



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

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

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

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-65 for 460 Connally Street, S.E.

DATE: August 20, 2020

The applicant seeks a variance to reduce the front yard setback from 40 feet to 7 feet 3 inches (Connally), the half-depth front yard setback from 20 feet to 0 (Glenwood), the south side yard setback from 20 feet to 9 feet and the rear yard setback from 20 feet to 5 feet 4 inches. The applicant seeks no other variances at this time.

The applicant is currently working with the NPU and has requested a deferral. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta. M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-20-66 for 575 East Avenue, N.E.

DATE: August 20, 2020

Applicant seeks a variance to reduce the east side yard setback from 7 feet to 2.4 feet and to increase the maximum lot coverage from 55% to 61.7% for an addition to an existing single-family dwelling. Applicant seeks no additional variances.

FINDINGS OF FACT:

Property Location: The subject property fronts 43.5 feet on the south side of East Avenue and begins 131 feet from the southwest intersection of East Avenue and Glen Iris Drive. The property is located in Land Lot 46 of the 14th District, Fulton County, Georgia, within 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, 7 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of total lot area.

Property Characteristics: The subject property is a regular shaped lot of approximately 5,485 square feet of area with 43.5 feet of frontage and a lot coverage of 60.9%. It is developed with a 3-story single-family home. Vehicular access is provided via a 15-foot alley south of East Avenue. The alley is accessed from Glen Iris Drive, and Prospect Place. Topography inclines slightly from the front property line towards the rear yard. There is one mature tree in the front yard and four younger trees in the rear of the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are similar in size and shape to the subject property. They are consistently developed with both single- and two-family detached homes with similar R-5 (Two-Family Residential) zoning.

PROPOSAL: The applicant seeks a variance to reduce the east side yard setback from 7 feet to 2.4 feet and to increase the maximum lot coverage from 55% to 61.7% for an elevator shaft addition to an existing single-family dwelling

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in width by 6.5 feet and in area by 2,015 square feet. Therefore, Staff finds that the lot width and area create extraordinary and exceptional conditions that are pertinent to this particular piece of property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the regulations would create an unnecessary hardship by preventing the construction of an elevator addition that will allow the applicant to age in place. The applicant seeks to reduce the east side yard setback from 7 feet to 2.4 feet for the construction of an elevator shaft. The proposed encroachment into the east side yard setback is necessary to make an improvement that will allow the owner to age in place. Additionally, deficiencies in lot width contribute to the applicant's hardship. The existing lot coverage is 60.9% which already exceeds the maximum permitted lot coverage of 55%. The proposed elevator addition would increase the lot coverage by 0.8% to total 61.7%. Deficiencies in lot area also contribute to the applicant's hardship. If the lot met or exceeded the minimum lot requirement for width and area, the applicant would not be required to apply for a variance. Therefore, it is staff's opinion that the proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot coverage and size is peculiar to the subject property as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.

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 proposed elevator addition 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 the owner to age in place thus increasing quality of life, which improves, reinforces and sustains stability of the surrounding neighborhood. Relief, if granted, for the elevator shaft addition, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. However, a reduction of the entire east elevation setback to 2 feet could pose a potential impediment on emergency access or threats to fire safety. Staff recommends a condition that the east side yard setback reduction to 2 feet shall apply only to the proposed elevator shaft addition.

V-20-66 for 575 East Avenue, N.E.

August 20, 2020

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RECOMMENDATION: APPROVAL with the following condition:

1. That the east side yard setback reduction to 2 feet shall only apply to the proposed elevator shaft addition.

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-20-67 for 506 Harold Avenue, N.E.

DATE: August 20, 2020

Applicant seeks a variance to reduce the north side yard setback from 7 feet to 3 feet and the rear yard setback from 15 feet to 3 feet for the construction of an accessory structure. Applicant seeks no other variances this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the west side of Harold Avenue and begins 150 feet from the northwest intersection of Harold Avenue and Marlbrook Drive. The property is located in Land Lot 239 of the 15th District, DeKalb County, Georgia. It is located in the Lake Claire neighborhood of NPU-N, 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 at 35 feet; side yard at 7 feet; rear yard at 15 feet.

Property Characteristics: The subject property is a rectangular shaped lot with 7,941 square feet of area and 50 feet of frontage. It is currently developed with a single-family dwelling. Vehicular access is provided via an existing curb cut and driveway located to the south of the dwelling that terminates at an attached one car garage. The topography inclines from the front towards the rear yard by approximately 27 feet. The rear yard contains a shed located in the northwest corner of the lot. A retaining wall surrounds the front and rear yards. There are several mature trees and shrubbery throughout.

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

PROPOSAL: The applicant seeks a variance to reduce the north side yard setback from 7 feet to 3 feet and the rear yard setback from 15 feet to 3 feet for the construction of guest house.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in the minimum area requirements by 1,509 square feet and lot width by 20 feet. Additionally, the topography inclines from the front towards the rear by approximately 27 feet. Therefore, Staff finds lot width, 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 regulations would create an unnecessary hardship because of the irregularities of the lot topography, area and width. The existing shed currently encroaches into the rear yard setback by approximately 13 feet and into the north side yard setback by approximately 5 feet. The proposed guest house will reduce the level of encroachment into the north side yard setback and will encroach 1 foot further into the rear yard setback. The buildable area is greatly reduced due to the irregular topography. Therefore, Staff is of the opinion that the proposal is reasonable considering the existing encroachment and hardship related to lot topography, width and area.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as Staff has not evaluated other structures and is unaware of adjacent properties with similar conditions. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Staff is supportive.

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-20-68 for 2980 Rockingham Drive, N.W

DATE: August 20, 2020

The applicant seeks a variance to reduce the front yard setback from 50 feet to 40 feet and the north side yard setback from 10 feet to 4 feet 10 inches for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 85 feet on the west side of Rockingham Drive and begins approximately 903 feet from the northwest intersection of Rockingham Drive and Mornington Drive. The property is located in Land Lot 156 of the 17th District, Fulton County, Georgia within the Castlewood Neighborhood of NPU C, Council District 8.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is an irregular shaped lot with 85 feet of frontage and approximately 28,782 square feet of area. It is developed with a single family dwelling. Vehicular access is provided by a driveway on the north side of the lot. The rear yard is subject to a 25 foot and 75 foot stream buffer. Topography is irregular as it declines from the front to the rear of property by approximately 30 feet. There are several mature trees and shrubs located throughout.

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

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 50 feet to 40 feet and the north side yard setback from 10 feet to 4 feet 10 inches. The applicant's intent is to convert a portion of the existing carport into a 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 (1) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property exceeds the minimum area requirements per the R-3 zoning and is deficient in lot width by 15 feet. The topography declines from the front towards the rear by approximately 30 feet. Therefore, Staff finds width and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot regarding the width and topography. The existing dwelling currently encroaches into the front yard setback by 10 feet and into the north side yard setback by approximately 6 feet. The garage addition will align with the existing encroachment. Therefore, Staff is of the opinion that the proposal is reasonable considering the topography and existing encroachments.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachment is peculiar as Staff is unaware of a similar condition on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-69 for 76 Inman Circle, N.E.

DATE: August 20, 2020

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

The applicant is requesting a deferral to revise their site plan. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-70 for 761 Humphries Street, S.W.

DATE: August 20, 2020

The applicant seeks a variance to reduce the front yard setback from 40 feet to 30 feet and the south side yard setback from 7 feet to 6.25 feet for the construction of a duplex. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 40 feet on the west side of Humphries Street and begins 40 feet from the southwest intersection of Humphries Street and Stephens Street. The property is located in Land Lot 86 of the 14th District, Fulton County, Georgia, within the Pittsburgh neighborhood of NPU-V, Council District 12.

Relevant Zoning Requirements:

- Zoning: RG-3 (Residential General Sector 3)
- Minimum lot dimensions: Frontage, 20 feet; Lot area, 1,000 square feet.
- Minimum yard setbacks: Front yard, 40 feet; Side yards, 7 feet; Rear yard, 7 feet.

Property Characteristics: The subject property is a slightly irregular shaped lot with 4,712 square feet of area and 40 feet of frontage. The subject property is currently undeveloped and does not have any vehicular access. Topography declines from the south towards the northwest of the property by approximately 6 feet. There is one mature tree and two young trees located in the front yard and one mature tree located in the rear yard.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are fairly similar in size and shape. They are developed with one and two story single-family dwellings. Properties north of the subject property are zoned RG-3 (Residential General Sector 3) and properties south, east, and west of the subject property are zoned R-4B (Single-Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 40 feet to 30 feet and the south side yard setback from 7 feet to 6.25 feet for the construction of a three-story duplex.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is a fairly irregular shaped lot. Topography declines from the south towards the northwest of the property by approximately 6 feet. Therefore, Staff finds that lot shape and topography create extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship by disallowing development that matches the existing character along the block-face. The applicant seeks to reduce the front yard setback from 40 feet to 30 feet. Neighboring lots south, east and west of the property are zoned R-4B which requires 20 feet of front-yard setback. Majority of neighboring houses along the subject property block-face have a front yard setback of 30 feet or less. Additionally, the proposed 30 foot front-yard setback allows for a larger than required rear yard setback of 20 feet. A large rear yard setback is necessary for maneuverability and access to the attached garage for the rear dwelling unit. If the zoning regulations were to be applied, the proposed duplex would be setback further than majority of the houses on the block-face and would not allow enough space to access the attached garage for the rear dwelling unit.

Furthermore, the applicant seeks to reduce the south side yard setback from 7 feet to 6.25 feet. A setback of 6.25 feet is proposed for the south side-yard and 8.83 feet for the north side-yard. A larger north side-yard setback is required to accommodate a driveway access to the rear dwelling unit. The proposed south side yard setback is only 0.75 feet less than the required side-yard setback. If the zoning regulations were to be applied, there would not be enough side yard width to provide driveway access to the rear dwelling unit. Therefore, Staff is of the opinion that the proposed reduction to the front and side yard setbacks are reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The proposed front and side yard reductions are peculiar to the subject property. Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety. The proposed allows the development of an empty lot to match existing development patterns. The proposed allows an increase in the quality of life, which improves, reinforces, and sustains stability in 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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KEYETTA M. HOLMES, AICP
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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-20-71 for 43 Huntington Road, N.E.

DATE: August 20, 2020

Applicant seeks a variance to increase the maximum lot coverage from 50% to 54.85% for the construction of a rear porch.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the south side of Huntington Road and begins approximately 515 feet from the southeast intersection of Huntington Road and Peachtree Street. The property is located in Land Lot 109 of the 17th District, Fulton County, Georgia. It is located in the Brookwood Hills Neighborhood of NPU-E, Council District 6.

Relevant Zoning Requirements:

- Zoning: R-4/HC-20 CD1 (Single Family Residential/Brookwood Hills Conservation District)
- 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 10,159 square feet of area and 60 feet of frontage. It is developed with a two-story single family residential structure with a basement and carport in the rear yard. An approximately 2-foot high stone wall and columns has been constructed along the front property line connecting to a set of steps leading to the entrance of the home. The stone wall continues across the frontage and then along the concrete driveway towards the home and terminating at the building line. Stone walls and columns also adjoin the lot along the western property line and connects to the carport in the rear. Vehicular access is provided via a driveway which terminates at the carport in the rear of property. Topography inclines gradually from the front property line towards the rear yard. There are several mature trees and shrubs throughout the site.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape. To the north, west, and east the lots are developed with single-family detached homes with similar R-4/HC-20 CD1 (Single Family Residential/Brookwood Hills Conservation District). To the south, the parcels are zoned PD-MU (Planned Development – Mixed Use and are developed with multi-family residential and commercial uses.

PROPOSAL: The applicant seeks a variance to increase the maximum lot coverage from 50% to 54.85% for the construction of a rear porch.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property is deficient in lot width by 10 feet and the topography rises gradually from the front to the rear of the lot. Therefore, Staff finds lot width and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship by preventing a modest addition to an existing single family home. The increase in lot coverage is for the installation of a covered patio in the rear. The existing improvements on the property currently exceed the maximum lot coverage at 52.1%. The proposed improvement is only 278 square feet which minimally increases the lot coverage by 2.75%. Furthermore, as the lot has 10 feet less frontage than the minimum requirement, less land area is available. If the lot met the minimum width requirement, there would most likely be more land area which could eliminate the need to exceed the maximum lot coverage. The applicant proposes to install water quality remediation to mitigate the impact runoff that may be created due to the greater increase in lot coverage. 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 lot coverage on the property from the existing improvements is peculiar as it currently exceeds the 50% maximum. 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



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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-20-72 for 240 Lampkin Street, N.E.

DATE: August 20, 2020

The applicant seeks variances to reduce the front yard setback from 30 feet to 4 feet 1.5 inches, the south side yard setback from 7 feet to 0, the north side yard setback from 7 feet to 5 feet 5 inches, increase the maximum lot coverage from 55% to 62%, eliminate the neighborhood design standard requiring that front entry garages be recessed a minimum of 10 feet behind the front façade, eliminate the standard requiring a front porch that is a minimum 8 feet in depth and 12 feet in width and to increase the size of an attached garage from 35% of the ground floor to 41% for the construction of a single family dwelling. Applicant seeks no additional variances at this time.

The applicant is currently working with NPU M on their proposal and has requested a deferral. Staff is supportive of this request.

STAFF RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-20-73 for 81 Martin Avenue, S.E.

DATE: August 20, 2020

The applicant seeks a variance to reduce the front yard setback from 35 feet to 20 feet, the north side yard setback from 7 feet to 4 feet, the half-depth front yard setback from 17.5 feet to 4 feet, the rear yard setback from 15 feet to 4 feet and to eliminate the standard requiring a front porch that is 8 feet in depth and 12 feet in width for the construction of a single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 30 feet on the south side of Martin Avenue and begins at the southwest intersection of Martin Avenue and Lansing Street. The property is located in Land Lot 56 of the 14th District, Fulton County, Georgia within the South Atlanta neighborhood of NPU-Y, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned R-4/BL (Single Family Residential/Beltline Overlay)
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.
- Section 16-06.12(a)(b): Front porches shall be a minimum of 12 feet wide and 8 feet deep and contain roofs, a minimum of six-inch wide porch roof supports, and steps.

Property Characteristics: The subject property is a non-conforming rectangular shaped corner lot of 3,894 square feet (0.089 acres) with 30 feet of frontage on the south side of Martin Avenue and 130 feet of frontage on the west side of Lansing Street. The subject property is currently undeveloped. Vehicular access is currently provided via a curb cut on Martin Avenue. The lot topography is steep and slopes 12 feet from a high point at the front of the lot to a low point at the rear of the lot. The property is vegetated with mature trees on the east and west property lines.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels to the west and south are developed with single family residential structures, parcels to the north and east are vacant lots. A small church is located on the northeast corner of Martin Avenue and Lansing Street. The surrounding parcels are zoned R-4/BL (Single Family Residential/ Beltline Overlay).

PROPOSAL: The applicant is requesting a variance to reduce the front yard setback from 35 feet to 20 feet, the north side yard setback from 7 feet to 4 feet, the half-depth front yard setback from 17.5 feet to 4 feet, the rear yard setback from 15 feet to 4 feet and to eliminate the standard requiring a front porch that is 8 feet in depth and 12 feet in width for the construction of a single family dwelling with an Accessory Dwelling Unit (ADU).

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 width by 40 feet and size by 5,106 square feet per the R-4 zoning requirements. Topography is also steep as it slopes 12 feet from the front towards the rear. Therefore, Staff finds lot width, size 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 width, size and topography which have an impact on the available buildable area of the property. Additionally, the lot is a corner lot and the half-depth front yard setbacks further diminish the buildable area of the lot. The applicant proposes to construct a new residence with a front yard setback of 20 feet, a half-depth front yard setback of 4 feet, and a side and rear setback of 4 feet. If the lot width and size met the R-4 standards these variances would not be necessary. Therefore, Staff finds the setback reduction requests to be reasonable

The proposal also includes a front porch that will be 21 feet 10 inches wide and 4 feet deep. The proposed porch will be architecturally prominent on the front façade but does not meet the requirements because it is not 8 feet deep. The reduced buildable area limits the floor plan on the first floor, and therefore, the depth of the front porch. Although the majority of the single family detached dwellings on the block face have front porches, they do not all meet the minimum size requirements of the Zoning Ordinance. The applicant has requested to eliminate the porch requirement, however, Staff finds the proposed porch depth of 4 feet to be reasonable considering the hardships of the lot and recommends the provision of a front porch of 21 feet 10 inches wide and 4 feet deep as proposed by the applicant.

- c. **Such conditions are peculiar to the particular piece of property involved.** The width and size of the lot combined with a corner location 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 conditioned upon the following:

1. The front porch shall have a minimum width of 21 feet 10 inches wide and a minimum depth of 4 feet.

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

TIM KEANE
Commissioner

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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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-20-74 for 1065, 1066, 1067, 1068, 1069 Woodbridge Hollow Lane, N.E.

DATE: August 20, 2020

The applicant requests a special exception to construct a 15 foot retaining wall in the side and rear yards. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 76 feet on the north side Woodbridge Hollow Lane (1065, 1066, 1068), approximately 43 feet on the west side of Woodbridge Hollow Lane (1067 & 1069) and begins approximately 102 feet from northwest intersection of Woodbridge Hollow Lane and Woodbridge Hollow Court. The property is located in Land Lot 55 of the 18th District, DeKalb County, Georgia within the Morningside/ Lenox Park neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned RG-2 (Residential General).
- 16-28.008 (5)(b): In the following residential general (R-G) district, fences not exceeding four feet in height may be erected in the front yard. Fences or walls not exceeding eight feet in height may be erected or maintained in the side or rear yard.
- 16-28.011 (5)(e)(b): For Sector 1-3: In no case shall any yard be less than seven (7) feet.

Property Characteristics: The subject property includes five townhome lots with rectangular and triangular shapes located at the dead end of Woodbridge Hollow Lane. The subject properties have approximately 76 feet of frontage on the north side Woodbridge Hollow Lane (1065, 1066, 1068), and approximately 43 feet of frontage on the west side of Woodbridge Hollow Lane (1067 & 1069). The properties are developed with two story townhomes and surface parking. Vehicular access to the properties is provided via Woodbridge Hollow Lane. The lot topography is irregular throughout. Topography steeply inclines approximately 51 feet in elevation from a highpoint at

the northwest rear corner of the development to a level area where the townhomes are developed and drops further to low points and a creek at the east periphery of the subject property. The property is vegetated with mature trees and shrubs.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels to the north and west are developed with single-family detached residential structures with R-4 (Single-Family Residential) zoning. Parcels to the south are developed with townhomes with RG-2 (Residential General) zoning. Parcels to the east are multifamily properties in unincorporated DeKalb County.

PROPOSAL: The applicant proposes to replace an existing railroad tie retaining wall that is deteriorating with a modular block system. The wall will be located back into the slope in order to allow space for construction access, and therefore, the wall will be up to 15 feet in height. In order to construct the proposed retaining wall, the applicant requests a special exception to exceed the maximum height of a retaining wall in the required side and rear yard from 8 feet to 15 feet in height.

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

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

The steep topography of the lot creates a challenge to meet the requirements of the Zoning Ordinance in terms of maximum height of retaining walls allowed. Additionally, the irregularities in topography cause the subject lots to be significantly higher in elevation at some points and gradually incline in others. Thus, the retaining wall varies in height. Furthermore, the proposed retaining is necessary to alleviate flooding in several of the townhouse units and will secure the slope as the existing railroad tie retaining wall is deteriorating. In some areas the proposed retaining wall will be located approximately 6 feet back into the slope from the existing retaining wall location to accommodate construction equipment but will not unduly prevent passage of light and air to adjoining properties. Staff is of the opinion that if this special exception is granted it would not cause detriment to the public good. Additionally, the proposed retaining wall is not out of character for the neighborhood and the steep terrain of the area has made retaining walls necessary in this location since the 1980's when the subject townhome development was constructed. Therefore, Staff is of the opinion that allowing an 15 foot retaining wall is justified by the steep topography and compatibility.

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-20-77 for 3835, 3845 and 3855 Ruby H. Harper Boulevard, S.E.

DATE: August 20, 2020

The applicant seeks a special exception to reduce the number of onsite parking from 238 spaces to 86 spaces for the construction of a distribution center. Applicant seeks no additional special exceptions at this time.

The applicant has requested a deferral to continue working with the Neighborhood Planning Unit. Staff is supportive of this request.

STAFF RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator