



# CITY OF ATLANTA

KEISHA LANCE BOTTOMS  
MAYOR

DEPARTMENT OF CITY PLANNING  
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TIM KEANE  
Commissioner

KEYETTA M. HOLMES, AICP  
Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-255 for 792 Neal Street, N.W.

**DATE:** January 9, 2020

**The applicant seeks a variance to reduce the depth of the front porch from 8 feet to 6 feet for the construction of a single family dwelling. Applicant seeks no other variances at this time.**

The applicant has requested a deferral to work with NPU-L. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-257 for 1343 Lanier Place, N.E.

**DATE:** January 9, 2020

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The applicant seeks a variance to reduce the south side yard setback from 7 feet to 3.5 feet for the construction of a porte cochère.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 54 feet on the east side of Lanier Place and begins 140 feet from the southeast intersection of Lanier Place and North Highland Avenue. The property is located in Land Lot 2 of the 17<sup>th</sup> District, Fulton County, Georgia within the Morningside/Lenox Park neighborhood of NPU-F, Council District 6.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4 (Single-Family Residential 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 subject property is an irregular shaped lot of approximately 16,535 square feet (0.379 acres) with 54 feet of frontage on the east side of Lanier Place. The property is currently being developed with a two-story, single-family residential structure. Vehicular access is provided to the property by a curb cut located on the southern side of the property. The lot topography inclines from the front property line towards the rear of the property. There are some mature trees and shrubbery located 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-4 (Single-Family Residential District) zoning.

**PROPOSAL:** The applicant seeks a variance to reduce the south side yard setback from 7 feet to 3.5 feet. The applicant's intent is to construct a new single family dwelling with a porte cochère. The proposed encroachment is for the porte cochère only.

**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 is deficient in width by 16 feet. The shape is also irregular as the lot the front of the lot is narrow and becomes wider towards the rear. the property has an irregular shape. Therefore, Staff finds lot width and shape 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 the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to the width and shape of the property. The applicant intends to construct a new single-family house that also includes an open-air Porte Cochere for vehicles in the south side yard setback. Staff notes the deficiencies in the lot width and shape limits the available buildable area on the lot. Therefore, Staff is of the opinion that this proposal to reduce the south side yard setback is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property is unique in comparison to adjoining lots due to irregularities in lot width and shape. Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal. Therefore, Staff finds the unique condition identified on the subject property qualifies as peculiar.
- c. **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 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. 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



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### MEMORANDUM

**TO:** Board of Zoning Adjustment  
**FROM:** Racquel T. Jackson, Secretary to the Board   
**SUBJECT:** V-19-258 for 3490 Piedmont Road, N.E.  
**DATE:** January 9, 2020

The applicant seeks a variance to eliminate the front yard setback for the construction of a pedestrian bridge.

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 129 feet on the southwest side of Piedmont Road and begins approximately 410 feet from the southwest intersection of Piedmont Road and Mathieson Drive. The property is located in Land Lot 98 of the 17<sup>th</sup> District, Fulton County, Georgia within the Buckhead Forest neighborhood of NPU-B, Council District 7.

#### **Relevant Zoning Requirements:**

- The subject property is zoned O-I-C (Office-Institutional-Conditional)
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 15 feet; Rear yard: 25 feet

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 4.5 (196,186 square feet) acres. A small portion of the site along the rear property line also fronts on Alberta Terrace and is zoned R-4 (Single Family Residential). The lot is currently developed with 6-story and 15-story buildings with parking lots. Lot topography declines gradually from the front to the rear of the parcel. There are curb cuts along Piedmont Road providing access to the site. Alberta Terrace abuts the rear property line, but no access to the site is provided. There are several large trees and shrubs surrounding the perimeter of the lot.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are developed with residential and commercial uses. Parcels to the north are zoned PD-OC (Planned Development – Office-Commercial) and SPI-12 SA 1 (Special Public Interest District Buckhead/Lenox Stations). Parcels to the east are zoned O-I (Office-Institutional) and PD-H (Planned Development – Housing). Parcels to the south are zoned RG-2 (Residential General) and R-4 (Single Family Residential). Parcels to the west are zoned O-I-C (Office-Institutional-Conditional) and RG-5-C (Residential General-Conditional).

**PROPOSAL:** The applicant is requesting a variance to eliminate the front yard setback for the construction of a pedestrian bridge.

**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.** There are no minimum lot size and width requirements in the O-I (Office-Institutional) zoning district. However, the lot has an irregular shape and the topography declines from the front to the rear property line. Therefore, Staff finds the lot shape and topography to be the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the construction of a pedestrian bridge. The bridge would provide safe pedestrian access to the site from Piedmont Road. The building is positioned below the sidewalk due to the declining topography in the front. Thus, an encroachment into the front yard setback is necessary to connect the bridge from the sidewalk along Piedmont. Therefore, Staff finds the proposal to reduce the front yard setback to be reasonable as it improves access to the site.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lack of pedestrian access coupled with the declining topography are peculiar to the subject property. Staff is unaware of similar conditions on adjacent properties. Therefore, Staff finds the lot shape qualifies as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon 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 appropriate and necessary pedestrian access, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the variance to eliminate the front yard setback to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-259 for 435 King Road, N.W.

