



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
MAYOR

DEPARTMENT OF CITY PLANNING
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www.atlantaga.gov

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-19-293 for 494 Plasters Avenue, N.E.
DATE: March 5, 2020

The applicant seeks a special exception to reduce the onsite parking from 60 spaces to 41 spaces for a retail development. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 116 feet on the north side of Plasters Avenue and begins 246 feet from the northwest intersection of Plasters Avenue and Armour Drive. The property is located in Land Lot 57 of the 17th District, Fulton County, Georgia within the Peachtree/Collier neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned I-1/BL (Light Industrial/Beltline Overlay)
- Parking Minimum Requirements: Section 16-16.009 (4): Eating and drinking establishments, delicatessens, retail sales: One space for each 100 square feet of floor area.

Property Characteristics: The subject property is an irregular shaped lot of approximately 0.459 acres (20,020 square feet) with 116 feet of frontage on the north side of Plasters Avenue. Access to the site is currently provided via two curb cuts on Plasters Avenue. The property is developed with a one story commercial building and surface parking. Lot topography is relatively level across the property. The property is well vegetated with trees and shrubs along the perimeter of the lot.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size, shape and use. An elevated section of Interstate 85 is located above a portion of Plasters Avenue directly south of the subject property. The abutting lot to the east of the subject property is a gas station, to the west is a five story multi-family residential building with a parking deck, and to the north is a one story commercial building. The surrounding zoning includes: I-1/BL (Light Industrial /Beltline Overlay) to the north, east, and south. The abutting lot to the west is zoned LW/BL (Live-Work /Beltline Overlay).

PROPOSAL: The applicant is requesting a special exception to reduce the required onsite parking from 60 spaces to 41 spaces for a retail development. The site is currently operating under special exception V-18-126 which was granted to reduce the required onsite parking from 49 spaces to 46 spaces for a mixed use (office-retail) development on June 14, 2018. The applicant proposes to make interior renovations to expand an existing 4,343 square foot restaurant into the adjacent 1,681 office space for a total of 6,024 square feet of restaurant space.

The minimum parking requirements are as follows:

USE	AREA/COUNT	RATIO	PARKING SPACES
Woof's Sports Bar-restaurant	6,024 SF	1 PS/100 SF	60
Min. Required			60 Total

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

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

The applicant's intent is to convert a portion of an existing mixed use building from office to retail by expanding an existing eating and drinking establishment. The applicant was granted a special exception to reduce parking and has been operating with 46 parking spaces without complaint. Subsequently, 5 parking spaces to the rear of the building was eliminated by refrigeration equipment. The applicant stated that more than 41 spaces are not necessary and will serve the parking need for the expanded restaurant development. The applicant submitted materials illustrating several blocks of commercial street parking within walking distance from the subject site. Some customers may access the venue on foot or bicycle from the nearby Beltline. The applicant has specified the development will provide the availability of rideshare services as additional measures to mitigate parking demand. Hours of operation are from 11:30 a.m. to 12:00 a.m. Sunday, 11:30 a.m. to 1:00 a.m. Monday -Thursday, and 11:30 a.m. to 2:00 a.m. Friday and Saturday. These hours with peak evening use complement the daytime uses in the nearby commercial and industrial areas with street parking. Allowing the proposed decrease in parking would support the objective of the Beltline Overlay Zoning to "Provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods." Staff finds that the character of the building is such as to make unnecessary the full provisions of parking because of the proposal to utilize onsite parking, nearby street parking, ride share options and the walkable urban environment of the Beltline location. Therefore, Staff finds the reduction of parking from 60 parking spaces to 41 parking spaces to be reasonable for this site.

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-19-294 for 569 Manford Road, S.W.
DATE: March 5, 2020

The applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet, the rear yard setback from 15 feet to 3 feet and to increase the maximum lot coverage from 50% to 53.8% for the construction of a detached garage. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the north side of Manford Road and begins approximately 252 feet from the northwest intersection of Manford Road and Manor Place. Zoned R-4/BL (Single Family Residential/Beltline Overlay). The property is located in Land Lot 88 of the 14th District, Fulton County, Georgia within the Capitol View Manor neighborhood of NPU-X, Council District 12.

