



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-23-081 for 638 Park Drive NE

DATE: April 4, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronts 66 feet on the north side of Park Drive beginning at the northeast intersection of Park Drive and Orme Circle. The property is located in Land Lot 53 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 District).
- Minimum yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet.
- Maximum lot coverage: 50 percent of total lot area.
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by a special exception granted by the Board of Zoning Adjustment.

Property Characteristics: The subject property is an irregularly shaped corner lot with 66 feet of street frontage and 10,302 square feet (0.237 acres) of area. The property is currently occupied by an existing one-story single family home. Vehicular access is provided via a curb cut along Park Drive. The topography declines significantly across the site, with approximately a 15-foot difference between the highest and lowest points. There are a few mature trees on site.

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. All parcels to the north, south, east, and west of the site are also zoned R-4 (Single Family Residential District).

PROPOSAL: The applicant seeks a variance a variance to reduce the rear yard setback from 15 feet to 1 foot, the east side yard setback from 7 feet to 2.6 feet, to increase the lot coverage from 50% to 54.6% for the construction of a deck and hot tub. The improvements were constructed without proper entitlements and currently exist on the lot.

PART I

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is irregularly shaped and located on a corner, which impacts the buildable area of the site and requires the building to be located closer to the back corner of the lot in order to accommodate front yard and half-depth front yard setbacks. There is also a significant shift in topography across the site, providing further challenges to development. Therefore, Staff finds shape and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement or anything similar. The shape and orientation of the corner lot create a very small buildable area in the rear that also exists on a steep slope. The rear deck constructed by the applicant allows them to comfortably enjoy their backyard without requiring a more significant adjustment of the steep natural grade which would likely be a much greater cost burden. Furthermore, the shape of the lot makes it so the improvements could not be reasonably located elsewhere on the lot. Many of the improvements contributing to the excess of lot coverage are part of the raised deck or existing retaining walls, which can be considered structurally necessary to the site. 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 seeks a special exception to allow active recreation (hot tub) in a yard adjacent to a street. The improvements were constructed without proper entitlements and currently exist on the lot.

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

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The topography declines steeply in the rear of the house, such that the rear yard improvements are low enough that they are not visible from the right of way, despite the corner orientation of the lot. The location of the proposed swimming pool is unlikely to be visible to neighboring properties, as it will be screened from view by the existing topography and landscaping. Therefore, the impact on neighboring properties will be minimal.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The position of the house on the corner lot eliminates any other possible locations for the activity because the amenity cannot be located in front of the structure. Therefore, Staff is of the opinion that the location of the proposed pool 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-23-185 for 37 28th Street NW

DATE: April 4, 2024

Applicant seeks a special exception to allow a parking bay in the required rear yard adjacent to the street and to allow for an expansion of an existing nonconforming two-family structure to allow a parking bay in the required rear yard adjacent to the street.

Staff is requesting a deferral to add a new request to the advertising.

STAFF RECOMMENDATION: DEFERRAL – JUNE 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 985 McDaniel Street SW

DATE: April 4, 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.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the west side of McDaniel Street and begins at the southwest intersection of Arthur Street and McDaniel Street. The property is located in Land Lot 87 of the 14th District, Fulton County, Georgia. It is located in the Pittsburgh Neighborhood of NPU-V, Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned RG-3 (Residential General District).
- Minimum yard setbacks: Front yard: 40 feet; side or rear yard: 11.5 feet, as determined by Section 16-28.011(5)(e)(a).

Property Characteristics: The subject property is a rectangular corner lot with 50 feet of street frontage and 4,968 square feet (0.11 acres) of area. The property is currently occupied by an existing multi-story single family home that is in the process of being constructed. Vehicular access is currently not provided, but is proposed via a curb cut along McDaniel Street. The topography is mostly consistent across the site. There are currently no mature trees on site.

Characteristics of Adjoining Properties, Neighborhood: Other lots in the immediate area vary slightly in size; some lots are larger, and some are smaller. The parcels to the north of the site are zoned C-1-C (Community Business District/Conditional). The parcels to the south of the site are also zoned RG-3 (Residential General District). The parcels to the east and west are zoned R-4B (Single Family Residential District).

PROPOSAL: The 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 structure is already partially constructed due to an incorrect approval on the building permit granted by the zoning reviewer in the Office of Buildings. The requests to modify the rear yard and south side yard setbacks will bring the site into compliance after the incorrect approval granted by the Office of Buildings, and the applicant has also included an additional request to encroach into the half-depth front yard setback in order to provide a garage that was not included as a part of the original development 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.** The RG-3 (Residential General District) zoning designation is unconventional in that it has different minimum lot sizes for different principal uses, but does not modify the internal lot controls, such as the required yard setbacks, for those variable lot minimums. The result is that a single family corner lot can be as small as 1,000 square feet and have a minimum width of 20 feet, but would still require a 40 foot front yard setback and a 20 foot half-depth front yard setback, thereby eliminating the entire buildable area of the lot. The subject property is not so small as to eliminate the entire buildable area as in the previously given example, but staff is of the opinion that the standard setbacks required for an RG-3 lot substantially limit the buildable area of this lot in a similar way. Therefore, Staff finds size 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 improvements from being developed and also by eliminating the ability for the applicant to bring this structure into compliance, thereby requiring significant investment on the applicant's behalf to relocate the structure, which may not be possible without demolition. The current location of the structure is based on an approved building permit granted by the Office of Buildings, permit BB-202205901 stamped approved by the zoning reviewer October 28, 2022. Even absent the erroneous approval by the Office of Buildings, staff is of the opinion that the proposed site plan is consistent with the development pattern of the surrounding area and improves a site that has been vacant and undeveloped for decades. The relatively substantial setbacks required in RG zoning districts make developing a lot of this size a challenge. 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



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-23-201 for 4530 Jett Road NW

DATE: April 4, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronts 174 feet on the west side of Jett Road and beginning at the northwest intersection of Allen Court and Jett Road. The property is located in Land Lot 161 of the 17th District, Fulton County, Georgia. It is located in NPU A, Council District 8.

Relevant Zoning Requirements:

- The property is zoned R-3 (Single Family Residential).
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment.

Property Characteristics: The subject property is a corner lot that abuts two roads: Allen Court Road on the south and Jett Road on the east. The subject property is approximately 21,855 square feet (0.502 acres). It is developed with a two story residential home. The property features a 10-foot grade increase from Jett Road to the frontage of the home. There are few mature trees on the property.

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

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

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

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The applicant proposes locating the pool and its equipment along the north rear yard line, or west of the primary structure and detached garage. A 6-foot opaque wood fence is currently installed as a buffer from public view and nearby properties. The applicant will also install vegetative buffers. Staff finds these visual mitigation measures to be sufficient.

- b) **The area for such activity could not reasonably be located elsewhere on the lot.** Due to the lot being a corner lot, and the position of the existing residential structure and detached garage, the most reasonable location for the proposed pool is north rear yard line, or west of the primary structure and garage. 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



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-23-204 for 995 Battle Creek Way NW

DATE: April 4, 2024

The applicant seeks a special exception to allow active recreation in the rear yard of the property adjacent to a street to construct a swimming pool and a variance to reduce the rear yard setback from 20 feet to 10 feet.

FINDINGS OF FACT:

Property Location: The subject property fronts 119.84 feet on the east side of Battle Creek Way and 122.42 feet on the north side of Peachtree Battle Avenue and begins 122.42 feet from the northeast intersection of Battle Creek Way and Peachtree Battle Avenue. This property is in Land Lot 317 of the 17th District, Fulton County, Georgia. It is in the Brandon Neighborhood of NPU-C, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-3 (Single Family Residential)
- Minimum lot dimensions: Frontage: 35 feet; Minimum lot area: 18,000 square feet
- Minimum yard setbacks: Front yard: 50 feet; Side yard setback: 10 feet; Rear yard setback: 20 feet.
- Maximum lot coverage: No to exceed 40% of the total lot area.

Property Characteristics: The subject property is a regular-shaped corner lot with an area of 18,120 sq. ft. (0.42 acres) and a frontage of 119.84 feet along Battle Creek Way and 122.42 feet along Peachtree Battle Avenue. The property is currently developed with an existing two-story single-family home, driveway, patio, and retaining walls.

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-3 (Single Family Residential).

PROPOSAL: The applicant seeks a special exception to allow a pool in the rear yard of the property adjacent to a street and a variance to reduce the rear yard from 20 feet to 10 feet to allow the construction of a pool.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-05.008(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 meets the minimum lot area and width of the R-3 zoning district. However, due to the shape of the property since this is a corner lot and based on the existing improvements of the lot, the only buildable area for a pool is in the rear of the lot behind the primary structure, therefore triggering the reduction of the rear setback from 20 feet to 10 feet. Since the house sits 50 feet from Peachtree Battle Avenue and 25 feet from Battle Creek Way, the only reasonable location for the 657 square-foot improvements necessary for the pool is where proposed.
- 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 required 20-foot rear setback and pool location regulations would prevent the property owner from building a pool on his property at no fault of the property owner and causing an unnecessary hardship.
- c) **Such conditions are peculiar to the particular piece of property involved.** The existing conditions in terms of its shape and configuration of the existing improvements are specific and unique to this piece of property. The only reasonable location for the 200 square-foot pool and 400 square feet of pool decking is behind the existing house structure. 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 the request is reasonable based on the existing constraints of the lot. Providing relief from the Zoning Ordinance will not cause a detrimental effect on nearby properties and the public good. The request does not impair the purposes and intent of the Zoning Ordinance.

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

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The location of the pool is proposed to be screened with a 6-foot privacy fence around the perimeter of the pool mitigating potential noise and visibility from the street and neighboring properties. The applicant does not propose additional lighting. High concentration of persons and or vehicular traffic is not anticipated due to the size of the pool.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** Due to the lot being a corner lot, and the position of the existing residential structure, the most reasonable location for the proposed pool is behind the house. 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



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: April 4, 2024 (*deferred February 8, 2024, and March 14, 2024*)

Applicant seeks a variance to reduce the front yard setback from 35 feet to 30 feet and to reduce the half-depth front yard from 17.5 feet to 12 feet for construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 65 feet on the east side of Lanier Boulevard and beginning at the northeast intersection of Los Angeles Avenue and Lanier Boulevard. 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 property in question is a regular shaped corner lot, covering an area of approximately 8,711 square feet (0.200 acres) and has a frontage of 85 feet. The lot tapers towards the rear with a narrow width of about approximately 146 feet. Currently, it is a single-story single-family house with a basement featuring a porch in the front and a porch in the rear of the property. Access is provided through a curb cut on Los Angeles Avenue. The topography of the lot slopes down from the southwestern corner of the lot to the northeastern corner of the rear yard with a 12-foot grade change and there are a number of trees on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels immediately adjacent to the lot are zoned R-4 (Single-Family Residential). Surrounding lots are developed with single-family residential dwellings.

PROPOSAL: Applicant seeks a variance to reduce the front yard setback from 35 feet to 30 feet and to reduce the half-depth front yard from 17.5 feet to 12 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 has a total area of 8,711 square feet and a lot width of 65 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 289 square feet and lot width by 5 feet. The topography of the lot slopes down from the southwestern corner of the lot to the northeastern corner of the rear yard with a 12-foot grade change. 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 8,711 square feet. However, adhering to the zoning regulations may be challenging due to the lot's irregularities, including its narrow width and area. The lot is deficient in frontage by 5 feet, which limits the buildable area. Additionally, the existing house extends into the 35-foot front yard setback, but this encroachment will be corrected with the new design. The existing house also extends 12 feet into the half-depth front yard, which would remain unchanged, and 4.7 feet into the side yard, which will be corrected with the new design. The property owners are proposing to construct a new single-family dwelling to reduce the degree of encroachment and provide new watershed mitigation to address stormwater concerns that may impact the neighbors. These proposed improvements are reasonable given the lot's nonconformities, and the proposed residence does not increase 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.** The subject property is an irregular corner lot with a decline in topography. Unique to the property are the front yard and north and south side yard encroachments. Thus, 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, 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-23-209 for 746 Fraser Street SE**

DATE: April 4, 2024 (*deferred 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 attend the necessary neighborhood and NPU meeting. Staff is supportive of the request.

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-23-213 for 1178 Davis Place NW

DATE: April 4, 2024

The applicant seeks a special exception to increase the height of a privacy fence (more than 50% opacity) on the east and west side yards and rear yard from 6 feet to 8 feet for property.

FINDINGS OF FACT:

Property Location: The subject property fronts 50.07 feet on the east side of Davis Place and beginning 250 feet from the northeast intersection of Davis Circle and Davis Place. The property is located in Land Lot 187 of the 17th District, Fulton County, Georgia. It is in the Underwood Hills Neighborhood of NPU-D, Council District 9.

Relevant Zoning Requirements:

- The subject property is zoned R-4/UWO (Single Family Residential/Upper Westside Overlay).
- 16-28.008 (5)(a)(2)(i): Side and Rear yard: Where no retaining wall is constructed, fences or walls not exceeding six feet in height may be erected or maintained.

Property Characteristics: The subject property is a lot of irregular shape, covering approximately 7,751 square feet of area (0.178 acres) and having around 50 feet of frontage on Davis Place. On the lot, there is a two-story brick and frame single-family house with a basement. In the front, there is a concrete driveway and a wood porch, while in the rear, there is a screen deck, wood deck, wood walls, and a stone patio. Additionally, there is a garden planter on the east side of the property. Vehicular access is via the driveway along Davis Place, which ends at the front of the house. The topography of the lot varies, and there are a few trees scattered throughout the property.

Characteristics of Adjoining Properties, Neighborhood: The surrounding lots vary in size and shape and are primarily developed with residential dwellings. To the east of the property, there is a place of worship. The properties immediately adjacent to the north, west, and south are developed with single-family dwellings, but all the lots immediately abutting the property have R-4/UWO (Single Family Residential/Upper Westside Overlay) zoning.

PROPOSAL: The applicant seeks a special exception to increase the height of a privacy fence (more than 50% opacity) on the east and west side yards and rear yard from 6 feet to 8 feet for property.

CONCLUSIONS: The following conclusions in relation to the request for a special exception 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: The applicant requests a special exception to erect an 8-foot fence along both sides and the rear of the property. The purpose of the request is to address security and privacy concerns, particularly due to the proximity of a place of worship adjacent to the applicant's property. Upon a site visit conducted by staff, Staff noted the topographical challenges present on the property. It was observed that the proposed location for the privacy fence aligns with the site's irregular topography, making the request reasonable and justified.

The applicant has identified other nearby properties with compatible fences installed that provide privacy and security on the side and or the rear yard. Notably, addresses such as 1172 Davis Place NW, 1120 Davis Street NW, 1074 Davis Circle NW, and 1068 Davis Circle NW exhibit fences of comparable height and design along their side and rear yards.

The section of the fence intended to be 8 feet in height corresponds to a significant grade change on both the side and rear yards. Additionally, adjacent to the property is a place of worship with a sizable parking lot, where the existing 8-foot fence serves to mitigate concerns regarding privacy intrusion. It's important to note that the current 8-foot wood fence on the property was constructed without a permit. The applicant seeks to replace it with a similar 8-foot privacy fence to address potential privacy infringements from patrons of the neighboring place of worship. The proposed fence height aligns with the unique topography of the property, where the rear and side property lines are over 20 feet lower than the back porch.

By extending the fence to a height of 8 feet, the applicant aims to maintain the privacy and security of both the property and that of the neighbors. This adjustment is crucial to mitigate any intrusion that may arise due to the significant difference in elevation between properties. In consideration of the requirements outlined by the Board of Zoning Adjustment, I believe the proposed increase in fence height is both warranted and reasonable. It serves to address legitimate concerns for security and privacy while ensuring compatibility with the surrounding neighborhood.

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-24-005 for 1416 Donnelly Avenue SW

DATE: April 4, 2024 (*Deferred 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 amend their application. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – MAY 9, 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-24-020 for 370 Ivy Knoll NE

DATE: April 4, 2024

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

Staff is of the opinion that the applicant's scope of work does not require a variance.

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-24-021 for 562 Abbott Court SE (Lot 21)

DATE: April 4, 2024

The applicant seeks a variance to reduce the minimum distance of a front facing garage from the front facing façade from 10 linear feet to 0 feet for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 44.21 feet on the south side of Abbott Court and beginning approximately 171.43 feet from the southwest intersection of Hancock Drive and Abbott Court. The property is located in Land Lot 35 of the 14th District, Fulton County, Georgia within the South River Gardens neighborhood of NPU-Z, Council District 12.

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.
- Sec. 16-06.012(2) - Relationship of building to street.
(2) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure. For parcels with more than one street frontage, front-facing garage doors shall be defined as those facing the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.

Property Characteristics: The subject property is a cul-de-sac lot that faces the rounded turn-around portion of Abbott Court. Its shape is irregular, covering an area of around 23,768 square feet (0.54 acres) and has a frontage of 44.21 feet. Currently, the lot is vacant and still under construction. Access to the property will be through Abbott Court for vehicles. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the

property with a 20-foot grade change. At the rear end of the property, there exists a 50 foot and 75-foot City of Atlanta Stream Buffer, a 25-foot State Water Buffer, and a 20-foot sanitary sewer line exist along with a few trees.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels surrounding the property's subdivision and the lots in the subdivision on all sides are zoned R-4 (Single-Family Residential). Some parcels in the subdivision are developed with single-family residential buildings.

PROPOSAL: The applicant is requesting a variance to reduce the minimum distance of a front facing garage from the front facing façade from 10 linear feet to 0 feet for the construction of a new single-family dwelling. The applicant is attempting to finish building the proposed 46-unit subdivision as per SD-21-005 Broadlands.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has an area of 23,768 square feet, which meets the minimum lot area requirement for properties zoned R-4. However, the lot width falls short by 25.79 feet. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the property, with a 20-foot grade change. At the rear end of the property, there are a 75 foot and 50-foot City of Atlanta Stream Buffer, a 25-foot State Water Buffer, and a 20-foot sanitary sewer line. Due to the unusual lot width and topography, this property is deemed to have extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The property presents challenges due to its unique characteristics, including topography and site conditions. It meets the minimum lot area requirements but makes it challenging to adhere to the neighborhood design standards. The lot slopes from the front property line to the rear with a 20-foot grade change. At the rear, there are city and state buffers, making it difficult to construct without a variance request.

The topographic challenges, coupled with the presence of the stormwater and stream buffers, make a large portion of the lot unbuildable, limiting feasible areas for construction. No above-ground improvements 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, significantly restricting the applicant's ability to construct in the buffer.

Constructing a garage in front of the building is not allowed, but Staff finds that the lot's irregular shape, topography, city and state stream buffers, and sanitary sewer line justify the requested variance. The applicant intends to contribute to the development of the neighborhood by building a single-family dwelling on the property.

- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property has an irregular shape, unique topography, stream buffers, and width deficiency. These peculiar features limit the possibility of constructing a single-family residence with a compliant garage without a variance. Staff has determined that these unique conditions do impede the applicant from developing the property according to the Ordinance. The staff is not aware of any other property with similar stormwater conditions, so the presence of similar conditions on adjacent properties does not impact the proposal's attractiveness.
- 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.** This proposal will not adversely affect the light or air on neighboring properties, nor will it hinder emergency access or threaten health and fire safety. Granting the variance is necessary to provide on-site parking for the proposed single-family residential development. Without on-site parking, cars will park on the curb de sac, causing traffic flow obstructions, blocked access to driveways, and safety hazards. Emergency vehicles may also struggle to reach homes quickly, affecting response times in critical situations. Allowing the variance will increase the quality of life and reinforce the stability of the surrounding neighborhood. Although it may result in a "garage dominant" architectural design, the applicant has no other viable option to add parking elsewhere or create a garage due to the lot's location and topography challenges. Granting the variance will not cause substantial detriment to the public good or impair the Zoning Ordinance's purposes and intent, making the request 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-24-022 for 566 Abbott Court SE (Lot 22)

DATE: April 4, 2024

The applicant seeks a variance to reduce the minimum distance of a front facing garage from the front facing façade from 10 linear feet to 0 feet for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 44.21 feet on the south side of Abbott Court and beginning approximately 215.64 feet from the southwest intersection of Hancock Drive and Abbott Court. The property is located in Land Lot 35 of the 14th District, Fulton County, Georgia within the South River Gardens neighborhood of NPU-Z, Council District 12.

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.
- Sec. 16-06.012(2) - Relationship of building to street.
(2) Garages. Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure. For parcels with more than one street frontage, front-facing garage doors shall be defined as those facing the front yard of the parcel, and not the half-depth front yard, side yard, or rear yard.

Property Characteristics: The subject property is a cul-de-sac lot that faces the rounded turn-around portion of Abbott Court. Its shape is irregular, covering an area of around 17,176 square feet (0.39 acres) and has a frontage of 44.21 feet. Currently, the lot is vacant and still under construction. Access to the property will be through Abbott Court for vehicles. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the

property with a 14-foot grade change. At the rear end of the property, there exists a 50 foot and 75-foot City of Atlanta Stream Buffer, a 25-foot State Water Buffer, and a 20-foot sanitary sewer line exist and along with a few trees.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. Parcels surrounding the property's subdivision and the lots in the subdivision on all sides are zoned R-4 (Single-Family Residential). Some parcels in the subdivision are developed with single-family residential buildings.

PROPOSAL: The applicant is requesting a variance to reduce the minimum distance of a front facing garage from the front facing façade from 10 linear feet to 0 feet for the construction of a new single-family dwelling. The applicant is attempting to finish building the proposed 46-unit subdivision as per SD-21-005 Broadlands.

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 under consideration has an area of 17,176 square feet, which meets the minimum lot area requirement for properties zoned R-4. However, the lot width falls short by 25.79 feet. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the property, with a 14-foot grade change. At the rear end of the property, there are a 50-foot and 75-foot City of Atlanta Stream Buffer, a 25-foot State Water Buffer, and a 20-foot sanitary sewer line. Due to the unusual lot width and topography, this property is deemed to have extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The property presents challenges due to its unique characteristics, including topography and site conditions. It meets the minimum lot area requirements but makes it challenging to adhere to the neighborhood design standards. The lot slopes from the front property line to the rear with a 20-foot grade change. At the rear, there are city and state buffers, making it difficult to construct without a variance request.

The topographic challenges, coupled with the presence of the stormwater and stream buffers, make a large portion of the lot unbuildable, limiting feasible areas for construction. No above-ground improvements 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, significantly restricting the applicant's ability to construct on the buffer.

Constructing a garage in front of the building is not allowed, but Staff finds that the lot's irregular shape, topography, city and state stream buffers, and sanitary sewer line justify the requested variance. The applicant intends to contribute to the development of the neighborhood by building a single-family dwelling on the property.

- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property has an irregular shape, unique topography, stream buffers, and width deficiency. These peculiar features limit the possibility of constructing a single-family residence with a compliant garage without a variance. Staff has determined that these unique conditions do impede the applicant from developing the property according to the Ordinance. The staff is not aware of any other property with similar stormwater conditions, so the presence of similar conditions on adjacent properties does not impact the proposal's attractiveness.
- 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.** This proposal will not adversely affect the light or air on neighboring properties, nor will it hinder emergency access or threaten health and fire safety. Granting the variance is necessary to provide on-site parking for the proposed single-family residential development. Without on-site parking, cars will park on the curb de sac, causing traffic flow obstructions, blocked access to driveways, and safety hazards. Emergency vehicles may also struggle to reach homes quickly, affecting response times in critical situations. Allowing the variance will increase the quality of life and reinforce the stability of the surrounding neighborhood. Although it may result in a "garage dominant" architectural design, the applicant has no other viable option to add parking elsewhere or create a garage due to the lot's location and topography challenges. Granting the variance will not cause substantial detriment to the public good or impair the Zoning Ordinance's purposes and intent, making the request 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-24-023 for 1050 Snyder Street NE

DATE: April 4, 2024

Applicant seeks a variance to reduce the front yard setback from 19 feet and 3 inches to 15 feet 6 inches for construction of a new multifamily residence.

FINDINGS OF FACT:

Property Location: The subject property fronts 50.32 feet on the west side of Snyder Street and beginning approximately 139.60 feet from the northwest intersection of Calhoun Street and Snyder Street. Zoned R-5/SPI-8 (Two Family Residential/Home Park Overlay). Land Lot 149 of the 17th District, Fulton County, Georgia It is located in the Home Park Neighborhood of NPU-E, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned R-5 (Single Family Residential).
- Minimum yard setbacks: Front yard: 30 feet; side yard: 7 feet; rear yard: 7 feet.
- Snyder Street Average setback: 19.3 (See criteria b)
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 7,500 square feet; frontage: 50 feet

Property Characteristics: The subject property is a regularly shaped lot with approximately 50 feet of street frontage and 6,010 square feet (0.138 acres) of area. The proposed structure has already been constructed and is looking to obtain the variance to become code-compliant, due to a setback miscalculation. The topography is consistent across the lot, with approximately a 6-foot difference in elevation between the highest point at the rear of the house to the lowest point in the front. There are no mature trees onsite.

Characteristics of Adjoining Properties, Neighborhood: The other lots in the immediate area are relatively consistent in their shape but range in sizes and front yard setbacks that do not conform to the current zoning designation. There is a similar-style duplex built next door with a

closed alley separating the two lots. All adjacent parcels to the north, south, east, and west are also zoned R-5 (Duplex and Single-Family Residences).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 19.3 feet to 10 feet 6 inches for the construction of a new duplex/ multifamily residence.

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 by about 1,500 square feet. The existence of two alleyways located to the north and south of the property also creates additional setback regulations creating an oddly shaped lot. Therefore, staff finds the lot 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 because the lot does not conform to the required minimum lot size, limiting the potential improvements to the property. The block has inconsistent nonconforming setbacks which does not provide a predictable pattern to guide new developments like this project. According to code *Section 16 – 28.007(5)(c) Average depth front yard: Where more than 50 percent of the frontage within a block between intersecting streets is developed with structures having a lesser setback than required by the applicable district regulations, the setback requirement for proposed structures may be reduced to the average setback so established by the bureau of buildings but shall not be reduced by less than 50 percent of the required setback so contained within the applicable district regulations.* The applicant received a building permit and began construction on the structure. Code enforcement placed a stop work order because the average setback of the block face was miscalculated. The applicant obtained a new survey to recalculate the average. Strict adherence will cause hardship in reconstructing or demolishing the property based on an error in the initial setback calculation. 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 lot size deficiency and the additional regulations imposed by the existence of two alleyways are particular to this property. Additionally, the applicant already received a building permit and is in the last stages of development which is also peculiar to this property staff has not identified lots with the same conditions in the area.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The proposed structure will not affect the aesthetic of the block. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. The multifamily use is also consistent with the duplexes in the neighborhood and directly adjacent. Relief, if granted, would not cause substantial

V-24-023 for 1050 Snyder Street NW

April 4, 2024

Page 3 of 3

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 Blatch, Secretary to the Board *AMB*

SUBJECT: V-24-024 for 4285 Wickersham Drive NW

DATE: April 4, 2024

The applicant seeks a variance to allow an accessory structure to be constructed in front of the existing main structure.

FINDINGS OF FACT:

Property Location: The subject property fronts 148.63 feet on the east side of Wickersham Drive and begins approximately 1,099 feet from the northeast intersection of West Conway Drive and Wickersham Drive. This property is in Land Lot 161 of the 17th District, Fulton County, Georgia. It is in the Mount Para/Northside Neighborhood in NPU A, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-2 (Single Family Residential)
- Minimum lot dimensions: Frontage: 150 feet; Minimum lot area: 1 acre
- Minimum yard setbacks: Front yard: 60 feet; Side yard setback: 15 feet; Rear yard setback: 15 feet.
- 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 an irregular-shaped lot with an area of 3.42 acres (148,975 square feet) and frontage of 148.63 feet along Wickersham Drive. The property is currently developed with a single-family dwelling, pool, and a driveway.

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-2 (Single Family Residential).

PROPOSAL: The applicant seeks a variance to allow an accessory structure (carport) to be constructed in the front of the existing principal structure.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-04.008(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 is 3.42 acres and has an irregular shape. The lot slopes down 40 feet from the front property line to the rear property line. A stream and stream buffers are located in the rear of the property behind the principal structure. Staff considers the shape, topography, and hydrology as extraordinary and exceptional conditions on 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 enforcement of the Zoning Ordinance would prevent the property owner from improving the site, as there are no other reasonable and available space behind the principal structure for the accessory structure. Therefore, staff is of the opinion that the strict application of the Zoning Ordinance would create an unnecessary hardship.
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the existing site conditions regarding the size, shape, hydrology, topography, and layout of existing improvements are peculiar 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.** The variance request will not have a negative impact on the public good and does not impact the intent of the Zoning Ordinance.

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-24-025 for 743 Forest Trail NW

DATE: April 4, 2024

Applicant seeks a variance to place an accessory structure beyond the front of the main structure and to reduce the front yard setback from 35 feet to 5 feet for the construction of a carport for a single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 149.73 feet on the north side of Forrest Trail and beginning approximately 697.1 feet from the northwest intersection of Channing Drive and Forest Trail. The property is located in Land Lot 153 of the 17th District, Fulton County, Georgia. It is located in the Channing Valley Neighborhood of NPU-C, Council District 8.

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 an irregular-shaped lot with approximately 150 feet of street frontage and 12,993 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 vary in their size, shape, and area. All adjacent parcels to the north, south, and east are zoned R-4 (Single Family Residential). The parcel to the west is zoned MRC-1-C (Mixed Residential Commercial).

PROPOSAL: The applicant seeks a variance to place an accessory structure beyond the front of the main structure and to reduce the front yard setback from 35 feet to 5 feet for the construction of a carport 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 meets size and frontage requirements for its zoning designation. However, the lot is irregularly sized, limiting the building area. Therefore, Staff finds 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.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement from being constructed as requested. The lot is irregularly shaped and narrows towards the rear, which limits the overall building. The primary structure does not have a garage and cannot reasonably be located elsewhere on the lot. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Surrounding parcels vary in size, shape, and area; however, Staff has not identified similar conditions on adjoining neighborhood lots. 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 subject property is located at the dead end of the street, and the proposed structure will not visually impose on surrounding 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



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-24-026 for 1686 Woodland Avenue SE

DATE: April 4, 2024

Applicant seeks a variance to reduce the minimum distance of a front facing garage from the front facing façade from 10 linear feet to 0 feet for a garage enclosure.

The applicant has requested a deferral. The homeowner intends to provide an updated site plan. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – JUNE 2024

cc: Keyetta M. Holmes, AICP, Director