

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Zoning Board of Appeals
FROM: Planning & Zoning Division
SUBJECT: **V18-004 for 1700 Waterway Crossing**
DATE: July 19, 2018

Applicant Freddie Porter Jr. seeks relief from *Sec 5.1.3.I* to allow an accessory use structure within the minimum side and rear yard.

STAFF RECOMMENDATION: DEFERRAL

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Freddie Porter Jr. 1700 Waterway Crossing Atlanta, GA 30331
Status of Applicant:	Property owner
City Council District(s):	2
Parcel ID Number:	14F012000010355
Area of Property:	The property is composed of approximately 1 acre.
Existing Zoning:	AG-1 (Agricultural District)
Current/Past Use of the Property:	Single-family home currently occupied by the applicant
Prior Zoning Cases/History:	None

SPECIFIC INFORMATION**REQUEST**

Variance request from **Section 5.1.3.I** to allow an accessory use structure within the minimum side and rear yard

ADJACENT ZONING AND LAND USES

The property is within the Canaan Glen subdivision. This residential subdivision and all adjacent residential subdivisions are zoned AG-1 (Agricultural District)

APPLICABLE CODE REQUIREMENTS

5.1.3.I. Minimum Accessory Structure Requirements. Accessory structures may be located in rear or side yards but shall not be located within a minimum yard.

5.1.3.C. Minimum Side Yard. 25 feet adjacent to interior line

5.1.3.D. Minimum Side Yard. 50 feet

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Zoning Board of Appeals in considering the application and its merits. These considerations include:

- (i) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Resolution; or,
- (ii) The application of the particular provision of the Zoning Resolution to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property

because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

(iii) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

PUBLIC PARTICIPATION

The applicant held their own public meeting on June 24, 2018 at 7500 p.m. at 455 Waterway Drive and reported that no concerns were raised, and that attendees offered help. The number of attendees is unknown as the applicant failed to provide this part of the report in time.

STAFF COMMENTS

Engineering: Reviewed; no comments

Environmental: Reviewed; no comments

Public Works: None provided

Transportation: None provided

MARTA: None provided

Fulton County Schools: Reviewed; no comments

Fire: None provided

Legal: None provided

STAFF RECOMMENDATION

The applicant requests to relief from a general AG-1 District development standard in order to construct an open-air car shelter. This district standard permits accessory structures within side and rear yards, but does *not* permit them within the *minimum* side or rear yard. The purpose of disallowing accessory structures within minimum side and rear yards is to ensure they don't visually impede on adjacent uses. The hardship is due to lot configuration and topography. The home is on a corner lot, so the applicant has attempted to locate the structure as far away from both public streets as possible. Additionally, topography causes difficulty in pushing the shed closer to the home, outside the minimum side or rear yards. The applicant also garnered support from his neighbors. Based upon the findings and conclusions herein, Staff would recommend **APPROVAL**. However, the applicant did not complete all Public Participation Report items by the established July 6, 2018 due date, thus **Staff recommends DEFERRAL of this case to the next ZBA meeting.**

REVIEWED BY:
Brianna Rindge, AICP



