

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Front of subject property located at 1264 Brandl Dr. SW.



Subject property shed in back yard. Also, see concrete paving in backyard.



Looking at side view of shed. Also, concreting of back yard is shown.

Recommended Action:

Approval. The applicant and property owner, Lorenzo Flores, is requesting variances for the property at 1264 Brandl Dr SW. The applicant has constructed a shed that is into the rear and east side setbacks. Also, the applicant is seeking a variance for lot coverage, which exceeds the maximum impervious surface of 35%. The property is zoned PRD-SF (Planned Residential Development – Single Family). The property is bordered to the east and west by residential neighbors that are part of the Brandl Station Subdivision, and to the south is the Cobb County Fair Oaks Recreation Park complex.

The applicant has completed several improvements (front wall, 2-story shed, and concreting back yard) to his property without obtaining a building permit or complying with the zoning code. The front brick wall was cited by Code Enforcement, where it was initially constructed to the street. Since then, the applicant has complied with the City ordinance (*Section 710.04*) by removing some of the brick wall so as to be 2 feet off the public right-of-way. The other two issues, the shed and the concreted back yard, were noticed by Code Enforcement during the citation of the wall, and they advised the applicant to discuss the requirements of the zoning regulations with Planning & Zoning staff.

Section 708.09.F.1 states, “*All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines.*” The 2-story shed has been built within the rear and east side setbacks. Therefore, the applicant is requesting a variance to reduce the rear setback from 10 ft. to 3 ft., and the east side setback from 10 ft. to 5.5 ft.

The applicant has also completed paving the back yard of the subject property with concrete, which increases the subject property’s impervious surface. Although not specifically calculated on the survey that has been submitted, staff has roughly calculated the maximum impervious surface to be approximately 60% - 65%. The PRD-SF zoning district (Section 708.09) states that the maximum impervious surface for the general development standards is 60%, however the section does not address maximum impervious surface for individual lots. Staff has researched the original subdivision plat that was approved by Mayor and City Council in November 1985, and did not find any mention of maximum impervious surface requirements for individual lots.

Unfortunately the applicant did not follow any required building permit procedures when constructing the accessory building, and because of that failure, he has not met the zoning regulations. Had the proper procedures been followed, it is likely that a variance to reduce the setbacks for the shed would likely have been recommended for approval; especially since the property abuts Fair Oaks Park to the rear and there has been no opposition from any neighbors.

The shed and concrete paving have been completed, and the applicant is now attempting to comply with building permit regulations. Because the construction is not detrimental to any neighboring properties in the surrounding neighborhood, ***Staff recommends approval of this variance request.***