



# CITY OF ATLANTA

KEISHA LANCE BOTTOMS  
MAYOR

DEPARTMENT OF CITY PLANNING  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-281 for 654 Ethel Street, N.W. and 1042, 1058 and 1090 Northside Drive, N.W.

**DATE:** August 6, 2020

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**The applicant requests for a variance to reduce the useable open space from 96,892 square feet to 62,998 square feet for the construction of a mixed used development. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts approximately 410 feet on the west side of Northside Drive, 308 feet on the south of Ethel Street and begins at the southwest intersection of Northside Drive and Ethel Street. The property is located in Land Lot 149 & 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 MRC-3 (Mixed Residential Commercial)
- Sec. 16-34.010. Minimum Open Space Requirements
  - Residential Uses: Table I, "Land use intensity ratios"

**Property Characteristics:** The subject property is approximately 4.364 acres (190,095 square feet) and consists of four parcels. It is located on the west side of Northside Drive with approximately 336.47 feet frontage on the north side of 11th Street. The property is currently developed with aging commercial buildings with auto sales, offices and billboard uses and a few vacant buildings. The topography varies throughout the lot but overall inclines approximately 47 feet in an easterly to westerly direction. The subject site is almost completely paved except for a few foundation plantings. There are five curb cuts on Northside Drive, one on 11th Street and five on Ethel Street. Access to the site is currently provided off Northside Drive via one curb cut off Ethel Street via five curb cuts and off 11th Street via one curb cut. Remaining curb cuts are currently not in use.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding properties are zoned PDMU (Planned Development Mixed Use) to the south, I-1 (Light Industrial) to the north and west,

and MR-3-C (Multi Family Residential Conditional) to the east. The surrounding uses are mostly residential and commercial and include apartments to the south, the Atlanta Day Shelter for Women and Children and a restaurant to the north, commercial uses to the west and residential uses to the east.

**PROPOSAL:** The applicant is requesting a variance to reduce the useable open space from 96,892 square feet to 62,998 square feet for the construction of a mixed used 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 MRC-3 (Mixed Residential Commercial) zoning district. However, the lot has an irregular shape. Additionally, the topography varies throughout the lot but overall inclines approximately 47 feet in an easterly to westerly direction. Therefore, Staff finds the lot shape and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the irregularities in lot shape and topography. The applicant is proposing to redevelop the property with a mixed-use building consisting of approximately 160,000 square feet of office use; 100,000 square feet of retail use, including a grocery store; a 190-key hotel; and 350 multifamily dwelling units targeted for student housing. The declining topography has an impact on the location and arrangement of the buildings on the site which therefore impacts the open space requirement. The steep topography and lot shape ultimately limit the availability of open space on the development. 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 and topography are peculiar to the subject parcel. Staff is unaware of similar conditions on adjacent properties. Therefore, Staff finds the lot shape qualifies as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows 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 required open space to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-15 for 539 Manor Ridge Drive, N.W.

**DATE:** August 6, 2020

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**The applicant seeks a special exception to allow active recreation (swimming pool) in a yard adjacent to a street.**

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

**Property Location:** The subject property fronts 119 feet on the north side of Manor Ridge Drive and begins at the northeast intersection of Manor Ridge Drive and Brookdale Drive. The property is located in Land Lot 144 of the 17<sup>th</sup> District, Fulton County, Georgia. It is in the Peachtree Battle Alliance Neighborhood of NPU-C, Council District 8.

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

- The subject property is zoned R-3 (Single Family Residential).
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment

**Property Characteristics:** The subject property is an irregular-shaped corner lot with approximately 27,469 square feet of area and 119 feet of frontage on the north side of Manor Ridge Drive. It is developed with a two-story single family residential structure with basement, playground, and detached carport. Vehicular access is provided via a driveway along Manor Ridge Drive terminating at a carport to the east of the primary structure. The topography is relatively flat along Manor Ridge Drive, but inclines steeply from the frontage of the lot along Brookdale Drive towards the eastern property line. There are several trees and shrubs located throughout the property.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. They are consistently developed with single-family detached homes with R-3 (Single Family Residential) zoning.

**PROPOSAL:** The applicant seeks a special exception to allow active recreation (swimming pool) in a yard adjacent to a street.

**CONCLUSIONS:** The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) (7) of the City of Atlanta Zoning Ordinance.

- a. **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The location of the proposed swimming pool will most likely not be visible to neighboring properties. Based on the site plan, the swimming pool would be most visible from the frontage along Brookdale Drive. However, the topography inclines approximately 17 feet from the street towards the proposed amenity area and has considerable landscaping creating a natural visual barrier to the pool. Therefore, the impact on neighboring properties will be minimized.
  
- b. **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property is a corner lot with inclining topography. In addition, because it is a corner lot, there are two frontages. However, the topography along Brookdale Drive is very steep creating a natural sight barrier to the proposed location of the pool. The pool cannot be located elsewhere without bringing it closer to the street, as it is a corner lot. The existing fencing and landscaping should be maintained to reduce the visibility of the pool. Therefore, Staff is of the opinion that the location of the proposed pool is reasonable as it cannot be located elsewhere on the lot.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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TIM KEANE  
Commissioner

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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-16 for 80 Dahlgren Street, S.E.

**DATE:** August 6, 2020

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**The applicant seeks a variance to reduce the front yard setback from 30 feet to 12 feet 8 inches and the half-depth front yard setback from 15 feet to 4 feet 6 inches for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the east side of Dahlgren Street and begins at the southeast intersection of Dahlgren Street and Wylie Street. The property is located in Land Lot 208 of the 15<sup>th</sup> District, DeKalb County, Georgia within the Edgewood neighborhood of NPU-O, Council District 5.

### **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.

**Property Characteristics:** The subject property is an irregular shaped corner lot with 4,701 square feet of area and 50 feet of frontage along Dahlgren Street. The property is developed with a one story, single-family dwelling. A curb cut, located off Dahlgren Street, provides vehicular access which terminates at the dwelling. The topography declines from the south towards the north side of the property. A 4 foot chainlinked fence surrounds the property. There are several mature trees and shrubbery located 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-4A (Single-Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 30 feet to 12 feet 8 inches and the half-depth front yard setback from 15 feet to 4 feet 6 inches for an addition to an existing single family dwelling. The applicant's intent is replace an existing 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 area by 2,799 feet. The lot shape is also irregular as it tapers approximately 8 feet towards the rear. Topography is also irregular as it declines from the south towards the north property line. Therefore, Staff finds size, 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 regulations would create an unnecessary hardship because of the irregularities of the lot regarding size, shape and topography. The existing home encroaches into the front yard setback by approximately 17 feet. The applicant intends to build vertically thereby, maintaining the existing 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 which further reduces the buildable area. The proposed front porch addition will decrease the existing encroachment by approximately 0.9 inches. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot and the existing encroachment.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment and shape are peculiar as Staff 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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Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-17 for 431 Formwalt Street, S.W.

**DATE:** August 6, 2020

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The applicant seeks a special exception to reduce the onsite parking from 16 spaces to 0 for a mixed use development. Applicant seeks no other special exceptions at this time.

