



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
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-148 for 8 Kirkwood Road, N.E.

DATE: August 10, 2017 (*deferred July 13, 2017*)

The applicant seeks a special exception to reduce onsite parking from 4 spaces to 0 spaces. Applicant seeks no other variances and/or special exceptions at this time.

The applicant has requested a 60-day deferral in order to meet with the neighborhood and NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA IN OCTOBER

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



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-155 for 477 Leonardo Avenue, N.E.

DATE: August 10, 2017

The applicant seeks a variance to exceed the maximum total floor area of an accessory structure from 30% to 35% for the construction of an accessory structure. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 58 feet on the east side of Leonardo Avenue and begins at the southeast intersection of Leonardo Avenue and Marlbrook Drive. The property is located in Land Lot 238 of the 15th District, DeKalb County, Georgia. It is in the Lake Claire neighborhood of NPU-N, 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 yard 7 feet; rear yard 15 feet.
- Accessory buildings in R-1 through R-5 districts shall not cover more than 25 percent of the area of the rear yard, shall not contain a total floor area greater than 30% of the main structure.

Property Characteristics: The subject property is a rectangular shaped lot of approximately 7,858 square feet with 58 feet of frontage. The lot is developed with a single-story wood frame residential structure. The house and the driveway area encroach into the half-depth front yard setback. The topography appears inclines from the street and varies throughout. A paved driveway leads to the rear yard to a shed or garage structure. The yard is landscaped with trees, grasses and shrubs.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape and size. They are developed with one and two story single and two-family dwellings that appear to conform to the requirements of the Zoning Ordinance. Properties in the immediate area are zoned R-4 (Single-Family Residential) district.

PROPOSAL: The applicant seeks a variance to exceed the maximum total floor area of an accessory structure from 30% to 35% for the construction of an accessory structure.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.004 (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.** The subject property is a rectangular shaped lot of approximately 7,858 square feet with 58 feet of frontage. The property has insufficient lot area and frontage as prescribed by the Zoning Ordinance it is approximately 1,142 square feet deficient in area and 12 feet deficient in frontage. Topography also varies by several feet throughout the property. Therefore, the small size, narrow length and topography of the lot are 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 replacement and expansion of a commonly found accessory structure, a detached garage and studio space. The applicant proposes to replace the existing shed structure, and construct a new two-story detached garage with an upstairs studio. Under the current zoning, the house could be up to 3,929 square feet and still meet the floor area ratio (F.A.R.) requirement of 0.50 of net lot size. The current home is approximately 55 percent smaller than what is allowed by right. 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 sized two-car garage without the requested variance. Therefore, Staff is of the opinion that the construction of a two-car garage and studio is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width, size and topography is not unique to the subject property. Similar conditions with lot size are found on adjacent properties and are not peculiar to the subject property alone. However, the existence 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.** Granting of the variances for construction of two-car garage and studio is reasonable and would allow the homeowner the ability to make a modest increase to the size of the structure. The variance would allow the property owner to improve their quality of life by improving the subject lot. The proposal promotes desirable living conditions and reinforces the stability of the surrounding neighborhood.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

TIM KEANE
Commissioner

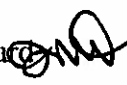
KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-167 for 2895 Grandview Avenue, N.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the north side yard setback from 7 feet to 5.62 feet for an addition (deck) to a single-family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 50 feet on the east side of Grandview Avenue and begins approximately 150 feet from the northeast intersection of Grandview Avenue and Delmont Drive. The property is located in Land Lot 60 of the 17th District, Fulton County, Georgia within the Garden Hills neighborhood of NPU-B, Council District 7.

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, irregular shaped lot with an area of approximately 11,416 square feet and 50 feet of frontage along Grandview Avenue. The parcel is currently developed with a two-story single-family residence. The off-street parking is accessed by a concrete driveway to the south of the primary structure. The topography decreases approximately 30 feet to the rear of the property. The property is vegetated with multiple shrubs and trees in the front and rear yards.

Characteristics of Adjoining Properties, Neighborhood: Parcels in the area are developed with single-family detached residential structures. The 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.

