



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE SUMMARY

October 20, 2026

CASE NUMBER:	#BOA 26-03
VARIANCE REQUEST:	UDO Sec. 202-3.7. (RS-15 Single-Family Residential Building Placement) to reduce the 40-foot rear building setback to a 30-foot setback.
LOCATION:	2079 Brookhill Way, Snellville, Georgia
TAX PARCEL:	R5060 422
CURRENT ZONING:	RS-15 (Single-Family Residential) District
DEVELOPMENT/PROJECT:	Construction of a patio cover in the backyard
PROPERTY OWNER/APPLICANT:	Diem Phuong Thy Nguyen 2079 Brookhill Way, Snellville, Georgia
RECOMMENDATION:	Approval

REQUEST:

The Department of Planning and Development has received a variance application from Phuong Nguyen requesting variance from the Unified Development Ordinance (UDO) Sec. 202-3.7. (RS-15 Single-Family Residential Building Placement) to reduce the 40-foot rear yard building setback 10 feet to a 30-foot rear yard setback to allow for a patio cover that has been constructed.

VARIANCE ANALYSIS:

The subject property is a 0.19± acre lot in the Oak Grove Glen Subdivision, located about a half mile South of Highway 78 on Rockdale Circle. The 2,513 square foot home was constructed in 2025. The project was developed under a special court issued zoning district that was a result of a settled lawsuit between the City and the previous property owners. Zoning case RZ 05-04 was approved by Mayor and Council on June 11th, 2007, with the following conditions:

1. No Lot should be less than 7,500 sq. ft. in size.
2. Should be a minimum 60 ft. lot width at the building line.
3. There should be no less than 15 ft. separation between the houses.
4. The homes and buildings should be constructed of traditional design with brick, stone, masonry hardiplank horizontal siding, and masonry hardiplank shakes and shingles.
5. Homes on high visibility lots shall have 3 sides of brick or stone with accents of masonry hardiplank horizontal siding, or masonry hardiplank shakes and shingles.
6. Front side of homes shall be brick, stone, or stucco.
7. An 8 ft. wooden opaque fence shall be erected around the rear side property lines of the subdivision and shall be maintained at the homeowners association's expense.
8. Signs higher than 15 ft. and larger than 225 sq. ft. are prohibited.
9. No outdoor loud speakers shall be allowed.
10. Adult entertainment establishments are prohibited pursuant to the terms set forth in our development regulations.
11. The development should have a mandatory homeowners association.
12. Except as to the extent modified by this zoning, all lots shall be developed in full accordance with the RS-150 district standards and all requirements of the development regulations.

The applicant has already constructed an unpermitted 14' by 39' foot covered patio that encroaches on the required rear yard setback by approximately 10 feet, necessitating a variance in order to allow the structure. According to the submitted site plan, the home was constructed 44.5 feet from the rear lot line; leaving just 4.5 feet of room to construct a patio cover leaving no room for additions or covered porches/patios.

STANDARDS FOR CONSIDERATION:

Pursuant to Sec. 103-7.2.B of Chapter 100 of the UDO, the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district;

Applicant Response: *The subject property has zoning conditions that are much more restrictive than lots typically associated with RS-15 zoning classifications. Under the current zoning conditions there is little to no room to add a covered patio or deck.*

2. That literal interpretation of the provisions of this UDO would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this UDO;

Applicant Response: *Yes, regularly zoned RS-15 lots would have enough depth to accommodate the construction of a covered porch/patio.*

3. That the special conditions and circumstances do not result from the actions of the applicant; and

Applicant Response: *Yes, the applicant bought the lot/house as is.*

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

Applicant Response: *No, regular RS-15 zoned lots have plenty of depth to construct a covered patio/porch.*

Staff Response: Due to the special court order approved by Mayor and Council on June 11th, 2007, the subject parcel is placed under the regulations that would normally apply to a larger lot in the City. This has created a lot whose rear yard is more shallow and has less of an opportunity to enjoy certain privileges enjoyed by other citizens. With this in mind, it is the opinion of Staff that the application should be approved.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends: **APPROVAL** of variance from UDO Sec 202-3.7. (RS-15 Single-Family Residential Building Placement) to reduce the 40-foot rear building setback to a 30-foot setback to allow for a patio cover that was constructed; subject to the following recommended **Condition**.

1. Within 60-days of variance approval, Property Owner/Applicant shall obtain a Building Permit for the patio cover and obtain a Certificate of Completion for the structure upon passage of a final building inspection by the Building Official.