



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

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-23-185 for 37 28th Street NW

DATE: March 7, 2024

Applicant seeks a special exception to allow a parking bay in the required rear yard adjacent to the street.

The applicant requested a deferral to amend the current application. Staff is supportive of the request.

STAFF RECOMMENDATION: DEFERRAL TO APRIL 4, 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-23-209 for 746 Fraser Street SE

DATE: March 7, 2024

Applicant seeks a variance to reduce the half-depth front yard from 10 feet to 5 feet for the construction of a new single-family dwelling.

The applicant is requesting a deferral to have time to reach out to the most impacted neighbor and their representative regarding their proposal. Staff is supportive of the request.

STAFF RECOMMENDATION: DEFERRAL TO APRIL 4, 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-24-001 for 2223 Collins Ridge Drive NW

DATE: March 7, 2024

Applicant seeks a variance to reduce the rear yard setback from 15 feet to 9 feet 7 inches for construction of an addition to an existing single-family dwelling.

Staff recommends a deferral of this case to correct errors in the advertisement regarding the property location and description.

RECOMMENDATION: DEFERRAL TO MAY 2, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-005 for 1416 Donnelly Avenue SW

DATE: March 7, 2024

Applicant seeks a variance from the zoning regulation to reduce the front yard setback from 35 feet to 10 feet for construction of an accessory dwelling unit.

The applicant has requested a deferral to be able to meet with the NPU general body. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO APRIL 4, 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-23-128 for 1097 Jones Avenue NW

DATE: March 7, 2024

The applicant seeks a variance to reduce the front setback from 30 feet to 18 feet along Lois Lane for the construction of a one-story single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 115 feet on the west side of Lois Lane and 166 feet along on the east side of Jones Avenue. The subject property begins at the northeast intersection of Jones Avenue and Lois Place. This property is in Land Lot 226 of the 17th District, Fulton County Georgia. It is in the Grove Park neighborhood of NPU-J, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned R-4A (Single Family Residential)
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet
- Minimum yard setbacks: Front yard: 30 feet; Half-depth front yard setback: 15 feet; Side yard setback: 7 feet; Rear yard setback: 15 feet.

Property Characteristics: The subject property is a rectangular shaped lot of approximately 7,047 square feet (0.162 acres) with 115 feet of frontage along the west side of Lois Lane and frontage of 166 feet on the east side of Jones Avenue. It is an undeveloped lot currently improved with a concrete driveway. Vehicular access is provided by a concrete driveway on Jones Avenue terminating approximately 20 feet away from the property line along Lois Place. The topography declines toward the rear of the lot and there are nine mature trees located throughout the property. In 2012, the property was improved with a single-family dwelling, which was demolished. The previous house structure was setback 20 feet from the front property line on Jones Avenue.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape. They are developed with single-family and duplexes of one and two stories. Properties to the north, west, east, and south are zoned R-4A (Single Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the front setback from 30 feet to 18 feet along Lois Lane for the construction of a one-story 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 an irregular lot with triangular shape with its frontage, and therefore front setback facing Lois Lane as it is shortest property line along a street. The lot's half depth front setback is facing Jones Avenue. The lot does not have a rear yard but only an interior side property line. The topography slopes down approximately 8 feet from the northernmost corner to the southeast corner of the lot. Given the shape of the lot, the proposed single-family dwelling will be facing Jones Avenue, as the existing driveway is located on that side of the lot. Staff finds the lot shape, size, and topography as 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, although the applicant could build a smaller footprint to fit within the setback boundaries, however the house will be inconsistent with the neighboring houses on the block as it would be substantially smaller. Additionally, the proposed house orientation facing Jones Street will be consistent with the previous existing house on the lot and the existing orientation of the houses on Jones Avenue. The front setback reduction from 30-feet to 18-feet will allow the rear of the house structure to extend closer to the street along Lois Lane. The only abutting property located to the north, does not face Lois Lane. Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The shape and size of the lot are unique to the subject property. Staff is unaware of similar conditions on adjacent or nearby parcels. The existing conditions of the lot are not fault of the property owner.
- 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 variance request would not impose upon adequate light and/or air on the adjacent properties, or provides any potential impediment to emergency access or threats to health and fire safety. 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 requests to be reasonable. Therefore, Staff finds the proposed variances 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-23-171 for 2719 Shady Valley Drive NE

DATE: March 7, 2024

Applicant seeks a special exception to install a 6-foot 10-inch gate.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 509.7 on the west side of Shady Valley Drive and beginning approximately 500.82 feet from the northwest intersection of Buford Highway and Shady Valley Drive. The property is located in Land Lot 6 of the 17th District, Fulton County, Georgia in the Pine Hills neighborhood of NPU-B, Council District 7.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single Family Residential)
- Minimum lot frontage: 100 feet
- Minimum lot area: 18,000 square feet
- Section 16-28.008(5)(a) restricts the height of fences in the front yard and half-depth front yard to four (4) feet and six (6) feet where no retaining wall is constructed
-

Property Characteristics: The subject property is a 352,836 square foot subdivision developed with 18 single family homes. The topography along a portion to the property line is above grade. The perimeter of the subdivision is encompassed with heavy terrain, a fence and an open entry wall at the entrance.

Characteristics of Adjoining Properties, Neighborhood: The surrounding properties are zoned R-3 (Residential Single Family) and are developed with single family residential uses.

PROPOSAL: The applicant seeks a special exception from the zoning regulations to increase the maximum fence height from 4 feet to 6 feet 10 inches for installation of a privacy gate.

CONCLUSIONS:

The following conclusions pertinent to this special exception request are in accordance with Section 16-28.008(5)(e) of the City of Atlanta Zoning Ordinance.

