



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-17-216 for 102 Brighton Road, N.E.

DATE: October 5, 2017

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

FINDINGS OF FACT:

Property Location: The subject property fronts 65 feet on the north side of Brighton Road and beginning 1,153 feet from the intersection of Brighton Road and Peachtree Road. The property is located in Land Lot 110 of the 17th District, Fulton County, Georgia within the Brookwood Hills neighborhood of NPU-E, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-4/HC-20CD1 (Single Family Residential/Brookwood Hills Conservation Historic District).
- 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 lot of approximately 9,076 square feet has a rectangular shape with approximately 65 feet of frontage along Brighton Road. There is vehicular access located to the east of the residential structure on the property. The property is currently developed with a residential structure. The lot topography slopes upward in grade by approximately 8 feet in the front yard, but is relatively level across the rear yard of the property. 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-4 HC-20CD1 (Single Family Residential/Brookwood Hills Conservation Historic District) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the west side yard setback from 7 feet to 4 feet and to allow a roof addition to the residential structure over an existing patio.

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 exceeds the minimum requirements for the R-4 zoning. However, the lot width is deficient by approximately 5 feet of the minimum requirements for the R-4 zoning. Therefore, Staff finds the lot width to be an 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 due to the deficiencies in lot width. The applicant proposes to construct a roof addition over an existing patio. Staff notes the addition would be in alignment with the maximum encroachment of the west wall of the residential structure. Therefore, Staff finds that the proposed encroachment into the west side yard setback to be 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 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 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 roof addition to the existing residential structure to be reasonable.

RECOMMENDATION: APPROVAL

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



CITY OF ATLANTA

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

KASIM REED
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 *RW*

SUBJECT: V-17-217 for 929 Adair Avenue, N.E.

DATE: October 5, 2017

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

FINDINGS OF FACT:

Property Location: The subject property fronts 130 feet on the south side of Adair Avenue beginning at the southwest intersection of Adair Avenue and Todd Road. The depth is 1701 feet along the Todd Road right-of-way. The property is located in Land Lot 1 of the 17th District, Fulton County, Georgia. It is in 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: frontage, 70 feet; minimum lot area, 9,000 square feet.
- Minimum yard setbacks: front yard, 35 feet; half-depth front yard, 17.5 feet; side yard, 7 feet; rear yard, 15 feet.
- Active recreation in yards adjacent to streets shall not be permitted in connection with residential uses in any yard adjacent to a street.
- 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 an irregular shaped corner lot with an area of approximately 18,871 square feet with 130 feet of frontage along Adair Avenue. The lot is currently developed with a two-story single-family residence. Vehicular access to the property is provided by a concrete driveway to the south of the residence from Todd Road. The lot's topography begins approximately two feet above the right-of-way at Adair Avenue. A stone retaining wall borders the northern property line. The slope of the lot increases to the structure approximately 5 feet then begins to decrease in slope again about 4 feet leading away from the structure to the rear of the parcel in a southerly direction. There is a 4-foot retaining wall along the Todd Road right-of-way with a 4-foot wooden fence on top. The property is vegetated with multiple shrubs and trees in the front and rear.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape and size. They are developed with one and two story single-family dwellings. Some structures appear to encroach into the required yards. All surroundings properties are zoned R-4 (Single-Family Residential).

PROPOSAL: The applicant is requesting a special exception to allow a pool in a yard adjacent to a street. The special exception is required to allow for the swimming pool and associated landscaping.

CONCLUSION: The following conclusions in relation to the request for a special exception are in accordance with Section 16-26.008(6) of the City of Atlanta Zoning Ordinance.

- (a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic;** The location for the swimming pool is not be objectionable to neighboring properties as it will be screened from view by fencing and landscaping to the north and a detached garage to the east. The pool will also be located at the lowest point on the property so the natural topography of the lot will also aid in screening the accessory use from view from the right-of-way. The size of the proposed pool indicates it should not create a concentration of persons or vehicular traffic on the property.
- (b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property is a corner lot with two frontages, thereby limiting the applicant's ability to locate the swimming pool in any other area on it, without requiring a special exception. Additionally, the topography of the lot restricts the available buildable area. Therefore, Staff is of the opinion that the location of the proposed pool is reasonable as it cannot be located elsewhere on the lot.

