



# CITY OF ATLANTA

TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director  
Office of Zoning and Development

KASIM REED  
MAYOR

DEPARTMENT OF CITY PLANNING  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-156 for 1781 & 1789 Peachtree Street, N.E.

**DATE:** August 3, 2017

The applicant seeks a special exception to eliminate the requirement of one 12 x 55 loading space and to reduce the number of 12 x 35 loading spaces from 5 spaces to 4 spaces for the construction of a mixed use development. Applicant seeks no other special exceptions at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 227 feet on the east side of Peachtree Street and begins 214 feet from the northeast intersection of Peachtree Street and Huntington Road. The property is located in Land Lot 50 of the 17<sup>th</sup> District, Fulton County, Georgia within the Brookwood Hills neighborhood of NPU-E, Council District 6.

### **Relevant Zoning Requirements:**

- The subject property is zoned C-3 (Commercial Residential) District.
- Sec. 16-28.015. - Off-street loading requirements: See section 16-28.015, table 1, for applicable ratios according to the appropriate floor area ratio.

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 80,600 square feet (1.8 acres) with approximately 227 feet of frontage along Peachtree Road. There is vehicular access is available via multiple curb cuts along Peachtree Road. The property is currently developed with a two commercial structures. The lot topography inclines in grade in the front yard but relatively level in the rear yard of the property. There are a few matures trees and shrubs around the perimeter of 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 and commercial structures with the C-3 ( Commercial Residential) zoning to the north, south, and west, and developed with single-family residential structures to the R-4 (Single-Family Detached Residential) zoning to the east.

**PROPOSAL:** The applicant is requesting a special exception to eliminate the requirement of one 12 x 55 loading space and to reduce the number of 12 x 35 loading spaces from 5 spaces to 4 spaces for the construction of a mixed use development.

**CONCLUSIONS:** The following conclusions in relation to this request for a special exception are in accordance with Section 16-26.006 of the City of Atlanta Zoning Ordinance.

**The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.**

The applicant is requesting an elimination of one (1) 12 x 55 loading space and a reduction of five (5) spaces to four (4) 12 x 35 loading spaces for a mixed use development of 256 multifamily dwelling units (280,500 square feet of residential), 6,500 square feet of retail space, and 10,000 square feet of office use. Per the zoning ordinance, the loading requirement is four (4) spaces for each two hundred thousand (200,000) to five hundred thousand (500,000) square feet of space used for hotels and multifamily residential and one (1) space for each two thousand (2,000) to ten thousand (10,000) square feet of space used for retail, commercial, personal services, repair, rental, servicing of items marketed at retail, and (1) space for each ten thousand (10,000) to fifty thousand (50,000) of space used for business and professional offices. The applicant has proposed the development would share loading areas with four loading spaces located within the development. Therefore, Staff believes the character and design of the proposed development would not necessitate the full application of the C-3 loading requirements.

**RECOMMENDATION: APPROVAL**

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



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-157 for 61 Highland Drive N.E.

**DATE:** August 3, 2017

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 3 feet 6 inches for the construction of a detached accessory structure (art workshop). Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the south side of Highland Drive and begins 328 feet from the southeast intersection of Highland Drive and Park Circle. The lot lies within Land Lot 46 of the 17th District, Fulton County, Georgia. It is located in the Peachtree Park neighborhood of Council District 7, NPU-B.

### **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 10,569 square feet and 50 feet of frontage. The subject property is currently developed with a one-story framed single-family residence. The subject property has a couple of mature trees along the front yard and vegetation along both side setbacks. There is a paved driveway to the left side of the lot, as well as a public sidewalk in the front of the subject property along Highland Drive. Highland Drive is classified as a local road.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in lot size. They are developed with one and two story single family dwellings with shorter lot widths. Most 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 3 feet 6 inches for the construction of a detached accessory structure (art workshop).

**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 street frontage, the subject property is deficient by 20 feet for properties zoned R-4. There is also topography issues as there are fluctuations in elevation throughout the property. Therefore, staff finds that lot size and topography are 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 an accessory structure, as desired, on a nonconforming lot. If the required side yard setbacks would be applied, the owners would be compromised in adding a permitted accessory structure. The existing residence encroaches into the east side yard setback by approximately 6 feet. The proposed encroachment will be less of an encroachment. 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.** A few of the adjacent lots in the neighborhood have similar conditions with regard to long lot width and topography. Although the existing conditions of the subject property are similar to other properties, the unique hardship identified does not disqualify the merits of the request. Moreover, because of the width of the subject lot, the created encroachment lessens in degree as the property moves from east to west.
- 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. 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 variance to allow the proposed construction of an accessory art studio reasonable.

**RECOMMENDATION: APPROVAL**

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



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-158 for 716 Elbert Street, S.W.

**DATE:** August 3, 2017

The applicant seeks a special exceptions to allow a 6 foot privacy wall in the half-depth front yard where only a 4 foot fence (50% open visibility) is allowed. Applicant seeks no other variances/special exceptions at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the south side of Elbert Street and begins at the southeast intersection of Elbert Street and Mayland Avenue. The property is located in Land Lot 106 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Historic Adair Park neighborhood of NPU-V, Council District 12.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4A/HC-20I-SA1/BL (Single-Family Residential/Adair Park Historic District/Beltline).
- Minimum lot dimensions: frontage, 50 feet; minimum lot area, 7,500 square feet.
- Minimum yard setbacks: front yard, 30 feet; half-depth front yard, 15 feet; side yard, 7 feet; rear yard, 15 feet.
- Fences not exceeding four (4) feet in height may be erected in the front yard and half-depth front yard; Maximum number of retaining walls: 2.

**Property Characteristics:** The subject property is a corner lot with a rectangular shape that has approximately 10,000 square feet and fronts approximately 50 feet along Elbert Street. The property is developed with a single-family house. The topography declines in a southwesterly direction from the front property line to the rear property line approximately 7 feet. The property contains a 1 foot retaining wall along its half-depth front yard boundary where the proposed requested wall will be located. There are several trees around the perimeter.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate are of similar size and shape. They are developed with one and two story single-family dwellings. Some structures appear to encroach into the required yards and many contain 6 foot fence in required half-depth front yards. All surroundings properties are zoned R-4A (Single-Family Residential).

**PROPOSAL:** The applicant seeks special exceptions to allow a 6 foot high (privacy wall) in the required half-depth front yard whereas only fences (50% open visibility) 4 feet in height are permitted.

**CONCLUSION:** The following conclusions pertinent to this request for a special exception from the zoning regulations are in accordance with Section 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 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; topographic reasons or such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.**

The requested special exception is not out of character for the area as multiple parcels adjacent to the subject property contain 6 foot walls in required half-depth side yards. Staff would like to point out the existence of a 6 foot walls along the half-depth yard at 726 Elbert Avenue, 716 Brookline Street, and 726 Brookline Street. Therefore, Staff is of the opinion that allowing the exceeding the allowable height for a fence to 6 feet is justified by the character of the neighborhood and does not pose a threat to the public or adjacent properties.

**RECOMMENDATION: APPROVAL**

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



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-159 for 4185 West Oaks Court, N.E.

**DATE:** August 3, 2017

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The applicant seeks a variance to reduce the front yard setback from 50 feet to 21 feet for the construction of a single family dwelling. Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 162 feet on the south side of West Oaks Court and begins approximately 153 feet from the southwest intersection of West Oaks Court and Peachtree-Dunwoody Road. The lot lies within Land Lot 43 of the 17th District, Fulton County, Georgia. It is located in the North Buckhead neighborhood of Council District 7, NPU-B.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single-Family Residential).
- Minimum lot dimensions: Lot width: 100 feet; minimum lot area, 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; side: 10 feet; rear: 20 feet

**Property Characteristics:** The subject property is irregular in shape with approximately 18,054 square feet and 162 feet of frontage. The subject property is a vacant lot on a cul-de-sac off of Peachtree-Dunwoody Road. The subject property has very heavy vegetation in the form of an overgrown lawn and two mature trees in the front and rear yards. West Oaks Court is classified as a local road.

**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 with the R-3 (Single-Family Detached Residential) zoning.

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 21 feet for the construction of a single family dwelling.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.006 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 square footage of 18,054 square feet is sufficient for properties zoned R-3. The topography is level, and the location on the cul-de-sac gives the subject property an awkward frontage that tapers off for an irregular-shaping yard. Therefore, Staff finds the lot shape to be an 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.** Application of the zoning regulations would cause a hardship by preventing the applicant from constructing a new home on a vacant lot. There are several mature trees located along the side and in rear of the lot. Due to the root system of the existing trees, the home cannot be reasonably placed within the setback. Additionally, the shape of the lot presents a hardship as the frontage of the lot is along the cul-de-sac. This creates an irregular setback pattern and lot shape. Therefore, Staff is of the opinion that it would not be necessary to impose this hardship because the proposal is reasonable considering the elevation characteristics.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property is the only vacant lot on the cul-de-sac. Although the existing conditions of the subject property are unique to others properties within the area, the unique hardships identified does not disqualify the merits of the request.
- 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 home would not cause substantial detriment to the public good as it will be completely within the applicant's lot coverage. The variance also would not impair the living conditions of the adjacent properties, as the variance will allow the trees to be retained under the required tree ordinance. It would also 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





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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-160 for 916-950 Joseph E. Lowery Boulevard, N.W.

