

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant C&E Real Estate Inc. c/o Edward Coglianese

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

Proposed Use Single-family residence

Size 1.026± acre tract

Zoning Agricultural Residential 1 (AR-1)

Location **4939 Old Orr Road** | Tax Parcel 15046 000032E (pt)

Commission District One

Commission Date April 9, 2026

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

Record Number HVAR26-0008

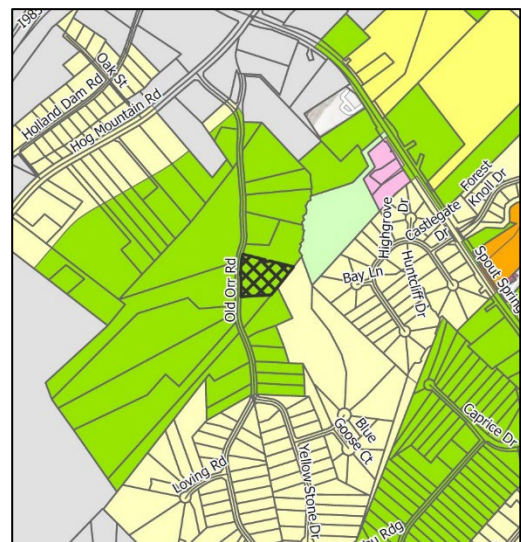
Staff recommends APPROVAL of the applicant’s request.

Summary Analysis

The applicant is requesting a Variance to reduce the right side yard setback from 15 feet to 10 feet and the front yard setback from 40 feet to 20 feet for the construction of a new single-family residence on a tract measuring 1.026± acres zoned Agricultural Residential 1 (AR-1).

The property is currently undeveloped with an expired building permit for a single-family residence issued in 2024 (HRNEW24-1272). Surrounding properties are zoned Agricultural Residential 1 (AR-1) and 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 limits the buildable area, which is accurate; however, further site work could allow for development within the required setbacks.





Two (2) **variances**, one related to the left side yard setback requirement and another to the front yard setback requirement will be required if the site plan, as presented, is approved.

- Front side yard setback requirement of 40 feet from the property line as found in Section 3.2 for the Agricultural Residential 1 (AR-1) zoning district.
 - A front side yard setback from 40 feet to 20 feet from the property line is proposed for the new single-family residence.
- Left side yard setback requirement of 15 feet from the property line as found in Section 3.2 for the Agricultural Residential 1 (AR-1) zoning district.
 - A left side yard setback from 15 feet to 10 feet from the property line is proposed for the new single-family residence.

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 particular 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 undeveloped. While the parcel's size, shape and topography are similar to other properties in the area, the site contains significant slopes that directly affect the feasible placement of both the home and septic system.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Strict application of the UDC requirements would create an unusual hardship for this property. Although the lot is currently undeveloped, the significant topographic constraints limit the feasible placement of both the home and the septic system.**

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **While nearby parcels may appear similar, this lot has a unique combination of slope and limited suitable areas for septic and home placement that neighboring properties do not experience to the same extent.**
4. Such conditions are not the result of any actions of the property owner; **The size, shape, and topography of the lot, and resulting limitations on feasible building and septic location, are physical conditions that were not created by 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 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 nor impair the purposes and intent of this UDC.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 5, 2026, Emily McGahee stated “Must meet all residential permitting requirements. Please note that BOC variance approval does not imply approval from other county departments.”

Georgia Department of Transportation

In an email dated March 2, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated “Off system, no impacts expected to the State Route.”

Hall County Public Works and Utilities

In a memorandum dated March 11, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

The application does not impact traffic or change traffic volumes.

Utilities:

No comment. Flowery Branch sewer district.

Hall County Fire Marshal

In an email dated February 27, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”