



# CITY OF ATLANTA

**KEISHA LANCE BOTTOMS**  
MAYOR

DEPARTMENT OF CITY PLANNING  
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**TIM KEANE**  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-230 for 631 Park Drive, N.E.

**DATE:** March 12, 2020

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**The applicant seeks a variance to reduce the west side yard setback from 7 feet to 0 and the rear yard setback from 15 feet to 5 feet for the construction of a shared two car garage.**

The applicant has requested a deferral to the next available BZA agenda. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

**TIM KEANE**  
Commissioner

**KEISHA LANCE BOTTOMS**  
MAYOR

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-231 for 627 Park Drive, N.E.

**DATE:** March 12, 2020

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**The applicant seeks a variance to reduce the east side yard setback from 7 feet to 0 and the rear yard setback from 15 feet to 5 feet for the construction of a shared two car garage for property**

The applicant has requested a deferral to the next available BZA agenda. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



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

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-268 for 1235 & 1301 Chattahoochee Avenue, N.W. and 500 Permalume Place, N.W.

**DATE:** March 12, 2020

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The applicant seeks a variance to reduce the required open space from 550,489 square feet to 300,000 square feet for a multi-family development.

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

**Property Location:** The subject property fronts approximately 1,312 feet on the northeast side of Chattahoochee Avenue and begins approximately 290 feet from the northwest intersection of Chattahoochee Avenue and Ellsworth Industrial Boulevard. The property is located in Land Lot 192 of the 17<sup>th</sup> District, Fulton County, Georgia within the Underwood Hills neighborhood of NPU-D, Council District 9.

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

- The subject property is zoned I-MIX (Industrial Mixed Use)
- Sec. 16-16A.008. Minimum Open Space Requirements
  - Residential Uses: Table I, "Land use intensity ratios": 550,489 square feet.

**Property Characteristics:** The subject properties are an assemblage of irregular-shaped lots approximately 27.47 (1,196,714 square feet) acres. The lots are currently developed with several one-story industrial buildings. The frontage along Chattahoochee Avenue is curvilinear, following the pattern of the road. Lot topography declines gradually from the front to the rear of the parcels. There are several curb cuts along Chattahoochee Avenue providing access to the sites. There are few trees throughout the lot.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape and are developed with non-residential uses. They are zoned I-2 (Heavy Industrial).

**PROPOSAL:** The applicant is requesting a variance to reduce the required open space from 550,489 square feet to 300,000 square feet for a multi-family development.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** There are no minimum lot size and width requirements in the I-MIX (Industrial Mixed Use) zoning district. However, the assemblage of properties creates an irregular shape. Additionally, the topography declines from the front property line to the rear. Staff finds the lot shape and topography to be the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the existing buildings on the properties. The warehouse buildings found on the property are more than 50 years old and will be preserved in the redevelopment of the property. The applicant is proposing to add 340 residential units. The large square footage of the property requires that a significant portion of the area be reserved for open space. Considering the existing industrial buildings and uses that are being preserved, there are limited opportunities to provide open space. This precludes virtually any redevelopment of the lot without the need for variances or loss of the industrial buildings and uses. Therefore, Staff finds this proposal to reduce the required open space to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The irregular lot shape is peculiar to the subject parcels as they are a part of an assemblage of properties. Though there are other irregularly-shaped lots in the vicinity, Staff is unaware of an assemblage of properties as large as those proposed in this application. Therefore, Staff finds the lot shape qualifies as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request the redevelopment and reuse of the existing warehouse buildings while providing an opportunity include residential units. This improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the variance to reduce the required open space to be reasonable.

**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-19-287 for 1115 Howell Mill Road, N.W.  
**DATE:** March 12, 2020

The applicant seeks a variance to reduce the required useable open space from 105,173 square feet to 45,000 square feet and the total open space from 138,477 square feet to 70,000 square feet for a multi-family development.

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

**Property Location:** The subject property fronts 351 feet on the east side of Howell Mill Road and begins at the southeast intersection of Howell Mill Road and 14th Street. The property is located in Land Lot 150 of the 17<sup>th</sup> District, Fulton County, Georgia within the Marietta Street Artery neighborhood of NPU-E, Council District 3.

