



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

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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-19-191 for 931 McDaniel Street, S.W.

DATE: February 13, 2020

Applicant seeks special exception to reduce the onsite parking from 8 spaces to 3 spaces, a variance to reduce the north side yard setback from 5 feet to 3 feet and the half-depth front yard setback from 5 feet to 0 for the construction of a mixed use development. Applicant seeks no other variances this time.

FINDINGS OF FACT:

Property Location: The subject property fronting 50 feet on the west side of McDaniel Street and begins at the northwest intersection of McDaniel and Mary Street. The property is located in Land Lot 87 of the 14th District, Fulton County, Georgia. It is in the Pittsburgh Neighborhood of NPU-V in Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned C-1-C (Community Business Conditional).
- Minimum yard setback(s): front yard, 10 feet; side yard, none; rear yard, none, side street side: On corner lots there shall be a setback along the side street side of not less than half the required depth of the front yard.
- Minimum parking requirements: Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats with 18 inches of bench length counted as one seat, or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater.

Property Characteristics: The subject property is an irregular shaped corner lot and is approximately 0.345 (15,011 sq. ft.) acres. It has frontage along McDaniel Street, Mary Street and Hubbard Street. A portion of the property is developed with a two-story brick and frame building. An existing sewer easement traverses the west side of the lot (tract 2). Vehicular access is available via a curb cut off Mary Street. The topography is relatively level. There are mature trees, shrubs and grasses found throughout the property.

Characteristics of Adjoining Properties, Neighborhood: The immediate area is zoned C-1 (Community Business Conditional), RG-3 (General Residential District), and R-4B (Single Family Residential). The area consists of a variety of uses including commercial, multifamily, retail and residential.

PROPOSAL: The applicant seeks special exception to reduce the onsite parking from 8 spaces to 3 spaces, a variance to reduce the north side yard setback from 5 feet to 3 feet and the half-depth front yard setback from 5 feet to 0 for the construction of a mixed use development. The applicant's intent is to demolish the existing structure and construct a new mixed use development. The first floor will operate as community center and the second floor will be a single-family residence. In conjunction to this request, the applicant has received a special use permit to operate a community center within a new mixed-use building (U-19-022).

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.** Because there are no minimum size and frontage requirements for properties that are zoned C-1, there are no standards against which to compare the square footage and width of the subject property. However, the shape is irregular as it has frontage along three right of ways, thus, forming an "L" shaped lot. Therefore, Staff finds lot shape 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 the shape. The existing structure currently encroaches into the north side setback by approximately 2 feet and the half-depth front yard by 5 feet. The new structure will align with the previous encroachments. Additionally, the half-depth setback requirement and the sewer easement limits the available buildable area. Therefore, Staff is of the opinion that the proposal is reasonable due to the irregular shape and existing encroachments.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachments 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. Staff is supportive.

PART II

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

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

The subject property currently has 3 onsite parking spaces. The proposed development is required to have 8 spaces for the Community Center, and none apply to the residential portion. The subject property can only accommodate three (3) parking spaces onsite. The parking will be accessible via a curb cut located off Mary Street. Additionally, there will be three (3) new parallel spaces adjacent to Hubbard Street. While Staff cannot count the three offsite spaces towards the overall parking requirement, Staff does acknowledge that the facility may have access to the offsite parking. Furthermore, the existing development was constructed prior to the implementation of the 1982 Atlanta Zoning Ordinance and has historically operated with nonconforming parking spaces. Previous uses of the building include a Restaurant and Barber Shop. Staff believes the character of the proposal allows for a reduction in parking as it is within an area that progresses toward walkable and transit-oriented development. Additionally, the use of rideshare as a mode of transportation further reduces the need for excess parking. As a result, the full application of the parking requirement based on the building square footage and the proposed uses would cause an unnecessary hardship. Therefore, Staff is of the opinion that the parking reduction is reasonable.

STAFF RECOMMENDATION: APPROVAL of PART I & PART II

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-19-275 for 512 Flat Shoals, S.E.

DATE: January 9, 2020

The applicant seeks a special exception to reduce the number of onsite parking from 73 spaces to 0 spaces for a mixed use development.

The property was not property posted, therefore, Staff is recommending a deferral to the next available hearing.

