

**SUMMARY REPORT
BOARD OF ZONING ADJUSTMENT (BZA)
JUNE 1, 2017**

| CASE # | STAFF RECOMMENDATION | NPU | NPU RECOMMENDATION | BZA DECISION |
|---------------------------------------|---|------------|---------------------------|---|
| CASES TO BE DEFERRED/WITHDRAWN | | | | |
| V-17-21 <i>Appeal</i> | Withdrawn at the Request of the Applicant | X | N/A | Withdrawn at the Request of the Applicant |
| V-17-99 | Denial w/o Prejudice | O | No Vote Taken | Denial w/o Prejudice |
| CONSENT CASES | | | | |
| V-17-92 | Approval | N | Approval | Approval |
| V-17-93 | Approval | M | Approval | Approval |
| V-17-94 | Approval | A | Approval | Approval |
| V-17-98 | Approval | O | Approval | Approval |
| V-17-100 | Approval | O | Approval | Approval |
| V-17-101 | Approval | F | Approval | Approval |
| NEW CASES | | | | |
| V-17-95 | Denial | R | Denial | Denial |
| V-17-97 | Approval | N | Deferral | Approval |
| V-17-103 | Approval | O | Deferral | Approval Conditional |
| V-17-104 | Approval | O | No Recommendation | Approval |
| V-17-128 | Approval | B | Approval Conditional | Approval |
| DEFERRED CASES | | | | |
| V-17-71 | Approval | B | Approval Conditional | Approval |



CITY OF ATLANTA

TIM KEANE
Commissioner

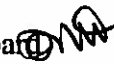
CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

KASIM REED
MAYOR

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-92 for 1986 Palifox Drive, N.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet 9 inches for the construction of a second story addition. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on north side of Palifox Drive and begins 300 feet from northeast intersection of Palifox Drive and Claire Drive. The lot lies within Land Lot 238 of the 15th District, DeKalb County, Georgia. It is located in the Lake Claire neighborhood of Council District 5, NPU-N.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: Lot width: 70 feet; minimum lot area, 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; side: 7 feet; rear: 15 feet

Property Characteristics: The subject property is rectangular in shape with approximately 9,800 square feet and 50 feet of frontage. The subject property is currently developed with a yellow, one-story brick and framed, single-family residence. The subject property has a couple of younger trees in the front yard surrounded by a white picket fence. There is a paved driveway to the west side of the lot, as well as a public sidewalk in the front of the subject property along Palifox Drive.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are similar in shape. They are developed with one and two story single-family dwellings. Generally, most of the lots in the area have 50 feet of frontage. Properties in the immediate area are zoned R-4 (Single-Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet 9 inches for the construction of a second story addition. Applicant seeks no other variances at this time.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With 50 feet of frontage along Palifox Drive, the subject property is deficient by 20 feet per the minimum requirements for properties zoned R-4. There is a huge slope towards the rear of the subject property towards the border with unincorporated DeKalb County. Therefore, Staff finds the lot size and topography to be extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the applicant from constructing a second-story, on a nonconforming lot. If the required front yard setbacks would be applied, the owners would be compromised in expanding their living space on such a narrow lot. Also, the homeowners are restricted from expanding towards the rear due to the slope. Therefore, Staff is of the opinion that it would not be necessary to impose this hardship because the proposal is reasonable considering the lot characteristics and topography issues.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width and topography are not unique to the subject property. Similar non-conforming and sloping conditions can be found on many adjacent and nearby properties and it is not peculiar to the subject property alone. The existing encroachment is peculiar as staff is unaware of similar encroachments on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impair the purposes and intent of the zoning ordinance because the lot has met the necessary criteria to be granted special relief. The proposed second story addition would not cause substantial detriment to the public good, nor would it impair the living conditions of the adjacent properties as it is a vertical improvement, and would not diminish their ability to enjoy their properties. It would not cause fire hazard, impair drainage, lead to traffic congestion, or otherwise impair the purposes and intent of the zoning regulations.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

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CHARLETTA WILSON JACKS
Director
Office Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-93 for 55 Daniel Street, S.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the front yard setback from 30 feet to 10 feet and to reduce the north and south side yard setback from 7 feet to 3 feet for the construction of a single family dwelling. The applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 20 feet on the west side of Daniel Street and begins 50 feet from the southwest intersection of Daniel and Gartrell Street. The property is located in Land Lot 45 of the 14th District, Fulton County, Georgia in the Old Fourth Ward neighborhood of NPU-M, Council District 2.

Relevant Zoning Requirements:

- The subject property is zoned R-5 (Two Family Residential).
- Minimum lot dimensions: frontage, 50 feet; minimum lot area, 7,500 square feet.
- Minimum yard setbacks: Front yard 30 feet, side yards 7 feet, rear yard 7 feet.