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-17-218 for 1444 Macklone Street, N.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the front yard setback from 30 feet to 7 feet 5 inches and the west side yard setback from 7 feet to 0 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 40 feet on the north side of Macklone Street and beginning 60 feet from the northeast intersection of Macklone Street and Hutchinson Street. The lot lies within Land Lot 209 of the 15th District, DeKalb County, Georgia. It is located in the Edgewood neighborhood of Council District 5, NPU-O.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is rectangular in shape with approximately 1,325 square feet and 40 feet of frontage along Macklone Street. The subject property is currently a vacant lot with overgrown shrubbery and trees throughout.

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 multifamily dwellings. The lots adjacent to the subject property are square and narrow. Properties in the immediate area are zoned R-5 (Two-Family Residential), which lots to the west of the subject property zoned RG-3-C (Residential General District).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 30 feet to 7 feet 5 inches and the west side yard setback from 7 feet to 0 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 16-26.003 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 deficient 10 feet in width, as well as 6,175 square feet for properties zoned R-5 (Two-family Residential). There is also a topographical shift eastward along Macklone Street. Therefore, Staff finds lot width and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the applicant from constructing a new home, as desired, on a nonconforming lot. If the required side yard setbacks would be applied, the owners would be compromised in building a new home, given the tiny square footage of the lot. Therefore, Staff is of the opinion that it would not be necessary to impose this hardship because the proposal is reasonable considering the lot characteristics.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions of this property are peculiar as Staff is unaware of the existence of vacant lots that do not meet the R-5 minimum lot requirements. The existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variances would not impair the purposes and intent of the zoning ordinance. 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 proposed home. 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



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-17-219 for 81 Hutchinson Street, N.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the half-depth front yard setback from 15 feet to 7 feet 5 inches and the front yard setback from 30 feet to 15 feet for the construction of a new single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 35 feet on the east side of Hutchinson Street and beginning at the northeast intersection of Hutchinson Street and Macklone Street. The lot lies within Land Lot 209 of the 15th District, DeKalb County, Georgia. It is located in the Edgewood neighborhood of Council District 5, NPU-O.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is rectangular in shape with approximately 2,099 square feet and 35 feet of frontage along Hutchinson as well as 50 feet along the half-depth front yard along Macklone Street. The subject property is currently a vacant lot with overgrown shrubbery and trees throughout.

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 multifamily dwellings. The lots adjacent to the subject property are square and narrow. Properties in the immediate area are zoned R-5 (Two-Family Residential), which lots to the west of the subject property zoned RG-3-C (Residential General District).

PROPOSAL: The applicant seeks a variance to reduce the half-depth front yard setback from 15 feet to 7 feet 5 inches and the front yard setback from 30 feet to 15 feet for the construction of a new 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 subject property is deficient 15 feet in width and 5,401 square feet in area for properties zoned R-5 (Two-family Residential). There is also a topographical shift eastward along Macklone Street. Therefore, Staff finds lot width, size and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the applicant from constructing a new home, as desired, on a nonconforming lot. If the required side yard setbacks would be applied, the owners would be compromised in building a new home, given the tiny square footage of the lot. Therefore, Staff is of the opinion that it would not be necessary to impose this hardship because the proposal is reasonable considering the lot characteristics.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions of this property are peculiar as Staff is unaware of the existence of vacant lots that do not meet the R-5 minimum lot requirements. The existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variances would not impair the purposes and intent of the zoning ordinance. 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 proposed home. 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



CITY OF ATLANTA

TIM KEANE
Commissioner

KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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 *RTJ*

SUBJECT: V-17-220 for 456 Parkway Drive, N.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the front yard setback from 40 feet to 15 feet, the south side yard setback from 20 feet to 7 feet, the north side yard setback from 20 feet to 7 feet and the rear yard setback from 20 feet to 7 feet for the construction of a multifamily development.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 110 feet on the west side of Parkway Drive. It begins 90 feet from the northwestern intersection Parkway Drive and Angier Avenue. The property area is located in the Old Fourth Ward neighborhood, in Land Lot 47 of the 14th District in NPU M, Council District 2 of Fulton County.

Relevant Zoning Requirements (pending rezoning Z-16-77):

- The subject property is zoned RG-4 (Residential General).
- Minimum lot dimensions: Frontage: 50 linear feet; Minimum lot area: 20,000 square feet.
- *Sect. 16-28.011(5)(e)(b)* - For Sector 1 through Sector 3: In no case shall any yard be less than seven (7) feet. For Sector 4 through Sector 6: In no case shall any yard be less than twenty (20) feet.

Property Characteristics: The subject property is an irregular shaped lot of approximately 20,978 (0.48 acres) square feet with approximately 110 feet of frontage along Parkway Drive. The lot is currently undeveloped. The topography of the lot is relatively level. No vehicular access to the property is currently available. There is vegetation and large mature trees on the property.

Characteristics of Adjoining Properties, Neighborhood: The Old Fourth Ward neighborhood is a dense urban community located near downtown Atlanta. Because of its location there are a variety of land uses and zoning designations in the area. The immediate adjacent property to the south is zoned RG-4 but is currently the site of Parkway-Angier Park, a public park owned by the City of Atlanta. Other parcels in the area have varying land use and zoning designations. The subject property is surrounded by RG-4 (Residential General) with High Density Residential to the north, south, along with Medium Density Mixed Use land use to the northeast and southeast. The Parcel lies just outside of the Beltline Overlay district to the east as Parkway Drive serves as the overlay district's western border.

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 40 feet to 15 feet, the south side yard setback from 20 feet to 7 feet, the north side yard setback from 20 feet to 7 feet and the rear yard setback from 20 feet to 7 feet for the construction of a multifamily development. The development will include 14 - four (4) story townhomes, with a Floor-to-Area ratio of 0.96 to total of 33,600 sq. ft. of building area. The development will have a lot coverage of 0.71 that will equal 15,083 sq. ft.

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 shape is irregular. This affects the applicant's ability to place their structure within the required setbacks required of parcels zoned RG-4. Multiple multi-family structures immediately adjacent along Parkway Drive encroach into required yard setbacks. Therefore, staff finds the lot's shape to be of an extraordinary and exceptional condition.
- 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 lot's irregular shape and the lack of buildable area existing within the required setbacks. This was the only configuration that could accommodate the townhome structures while allowing adequate open space for ingress, egress and turn around for automobiles and emergency vehicles. The property is in close proximity to parcels zoned R-5 which would have allowed for the same structures (townhomes) to be built with a 7-foot rear and side yard setback without the need of a variance. Therefore, Staff is of the opinion that the encroachment is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Some of the adjacent lots with the RG-4 designation in the surrounding area have similar conditions concerning irregular shape and encroachment onto required yard setbacks. 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 development. 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 PLANNING AND COMMUNITY DEVELOPMENT
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 *RA*

SUBJECT: V-17-221 for 525 Parkway Drive, N.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the south side yard setback from 20 feet to 10 feet and the north side yard setback from 20 feet to 3 feet for the construction of a multifamily development. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 45 feet on the east side of Parkway Drive. It begins 250 feet from the northeastern intersection Parkway Drive and Pine Street. The property area is located in the Old Fourth Ward neighborhood, in Land Lot 47 of the 14th District in NPU M, Council District 2 of Fulton County.

