



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

April 11, 2017

CASE NUMBER: #BOA 17-03

REQUEST: **To Reduce the Twenty (20) Feet Rear Building Setback to Eleven (11) Feet for a Screened-in Porch Addition**

APPLICABLE SECTION: Section 9.3(4)(5), Rear Yard Setback, RS-180 (Single-Family Residence) District of Article IX, Schedule of District Regulations of the City of Snellville Zoning Ordinance

LOCATION: Lot 38, Block A, Woodberry Subdivision, Unit 1
1795 Woodberry Run Drive, Snellville

TAX PARCEL: 5073 244

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

DEVELOPMENT/PROJECT: **260 Sq. Ft. Screened-in Porch Addition**

PROPERTY OWNER/APPLICANT: Jean M. Cherry
770-985-1966 or cherr54@bellsouth.net

RECOMMENDATION: **Approval**



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE ANALYSIS

April 11, 2017

TO: Snellville Board of Appeals

DATE: April 11, 2017

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 17-03

FINDING OF FACT:

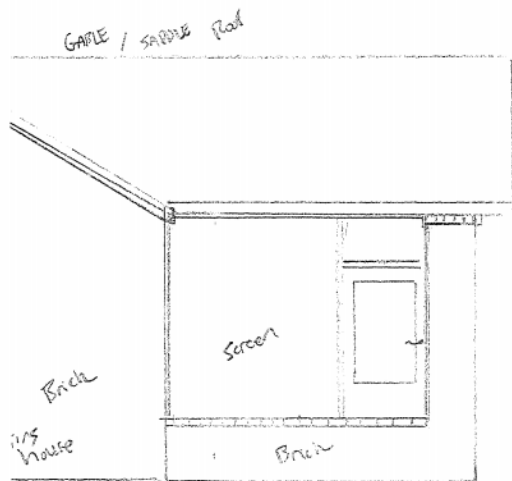
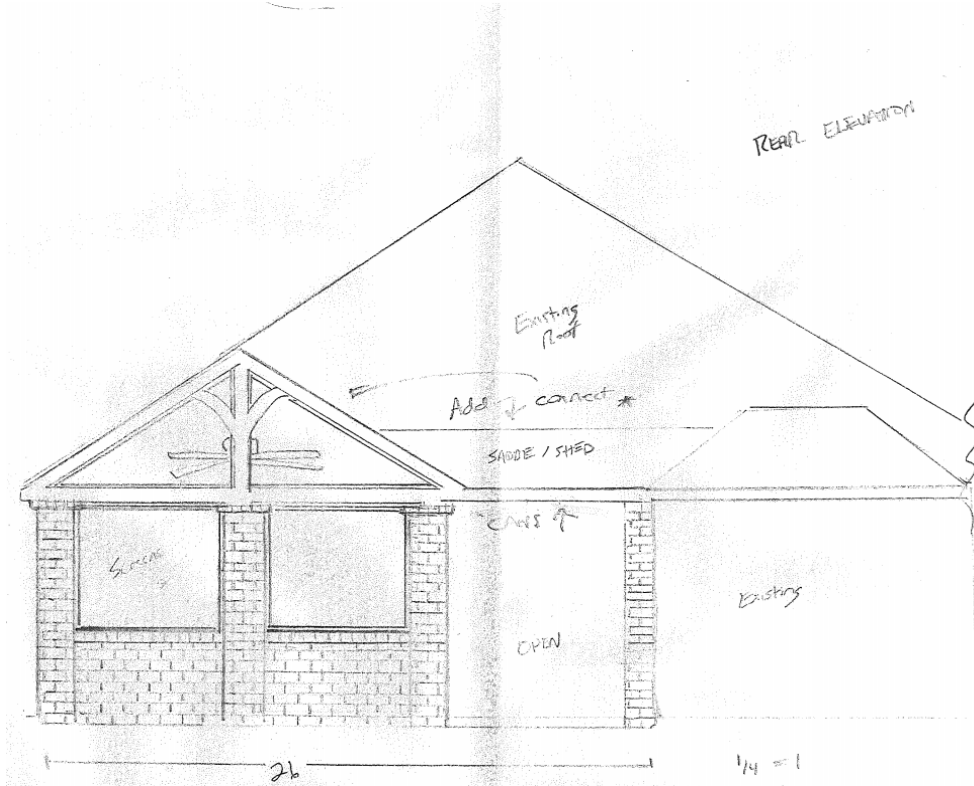
The Department of Planning and Development has received an application from Jean M. Cherry, resident and property owner of the single-family residence located at 1795 Woodberry Run Drive, Snellville, Georgia requesting a variance from the Zoning Ordinance to reduce the twenty (20) feet rear building setback to eleven (11) feet to allow for a screened-in porch addition in the rear of the house.

The subject 0.15 acre property, zoned RS-180 (Single-Family Residence) District is located on Lot 38, Block A, Woodberry Subdivision, Unit One. The property contains a ±1,840 sq. ft. one-story brick single-family dwelling constructed in 2002 that is adjacent to other single-family homes to the north, west, east, and south.

REQUEST:

The applicant is requesting a variance from Section 9.3(4)(5) of the Zoning Ordinance to reduce the twenty (20) feet rear building setback to eleven (11) feet to allow for a 260 sq. ft. screened-in porch addition as depicted in the building plan rendering on the following page.

Proposed Screened-in Porch and Patio Addition

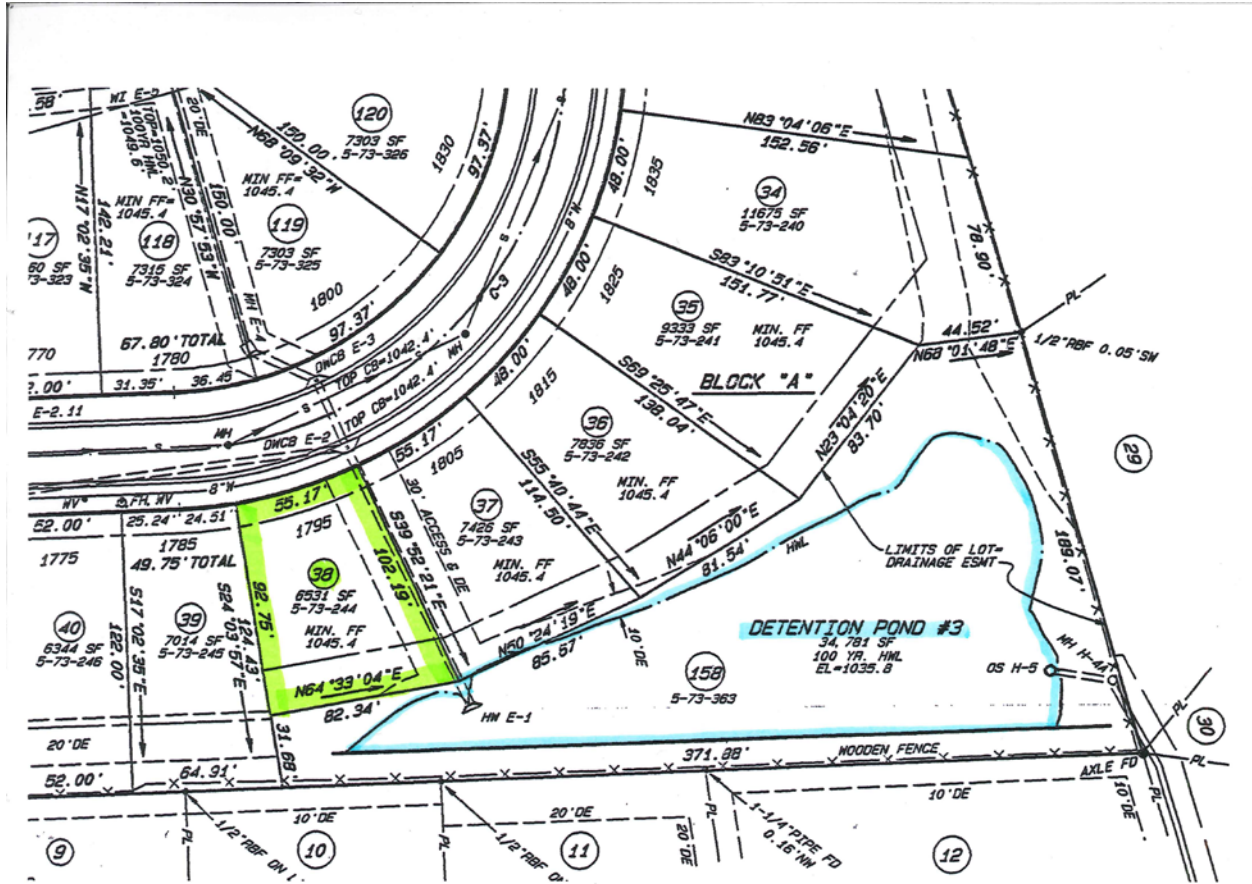


side Elevation

VARIANCE ANALYSIS:

The applicant is proposing a 260 sq. ft. screened-in porch addition to the existing patio area. The lot is located in front of Detention Pond #3, as shown below, and is encumbered by having a shallow depth lot because of the location of the stormwater detention pond.

Woodberry Subdivision Final Plat (excerpt)



On April 14, 1999, the Board of Appeals unanimously approved variances from the RS-180 District space limits to allow for a reduction in the lot size, building setbacks, and maximum ground coverage for the development as follows:

Board of Appeals Approved Variances (4-14-1999)

RS-180 District		
Space Limit	Regulation	Approved Variances
Min. Lot Area	18,000 sq. ft.	5,700 sq. ft.
Min. Lot Width	100 ft.	45 ft. (30 ft. cul-de-sac)
Min. Front Yard	50 ft.	10 ft.
Min. Rear Yard (Interior Lot)	40 ft.	20 ft.
Min. Rear Yard (Exterior Lot)	40 ft.	30 ft.
Min. Rear Yard Adjacent to Ridgedale and North Roads.	50 ft.	40 ft.
Min. Side Yard	10 ft.	0 ft. (with 10 ft. separation between buildings)
Min. Side Yard (corner)	35 ft.	10 ft.
Max. Ground Coverage	25%	75%

As part of the approved variances for the development, the minimum rear yard setback was reduced from forty (40) feet to twenty (20) feet. Because of the shallow depth and configuration of the lot, the residence was constructed with the rear of the residence placed at, or near, the twenty (20) feet minimum rear yard setback. The proposed screened-in porch addition will cause an encroachment into the twenty (20) feet rear yard building setback of approximately nine (9) feet; therefore, the request to reduce the rear yard building setback eleven (11) feet. The rear of the home abuts the detention pond so there will be no impact to any neighbors to the rear yard.

Each of the two adjoining property owners have expressed support of the remodeling project and requested variance through written letters provided by the applicant and included in the variance application.

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;

The Woodberry Subdivision was originally rezoned under the RS-180 zoning district space limits with variances approved by the Board of Appeals to allow for reduced lot sizes and setbacks. The shallow lot depth is not typical of the deeper lots in the subdivision. This reduced lot depth makes it difficult for any front or rear building addition to not encroach into the building setbacks. Furthermore, the location of the detention further exacerbates the problem causing an even shallower lot than most in the subdivision.

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;

As previously stated, a typical lot within the RS-180 zoning district would offer few obstacles to a room addition of this size. A typical lot would be deep enough to meet the rear yard setback requirements. Furthermore, the location of the detention further exacerbates the problem causing an even shallower lot than most in the subdivision.

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

Yes, the location of the detention further exacerbates the problem causing an even shallower lot than most in the subdivision.

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, the Board of Appeals has granted similar variances for rear building additions to single-family residential properties in the Rose Lake, Olde Hickory Village, and Stockton Walk subdivisions. (Variance cases #BOA 10-04, #BOA 11-10, and #BOA 08-11 respectively)

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 20 feet rear yard building setback to 11 feet for a 260 sq. ft. screened-in porch addition. Applicant shall obtain an approved Building Permit prior to commencement of any construction.