



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

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-20-27 for 927 St. Charles Avenue, N.E.

DATE: August 13, 2020

The applicant seeks a variance to reduce the required east and west side yard setbacks from 7 feet to 2 feet and to reduce the required Usable Open Space Requirement (UOSR) from 4,973 square feet to 4,270 square feet in order to construct a third detached unit at the rear of an existing multi-family development. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of St. Charles Avenue and begins 400 feet from the southwest intersection of St. Charles Avenue and Frederica Street. The property is located in Land Lot 16 of the 14th District, Fulton County, Georgia within the Virginia Highland neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned RG-2 (Residential General Sector 2)
- Minimum yard requirements: Front yard, 30 feet; side and rear, 7 feet.
- All other uses: Minimum lot width of 50 feet; minimum net lot area of 20,000 square feet.

Property Characteristics: The subject property has approximately 11,050 square feet of lot area and 50 feet of lot width. The property is currently developed with a two-story duplex. Vehicular access to the property is provided by a curb cut on St. Charles Avenue. The lot has steep topography that inclines from the north towards the south with an elevation difference of approximately 11 feet. There are couple of trees in the rear yard of the property.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Surrounding properties are zoned RG-2 (Residential General Sector 2) and are currently developed with single family and multi-family residential buildings.

PROPOSAL: The applicant is requesting a variance to reduce the required east and west side yard setbacks from 7 feet to 2 feet and to reduce the required Usable Open Space Requirement (UOSR) from 4,973 square feet to 4,270 square feet in order to construct a third detached unit at the rear of an existing multi-family development. The applicant amended the request to reduce the east and west side yard setbacks to 5 feet.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property meets the minimum lot width requirements per the RG-2 zoning district regulations. However, the lot area is deficient by 8,950 square feet. Additionally, the topography has a steep grade that inclines from the north towards the south with an elevation difference of approximately 11 feet. Therefore, Staff finds lot area and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The strict application of the zoning ordinance would cause an unnecessary hardship because of the irregularities in lot area and topography which significantly reduces the buildable area of the property. The existing dwelling encroaches into the west side yard setback. The proposed addition to the rear will be encroaching less than the existing encroachment to the west side yard but the proposal will add an encroachment to the east side. However, reduction in the setback and open space requirements will allow the applicant to fully comply with parking requirements for the proposed development. Also, the proposed configuration of driveway and garage will allow the vehicles to safely maneuver and exit and enter the property. Therefore, Staff is of the opinion that the requested variance is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The steep lot topography and deficiency in lot area is 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 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 conditioned on the following:

1. The east and west side yard setbacks shall be reduced to 5 feet.

cc: Keyetta M. Holmes, Zoning Administrator



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-41 for 297 Mackenzie Drive, N.E.

DATE: August 13, 2020

Applicant seeks a variance to reduce the north side yard setback from 7 feet to 1 foot for the construction of a duplex.

FINDINGS OF FACT:

Property Location: The subject property fronts 42 feet on the east side of Mackenzie Drive and begins 230 feet from the southeast intersection of Mackenzie Drive and East Avenue. The property is located in Land Lot 46 of the 14th District, Fulton County, Georgia. It is located in the Old Fourth Ward Neighborhood of NPU-M, Council District 2.

Relevant Zoning Requirements:

- Zoning: R-5/BL (Two Family Residential/Beltline Overlay)
- Minimum lot dimensions: frontage, 50 feet; minimum lot area, 7,500 square feet.
- Minimum yard setback(s): front yard, 30 feet; side yard, 7 feet; rear yard, 15 feet.

Property Characteristics: The subject property is a rectangular-shaped lot of approximately 7,559 square feet of area and 42 feet of frontage. It is developed with a one story single family residential structure encroaching into the north side yard setback, with porches in the front and rear. A carport is also located next to the house. Vehicular access is provided via a driveway terminating in the rear where an alley abuts the lot. The topography is relatively flat. There are few trees and shrubs located around the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and are generally rectangular in shape. Lots to the north, south, and east are zoned R-5/BL (Two Family Residential/Beltline Overlay) and are consistently developed with single-family and two-family dwellings. Lots to the west are zoned C-1/BL (Community Business/Beltline Overlay) and C-1-C/BL (Community Business – Conditional/Beltline Overlay) and are developed with nonresidential structures.

PROPOSAL: The applicant seeks a variance to reduce the north side yard setback from 7 feet to 1 foot for the construction of a duplex. The applicant's intent is to demolish the existing structure and construct a duplex with attached garages. The residential buildings will encroach into the setback by 4 feet while the garages will encroach into the north side yard setback by 6 feet. However, the applicant amended the request to reduce the garage encroachment from 7 feet to 2 feet.

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 8 feet. Therefore, Staff finds lot width as the extraordinary and exceptional condition pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship by preventing the redevelopment of the property. The applicant intends to redevelop the property and construct a duplex. The narrowness of the lot limits how parking can be accommodated. The north side yard reduction would allow for off-street parking for the structure and improve ingress and egress from the property. Therefore, Staff is of the opinion that the proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property is one of the most narrow lots on the block face. Staff is unaware of similar conditions on other properties in the area.
- 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 conditioned upon the following:

1. The north side yard setback shall be reduced to 3 feet for the residential portions and 2 feet for the garages only.

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-20-42 for 892 Adair Avenue, N.E.

DATE: August 13, 2020

The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet for the construction of a second story addition and a swimming pool. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the north side of Adair Avenue and begins 100 feet from the northeast intersection of Adair Avenue and Barnett Street. The property is located in Land Lot 1 of the 17th District, Fulton County, Georgia within the Virginia Highland neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is a rectangular shaped lot of 7,219 square feet (0.166 acres) with approximately 50 feet of frontage on the north side of Adair Avenue. The lot is currently developed with a single family residence with a detached garage. The subject property has vehicular access from a driveway off Adair Avenue. The site topography is significant and inclines approximately 9 feet from the front towards the rear. The property is vegetated with shrubs and several mature trees.

