



KEISHA LANCE BOTTOMS
MAYOR

CITY OF ATLANTA

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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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-20-76 for 1766 West Paces Ferry Road, N.W.
DATE: September 13, 2020

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

The applicant submitted a request to withdraw this application. Staff is supportive of this request.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

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-20-78 for 331 Redland Road, N.W.

DATE: September 10, 2020

The applicant seeks a variance to reduce the front yard setback from 35 feet to 24.3 feet and the west side yard setback from 7 feet to 4.8 feet for the construction of a second story addition on an existing single family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the north side of Redland Road and begins at the northwest intersection of Redland Road and Dellwood Drive. The property is located in Land Lot 146 of the 17th District, Fulton County, Georgia within the Collier Hills North neighborhood of NPU-C, Council District 8.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is a non-conforming trapezoid shaped corner lot of 16,717 square feet (0.384 acres) with 60 feet of frontage on the north side of Redland Road and 187 feet of frontage on the west side of Dellwood Drive. The subject property is currently developed with a one story single family dwelling. Vehicular access is provided via a curb cut on Dellwood Drive. The lot topography declines approximately 10 feet from the location of the dwelling to a 20-foot drainage easement and then inclines approximately 15 feet towards the rear property line. The property is vegetated with mature trees to the rear of the structure and on the north, east and west property lines.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. The surrounding parcels are developed with single family residential structures and 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 24.3 feet and the west side yard setback from 7 feet to 4.8 feet for the construction of a second story addition on an existing single family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in width by 10 feet per the R-4 zoning requirements. The lot has a trapezoidal shape as the front of the lot is narrower than the rear. Topography also slopes down 10 feet from the front of the lot to a swale in the center and then rises 15 feet to the rear. Therefore, Staff finds lot width, 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 irregularities in lot width, shape 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 setback further diminishes the buildable area of the lot. It also has a drainage easement in the rear yard that restrict the ability to add on to the rear. The second story addition will not increase the level of encroachment than what already exists. If the lot width met the R-4 standards and the topography did not push the location of the structure forward on the lot, these variances would not be necessary. Therefore, Staff finds the setback reduction requests to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot conditions associated with the width, shape and topography are unique to the subject property. 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 *RTJ*

SUBJECT: V-20-80 for 781 Greenwood Avenue, N.E.

DATE: September 10, 2020

Applicant seeks a variance to reduce east side yard setback from 7 feet to 3 feet and the rear yard setback from 7 feet to 3 feet for the construction of an accessory structure.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Greenwood Avenue and begins 150 feet from the southwest intersection of Greenwood Avenue and Bonaventure Avenue. The property is located in Land Lot 17 of the 14th District, Fulton County, Georgia. It is located in the Virginia Highlands Neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned RG-2/BL (Residential General Sector 2/Beltline).
- Minimum lot dimensions: Single-family and two-family dwellings: frontage, 20 feet; minimum lot area, 1,000 square feet.
- Minimum yard setbacks: front yard, 40 feet; side yard, 15 feet; rear yard, 15 feet.

Property Characteristics: The subject property is a rectangular-shaped lot of approximately 4,988 square feet of area and 50 feet of frontage. It is developed with a two-story single family residential structure encroaching into the front yard setback, with a deck in the rear. Additionally, there is a shed that encroaches into the east and rear yard setbacks. A stone retaining wall and fence are constructed along the front property line and the side yards. Vehicular access is provided via a driveway to the west of the primary structure terminating in the rear of the lot. The topography rises gradually from the front to the rear. 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 and are zoned RG-2/BL (Residential General Sector 2/Beltline). They are developed with single family and multifamily dwellings.