PROPOSAL: The applicant seeks a variance from zoning regulations to reduce the north side yard setback from 7 feet to 5.62 feet for the construction of a deck to a single-family dwelling on the property. The proposed addition will align with the current structure's encroachment on the required yard 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 is an irregular shaped lot a total lot area of 11,416 square feet. It has a frontage of 50 feet which is less than the 70-foot minimum requirement for properties zoned R-4. The lot's topography slopes significantly to the rear, decreasing approximately 30 feet from the right-of-way to the rear. Therefore, Staff finds shape, 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 an unnecessary hardship because the home was built prior to the establishment of the zoning ordinance. The non-conforming lot width and size eliminates the amount of buildable area existing within the required setbacks. The current structure encroaches into the north side yard setback and the proposed addition will not increase these encroachments. Applying the current zoning ordinance for R-4 to this property would cause hardship by preventing a reasonable modification to an existing single-family residence. Therefore, Staff is of the opinion that the request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width, size and topography are not unique to the subject property. Many of the parcels were developed prior to the establishment of the zoning ordinance and have similar conditions concerning to insufficient lot area. The encroachment is peculiar as staff is unaware of similar encroachments on adjacent properties. However, the existence of similar conditions on adjoining 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 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
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-17-168 for 1415 Fisher Road, S.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the front yard setback from 35 feet to 11 feet and the rear yard setback from 15 feet to 14 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 157 feet on the west side of Fisher Road and begins 247 feet from the southwest intersection of Fisher Road and Custer Avenue. The property is located in Land Lot 9 of the 14th District, Fulton County, Georgia within in the Custer/McDonough/Guice neighborhood of NPU-W, Council District 1.

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 yard: 7 feet; Rear yard: 15 feet.

Property Characteristics: The subject property is rectangular in shaped with approximately 8,502 square feet and 157 feet of frontage along the west side of Fisher Road. The subject property is currently undeveloped. Vehicular access to the property is provided by a concrete driveway from Fisher Road. The lot topography changes grade by approximately 12 feet in a southwesterly direction across the site. The subject property is well vegetated with many hardwood and pine trees and mature 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 with the R-4 (Single-Family Detached Residential) zoning.

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 11 feet and the rear yard setback from 15 feet to 14 feet for the construction of a single family dwelling for property.

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.** Although the lot width exceeds the R-4 minimum requirements, the lot size of 8,502 square feet is deficient by approximately 498 square feet of the minimum requirements for the R-4 zoning. The lot topography changes grade by approximately 12 feet from the front yard to rear yard in a southwesterly direction across the site. Furthermore, the lot shape is irregular with a configuration where the lot tapers inward from the front yard to the rear yard in a northwesterly direction. Therefore, Staff finds the lot size, 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 would cause an unnecessary hardship because of the irregularities of the lot size, shape and topography, which results in the non-conforming status. The applicant has requested the reduction of the front and rear yards to construct a new single-family residential structure. Staff notes that the lot size and topography would have an impact on the buildable area regardless of the layout of the proposed single-family residential structure. Additionally, the irregular shape of the lot hinders development because the depth of the lot is 87 feet while the length/frontage is 159 feet. 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.** Some of the properties south of the subject property share in the awkward layout of their lots. Although the existing conditions of the subject property are similar to others properties, 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 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 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 home will be shielded by the dense tree coverage. 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



CITY OF ATLANTA

KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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 ~~(R)~~

SUBJECT: V-17-169 for 1975 Palifox Drive, N.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet 7 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 approximately 50 feet on the south side of Palifox Drive and begins approximately 200 feet from the southeast intersection of Palifox Drive and Claire Drive. The property is located in Land Lot 238 of the 15th District, DeKalb County, Georgia within the Lake Claire neighborhood of NPU-N, 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 is a rectangular shaped lot with an area of approximately 8,502 square feet and 50 feet of frontage along Palifox Drive. The parcel is currently developed with a two-story single-family residence. The off-street parking is accessed by a concrete driveway to the west of the primary structure. The topography increases approximately 20 feet to the rear of the property. 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. The 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.