**DATE:** August 3, 2017

The applicant seeks a special exception to reduce the number of onsite parking spaces from 670 spaces to 250 spaces. Applicant seeks no other special exceptions at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts approximately 501 feet on the west side of Joseph E. Lowery Boulevard and begins approximately 614 feet from the intersection of Joseph E. Lowery Boulevard and W. Marietta Street. The property is located in Land Lot 189 of the 17<sup>th</sup> District, Fulton County, Georgia within the Knight Park/Howell Station neighborhood of NPU-K, Council District 3.

### **Relevant Zoning Requirements:**

- The subject property is zoned I-1/BL (Light Industrial/Beltline Overlay) District.
- Section 16-16.009. - Off-street parking minimum requirements:
  - Office, clinics (other than veterinary), laboratories, studios: One space per 300 square feet.
  - Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats, with 18 inches of bench length counted as one seat, or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater.

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 237,842 square feet (5.46 acres) with approximately 501 feet of frontage along Joseph E. Lowery Boulevard. There is vehicular access available via an asphalt driveway from Joseph E. Lowery Boulevard. The property is currently developed with three industrial structures. The lot topography inclines in grade in the front yard but relatively level in the rear yard of the property. There are a few mature trees and shrubs around the perimeter of 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, industrial, and commercial structures with the I-2 (Heavy Industrial) zoning to the north, south, west, and southeast, and developed with multifamily residential structures to the MR-4A (Multifamily Residential-Sector 4A) zoning to the east, and commercial structures with the C-2 (Community Business) zoning to the northeast.

**PROPOSAL:** The applicant is requesting a special exception to reduce the number of onsite parking spaces from 670 spaces to 250 spaces for the construction of an approximately 29,200 square foot office addition to an existing mixed use development.

**CONCLUSIONS:** The following conclusions in relation to this request for a special exception are in accordance with Section 16-26.006 of the City of Atlanta Zoning Ordinance.

**The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.**

The applicant is requesting a reduction in on-site parking from 670 spaces to 250 spaces for a 29,200 square foot expansion of an existing mixed use development. The applicant previously was approved for a special exception for a parking reduction for 647 spaces to 251 spaces in 2002. However, the proposed 29,200 square foot office addition on the adjacent parcel, 960 Joseph E. Lowery Boulevard, will require the loss of a parking space with the current request as a result. Per the zoning ordinance, one (1) space for each four fixed seats, with 18 inches of bench length counted as one seat, or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater for places of assembly and one (1) space for 300 square feet of office use. The existing structures contain approximately 15,559 square feet of event space and approximately 67,500 square feet of office space. The applicant has specified the event space would only be open only after 7:00PM Monday through Friday and weekends. Staff notes the complimentary hours of operations of the uses on site would limit any possible conflicts with parking. Therefore, Staff believes the character and design of the proposed development would not necessitate the full application of the I-1 parking requirements.

**RECOMMENDATION: APPROVAL**

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



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-161 for 960 Joseph E. Lowery Boulevard, N.W. (17 01890005029)

**DATE:** August 3, 2017

The applicant seeks special exceptions to reduce the number of required on-site parking spaces from 98 parking spaces to 42 parking spaces. Applicant seeks no other variances/special exceptions at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property is located on the west side of Joseph E Lowery Boulevard and begins 482 feet from the intersection of Joseph E. Lowery and W. Marietta Street. The property is located in Land Lot 189 of the 17<sup>th</sup> District, Fulton County, Georgia. It is in the Knight Park/Howell Station neighborhood of NPU-K, Council District 3.

### **Relevant Zoning Requirements:**

- The subject property is zoned I-2 (Heavy Industrial/Beltline Overlay).
- Bulk limitations: Floor area shall not exceed an amount equal to 2.0 times net land area.
- Section 16-16.009. - Off-street parking minimum requirements:
  - Office, clinics (other than veterinary), laboratories, studios: One space per 300 square feet.
  - Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats, with 18 inches of bench length counted as one seat, or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater.

