



**CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT DEPARTMENT**

**BOARD OF APPEALS**

**VARIANCE CASE SUMMARY**

**November 8, 2016**

**CASE NUMBER:** #BOA 16-08

**REQUEST:** **To Reduce the Side and Front Yard Building Setbacks to Construct a Front Porch Stoop Addition and Carport Addition**

**APPLICABLE SECTION(s):** Section(s) 9.3(4)(4) and 9.3(4)(6), Space Limits, RS-180 (Single-Family Residence) District of Article IX, Schedule of District Regulations of the City of Snellville Zoning Ordinance

**LOCATION:** 2646 Abilene Trail, Snellville, Georgia

**TAX PARCEL:** 5038 085

**ZONING:** **RS-180 (Single-Family Residence) District**

**DEVELOPMENT/PROJECT:** **Front Porch Stoop and Carport Addition**

**PROPERTY OWNER:** Cesar Gonzalez  
(678) 480-8478 or [Pgoa29@hotmail.com](mailto:Pgoa29@hotmail.com)

**RECOMMENDATION:** **Approval with Conditions**



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PLANNING & DEVELOPMENT DEPARTMENT**

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**VARIANCE CASE ANALYSIS**

**November 8, 2016**

**TO:** Snellville Board of Appeals

**DATE:** November 8, 2016

**FROM:** Jason Thompson  
Director, Planning and Development

**CASE NUMBER:** #BOA 16-08

**FINDING OF FACT:**

The Department of Planning and Development has received an application from Cesar Gonzalez, property owner and resident of 2646 Abilene Trail, Snellville, Georgia who is requesting two variances from the Zoning Ordinance to reduce the 50 foot front yard building setback to 34 feet to allow for the continued construction of a non-permitted front porch stoop addition and a variance to reduce the 10 foot side yard building setback to zero (0) feet to allow the continued construction of a non-permitted carport.

The subject property is located in Abington Park subdivision. The ±0.55 acre property, zoned RS-180 (Single-Family Residence), contains a ±3,562 sq. ft. one-story, with basement, brick single-family dwelling that was originally constructed in 1987 and which is adjacent to other single-family homes in the Abington Park subdivision to the north, east, west, and south.

**REQUEST:**

The applicant is requesting a variance from Section 9.3(4)(4) of the Zoning Ordinance to reduce the 50 foot front building setback to 34 feet to allow a front porch stoop addition and variance

from Section 9.3(4)(6) of the Zoning Ordinance to reduce the 10 foot side yard building setback to zero (0) feet to allow a carport addition.

## **BACKGROUND:**

On 8-26-2016, the Planning Department received an anonymous complaint that there was an “*extensive home addition*” under construction at the property. With no record of a building permit being issued for the property, Code Enforcement Officer J. Greene was assigned the case and visited the property on the same day, confirmed that a front porch stoop was being constructed along with a carport addition attached to the side of the house. A Notice of Violation was issued to Mr. Gonzalez for construction without an approved Building Permit with notice to cease construction immediately and contact the Planning Department.

On 9-9-2016, Mr. Gonzalez came into the Planning Department to apply for a Building Permit, but didn't have the required building plans and site plan. On 9-15-2016, Mr. and Mrs. Gonzalez met with the Planning Department to review the construction plans and site plan. However, because of the front yard and side yard building setback encroachments, Mr. Gonzalez was advised that he would need to obtain variance approval from the Board of Appeals or remove the new and mostly completed front porch stoop addition and carport addition. On 9-28-2016, Mr. Gonzalez submitted the attached variance application. On 10-13-2016, Mr. Gonzalez submitted letters of support from four (4) neighbors which have been included in his variance application.

## **VARIANCE ANALYSIS:**

The front porch stoop addition is roughly 16 feet long by 10 feet wide and 160 sq. ft. in area. It consists of a pitched roof that matches the house supported by two columns that are constructed with a two-foot brick base with the remaining column area to be covered with stucco. There is also electrical wiring on each column that appears to be for decorative light fixtures. The front porch stoop addition encroaches 14 feet into the 50 feet front yard building setback. The structure appears to be well built with quality materials. The applicant has provided photos with the variance application.

The second structure is a carport addition which is connected to the home on the southeastern side at the terminus of the driveway. It is roughly 22 feet wide by 22 feet long and 440 sq. ft. in area. It has a pitched roof and is supported by three columns that are constructed with a two-foot brick base with the remaining column area to be covered with stucco. The three carport support columns appear to be located directly on the side property line. The structure appears to be well built with quality materials. The carport support columns are approximately 18-feet from the side of the adjacent house. The applicant has provided photos with the variance application.

The applicant contends that they were not aware of the need for a building permit and was only trying to make these improvements to their home. Once made aware of the violation, Mr. Gonzalez ceased all construction and sought the advice of the Planning and Development Department. As part of the application submittal, the applicant has provided four letters of

support including a letter from the adjacent neighbor at 2656 Abilene Trail that is most affected by the carport addition. Given the quality of the construction, coupled with the support of the neighbors, the completion of both structures should not cause any adverse actions to the adjoining property owners.

## **STANDARDS FOR CONSIDERATION:**

Pursuant to Section 14.5, Powers and Duties, of the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

*No, the applicant created the circumstances by failing to apply for a building permit prior to constructing the two structures. However, with the support of several neighbors, including the one most affected by the carport's side yard encroachment, the granting of the variances should not have any adverse impacts to the adjoining property owners.*

2. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

*No, the applicant would not be deprived rights that other properties enjoy in the same district. However, with the support of several neighbors, including the one most affected by the carport's side yard encroachment the granting of the variances should not have any adverse impacts to the adjoining property owners.*

3. That the special conditions and circumstances do not result from the actions of the applicant; and

*The special conditions and circumstances do result from the actions of the applicant. However, with the support of several neighbors, including the one most affected by the carport's side yard encroachment the granting of the variances should not have any adverse impacts to the adjoining property owners.*

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

*Granting the variance request would confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.*

*However, Section 14.5(2)(f) allows the Board of Appeals to make a finding that granting*

*of the variance “will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare.”*

**STAFF RECOMMEDATION:**

The Department of Planning and Development recommends **Approval** of the request to reduce the 50 foot front yard building setback to 34 feet for a front porch stoop addition and request to reduce the side yard building setback from 10 feet to zero (0) feet for a carport addition with the following **Condition**:

1. Applicant shall obtain an approved Building Permit from the City of Snellville Department of Planning and Development for the construction of the front porch stoop addition and carport addition and pass all necessary building inspections and receive a Certificate of Completion within 60-days of variance approval.