Property Characteristics: The subject property of 1,651 square feet forms an irregular shaped polygon with five sides. The lot has 20 feet of frontage while the rear property line is approximately 30 feet in width. The length of the north side yard is broken into an obtuse angle which leads to a shorter width of the property at 19 feet and 9 inches towards the rear yard. The lot is vacant and cleared of woods and invasive plants. The topography of the lot is visually level. There are no curb cuts or sidewalks along the street frontage. There is one sidewalk on the west side of Daniel Street. There is no off street parking on the subject property.

Characteristics of Adjoining Properties, Neighborhood: There are few lots in the immediate area of similar size and shape. Lots in the area form a regular shaped polygon with four sides. They are developed with one and two story single and multifamily dwellings that appear to encroach into the required yards. Properties to the north, south, east and west are zoned R-5 (Two Family Residential). Properties to the north and across Gartrell Street are zoned C-2-C (Commercial Service Conditional District).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 30 feet to 10 feet and to reduce the north and south side yard setback from 7 feet to 3 feet for the construction of a single family dwelling. The applicant seeks no other variances at this time.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Sections 16-07.008 (1) and (2) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With 20 feet of street frontage and 1,651 square feet of land area, the subject property has 30 feet less frontage and is deficient in land area by 5,849 square feet for properties zoned R-5. The shape of the property is irregular and causes the width of the lot to decline to 19'9" at some points. Staff finds the irregular shape, deficient width and small size of the lot to be extraordinary and exceptional conditions pertaining to the subject property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship because the size, shape and width of the lot create a burden to development. Conforming to the Zoning Ordinance would render a buildable area of approximately 228 square feet which is an extremely small footprint by prevalent residential building standards. If relief is not granted, the property owner would be limited to a very small developable foot print and may not be able to develop at all. Staff is of the opinion that the encroachments into the front and side yards are reasonable and a modest request given the limitations of the site with regard to its size and shape.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of the lot width, area and shape are somewhat unique conditions to this property. However, similar non-conforming conditions to what is being proposed on the subject lot can be found on other adjacent and nearby properties and they are no peculiar to the subject property alone. However, the existence of similar conditions does not decrease the desirability of this project.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance for the proposed new single family home, if granted, would not impair the purposes and intent of the zoning ordinance of the City of Atlanta. In fact, relief from the Zoning Ordinance for the purpose of constructing a new home would further the intent of the R-5 Two Family Residential District by adding variety to rental and owner occupied housing stock available to residents of the city. Additionally, there is no evidence that the proposed encroachments impede the quality of life of adjacent neighbors. In fact, the development of the vacant land is a value to adjacent neighbors in terms of enhanced property evaluations in the neighborhood. The proposal does not appear to be a detriment to the public good.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner


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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-94 for 4762 Millbrook Drive, N.W.

DATE: June 1, 2017

The applicant seeks a special exception to allow active recreation in a yard adjacent to a street for the installation of a pool. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 196 feet on the west side of Millbrook Drive and beginning approximately 690 feet from the northwest intersection of Millbrook Drive and Brook Hollow Road. The property is located in Land Lot 137 of the 17th District, Fulton County, Georgia within the Chastain Park neighborhood of NPU-A, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single-Family Residential)
- Minimum lot dimensions: Frontage of 100 feet; minimum lot area of 18,000 square feet
- Minimum yard setbacks: Front yard: 50 feet; Side yard of 10 feet; Rear yard of 20 feet
- Section 16-28.008(6): Active recreation in yards adjacent to streets, residential districts, special exceptions: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment.

Property Characteristics: The subject lot is a conforming, rectangular shaped corner lot of approximately 44,542 square feet (1.02 acres) with approximately 196 feet of frontage along Millbrook Drive and approximately 150 feet of along Mount Paran Road. The lot is currently developed with a single-family house. Vehicular access is provided by a concrete driveway to the northeast of the residence. Topography of the property declines in elevation in a north to south direction across the lot. The site is well vegetated with large trees and shrubs throughout.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in sizes and shapes to the subject property. Parcels nearby are consistently developed with single-family detached homes with similar R-3 (Single-Family Residential) zoning.

PROPOSAL: The applicant is requesting a special exception to construct a pool and spa the rear yard adjacent to a public street.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.008 (6) of the City of Atlanta Zoning Code.

Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment. Such special exception shall be granted only upon findings that:

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic and;** The location of the proposed swimming pool and spa in the rear yard should not be objectionable to neighboring properties as it will be screened by the following: a 5 foot wooden privacy fence and proposed landscaping. The proposed pool will be located in the southwest side of the rear yard in a location that is least visible from Millbrook Drive and Mount Paran Road. The size of the proposed pool indicates it is for personal use and should not create concentrations of persons or traffic.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject residence is situated on a lot that has topographic issues. The lot steadily declines from Mount Paran Road towards the south property line. Due to the topographic challenges with the lot and the front yard setback requirements for the R-3 district, the existing residence was situated on the lot where it is least impacted by topography and provides the maximum level of proper screening from Millbrook Drive and Mount Paran Road. Therefore, Staff is of the opinion that the applicant's ability to locate the swimming pool and spa is limited due to topography.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board *RWJ*

SUBJECT: V-17-95 for 1399 Pollard Drive, S.W.

DATE: June 1, 2017

The applicant seeks a special exception to erect a 6 foot wall in the required front yard setback. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 75 feet on the west side of Pollard Drive and begins approximately 619 feet from the northeast intersection of Pollard Drive and Albany Drive. The property is located in Land Lot 169 of the 14th District, Fulton County, Georgia within the Adams Park neighborhood of NPU-R, Council District 11.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.
- 16-28.008 (5)(a)(1) - In the R-1 through R-5 districts, the following retaining walls and fences are permitted:
 - (1) Within the required front and half-depth front yards:
 - (i) Where no retaining wall is constructed, fences not exceeding four feet in height may be erected.

Property Characteristics: The subject property is a rectangular shaped lot with an area of approximately 15,000 square feet with 75 feet of frontage along Pollard Drive. The lot is currently developed with a single-story single-family residence. Vehicular access to the property is provided by a concrete driveway to the north of the residence. The lot's topography is relatively level. The property is vegetated with multiple shrubs and trees in the front and rear. A 4 feet iron fence borders the frontage of the parcel. A six-foot wall borders the side and rear yards.

Characteristics of Adjoining Properties, Neighborhood: Parcels in the area are developed with single-family detached residential structures. All immediate properties within the area carry an R-4 (Single-Family Residential) zoning designation. Adjacent parcels are relatively the same shape and size as the applicant's property.

PROPOSAL: The applicant seeks a special exception to erect a 6 foot wall in the required front yard setback. The current non-conforming wall borders the southern side yard. The applicant cites hostile interactions with the neighbors and light pollution from the adjoining properties as justifiable reasons for the existence of the wall.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.008(5)(e) of the City of Atlanta Zoning Code.

Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood; (2) Such greater height is justified by requirements for security of persons or property in the area; (3) Such greater height is justified for topographic reasons; or (4) Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

The applicant's request for a 6 foot wall in the front yard setback (south front side) does not adequately address the issues that the applicant cited for the justification of its existence. The existing 6 foot wall currently traverses the south side yard and terminates towards the front property line. Once the wall extends pass the structure, it no longer serves the purpose of blocking light pollution from the adjacent property. Also the 6 wall in the front yard setback does not serve the purpose of security as it does not enclose or protect the property and one can easily circumvent the wall. Directly next to the 6 foot wall is a 4 foot chain link fence that is partially located along the south side yard and extends in the front yard. The applicant has not provided any police reports or evidence of increased crime in the area. Therefore, Staff is of the opinion that the applicant does not meet the criteria for a special exception to allow a 6 feet wall in the required front yard setback.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board *RNJ*

SUBJECT: V-17-97 for 870 Kirkwood Avenue, S.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the front yard setback from 30 feet to 8 feet and the east side yard setback from 7 feet to 4 feet 6 inches for a second story addition to an existing single family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the north side of Kirkwood Avenue and begins 60 feet from the northeast intersection of Kirkwood Avenue and Chester Avenue. The property is located in Land Lot 13 of the 14th District, Fulton County, Georgia. It is in the Reynoldstown neighborhood of NPU-N, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-5 (Two-Family Residential).
- Minimum lot dimensions: Frontage 50 feet; minimum lot area 7,500 square feet.
- Minimum yard setbacks: Front yard 30 feet; side yard 7 feet; rear yard 7 feet.

Property Characteristics: The subject property is an approximately rectangular shaped lot of about 3,580 square feet with 50 feet of frontage. The lot is developed with a single-story wood frame house and surrounded by wooden fence on west and north side and by metal fence on the east side. The topography is fairly steep that declines from east to west. There are shrubs and grasses throughout the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape and size. They are developed with one and two story single family dwellings, and there are condominiums built on the southeast of the property. Properties in the immediate area are zoned R-5 and C-2-C (Commercial Service Conditional) districts.