Relevant Zoning Requirements (pending rezoning Z-16-77):

- The subject property is zoned RG-4 (Residential General/Beltline Overlay).
- Minimum lot dimensions: Frontage: 50 linear feet; Minimum lot area: 20,000 square feet.
- *Sect. 16-28.011(5)(e)(b)* - For Sector 1 through Sector 3: In no case shall any yard be less than seven (7) feet. For Sector 4 through Sector 6: In no case shall any yard be less than twenty (20) feet.
- *Sect. 16-36.011(9)* - Sidewalk and supplemental zone minimum width requirements as specified in sections 16-36.012 and 16-36.013 shall supplant any minimum setback requirements for any yards immediately adjacent to any public or private street.

Property Characteristics: The subject property is an irregular shaped lot of approximately 29,876 (0.48 acres) square feet with approximately 45 feet of frontage along Parkway Drive. The portion of the lot fronting Parkway Drive is currently developed with a two-story single family home. The other portion of the lot fronting Boulevard is currently undeveloped. The topography of the lot varies as it increases in slope 14 feet, in an easterly direction, from the Parkway Drive right-of-way to the center of the lot before decreasing 14 feet to the Boulevard right-of-way. Vehicular access to the property is currently available by concrete driveways from both Parkway Drive and Boulevard. There is vegetation and large mature trees on the property.

Characteristics of Adjoining Properties, Neighborhood: The Old Fourth Ward neighborhood is a dense urban community located near downtown Atlanta. Because of its location there are a variety of land uses and zoning designations in the area. The immediate adjacent property to the north is zoned

RG-4 but is currently the site of Parkway-Merritts Park, a public park owned by the City of Atlanta. Other parcels in the area have varying land use and zoning designations. The subject property is surrounded by RG-4 (Residential General) with Medium Density Mixed Use land use designations to the north, south, along with High Density Residential land use to the northwest and southwest. The parcel is located inside of the Beltline Overlay district.

PROPOSAL: The applicant seeks a variance to reduce the south side yard setback from 20 feet to 10 feet and the north side yard setback from 20 feet to 3 feet for the construction of a multifamily development. The development will include 21 - four (4) story townhomes, with a Floor-to-Area ratio of 0.69 to total of 37,620 sq. ft. of building area. The development will have a lot coverage of 0.71 that will equal 21,360 sq. ft. A lot consolidation application has been filed for the subject property (CON-17-029).

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 does not meet the minimum frontage requirements as it is deficient by 5 feet in width. This affects the applicant's ability to place their structure within the required setbacks required of parcels zoned RG-4. Multiple multi-family structures immediately adjacent along Parkway Drive encroach into required yard setbacks. Therefore, staff finds the lot's shape to be of an extraordinary and exceptional condition.
- 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 lot's irregular shape and the lack of buildable area existing within the required setbacks. This was the only configuration that could accommodate the townhome structures while allowing adequate open space for ingress, egress and turn around for automobiles and emergency vehicles. Therefore, Staff is of the opinion that the encroachment is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Some of the adjacent lots with the RG-4 designation in the surrounding area have similar conditions concerning irregular shape and encroachment onto required yard setbacks. 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 proposal has adequate room for the requested development. 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

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 *Racquel T. Jackson*

SUBJECT: V-17-223 for 2415 Oldfield Rd. N.W.

DATE: October 5, 2017

The applicant seeks a variance to reduce the south side yard setback from 10 feet to 6 feet for an addition to a single-family dwelling. Applicant seeks no additional variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 95 feet on the east side of Oldfield Road and begins 105 feet from the northeast intersection of Oldfield Road and Woodward Way. The property is located in Land Lot 155 of the 17th District, Fulton County, Georgia within the Woodfield neighborhood of NPU-C, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-3A (Single-Family Residential District).
- Minimum lot dimensions: Frontage: 85 feet; Minimum lot area: 13,500 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 15 feet.

Property Characteristics: The subject property is irregular shaped polygon with an area of 15,301 square feet and 95 feet of frontage along Oldfield Road. The lot is currently developed with a two-story single-family residence. Vehicular access to the property is provided by a concrete driveway to the east of the residence from Oldfield Road. There are some large mature trees throughout the property. The lot topography is relatively level.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape and size. They are developed with single-family structures, and one and two story single-family dwellings. Properties in the immediate area are zoned in the R-3A (Single-Family Residential) district.