**DATE:** January 9, 2020

The applicant seeks a special exception to allow active recreation (swimming pool & tennis court) in a yard adjacent to a street and a special exception to increase the height of a fence in the front and half-depth front yards from 4 feet to 6 feet 8 inches (to include columns with decorative masonry piers).

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 203 feet on the east side of King Road and begins at the southeast intersection of King Road and Pineland Road. The property is located in Land Lot 139 of the 17<sup>th</sup> District, Fulton County, Georgia within the Chastain Park neighborhood of NPU-A, Council District 8.

#### **Relevant Zoning Requirements:**

- The subject property is zoned R-2 (Single-Family Residential).
- Minimum lot dimensions: Frontage 150 feet; minimum lot area 43,560 square feet.
- Minimum yard setbacks: Front yard 60 feet; side yard 15 feet; rear yard 30 feet.
- Fences not exceeding four (4) feet in height may be erected in the front yard and half-depth front yard.
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment

**Property Characteristics:** The subject property is an irregular-shaped lot of approximately 2.5 acres (108,916 square feet) with 203 feet of frontage along the east side of King Road. The property is currently developed with a single-family residential structure with an attached garage, pool, and pool house. Vehicular access to the property is provided via a driveway from Pineland Road. Topography of the property rises approximately 52 feet from the front of the property

towards the rear. A stone retaining wall traverses the site and is visible from both frontages along King Road and Pineland Road. The property is heavily vegetated with large trees and shrubs throughout.

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

**PROPOSAL:** The applicant is requesting a special exception to allow active recreation (swimming pool & tennis court) in a yard adjacent to a street and a special exception to increase the height of a fence in the front and half-depth front yards from 4 feet to 6 feet 8 inches (to include columns with decorative masonry piers).

## PART I

**CONCLUSIONS:** The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) (7) 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 of the proposed swimming pool and tennis court is along a portion of the site that faces Pineland Road and will most likely not be visible to neighboring properties. The site plan depicts the pool and tennis court being located at least 84 feet from the curb of Pineland Road. In addition to several large and mature pine trees in the front of the lot, the topography rises approximately 26 feet from the property line towards the proposed area for the pool and tennis court. Therefore, the impact on neighboring properties will be minimal.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property is a corner lot with inclining topography. The frontage of the property starts at 352 feet and then shrinks to 81 feet. The pool cannot be located elsewhere without bringing it closer to the street, as it is a corner lot. The proposed fencing and landscaping should be sufficient to reduce the visibility of the active recreation. Additionally, the rising topography limits where these amenities can be located on the property. Therefore, Staff is of the opinion that the location of the proposed active recreation is reasonable as it cannot be located elsewhere on the lot.

## **PART II**

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

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

The applicant is requesting an increase in the height of the fence and gate for security and privacy reasons. The approval of a special exception would not cause substantial detriment to the public good or unduly prevent passage of light and air to adjoining properties. The topography of the site and existing conditions impact where the fence can be reasonably located. The topography rises from the front to the rear of the site by 52 feet. Additionally, there are a number of large and mature trees as well as a retaining wall located on the property. The applicant intends to connect the fence to the retaining wall which traverses the site. However, to do so, the fence will have to be located in the front and half-depth front yard setbacks. The proposed locations are the most level and will have minimal to no impact on the existing mature pine trees in the front yard. The additional height is for aesthetic purposes as decorative masonry piers are included in the fence design. At the gate openings, the fence will reach a low point of 4 feet in height. The applicant proposes to screen the fence with evergreen plant material. A fence and gate will provide a barrier for vehicles from private areas of the subject property and provide security. Similar fences can be found at 3850 Tuxedo Road and 265-379 Blackland Road, thus, it is compatible with the character of the neighborhood. Therefore, Staff is of the opinion that the height increase to 6 feet 8 inches (to include columns with decorative masonry piers) does meet the criteria for a special exception.

**RECOMMENDATION: APPROVAL OF PART I & PART II**

cc: Keyetta. M. Holmes, Zoning Administrator



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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-260 for 120 Peachtree Battle Avenue, N.W.

**DATE:** January 9, 2020

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The applicant requests a variance to reduce the west side yard setback from 15 feet to 14 feet 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 100 feet on the south side of Peachtree Battle Avenue and begins 373 feet from the southeast intersection of Peachtree Battle Avenue and Nacoochee Drive. The property is located in Land Lot 111 of the 17<sup>th</sup> District, Fulton County, Georgia within in the Peachtree Battle Alliance neighborhood of NPU-C, Council District 8.

#### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a rectangular shaped lot with 29,967 square feet of area and 100 feet of frontage on the south side of Peachtree Battle Avenue. The property is currently developed with two story single-family dwelling. Vehicular access to the property is provided via driveway located off Peachtree Battle Avenue which terminates into an existing attached garage. The lot topography declines by approximately 8 feet towards the rear yard. The property is well vegetated with trees and shrubs throughout the lot.

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

**PROPOSAL:** The applicant a variance to reduce the west side yard setback from 15 feet to 14 feet for a deck addition and screen porch.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in area by 33 feet. The topography declines from the front towards the rear. Therefore, Staff finds lot area and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship, as the existing home and deck were built in the west side setback by 1 foot. The applicant does not intend to increase the encroachment and only seeks to expand along the current building line. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment into the west side yard setback is peculiar as Staff is unaware of similar conditions on adjacent properties. Additionally, staff is unaware of similar encroachments on adjacent properties. Therefore, Staff finds the conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The requests allow an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the variance to reduce the west side yard setback to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-261 for 820 Ralph McGill Boulevard, N.E.

**DATE:** January 9, 2020

The applicant seeks a special exception to reduce the onsite parking from 336 spaces to 93 spaces for a mixed use development. Applicant seeks no other special exceptions at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 354 feet on the north side of Ralph McGill Boulevard and begins approximately 176 from the northwest intersection of Ralph McGill Boulevard and Freedom Parkway. The property is located in Land Lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia within the Poncey-Highland neighborhood of NPU-N, Council District 2.

### **Relevant Zoning Requirements:**

- The subject property is zoned I-1-C/BL (Light Industrial-Conditional/Beltline Overlay)
- Parking Minimum Requirements
  - Section 16-16.009 (4): Eating and drinking establishments, delicatessens, retail sales: One space for each 100 square feet of floor area. (5): Manufacturing, warehousing and distribution centers: One space per each two employees on the peak working shift. (10): Retail establishments, except as otherwise specifically classified: One space per 200 square feet.

**Property Characteristics:** The subject property is approximately 3.01 acres (135,036 square feet). It is an interior lot located to the north of Ralph McGill Boulevard and to the south of Angier Springs Road with access easements to both right of ways. Access to the site is currently provided via one curb cut on Ralph McGill Boulevard and one curb cut on Angier Springs Road. The subject property has approximately 339.5 feet of frontage on the west side of the Beltline corridor. The property is developed with a one and two story former warehouse building and surface parking. The existing building was built in 1950 and has been converted to a mixed use building with retail and eating and drinking uses. The topography is relatively level and slopes approximately 8 feet from a highpoint on the southern boundary of the site to a low point on the eastern boundary of

the site. The subject property has several small trees in the front yard and at the rear of the property with hedgerow vegetation along the side property lines.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size, shape and use. The lot to the east of the subject property is a U.S. Post Office, to the west is the Beltline corridor with a Georgia Power storage lot and facility west of the Beltline. The abutting lot to the south is a multi-family residential building with a few commercial spaces, and to the north is a multi-family building and a small office building being used as a police precinct. The surrounding zoning includes: I-1-C/BL (Light Industrial-Conditional /Beltline Overlay) to the east, I-1/BL (Light Industrial /Beltline Overlay) to the west along the Beltline corridor and MRC-3/BL (Mixed Residential /Beltline Overlay) to the west of the Beltline. The abutting lot to the south is zoned C-3-C/BL (Commercial Residential-Conditional /Beltline Overlay), and properties to the north are zoned MR-5A/BL (Multi-family Residential/ Beltline Overlay) and I-1-C/BL (Light Industrial-Conditional /Beltline Overlay).

**PROPOSAL:** The applicant is requesting a special exception to reduce the required onsite parking from 336 spaces to 93 spaces for a mixed use development. A long standing parking agreement for the use of an additional 128 spaces on the adjacent parcel yields a total of 221 spaces. The applicant proposes an immersive entertainment venue with a 360 x 360 digital projection and sound experience called “The Illuminarium”. The experience will be similar to virtual reality without the glasses. The applicant plans to make interior renovations to approximately 27,500 square feet of existing space to create retail digital experience rooms, food and beverage areas, lobbies and other “back of house” areas. Existing restaurant and retail uses will remain and are listed in the evening peak time parking calculations below.

The minimum parking requirements are as follows:

USE	AREA/COUNT	RATIO	PARKING SPACES
Illuminarium-cafe	2,900 SF	1 PS/100 SF	29
Illuminarium-roof deck	3,500 SF	1 PS/200 SF	18
Illuminarium-event/retail	21,100 SF	1 PS/200 SF	106
American Beerworks-brewery	15,700 SF	1/2 PS/employee	6
American Beerworks-restaurant	5,150 SF	1 PS/100 SF	52
American Beerworks-accessory	5,170 SF	1 PS/200 SF	Exempt: < 25% SF
Bazati Hall-retail	5,174 SF	1 PS/200 SF	26
Bazati Hall-restaurant	3,166 SF	1 PS/100 SF	32
Two Urban Licks-restaurant	7,500 SF	1 PS/100 SF	75
Storage space H	6,000 SF	1 PS/600 SF	Exempt: built 1950
<b>EAV reduction</b>			<b>-8</b>
<b>Min. Required</b>			<b>336 Total</b>