PROPOSAL: The applicant seeks a variance from zoning regulations to reduce the west side yard setback from 7 feet to 3 feet 7 inches to construct an addition to a single-family dwelling. The proposed addition will align with the current structure's encroachment on the required yard 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 has a frontage of 50 feet which is less than the 70-foot minimum requirement for properties zoned R-4. It has a total lot area of 8,502 square feet which is also less than the minimum 9,000 square feet required. The topography slopes significantly to the rear, increasing approximately 20 feet from the right-of-way to the rear. Therefore, staff does find the width, size, and topography 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.** Application of the zoning regulations would cause an unnecessary hardship because the home was built prior to the establishment of the zoning ordinance. The lot's non-conforming width and size eliminate the amount of buildable area existing within the required setbacks. The current structure encroaches into the west side yard setback and the proposed addition will not increase these encroachments. Applying the current zoning ordinance for R-4 to this property would cause hardship by preventing a reasonable modification to an existing single-family residence. Therefore, Staff is of the opinion that the request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width, size and topography are not unique to the subject property. Many of the parcels were developed prior to the establishment of the zoning ordinance and have similar conditions concerning to insufficient lot area. The existence of similar conditions on adjoining 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 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
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-171 for 248 Murray Hill Avenue, N.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the south yard setback from 7 feet to 4 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 56 feet on the west side of Murray Hill Avenue and beginning 495 feet from the southwest intersection of Murray Hill Avenue and Wisteria Way. The property is located in Land Lot 212 of the 15th District, DeKalb County, Georgia, in the Kirkwood neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4A (Single-Family Detached 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 is a conforming, rectangular shaped lot of approximately 19,730 square feet and is currently developed with a single-story wood frame house. Vehicular access to the property is provided by a concrete driveway on the east side from Murray Hill Avenue. The lot topography is relatively level in the front yard but decreases in grade in the rear yard. The property is well vegetated with trees and shrubs throughout the property.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area have similar shapes and vary in sizes. Parcels nearby are consistently developed with single-family detached residential structures with the R-4 (Single-Family Residential) zoning to the north, south, and east, and the Planned Development-Housing (PD-H) to the west.

PROPOSAL: The applicant seeks a variance to reduce the required south yard setback from 7 feet to 4 feet for a laundry room addition to an existing single-family dwelling.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 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.** Both the lot width of 56 feet and lot area of 19,730 square feet exceeds the minimum requirements for the R-4A zoning. Topography does not have an impact on the proposal. Therefore, Staff finds the lot possessing neither extraordinary nor 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 location of the structural footprint of the single-family residential structure. The applicant proposes to construct a laundry room addition along the south side of the residential structure. Staff notes the proposed addition would be within alignment of the south wall without any further encroachments. Therefore, Staff is of the opinion this proposal is reasonable due to the existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot characteristics 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. The encroachments are peculiar as Staff is unaware of similar encroachments on adjacent properties. 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 south side yard setback from 7 feet to 4 feet. The variance would allow the property owners to improve their quality of life by the addition of a laundry room to the single-family residence. 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: TECHNICAL DENIAL - The subject property does not satisfactorily meet the criteria for an extraordinary and exceptional lot condition. For the sole reason that it does not meet all the criteria, staff is not recommending approval of the requested variance. However, approval of the requested zoning relief would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance.

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



CITY OF ATLANTA

KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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 *RAN*

SUBJECT: V-17-172 for 161 South Avenue, S.E.

DATE: August 10, 2017

The applicant seeks a special exception to increase the maximum height of a retaining wall in the front yard from 3 feet to 9 feet and in the west side yard from 6 feet to 9 feet. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 50 feet on the south side of South Avenue and begins approximately 500 from the southeast intersection of South Avenue and Martin Street. The property is located in Land Lot 54 of the 14th District, Fulton County, Georgia within the Summerhill neighborhood of NPU-V, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned R-4B-C (Single-Family Residential Conditional).
- 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.
- Sec. 16-28.008(5)
 - In required front yards and half-depth front yards a retaining wall with a maximum height of 3 feet may be erected.
 - In required side yards and rear yards a retaining wall with a maximum height of 6 feet may be erected

Property Characteristics: The subject property is a rectangular shaped lot with an area of approximately 4,997 square feet with 50 feet of frontage along South Avenue. The parcel is currently developed with a single-story single-family residence. The off-street parking is accessed by a concrete driveway to the east of the primary structure. The topography decreases approximately 25 feet to the rear of the property. 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 varying uses and structures. Adjacent properties along South Avenue are zoned R-4B-C (Single-Family Residential Conditional) and parcels are similar in shape and size from the applicant's property. Other immediate properties within the area carry a C-1 (Neighborhood Commercial) and R-4A (Single-Family Residential) zoning designation to the southeast and south respectively. To the north of the property is Phoenix II Park.

PROPOSAL: The applicant seeks a special exception to increase the maximum height of a retaining wall in the front yard from 3 feet to 9 feet and in the west side yard from 6 feet to 9 feet for erosion control and replacing the current retaining walls of the same height that are in disrepair. The proposed development will include a new two-story single-family structure and deck.

CONCLUSIONS: 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 topography of the lot does create a challenge to meet the requirements of the Zoning Ordinance in terms of maximum height allowed for walls/fences in required yards. The steep topography of the eastern front and side yards, which drop approximately 15 feet in the southeastern most corner of the parcel, necessitates the retaining wall to be at a maximum 9 feet to control erosion and water runoff. Staff is aware that the requested special exception is not out of character for the area and parcels adjacent to the subject property (169 South Avenue) contain retaining walls that exceed maximum height allowed because of the steep topography of the area. The proposed newly constructed retaining walls will replace the current retaining walls, approximately the same height that are in disrepair. Staff would like to note that the portion of the retaining wall most visible from the right-of-way in the eastern most portion of the front yard will only be approximately 2 feet to 3 feet in height. Therefore, staff is of the opinion that request to exceed the allowable height for a retaining wall is justified by the topography of the lot and the character of the neighborhood.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

TIM KEANE
Commissioner

KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308
404-330-6145 - FAX: 404-658-7491
www.atlantaga.gov

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-17-173 for 1465 Howell Mill Road, N.W.

DATE: August 10, 2017

The applicant seeks a special exception to reduce the required parking from 206 spaces to 83 spaces for the addition of an eating and drinking establishment and retail space in an existing warehouse. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 235 feet on the northeast side of Howell Mill Road and begins approximately 370 feet from the northeast intersection of Howell Mill Road and Trabert Avenue. The property is located in Land Lot 151 of the 17th District, Fulton County, Georgia within the Berkley Park neighborhood of NPU-D, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned I-2/BL (Heavy Industrial/Beltline Overlay) District.
- Section 16-17.009. - Off-street parking minimum requirements:
 - Business service establishments: One space per 200 square feet.
 - Eating and drinking establishments, delicatessens, retail sales: One space for each 100 square feet of floor area.
 - Office, clinics (other than veterinary), laboratories, studios: One space per 300 square feet.
 - Manufacturing, warehousing and distribution centers: One space per 600 square feet or each two employees on the peak working shift whichever is greater.

Property Characteristics: The subject property is an irregular shaped lot of approximately 76,401 square feet (1.73 acres) with approximately 235 feet of frontage along Howell Mill Road. Vehicular access is available to the southwest of the structure via an asphalt driveway from Howell Mill Road. The property is currently developed with a three-story industrial structure. The lot topography changes grade in the front yard to the rear yard by approximately 33 feet. 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.

PROPOSAL: The applicant seeks a special exception to reduce the required parking from 206 spaces to 83 spaces for the addition of an eating and drinking establishment and retail space in an existing warehouse. The applicant previously was approved conditionally for a special exception (V-15-130) for a parking reduction for 103 spaces to 38 spaces for an addition of an eating and drinking establishment and brewery with the condition of no less than 60 on-site spaces in July 2015.

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 206 spaces to 83 spaces for the addition of an approximately 6,328 square feet eating and drinking establishment and approximately 9,551 square feet of retail space to an existing warehouse. The proposed eating and drinking establishment and retail uses would require approximately 85 spaces and 50 spaces respectively. The applicant has indicated the proposal would have be able to provide approximately 83 on-site parking spaces.