PROPOSAL: The applicant seeks a variance to reduce the east side yard setback from 7 feet to 3 feet and the rear yard setback from 7 feet to 3 feet for the construction of an accessory structure. The existing shed on the property will be demolished for the 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 topography rises gradually from the front to the rear of the property. Therefore, Staff finds that topography is the exceptional condition pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the construction of an accessory structure. The existing shed was constructed approximately one foot from the eastern property line and only 3 feet from the rear property line. Thus, there are existing encroachments. The applicant proposes to construct the accessory structure 3 feet from the east side and rear property lines which will reduce the overall encroachment, in particular along the eastern property line. Therefore, Staff finds that the proposed encroachment is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property is relatively smaller than other properties in the area as it is only one of four properties on the block face that appear to be under 5,000 square feet. However, the subject property has existing encroachments into the front yard and east side yard setbacks. The primary structure currently encroaches into the front yard setback and the existing shed encroaches into east side and rear yard setbacks. Staff is unaware if similar encroachments can be found on neighboring 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 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-20-81 for 78 Little Street, S.E.

DATE: September 10, 2020

Applicant seeks a variance to reduce the front yard setback from 20 feet to 9 feet, the east side yard setback from 5 feet to 3 feet, the half-depth front yard setback from 10 feet to 5 feet and the rear yard setback from 5 feet to 3 feet for the construction of a single family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 20 feet on the north side of Little Street and begins at the northeast intersection of Little Street and Reed Street. The property is located in Land Lot 54 of the 14th District, Fulton County, Georgia. It is located in the Summer Hill Neighborhood of NPU-V, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned R-4B-C (Single Family Residential Conditional).
- Minimum lot dimensions: Frontage: 40 feet; Minimum lot area: 2,800 square feet.
- Minimum yard setbacks: Front yard: 20 feet; half-depth front yard: 10; Side yard: 5 feet; Rear yard: 5 feet.

Property Characteristics: The subject property is a rectangular-shaped corner lot of approximately 1,050 square feet of area and 20 feet of frontage. The property is currently undeveloped. No vehicular access is provided to the property and there are no curb cuts along Little Street or Reed Street. The topography declines from east to west across the site towards Reed Street. There are no trees or shrubs located on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and are generally rectangular in shape and are consistently developed with single-family dwellings.

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 20 feet to 9 feet, the east side yard setback from 5 feet to 3 feet, the half-depth front yard setback from 10 feet to 5 feet and the rear yard setback from 5 feet to 3 feet for the construction of a single family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in lot size by 1,750 square feet and in width by 20 feet. Additionally, the topography declines towards Reed Street from east to west. Therefore, Staff finds lot size, 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 the construction of a single family dwelling. The subject property has an east side yard setback of 5 feet and a half-depth front yard setback of 10 feet. As the lot is only 20 feet wide, the applicant loses 15 feet of width which would result in a structure that could only be 5 feet wide. Additionally, the property is only 52 feet deep. Maintaining the 20-foot front yard setback and 5-foot rear yard setback would only permit a home that is 27 feet deep. Also, the property is deficient in lot size by 1,750 square feet. If the parcel met the minimum required lot size, there would most likely be more space to develop and eliminate the need for the front and rear encroachments. Lastly, the east to west declining topography may also complicate any type of development of this property. Therefore, Staff is of the opinion that the proposed encroachments are reasonable and will allow for the development of a single family home.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property appears to be the only undeveloped corner lot on the block face. Therefore, Staff finds that this condition is particular to the piece of property involved.
- 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-20-19 for 341 Hascall Road, N.W.

DATE: September 10, 2020 (*deferred August 6, 2020*)

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

FINDINGS OF FACT:

Property Location: The subject property fronts 65 feet on the north side of Hascall Road and begins 666 feet from the northeast intersection of Hascall Road and Steele Drive. The property is in Land Lot 147 of the 14th District, Fulton County Georgia. It is in the Loring Heights neighborhood of NPU E, Council District 8.

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
- Sec. 16-28.004(3): Accessory buildings in R-1 through R-5 districts shall not contain a total floor area greater than 30 percent of the main structure.
- The following conditions were via application V-02-321:
 - 1) plumbing shall be limited to a hose bib, and
 - 2) electric service shall be limited to 60 amps.