**Property Characteristics:** The subject property is non-conforming shaped lot that has approximately 81,637 square feet (1.87 acres) and fronts approximately 60 feet along Joseph E Lowery Boulevard. The property is currently developed with a single story industrial warehouse. The topography slopes downward in a southerly direction from the northwestern property line approximately 40 feet. The property is being developed in conjunction with the adjacent parcel 916 Joseph E. Lowery Boulevard. The parcel's western border is adjacent to an active rail corridor. The subject parcel also lies within the Beltline Overlay district.

**Characteristics of Adjoining Properties, Neighborhood:** The entire area is a former industrial hub built along a once very active rail corridor. The majority of the parcels in the immediate are of an industrial use and therefore zoned either I-1 or I-2 to the north, west, and south. They are developed with one and two story brick and metal warehouse structures. Because of redevelopment in the area some parcels have been rezoned to C-2 (Commercial Service), C-2-C (Commercial Service Conditional), and MR-4A (Multi-family Residential) districts that contain office and residential spaces, these parcels are located to the east.

**PROPOSAL:** The applicant seeks special exceptions to reduce the number of required on-site parking spaces from 98 parking spaces to 42 parking spaces. This will be Phase II of a development for the applicant that was granted a parking reduction in 2002 for 916 Joseph E Lowery Boulevard.

**Project Specifications For Parking Requirements:**

Square Feet of Floor Area:

Tract 2 (subject parcel-*proposed*) 29,200 square feet

Parking Provided:

Phase II (I-2): Office Space (1 space / 300 square feet) 98 (required) / 42 (provided) = 43%

Phase I (I-1): Office (67,500 square feet) 225 (required)

+

Event Space (15,559 largest assembly room) 445(required)

=

670(required) / 250(provided) = 37%

+ 98 (required) / 42 (proposed)

=

**Total:** 786(required) / 292(provided) = 37%

**CONCLUSION:** The following conclusions pertinent to this request for a special exception from the zoning regulations are in accordance with Section 16-26.006 of the City of Atlanta Zoning Code.

**The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.**

The applicant's request for a parking reduction is based on a previous reduction granted in 2002 to reduce required parking from 647 parking to 251 parking spaces for the adjoining parcel 916 Joseph E Lowery Boulevard. With the development of Phase II, the applicant has requested a reduction of on-site parking from 98 parking spaces to 42 parking spaces for an office building totaling 29,200 square feet. Per the zoning code, that would require 1 parking space for every 300 square feet, requiring a total of 98 spaces. Staff is aware that the previous special exception was granted conditional of the event space (which mandated 445 parking spaces of the required 670 parking spaces). The applicant has informed the Department of Zoning and Development that the event space will no longer be utilized

V-17-161 for 960 Joseph E. Lowery Boulevard, N.W. (17 01890005029)

August 3, 2017

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before 7:00 pm during the work week. This arrangement will allow the subject parcel access to additional parking spaces during its usual business operating hours. As development continues to progress in this area; the review and allowance of reduction in parking allows redevelopment to occur without over-saturating the area with unneeded parking. Therefore, Staff is of the opinion that current uses of the site and the proposed design and development would not necessitate the full requirement of I-2 parking and that the request for reduction is justifiable.

**RECOMMENDATION: APPROVAL**

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



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-162 for 3778 Vermont Road, N.E.

**DATE:** August 3, 2017

The applicant seeks a variance to allow an accessory structure to exceed 30% of the floor area of the main structure to 42% for the construction of a second story addition to an accessory structure. Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts approximately 130 feet on the southwest side of Vermont Road and begins 210 feet from the southwest intersection of Vermont Road and Calvert Drive. The property is located in Land Lot 10 of the 17<sup>th</sup> District, Fulton County, Georgia within the Brookhaven neighborhood of NPU-B, Council District 7.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single-Family Detached Residential).
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yard: 7 feet; Rear yard: 15 feet.

**Property Characteristics:** The lot of approximately 29,187 square feet has an irregular shape with approximately 130 feet of frontage along Vermont Road. There is vehicular access located to the northeast of the residential structure on the property. The property is currently developed with a single-family residential structure. The lot topography inclines in grade by approximately 22 feet in the front yard and the grade continues to incline by approximately 6 feet in the rear yard. There are few mature trees throughout 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 the R-3 (Single-Family Detached Residential) zoning.