The existing structure contains the Urban Tree Cidery with approximately 2,250 square feet existing eating and drinking space and approximately 1,682 square feet micro-brewery manufacturing space requiring approximately 26 spaces. The Lamp Arts establishment has approximately 5,985 square feet retail space, 1,869 square feet office space, and 5,080 square feet warehouse space requires approximately 46 spaces. The applicant has specified the existing Urban Tree Cidery establishment has the hours of operation on Wednesday and Thursday from 5:30PM to 9:00PM, Saturday from 12:00PM to 5:00PM, and Sunday 1:00PM to 5:00PM. The Lamp Arts establishment would have the hours of operation from Monday through Saturday 10:00AM to 5:30PM.

Staff notes the parking is currently maximized on the submitted site plan and Staff is of the opinion that the applicant is unable to add any additional parking due to lot configuration and topographic conditions. Furthermore, Staff believes the character of the proposed development allows for a reduction in parking as it is within an area that progresses towards walkable and transit-oriented development directly adjacent to the Beltline corridor. As a result, the full application of the parking requirement based on the building square footage of the propose uses would cause an unnecessary hardship. Therefore, Staff believes the character and design of the proposed development would not necessitate the full application of the I-2 parking requirements.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

KASIM REED
MAYOR


DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-175 for 2410 Alston Drive, S.E.

DATE: August 10, 2017

The applicant seeks a variance to allow an accessory structure to exceed 30% of the floor area of the main structure to 49%. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 100 feet on the north side of Alston Drive and begins at the northeast intersection of Alston Drive and Third 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 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.
- Accessory buildings shall not contain a total floor area greater than 30% of the main structure.

Property Characteristics: The subject property is a rectangular shaped corner lot with an area of approximately 20,048 square feet and 100 feet of frontage along Alston Drive. The parcel is currently developed with a two-story single-family residence and detached garage. The site's off-street parking is accessed from Third Avenue by a concrete driveway to the north of the primary structure. The topography increases approximately 10 feet to the rear of the property. 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 varying uses and structures. Adjacent properties along Alston Drive are zoned R-4 (single-family) and parcels vary in shape and size from the applicant's property. Other immediate properties within the area carry a C-1 (Neighborhood Commercial) and R-LC (Residential Limited Commercial) zoning designation to the north and northeast respectively. To the south of the property is East Lake Golf Club.

PROPOSAL: The applicant seeks a variance from zoning regulations to allow an accessory structure to exceed 30% of the floor area of the main structure to 49% to construct a new two-story detached garage with guest suite above. The proposed addition will include a new patio and pergola to connect to the current primary 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 subject property exceeds the minimum lot requirements for properties zoned R-4. However, the topography slopes to the rear, decreasing approximately 10 feet from the right-of-way to the rear. Therefore, Staff finds lot topography 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.** Application of the zoning regulations would cause an unnecessary hardship because the home was built prior to the establishment of the zoning ordinance. Furthermore, the total floor area of the proposed accessory structure will exceed the maximum allowed 30% of the main structure. The existing residential structure is 2,437 square feet and will have a proposed addition of 541 square feet for a total of 2,978 square feet. This would bring the F.A.R. of the 20,048 square foot lot to just 0.149. Properties zoned R-4 have a F.A.R. allowance of .50. The applicant has approximately 7,046 square feet of unused development rights. The applicant is thereby utilizing a portion of the unused development rights for the construction and the detached garage. Therefore, Staff is of the opinion that the request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot topography is not unique to the subject property as staff is aware of similar conditions on adjacent properties with detached garages. Other parcels in the area are developed with accessory two-story structures but staff is unaware if they exceed 30% of the main structure but their existence does support the viability of the request as it shows an existing trend in the neighborhood. The existence of similar conditions on adjoining 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 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
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-176 for 1142 Briarcliff Place, N.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 6 feet 6 inches and to reduce the half-depth front yard setback from 17.5 feet to 6 feet 4 inches for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the north side of Briarcliff Place and beginning at the northeast intersection of Briarcliff Place and Briarcliff Terrace. The property is located in Land Lot 16 of the 14th District, Fulton County, Georgia within the Virginia-Highland neighborhood of NPU-F, Council District 6.

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 yards: 7 feet; Rear yard: 15 feet; Half-depth front yard: 17.5 feet.