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.
- Maximum lot coverage: 50 percent of the net lot area.

Property Characteristics: The subject property is a nonconforming lot with 7,399 square feet of area and 60 feet of frontage on the north side of Manford Road. The property is currently developed with a single-family residential structure. Vehicular access is provided by a concrete driveway located to the south of the residence. The lot topography has a steep slope in the front yard inclining sharply from the south to north with an elevation difference of approximately 8 feet. The rest of parcel is relatively flat. Currently, there are few shrubs planted on the lot and there are no trees or other landscaping on the property.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. They are mostly developed with single-family structures and zoned (R-4/BL (Single Family Residential/Beltline Overlay) zoning district.

PROPOSAL: The applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet, the rear yard setback from 15 feet to 3 feet and to increase the maximum lot coverage from 50% to 53.8% for the construction of a detached garage.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in lot area by 1,601 square feet and in lot width by 10 feet per the R-4 zoning district minimum requirements. Additionally, the lot topography creates a significant change in grade in the front yard with an elevation difference of approximately 8 feet. Also, the shape of the lot narrows from 60 feet in the front to 35 feet in the rear. Therefore, Staff finds the lot size, width, 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 an unnecessary hardship due to the irregularities in lot size, width, shape and topography. Compliance with the 7 foot side yard setback requirement would force the garage to be in the center of the property and out of alignment with the driveway. A lateral misalignment would make it impossible to park two vehicles. Similarly, compliance with the 15 foot rear yard setback would not leave enough room between the garage and the back of the house to safely maneuver the vehicles and exit the property. Additionally, the increase in lot coverage by 3.8% to construct a two-car garage is reasonable because of the deficiency in lot size, irregular shape and steep topography, all of which reduce the buildable area on the lot. Therefore, Staff finds the proposal to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficiency in lot size in combination with the irregular shape and steep grade change is peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the 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 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-19-295 for 899 Monroe Drive, N.E.

DATE: March 5, 2020

The applicant seeks variance to reduce the north side yard setback from 7 feet to 1 foot for an addition to an existing dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the east side of Monroe Drive and begins at the northeast intersection of Monroe Drive and Monroe Circle. 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 (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: 7 feet.

Property Characteristics: The subject property is a rectangular shaped corner lot with 5,107 square feet of area and 50 feet of frontage along Monroe Drive. The property is developed with a two story, single-family dwelling. A curb cut located off Monroe Circle provides vehicular access which terminates at an existing attached two car garage. The topography declines from the front towards the rear. There is black metal fence in the front yard about 4 feet in height. There are several of mature trees and shrubbery throughout the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels surrounding the property are developed with single-family homes with R-5/BL (Single-Family Residential/Beltline Overlay).

PROPOSAL: The applicant seeks a seeks variance to reduce the north side yard setback from 7 feet to 1 foot for an addition to an existing dwelling. The applicant's intent is to remove the existing wooden deck and replace it with a new entry way, mud room and deck.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in area by 2,393 feet. The lot shape has no irregularities. Topography is also irregular as it declines by approximately 8 feet from front towards the rear. Therefore, Staff finds topography and area 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 and topography. The existing home encroaches into the north side yard setback by approximately 6 feet. The applicant intends to build vertically thereby, maintaining the existing level of encroachment. In addition, to the relatively small size of lot, the property is a corner lot which has a half-depth front yard of 15 feet making the south side yard difficult to build on. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot and the existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment and topography 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 adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM *amended*

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-19-296 for 2270 Defoor Hills Road, N.W.

DATE: March 5, 2020

The applicant seeks a special exception to reduce the onsite parking from 220 spaces to 43 spaces for a church.

FINDINGS OF FACT:

Property Location: The subject property fronts 73 feet on the southwest side of Defoor Hills Road and begins approximately 1,920 feet from the northwest intersection Defoor Hills Road and Collier Road. The property is located in Land Lot 194 of the 17th District, Fulton County, Georgia in the Underwood Hills neighborhood of NPU-D, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned I-1 (Light Industrial)
- Section 16-16.009:
(13) *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 lot of approximately 45,354 square feet (1.04 acres) with approximately 73 feet of frontage on the southwest side of Defoor Hills Road. The property is currently developed with a 21,804 square foot, one-story warehouse. The topography declines in the front towards the building line then becomes more level towards the rear. There are few trees around the perimeter of the property.

