



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
MAYOR

DEPARTMENT OF CITY PLANNING
TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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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-19-236 for 450 Lindsay Street, N.W.

DATE: February 6, 2020

The applicant seeks variance to reduce the front yard setback from 30 feet to 15 feet for the construction of single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 52 feet on the west side of Lindsay Street and begins 156 feet from the intersection of Lindsay Street and Neal Street. The property is located in Land Lot 111 of the 14th District, Fulton County, Georgia within the English Avenue Neighborhood of NPU L, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned R-4A/BL (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 52 feet of frontage and 4,736 square feet of area. It is developed with a one story single family dwelling. Vehicular access is provided by a driveway located to the south of primary structure. Topography is relatively level in the front and declines towards the rear. There are 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-4A/BL (Single Family Residential/Beltline Overlay) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 30 feet to 15 feet. The applicant's intent is to demolish the existing residence and construct 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 (2) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in area by 2,764 feet and exceeds the R-4A width requirements. The topography of the lot declines towards the rear by 6 feet and may have an impact on the proposed new single family dwelling. 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 the area and topography. The existing dwelling currently encroaches into the front yard setback by 15 feet. The new dwelling will align with the previous encroachment into the front yard setback. Therefore, Staff is of the opinion that the proposal is reasonable considering the conditions of the lot and existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment, area 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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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-19-265 for 1480 Lanier Place, N.E.

DATE: February 6, 2020

Applicant seeks a variance to reduce the front yard setback from 35 feet to 28.7 feet (front porch addition), the north side yard setback from 7 feet to 4 feet and the south side yard setback from 7 feet to 3 feet for the construction of an accessory structure. Applicant seeks no other variances this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 49 feet on the west side of Lanier Place and begins 196 feet from the southwest intersection of Lanier Place and Cumberland Road. The property is located in Land Lot 2 of the 17th District, Fulton County, Georgia. It is located in the Morningside/Lenox Park neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- Zoning: R-4 (Single-Family Residential).
- Minimum lot dimensions: frontage of 70 feet; minimum lot area of 9,000 square feet.
- Minimum yard setback(s): front yard 35 feet; side yard 7 feet; rear yard at 15 feet.

Property Characteristics: The subject property is an irregular shaped lot of with 11,539 square feet with 49 feet of frontage. It is currently developed with a single-family dwelling. Vehicular access is provided via an existing curb cut and driveway located to the south of the dwelling. The topography declines by approximately 23 feet from the front of the property towards the rear yard. There are several mature trees and shrubbery throughout. A ten foot alley abuts the rear of the property.

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

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 28.7 feet (front porch addition), the north side yard setback from 7 feet to 4 feet and the south side yard setback from 7 feet to 3 feet for the construction of an existing accessory structure. The applicant intends to construct a studio behind an existing garage, a screened porch and 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 area requirements. However, with 49 feet of lot width, the subject property is deficient in frontage by 21 feet. The lot topography steadily declines from the front towards the rear. Therefore, Staff finds lot size and topography as extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot topography and width. Additionally, the dwelling currently encroaches into the front yard setback by 6.3 feet, the north side yard setback by 3 and south side yard setback by 4 feet which limits the buildable area. The applicant intends to build along the same side yard encroachments. The front yard encroachment will be more than what exists, however, the encroachment is limited to the front porch only. Therefore, Staff is of the opinion that the proposal is reasonable considering the existing encroachment and hardship related to lot width and shape.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as Staff has not evaluated other structures and is unaware of adjacent properties with similar conditions. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** 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.

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-19-266 for 1452 Hardee Street, N.E.

DATE: February 6, 2020

The applicant seeks a variance to reduce the front yard setback from 30 feet to 20 feet and the west and east side yards from 7 feet to 3 feet for the construction of a single family dwelling.

The applicant has requested a deferral to the next available agenda to work with NPU O. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE HEARING

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-19-269 for 536 Bishop Way, N.E.

