



ANDRE DICKENS  
MAYOR

# CITY OF ATLANTA

DEPARTMENT OF CITY PLANNING  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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JAHNEE R. PRINCE, AICP  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-028 for 876 Bouldercrest Drive SE

**DATE:** April 11, 2024

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**Applicant seeks a special exception to reduce the required off-street parking from 28 spaces to 12 spaces for a new mixed-use development.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 186.77 feet on the northeast side of Bouldercrest Drive SE and 217.41 feet along the south side of Flat Shoals Road. The property is located in Land Lot 146 of the 15<sup>th</sup> 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 16-11.010(4) – *Dwellings and lodgings*: See section 16-08.007, table I, for applicable ratios according to the appropriate floor area ratio. (.99 parking spaces per dwelling unit).
- Section 16-11.010(10) – *Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below*: One space for each 200 square feet of floor area.

**Property Characteristics:** The subject property is a triangular lot with approximately 404.18 feet of total street frontage along Bouldercrest Drive and Flat Shoals Road and 13,850 square feet (0.31 acres) of area. The property is currently undeveloped. The topography is mostly flat, with a slight slope of approximately 5 feet to the northeast corner of the parcel. The site is planted with grass.

**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, east, and west are all zoned C-1 (Community Business District), with some parcels to the south on Bouldercrest Drive zoned R-4 (Single Family Residential).

**PROPOSAL:** The applicant seeks a special exception to reduce the required off-street parking from 29 spaces to 12 spaces for a three-story mixed-use development to include 1,125 square feet of ground-floor commercial space and 22 apartment units. The applicant includes in their application plans to lease eight off-site parking spaces across the street at 1580 Flat Shoals Road to help offset the impact of reduced on-site parking.

**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 has provided site plans illustrating the parking constraints due to the triangular shape 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 public parking on Maynard Terrace. Additionally, the property owners have entered a lease for eight offsite parking spaces across the street at 1580 Flat Shoals Road to help offset the impact of reduced on-site parking. 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



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-029 for 471 Clifton Road NE

**DATE:** April 11, 2024

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**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 4 feet for the construction of an accessory structure (shed).**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the east side of Clifton Road and beginning approximately 100 feet from the southeast intersection of Marlbrook Drive and Clifton Road. Zoned R-4 (Single Family Residential). Land Lot 239 of the 15th District, Dekalb County, Georgia. It is located in the Lake Claire Neighborhood of NPU-N, Council District 5.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-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 50 feet of street frontage and 7,250 square feet (0.35) of area. The property is currently developed with a 1-story residential structure and a garage in the rear abutting an active alleyway. The topography is consistent across the lot. There are no mature trees in the proposed area.

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

**PROPOSAL:** The applicant seeks a variance to reduce the rear yard setback from 15 feet to 4 feet for the construction of an accessory structure (shed).

**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 50 feet of the required 70 feet frontage as well as only 7,250 square feet of the required 9,000 square footage for the R-4 zoning district. Presently, the footprint of the existing garage encroaches on the side yard setback. Therefore, staff finds the width and lot size as extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by greatly decreasing the open space and useable area in the backyard. Additionally, the neighbor is encroaching on the side yard which further limits buildable space on the side yard. Furthermore, the lot is undersized and deficient in width, limiting the overall buildable area. Therefore, staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of the deficiency in lot size and width for this lot, are peculiar to this site. The neighbor to the north is currently encroaching on the eastern side yard setback of the subject property, and the property itself is encroaching onto the neighbor's eastern yard setback to the south. Staff finds the combination of these conditions to be peculiar to this 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 adherence to the zoning code would limit the buildable area to a space that could impose upon the adequate light and/or air on the adjoining property to the north. The addition would not be visible from the street view, which will not affect the aesthetic of the subject property. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-031 for 74 Meldon Avenue SE

**DATE:** April 11, 2024

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**The applicant seeks a variance to reduce the front yard setback from 35 feet to 15 feet and reduce the east and west side yard setback from 7 feet to 5 feet.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the south side of Meldon Avenue and begins approximately 150 feet from the southwest intersection of Crogman Street and Meldon Avenue. This property is in Land Lot 57 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the South Atlanta Neighborhood in NPU Y, Council District 1.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a regular-shaped lot with an area of 0.161 acres (7,013 square feet) and frontage of 49.95 feet along the south side of Meldon Avenue. The property is currently undeveloped. The site slopes down by 18 feet from the front property line to the rear property line. No access or curb cut exists on site.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots as well as the lots on the block have similar lot size, lot width, and lot area. All lots on the block are developed with single-family dwellings and are zoned R- (Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to allow to reduce the front yard setback from 35 feet to 15 feet and reduce the east and west side yard setback from 7 feet to 5 feet to allow the construction of a single-family home.

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

- a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property is deficient in lot width by 20 feet and in lot area by 1,987 square feet. The site also has steep topography as it slopes down by 18 feet from the front to the rear of the lot. Staff is of the opinion that the site has extraordinary conditions due to the size and topography of the lot.
- b) **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The front yard setback reduction seeks to match the existing 10-foot setback of the abutting properties to the north and west. Regarding the side yards setback reduction, the applicant seeks to have a 10-foot driveway along the eastern property line for the entire length of the proposed house structure as well as steps to access the side entrance of the house. The location of the driveway and the location of the proposed side entry steps as well as the current lot width deficiency causes the applicant to request side yards setbacks reduction. Staff is of the opinion that the strict enforcement of the front and side yard setbacks would create an unnecessary hardship to the applicant as it would necessitate a different footprint configuration that may include building toward the back of the lot where steeper topography is found. If the site were to meet the minimum lot dimensions required for the R-4 Zoning District no variances would have been necessary.
- 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, topography and existing conditions 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



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### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-033 for 25 New Castle Street SW

**DATE:** April 11, 2024

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

#### **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 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Virginia Highland Neighborhood of NPU-F, Council District 6.

#### **Relevant Zoning Requirements:**

- The subject property is zoned SPI-4 SA1/BeltLine/W IZ Overlay (Ashview Heights and Atlanta University Center Special Public Interest District/BeltLine Overlay/Westside Affordable Workforce Housing Overlay District).
- Minimum lot dimensions:
  - Frontage: Frontage to conform to the existing, predominant block face pattern.
  - Minimum lot area: 5,000 square feet.
- Minimum yard setbacks:
  - Front yard: 8 feet or match existing block.
    - Minimum Street Furniture Zone (width in ft): 3 feet or match existing block.
    - Minimum Sidewalk Clear Zone (width in ft): 5 feet or match existing block.
    - Minimal Supplemental Zone (width in ft): None.
- Minimum Side Yard (ft) not adjacent to street: 7 feet.
- Minimum Rear Yard (ft) not adjacent to street: 15 feet.
- Maximum Building Coverage: Maximum building coverage within this district shall not exceed 70% percent of the total lot area.

**Property Characteristics:** The property is an interior lot with a regular shape, covering an area of approximately 7,448 square feet (0.171 acres). It has a frontage of approximately 50 feet and tapers towards the rear with a narrow width of about 150 feet. Currently, there is a one-story frame building with lower-level access. The building features a concrete wood porch, concrete sidewalk, wall, and concrete ramp that terminates at the south side of the building in the front. Additionally,

there is an upper-level cantilever, upper-level wood deck, wood steps/landing, and asphalt parking area in the rear. On the north side of the property, there exists an asphalt driveway and chain link gate. Access to the property is provided through a driveway on Newcastle Street. The topography of the lot is relatively level, with a 7-foot grade change, 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, south, and west are developed with single-family dwellings and are zoned SPI-4 SA1/BeltLine/Westside IZ Overlay (Ashview Heights and Atlanta University Center Special Public Interest District/BeltLine Overlay/Westside Affordable Workforce Housing Overlay District). The property to the East is zoned SPI-4 SA4/IS/BeltLine/Westside IZ Overlay (Ashview Heights and Atlanta University Center Special Public Interest District/Intown South Commercial Corridor Overlay District/BeltLine Overlay/Westside Affordable Workforce Housing Overlay District) with a commercial building.

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

**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 a total area of 7,448 square feet and has a lot width of 50 feet. It exceeds the minimum lot size of 5,000 square feet by 2,448 square feet. The zoning district does not have a minimum lot width requirement, but it does require the frontage to match the existing block face, which, in this case, it does, as the lot matches the 50-foot width of other lots on the block. The property has relatively level topography, with a 7-foot grade change. Therefore, the staff has determined that there are no extraordinary or 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 7,448 square feet. However, adhering to the zoning regulations may be difficult due to the narrowness of the lot. This could create a hardship by preventing the applicant from constructing a reasonably sized community center. The property is zoned for Ashview Heights/Just Us Single Family and Low Density Residential, which is intended for single family and two-family residential use. The existing building and porch would encroach into the front setback if it were in a regular residential district, which it was before the SPI district was created in 2021. The required setbacks for this lot result in a reduced buildable area, which would not allow for a conducive community center. The current structure encroaches the southside yard setback by 5.2 feet, where the minimum side yard setback is 7 feet. The proposed setback variance is the minimum that would allow for construction of a community center on this site with a reasonable width and square footage.

If the applicant were to reduce the size of the building, it would not be feasible for a community center. The space would be too small compared to other community centers, which are wider and larger. The applicant is proposing to demolish the existing structure to build a 2-story building with a basement. The applicant is seeking to reduce the side yard setback from 7 feet



to 3 feet, which is less encroachment than the current 5.2 feet. These proposed improvements are reasonable given the lot's nonconformities. The applicant has an approved Special Use Permit for a community center per 22-O-1833 U-22-31. Staff believes that the proposal is reasonable because the applicant is lessening the amount of encroachment and trying to comply more with the SPI's zoning regulations.

- c. **Such conditions are peculiar to the particular piece of property involved.** It is important to note that the south side yard encroachment is unique to the subject property. 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 proposed two-story building would not cause substantial detriment to the public good. It would not pose a fire hazard, impair drainage, lead to traffic congestion, or otherwise violate zoning regulations. This building would serve as an investment in the subject property, extending the ability of Raising Expectation, Inc. to fulfill its mission of empowering youth in crises by raising academic, social, and civic expectations. Specifically, it would provide a community center for schools such as Booker T. Washington High School, which is less than 0.5 miles from the site. This facility would contribute to the long-term success of the nonprofit organization, providing essential services at the same location. Ultimately, this would contribute to the stability of the neighborhood and the students served by the organization. Staff finds these requests to be reasonable and consistent with the purposes and intent of the zoning regulations.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director