



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-23-148 for 1687 North Pelham Road NE

**DATE:** June 6, 2024 (*Deferred December 7, 2023*)

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**Applicant seeks a variance from the zoning regulation to reduce the side yard setback from 7 feet to 1 foot for the demolition of an existing carport and construction of a garage with a second story office.**

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

**RECOMMENDATION: DEFERRAL – AUGUST 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-24-046 for 663 Park Drive NE

**DATE:** June 6, 2024 (*Deferred May 9, 2024*)

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The applicant seeks variances to allow an increase in lot coverage from 50% to 59%, reduce the rear yard setback from 15 feet to 0 feet, reduce the west side yard setback from 7 feet to 0 feet and increase the total floor area of an accessory structure from the required 30% of the main structure to 66%.

The applicant requested to withdraw the request. 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 of Board *AMB*

**SUBJECT:** V-24-052 for 918 Pulliam Street SW

**DATE:** June 6, 2024

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**Applicant seeks a variance to allow a parking bay outside of the driveway for the construction of a new duplex and parking pad.**

The applicant has requested a deferral to allow an opportunity to meet with neighborhood associations. Staff is supportive of this request.

**STAFF RECOMMENDATION: DEFERRAL – JULY 18, 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Angela M. Blatch, Secretary of Board *AMB*

**SUBJECT:** V-24-055 for 773 Cascade Avenue SW

**DATE:** June 6, 2024

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**Applicant seeks a variance to reduce the transitional side and rear yard from 20 feet to 0 feet and reduce the rear, north, and south side yard setbacks from 20 feet to 0 feet.**

The applicant has requested a deferral to meet with neighbors. Staff is supportive of this request.

**STAFF RECOMMENDATION: DEFERRAL – AUGUST 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-24-058 for 545 Seals Place NE

**DATE:** June 6, 2024

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**The applicant seeks variances to reduce the front yard setback from 30 feet to 15.2 feet, reduce the east side yard setback from 7 feet to 2 feet, and reduce the west side yard setback from 7 feet to 4.4 feet.**

Staff recommends deferral of the application to allow the applicant time to present to the NPU.

**RECOMMENDATION: DEFERRAL – July 18, 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-24-059 for 743 North Avenue NW

**DATE:** June 6, 2024

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**The applicant is seeking a variance from the zoning ordinance to increase the height of a building from 40 feet to 49 feet for the construction of a new two-family residential building.**

This case has not yet received a recommendation from NPU L. Staff recommends deferral to the next available agenda.

**RECOMMENDATION: DEFERRAL – JULY 18, 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:** June 6, 2024

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**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 6 feet.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 55.73 feet on the south side of Collins Ridge Drive and beginning at the southwest intersection of Collins Drive and Collins Ridge Drive. The property is in Land Lot 244 of the 17<sup>th</sup> District, Fulton County, Georgia in the Bolton neighborhood of NPU D, Council District 9.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is an irregularly shaped corner lot with 55.73 feet of street frontage and 9,000 square feet (0.207 acres) of area. The property is currently developed with a two-story single-family dwelling. Vehicular access is provided via curb cuts on Collins Ridge Drive. The topography varies slightly across the lot, with approximately a 8-foot difference between its highest and lowest points. There are mature trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area vary in size and shape. Adjacent parcels to the north, east, and west are zoned R-4 (Single Family Residential). The surrounding uses are all residential and include single family detached dwellings.

**PROPOSAL:** The applicant seeks a variance to reduce the rear yard setback from 15 feet to 6 feet for construction of an addition to an 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 subject property is irregularly shaped corner lot. The minimum lot frontage for the R-4 (Single Family Residential) zoning district is 70 feet; however, the subject lot has a frontage of 55.73 feet; thus, deficient in frontage by 14.27 feet. Therefore, Staff finds lot size and shape as the extraordinary and exceptional condition regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement or anything similar. Due to deficient lot width and irregular shape, the proposed addition would require entitlements regardless of its location. The requested encroachment is unlikely to negatively impact any of the surrounding properties. 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 appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment 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 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-24-034 for 2744 Peachtree Road NW

**DATE:** June 6, 2024

---

**Applicant seeks a variance to increase the height of a building from 35 feet to 50 feet, reduce the front yard setback from 50 feet to 40 feet and a special exception to allow active recreation adjacent to a street.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 1078.92 feet on the west side of Peachtree Road and beginning at the northeast intersection of Andrews Drive and Peachtree Road. The property is located in Land Lot 100 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Peachtree Heights West Neighborhood of NPU-B, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned RG-5/B (Residential General District/Buckhead Parking Overlay) and R-3/B (Single Family Residential District/Buckhead Parking Overlay).
- Minimum yard setbacks for R-3: Front yard: 50 feet; side yard: 10 feet; rear yard: 20 feet.
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by a special exception granted by the Board of Zoning Adjustment.