DATE: February 6, 2020

The applicant seeks variances variance to reduce the west side yard setback from 15 feet to 4 feet, the east side yard setback from 15 feet to 1.5 feet and the rear yard setback from 15 feet to 1 foot for the construction of deck. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 44 feet on the east side of Bishop Way and begins approximately 243 feet from the intersection of Bishop Way and Johnson Avenue. The property is located in Land Lot 46 of the 14th District, Fulton County, Georgia. It is located in the Old Fourth Ward neighborhood of NPU-M, Council District 2.

Relevant Zoning Requirements:

- The subject property is zoned MR-3-C/BL (Multifamily Residential Conditional/Beltline Overlay).
- Minimum lot dimensions: frontage, 40 feet; lot area, 2,000 square feet.
- Minimum yard setbacks: side yards, 15 feet; rear yard, 15 feet; .

Property Characteristics: The subject property is an irregular shaped lot with 44 feet of frontage and 4,421 square feet of area. It currently is developed with a three-story single family dwelling with an attached garage. Vehicular access is provided via curb cut off Bishop Way. The topography declines from the northern property line towards the Freedom Parkway trail. . There is landscape and shrubby located on site.

Characteristics of Adjoining Properties, Neighborhood: The subject property is zoned MR-3-C/BL (Multifamily Residential Conditional/Beltline Overlay). Some lots in the immediate area are similar in shape and size to the subject property and are developed with single family dwellings. These properties are zoned MR-3-C (Multifamily Residential Conditional), R-5 (Two Family Residential) and PD-H (Planned Development Housing).

PROPOSAL: The applicant seeks a variance to reduce the west side yard setback from 15 feet to 4 feet, the east side yard setback from 15 feet to 1.5 feet and the rear yard setback from 15 feet to 1 foot for the construction of a deck. There are zoning conditions associated with this property. However, the conditions do not prohibit the granting of a variance.

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 properties meet or exceed the requirements for properties zoned MR-3-C. The lot shape is irregular and limits the buildable area. Additionally, the topography declines from the northern property line towards the Freedom Parkway Trail. Therefore, Staff finds shape and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the proposed construction of a new deck. The property was originally zoned PD-H and to enable the completion of the development a rezoning to MR-3 was required which imposed different setback requirements than originally anticipated. The existing home was built incorrectly. Therefore, the existing home encroaches into the west side setback by 11 feet, the east side yard setback by 13.5 feet, and the rear setback by 14 feet. The deck addition will align with the existing encroachments and will increase the level of encroachments. Therefore, Staff is of the opinion that the request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments 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 desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has 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-19-278 for 3606 Mayfair Road, N.E.

DATE: February 6, 2020

The applicant seeks a variance to reduce the front yard setback from 50 feet to 30 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 74 feet on the west side of Mayfair Road and begins approximately 253 feet from the southwest intersection of Mayfair Road and Mayfair Place. The property is located in Land Lot 63 of the 17th District, Fulton County, Georgia within the North Buckhead neighborhood of NPU B, Council District 7.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is an irregular shaped lot of approximately 21,344 square feet (0.49 acres) with 74 feet of frontage on the west side of Mayfair Road. The lot is positioned on the western side of a cul-de-sac. The property is currently developed with a single-family residential structure. Vehicular access is provided by a driveway off Mayfair Road along the south property line. A 20 foot sanitary sewer easement traverses the side and rear of the lot. The lot topography gradually inclines from the front property line towards the rear yard. There are trees and shrubs throughout the subject property

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels nearby to the north, east, and west are developed with single-family detached residential structures with R-3 (Single-Family Residential) zoning. Parcels to the south and rear of the subject parcel are zoned PD-H (Planned Development-Housing) and PD-OC (Planned Development-Office Commercial) and are developed with single family residential dwellings and office/commercial buildings.