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-19-276 for 1042 McLynn Avenue, N.E.
DATE: February 13, 2020

The applicant seeks a variance to reduce the requirement that a front facing garage must be recessed a minimum distance of 10 linear feet behind the front façade of the principal structure to 1 foot 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 65 feet on the north side of McLynn Avenue and begins 110 feet from the northwest intersection of McLynn Avenue and Avalon Place. The property is located in Land Lot 2 of the 17th 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).
- 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. 16-06.012. - Relationship of building to street. (2) *Garages.* Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure.

Property Characteristics: The subject property is approximately 11,049 square feet (0.25 acres) in lot area and 65 feet in width on the north side of McLynn Avenue. The property is currently developed with a two-story residential building. Vehicular access to the property is provided by a curbcut on McLynn Avenue at the east edge of the lot. A 10 foot wide alley is located along the rear property line but access to the subject lot is blocked by mature vegetation and grade changes adjacent to neighboring property. The topography slopes 26 feet from a highpoint at the front of the lot to a lowpoint at the rear of the lot. There are several mature trees throughout the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels surrounding the property on all sides are developed with single-family residential buildings that are zoned R-4 (Single-Family Residential). Ten of the eleven neighboring structures on the subject block face have front porches and none have garages on the front façade.

PROPOSAL: The applicant requests a variance to reduce the requirement that a front facing garage must be recessed a minimum distance of 10 linear feet behind the front façade of the principal structure to 1 foot for the construction of a single family dwelling. The applicant has redesigned the front façade to include a front porch that meets the requirements of the Ordinance and reduces the visual impact of the proposed garage on the front façade.

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 5 feet deficient of the minimum lot width for properties zoned R-4. There is also a 26 foot drop in topography from the front to the rear of the subject property. Therefore, staff finds lot width and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the Zoning Ordinance would create an unnecessary hardship because of the lot width and topography. Although the subject property exceeds the minimum area requirements for an R-4 lot, the buildable area is reduced by the narrow lot width and steep topography. The narrow lot width limits access to a garage on the side of the structure and limits the space for a driveway along the side lot line. The steep topography creates a hardship to provide a driveway from the front to the rear. In addition, as a garage on the front is shifted further back from the front façade, the elevation of the garage floor is lower and becomes more difficult to access due to the steep drop in topography. A rear access garage from the alley to the rear of the lot is no longer possible because the alley is unused due to mature vegetation and grade changes in the alleyway. The applicant has redesigned the front façade to include a front porch that meets the requirements of the Ordinance and reduces the visual impact of the proposed garage on the front façade. Therefore, Staff is of the opinion that the proposal put forth is reasonable considering the limitations of the site.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width and topography 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 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. Therefore, if granted, the request will not impair the purposes or 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-19-289 for 379 9th Street, N.E.

DATE: February 13, 2020

The applicant seeks a variance to reduce the front yard setback from 30 feet to 28.7 feet and the east side yard setback from 7 feet to 3.3 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 50 feet on the south side of 9th Street and begins 200 feet from the southwest intersection of 9th Street and Taft Street. The property is located in Land Lot 54 of the 17th District, Fulton County, Georgia within the Midtown neighborhood of NPU-E, Council District 2.

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 yards: 7 feet; Rear yard: 7 feet.

Property Characteristics: The subject property is a rectangular shaped lot of 7,999.76 square feet (0.18 acres) with 50 feet of frontage on the south side of 9th Street. The subject property is currently developed with a one story single family residence. The lot topography slopes 12 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 mature trees along the property lines and in the front yard.

Characteristics of Adjoining Properties, Neighborhood: 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).

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 30 feet to 28.7 feet, and to reduce the required east side yard setback from 7 feet to 3.3 feet for the construction of a new single family residence. The existing single family residence currently has a front yard setback of 28.7 feet and an east side yard setback of 3.3 feet at the closest point. The applicant intends to save and reuse the front façade of the existing house.

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 topography is irregular as it slopes 12 feet from the front towards the rear. Therefore, Staff finds lot 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 topography which has an impact on the available buildable area of the property. The location of mature trees on the periphery of the property further diminish the buildable area of the lot. Additionally, the subject parcel is developed with a single family residence that currently encroaches 1.3 feet into the front setback and 3.7 feet into the east side yard setback. The proposed setbacks match the existing setbacks and do not encroach further into the setbacks. Therefore, Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The topography of the lot combined with the location of mature trees on the parcel 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



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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-19-290 for 2323 Hurst Drive, N.E.

DATE: February 13, 2020

The applicant seeks a variance to reduce the front yard setback from 35 feet to 26.64 feet for the construction of a new single-family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 118 feet on the north side of Hurst Drive and begins 780 feet from the southeast intersection of Hurst Drive and Eureka Drive. The property is located in Land Lot 102 of the 17th District, Fulton County, Georgia within the Peachtree Hills neighborhood of NPU-B, Council District 7.

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 yards: 7 feet; Rear yard: 15 feet.

Property Characteristics: The subject property is an irregular shaped lot of approximately 25,267 square feet (0.58 acres) with approximately 118 feet of frontage on the north side of Hurst Drive. Vehicular access is provided via an existing concrete driveway along the west side of the lot. The subject property is currently developed with a single-family residence. A creek runs along a portion of the rear yard and wretched vegetation starts where the creek dries up. The lot topography has a steep slope declining towards the rear with an elevation difference of approximately 25 feet. Currently, there is a concrete wall in the back of the property to support the extreme topography of the site. There are several mature trees on the lot and the property is landscaped with some shrubs and plants.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape and are zoned R-4 (Single Family Residential) developed with single-family dwellings, except on the east where the lots are zoned RG-2 (General Multi Family Residential Sector Two) and RG-3-C (General Multi Family Residential Sector Three Conditional). The lots on the east are used for Peachtree Hills Park.

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 35 feet to 15 feet and the south side yard setback 35 feet to 26.64 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 meets the minimum required lot size and width as per the R-4 zoning regulations. However, the shape of the lot is irregular, and the topography of the lot has an extreme slope with an elevation difference of approximately 25 feet. 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 regulations would create an unnecessary hardship because of the irregularities of the lot regarding the shape and topography. The shape tapers towards the rear reducing the buildable area of the lot. Also, the extreme slope and vegetative buffer in the rear has left a very small buildable area. Based on the site plan, a 75 foot vegetative buffer in the rear covers most of the buildable area of the lot. The existing residence currently encroaches into the front yard setback. The proposed single-family house will align with the existing encroachment. Furthermore, there are several trees located in the rear yard that may be impacted by the construction of a new house on a location other than the proposed. Therefore, Staff is of the opinion that the proposal is reasonable considering the extreme topography, shape and existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as the subject property is significantly impacted by the lot of topography. 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. The proposed front yard setback is compatible with the front yard setbacks of adjacent lots. Furthermore, the request would not pose a potential impediment to 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



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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-19-291 for 1037 Hampton Street, N.W.

DATE: February 13, 2020

Applicant seeks a variance to reduce the north and south side yard setback from 7 feet to 5.5 feet, eliminate the front porch requirement, eliminate the requirement that parking be located in the side and rear yards, allow parking to be located in front of the front façade and a special exception to reduce the number of parking from 5 spaces to 3 spaces 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 25 feet on the east side of Hampton Street and begins 525 feet from the northeast intersection of Hampton Street and 10th Street. The property is located in Land Lot 149 of the 17th District, Fulton County, Georgia. It is located in the Home Park Neighborhood of NPU-E, Council District 3.

Relevant Zoning Requirements:

- Zoning: 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 setback(s): front yard, 30 feet; side yard, 7 feet; rear yard, 7 feet.

Property Characteristics: The subject property is a rectangular shaped lot with 2,500 square feet of area and 25 feet of frontage. The property is currently developed with a two-story single-family structure. Currently, vehicular access to the property is not provided. There are steps at the southeast corner of the property that provides pedestrian access to the lot. The topography of the lot inclines from west to east by approximately 11 feet in elevation. There are several trees in the front and side yards of the property.

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-5/SPI-8 (Two Family Residential/Home Park Special Public Interest District) zoning except to the southwest where the lots are zoned MR-3-C (Multi-Family Residential Conditional) and to the northwest where the lots are zoned MRC-3-C (Mixed Residential Commercial Conditional) zoning.

PROPOSAL: The applicant seeks a variance to reduce the north and south side yard setback from 7 feet to 5.5 feet, eliminate the front porch requirement, eliminate the requirement that parking be located in the side and rear yards, allow parking to be located in front of the front façade and a special exception to reduce the number of parking from 5 spaces to 3 spaces for the construction of a single-family dwelling.