Property Characteristics: The subject property is a rectangular lot of approximately 13,780 square feet (0.316 acres) with 65 feet of frontage on the north side of Hascall Road. The property is currently developed with a one-story, single-family residential structure. A detached two-story, 2-car garage is currently constructed in the rear yard. An alley runs along the western property line between the subject property and neighboring parcel, terminating at Garden Lane. Vehicular access is provided to the property by a concrete driveway on the west side of the lot terminating in the rear yard. The topography declines slightly from the front to the rear of the lot. There are several mature trees located throughout the subject site.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape. They are developed with one and two story single-family dwellings. Properties in the immediate area are zoned R-4/BL (Single Family Residential/Beltline Overlay).

PROPOSAL: The applicant seeks a variance to increase the size of an accessory structure from 30% to 51.2% of the main structure for the elimination of conditions associated with V-02-321. The following conditions were approved with the previous application: 1) plumbing shall be limited to a hose bib and 2) electric service shall be limited to 60 amps. Thus, the previous homeowner constructed the accessory structure with the associated conditions. This variance would eliminate the previous zoning conditions approved with the application. The property was also subject to a variance to remove the conditions in 2012 (V-11-177) which was subsequently denied.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in lot width by 5 feet and the topography declines slightly from the front to the rear of the lot. Therefore, Staff finds lot width and topography as the extraordinary conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship by preventing the removal of previous conditions which restrict the full and typical use of an allowable accessory structure. In 2003, the Board of Zoning Adjustment granted a variance to allow the construction of a new, detached garage that was 51.2% of the main structure. However, the application was approved with limitations to the plumbing and electric service. This limits the ability to occupy the space in a manner consistent with accessory structures, which are permitted by right in the R-4 zoning district. In this case, the electrical and plumbing is not within the purview of the Office of Zoning and Development. These reviews are functions of the Office of Buildings established by the Building Code. Thus, any limitations or modifications for either electricity or plumbing are determined and inspected by the Office of Buildings. Furthermore, the applicant would be utilizing a portion of unused development rights based on the FAR. The existing primary residential structure is approximately 1,284 square feet on a 13,780 square-foot lot. Based on the 0.50 FAR allowance, the applicant has about 5,606 square feet of unused development rights. The applicant is thereby utilizing a portion of the unused development rights to convert the existing two-story garage into living space, without the previously imposed limitations to the plumbing and electric service. No other expansions in floor area are proposed in addition to what currently exists. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The size of the existing dwelling (1,284 sq. ft.) coupled with the previously imposed conditions are peculiar to the subject property. A significant amount of the homes on adjacent lots are larger than the subject dwelling. Additionally, many of these lots contain accessory structures that were constructed without limitations on electrical and plumbing. Thus, the previously approved conditions are unique to the subject property.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties as the structure currently exists and has existed since 2003. Likewise, there is no potential impediment on emergency access or threats to health and fire safety as no additional square footage is being proposed. The request allows the homeowner the opportunity to fully use the structure as others within the community currently enjoy on their properties. Therefore, Staff finds the variance to eliminate the conditions associated with V-02-321 to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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MEMORANDUM

TO: Board of Zoning Adjustment

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

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

DATE: September 10, 2020 (*deferred August 6, 2020*)

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

FINDINGS OF FACT:

Property Location: The subject property fronts 140 feet on the west side of Little John Trail and begins 633 feet from the northwest intersection of Little John Trail and Friar Tuck Road. The property is located in Land Lot 104 of the 17th District, Fulton County, Georgia within the Sherwood Forrest neighborhood of NPU-E, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-3/BL (Single Family Residential/Beltline Overlay)
- 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 a trapezoid shaped lot of 15,290 square feet (0.351 acres) with approximately 140 feet of frontage on the west side of Little John Trail. The depth of the lot varies from approximately 170 feet to 133 feet. The lot is currently developed with a single family residence with an attached garage. The subject property has vehicular access from a driveway off the Little John Trail. The site topography is irregular as it declines approximately 36 feet from the front towards the rear of the lot. 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 and are zoned R-3/BL (Single Family Residential/ Beltline Overlay).