PROPOSAL: The applicant requests a variance to reduce the front yard setback from 50 feet to 30 feet for a second story addition to an existing non-conforming single-family dwelling. The applicant's intent is to convert a portion of the attic into heated space.

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 26 feet. The shape of the lot is irregular as it has 74 feet of frontage along the cul-de-sac and the width of the lot increases towards the rear. Additionally, the topography inclines from the front to the rear by approximately 29 feet. Therefore, Staff finds lot shape, width and topography as the extraordinary and exceptional conditions associated with the subject 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, shape, topography. Additionally, the location of a sanitary sewer easement may also create an unnecessary hardship. Staff notes these deficiencies limit the development within the buildable area. The applicant has proposed to construct convert a portion of the attic into heated space. The existing dwelling currently encroaches into the front yard setback by 20 feet and the proposed addition will not increase the encroachment. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of deficiencies with the lot width, shape, topography and location of a sanitary sewer easement are 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 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 front yard to allow the proposed addition 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-19-279 for 1438 Allegheny Street, S.W.

DATE: February 6, 2020

The applicant requests a variance to increase the size of an accessory structure from 30% to 89.1% of the main structure for the construction of a new garage. Applicant seeks no other variances this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 120 feet on the south side of Allegheny Street and begins 100 feet from the southeast intersection of Allegheny Street and Cascade Place. The property is located in Land Lot 139 of the 14th District, Fulton County, Georgia within the West End neighborhood of NPU T, Council District 4.

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.
- Sec. 16-28.004 – Accessory uses and structures: Accessory buildings in R-1 through R-5 shall not contain a total floor area greater than 30 percent of the main structure.

Property Characteristics: The subject property is an irregular-shaped lot of approximately 16,250 square feet (0.37 acres) with 120 feet of frontage on the south side of Allegheny Street. The property is currently developed with a one-story, single family home. Vehicular access is currently provided via a curb cut on Allegheny Street. The lot topography slightly inclines towards the rear with an elevation difference of approximately 8 feet. There are a couple of mature trees in the front yard. A portion of rear yard is currently surrounded by a privacy fence.

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

PROPOSAL: The applicant requests a variance to increase the size of an accessory structure from 30% to 89.1% of the main structure for the construction of a new garage.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With 16,250 square feet of lot area and 120 feet of frontage, the subject property meets the minimum lot requirements per the R-4 zoning regulations. The shape is irregular and, the lot topography slightly inclines towards the rear with an elevation difference of approximately 8 feet. Therefore, Staff finds the lot shape and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Adherence to the zoning regulations regarding the setback would cause a hardship by preventing the applicant from constructing a commonly found accessory structure. In addition, although the garage is a typical size for four cars, the house is relatively small. Under the current zoning, the house could be up to 8,125 square feet and still meet the FAR requirement of 50%. The existing house is 2,625 square feet and the proposed garage is 2,340 square feet. Thus, the applicant has unused “development permission” that, if implemented, would eliminate the need for the variance. It is not sensible to ask the property owner to increase the size of the house simply to be able to build a normally sized four-car garage without the requested variance. Therefore, Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot shape and size are unique to the subject property as it is the widest irregular shaped lot in the immediate vicinity. Therefore, Staff finds the lot shape and size as the peculiar condition of the subject property.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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 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 increase the size of an accessory structure to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board

SUBJECT: V-19-280 for 1676 Noble Drive, N.E.

DATE: February 6, 2020

Applicant seeks a variance to reduce the rear yard setback from 15 feet to 3 feet and the east side yard setback from 7 feet to 3 feet for the construction of an accessory structure. Applicant seeks no other variances this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the northwest side of Noble Drive and begins 416 feet from the northwest intersection of Noble Drive and Johnson Road. The property is located in Land Lot 56 of the 18th District, DeKalb County, Georgia. It is located in the Morningside/ Lenox Park neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- Zoning: R-4 (Single-Family Residential).
- Minimum lot dimensions: frontage, 70 feet; minimum lot area, 9,000 square feet.
- Minimum yard setback(s): front yard, 35 feet; side yard, 7 feet; rear yard, 15 feet.

