

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Marcos Aguilar

Request **Variance to section 3.2** | to reduce the minimum yards

Proposed Use Residential addition

Size 3.36± acres

Zoning Agricultural Residential 1 (AR-1)

Location **3424 Davis Bridge Road** | Tax Parcel 10063 000009

Commission District Two

Commission Date December 11, 2025

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

Record Number HVAR25-0054

Staff recommends APPROVAL of the applicant’s request.

Summary Analysis

The applicant is requesting a variance to section 3.2 to reduce the front yard setback from 40 feet to 15 feet for a residential addition on a tract measuring approximately 3.36± acres zoned Agricultural Residential 1 (AR-1). The property is currently developed with a single-family residence and an accessory structure.

On September 5, 2025, the applicant was denied a building permit due to the encroachment of the proposed addition into the required front setback (HRADD25-0294).

Per the Statement of Hardship, the location of the existing residence, which was constructed in 1950, encroaches into the required front setback; therefore, the proposed addition will also encroach into the front setback.

One (1) **variance** related to the front yard setback on Davis Bridge Road will be required if the site plan, as presented, is approved.

- Front yard setback requirement on Davis Bridge Road of 40 feet from the property line as found in Table 3.2 for Agricultural Residential 1 (AR-1) zoning district.
 - A front yard setback along Davis Bridge Road of 15 feet from the property line is proposed for a residential addition.

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); **There are no extraordinary or exceptional conditions pertaining to the lot in question because of its size, shape, or topography; however, the location of the existing single-family residence was established in 1950 prior to the adoption of the Hall County Unified Development Code (UDC).**
2. The application of the requirements of Article 11 to this particular piece of property would create an unusual hardship; **No unusual hardship would be created if the requirements of Article 11 are applied to this particular piece of property.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The topography of the subject parcel is similar to parcels in the surrounding area.**
4. Such conditions are not the result of any actions of the property owner; **No. The location of the existing single-family residence is not a direct action of the property owner; however, the proposed addition is a direct action of the property owner.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article 11; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited or for a conditional use which has been denied by the county Planning Commission; **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article 11.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 2, 2025, Emily McGahee stated “Proposed structural additions were found to meet setbacks to the existing septic system on August 11, 2025.”

Georgia Department of Transportation

In an email dated September 30, 2025, Christopher Hash, D1 Traffic Operations Supervisor, stated “Off system, coordination not needed.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated October 3, 2025, Assistant Director Jason Skarda stated the following:

Engineering:

No comment.

Traffic:

No comment

Utilities:

No sewer in area. Hall County service area.

Hall County Fire Marshal

In an email dated September 29, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."