



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-23-67 for 856 Argonne Avenue NE

DATE: May 2, 2024

Applicant seeks a special exception to increase the height of a fence (wall)/gate (more than 50% in opacity) in the half-depth front yard from 4 feet to 7 feet.

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

RECOMMENDATION: DENIAL WITHOUT PREJUDICE

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: **V-23-209 for 746 Fraser Street SE**

DATE: May 2, 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 - JUNE 13, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-001 for 2223 Collins Ridge Drive NW

DATE: May 2, 2024

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

The applicant has requested a deferral to amend their request. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – JUNE 6, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-015 for 223 Randolph Street NE

DATE: May 2, 2024 (*Deferred 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 applicant has requested to defer this application to continue working with the NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – JULY 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-035 for 2369 Glenwood Drive NE

DATE: May 2, 2024

Applicant seeks a special exception to reduce the rear yard setback from 15 feet to 3 feet for the construction of a second-story addition.

The NPU and applicant requested more time to work with the neighborhood to ensure a new plan accommodating the neighbors' concerns.

RECOMMENDATION: DEFERRAL – JUNE 13, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Angela Blatch, Secretary of Board *AMB*

SUBJECT: V-24-037 for 1178 Greenwich Street SW

DATE: May 2, 2024

Applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet to construct a new single-family dwelling.

The applicant has requested a deferral to amend their request. Staff is supportive of this request.

STAFF RECOMMENDATION: DEFERRAL – JUNE 6, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-040 for 1005 Astor Avenue SW

DATE: May 2, 2024

Applicant seeks a variance to reduce the west rear yard setback from 15 feet to 10 feet for the construction of a new single family dwelling.

Staff recommends a deferral so that the applicant can receive a recommendation from the NPU.

RECOMMENDATION: DEFERRAL – JUNE 6, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-041 for 532 Parker Avenue SE

DATE: May 2, 2024

The applicant seeks a variance to reduce the front yard setback from the required 40 feet to 27.5 feet.

Staff recommend deferral to allow proper advertisement of an additional variance request.

RECOMMENDATION: DEFERRAL – JUNE 6, 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

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

DATE: May 2, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronting 50 feet on the south side of Park Avenue and beginning at the southeast intersection of Crogman Street and Park Avenue. The property is located in Land Lot 57 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 lot with approximately 25 feet of street frontage and 6496 square feet (0.149 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 half-depth front yard setback from 10 feet to 5 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. The property has elevated terrain, increasing approximately 14 feet from the front to rear, and approximately 6 feet from west to east. Therefore, Staff finds frontage, size, and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause a hardship by preventing the proposed improvement from being constructed as requested. The lot is 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 conditions identified above are peculiar to the piece of property involved, as the elevated terrain is not seen on adjacent properties on the same block face.
- 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 adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life and housing, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-039 for 1416 Meridian Street SE

DATE: May 2, 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 74.43 feet on the north side of Meridian Street SE and begins at the intersection of Vinson Drive and Meridian Street. The property is located in Land Lot 208 of the 15th District, Dekalb County, Georgia. It is located in the Edgewood neighborhood of NPU-O, Council District 5.

Relevant Zoning Requirements:

- The subject property is zoned R-4A (Single-Family Residential District).
- 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 regular corner lot with approximately 74.43 feet of street frontage and 12,332 square feet of area. The property is currently developed with an existing two-story home. Vehicular access is currently provided via a curb cut on Vinson Drive. The topography declines by approximately 4 feet from its highest point to the lowest point. There are mature trees located on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape, size, and area. All of the parcels to the north, south, east, and west are zoned R-4A (Single-Family Residential District).

PROPOSAL: The 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 location of the proposed swimming pool will most likely not be visible as it will be obstructed by a 6-foot privacy fence, existing landscaping, and mature trees located throughout the property. Therefore, staff believes the request is reasonable and the impact to any others will be minimal.
- b. **The area for such activity could not be reasonably located elsewhere on the lot.** Due to the placement of the existing structures in the rear yard, staff believes the location of the proposed pool to be appropriate as it could not be located elsewhere on the lot. The proposed location minimizes impact to existing structures, hardscape, and trees.

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-24-042 for 4581 Ajo Walk SW (Lot 22)

DATE: May 2, 2024

The applicant seeks a variance to eliminate the requirement for dwellings with front-facing garage doors to be recessed and located a minimum distance of 10 linear feet behind the front façade of the principal structure for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 54.48 feet on the west side of Ajo Walk and beginning approximately 1,523.93 feet from the northwest intersection of County Line Road and Ajo Walk. The property is located in Land Lot 64 of the 14Fth District, Fulton County, Georgia within the Greenbriar Village neighborhood of NPU-P, Council District 11.

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 property in question is a cul-de-sac lot that faces the rounded turn-around portion of Ajo Walk. Its shape is irregular, covering an area of around 23,458 square feet (0.54 acres) and has a frontage of 54.48 feet. Currently, the lot is vacant and is in the process of starting construction. Access to the property will be through Ajo Walk 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 16-foot grade change. There is a sewer cleanout, a roof drain, a 20-foot sewer sanitary easement, a 25-foot undisturbed buffer, and a 15-foot floodplain buffer located at the rear of the property. The majority of the south side yard is covered by a 100-year elevation detention pond, and there are a few trees on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. The parcels surrounding the property's subdivision to the north are zoned PD-H (Planned Development-Housing), while the parcels to the east, south, and west, including the lots in the subdivision, are zoned for R-4 (Single Family Residential). Currently, two parcels in the subdivision are under development for single-family residential buildings.

PROPOSAL: The applicant is requesting a variance to eliminate the requirement for dwellings with front-facing garage doors to be recessed and located a minimum distance of 10 linear feet behind the front façade of the principal structure for the construction of a new single-family dwelling. The applicant is attempting to finish building the proposed 42-unit subdivision as per SD-21-022 Cascade Ridge at Niskey Lake.

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 23,458 square feet, which meets the minimum lot area requirement for properties zoned R-4. However, the lot width falls short by 15.52 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 16-foot grade change. At the rear end of the property, there is a sewer cleanout, a roof drain, a 20-foot sewer sanitary easement, a 25-foot undisturbed buffer, and a 15-foot floodplain buffer, and to the south side of the property there is a 100-year elevation detention pond. 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. The property meets the minimum lot area requirements but poses difficulties in complying with the neighborhood design standards. The lot has a slope of 16 feet from the front to the rear. At the rear, there are several obstacles, including a sewer cleanout, a roof drain, a 20-foot sewer sanitary easement, a 25-foot undisturbed buffer, and a 15-foot floodplain buffer. Moreover, most of the south side yard is covered by a 100-year elevation detention pond, making it challenging to construct a garage that meets the design standards in the zoning district without a variance request.

The topographic challenges, combined with the presence of sewer sanitary pipes, buffers, and a detention pond, significantly restrict the buildable areas, 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 that is not recessed 10 linear feet is allowed, but Staff finds that the lot's irregular shape, topography, buffers, detention pond, and sanitary sewer line justifies the requested variance to eliminate or reduce the 10 linear feet from 10 feet to 0 feet for the construction of a new single-family residence with a garage at the front façade of the principal structure. 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, 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



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-043 for 4580 Ajo Walk SW (Lot 21)

DATE: May 2, 2024

The applicant seeks a variance to eliminate the requirement for dwellings with front-facing garage doors to be recessed and located a minimum distance of 10 linear feet behind the front façade of the principal structure for the construction of a new single-family dwelling

FINDINGS OF FACT:

Property Location: The subject property fronts 63.04 feet on the south side of Ajo Walk and beginning approximately 1,563 feet from the southwest intersection of County Line Road and Ajo Walk. The property is located in Land Lot 64 of the 14Fth District, Fulton County, Georgia within the Greenbriar Village neighborhood of NPU-P, Council District 11.

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 property in question is a cul-de-sac lot that faces the rounded turn-around portion of Ajo Walk. Its shape is irregular, covering an area of around 13,258 square feet (0.54 acres) and has a frontage of 63.04 feet. Currently, the lot is vacant and is in the process of starting construction. Access to the property will be through Ajo Walk 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 16-foot grade change. At the west side of the property, the majority of the west side yard is covered by a 100-year elevation detention pond, and there are a few trees on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the surrounding area vary in size and shape. The parcels surrounding the property's subdivision to the north are zoned PD-H (Planned Development-Housing), while the parcels to the east, south, and west, including the lots in the subdivision, are zoned for R-4 (Single Family Residential). Currently, two parcels in the subdivision are under development for single-family residential buildings.

PROPOSAL: The applicant is requesting a variance to eliminate the requirement for dwellings with front-facing garage doors to be recessed and located a minimum distance of 10 linear feet behind the front façade of the principal structure for the construction of a new single-family dwelling. The applicant is attempting to finish building the proposed 42-unit subdivision as per SD-21-022 Cascade Ridge at Niskey Lake.

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 13,258 square feet, which meets the minimum lot area requirement for properties zoned R-4. However, the lot width falls short by 6.96 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 16-foot grade change. At the west side of the property, the majority of the west side yard is covered by a 100-year elevation detention pond. Due to the deficient lot width and topography, Staff find the property 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 lot shape, 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 16-foot grade change. At the west side of the property, most of the west side yard is covered by a 100-year elevation detention pond, making it difficult to construct without a variance request.

The topographic challenges, coupled with the presence of required setbacks for R-4, and the 100-year elevation detention pond, make a large portion of the lot unbuildable, limiting feasible areas for construction, and providing no alternative to place the garage doors elsewhere. Constructing a garage in front of the building that is recessed 10 linear feet is allowed, but Staff finds that the lot's irregular shape, topography, a 100-year elevation detention pond justifies the requested variance to eliminate or reduce the 10 linear feet from 10 feet to 0 feet for the construction of a new single-family residence with a garage at the front façade of the principal structure. 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, 100-year elevation detention pond, 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 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



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-038 for 1243 Allene Avenue SW

DATE: May 2, 2024

Applicant seeks a special exception to the zoning ordinance to expand a non-conforming use in the form of an 845 square foot addition to an existing daycare structure.

FINDINGS OF FACT:

Property Location: The subject property fronts 90 feet on the west side of Allene Avenue, beginning approximately 50 feet from the southwest intersection of Hartford Place and Allene Avenue. The property is located in Land Lot 105 of the 14th District, Dekalb County, Georgia. It is located in the Capitol View Neighborhood of NPU-X, Council District 2.

Relevant Zoning Requirements:

- The subject property is zoned I-1/BL (Light Industrial/Beltline Overlay).
- Minimum lot dimensions: No fixed minimum lot widths or areas are established for these districts, but lot dimensions shall be sufficient to meet the requirements set forth in the ordinance such as transitional yards, transitional height planes, and minimum open space requirements.
- Minimum yard setbacks: Front yard: 40 feet; Side yard: Adjacent to a street, half the required front yard, as generally provided. If a building is not built to the lot line, at least five feet.
- Transitional Yards: Side yard: Adjacent to an R district without an intervening street, 20 feet; Rear yard: There shall be a rear yard of 20 feet adjacent to an R district.
- *Screening:* Where a lot in this district abuts a lot in an R-1 through R-G district on the rear or side yard lot line without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in slightly condition.

Property Characteristics: The subject property is a rectangular-shaped lot of approximately 13,982.76 square feet (0.321 acres) of area fronting 90 feet on Allene Avenue SW. The property is currently developed with a nonconforming, single story commercial building used as a daycare. The topography is relatively flat, with a gradual upward slope of approximately 7 feet to the northeast. There is a circular driveway and street trees in the front yard.

Characteristics of Adjoining Properties, Neighborhood: The subject property abuts a LW (Live Work/Beltline Overlay) zoning district to the north and R-4 (Single Family Residential) to the south and west. Directly across Allene Avenue is zoned MR-4A-C (Multi-Family Residential Conditional/Beltline Overlay).

PROPOSAL: Applicant seeks a special exception to the zoning ordinance to expand a non-conforming use in the form of an 845 square foot addition to an existing daycare structure.

CONCLUSIONS:

The following conclusions in relation to this request for special exception are in accordance with Section 16-24.005 of the Atlanta Zoning Ordinance.

The board of zoning adjustment may, therefore, by special exception, permit enlargement, extension or moving on the same lot, subject to general requirements and procedures applying to special exceptions and with the following special requirements, limitations and considerations.

Materials to be submitted with application: The applicant submitted sufficient site and building plans, evidence of continued use, photographs of the property and all material appropriate in the circumstances of the case.

Limitations on extension or expansion: The applicant's proposed expansion is inconsistent with the limitations set forth in Section 16-24.005(d) which prohibits floor area increases except "to provide for interior sales, service or storage operations replacing existing outdoor sales, storage or service". Section 16-24.005(d) also prohibits any floor area expansion which would increase the intensity of the nonconforming use by increasing traffic, number of customers, or employees, or by other means. By increasing classroom capacity and enrollment, the proposed daycare expansion is increasing the intensity of the non-conforming use, which is expressly prohibited.

Screening: Should the proposed special exception request be permitted, the applicant shall install/maintain existing screening between the subject property and the abutting R-4 (Single Family Residential) properties in accordance with Section 16-24.005(e).

Access, parking and service area: Access is currently provided via a circular driveway on Allene Avenue. ATLDOT has provided the applicant with general comments regarding access to the site, but has no comments specific to the proposed expansion of the non-conforming use.

The site currently has no dedicated off-street parking. The I-1 (Light Industrial) ordinance does not specify a minimum number of off-street parking spaces for a daycare as it is not a permitted use, and there are no required parking minimums within the Beltline Overlay. Employees currently park in the driveway or in on-street parking along Allene Avenue.

Signs, lighting of premises: Signage is already present on the site and appears to be appropriate to the surrounding area. No lighting was observed by staff. Should the special exception request be approved, staff does not recommend any specific conditions pertaining to the number, size, character and location of signs and the nature of lighting of signs and premises.

Hours and conditions of operation: Should the special exception be approved, Staff does not recommend any specific conditions specific to hours and conditions of operations to protect the

safety, security, comfort and tranquility of the area, as the daycare has been operating in the neighborhood for several years with seemingly good relations with local residents.

Findings required: The non-conforming use has continued since 2019 and is likely to continue indefinitely. Although childcare is an in-demand service for residential areas and adds to the quality of life for the neighborhood, the proposed expansion of this non-conforming use would not result in a substantial reduction of existing adverse effects on surrounding property and/or in other substantial public advantage. The applicant may wish to consider applying for rezoning so that the daycare can more easily expand to meet growing demand for enrollment in the future.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, AICP, Director



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

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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-23-212 for 1461 Boulevard Lorraine SW

DATE: May 2, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronts 75 feet on the west side of Boulevard Lorraine and beginning at the northwest intersection of Venetian Drive and Boulevard Lorraine. Zoned R-3 (Single Family Residential). Land Lot 184 of the 14th District, Fulton County, Georgia.

Relevant Zoning Requirements:

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

Sec. 16-28.008. - Required yards and open space, detailed limitations on occupancy. Within the required side and rear yards:(i) 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 an irregularly shaped lot with approximately 75 feet of street frontage and 14,983 square feet (0.344 acres) of area. The property is currently developed with a single-story residential structure. The topography varies across the lot, approximately a 10-foot difference in elevation between the highest point at the center of the house to the lowest point in the front. There are mature trees onsite.

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

PROPOSAL: The applicant seeks a special exception to increase the height of a fence (more than 50% opacity) in the required half-depth front yard from 4 feet to 6 feet and increase the height of a privacy fence (more than 50% opacity) on the east side front yard from 4 feet to 6 feet.

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

- a. **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.** The applicant seeks an exemption to permit the use of an existing 6'+ wooden privacy fencing around house. The applicant submitted a plethora of evidence for the need of privacy and security on the property. In the report there is video, photographs and police report evidence detailing the events on the property. On June 27th there was an incident where persons broke into the house and stole several items including multiple kitchen appliances, personal property and made unauthorized purchases using personal information. Another two attempts to enter were made on June 30th, the first attempt at 5:09 a.m. and the second made by persons arriving in a City of Atlanta Garbage Truck both times they were deterred by the security system put in place after the incident on June 27th. Again, the property was trespassed on with an attempt to open the shed in the rear of the property, without successful entry, the suspects were able to hitch and take the trailer on site for the renovations being done on the house. The property owner then installed fencing in October of 2023 and a violation code was left when owner was away at work. The applicant has very detailed reports, pictures, and video evidence of each attempt.

The property is situated on a corner lot with two different intersections stopping at the lot's frontage, additionally there is a power easement two lots away which allows a lot of vulnerability/escape routes from the property for robbery attempts. There is a wooded empty lot across Boulevard Lorraine, the house to the rear is buffered with heavy vegetation and is aligned opposite of 1461 and the houses across from Venetian Dr. are the below street view which limits neighbors' visibility to report or deter robbers from this property.

In relation to the compatibility of the character of the neighborhood, the applicant identified another property less than a mile away with a nonconforming 6'+ privacy fence on a corner lot.

Staff is of the opinion that the applicant has justified the need for a higher fence by providing photographic evidence to support the claims. The applicant also provided neighborhood crime reports/testimonies that support the safety concerns. Additionally, the applicant provided photographs of a nearby property that has similar sized fencing, satisfying the compatibility criteria. Staff is supportive of the request based on the evidence provided by the property owner.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director