



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

DEPARTMENT OF CITY PLANNING  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

JAHNEE R. PRINCE, AICP  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-081 for 638 Park Drive NE

**DATE:** January 11, 2024 (*Deferred July 13, 2023; Deferred October 12, 2023; Deferred December 14, 2023*)

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**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 1 foot, the east side yard setback from 7 feet to 2.6 feet, to increase the lot coverage from 50% to 54.6% and a special exception to allow active recreation (hot tub) in a yard adjacent to a street.**

The applicant has requested a deferral to continue working with the NPU and amend the current site plan, which will modify the variance request. Staff is supportive of this request.

**RECOMMENDATION: 90-DAY DEFERRAL – APRIL 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** **V-23-130 for 2110 Peachtree Road NW**

**DATE:** January 11, 2024

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**The applicant seeks a variance to reduce the front setback from 10 feet to 0 feet and reduce the half depth front yard setback from 5 feet to 0 feet to allow for a restaurant patio enclosure.**

This case must be deferred to allow the applicant to comply with posting of the site as required by state law.

**RECOMMENDATION: 60-DAY DEFERRAL – MARCH 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-130 for 2100 Peachtree Road NW

**DATE:** January 11, 2024

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**The applicant seeks a variance to reduce the front setback from 10 feet to 0 feet and reduce the half depth front yard setback from 5 feet to 0 feet to allow for a restaurant patio enclosure.**

This case must be deferred to allow the applicant to comply with posting of the site as required by state law.

**RECOMMENDATION: 60-DAY DEFERRAL – MARCH 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** **V-23-153 for 1631 Burton Street**

**DATE:** January 11, 2024

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The applicant seeks a variance to reduce the front yard setback from 35 feet to 15 feet and reduce the rear yard setback from 15 feet to 8 feet.

Staff recommends deferral to allow the applicant to present the case to the NPU in January 2024.

**RECOMMENDATION: DEFERRAL – FEBRUARY 8, 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-180 for 46 Bisbee Avenue SW

**DATE:** January 11, 2024

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**The applicant seeks a variance to reduce the front yard setback from 35 feet to 15 feet and 10 inches for the renovations of an existing structure.**

The applicant has requested a deferral of this case to allow time for the NPU to review the case and make a recommendation to the board. Staff is supportive of this request.

**RECOMMENDATION: 60-DAY DEFERRAL - MARCH 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-184 for 1892 Hosea L. Williams Drive NE

**DATE:** January 11, 2024

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**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 6 feet and a variance to reduce the West side yard setback from 7 feet to five feet ten inches.**

The applicant has requested a deferral of this case to allow time for the NPU to review the case and make a recommendation to the board. Staff is supportive of this request.

**RECOMMENDATION: 60-DAY DEFERRAL – MARCH 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary of Board *AMB*

**SUBJECT:** V-23-186 for 297 Gordon Avenue NE

**DATE:** January 11, 2024

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**Applicant seeks a variance to reduce the south side yard setback from 7 feet to 3 feet for construction of a duplex.**

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

**STAFF RECOMMENDATION: 60-DAY DEFERRAL – MARCH 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary of Board *AMB*

**SUBJECT:** V-23-187 for 1661 Glenwood Avenue SE

**DATE:** January 11, 2024

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**Applicant seeks a variance to reduce the rear setback from 15 feet to 5 feet for construction of an accessory dwelling unit.**

The applicant has requested to withdraw this variance request. Staff is supportive of this request.

**STAFF RECOMMENDATION: DENIAL WITHOUT PREJUDICE**

cc: Keyetta M. Holmes, AICP, Director





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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-189 for 1996 Joseph E. Boone Boulevard NW

**DATE:** January 11, 2024

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**Applicant seeks a special exception to reduce the required minimum parking from 5 parking spaces to 4 parking spaces, a variance to reduce the east transitional side yard from 20 feet to 5 feet and a variance to reduce the rear transitional yard from 20 feet to 5 feet for construction of four detached dwelling units.**

The applicant has requested a deferral of this case to allow time for the NPU to review the case and make a recommendation to the board. Staff is supportive of this request.

**RECOMMENDATION: 60-DAY DEFERRAL – MARCH 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-125 for 1310 Seaboard Industrial Boulevard NW

**DATE:** January 11, 2024

---

**Applicant seeks a special exception to reduce the minimum off-street parking requirement from 888 spaces to 183 spaces for a conversion to indoor amusement use.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 941.1 feet on the north side of Seaboard Industrial Boulevard NW beginning 1092.5 feet from the northeast intersection of Collier Road and Seaboard Industrial Boulevard. The property is located in Land Lot 193 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Underwood Hills Neighborhood of NPU-D, Council District 9.

### **Relevant Zoning Requirements:**

- The subject property is zoned I-2/UWCID (Heavy Industrial/Upper Westside Overlay District).
- Section 16-17.009(4), 16-17.009(8) – Minimum off-street parking requirements.
  - *Bowling alleys, pool halls, billiard parlors, amusement arcades, peep shows:* One space per 100 square feet.
- Section 16-28.014(13)(b) – Off-street parking requirements, general provisions.
  - *Reduced parking requirements for buildings built before 1965:* A reduction of the generally applicable minimum off-street parking requirements shall be allowed in all zoning districts for buildings and portions thereof built prior to 1965, as follows:
    - *Non-residential uses:* No parking is required, provided that this provision shall not apply to any business establishment larger than 1,200 square feet in floor area that holds any type of alcoholic beverage license.

**Property Characteristics:** The subject property is an irregularly-shaped lot with approximately 1092.5 feet of street frontage and 461,785 square feet (10.6 acres) of area. The property is currently occupied by an existing multi-story brick structure which previously operated as a manufacturing facility. Vehicular access is provided via curbs cut along Seaboard Industrial Boulevard. The topography does seem to vary throughout the site, but almost the entire lot is already paved. There

is only a small amount of landscaping and vegetation on site as it is mostly paved, but dense trees do surround the site, with some trees on the north side being located within the property lines as part of a stormwater detention area.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area vary significantly in their size and shape but have consistent zoning designations. The parcels to the north, south, and west are all zoned I-2/UWCID (Heavy Industrial/Upper Westside Overlay District). The parcel to the east is zoned I-1/UWCID (Light Industrial/Upper Westside Overlay District).

**PROPOSAL:** The applicant seeks a special use request to reduce the minimum off-street parking requirement from 888 spaces to 183 spaces for a conversion to indoor amusement use. The proposed business is K1 Speed, an indoor go-kart racing operation, which is associated with Special Use Permit Request U-23-027.

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

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

The applicant seeks to open a new business on the subject property by adapting a former manufacturing facility into an indoor amusement and entertainment center focused on indoor go-kart racing. This site has been the subject of previous special exception requests to reduce parking requirements via V-88-248 and V-21-168. Much of the original structure was built prior to 1965 and therefore already has reduced parking requirements, but the remainder of the building constructed after 1965 would require many more parking spaces to be added to be compliant. The applicant does not propose any significant improvements to the exterior of site, as the site is almost entirely built out and has no reasonable location for additional parking without significant changes. Furthermore, the applicant and Staff agree that there is not market demand for the amount of parking required at this site based on this zoning designation. The zoning requirements are not aligned with the nature of the use and requiring the implementation of so many new parking spaces to this site would place an unreasonable burden and hardship on the applicant. Therefore, Staff is of the opinion that the proposed request to reduce the parking requirement is reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-166 for 1264 Beech Valley Road NE

**DATE:** January 11, 2024

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**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 4 feet, reduce western side yard setback from 7 feet to 1 foot, and increase the floor area of an accessory structure from 30% floor area of main structure to 38% floor area of main structure.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 64.83 feet on the north side of Beech Valley Road and beginning 140 feet from the northeast intersection of Hyland Way and Beech Valley Road. The property is located in Land Lot 56 of the 18<sup>th</sup> District, DeKalb County, Georgia. It is located in the Morningside/Lenox Park Neighborhood of NPU F, Council District 6.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is an irregularly shaped lot with 64.83 feet of street frontage and approximately 8.952 square feet (0.206 acres) of area. The property is currently occupied by an existing two-story single family home and one-story detached garage. Vehicular access is provided via a curb cut on Beech Valley Road. The topography increases from the front property line along Beech Valley Road to the rear. There are mature trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area are mostly consistent in their size, shape, and area. Adjacent parcels to the north, south, east, and west are all zoned R-4 (Single Family Residential). Surrounding uses appear to all be single family residential.

