

Request: Variance
Description: Reduce Side and Rear Yard Setbacks
Applicant: Daa'ood Amin
Location: 503 E. Broadway Street
Tax Identification: 023 06001
Parcel Size: 2.51 +/- acres
Ward: 2
Commissioner: Cora Flowers
Public Hearing: August 26, 2014



Current Land Use: Commercial
Current Zoning: Medium Density Residential (MDR)
Future Land Use: Commercial
Citizen Notification: Legal Notice for the request was published in the August 8, 2014 edition of the *Griffin Daily News*. Signage was placed on the property, August 8, 2014, identifying the purpose of the request and its City Commission public hearing date and time.

Proposal/Site Location:

The applicant, Daa'ood Amin, is requesting a variance for encroachment of more than three-feet of the setbacks for an addition of a deck, for property located at 503 E. Broadway Street.



City of Griffin Unified Development Code (UDC) applicable to this Application:

Article 4. PROCEDURES, Section 410. Variances

Article 6. SITE DESIGN & ARCHITECTURAL STANDARDS, Section 601.D. Permitted Encroachments

Article 7. ZONING DISTRICTS, Section 708. Medium Density Residential (MDR)

Article 410 D, Variance Standards for Review:

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

There are extraordinary and exceptional conditions pertaining to the particular piece of property as it relates to its size and shape; however, the applicant's request is not impacted by these conditions.

- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.**

The application of the physical requirements to this property would create a practical difficulty or unnecessary hardship on the use of this property. The property is fully developed and being utilized as a legal non-conforming structure due to the zoning classification and current land use. The existing structure is located within the setbacks for MDR by 12-feet. The deck will further extend the encroachment by an additional 20-feet.

- 3. Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no Variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.**

Relief, if granted, would not cause substantial detriment to the adjacent properties. Relief could potentially impair the purpose and intent of Article 601.D, which states that provisions to this district are designed and intended to encourage the formation and continuation of a stable, healthy environment for the residents of medium density residential developments. Furthermore, the provisions are intended to discourage encroachment of uses that could adversely affect the intended residential character and integrity of this district. There is a mixture of commercial and residential structures along this corridor.

- 4. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same district are allowed.**

A literal interpretation of the ordinance would not deprive the applicant of any right that others in the MDR zoning district are allowed. Planning Staff is not aware of any other properties within the zoning district having petitioned the Board of Commissioners for such a variance.

Planning Staff Comments:

Planning Staff has reviewed the applicant's request for a variance with regards to the criteria listed above and the present condition of the property. The applicant is requesting a variance to encroach of more than three-feet of the setbacks for an addition of a deck for a non-conforming structure.

Based upon Staff evaluation, the applicant's request does not correlate to the extraordinary conditions related to this property. The property has a legal non-conforming structure due to the zoning classification and current land use. The existing structure is located within the setbacks for MDR by 12-feet. The deck will further extend the encroachment by an additional 20-feet.

Based upon the present use of the property, Planning Staff doesn't see there being a major negative impact on the adjacent property.

Planning and Development Staff Recommendation:

Planning & Development staff recommends **DENIAL** of the variance request (14-VAR-01) submitted by Daa'ood Amin for an encroachment of more than three-feet of the setbacks for an addition of a deck, for property located at 503 E. Broadway Street.

Submitted by:

Taurus Freeman, Director
Planning and Development Services