Characteristics of Adjoining Properties, Neighborhood: Parcels to the north, east, and west are zoned I-1 and parcels to the south are zoned I-2. All properties vary in shape and size and are developed with structures with various uses.

PROPOSAL: The applicant seeks a special exception to reduce the onsite parking from 220 spaces to 43 spaces for a church. This applicant's intent is to expand an existing church sanctuary by 7,700 square feet with 843 moveable seats. The proposed expansion increases the minimum parking requirement to 220 spaces.

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

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

In addition to the 43 existing on-site spaces, the Trinity Anglican, Inc. church owners have submitted parking agreements for 150 spaces at 2282 and 2300 Defoor Hills Road. The church also owns the property at 2260 Defoor Hills Road which has 55 spaces. 2282 and 2300 Defoor Hills Road abuts the subject property to the north and 2260 Defoor Hills Road abuts to the south. Thus, these parcels are immediately adjacent to the subject property and are in close proximity. Additionally, considering the number of spaces on properties owned by the church and through parking agreements, the applicant exceeds the minimum requirement with 248 parking spaces. Peak usage for parking at this location is on Sundays during weekly church service, thus, the usage should not conflict with the business hours of the commercial and industrial uses found at the donor sites. Therefore, Staff finds that the reduction of parking from 220 spaces to 43 is reasonable due to the submitted parking agreement and the peak usage times for the church.

RECOMMENDATION: APPROVAL

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-19-297 for 1640 Rogers Avenue, S.W.

DATE: March 5, 2020

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 3 feet, the west side yard setback from 7 feet to 4 feet, the rear yard setback from 15 feet to 8 feet and to increase the maximum lot coverage from 50% to 56.2% 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 Rogers Avenue and begins 365 feet from the southeast intersection of Rogers Avenue and Marler Way. The property is located in Land Lot 150 of the 14th District, Fulton County, Georgia within the Westview neighborhood of NPU-T, Council District 10.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential)
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: 50%.

Property Characteristics: The subject property is a non-conforming rectangular lot of 8,491 square feet (0.195 acres) with approximately 50 feet of frontage on the south side of Rogers Avenue. The lot is currently vacant with vehicular access from a driveway off Rogers Avenue along the east side of the lot. The site topography is relatively level. The property is vegetated at the perimeter with several mature trees.

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-4 (Single Family Residential) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the east side yard setback from 7 feet to 3 feet, the west side yard setback from 7 feet to 4 feet, the rear yard setback from 15 feet to 8 feet and to increase the maximum lot coverage from 50% to 56.2% for the construction of 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 lot width is deficient of the R-4 zoning requirements by 20 feet. The size of the lot is deficient of the R-4 zoning requirements by 509 square feet. Therefore, Staff finds the lot width and size 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 and size which have an impact on the available buildable area of the property. The applicant proposes to construct a new residence with an east side yard setback of 3 feet and a west side yard setback of 4 feet. If the lot width met the R-4 standards these side yard setback variances would not be necessary. Additionally, the narrow configuration of the lot elongates the footprint of the house toward the rear of the lot and pushes the detached garage further back on the site so that the proposed rear yard setback is 8 feet. The narrow lot configuration also impacts lot coverage because it causes the driveway to be longer. The applicant proposes a lot coverage of 56.2% which is 527 square feet over what is permitted by the R-4 zoning requirements. The lot size is deficient by 509 square feet, therefore, the applicant is requesting only 18 square feet of coverage over what would be permitted if the lot size met the R-4 standards. Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of deficient lot width and size are 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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TIM KEANE
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Interim Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-01 for 2175 Lenox Road, N.E.