**Property Characteristics:** The subject property is an irregularly shaped corner lot with approximately 1078 feet of street frontage and 11.09 acres of area. The property has multiple zoning designations; the R-3 section of the property encompasses 1.55 acres of the site, and the remaining 9.54 acres are RG-5. The property is currently occupied by an existing place of worship that includes multiple buildings which include a Chapel and a preschool. Vehicular access is provided via multiple curb cuts along both Peachtree Road NW and Andrews Drive NW. The topography varies greatly across the site; the primary structures on site are located about 15 feet higher than the street level, and there are grade changes throughout the entire site. There are mature trees on site.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area vary greatly in size, shape, and use. The parcels to the north are zoned R-2A (Single Family Residential District) and RG-5-C (Residential General District/Conditional). The parcels to the south are zoned RG-4/B (Residential General District/Buckhead Parking Overlay) and RG-5/B (Residential General District/Buckhead Parking Overlay). The parcels to the east are zoned RG-5/B (Residential General District/ Buckhead Parking Overlay) and MRC-2-C/B (Mixed Residential Commercial District/Conditional/ Buckhead Parking Overlay). The parcels to the west are zoned RG-1-C/B (Residential General District/Conditional/ Buckhead Parking Overlay).

**PROPOSAL:** The applicant seeks a variance to increase the height of a building from 35 feet to 50 feet, reduce the front yard setback from 50 feet to 40 feet and a special exception to allow active recreation adjacent to a street for the construction of a chapel expansion and a new playground. This application is related to the Special Use Request U-24-05, which was supported by the Zoning Review Board with a recommendation of Approval Conditional at their April 11, 2024 hearing. The applicant intends to expand their existing chapel into what is currently a playground area on the Andrews Drive side, and then relocate the playground to the Peachtree Road side. The site has split zoning which includes both RG-5 and R-3. The chapel expansion spans both districts, but only requires relief from some of the R-3 regulations. The playground will exist exclusively in RG-5 zoning.

## PART I

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is irregularly shaped, located on a corner, and has substantial shifts in topography throughout. These conditions have resulted in the particular development patterns that exist on site today and trigger the need for variances and special exceptions. Therefore, Staff finds shape and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement. The scope of work proposes an expansion of an existing structure, and that structure's location is limited by the peculiar building conditions on site; the location proposed by the applicant is logical based on existing conditions. Furthermore, the lot has split zoning, with one portion of the lot, where the expansion is proposed, having stricter controls than the rest of the lot. The 40-foot setback proposed by the applicant for the R-3 section of the site makes the entire site uniform in its front setback, as the RG-5 section which makes up the majority of the site only requires 40 feet of setback. Additionally, the height increase requested by the applicant is still less than the height of the existing church building on the RG-5 section of the site. Functionally, there is a negligible increase in overall intensity of the site and its use. Therefore, Staff is of the opinion that the proposed requests are reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

**PART II**

**PROPOSAL:** The applicant seeks a special exception to allow active recreation (playground equipment) 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 topography of the lot makes it so the street level is lower than where the playground will be located. This, combined with existing and proposed landscaping and screening means that the playground will be screened from the street effectively. The location of the proposed playground is also screened on two sides by existing buildings. Therefore, the impact on neighboring properties will be minimal.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** The rest of the site is already occupied by existing buildings, existing hardscape features such as surface parking lots and trails, and large mature trees that are desirable to preserve. Further, the existing playground (prior to the proposed relocation) is also adjacent to the street on the other side, suggesting that street-adjacent positions are the only remaining possible locations. Therefore, Staff is of the opinion that the location of the proposed use is reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

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

**DATE:** June 6, 2024

---

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

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 40 feet on the south side of Greenwich Street and 190.1 feet from the southeast intersection of Holderness Street and Greenwich Street. The property is located in Land Lot 117 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the West End Neighborhood of NPU-T, Council District 4.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4A/HC20G/BL/HD20G (Single Family Residential/West End Overlay/Beltline Overlay/West End Historic District).
- Minimum yard setbacks: Front yard: 30 feet; side yard: 7 feet; rear yard: 15 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 rectangular shaped lot with approximately 30 feet of street frontage and 8,610 square feet (0.198 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-4A/HC20G/BL/HD20G (Single Family Residential/West End Overlay/Beltline Overlay/West End Historic District).