PROPOSAL: The applicant seeks a variance to reduce the south side yard setback from 10 feet to 6 feet for an addition to a single-family dwelling for the addition of bedroom and bathroom in the second story over existing garage and laundry room.

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 meets and exceeds the minimum lot requirements for properties zoned R-3A with lot area 15,301 square feet and 95 feet lot width. However, the subject property was built prior to the zoning ordinance implementation and sits with 6.25 feet setback. In addition, there is a 100-year-old flood elevation that limit the construction toward road. Therefore, Staff finds the non-confirming structure and lot 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 of the existing encroachment into the south side yard setback which render the subject property non-confirming. The proposed additions to the house will be within the existing footprint. A proposal to construct a second story is a reasonable way for residential property owners to expand their living space, in order to realize long-term value in their property. Therefore, Staff is of the opinion that the requested setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot topography is not unique to the subject property because many of the parcels were developed prior to the establishment of the zoning ordinance. However, the encroachment is peculiar as Staff is unaware of similar encroachments on adjacent properties. 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 reduce from the use and enjoyment of the surrounding properties since there would not be any change in terms of lot coverage along the side yard lot line. The proposed side yard variance further the purposes and intent by maintaining the existing neighborhood fabric that pre-dates the zoning code. The proposed addition does not affect fire safety, panic or other dangers as well as negatively impact light, air and drainage between the properties in question. Staff finds the variance to allow the construction 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-17-224 for 465 Candler Street, N.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the north side yard setback from 7 feet from 3 feet for the construction of a second story addition. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the east side of Candler Street and beginning 337 feet from the southeast intersection of Candler Street and Euclid Avenue. The property is located in Land Lot 240 of the 15th District, DeKalb County, Georgia within 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 yard: 7 feet; Rear yard: 15 feet.

Property Characteristics: The lot of approximately 6,625 square feet has a rectangular shape with approximately 50 feet of frontage along Candler Street. There is vehicular access located to the south of the residential structure on the property. The property is currently developed with a residential structure. The lot topography is slopes upward in grade in a north to south direction across the property. The property is bound by a chain-link fence around the rear yard and there are a few matures 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-4 (Single Family Residential) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the north side yard setback from 7 feet to 3 feet and to allow a second story addition to the residential 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 deficient by approximately 2,375 square feet of the minimum requirements for the R-4 zoning. The lot width is deficient by approximately 20 feet of the minimum requirements for the R-4 zoning. Therefore, Staff finds the lot area and width to be an 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 due to the deficiencies in lot area and width. The applicant proposes to construct a second story addition to an existing residential structure. Staff notes the addition would be in alignment with the structural footprint of the residential structure. Therefore, Staff finds that the proposed encroachment into the west side yard setback to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Several of the adjacent lots with the same zoning have similar conditions pertaining to the lot area and 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 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 addition to the existing residential 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

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-17-225 for 1768 Marietta Road, N.W.

DATE: October 5, 2017

The applicant seeks a variance to reduce the front yard setback (Alma Street) from 40 feet to 10 feet and the half-depth front yard setbacks from 20 feet to 15 feet (Marietta Road) and from 20 feet to 10 feet (Ellen Street). Applicant seeks no other variances at this time.

Applicant has submitted a request to withdraw their application. Staff is supportive of this request.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, AICP, 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-17-226 for 972 Ormewood Terrace S.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the north side yard setback from 7 feet to 2 feet for alterations to an existing accessory structure. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the east side of Ormewood Terrace and begins 365 feet from the northeast intersection of Ormewood Terrace and East Confederate Avenue. The property is located in Land Lot 10 of the 14th District, Fulton County, Georgia within the Ormewood Park neighborhood of NPU-W, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Detached Residential District).
- 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 lot of approximately 7,500 square feet with 50 feet of frontage along Ormewood Terrace and is currently developed with a two-story brick and frame home. Vehicular access to the property is provided by a concrete driveway to the north of the residential structure that ends in the rear lot. Lot topography slopes slightly towards the rear yard setback. The subject property has many mature trees in the rear yard and some shrubbery in the front yard.

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 north side yard setback from 7 feet to 2 feet for alterations to an existing accessory 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 is deficient in frontage by 20 feet and 1,500 square feet in area for properties zoned R-4. There is also topographical issues with the lot sloping westward towards Ormewood Terrace. Therefore, Staff finds lot size, width and topography as the extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship in preventing a necessary repair to an accessory structure. If the zoning regulations were to be applied, the owner would be compromised in reconstructing the roof for their pool house. The structure is existing and the applicant does not intend to enlarge the structure. Therefore, Staff is of the opinion that the proposed encroachment would be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Several of the adjacent lots with the same zoning have similar conditions pertaining to lot width, size and topography. However, the encroachments are peculiar as Staff is unaware of similar conditions on adjacent properties. 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 proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the reduction of the north yard setback to allow the accessory structure is 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-17-227 for 28 East Lake Drive, N.E.

DATE: October 5, 2017

The applicant seeks a variance to reduce the side yard setback from 7 feet to 2 feet for the construction of a detached garage. Applicant seeks no additional variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 62 feet on the west side of East Lake Drive and begins 62 feet from the southwest intersection of East Lake Drive and Knox Street. The property is located in Land Lot 204 of the 15th District, DeKalb County, Georgia within the East Lake neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is non-conforming rectangular shaped lot of approximately 15,473 square feet and 62 feet of frontage along East Lake Drive. The lot is currently developed with a two-story single-family residence. Vehicular access to the property is provided by a concrete driveway to the north of the residence from East Lake Drive. There are couple of trees in the backyard and an existing garage.

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

PROPOSAL: The applicant seeks a variance from zoning regulations to reduce the side yard setback from 7 feet to 2 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 and 16-06.008 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With a lot width of 62 feet, the subject property has inadequate frontage as prescribed by the Zoning Ordinance for properties zoned within the R-4 district. The subject property has existing encroachment on the north side. The proposal to expand the garage does not further increase the encroachment. In fact, the area extension will be toward south and west side. Therefore, Staff considers the subject property to satisfactorily meet this criterion, because the extraordinary and exceptional lot conditions directly cause a hardship that could be alleviated by granting the requested variances.
- 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 deficiency in width and the existing encroachment into the north side yard setback. Application of side yard setback regulation would not leave adequate space for the construction of reasonable size garage. Additionally, the existing garage currently encroaches into the side yard setback by 5 feet. The new garage will maintain the existing encroachment. Therefore, Staff is of the opinion that the requested setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width is not unique to the subject property because many of the parcels were developed prior to the establishment of the zoning ordinance. However, the encroachment is peculiar as Staff is unaware of similar encroachments on adjacent properties. 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 reduce from the use and enjoyment of the surrounding properties. The proposed side yard variance also further the purposes and intent by maintaining the existing neighborhood fabric that pre-dates the zoning code. The proposed addition does not affect fire safety, panic or other dangers as well as negatively impact light, air and drainage between the properties in question. Staff finds the variance to allow the construction 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-17-198 for 924 Northside Drive, N.W., 0 Northside Drive, N.W. (3 parcels identified by parcel ID numbers: 17 01500008075, 17 01500008077, 17 01500008078) and 0 Fielder Avenue, N.W. (17 01500008057)

DATE: October 5, 2017 (*Deferred from September 7, 2017*)

The applicant seeks a variance to reduce the front yard setback (Northside Drive) from 40 feet to 30 feet, the front yard setback (Fielder Avenue) from 40 feet to 5 feet and the north side yard setback from 20 feet to 0 feet for the construction of a storage facility. Applicant seeks no other variances at this time.

The applicant has amended the requested front yard setback reduction therefore, the case must be re-advertised.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

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