

Staff Report – Variance

Public Hearing Date: August 21, 2025

Case: VAR-2025-10

Current Zoning: Single-Family Residential District (RS)

Council Ward: 4

Proposed Request: Variance to allow an increase of the allowed maximum accessory structure square footage by 241.73 square feet. This variance is being requested to construct an 841.73 square foot accessory structure in the rear yard of the property located within the Single-Family Residential (RS) District, located in Ward 4.

Staff Report Compiled By: SaVaughn Irons-Kumassah, Principal Planner

Staff Recommendation: Approval of variance with conditions

APPLICANT INFORMATION

Owner of Record:

Name: Brenda Lopez

459 Cynthia Lane

FOREST PARK, GA 30297

Applicant:

Brenda Lopez

459 Cynthia Lane

Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13083C B001

Acreage: 0.320 +/-

Address: 459 Cynthia Lane

FLU: Low Density Residential

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	RS: Single-Family Residential District	East	RS: Single-Family Residential District
South	Outside of the City Limits	West	RS: Single-Family Residential District

SUMMARY & BACKGROUND

The subject property is a developed residential parcel located within Ward 4, situated in the Single-Family Residential (RS) District. The property, approximately 0.320 +/- acres in size, is located in an established neighborhood characterized by detached single-family homes. According to Section 8-8-75 of the Zoning Ordinance, accessory uses and structures must adhere to specific dimensional and design standards. Notably, subsection (5)(b) limits the combined size of accessory structures on any one lot to no more than fifty percent (50%) of the finished floor area of the primary structure.

The applicant, Brenda Lopez, is requesting a variance to exceed the allowable square footage for an accessory structure by 241.73 square feet, in order to construct (and legalize) an 841.73-square-foot structure within the rear yard. A review of the submitted site plan indicates that the finished floor area of the primary residence is 1,200.08 square feet, making the allowed accessory structure size 600.04 square feet. The variance request reflects a 40.28% increase over the permitted maximum.

It should be noted that the applicant previously initiated construction of the structure without first obtaining a building permit, resulting in the issuance of a Stop Work Order. As per standard code compliance protocol, such action typically leads to a requirement to either remove or fully modify the unpermitted structure to achieve compliance.

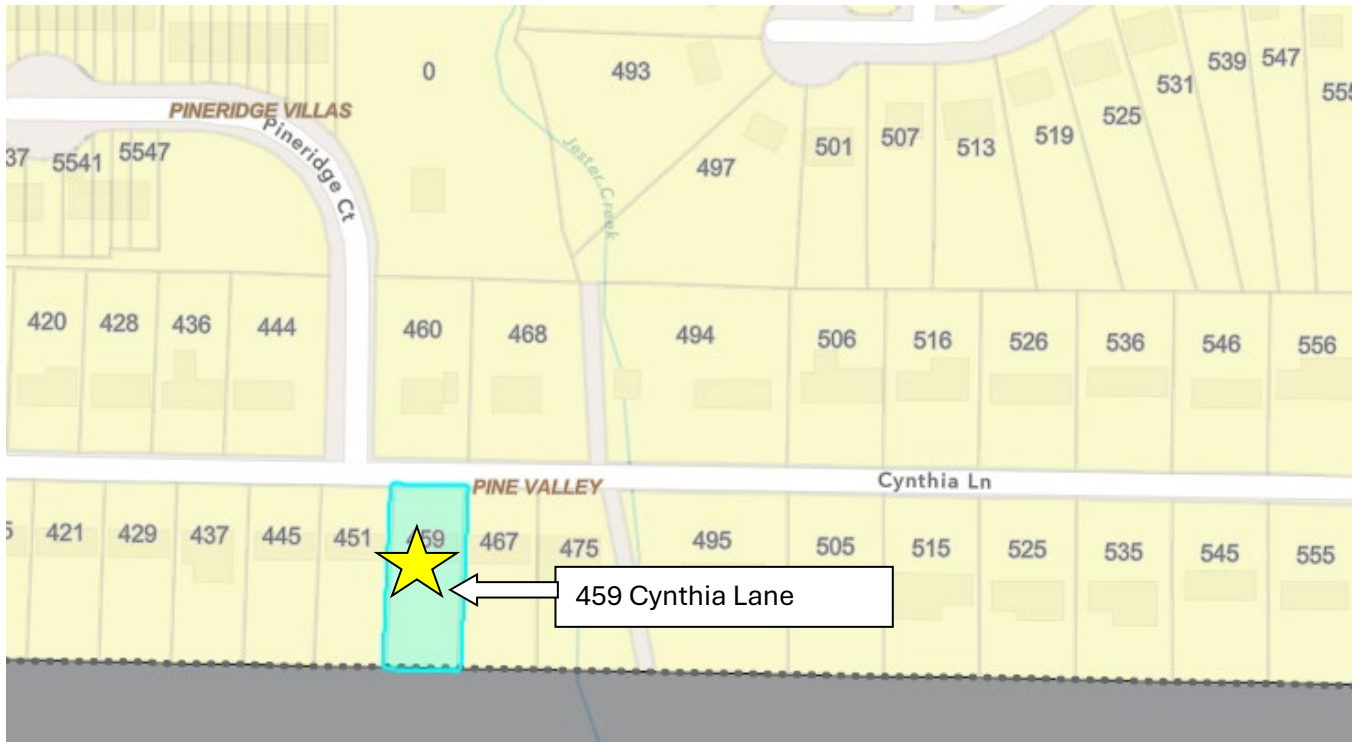
However, in this case, staff acknowledges the applicant's willingness to come into compliance and recommends a reasonable compromise that balances neighborhood compatibility with property rights. Rather than requiring full demolition of the structure, staff suggests that the applicant revise the structure to a size closer to the permitted threshold, ideally reducing the structure to approximately 700–725 square feet. This would still represent a variance, but a significantly lesser one, approximately 16.6%–20.8% over the allowable size. This may be more supportable from a policy standpoint and less disruptive to the applicant.