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

Citing security concerns, the applicant stated that the purpose of the proposed gate is to provide a private entrance to restrict access into the Saratoga subdivision. Staff is of the opinion the design of the ornamental iron gate will not cut off light and air to adjoining properties nor will the integrity and character of the neighborhood be affected.

The applicant has presented evidence that numerous properties in the area have gates and or fences that are taller than 6 feet in height. The material used to construct these fences/gates is also similar to what is proposed by the applicant. Based on compatibility, Staff is of the opinion that the proposal meets one of the criteria set forth in Section 16-28.008(5)(e) of the Zoning Ordinance which only requires one of the criteria to be met and recommends approval.

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-23-176 for 1061 Memorial Drive SE

DATE: March 7, 2024

The applicant seeks a special exception to reduce the required minimum parking from 167 off-street parking spaces to 39 off-street parking spaces for a proposed mixed-use development.

FINDINGS OF FACT:

Property Location: The subject property fronts 103.83 feet on the north side of Memorial Drive and beginning. 417 feet from the southeast intersection of Stovall Street and Memorial Drive. The property is located in Land Lot 12 of the 14th District, Fulton County, Georgia. It is in the Reynoldstown Neighborhood of NPU-N in Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned MRC-3-C/BL (Mixed Residential Commercial Conditional/BeltLine Overlay).
- Off-site parking requirement:
 - For office uses minimum requirements unless otherwise stated:
 - All developments shall reserve and designate at least five percent of the employee parking spaces "Carpool Only." Carpool spaces shall be used only by carpool vehicles in which at least two of the persons are employees or tenants of the building. Such spaces shall be located near the building's employee entrance or other preferable locations within the employee parking areas as approved by the director of the bureau of traffic and transportation
 - All new parking structures shall be built to accommodate vanpool access. The minimum ceiling height for vanpools is eight feet two inches.

- Office uses No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.
- For all other nonresidential uses: One parking space for each 600 square feet of floor area shall be provided on the site.

Property Characteristics: The property in question is located on Memorial Drive SE and has an irregular shape. It covers an area of approximately 75,554 square feet (1.734 acres) with a frontage of 103 feet on Memorial Drive. The lot is mostly undeveloped and features a vacant one-story 5,427 square feet brick building, which was previously used as a place of worship. There is also a large asphalt parking lot on the property. The topography of the lot slopes upwards from the east of the front property line to the west of the front property line, with a counterclockwise increase from the westmost point of the front property line to the west side of the building. The slope then decreases to the rear of the property line with a 12-foot grade change. The property is surrounded by numerous trees, bushes, shrubs, and grassy landscapes.

Characteristics of Adjoining Properties, Neighborhood: The property is surrounded by lots of varying shapes and sizes. The parcels to the property's north, east, and west are zoned MRC-3-C/BL (Mixed Residential Commercial/BeltLine Overlay). The area south of the property consists of the entrance ramp to Interstate 20 and Interstate 20 Limited Access Highway.

PROPOSAL: The applicant seeks a special exception to reduce the required minimum parking from 167 off-street parking spaces to 39 off-street parking spaces for a proposed mixed-use development.

CONCLUSIONS: The following conclusions pertinent to this request for a special exception 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 of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

According to the City's Zoning Ordinance, if the subject property is used for nonresidential purposes, 167 on-site parking spaces are required. However, for office use, there are no minimum requirements, but there are parking maximums. The applicant does not need to provide parking for office use since there are no parking minimums required by the ordinance. However, if the applicant wanted to provide the maximum parking per the ordinance, approximately 33 on-site parking spaces are needed for office use, which the applicant is not including in the request for parking reduction for this development.

The City's zoning ordinance requires 167 parking spaces and one loading space for storage use. However, if the applicant proposes parking maximums for office use (two and one-half spaces for each 1,000 square feet of floor area), then the applicant is proposing six spaces and one loading

space for the storage use. The six spaces are the remaining proposed parking that is not required by the office if parking maximums were used for this development.

The proposed facility has approximately 99,920 square feet of storage and 13,208 square feet of office space. According to MRC district regulations, a minimum of one parking space per 600 square feet of floor area is required for non-residential uses. Therefore, the proposed development requires 167 parking spaces for storage and a maximum of 33 parking spaces for the office component. The facility has 39 traditional parking spaces and one dedicated loading space, which consists of the requirement of one loading space for uses between 15,001 and 250,000 square feet per Sec. 16-28.015 – Off-street loading requirements. For storage use, there is a combined total of traditional parking spaces where both the office and the storage spaces can be used for parking.

The applicant noted in the application that one full-time employee and occasionally a part-time employee will be utilizing the facility from 9 am to 6 pm. Outside of the two loading areas, there are typically 8 to 10 other cars. The development of the property does not warrant the need for the required level of parking. It is anticipated that two or three people might occupy the office units at any given time, requiring an estimated maximum use of 20 parking spaces if all occupants were present simultaneously.

The storage facility operates seven days per week with hours from 8 am to 7 pm, providing a wide range of hours for customers to visit the building. It is rare that numerous customers visit the site at any given time. The applicant also noted that based on historical data provided for similar structures, parking requirements have readily been reduced to a ratio of one parking space per 12,000 square feet of storage use. Therefore, given the proposed storage facility of 99,920 square feet of area, the parking to be provided would be approximately 8 spaces. The proposed site plan allows for approximately 19 spaces to be utilized for the storage facility, with 17 of those parking spaces located adjacent to the building.

Given the proximity to the Beltline and ease of access via public sidewalks and bicycle infrastructure, it is possible that staff and guests for the proposed office spaces will make their way to the property without vehicles. This condition would lessen the need for parking on-site. It is unlikely that traffic will be impacted negatively based on the proposed uses on this site.

The proposed development will comply with all other zoning requirements found in the City of Atlanta Office of Zoning and Development regulations. There are no exceptions being requested regarding the parking count for the office component of the mixed-use development or the bicycle parking requirement. Additionally, there is no off-site parking proposed.