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

**Property Location:** The subject property fronts 40 feet on the west side of Formwalt Street and begins 40 feet from the southwest intersection of Formwalt Street and Eugenia Street. The property is located in Land Lot 76 of the 14<sup>th</sup> District, Fulton County, Georgia within the Mechanicsville neighborhood of NPU-V, Council District 4.

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

- The subject property is zoned SPI-18 SA 1 (Mechanicsville Neighborhood Special Public Interest District - Subarea 1: Mechanicsville Mixed-Use)
- Parking Minimum Requirements: Section 16-18R.021 (3)(a): Multi-family: As specified in Table 1, "Land Use Intensity Ratios" under appropriate FAR for the development (dwelling units x 0.99). (4)(g): Eating and drinking establishments: Indoor requirements: A minimum of one space for each 100 square feet of floor area

**Property Characteristics:** The subject property is a rectangular shaped undeveloped lot of approximately 0.056 acres (2,431 square feet) with 40 feet of frontage on the west side of Formwalt Street. There is currently no vehicular access to the site. The lot topography gradually slopes from the north towards the south. The property is vegetated with grass.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size, shape and use. The property located to the east is a large surface parking lot for the adjoining Fulton County Juvenile Court and the Mechanicsville Library. The abutting properties to the north and south of the subject lot are undeveloped. Adjoining property to the west is partially

developed with foundations for structures that were not completed. The surrounding zoning on all sides of the subject property is SPI-18 SA 1 (Mechanicsville Neighborhood Special Public Interest District - Subarea 1: Mechanicsville Mixed-Use).

**PROPOSAL:** The applicant is requesting a special exception to reduce the required onsite parking from 16 spaces to 0 spaces for a mixed use building with a coffee shop on the first floor and two residential units on the second and third floors. The applicant proposes street parking for the residential units. The applicant states the target market for the coffee shop will primarily be employees and visitors to the court and library across the street who will already be parked in the parking lot across the street or can park on the street. Coffee shop hours are proposed to be 7:00 a.m. to 7:00 p.m. Monday-Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday. The minimum parking requirements are as follows:

USE	AREA/COUNT	RATIO	PARKING SPACES
Residential	2 units	1 PS/0.99 units	2
Eating/drinking establishment	1,351 SF	1 PS/100 SF	14
<b>Minimum Required</b>			<b>16 Total</b>

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

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

The applicant proposes to construct a mixed use building with a coffee shop on the ground floor and two residential units on the second and third floors. The lot is very small and would be difficult to provide parking for anything without consuming a major portion of the ground floor. The intent of this zoning district within the Zoning Ordinance explicitly states: "Reduce parking requirements by encouraging shared parking and alternative modes of transportation; and Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks." The proposed structure would meet the intent of the ordinance by providing a pedestrian-oriented street level use and would encourage shared parking and alternative modes of transportation such as walking within the neighborhood or ride share services. Street parking is abundant in the neighborhood and many existing residences use street parking. Staff finds that the character of the use and building is such as to make unnecessary the full provisions of parking. The proposed coffee shop use compliments existing neighboring uses with a target market of people already parked at the court and library across the street and the use of alternative transportation modes. Therefore, Staff finds the reduction of parking from 16 parking spaces to 0 parking spaces to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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TIM KEANE  
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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-20-18 for 2965 Habersham Court, N.W.

**DATE:** August 6, 2020

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**The applicant requests a variance to reduce the half-depth front yard setback from 30 feet to 16 feet and the rear yard setback from 30 feet to 17 feet for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 125 feet on the southeast side of Habersham Court and begins at the northeast intersection of Habersham Court and Habersham Way. The property is located in Land Lot 113 of the 17<sup>th</sup> 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)
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 30,000 square feet
- Minimum yard setbacks: Front yard: 60 feet; Side yard: 15 feet; Rear yard: 30 feet.

**Property Characteristics:** The subject property is an irregular shaped corner lot of approximately 18,187 square feet (0.41 acres) with 125 feet of frontage on the southeast side of Habersham Court. Vehicular access is provided by a concrete driveway located in the western corner of the lot that leads to the front entrance of the house, as well as to the proposed garage at the southern corner of the property. The property is currently developed with a single-family residential structure. The lot topography changes significantly inclining from the west to east by approximately 21 feet. The property is well landscaped and vegetated with several matures trees and shrubs throughout the property.

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

**PROPOSAL:** The applicant is a variance to reduce the half-depth front yard setback from 30 feet to 16 feet and the rear yard setback from 30 feet to 17 feet for a construction of an attached two-story structure with garage to the rear of 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 (1) 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.** Although the lot meets the minimum lot width requirements, the lot is deficient in area by 11,813 square feet. Also, the lot topography creates a challenge as it changes significantly, inclining from the west to east by approximately 21 feet. Additionally, the shape of the lot is somewhat trapezoidal, limiting the buildable area. Therefore, Staff finds the lot size, topography and shape as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the irregularities in lot size, shape and topography which would have an impact on the available buildable area of the property. The applicant proposes to add a garage with a space above to the rear of the house. Due to the irregularities of the lot, the house has an existing encroachment in the front and half depth front yard of the lot. A proposal to expand the living space of a single-family dwelling is a reasonable way for residential property owners to meet changing lifestyle needs without moving to a new neighborhood. Likewise, construction of a garage at the rear of a single-family house, is an understandable expectation for the owner of a residential property, when the resulting encroachment does not adversely impact the residents of the adjoining property. Therefore, Staff finds the proposal to be reasonable.
- b. **Such conditions are peculiar to the particular piece of property involved.** The lot area and shape 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.
- c. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has 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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KEYETTA M. HOLMES, AICP  
Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-19 for 341 Hascall Road, N.W.

**DATE:** August 6, 2020

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**The applicant seeks a variance to increase the size of an accessory structure from 30% to 51.2% of the main structure for the elimination of conditions associated with V-02-321.**

The applicant has requested a deferral in order to meet the NPU meeting requirements. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-20 for 655 Ralph McGill Boulevard, N.E.

**DATE:** August 6, 2020

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The applicant seeks a special exception for a 6 foot privacy fence in the half-depth front yard where only a 4 foot fence (50% opacity) is allowed and a special exception to allow active recreation (swimming pool) in a yard adjacent to a street. Applicant seeks no other special exceptions at this time.

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

**Property Location:** The subject property fronts 146 feet on the south side of Ralph McGill Boulevard and begins at the northeast intersection of Ralph McGill Boulevard and Willoughby Way. The property is located in Land Lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Old Fourth Ward Neighborhood of NPU-M, Council District 2.

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

- The subject property is zoned R-4/BL (Single Family Residential/Beltline Overlay).
- Section 16-28.008 (6): Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment
- 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 a triangular-shaped corner lot with approximately 7,379 square feet of area (0.17 acres) and 146 feet of frontage on the south side of Ralph McGill Boulevard. It is developed with a two-story single family residential structure with an attached garage. Vehicular access is provided via a driveway off Ralph McGill

Boulevard which adjoins the neighboring property's driveway. The topography is relatively flat with a gentle slope from a highpoint at the corner of Ralph McGill and Willoughby Way to a lowpoint at the eastern property line on Willoughby Way. A low metal fence with brick piers is located on the property line. There are several trees and shrubs located throughout the property.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape. Adjoining lots to the east and south are developed with single-family detached homes with R-4 (Single Family Residential) zoning. A rezoning to MR-MU ( Multifamily Residential-Multi-Unit) is proposed on the adjoining property to the south. Adjoining lots to the north are zoned MRC-3-C (Mixed Residential Commercial-Conditional) and are developed with three story multifamily buildings. Lots to the west are zoned MR-5A-C (Multifamily Residential-Conditional) developed with four to six story multifamily residential and MR-4A (Multifamily Residential) developed with three story townhomes.

**PROPOSAL:** The applicant is requesting a special exception to allow active recreation (swimming pool) in a yard adjacent to a street and a special exception to increase the height and opacity of a privacy fence in the front and half-depth front yards from 4 feet to 6 feet.

## PART I

**CONCLUSIONS:** The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) (7) of the City of Atlanta Zoning Ordinance.

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The adjoining single family neighbors to the east are on the other side of the house from the proposed pool location with the house blocking pool views. The proposed use of a private pool for a single family residence is a less intense use than the adjacent multifamily uses, and therefore, not objectionable by reason of concentrations of persons. Although the pool would be located in a corner location, a 6 ft high privacy fence is proposed to surround the pool and block views into the pool area from the street. An existing tree canopy, proposed shade structure and enlarged porch canopy are proposed to screen most views of the pool area from the upper floors of the adjacent multifamily buildings. The noise, lights and vehicular traffic generated by the proposed pool will not be above the typical use of a single family property. Therefore, the impact on neighboring properties will be minimal.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property is a corner lot with a triangular shape. The residence is located at the eastern edge of the property with all open space on the western corner side of the lot. The proposed location for the swimming pool is directly adjacent to the residence and the only possible location for a pool or any outdoor amenity on the lot. Therefore, Staff is of the opinion that the location of the proposed active recreation is reasonable as it cannot be located elsewhere on the lot.

## **PART II**

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

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

The applicant is requesting an increase in the height and opacity of a proposed fence for security and privacy reasons. The approval of a special exception would not cause substantial detriment to the public good or unduly prevent passage of light and air to adjoining properties. The applicant has proposed to locate a pool in the only location where a pool could reasonably be placed on the lot. The triangular shape of the site and existing location of the primary structure on the lot limit where the pool and privacy fence can be located. Additionally, there are a number of large and mature trees as well as a low perimeter fence located at the periphery of the property. The applicant intends to connect the proposed 6 foot high opaque privacy fence to the residence to block views into the pool area and prevent distractions for drivers and passersby on adjacent roads. However, to do so, the fence will have to be located in the front and half-depth front yard setbacks. The proposed locations are the most level and will have minimal to no impact on the existing mature trees at the perimeter of the yard. The applicant proposes to screen and soften the visual impact of the privacy fence from the street with evergreen plant material. Similar fences can be found at 659 and 679 Ralph McGill Boulevard and 645, 695, 670, 714, 726, and 736 Willoughby Way thus, it is compatible with the character of the neighborhood. Therefore, Staff is of the opinion that a 6 foot privacy fence meets the criteria for a special exception.

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

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  
Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-21 for 916 Dean Drive, N.W.

**DATE:** August 6, 2020

**The applicant seeks variance to reduce the front yard setback from 50 feet to 40 feet and the east side yard setback from 10 feet to 7 feet for the construction of a second story addition to an existing single family dwelling and an accessory structure. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 80 feet on the south side of Dean Drive and begins 340 feet from the southwest intersection of Dean Drive and Howell Mill Road. The property is located in Land Lot 185 of the 17<sup>th</sup> District, Fulton County, Georgia within the Wildwood neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3A (Single Family Residential).
- Minimum lot dimensions: Frontage: 85 feet; Minimum lot area: 13,500 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 15 feet.

**Property Characteristics:** The subject property is an irregular shaped lot with 20,925 square feet of area and 80 feet of frontage along Dean Drive. The property is developed with a one story, single-family dwelling. A curb cut located off Dean Drive provides vehicular access which terminates at an existing porte cochere. The topography inclines from the front towards the rear. 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-3A (Single-Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 40 feet and the east side yard setback from 10 feet to 7 feet for the construction of a second story addition to an existing single family dwelling and an accessory structure. The applicant's intent is to extend the existing driveway, construct a new porte cochere and a new detached 2 car garage with a second story.

**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 width by 5 feet. The lot shape tapers from the front towards the rear by 50 feet. Topography is also irregular as it inclines by approximately 10 feet from the front towards the rear. Therefore, Staff finds 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 regulations would create an unnecessary hardship because of the irregularities of the lot regarding width, shape and topography which limits the available buildable area. The existing home encroaches into the front yard setback by 10 feet and east side yard setback by 3 feet. The applicant intends to build vertically and horizontally thereby, maintaining the existing encroachments. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot and the existing encroachments.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment, shape 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. Staff is supportive of the request.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-22 for 1061 Morley Avenue, S.E.

**DATE:** August 6, 2020

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**The applicant requests a variance to reduce the half-depth front yard setback from 17.5 feet to 15 feet for the construction of a covered porch. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the west side of Morley Avenue and begins at the southwest intersection of Morley Avenue and Hamilton Avenue. The property is located in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Boulevard Heights neighborhood of NPU-W, Council District 1.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a rectangular shaped corner lot of 6,250 square feet area with 50 feet of frontage on the west side of Morley Avenue. It is currently developed with a single-family dwelling. Vehicular access is provided via an existing curb cut and driveway located to the west side of the house off Hampton Avenue. The topography slightly declines by approximately 5 feet from north to south. A shared private driveway, located to the rear of the dwelling, provides access to an attached garage. There are several mature trees and shrubbery throughout.

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

**PROPOSAL:** The applicant requests a variance to reduce the half-depth front yard setback from 17.5 feet to 15 feet for the construction of a covered 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 1,250 square feet and in lot width by 20 feet. Therefore, Staff finds lot area and width as extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot area and width. Currently, the dwelling encroaches into the front yard setback and half depth front yard setback. The proposed porch is being built in the place of deck that was removed due to unsafe rotting. The proposed porch is on the same location and will not increase the degree of encroachment. Therefore, Staff is of the opinion that the proposal is reasonable considering the existing encroachment and hardship related to lot width and area.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as Staff has not evaluated other structures and is unaware of adjacent properties with similar conditions. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-24 for 362 6<sup>th</sup> Street, N.E.

**DATE:** August 6, 2020

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**The applicant seeks a variance to reduce the half-depth front yard setback from 15 feet to 7 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 53 feet on the north side of 6<sup>th</sup> Street and begins at the northwest intersection of 6<sup>th</sup> Street and Durant Place. The property is located in Land Lot 48 of the 14<sup>th</sup> District, Fulton County, Georgia within the Midtown neighborhood of NPU-E, Council District 2.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-5 (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: 7 feet.

**Property Characteristics:** The subject property is a rectangular shaped corner lot with 8,155 square feet of area and 53 feet of frontage along 6<sup>th</sup> Street. The property is developed with a one story, single-family dwelling. A curb cut located off Durant Place provides vehicular access which terminates at a detached garage. The topography declines from the front towards the rear of the property. There is a 4 foot metal fence on west side of the lot. 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 (Single-Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the half-depth front yard setback from 15 feet to 7 feet for the construction of a single family dwelling. The applicant's intent is to demolish the existing home and reconstruct a new single-family dwelling on the same foundation.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property exceeds the minimum lot requirements and is a standard shaped lot. Topography is irregular as it declines from the front towards the rear of the property by 6 feet. Therefore, Staff finds lot topography 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.** Application of the regulations would create an unnecessary hardship because of the irregular lot topography. Additionally, the property is a corner lot which has a half-depth front yard of 15 feet which reduces the available buildable area. The existing dwelling currently encroaches into the side and half-depth front yards. However, the proposed dwelling will decrease the existing levels of encroachment. 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 encroachments 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. Staff is supportive.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-25 for 934, 944, 956 & 976 Brady Avenue, N.W.

**DATE:** August 6, 2020

---

The applicant seeks a special exception to reduce the onsite parking from 400 spaces to 300 spaces for a mixed use development.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts approximately 588 feet on the west side of Brady Avenue and begins at the southwest intersection of Brady Avenue and 10<sup>th</sup> Street. The property is located in Land Lot 150 of the 17th District, Fulton County, Georgia in the Home Park neighborhood of NPU-E, Council District 9.

### **Relevant Zoning Requirements:**

- The subject property is zoned I-2 (Heavy Industrial).
- Minimum parking requirements: office, 1 space per 300 square feet; warehouse, 1 space per 600 square feet; retail, 1 space per 200 square feet; drinking and eating establishments, 1 space per 100 square feet; bowling alley, 1 per 100 square feet.

**Property Characteristics:** The subject properties have an irregular shape and were consolidated under application CON-16-23. The new lot has approximately 136,005 square feet (3.122 acres) with approximately 588 feet on the west side of Brady Avenue. It is developed with several industrial buildings from the early 1900s, with approximately 221,200 square feet plus structured and surface parking for a total 130 spaces. The property is accessed by several drives along Brady Avenue and 10<sup>th</sup> Street. The topography slopes downward in a westerly direction from the Brady Avenue side approximately 20 feet. There are no trees in the property.

**Characteristics of Adjoining Properties, Neighborhood:** The subject property lies within the Westside District, surrounding by a mixture of uses including residential, commercial, light industrial, restaurants, and cultural facilities. Lots in the immediate area vary in shape and size. Most surrounding properties are zoned I-2 (Heavy Industrial) district with the exception of

property to the east, across Brady Avenue that is zoned MR-C-3 (Mixed Residential- Commercial- Sector 3) district. The CSX/Norfolk Southern railroad right-of-way abuts the property to the west.

**PROPOSAL:** The applicant seeks a special exception to reduce the onsite parking from 400 spaces to 300 spaces for a mixed use development.

**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 intent of this special exception is to further reduce the required parking for the subject property from 400 spaces to 330 spaces. The parking was previously reduced from 700 spaces to 400 spaces via application V-15-171. Further reducing the parking would facilitate the redevelopment of property located 926 Brady Avenue.

The existing site is composed of the following uses which have been active since 2017:

Office:	94,687 square feet
Showroom/office:	14,505 square feet
Restaurant:	8,766 square feet (850 square feet not available for dinner service)
Bowling Alley:	24,520 square feet

Parking has been managed by LAZ Parking since 2018. A 400-space parking garage was constructed to accommodate the reduced parking requirement approved by the BZA in 2015. According to a parking study provided by the applicant, at peak, the facility, which has a capacity of 400 spaces, rarely services more than 330 vehicles. Additionally, as many of the buildings were constructed prior to 1965, some uses may no longer have a parking requirement. In particular, the office and showroom uses comprise 109,192 square feet, accounting for the majority of the square footage. These uses typically have standard operating hours between 8:00 a.m. and 6:00 p.m., Monday through Friday. The restaurant and bowling alley uses typically have peak usage in the late afternoons through the evening and weekends. Thus, there are relatively few instances where all uses have conflicting parking demands. Therefore, Staff finds that the reduction of parking from 400 spaces to 330 is reasonable.

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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TIM KEANE  
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Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-26 for 209 Little John Trail, N.E.

**DATE:** August 6, 2020

---

**The applicant seeks a variance to reduce the south side yard setback from 10 feet to 8.6 feet and the rear yard setback from 20 feet to 19.2 feet for a second story addition to the existing dwelling and expansion of an existing garage. Applicant seeks no other special exceptions at this time.**

The application has requested a deferral in order to meet with the NPU. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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## MEMORANDUM *amended*

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-29 for 3311 Grant Valley Road, N.W.

**DATE:** August 6, 2020

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**The applicant seeks a variance reduce the south side yard setback from 10 feet to 2 feet for an addition to an existing garage.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 150 feet on the east side of Grant Valley Road and begins 190 feet from the northeast intersection of Grant Valley Road and Valley Road. The property is in Land Lot 98 of the 17<sup>th</sup> District, Fulton County Georgia. It is in the South Tuxedo Park neighborhood of NPU B, Council District 8.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is an irregular shaped, tapering lot of approximately 18,872 square feet (0.43 acres) with 150 feet of frontage on the east side of Grant Valley Road. The property is currently developed with a two-story, single-family residential structure with an attached one-car garage. The lot narrows to 42 feet in width at the rear property line. Vehicular access is provided to the property by a concrete driveway to the east of the primary structure terminating at a rear-loading garage. The topography inclines gradually from the front to the rear. There are several mature trees located throughout the subject site.

**Characteristics of Adjoining Properties, Neighborhood:** The property lies within a well-established single-family residential neighborhood of the City. The adjoining properties are developed with single-family, detached houses with R-3 (Single Family Residential) zoning designations.

**PROPOSAL:** The applicant seeks a variance to reduce the south side yard setback from 10 feet to 2 feet for an addition to an existing garage.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With a lot area of 18,872 square feet (0.43 acres) and 150 feet of frontage, the subject property exceeds the minimum requirements for the R-3 zoning district. However, the lot shape is irregular, narrowing approximately 108 from the front to the rear, and the topography inclines towards the rear of the lot. Therefore, Staff finds lot shape and topography as the extraordinary 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. The existing attached, one-car garage does not have a front-facing entry point. Vehicles entering the property from Grant Valley Road must make a sharp left turn coming up the driveway to enter the garage from the rear. The garage addition will allow a front-facing entry point. However, the lot becomes more narrow in the area of the proposed encroachment. If the lot maintained its 150 feet width throughout the lot, the encroachment would most likely be unnecessary. Thus, the encroachment is necessary to accommodate the garage addition and improve vehicular access to the property. Therefore, Staff finds that the application of the zoning ordinance does create an unnecessary hardship.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot shape is peculiar to the subject property. While the surrounding properties are oddly shaped, majority of the properties do not taper to the same degree as the existing property. Additionally, the surrounding properties have more depth which, creates additional square footage in the rear yard. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the 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. Therefore, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Director



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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-30 for 340 Clifton Road, N.E.

**DATE:** August 6, 2020

---

**The applicant seeks a variance to reduce the front yard setback from 30 feet to 26 feet for a second story addition to an existing single family dwelling. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the west side of Clifton Road and begins 426 feet from the southwest intersection of Clifton Road and McClendon Avenue. The property is located in Land Lot 210 of the 15<sup>th</sup> District, DeKalb County, Georgia within the Candler Park neighborhood of NPU-N, Council District 2.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-5 (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: 7 feet.

**Property Characteristics:** The subject property is a rectangular shaped lot with 6,767 square feet of area and 50 feet of frontage along Clifton Road. The property is developed with a one story, single-family dwelling. A curb cut located off Clifton Road provides vehicular access which terminates at detached two-car garage. The topography inclines from the front towards the rear of the property. There is a 6 foot wooden fence along the rear yard. 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 (Single-Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 30 feet to 26 feet for a second story addition to an existing single family. The applicant's intent is to add second story addition by enclosing the front porch and building up.

**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 733 feet. The lot shape has no irregularities. Topography is also irregular as it inclines from the front towards the rear of the property. 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 front yard setback by approximately 4 feet. The applicant intends to build vertically thereby, maintaining the existing level of encroachment. 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. Staff is supportive of 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-20-32 for 2912 St. Patrick Street, S.E.

**DATE:** August 6, 2020

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**The applicant seeks a special exception to allow active recreation (swimming pool) in a yard adjacent to a street. Applicant seeks no other special exceptions at this time.**

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

**Property Location:** The subject property fronts 91 feet on the north side of St. Patrick Street and begins 183 feet from the northeast intersection of St. Patrick Street and Candler Road. The property is located in Land Lot 203 of the 15<sup>th</sup> District, DeKalb County, Georgia. It is in the East Lake Neighborhood of NPU-O, Council District 5.

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

- The subject property is zoned R-4 (Single Family Residential).
- Section 16-28.008 (6): *Active recreation in yards adjacent to streets:* Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment.

**Property Characteristics:** The subject property is a rectangular lot with approximately 10,027 square feet of area (0.23 acres) and 91 feet of frontage on the north side of St. Patrick Street. It is developed with a two-story single family residential structure with an attached garage. Vehicular access is provided via a driveway off St. Patrick Street. The topography slopes from the front towards the rear by approximately 15 feet. A 6 foot wooden privacy fence surrounds the side and rear yard. There are several trees and shrubs located throughout the property.

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

**PROPOSAL:** The applicant is requesting a special exception to allow active recreation (swimming pool) in a yard adjacent to a street. The applicant proposes to locate a pool in the west side yard.

**CONCLUSIONS:** The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) (7) of the City of Atlanta Zoning Ordinance.

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The subject lot has an unusually wide side yard and is 33.8 feet from the side of the residence. The side yard, directly adjacent to the dwelling, is flat and has space to accommodate a pool without crowding or being objectionable to a neighbor. The pool location is proposed within the buildable area of the lot and the lot is 1,027 square feet larger than required by R-4 zoning requirements. The rear yard is approximately 33 feet deep but has a steep slope. Although the pool would be located in a side yard location, a 6 foot privacy fence is proposed to surround the pool and block views into the pool area from the street and neighboring properties. An existing tree canopy in the west neighbor's yard screens most views of the pool area from the second floor of the adjacent residence. The noise, lights, concentrations of persons and vehicular traffic generated by the proposed pool will not be above the typical use of a single family property and should not be objectionable to occupants of neighboring properties. Therefore, the impact on neighboring properties will be minimal.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property has steep topography in both the front and rear yards. The side yard is relatively flat and has the space to accommodate a pool within the buildable area of the lot. The rear yard is approximately 33 feet deep but has a steep slope. The residence is located in the eastern portion of the property with much of the lot's open space on the western side of the parcel. The proposed location for the swimming pool is directly adjacent to the west side of the residence and the only possible location for a pool due to steep topography in the rear yard. Therefore, Staff is of the opinion that the location of the proposed active recreation is reasonable as it cannot be located elsewhere on the lot.

**RECOMMENDATION: APPROVAL**

cc: Keyetta. M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-33 for 3091 Rhodenhaven Drive, N.W.

**DATE:** August 6, 2020

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**The applicant requests a special exception to allow active recreation in a yard adjacent to a street (swimming pool) and to construct a 5-foot retaining wall in the half-depth front yard where only a 3 foot wall is allowed. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 175 feet on the northeast side of Rhodenhaven Drive and begins at the southeast intersection of Rhodenhaven Drive and Northside Parkway. The property is located in Land Lot 157 of the 17<sup>th</sup> District, Fulton County, Georgia within the Castlewood neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single-Family Residential).
- Not more than two retaining walls with a maximum height of three feet each may be erected in the front yard and half-depth front yard.
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment

**Property Characteristics:** The subject property is an irregular-shaped corner lot of approximately 0.44 acres (19,124 square feet) with 175 feet of frontage along the northeast side of Rhodenhaven Drive. The property is currently developed with a single-family residential structure. Vehicular access to the property is provided via a driveway from Rhodenhaven Drive. The lot topography declines from the east to west by approximately 40 feet from the front of the property towards the rear. An existing 6 foot wooden fence traverses the northern boundary and an existing 4 foot aluminum fence traverses the southern boundary of the property. The property is heavily vegetated with large trees and shrubs throughout.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with R-3 (Single-Family Residential) zoning.

**PROPOSAL:** The applicant is requesting a special exception to allow active recreation in a yard adjacent to a street (swimming pool) and to construct a 5-foot retaining wall in the half-depth front yard where only a 3 foot wall is allowed.

## PART I

**CONCLUSIONS:** The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) (7) of the City of Atlanta Zoning Ordinance.

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The location of the proposed swimming pool is along a portion of the site that faces Northside Parkway and will likely not be visible to neighboring properties. The site plan depicts the pool being located at least 75 feet from the center of Northside Parkway. In addition to existing fencing along the northern and southern property boundary line, are several large and mature trees that will help maintain privacy. Therefore, the impact on neighboring properties will be minimal.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property is a corner lot with inclining topography. The frontage of the property starts at 175 feet and then shrinks to 0 feet. The pool cannot be located elsewhere without bringing it closer to the street, as it is a corner lot. The proposed fencing and landscaping should be sufficient to reduce the visibility of the active recreation. Additionally, the rising topography limits where these amenities can be located on the property. Therefore, Staff is of the opinion that the location of the proposed active recreation is reasonable as it cannot be located elsewhere on the lot.

## PART II

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

**The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such greater height is justified such greater height is justified for topographic reasons:**

The applicant is requesting an increase in the height of the wall for topographic reasons. The topography of the site and existing conditions impact where the wall needs to be reasonably located. The topography declines from the front to the rear of the site by approximately 40 feet. Additionally, the topography sharply declines by approximately 10 feet from the Northside Parkway level the location where the pool is proposed. Therefore, the retaining wall will provide

V-20-33 for 3091 Rhodenhaven Drive, N.W.

August 6, 2020

Page 3 of 3

better structural support for the grade change. The approval of a special exception would not cause substantial detriment to the public good or unduly prevent passage of light and air to adjoining properties. Therefore, Staff is of the opinion that the height increase to 5 feet does meet the criteria for a special exception.

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

cc: Keyetta. M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-34 for 492 Harold Avenue, N.E.

**DATE:** August 6, 2020

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**The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 8 feet 6 inches for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the west side of Harold Avenue and begins at the northwest intersection of Harold Avenue and Marlbrook Drive. The property is located in Land Lot 239 of the 15<sup>th</sup> District, DeKalb County, Georgia within the Lake Claire of NPU-N, 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: 9,00 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.

**Property Characteristics:** The subject property is a rectangular shaped corner lot with 7,486 square feet of area and 50 feet of frontage along Harold Avenue. The property is developed with a one story, single-family dwelling. A curb cut located off Harold Avenue provides vehicular access which terminates at a parking pad. The topography inclines from the front towards the rear of the property. The rear yard is adjacent to a 10 foot alley. A wooden fence, approximately 6 feet in height, is located along the southern side of the lot. 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-4 (Single-Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 8 feet 6 inches for an addition to an existing single family dwelling. The applicant's intent is to convert the attic into heated livable space.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in area by 1,514 feet and width by 20 feet. The lot shape has no irregularities. Topography is irregular as it inclines from the front towards the rear of the property. Therefore, Staff finds 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, width and topography. The existing home encroaches into the half-depth front yard setback by approximately 9 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 17.5 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 is 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. Staff is supportive.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-35 for 3120 Marne Drive, N.W.

**DATE:** August 6, 2020

---

**The applicant requests a variance to reduce the north side yard setback from 10 feet to 3 feet for the construction of a terrace and garage. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 119 feet on the west side of Marne Drive and begins 710 feet from the northeast intersection of Marne Drive and Verdun Drive. The property is located in Land Lot 142 of the 14<sup>th</sup> District, Fulton County, Georgia within the Argonne Forest neighborhood of NPU C, Council District 8.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 24,450 square feet (0.56 acres) with 119 feet of frontage on the west side of Marne Drive. The property is currently developed with a single-family residential structure. Vehicular access is provided by a driveway off Marne Drive. A creek traverses the front yard of the property and flows parallel with the east property line. The lot topography gradually inclines from the front property line towards the rear yard with an elevation difference of approximately 18 feet. There are trees and shrubs throughout the subject property

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with R-3 (Single-Family Residential) zoning.

**PROPOSAL:** The applicant requests a variance to reduce the north side yard setback from 10 feet to 3 feet for the construction of a terrace and 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 meets and exceeds minimum lot requirement of R-3 zoning district. However, the shape of the lot is irregular as the frontage of 119 feet along Marne Drive tapers towards the rear and reduces to 80 feet. Additionally, the topography inclines from the front to the rear by approximately 18 feet. Therefore, Staff finds lot shape and topography as the extraordinary and exceptional conditions associated with the subject property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of the property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship because of the irregularities in the lot shape and topography. Additionally, the lot has a creek running through the front yard which requires a stream buffer. Most of the buildable area in the front yard is restricted by the stream buffer requirement, which also determined the location and orientation of the existing residence. Consequentially, the garage and terrace in the rear are proposed to be built with an encroachment into north side yard setback. Staff notes that the topography of the lot combined with the irregular shape has significantly reduced the buildable area of the subject property. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The irregular shape in combination with the steep topography are peculiar to this lot. Staff is unaware of similar conditions on adjacent properties. Staff finds the unique conditions identified on the subject property do qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the reduction of the side yard to allow the proposed addition to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-36 for 3344 Rilman Road, N.W.

**DATE:** August 6, 2020

---

**The applicant seeks a variance to reduce the front yard setback from 50 feet to 30 feet for the construction of a single family dwelling and parking pad.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 244 feet on the west side of Rilman Road and begins 423 feet from the southwest intersection of Rilman Road and Kilby Place. The property is located in Land Lot 181 of the 17<sup>th</sup> District, Fulton County, Georgia within the West Paces Ferry/Northside neighborhood of NPU-A, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single-Family Residential District).
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yard: 10 feet; Rear yard: 20 feet.
- 16-28.008(7)(a): Such parking shall be permitted only in driveways within such yards, and no parking bays or parking outside such driveways shall be permitted

**Property Characteristics:** The subject property is an irregular-shaped, triangular lot with an area of approximately 40,067 square feet (0.92 acres) and 244 feet of frontage on the west side of Rilman Road. The parcel is currently undeveloped. There are a several mature trees throughout the site and noted on the site plan. The topography inclines north to south. Additionally, a stream buffer and sanitary sewer easement traverses the property from the property frontage towards the rear of the lot.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with R-3 (Single Family) zoning.

**PROPOSAL:** The applicant seeks a variance to reduce front yard setback from 50 feet to 30 feet for the construction of a single family dwelling and parking pad.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is triangular in shape becoming increasingly more narrow from front to rear. Additionally, the topography inclines from north to south. 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.** Application of the regulations would create an unnecessary hardship in constructing a single family dwelling. The triangular lot shape along with the 75' stream buffer severely limit the buildable area for the property. The stream buffer traverses the property from its frontage to the rear, rendering much of the northern portion undevelopable due to impervious and undisturbed buffer requirements. Additionally, as the lot becomes more narrow towards the rear, even less space is available for construction. Thus, the buildable area for the primary structure and access is forced towards the southern side yard and front property line. Reducing the front yard setback allows the applicant to bring the primary structure towards the front of the lot where there is more land area. This also allows access and safe vehicular ingress and egress from the property with a parking pad 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 triangular lot shape is peculiar to the subject property. Staff is unaware of a similar lot shape for the other adjoining neighborhood properties.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the has adequate room for the requested improvements. This proposal would promote desirable living conditions and reinforce the stability of the surrounding neighborhood.

**RECOMMENDATION: APPROVAL conditioned upon the following:**

1. The front yard setback shall be reduced to 40 feet.

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-37 for 620 Oakdale Road, N.E.

**DATE:** August 6, 2020

---

**The applicant seeks a variance to increase the maximum lot coverage from 40% to 44% for an addition to an existing single family dwelling. Applicant seeks no additional variances.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 85 feet on the west side of Oakdale Road and begins at the northwest intersection of Oakdale Road and North Avenue. The property is located in Land Lot 240 of the 15<sup>th</sup> District, DeKalb County, Georgia within the Candler Park Neighborhood of NPU N, Council District 2.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single Family Residential).
- Minimum lot dimensions: Frontage: 100 feet; Lot Area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yard: 10 feet; Rear yard: 20 feet
- Maximum lot coverage within this district shall not exceed 40% of total lot area.

