

**HALL COUNTY BOARD OF COMMISSIONERS  
STAFF REPORT**

**Applicant** ..... Andres Serrano

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

**Proposed Use** ..... Bring an existing structure into compliance

**Size** ..... 4.26± acres

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

**Location** ..... **7273 Lula Road** | Tax Parcel 12115 000010

**Commission District** ..... Three

**Commission Date** ..... February 26, 2026

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

**Record Number** ..... HVAR25-0069

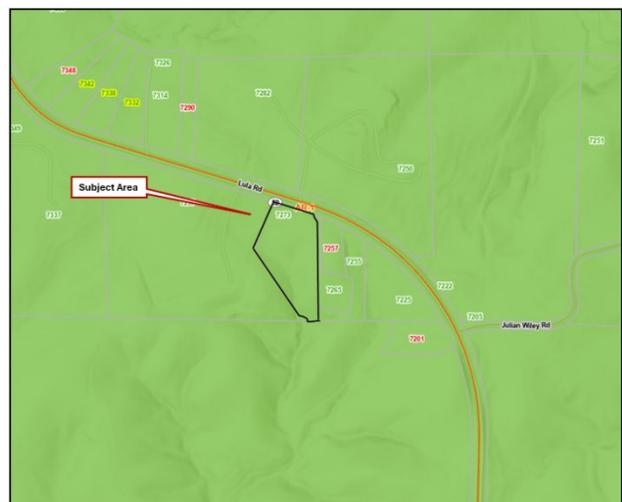
**Staff recommends DENIAL of the applicant’s request.**

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**Summary Analysis**

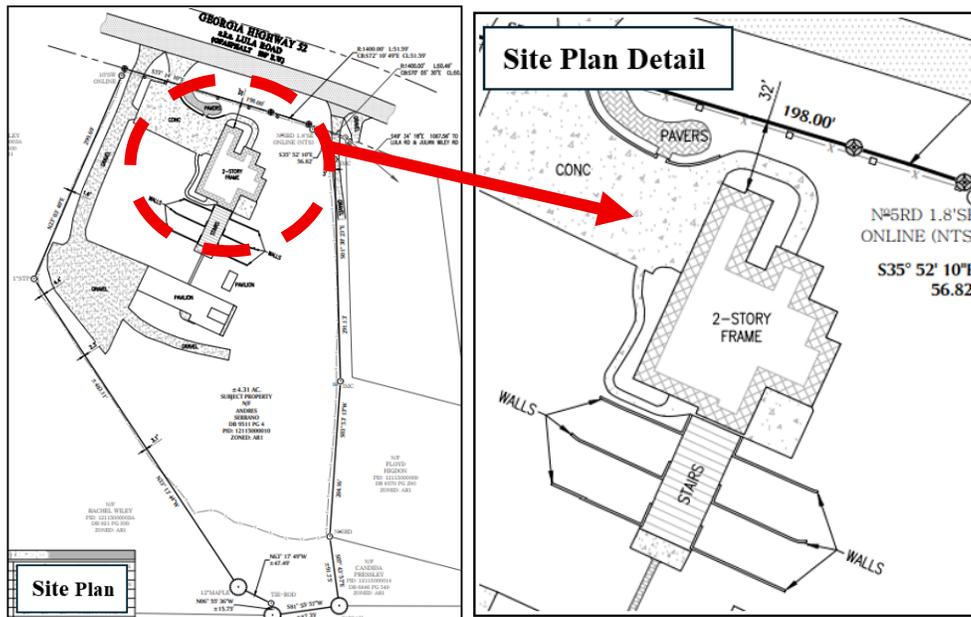
The applicant is requesting a variance to Section 3.2 to reduce the front yard setback from 40 feet to 32 feet to bring an existing structure into compliance. The subject property is approximately 4.26± acres in size and is zoned Agricultural Residential 1 (AR-1).

The property is currently developed with a single-family residence, an accessory structure, and a pool house which is currently under construction. Surrounding properties are zoned Agricultural Residential 1 (AR-1) and are developed with single-family residences, with some parcels vacant.



On August 27, 2025, the Marshal’s Office received a complaint regarding the construction of an accessory structure without a building permit. In response, the property owner submitted a retroactive building permit application for a 5,500-square-foot pool house (HRNEW25-1463). During the review of this application, staff discovered that the existing single-family residence, constructed in 2024, was not built in its approved location (HRNEW24-1344). As a result, the home encroaches into the required front yard setback. Additionally, staff has identified additional structures including a pavilion, stairs, and walls that may require additional retroactive building permits.

Per the Statement of Hardship, the property owner made an error in determining the location of the front property line resulting in the front yard encroachment. In discussion with staff, he stated he believed the paved edge of right-of-way was his property line.



One (1) **variance**, related to the front yard setback requirement 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 Table 3.2.1 for the Agricultural Residential 1 (AR-1) zoning district.
  - A front yard setback from 40 feet to 32 feet from the property line is proposed to allow the structure to encroach into the required setbacks.

**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 property owner made an error in determining**

**the location of the front property line which led to the setback encroachment of the single-family residence. The subject parcel size, shape and topography are similar to other properties in the area and do not impose a hardship.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No unusual hardship would result from applying the requirements of this UDC to the property. The subject parcel is developed with a single-family residence. The structure was placed within the required 40 foot setback, as originally permitted, due to the property owner's misunderstanding of the location of the property line. This circumstance does not constitute 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 not unique to this property. **Other lots within the vicinity are similar in size and shape. The property does not have special features that would justify a variance.**
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 placement of the new single-family residence 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 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 cause substantial detriment to the public good. However, approval of the variance may impair the purpose and intent of the UDC. The setback rules exist to maintain consistent development patterns which include deep setbacks and a high percentage of open space. All surrounding properties within 0.30 of a mile are zoned AR-1 and subject to these standards.**

#### **Development Support and Constraints**

##### **Hall County Environmental Health**

In an email dated January 15, 2026, Emily McGahee stated "No comment."

##### **Georgia Department of Transportation**

In an email dated January 13, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated "Residential no impacts expected."

##### **Hall County Public Works and Utilities**

In a memorandum from Public Works and Utilities dated January 16, 2026, Assistant Director Jason Skarda stated the following:

##### **Engineering:**

No comment.

**Traffic:**

No problems with traffic, access is from a state route so no Hall County involvement with access permits.

**Utilities:**

Hall County Sewer Service Area; no infrastructure in vicinity.

**Hall County Fire Marshal**

In an email dated January 9, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."