

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Janet Marshall Wells

Request **Variance to Section 6.1.1** | to reduce the minimum yards

Proposed Use Residential addition

Size 0.16 ± acres

Zoning Planned Residential Development (PRD)

Location **5144 Golden Oak Cove** | Tax Parcel 08065 000262

Commission District Two

Commission Date September 22, 2026

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

Record Number HVAR26-0035

Staff recommends DENIAL of the applicant's request.

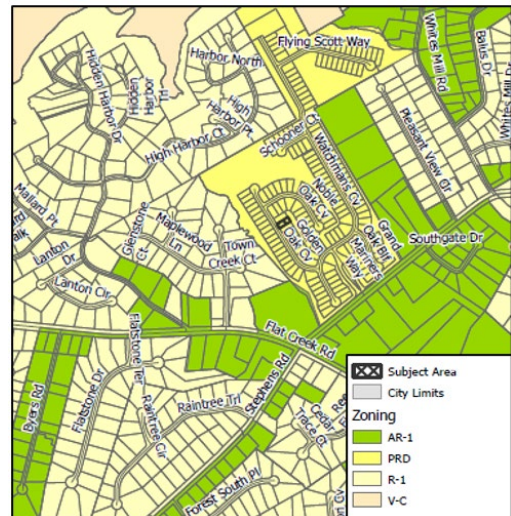
Summary Analysis

The applicant is requesting a variance from Section 6.1.1 to reduce the rear yard setback from 20 feet to 12 feet for a residential addition, specifically a covered patio, on a tract totaling 0.16± acres and zoned Planned Residential Development (PRD).

According to the Tax Assessor records, the property is developed with a 2,646 square-foot, single-family residence built in 2021 (RES2020-10193).

The surrounding properties are zoned Planned Residential Development (PRD) and developed with single-family residences.

The subject property is within the Stephens Point Subdivision which was originally rezoned from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) on February 8, 2018, for 194 lots (ZON2017-00081). Conditions for the subdivision



were amended on January 9, 2020, for subdivision signage and setback modification (ZON2019-000017). Development standards for the subdivision include:

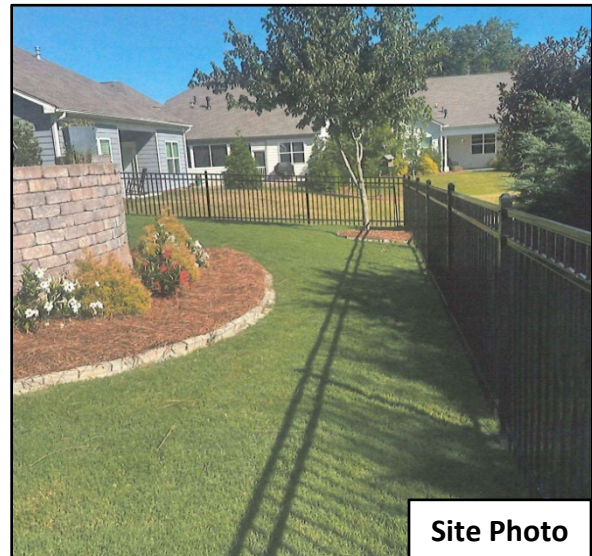
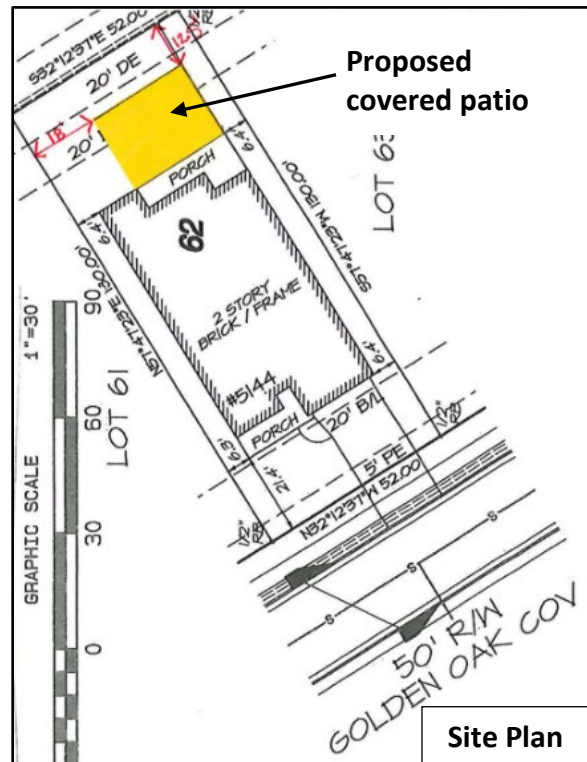
Maximum building height:	2 stories with a basement
Minimum lot size:	6,500 square feet
Front set back:	20 feet
Rear setback:	20 feet
Side yard setback:	10-foot building separation at foundation.