There is a MARTA bus route #21 in front of the subject property, providing transit services to the area. The bus route has a bus stop at Memorial Drive SE & Wilbur Avenue SE. These stops are commonly used by individuals who use transit as their daily commute. The property is 6.9 miles away from Kensington Station, the nearest transit station accessible via bus route 21. Taking all these factors into account, staff finds that reducing the parking from 167 spaces to 39 spaces is reasonable.

RECOMMENDATION: APPROVAL

V-23-176 for 1061 Memorial Drive, S.E.

March 7, 2024

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cc: Keyetta M. Holmes, AICP, Director



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-23-180 for 46 Bisbee Avenue SE

DATE: March 7, 2024

Applicant seeks a variance to reduce the front yard setback from 35 feet to approximately 15 feet 10 inches for the purpose of increasing the height of the existing nonconforming structure and reduce the half depth front setback from 17.5 feet to 7 feet for the construction of an accessory dwelling unit.

FINDINGS OF FACT:

Property Location: The subject property fronts 110 feet on the north side of Bisbee Avenue and 144 feet on Murray Street beginning at the northwest intersection of Murray Street and Bisbee Avenue. This property is in Land Lot 56 of the 14th District, Fulton County, Georgia. It is in the South Atlanta Neighborhood of NPU Y, Council District 1.

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 setback: 7 feet; Rear yard setback: 15 feet.
- Maximum lot coverage: Not to exceed 50% of the total lot area.
- Accessory structures: Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure.

Property Characteristics: The subject property is a regular-shaped lot with an area of 10,778 square feet (0.25 acres) and a frontage of 110 feet along Bisbee Avenue Southeast and 144 feet along Murray Street. The property is currently developed with a 1-story wood framed house with trees and vegetation. The lot has an existing concrete driveway on Bisbee Avenue.

Characteristics of Adjoining Properties, Neighborhood: The adjoining lot to the west is zoned R-4 and its used as single-family home. The properties to the north is owned by the City of Atlanta and are zoned R-4 (and its part of the South Atlanta Park). Adjoining lots vary in width, lot area, and shape.

PROPOSAL: The applicant seeks to reduce the front yard setback from 35 feet to 15 feet and 10 inches for a second story addition to the primary structure. Additionally, the applicant seeks to reduce the eastern half depth front yard setback from 17.5 feet to 7 feet for the construction of an Accessory Dwelling Unit.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-06.008(1) & (4) 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 appears to meet the minimum lot area and width. The lot does not appear to have steep topography. The lot, however, has a trapezoid-looking shape, as it is wider at the front and narrower in the back. The lot's shape limits the buildable area to have both the principal structure and accessory dwelling within the buildable area without granting relief. Therefore, Staff is of the opinion that there are extraordinary conditions due to the shape of the lot.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The existing one-story house structure was built in 1928 (according to Fulton County tax records) over the 35-foot setback requirement, therefore making the structure nonconforming. The applicant intends to renovate the existing structure and add a second story. The strict application of the zoning regulations would cause an unnecessary hardship to the applicant, as it will require the applicant to relocate or remove the existing structure.

The lot abuts an unopened street along the western property line based on the City's cadastral records. This unopened street is vegetated and appears to be part of the City's Lucius Simon Memorial Park based on the City's GIS (Geographic Information System) records. The strict application of the half-depth front yard setback will create an unnecessary hardship as it will substantially decrease the lot's buildable area.

- c. **Such conditions are peculiar to the particular piece of property involved.** The existing conditions of the lot and structure in terms of size, shape, and location are peculiar and unique to this piece of property. The house structure appears to have been built in 1928 under a different set of rules, additionally, it abuts an unopened street that is vegetated and part of the abutting public park. Enforcing the required R-4 development controls on this site is unreasonable based on the conditions of the site.
- 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.** Staff is of the opinion that the request will not have a negative impact on the surrounding properties, neighborhood, or public good. The request meets the intent of the Zoning Ordinance.

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 M. Blatch, Secretary to the Board *AMB*

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

DATE: March 7, 2024

Applicant seeks a variance to reduce the rear yard setback from 15 feet to 6 feet and the west side yard setback from 7 feet to 5 feet 10 inches for the construction of an accessory dwelling unit.

FINDINGS OF FACT:

Property Location: The subject property fronts 45.21 feet on the north side of Hosea L. Williams Drive NE and begins 100 feet from the intersection of Warren Street and Hosea L. Williams Drive. The property is located in Land Lot 206 of the 15th District, Dekalb County, Georgia. It is located in the Kirkwood Neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4A (Single Family Residential).
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yard: 7 feet; Rear yard: 15 feet.

Property Characteristics: The subject property is a rectangular lot of approximately 7893 square feet (0.18 acres) and 45.21 feet of frontage on Hosea L. Williams Drive NE. It is currently developed with a single-family dwelling and accessory structure. The applicant is proposing demolition of the existing accessory structure prior to the construction of the new proposed accessory dwelling unit. The topography of the parcel is relatively flat, with an approximate 4-foot slope to the northwest, primarily in the rear of the lot. There are mature trees and shrubs on the site

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are of similar size, are generally rectangular, and are consistently developed with single family residential dwellings with R-4A (Single Family Residential) zoning.

PROPOSAL: Applicant seeks a variance to reduce the rear yard setback from 15 feet to 6 feet and the west side yard setback from 7 feet to 5 feet 10 inches for the construction of an accessory dwelling unit.

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 does not meet the minimum lot requirements for width. It is deficient in frontage by approximately 5 feet along Hosea L. Williams Drive SE. There is also a large mature tree (42-inch pecan) located in the rear yard. The long, narrow shape of the property in combination with the existing 42-inch pecan tree limits suitable sites for an accessory dwelling unit. Staff finds lot width, shape, and the presence of a mature tree within the buildable area as extraordinary and exceptional conditions pertaining to this property. Staff is of the opinion that the proposed request is reasonable.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The strict application of the zoning regulations would cause an unnecessary hardship due to the lot's narrow shape and the location of the mature pecan tree. These conditions greatly restrict suitable locations for the accessory dwelling unit within the buildable area of the parcel. Strict interpretation of the code would greatly limit the back yard for recreational use, and potentially endanger the existing mature tree on the site.
- c. **Such conditions are peculiar to the particular piece of property involved.** According to the City's cadastral map, the subject property is the only property on the block face that is deficient in width. The location of the mature pecan tree in the rear yard is also peculiar to the 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 proposal would not impose upon the adequate light and/or air on the adjacent properties. The property features a privacy fence in the rear yard which will also limit visibility of the proposed accessory dwelling unit from adjacent properties. 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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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-23-210 for 926 Drewry Street NE

DATE: March 7, 2024

Applicant seeks a variance from the zoning ordinance to 1) reduce the required north rear yard from 15-feet to 3 feet, 2) reduce the required west side yard from 7 feet to 3 feet, and 3) increase the required maximum lot coverage from 50% to 54% for construction an accessory dwelling unit

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the north side of Drewry Street, N.E. and begins 450 feet from the northeast intersection of Barnett Street and Drewry Street. The property is located in Land Lot 14 of the 16th 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 rectangular lot of approximately 8,400 square feet (0.19 acres) and 50 feet of frontage on Drewry Street, N.E. There is a 10-foot-wide alley adjoining the rear property line. It is currently developed with a single-family dwelling and an existing accessory structure which is encroaching into the rear and side setbacks. The applicant is proposing demolition of the existing accessory structure prior to the construction of the proposed accessory dwelling unit. The parcel is relatively flat, with a gradual topographical change of approximately 4 feet sloping to the northwest. There are mature trees and shrubs on the site

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are of similar size, are generally rectangular, and are consistently developed with single family residential dwellings with R-4 (Single Family Residential) zoning.

PROPOSAL: The applicant seeks a variance from the zoning ordinance to 1) reduce the required north rear yard from 15-feet to 3 feet, 2) reduce the required west side yard from 7 feet to 3 feet, and 3) increase the required maximum lot coverage from 50% to 54% for the construction an accessory dwelling unit.

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 does not meet the minimum lot requirements for width or area. It is deficient in frontage by approximately 20 feet along Drewry Street NE and is deficient in size by approximately 600 square feet, which limits suitable sites for the proposed garage/accessory dwelling unit. Vehicular access is provided via a shared driveway on the west side of the lot. Staff finds deficient lot width, deficient size, and the location of the shared driveway as the extraordinary and exceptional conditions pertaining to this property. Staff is of the opinion that the proposed request is reasonable.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause an unnecessary hardship due to the lot's narrow shape and limited buildable area which restricts suitable locations for the garage/accessory dwelling unit. Strict interpretation of the code would greatly limit the back yard for recreational use and would require the garage/accessory dwelling unit to be misaligned from the shared driveway. The proposed garage/accessory dwelling unit also encroaches less into the side and rear setbacks than the existing accessory structure.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property is smaller and more narrow than other properties typical of the zoning district. The limited buildable area in conjunction with the location of the existing shared driveway are conditions peculiar to the property which limit reasonable locations for the construction of an accessory dwelling unit or accessory structure.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The request 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. Furthermore, the 10-foot alley behind the property provides additional buffering between the proposed garage/accessory dwelling unit and the adjacent property to the rear. Thus, Staff finds the requested variances are reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director

V-23-210 for 926 Drewry Street NE

March 7, 2024

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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-24-002 for 317 Morgan Place SE

DATE: March 7, 2024

Applicant seeks a variance to increase the maximum floor area of an accessory structure from 30% floor area of the main structure to 43.8% floor area of the main structure and increase the maximum height of an accessory structure from 20 feet to 22 feet 7 inches for construction of a detached garage.

FINDINGS OF FACT:

Property Location: The subject property fronts 54.59 feet on the west side of Morgan Place beginning approximately 130 feet from the northwest intersection of Alexa Avenue and Morgan Place. The property is located in Land Lot 182 of the 15th District, Dekalb County, Georgia. It is located in the East Lake Neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential District).
- Section 16-28.004(3) – Accessory uses and structures shall not exceed 20 feet in height and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable.

Property Characteristics: The subject property is an irregularly shaped lot with approximately 55 feet of street frontage and 14,930 square feet (0.343 acres) of area. The property is currently occupied by a two-story single family residential home. Vehicular access is provided via a curb cut along Morgan Place. The topography rises steadily across the site, with approximately a 10-foot difference between the highest and lowest points. There are mature trees on site.

Characteristics of Adjoining Properties, Neighborhood: Other lots in the immediate area vary in size and shape due to the irregular street pattern creating different-sized blocks; some lots are much larger than others nearby. This parcel in particular is slightly large relative to those nearby. Accordingly, there are homes and accessory structures of many different sizes in the neighborhood.

The parcels to the north, south, east, and west are all zoned R-4 (Single Family Residential District).

PROPOSAL: The applicant seeks a variance to increase the maximum floor area of an accessory structure from 30% floor area of the main structure to 43.8% floor area of the main structure and increase the maximum height of an accessory structure from 20 feet to 22 feet 7 inches for construction of a detached garage. The proposed location aligns with an existing paved parking pad on the site.

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 at the front. Therefore, Staff finds size and shape 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 structure from being constructed. The applicant's lot is deficient in frontage for its zoning district, but its shape actually gets wider toward the rear. The result of this configuration means the principal structure, which sits near the front of the lot, has its size constrained by the lot's width, while the rear of the yard is quite expansive and much more open than a similar lot in the district. If this lot had a more regular shape, the primary structure could be much larger, and an accessory structure the same size as what is proposed could theoretically be allowed by right. Furthermore, the proposed structure aligns with the footprint of an existing parking pad, so allowing the proposed garage to be the size that is requested will allow the applicant to continue to use their parking area in the manner they have become accustomed to; requiring the garage to be smaller means potentially reducing the size of the parking area that is available. Finally, the applicant would still be well below their maximum lot coverage, and the structures and their arrangement are similar to others on lots nearby in the neighborhood. Therefore, Staff is of the opinion that the proposed requests are reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to 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

V-24-002 for 317 Morgan Place SE

March 7, 2024

Page 3 of 3

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



CITY OF ATLANTA

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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-24-003 for 1438 North Morningside Drive NE

DATE: March 7, 2024

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 1 foot to allow the conversion of an existing detached garage into a two-story pool house.

FINDINGS OF FACT:

Property Location: The subject property fronts 55.07 feet on the west side of North Morningside Drive and begins approximately 550 feet from the southwest intersection of Yorkshire Road and North Morningside Drive. This property is in Land Lot 2 of the 17th District, Fulton County Georgia. It is 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 setback: 7 feet; Rear yard setback: 15 feet.
- Maximum lot coverage: No to exceed 50% of the total lot area.
- Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of section 16-29.001(13)(a) shall apply, except where modified by the provisions of 16-24.008. For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable.

Property Characteristics: The subject property is a rectangular-shaped lot with an area of 13,879 square feet (0.319 acres) and a frontage of 55.07 feet along North Morningside Drive. The property is currently improved with a two-story brick single-family dwelling, front porch, rear wood deck, rear brick patio, pool with spa, a retaining wall, and driveway. Previously, there was a one-story two-car detached garage in the rear of the main dwelling. Property owner applied for a building permit (BB-202308937) to convert the existing 2-car garage into a pool house. The building permit was issued in November 2023. A stop work order in January 2024 as it was determined that a

variance was needed to allow the conversion of accessory structure to be built in the side yard setback.

Characteristics of Adjoining Properties, Neighborhood: The adjoining lots to the north and south have the same width, lot area, and shape. The other lots on the west side of North Morningside Drive have same width and similar shape but vary in lot area. All adjoining lots are developed with single-family dwellings and are zoned R-4 (Single Family Residential).

PROPOSAL: The applicant seeks to reduce the east side yard setback from 7 feet to 1 foot to allow the conversion of an existing detached garage into a two-story pool house.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with 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 subject property has a rectangular shape and it is deficient in width by 15 feet. The lot has steep topography as the lot slopes down from the rear of the lot to the front of the lot by 28 feet. The lot area exceeds the minimum lot area by 4,879 square feet.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Staff is of the opinion that the application of the zoning regulations would cause an unnecessary hardship, as there is no alternate location for the accessory structure to be built. The applicant is using the same footprint of the previous garage and adding horizontally to the structure. The second story addition will not have windows facing the neighbor's side providing privacy to the neighbor, therefore decreasing potential negative impacts.
- c. **Such conditions are peculiar to the particular piece of property involved.** The enforcement of the 7-foot side setback would decrease the buildable area to an already narrow lot. The steep topography and the location of the existing improvements such as the pool, retaining walls, and primary structure are peculiar to this specific piece of property and limit the location of the pool house.
- 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.** Granting the variance request will not cause a substantial detriment to the public. The applicant provided a letter of support from both abutting neighbors to the north and south. The request still meets the intent of the zoning ordinance to provide separation from adjacent structures and minimize the impact on abutting neighbors.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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JAHNEE R. PRINCE, AICP
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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-24-004 for 1400 Wessyngton Road NE

DATE: March 7, 2024

Applicant seeks a variance to reduce the front yard setback from 35 feet to 22 feet to construct a second-story addition and a front porch for a single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronting 50 feet on the west side of Wessyngton Road and beginning approximately 490 feet from the northwest intersection of North Highland Avenue and Wessyngton Road. The property is located in Land Lot 2 of the 17th District, Fulton County, Georgia. It is located in the Morningside-Lenox Neighborhood of NPU-F, Council District 6.

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 rectangular shaped lot with approximately 50 feet of street frontage and 6,211 square feet (0.142 acres) of area. The property is currently developed with a single-family dwelling.

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).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 22 feet to construct a second-story addition and a front porch for 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 frontage and size for its zoning designation. Presently, the footprint of the existing home encroaches into the front setback by approximately 5.5 feet. The lot is irregularly sized limiting the building area. Therefore, Staff finds size and the front yard encroachment as the extraordinary and exceptional condition 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. The lot is undersized, deficient in width, and the encroaching front yard setback limits the overall building. 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 conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life and housing, 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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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-24-009 for 767 Maynard Terrace SE

DATE: March 7, 2024

Applicant seeks a variance to reduce the south side yard setback from 7 feet to 4.3 feet for construction of a porch.

FINDINGS OF FACT:

Property Location: The subject property fronts 57 feet on the west of Maynard Terrace and beginning approximately 456.8 feet from the northwest intersection of Grace Street and Maynard Terrace. The property is in Land Lot 175 of the 15th District, DeKalb County, Georgia in the East Atlanta neighborhood of NPU W, Council District 5.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is a rectangularly shaped lot with 57 feet of street frontage and 7,967 square feet (0.183 acres) of area. The property is currently developed with a one-story single-family resident. Vehicular access is provided via curb cuts on Maynard Terrace. There are mature trees onsite.

Characteristics of Adjoining Properties, Neighborhood: The other lots in the immediate area are similar in size, shape. Adjacent parcels to the north, east, and west are zoned R-4 (Single Family Residential). Surrounding uses are all residential and include single family homes, single family attached dwellings.