DATE: March 5, 2020

The applicant seeks a special exception to reduce the number of onsite parking from 43 spaces to 27 spaces for a multifamily development. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 200 feet on the east side of Lenox Road and begins at the southeast intersection of Lenox Road and Woodland Avenue. The property is located in Land Lot 5 of the 17th District, Fulton County, Georgia within the Lindridge/Martin Manor Neighborhood of NPU F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned RG-3 (Residential General Sector 3)
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 20,000 square feet.
- Minimum yard setbacks: Front yard: 40 feet; Side yard: 7 feet

Property Characteristics: The subject property is an irregular shaped lot with 200 feet of frontage on the east side of Lenox Road and 58,022 square feet of area. The property is currently developed with an apartment building with parking spaces on the north side of the building. Vehicular access is provided by two curb cuts located off Woodland Avenue. Topography inclines from the north to south with an elevation difference of approximately 21 feet. 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 single-family, multifamily, and commercial uses. The surrounding properties are zoned as follows: RG-3 (Residential General Sector 3) on all sides except MR-2 (Multi Family Residential) on the west side.

PROPOSAL: The applicant is requesting a special exception to reduce the number of onsite parking from 43 spaces to 27 spaces for a multifamily development. The property currently has 29 units and 45 parking spaces. The proposal is to eliminate 18 parking spaces to create an enclosed space. 14 of the parking spaces will be used to create 14 new apartment units., the remaining 4 spaces will be converted to amenity space. The addition of units and reduction of parking spaces will provide a total of 43 apartment units and 27 parking spaces.

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

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

The applicant intends to add 14 new apartment units, with a total of 43 apartment units. As per the RG-3 zoning requirement, the applicant is required to provide 43 parking spaces. The applicant is requesting a special exception for 16 parking spaces. Application of the regulations would create an unnecessary hardship because the additional 14 parking spaces will be provided at the neighboring property across the street. The neighboring property has 31 units and 59 parking spaces and the distance between two properties is approximately 85 feet. A parking lease agreement submitted by the applicant between two properties shows that the Lenox View apartment at 1138-48 Lenox Road will lease 14 spaces to the subject property. Therefore, the subject property will be practically 2 spaces short of the required amount. Therefore, Staff is of the opinion that a special exception to reduce the number of onsite parking from 43 spaces to 27 spaces is reasonable considering the 14 spaces will be provided at the property across the street.

RECOMMENDATION: APPROVAL conditioned on the following:

1. Applicant must maintain a lease agreement for off-site parking within 300 feet of the subject property (applicable zoning required).

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

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TIM KEANE
Commissioner

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

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-02 for 1643 Chattahoochee Avenue, N.W.

DATE: March 5, 2020

The applicant seeks a special exception to reduce the onsite parking 118 spaces to 48 spaces for an existing warehouse to be utilized as an art studio. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 260 feet on the northeast side of Chattahoochee Avenue and begins approximately 1,252 feet from the northeast intersection of Chattahoochee Avenue and Marietta Boulevard. The property is located in Land Lot 222 of the 17th District, Fulton County, Georgia within the Bolton neighborhood of NPU-D, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned I-1 (Light Industrial)
- Parking Minimum Requirements: Section 16-16.009 (6): Office, clinics (other than veterinary), laboratories, studios: One space per 300 square feet of floor area.

Property Characteristics: The subject property is an irregular shaped lot of approximately 1.82 acres (79,279 square feet) and 260 feet of frontage on the northeast side of Chattahoochee Avenue. Access to the site is currently provided via one curb cut on Chattahoochee Avenue. The property is developed with a one story warehouse building with surface parking. Lot topography slopes 40 feet from a highpoint at the north rear corner of the lot to a low point at the south rear corner of the lot. The property is well vegetated with trees and shrubs around the perimeter of the lot.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size, shape and use. Adjacent property to the southwest is developed as a cemetery. The abutting lots to the northwest, northeast and southeast of the subject property are developed with one story industrial buildings. The surrounding zoning to the northwest, northeast and southeast is I-1 (Light Industrial). The abutting property to the southwest is zoned R-5 (Single Family Residential).

PROPOSAL: The applicant is requesting a special exception to reduce the required onsite parking from 118 spaces to 48 spaces for an existing warehouse to be utilized as an art studio. The property will be used to house a private art collection that the owner wishes to make available to the public for viewing. The applicant proposes to restripe an existing parking lot to provide 48 parking spaces. The applicant states the maximum staff parking on site at any given time is 4 and the maximum customers, clients or visitors parking at any time would be 12 for a total maximum use of 16 parking spaces.

The minimum parking requirements are as follows:

USE	AREA/COUNT	RATIO	PARKING SPACES
Art Studio	35,400 SF	1 PS/300 SF	118
Min. Required			118 Total

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

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

The applicant proposes to convert an existing warehouse to an art studio to house a private art collection that the owner wishes to make available to the public for viewing. The predominant exercise of this use will be displaying the art privately, but also opening it for view by the public one day a week, on Saturdays from noon to 5 p.m. The applicant stated it is possible that small private events organized around the art collection may be held on the property, but if there are any private events held, they would number no more than a few a year. The facility will not be available to rent for events. The applicant proposes to use valet parking and an off-site parking agreement for any possible event that needs more than 48 parking spaces. Art will be neither produced nor sold on the property. The applicant stated that 48 parking spaces will more than serve the parking need for the art studio use. Staff finds that the character of the building is such as to make unnecessary the full provisions of parking because of the proposal to utilize adequate onsite parking for regular use and valet parking with an off-site parking agreement if any events with a parking need over 48 spaces are held. Therefore, Staff finds the reduction of parking from 118 parking spaces to 48 parking spaces to be reasonable for this site.

RECOMMENDATION: APPROVAL

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-20-03 for 1055 Hudson Drive, N.E.

DATE: March 5, 2020

The applicant seeks a variance to reduce the front yard setback from 35 feet to 30.3 feet, the east side yard setback from 7 feet to 3 feet, the west side yard setback from 7 feet to 5.5 inches, the rear yard setback from 15 feet to 6 feet 8 inches and to increase the maximum lot coverage from 50% to 55.6% for the construction of a new single family dwelling and swimming pool. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the south side of Hudson Drive and begins 277 feet from the southeast intersection of Hudson Drive and North Highland Avenue. The property is located in Land Lot 1 of the 17th District, Fulton County, Georgia within the Virginia Highland neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential)
- Minimum lot dimensions: 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.
- Maximum lot coverage: 50%.

Property Characteristics: The subject property is an irregular shaped lot with 7,876 square feet in area with 60 feet of frontage on the south side of Hudson Drive. The lot is currently developed with two-story single family residence with vehicular access from a driveway off Hudson Drive that terminates at a detached garage. The site topography declines from front towards the rear. The property is vegetated at the perimeter with several mature trees.

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-4 (Single Family Residential) zoning.

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 35 feet to 30.3 feet, the east side yard setback from 7 feet to 3 feet, the west side yard setback from 7 feet to 5.5 inches, the rear yard setback from 15 feet to 6 feet 8 inches and to increase the maximum lot coverage from 50% to 55.6% for the construction of a new single family dwelling and swimming pool.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot width is deficient of the R-4 zoning requirements by 10 feet. The size of the lot is deficient by 1,124 square feet. The lot shape tapers from the front towards rear by 9.9 feet. Topography declines from the front towards rear by approximately 4 feet however, topography does not have an impact on the proposal. Therefore, Staff finds the lot size and area 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 and size which have an impact on the available buildable area of the property. The applicant proposes to construct a new residence with an east side yard setback of 3 feet and a west side yard setback of 2.5 feet. If the lot width met the R-4 standards these side yard setback variances would not be necessary. Additionally, the narrow configuration of the lot elongates the footprint of the house toward the rear of the lot and pushes the detached garage further back on the site so that the proposed rear yard setback is 8.2 feet. The narrow lot configuration also impacts lot coverage because it causes the driveway to be longer. The applicant proposes a lot coverage of 55.6% which is 651 square feet over what is permitted by the R-4 zoning requirements. Therefore, Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficiencies in lot area and width are 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



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-20-05 for 14 West Andrews Drive, N.W.

DATE: March 5, 2020

The applicant seeks a special exception to construct a 5 foot 7 inch gate with columns in the front yard where only a 4 foot fence is allowed. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 177 feet on the west side of West Andrews Drive and begins approximately 392 feet from the northwest intersection of West Andrews Drive and Austell Way. The property is located in Land Lot 114 of the 17th District, Fulton County, Georgia within the Peachtree Heights West neighborhood of NPU-B, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-2A (Single Family Residential).
- Section 16-28.008 (5)(a)(1): In the R-1 through R-5 districts, the following retaining walls and fences are permitted: Within the required front and half-depth front yards: (i) Where no retaining wall is constructed, fences not exceeding four feet in height may be erected.

Property Characteristics: The subject property is an irregular shaped lot of approximately 87,394 square feet with 177 feet frontage on the west side of West Andrews Drive. The property is currently developed with a single-family residential structure. Vehicular access to the property is provided from West Andrews Drive. Topography of the property inclines from east to west by approximately 30 feet. The property has several mature trees and the yards are landscaped with different shrubs and plants.

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

PROPOSAL: The applicant is requesting a special exception to allow 5 foot 7 inch gate with columns in the front yard where only a 4 foot fence is allowed.

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

The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood; topographic reasons or such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

The steep topography of the lot creates a challenge as it changes grade by approximately 30 feet from the street right of way to the existing house. As per the applicant, entering of unauthorized vehicles have become an on-going issue and creates security concerns because the existing house is approximately 220 feet from the street. Therefore, the proposal is justified by reason of security as the gate will control unauthorized vehicles from entering the property. Additionally, the proposed gate with columns is compatible with the character of surrounding neighborhood. The properties at 17 W Andrews Drive N.W., 15 W Andrews Drive N.W., 10 W Andrews Drive N.W., 7 W Andrews Drive N.W., and several other properties within 0.5 miles from the subject property appear to have gates and columns with similar height. Therefore, Staff is of the opinion that allowing 5 foot 7 inch gate with columns in the front yard is reasonable due to the extreme topography and compatibility with the character of the neighborhood.

RECOMMENDATION: APPROVAL

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

DATE: March 5, 2020 (*deferred 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



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
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MEMORANDUM *amended*

TO: Board of Zoning Adjustment
FROM: Racquel T. Jackson, Secretary to the Board 
SUBJECT: V-19-275 for 512 Flat Shoals, S.E.
DATE: March 5, 2020 (*deferred February 13, 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the northeast side of Flat Shoals Avenue and begins at the northeast intersection of Flat Shoals Avenue and Glenwood Avenue. The property is located in Land Lot 177 of the 15th District, DeKalb County, Georgia in the East Atlanta neighborhood of NPU-W, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned NC-2 (East Atlanta Village Neighborhood Commercial District)
- Section 16-32b.002(16): *Off-Street Parking Requirements*. In addition to the general NC district requirements of Section 16-32.023, the following parking requirements shall supplant the requirements for the uses specified below in the Table.

NC-2 East Atlanta Village Neighborhood Commercial District: Parking Table	
Permitted Use	Minimum Parking Requirement
Banks and similar institutions	1 space per 300 square feet of floor area
Clothing and Tailor Shops	
Office	
Retail Establishments (including catering, delicatessen and bakeries)	
Sales and Repair Establishments	
Laundry and dry cleaning pick-up stations and coin operated Laundromats	1 space per unit
Dwellings and Lodgings	
All other uses	As specified in Section 16-32.023

Property Characteristics: The subject property is an irregular-shaped lot of approximately 18,086 square feet (0.415 acres) with approximately 50 feet on the northeast side of Flat Shoals Avenue. The property is currently developed with a 12,600 square foot, two-story building. The topography is relatively flat throughout the property.

Characteristics of Adjoining Properties, Neighborhood: The lots immediately surrounding the subject property vary in shape and size and are all zoned NC-2. Parcels nearby are developed with structures with various uses.

PROPOSAL: The applicant seeks a special exception to reduce the number of onsite parking from 73 spaces to 0 spaces for a mixed use development. This special exception request will allow the construction of a 3-story building that will include retail, office, multi-family, and restaurant space.