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

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

The applicant's intent is to convert a portion of an existing mixed use building to a retail and eating and drinking establishment. The previously developed and permitted portions of the existing building are used for a brewery, three restaurants, retail space and storage. They were permitted with an off-site parking agreement by Special Administrative Permit (SAP) BL-16-081. The parking chart above shows peak evening time use with all uses maximized at the same time. In reality, there will be complimentary hours of use and overlapping uses. Daytime use will be lighter since Two Urban Licks restaurant does not open until 5:00 p.m. The Illuminarium is an entertainment venue that will attract guests from neighboring restaurants and the adjacent Beltline. The parking numbers are calculated for the maximum use with separate customers using all adjoining businesses at once. Many customers may visit more than one venue in this mixed use development and some customers may access the venue on foot, bicycle or scooter from the Beltline. The applicant has proposed to provide a total of 221 parking spaces with 93 spaces on-site and 128 spaces located in an existing surface parking lot adjacent to the subject building. Valet parking at peak time can also maximize parking numbers. The applicant stated that many customers may utilize ride sharing services and more than 221 spaces are not necessary and will serve the parking need for the mixed use development including "The Illuminarium".

Allowing the proposed decrease in parking would provide a shared parking solution and support the objective of the Beltline Overlay Zoning to "Provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods." Staff finds that the character and mixed use of the building is such as to make unnecessary the full provisions of parking because of the proposal to utilize onsite parking, an adjacent parking agreement, ride share options, valet parking and the walkable urban environment of the Beltline location. The daytime use of the subject building is lower than the evening use and the same alternative transportation options will be utilized in this location to lower the parking needs. Therefore, Staff finds the reduction of parking from 336 parking spaces to 93 parking spaces to be reasonable for this site.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-262 for 841 Adair Avenue, N.E.

**DATE:** January 9, 2020

**The applicant requests a variance to reduce the west side yard setback from 7 feet to 3 feet, the rear yard setback from 15 feet to 3 feet and to increase the lot coverage from 50% to 56.3% for the construction of a detached garage and pool deck.**

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 56 feet on the south side of Adair Avenue and begins approximately 288 feet from the southwest intersection of Adair Avenue and Barnett Street. The property is located in Land Lot 53 of the 17<sup>th</sup> 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/BL (Single-Family Residential/ Beltline Overlay).
- 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 a non-conforming rectangular shaped lot of approximately 8,243 square feet (0.189 acres) with 56 feet of frontage on the south side of Adair Avenue. The property is currently developed with a one-story residential structure. The topography inclines in the front yard by approximately 6 feet and then begins to decline towards the rear yard by approximately 2 feet. Vehicular access is provided via a curb cut located to the west of the existing dwelling. There are couple of mature trees, shrubs and vegetation on 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/BL (Single-Family Residential District/ Beltline Overlay) zoning.

**PROPOSAL:** The applicant requests a variance to reduce the west side yard setback from 7 feet to 3 feet, the rear yard setback from 15 feet to 3 feet and to increase the lot coverage from 50% to 56.3% for the construction of a detached garage and pool deck.

**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 is deficient by approximately 757 square feet and the width is deficient by 14 feet per the R-4 zoning minimum requirements. Additionally, the lot topography is irregular as it inclines from the front of the property towards the middle and begins to slightly decline towards the rear. Therefore, Staff finds lot area, width and topography as the extraordinary and exceptional conditions associated with the property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would create an unnecessary hardship because of the irregularities of the lot regarding the size, width and topography. An existing shed encroaches into the rear and west side yard setbacks. The applicant has proposed to construct a new two car garage by removing the shed. However, the proposed encroachment for the new garage will be less than the existing encroachment by the shed. Furthermore, the applicant is also increasing the lot coverage to construct a garage and pool deck. The existing lot coverage is 53.6%. However, after removing the shed, the applicant plans to reduce the width of the driveway to help minimize the increase in lot coverage. Therefore, the lot coverage will remain the same. Given the deficiency in lot area, width and topography, staff finds the proposal to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width and existing encroachment is peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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 west side yard and rear and setback and increase in lot coverage to allow the proposed construction to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

## CITY OF ATLANTA

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TIM KEANE  
Commissioner

KEYETTA M. HOLMES, AICP  
Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-263 for 240 Holly Road, N.W.

**DATE:** January 9, 2020

**The applicant requests a variance to reduce the front yard setback from 35 feet to 20 feet and the north side yard setback from 7 feet to 5 feet for the construction of a second story on 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 west side of Holly Road and begins 550 feet from the southwest intersection of Holly Road and Joseph E. Boone Boulevard. The property is located in Land Lot 147 of the 14<sup>th</sup> District, Fulton County, Georgia within the West Lake neighborhood of NPU-J, Council District 3.

