

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Sergio Felix

Request (A) Conditional Use | to expand a non-conforming use
..... (B) Variance | to reduce the minimum yards

Proposed Use (A) Accessory dwelling unit
..... (B) Accessory dwelling unit & to bring an existing single-family residence into compliance

Size 0.147± acres

Zoning Highway Business (H-B)

Location **1322 Ralston Street** | Tax Parcel 00126 006013

Commission District Four

Commission Date October 8, 2026

Staff Recommendation (A) **Approval with conditions**, as hardship exists pursuant to criteria of 11.3.3; and
..... (B) **Approval with conditions**, as hardship exists pursuant to the criteria of 11.1.1.D.11

Record Number (A) HZCU26-0030
..... (B) HVAR26-0039

(A) and (B) 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 June 29, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
3. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Summary Analysis

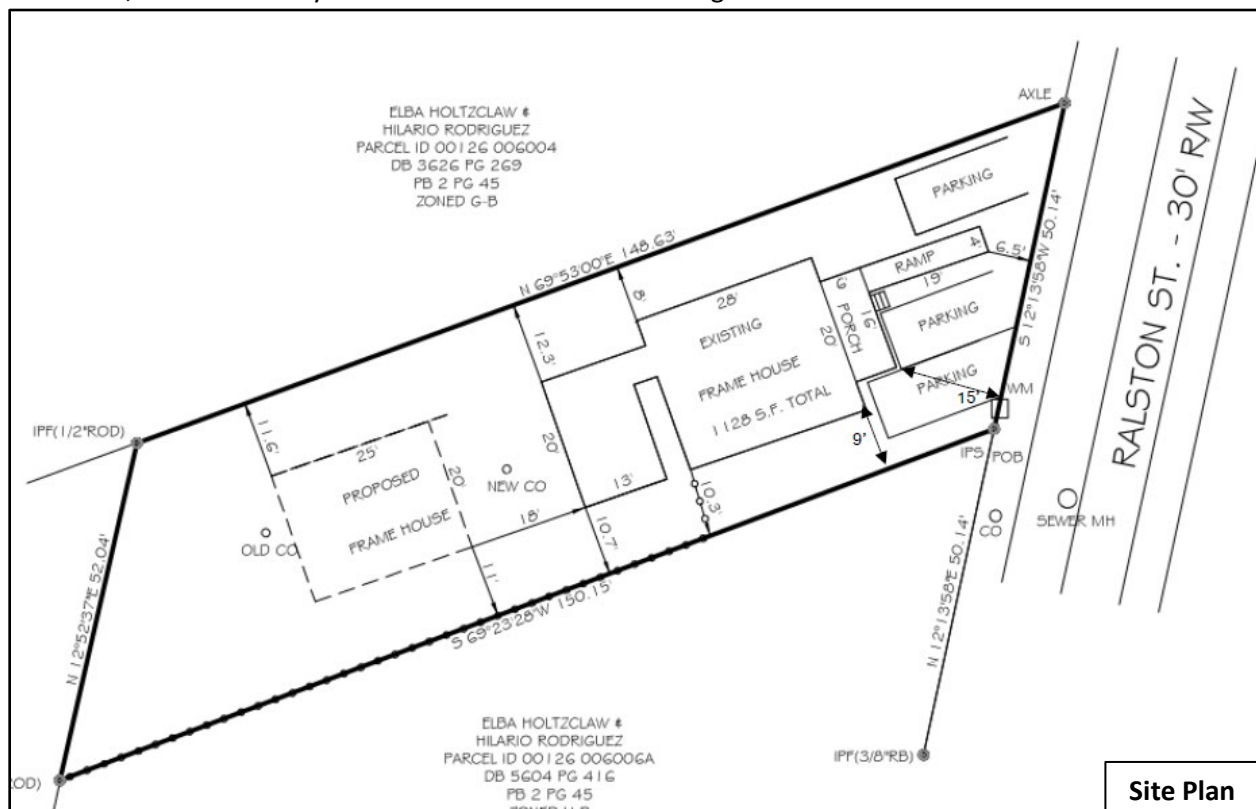
The applicant is requesting approval to expand an existing non-conforming residential use on a tract measuring approximately 0.147± acres within the Highway Business (H-B) zoning district. The proposed expansion would allow the conversion and enlargement of an existing storage shed into an accessory dwelling unit (ADU). A concurrent variance request from Section 5.3 is requested to recognize the non-conforming setbacks of the existing single-family residence and allow encroachment of the proposed ADU into the side yard setbacks.

According to Tax Assessor records, the property is developed with a 1,041 square-foot single-family residence constructed in 1945.

The surrounding properties are zoned and developed as outlined below:

- North: City of Gainesville General Business (G-B): single-family residence
- East: Residential 1 (R-1): single-family residences
- South: Highway Business (H-B): single family residence
- West: City of Gainesville General Business (G-B): commercial development

The property is zoned Highway Business (H-B) which is the original zoning from the establishment of the County's zoning map in 1978. UDC Section 11.3.2, Continuation of Nonconforming Use or Structure, states that any structure or use of land existing at the



time of enactment or subsequent amendment of the resolution codified in this UDC, but not in conformity with its use regulations and provisions, may be continued with certain limitations. UDC Section 11.3.3, Continuation of Nonconforming Use or Structure Due to Hardship, states the Commission may grant the change, reestablishment or enlargement of a nonconforming use or the enlargement, rebuilding, alteration, repair or replacement of a nonconforming structure subject to meeting six (6) findings outlined in this report.

The Highway Business (H-B) zoning district requires a front yard setback of 30 feet, side yard setback of 20 feet, and rear yard setback of 10 feet. Per the site plan, the applicant proposes a 20-foot by 25-foot site-built accessory dwelling unit (ADU) to be located behind the existing residence. The chart below outlines the structure's distance from property lines in relation to required setbacks per Table 5.3.1.

Setbacks Required		SFR Setbacks	ADU Setbacks
Front:	30 feet	15 feet (SFR) 6.5 feet (ramp)	Complies
Right Side:	20 feet	8 feet	11.6 feet
Left Side:	20 feet	9 feet	11 feet
Rear:	10 feet	Complies	Complies

Per the Statement of Hardship, the applicant states that the because of the property's configuration and location of existing structures, the only feasible direction for expanding the shed into an ADU is toward the rear of the lot.

The property is served by City of Gainesville water and sewer.

Five (5) **variances** related to front and side yard setbacks will be required if the site plan, as presented, is approved.

- Front yard setback requirement of 30 feet from the property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A front yard setback of 15 feet for the existing single-family residence and 6.5 feet for the handicap ramp.
- Side yard setback requirement of 20 feet from the property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A side yard setback of 8 feet from the right side property line for the single-family residence
- Side yard setback requirement of 20 feet from the property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A side yard setback of 9 feet from the left side property line for the single-family residence.
- Side yard setback requirement of 20 feet from the side yard property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A side yard setback of 11.6 feet from the right side property line for the expansion of the shed for conversion to an ADU.
- Side yard setback requirement of 20 feet from the side yard property line as found in Table 5.3.1 for the Highway Business (H-B) zoning district.
 - A side yard setback of 11 feet from the left side property line for the expansion of the shed for conversion to an ADU.

(A) Zoning Analysis – Conditional Use – UDC Section 11.3.3. Continuation of Nonconforming Use or Structure Due to Hardship

The Commission may grant the change, re-establishment or enlargement of a nonconforming use or the enlargement, rebuilding, alteration, repair or replacement of a nonconforming structure upon the following findings:

1. The change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use. **The proposed enlargement of the existing shed for conversion into an accessory dwelling unit (ADU) is not anticipated to create impacts greater than those associated with the existing residential use. The expansion remains residential in nature and is unlikely to generate adverse effects on the surrounding area.**
2. The structure cannot economically be modified to be suitable for uses permitted in the district. **The applicant has not indicated any feasible means of converting the existing residential improvements to a use permitted within the Highway Business (H-B) district. Instead, the request seeks to continue and modestly expand the long-standing residential use, which reflects the historical development pattern of the property and neighborhood.**
3. The structure would have to be removed to permit development of the property for conforming uses. **Staff cannot determine that the existing structures could be reasonably adapted to support a conforming commercial use under the current zoning. It is likely that redevelopment for a permitted H-B use would necessitate significant work to the structures or removal of the existing residential improvements.**
4. The structure has such value that removal to permit development of conforming uses would cause economic hardship to the owner. **The owner purchased the property in May of 2026 for residential purposes. Requiring demolition of the existing structures to allow commercial redevelopment would impose a significant economic hardship, given the owner's investment and the intended residential use of the property.**
5. The proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would not cause substantial detriment to the public good or impair the purposes and intent of this UDC. **Although the residential use does not conform to the H-B zoning district, the proposed ADU expansion is not expected to negatively affect the public good or undermine the intent of the Unified Development Code. The use remains low-intensity and compatible with the established character of the immediate area.**
6. The requirements of this UDC for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement. **The property's current Highway Business (H-B) zoning does not permit residential uses by right. Based on the Comprehensive Plan future land use designation of Business Nodes and Corridor, rezoning to a residential district would not align with the planned commercial character of the corridor. As such, the UDC's rezoning requirements effectively prevent the property from being reclassified in a manner that would allow the proposed residential expansion.**

(B) Zoning Analysis – Variance – UDC Section 11.1.1.D.11

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 1945, predating modern land-use regulations. This condition creates 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 the establishment of zoning with a setback matching the established pattern along Ralston Street, strict application of current setback requirements would impose an unusual hardship. The structure was 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; **While there are several nearby homes along Ralston Street, the property's age, original development pattern, and the specific placement of the residence on the lot create conditions that are unique to this parcel and not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **The residence was constructed in 1945 long before the current owner acquired the property in May 2026. The existing setbacks and structural placement are therefore not attributable to any action taken by the current owner. While the addition of an ADU is a direct action of the property owner, the side setbacks comply with the 10-foot residential setback requirements of the Residential 1 (R-1) zoning district.**
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 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 September 2, 2026, the Hall County Environmental Health Department provided the following comment: "No comment. Public sewer."

Georgia Department of Transportation

In an email dated August 31, 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 September 9, 2026, Jorge Gomez, Director of Public Works and Utilities provided the following comments:

Engineering:

No Comment

Traffic:

There are no traffic concerns with the proposed ADU and the setback variances.

Utilities:

This property is in the Gainesville service district.

Hall County Fire Marshal

In a memorandum dated September 4, 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 September 4, 2026, Barry Shaw, Interim Director of Development Services, stated, "No Comment."