**Property Characteristics:** The subject property is an irregularly shaped corner lot of approximately 5,653 square feet with 85 feet of frontage on the west side of Oakdale Road. The lot is developed with a two-story single-family residential home. Vehicular access is provided via two separate driveways; one south of the lot off North Ave and the other east of the lot off Oakdale Road. The topography declines approximately 10 feet from the southeast corner of the lot towards the northwest corner of the lot. There is one mature tree in the south facing front yard and a number of younger trees around the perimeter of the property.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate vicinity are of similar size and shape. They are similarly zoned R-3 (Single Family Residential) and developed with single-family detached homes. The property south of the subject property and across the street on North Ave is zoned OS (Open Space) and is home to Candler Park.

**PROPOSAL:** The applicant seeks a variance to increase the lot coverage from 40% to 44% for the construction of a screened porch addition.

**CONCLUSIONS:** The following conclusions are pertinent to this request for a variance from the zoning regulations 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 an irregularly shaped corner lot and is deficient in lot area by 5,653 square feet. Therefore, Staff finds that lot area and shape create extraordinary and exceptional conditions that are pertinent to this particular piece of 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 regulations would create an unnecessary hardship by preventing the construction of a screened porch that exceeds the existing lot coverage by 2%. The existing lot coverage is 42% which already exceeds the maximum permitted lot coverage of 40%. The applicant proposes to remove an existing shed to reduce and limit the total lot coverage increase to 44%. Additionally, deficiencies in lot area also contribute to the applicant's hardship. If the lot met or exceeded the minimum lot area, the applicant would not be required to apply for an increase in lot coverage. Therefore, it is staff's opinion that the proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot coverage is peculiar to the subject 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 impose upon the adequate light and/or air on the adjacent properties. The request would not pose a potential impediment on emergency access or threats to health and fire safety. Furthermore, the applicant proposes to remove an existing shed to ensure that property has enough room for the requested improvements. The request allows an increase in the quality of life, which improves, reinforces, and sustains stability in 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  
Director  
Office of Zoning and Development

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-38 for 1320 Wylie Street, S.E.

**DATE:** August 6, 2020

---

**The applicant seeks a variance to reduce the rear yard setback from 15 feet to 5 feet (5 feet credit for half the width of adjacent alley) for the construction of a single family dwelling. Applicant seeks no other variances at this time.**

The applicant has requested a deferral in order to fulfill the NPU meeting requirements. Staff is supportive of this request.

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

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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TIM KEANE  
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KEYETTA M. HOLMES, AICP  
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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-39 for 38 Camden Road, N.E.

**DATE:** August 6, 2020

---

**The applicant requests for a variance to reduce the front yard setback from 35 feet to 21 feet and to increase the maximum lot coverage from 50% to 54.48% for additions to an existing single family dwelling. Applicant seeks no other variances at this time.**

The applicant has withdrawn this request due to revised plans which eliminated the need for the variance and increase in lot coverage. Staff is supportive of this request.

**RECOMMENDATION: DENIAL WITHOUT PREJUDICE**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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TIM KEANE  
Commissioner

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

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-40 for 3274, 3276 & 3346 Donald Lee Hollowell Parkway, N.W., 1136 & 1176 Bolton Road, N.W., and 1399 Fulton Industrial Boulevard, N.W.  
(pending lot consolidation)

**DATE:** August 6, 2020

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**The applicant seeks a special exception to reduce the onsite parking from 415 spaces to 138 spaces for a warehouse/distribution facility.**

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

**Property Location:** The subject property fronts 696.21 feet on the south side of Fulton Industrial Boulevard and begins at the southeast intersection of Fulton Industrial Boulevard and Donald Lee Hollowell Parkway. The property is located in Land Lots 260, 267, and 268 of the 17<sup>th</sup> District, Fulton County, Georgia in the Bankhead/Bolton neighborhood of NPU-H, Council District 9.

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

- The subject property is zoned I-1-C (Light Industrial Conditional)
- Section 16-1.009(5): One space per 600 square feet or each two employees on the peak working shift whichever is greater.

**Property Characteristics:** The subject property is a rectangular-shaped lot of approximately 723,096 square feet (16.6 acres) with approximately 696.21 square feet of frontage on the south side of Fulton Industrial Boulevard. The property is currently undeveloped and heavily wooded. The topography varies throughout the lot.

**Characteristics of Adjoining Properties, Neighborhood:** The lots immediately surrounding the subject property vary in shape and size. Parcels nearby are developed with structures with a variety of uses or are vacant. The parcels are zoned the following: I-1 zoning to the north and MR-2 to the west. To the south, the parcels are zoned I-1, C-2-C, and MR-4B, and to the east the parcels are zoned C-2 and O-I.

V-20-40 for 3274, 3276 & 3346 Donald Lee Hollowell Parkway, N.W., 1136 & 1176 Bolton Road, N.W., and 1399 Fulton Industrial Boulevard, N.W.

August 6, 2020

Page 2 of 2

**PROPOSAL:** The applicant seeks a special exception to reduce the onsite parking from 415 spaces to 138 spaces for a warehouse/distribution facility. A variance was previously granted via V-18-144 which reduced the parking from 400 spaces to 200 spaces. However, the square footage of the development has increased to 248,980 sq. ft. and will require less spaces than previously granted.

**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 request to reduce the onsite parking is based on the increased square footage of the proposed building. A special exception was granted in 2019 which reduced the parking to 200 spaces. However, with the increase in square footage, the previous amount of parking is no longer necessary. The applicant intends to develop a 248,980 square foot warehouse and distribution facility. Additionally, there is a truck court being constructed on the property. Based on the site plan, 200 spaces will be provided for up visitors and employees. As warehouse and distribution facilities do not typically service retail uses or the general public, the parking would primarily be designated for employees. Therefore, Staff finds that the reduction of parking from 414 spaces to 138 is reasonable for the proposed warehouse and distribution facility.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



# CITY OF ATLANTA

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TIM KEANE  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-20-57 for 1548 Martin L King Jr Drive, S.W.

**DATE:** August 6, 2020

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**The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 0 for a second story addition to an existing dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 60 feet on the south side of Martin Luther King, Jr. Drive and begins at the southeast intersection of Martin Luther King, Jr. Drive and Wellington Street. The property is located in land lot 148 of the 14<sup>th</sup> District, Fulton County, Georgia within the Mozley Park Neighborhood of NPU K.

### **Relevant Zoning Requirements:**

- Zoning: R-4 (Single-Family Residential).
- Minimum lot dimensions: frontage of 70 feet; minimum lot area of 9,000 square feet.
- Minimum yard setback(s): front yard at 35 feet; half-depth front yard at 17.5 feet; side yard at 7 feet; rear yard at 15 feet.

**Property Characteristics:** The subject property is a fairly rectangular-shaped, corner lot with an area of approximately 8,340 square feet with 60 feet of frontage on the south side of Martin Luther King Jr. Drive. The parcel is currently developed with a one-story, single family home with a basement. Based on the site plan, there are existing encroachments in the side, front, and half-depth front yard setbacks. Vehicular access is provided via a driveway off Wellington Street. There are two medium sized trees and a few decorative trees and shrubbery in the front yard area. There are also a number of trees in the rear yard as noted on the survey. The topography is relatively level throughout the site.

**Characteristics of Adjoining Properties, Neighborhood:** Majority of the properties surrounding the subject property are residentially zoned and developed with a mix of one and two story single

family residential structures. The property north of the subject property and across the street on Martin L King Jr Drive has an OS (Open Space) land use designation and is home to Mozley Park.

**PROPOSAL:** The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 0 for a second story addition to the existing single family attached 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 width by 660 square feet and in frontage by 10 feet. Therefore, Staff finds that lot width and size create extraordinary and exceptional conditions that are pertinent to this particular piece of property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would prevent modest improvements to a single family dwelling. The existing home currently encroaches into the half-depth front yard setback and is thus non-conforming to current regulations. The proposed half-depth front yard setback reduction for the second story addition will not increase the degree of non-conformity on the property. If the property was not a corner lot, the proposed second story addition would be an authorized non-conformity in the side yard setback according Section 16-24.004.6 of the Zoning code. Therefore, staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing non-conforming encroachments into half-depth front yard is peculiar to this particular piece of property. Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety. The proposed will allow the owner to make improvements to the property thus promoting and reinforcing the stability in the surrounding neighborhood.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS  
MAYOR

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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-19-266 for 1452 Hardee Street, N.E.

**DATE:** August 6, 2020

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**The applicant seeks a variance to reduce the front yard setback from 30 feet to 20 feet and the west and east side yard setbacks from 7 feet to 3 feet for the construction of a single family dwelling. Applicant seeks no other variances at this time.**

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

**Property Location:** The subject property fronts 26 feet on the north side of Hardee Street and begins 180 feet from the northeast intersection of Hardee Street and Hutchinson Street. The property is located in Land Lot 209 of the 15<sup>th</sup> District, DeKalb County, Georgia within the Edgewood Neighborhood of NPU O, Council District 5.

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

- The subject property is zoned R-5(Two Family Residential).
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yards: 7 feet; Rear yard: 7 feet.

**Property Characteristics:** The subject property is a standard shaped lot with 26 feet of frontage and 2,221 square feet of area. It is currently developed with a one-story single-family dwelling. Vehicular access is not provided onsite. Topography inclines from the front towards there rear and there are a few mature trees and shrubs located onsite.

**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 (Two Family Residential) zoning.

**PROPOSAL:** The applicant is requesting a variance to reduce the front yard setback from 30 feet to 20 feet and the west and east side yard setbacks from 7 feet to 3 feet. The applicant's intent is to demolish the existing structure and replace it with a new single-family dwelling.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 (2) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject is deficient in area by 5,279 square feet and in width by 24 feet. Topography inclines from the front towards the rear. Therefore, Staff finds lot area, width and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot regarding the area, width and topography. The existing dwelling currently encroaches into the front yard setback by approximately 20 feet, the east side yard setback by approximately 3 feet and into the west side yard setback by approximately 1 foot. The proposal includes additional encroachments into the east and west side yard setbacks to allow for the construction of a wider home. While the side yard encroachments are greater than what exists, they are necessary as the buildable area is reduced due to the size and width of the lot. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot and the existing encroachments.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width, area and existing encroachment are peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

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

**DATE:** August 6, 2020

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**The applicant seeks 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 at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 136 feet on the south side of Oriole Drive and begins approximately 1,388 feet from the southeast intersection of Oriole Drive and Benjamin E. Mays Drive. The property is located in Land Lot 202 of the 14<sup>th</sup> District, Fulton County, Georgia within the Audobon Neighborhood of NPU I, Council District 10.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is an irregular shaped lot with 136 feet of frontage and 23,087 square feet of area. It is currently undeveloped. Vehicular access is not currently available. Topography declines from the west to east by approximately 30 feet. There are several mature trees 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-3 (Single Family Residential) zoning.

**PROPOSAL:** The applicant is requesting a variance to reduce the front yard setback from 50 feet to 23.5 feet for the construction of a new single family dwelling. The applicant amended the request to reduce the front yard setback from to 25 feet.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 (2) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is not deficient in width or area. The lot has an irregular shape as it has 136 feet of frontage and varying depth (103-139 feet). The topography of the lot declines from the west to east by approximately 30 feet and may have an impact on the proposed addition. Therefore, Staff finds lot shape and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of 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 of the lot coupled with the topography reduces the buildable area for this property. The long shape of the lot is the driving factor for the location of the new dwelling. If the lot had more depth, the front yard reduction would not be necessary. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot shape is peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

**RECOMMENDATION: APPROVAL with the following condition:**

1. The front yard setback shall be reduced to 25 feet.

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-20-13 for 2481 & 2489 Donald Lee Hollowell Parkway, N.W.

**DATE:** August 6, 2020 (*Deferred from 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.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 200 feet on the north side of Donald Lee Hollowell Parkway and begins 106 feet from the northwest intersection of Donald Lee Hollowell Parkway and Hall Street. The property is located in Land Lot 208 of the 14<sup>th</sup> District, Fulton County, Georgia within the Center Hill neighborhood of NPU-J, Council District 9.

### **Relevant Zoning Requirements:**

- The subject property is zoned MR-4A (Multifamily Residential).
- Sec. 16-28.014 (2) Reduction in parking requirements for housing for the elderly: a) The minimum off-site parking requirement shall be reduced to 0.5 space per dwelling unit when the otherwise applicable off-street parking ratio exceeds 0.5 space per dwelling unit

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 68,686 square feet (1.57 acres) with approximately 200 feet of frontage on the north side of Donald Lee Hollowell Parkway. The property is currently vacant. The topography is relatively flat throughout the property. There are a few mature trees around the perimeter of the property.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the surrounding area vary in shape and size. Parcels nearby are developed with mixed-use, residential, and commercial structures with the MR-2 (Multi-Family Residential) zoning to the north, MR-3 (Multi-Family Residential) zoning to the east and west, and C-1 (Community Business) to the south.

**PROPOSAL:** The applicant is requesting a special exception to reduce the onsite parking from 49 spaces to 44 spaces for a senior housing multifamily development.

**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 applicant is requesting a reduction in on-site parking from 49 spaces to 44 spaces for the development of senior housing that consists of 108 1-bedroom units on six floors. Per the zoning ordinance, the minimum off-site parking requirement for senior housing is 0.5 space per dwelling unit. Staff believes the character of the proposed development allows for a reduction in parking as developments which include housing for the elderly do not require the minimum number of parking spaces specified by the zoning regulations. Many senior citizens use public transportation and/or do not own vehicles. There is a MARTA bus stop near the property that connects directly to Bankhead Transit Station. In addition, by reducing the parking spaces, the development will be able to provide additional green open space for the residents, which is more beneficial for the mental and physical health of the residents. Therefore, Staff believes the character or use of the proposed development would not necessitate the full application of the MR-4A parking requirements.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, Zoning Administrator