#### **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 a non-conforming rectangular shaped lot of approximately 7,758 square feet (0.17 acres) with 50 feet of frontage on the west side of Holly Road. The property is currently developed with a one story single-family residential structure. Vehicular access is provided by a curb cut off Holly Road and a driveway located along the south side of the property. The lot topography slopes approximately 19 feet from the front down to a stream that crosses the southwest rear corner of the lot. The rear yard is subject to several stream buffers: 75 foot, 50 foot and 25 foot. The southwest rear corner of the house encroaches into the 75 foot stream buffer. The property is vegetated with trees and shrubs throughout the lot.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the surrounding area vary in size and shape. Surrounding parcels are developed with single-family detached residential structures with the R-4 (Single-Family Residential District) zoning.

**PROPOSAL:** The applicant requests a variance to reduce the front yard setback from 35 feet to 20 feet and the north side yard setback from 7 feet to 5 feet for the construction of a second story on 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 is deficient in area by 1,242 square feet and the width is deficient by 20 feet per the R-4 zoning minimum requirements. The lot topography changes grade across the site by approximately 19 feet. Therefore, Staff finds lot area, width and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to deficiencies with the lot size, width and topography. The applicant has proposed to construct a second story addition to an existing single-family residential dwelling. The existing dwelling encroaches into the front yard setback by 15 feet and into the north side yard setback by 2 feet. Building over the existing first floor footprint minimizes further encroachment into the 75 foot stream buffer in the rear yard. Staff notes the deficiencies of the lot coupled with the steep topography and stream buffers severely limits the available buildable area. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot size, width topography and existing setback are peculiar to the subject property. Staff is unaware of similar conditions on adjacent properties. Therefore, Staff finds the unique conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the reduction of the side and front yards to allow the proposed addition to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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Commissioner

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Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-267 for 701 Waters Drive, S.W.

**DATE:** January 9, 2020

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The applicant seeks a variance to reduce the front yard setback from 35 feet to 20 feet and the south side yard setback from 7 feet to 3 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 75 feet on the west side Waters Drive and begins approximately 110 feet from the southwest intersection of Waters Drive and South Olympian Way. The property is located in Land Lot 150 of the 14<sup>th</sup> District, Fulton County, Georgia within the Westview Neighborhood of NPU T, Council District 10.

#### **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 an irregular shaped lot with 75 feet of frontage on the west side of Waters Drive and 10,497 square feet lot area. The lot is currently vacant and covered with grass. There is no cut provided for vehicular access to the property. Topography begins to slope down by approximately 30 feet from the south towards the north.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are developed with single-family detached homes with similar R-4 (Single Family Residential) zoning.

**PROPOSAL:** The applicant is requesting a variance to reduce the front yard setback from 35 feet to 20 feet and the south side yard setback from 7 feet to 3 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 exceeds the minimum lot requirements per the R-4 zoning regulations. However, the lot topography has an extreme slope declining from the south towards the north by approximately 30 feet. Additionally, it is an irregular shaped lot having a frontage of 75 feet that narrows down to the width of approximately 25 feet in the middle of the property and again widens to become 61 feet at the rear. Therefore, Staff finds lot topography and shape as the extraordinary and exceptional conditions associated with 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 create an unnecessary hardship because of the irregularities of the lot thus, preventing the property owners from making reasonable improvements to a vacant single family lot. The irregular shape of the lot along with the topography limits the available buildable area on the lot and creates a need for the reduction in setbacks. Therefore, Staff is of the opinion that the proposal is reasonable considering the irregular conditions of the lot.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot shape and topography are peculiar as Staff is unaware of similar conditions on adjacent properties. The lot is also an undeveloped lot which is peculiar as the adjacent properties are all developed with single family dwellings. 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 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 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. 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



# CITY OF ATLANTA

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Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-270 for 4295 Club Drive, N.E.

**DATE:** January 9, 2020

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**The applicant requests a variance to reduce the rear yard setback from 20 feet to 15 feet and to increase the lot coverage from 40% to 52% for the construction of an accessory structure. Applicant seeks no other variances at this time.**

The applicant has requested a deferral to work with NPU. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-271 for 573 Pelham Road, N.E.

**DATE:** January 9, 2020

The applicant seeks a variance to reduce the north side yard setback from 7 feet to 3 feet, reduce the rear yard setback from 15 feet to 3 feet and to increase the size of an accessory structure from 30% to 39.1% of the main structure for the construction of a detached garage. Applicant seeks no other variances at this time.

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 60 feet on the west side of Pelham Road and begins approximately 150 feet from the southwest intersection of Pelham Road and Montgomery Ferry Road. The property is located in Land Lot 56 of the 17<sup>th</sup> District, Fulton County, Georgia within the Piedmont Heights 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; Side yards: 7 feet; Rear yard: 15 feet.