PROPOSAL: The applicant is requesting a variance to reduce (1) the required front yard setback from 30 feet to 8 feet, and (2) reduce the required east side yard setback from 7 feet to 4

feet and 6 inches in order to add a second floor, a new deck in the back and renovate the existing front porch.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-07.008 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The required minimum lot area for the subject property is 7,500 square feet. The property is non-confirming with a 3,580 square foot lot. Also, the lot is slightly steep toward the east side. Therefore, Staff finds the topography and size of the lot are the extraordinary and exceptional pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the addition of second floor which will be in the existing footprint of the building. The existing building on the non-confirming lot, already encroaches into the front yard (8 feet, required 30 feet) and the east side yard (4 feet 6 inches, required 7 feet). As such, the proposed addition will not result in any further encroachment. Additionally, the proposed deck will not further shrink the setback.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot topography and size is not unique to the subject property. Similar non-confirming condition can also be found on many adjacent and nearby properties. The encroachments are peculiar as staff is unaware of similar encroachments on adjacent properties. However, the existence of or lack of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variances would not impair the purposes and intent of the zoning ordinance because the lot has met the necessary criteria to be granted special relief. The proposed reduction in side and front yard would not cause substantial detriment to the public good, as the request would allow an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. It also would not impair the living conditions of the adjacent properties. It would not cause fire hazard, impair drainage, lead to traffic congestion, or otherwise impair the purposes and intent of the zoning regulations.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board *RWJ*

SUBJECT: V-17-98 for 2372 Glenwood Avenue, S.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the north transitional yard setback from 20 feet to 0 feet, the east transitional side yard setback from 20 feet to 0 feet and eliminate the transitional yard screening requirement for the north and east side yards. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 106 feet on the north side of Glenwood Avenue and beginning at the northeast intersection of Glenwood Avenue and Second Avenue. The property is located in Land Lot 181 of the 15th District, DeKalb County, Georgia within the East Lake neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned C-1 (Commercial Business District).
- Minimum lot width, area: None.
- Minimum yard setbacks: Front yard: 10 feet minimum; Side yard: none; Rear yard: None except as required in Section 16-12.006; Side street side: On corner lots there shall be a setback along the side street side of not less than half the required depth of the front yard;
- Section 16-11.006(3)(a) Side yard: Adjacent to an R district without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in a natural state.
- Section 16-11.006(3)(b): Rear yard: There shall be a rear yard of 20 feet when adjacent to an R district that shall not be used for parking, or paving or for purpose of parking, loading or servicing.
- Section 16-11.006(3) (c) Screening: Where a lot in this district abuts a lot in an "R" district on the side or rear lot lines without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in a sightly condition. See section 16-28.008(9).

Property Characteristics: The subject property is an irregular shaped lot of approximately 23,900 square feet (0.53 acres) with approximately 106 feet of frontage along Glenwood Avenue and approximately 170 feet of frontage along Second Avenue. There is no vehicular access to the site. The property is currently undeveloped. The lot topography is relatively level across the site. There are a few matures trees throughout the property.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in shape and size. Parcels nearby are developed with mixed use, residential, and commercial structures with the R-4 (Single-Family Detached Residential) zoning to the north, northwest, and east, and C-1 (Commercial Business) zoning to the south, west, and southwest.

PROPOSAL: The applicant is requesting a variance to reduce the north transitional yard setback from 20 feet to 0 feet, the east transitional side yard setback from 20 feet to 0 feet and eliminate the transitional yard screening requirement for the north and east side yards for support facilities for the East Lake Golf Club.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** Although the C-1 zoning category does not have specific development requirements for minimum widths or areas, but the site is a corner lot with an unusual shape and frontages along two public right-of-ways, which have considerable effects on the overall size and scale of any use on the lot. As a result of the C-1 zoning category, the site has a 20-foot transitional buffer and screening requirement in the side and rear yards as the lot transitions towards residentially zoned properties to the north and east. Therefore, Staff finds the lot possessing extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause an unnecessary hardship because of the irregularities of the lot conditions in reference to transitional buffers on the property. The applicant has proposed to a reduction of the north transitional yard setback from 20 feet to 0 feet, the east transitional side yard setback from 20 feet to 0 feet, and eliminate the transitional yard screening requirement for the north and east side yards for support facilities the East Lake Golf Club. Staff notes the lot buildable area is limited due to the property being a corner lot along two public right-of-ways and the transitional buffer and screening requirements in the side and rear yards. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject lot is unique in comparison to adjoining lots because the conditions concerning to lot shape and transitional buffer and screening requirements. Therefore, Staff finds the unique conditions identified on the subject property do qualify as peculiar.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds allowing a reduction of the north and east transitional yard setbacks and eliminate the transitional yard screening requirements for the north and east side yards for support facilities is reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-99 for 227 East Lake Drive, S.E.