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 piece of property in question because of its size, shape, or topography.** The subject property is deficient in lot area by 5,000 square feet and in width by 25 feet. In addition, the lot topography presents a challenge as the grade rises about 5 feet at the west lot boundary along Hampton Street and gradually inclines towards the east with an overall elevation difference of approximately 11 feet. Therefore, Staff finds lot area, width, and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot regarding area, topography and width. Due to the narrowness of the lot, the existing residential structure currently encroaches into the north and south side yard setbacks. The new structure will also encroach into the north and south side yard setbacks, but less than the existing encroachments, thereby reducing the level of non-conformity. In addition, the lot topography in the rear has a steeper slope than the front yard. Due to the steepness in the rear in combination with deficiencies in lot width and area, the front yard is the only feasible location for parking. Furthermore, the request to eliminate the front porch requirement is reasonable because of a limited lot area and width. It is extremely challenging for the owner to accommodate the porch in his design without compromising on the basic infrastructure of the house. Therefore, Staff is of the opinion that the proposal is reasonable considering the narrow and small lot with the steep slope.
- c. **Such conditions are peculiar to the particular piece of property involved.** The narrow lot width and reduced area are peculiar to the property 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 impair the purpose and intent of the zoning ordinance of the City of Atlanta or cause detriment to the public good. Furthermore, the proposal would not impose upon the adequate light and/or air on the adjacent properties or pose a potential impediment to emergency access or threats to health and fire safety. The houses on the block face and immediate houses on the street within 0.5 miles have porches. However, the houses do not have any dominant architectural character. The porches of those houses are also not a dominant character of the block. The intent of the requirement of front porch is to maintain and preserve the character of the neighborhood. However, Staff believes that in this case, porches on other houses are not the predominant character of the house and hence is not a contributing factor to the neighborhood character. There is no evidence that the proposed variance impedes the quality of life of adjacent neighbors, and the proposal does not appear to be a detriment to the public good.

PART II

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

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

The requirement of one parking space per bedroom is imposed by the Home Park overlay zoning district *"To preserve and protect the Home Park neighborhood from overcrowding of streets with excessive vehicles parked resulting from the rental of housing units."* However, the use of the building is such as it makes unnecessary the full provision of parking requirements. The applicant is proposing a single-family house in a two-family zoning district. The proposed parking will eliminate the need to park on the street. In addition, the underlying R-5 (Two Family Residential) zoning district requires one parking space per dwelling unit. The applicant is proposing 3 parking spaces which is more than required by the underlying zoning. If the R-5 regulations were to be implemented, there would be no need for the special exception. Furthermore, based on the site plan submitted by the applicant, the irregular topography coupled with narrow lot size and width limits the applicant's ability to provide additional onsite parking. Therefore, based on the information submitted by the applicant, Staff is of the opinion that the parking reduction is reasonable.

RECOMMENDATION: APPROVAL of PART I & PART II

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-19-292 for 770 Welch Street, S.W.

DATE: February 13, 2020

The applicant seeks variance to reduce the south side yard setback from 5 feet to 2 feet 5 inches 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 36 feet on the east side of Welch Street and begins 182 feet from the southeast intersection of Welch Street and Stephens Street. The property is located in Land Lot 86 of the 14th District, Fulton County, Georgia within the Pittsburgh Neighborhood of NPU V, Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned R-4B (Single Family Residential).
- Minimum lot dimensions: Frontage: 40 feet; Minimum lot area: 2,800 square feet.
- Minimum yard setbacks: Front yard: 20 feet; Side yards: 5 feet; Rear yard: 5 feet.

Property Characteristics: The subject property is a rectangular shaped lot with 36 feet of frontage and 3,499 square feet of area. It is currently undeveloped. Vehicular access is not available on site. Topography is relatively level in the front and declines towards the rear. Sidewalks are located at the front of the property. 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-4B (Single Family Residential) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the south side yard setback from 5 feet to 2 feet 5 inches 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 width by 4 feet and exceeds the R-4B lot area requirements. The lot shape has no irregularities. The topography of the lot declines towards the rear by 4 feet and may have an impact on the proposed new single family dwelling. 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 the width and topography. The previous dwelling encroached into the south side yard setback by approximately 1.3 feet. The new dwelling will only encroach into the south side yard setback by 2.4 feet thus, reducing the degree of nonconformity. Additionally, the extent of the encroachment is limited to the stairs and porch located on the south side of the dwelling. Therefore, Staff is of the opinion that the proposal is reasonable considering the conditions of the lot and previous encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The previous encroachment 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



CITY OF ATLANTA

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-19-255 for 792 Neal Street, N.W.