**Property Characteristics:** The subject property is slightly irregular shaped lot with 60 feet of frontage and 9,129 square feet of area. It is developed with a two story single family dwelling. Vehicular access is provided by a driveway located north of the existing dwelling. The driveway terminates in the rear yard. Topography declines from the northern property line towards the south. There are also several mature trees and shrubs located throughout.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are developed with single-family detached homes with similar 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, reduce the rear yard setback from 15 feet to 3 feet and to increase the size of an accessory structure from 30% to 39.1% of the main structure 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.** The subject property is deficient in width by 10 feet and exceeds the minimum area requirement per the R-4 zoning. The shape is slightly irregular, and the topography declines towards the southern property line. Therefore, Staff finds lot width and topography as the extraordinary and exceptional conditions associated with 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 regarding width, shape and topography. The deficiency in width coupled with the topographic challenges, reduces the buildable area in the rear yard. Additionally, there are several mature trees along the southwest portion of the property that may be impacted if the proposed structure were to be built within the setback. Regarding the size of the accessory structure, the existing dwelling is 2,659 square feet. Based on the FAR for the R-4 district, the dwelling could be up to 4,500 square feet. Based on what is allowed, the subject property has 2,659 square feet of unused development rights. The proposed garage will be 1,040 square feet and will therefore utilize some of the unused development rights. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot.
- c. **Such conditions are peculiar to the particular piece of property involved.** The shape and topography are peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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 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. 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



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TIM KEANE  
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Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-273 for 598 Pelham Road, N.E.

**DATE:** January 9, 2019

The applicant requests a variance to reduce the rear yard setback from 15 feet to 2 feet 5 inches for the construction of a deck and a special exception to construct an 8 foot retaining wall in the rear yard. Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 102 feet on the north side of Pelham Road and begins approximately 172 feet from the northwest intersection of Pelham Road and Piedmont Avenue. The property is located in Land Lot 56 of the 17<sup>th</sup> District, Fulton County, Georgia within the Piedmont Heights neighborhood of NPU-F, Council District 6.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is an irregular shape lot with approximately 9,921 square feet and 102 feet of frontage on the north side of Pelham Road. The property is currently developed with a two story single-family dwelling. Vehicular access to the property is provided via a driveway located off Pelham Road and to the west of the existing dwelling. The driveway terminates at an existing attached garage. The lot topography steeply inclines from the front towards the rear. There are three existing retaining walls on site located in the front and rear. The property is well vegetated with trees and shrubs throughout the lot.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached and two-family residential structures with the R-4/BL (Single-Family Residential/Beltline Overlay District) zoning.

**PROPOSAL:** The applicant requests a variance to reduce the rear yard setback from 15 feet to 2 feet 5 inches for the construction of a deck and a special exception to construct an 8 foot retaining wall in the rear yard.

## PART I

**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 per the R-4 zoning district. The lot shape is irregular and may have an impact on the buildable area. Additionally, the lot topography is extreme as it gradually slopes from the front property line towards the rear yard. Therefore, Staff finds lot shape and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship, as the existing home and deck were built in the rear yard setback by approximately 13.5 feet. The applicant does not intend to increase the encroachment and only seeks to expand an existing deck on the house along the current building line. Additionally, there is an existing retaining wall in the rear which limits the buildable area for a deck replacement. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment into the rear yard setback and existing retaining wall is peculiar as Staff is unaware of similar conditions on adjacent properties. Additionally, staff is unaware of similar encroachments on adjacent properties. Therefore, Staff finds the conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The requests allow an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the variance to reduce the rear yard setback to be reasonable.

## PART II

**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 steep topography of the lot creates a challenge to meet the requirements of the Zoning Ordinance in terms of maximum height of retaining walls allowed. Additionally, the irregularities in topography cause the lot to be significantly higher in elevation at some points of the yard and gradually incline in others. Furthermore, the various elevations in topography lead to a relatively small portion of the proposed retaining wall rising to a height of 8 feet while the remaining portion of the retaining wall will stand 6 feet or lower. Staff is of the opinion that if this variance is granted it would not cause detriment to the public good. Therefore, Staff is of the opinion that allowing an 8 foot retaining wall is justified by the steep topography.

**RECOMMENDATION: APPROVAL OF PART I & PART II**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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TIM KEANE  
Commissioner

KEYETTA M. HOLMES, AICP  
Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-274 for 1599 Linda Way, S.W.

**DATE:** January 9, 2020

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**The applicant seeks a variance to reduce the front yard setback from 35 feet to 20 feet for the construction of a front porch. Applicant seeks no other variances at this time.**

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 96 feet on the north side of Linda Way and begins 112 feet from the northeast intersection of Linda Way and Olympian Drive. The property is located in Land Lot 150 of the 14<sup>th</sup> District, Fulton County, Georgia within the Westview Neighborhood of NPU T, Council District 10.

#### **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 an irregular shaped lot with 96 feet of frontage and 11,192 square feet of area. It is developed with a one story single family dwelling. Vehicular access is provided by a driveway located to the east of the dwelling which terminates at a detached garage in the rear yard. Another driveway is located on the west side of the property. A six foot fence encloses the rear yard. Topography slightly inclines from the front property line towards the rear. There are also several mature trees and shrubs located throughout.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are developed with single-family detached homes with similar R-4 (Single Family Residential) zoning.