DATE: June 1, 2017

The applicant seeks a variance from zoning ordinance to reduce the required front yard setback from 10 feet to 0 feet in order to install an enclosed dumpster. Applicant seeks no other variances at this time.

The requested variance was not required therefore, the application has been withdrawn.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-100 for 2368, 2374, 2380 Hosea L. Williams Drive, S.E.

DATE: June 1, 2017

The applicant seeks a variance to allow a street fronting façade height to be reduced from a minimum of 24 feet in height to 18 feet in height. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 150 feet on the north side of Hosea L. Williams Drive and beginning at the northeast intersection of Hosea L. Williams Drive and Second Avenue. The property is located in Land Lot 204 of the 15th District, DeKalb County, Georgia within the East Lake neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned MRC-1 (Mixed Residential Commercial, Sector 1).
- Section 16-34.026(2)(a): Minimum building façade heights. Buildings shall have a minimum façade height of 24 feet along each façade adjacent to any sidewalk or supplemental zone.

Property Characteristics: The subject property is an irregular shaped, corner lot of approximately 30,085 square feet (0.69 acres) with approximately 150 feet of frontage along Hosea L. Williams Drive and approximately 200 feet of frontage along Second Avenue. The lot is currently undeveloped. Vehicular access to the property is provided to the property via multiple curb cuts along both Hosea L. Williams Drive and Second Avenue. Lot topography is relatively level across the site. The property is well vegetated with trees and shrubs around the perimeter of the site.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. The parcels nearby are zoned with the following: R-4 (Single-Family Detached Residential District) zoning to the north and east, C-1 (Community Business District) to the west, and C-1-C (Community Business-Conditional) zoning to the south and southwest.

PROPOSAL: The applicant is requesting a variance to allow a reduction of a street fronting façade height along Second Avenue frontage from a minimum of 24 feet to 18 feet in height for a 7,735 square feet, mixed use restaurant and office development.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** Although the MRC-1 zoning category does not have specific development requirements, the site is a corner lot with frontages along two public right-of-ways, which have considerable effects on the overall size and scale of any development on the lot. As a result of the conditions of Ordinance # 06-O-2689 (Z-06-127), the site has a 20-foot transitional buffer requirement in the side and rear yards as the lot transitions towards residentially zoned properties to the north and east. Therefore, Staff finds the lot possessing extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause an unnecessary hardship because of the irregularities of the lot conditions in reference to the transitional buffers on the property. The applicant has proposed a reduction of a street fronting façade height to be reduced from a minimum of 24 feet in height to 18 feet in height (Second Avenue) to construct a mixed use development. Staff notes the property is a corner lot along two public right-of-ways, the maximizing of the floor area ratio for a mixed use development, and the associated parking requirements is limited due to the transitional buffers in the side and rear yards. Furthermore, Staff also notes the proposal would be of a practical scale without creating any additional non-conformities on the subject property. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject lot is unique in comparison to adjoining lots because the conditions concerning to transitional buffer requirements. Therefore, Staff finds the unique conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds allowing a reduction of a street front façade height for the proposed construction is reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-101 for 1230 University Drive N.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 5 feet 4 inches for an addition to a single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on north side of University Drive and begins 1,260 feet from the intersection of University Drive and Spring Valley Lane. The lot is lies within Land Lot 55 of the 18th District, DeKalb County, Georgia. It is located in the Morningside-Lenox Park neighborhood of Council District 6, NPU-F.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: Lot width: 70 feet; minimum lot area, 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; side: 7 feet; rear: 15 feet

Property Characteristics: The subject property is rectangular in shape with approximately 8,652 square feet and 60 feet of frontage. The subject property is currently developed with a white, one-story frame, single-family residence. The subject property has a couple of small shrubs along the west yard setback that leads to mature trees in the rear of the lot. There is a paved driveway to the east side of the lot which leads into an accessory garage.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape. They are developed with one and two story single-family dwellings. Generally, most of the lots in the area have varying frontage. Properties in the immediate area are zoned R-4 (Single-Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the east side yard setback from 7 feet to 5 feet 4 inches for an addition to a single family dwelling. Applicant seeks no other variances at this time.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With 8,652 square feet, the subject property has 348 square feet less land area than required for single-family properties zoned R-4. There is also a 10 foot frontage deficiency for properties zoned R-4. Therefore, Staff finds the lot size and width to be the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the applicant from constructing a new upstairs living space, as desired, on a nonconforming lot. If the required side yard setbacks would be applied, the owners would be compromised in expanding their living space vertically on such a narrow lot. The existing structure currently encroaches into the side yard setback and the applicant is proposing to build vertically. Therefore, Staff is of the opinion that it would not be necessary to impose this hardship because the proposal is reasonable considering the lot characteristics.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot size is not unique to the subject property. Similar non-conforming condition can be found on many adjacent and nearby properties and it is not peculiar to the subject property alone. The encroachment is peculiar as Staff is unaware of similar encroachments on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variances would not impair the purposes and intent of the zoning ordinance because the lot has met the necessary criteria to be granted special relief. The proposed second story addition would not cause substantial detriment to the public good, nor would it impair the living conditions of the adjacent properties, as the improvements would be vertical. It would not cause fire hazard, impair drainage, lead to traffic congestion, or otherwise impair the purposes and intent of the zoning regulations.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner


CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

KASIM REED
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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-103 for 44 Russell Street, N.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 7 feet for an addition to a single-family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 112 feet on the south side of Knox Street and 57 feet on the west side of Russell Street. The property is located in Land Lot 204 of the 15th District, DeKalb County, Georgia within the East Lake neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.

Property Characteristics: The lot of 6,287 square feet is an irregular shaped lot with 57 feet of frontage. The subject property is developed with a two-story frame, single-family dwelling. Vehicular access is provided via a private, gated driveway from Knox Street that terminates at the subject residence. Topography declines from the northwest corner of the lot towards the south of the property. A retaining wall with a 4 foot fence is located in the side yard adjacent to Knox Street. There are two mature trees and a couple of mature trees in the rear of the property.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with varying lot size from small to long, while all are narrow in width. Most lots in the East Lake neighborhood are zoned with the R-4 (Single-Family Detached Residential) zoning.

PROPOSAL: The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 7 feet for an addition to a single-family dwelling. The applicant's intent is to add an addition to the west side and rear of the structure.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-06.008 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in area by 2,713 square feet and frontage by 13 feet per the requirements for properties zoned R-4. There is also a topographical slope in a southeast direction towards the intersection of Russell and Knox Street. Therefore, Staff finds the lot size, width and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship in regards to the lot size, which results in the non-conforming status. The half-depth front yard is the most logical location to expand the footprint of the subject property as the north side setback is blocked by mature trees, an existing shed, and two HVAC units. Given the lack of buildable area in the opposite setback, Staff is of the opinion that the proposed encroachments are reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot size, width and topography are not unique to the subject property. Similar non-conforming and conditions can be found on adjacent and nearby properties and it is not peculiar to the subject property alone. The existing encroachment is peculiar as staff is unaware of similar encroachments on adjacent properties. The existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the reduction of the half depth yard setback to allow the proposed construction is reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

KASIM REED
MAYOR


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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-104 for 2668 Memorial Drive, S.E.

DATE: June 1, 2017

The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet, the rear yard setback from 15 feet to 10 feet and the side yard setbacks from 7 feet to 3 feet. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 50 feet on the north side of Memorial Drive and begins approximately 300 feet from the northwest intersection of Memorial Drive and Daniel Street. The property is located in Land Lot 203 of the 15th District, DeKalb County, Georgia within the East Lake neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.

Property Characteristics: The subject property has a rectangular shaped lot with an area of approximately 7,395 square feet with 50 feet of frontage along Memorial Drive. The lot is currently developed with a single-story single-family residence. Vehicular access to the property is provided by a concrete driveway to the east of the residence. The lot's topography is relatively level. The property is vegetated with multiple shrubs and trees in the front and rear. A 4 foot chain link fence borders the parcel. A portion of the property is within a flood zone but is not impacted by a stream buffer.

Characteristics of Adjoining Properties, Neighborhood: Parcels in the area are developed with single-family detached residential structures. Some properties within the area carry an R-4 (Single-Family Residential) zoning description. Adjacent parcels of the same zoning designation vary in shape and size. North of the parcel a large tract is zoned RG-2 (Residential General) that contains single family attached townhomes. South of the parcel is East Lake Park which is zoned R-4 (Single-Family Residential). Memorial Drive, a highly traveled corridor, is classified as a minor arterial road.