Staff further notes that the size of the parcel (0.320+/- acres) provides some flexibility in rear yard layout and design, and that reducing the scale of the structure could preserve the intent of the zoning code while avoiding undue hardship to the property owner.

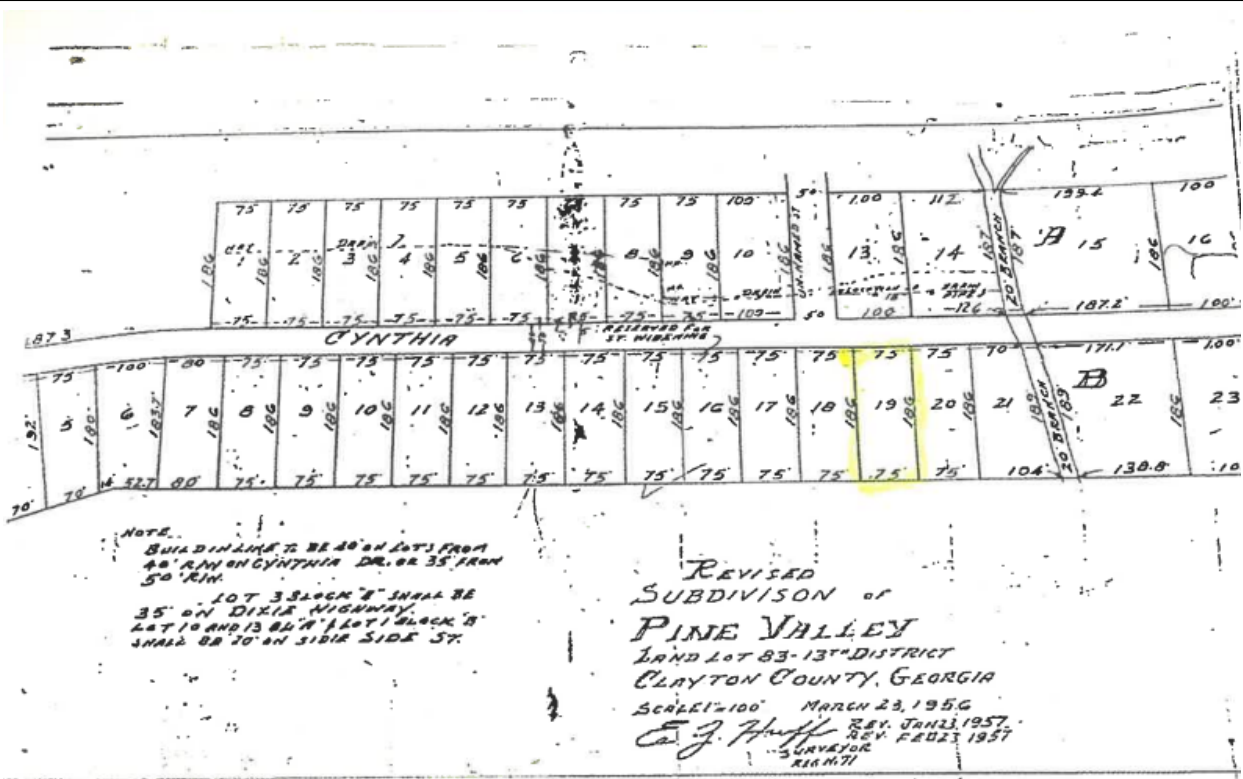
AERIAL MAP



ZONING MAP



SURVEY



SITE PHOTOS





VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this chapter in permittance under this chapter, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, per Sec. 8-8-193. (a) (1) of the Code of Ordinances.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner per Sec. 8-8-193. (a) (2) of the Code of Ordinances; and
3. The strict application of the terms of this ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

STAFF RECOMMENDATION

Staff recommends **APPROVAL with conditions** of the variance to allow an increase of 241.73 square feet beyond the maximum allowable accessory structure size, permitting a total accessory structure area of up to **725 square feet** on the subject property located within the Single-Family Residential (RS) District in Ward 4.

This recommendation is based on a combination of site-specific factors, including the overall parcel size (0.320 +/- acres), existing development pattern, and the applicant's willingness to revise the structure to minimize noncompliance. While the constructed accessory structure currently exceeds the maximum permitted size by over 40%, the recommended reduction to 725 square feet represents a compromise that limits the variance to approximately **20.8% above the allowed threshold**. This approach upholds the intent of Section 8-8-75(5)(b) of the Zoning Ordinance, which is to prevent accessory structures from dominating residential lots, while also providing flexibility for site-specific needs.

Recommended Conditions of Approval

1. **Revised Building Plans Required**

Prior to the issuance of a building permit, the applicant shall submit revised building plans demonstrating a reduction of the accessory structure to no more than **725 square feet** in total area.

2. **Permit and Inspection Compliance**

The applicant shall obtain all necessary building permits and undergo final inspections for the modified accessory structure within **120 days** of variance approval by the Planning Commission.

3. **Design Consistency**

The modified accessory structure shall be constructed with materials, roof pitch, and design features that are visually compatible with the existing primary residence.

4. **Removal of Unpermitted Work**

Any portion of the structure that exceeds the 725-square-foot allowance must be removed in compliance with approved demolition or alteration permits prior to final inspection.

5. **No Additional Accessory Structures**

No additional accessory structures shall be permitted on the property without full compliance with Section 8-8-75(5)(b) of the Zoning Code, unless otherwise approved through a separate variance process.

Attachments Included

- Justification Letter