



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: January 18, 2024

Case: VAR-2024-01

Current Zoning: RS – Single Family Residential District

Proposed Request: Variance Request to decrease the minimum right side yard setback from the required 10 feet to 1 foot to construct an enclosed attached garage.

Staff Report Compiled By: SaVaughn Irons, Principal Planner

Staff Recommendation: Approval of Variance with Conditions

APPLICANT INFORMATION

Owner of Record: Name: Maria Isabel Argos Rios 1299 Waverly Dr. Forest Park, GA 30297	Applicant: Maria Isabel Argos Rios 1299 Waverly Dr. Forest Park, GA 30297
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PROPERTY INFORMATION

Parcel Number: 12240C E025	Acreage: 0.26+/-
Address: 1299 Waverly Dr., Forest Park, GA 30297	FLU: S.F. 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	RS: Single Family Residential District		West	RS: Single Family Residential District



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SUMMARY & BACKGROUND

The subject property is a residential home located at 1299 Waverly Dr., on approximately 0.26 +/- acres. The home was built in 1958 with a total building area square footage of 975sq feet. The applicant is requesting a variance to decrease the minimum right side yard setback from the required 10 feet to 1 foot to construct an enclosed attached garage. Per Sec. 8-8-29 Single Family Residential District (RS) Standards the minimum requirement for side yard setbacks is 10 feet. Currently, the property has a stop work order due to applicant beginning to construct front porch without proper permitting. Plans were submitted to staff for the review of front porch and garage construction but did not meet the side yard setback requirements to receive an approval during the plan review process. The applicant has plans to construct an attached garage on the right side of the structure. The applicant did speak with staff and was advised that the minimum side yard setback of one (1) foot would not be ideal for safety reasons, and the side yard setback requirement would have to be met unless granted a variance approval from the planning commission. Based on the dimensions and size of the lot, the placement of the driveway on said property is near the property line and there is a fence present. Applicant advised staff that the left side of the property would maintain the minimum required setback of 10 feet. If this variance request is approved, it will allow the applicant to construct an enclosed garage on the right side of the primary structure and provide an approval to move forward with a minimum side yard setback of 1(one) foot instead of the required minimum side yard setback of 10 feet.



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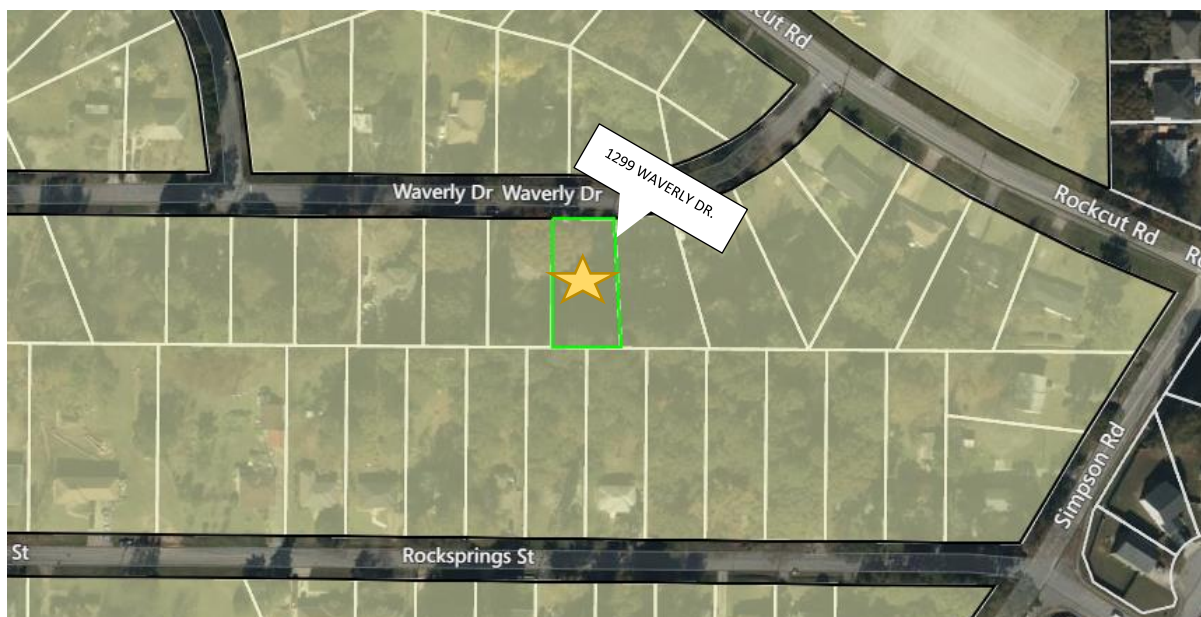
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AERIAL MAP



ZONING MAP

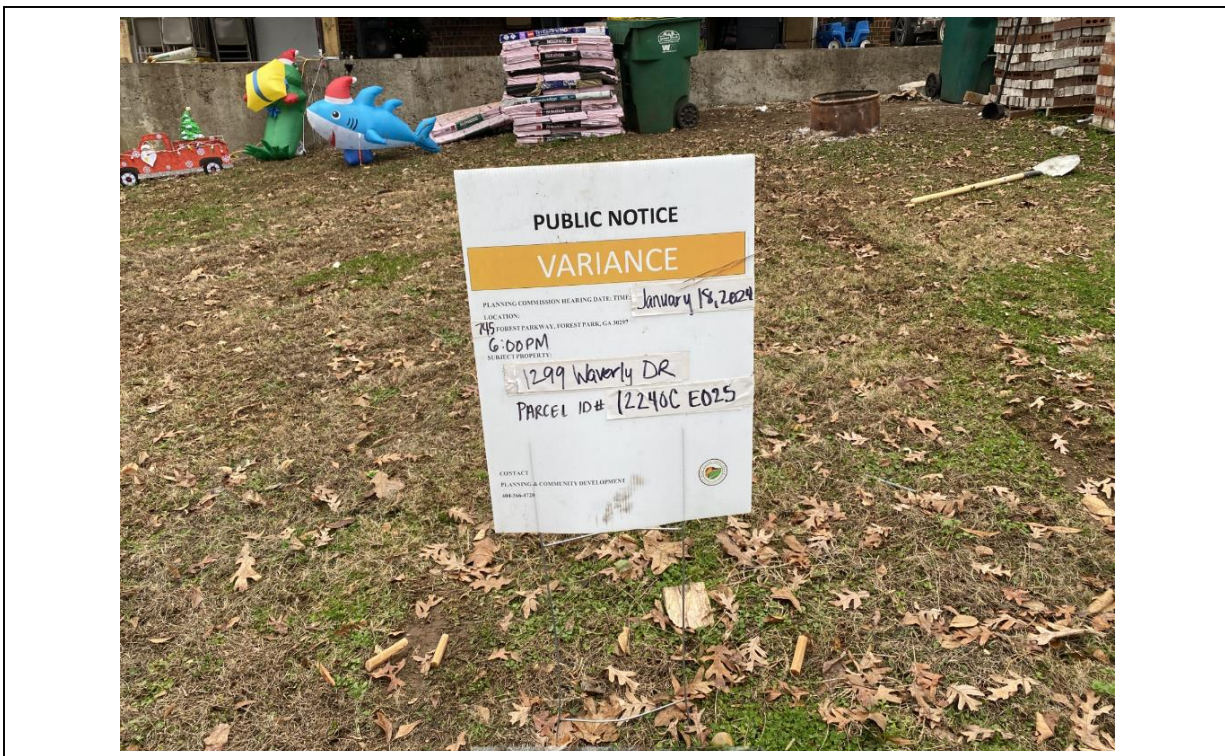




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VARIANCE JUSTIFICATION

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 of Variance with Conditions** to allow a minimum rear yard setback of one (1) foot instead of the required minimum side yard setback of ten (10) feet for the construction of an attached garage to the right side of primary structure. Applicant will need to



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provide staff with a letter of consent from the property owner on the right of the property where the garage will be constructed. With the provision of the letter of consent from the adjacent property owner, 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.

Attachments Included

- Justification Letter