**PROPOSAL:** The applicant seeks a variance to reduce the east side yard setback from 7 feet to 3 feet to construct a new single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in frontage and size for its zoning designation. The lot is irregularly sized and narrow, limiting the building area. Therefore, Staff finds frontage and size as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause hardship by preventing the proposed single-family dwelling from being constructed as requested. The lot is undersized, deficient in width, and is encumbered by a large existing driveway, 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 appear to be peculiar to the particular piece of property; staff have not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life and the housing supply, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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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:** June 6, 2024

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**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.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 90.28 feet on the west side of Evans Drive and begins at the northwest intersection of Evans Drive and Astor Avenue. The property is located in Land Lot 122 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Sylvan Hills Neighborhood of NPU-X, Council District 12.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4 (Single Family Residential District).
- Minimum yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet.

**Property Characteristics:** The subject property is an irregularly shaped corner lot with approximately 90 feet of street frontage and 24,394 square feet (0.56 acres) of area. The property is currently vacant and undeveloped. Vehicular access is not currently provided. The topography mostly level across the site, however along the eastern side of the lot fronting Evans Drive SW there is a large ditch where a creek flows through the neighborhood. There are a few mature trees throughout the site.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area vary slightly in size and shape due to the irregular street pattern in some locations, but otherwise are fairly consistent. All parcels to the north, south, east, and west of the site are also zoned R-4 (Single Family Residential District).

**PROPOSAL:** The applicant seeks a variance to reduce the west rear yard setback from 15 feet to 10 feet for the construction of a new single family dwelling. Because of the small creek on site

much of the buildable area is encumbered by a 75-foot stream buffer, so the applicant intends to locate the proposed structure outside of this buffer, closer to the west side property line.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is irregularly shaped and located on a corner, and it has a small creek flowing through it which triggers a 75-foot undisturbed buffer along its length. As a result, almost the entire lot could be considered unbuildable without some relief from the regulations. Therefore, Staff finds shape and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement or anything similar, more than likely resulting in a permanently undeveloped lot. The east side of the site which fronts Evans Drive is considered the true front yard because it is the shortest frontage along a street, however the existence of the creek along that edge makes it virtually impossible for a principal structure to front that side. The buffer triggered by this creek also makes most of the rest of the lot unbuildable without some relief from regulatory agencies. The applicant has requested a reduction to the western rear yard, which will actually function more like a side yard due to the proposed orientation of the structure along Astor Avenue rather than Evans Drive. The 10-foot setback proposed by the applicant exceeds the usual 7-foot side yard setback that would be required if this site fronted Astor Avenue rather than Evans Drive. Furthermore, the west side of the lot technically abuts an unopened Billups Street right of way instead of another single-family lot, so the actual building separation between the proposed structure and the nearest existing principal structure to the west will be much greater than 10 feet. Therefore, Staff is of the opinion that the proposed requests are reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

V-24-040 for 1005 Astor Avenue SW

June 6, 2024

Page 3 of 3

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director





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Director  
Office of Zoning and Development

## 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:** June 6, 2024 (*Deferred May 9, 2024*)

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**The applicant seeks variances to reduce the front yard setback from the required 40 feet to 27 ½ feet and reduce the north and south side setbacks from 20 feet to 7 feet.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50 feet on the east side of Park Avenue and begins approximately 94 feet from the southeast intersection of Park Avenue and Dekalb Drive. This property is in Land Lot 171 of the 15<sup>th</sup> District, Dekalb County, Georgia. It is in the East Lake Neighborhood in NPU O, Council District 5.

### **Relevant Zoning Requirements:**

- The subject property is zoned RG-4 (Residential General District)
- Minimum lot dimensions: Frontage: 20 feet; Minimum lot area: 1,000 Square Feet.
- Minimum yard setbacks: Front yard: 40 feet; Side yard setback: 20 feet; Rear yard setback: 20 feet.