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet, the rear yard setback from 15 feet to 10 feet and the side yard setbacks from 7 feet to 3 feet in order to construct an addition to a single family residence. The development will align with the current structures encroachments on the required setbacks.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property does not meet the minimum requirements for properties zoned R-4. It has 7,395 square feet of land area which is less than the 9,000 square foot minimum and 50 feet frontage which is less than the required 70 feet minimum. Therefore, staff does find the size and width of the lot to be of extraordinary and exceptional condition pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Applying the current zoning ordinance for R-4 to this particular property would cause hardship by preventing a reasonable modification to an existing single-family residence. The current structure encroaches into the front, side, and rear yard setbacks. The proposed addition will not increase the current encroachment on the front or side yard setbacks. It will encroach on the rear yard setback and will change from 25 feet to 10 feet. Due to the property's non-conforming size and width it has inadequate space to allow for a buildable area without encroaching on the required setbacks. Therefore, Staff is of the opinion that this proposal is reasonable considering the previous current structures encroachments into the front and side yards.
- c. **Such conditions are peculiar to the particular piece of property involved.** Some of the adjacent lots with the R-4 designation in the surrounding area have similar conditions concerning to insufficient lot area. The existing encroachment is peculiar as staff is unaware of similar encroachments on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested addition. The request allows an increase in the quality of life without having to relocate to a new neighborhood, which improves and reinforces the sustainability of the community.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-128 for 195 West Paces Ferry Road, N.W.

DATE: June 1, 2017

The applicant seeks a variance to eliminate the requirement of an independent driveway fully connected to a public street and to allow for a shared driveway at 205 West Paces Ferry Road, N.W. and a special exception to allow a 6 foot wall in the front yard setback where only 4 foot fences are allowed. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 100 feet on the north side of West Paces Ferry Road and beginning approximately 249 feet from the northeast intersection of West Paces Ferry Road and Chatham Road. The property is located in Land Lot 114 of the 17th District, Fulton County, Georgia within the South Tuxedo Park neighborhood of NPU-B, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single-Family Detached Residential).
- Minimum lot dimensions: Minimum lot width: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 20 feet.
- Section 16-28.008(a)(1)(i): In the R-1 through R-5 districts, the following retaining walls and fences are permitted: Within the required front and half-depth front yards; where no retaining wall is constructed, fences not exceeding four feet in height may be erected.
- Section 16-28.008(a)(2)(i): In the R-1 through R-5 districts, the following retaining walls and fences are permitted: Within the required side and rear yards: where no retaining wall is constructed, fences or walls not exceeding six feet in height may be erected or maintained.
- Section 16-28.006(10): Independent Driveway Required on Conforming Lot: Each conforming lot shall have its own independent driveway entirely within its boundaries

and directly connected to a public street. No lot shall be considered conforming if it does not have, or cannot be provided with, a driveway meeting this requirement.

Property Characteristics: The subject property is a conforming, rectangular shaped lot of approximately 21,446 square feet (0.49 acres) fronting approximately 100 feet on the north side of West Paces Ferry Road. The property is currently developed with a single-family residence. Vehicular access to the property is provided to the south of the residence. Topography of the property is relatively level in the front yard but slopes upward in elevation in the rear yard. The property is well vegetated with large trees and shrubs throughout.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with the R-3 (Single-Family Detached Residential) zoning to the north, west, and east, and R-2A (Single-Family Detached Residential) zoning to the south.

PROPOSAL: The applicant is requesting a variance to eliminate the requirement of an independent driveway fully connected to a public street and to allow for a shared driveway at 205 West Paces Ferry Road, N.W. and a special exception to allow a 6 foot wall in the front yard setback where only 4 foot fences are allowed.

CONCLUSIONS:

PART I

- a. **Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.** The property is proposed to have ingress and egress via the use of a proposed shared driveway that will be located on the property, 205 West Paces Ferry Road, N.W. which allows for a reduction in curb cuts along West Paces Ferry Road, an arterial street. Furthermore, the subject property is in close proximity to the public street, West Paces Ferry Road, and is of a depth that would allow fire and public safety protection from the public street. Therefore, Staff is of the opinion that ingress and egress to the property from the shared driveway access will be adequate.
- b. **Off-street parking and loading areas where required, with particular attention to the items in a. above.** The off-street parking and loading area will be provided by the proposed shared driveway which will be located on the property, 205 West Paces Ferry Road, N.W., with access from the existing garage on the subject property.
- c. **Refuse and service areas.** Refuse and service areas will remain as currently established.
- d. **Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.** Buffering and screening will remain as currently established. The applicant has specified that the applicant have also proposed to construct a 6-foot wall on the subject property limit adverse effects to adjacent properties.

- c. **Hours and manner of operations.** No change in the hours and manner of operation proposed. The subject property is developed for residential use.
- f. **Length of time regarding the duration of such permit, if any.** The length of time regarding the duration of permitting the usage of the proposed shared driveway for vehicular access is indefinitely.
- g. **Tree preservation and replacement in accordance with the requirements of the City of Atlanta Tree Ordinance.** The applicant has specified the property would be in compliance with the City of Atlanta Tree Ordinance.
- h. **Required yards and other open spaces.** The applicant must maintain the current yards as required and/or approved.