**PROPOSAL:** The applicant seeks a variance to reduce the rear yard setback from 15 feet to 4 feet, reduce western side yard setback from 7 feet to 1 foot, and increase the floor area of an

accessory structure from 30% floor area of main structure to 38% floor area of main structure to construct a second story addition above the detached garage.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has an irregular shape with increasing topography. Currently, the existing detached garage encroaches into the rear and western required side yard setbacks. Therefore, Staff finds lot shape and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to the existing encroachments. The existing detached garage was built into the rear and western required side yard setbacks. The applicant intends to construct a second story on top of the existing footprint and thus, will not increase the degree of nonconformity. Therefore, Staff is of the opinion that the proposed encroachment is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing encroachments are peculiar to the subject property. Staff is unaware of similar conditions on other properties in the area.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-179 for 938 Highland Terrace NE

**DATE:** January 11, 2024

---

**Applicant seeks a variance to reduce the front yard setback from 35 ft to 28.5 ft and reduce western side yard setback from 7' to 4' for an addition to a single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the north side of Highland Terrace and beginning 365 feet from the northwest intersection of North Highland Avenue and Highland Terrace. Zoned R-4 (Single Family Residential). Land Lot 1 of the 17th District, Fulton County, Georgia

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4 (Single Family Residential).
- Minimum yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 9,000 square feet; frontage: 70 feet

**Property Characteristics:** The subject property is a regularly shaped lot with approximately 49.75 feet of street frontage and 8,236 square feet (0.189 acres) of area. The property is currently developed with a 1-story residential structure, arbor and shed in the rear. The topography varies across the lot, approximately a 6-foot difference in elevation between the highest point in the rear of the house to the lowest point in the front of lot. There are mature trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area are relatively consistent in their size, shape, and area. All adjacent parcels to the north, south, east, and west are also zoned R-4 (Single Family Residential), with existing structures exceeding current required side yard setbacks.

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 35 feet to 28.5 feet and reduce the western side yard setback from 7 feet to 4 feet for an addition to 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 lot is deficient in size and width for its zoning designation. The lot has only 49.75 feet of the required 50 ft frontage for the R-4 zone. Additionally, the current lot size is deficient in size at 8,236 ft of the required 9,000 for this zone. Therefore, Staff finds the width and size of the lot 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.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement from being constructed as requested, due to the existing structure already encroaching the required setbacks. Furthermore, the lot is undersized and deficient in width, limiting the overall building area. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property has similar zoning and lot conditions as its adjacent properties. However, the proposed variance is justified by unique hardships that do not diminish the similarity of the lot size and potential lot area with those of the 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. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. 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. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-182 for 1845 Haygood Drive NE

**DATE:** January 11, 2024

---

**Applicant seeks a variance to allow a reduction in the wayfinding sign setback from 10 feet to 2 feet to the street property line for the installation of a wayfinding sign. Applicant seeks no other variances at this time.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts approximately 968.6 feet on the west side of Haygood Drive and beginning at the southeast intersection of Ridgewood Drive and Haygood Drive. The property is located in Land Lot 52 of the 18<sup>th</sup> District, DeKalb County, Georgia within the Emory neighborhood of NPU-F, Council District 6.