**Property Characteristics:** The subject property is a regular shaped lot with a lot area of 0.173 acres (7,835 square feet) and frontage of 50.23 feet along Parker Avenue. The property is currently developed with a single-family dwelling, deck, detached carport, and driveway.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots are located in Dekalb County Jurisdiction and have similar width, area, and shape. All adjoining lots are developed with single-family dwellings and are zoned R-75 (Single Family Residential) per Dekalb County Zoning Map.

**PROPOSAL:** The applicant seeks variances to reduce the front yard setback from the required 40 feet to 27 ½ feet and reduce the north and south side setbacks from 20 feet to 7 feet for the construction of a front porch.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-08.008(1) and Section 16-24-011 (5)(e) of the City of Atlanta Zoning Code.

- a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is 0.173 acres (7,835 square feet) and has a regular shape and topography. The lot, however, is zoned RG-4 and requires 40-foot front and 20-foot side setbacks. The lot's size and width, although not deficient per the minimum RG-4 requirements (20 feet minimum width and 1,000 square foot minimum lot area) is substantially small for the required building setbacks, therefore making the lot unbuildable.
- b) **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The enforcement of the Zoning Ordinance would substantially reduce the buildable area of the lot and prevent the property owner from making the proposed or any other future improvements. The lot abuts Dekalb County Zoned single-family homes that require a 30-foot front and 7.5-foot side setbacks. The proposed 27.5-foot front and 7-foot side setbacks are reasonable given the size and width of the lot and it is consistent with the setbacks found in the neighboring properties.
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the conditions of the property are peculiar to this specific piece of property. The required setbacks would not allow any improvements to take place in the future.
- d) **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The variance request will not have a negative impact on the public good and does not impact the intent of the Zoning Ordinance.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

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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-24-060 for 819 Sherwood Road NE

**DATE:** June 6, 2024

---

**Applicant seeks variances to reduce the rear yard setback from 15 feet to 3 feet and to reduce the west side setback from 7 feet to 3 feet for the construction of a detached garage.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property is 64.74 feet on the west side of Sherwood Road and beginning approximately 335 feet from the southwest intersection of Cumberland Road and Sherwood Road. Zoned R-4 (Single Family Residential). 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 irregularly shaped lot with approximately 64.74 feet of street frontage and 8,276 square feet (0.19 acres) of area. The property is currently developed with a single-story residential structure. The topography varies across the lot, with approximately a 15-foot difference in elevation between the highest point at the rear of the yard to the lowest point at the street frontage. There are mature trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area vary in their size, shape, and area due to the curved nature of the intersecting streets in the area. All adjacent parcels to the north, south, east, and west, are also zoned R-4 (Single Family Residential), with one parcel to the west, with Open Space land use designation.

**PROPOSAL:** The applicant seeks variances to reduce the rear yard setback from 15 feet to 3 feet and to reduce the west side yard setback from 7 feet to 3 feet for the construction of a detached garage.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in frontage width and lot size for its zoning designation. The lot has only 64.74 feet of the required 70 ft frontage and only 8,276 square feet of the 9,000 minimum for the R-4 zone. Additionally, the shape of the lot is narrow trapezoid shaped, due to the curved nature of the intersection of Sherwood Road, Cumberland Road, and North Morningside Drive in addition to the width deficiencies. Therefore, Staff finds the width, shape, and size as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed covered parking from being constructed as requested. The lot has size and width deficiencies that limit the buildable area on the lot and further, limit the ability to protect vehicles from inclement weather and theft. 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 size, width, and shape of the lot are the conditions peculiar to this site; staff has not identified similar conditions of any directly adjacent lots.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The garage 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



ANDRE DICKENS  
MAYOR

# CITY OF ATLANTA

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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-24-061 for 3770 Paces Ferry Road NW

**DATE:** June 6, 2024

---

**Applicant seeks a variance to reduce the rear yard setback from 35 feet to 15 feet 8 inches and a special exception for active recreation (swimming pool) in a yard adjacent to a street.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 235.06 feet on the west side of Paces Ferry Road NW beginning approximately 894 feet from the southwest intersection of Ridgewood Road and Paces Ferry Road. Zoned R-1 (Single Family Residential). The property is located in Land Lot 216 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Paces Neighborhood of NPU-A, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-1 (Single Family Residential).
- Minimum lot dimensions: Frontage: 200 feet; Minimum lot area: 2 acres.
- Minimum yard setbacks: Front yard: 60 feet; Side yards: 25 feet; Rear yard: 35 feet.
- 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 lot of approximately 83,457 square feet (1.916 acres) and 235 feet of frontage. It is currently developed with a single-family residential structure. The home encroaches into the rear yard setback. Vehicular access is currently provided via a curb cut on Paces Ferry Road. The topography declines by approximately 48 feet from its highest point to the lowest point. There is a septic leach field located in the north side yard of the property. There are mature trees located on the property.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size and shape and are consistently developed with residential structures with R-1 (Single Family Residential) zoning.

