

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: July 11, 2024

Item #: PZ2024-1307

1888 KESWICK LANE – ACCESSORY STRUCTURE VARIANCE

Project Name: Kazinec Courtyard
Applicant/Owner: Brittany and Adam Kazinec
Zoning District: NR-2 (Neighborhood Residential 2)
Address: 1888 Keswick Lane
Parcel ID: 18 300 10 051

APPLICATION UPDATE:

At the July 16th Regular City Council meeting, City Council voted to defer the application to the August City Council Agenda to allow the applicant time to present the plans to the Keswick Homeowners Association and prepare additional documentation. As of August 5, 2024, no documents were received from the applicant. Due to these factors, the staff recommendation of denial remains.

Staff Recommendation:

Staff recommends **DENIAL** of the following variance requests:

1. Variance from Section 230-8(a)(3), to reduce the accessory structure setback from 5-feet to 2-feet.

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Exterior renovation to existing single-family residential lot including construction of a pergola, patio and fencing in the side and rear yards.

Requests: One (1) variance

Summary Analysis:

- The applicant proposes to install a 529 square foot paver patio, 802 square feet of turf, 4-foot-tall aluminum fence, and a 240 square foot pergola.
- Installation of the pergola would require a reduction of the side yard setback from 5-feet to 2-feet.
- The applicant proposes to install landscaping in the side yard to screen the outdoor space from the adjacent property.

Recommendation:

Staff recommends **DENIAL** of the following variance requests:

1. Variance from Section 230-8(a)(3), to reduce the accessory structure setback from 5-feet to 2-feet.

Case Number: PZ2024-1307

City Council Work Session (Public Hearing): July 11, 2024

City Council Regular Meeting: July 16, 2024 (Deferred)

City Council Regular Meeting: August 20, 2024

Site Aerial:



Current Zoning:	The property is located in NR-2 (Neighborhood Residential 2)
	This zoning district is intended primarily for single-family residences and related accessory uses at a higher density than NR-1.
Current Use:	Single Family Residential
Surrounding Land Uses:	North – NR-1: Keswick Park South – VC: Mixed Use Residential (Manor Chamblee) East – NR-2: Single Family Residential West – NR-2: Single Family Residential

Site Description and History of Property:

The subject property is a 0.21-acre lot located along Keswick Lane, east side of Keswick Drive and south of Keswick Park. According to DeKalb County Property Information the property includes a 3,639 square foot two-story residential structure. The property is within the Keswick Village subdivision that was developed in 2017.

Project Description:

A summary of the project is as follows:

- Installation of an outdoor paver patio totaling 529 square feet.
- Installation of a 240 square foot pergola setback 2-feet from the side property line.

- Installation of 802.7 square feet of turf within the side yard.
- Removal of the existing wooden fence and replacement with a 4-foot-tall aluminum fence that would tie into the neighbor's existing aluminum fence.
- Installation of landscaping to the northern side yard to screen the outdoor space from the adjacent property.
- No trees are to be removed for this project.

Applicant's Variance Requests:

The applicant requests variances from Title 2 of the UDO:

1. Variance from Section 230-8(a)(3), to reduce the accessory structure setback from 5-feet to 2-feet.

Per the review and approval criteria found in Sec. 280-32(a), the Mayor and City Council may authorize variances from the provisions of the UDO only after making the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;**

The property has exceptional conditions due to the size and shape of the lot. The lot is narrow and has a side yard setback of 5-feet due to the zoning of Neighborhood Residential 2 (NR-2) which promotes a higher density within single-family uses.

- b. **The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;**

The application of this zoning ordinance to the particular piece of property would not create an unnecessary hardship. Application of this zoning ordinance would require the applicant to construct a significantly smaller pergola.

- c. **Such conditions are peculiar to the particular piece of property involved;**

The conditions are not peculiar to the piece of property involved. All of the properties within the subdivision have small yards due to the zoning district of the subdivision.

- d. **Such conditions are not the result of any actions of the property owner; or**

The conditions of the lot are not the result of the applicant, however the need for a variance from the regulation regarding accessory structure setbacks are a result of the actions of the applicant.

- e. **Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**

Relief if granted, would cause detriment to the public good. The size of the pergola may affect the neighboring property and no other lot within this subdivision has a similar

type of structure. A smaller pergola could be constructed with minimized impact to the neighboring property.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **DENIAL** of the following variance requests, in case PZ2024-1307:

1. Variance from Section 230-8(a)(3), to reduce the accessory structure setback from 5-feet to 2-feet.

Should City Council approve the variance requests, staff recommends the following conditions of approval:

1. The development shall be constructed in substantial conformity with the Site Plan received by the Planning and Development Department dated received on May 16, 2024, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The applicant shall install evergreen landscaping to screen the pergola from all sides that are visible from adjacent properties. The final landscape plan shall be reviewed and approved by the Planning and Development Department.

Attachments:

Attachment 1 – Application

Attachment 2 – Site Plan + Elevations

Attachment 3 – Maps

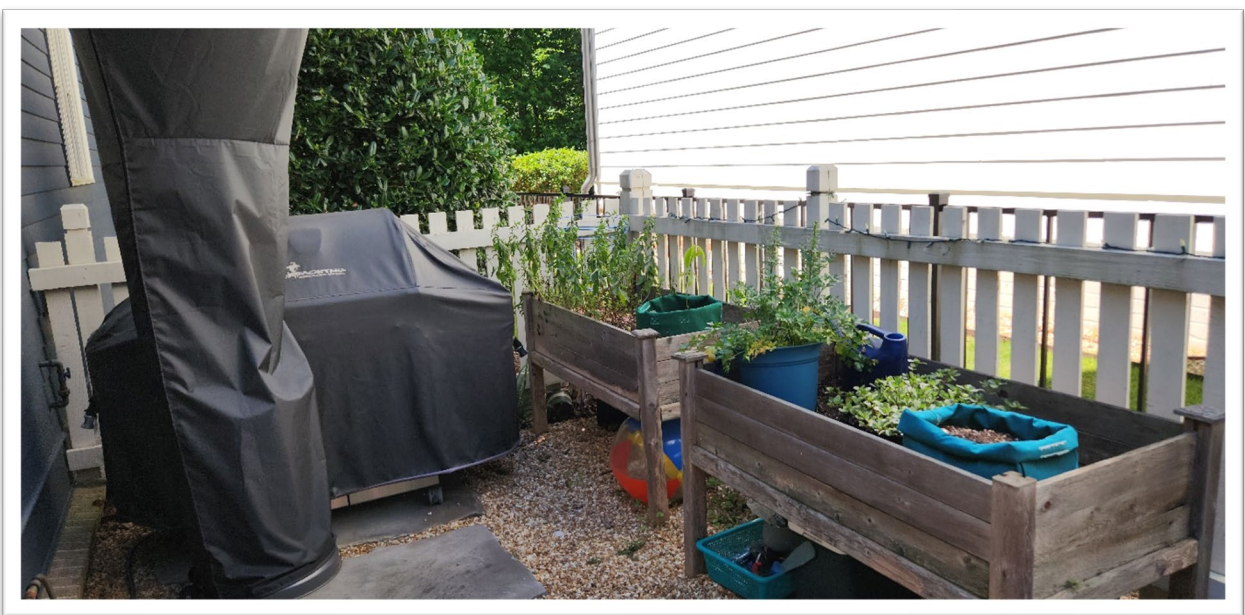
Site Visit:



Frontage along Keswick Lane



Existing rear and side yard



Existing patio in side yard



View of the side yard from the front yard



View of the property from Keswick Park