

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Bradley Cox

Request **Variance to Section 3.1** | to reduce the minimum yards

Proposed Use Single-family residence

Size 9.697± acres

Zoning Agricultural 1 (AG-1)

Location **6042 Spout Springs Road** | Tax Parcel 15046 000026

Commission District One

Commission Date April 21, 2026

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

Record Number HVAR26-0011

Staff recommends DENIAL of the applicant’s request.

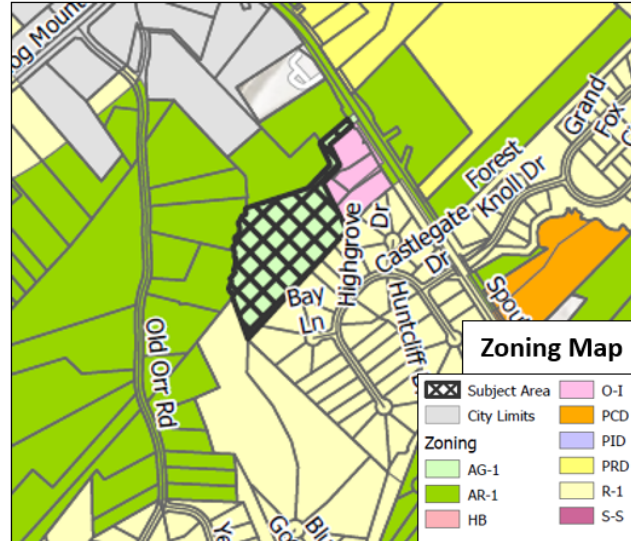
Summary Analysis

The applicant is requesting a variance to Section 3.1 to reduce the front yard setback from 40 feet to 15 feet for a single-family residence. The subject property is approximately 9.697± acres in size and is zoned Agricultural 1 (AG-1).

On May 8, 2025, the subject property was rezoned from Agricultural Residential 1 (AR-1) to Agricultural 1 (AG-1) to allow two primary residences (HZON25-0008). The property is currently developed with a driveway (HRLDP25-0005). Lollis Creek runs north to south along the rear property line. There is no evidence of flood zones on the property.

The surrounding properties are zoned and developed as outlined below:

- North: Agricultural Residential 1 (AR-1) – Single-family residences
- East: Agricultural Residential 1 (AR-1) – Single-family residences; Office and Institutional (O-I) – Medical office
- South: Residential 1 (R-1) – Spout Springs Crossing subdivision
- West: Agricultural Residential 1 (AR-1) – Single-family residences

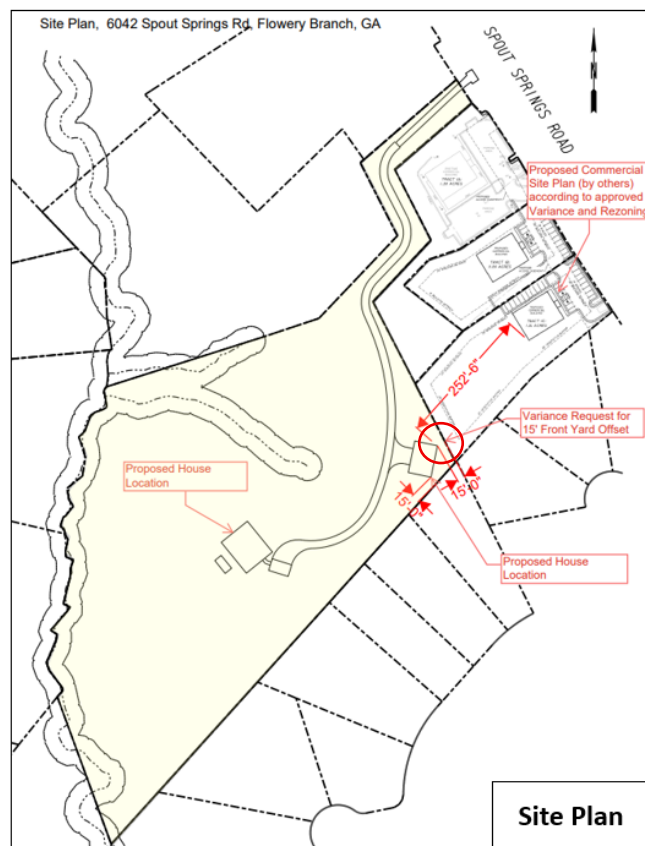


Per the submitted site plan, two single-family home locations are identified. One structure meets all setback requirements, while a variance from the front setback standard is requested for the one in the eastern corner of the property.

Per the Statement of Hardship, the applicant indicates that steep topography, soil limitations, and the presence of stream buffers significantly reduce the buildable area on the parcel.

One (1) **variance** 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 3.1 for the Agricultural 1 (AG-1) zoning district.
 - A front yard setback from 40 feet to 15 feet from the property line is proposed to allow for a 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 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); **While the subject parcel is larger than many surrounding lots, its topography is generally consistent with other properties in the area. Nearby parcels with similar conditions support single-family residences and a medical office, indicating that the site does not exhibit extraordinary or exceptional physical characteristics that would warrant relief from the standard requirements.**

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 driveway. The proposed single-family residence can be placed or designed to meet the standards of this UDC.**
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 location and design of the proposed 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, but granting the variance could undermine the intent of the UDC. The setback standards exist to maintain consistent development patterns with reasonable setbacks.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 25, 2026, Emily McGahee stated “Must meet all residential permitting requirements. Original copy of Level 3 soil evaluation and copy of recorded plat will be required at time of septic permit application. Please note that BOC approval does not imply approval from other county departments.”

Georgia Department of Transportation

In an email dated March 16, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated “Off system, no impacts to the state route or PI 0015280 expected.”

Hall County Public Works and Utilities

In a memorandum dated March 26, 2026, Jorge Gomez, Director of Public Works and Utilities, stated the following:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not the centerline of stream.

Traffic:

This proposal does not impact or increase traffic volumes as long as it remains residential use.

Utilities:

No comment. Property is in Flowery Branch district.

Hall County Fire Marshal

In an email dated March 17, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."