

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant William and Ann Loyd

Request **Variance to Section 4.3** | to reduce the minimum yards

Proposed Use Accessory building

Size 0.61± acres

Zoning Residential 1 (R-1)

Location **5145 Monarch Drive** | Tax Parcel 10077A000001

Commission District Two

Commission Date September 22, 2026

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

Record Number HVAR26-0034

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

1. The property shall be developed in accordance with the site plan dated July 18, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

Summary Analysis

The applicant is requesting a variance from Section 4.3 to reduce the front yard setback from 30 feet to 14 feet for an accessory building on a tract totaling 0.61± acres and zoned Residential 1 (R-1).

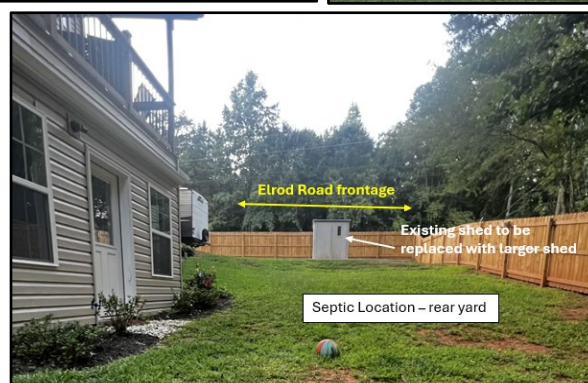
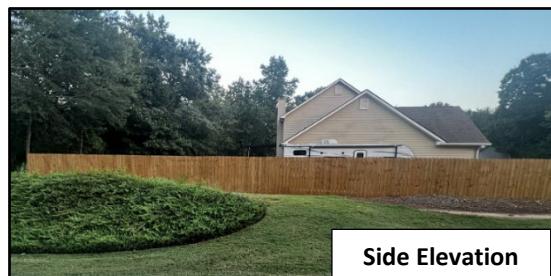
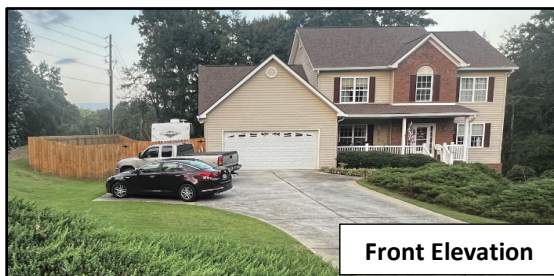
According to Tax Assessor records, the property is developed with a 2,247 square-foot single-family residence constructed in 2001. Surrounding properties are zoned Residential 1 (R-1) and Agricultural Residential 1 (AR-1) and developed with single-family residences.

The subject property is located on the corner of Monarch Drive and Elrod Road with the residence facing and driveway located on Monarch Drive. UDC Section 2.1.4.A.5, Yard Related



Definitions, states: "Yard, corner lot. On corner lots in residential and agricultural districts, the side yard adjacent to the street must be at least 30 feet from the property line."

Per the site plan, the applicant proposes a 12-foot x 16-foot shed on the left (north) side of the residence at 14 feet from the Elrod Road frontage and 25 feet from the rear property line, the latter distance meeting setback requirements of 20 feet. A six-foot tall wood fence is located along the Elrod Road property line as seen in the photos below, limiting visibility of the side and rear yard of the property from Elrod Road.



Per the Statement of Hardship, the applicant states that the property's terrain presents challenges for structure placement, and the location of the existing septic system, as verified by Environmental Health Department documentation, further limits options for situating the shed in either the right-side yard or rear yard. Given these site conditions, and that the shed would have limited visibility from Elrod Road due to the existence of a 6-foot-tall solid fence, the proposed location is appropriate and feasible area for the shed.

The property is served by City of Gainesville water and an on-site septic system

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

- Front yard setback requirement of 30 feet from property line as found in Section 4.3 for the Residential 1 (R-1) zoning district.
 - A front yard setback from 30 feet to 14 feet from the front (north) property line to allow for an accessory 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); **The lot demonstrates exceptional physical conditions. The rear of the property has sloping terrain, and the septic system occupies most of the usable space in the rear yard, where construction over the septic tank and leach lines is not permitted. As a result, the front yard of this corner lot is the only practical and feasible location for the shed.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **A hardship would be created on this property by applying the requirements of the UDC. While portions of the rear yard could be leveled to increase usable space, the location of the septic system restricts placement options. As a result, the secondary front yard of this corner lot is the only feasible location for the shed.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The conditions affecting this property are unique. Although nearby parcels are generally similar in size and shape, the combination of this lot's septic system placement, its terrain constraints, and double road frontage requirement limit available space for the shed.**
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. The owner moved into the residence with the existing terrain and septic system already in place. The request to construct a shed is the only action initiated by 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 undermine the intent of the UDC. The minimum front yard standards are intended to ensure adequate right of way clearance and visibility along the street. As there is already a 6-foot-tall fence along the Elrod Road frontage, the reduction in setback for the shed would not compromise these objectives.**

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: “Environmental Health provided the applicant a completed Existing System Evaluation for a 12’ x 16’ shed with no plumbing on May 14, 2026.”

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 side yard setback variance.

Utilities:

Property is located in the Gainesville-Hall sewer district, but sewer infrastructure is not in this area.

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.”