

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Donald K. Abercrombie

Request **Variance to Section 4.1** | to reduce the minimum yard

Proposed Use Accessory structure

Size 1.44± acres

Zoning Vacation Cottage (V-C)

Location **3369 North Waterworks Road** | Tax Parcel 08167 004003

Commission District Two

Commission Date July 23, 2026

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

Record Number HVAR26-0020

Staff recommends DENIAL of the applicant's request.

Summary Analysis

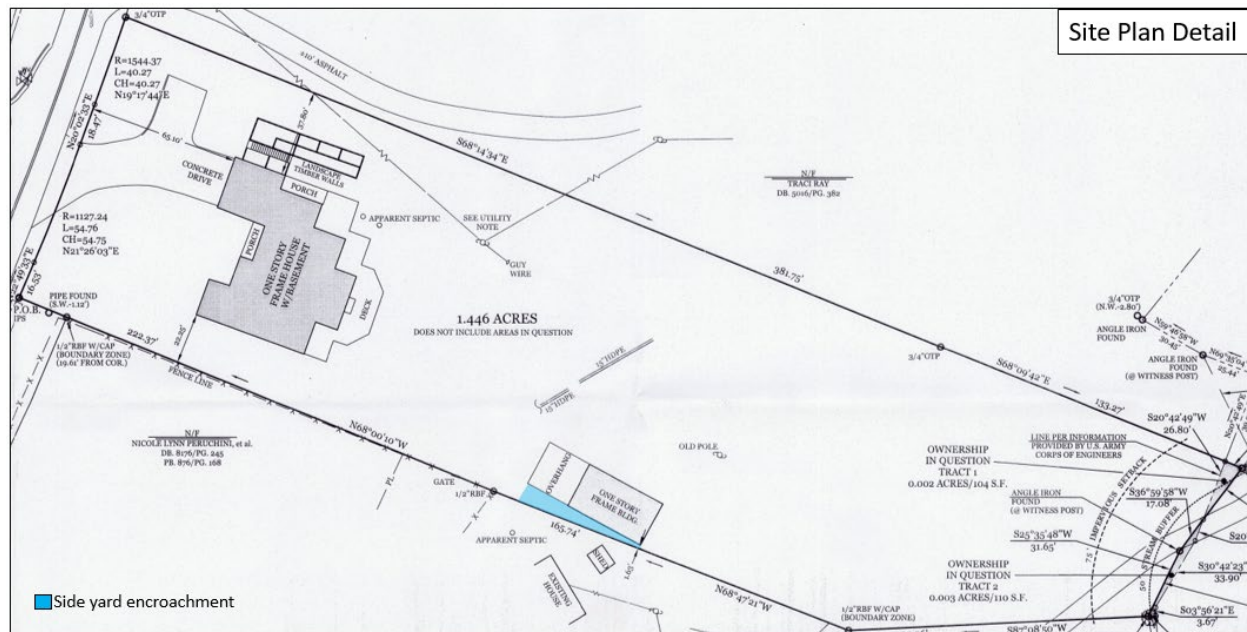
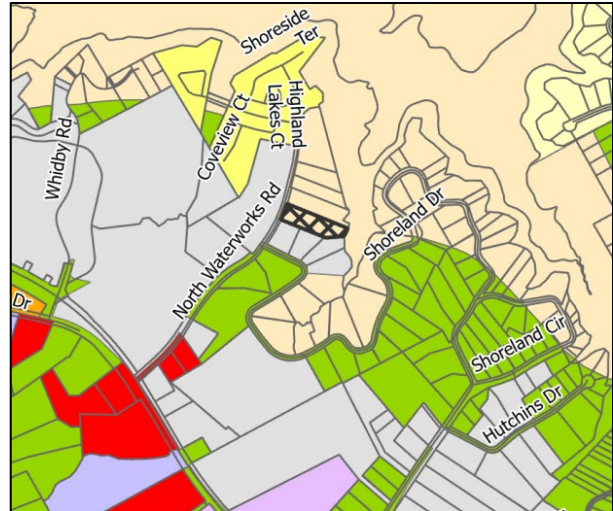
The applicant is requesting a variance from Section 4.1 to reduce the side yard setback from 10 feet to 1 foot along the southern property boundary for an accessory structure. The subject property is approximately 1.44± acres in size and zoned Vacation Cottage (V-C).

The property is currently developed with a single-family residence, constructed in 1990, according to the Hall County Tax Assessor records.

On March 31, 2026, the applicant was denied a building permit, HRNEW26-0533, due to the proposed storage building encroaching into the required 10-foot side setback. The applicant has subsequently submitted a variance request to address the encroachment.

The surrounding properties are zoned and developed as outlined below:

- North: Vacation Cottage (V-C): Single-family residence
East: Vacation Cottage (V-C): Army Corps of Engineers Lake Lanier
South: City of Buford Single Family Residential (R-100): Single-family residence
West: City of Buford Public (P): Buford Waterworks



Per the Statement of Hardship, the property owner states an existing concrete slab, foundation, and footings have been in their current location for approximately 60 years. In an email dated June 30, 2026, the property owner states that a tree fell on the previous storage building in this location in August of 2025 and destroyed the building. Furthermore, they state that by allowing a new accessory structure to be placed in the same location as the previous will substantially reduce land disturbance and will prevent the removal of mature trees that would otherwise be impacted if the building were relocated 8.37 feet to meet the current setback requirement. The owner further notes that no adjoining property owners have ever expressed concerns or objections regarding the building's location.

One (1) **variance** 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 1 foot along the southern property line to allow for an 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 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. No unusual physical conditions, such as slope or irregular configuration, would prevent the proposed accessory structure from meeting the required side yard setback.**
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 location and size of the proposed accessory structure could be modified to meet the applicable setback for V-C district.**
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 unique conditions 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, and size of the accessory structure 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 a memorandum dated June 18, 2026, the Hall County Environmental Health Department stated, "Environmental Health provided the applicant a completed Existing System Evaluation for a 20' x 36' storage shed with no plumbing on March 26, 2026."

Georgia Department of Transportation

In an email dated June 17, 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 June 24, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment

Traffic:

There are no concerns with traffic impacts from this request.

Utilities:

No comment. Property is located in Buford sewer district.

Hall County Fire Marshal

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