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

PROPOSAL: The applicant is requesting to reduce the front yard setback from 35 feet to 29 feet for the construction of a second story addition.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot area is deficient by 1,781 square feet and the lot width is 20 feet less than the R-4 zoning requirements. The topography is significant, as it inclines by 9 feet from the front of the property towards the rear. Therefore, Staff finds the lot area, width and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the irregularities in lot area, width and topography which has an impact on the available buildable area of the property. The lot is smaller in size and width than the R-4 zoning standard. The proposed second story addition will not increase the existing encroachment and is only proposed for a portion of the front façade. The structure cannot practically be expanded further to the rear due to a mature hardwood tree and the existing floor plan of the house. Therefore, Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of deficient lot area, width and steep topography are peculiar to this particular piece of property rendering this site as unique and unusual. However, the existence of similar conditions on neighboring properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-43 for 365 Hooper Street, S.E.

DATE: August 13, 2020

The applicant requests a variance to reduce the south side yard setback from 7 feet to 4 feet and the rear yard setback from 15 feet to 4 feet for the construction of a new accessory structure. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 75 feet on the west side of Hooper Street and begins 150 feet from the southwest intersection of Hooper Street and Alexa Avenue. The property is located in Land Lot 182 of the 15th District, DeKalb County, Georgia. It is located in the East Lake neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is an irregular shaped lot of 7,729 square feet area with 75 feet of frontage on the west side of Hooper Street. It is currently developed with a single-family dwelling. Vehicular access is provided via an existing curb cut and driveway located to the east side of the house off Hooper Street. The topography is relatively level throughout the lot. There are few mature trees and shrubbery planted on the property.

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

PROPOSAL: The applicant requests a variance to reduce the south side yard setback from 7 feet to 4 feet and the rear yard setback from 15 feet to 4 feet for the construction of a new accessory structure.

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 1,271 square feet. In addition, the lot has a wedge-shaped rear yard. Therefore, Staff finds lot area and shape 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.** Adherence to the zoning regulations would cause an unnecessary hardship by preventing the applicant from constructing a commonly found accessory structure in a manner that would preserve as much of the back yard as possible. The deficiency in lot area combined with the wedge-shaped rear yard restricts the buildable area of the lot. The proposed storage shed would enable the property owner to keep yard equipment out of sight. By placing the shed in a corner of the back yard, the remainder of the yard would be left for the use and enjoyment of the residents of the property. Therefore, Staff is of the opinion that the proposal is reasonable considering the hardship related to lot shape and area.
- c. **Such conditions are peculiar to the particular piece of property involved.** The wedge shape of the lot 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 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-20-44 for 1545 Foote Street, N.E.

DATE: August 13, 2020

The applicant seeks a variance to reduce the side yard setback from 7 feet to 3.25 feet for the construction of a carport. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 74 feet on the south side of Foote Street and begins 85 feet from the southeast intersection of Foote Street and Wesley Avenue. The property is located in Land Lot 210 of the 15th District, DeKalb County, Georgia within the Edgewood neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-5 (Single-Family Residential).
- Minimum lot dimensions: frontage, 50 feet; minimum lot area, 7,500 square feet.
- Minimum yard setbacks: front yard, 30 feet; side yard, 7 feet; rear yard, 15 feet.

Property Characteristics: The subject property is a rectangular shape lot that has 6,675 square feet of area and fronts 74 feet along Foote Street. It is currently developed with a single-family residence. Vehicular access to the property is provided by a concrete driveway to the west of the residence. The rear yard is surrounded by a wooden fence. Topography inclines from the front towards the rear yard. The property is vegetated with a few large trees and shrubbery throughout.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area are similar in size and shape. Parcels nearby are developed with single-family detached residential structures with the R-5 (Single-Family Residential) zoning.

PROPOSAL: The applicant is requesting seeks a variance to reduce the side yard setback from 7 feet to 3.25 feet. The carport is currently constructed in the side yard setback. The applicant's intent is to bring the non-conforming encroachment into compliance.

CONCLUSIONS:

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in area by 825 feet and exceeds the lot width requirements for R-5 zoning districts. The lot shape has no irregularities. However, the topography inclines from the front and declines at the rear by 2 feet. Therefore, Staff finds lot area and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause an unnecessary hardship because of the irregularities of the lot regarding topography and area. The topography impacts the buildable area for the carport addition. The existing concrete driveway and dwelling currently encroaches into the west side yard setback by 3.75 feet. In this case, the topography, area and existing encroachment of the lot creates a hardship as it dictates the location of the residence and any additions to the residence. Therefore, Staff is in the opinion that the request is reasonable due to the lot topography and area.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot topography, area and existing encroachment is unique 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 desirability 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 requested variance would not impair the purpose and intent of the zoning ordinance by allowing the carport addition. If granted, the addition will not cause detriment to the public good. If granted, the requested variance would allow the residents of the property to increase their quality of life. Staff is supportive of this request with the condition that the carport must be open on all sides.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-45 for 442 Martin Street, S.E.

DATE: August 13, 2020

The applicant seeks a variance to reduce the north side yard setback from 10.9 feet to 5 feet, the south side yard setback from 9.5 feet to 5 feet and the rear yard setback from 8.9 feet to 0 (5 foot credit given for the adjacent alley) for the construction of a multi-family development. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 40 feet on the east side of Martin Street and begins 41 feet from the northeast intersection of Martin Street and Glenwood Avenue. The property is located in Land Lot 53 of the 14th District, Fulton County, Georgia within the Summerhill neighborhood of NPU-V, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned RG-3 (Residential General Sector 3)
- Minimum lot requirements: Lot width of 50 feet; Lot area of 20,000 square feet.
- Minimum yard setbacks: Section 16-28.011 (5)(e): Formulas determining minimum open space requirements adjacent to walls: Minimum distance from walls to lot lines or building site lines for buildings or portions of buildings containing living quarters shall be computed as follows, where D = depth in feet, L = length in feet, and S = height in stories.
 - a. Distance requirements: $D = 4 + s + L/10$
 - b. For Sector 1 through Sector 3: In no case shall any yard be less than seven (7) feet.

Property Characteristics: The subject property is a rectangular shaped lot of 4,345 square feet (0.10 acres) with approximately 40 feet of frontage on the east side of Martin Street. The lot is currently developed with a small storage shed and encroaching stairs and porch from the neighboring structure on the south property line. The subject property has vehicular access from Martin Street. The site topography is relatively level. The property is primarily paved with no vegetation. A 20 foot wide sanitary sewer easement cuts through the middle of the site at an angle.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size, shape and use. Adjacent property to the north is developed with a duplex, to the east is an alley and church beyond that, to the south is a limousine service and they are all zoned RG-3 (Residential General Sector 3). Adjacent property to the west is developed with a residence zoned RG-3 (Residential General Sector 3) and an abandoned building zoned PD-MU (Planned Development Mixed Use).

PROPOSAL: The applicant is requesting a variance to reduce the north side yard setback from 10.9 feet to 5 feet, the south side yard setback from 9.5 feet to 5 feet and the east rear yard setback from 8.9 feet to 0 feet in order to construct a 4 unit multi-family development.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in area by 15,655 square feet and in width by 10 feet. The topography is relatively level. Therefore, Staff finds lot area and width 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 zoning regulations would cause a hardship due to size and width of the lot coupled with the existing location of a 20 foot sanitary sewer easement traversing the middle of the site. The central location of the easement has an impact on the available buildable area of the property and makes development of the subject parcel challenging. The proposed 5 foot side setbacks are in keeping with duplex setbacks in other zoning districts and leave enough room for maintenance around the structure. The proposed rear setback of 0 feet is located adjacent to an unused 10 foot rear alley. Therefore, Staff finds the request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The area, width and location of a 20 foot sanitary sewer easement is peculiar to this particular piece of property rendering this site as unique and unusual. However, the existence of similar conditions on neighboring properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-47 for 1044 Hank Aaron Drive, S.E.

DATE: August 13, 2020

The applicant seeks a special exception to reduce the number of loading spaces from one (1) 12x35 space to 0 and to reduce the onsite parking from 47 spaces to 40 and variances to reduce the side yard setback from 15 feet to 5 feet and to reduce the Useable Open Space requirement from 0.41 to 0.34 for the construction of a multifamily development and dumpster enclosure. The applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 355 feet on the east side of Hank Aaron Drive and begins at the southeast intersection of Hank Aaron Drive and Haygood Avenue. The property is located in Land Lot 55 of the 14th District, Fulton County, Georgia. It is in the Peoplestown Neighborhood of NPU-V, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned MR-4A/BL (Multifamily Residential/Beltline Overlay).
- Section 16-28.015: One (1) 12 x 35 ft loading space required for 51 to 200 dwelling units.
- Section 16-35.010 (2)(b): Side yards; Minimum depth of 15 feet.
- Section 16-35.010 (6)(a): Usable Open Space Required (UOSR) 0.41
- Section 16-35.021 (5): Parking spaces per dwelling unit 0.81

Property Characteristics: The subject property is an irregular shaped corner lot with approximately 47,235 square feet of area (1.084 acres) and 181.33 feet of frontage on the east side of Hank Aaron Drive. It is currently undeveloped. Vehicular access is provided to the subject property via a driveway off Boynton Avenue. The topography declines approximately 20 feet from Hank Aaron Drive towards Boynton Avenue. There are several mature trees located on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape. Adjoining property to the north and east is developed with 5 two story multifamily buildings with RG-2/BL (Residential General/ Beltline Overlay) zoning. Lots to the south are zoned MRC-1-C/BL (Mixed Residential Commercial-Conditional/ Beltline Overlay) and are developed with a vacant one story commercial building. Lots to the west are zoned R-LC/BL (Residential-Limited Commercial/ Beltline Overlay) and are undeveloped and used for open space.

PROPOSAL: The applicant is requesting a special exception to reduce the number of loading spaces from one (1) 12x35 space to 0 and to reduce the onsite parking from 47 spaces to 40 and variances to reduce the side yard setback from 15 feet to 5 feet and to reduce the Useable Open Space requirement from 0.41 to 0.34 for the construction of a 56 unit affordable multifamily building.

PART I

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 character and use of the building is such as to make unnecessary the full provisions of parking facilities. The applicant has stated that the affordable housing proposed on this site is comparable to the adjacent multifamily residential which has excess parking. The developer of the subject property manages the adjacent multifamily residential properties and is comfortable that the 40 proposed parking spaces will be sufficient. The subject property is 0.27 miles from the Beltline and located on a MARTA Bus Route with connections to the Five Points MARTA Transit Station. The Beltline overlay states *“The city recognizes that as the Beltline attracts new development, the orientation and character of that growth should encourage pedestrian and transit-oriented uses and activities designed to support an urban character to foster the most positive impact on affected communities.”* There is street parking available on Boynton Avenue and throughout the neighborhood. Therefore, Staff finds the reduction of parking from 47 parking spaces to 40 parking spaces to be reasonable for this use.

Furthermore, the character or use of the building is such as to make unnecessary the full provisions of loading facilities. The threshold for requiring one 12 x 35 ft loading space is 51 to 200 dwelling units. This building has 56 dwelling units. Loading, if necessary, can be accommodated in the parking/loading lane at the side of Boynton Avenue. Therefore, Staff finds the reduction of number of loading spaces from one (1) 12 x 35 ft loading space to 0 to be reasonable for this use.

PART II

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 shape is irregular as it cuts in and out along the southeast corner to accommodate the existing development on the adjacent property. The topography slopes approximately 20 feet from Hank Aaron Drive towards Boynton Avenue. Therefore, Staff finds the lot does possess extraordinary and exceptional conditions pertaining to the lot shape and topography.
- 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 the exceptional lot shape removes area from the site that could have been used for Usable Open Space and forces a less efficient parking layout that takes up Usable Open Space. The proposed building is designed to address the street according to the zoning ordinance and is built into the steep topography along the north side yard setback, and therefore, has a 5 foot setback rather than 15 feet. The proposed pavilion is located approximately 10 feet from the north side property line in response to site topography. The applicant has proposed to construct a 56 unit affordable multifamily building with three stories fronting Hank Aaron Drive and four stories on Boynton Avenue. Staff finds the proposal meets the goals of the 2016 Comprehensive Development Plan and the Beltline overlay to provide affordable housing and a pedestrian oriented design. Staff notes the exceptional lot shape and steep topography would limit the development within the buildable area. Therefore, Staff is of the opinion that this proposal is reasonable.
 - a. **Such conditions are peculiar to the particular piece of property involved.** The irregular shape of the lot and the steep topography are peculiar to this particular piece of property rendering this site as unique and unusual. However, the existence of similar conditions on neighboring properties does not negate the desirability of the proposal.
 - b. **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. The proposal will create a positive streetscape and street frontage on Hank Aaron Drive and Boynton Avenue and will provide 56 units of affordable housing in accordance with the intent of the zoning ordinance. Therefore, Staff finds the reduction of the side yard setback from 15 feet to 5 feet and the reduction of Usable Open space from 0.41 to 0.34 to allow the proposed construction to be reasonable.

RECOMMENDATION: APPROVAL OF PART I and PART II

cc: Keyetta. M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

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TIM KEANE
Commissioner

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

MEMORANDUM

amended

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-48 for 8 Clifton Street, S.E.

DATE: August 13, 2020

Applicant seeks a variance reduce the south side transitional yard setback from 20 feet to 15 feet, the east side transitional yard setback from 20 feet to 18 feet, reduce the width of a two way driveway from 24 feet to 12 feet (narrowest point) and a special exception to reduce the onsite parking from 26 spaces to 12 spaces for the construction of a multifamily development.

Staff is recommending a deferral to properly advertise the requested transitional yard reductions.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

TIM KEANE
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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 *RTJ*

SUBJECT: V-20-49 for 300 Woodward Avenue, S.E.

DATE: August 13, 2020

Applicant seeks a variance to increase the size of an accessory structure from 30% of the main structure to 42% for a second story addition to a detached garage. Applicant seeks no other variances this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 33 feet on the north side of Woodward Avenue and begins 183 feet from the northwest intersection of Woodward Avenue and Harden Street. The property is located in Land Lot 44 of the 17th District, Fulton County, Georgia. It is located in the Grant Park neighborhood of NPU-W, Council District 1.

Relevant Zoning Requirements:

- Zoning: R-5/HC-20K SA 1 (Two Family Residential/Grant Park Historic District).
- Minimum lot dimensions: frontage of 50 feet; minimum lot area of 7,500 square feet.
- Minimum yard setback(s): front yard at 30 feet; side yard at 7 feet; rear yard at 7 feet.
- Accessory buildings in R-1 through R-5 districts shall not contain a total floor area greater than 30% of the main structure.

Property Characteristics: The subject property is a rectangular shaped 6,546 square feet with 33 feet of frontage. It is currently developed with a two-story single family dwelling. Vehicular access is provided via an alley located adjacent to the rear of the property. A one story detached garage and small shed is located at the rear. The topography varies in grade and has sharp incline from the front to rear of the property. There are several mature trees and shrubbery located throughout the lot.

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-5 (Single-Family Residential) zoning.

PROPOSAL: The applicant seeks a variance to increase the size of an accessory structure from 30% of the main structure to 42% for a second story addition to a detached garage.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject lot is deficient in lot area by 954 square feet and width by 17 feet. The shape has no irregularities. The topography inclines from the front to the rear. Therefore, Staff finds the size and topography of the lot 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 zoning regulations would cause a hardship by preventing the replacement and expansion of a commonly found accessory structure, a detached garage. Although the garage is a typical size for two car garage, the existing 1,519 square-foot house coupled with the size of the lot allows for additional square footage to be added to an accessory structure for a second story addition. The floor area ratio of the existing house is less than the maximum permitted by R-5 zoning. It is not sensible to ask the property owner to increase the size of the house simply to be able to build a reasonable sized guest house above the existing garage without the requested variance. Therefore, Staff is of the opinion that the construction of a new guest homes is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width is unique to the subject property as several of the adjacent lots are wider than 33 feet. Therefore, Staff is of the opinion that the condition is peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. 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



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-20-50 for 95 Lakeview Drive, N.E.

DATE: August 13, 2020

Applicant seeks a variance to reduce the side yard setback from 7 feet to 3 feet and the rear yard setback from 15 feet to 4.8 feet for an addition to a detached garage. Applicant seeks no additional variances.

FINDINGS OF FACT:

Property Location: The subject property fronting 50 feet on the southeast side of Lakeview Drive and beginning at the southeast intersection of Lakeview Drive and First Avenue. The property is located in Land Lot 205 of the 15th District, DeKalb County, Georgia within the Kirkwood Neighborhood of NPU O.

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; side yard at 7 feet; rear yard at 15 feet.

Property Characteristics: The subject property is an irregularly shaped corner lot with an area of 7,345 square feet, 50 feet of frontage, and located south of the intersection of Lakeview Drive and First Avenue. The parcel is currently developed with a two-story, single family home with a crawl space and a detached garage in the rear. Based on the site plan, the existing garage currently encroaches in the rear yard setbacks. Vehicular access is provided via a driveway off First Avenue. There are no trees located on the property and the topography is relatively level throughout the site.

Characteristics of Adjoining Properties, Neighborhood: Properties within the surrounding area are residentially zoned, developed with a mix of one and two story single family residential structures, and vary in lot sizes and shapes.

PROPOSAL: The applicant seeks a variance to reduce the side yard setback from 7 feet to 3 feet and the rear yard setback from 15 feet to 4.8 feet for an addition to a detached garage. The applicant's intent is to construct a second story addition and a staircase to the 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 (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 an irregularly shaped corner lot with an area of 7,345 sq. ft. and lot width of 50 feet. The property is deficient in the required minimum lot width and area. Therefore, Staff finds that lot width, size and shape deficiencies 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 create an unnecessary hardship because the existing garage location and access to the structure on the corner lot limit the location of a stairway to the second story addition. The east and north garage elevations cannot accommodate a stairway access to the second story addition. The west and south elevations of the garage are the only possible locations for a stairway. Locating the stairway along either elevation would result in an encroachment of the rear and side yard setbacks. Additionally, the garage currently encroaches into the rear yard setback. Therefore, Staff is of the opinion that the proposed location for the stairway is the least visibly disruptive and reasonable considering the existing hardship related to lot shape and area.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar to the particular piece of property involved and staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety. 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



KEISHA LANCE BOTTOMS
MAYOR

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TIM KEANE
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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-20-51 for 1416 Woodmont Lane, N.W.

DATE: August 13, 2020

The applicant seeks a special exception to reduce the onsite parking from 24 spaces to 11 spaces. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Woodmont Lane and begins 330 feet from the southwest intersection of Woodmont Lane and Chattahoochee Avenue. The property is located in Land Lot 192 of the 17th District, Fulton County, Georgia within the Hills Park neighborhood of NPU-D, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned I-2 (Heavy Industrial).
- Schools, colleges, churches, recreational or community centers and other places of assembly (d)Trade schools: One space for each 200 square feet.

Property Characteristics: The subject property is a rectangular shaped lot of approximately 8,750 square feet with 50 feet of frontage on the south side of Woodmont Lane. The property is a two-story brick building with an existing parking lot in the front of the building. The topography of the lot inclines from the north to south, with an elevation difference of approximately 17 feet. There are couple of small trees on 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 and are zoned with the I-2 (Heavy Industrial) zoning district.

PROPOSAL: The applicant is requesting a special exception to reduce the onsite parking from 24 spaces to 11 spaces for a beauty school (eyebrow only).

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 24 spaces to 11 spaces to operate a beauty school in an existing two-story building. Per the zoning ordinance, the minimum off-site parking requirements for a trade school is one space for each 200 square feet. Staff believes that the character of the proposed development allows for a reduction in parking. The proposed school will hire 5 employees and teach 10 students. In addition, the applicant is expecting a maximum of 5 customers at a time. Therefore, at one time, there will be maximum of 20 people at the facility. However, the applicant has indicated that the students will be shuttled from their main location (1016 Howell Mill Road) to the facility every day, which eliminates the need of parking spaces for 14 people. Hence, the existing 11 parking spaces appear to be sufficient for the proposed beauty school. Therefore, Staff believes the character or use of the proposed development would not necessitate the full application of the I-2 parking requirements.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



CITY OF ATLANTA

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TIM KEANE
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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-20-53 for 1507 North Morningside Drive, N.E.

DATE: August 13, 2020

The applicant requests a variance to reduce the side yard setback from 7 feet to 2.6 feet and to increase the maximum lot coverage from 50% to 55.61% for the construction of an accessory structure. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 55 feet on the east side of North Morningside Drive and begins 130 feet from the southeast intersection of North Morningside Drive and Cumberland Road. The property is located in Land Lot 2 of the 17th District, Fulton County, Georgia. It is located in the Morningside/Lenox Park neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- Zoning: R-4 (Single Family Residential).
- Minimum lot dimensions: frontage of 70 feet; minimum lot area of 9,000 square feet.
- Minimum yard setback(s): front yard 35 feet; side yard 7 feet; rear yard at 15 feet.
- Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

Property Characteristics: The subject property is an irregular shaped lot of 11,150 square feet area with 55 feet of frontage on the east side of North Morningside Drive. It is currently developed with a single-family dwelling. Vehicular access is provided via an existing curb cut and driveway located to the south side of the house off North Morningside Drive. The topography is relatively level throughout the lot. There are couple of mature trees and some shrubbery planted on the property.

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

PROPOSAL: The applicant requests a variance to reduce the side yard setback from 7 feet to 2.6 feet and to increase the maximum lot coverage from 50% to 55.61% for the construction of a detached garage with a partially enclosed pool house and outdoor seating area on the top.

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 15 feet. In addition, the lot also has a slightly irregular shape. Therefore, Staff finds lot width and shape 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.** Adherence to the zoning regulations would cause an unnecessary hardship, due to the irregularities in lot width and shape. The narrow lot width has limited the total available buildable area of the lot. The existing lot coverage already exceed by 5.24%. Therefore, the proposed lot coverage will increase by 0.37%. The proposed garage will add an encroachment to the side yard setback. However, the garage would enable the property owner to keep vehicles and yard equipment out of sight. Also, by placing the garage in a corner of the back yard, the remainder of the yard would be left for the use and enjoyment of the residents of the property. Therefore, Staff is of the opinion that the proposal is reasonable considering hardship related to lot width.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot coverage and existing encroachment 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



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
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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-20-55 for 3579 & 3701 Jonesboro Road, S.E. (pending lot consolidation)

DATE: August 13, 2020

The applicant seeks a special exception to special exception to reduce the onsite parking from 317 spaces to 132 spaces for a warehouse facility. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 382 feet on the west side of Jonesboro Road and begins approximately 1,416 feet from the southwest intersection of Jonesboro Road and Southside Industrial Parkway. The property is located in Land Lot 32 & 33 of the 14th District, Fulton County, Georgia within the Blair Villa/Poole Creek neighborhood of NPU-, X Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned I-1/C-1-C (Light Industrial/Community Business Conditional)
- Parking Minimum Requirements
 - Section 16-16.009 (4): Manufacturing, warehousing and distribution centers: One space per 600 square feet or each two employees on the peak working shift whichever is greater.

Property Characteristics: The subject property consists of two tracts of land and is approximately 12.24 acres (533,005 square feet) with 382 feet of frontage on Jonesboro Road. Both parcels are currently vacant. It is an interior lot located on Jonesboro Road. Currently, there are no points of ingress and egress from Jonesboro Road. However, there is an access easement and driveway located off Southside Industrial Way which provides access to the site. A sanitary sewer easement traverses a portion of both lots. Topography varies and there are several mature trees located throughout the lot.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size, shape and use. The zoning is I-1 (Light Industrial) and C-1 (Community Business).

PROPOSAL: The applicant is requesting a special exception to reduce the required onsite parking from 316 spaces to 132 spaces for a warehouse facility. The property is 12.24-acre tract that fronts Jonesboro Road. It is expected that the facility will run two shifts of approximately 120 employees during the day shift and 80 employees during the evening shift with approximately 10 visitors a day. Operational hours are from 6am to 11pm, Monday through Friday and 8am to 8pm on the weekends.

The minimum parking requirements are as follows:

USE	AREA/COUNT	RATIO	PARKING SPACES
Warehouse Facility	533,005 SF	1 PS/600 SF	132
EAV reduction			184
Min. Required			316 Total

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

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

The applicant's intent is to construct a modular housing warehouse facility. The character and use of the building is such as to make the full required parking spaces unnecessary. The proposed development is an 189,860 square foot warehouse that would pre-assembled building materials to build single-family dwellings. The proposed 132 spaces are enough to accommodate the number of employees and visitors expected on the site. If additional spaces are needed in the future, the applicant will convert the proposed truck court into parking spaces. Furthermore, the topography of the lot has an impact on providing additional parking. Allowing the proposed decrease in parking would provide a parking solution and support the objective of the industrial use to: "Provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods." The daytime use of the subject building is lower than the evening use and alternative transportation options, such as MARTA and ride share services, will be utilized to lower the parking needs. Therefore, Staff finds the reduction of parking from 316 parking spaces to 132 parking spaces to be reasonable for this site.

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-20-58 for 665 8th Street, N.W.

DATE: August 13, 2020

The applicant seeks a special exception to reduce the onsite parking from 45 spaces to 25 spaces for an addition to an existing office building. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 100 feet on the north side of 8th Street and begins at the northeast intersection of 8th Street and Watkins Street. The property is located in Land Lot 150 of the 17th District, Fulton County, Georgia within the Marietta Street Artery neighborhood of NPU-E, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned I-1 (Light Industrial).
- Office, clinics, laboratories, studios: One space per 300 square feet

Property Characteristics: The subject property is a rectangular shaped corner lot of approximately 20,125 square feet (0.46 acres) with 100 feet of frontage on the north side of 8th Street. The property is developed with of a one-story brick building with existing parking lot on the east side of the building. The topography of the lot is relatively level. There are couple of small trees on 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 and are zoned with the I-1 (Light Industrial) zoning district to the west, MRC-3 (Mixed Residential Commercial) to the north and south, and C-1 (Community Business) to the east.

PROPOSAL: The applicant is requesting a special exception to reduce the onsite parking from 45 spaces to 25 spaces for an addition to an existing office building.

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 45 spaces to 25 spaces for an addition to existing office building. Per the zoning ordinance, the minimum off-site parking requirement for office use is one space for each 300 square feet. Staff believes the character of the proposed development allows for a reduction in parking. The applicant has indicated that there will be 42 employees working within the building from 8am to 5pm. The existing 25 parking spaces are for the employees and occasional deliveries. However, the applicant has also provided a shared parking agreement with the adjacent property, West 8, for additional 21 spaces for employees. Hence, there will be total of 46 parking spaces for the proposed office space. Therefore, Staff believes the character or use of the proposed development would not necessitate the full application of the I-1 parking requirements.

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 *SAJ*

SUBJECT: V-20-59 for 3713 Mayfair Road, N.E.

DATE: August 13, 2020

The applicant seeks variances to reduce the front yard setback (Ivy Road) from 50 feet to 20 feet, the front yard setback (Mayfair Road) from 50 feet to 30 feet, the south side yard setback from 10 feet to 9 feet 7 inches (second story addition), increase the maximum lot coverage from 40% to 50% and a special exception to allow active recreation (swimming pool) in a yard adjacent to a street. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 101 feet on the east side of Mayfair Road and begins 229 feet from the northeast intersection of Mayfair Road and Mayfair Court. The property is located in Land Lot 63 of the 17th District, Fulton County, Georgia within the North Buckhead neighborhood of NPU-B, Council District 7.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single Family Residential)
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 20 feet.
- Maximum lot coverage: 40%
- 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 trapezoidal shaped lot of 18,022 square feet (0.414 acres) with 101 feet of frontage on Mayfair Road and 117 feet of frontage on Ivy Road. The lot is currently developed with a single family residence and attached garage. The subject property has vehicular access from a driveway off the Mayfair Road cul-de-sac. Topography is irregular as it inclines and declines throughout varies portions of the lot. The topography in the front yard adjacent

to Mayfair Road, inclines by approximately 7 feet. Topography then begins to decline by approximately 7 feet on the south side from the stone patio towards the termination of the concrete driveway. Furthermore, the topography declines from the stone wall by approximately 5 feet towards the rear property line. The property is vegetated with shrubs and several mature trees.

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

PROPOSAL: The applicant is requesting variances to reduce the front yard setback (Ivy Road) from 50 feet to 20 feet for a pool, and the front yard setback (Mayfair Road) from 50 feet to 30 feet along with the south side yard setback from 10 feet to 9 feet 7 inches for a second story addition above an existing encroachment. The applicant is also requesting a variance to increase the maximum lot coverage from 40% to 50% and a special exception to allow active recreation (swimming pool) in a yard adjacent to a street.

PART I

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot area and width meet the R-3 zoning requirements. However, the lot shape is trapezoidal and narrows at the Mayfair Road frontage of the lot. The topography varies throughout and has an impact on the location of the proposed additions. Therefore, Staff finds the lot shape and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the double frontage, irregularities in lot shape and topography which have an impact on the available buildable area and layout of the property. The property lines are not parallel to the walls of the residence which results in the existing side yard encroachment of 0.3 feet into the south side yard at the southwest front corner of the structure. The proposed second story additions will not increase the existing encroachments and the proposed Mayfair Road front setback is compatible with neighboring properties. The pool is located in the only practical location on the site due to topography. The pool is connected to the house by a porch. The location of the pool away from the house increases the impervious surface between the pool and the house, therefore, increasing the lot coverage. If the lot did not have steep topography the pool might be located closer to the house and would not need as much impervious surface on the lot. The applicant has reduced the coverage of the existing driveway and removed a rear deck to minimize lot coverage. The proposal increases the lot coverage from 8,659 sf (48%) to 8,843 sf (50%). Therefore, Staff finds the requests to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of double frontage, irregular lot shape and topography are peculiar to this particular piece of property rendering this site as unique and unusual. However, the existence of similar conditions on neighboring properties does not negate the desirability of the proposal.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood.

PART II

CONCLUSIONS: The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) 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 proposed pool will be located away from adjoining single family neighbors and screened from view with a privacy fence and landscape screening. Although the pool would be located in a front yard due to a double frontage lot, an existing 6 foot privacy fence and dense vegetation block views into the pool area from the street. The noise, lights, concentration of persons 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 double frontage lot with a trapezoidal shape. The residence faces Mayfair Road and the frontage on Ivy Road functions as the rear of the parcel. The proposed location for the swimming pool is 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.

RECOMMENDATION: APPROVAL OF PART I and PART II

cc: Keyetta M. Holmes, Zoning Administrator



CITY OF ATLANTA

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-20-60 for 1251 Marietta Boulevard, N.W.

DATE: August 13, 2020

The applicant seeks a special exception to reduce required parking from 26 spaces to 18 spaces for a warehouse/office use. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 76 feet on the east side of Marietta Boulevard and begins at the northeast intersection of Marietta Boulevard and Huff Road. The property is located in Land Lot 191 of the 17th District, Fulton County, Georgia. within the Blandtown neighborhood of NPU-D, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned I-2/BL (Heavy Industrial/ Beltline Overlay)
- Parking Requirements
 - Section 16-17.009(5): Warehouse - One space per 600 sq. ft.
 - Section 16-17.009(6): Office - One space per 300 sq. ft.

Property Characteristics: The subject property is an irregularly shaped corner lot of approximately 0.544 acres (23,697 square feet) and is located at the intersection of Marietta Boulevard and Huff Road with approximately 76 feet of frontage on Marietta Boulevard. The property is currently developed with a two-story warehouse and office building. The topography on the site is fairly level. The subject property also has surface parking with 15 parking spaces in the side yard. Access to the site is currently provided via a curb cut on Marietta Boulevard and another on Ellsworth Drive.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. The surrounding zoning includes I-2 (Heavy Industrial) in the immediate surrounding area, and some MRC-1 and MRC-3 to the northeast of the subject area. The future land use designation for the area is MU (Mixed-Use) and surrounding uses include a mix of residential, commercial and light industrial uses.

PROPOSAL: The applicant seeks a special exception to reduce onsite parking from 26 spaces to 18 spaces for an office/warehouse use.

The parking requirements are as follows:

USE	AREA/COUNT	RATIO	PARKING SPACES
Warehouse	5,028 sq. ft.	600 sq. ft. per parking spaces	8.38
Office	5,085 sq. ft.	300 sq. ft. per parking spaces	16.94

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 renovate the interior and exterior of the property while maintaining the existing office and warehouse use, as well as the existing site arrangement. The subject property currently has 15 surface parking spaces that have adequately served the existing office/warehouse use at the site. The provided survey shows that the existing site arrangement already maximizes the available space to provide regular perpendicular parking spaces. According to Section 16-17.009(5) & (6) of the zoning code, a total of 26 parking spaces are required for the proposed renovated office and warehouse use. The applicant proposes to provide 18 parking spaces by adding 3 parallel parking spaces to the existing 15 perpendicular parking spaces on the site. The 3 additional parallel parking spaces are proposed on a small side yard area near the Ellsworth Drive entrance to the sites. The proposed 18 parking spaces are the maximum that the applicant can feasibly provide given the irregular shape of the lot, and the unavailability of extra space given the existing site arrangement. There is no other space on the site to expand parking. The existing 15 parking spaces have adequately served the existing 2-story office and warehouse use, and staff believes that the proposed 18 parking space will be adequate to serve the proposed renovated building with the same office and warehouse uses. Staff finds the reduction of parking from 26 parking spaces to 18 parking spaces to be reasonable for this use.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

TIM KEANE
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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 *RJA*

SUBJECT: V-20-62 for 2693 Knox Street, N.E.

DATE: August 13, 2020

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

FINDINGS OF FACT:

Property Location: The subject property fronts 49 feet on the south side of Knox Street and begins at the southwest intersection of Knox Street of Daniel Street. The property is located in Land Lot 203 of the 15th District, Fulton County, Georgia. It is located in the East Lake Neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: frontage, 70 feet; minimum lot area, 9,000 square feet.
- Minimum yard setback(s): front yard, 35 feet; side yard, 7feet; rear yard, 15 feet.
- *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 10,899 square feet of area and approximately 49 feet of width. It is developed with a two story with basement single family dwelling. Vehicular access is provided via a curb cut off Daniel Street that terminates at an existing attached garage. A 6 foot wooden fence and gate surrounds the rear yard and half-depth front yard. Topography is relatively level in the front however, towards the middle and rear of the lot, the topography declines by approximately 8 feet. There are several mature trees and shrubbery located in the front yard and 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 similar R-4 (Single Family Residential) zoning.

PROPOSAL: The applicant's intent is to install a 16 x 32 rectangular shaped inground swimming pool in the rear 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 topography varies throughout the property as it declines from the front of the property towards the rear by approximately 8 feet. Additionally, there are several mature trees and shrubbery located along the front yard and rear yard. The existing vegetation shields the residence and proposed pool from Daniel Street. The location of the proposed swimming pool will be minimally visible to neighboring properties, as it will be screened from view by the following: existing topography, landscaping and an existing 6 foot privacy fence. The proposed pool will be located to the west of the home and will not be visible from Daniel Street. 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 an irregular shaped corner lot with topographic challenges. Due to the irregularities with the lot, the only location for the proposed pool is within the west side yard. Additionally, the irregular topography and existing mature trees in the front and east side yards makes it almost possible to construct the pool in this location. The applicant has proposed fencing and landscaping 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



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-20-63 for 8 Parkside Court, N.E.

DATE: August 13, 2020

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 111 feet on the south side of Parkside Court and begins at the southeast intersection of Parkside Court and Lake Forrest Drive. The property is located in Land Lot 95 of the 17th District, Fulton County, Georgia. It is in the East Chastain Park Neighborhood of NPU-B, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned PD-H (Planned Development Housing).
- 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 corner lot with approximately 17,088 square feet of area (0.39 acres), 111 feet of frontage on Parkside Court and 152 feet of frontage on Lake Forrest Drive. It is developed with a two-story single family residence with an attached garage and garage door oriented to the west side. Vehicular access is provided via a driveway off Parkside Court. The topography slopes 14 feet from the front of the lot towards the rear property line. A 5 foot brick wall with vegetative screen is located along Lake Forrest Drive and a 6 foot wood privacy fence surrounds the east 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 to the north and east are developed with single family detached homes with PD-H (Planned Development Housing) zoning. Lots to the south are developed with single family detached homes with R-3 (Single Family Residential) zoning. Chastain Park is located across Lake Forrest Drive to the west and is zoned R-3 (Single Family Residential).

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 rear yard.

CONCLUSIONS: The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) 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 is a corner lot with a half depth front yard setback that is unusually wide. The rear yard 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. A 5 foot brick wall with vegetative screening is located along Lake Forrest Drive and a 6 foot wood privacy fence surrounds the east side and rear yard to block views into the pool area from the street and neighboring properties. The topography changes significantly at the edge of Chastain Park adjacent to the subject property creating an additional barrier between the properties. 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 proposed location for the swimming pool is directly adjacent to the rear of the residence and the only possible location for a pool due to steep topography in the side and rear yards. The proposed pool location is within the buildable area and is located as far away from neighbors and Lake Forrest Drive as possible. 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



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

TIM KEANE
Commissioner

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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-19-230 for 631 Park Drive, N.E.

DATE: August 13, 2020

Applicant seeks a variance to reduce the west side yard setback from 7 feet to 0 and the rear yard setback from 15 feet to 4.6 feet and increase the maximum allowed lot coverage from 50% to 58.4% to construct a joined detached garage in the rear yard for the construction of a shared two car garage.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Park Drive and begins approximately 310 feet from the southeast intersection of Park Drive and Monroe Drive. The property is located in Land Lot 53 of the 17th District, Fulton County, Georgia. It is located in the Virginia Highland Neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- Zoning: R-4/BL (Single Family Residential/Beltline).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

Property Characteristics: The subject property is rectangular-shaped lot of approximately 7,650 square feet of area and 50 feet of frontage. It is developed with a one-story single family residential structure with a covered porch in the front and deck in the rear. Vehicular access is provided via shared concrete driveway with the adjoining property to the west at 627 Park Drive. Topography inclines gradually from the front property line towards the rear yard. An alley abuts the rear property line. There are few trees and shrubs throughout the site.

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

PROPOSAL: The applicant seeks a variance to reduce the west side yard setback from 7 feet to 0 and the rear yard setback from 15 feet to 4.6 feet and increase the maximum allowed lot coverage from 50% to 58.4% to construct a joined detached garage in the rear yard for the construction of a shared two car 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 property is deficient in lot width by 20 feet and lot size by 1,350 square feet. Additionally, the topography rises gradually from the front to the rear of the lot. Therefore, Staff finds lot shape, width, size, and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to the lot size and width. The west side yard setback reduction to 0 would allow the applicant to provide a shared garage with the neighboring parcel at 627 Park Drive. Thus, the garage structure would be connected. The rear yard setback reduction would allow the garage to be located along the rear property line. This is the only reasonable location for the shared garage structure due to the existing improvements on the property and it is where the shared driveway terminates. Thus, Staff finds the proposed west side and rear yard reductions as reasonable.

The applicant has also requested an increase in lot coverage from 50% to 58.4%. The increase in lot coverage is for the installation of a shared garage structure. There are existing improvements on the property contributing to the amount of impervious surface of the lot, primarily the driveway and single family structure. However, the applicant proposes to utilize 511 square feet of pervious pavers to replace a portion of the existing driveway, which is approximately 1,022 square feet. The pavers are necessary to mitigate stormwater runoff issues on the parcel, which may be increased as the lot slopes towards the street. Additionally, the lot is deficient in lot size by 1,350 square feet. If the parcel met the minimum lot size requirement, the requested lot coverage variance would probably be unnecessary as there would be a larger buildable area. Therefore, Staff is of the opinion that the proposal to increase the maximum lot coverage is reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The shared driveway is a peculiar to the subject property. Staff is unaware of similar conditions on adjacent 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 variances 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

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

TIM KEANE
Commissioner

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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 *RAJ*

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

DATE: August 13, 2020

Applicant seeks a variance to reduce the east side yard setback from 7 feet to 0 and the rear yard setback from 15 feet to 5 feet and increase the maximum allowed lot coverage from 50% to 55.73% to construct a joined detached garage in the rear yard for the construction of a shared two car garage.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Park Drive and begins approximately 260 feet from the southeast intersection of Park Drive and Monroe Drive. The property is located in Land Lot 53 of the 17th District, Fulton County, Georgia. It is located in the Virginia Highland Neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- Zoning: R-4/BL (Single Family Residential/Beltline).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

Property Characteristics: The subject property is rectangular-shaped lot of approximately 7,793 square feet of area and 50 feet of frontage. It is developed with a one-story single family residential structure with a covered porch in the front and swimming pool in the rear. Vehicular access is provided via shared concrete driveway with the adjoining property to the east at 631 Park Drive. Topography inclines gradually from the front property line towards the rear yard. An alley abuts the rear property line. There are few trees and shrubs throughout the site.

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

PROPOSAL: The applicant seeks a variance to reduce the east side yard setback from 7 feet to 0 and the rear yard setback from 15 feet to 5 feet and increase the maximum allowed lot coverage from 50% to 55.73% to construct a joined detached garage in the rear yard for the construction of a shared two car 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 property is deficient in lot width by 20 feet and lot size by 1,207 square feet. Additionally, the topography rises gradually from the front to the rear of the lot. Therefore, Staff finds lot shape, width, size, and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to the lot size and width. The east side yard setback reduction to 0 would allow the applicant to provide a shared garage with the neighboring parcel at 631 Park Drive. Thus, the garage structure would be connected. The rear yard setback reduction would allow the garage to be located along the rear property line. This is the only reasonable location for the shared garage structure due to the existing improvements on the property and it is where the shared driveway terminates. Thus, Staff finds the proposed east side and rear yard reductions as reasonable.

The applicant has also requested an increase in lot coverage from 50% to 55.73%. The increase in lot coverage is for the installation of a shared garage structure. There are a number of existing improvements on the property contributing to the amount of impervious surface of the lot, primarily the pool, driveway, and single family structure. However, the applicant proposes to utilize pervious pavers to replace the existing driveway, which is approximately 1,071 square feet. The pavers are necessary to mitigate stormwater runoff issues on the parcel, which may be increased as the lot slopes towards the street. Additionally, the lot is deficient in lot size by 1,207 square feet. If the parcel met the minimum lot size requirement, the requested variance would probably be unnecessary as there would be a larger buildable area. Therefore, Staff is of the opinion that the proposal to increase the maximum lot coverage is reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** Based on Staff's analysis of adjacent parcels in comparison to the subject property, the lot size is peculiar. Majority of the adjacent lots are slightly larger than the subject property. However, the existence of similar conditions on adjacent lots does not negate the desirability 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 requested variances 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

cc: Keyetta M. Holmes, Zoning Administrator



CITY OF ATLANTA

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

DATE: August 13, 2020 (*Deferred from January 9, 2020 and March 12, 2020*)

The applicant requests a variance to reduce the rear yard setback from 20 feet to 15 feet and to increase the lot coverage from 40% to 52% for the construction of an accessory structure. Applicant seeks no other variances at this time.

The applicant has withdrawn this request. Staff is supportive of this request.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

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-20-38 for 1320 Wylie Street, S.E.

DATE: August 13, 2020

The applicant seeks a variance to reduce the rear yard set back 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 to allow time to complete the NPU process. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA IN OCTOBER

cc: Keyetta M. Holmes, Zoning Administrator