PROPOSAL: The applicant is requesting to reduce the south side yard setback from 10 feet to 8.6 feet and the rear yard setback from 20 feet to 19.2 feet for a second story addition to the existing dwelling and expansion of an existing garage.

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 2,710 square feet per the R-3 zoning requirements. The lot shape is trapezoidal and narrows at the rear of the lot. The topography is irregular as it declines approximately 36 feet towards the rear yard. Therefore, Staff finds the lot size, 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 irregularities in lot size, shape and topography which has an impact on the available buildable area of the property. The lot is smaller than the R-3 zoning standard. Additionally, the lot narrows in the rear where the house is positioned. The property lines are not parallel to the walls of the residence which results in the existing encroachments of 1.4 feet into the south side yard setback and 0.8 feet into the rear yard setback. The proposed second story additions will not increase the existing encroachments and most of the garage expansion will be within the buildable area of the lot. The structure is positioned at the rear of the lot due to the site topography. The structure cannot practically be expanded to the front due to topography 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 size, 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.

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-20-48 for 8 Clifton Street, S.E.

DATE: September 10, 2020 (*deferred August 13, 2020*)

Applicant seeks a variance to reduce the south side transitional yard setback from 20 feet to 5 feet, the east side transitional yard setback from 20 feet to 2 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 200 feet on the east side Clifton Street and begins at the southeast intersection of Clifton Street and Hosea L. Williams Drive. The property is in Land Lot 207 of the 15th District, DeKalb County Georgia. It is in the Kirkwood neighborhood of NPU O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned MR-3-C (Multi-family Residential - Conditional).
- Minimum lot dimensions: Frontage: 40 linear feet; Minimum lot area: 2,000 square feet.
- Minimum yard setbacks: Side yard: Minimum depth of 15 feet, except that the side yard may be reduced to zero feet when a residential use has no residential windows adjacent to such yard. Rear yard: Minimum depth of 15 feet.
- Transitional Yards: For all other MR districts, where such districts adjoin an R-1 through R-5, R-G, RLC or PD-H district without an intervening street or without meeting the conditions in subsection 16-35.009(2)(b) of this chapter, a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.
- Curb cuts and parking structures: Driveway and curb cut widths shall be 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the commissioner of public works.

- Off-street parking structures: see Table I, "Land use intensity ratios", for minimum parking requirements under appropriate FAR for the development.

Property Characteristics: The property consists of approximately 0.42 acres (18,311 square feet) of net lot area. It is currently developed with an 8-unit, two-story apartment building. The topography is relatively level across the site. Vehicular access to the property is available via curb cuts along both Hosea L. Williams Drive and Clifton Street. There are very few trees and shrubs surrounding the property.

Characteristics of Adjoining Properties, Neighborhood: The parcels to the north, west, and south are zoned R-4A (Single Family Residential) and most are developed with single family residential structures. Parcels to the east are zoned RG-2 (Residential General) and are developed with a church and a multi-family residential building.

PROPOSAL: The applicant seeks a variance to reduce the south side transitional yard setback from 20 feet to 5 feet, the east side transitional yard setback from 20 feet to 2 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. The proposal includes 15 new multi-family units.

The property was rezoned from RG-2 (Residential General) to MR-3-C (Multi-family Residential – Conditional) via ordinance 19-O-1585. Additionally, a land use amendment from SFR (Single Family Residential) and MDR (Medium Density Residential) was adopted via ordinance 19-O-1654.

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 subject property exceeds the minimum lot requirements and the topography is relatively level. Therefore, Staff finds there are no 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 applicant proposes several variances in order to construct an additional 15 residential units where only 8 currently exist. The rezoning effectively created nonconforming conditions on the property triggering the need for variances. The reduction to the south transitional yard would allow 6 new units in this area at Clifton Street. Due to the arrangement of the existing 8-unit apartment building and parking, this is the only space available to accommodate this set of units. However, the arrangement of these buildings also contributes to the elimination of an existing point of ingress and egress. Thus, access would be limited to the driveway on Hosea L. Williams Drive. Although this street is not a major thoroughfare, the additional traffic generated by the development will certainly impact traffic patterns along the street. Additionally, the driveway narrows from 24

feet to 12 feet which may create unsafe ingress and egress. Thus, Staff finds the reduction to the south transitional yard is unreasonable.

The applicant also proposes a reduction to the east transitional yard to accommodate existing parking. Thus, the reduction to the east transitional yard will allow the existing parking on the property to remain. However, the addition of the new structures coupled with the location of the existing parking, creates a hazardous condition. While it is a minor encroachment, the location of the existing parking also limits the ability to improve the width of the driveway that narrows from 24 feet to 12 feet. Additionally, the new structures in relation to the existing parking also practically limits access to single vehicle ingress and egress to the driveway along Hosea L. Williams Drive. Thus, Staff finds the reduction to the east transitional yard to be unreasonable.

Lastly, the applicant requesting a reduction to the width of a two-way driveway from 24 feet to 12 feet at the narrowest point. This is an existing driveway on the property that is now non-conforming because the parcel has been rezoned. The proposed addition of the 6 units in the south transitional yard limits vehicular access to Hosea L. Williams Drive, where vehicles may be forced to make a left into oncoming traffic. Additionally, during the rezoning process, Fire Plans Review submitted comments in opposition to proposed development on November 6, 2019. Staff from Fire Plans Review maintained their opposition to the subsequent requested variance via email. The applicant is proposing to make no improvements to the existing driveway width. As a result of the rezoning, a nonconforming condition was created and the proposed new construction triggers that a 24-foot driveway width be accommodated. The proposed structures in the south transitional yard will eliminate a point of ingress and egress to the site. This would force emergency vehicles, such as fire trucks to utilize one point of entry from Hosea L. Williams Drive and navigate through the parking lot. Such limited access could hinder those emergency vehicles from being able to access the site efficiently. Thus, Staff finds the driveway reduction unreasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The only peculiar conditions for the subject property are in regards to the encroachments, which were created when the property was rezoned via Ordinance 19-O-1585. Thus, any hardships or peculiarities in regards to existing encroachments were self-imposed to the particular piece of property involved.
- 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 be detrimental to the existing and future habitants of the property. It imposes a potential impediment on emergency access or threats to health and fire safety, as noted by the Fire Plans Review staff, and because the property does not have adequate room for the requested improvements. The proposal reduces access to the site while possibly doubling the number of occupants on the site. If access to the site as it exists could be maintained, the intent of the zoning ordinance could be sustained while not posing a threat to public health, welfare, and safety. Thus, Staff finds the requested variances are unreasonable.

PART II

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

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

There are 12 existing parking spaces on the property, however, adequate parking is not available for the additional proposed 15 multi-family units. To accommodate the additional units, the applicant intends to utilize 8 on-street parking spaces as depicted on the site plan in addition to the 12 onsite. The Zoning Code Quick Fixes allow the on-street spaces to count towards the minimum parking requirements. Additionally, the existing 8-unit multifamily building was constructed in 1950 according to the Dekalb County Tax Assessor. The Zoning Code Quick Fixes provides that there is no residential parking requirement for that building. As a result, the required parking for the development is 15 spaces. The 12 off-street parking spaces along with the 8 proposed on-street spaces should accommodate the 15 additional units. Therefore, Staff finds that this special exception is not required.

RECOMMENDATION: DENIAL of PART I

DENIAL WITHOUT PREJUDICE of PART II

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 

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

DATE: September 10, 2020 (*deferred 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 110 feet on the east side of Connally Street and begins at the southeast intersection of Connally Street and Glenwood Avenue. The property is located in Land Lot 53 of the 14th District, Fulton County, Georgia. It is in the Grant Park Neighborhood of NPU-W, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned RG-4 (Residential General).
- Minimum lot requirement: Lot width, 50 feet; lot area, 20,000 square feet.
- Minimum yard requirements: Front yard; 40 feet, half-depth front yard; 20 feet, side and rear yards; 20 feet.

Property Characteristics: The subject property is a rectangular corner lot with approximately 12,490 square feet of area (0.287 acres) and 110 feet of frontage on the east side of Connally Street. A half depth frontage of 114 feet is located on the south side of Glenwood Avenue. It fronts on a narrow green space where the right of way of Glenwood Avenue dead ends without connecting to adjacent Glenwood Drive. Vehicular access is not currently provided to the subject property. The topography inclines approximately 13 feet from the southwest corner towards the rear property line. A retaining wall, approximately 4 feet in height, is constructed along the front yard (Connally). 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 is zoned RG-4 (Residential General) and is vacant land. Lots to the east are developed with single family residences and are zoned RG-3 (Residential General). Lots to the south are developed with single family residences and are zoned RG-4 (Residential General). Lots to the west are zoned RG-4/HC20K SA1 (Residential General/Grant Park Historic District) and are developed with single family residences.

PROPOSAL: The applicant is requesting 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 for the construction of 14 three story townhomes.

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 7,510 square feet. The topography inclines approximately 13 feet from the southwest corner towards the rear property line. Therefore, Staff finds the lot does possess extraordinary and exceptional conditions pertaining to the lot size 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 lot size is small (12,490 square feet) and when setbacks are applied, the buildable area is reduced to approximately 3,726 square feet. A buildable area of only 3,726 square feet severely limits the ability to build many of the permitted principal uses allowed for RG-4 zoning. The zoning ordinance states the RG zoning district intends “To provide for a range of residential densities that are compatible with the surrounding residential environment, and with the comprehensive development plan.” Additionally, as a corner lot with a half-depth front yard setback, the subject property has greater setback requirements than if it were located mid-block with two regular side yard setbacks. The requirement for a half-depth front yard setback has the practical effect of reducing the size of the buildable area of the lot. This is an extraordinary and exceptional condition that is directly related to the requested variance. The proposed building is designed to address the street on Glenwood Avenue and Connally Street, therefore, setbacks of zero and 7 feet 3 inches are appropriate. The first floor elevations of the proposed townhouse development are stepped to work with the steep topography of the site. The footprint of the townhomes are spread across the site with smaller setbacks and a lower height of three stories which is compatible with the height of adjacent single family residences. Staff notes the exceptional lot size, corner location and steep topography would limit the development within the buildable area. Therefore, Staff is of the opinion that this proposal is reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The corner orientation, adjacent open space within the Glenwood Avenue right of way, small lot size 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 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 Connally Street and Glenwood Avenue and will provide 14 townhouse units in accordance with the intent of the zoning ordinance. Staff finds the reduction of 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 to allow the proposed construction to be reasonable.

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-20-69 for 76 Inman Circle, N.E.

DATE: September 10, 2020 (*deferred August 20, 2020*)

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

FINDINGS OF FACT:

Property Location: The subject property fronts 120 feet on the west side of Inman Circle and begins at the northwest intersection of Inman Circle and 17th Street. The property is located in Land Lot 105 of the 17th District, Fulton County, Georgia. It is located in the Ansley Park Neighborhood of NPU-E, Council District 6.

Relevant Zoning Requirements:

- Zoning: 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, 7 feet; 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 approximately 15,042 square feet of area and 120 feet of frontage. It is developed with a two-story single family residential structure with a basement and detached garage. A short stone wall lines the curvilinear frontage from Inman Circle to 17th Street. The driveway is accessed via Inman Circle and terminates at a detached garage in the rear of the property. The topography inclines from the front to the rear of the lot. There are a number of large and mature trees and shrubs along the frontage of the property and leading up to the primary structure.

