



CITY OF FOREST PARK

Planning & Community Development Department
785 Forest Parkway
Forest Park, Georgia 30297
(404) 608-2300 Fax: (404) 608-2306

STAFF REPORT – VARIANCE

Public Hearing Date: June 16, 2022

Case: PC-2022-03

Current Zoning: RS Single Family Residential

Proposed Request: Variance to reduce the rear accessory structure setback requirement from Ten (10) feet to 5.5 feet.

Staff Report Compiled By: Caity Chandler

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

Owner of Record:

Name: Daniel Antonio Nolasco
Address: 928 Dearing Street
City/State: Forest Park, GA 30297

Applicant:

Name: Daniel Antonio Nolasco
Address: 928 Dearing Street
City/State: Forest Park, GA 30297

PROPERTY INFORMATION

Parcel Number: 13080A D004

Address: 928 Dearing Street

Acreage: 0.32

FLU: Single Family Residential

SUMMARY

The applicant is requesting a variance to reduce the Ten (10)-foot rear setback requirement to allow for an accessory structure in the rear yard of his property.

BACKGROUND

The subject property is zoned RS Single-Family Residential. In this district, accessory structures must be placed no less than 10 feet from the rear property line. The applicant constructed a pavilion in the rear yard of his property without a permit. The unpermitted structure was built 5.5 feet from the rear property line where ten feet is required. The applicant is requesting a variance to reduce the rear accessory setback requirement of ten (10) feet to 5.5 feet to accommodate for this pavilion.

AERIAL MAP



ZONING MAP



Property Downtown Mainstreet (DM)

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use		Direction	Zoning & Use
North	RS Single Family Residential Residential Use		East	RS Single Family Residential Residential Use
South	RS Single Family Residential Residential Use		West	RS Single Family Residential Residential Use

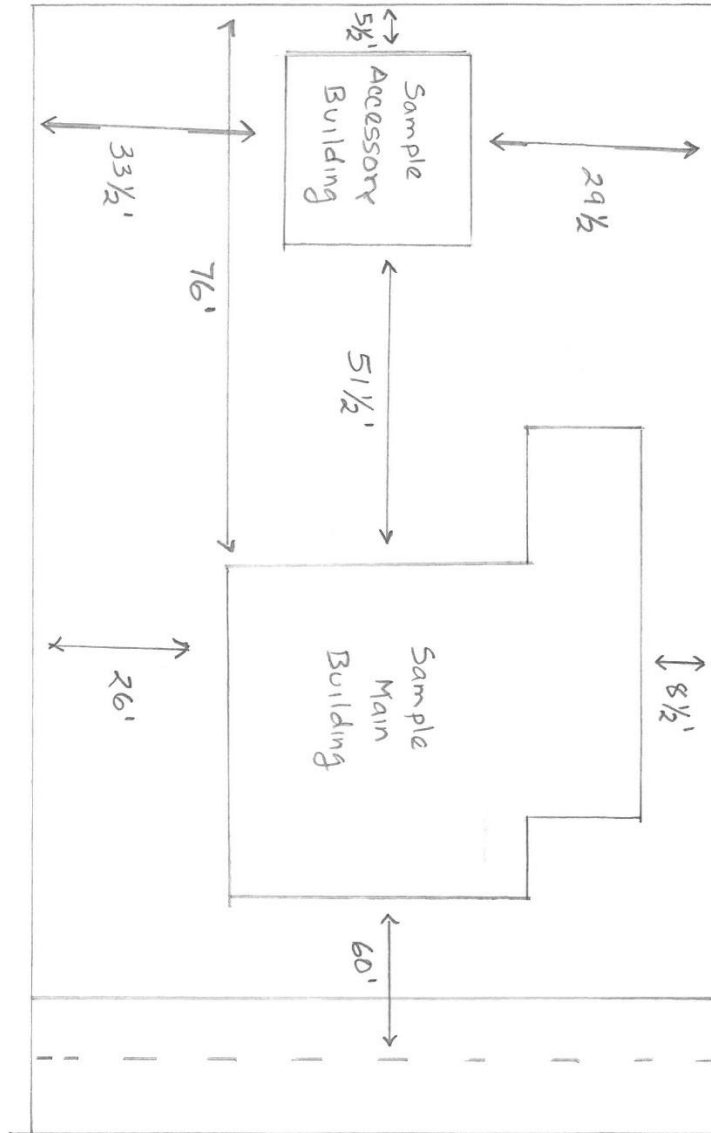
SITE PHOTOS







SITE PLAN



VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this ordinance were permitted under this Ordinance, 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;
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; and
3. The strict application of the terms of this ordinance will result in a 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.

Applicant Response

“My wife and I are residents of the City of Forest Park since 2010 when we bought our house, actually we decided to make a place for our daughter and us to go out and be comfortable outdoors, due to the covid-19 we spent many days without being able to go out anywhere because we were afraid of getting the virus, ... We had a hard time and more for our daughter because we had no place outside our house suitable for her to go out and play.

We also regret that we did not get a permit before we started building because we did not know the City of Forest Park regulations ... we did not know the required distance from the neighbor’s property to be able to build, The person we hired did not explain to me that I had to ask permission from the city to build since it is separated from the main house, in front of the pavilion we have fruit trees so we thought it was the best idea to build in the farthest part of our property. The construction is not yet completely finished, the floor is still missing, so we also ask for your permission to add the concrete to finish it.”

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a variance to reduce the rear accessory setback requirement of 10 feet to 5.5 feet to accommodate for this pavilion. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner with the following condition: If the Planning Commission approve the Variance, the applicant must apply for and receive a building permit to construct and complete the pavilion.

Attachments Included

- Application
- Justification Letter