



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-23-130 for 2110 Peachtree Road NW** (*Deferred November 9, 2023, January 11, 2024*)

DATE: March 14, 2024

The applicant seeks a variance to reduce the front yard 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.

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

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, AICP, Director



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-23-138 for 2100 Peachtree Road NW** (*Deferred November 9, 2023, January 11, 2024*)

DATE: March 14, 2024

The applicant seeks a variance to reduce the front yard 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.

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

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, AICP, Director



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-23-191 for 2761 Alpine Road NE

DATE: March 14, 2024

Applicant seeks a special exception to increase the height of the fence in the front and half-depth front yard from 6.5 feet to 8 feet.

The application has requested a withdrawal of this application. Staff was not supportive of the request to further increase the fence height. Staff supports the decision to withdraw this request.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, AICP, Director



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-23-193 for 985 McDaniel Street SW

DATE: March 14, 2024

Applicant seeks a variance to reduce the half-depth front yard from 20 feet to 5 feet, reduce the southern side yard from 11.5 feet to 5 feet, and reduce the rear yard from 11.5 feet to 7 feet.

The applicant was unable to meet with NPU V at their February General Body meeting and the NPU therefore recommended deferral of this case to their next available agenda. Staff supports the deferral so that the NPU may provide a recommendation.

RECOMMENDATION: DEFERRAL – APRIL 4, 2024

cc: Keyetta M. Holmes, AICP, Director



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 of the Board *AMB*

SUBJECT: V-23-194 for 100 Park Avenue SE

DATE: March 14, 2024

Applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 9.7 feet for the construction of a new single-family dwelling.

The NPU deferred the case to their general meeting in March since the applicant was not in attendance. Staff is supportive of a deferral.

STAFF RECOMMENDATION: DEFERRAL –MAY 2, 2024

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS
MAYOR

CITY OF ATLANTA
DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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-23-205 for 1055 Lanier Boulevard NE

DATE: March 14, 2024

Applicant seeks a variance to reduce the half-depth front yard from 17.5 feet to 12 feet for construction of a new single family dwelling.

The applicant is requesting a deferral to have time to make the necessary changes recommended by the community regarding their proposal. Staff is supportive of the request.

STAFF RECOMMENDATION: DEFERRAL TO APRIL 4, 2024



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-23-193 for 1461 Boulevard Lorraine SW

DATE: March 14, 2024

Applicant seeks a special exception to 1) increase the height of the privacy fence (more than 50% opacity) on the south side half depth yard from the required 4 feet to 6 feet and 2) increase the height of the privacy fence (more than 50% opacity) on the east side front yard from the required 4 feet to 6 feet.

Staff recommends a deferral of this case due to an advertisement error regarding the requested entitlements.

RECOMMENDATION: DEFERRAL – May 2, 2024

cc: Keyetta M. Holmes, AICP, Director



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-24-006 for 846 Fraser Street SE

DATE: March 14, 2024

Applicant is seeking a variance to reduce the required front yard setback from 30 feet to 15 feet for the construction of a new single-family dwelling.

The applicant was unable to meet with the neighborhood association, an NPU prerequisite. Therefore, the applicant is requesting a deferral. Staff is supportive of the request.

RECOMMENDATION: DEFERRAL TO JUNE 2024

cc: Keyetta M. Holmes, AICP, Director



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-24-013 for 885 Beaverbrook Drive NW

DATE: March 14, 2024

Applicant seeks a special exception to enlarge a non-conforming structure for construction of an addition.

Further analysis of this application revealed that the proposal did not increase the degree of nonconformity of the structure; therefore, no special exception is required.

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS
MAYOR

CITY OF ATLANTA

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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-24-015 for 223 Randolph Street NE

DATE: March 14, 2024

Applicant seeks a variance from the zoning regulation to (1) reduce the front yard setback from 30 feet to 10 feet, (2) reduce the north side yard setback from 7 feet to 0 feet, (3) increase the lot coverage from 55% to 70%, and (4) relief from the minimum six-inch wide porch roof supports for construction of a new single-family dwelling.

The NPU has requested to defer this application. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – MAY 2, 2024

cc: Keyetta M. Holmes, AICP, Director



CITY OF ATLANTA

ANDRE DICKSON
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-23-161 for 408 Woodward Avenue SE

DATE: March 14, 2024

The applicant seeks a special exception to reduce the required minimum parking from 70 spaces to 16 spaces for construction of a new church.

FINDINGS OF FACT:

Property Location: The subject property fronts 100 feet on the north side of Woodward Avenue and beginning 150 feet from the northeast intersection of Oakland Avenue and Woodward Avenue. The property is located in Land Lot 44 of the 14th District, Fulton County, Georgia. It is in the Grant Park Neighborhood of NPU-W in Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned SPI-22 SA4/HC20KSA2 (Memorial Drive/Oakland Cemetery/Grant Park Overlay).
- Sec. 16-26.006 – Special Exceptions. In addition to the special exceptions enumerated in chapter 25 which the board of zoning adjustment is empowered to consider, the board may also 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.
- Off-site parking requirement:
 - Churches, recreation or community centers, and other places of assembly
 - Minimum Parking Requirement: 1.0 space for each four fixed seats (with 18 inches if bench length counted as one seat); or 1.0 space for each 35 sq. ft. of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater.