DATE: February 13, 2020 (*deferred 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Neal Street and begins 119 feet from the southeast intersection of Neal Street and Newport 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 (Single-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: 15 feet.
- Sec. 16-06A.012. - Relationship of building to street.
 - (1) *Front porches.*
 - a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
 - b. Front porches, when required, shall:
 - i. Be a minimum of 12 feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and

Property Characteristics: The subject property is approximately 6,006 square feet (0.138 acres) in lot area and 50 feet in width on the south side of Neal Street. The property is currently developed with a one-story residential building built in 1920 according to Fulton County records. Vehicular access to the property is currently provided from Neal Street by an adjacent alley along the east side property line. The lot topography is level with a two foot high stone retaining wall on the front property line and a one foot high concrete retaining wall along the front portion of the east

side lot line. There is large mature tree in the front yard and a large mature tree in the rear yard of the property. The existing residence has a front porch across the entire front façade with architectural characteristics that the neighborhood design zoning requirements intend to create and reinforce.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels surrounding the property on all sides are zoned R-4A (Single-Family Residential). Parcels to the east and west on Neal Street are developed with single-family residential buildings. Parcels to the north across Neal Street and to the south adjoining to the rear are vacant. Three of the neighboring structures on the subject block face have front porches.

PROPOSAL: The applicant is requesting a variance to reduce the required depth of the front porch from 8 feet in depth to 6 feet in depth in order to construct a new one story single family dwelling utilizing modular construction. The applicant proposes to demolish an existing residence and build an affordable prefabricated unit with a 6 foot deep 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 is deficient in lot area by 1,494 square feet. The lot topography is level and not exceptional. The lot shape is a standard rectangle similar in size to other lots in the neighborhood. Therefore, Staff finds lot area as the extraordinary and exceptional condition pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the Zoning Ordinance would not create an unnecessary hardship as there is ample room on this parcel to meet the neighborhood design standards required by the Ordinance. The subject lot is approximately 50 feet wide and 120 feet deep and has enough buildable area to accommodate a front porch with a minimum depth of 8 feet. The proposed modular unit is smaller than the existing structure built in 1920 and the existing structure to be demolished has a front porch as the dominant architectural feature on the front facade. The houses on the block face located at 780, 786 and 796 Neal Street have front porches. The applicant is proposing to use a prefabricated unit that comes with a 6 foot deep front porch and would be difficult to alter. However, the type of building material is a self imposed hardship and not related to the zoning regulations. Therefore, Staff is of the opinion that application of the Ordinance will not create a hardship and finds the proposal put forth is not reasonable considering the adequate buildable area available.
- c. **Such conditions are peculiar to the particular piece of property involved.** There are no peculiarities associated with the subject property. Additionally, the development opportunity to construct a single family residence with a compliant front porch is not limited without a variance. Staff understands the desire for affordable infill housing in a neighborhood with affordable housing needs and many vacant lots. However, allowing this variance may prompt others to build without adhering to the regulations with the goal of adding to the neighborhood.

Therefore, Staff finds the unique conditions identified on the subject property do not qualify as peculiar and does not impede the applicant from developing according to the Ordinance.

- 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 does not meet the purpose and intent of the Zoning Ordinance of the City of Atlanta. The majority of the houses on the block face have front porches. The proposed porch size will not be consistent with the requirements of the Ordinance. In addition, the intent of the minimum requirements for front porches is to create an active, pedestrian oriented streetscape. Front porches contribute to the architectural character and urban pedestrian environment intended by the Ordinance. Therefore, if granted, the requested variance may diminish the pedestrian experience on the street, and may impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

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-19-270 for 4295 Club Drive, N.E.

DATE: February 13, 2020 (*Deferred from January 9, 2020*)

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 an additional deferral to work with NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE HEARING

cc: Keyetta M. Holmes, Zoning Administrator