

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Juan Ignacio Castillo C.

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

Proposed Use Single-family residence

Size 0.64± acres

Zoning Residential 1 (R-1)

Location **3907 Skyline Drive** | Tax Parcel 09101A000016

Commission District Three

Commission Date May 14, 2026

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

Record Number HVAR26-0013

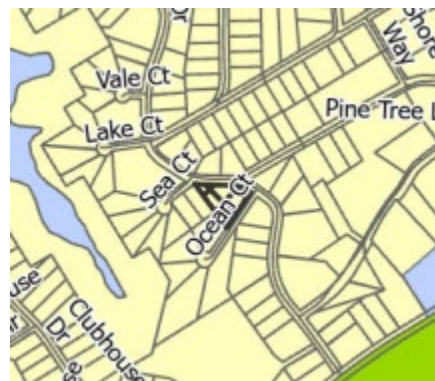
Staff recommends DENIAL of the applicant’s request.

Summary Analysis

The applicant is requesting a variance to Section 4.3 to reduce the front yard setback from 30 feet to 23 feet. This variance is necessary to recognize the setback of the existing residence. The subject property is approximately 0.64± acres in size and is zoned Residential 1 (R-1).

The property is currently developed with a single-family residence. Surrounding properties are zoned Residential 1 (R-1) and are developed with single-family residences, with some parcels undeveloped.

On January 23, 2023, a building permit was issued for the construction of a single-family residence (HRNEW23-0112), however, the permit expired. On December 31, 2025, a building permit application was received to complete the construction of the single-family residence (HRNEW25-1870). During review, staff identified that a portion of the garage (shown in blue) encroaches into the front yard setback along Skyline Drive. The applicant was notified and subsequently submitted a variance request to address the encroachment. The submitted elevations reflect the current condition of the single-family residence.





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.

One (1) **variance** will be required if the site plan, as presented, is approved.

- Front yard setback requirement of 30 feet from the property line as found in Section 4.3 for the Residential 1 (R-1) zoning district.
 - A front yard setback from 30 feet to 23 feet from the property line is proposed to recognize the location of the existing 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 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. There are no extraordinary or exceptional conditions pertaining to the lot because of its size, shape or topography.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No unusual hardship, excluding personal or economic as identified in criteria, would result from applying the requirements of this UDC to the property. The residence was placed within the 30-foot setback due to the property owner's error identifying 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 location of the 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 April 8, 2026, Emily McGahee stated “A 4 bedroom septic permit (OSC10677) was issued on December 22, 2025 and the septic system was installed, inspected, and approved on January 6, 2026.”

Georgia Department of Transportation

In an email dated April 6, 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 April 15, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No Comment.

Traffic:

No concerns with traffic impacts for this application.

Utilities:

No comment. Property on septic.

Hall County Fire Marshal

In an email dated April 3, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”