**PROPOSAL:** The applicant seeks a variance to reduce the rear yard setback from 35 feet to 15 feet 8 inches and a special exception for active recreation (swimming pool) in a yard adjacent to a street. The applicant seeks to encroach into the rear yard setback to construct a swimming pool that will partially extend beyond the façade of the existing one-story home.

## PART I

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is irregularly shaped and deficient in area by approximately 0.08 of an acre (3,484 square feet). Additionally, the topography declines by a grade of approximately 48 feet towards the northeast side of the property. Therefore, Staff finds lot shape, size and topography as the extraordinary conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship due to the deficiency in lot size and the placement of existing structures. The existing single-family home currently encroaches into the rear yard setback by approximately one foot. The configuration of the existing home and significant topography limit the buildable area, particularly in the rear yard. If the lot met the minimum size requirements, there would be more room in the buildable area for the proposed improvements. Therefore, Staff is of the opinion that this proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot shape, topography, and existing encroachment in the rear yard setback are peculiar to the subject property. Staff is unaware of similar conditions on adjacent parcels.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the property has adequate 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. Staff finds the proposed variances to be reasonable.

## PART II

**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 existing landscaping, existing retaining walls, topography, and mature trees on the property. Thus, it should not be objectionable to occupants on neighboring parcels and vehicular traffic.

- b. **The area for such activity could not reasonably be located elsewhere on the lot.** Due to the irregular shape of the lot, deficient lot size, 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



ANDRE DICKENS  
MAYOR

# CITY OF ATLANTA

JAHNEE R. PRINCE, AICP  
Commissioner

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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-24-062 for 3064 Ridgewood Road, N.W.

**DATE:** June 6, 2024

**Applicant seeks a variance to reduce the front yard half-depth setback from 30 feet to 22.4 feet and a special exception to allow a parking pad within the front yard half-depth setback and to allow active recreation (pool) adjacent to a street for the construction of a swimming pool.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 137.50 feet on the west side of Ridgewood Road and beginning at the northwest intersection of Nancy Creek Road and Ridgewood Road. The property is located in Land Lot 233 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Paces Neighborhood of NPU-A, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-2 (Single Family Residential).
- Minimum lot dimensions: Frontage: 60 feet; Minimum lot area: 1 acre.
- Minimum yard setbacks: Front yard: 60 feet; Half-depth Front yard: 30 feet; Side yard: 15 feet; Rear yard: 30 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 35% percent of the total lot area.
- Active recreation in yards adjacent to streets: Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning adjustment.
- *Limitations on required off-street parking in required yards adjacent to streets in residential districts; limitations on paving such yards:* Required off-street parking for uses in residential districts shall be permitted in required yards adjacent to streets only to the extent allowable under the following limitations: Such parking shall be permitted only in driveways within such yards, and no parking bays or parking outside such driveways shall be permitted.



**Property Characteristics:** The property being described is an irregularly shaped corner lot, covering approximately 43,996 square feet (1.010 acres) with 137.5 feet of frontage. It currently consists of a nonconforming, two-story brick house with an attached garage, a covered concrete patio, a brick patio, and a brick wall at the rear of the house. In the rear yard, there is a brick drive connecting to a concrete drive on the south side of the property, which meets Nancy Creek Road. The dwelling includes a two-story structure with an attached garage. Vehicle access is available through two curb cuts leading to a U-shaped driveway on Nancy Creek. The property has mostly flat topography, and is adorned with mature trees and well-maintained grass.

**Characteristics of Adjoining Properties, Neighborhood:** The lots in the immediate area come in various sizes and shapes and are consistently developed with residential dwellings. The parcels to the north, east, west, and south are zoned R-2 (Single Family Residential)

PROPOSAL: Applicant seeks a variance to reduce the front yard half-depth setback from 30 feet to 22.4 feet and a special exception to allow a parking pad within the front yard half-depth setback and to allow active recreation (pool) adjacent to a street for the construction of a swimming pool.

## PART I

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property is an irregularly shaped rectangular corner lot with a width of 137.5 feet and an area of 43,996 square feet. The lot is 12.5 feet deficient in width but exceeds the minimum lot size requirement of an acre (43,560 square feet) by 436 square feet. The topography of the lot is relatively level. Despite its irregular shape and the fact the site is a corner lot, the site does not meet the minimum lot width requirements set forth by the R-4 zoning regulations. Thus, staff has determined that the property's width is an extraordinary and exceptional condition specific 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 owner is requesting a variance to reduce the front yard setback from 30 feet to 22.4 feet. The existing structure already encroaches into the required front yard setback and the proposed improvements will not further encroach into the setback. Due to being a corner lot, a greater setback along the secondary street is required. Staff is of the opinion that the setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The property in question is a rectangular-shaped corner lot. What makes this property unique are the encroachments in the required yards, setting it apart from other corner lots in the neighborhood. As a result, staff is not aware of any similar conditions on neighboring properties.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal will not block the adequate light and air for adjacent properties. Additionally, it will not hinder emergency access or pose threats to health and fire safety, as there is enough space for

the requested improvements. The request for the reduction in half-depth front yard setback aims to increase the quality of life and reinforce the stability of the surrounding neighborhood. Overall, the request aims to improve the quality of life and stability of the surrounding neighborhood. Staff find the variance request is reasonable for construction and improvements.

## PART II

The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) (7) 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 swimming pool will be positioned to minimize visibility to neighboring properties. It will be shielded by a wall/fence in the buildable area of the rear yard and landscaping around the west side. This will provide additional screening from Nancy Creek Road NW. The existing gate/fence in the buildable area, connecting to the proposed garage, will also shield the pool and rear yard from view from the driveway and garage entrance on Nancy Creek Road. This will help minimize the impact on neighboring properties.
- (b) **The area for such activity could not reasonably be located elsewhere on the lot.** The swimming pool is proposed to be located in the rear yard near the back of the home, due to the irregular shape of the property. However, the applicant's options for locating the pool are limited because of mature trees and the orientation of the house. As a result, staff believes that the proposed pool location is reasonable since there are no other feasible options on the lot.

### RECOMMENDATION:

Staff recommends **APPROVAL** of the request to reduce the front yard half-depth setback from 30 feet to 22.4 feet, and to allow active recreation (pool) adjacent to a street for the construction of a swimming pool. However, Staff recommends **DENIAL WITHOUT PREJUDICE** of the request to allow a parking pad within the front yard half-depth setback.

cc: Keyetta M. Holmes, Director



# CITY OF ATLANTA

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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-24-063 for 862 Brookridge Drive NE

**DATE:** June 6, 2024

---

**Applicant seeks a variance to reduce the eastern side yard setback from 7 feet to 1 foot for the construction of a shed.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 60 feet on the north side of Brookridge Drive and beginning approximately 1,154.6 feet from the northwest intersection of North Highland Avenue and Glen Arden Way. Zoned R-4 (Single Family Residential) Land Lot 53 of the 17th District, Fulton County, Georgia. It is located in the Virginia Highlands 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 a regularly shaped lot with approximately 60 feet of street frontage and 10,716 square feet (0.246 acres) of area. The property is currently developed with a single-story residential structure. The topography ranges drastically across the lot, with over a 20-foot difference in elevation between the highest point at the rear of the house to the lowest point at the front. 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 north, west, east, and south are also zoned R-4 (Single Family Residential), with a parcel to the south zoned as OS (Open Space).

**PROPOSAL:** The applicant seeks a variance to reduce the eastern side yard setback from 7 feet to 1 foot for the construction of a new shed using the existing footprint of the former pool 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 and has extreme topographical challenges. The lot has only 60 feet of the required 70 feet frontage for the R-4 zone. The former shed was encroaching into the eastern yard setback up to the property line. While the proposed new shed will not further that encroachment or lot coverage, the former shed was demolished, and the new construction triggered a stop work order. Therefore, Staff finds the width and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause hardship by preventing the proposed improvement from being constructed as requested. The proposed location already has existing utility lines and a concrete pad at the location of the former shed. Furthermore, the lot slopes south towards the front of the home as well as to the west about 25-foot height difference throughout the slope. Along with the topography challenges, the subject property is 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 width and topography of the lot appear to be the conditions peculiar to this site; staff has not identified similar conditions with any directly adjacent lots.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The proposed shed will be replacing a previously existing shed which will not affect the aesthetic of the subject property. Alternative locations in the yard would further increase the lot coverage and encroachments. 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** conditioned upon the following:

1. The site shall be developed in accordance with the revised site plan showing a 3' setback variance, as opposed to the requested 1-foot setback variance, stamped and received by the Office of Zoning and Development on May 13, 2024.

cc: Keyetta M. Holmes, AICP, Director



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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-24-064 for 570 Glenwood Place SE

**DATE:** June 6, 2024

---

**The applicant seeks a variance to reduce the half-depth front yard setback from the required 17.5 feet to 7 feet and a special exception to allow a parking bay within required yards.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50.28 feet on the east side of Glenwood Place SE and 174.50 feet on the south side of Portland Avenue and begins at the southeast intersection of Portland Avenue and Glenwood Place. This property is in Land Lot 12 of the 14<sup>th</sup> District, Fulton County Georgia, It is in the Ormewood Park Neighborhood in NPU W, Council District 1.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4 (Single-family Residential District)
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 Square Feet.
- Minimum yard setbacks: Front yard: 35 feet; Half-depth side yard setback: 17.5 feet; Side yard setback: 7 feet; Rear yard setback: 15 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.
- Limitations on required off-street parking in required yards adjacent to streets in residential districts; limitations on paving such yards: Required off-street parking for uses in residential districts shall be permitted in required yards adjacent to streets only to the extent allowable under the following limitations:
  - (a) Such parking shall be permitted only in driveways within such yards, and no parking bays or parking outside such driveways shall be permitted.

**Property Characteristics:** The subject property is a regular rectangular shaped lot with a lot area of 0.21 acres (8,950 square feet) and frontage of 50.28 feet along Glenwood Place SW and 174.50 feet along Portland Avenue SE. The property is currently developed with a one-story single-family dwelling of 948 square feet, parking pad, and shed.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots have similar width, area, shape and are developed with single-family dwellings zoned R-4.

**PROPOSAL:** The applicant seeks a variance to reduce the half-depth front yard setback from the required 17.5 feet to 7 feet and a special exception to allow a parking bay within required yards for the construction of an accessory dwelling unit.

**PART I:**

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

- a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property is deficient in lot area by 50 square feet and deficient in lot width by 20 feet. The lot does not have steep topography as there is a 5-foot difference between the highest and lowest point of the lot. The lot, however, has a 36-inch hardwood tree in the back yard. The 36-foot radius of the tree's critical root plus the 17.5-foot half depth building setback (given the narrow width of the lot) substantially reduce the buildable area on the lot creating 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 strict enforcement of the Zoning Ordinance would create an unnecessary hardship, as it would prevent the property owner from making any additional improvements on the site.
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the conditions of the property are peculiar to this specific piece of property. The lot width deficiency for a corner lot and the location of the 33-inch hardwood tree are unique to this piece of property. The existing conditions on the lot are not the result of action by the property owner but are preexisting conditions of the site.
- 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.

**PART II:**

**CONCLUSIONS:** The following conclusions pertinent to this request for special exception from zoning regulations are in accordance with Section 16-28.008(7)(a).

**Section 16-28.008(7) Limitations on required off-street parking in required yards adjacent to streets in residential districts; limitations on paving such yards: Required off-street parking for uses in residential districts shall be permitted in required yards adjacent to streets only to the extent allowable under the following limitations:**

**(a)Such parking shall be permitted only in driveways within such yards, and no parking bays or parking outside such driveways shall be permitted.**

The subject property is improved with a 938 square-foot parking pad off Portland Avenue, which has been existing since 2010. The applicant seeks to reduce the length of the driveway by 438

square feet to reduce his impervious surface area on the lot. The applicant will be able to accommodate the parking of vehicles on the driveway and within the buildable area, therefore not needing relief through a special exception as no parking will be accommodated in the required yards.

**RECOMMENDATION: APPROVAL of the variance request to reduce the half-depth front yard setback from the required 17.5 feet to 7 feet and DENIAL WITHOUT PREJUDICE of the special exception to allow a parking bay in the required yard.**

cc: Keyetta M. Holmes, AICP, Director