### **Relevant Zoning Requirements:**

- The subject property is zoned O-I-C/Emory (Office – Institutional Conditional/Emory Campus Parking Overlay)
- Sec. 16-28A.010. (4)(b) Setback: Signs shall be mounted flat to the wall of the building or not nearer than 20 feet to the street property line. Freestanding signs identifying buildings or providing wayfinding at private universities with a physical campus of over 50 acres within city limits shall not be nearer than 10 feet to the street property line.
- Sec. 16-28A.016: Variances limited. The provisions of this chapter varied only pursuant to the following requirements. The board of zoning adjustment, the urban design commission, or any other duly authorized administrative body shall have the power to grant variances relating to the height of signs, sign setbacks, topographic conditions which would prevent the erection of a sign which is otherwise permissible under this chapter 28A, and similar minor variances, according to their authority, and which are not otherwise expressly prohibited below. Neither the board of zoning adjustment, the urban design commission, nor any other authorized administrative body shall have the power or authority to vary the express terms of this chapter 28A related to the number of signs, the total area of signs permitted on a lot, distance and spacing requirements, or removal of illegal signs.



**Property Characteristics:** The subject property is an irregularly shaped lot that abuts Haygood Drive, North Decatur Road, Ridgewood Drive, Gambrell Drive, and Andrews Circle of the property. The subject property has approximately 274, 301 square feet (6.30 acres) in area with approximately 968.6 feet of frontage on Haygood, approximately 441 feet of frontage on North Decatur Road, approximately 676 feet of frontage on Ridgewood Drive, approximately 140 feet on Gambrell Drive and approximately 284 feet on Andrews Circle. It is currently developed with existing residential and institutional buildings, as well as being constructed per site visit a multifamily/ student housing building and parking deck. The topography of the property is relatively flat. The property has streets on all sides identified as follows: Haygood Drive, North Decatur Road, Ridgewood Drive, Gambrell Drive, and Andrews Circle. There are numerous trees, grass, and path foundation path around the property's perimeter.

**Characteristics of Adjoining Properties, Neighborhood:** The lots around the subject property come in various sizes and shapes. Nearby properties have different uses that support the University and surrounding specialty institutions, as well as various residential structures. The properties next to the subject property are in two different municipalities, namely the City of Atlanta corporate limits and unincorporated DeKalb County. The parcels to the immediate north, east, and south are in unincorporated DeKalb County and have R-75/Druid Hills zoning, which is Residential Medium Lot -75/Druid Hills Historic District. To the north, there's an educational institution - Druid Hills High School, which is part of DeKalb County School System, and a place of worship - Emory Presbyterian Church. To the east and south, there are single-family residential structures. The parcels to the west are in the City of Atlanta corporate limits and have O-1-C/Emory zoning, which is Office – Institutional Conditional/Campus Parking Overlay, and R-4/Emory zoning, which is Single Family Residential/Emory Campus Parking Overlay, with most of the parcels belonging to Emory University and its various institutional structures, ranging in uses and sizes.

**PROPOSAL:** The applicant is requesting a variance to reduce the setback distance for a wayfinding sign from 10 feet to 2 feet from the street property line. Emory University wants to install a wayfinding sign at the street property line of its campus intersection of Haygood Drive and North Decatur Road. This sign will serve as the primary identification to mark the pedestrian entrance to the eastern edge of the campus.

#### **CONCLUSIONS:**

The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28A.010 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** There are no minimum area or width requirements for properties zoned as Office-Institutional (O-I). The property where the sign will be placed is located at the southeastern edge of Emory's campus, at the corner of North Decatur Road and Haygood Drive. It has an irregular triangular shape, which is the boundary of the Emory University campus. Although the shape of the property is not exceptional, Staff believes that the university campus placed in a mostly residential district with exceptions to uses that help serve or feed into the university makes it unique to the surrounding parcels it abuts and is in proximity. Therefore, Staff finds the lot possessing extraordinary and exceptional conditions based on its shape.

- b. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Emory's design team has proposed a wayfinding identification sign for the campus. However, the zoning regulations require a 10-foot setback which would make the sign less visible for visitors. If the setback is enforced, it would impede the sign's visibility for drivers. Moreover, relocating the sign would create an unnecessary hardship for Emory as it would limit visibility for vehicular traffic, pedestrians, and cyclists visiting the campus.

The subject property is located in the corporate limits of Atlanta, however, the adjoining roadways of North Decatur Road and Haygood Road are DeKalb County streets. If these were Atlanta streets, the applicant believes similar neighborhood identification signs could be placed in the road right-of-way. During the site visit, it was observed that the two streets adjacent to this site are extremely busy. The massing of buildings on both sides of the streets, which are randomly located, makes it difficult for pedestrians to identify where the campus begins and ends. Therefore, the sign is critical to provide visibility and recognition for students, visitors, employees, and emergency personnel arriving at the site. Considering the current and anticipated traffic, both pedestrian and vehicular, staff believes that the application of the ordinance would create an unnecessary hardship.

- c. Such conditions are peculiar to the particular piece of property involved.** The subject property has unique dimensions and a triangular shape. It is also located near the Georgia Power transmission poles, various mature trees, and a multi-use path. Additionally, the property's proposed signage is also unique due to its location at the edge of Emory's large campus. The proposed signs will be similar in design to the monument signs at Emory's main campus entrance but smaller in size. It is worth noting that the existence of similar conditions, such as various trees on the neighboring properties, does not undermine 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.** If granted, the requested variance for the sign setback would not have any negative impact on the public or on the purpose and intent of the City's Zoning Ordinance. In fact, it will help the public navigate Emory's campus and provide a safe entry. Emory has a significant number of first-time visitors, and having a sign to indicate their arrival at the campus is essential for wayfinding. Additionally, the variance would allow for the preservation of the existing large and mature trees in the area. After reviewing the plan and discussing the matter with the Atlanta Department of Transportation development regarding any concerns they believe may be caused by an approval of this variance, it was determined the variance can be pursued. The Atlanta Department of Transportation team does not foresee any reason for there to be any problems with this request. Therefore, the Staff believes that the proposal meets all the criteria required for a variance.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS  
MAYOR

# CITY OF ATLANTA

JAHNEE R. PRINCE, AICP  
Commissioner

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

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-183 for 607 Page Avenue NE

**DATE:** January 11, 2024

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**Applicant seeks a variance from the zoning regulation to reduce the rear yard setback from 15 feet to approximately 6 feet and to reduce the southern side yard setback from 7 feet to 0 feet.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50.98 feet on the east side of Page Avenue and beginning 48.91 feet from the northeast intersection of Muriel Avenue and Page Avenue. The property is located in Land Lot 239 of the 15<sup>th</sup> District, DeKalb County, Georgia. It is located in the Candler Park Neighborhood of NPU-N, Council District 2.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a rectangular lot of approximately 7,318.95 square feet (0.168 acres) of area and 50.98 feet of frontage. There are mature trees currently along the boundary of the property.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in shape and size. The zoning in the immediate and general area is R-4A (Single-Family Residential).

**PROPOSAL:** Applicant seeks a variance from the zoning regulation to reduce the rear yard setback from 15 feet to 6 feet and to reduce the southern side yard setback from 7 feet to 0 feet to convert an existing shed into a conditioned and heated space.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-06.008(1) and Section 16-06.008(2) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in area by 1681.05 square feet and deficient in frontage by 19.02 feet. Therefore, Staff finds lot size and topography as the extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause a hardship due to the lot size and width. The deficiency in lot area and frontage limits the buildable area. Furthermore, the existing accessory structure encroaches into the rear and southern side yard setback by 9 feet and 7 feet, respectively. The variance request will not increase the existing nonconformity of the accessory structure. Therefore, Staff is of the opinion that the proposals are reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject lot is particularly small and narrow. These lot conditions are similar to other neighboring properties. However, the existence of similar conditions does not negate the desirability of the request.
- 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. Thus, Staff finds the requested variances are reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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MAYOR

DEPARTMENT OF CITY PLANNING  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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[www.atlantaga.gov](http://www.atlantaga.gov)

JAHNEE R. PRINCE, AICP  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-188 for 924 Virginia Avenue NE

**DATE:** January 11, 2024

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**Applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 4 feet, a variance to reduce the rear yard setback from 15 feet to 5 feet, a variance to reduce the west side yard setback from 7 feet to 3 feet, and a variance to increase the allowable lot coverage from 50% to 58.8% for construction of a single family dwelling and carriage house.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 48 feet on the south side of Virginia Avenue and beginning at northwest intersection of Maryland Avenue and Virginia Avenue. The property is located in Land Lot 1 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Virginia Highland Neighborhood of NPU F, Council District 6.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a legal, non-conforming rectangular-shaped corner lot with 48 feet of street frontage and 7,501 square feet (0.17 acres) of area. The property is currently occupied by an existing one-story single family home. Vehicular access is provided via a curb cut on Virginia Avenue. There are mature trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area are mostly consistent in their size, shape, and area. Adjacent parcels to the north, south, east, and west are all zoned R-4 (Single Family Residential). Surrounding uses appear to all be single family residential.

**PROPOSAL:** The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 4 feet, a variance to reduce the rear yard setback from 15 feet to 5 feet, a variance to reduce

the west side yard setback from 7 feet to 3 feet, and a variance to increase the allowable lot coverage from 50% to 58.8% for construction of a single family dwelling and carriage 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 lot is deficient in width and area by approximately 22 feet and 1,499 square feet, respectively. Therefore, Staff finds the size (width and area) 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.** The applicant is proposing a significant improvement to be located in the required side and rear yard setbacks, with the intent to construct a new two-story single family home with a basement and a carriage house. The deficiency in lot width and area minimizes the buildable area. Therefore, an application of the zoning regulations would create an unnecessary hardship.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficiencies in width and area are not peculiar to the particular property. Similar conditions were identified on adjoining neighborhood lots. However, several multi-level constructions exist on neighboring lots. Therefore, Staff finds the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary to the Board *AMB*

**SUBJECT:** V-23-123 for 1968 Marietta Road NW

**DATE:** January 11, 2024

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**Applicant seeks a special exception to reduce the required off-street parking from 365 spaces to 42 spaces.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 2431.5 feet on the south side of Marietta Road, beginning at the intersection of the westerly right of way of Ford Street with the southerly right of way of Spring Avenue NW. The property is located in Land Lots 223, 228, 229, 24 and 245 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Bolton Neighborhood of NPU-D, Council District 9.

### **Relevant Zoning Requirements:**

- The subject property is zoned I-2 (Heavy Industrial District).
- Section 16-16.009 – Off-street parking minimum requirements.
  - Manufacturing, warehousing and distribution centers: One space per 600 square feet or each two employees on the peak working shift whichever is greater.

**Property Characteristics:** The subject property is a rectangular-shaped portion of approximately 750 feet of street frontage and 855,000 square feet (19.628 acres) of area of a larger lot. The property is currently undeveloped. Vehicular access is not currently provided at this phase of development. The topography varies significantly across the large site. Most of the mature trees and dense vegetation on site has been cleared.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area vary significantly in their lot size, shape, and zoning designation. The parcels to the north and east are zoned R-4A (Single Family Residential District). The parcels to the south and west are zoned I-2 (Heavy Industrial District).

**PROPOSAL:** The applicant a special exception to reduce the required off-street parking from 365 spaces to 42 spaces. The site is an industrial development where a data center is being proposed.

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

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

The subject parcel is a section of a larger industrial development proposed on 1968 Marietta Road NW. The section in question represents a data center. The applicant proposes 42 spaces to serve the employees of the data center and industrial site. The nature of the business operations does not include a high number of customers traveling to the site that would require such a significant amount of parking. Data centers, which are related to primarily digital and electronic service, do not generate the level of traffic associated with a more conventional warehouse used for physical storage. Staff believes that the number of spaces strictly required by the code is excessive in this case and would likely be underutilized, and that the 42 spaces provided should adequately service the employees working on site. Therefore, Staff is of the opinion that the proposed request to reduce the parking requirement is reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director