Property Characteristics: The subject property is a rectangular shaped lot of with 9,061 square feet with 60 feet of frontage. It is currently developed with a single-family dwelling. Vehicular access is provided via a concrete driveway that terminates at a detached garage. A small wooden deck is also located in the rear yard adjacent to the existing garage. The topography slightly declines from the west to east by approximately 5 feet. The site is landscaped with trees and shrubs in the front yard. Also, there are several mature trees in the backyard.

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

PROPOSAL: The applicant seeks a variance to reduce the rear yard setback from 15 feet to 3 feet and the east side yard setback from 7 feet to 3 feet for the construction of an accessory structure. The applicant's intent is to replace the existing garage that is in disrepair.

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 area requirements. However, with 60 feet of lot width, the subject property deficient in frontage by 10 feet. The shape of the lot has no irregularities. Topography declines from the west to east by approximately 5 feet. Therefore, Staff finds lot width and topography as extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot topography and width. Additionally, the existing garage currently encroaches into the east side yard setback by approximately 6 feet and the rear setback by approximately 7 feet. The new garage will encroach 4 feet into the east side yard setback which is less of an encroachment than the previous structure. The rear yard encroachment will be greater than what exists however, it will not encroach any further than the existing wood deck. Therefore, Staff is of the opinion that the proposal is reasonable considering the existing encroachment and hardship related to lot topography and width.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as Staff has not evaluated other structures and is unaware of adjacent properties with similar conditions. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** 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-19-282 for 1634 Johnson Road, N.E.

DATE: February 6, 2020

The applicant seeks a variance to increase the size of an accessory structure from 30% to 50% of the main structure for the construction of an accessory structure.

FINDINGS OF FACT:

Property Location: The subject property fronts 70 feet on the north side of Johnson Road and begins 172 feet from the northeast intersection of Johnson Road and Homestead Avenue. The property is located in Land Lot 56 of the 18th District, DeKalb County, Georgia. It is in the Morningside/Lenox Park 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 yard, 7 feet; rear yard, 15 feet.
- Accessory buildings in R-1 through R-5 districts shall not contain a total floor area greater than 30 percent of the main structure.

Property Characteristics: The subject property is an irregular shaped lot consisting of approximately 12,862 square feet in area and 70 feet of frontage along Johnson Road. The property is developed with a two-story single-family home with a basement. Additionally, a garage is located behind the home and abuts the rear property line. Vehicular access is provided to the property via a private, shared concrete driveway located in the rear of the property and accessed from Noble Drive. The topography inclines significantly from the front property line towards the rear yard. There are a few large, mature trees and shrubs around 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. All surrounding properties are zoned R-4 (Single-Family Residential) zoning district.

PROPOSAL: The applicant seeks a variance to increase the size of an accessory structure from 30% to 50% of the main structure for the construction of an accessory structure.

CONCLUSION: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with 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 lot meets the minimum frontage requirement and exceeds the minimum lot size as prescribed by the R-4 zoning ordinance. However, the lot shape is irregular widening approximately 2.3 feet from the front to rear. Additionally, the topography rises significantly from the front property line to the rear yard. Therefore, Staff finds that lot shape and topography are extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the Zoning Ordinance would cause a hardship due to the topography of the property. The applicant is proposing to demolish an existing garage and replace it with a carriage house that better accommodates their vehicles and adheres to the minimum setback requirements. The existing floor area ratio of the house is less than the maximum that are permitted by the R-4 zoning. Therefore, there are “unused development permissions” on the lot. The existing primary residential structure is 2,825 square feet. Based on the 0.50 FAR allowance, the applicant has approximately 3,606 square feet of unused development rights. The square footage of the proposed improvements will be 1,284 square feet. The applicant is thereby utilizing a portion of the unused development rights. Therefore, Staff is of the opinion that the proposed increase in size of an accessory structure is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The size of the existing dwelling and the proposed detached accessory structure are peculiar. Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested 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 increase the size of an accessory structure to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



CITY OF ATLANTA

TIM KEANE
Commissioner

KEISHA LANCE BOTTOMS
MAYOR

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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-19-283 for 546 St. Charles Way, N.E.