Property Characteristics: The subject property is rectangular in shape with approximately 8,474 square feet and 50 feet of frontage along the north side of Briarcliff Place. The subject property is currently developed with a two-story, brick and framed, single-family residence. Vehicular access is provided by a paved driveway to the northwest of the residential structure. Lot topography is relatively level in the front yard with a gradual decline in elevation across the rear yard. The subject property is well vegetated with a few trees and shrubs in the front yard, as well as shrubbery along the perimeter of the half-depth yard.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in lot size and shape. Parcels nearby are developed with single-family dwellings with the R-4 (Single-Family Residential) zoning to the east, west, and south. The parcels to the north are developed with multifamily residential structures with the RG-2 (Residential General) zoning.

PROPOSAL: The applicant seeks a variance to reduce the east side yard setback from 7 feet to 6 feet 6 inches and to reduce the half-depth front yard setback from 17.5 feet to 6 feet 4 inches for an addition to an existing single-family dwelling.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 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 width of 50 feet is deficient by 20 feet of the minimum requirements for properties zoned R-4. The lot size of 8,474 square feet is also deficient by 526 square foot for properties zoned R-4. Therefore, Staff finds that lot size and width 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 renovate their home, as desired, on a nonconforming lot. If the required side and half depth yard setbacks would be applied, the owners would be compromised in replacing their roof and replacing their deck for the sake of increasing their home value. Furthermore, Staff notes the proposed additions would be in alignment of the existing structural footprint. 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.** Many of the lots in Virginia-Highland have similar conditions with regard to long 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 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 renovations reasonable.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

KASIM REED
MAYOR


DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-177 for 1517 Marbut Avenue, S.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 5 feet and the rear yard setback from 15 feet to 7 feet for the construction of a detached garage. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 54 feet on the south side of Marbut Avenue and begins 54 feet from the southeast intersection of Marbut Avenue and Blake Avenue. The lot lies within Land Lot 178 of the 15th District, DeKalb County, Georgia. It is located in the East Atlanta neighborhood of Council District 5, NPU-O.

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 7,910 square feet and 54 feet of frontage. The subject property is currently developed with a one-story brown frame home. There are two mature trees along the western setback, as well as many mature trees in the rear yard.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are similar in lot size. They are developed with one and two story single family dwellings that 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 and the rear yard setback from 15 feet to 7 feet for the construction of a detached garage.

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 54 feet of frontage, the subject property is deficient by 16 feet for properties zoned R-4. There is also a 1,910 square foot deficiency in the lot. Therefore, staff finds that lot size and width 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 an accessory structure, as desired, on a nonconforming lot. If the setbacks were applied, the garage would be in conflict with removing a mature magnolia tree in the rear yard, giving an awkward radius for vehicles to access the garage. 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.** Many of the adjacent lots in the neighborhood have similar conditions with regard to narrow 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 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 garage reasonable.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-178 for 4044 North Ivy Road, N.E.

DATE: August 10, 2017

The applicant seeks to reduce the north side yard setback from 10 feet to 4 feet for a garage addition. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 65 feet on the west side of North Ivy Road and begins approximately 1,113 feet from the intersection of Wieuca Road and North Ivy Road. The property is located in Land Lot 43 of the 17th District, Fulton County, Georgia within the North Buckhead 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: 50 feet; Side yards: 10 feet; Rear yard: 20 feet.

Property Characteristics: The subject property is a nonconforming, rectangular shaped lot of approximately 13,445 square feet (0.30 acres). The property is approximately 65 feet of frontage on the east side. The property is currently developed with a two-story single-family home. Vehicular access to the property is provided to the east of the residence from North Ivy road. Topography declines slightly toward south side. There is landscaped vegetation and woods 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.

PROPOSAL: The applicant is requesting a variance to reduce the north side yard setback from 10 feet to 4 feet for the expansion of an existing garage.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Sections 16-05.008 (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 a lot width of 65 feet and area of 13,445 square feet, the subject property has inadequate frontage and square footage as prescribed by the Zoning Ordinance for properties zoned within the R-3 district. The frontage is deficient by 35 feet resulting in a narrow lot. Acreage on the property is deficient by 4,555 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.** Application of the regulations would create an unnecessary hardship because of the lot width and position of house that prevents the expansion of garage. The existing single bay garage is not suitable for a family size car. There is no alternative space on the subject property to fit appropriately sized garage. Therefore, Staff is of the opinion that the proposal to encroach upon the required side yard is reasonable considering the exceptional conditions pertaining to 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 adjacent properties does not disqualify the merits of the request. Therefore, Staff is of the opinion that the constraints as identified above are peculiar to the subject property.
- 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 to 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 sustenance of stability in the surrounding neighborhood. Staff finds the variance request to reduce the northside yard setback to allow for expansion of garage to be reasonable.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-179 for 134 Ormond Street, S.E.

DATE: August 10, 2017

The applicant seeks a variance to reduce the east transitional side yard setback from 20 feet to 5 feet for the construction of a single family dwelling. Applicant seeks no other variances at this time.

The NPU does not meet until August 14th. Therefore, the applicant has requested a deferral in order to receive a formal recommendation from NPU V. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE SEPTEMBER 7TH AGENDA

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



CITY OF ATLANTA

TIM KEANE
Commissioner


KASIM REED
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-17-142 for 712 Ponce de Leon Place, N.E.

DATE: August 10, 2017 (*Deferred from July 13, 2017*)

The applicant seeks a special exception to reduce the required parking from 23 spaces to 13 spaces for a restaurant. Applicant seeks no other special exceptions at this time.

The applicant has requested an additional deferral 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



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
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-153 for 2492 Habersham Road, N.W.

DATE: August 10, 2017 (*deferred July 13, 2017*)

The applicant seeks a variance to reduce the south side yard setback from 15 feet to 2 feet 9 inches and the rear yard setback from 30 feet to 11 feet for the construction of a carport. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 165 feet on the west side of Habersham Road and begins 303 feet from the intersection of Habersham Road and Peachtree Battle Avenue. The property is located in Land Lot 112 of the 17th District, Fulton County, Georgia within the Peachtree Battle Alliance neighborhood of NPU-C, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-2A (Single-Family Detached Residential).
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 30,000 square feet.
- Minimum yard setbacks: Front yard: 60 feet; Side yards: 15 feet; Rear yard: 30 feet.

Property Characteristics: The subject property with 18,745 square feet in area and 165 feet of frontage is an irregular shaped lot currently developed with a two-story single-family dwelling. Vehicular access to the subject property is provided via a driveway that terminates at the location of an existing carport located in the rear yard. Topography inclines by approximately 25 feet from the front property line towards the rear yard. There are several mature trees and shrubbery located throughout the lot.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area are similar in shape and size. Parcels nearby are developed with single-family dwellings with the R-2A (Single-Family Detached Residential) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the rear and side yard setback for the purpose of constructing a two-car garage. The existing carport and shed, both of which encroach into the required yard, will be demolished.

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 width exceeds the minimum requirements for properties zoned R-2A. However, the lot area is deficient by 11,255 square feet. The lot is irregularly shaped as it tapers by approximately 104 feet towards the rear yard. Additionally, topography presents a challenge as the grade of the lot increases by approximately 25 feet. Therefore, Staff finds lot area, shape 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 regulations would create an unnecessary hardship because of the irregularities of the lot with regard to lot width, shape and topography which greatly reduces the buildable area of the lot. The proposed garage will encroach in a similar manner as the previous carport and shed with the exception of a small increase of encroachment into the south side yard. The existing garage currently encroaches into the rear yard by approximately 29 feet. The existing shed encroaches into the south side yard by approximately 11 feet. The proposed garage will encroach into the rear yard by 19 feet and into the south side yard setback by approximately 12 feet. While the encroachment into the south side yard is greater than the current encroachment, it is a small increase due to the shape/tapering of the lot in the rear and side. Therefore, Staff is of the opinion that the request is reasonable due to the aforementioned hardships.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot size, shape and topography are not unique to the subject property. Similar conditions with other lots are found on other adjacent properties and are not peculiar to the subject property alone. However, the existing encroachments are peculiar to this piece of property as Staff is unaware of similar encroachments on adjacent properties. Staff notes that the existence of similar encroachments 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 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 reduction of south and rear yards to allow the proposed construction to be reasonable. 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: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director