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

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

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The location of the proposed swimming pool will most likely not be visible to neighboring properties. Existing dense foliage surrounding the frontage along with the inclining topography should limit visibility from the street. Additionally, the site plan proposes a 5-foot fence around the pool area. Thus, the dense foliage coupled with the fence should minimize impact on the neighboring properties. Therefore, the location should not be objectionable.

- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The subject property is a curvilinear corner lot with inclining topography. The pool cannot be located elsewhere without bringing it closer to the street due to the existing structures such as the house and garage. If the pool were to be located behind the primary structure, it would encroach into the west side yard setback. Additionally, the pool would be located adjacent to a public right of way regardless of where it is located on the lot. The proposed fencing and existing landscaping will be maintained to reduce the visibility of the pool. Therefore, Staff is of the opinion that the location of the proposed pool is reasonable as it cannot be located elsewhere on the lot.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator



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-20-73 for 81 Martin Avenue, S.E.

DATE: September 10, 2020 (*deferred 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 and a minimum depth of 4 feet.

cc: Keyetta M. Holmes, Zoning Administrator



KEISHA LANCE BOTTOMS
MAYOR

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TIM KEANE
Commissioner

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

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

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

DATE: September 10, 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.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 301 feet on the west side of Ruby H. Harper Boulevard and begins approximately 962 feet from the southwest intersection of Ruby H. Harper Boulevard and Poole Creek Road. The property is located in Land Lots 33 & 64 of the 14th District, Fulton County, Georgia within the Blair Villa/Poole Creek neighborhood of NPU-Z, Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned I-1 (Light Industrial)
- Parking Requirements
 - Section 16-16.009(5): Distribution Center - One space per 600 sq. ft.

Property Characteristics: The subject property is an irregularly shaped lot-assemblage of three lots (pending lot consolidation) located along the southern portion of the City of Atlanta's incorporated boundary. The subject property has a lot area of approximately 10.5 acres and frontage of approximately 301 feet on Ruby H. Harper Boulevard. (Gilbert Rd). The property is currently developed with a two-story Shipping Container and Greenhouse building. The topography varies throughout the site. There is a 75-foot City of Atlanta stream buffer for Poole Creek on the southwest corner of the lot. Access to the site is currently provided via a curb cut on Ruby H. Harper Boulevard.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. The zoning in the immediate surrounding area is I-1 (Light Industrial) with an industrial future land use designation.

PROPOSAL: The applicant is requesting a special exception to reduce onsite parking from 238 spaces to 86 spaces for the construction of a distribution center.

The parking requirements are as follows:

USE	AREA	RATIO	REQUIRED PARKING SPACES
Distribution Center	142,240 sq. ft.	600 sq. ft. per parking spaces	238

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 redevelop the site by constructing a new 142,240 square foot distribution center. According to Section 16-16.009(5) of the zoning code, a total of 238 parking spaces are required for the proposed distribution center. The site is proposed to have truck parking and loading bays along the north portion of the site and 86 regular vehicle parking spaces along the west and south portion of the building. The provided survey and site plan show a 75 foot stream buffer for Poole Creek on the southwest corner and a proposed detention pond in the rear of the site. The proposed site arrangement maximizes the available space to provide adequate parking and loading for both trucks and regular vehicles. Staff believes the proposed 86 parking spaces are the maximum that the applicant can feasibly provide given buildable limitations onsite due to the stream buffer, detention pond, and the irregular shape of the site. Additionally, staff believes that majority of visitors to the site will be trucks that will utilize the northern parking and loading bays, and that the provided 86-regular parking spaces are adequate for the estimated 75 employees and non-truck visitors to the site. Staff finds the reduction of parking from 238 parking spaces to 86 parking spaces to be reasonable for the proposed distribution center.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator