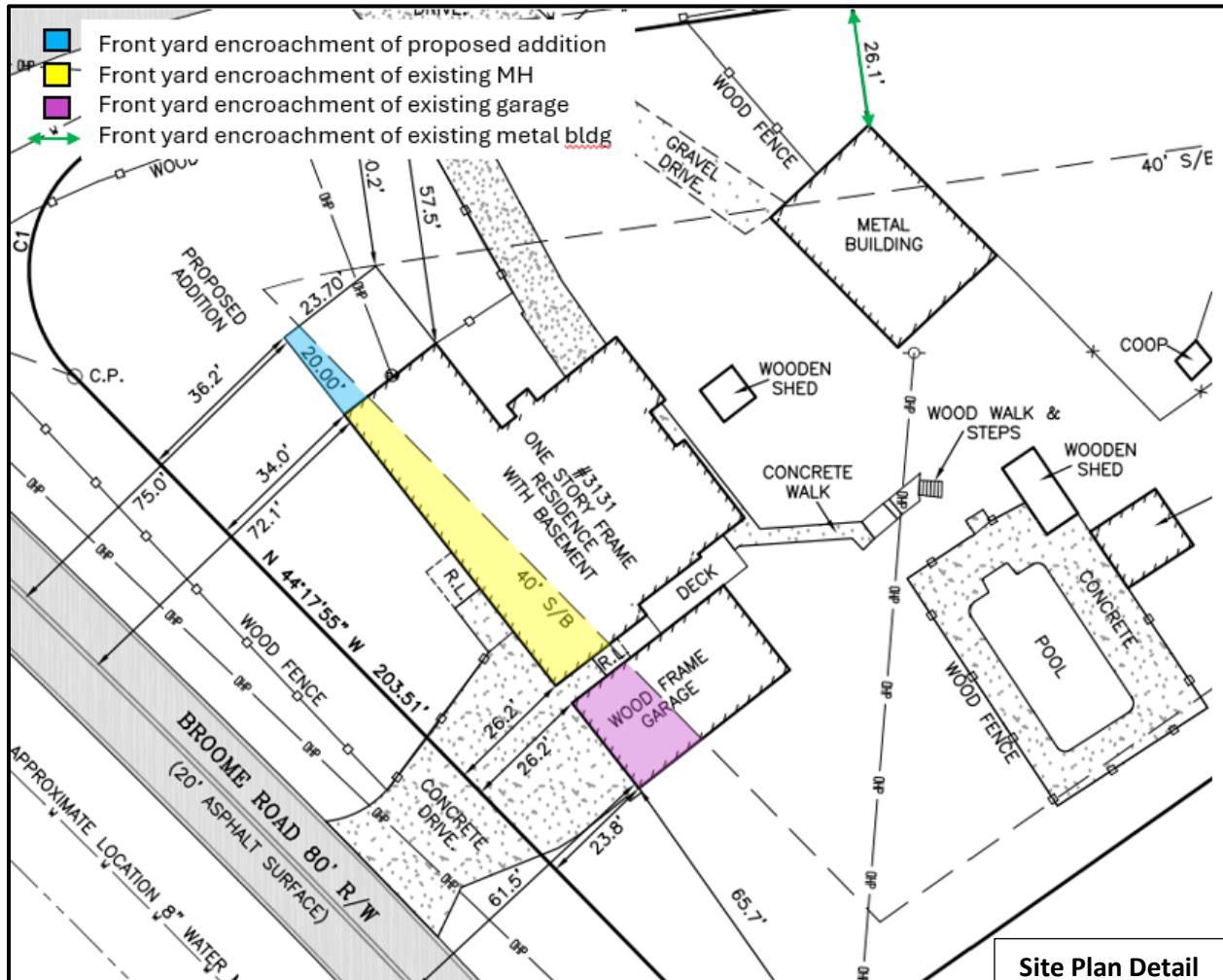
Per the Statement of Hardship, the applicant states that the dwelling was built in 1975 in compliance with the regulations in effect at that time. The metal building on the property predates the residence and was also placed in accordance with applicable standards at the time. Subsequent adoption of the Zoning Ordinance and the establishment of Butterworth Lane in the 1990's have resulted in the existing structures not meeting current zoning requirements.

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

Front yard setback requirement of 40 feet from the property line as found in Section 3.2 for the Agricultural Residential 1 (AR-1) zoning district.

- A front yard setback from 40 feet to 34 feet to allow for the residential addition.
- A front yard setback from 40 feet to 23 feet to recognize the location of the existing residence and detached garage.

- A front yard setback from 40 feet to 26 feet to recognize the location of the existing metal building.



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); **Extraordinary and exceptional conditions exist as a result of the property's development history. The primary residence was constructed in 1975, predating modern land-use regulations, and according to the applicant, the detached garage was built in the late 1980s or early 1990s with a front setback consistent with the existing residence. The metal building was placed prior to the creation of Butterworth Lane. These conditions create a unique physical context not shared by properties developed under current standards.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Because the residence predates zoning, the detached garage was constructed with a setback matching the established pattern along Broome Road, and the metal building was placed prior to the creation of Butterworth Lane, strict application of current setback requirements would impose an unusual hardship. The structures were legally established under earlier development conditions and cannot reasonably be brought into compliance without disproportionate impact.**
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. **While other older parcels may have nonconforming setbacks, the specific placement of the residence and accessory structures, due to development prior to zoning and the establishment of Butterworth Lane, is unique to this property.**
4. Such conditions are not the result of any actions of the property owner; **The nonconforming setbacks stem from development that occurred prior to the adoption of zoning regulations and before the establishment of Butterworth Lane, rather than from any actions of the current 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; **Approval of the requested variance would not negatively affect the public good, nor would it compromise the intent of the UDC. The request simply recognizes long-standing, historically established conditions and does not authorize any prohibited or previously denied use. The character of the area would remain unchanged.**

Development Support and Constraints

Hall County Environmental Health

In a memorandum dated August 3, 2026, the Hall County Environmental Health Department stated, "Environmental Health approved the proposed addition in conjunction with the 4 bedroom septic relocation installation inspection performed on December 11, 2025 under septic permit OSC-10590."

Georgia Department of Transportation

In an email dated August 3, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated, "Off-system. No impacts expected to the State Highway System."

Hall County Public Works and Utilities

In a memorandum dated August 14, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment

Traffic:

There are no traffic issues with the request to reduce the minimum setbacks.

Utilities:

This location is within the Gainesville-Hall County sewer district, but sewer infrastructure is not nearby.

Hall County Fire Marshal

In a memorandum dated August 3, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Building Inspections Division

In a memorandum dated August 14, 2026, the Hall County Building Inspections Division provided the following comments:

- Permit was pulled (HRADD26-0088) for "**** RETROACTIVE *** MANUFACTURED HOME ADDITIONS: GARAGE ADDITION, LIVING ROOM ADDITION, BEDROOM & DECK COVERED PARKING SPACE, BASEMENT ADDITION TO INCLUDE LIVING ROOM FAMILY ROOM & BATHROOM, TWO STORY ADDITION TOTAL - 4 BEDROOMS, 2 DECKS *** NO ASBESTOS TESTING DONE ***".
- A total number of 4 Engineer Reports were provided from Southern Geotechnical Consultants pertaining to the retroactive building at the property. An in-office inspection was completed by Scott Thompson with the aid of the submitted engineer reports.
- Building Inspection has no further comments.