PART II

The following conclusions pertinent to this request for a special exception from the zoning regulations are in accordance with Sec. 16-28.008 (5) (e) of the City of Atlanta Zoning Code.

The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such greater height is justified by requirements for security or privacy of persons and/or property and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood:

An on-site visual survey of the neighborhood by Staff indicates there are other properties nearby with compatible walls and fences that provide security or privacy. There are properties at 274 West Paces Ferry Road, N.W., 390 West Paces Ferry Road, N.W., 468 West Paces Ferry Road, N.W., 509 West Paces Ferry Road, N.W., and 520 West Paces Ferry Road, N.W, with walls and fences of similar height and design constructed in the front and half-depth front yards of adjacent lots within a ¼ mile radius of the subject lot. The approval of a special exception would not cause substantial detriment to the public good or unduly prevent passage of light and air to adjoining properties. The applicant has provided sufficient evidence based on the compatibility criteria verifying the need for a wall exceeding the 4 foot height requirements. Therefore, Staff is of the opinion the proposal does meet the criteria for a special exception.

RECOMMENDATION: APPROVAL

cc: Kyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-71 for 205 West Paces Ferry Road, N.W.

DATE: June 1, 2017 (*Deferred from May 4, 2017*)

The applicant seeks a special exception to allow a 6 foot wall and iron picket fence in the front yard setback, a 7.6 foot wall in the half-depth front yard setback, an 8 foot opaque gate and accompanying piers up to 14 feet in height in the front yard setback and a 6 foot opaque gate and accompanying piers up to 7 feet in height in the half-depth front yard setback where only 4 foot fences are allowed in the front and half-depth and front yard setback. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 249 feet on the north side of West Paces Ferry Road and beginning at the northeast intersection of West Paces Ferry Road and Chatham Road. The property is located in Land Lot 114 of the 17th District, Fulton County, Georgia within the South Tuxedo Park neighborhood of NPU-B, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single-Family Detached Residential).
- Minimum lot dimensions: Minimum lot width: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 20 feet.
- Section 16-28.008(a)(1)(i): In the R-1 through R-5 districts, the following retaining walls and fences are permitted: Within the required front and half-depth front yards; where no retaining wall is constructed, fences not exceeding four feet in height may be erected.
- Section 16-28.008(a)(2)(i): In the R-1 through R-5 districts, the following retaining walls and fences are permitted: Within the required side and rear yards; where no retaining wall is constructed, fences or walls not exceeding six feet in height may be erected or maintained.

Property Characteristics: The subject property is a conforming, irregular shaped lot of approximately 80,963 square feet (1.85 acres) fronting approximately 249 feet on the north side of West Paces Ferry Road and approximately 328.5 feet on the west side of Chatham Road. The property is currently developed with a single-family residence. Vehicular access to the property is provided to the south and west of the residence. Topography of the property is relatively level in the front yard but slopes downward in elevation in the rear yard. The property is surrounded by a 6-foot, wrought iron fence in the half-depth, side, and rear yards. The property is well vegetated with large trees and shrubs throughout.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with the R-3 (Single-Family Detached Residential) zoning to the north, west, and east and R-2A (Single-Family Detached Residential) zoning to the south.

PROPOSAL: The applicant is requesting a special exception to allow the construction of 6 foot wall and iron picket fence with an 8 foot opaque gate and accompanying piers up to 14 feet in height in the front yard and 7.6 foot wall with a 6 foot opaque gate and accompanying piers up to 7 feet in height in the half-depth front yard.

CONCLUSIONS:

The following conclusions pertinent to this request for a special exception from the zoning regulations are in accordance with Sec. 16-28.008 (5) (e) of the City of Atlanta Zoning Code.

The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such greater height is justified by requirements for security or privacy of persons and/or property and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood:

An on-site visual survey of the neighborhood by Staff indicates there are other properties nearby with compatible walls and fences that provide security or privacy. There are properties at 274 West Paces Ferry Road, N.W., 390 West Paces Ferry Road, N.W., 468 West Paces Ferry Road, N.W., 509 West Paces Ferry Road, N.W., and 520 West Paces Ferry Road, N.W, with walls and fences of similar height and design constructed in the front and half-depth front yards of adjacent lots within a ¼ mile radius of the subject lot. The approval of a special exception would not cause substantial detriment to the public good or unduly prevent passage of light and air to adjoining properties. The applicant has provided sufficient evidence based on the compatibility criteria verifying the need for a wall exceeding the 4 foot height requirements. Therefore, Staff is of the opinion the proposal does meet the criteria for a special exception.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director