**PROPOSAL:** The applicant is requesting a variance to reduce the front yard setback from 35 feet to 20 feet for the construction of a front porch.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property exceeds the minimum lot requirements, however, there are shape and topographical challenges. The lot is angled, and the rear is slightly wider than the front. The topography inclines from the front towards the rear, therefore, topography may impact the proposed addition. Therefore, Staff finds lot topography and shape as the extraordinary and exceptional conditions associated with 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 regarding shape and topography. The existing dwelling encroaches into the front yard setback by approximately 1 foot. The proposed porch will encroach 15 feet into the setback. However, the shape of the lot and the location of the existing home are the driving factors for the additional encroachment. If the lot and dwelling were not angled, the applicant would be able to construct the porch without the variance. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot and the existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment and shape are peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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 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. 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



# CITY OF ATLANTA

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TIM KEANE  
Commissioner

KEYETTA M. HOLMES, AICP  
Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-277 for 940 St. Charles Avenue, N.E.

**DATE:** January 9, 2020

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The applicant seeks a variance to reduce the west side yard setback from 7 feet to 4 feet for a second story addition to the rear of an existing duplex for property. Applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the north side of St. Charles Avenue and begins 300 feet from the northwest intersection of St. Charles Avenue and Frederica Street. The property is located in Land Lot 16 of the 14<sup>th</sup> District, Fulton County, Georgia within the Virginia Highland neighborhood of NPU-F, Council District 6.

### **Relevant Zoning Requirements:**

- The subject property is zoned RG-2 (Residential General Sector 2)
- Single-family and two-family dwellings: Minimum lot width of 20 feet; minimum net lot area of 1,000 square feet, except zero-lot-line development.

**Property Characteristics:** The subject property has approximately 9,980 square feet of lot area and 50 feet of lot width on the north side of St. Charles Avenue. The property is currently developed with a one-story duplex. Vehicular access to the property is provided by a curb cut on Saint Charles Avenue. The lot has steep topography that inclines from the north towards the south. There are couple of trees in the rear yard of the property.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size and shape. Surrounding properties are zoned RG-2 (Residential General Sector 2) and are currently developed with single family and multi-family residential buildings.

**PROPOSAL:** The applicant is requesting a variance to reduce the west side yard setback from 7 feet to 4 feet for a second story addition to the rear of an existing duplex. The proposal will allow for the construction of garage/tenant storage addition.

**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 the minimum lot area and width requirements per the RG-2 zoning district regulations. However, there are topographic challenges as the lot has a steep grade that inclines from the north towards the south with an elevation difference of approximately 14 feet. Therefore, Staff finds 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.** The strict application of the zoning code would cause an unnecessary hardship because the lot topography limits the buildable area in the rear. The existing dwelling encroaches into the west side yard setback by approximately 3 feet. The applicant has proposed an addition that will align with the existing encroachment. Therefore, Staff is of the opinion that the requested variance is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The exceptional lot topography with the rear yard having a higher elevation is peculiar to this lot. Staff is unaware of similar conditions on adjacent properties. Staff finds the unique conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon 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. 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



KEISHA LANCE BOTTOMS  
MAYOR

## CITY OF ATLANTA

DEPARTMENT OF CITY PLANNING  
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TIM KEANE  
Commissioner

KEYETTA M. HOLMES, AICP  
Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-248 for 2909 River Ridge Drive, S.W.

**DATE:** January 9, 2020 (*deferred December 12, 2019*)

The applicant seeks a special exception to construct a 6-foot privacy fence in the front yard along the north side where only a 4-foot fence (50% opacity) is allowed. Applicant seeks no other special exceptions at this time.

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 70 feet on the west side of River Ridge Drive and begins 280 feet from the southwest intersection of River Ridge Drive and Springside Drive. The property is located in Land Lot 61 of the 14<sup>th</sup> District, Fulton County, Georgia within the Reynoldstown neighborhood of NPU-Z, Council District 12.

#### **Relevant Zoning Requirements:**

- The subject property is zoned R-4 (Single Family Residential).
- Section 16-28.008 (5)(a)(1): In the R-1 through R-5 districts, the following retaining walls and fences are permitted: Within the required front and half-depth front yards: (i) Where no retaining wall is constructed, fences not exceeding four feet in height may be erected.
- .

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 27,755 square feet (0.637 acres) with 70 feet frontage on the west side of River Ridge Drive. The property is currently developed with a single-family residential structure. Vehicular access to the property is provided from River Ridge Drive. Topography of the property declines from east to west by approximately 30 feet. The property currently has some shrubs and small trees. There is an existing 6-foot privacy wooden fence along the north side of the required 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 structures with the R-4 (Single Family Residential District) zoning district.