PROPOSAL: The applicant seeks a variance to reduce the south side yard setback from 7 feet to 4.3 feet for construction of a covered porch.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The minimum lot frontage for the R-4 (Single Family Residential) zoning district is 70 feet; however, the subject lot has a frontage of 57 feet; thus, deficient in frontage by 13 feet. Similarly, the subject lot's area is 7,967 square feet, deficient by 1,033 square feet. Therefore, Staff finds lot size as 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 due to lot size. The existing residential structure encroaches 5.2 feet into the side yard setback. As proposed, the requested 4.3 feet entitlement for the porch would not increase nonconformity. The requested encroachment is unlikely to negatively impact any of the surrounding properties. 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 conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The 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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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-23-173 for 879 Sims Street SW

DATE: March 7, 2024

The applicant seeks a variance to reduce the required front porch width from 12 feet to 9.5 feet for the construction of a single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 30 feet on the west side of Sims Street and begins approximately 320 feet from the southwest of Rockell Street and Sims Street. This property is in Land Lot 86 of the 14th District, Fulton County, Georgia. It is in the Pittsburgh Neighborhood of NPU-V, Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned R-4B (Single Family Residential)
- Minimum lot dimensions: Frontage: 40 feet; Minimum lot area: 2,800 square feet
- Minimum yard setbacks: Front yard: 20 feet; Side yard setback: 5 feet; Rear yard setback: 15 feet.
- Maximum lot coverage: No to exceed 85% of the total lot area.
- Front Porches:
 - a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
 - b. Front porches, when required, shall:
 - i. Be a minimum of 12 feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
 - ii. Contain roofs, a minimum of six-inch wide porch roof supports, and steps.

Property Characteristics: The subject property is a rectangular-shaped lot with an area of 2,944 square feet (0.068 acres) along Sims Street Southwest. The property abuts a 10-foot alley along the rear property line. The property is currently undeveloped and the applicant seeks to build a 3-story single-family dwelling of 1,856 square feet. Access to the property is proposed to be provided via curb cut and driveway.

Characteristics of Adjoining Properties, Neighborhood: The adjoining properties to the north and south have the same lot area and width as the subject property. Both adjoining properties have wide front porches and no car garages. The property to the south was built in 2023 and has double 16-foot wide front porches (one on the first floor and another one on the second floor) and a driveway along the side property. The adjoining property to the north was built in 1920. The house sits approximately 7 feet higher from the street. It has a retaining wall along the front property line and front steps without driveway or car garage. The lots across the street also have front porches and no car garages.

There are a total of 20 lots that face Sims Street on both sides of the street between Rockwell Street and Gardner Street. 10 out of the 20 lots have 30-foot widths, 9 lots have widths greater than 30 feet, and just 1 has a width less than 30 feet. 3 out of 20 lots have front porches with less than the required 12-foot width and only 1 lot has a front entry garage, whereas the remaining lots do not have garages. Some lots may have front driveways but there are some lots that do not have driveways. All 20 lots meet the minimum lot area required for the R-4B Zoning District.

PROPOSAL: The applicant seeks to reduce the required front porch width from 12 feet to 9.5 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 16-06B.012 (1) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property is a rectangular shaped lot. The site is deficient in lot width by 10 feet. The R-4B Zoning District requires a minimum lot width of 40 feet. The site does, however, exceed the minimum lot area by 144 square feet. There is no substantial topography on the site. Staff is of the opinion that the width deficiency of the lot creates an exceptional condition.
- 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 seeks to reduce the front porch width in order to accommodate the front-entry garage, which takes approximately half of the maximum width of the building. The 12-foot front porch width requirement is specifically mentioned in the R-4B requirements, whereas the code only requires a 1 off-street parking space, which can be accommodated on the driveway without the need for a garage. Staff is of the opinion that the application of the zoning regulations would not create an unnecessary hardship. The applicant could choose not to build a front-entry garage or redesign his floor plan to accommodate the required front porch width just as the other lots in proximity to the site that have the same width and no front entry garages with wider front porches.
- c. **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the existing lot width deficiency is not unique to this piece of property but can be found on other properties along Sims Street. Given that the site is undeveloped, the applicant could redesign his floor plan configuration to accommodate the required front porch by relocating or removing the garage. The desire to accommodate the garage makes it necessary for the applicant to obtain a variance for the front porch requirement.

- 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.** Staff is of the opinion that the variance request impairs the purposes and intent of the Zoning Ordinance. Given that the majority of the single-family dwellings along Sims Street between Rockwell Street and Gardner Street have wider front porches, granting the variance request may change the existing look, feel and character on the street.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, AICP, Director



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Commissioner

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Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-23-206 for 2196 Fairhaven Circle NE

DATE: March 7, 2024

Applicant seeks a variance to increase the maximum lot coverage from 50% to 60% to construct a deck.

FINDINGS OF FACT:

Property Location: The subject property fronting 40 feet on the west side of Fairhaven Circle and beginning approximately 515 feet from the southwest intersection of Mobile Avenue and Fairhaven Circle. The property is located in Land Lot 102 of the 17th District, Fulton County, Georgia. It is located in the Peachtree Hills Neighborhood of NPU-B, Council District 7.

Relevant Zoning Requirements:

- The subject property is zoned R-4/BL (Single Family Residential/Beltline Overlay).
- 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
- Max lot coverage for R-4: 50%

Property Characteristics: The subject property is a rectangular shaped lot with approximately 40 feet of street frontage and 5,425 square feet (0.124 acres) of area. The property is developed with a single-family dwelling.

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).

PROPOSAL: The applicant seeks a variance to increase the maximum lot coverage from 50% to 60% to construct a deck.

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 frontage and size for its zoning designation. The lot is irregularly sized limiting the building area. Therefore, Staff finds size and frontage as the extraordinary and exceptional condition 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. The lot is undersized, deficiency in width limits the overall building. 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 conditions identified above appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life and housing, 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



ANDRE DICKENS
MAYOR

CITY OF ATLANTA

JAHNEE R. PRINCE, AICP
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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-24-007 for 335 Atlanta Avenue SE

DATE: March 7, 2024

Applicant seeks a variance from the zoning regulation to exceed the maximum total floor area allowed for an accessory structure from 30% of the main structure to 39.8% of the main structure for construction of an accessory structure for an existing single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the south side of Atlanta Avenue and begins at the southwest intersection of Grant Street and Atlanta Avenue. The property is located in Land Lot 42 of the 14th District, Fulton County, Georgia. It is located in the Grant Park Neighborhood of NPU W, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned: RG-2/HC20KSA1/BL (Residential General/Grant Park/BeltLine).
- Minimum yard setbacks: Front yard: 40 feet; Rear yard: 7 feet; Half-depth front yard: 20 feet; *Formulas determining minimum open space requirements adjacent to walls:* Minimum distance from walls to lot lines or building site lines for buildings or portions of buildings containing living quarters shall be computed as follows, where D = depth in feet, L = length in feet, and S = height in stories.
 - a. *Distance requirements:* $D = 4 + s + L/10$
- Minimum lot requirements for single-family and two-family detached dwellings: Lot Area: 1,000 square feet; frontage: 20 feet

Property Characteristics: The subject property is a rectangular corner lot of approximately 11,100 square feet (0.255 acres) of area and 60-foot of frontage. The topography inclines approximately 8 feet along the east side of the property. 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. Adjacent parcels to the west are zoned RG-2 (Residential General). Adjacent parcels to the north, south, and east are zoned R-5 (Two-Family Residential).

PROPOSAL: Applicant seeks a variance from the zoning regulation to exceed the maximum total floor area allowed for an accessory structure from 30% of the main structure to 39.8% of the main structure for construction of two-story guesthouse and workshop.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.004(3) of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property is located on a regular corner lot that meets the size standards of the RG-2 district. The topography inclines approximately 8 feet along the east side of the property. Therefore, Staff finds topography as the extraordinary condition pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would not cause an unnecessary hardship. The site lacks exceptional conditions that impact the size of the proposed guesthouse and workshop. The site has topography along the eastern side yard and the existing single-family home encroaches into the half-depth front yard by 5.3 feet, but neither factor impacts the size of the proposed structure. The applicant has indicated that the primary structure on the property is a 1928 historic home. Building onto the historic home could impose an economic hardship in maintaining the architectural compatibility of the structure's façade. Still, it is within the means of the homeowners to construct a smaller, usable accessory structure that meets the zoning district's requirements. The strict application of the zoning regulations would yield an accessory structure that is 565.2 square feet. Therefore, Staff does not support the proposed request.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions are peculiar to the particular piece of property. The existence of similar conditions on neighboring properties confirms the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the proposed variance to be reasonable.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, AICP, Director



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ANDRE DICKENS
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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-24-008 for 867 Brookhaven Court NE

DATE: March 7, 2024

Applicant seeks a special exception to construct active recreation (swimming pool) on the south side adjacent to the street.

FINDINGS OF FACT:

Property Location: The subject property fronts 56.70 feet on the east side of Brookhaven Springs Court and beginning approximately 114 feet from the southeast intersection of Brookhaven Springs Drive and Brookhaven Springs Court. Zoned R-3 (Single Family Residential). Land Lot 42 of the 17th District, Fulton County, Georgia.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single Family Residential).
- Minimum yard setbacks: Front yard: 50 feet; side yard: 10 feet; rear yard: 20 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 18,000 square feet; frontage: 100 feet

Property Characteristics: The subject property is an irregularly shaped lot with approximately 53 feet of street frontage and 23,219 square feet (0.533 acres) of area. The property is currently developed with a 2-story residential structure. The topography varies across the lot, approximately a 4-foot difference in elevation between the highest point at the rear of the house to the lowest point in the front. There are mature trees onsite.

Characteristics of Adjoining Properties, Neighborhood: The other lots in the immediate area vary in their size, shape, and area. Adjacent parcels to the north, south, east, and west are also zoned R-3 (Single Family Residential).

PROPOSAL: The applicant seeks a special exception to construct active recreation (swimming pool) in the south side adjacent to a street.

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. **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 applicant proposes locating the pool and spa at the side of the two-story residence. The house is located in a cul-de-sac with an existing fence lining the homes along the adjacent street. The upward sloping topography allows little to no visibility to nearby properties.
- b. **The area for such activity could not reasonably be located elsewhere on the lot.** Due to the lot being in a cul-de-sac and the number of mature trees in the rear of the existing residential structure, the most reasonable location for the proposed pool is the side of the existing residential structure. 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, AICP, Director



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

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

DATE: March 7, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronting 59 feet on the north side of Gordon Avenue and beginning 172.9 feet from the northwest intersection of Dekalb Avenue and Gordon Avenue. The property is located in Land Lot 211 of the 15th District, DeKalb County, Georgia. It is located in the Lake Claire Neighborhood of NPU N, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-5 (Two Family Residential)
- Minimum yard setbacks: Front yard: 30 feet; side yard: 7 feet; rear yard: 7 feet.

Property Characteristics: The subject property is a rectangular lot with approximately 59 feet of street frontage and 5,866 square feet (0.134 acres) of area. There is a new two-family structure on the property. Vehicular access is provided via a curb cut on Gordon Avenue and shares a driveway with 293 Gordon Avenue. The topography is relatively flat, and 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-5. Surrounding uses appear to be single and two-family structures.

PROPOSAL: The applicant seeks a variance to reduce the south side yard setback from 7 feet to 3 feet for construction of a duplex. During the building permit review, the Arborist Division with the City of Atlanta Office of Buildings requested that the applicant preserve the critical root zone of a tree on the north side yard setback, and the building was shifted. However, the building in question currently encroaches into the required side yard, and the building permit was approved in error by the Office of Buildings. The Land Development Division with the Office of Zoning requires the applicant

to request the variance in order to approve the zero-lot line application. Therefore, in order for the applicant to redevelop the site according to the request of the Arborist Division and the Land Development Team, a variance is required.

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.** This site is not deficient in size or width for its zoning designation, nor does it have an irregular shape or topography. Therefore, staff has not identified any 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.** Although the site lacks any deficiency that would typically make it qualify for a variance, a City agency has requested the applicant preserve the tree on the north side yard and required the applicant to shift the building. The part of the structure that encroaches on the setback is the front door of the rear unit. If this variance were not granted, the applicant would be forced to demolish the structure and propose a new build that meets all agency requirements to protect the tree while simultaneously abiding by the setback requirements. Another outcome would be requiring the applicant to demolish the front door and move it to another location, which would trigger a variance for the front door facing the street in the R-5 district. Both potential outcomes are undesirable, as the vacant lot could induce blight and delay housing availability in the community. Therefore, Staff finds the proposed request to be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions appear peculiar to the particular piece of property involved; however, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not cause substantial detriment to the public good, the building encroaches on the setback to the adjoining new two-family structure also constructed on 293 Gordon Avenue. The proposal would not impose upon the adequate light and/or air on the adjacent properties. The applicant has proved adequate space between the two parcels for parking and meets fire code requirements. 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.

V-23-186 for 297 Gordon Avenue, N.E.

March 7, 2024

Page 3 of 3

RECOMMENDATION: TECHNICAL DENIAL – The subject property does not satisfactorily meet the criteria for topography. For the sole reason that it does not meet all the criteria, Staff is not recommending approval of the requested variance. However, approval of the requested zoning relief would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance.

cc: Keyetta M. Holmes, AICP, Director



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Office of Zoning and Development

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: March 7, 2024 (*Deferred January 11, 2024*)

Applicant seeks a special exception to reduce the required minimum parking from 5 parking spaces to 4 parking spaces, a variance to reduce the west 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Joseph E. Boone Boulevard beginning 178 feet from the southwest intersection of Anderson Avenue and Joseph E. Boone Boulevard. The property is located in Land Lot 175 of the 14th District, Fulton County, Georgia. It is located in the Dixie Hills Neighborhood of NPU-J, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned C-1 (Community Business District).
- Section 16-08.010(4) – Minimum off-street parking required: 1.1 spaces per unit.
- Section 16-11.006(3) – Transitional uses, structures, requirements. Transitional yards:
 - *Side yard:* Adjacent to an R district without an intervening street, 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or storage activity and shall be planted and/or maintained in a natural state.
 - *Rear yard:* There shall be a rear yard of 20 feet when adjacent to an R district that shall not be used for parking, or paving or for purpose of parking, loading or servicing.

Property Characteristics: The subject property is a rectangular shaped lot with approximately 52 feet of street frontage and 7,371 square feet (0.17 acres) of area. The property is currently vacant and undeveloped. Vehicular access is provided via an alley accessible from the rear of the site. The topography rises significantly across the site, with approximately a 24-foot difference between the highest and lowest points. The trees on site have been cleared.

Characteristics of Adjoining Properties, Neighborhood: Other lots in the immediate area vary slightly in size and shape due to the irregular street pattern in some locations, but otherwise are fairly consistent. The parcels to the north, west, and south are zoned R-4A (Single Family Residential District). The parcels to the east are zoned C-1 (Community Business District).

PART I

PROPOSAL: The applicant seeks 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 six multifamily dwelling units in two buildings (three each). The original proposal was based on a request for four detached dwelling units but was amended to the aforementioned program.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** There is a significant change in topography across the lot, especially at the frontage where the lot meets the public right of way. Furthermore, C-1 zoning does not establish true minimums for lot area and width, but this lot is relatively small compared to its required transitional yards. Therefore, Staff finds topography as the extraordinary and exceptional conditions regarding this property, with additional consideration taken with regard to its size.
- 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 development from being constructed. Strict application of the zoning requirement would result in most of this lot not being buildable without a rezoning request. As mentioned, C-1 zoning regulations do not establish a fixed minimum lot width or area, but this lot is approximately 50 feet wide, meaning a 20-foot undisturbed transitional yard would occupy almost half of the site horizontally, as well as a significant portion of the rear yard. In order to provide vehicular access from Joseph E. Boone Boulevard, the buildings on site must be located closer to the rear. Any type of development that retains the C-1 zoning of the site would likely have to apply for similar variances to make a development feasible. The lack of development on the site to date suggests that the current entitlements are restrictive and limit the viability of the site. Furthermore, the applicant proposes an intensity of use that seems compatible with this area, which is supported by the fact that multifamily developments with a Floor Area Ratio similar to this proposal are allowed by right. Approval of these entitlements changes would facilitate new development in an underserved area. Finally, the site is separated from the nearest active residential development to the south by a large alleyway and then multiple parcels owned by Atlanta Gas and Light that are occupied by active utilities infrastructure; impact to surrounding properties is minimal. Therefore, Staff is of the opinion that the proposed requests are reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar

conditions on adjoining neighborhood properties does not negate the desirability of this proposal.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to 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.

PART II

PROPOSAL: The applicant originally sought a special exception to reduce the required minimum parking from 5 parking spaces to 4 parking spaces, however the plans were amended on January 29, 2024 to a development program requiring 6 spaces, which are also provided by the new proposal. Therefore, the special exception portion of the request is no longer applicable.

RECOMMENDATION: APPROVAL of PART I, the variance request, and DENIAL WITHOUT PREJUDICE of PART II, the special exception request.

cc: Keyetta M. Holmes, AICP, Director