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

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

The applicant has submitted an off-site shared parking agreement with the property at 495 Haas Avenue for 41 spaces. An existing 2-story building on the site will remain but it does not have a minimum parking requirement as it was built prior to 1965. Based on the application, space in the new structure will be allotted as follows:

- Restaurant – 2,000 square feet
- Retail/Office/Delicatessen – 4,000 square feet
- Multi-family – 20 units

Eating and drinking establishments represent the largest portion of non-residential space in the development at 6,000 square feet and has the largest parking requirement at 40 spaces. Restaurant hours of operation can span from the early morning to late in the evening. Offices account for only 2,000 square feet and require only 10 spaces. Typical office hours are between 8:00 a.m. and 5:00 p.m., Monday through Friday. The multi-family space requires 20 spaces. Presumably, tenants would not require parking during working hours.

Although the applicant has submitted an off-site parking agreement, this may not appropriately accommodate the proposal. This portion of the East Atlanta neighborhood is a popular destination for its retail opportunities, which include several bars and restaurants in close proximity to one another. During peak service hours, the volume of customers can significantly impact traffic circulation and the availability of parking in the East Atlanta area. Most likely, there will be overlap during peak hours where residential tenants, employees and customers utilizing the non-residential space will compete for parking. The subject property is near the intersection of Glenwood Avenue and Flat Shoals Avenue, where there is a concentration of bars, taverns,

restaurants, and other retail establishments. Thus, parking can be challenging during peak business hours, often forcing vehicular traffic into the residential community on the perimeter of the commercial area. An expressed purpose of the Neighborhood Commercial designation is to “minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements”. However, this redevelopment may further exacerbate traffic in the adjacent neighborhood. It would increase the parking demand for the already scarce amount available. Thus, the 41 off-site spaces will not be adequate to accommodate the proposed three uses on the property.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

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TIM KEANE
Commissioner

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

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-19-284 for 1466 Norris Place, N.W.

DATE: March 5, 2020 (*deferred 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Norris Place and begins 350 feet from the southwest intersection of Norris Place and Edward Street. The property is located in Land Lot 142 of the 14th District, Fulton County, Georgia within the Hunter Hills neighborhood of NPU-K, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yard: 7 feet; Rear yard: 15 feet.
- 16-28.008 (5)(1)(ii): Front yards; Not more than two retaining walls with a maximum height of three feet each may be erected.
- 16-28.008 (5)(2)(ii): Side yards; Where no retaining wall is constructed, fences or walls not exceeding six feet in height may be erected or maintained.

Property Characteristics: The subject property is a rectangular shaped lot with approximately 6,956 square feet and 50 feet of frontage on the south side of Norris Place. The property is currently under construction with a two story single-family dwelling. Vehicular access to the property is provided via a driveway located off Norris Place along the west property line. The lot topography is irregular throughout. Topography steeply inclines from the front of the property, appears to level towards the middle and begins to decline towards the rear. The property currently has no vegetation.

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

PROPOSAL: The applicant proposes to build one retaining wall adjacent to the east side property line that extends from the front yard to the rear yard. In order to construct the proposed retaining wall, the applicant requests a special exception to exceed the maximum height of a retaining wall in the required front yard from 3 feet to 9.5 feet, and to exceed the maximum height of a retaining wall in the required east side yard from 6 feet height to 9.5 feet in height.

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

The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood; topographic reasons or such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

The steep topography of the lot creates a challenge to meet the requirements of the Zoning Ordinance in terms of maximum height of retaining walls allowed. Additionally, the irregularities in topography cause the lot to be significantly higher in elevation at some points of the yard and gradually incline in others. Furthermore, the various elevations in topography lead to a relatively small portion of the proposed retaining wall rising to a height of 9.5 feet while the remaining portion of the retaining wall will stand 6 feet or lower along the side and 3 feet or lower along the front. Staff is of the opinion that if this special exception is granted it would not cause detriment to the public good. Additionally, the proposed retaining wall is not out of character for the neighborhood and the steep terrain of the area has made retaining walls necessary for lots at 1470, 1460 and 1456 Norris Place where the homes are terraced along the slope. Therefore, Staff is of the opinion that allowing an 9.5 foot retaining wall is justified by the steep topography and compatibility.

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-19-288 for 650 West Peachtree Street, N.W.
DATE: March 5, 2020 (*deferred 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 that this case be withdrawn. Staff is supportive of this request.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, Zoning Administrator