HALL COUNTY PLANNING COMMISSION
STAFF REPORT

Applicant ..... Amanda Cook

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

Proposed Use ..... Single-family dwelling

Size ..... 0.67± acres

Zoning ..... Agricultural Residential 1 (AR-1)

Location ..... **4234 Belvedere Drive**| Tax Parcel 10079 001027

Commission District ..... Two

Commission Date ..... December 8, 2026

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

Record Number HVAR26-0047

Staff recommends <u>APPROVAL</u> of the applicant's request with the following conditions:

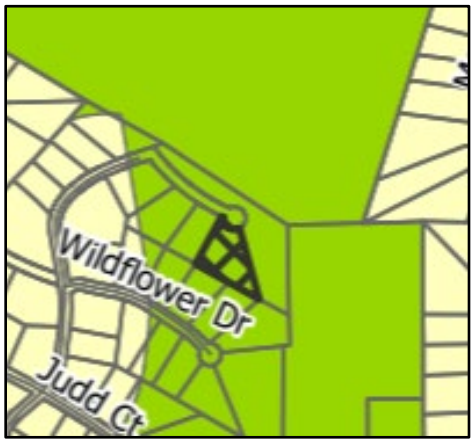
1. The property shall be developed in accordance with the site plan dated September 21, 2026, and as described in the project's statement of hardship dated September 16, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Prior to the issuance of any building permit, the undeveloped portion of the Belvedere Drive right-of-way, providing access to the subject property, shall be improved in accordance with applicable code requirements, subject to review and approval by the Hall County Fire Marshal's Office and Public Works Department.

3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.

4. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

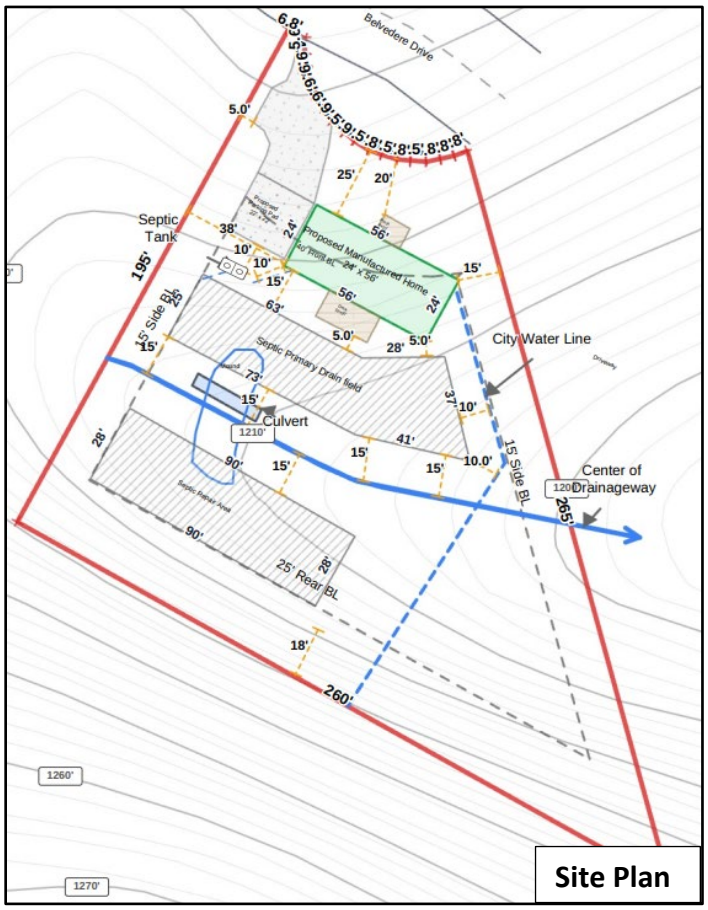


The applicant is requesting a variance from Section 3.2 to reduce the front yard setback from 40 feet to 20 feet for a single-family dwelling. The subject property is approximately 0.67± acres and is zoned Agricultural Residential 1 (AR-1).

The subject property is undeveloped and is surrounded by Agricultural Residential 1 (AR-1) zoning. Nearby properties are largely vacant, except for a parcel to the south that contains a single-family residence.

Per the submitted narrative, the applicant proposes to place a 1,344 square foot manufactured home on the property. Topograpghy, along with on-site septic system requirements, limit the property's buildable area.

The subject property is accessed by an undeveloped portion of Belvedere Drive. Per comments provided by the Hall County Fire Marshal, it is recommended that the unimproved portion of Belvedere Drive be brought into compliance with applicable fire code access standards prior to the construction of any additional structures on properties served by that section of the unimproved road.



One (1) **variance** related to the front setback 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
    - A front yard setback from 40 feet to 20 feet for a single-family dwelling

Zoning Analysis – Variance to Section 3.2

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 extraordinary and exceptional conditions associated with the subject property's topography that significantly limit the area available for development and the placement of a required septic system.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Because the property has challenging topography issues that restricts the ability to accommodate an on-site septic system, the strict application of current setback requirements would impose an unusual hardship.**

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 unique to this property. Surrounding parcels are undeveloped and while they may be able to meet the required setbacks, the location of the drainage culvert, which limits buildable area, is unique to this property.**

4. Such conditions are not the result of any actions of the property owner**; The topography is not a result of any actions of 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; **Approval of the requested variance would not negatively affect the public good, nor would it compromise the intent of the UDC. The request would allow the applicant to establish a single-family dwelling while maintaining the character of the surrounding area.**

Development Support and Constraints

Hall County Environmental Health
In a memorandum dated November 3, 2026, the Hall County Environmental Health Department stated, "Must meet all residential permitting requirements. Applicant has active permit application on file with Environmental Health and permit issuance is dependent on site plan approval by HCPC."

Georgia Department of Transportation
In an email dated October 27, 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 October 28, 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 set-back variance.

Utilities:
Property is located within the Gainesville-Hall sewer service district, but no infrastructure is nearby.

Hall County Fire Marshal
In a memorandum dated October 27, 2026, the Hall County Fire Marshal's Office provided the following comments:

International Fire Code 503.2.1 Dimensions.
Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. Fire Comment: The 400-foot section of Belvedere Road from the pavement to the applicant's property does not meet the 20-foot road width requirement as required by fire code.

International Fire Code 503.2.3 Surface.
Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatuses and shall be surfaced to provide all-weather driving capabilities. Fire Comment: After coming to the end of the paved portion of Belvedere Drive, the fire apparatus or ambulance would have to take an immediate right down a steep grade that has been surfaced with asphalt millings. The asphalt millings that have been placed on the grade do not make an acceptable surface for heavy emergency vehicles. The heavy vehicles could easily slide while driving down or get stuck going back up.

503.2.5 Dead ends.
Dead-end fire apparatus access roads more than 150 feet in length shall be provided with an *approved* area for turning around fire apparatus such as a Cul-de-Sac. Fire Comment: Currently there is no turnaround at the end of the road where the applicant's property is located.

The Hall County Fire Marshal's Office recommends that the unimproved portion of Belvedere Drive be brought into compliance with fire code before any additional structures are placed on the existing properties that are off that section of unimproved road.

Hall County Building Inspections
In a memorandum dated November 9, 2026, the Hall County Building Inspections Division stated, "No comment."