



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-24-005 for 1416 Donnelly Avenue SW

DATE: May 2, 2024 (*Deferred March 7, 2024; April 4, 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.

Due to amendments to the application by the applicant, the application must be readvertised to reflect the amended requests.

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-24-027 for 215 West Wieuca Road NW

DATE: May 9, 2024

Applicant seeks a variance to increase the lot coverage from 40% to 72%, to increase the height of a building from 35 feet to 60 feet, and a special exception to reduce on-site parking spaces from 235 spaces to 121 spaces for construction of a new 3-story school.

The applicant has requested a withdrawal. Staff is supportive of the 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-24-030 for 947 Crew Street SW

DATE: May 9, 2024

Applicant seeks a variance to increase the height of a dwelling from 35 feet to 37 feet, reduce the front porch size from 12 feet wide, 8 feet depth to 7 feet 9 inches wide, 4 feet 3 inches depth and remove the six-inch wide porch roof supports requirement, allow a parking bay in the required front yard setback, and a special exception to increase the paved area in the front yard adjacent to the street from the required one-third of the total area to 40% of the total area for construction of a new two-family dwelling

The applicant has requested a deferral to continue discussions with the NPU. Staff is supportive of the request.

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 to the Board *AMB*

SUBJECT: V-24-046 for 663 Park Drive NE

DATE: May 2, 2024

The applicant seeks a variance to allow an increase of the lot coverage from the required 50% to 59%, reduce the rear yard setback from the required 15 feet to 0 feet, reduce the side yard setback from the required 15 feet to 0 feet, reduce the west side yard setback from the required 7 feet to 0 feet, increase the height of an accessory dwelling unit from the required 20 feet to 21 feet, and increase the total floor area of the accessory structure from the required 30% to 66%.

Staff recommend deferral to allow the applicant to make necessary adjustments based on feedback 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-24-047 for 1197 Avon Avenue SW

DATE: May 9, 2024

The applicant seeks a special exception to increase the height of a fence in the half-depth front yard from 4 feet to 6 feet.

Staff determined that this application must be processed and reviewed by the Urban Design Commission.

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-23-211 for 1700 Lakewood Avenue SE, 1705 Lakewood Avenue SE,
8 Charleston Avenue SE, and 10 Charleston Avenue SE

DATE: May 9, 2024

Applicant seeks a variance to exceed the maximum building height of structures or portions of structures which are within 150 feet of any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district from 35 feet to 49.5 feet and a special exception to reduce the required off-street parking from 78 spaces to 67 spaces for a new mixed-use development.

FINDINGS OF FACT:

Property Location: The proposed site fronts approximately 186.8 feet on the east side of Lakewood Avenue SE, 105 feet along the west side of Charleston Avenue SE, and approximately 118.5 feet along the south side of Livermore Street SE. The property is located in Land Lot 157 of the 14th District, Fulton County, Georgia. It is located in the Lakewood Heights Neighborhood of NPU-Y, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned MRC-1-C and MRC-1
- Section 16-34.026(2)(b) – *Maximum building heights.* Structures or portions of structures which are within 150 feet of any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 35 feet. Structures that are between 150 feet and 300 feet from any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 52 feet. Structures or portions of structures that are greater than 300 feet from any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district shall have a maximum height of 225 feet.
- Section 16-34.021(5) – For residential uses. See Table I, "Land use intensity ratios", for minimum parking requirements under appropriate FAR for the development.

- **Section 16-34.021(7) (f)(i) Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:** *Within MRC-1:* One parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area.
- **Section 16-34.021(7)(l) Office uses:** No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

Property Characteristics: The subject property is irregularly shaped with frontages along Lakewood Avenue SE, Livermore Street, and Charleston Avenue SE with 46,301 square feet (1.06 acres) of area. The primary frontage is along Lakewood Avenue SE. An open 10-foot alley borders the site to the southeast. The proposed site consists of four parcels which are primarily developed with a vacant bank building and accompanying parking lot, while one parcel (10 Charleston Avenue SE) is currently undeveloped. The site has a steep drop in topography of about 20 feet from the Lakewood Avenue frontage to Charleston Avenue in the rear.

Characteristics of Adjoining Properties, Neighborhood: The properties to the north and west form a portion of the Lakewood Avenue/Jonesboro Road commercial corridor are currently zoned MRC-1-C according to the recommendations in the 2013 Lakewood Heights Livable Centers Initiative (LCI Plan). South and east of the site, the character of the neighborhood is residential, with R-4 zoning, though much of the fabric of the neighborhood has deteriorated.

PROPOSAL: The Applicant seeks a variance to exceed the maximum building height of structures or portions of structures which are within 150 feet of any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district from 35 feet to 49.5 feet and a special exception to reduce the required off-street parking from 78 spaces to 67 spaces for a new mixed-use development consisting of 70 affordable housing units and 7,500 square feet of commercial space.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Sections 16-26.003 and 16-26.006 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 highly irregular shape due to the obtuse angle formed by the intersection of Lakewood Avenue and Livermore Street, the “L” shape of one of the subject parcels (1706 Lakewood), and the site’s location having three street frontages. The site also has a dramatic change in topography, declining 20 feet from the Lakewood Avenue frontage to Charleston Avenue in the rear. The majority of the grade changes occur within the 150-foot height-limiting buffer.

- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the peculiar shape and topography of the subject property. The strict application of the regulations would greatly restrict the potential redevelopment of the site due to the constraints on vertical circulation within the structure itself. Therefore, Staff is of the opinion that the proposed variance to exceed the maximum height is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The irregular shape, three frontages, and steep topography are peculiar to the subject property and inconsistent with the typical parcel in the zoning district.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance is reasonable.

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 irregular shape and topographical challenges of the property and made every reasonable measure to maximize the number of onsite parking spaces. Furthermore, the subject property is accessible to transit via two Marta bus routes #155 and #55 with connection to the West End and Five-Points Transit Stations. 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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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-045 for 2397 Hurst Drive NE

DATE: May 9, 2024

Applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 7 feet, special exceptions to increase the number of retaining walls from two to four and height from 3 feet to 5.5 feet in the front yard, increase the number of retaining walls from two to five and height from 3 feet to 8 feet 10.5 inches in the half-depth front yard, and increase the height of a retaining wall from 6 feet to 8 feet 10.5 inches in the rear yard for construction of a single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 59.93 feet on the east side of Hurst Drive and beginning at the southeast intersection of Eureka Drive and Hurst Drive. The property is located in Land Lot 102 of the 17th District, Fulton County, Georgia. It is located in the Peachtree Hills Neighborhood of NPU-B, Council District 7.

Relevant Zoning Requirements:

- The subject property is zoned R-4/BL (Single Family Residential/Beltline Overlay).
- Minimum yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 9,000 square feet; frontage: 70 feet

Property Characteristics: The subject property is an irregular shaped lot with approximately 75 feet of street frontage and 6,684 square feet (0.264 acres) of area. The property has a single-family dwelling with a brick patio in rear.

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

PROPOSAL: The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 7 feet, special exceptions to increase the number of retaining walls from two to four and height from 3 feet to 5.5 feet in the front yard, increase the number of retaining walls from two to five and height from 3 feet to 8 feet 10.5 inches in the half-depth front yard, and increase the height of a retaining wall from 6 feet to 8 feet 10.5 inches in the rear yard for construction of a single-family dwelling.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 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 sized and narrow, limiting the building area. The topography varies throughout the site, increasing approximately 10 feet on the half-depth yard and approximately 6 feet on the front yard. 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 on building setbacks and retaining wall regulations would cause a hardship by preventing the proposed house from being constructed as requested. The narrow shape and topography limit the overall building 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 conditions identified above are peculiar to the piece of property involved, as Staff has not identified similar conditions 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, 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-24-049 for 1479 McLendon Avenue NE

DATE: May 9, 2024

The applicant seeks a variance to reduce the north yard setback from 35 feet to 16 feet 4 inches for the construction of a second-story balcony.

FINDINGS OF FACT:

Property Location: The subject property fronts 35 feet to 16 feet 4 inches for construction of an addition to an existing single-family dwelling for property located at 1479 McLendon Avenue, N.E., fronting 48.69 feet on the south side of McLendon Avenue and beginning approximately 204 feet from the southeast intersection of Candler Park Drive and McLendon Avenue. Zoned R-4 (Single Family Residential). Land Lot 210 of the 15th District, Dekalb County, Georgia It is located in the Candler Park of NPU-N, Council District 2.

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: 50 feet

Property Characteristics: The subject property is a regularly shaped lot with approximately 48.69 feet of street frontage and 5,437 square feet (0.125 acres) of area. The property is currently developed with a two-story residential structure. The topography is consistent across the lot, with approximately a 5-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 size, shape, and area. Adjacent parcels to the south are R-5-C, R-4 to the East and West, and RG-2 and Open Space.

PROPOSAL: The applicant seeks a variance to reduce the north front yard setback from 35 feet to 16 feet 4 inches for the construction of a second-story balcony.

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 width for its zoning designation. The lot has only 48.69 feet of the required 50 feet frontage and is deficient by approximately 3,563 square feet for the R-4 zoning district. Presently, the footprint of the existing dwelling encroaches in the front yard setback. Therefore, Staff finds the width and size deficiencies 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 hardship by preventing the proposed improvement from being constructed within the existing footprint which currently encroaches. Furthermore, the lot is undersized and deficient in width, limiting the overall building 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 lot size deficiency in combination with the historic structure existing in the required setbacks appears to be the conditions peculiar to this site; staff has not identified other lots with the same conditions.
- 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 addition would be visible from the street but would not affect the aesthetic of the subject property as other properties on the block have park-facing balconies. 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-24-050 for 3695 Randall Mill Road NW

DATE: May 9, 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 207.98 feet on the east side of Randall Mill Road NW and begins at the intersection of Buckingham Circle and Randall Mill Road. The property is located in Land Lot 180 of the 17th District, Fulton County, Georgia. It is located in the Randall Mill Neighborhood of NPU-A, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-2 (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 an irregular shaped corner lot with approximately 207.98 feet of street frontage and 50,238 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 Buckingham Circle. The topography declines by approximately 42 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-2 (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 the declining topography and the existing 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 irregular shape of the lot and the topography, 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-24-053 for 546 Boulevard Place NE

DATE: May 9, 2024

Applicant seeks a variance to reduce the eastern side yard setback from 7 feet to 4 feet for the construction of an additional dwelling unit to an existing single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the north side of Boulevard and beginning approximately 60 feet from the northwest intersection of Arnold Street and Boulevard Place. Zoned R-5/BL (Two-Family Residential/BeltLine Overlay). Land Lot 47 of the 14th District, Fulton County, Georgia. It is located in the Old Fourth Ward of NPU-M, Council District 2.

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.
- 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 9,740 square feet (0.224 acres) of area. The property is currently developed with a single-story residential structure. The topography is consistent across the lot, with approximately an 8-foot difference in elevation between the highest point at the front of the house to the lowest point at the rear. There are mature trees onsite.

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 south and east, are also zoned R-5 (Single Family Residential), the Parcel to the north is zoned PDMU, and the parcel to the west is zoned RG-3-C.

PROPOSAL: The applicant seeks a variance to reduce the eastern side yard setback from 7 feet to 4 feet for the construction of a second dwelling unit to the existing 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 a long and narrow rectangular shape with insufficient width to provide street frontage for the proposed second unit front door to be visible from the street according to Sec. 16-07.012. (3). *Front doors shall face and be visible from the adjacent street.* Therefore, Staff finds the width 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 development of a permitted onsite use like this proposed “missing middle” development. The proposed project was configured to minimize setback encroachments. 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 existing structure is just within the side yard setback requirements and the proposed encroachment will allow the development of an additional residential unit. The shape of the narrow lot and the plans to minimize encroachments and preserve the existing structure are peculiar to the subject property.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light or air on the adjacent properties. The addition, other than the required second unit front door, would not be visible from the street view, which will protect the aesthetic of the subject property while meeting the zoning regulations. The request allows for an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Additionally, this proposal will increase housing options and bring more of the “missing middle” to this 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-24-054 for 3890 Riverchess Drive SW (Lot 21)

DATE: May 9, 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 83.63 feet on the south side of Riverchess Drive and beginning approximately 926.7 feet from the southwest intersection of Fairburn Road and Riverchess Drive. The property is located in Land Lot 34 of the 14^Fth District, Fulton County, Georgia within the Ben Hill 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 an irregular interior shaped lot, covering an area of around 15,754 square feet (0.362 acres) and has a frontage of 83.63 feet. Currently, the lot is vacant and is in the process of starting construction. Access to the property will be through Riverchess Drive for vehicles. The lot's topography slopes downward from the front property

line to the rear, with a 10-foot grade change. In the rear of the property, the site has a 75 foot City of Atlanta Tributary Buffer, rain gardens, and drainage pipes, and there are trees on the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape. Properties immediately adjacent to the property are developed with single-family dwellings with R-4 (Single Family Residential). zoning.

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.

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 15,754 square feet, and width of 83.63 feet which meets the minimum lot area and width requirements for properties zoned R-4. The lot's topography slopes downward from the front property line to the rear with a 10-foot grade change. In the rear of the property, the site has a 75-foot City of Atlanta Tributary Buffer, rain gardens, and drainage pipes. Due to the site topography, Staff finds 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 and width 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 10-foot grade change. In the rear of the property, the site has a 75-foot City of Atlanta Tributary Buffer, rain gardens, and drainage pipes, making it difficult to construct without a variance request.

The topographic challenges, adherence to the required setbacks for the R-4 zoning district, the rain gardens, drainage pipes, and tree canopy make a large portion of the lot unbuildable, limiting feasible construction areas 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, and site conditions justify 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, and present site conditions. 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



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-24-048 for 1620 North Pelham Road NE

DATE: May 9, 2024

Applicant seeks a variance to increase the lot coverage from 50% to 64%, reduce the rear yard setback from 15 feet to 3 feet, reduce the south side yard setback from 7 feet to 4 feet and north side yard setback from 7 to 3 feet, increase the height of an accessory dwelling unit from 20 feet to 24 feet, and increase the total floor area of the accessory structure from 30% of the main structure to 41% for construction of an accessory structure.

FINDINGS OF FACT:

Property Location: The subject property fronts 74.78 feet on the west side of North Pelham Road and beginning approximately 250 feet from the northwest intersection of North Morningside Drive and North Pelham Road. The property is located in Land Lot 51 of the 17th District, Fulton County, Georgia. It is located in the Morningside/Lenox Park Neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential).
- Minimum 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 75 feet of street frontage and 9,669 square feet (0.222 acres) of area. The property has a single-family dwelling with a detached garage in the rear.

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

PART I

PROPOSAL: The applicant seeks a variance to increase the lot coverage from 50% to 64%, reduce the rear yard setback from 15 feet to 3 feet, reduce the south side yard setback from 7 feet to 4 feet and north side yard setback from 7 to 3 feet, and increase the total floor area of the

accessory structure from 30% of the main structure to 41% for construction of an accessory structure.

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 sized and narrow, limiting the building area. Therefore, Staff finds shape as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed carriage house from being constructed as requested. The proposed carriage house will replace the existing garage on the same building footprint but is expanding slightly on the north side yard setback. The narrow shape and large existing driveway limit 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 Staff has not identified similar conditions 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 the housing supply, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

PART II

PROPOSAL: The applicant originally sought a variance to increase the height of an accessory dwelling unit from 20 feet to 24 feet; however, the plans were amended on March 28, 2024, to comply with the height requirements for the R-4 zoning district. Therefore, the variance is no longer applicable.

RECOMMENDATION: APPROVAL of PART I and DENIAL WITHOUT PREJUDICE of PART II

cc: Keyetta M. Holmes, AICP, Director



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-24-051 for 669 Grady Place SW

DATE: May 9, 2024

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

FINDINGS OF FACT:

Property Location: The subject property fronts 50.53 feet on the west side of Grady Place and beginning 295.3 feet from the northwest intersection of Oglethorpe Avenue and Grady Place. The property is in Land Lot 118 of the 14th District, Fulton County, Georgia. It is in the Westend Neighborhood of NPU-T, Council District 4.

Relevant Zoning Requirements:

- The subject property is zoned R-4A/HC20G/BL (Single Family Residential/West End Historic District/BeltLine Overlay).
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yard: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50% percent of the total lot area.

Property Characteristics: The subject property is a regular shape interior lot with approximately 8,039 square feet (0.185 acres) of area and 50 feet of frontage. The lot narrows 159.94 feet from the front to the rear. The property is currently developed with a one-story frame single family home with a wood porch, concrete steps, and a walkway in the front. A wood deck with steps in the rear, east of the property. Access is provided via a driveway on Grady Place and terminates at the front of the lot on the north side. The topography is relatively narrow. The property features a tree in the middle of the rear yard and some grass spread in the front yard.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape. Property that is immediately adjacent to the property is developed with single-family dwellings with R-4A/HC20G/BL (Single Family Residential/West End Historic District/BeltLine Overlay). zoning.

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

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has a lot area of 8,039 square feet and a lot width of 50 feet. The topography of the property is relatively flat. Although the property exceeds the minimum requirements set forth by the R-4A zoning regulations, the presence of a mature tree limits the buildable area in the rear yard. Therefore, Staff finds preservation of the tree as an extraordinary and exceptional condition pertaining to this property.

- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The property where the applicant intends to build an accessory dwelling unit is a rectangular lot with a tree located in the middle of the rear yard, which makes the zoning regulations inapplicable. The lot is narrow, and the existing single-family home and front porch already occupy a significant portion of the space, making it challenging to place the proposed accessory dwelling unit in the rear of the lot without compromising the quality of life for the property owners. The proposed one-story accessory dwelling unit will encroach on the south side yard and rear yard setback due to the fact, there is no other feasible location for the structure, given the size of the residential structure and the placement of the tree.

According to Sec. 16-26.003, a variance can be granted to preserve mature trees. This variance is necessary to preserve the mature tree that sits in the middle of the rear yard with a caliper diameter of eight (8) inches or more, which would be lost if the setback requirements were strictly applied. As noted by the zoning ordinance, The variance can only be granted if the city arborist certifies to the board of zoning adjustment in writing that such tree(s) will be lost either by necessary removal for construction or as a consequence of adjacent construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s) or similar dysfunction. The City Arborist with the City of Atlanta Office of Buildings Arborist Division certified in an email sent to the assigned planner that the Arborist Division supports the preservation of healthy trees in the context of the proposed work. Based on these factors, the staff has deemed the request reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The existing front yard and south side yard encroachment of the existing single family residential dwelling of the subject property is peculiar to the subject property. Staff is unaware of the existence of similar conditions on adjoining neighborhood properties.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon 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. The request allows an increase in the quality of life, which improves and reinforces the stability of the surrounding neighborhood. Relief, if granted, would not cause

V-24-051 for 669 Grady Place, S.W.

May 9, 2024

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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 CONDITIONAL to the following:

Should the subject tree(s) die as a consequence, direct or indirect, of construction despite the granting of the variance, they shall be replaced, at the property owner's or applicant's expense, in accordance with a tree replacement plan prepared by the city arborist. The property owner or applicant shall be required to notify the city arborist of the death of the tree(s) within 30 days.

cc: Keyetta M. Holmes, AICP, Director