**PROPOSAL:** The applicant's intent is to add a 930 sq. ft. second story addition to an existing accessory carriage house and garage structure.

**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 lot area and width exceeds the minimum requirements for the R-3 zoning. However, the lot shape tapers from the front yard to the rear yard. The lot topography changes grades by approximately 28 feet from the front yard to the rear yard. Therefore, Staff finds the lot shape 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 creates a hardship by preventing construction of a reasonably sized car garage. Although the garage is a typical size for two cars, the approximately 1,725 square-foot house is relatively small. Under the current zoning, the house could be up to 4,301 square feet and still meet the floor area ratio (F.A.R.) requirement of 0.40 of net lot size. Thus, the applicant has unused "development permission" that, if implemented, would eliminate the need for the variance. It is not sensible to ask the property owner to increase the size of the house simply to be able to build a reasonable size garage and carriage house without the requested variance. Furthermore, the F.A.R. for the proposal to expand the living space above the detached garage is a reasonable way for residential property owners to meet changing lifestyle needs without moving to a new neighborhood. Likewise, construction of a detached garage of reasonable size, at the rear of a single-family residence, is an understandable expectation for the owner of a residential property. Therefore, Staff is of the opinion that the construction of a new two-story, detached garage and carriage house is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Several of the adjacent lots with the same zoning have similar condition pertaining to existing conditions with the lot shape and topography. Although the existing conditions of the subject property are similar to other properties, the unique hardship identified does not disqualify the merits of the request.
- 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 the 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 variance to allow the proposed garage and carriage house structure to be 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-17-165 for 301 Beverly Road, N.E.

**DATE:** August 3, 2017

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The applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet for an addition of a stone porch. Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 60 feet on the south side of Beverly Road and begins at the intersection of Beverly Road and Montgomery Ferry Drive. The lot lies within Land Lot 56 of the 17th District, Fulton County, Georgia. It is located in the Ansley Park neighborhood of Council District 7, NPU-E.

### **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 irregular in shape with approximately 8,490 square feet and 60 feet of frontage. The subject property is currently developed with a two-story gray brick and frame, single-family residence. The subject property has a couple of mature trees along the front and side yards and vegetation along the front and side setbacks. There is a paved driveway to the right side of the lot, as well as a public sidewalk in the front of the subject property along Beverly Road. Beverly Road is classified as a collector street.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in lot size. They are developed with one and two story single family dwellings with narrow, irregular lot widths. Most properties in the immediate area are zoned R-4 (Single-Family Residential).



**PROPOSAL:** The applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet for an addition of a stone porch.

**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 8,490 square feet, the subject property is deficient by 510 square feet required for single-family properties zoned R-4. There is also a deficiency of 10 feet for street frontage. Therefore, Staff finds lot width and size 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 by preventing the applicant from constructing a new stone porch, as desired, on a nonconforming lot. If the required side yard setbacks would be applied, the owners would be compromised in replacing their currently-dilapidated wooden porch, which does not allow for adequate connectivity from the home to the rear yard. 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.** A few of the adjacent lots in the neighborhood have similar conditions with regard to long lot shape and lot width. Although the existing conditions of the subject property are similar to other properties, the unique hardship identified does not disqualify the merits of the request.
- 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. 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 porch would not inhibit the livelihood of the neighbors. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood.

**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 *RNA*

**SUBJECT:** V-17-166 for 591 Page Avenue, N.E.

**DATE:** August 3, 2017

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The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 3.2 feet for an addition to a single-family dwelling.

### **FINDINGS OF FACT:**

**Property Location:** The subject property is a corner lot at the intersection of Muriel Avenue and Page Avenue. Subject parcel fronts 50 feet on the east side of Page Avenue and 145 feet on the south of Muriel Avenue. It is located in Land Lot 239 of the 15<sup>th</sup> District, Dekalb County, Georgia, in the Candler Park neighborhood of NPU-N, Council District 2.

### **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 is a non-conforming rectangular shaped lot of approximately 7,000 square feet and is currently developed with a double-story wood frame house. Vehicular access to the property is provided by a concrete driveway on the north side from Muriel Avenue. The subject parcel slopes upward toward south. There are trees, bushes and shrubs landscaped throughout the property.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area have similar sizes and shapes. Parcels nearby are consistently developed with single-family detached residential structures with R-4 (Single-Family Residential) zoning except on the west side where properties are zoned SPI-7 SA-2 A.