DATE: February 6, 2020

The applicant seeks a variance to reduce the front yard setback from 30 feet to 15 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 167 feet on the north side of St. Charles Way and begins 500 feet west of the southwest intersection of St. Charles Way and Greenwood Avenue. The property is located in Land Lot 48 of the 14th District, Fulton County, Georgia within the Midtown neighborhood of NPU-E, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-5/BL (Two-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 yard: 7 feet; Rear yard: 7 feet

Property Characteristics: The subject property is an irregular shaped lot of approximately 8,619 square feet (0.198 acres) with 167 feet of frontage on the north side of St. Charles Way. The property is currently undeveloped. Vehicular access to both the right-of-way and the subject property is provided by a ten foot wide alley that travels north to Greenwood Avenue and south to St. Charles Avenue. The lot topography slopes from the east of the lot toward the west property line. The property has several trees and natural vegetation 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-5/BL (Two-Family Residential/Beltline Overlay) zoning. Several adjoining parcels have accessory structures located adjacent to the St. Charles Way right-of-way.

PROPOSAL: The applicant requests a variance to reduce the front yard setback from 30 feet to 15 feet to construct a new single-family dwelling with 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 has an irregular shape. The lot meets the minimum square footage and frontage for R-5, with 8,619 square feet and 167 feet of frontage. However, the property has an irregular shape and topography slopes from the east of the lot toward the west property line. Therefore, Staff finds lot shape and topography are the extraordinary or exceptional conditions pertaining to 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 cause an unnecessary hardship by significantly reducing the buildable area. The subject lot is wide but very shallow. At its widest, the lot is only 57 feet wide. Thus, application of the 30 foot front yard setback coupled with the 7 foot rear setback only leaves approximately 15 feet of lot depth to accommodate the requested structure. Therefore, Staff finds the application of this ordinance would create an unnecessary hardship.
- c. **Such conditions are peculiar to the particular piece of property involved.** The orientation of the subject lot with the front on the long dimension of the lot is different than the other parcels in the area. The lot is a mid-block lot on an undeveloped right-of-way with no other homes developed on the street. 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. However, the request would pose a potential impediment on emergency access and may cause threats to health and fire safety according to the January 15, 2020 letter from Section Chief Detric Cummings of Atlanta Fire Rescue Department. Furthermore, Mr. Juan Rodriguez of the Atlanta Department of Public Works confirmed in an email dated January 15, 2020 that no improvements are planned for the St. Charles Way right-of-way or any street in this area. Therefore, Staff finds the reduction of the front yard to allow the proposed structure may cause substantial detriment to the public good by endangering health and fire safety due to insufficient emergency access to the subject property.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, Zoning Administrator



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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-19-284 for 1466 Norris Place, N.W.

DATE: February 6, 2020

The applicant requests a special exception to increase the height of a retaining wall in the front yard from 3 feet to 9.5 feet and in the east side yard from 6 feet to 9.5 feet. Applicant seeks no other variances at this time.

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

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator



CITY OF ATLANTA

TIM KEANE
Commissioner

KEISHA LANCE BOTTOMS
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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-19-285 for 149 Robin Hood Road, N.E.

DATE: February 6, 2020

Applicant seeks a variance to reduce the front yard setback from 50 feet to 47 feet 5 inches and the west side yard setback from 10 feet to 6 feet 5 inches for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 100 feet on the south side of Robin Hood Road and begins 94 feet from the southeast intersection of Robin Hood Road and Doncaster Drive. The property is located in Land Lot 104 of the 17th District, Fulton County, Georgia within the Sherwood Forest Neighborhood of NPU E, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single Family Residential)
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 20 feet.

