



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

October 13, 2020

CASE NUMBER: #BOA 20-02

REQUEST: Reduction of the 40' minimum rear building setback to 31'-9" for a 10' x 20' screened porch addition to the rear of the house

APPLICABLE SECTION: Section 9.3(4)(5), Minimum Rear Yard Setback of the City of Snellville Zoning Ordinance

LOCATION: 1874 Victorian Court, Snellville, Georgia

TAX PARCEL: 5025 258

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

DEVELOPMENT/PROJECT: Screened Porch Addition

APPLICANT/PROPERTY OWNER: Eric C. Lust
(404) 444-2888 or elust@precisionhose.com

RECOMMENDATION: Approval with Conditions



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VARIANCE CASE ANALYSIS

October 13, 2020

TO: Snellville Board of Appeals

DATE: October 13, 2020

FROM: Jason Thompson
Director, Planning and Development

CASE NUMBER: #BOA 20-02

FINDING OF FACT:

The Department of Planning and Development has received an application from Eric Lust, property owner and resident of 1874 Victorian Court, Snellville, Georgia in which Mr. Lust is requesting a variance from the Zoning Ordinance to reduce the 40' minimum rear yard building setback to 31'-9" to allow for a screened porch addition to encroach 8'-3" into the 40' rear yard building setback.

The subject ±0.39 acre property is located in the Brookwood Station subdivision, zoned RS-180 (Single-Family Residence) District, and contains a ±2,783 sq. ft. single-family dwelling with basement that was originally constructed in 1981 and which is adjacent to other single-family homes in the subdivision.

BACKGROUND:

On June 29th, the Planning Department received a building permit application for the removal of the existing 10' deep by 20' wide deck located at the rear of the house and replacing the deck with a 10' deep by 20' wide (200 sq. ft.) roofed screened porch and attached to the rear of the house.

Review comments were prepared and forwarded to Mr. Lust advising that the deck to roofed screened porch conversion was considered an addition to the main dwelling, requiring compliance with the building setbacks for the RS-180 District including the 40' minimum rear yard building setback.

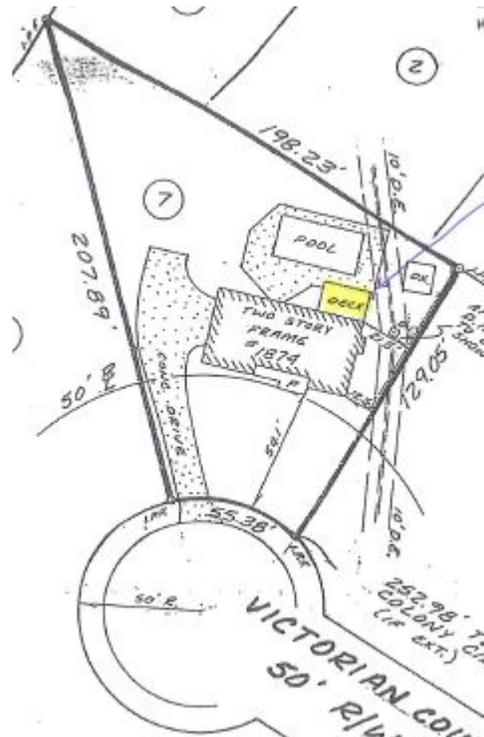
The proposed 10' deep screened porch addition would encroach into the rear yard setback approximately 8'-3" requiring a variance to reduce the 40' minimum rear yard building setback to 31'-9".

VARIANCE ANALYSIS:

Because the applicant wants to replace the existing open deck with a roofed screened porch, the replacement and conversion is considered an addition to the main dwelling and requiring compliance with the RS-180 District building setbacks.

Unlike an open deck requiring only a 5' setback from the side and rear property lines, a roofed addition to the principal dwelling requires compliance with the zoning district's building setbacks and in this case, compliance with the 40' minimum rear yard building setback.

Since the dimensions and foot print of the proposed screened porch is the same as that of the open deck, use of the area remains the same with no overall increase in size, the Planning Department is in support of the variance request.



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 property, as shown on the plat, prohibits the applicant from providing an upgrade to a screened-in porch.

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;

Layout of the property prohibits the applicants family from enjoying a screened-in porch, commonly enjoyed by neighbors and other properties in the neighborhood.

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

The applicant is asking for the variance due to the unusual circumstances of the way the property was constructed.

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.

The applicant is asking the Board of Appeals to grant the variance, but not any special privileges, so that they can enjoy the outdoors of Snellville.

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 40’ minimum rear yard building setback to 31’-9” for the construction of a 10’ x 20’ roofed screened porch addition, provided applicant obtains an approved building permit from the City.