

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant D. Keith Kilby

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

Proposed Use Accessory structure

Size 2.01± acres

Zoning Agricultural Residential 1 (AR-1)

Location **4383 Benefield Road** | Tax Parcel 15028 000139A

Commission District One

Commission Date July 23, 2026

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

Record Number HVAR26-0021

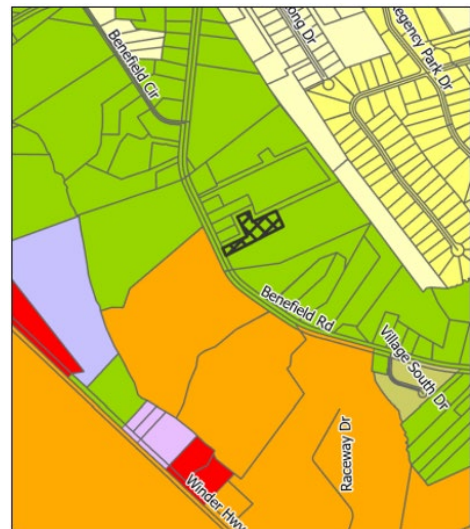
Staff recommends DENIAL of the applicant's request.

Summary Analysis

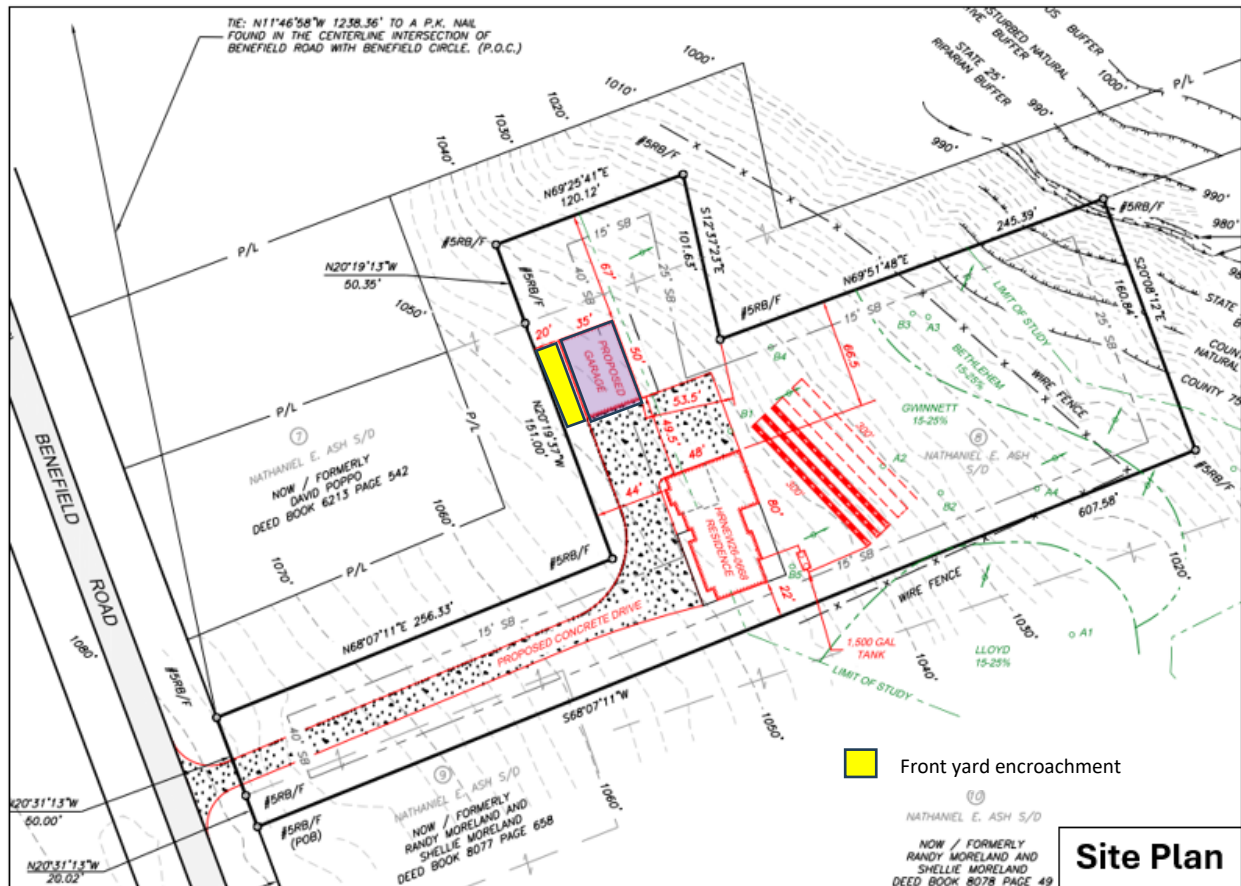
The applicant is requesting a variance to Section 3.2 to reduce the front yard setback from 40 feet to 20 feet for an accessory structure on a tract measuring 2.01± acres zoned Agricultural Residential 1 (AR-1).

The property is currently under development with a 2,864-square-foot single-family residence (HRNEW26-0668). Surrounding properties on three sides are zoned Agricultural Residential 1 (AR-1) and are developed with single-family residences. A Planned Commercial Development (PCD) approved for a mixed use/car condo development associated with Lanier Raceway (ZON2021-00046)) lies south west of the subject parcel, across Benefield Road. That property is currently developed with a single-family residence and poultry houses.

According to the Statement of Hardship and narrative, the shape of the lot, topography, and the orientation of the residence prevent the proposed 1,750-square



foot garage, shown in purple, from meeting the required setback while also providing access for a recreational vehicle.



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 Section 3.2 for the Agricultural Residential 1 (AR-1) zoning district.
 - A front yard setback from 40 feet to 20 feet from the property line is proposed for the proposed accessory structure.

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 currently being developed with a single-family residence. The proposed carport is an optional, non-essential accessory structure, and the need for it does not arise from any physical characteristics of the lot.**

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 being developed with a single-family residence. The proposed detached garage is an optional, non-essential accessory structure.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **While other lots within the vicinity vary 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 shape and topography of the lot are not the result of any actions of the property owner; however, the proposed detached garage 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.**

Development Support and Constraints

Hall County Environmental Health

In an email dated June 18, 2026, the Hall County Environmental Health Department stated, "Environmental Health issued septic permit OSC-10942 on April 7, 2026. The approved site plan includes the proposed accessory structure."

Georgia Department of Transportation

In an email dated June 17, 2026, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated, "Off system, no impacts to the State Route."

Hall County Public Works and Utilities

In a memorandum dated June 24, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

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

Traffic:

There are no concerns with traffic impact for this request.

Utilities:

No comment. Property is in Hall County sewer area, but sewer infrastructure is not nearby.

Hall County Fire Marshal

In an email dated June 3, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office has no comments as proposed."