**PROPOSAL:** The applicant seeks a variance to reduce the required half-depth front yard from 17.5 feet to 3.2 feet for the addition of living room, master bedroom and deck replacement.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Sections 16-06.008 (2) (3) 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 a lot width of 50 feet and area of 7,000 square feet, the subject property has inadequate frontage and square footage as prescribed by the Zoning Ordinance for properties zoned within the R-4 district. The frontage is deficient by 20 feet resulting in a narrow lot. Acreage on the property is deficient by 2,000 square feet. Therefore, staff finds the size and width of the lot are extraordinary and exceptional conditions pertaining to the piece of property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The applicant proposes to build a living room and a bedroom within the current footprint of the house. Staircase from the deck, which is not a heated space, extends beyond the existing footprint by 2.5 inches. Application of the zoning regulations would cause an unnecessary hardship because the irregularities regarding lot size and width render a smaller buildable area than intended by the Zoning Ordinance. The proposed encroachment into the north setbacks do not appear to be detrimental to the public good. Therefore, Staff believes the proposed encroachment is reasonable given the natural hardships of the lot.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot size and width are not unique to the subject property. Similar conditions can be found on other adjacent properties and are not peculiar to the subject property alone. However, the existence of similar conditions on neighboring properties should 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 variance would not impair the purposes and intent of the zoning ordinance by reducing north side yard setback from 17.5 feet to 3.2 feet. The variance would allow the property owners to improve their quality of life by addition of living room and master bedroom to the single-family residence on the subject lot. 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. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

**RECOMMENDATION: APPROVAL**

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



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-135 for 2231 Baker Terrace, N.E.

**DATE:** August 3, 2017 (*deferred July 6, 2017*)

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The applicant seeks a variance to allow an accessory structure to exceed 30% of the total floor area of the main structure to 40% for the construction of an accessory structure. Applicant seeks no other variances at this time.

The applicant has requested a deferral in order to meet with the NPU. Staff is supportive of this request.

**RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA**

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



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Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-17-140 for 783 Tift Avenue, S.W.

**DATE:** August 3, 2017 (*deferred July 13, 2017*)

The applicant seeks a variance to reduce the west side yard setback from 7 feet to 5 feet and the east side yard from 7 feet to 5 feet for a second story addition. Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts approximately 46 feet on the west side of Tift Avenue and begins approximately 240 feet from the northwest intersection of Tift Avenue and Gillette Avenue. The property is located in Land Lot 107 of the 14<sup>th</sup> District, Fulton County, Georgia within the Adair Park neighborhood of NPU-V, Council District 12.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4A/HC-20I, SA1/BL (Single Family Residential/Adair Park Historic District/Beltline Overlay District).
- 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: 15 feet.

**Property Characteristics:** The subject property has a rectangular shaped lot with an area of approximately 6,462 square feet with 46 feet of frontage along Tift Avenue. The lot is currently developed with a two-story single-family residence. Vehicular access to the property is provided by an alley way that grants access to a concrete driveway to the west at the rear of the parcel. Most of the lot's topography is level but it begins approximately 5 feet above the right-of-way at Tift Avenue with a retaining wall along the frontage. The property is vegetated with multiple shrubs and trees in the front and rear.

**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-4A (Single-Family Residential) zoning description. Adjacent parcels of the same zoning designation vary in shape and size. Adjacent zonings include Historic West End/Adair Park District (SPI-21) Subareas 4 (neighborhood commercial), 5 (village center residential), and 10 (Candler District). MARTA Red and Gold heavy rail lines run along a north/south corridor to the west of the residence.

**PROPOSAL:** The applicant seeks a variance to reduce the north side yard setback from 7 feet to 5 feet and the south side yard setback from 7 feet to 5 feet in order to remodel the second floor of 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-4A. It has 6,462 square feet of land area which is less than the 7,500-square foot minimum and 46 feet frontage which is less than the required 50 feet minimum. The lot also has a topographical condition where it slopes approximately 5 feet from the right-of-way to the rear of the parcel. Therefore, staff finds size, width, and topography of the lot to be of 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.** Applying the current zoning ordinance for R-4A to this property would cause hardship by preventing a reasonable modification to an existing single-family residence. The current structure encroaches into the both side yard setbacks and the proposed addition will not increase the current encroachment on the front yard setbacks. Due to the property's non-conforming size, width, and the lots topography; it has inadequate space to allow for a buildable area without encroaching into the 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-4A 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