Per the site plan, the applicant proposes to add a covered patio that would extend to 12.5 feet from the rear property line and maintain the side yard setback of the residence. There is a drainage easement along the rear property line which extends 10 feet into the property. The existing patio and proposed patio cover would not encroach into the drainage easement.

Per the Statement of Hardship, the applicant states that when the property was purchased, it included an existing concrete and paver patio located approximately 11.5 feet from the rear property line. Because the patio is uncovered, the applicant contends that she is unable to use the rear yard as desired.

The applicant provided a letter from the Homeowner's Association stating that they have no objection to the requested setback variance.

The property is served by Gainesville water and sewer.





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

- Rear yard setback requirement of 20 feet as required by the PRD zoning conditions.
 - A rear yard setback from 20 feet to 12 feet to allow a patio cover.

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 lot has no exceptional conditions related to its size, shape or topography. While the property has a grade-level patio, the variance request is based on the applicant's desire to expand the existing covered patio rather than on a physical limitation of the lot. The ordinance and the PRD zoning conditions establish minimum standards that are not intended to be adjusted solely for personal preference. As a result, the justification for the variance reflects personal considerations rather than a hardship created by the property itself.**
2. 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 the Unified Development Code (UDC) to this property. The property owner purchased the home with an existing grade-level patio and now seeks to add a roof over that patio. Approval of this variance would permit a covered patio to encroach into the required minimum rear setback, directly conflicting with the intent of the UDC and conditions of the PRD zoning.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The conditions present on this property are not unique and are common among other parcels in the surrounding area. The subject property is similar in size and shape to nearby lots and all are subject to the same Planned Residential**

Development design standards. There are no distinguishing physical features on this property that would warrant the approval of 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 taken by the property owner; however, the proposed extension of the covered patio is a direct action initiated by 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 create substantial detriment to the public good; however, approving the variance would conflict with the intent of the Unified Development Code (UDC) and conditions of the PRD zoning. The minimum rear yard setback establishes a boundary beyond which no building or structure may extend. Allowing a covered patio to encroach into this setback would undermine those standards and the purpose they serve.**

Development Support and Constraints

Hall County Environmental Health

In a memorandum dated August 25, 2026, the Hall County Environmental Health Department provided the following comment: “No comment. Public sewer.”

Georgia Department of Transportation

In an email dated August 20, 2026, Christopher Hash, 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 26, 2026, Jorge Gomez, Director of Public Works and Utilities provided the following comments:

Engineering:

No comment

Traffic:

There are no traffic concerns with this requested rear yard setback variance.

Utilities:

This property is in the Gainesville sewer district and is currently served by city of Gainesville sewer.

Hall County Fire Marshal

In a memorandum dated August 25, 2026, the Hall County Fire Marshal’s Office stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”

Building Inspections

In a memorandum dated August 25, 2026, Barry Shaw, Interim Director of Development Services, stated, “Building Inspection has no Comment.”