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

- The subject property is zoned PD-MU (Planned Development – Mixed Use)
- Sec. 16-16A.008. Minimum Open Space Requirements
  - Residential Uses: Table I, "Land use intensity ratios"
    - Useable Open Space: 105,173 square feet.
    - Total Open Space: 138,477 square feet.

**Property Characteristics:** The subject property is an irregular shaped corner lot of approximately 3.5665 (155,357 square feet) acres. It is part of an assemblage of lots that were rezoned to the PD-MU (Planned Development – Mixed Use) zoning district. The lots are currently being developed with several multi-story buildings with residential and non-residential uses. Lot topography declines gradually from the front to the rear of the lot. Access to the property is provided along Howell Mill Road. There are few trees throughout the lot.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape and are developed with non-residential uses. To the north and west the parcels are zoned MRC-3 (Mixed Residential Commercial). To the east the parcels are zoned PD-MU (Planned Development – Mixed Use). To the south, the parcels are zoned MRC-2-C (Mixed Residential Commercial – Conditional).

**PROPOSAL:** The applicant is requesting a variance to reduce the required useable open space from 105,173 square feet to 45,000 square feet and the total open space from 138,477 square feet to 70,000 square feet for a multi-family development.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** There are no minimum lot size and width requirements in the PD-MU (Planned Development – Mixed Use) zoning district. However, the parcel is an irregular shaped corner lot and the topography declines from the front property line to the rear. Staff finds the lot shape and topography to be the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the shape and mix of uses on the lot. The applicant proposes both residential and commercial uses, however, the required open space that can be provided does not apply to all uses on the site. Thus, the non-residential open space requirement cannot be applied to the residential requirement, although this is a single planned development. Additionally, the declining topography limits opportunities for safe, useable open space. The site is most level near the front, but it declines along 14<sup>th</sup> Street. Therefore, Staff finds this proposal to reduce the required open space to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** This is the only parcel zoned PD-MU that is a corner lot, having frontages on both Howell Mill Road and 14<sup>th</sup> Street. Although there are other corner lots in the vicinity, Staff is unaware of any other lots of similar size. Additionally, the declining lot topography is peculiar as Staff is unaware of similar conditions on adjacent lots. Therefore, Staff finds these conditions qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request promotes desirable living conditions and reinforces the stability of the surrounding neighborhood by facilitating the redevelopment of the property. This improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the variance to reduce the required open space to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-06 for 993 Coronado Drive, N.W.

**DATE:** March 12, 2020

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**Applicant seeks a variance to reduce the rear yard setback from 30 feet to 21 feet 5 inches for the construction of a swimming pool.**

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

**Property Location:** The subject property fronts 175 feet on the north side of Coronado Drive and begins 342 feet from the northwest intersection of Coronado Drive and Mt. Paran Parkway. The property is located in Land Lot 178 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Mt. Paran Parkway Neighborhood of NPU-A, Council District 8.

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

- Zoning: R-2 (Single Family Residential).
- Minimum lot dimensions: frontage, 150 feet; minimum lot area, 1 acre (43,560 square feet).
- Minimum yard setback(s): front yard, 60 feet; side yard, 15 feet; rear yard, 30 feet.

**Property Characteristics:** The subject property is an irregular-shaped lot of approximately 51,735 square feet of area and 175 feet of frontage. The lot width widens from the front to the rear by approximately 3 feet. It is developed with a two story single family residential structure. Vehicular access is provided via a driveway near the eastern property line. The topography varies throughout the site but is most level in the rear. Along the front property line, topography declines towards the creek and sanitary sewer easement in the front yard, but then inclines towards the rear yard. Additionally, the topography slopes downward east to west throughout the site. According to the site plan, the creek and sanitary sewer easement traverse through the southern portion of the lot. There are large, mature trees and shrubs throughout the site.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are consistently developed with single-family detached homes with similar R-2 (Single Family Residential) zoning.

**PROPOSAL:** The applicant seeks a variance to reduce the rear yard setback from 30 feet to 21 feet 5 inches for the construction of a 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 subject property is a tapering lot that narrows approximately 3 feet from the front to the rear. Additionally, the topography varies throughout the site. Most significantly, there is a creek traversing the southern portion of the lot, which has impacted the location of the primary structure. Therefore, Staff finds lot shape and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to the topography of the property. In particular, the lot is impacted by an existing creek and topography that slopes downward from east to west. The existing creek imposes a 25-foot State water buffer and 75-foot impervious surface buffer on the property, disallowing virtually any improvements in the front of the property. Additionally, the topography only becomes more level once approaching the rear yard, which is a more desirable location for active recreation structures. Thus, the topography, creek, and stream buffers severely reduce the buildable area of the property and impact the location of structures. Therefore, Staff is of the opinion that the proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Many of the parcels in the immediate vicinity have irregular shapes and varying topographies. 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: TECHNICAL DENIAL** - The subject property does not satisfactorily meet the criteria for an extraordinary and exceptional lot condition. For the sole reason that it does not meet all the criteria, Staff is not recommending approval of the requested variance. However, approval of the requested zoning relief would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance.

cc: Keyetta M. Holmes, Zoning Administrator



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Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-08 for 1200 Oriole Drive, S.W.

**DATE:** March 12, 2020

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**Applicant seeks a variance to reduce the front yard setback from 50 feet to 23.5 feet for the construction of a single family dwelling. Applicant seeks no other variances this time.**

The applicant did not appear before NPU 1. Therefore, Staff is recommending a deferral to allow the applicant additional time to meet with the NPU.

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

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 *RTJ*  
**SUBJECT:** V-20-09 for 2197 Mt. Paran Road, N.W.  
**DATE:** March 12, 2020

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**The applicant seeks a variance to reduce the south side yard setback from 25 feet to 14 feet 6 inches for an addition to the existing dwelling and for the construction of an accessory structure.**

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



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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-20-10 for 4407 Jett Road, N.W.

**DATE:** March 12, 2020

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**The applicant seeks a variance to reduce the rear yard setback from 20 feet to 16 feet for the construction of a swimming pool and deck. Applicant seeks no other variances at this time.**

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

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

cc: Keyetta M. Holmes, Zoning Administrator



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-11 for 419 Oliver Street, N.W.

**DATE:** March 12, 2020

The applicant seeks a variance to reduce the front yard setback from 30 feet to 26 feet, the rear yard setback from 15 feet to 7.5 feet and the south side yard setback from 7 feet to 5 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 on the east side of Oliver Street and begins 100 feet from the southeast intersection of Oliver Street and Neal Street. The property is located in Land Lot 111 of the 14<sup>th</sup> 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: 300 feet; Side yards: 7 feet; Rear yard: 15 feet.

**Property Characteristics:** The subject property is a standard shaped lot with 50 feet of frontage and 4,000 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. There are several mature trees and shrubs located throughout.

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

**PROPOSAL:** The applicant is requesting a variance to reduce the front yard setback from 30 feet to 26 feet, the rear yard setback from 15 feet to 7.5 feet and the south side yard setback from 7 feet to 5 feet for the construction of a single family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in area by 3,500 feet and meets the R-4A width requirements. The lot shape has no irregularities. The topography of the lot declines towards the rear by 6 feet and may have an impact on the proposed new single family dwelling. Therefore, Staff finds the lot area and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot regarding the width and topography. The applicant's intent is to move the home towards the south side and front in order to build the residences on the most level portion of the parcel. Additionally, the deficiencies of the lot area severely limit the buildable area. Therefore, Staff is of the opinion that the proposal is reasonable considering the conditions of the lot and existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot area and topography are peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Staff supports the request.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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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-20-12 for 469 Florida Avenue, S.E.

**DATE:** March 12, 2020

The applicant seeks a variance to reduce the front yard setback from 35 feet to 27 feet 8.5 inches and the rear yard setback from 15 feet to 10 feet 6 inches for additions to an existing single family dwelling. Applicant seeks no other variances at this time.

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

**Property Location:** The subject property fronts 106 feet on the west side of Florida Avenue and begins 203 feet from the southwest intersection of Florida Avenue and Sanders Avenue. The property is located in Land Lot 12 of the 14<sup>th</sup> District, Fulton County, Georgia within the Ormewood Park neighborhood of NPU-W, Council District 5.

#### **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 a shallow rectangular shaped lot of 7,509 square feet (0.172 acres) with approximately 106 feet of frontage on the west side of Florida Avenue. The depth of the lot is 71 feet. The lot is currently developed with a single family residence and detached shed. The subject property has vehicular access from a driveway off Florida Avenue along the south side of the lot. The rear yard is adjacent to a 10 foot alley. The site topography is relatively level. The property is vegetated with shrubs and 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 27 feet 8.5 inches and the rear yard setback from 15 feet to 10 feet 6 inches for a south side addition to an existing single family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot area is deficient by 1,491 square feet per the R-4 zoning requirements. Therefore, Staff finds the lot size as the extraordinary and exceptional condition 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 size and orientation which has an impact on the available buildable area of the property. The lot has more width than depth which results in the lot having more buildable area in the side yards. Additionally, the existing residence currently encroaches into the front yard setback by approximately 9 feet and into the rear yard setback by approximately 2.5 feet. The proposed additions will be less of an encroachment than the existing structure. Therefore, Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of deficient lot size and irregular lot orientation 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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Interim Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-13 for 2481 & 2489 Donald Lee Hollowell Parkway, N.W.

**DATE:** March 12, 2020

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The applicant seeks a special exception to reduce the onsite parking from 49 spaces to 44 spaces for a senior housing multifamily development. Applicant seeks no other special exceptions at this time.

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

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

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-20-14 for 643 Brownwood Avenue, S.E.

**DATE:** March 12, 2020

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**The applicant requests a variance to reduce the half-depth front yard setback from 17.5 feet to 14 feet for a second story addition. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 58 feet on the west side of Brownwood Avenue and begins at the southwest intersection of Brownwood Avenue and Pendleton Street. The property is located in Land Lot 176 of the 15<sup>th</sup> District, DeKalb County, Georgia within the East Atlanta Neighborhood of NPU W, Council District 5.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a rectangular shaped corner lot with 8,700 square feet of area and 58 feet of frontage. The property is developed with a single family dwelling. Vehicular access to the property is provided via a driveway accessed from Pendleton Street. The lot topography inclines from the front towards the rear. The property is well vegetated with trees and shrubs throughout the lot.

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

**PROPOSAL:** The applicant requests a variance to reduce the half-depth front yard setback from 17.5 feet to 14 feet for a second story addition. The applicant's intent is to enclose the front porch and add a second story addition.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property does not meet the minimum lot requirements per the R-4 zoning. The lot is deficient in area by 300 square feet and in width by 12 feet. The lot shape is rectangular and has no irregularities. However, the lot topography inclines from the front of the property towards the rear yard. Therefore, Staff finds lot size, width and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship because of the deficiencies with the size, width and topography which impacts the available buildable area. The existing dwelling currently encroaches into the half-depth front yard setback by 3.5 feet. The proposed additions will be vertical and align with the existing encroachment. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot size, width and topography are unique to the subject property. Additionally, the encroachment is peculiar as Staff is unaware of similar conditions on adjacent properties. Therefore, Staff finds the unique conditions identified on the subject property qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The requests allow an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the variance to reduce the front and half-depth front yards to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

KEISHA LANCE BOTTOMS  
MAYOR

DEPARTMENT OF CITY PLANNING  
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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

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

**DATE:** March 12, 2020 (*Deferred from January 9, 2020 and March 12, 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 a 60-day deferral to work with NPU. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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Interim Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-283 for 546 St. Charles Way, N.E.

**DATE:** March 12, 2020 (*deferred February 6, 2020*)

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

The applicant has requested that this application be withdrawn. Staff is supportive of this request.

**RECOMMENDATION: DENIAL WITHOUT PREJUDICE**

cc: Keyetta M. Holmes, Zoning Administrator