- Office (also subject to Section 16-18V.019(4))
 - Minimum Parking Requirement: Subarea 4: 3.0 spaces per 1,000 sq. ft.
- Eating and Drinking Establishments
 - Minimum Parking Requirement: Subareas 3 & 4: 3.0 spaces per 1,000 sq. ft. or 1.5 spaces per 1,000 square feet when located in a mixed-use building or none.

Property Characteristics: The subject property is an irregularly shaped corner lot located at the intersection of Woodward Avenue and Oakland Avenue. The property consists of approximately 0.6 (27,007 square feet) of acreage. The site is currently undeveloped with a surface parking lot. Curb cuts are located on Woodward and Oakland Avenues. The property has minimal vegetation, consisting of manicured grass, bushes, and trees set back from the street and on the property. The property is relatively level.

Characteristics of Adjoining Properties, Neighborhood: The subject property is currently zoned SPI-22 SA4/HC20KSA2 – Grant Park (Memorial Drive/Oakland Cemetery Special Public Interest District/Grant Park Historic District Commercial Subarea II). The lots in the immediate area vary in both size and shape. The surrounding zoning to the north is zoned SPI-22 SA4/HC20KSA2 – Grant Park (Memorial Drive/Oakland Cemetery Special Public Interest District/Grant Park Historic District Commercial Subarea II). To the east, properties are zoned SPI-22 SA4/HC20KSA2 – Grant Park (Memorial Drive/Oakland Cemetery Special Public Interest District/Grant Park Historic District Commercial Subarea II) and R-5/HC20KSA2 – Grant Park (Single Family Residential/ Grant Park Historic District Commercial Subarea II). To the South, R-5/HC20KSA2 – Grant Park (Single Family Residential/ Grant Park Historic District Commercial Subarea II), and to the West, SPI-22 SA4/HC20KSA2 – Grant Park (Memorial Drive/Oakland Cemetery Special Public Interest District/Grant Park Historic District Commercial Subarea II), I-1/ HC20KSA2 – Grant Park (Light Industrial District/ Grant Park Historic District Commercial Subarea II), and R-5/HC20KSA2 – Grant Park (Single Family Residential/ Grant Park Historic District Commercial Subarea II).

PROPOSAL: The applicant seeks a special exception to reduce the required minimum parking from 70 spaces to 16 spaces for construction of a church in a mixed-use development.

The proposed building will have a suite for church activities on nights and weekends, a co-working office suite, and shared spaces such as conference rooms, restrooms, and a lobby. Additionally, there will be a surface parking lot and a walk-up window for coffee and pastries.

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. The proposed

urban infill project involves the development of a suite for church activities, a co-working office space, and shared areas such as conference rooms, restrooms, and a lobby. The project aims to become an amenity for the Grant Park and surrounding neighborhoods.

The church, called Intown Lutheran, is a small and community-focused church with most members living nearby. The largest church gathering, Sunday morning service, is expected to have an average of fifty attendees. As the church is located on a block with no parking issues, there is not expected to be a large demand for parking. Sunday morning services, on average, have around thirty attendees. Many of the church members are young families with children who arrive in the same car, while others live nearby and will walk, bike, or carpool. Several members do not own a vehicle and will arrive via ride-share. The property is less than a thousand feet from four MARTA bus stops and about a third of a mile from King-Memorial MARTA station. Members and visitors will regularly use MARTA. The potential to-go walk-up coffee window for neighbors will not have indoor seating and will not require parking. The office tenants and those attending church activities will use the provided off-street parking spaces at different times. Sixteen spaces satisfy the office demand per zoning. The property seeks to activate and be an amenity to Grant Park and the surrounding neighborhoods. Therefore, the character and use of the building will make the full provisions of parking facilities unnecessary.

The sanctuary, which can accommodate 150 chairs, is required to have one parking space per 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room. The sanctuary is 2,000 square feet, equal to 58 parking spaces. The café and office uses are covered by the 16 spaces provided. The café is required to have four parking spaces per 1,000 square feet. The café is 147 square feet, which equals one parking space. The office is required to have three parking spaces per 1,000 square feet. The office is 3,000 square feet, which equals nine parking spaces. The sanctuary, café, and office will have specific hours of operation. The office and accessory café will be open from 8 am to 6 pm Monday through Friday. The church's hours are Monday through Friday after 6 pm and Sunday 8 am to 5 pm. Occasionally, small events on Saturdays will not overlap with the office and café operations.

Bible classes will be held throughout the week after 6 pm, and worship services will be on Sundays 9 am - 11 am. There will be occasional events on Saturdays or Sunday afternoons after worship. The café and office spaces will have one employee each during the day. The tenants in the office space will have access to the 16 provided spaces, dedicated bicycle parking, MARTA, and street parking. Some tenants will be residents of Grant Park and will walk. The church provides ride-share rides for some of its members who do not own a car. There will be dedicated bicycle parking on the site in addition to what's already provided. Some church members bike to services, and some office tenants and church members will arrive by MARTA (King Memorial Station and several bus stops).

It is worth noting that the immediate neighbors and the neighborhood support the project. Considering all these factors, staff finds that reducing parking from 70 to 16 spaces is reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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-23-192 for 905 Coleman Street SW

DATE: March 14, 2024

Applicant seeks a variance to reduce the side yard setbacks from 5 feet to 3 feet for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 25 feet on the west side of Coleman Street and beginning approximately 277 feet from the northwest intersection of Mary Street and Coleman Street. Zoned R-4B (Single Family Residential). Land Lot 87 of the 14th District, Fulton County, Georgia. Located in the Pittsburgh Neighborhood of NPU-V, Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned R-4B (Single Family Residential).
- Minimum yard setbacks: Front yard: 20 feet; side yard: 5 feet; rear yard: 5 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 2,800 square feet; frontage: 40 feet

Property Characteristics: The subject property is a regularly shaped lot with approximately 25 feet of street frontage and 2,500 square feet (0.057 acres) of area. The property is currently undeveloped on a lot smaller than those on the street.

Characteristics of Adjoining Properties, Neighborhood: The other lots in the immediate area vary in their size, shape, and area. All adjacent parcels to the north, south, east, and west are also zoned R-4B (Single Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the side yard setbacks from 5 feet to 3 feet for the construction of a new 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 frontage for its zoning designation. The lot is only 2,500 square feet of the required 2,800 square feet and the 25 feet frontage does not meet the required 40 feet of frontage for the R-4B zoning district. Therefore, Staff finds the width and lot size 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 development from being constructed as requested, Furthermore, the lot is undersized and deficient in width, limiting the buildable area. Strict adherence to the zoning ordinance would create further limitations. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the piece of property involved.** Lot size and width deficiencies and mature trees are conditions peculiar to this subject property. Staff is unaware of similar conditions on adjacent or nearby parcels.
- 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. Thus, Staff finds the requested variance to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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-23-195 for 542 Mary Street SW

DATE: March 14, 2024

The applicant seeks a variance to reduce the east and west setback from 5 feet to 3 feet to building a single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 27 feet on the south side of Mary Street and beginning approximately 61 feet from the southeast intersection of Hobson Street and Mary Street. This property is in Land Lot 87 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: 5 feet.

Property Characteristics: The subject property is a regular shaped lot of approximately 2,699 square feet (0.062) with 27 feet of frontage on the south side of Mary Street. The site is undeveloped and has no curb cut or driveway access. The topography of the lot slopes down from the front property line toward the rear property line by 10 feet. There are three trees on site.

Characteristics of Adjoining Properties, Neighborhood: The abutting lot to the west has similar width, lot area, and shape. The lot to the east meets the minimum required width and exceed the min lot area. The other lots in the block vary in size and width. Some of the houses on the block are old and narrow single-family structures that appear vacant and in disrepair. Other lots have recently improved structures in good condition.

PROPOSAL: The applicant seeks a variance to reduce the east and west setback from 5 feet to 3 feet to building 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.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.** There are extraordinary conditions regarding the size of the width and size of the lot. The subject property is deficient in width by 13 feet and deficient in size by 100 square feet. Additionally, the lot has steep topography, as it slopes down by 10 feet from the front property line to the rear property line.
- 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 will decrease the buildable area to an already substantially narrow lot. The house would have to be 17 feet wide without granting the variance. The applicant is proposing to build a 21-foot wide house, hence the variance setback reduction request. Therefore, Staff is of the opinion that the request is reasonable given the constraints of the lot.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing conditions of the lot in terms of width, size, and topography are unique to this specific property. The abutting property to the east is also deficient in width, however it has an existing structure already built on the lot. Therefore, Staff is of the opinion that the lot conditions are particular to this piece of 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.** 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 variance requests reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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 Blatch, Secretary to the Board *AMB*

SUBJECT: V-24-010 for 1500 North Highland Avenue NE

DATE: March 14, 2024

The applicant seeks a variance to reduce the required south side yard setback from 7 feet to 3.5 feet for construction of an addition to the principal structure.

FINDINGS OF FACT:

Property Location: The subject property fronts 40.9 feet on the west side of North Highland Avenue and begins at southwest intersection of Cumberland Road and North Highland Avenue. 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.

Property Characteristics: The subject property is a regular-shaped lot with an area of 9,566 square feet (0.22 acres) and a frontage of 40.90 feet along Burton Street. The property is currently developed with a one-story single-family dwelling, driveway, concrete walk, and porch. There are scattered trees and vegetation. Access is provided via curb cut on Cumberland Road.

Characteristics of Adjoining Properties, Neighborhood: Adjoining lots vary in width, lot area, and shape. All adjoining lots are developed with single-family dwellings and are zoned R-4 (Single Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the required south side yard setback from 7 feet to 3.5 feet to construct a bathroom addition to the principal structure.

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 lot has a regular shape and is not deficient in area. The lot does not have steep topography. However, the subject property is deficient in width by 4.6 feet as measured from the point of curve shown on the survey. Staff is of the opinion that the deficiency in width is an exceptional condition, as it is not conforming to the R-4 minimum width of 70 feet.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The strict application of the zoning ordinance would create an unnecessary hardship to the property owner. The applicant articulated that there is currently only one bathroom in total and seeks to add a second bathroom of approximately 96 square feet to the master bedroom. The only feasible location for the master bedroom bathroom addition is in the area proposed. Additionally, the applicant is using the area for the previous porch, which previously encroached in the setback, for location of the proposed addition.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing conditions of the site in terms of the size, width, shape, and existing improvement configuration are unique to the subject property. The reduction in setback appears reasonable given the existing conditions and proposed 96 square foot addition. Staff is unaware of the existence of similar conditions on adjoining or nearby neighborhood 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 variance request would not impose upon adequate light and/or air on the adjacent properties, or provides any potential impediment to emergency access. There appears to be sufficient distance between the proposed addition to the existing house structure located on the abutting property to the south. 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.

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

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-24-011 for 1832 Sumter Street NW

DATE: March 14, 2024

Applicant seeks a variance to reduce the front yard setback from 35 feet to 31 feet for construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 80.02 feet on the south side of Sumter Street and beginning approximately 482.3 feet from the southwest intersection of Maid Lane and Sumter Street. The property is located in Land Lot 230 of the 17th 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 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.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50% percent of the total lot area.

Property Characteristics: The subject property is an interior lot with an irregular shape, covering approximately 9,572 square feet (0.22 acres) of area and having 80.02 feet of frontage. The lot narrows about 110 feet from the front to the rear. Presently, there is a one story single family home with a front porch situated on the property. The access to the property is through a driveway on Sumter Street, which ends on the west side of the house. The topography of the land is relatively flat with a rise in the topography from the west property line at the front to the rear. The property has a 25-foot state buffer at the back, and there is a ditch running along the rear of the lot. The property has multiple trees of varying sizes, with the rest of the lot covered in grass.

Characteristics of Adjoining Properties, Neighborhood: There are various lots in the immediate area that differ in size and shape. The property to the north, east, and west of the property has single-family dwellings with R-4 (Single Family Residential) zoning. The properties to the south of the property are developed with commercial and industrial use and are zoned I-1 (Light Industrial).

PROPOSAL: Applicant seeks a variance to reduce the front yard setback from 35 feet to 31 feet for construction of a new single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property covers an area of 9,572 square feet and has a width of 80.2 feet, making it compliant with the lot size and width requirements. The topography of the land is predominantly leveled, with a slight increase in elevation from the front of the western property line to the rear. The lot has a 25-foot State buffer at the back, and a ditch runs along the rear of the property. Although the property satisfies the zoning requirements for a Single Family Residential (R-4) lot, it has an irregular shape. Therefore, the staff considers the lot's shape as the exceptional and extraordinary condition for 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.** Adhering to the zoning regulations for the proposed construction of a home on the property would be difficult due to its unique characteristics. The triangular rear yard and the presence of a ditch containing a 25 foot state buffer along the rear property line make it necessary to seek a variance. The irregular shape of the rear yard poses challenges in adhering strictly to the existing setback requirements. Additionally, the presence of a ditch along the rear property line, with its associated 25 foot state buffer, further limits the feasible areas for construction. Moreover, the driveway would endanger a tree, resulting in the house not being centered on the lot.

Considering these constraints, the applicant is seeking a variance to reduce the front yard setback from 35 feet to 31 feet. The applicant is hoping with the approval of the request, the construction of a home will align with the style and conformity of other residences within the neighborhood. The buildable area for this property is limited due to the state buffer requirements, which means that no above-ground improvements, such as land disturbance or trimming of vegetation, are allowed unless authorized by the City's Department of Watershed Management. The Georgia Department of Community Affairs and the City of Atlanta Department of Watershed Management regulate the property's buffer requirements. This condition significantly restricts the applicant's ability to construct on the buffer.

The application of the zoning regulations would cause an unnecessary hardship by preventing proposed improvements to the subject property. The subject property meets the minimum lot area and the lot frontage for the zoning designation. Therefore, Staff is of the opinion that the irregular shape of the lot and the 25-foot stream buffer all contribute to the reasonableness of the requested variance.

- c. **Such conditions are peculiar to the particular piece of property involved.** The subject lot has a triangular-shaped rear, making this lot irregularly shaped. There are irregularly shaped lots in the surrounding area, resulting in some interior lots having an irregular shape. Such lots can also be found on adjacent properties along the block face. However, the site under consideration has a ditch and stream buffer. Staff has not identified similar conditions on

adjoining 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. 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.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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-24-012 for 1612 Orlando Street SW

DATE: March 14, 2024

Applicant seeks a variance to reduce the front yard setback from 35 feet to 31 feet for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the west side of Orlando Street and begins approximately 1,070 feet from the southwest intersection of Cascade Avenue and Orlando Street. The property is located in Land Lot 151 of the 14th District, Fulton County, Georgia. It is located in the Cascade Avenue/Road Neighborhood of NPU S, Council District 4.

Relevant Zoning Requirements:

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

Property Characteristics: The subject property is a regular shaped lot with 60 feet of frontage and 8,990 square feet (0.206 acres) of area. It is developed with the foundation of a demolished single-family residential structure. Vehicular access is provided by a curb cut via Orlando Street. Topography declines from the front property line towards the rear. There are no trees present on the site.

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

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 31 feet for the construction of a new single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in width by 10 feet and it is minimally deficient in lot area per the R-4 regulations. Topography declines from 20 feet from the front property line to the rear. The existing foundation encroaches into the front yard setback and has a topographical decline of 10 feet from the rear of the foundation to the rear property line which may have an impact on the proposal. Therefore, Staff finds lot width and topography as the extraordinary and exceptional conditions associated with this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the regulations would create an unnecessary hardship because of the irregularities of the lot regarding the lot width and topography. The existing foundation currently encroaches into the front yard setback by approximately 4 feet. The proposed construction will not encroach any further into the setback. Therefore, Staff is of the opinion that the proposal is reasonable considering the non-conforming conditions of the lot and the existing encroachments.
- c. **Such conditions are peculiar to the particular piece of property involved.** The proposed encroachment is peculiar as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS
MAYOR

CITY OF ATLANTA

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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-24-014 for 845 Flat Shoals Avenue SE

DATE: March 14, 2024

Applicant seeks a special exception to reduce the required off-street parking from 32 spaces to 14 spaces for a new restaurant.

FINDINGS OF FACT:

Property Location: The subject property fronts 100 feet on the south side of Flat Shoals Avenue, beginning at the southeast intersection of Flat Shoals Avenue and Cavanaugh Avenue, S.E. The property is located in Land Lot 146 of the 15th District, DeKalb County, Georgia. It is located in the East Atlanta Neighborhood of NPU-W, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned C-1 (Community Business District)
- Section 16-32.023(h) – Minimum off-street parking requirements.
 - Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

Property Characteristics: The subject property is an irregularly shaped lot with approximately 100 feet of street frontage and 12,500 square feet (0.28 acres) of area. The property is currently occupied by an existing one-story structure with two commercial storefronts. Suite A is currently

used by a catering/meal preparation business. The applicant plans to occupy suite B. Vehicular access is provided via two curbs cut along Flat Shoals Avenue. The topography is mostly flat. There is a small amount of landscaping and vegetation on site, but it is mostly paved.

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, east, and west are all zoned C-1 (Community Business District).

PROPOSAL: The applicant seeks a special exception to reduce the required off-street parking from 32 spaces to 14 spaces for a new eating and drinking establishment to locate in the existing suite B. The property currently has 10 parking spaces onsite. The applicant is proposing to add four additional spaces for a total of fourteen off-street parking spaces. The applicant proposes a maximum of 5 employee parking spaces and seven customer parking spaces. The applicant has reached out to the owner of the adjoining property owner to potentially establish a shared parking agreement; however, a shared parking agreement is not feasible at this time.

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 start a new eating and drinking establishment serving the East Atlanta Neighborhood. The applicant has provided site plans illustrating the parking constraints due to the character of the property and made every reasonable measure to maximize the number of onsite parking spaces. Furthermore, the subject property is directly adjacent to transit via two Marta bus routes and is within proximity of single family and multifamily residential development. The City of Atlanta encourages developments that improve pedestrian character and limit the number of vehicle trips in the area, which is achieved by limiting how many cars can park on location. 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



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-24-016 for 594 Gresham Avenue SE

DATE: March 14, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronts 60 feet on the east side of Gresham Avenue and beginning at the northeast intersection of Emerson Street and Gresham Avenue. Zoned R4 (Single Family Residential). Land Lot 176 of the 15th District, Dekalb County, Georgia in the East Atlanta Village neighborhood of NPU W, Council District 5

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 60 feet of street frontage and 9,268.87square feet (0.213 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 similar 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 rear yard setbacks from 15 feet to 5 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 16-26.003 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 for its zoning designation. The lot has only 60 of the required 70 feet frontage, which creates a long and narrow shape lot. Therefore, staff finds the width and shape 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.** The strict adherence of the zoning regulations would cause a hardship by endangering a mature tree in the buildable area. Additionally, if built in the buildable area, the proposed would greatly limit the use of the yard as well as the other existing structures on site. Furthermore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The width deficiency creates a long narrow lot and the existence of mature trees in the rear of the corner lot are peculiar to this property. Staff finds that the combination of width, shape and mature trees onsite are peculiar to this corner lot 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 as the alley is closed and vegetated which provides a natural buffer from other yards. 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



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-24-017 for 121 Thirkiel Avenue SE

DATE: March 14, 2024

Applicant seeks a variance to reduce the front-yard setback from 35 feet to 15 feet, reduce the half-depth front yard setback from 17.5 feet to 5.5 feet, and reduce the east side yard setback from 7 feet to 6 feet to construct a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronting 30 feet on the south side of Thirkiel Avenue and beginning at the southeast intersection of Lansing Street and Thirkiel Avenue. The property is located in Land Lot 56 of the 14th District, Fulton County, Georgia. It is located 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 yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet; half-depth front yard setback: 17.5 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 corner lot with approximately 30 feet of street frontage and 2,249 square feet (0.056 acres) of area. The property is currently vacant.

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 15 feet, reduce the half-depth front yard setback from 17.5 feet to 5.5 feet, and reduce the east side yard setback from 7 feet to 6 feet to construct a new 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. The lot is irregularly sized and narrow, limiting the building area. Therefore, Staff finds frontage and size 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. The lot is severely undersized and deficient in width, limiting the overall building area. Adhering to the current setbacks would necessitate a very narrow structure. 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 deficient lot width and long, narrow shape are peculiar to the subject property and inconsistent with the typical parcel in the zoning district.
- 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 the housing supply, 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

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-24-18 for 1065 Rosedale Drive NE

DATE: March 14, 2024

Applicant seeks a variance to reduce the front yard setback from 35 feet to 33 feet, reduce the west side yard setback from 7 feet to 3 feet, and reduce the rear yard setback from 7 feet to 3 feet for construction of an addition and garage.

FINDINGS OF FACT:

Property Location: The subject property fronts 56 feet on the south side of Rosedale Drive and beginning approximately 212.6 feet from the southeast intersection of North Highland Avenue and Rosedale Drive. The property is located in Land Lot 1 of the 17th 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.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50% percent of the total lot area.

Property Characteristics: The subject property is an interior lot with a regular shape, covering an area of approximately 8,122 square feet (0.186 acres) and has a frontage of 50 feet. The lot tapers towards the rear with a narrow width of about 143.60 feet. Currently, a single-story brick single-family house built on a crawl space, featuring a covered porch in the front, a wood deck at the back, and a concrete wall, pavers, and a frame garage with a wood deck is present on the property. There is an alleyway on the west side of the property, and access is provided through a driveway on Rosedale Drive. The topography of the lot is relatively level, and there are several trees on the property.

Characteristics of Adjoining Properties, Neighborhood: There are several properties surrounding the area with varying sizes and shapes. The properties immediately adjacent to the north and east are developed with single-family dwellings and are zoned R-4 (Single Family Residential). The properties to the west are zoned R-4 (Single Family Residential) and RG-2-C (Residential General Conditional) with single-family dwellings. The properties to the South are zoned RG-2 (Residential General) with multifamily dwellings.

PROPOSAL: Applicant seeks a variance to reduce the front yard setback from 35 feet to 33 feet, reduce the west side yard setback from 7 feet to 3 feet, and reduce the rear yard setback from 7 feet to 3 feet for construction of an addition and garage.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property has a total area of 8,122 square feet and a lot width of 56 feet. However, this is less than the minimum lot size and width requirements for an R-4 zoned lot. As a result, the lot is deficient in lot area by 878 square feet and lot width by 14 feet. The topography is relatively leveled. Therefore, Staff finds that lot size and width are the extraordinary and exceptional conditions for 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 subject parcel has a lot size of 8,122 square feet but adhering to the zoning regulations may be difficult due to the lot's irregularities, including its narrow width and area. The lot is deficient in frontage by 14 feet, which limits the buildable area. Additionally, the existing single-family home and porch encroach into the front and north-side yard setbacks. The property owners are proposing to add a second story to their existing dwelling and build a new two-story detached garage. The garage will not exceed the allowable 30% of the main dwelling. These proposed improvements are reasonable given the nonconformities of the lot and the lack of viable alternative locations for the garage. The applicant also seeks to construct a second-story addition to their existing dwelling without increasing the degree of encroachment. Staff believes that the proposal is reasonable, considering the lot's deficiencies and constraints.
- c. **Such conditions are peculiar to the particular piece of property involved.** It is important to note that the front yard encroachment is unique to the subject property. Additionally, it should be mentioned that if the applicant did not have an alleyway agreement where they own the alleyway, the original lot line would cause the house to encroach on the west property line, and the lot would be significantly constrained. Staff is not aware of any similar conditions on neighboring properties.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety. 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.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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-23-196 for 965 Crane Road SE

DATE: March 14, 2024

Applicant seeks a variance to reduce the south side yard setback from 10 feet to 7 feet for the construction of a garage.

FINDINGS OF FACT:

Property Location: The subject property fronts 99.92 feet on the south side of Crane Road and beginning approximately 560 feet from the southeast intersection of Lenox Road and Crane Road. The property is located in Land Lot 8 of the 17th District, Fulton County, Georgia. It is located in the Pine Hills Neighborhood of NPU-B, Council District 7.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single Family Residential District).
- Minimum yard setbacks: Front yard: 50 feet; side yard: 10 feet; rear yard: 20 feet.

Property Characteristics: The subject property is a rectangular shaped lot with approximately 100 feet of street frontage and 20,073 square feet (0.461 acres) of area. The property is currently occupied by an existing one-story brick structure with a basement. Vehicular access is provided via a single curb cut on Crane Road. The topography varies across the site, with approximately an 18-foot difference between the highest and lowest points; there is a retaining wall site near the proposed garage. There are mature trees on site.

Characteristics of Adjoining Properties, Neighborhood: Other lots in the immediate area vary slightly in size due to some inconsistency in lot depths, but otherwise are fairly consistent with regard to their frontages and use. The parcels to the north, west, and east are zoned R-3 (Single Family Residential District). The parcel to the south is zoned PD-H (Planned Development – Housing District).

PROPOSAL: The applicant seeks a variance to reduce the south side yard setback from 10 feet to 7 feet for the construction of a 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.** There is a significant change in topography across the lot, especially near the proposed location the garage. An existing retaining wall connects to the house and runs along the parking area. Therefore, Staff finds topography 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 garage from being constructed. The topography and existing structures on this lot, including the driveway, make it unrealistic for a garage to be located anywhere else on site without significant grading or introduction of new impervious surfaces. Additionally, the proposed garage follows the existing footprint of the driveway and does not propose an increase in impervious area or any further encroachment into the setback. The applicant intends to preserve the existing trees and landscaping adjacent to the proposed garage that will screen the site from the adjacent property. Staff is of the opinion that an enclosed garage will, in fact, provide better screening from the adjacent property than the current unenclosed parking pad. 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.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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-24-019 for 535 Pinetree Drive NE

DATE: March 14, 2024

The applicant seeks a variance to reduce the required east side yard setback from 7 feet to 3.1 feet and increase the maximum floor area ratio of the accessory structure from 30% to 33.5% of the main dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 90 feet on the south side of Pine Tree Drive and begins approximately 245 feet from the southwest intersection of East Wesley Road and Pine Tree Drive. This property is in Land Lot 60 of the 17th District, Fulton County, Georgia. It is in the Garden Hill Neighborhood of NPU-B, Council District 7.

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 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.

Property Characteristics: The subject property is a regularly shaped lot with an area of 15,748 square feet (0.362 acres) and a frontage of 90 feet along Pinetree Drive. The property is currently improved with a one-story single-family dwelling, stone patio, walkway, driveway, and a detached garage. The topography of the lot slopes down 24 feet from the rear property line to the front property line. The lot has mature trees throughout the property.

Characteristics of Adjoining Properties, Neighborhood: Adjoining lots vary in width, lot area, and shape. All adjoining lots are developed with single-family dwellings and are zoned R-4 (Single Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the required east side yard setback from 7 feet to 3.1 feet and increase the maximum floor area ratio of the accessory structure from 30% to 33.5% of the main dwelling.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-18S.007 & 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 subject property is a regular shape lot, and it is not deficient in lot size or lot width. The lot, however, has steep topography. The backyard slopes down 12 feet from the rear property line to the detached garage, therefore, impeding building the proposed improvements somewhere else in the backyard. Staff is of the opinion that the steep topography is an extraordinary condition 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.** Application of the zoning regulations would cause a hardship to the property owner. The existing detached garage already encroaches 3 feet within the east side yard setback. The applicant seeks to use the existing garage footprint and add a second story for an office. The strict application of the zoning ordinance would prohibit the property owner from improving the existing garage as there is no other feasible location due to the topography for the proposed improvements. Additionally, the code requires that accessory structures do not exceed more than 30% of the primary structure, therefore 658 square feet. The applicant is proposing a 735 square-foot accessory structure, Therefore, 77 square-foot larger. Since the applicant seeks to add a second story only using the same existing garage footprint, Staff finds the proposed location and size of the accessory structure reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The existing site conditions in terms of the layout and location of existing improvements and topography are unique to this particular piece of property. Staff is unaware of the existence of similar conditions on adjoining neighborhood 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.** Staff is of the opinion that granting the variance request will not cause substantial detriment to the public good and will satisfy the intent of the zoning ordinance. The applicant is using the existing footprint of a garage that already encroaches in the side setback, therefore not increasing the encroachment of the structure horizontally. Also, the structure will be only 77 square feet bigger than required. The applicant is not adding any windows facing the abutting neighbor to the east, therefore diminishing any visual impact to the neighbor. Staff find both variances reasonable.

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

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-23-172 for 187 Graves Street NW

DATE: March 14, 2024

Applicant seeks a variance to reduce the north and south side yard setbacks from 5 feet to 1 foot for construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 26.25 feet on the east side of Graves Street NW beginning approximately 75 feet from the southeast intersection of Spencer Street and Graves Street. The property is located in Land Lot 83 of the 14th District, Fulton County, Georgia. It is in the Vine City Neighborhood of NPU-L, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned SPI-19 SA6/W IZ (Vine City/Westside Affordable Housing Overlay).
- Minimum lot dimensions: Frontage: Frontage width to conform to the existing predominant block face pattern; Minimum lot area: 2,500 square feet.
- Minimum yard setbacks: Front yard: 3 feet or match existing block; Side yard: 5 feet; Rear yard: 7 feet or matching existing block.

Property Characteristics: The subject property consists of a vacant parcel situated on Graves Street NW. The square footage of the parcel is 2710 square feet (0.06 acres) with 26.25 feet of frontage on Graves Street NW. It is currently undeveloped. The topography of the parcel is relatively flat, with a gradual slope of about 6 feet to the west, toward the property's frontage.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are developed with single family and multi-family residential dwellings within the SPI-19 zoning district. The abutting properties to the north and south are both single-family homes. Several lots in the immediate area are vacant/undeveloped.

PROPOSAL: Applicant seeks a variance to reduce the north and south side yard setbacks from 5 feet to 1 foot for construction of construction of a new single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has a narrow rectangular shape with a frontage of 26.25 feet, narrowing to 20 feet to the rear of the parcel. Though there is no set standard for lot frontage in the SPI-19 SA6 zoning district, the subject parcel appears to have the least amount of frontage on the block face. Therefore, Staff finds deficient lot width and shape as 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.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the peculiar shape and dimensions of the subject property. The strict application of the regulations would preclude the development of an existing single lot of record. Section 16-24.002 (2) of the City of Atlanta Code of Ordinances reads as follows: “*Single Lots of Record:* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be built on any single lot of record at the effect date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of these regulations. Variance of yard requirements in such cases shall be obtained only through variance action of the board of zoning adjustment.” Therefore, Staff is of the opinion that the proposed setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficient lot width and long, narrow shape are peculiar to the subject property and inconsistent with the typical parcel in the zoning district.
- 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



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

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-23-174 for 637 Dorothy Bolden Way NW

DATE: March 14, 2024

Applicant seeks a variance to reduce the east and west side yard setbacks from 5 feet to 2 feet for construction of construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 24.89 feet on the north side of Dorothy Bolden Way NW beginning approximately 147.5 feet from the northwest intersection of Vine Street and Dorothy Bolden Way. The property is located in Land Lot 110 of the 14th District, Fulton County, Georgia. It is in the Vine City Neighborhood of NPU-L, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned SPI-19 SA6/W IZ (Vine City/Westside Affordable Housing Overlay).
- Minimum lot dimensions: Frontage: Frontage width to conform to the existing predominant block face pattern; Minimum lot area: 2,500 square feet.
- Minimum yard setbacks: Front yard: 3 feet or match existing block; Side yard: 5 feet; Rear yard: 7 feet or matching existing block.

Property Characteristics: The subject property consists of a vacant parcel situated on Dorothy Bolden Way NW. The square footage of the parcel is 2220 square feet (0.05 acres) with 24.89 feet of frontage on Dorothy Bolden Way NW. It is currently undeveloped. The topography of the parcel is relatively flat, with a gradual slope of about 2 feet to the west.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are developed with single family dwellings within the SPI-19 zoning district. The adjacent lot to the east of the property is developed with a single family home. The adjacent lot to the west is undeveloped.

PROPOSAL: Applicant seeks a variance to reduce the east and west side yard setbacks from 5 feet to 2 feet for construction of construction of a new single family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has a narrow rectangular shape with a frontage of 24.89 feet and is deficient in lot size by 280 square feet. Though there is no set standard for lot frontage in the SPI-19 SA6 zoning district, the subject parcel appears to have the least amount of frontage on the block face. Therefore, Staff finds deficient lot width and size as 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.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the physical constraints of the subject property. The strict application of the regulations would preclude the development of an existing single lot of record. Section 16-24.002 (2) of the City of Atlanta Code of Ordinances reads as follows: “*Single Lots of Record:* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be built on any single lot of record at the effect date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of these regulations. Variance of yard requirements in such cases shall be obtained only through variance action of the board of zoning adjustment.” Therefore, Staff is of the opinion that the proposed setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficient lot frontage and size are peculiar to the subject property and are not typical of the zoning district.
- 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