Property Characteristics: The subject property is a rectangular shaped lot with 19,973 square feet of area and 100 feet of frontage. It is currently developed with a two story single family dwelling with a basement. Vehicular access is provided by a concrete driveway located to the east of the dwelling. The driveway terminates at the rear of the dwelling. The back yard contains a bridge and is surrounded by a fence and several retaining walls. Topography inclines from the front and then begins to decline towards the southeastern property line. A creek, 25 foot, 50 foot and 75 foot stream buffers traverse the property. Additionally, a sanitary sewer easement is located adjacent to the eastern property line. 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-3 (Single Family Residential).

PROPOSAL: The applicant seeks a for a variance to reduce the front yard setback from 50 feet to 47 feet 5 inches and the west side yard setback from 10 feet to 6 feet 5 inches for an addition to an existing single family dwelling. The additions will include an expansion of the front porch and second floor and a third floor 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 exceeds the minimum lot requirements of the R-3 zoning district. The lot shape has no irregularities. Topography has steep decline from the front towards the rear of the subject property by approximately 10 feet. Therefore, Staff finds topography as the extraordinary and exceptional condition 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 topography. If the zoning regulations were to be applied, the owner would be prohibited from expanding the front porch and second floor and constructing a third floor addition. The subject property has limited buildable area in the rear due to the creek, several stream buffers and the sanitary sewer easement. Additionally, the home currently encroaches into the west side yard setback by 4.5 feet and into the front yard setback by 3.5 feet. The proposed addition will align with the existing encroachments and structure. 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 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. Staff is supportive of the request.

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-19-286 for 180 Pearl Street, N.E.

DATE: February 6, 2020

The applicant seeks a variance to reduce the rear yard setback from 20 feet to 7.5 feet, the north side yard setback from 20 feet to 2.6 feet and the half-depth front yard setback from 15 feet to 0 for an addition to an existing single family dwelling and construction of an accessory dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the east side of Pearl Street and begins at the northeast intersection of Pearl Street and Harold Avenue. The property is located in Land Lot 20 of the 14th District, Fulton County, Georgia within the Reynoldstown neighborhood of NPU-N, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-LC-C/Beltline (Residential – Limited Commercial-Conditional/Beltline Overlay District).
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 5,000 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yards: 20 feet; Rear yard: 20 feet; Half-depth yard: 15 feet.

Property Characteristics: The subject property is a rectangular-shaped, corner lot with an area of approximately 5,553 square feet (0.127 acres) and 50 feet of frontage on the east side of Pearl Street. The parcel is currently developed with a one-story, single family home with crawl space. Based on the site plan, there are existing encroachments in the side, front, and half-depth front yard setbacks. Vehicular access is provided via a driveway along Harold Avenue. There are a few mature trees noted on the survey which include a pecan and oak tree. The topography is relatively level throughout the site. A 10-foot alley abuts the rear property line.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and are generally rectangular in shape. Parcels nearby are developed with single-family and two-family detached residential structures.

PROPOSAL: The applicant seeks a variance to reduce rear yard setback from 20 feet to 7.5 feet, the north side yard setback from 20 feet to 2.6 feet and the half-depth front yard setback from 15 feet to 0 for an addition to an existing single family dwelling and construction of an accessory 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 meets the minimum requirements regarding lot width and size. Additionally, the topography is relatively flat throughout the site. Therefore, Staff finds there are no extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would prevent modest improvements to a single family dwelling. The existing home currently encroaches into the north side, front, and half-depth front yard setbacks. The north side yard setback reduction will allow the applicant to build out attic space along the existing encroachment, thus not increasing the degree of non-conformity on this portion of the lot. Additionally, the half-depth front yard setback reduction for a proposed deck and porch is along the existing building line and will also not increase the degree of non-conformity in this area. However, the proposed garage will encroach into the rear yard and half-depth front yard beyond existing encroachments. In particular, the half-depth yard setback will be reduced to 0. These encroachments are necessary due to the two large, mature trees on the property. The location of the garage in the half-depth and rear yard setback will allow the owner to improve property while minimally impacting these existing trees. 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 encroachments into the north side, half-depth front, and front yard 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 desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the has adequate room for the requested improvements. This proposal would promote desirable living conditions and reinforce the stability of the surrounding neighborhood.

RECOMMENDATION: TECHNICAL DENIAL - The subject property does not satisfactorily meet the criteria for an extraordinary and exceptional lot condition. For the sole reason that it does not meet all the criteria, Staff is not recommending approval of the requested variance. However, approval of the requested zoning relief would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance.

cc: Keyetta M. Holmes, Zoning Administrator



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 *RTJ*

SUBJECT: V-19-288 for 650 West Peachtree Street, N.W.

DATE: February 6, 2020

The applicant seeks a variance to increase the maximum height of a building sign from 30 feet above ground level to 63.3 feet.

The applicant has requested a deferral to the next available BZA agenda to work with NPU-E. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE HEARING

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 *RJA*

SUBJECT: V-19-239 for 91 Hutchinson Street, N.E.

DATE: February 6, 2020 (*deferred December 5, 2019*)

The applicant seeks a variance to reduce the front yard setback from 30 feet to 10 feet, the half-depth front yard setback from 15 feet to 5 feet and to reduce the width of the front porch from 12 feet to 8 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 35 feet on the east side of Hutchinson Street and begins at the northeast intersection of Hutchinson Street and Macklone Street. The property is located in Land Lot 209 of the 15th District, DeKalb County, Georgia within the Edgewood neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-5 (Two Family Residential)
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yards: 7 feet; Rear yard: 7 feet.
- Section 16-07.12(1)(b)(i): Front porches shall be a minimum of 12 feet wide and 8 feet deep.

Property Characteristics: The subject property is a non-conforming rectangular shaped lot of 2,141 square feet (0.05 acres) with 35 feet of frontage on the east side of Hutchinson Street and 60 feet of frontage on Macklone Street. The subject property is currently undeveloped. The lot topography slopes 6 feet from a high point at the front of the lot to a low point at the rear of the lot. The property is vegetated with a mature tree on the north property line and a small tree in the center of the lot.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single and two family residential structures zoned R-5 (Two Family Residential) and townhomes zoned RG-3-C (General Residential Multi-family-Conditional).

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 30 feet to 10 feet, the half-depth front yard setback from 15 feet to 5 feet, and to reduce the width of the front porch from 12 feet to 8 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 lot is deficient in width by 15 feet and size by 5,359 square feet per the R-5 zoning requirements. Topography is also irregular as it slopes 6 feet from the front towards the rear. Therefore, Staff finds lot width, size and topography as the extraordinary and exceptional conditions regarding 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 irregularities in lot width, size and topography which have an impact on the available buildable area of the property. Additionally, the lot is a corner lot and the half-depth front yard setbacks further diminish the buildable area of the lot. The applicant proposes to construct a new residence with a front yard setback of 10 feet and a half-depth front yard setback of 5 feet. If the lot width and size met the R-5 standards this variance would not be necessary.

The proposal also includes a front porch that will be 8 feet wide and 12 feet deep. The proposed porch will be architecturally prominent on the corner of the front façade but does not meet the requirements because the wider dimension faces Macklone Street and the narrower dimension faces the front of the lot on Hutchinson Street. The reduced buildable area limits the floor plan on the first floor, and therefore, the orientation of the front porch. Although the majority of the single family detached dwellings on the block face have front porches, they do not all meet the minimum size requirements of the Zoning Ordinance. Therefore, Staff finds the request to be reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The width and size of the lot combined with a corner location is peculiar to this particular piece of property rendering this site as unique and unusual. However, the existence of similar conditions on neighboring 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 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.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator