

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Kevin Pethel

Request **Variance to Section 4.3** | to maximum site coverage

Proposed Use Impervious surface

Size 0.98± acres

Zoning Residential 1 (R-1)

Location **4031 Wiley Road** | Tax Parcel 10154 000027

Commission District Three

Commission Date October 22, 2026

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

Record Number HVAR26-0041

Staff recommends DENIAL of the applicant's request.

Summary Analysis

The applicant is requesting a variance from Section 4.3, the maximum site coverage requirement applicable to the Residential 1 (R-1) zoning district on a tract measuring approximately 0.98± acres. The UDC permits a maximum site coverage of 35%, whereas the proposed site coverage is approximately 51%.

According to the Hall County records, the property is developed with a 2,409 square foot single-story residence over an unfinished basement constructed in 2001 (RES2001-00420)

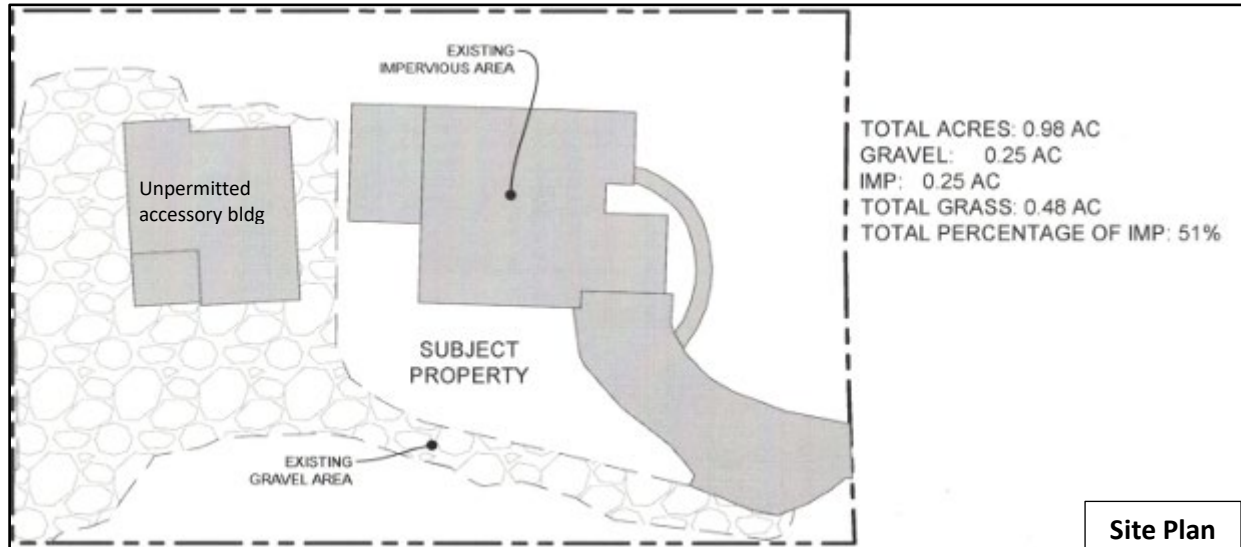
The surrounding properties are all zoned Residential 1 (R-1) and developed with single-family residences.

The existing single-family residence was constructed in 2001. Subsequent improvements to the property have been made since that time without building permits which include a 50' by 58' accessory structure, a 20' by 20' accessory structure, and extensive additional graveled impervious surface. The addition of these structures and the additional impervious surface were reported and investigated as part of a code enforcement case (HENF26-0332). In



May of 2026, the property owner submitted two separate retroactive building permit applications, for the accessory structures (HRNEW26-0800 & HRNEW26-0804). Both permits were denied due to the site coverage exceeding the 35% allowed in the Residential 1 (R-1) zoning district. Subsequently, a demolition permit was issued for the 20' by 20' structure on June 25, 2026, due to the structure being placed within the required setbacks (HRNEW26-0959).

On August 20, 2026, the property owner filed a variance request for an increase in maximum site coverage to 51% where 35% is allowed.



Per the Statement of Hardship, the applicant states that the cost of removing the existing gravel and restoring the area to grass would create an economic hardship, noting that the gravel was installed due to the property's terrain and in connection with the former unpermitted 20' by 20' structure. The applicant further states that portions of the property are hilly and difficult to maintain with grass, and that the property is otherwise similar to surrounding properties except for the terrain.



Zoning Analysis - Variance to Section 4.3, R-1 Dimensional Standards

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 demonstrated extraordinary or exceptional conditions pertaining to the subject property due its size, shape, topography, or other physical characteristics that necessitate the requested variance. The property can be reasonably developed under the applicable Residential 1 (R-1) zoning requirements. The requested increase in site coverage is associated with unpermitted improvements made to the property after the permitted residence was constructed.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Strict application of the 35 percent maximum site coverage requirement would not create an usual hardship. The existing residence was constructed in 2001, and the additional site coverage resulted from unpermitted improvements made subsequent to construction of the residence, including the 50' by 58' accessory structure and gravel driveway and parking area. The applicant has not demonstrated that compliance with the site coverage requirement would prevent reasonable use of the property.**
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. **The applicant has not demonstrated that the subject property possesses unique physical characteristics that distinguish it from other properties in the neighborhood or Residential 1 (R-1) zoning district. The need for additional site coverage is related to the amount and configuration of unpermitted improvements placed on the property rather than a condition peculiar to the lot. Therefore, strict application of the UDC does not deprive the property of rights commonly enjoyed by other similarly zoned properties.**
4. Such conditions are not the result of any actions of the property owner; **The circumstances necessitating the variance request are self-imposed. The residence was constructed in 2001, and the subsequent unpermitted improvements increase the amount of the site coverage on the property, including the 50' by 58' structure and gravel driveway and parking area.**
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; **Granting the variance would increase site coverage to approximately 51% where 35% is permitted in the Residential 1 (R-1) district. Impervious site coverage standards are intended to manage stormwater runoff and protect water quality. Because no property-specific hardship has been demonstrated, approval would effectively grant a special privilege and would be inconsistent with the intent of the UDC.**

Development Support and Constraints

Hall County Environmental Health

In a memorandum dated September 17, 2026, the Hall County Environmental Health Department stated, "No comment."

Georgia Department of Transportation

In an email dated September 21, 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 23, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment

Traffic:

There are no traffic concerns with the requested variance for impervious surface.

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 September 18, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office has no comments regarding the existing impervious surface."

Hall County Building Inspections Division

In a memorandum dated September 21, 2026, the Hall County Building Inspections Division provided the following comment:

- Applicant applied for 2 retroactive permits. HRNEW26-0800 (50 x 58 Shop) and HRNEW26-0804 (Retroactive 20 x 20 Carport) Both were denied by P&Z due to encroachment of the carport into 20 feet rear setbacks. Applicant then applied for demolition of 20 x 20 carport which was inspected and closed on 06.29.2026 as being completed.