

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Russell McMurry

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

Proposed Use Carport

Size 0.53± acres

Zoning Residential 1 (R-1)

Location **4415 Shellie Lane** | Tax Parcel 08056 003076

Commission District Two

Commission Date January 8, 2026

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

Record Number HVAR25-0061

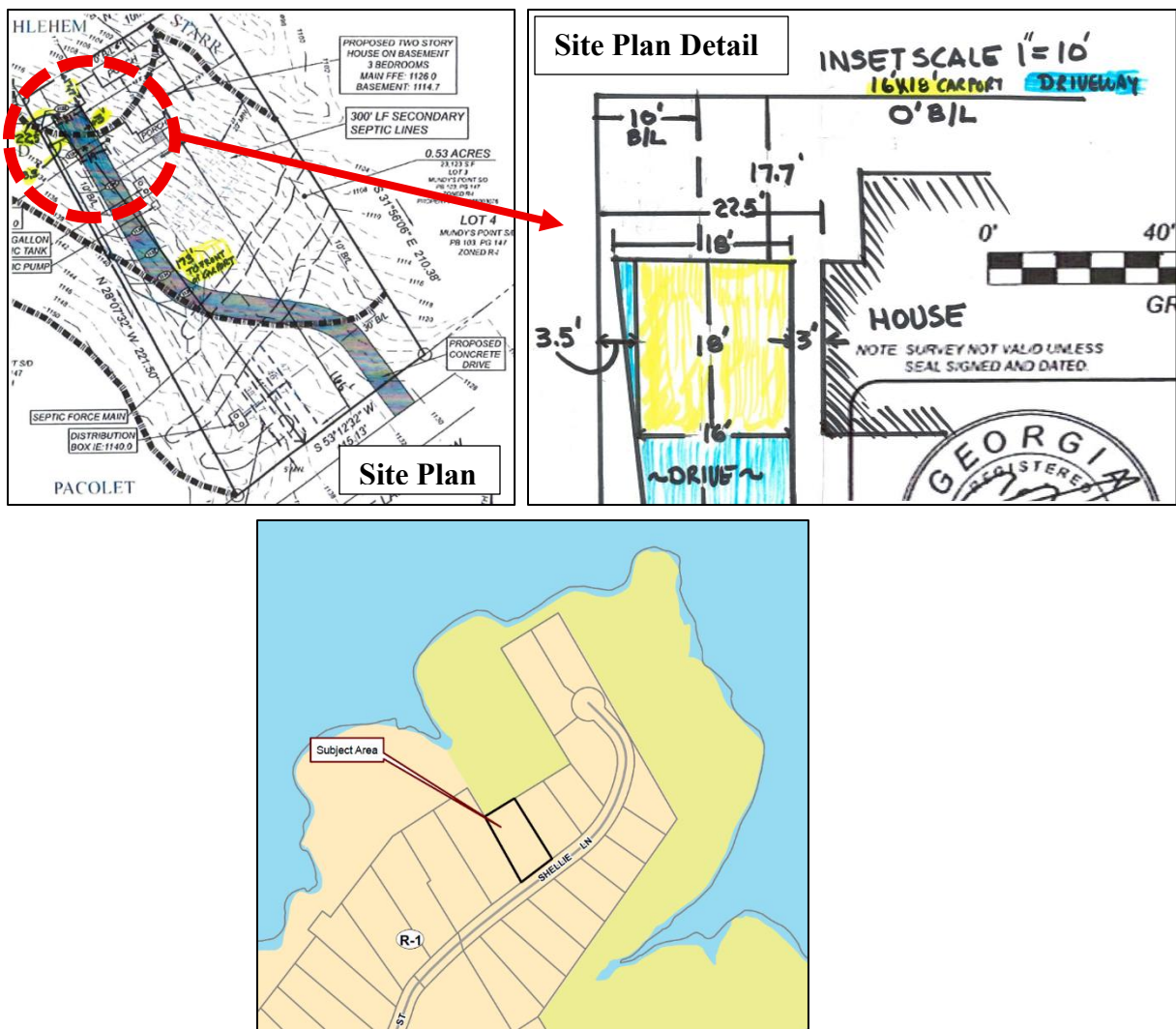
Staff recommends DENIAL of the applicant's request.

Summary Analysis

The applicant is requesting to reduce the left side yard setback from 10 feet to 3 feet for the construction of a carport on a tract measuring 0.53± acres zoned Residential 1 (R-1).

The property is currently developed with a single-family residence constructed in 2021. Surrounding properties are zoned Residential 1 (R-1) and are developed with single-family residences with some vacant lots.

Per the Statement of Hardship, the topography of the lot and the location of the existing residence, limits the buildable area.



One (1) **variance**, related to the left side yard setback requirement will be required if the site plan, as presented, is approved.

- Left side yard setback requirement of 10 feet from the property line as found in Table 4.1.1 for the Residential 1 (R-1) zoning district.
 - A left side yard setback from 10 feet to 3 feet from the property line is proposed for the new carport.

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 subject property is developed with a single-family**

residence. The subject parcel size, shape and topography are similar to other properties in the area

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. The subject lot is currently developed with a single family residence.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **Other lots within the development are similar in development, size and shape to the subject parcel.**
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 of the property owner; however, the location and size of the proposed carport is the 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 December 1, 2025, Emily McGahee stated “All proposed structures must meet all residential permitting requirements and/or required setbacks to existing septic system.”

Georgia Department of Transportation

In an email dated December 3, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated “No impacts to state route expected. No coordination is needed.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated December 4, 2025, Assistant Director Jason Skarda stated the following:

Engineering:

No comment.

Traffic:

No comment.

Utilities:

Gainesville-Oakwood Sewer Service Area. No infrastructure in vicinity.

Hall County Fire Marshal

In an email dated December 2, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”