

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Ziad (Tony) Akly

Request **Variance to Section 4.1** | to reduce the minimum yards and increase lot coverage

Proposed Use New single-family residence

Size 0.20± acres

Zoning Vacation Cottage (V-C)

Location **6381 Lakeview Drive** | Tax Parcel 07360A000028

Commission District Two

Commission Date April 21, 2026

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

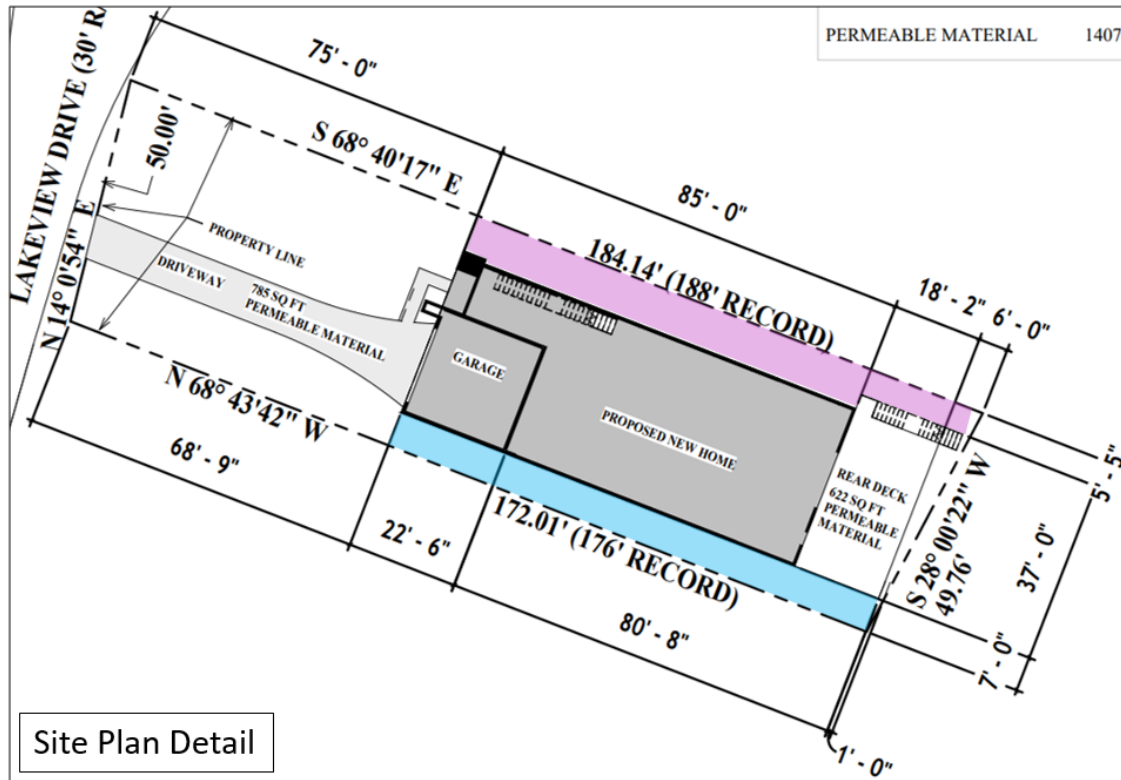
Record Number HVAR26-0009

Staff recommends DENIAL of the applicant’s request.

Summary Analysis

The applicant is requesting multiple variances from Section 4.1 to reduce the side yard setback from 10 feet to 5 feet along the northern property boundary, reduce the side yard setback from 10 feet to 7 feet along the southern property boundary, and increase the lot coverage from 35% to 50% for a new single-family residence. The subject property is approximately 0.20± acres in size and zoned Vacation Cottage (V-C).

The property is currently developed with a single-family residence, constructed in 1960, according to the Hall County Tax Assessor records. Surrounding properties are zoned Vacation Cottage (V-C) and are developed with single-family residences, with some parcels vacant. It should be noted on the site plan that the driveway and deck identified as “permeable” are considered to be “impervious” surfaces per County standards and are therefore included in the calculation of impervious lot coverage.



Per the Statement of Hardship, the property owner states that the subdivision was established during a period when building standards differed from those used today. Many of the lots feature narrow widths and slope downward toward the lake, physical characteristics that limit the feasibility of accommodating modern single-family home designs. Additionally, an open records request by the property owner found that multiple properties along the same street and subdivision have been approved for equal or greater reductions in setback requirements. These properties include 6402, 6382 and 6399 Lakeview Drive and the approved variances are outlined below:

- **6402 Lakeview Drive:** Variance from 10 feet to 5 feet from the right-side yard property line and from 10 feet to 5 feet from the left-side yard property line for a residential addition.
- **6382 Lakeview Drive:** Variance from 10 feet to 4 feet from the right-side yard property line and from 10 feet to 6 feet from the left-side yard property line for a single-family residence.
- **6399 Lakeview Drive:** Variance from 10 feet to 4 feet from the right-side yard property line and from 10 feet to 5 feet from the left-side yard property line for a single-family residence.

Although common to this area approval of other variance applications does not create a legal precedent.

Three (3) **variances** will be required if the site plan, as presented, is approved.

- Side yard setback requirement of 10 feet from the property line as found in Section 4.1 for the Vacation Cottage (V-C) zoning district.

- A side yard setback from 10 feet to 5 feet along the northern property line to allow for a new single-family residence.
- A side yard setback from 10 feet to 7 feet along the southern property boundary to recognize the location of the existing single-family residence.
- A maximum lot coverage of 35% as found in Section 4.1 for the Vacation Cottage (V-C) zoning district.
 - An increase in lot coverage from 35% to 50% to allow for a 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 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. While the lot was created prior to the adoption of zoning regulations and is significantly smaller than the 35,000 square foot minimum lot size currently required in the R-1 district, this condition alone does not create a hardship. The proposed single-family residence, particularly at the size being requested, is an optional and non-essential design choice rather than a necessity imposed by site constraints.**
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 size and design of the proposed residence could be modified to meet the applicable setbacks for V-C district. Approval of other variance applications do not create a legal precedent.**
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. The location, design, and size of the new residence 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 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. All surrounding properties are zoned V-C and subject to these standards.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 25, 2026, Emily McGahee stated “Must meet all residential permitting requirements. Please note that BOC approval does not imply approval from other county departments. Applicant was notified of potential development restrictions via Pre-Purchase Site Evaluation paperwork provided by Environmental Health on March 12, 2026.”

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 expected.”

Hall County Public Works and Utilities

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

Engineering:

No Comment

Traffic:

The proposal does not impact traffic volumes

Utilities:

No comment. This property is located in Buford service 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.”