**PROPOSAL:** The applicant is requesting a special exception to allow an existing a 6-foot privacy fence in the front yard along the north side where only a 4-foot fence (50% opacity) is allowed. The applicant constructed the privacy fence without a permit.

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

**The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such 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 applicant's request for a six (6) foot fence in the required front yard setback is not adequately supported by the documentation provided. With regards to security, Staff has not been provided with any police reports or evidence of crime in the area. In addition, the topography of the lot does not create a challenge for the applicant to adhere to the maximum height allowed for walls/fences in required yards. Also, with regards to safety, Staff is of the opinion that a six (6) foot fence in the front yard will not provide greater safety than the allowed four (4) foot fence. Additionally, the height of the fence would be out of character for the neighborhood. With the exception of one property located 600 feet to the south of the subject property, there are no fences located in the front yard. There are a few fences in the surrounding area that appear to be 4 feet or below in height. Therefore, Staff is of the opinion that the applicant does not meet the criteria for a special exception to allow a 6 feet privacy fence in the required front yard setback.

**RECOMMENDATION: DENIAL**

cc: Keyetta. M. Holmes, Zoning Administrator



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Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-250 for 499 Calhoun Street, N.W.

**DATE:** January 9, 2020 (*deferred December 12, 2019*)

The applicant requests a variance to reduce the east and west side yard setback from 7 feet to 3.5 feet for the construction of a single family dwelling. The applicant seeks no other variances at this time.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 30 feet on the north side of Calhoun Street and begins 30 feet from the northeast intersection of Calhoun Street and Terrell Street. The property is located in Land Lot 149 of the 17<sup>th</sup> District, Fulton County, Georgia within the Home Park neighborhood of NPU-E, Council District 3.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-5/SPI-8 (Two Family Residential/Home Park Special Public Interest District)
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yard: 7 feet; Rear yard: 7 feet.

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 6,630 square feet (0.152 acres) with 30 feet of frontage on the north side of Calhoun Street. The property is currently developed with a single family residence. Vehicular access is provided via an unpaved driveway located off Terrell Street. Lot topography slopes approximately 7 feet from a high point in the front down to a low point at the rear of the lot. The rear of the property is vegetated with mature trees on the periphery of the site, the front is vegetated with small trees and shrubs.

**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-5/SPI-8 (Two Family Residential/Home Park Special Public Interest District) zoning.

**PROPOSAL:** The applicant requests a variance to reduce the east and west side yard setback from 7 feet to 3.5 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 lot is deficient in width by 20 feet and in area by 870 square feet per the R-5 zoning minimum requirements. The lot shape is exceptional because the rear of the lot has a 10 foot wide tab that extends west to Terrell Street for rear access. Therefore, Staff finds lot area, width and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship because of the deficiencies with the lot width and size. The applicant has proposed to construct a new residence with east and west side yard setbacks of 3.5 feet in order to construct a structure with a width of 22.87 feet. The existing structure currently encroaches into the west side yard setback by 3.1 feet and into the east side yard setback by 4.1 feet. Staff notes the deficiencies with lot width and size would limit the development within the buildable area. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** This shape is peculiar as Staff is unaware of a similar condition on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal. Therefore, Staff finds the unique conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the neighborhood.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-252 for 1261 Martin Street, S.E.

**DATE:** January 9, 2020 (*deferred December 12, 2019*)

**Applicant seeks a variance to reduce the front yard setback from 30 feet to 11 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 50 feet on the northwest side of Martin Street and begins 103 feet from the southwest intersection of Martin Street and Pear Street. The property is located in Land Lot 56 of the 14<sup>th</sup> District, Fulton County, Georgia within the South Atlanta Neighborhood of NPU Y, Council District 1.

#### **Relevant Zoning Requirements:**

- The subject property is zoned R-4A (Single Family Residential/Beltline Overlay)
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yards: 7 feet; Rear yard: 15 feet.

**Property Characteristics:** The subject property is a rectangular shaped lot with 5,650 square feet of area and 50 feet of frontage. It is currently developed with a one story single family dwelling. Vehicular access is provided by a concrete driveway to the west of the property. Topography declines from the front towards the rear. There are several mature trees and shrubs located throughout the property.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are developed with one and two story single-family dwellings. Properties in the immediate area are zoned R-4A/BL(Single Family Residential/Beltline Overlay).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 30 feet to 11 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 in area by 1850 square feet per the minimum lot requirements of the R-4A zoning district. Topography declines from the front towards the rear. Therefore, Staff finds lot area and topography as the extraordinary and exceptional conditions associated with 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 regarding width and topography. If the zoning regulations were to be applied, the owner would be prohibited from constructing a new single family. The previous dwelling encroached into the front yard setback by 19 feet. The proposed dwelling will align with the existing encroachment and the original footprint. Additionally, there are several mature trees in rear yard. If the applicant were to adhere to the front yard setback requirement, the proposed dwelling may impact the existing trees. Therefore, Staff is of the opinion that the proposed setback request would be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachments is peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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 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. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Staff is supportive of request.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator