



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

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-23-185 for 37 28<sup>th</sup> Street NW

**DATE:** June 13, 2024

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

The NPU is requesting a deferral to have time to review the applicant's request. Staff is supportive of the 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-24-030 for 947 Crew Street SW

**DATE:** June 13, 2024

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**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 – 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-24-032 for 1184 McDaniel Street SW

**DATE:** June 13, 2024

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Applicant seeks a special exception to expand a non-conforming duplex structure for conversion of an existing deck into heated floor area.

This case has not yet received a recommendation from NPU V. Staff recommends deferral to allow the applicant to meet with the NPU.

**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-24-035 for 2369 Glenwood Drive NE

**DATE:** June 13, 2024

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**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 3 feet to construct an addition to the existing single family dwelling.**

The applicant has requested to withdraw the application. Staff is amicable to 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-24-075 for 2771 Peachtree Road NE

**DATE:** June 13, 2024

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**Applicant seeks a variance to reduce the setback of a monument sign from the street property line from 30 feet to 4 feet.**

Per regulations pertaining to visibility triangles, Staff is of the opinion that the applicant's scope of work cannot be modified by a variance 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-24-078 for 3296 Mathieson Drive NE

**DATE:** June 13, 2024

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**Applicant seeks a variance to reduce the north yard setback from 14 feet to 10 feet to construct a new single family dwelling.**

The request for deferral is due to an advertising oversight of the property's dual-zoned designation. Adhering to Zoning Procedure Law, the application will be readvertised to reflect the correct zoning.

**RECOMMENDATION: DEFERRAL – JULY 11, 2024**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-23-148 for 1687 North Pelham Road NE

**DATE:** June 13, 2024 (*Deferred December 7, 2023; June 6, 2024*)

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**Applicant seeks a variance from the zoning regulation to reduce the south side yard setback from 7 feet to 1 foot for the construction of a two-story garage/office.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 60 feet on the north side of North Pelham Road, N.E. and begins approximately 240 feet from the northwest intersection of North Pelham Road and Pine Ridge Road. The property is located in Land Lot 51 of the 17<sup>th</sup> 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 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.

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 10,957.5 square feet (0.252 acres) of area and 60 feet of frontage. The topography inclines by a grade change of 28 feet from the front to the rear of the lot. There are mature trees currently along the boundary of the property.

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

**PROPOSAL:** Applicant seeks a variance from the zoning regulation to reduce the south side yard setback from 7 feet to 1 foot for the construction of a two-story garage/office. The applicant intends to replace an existing, nonconforming carport with a new garage with a second story office.

**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 by 10 feet and contains challenging topography. Therefore, Staff finds lot size and topography as the 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.** An application of the zoning regulations would cause a hardship by preventing the proposed improvements from being constructed. The combination of sloping topography and deficiency in lot width limit the buildable area. The existing carport encroaches into the south side yard setback by approximately 6 feet. Furthermore, existing landscaping elements in the rear yard make it so the proposed garage/office could not be reasonably located elsewhere on the lot. The proposed garage/office addition will be built within the footprint of the nonconforming carport, maintaining the existing degree of encroachment into the south side yard. Therefore, Staff is of the opinion that the proposal is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot width and topography 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.

**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-23-209 for 746 Fraser Street SE

**DATE:** June 13, 2024

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**Applicant seeks a variance to reduce the half-depth front yard from 10 feet to 5 feet for the construction of a new single-family dwelling.**

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 33.3 feet on the east side of Fraser Street and beginning at the southeast intersection of Bill Lucas Drive and Fraser Street. The property is located in Land Lot 54 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Summerhill Neighborhood of NPU-V, Council District 1.

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

- The subject property is zoned R-4B-C (Single Family Residential Conditional).
- Minimum lot dimensions: Frontage: 40 feet; Minimum lot area: 2,800 square feet.
- Minimum yard setbacks: Front yard: 20 feet; Half Depth Front yard: 10 feet, Side yard: 5 feet; Rear yard: 5 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 85% percent of the total lot area.

**Property Characteristics:** The subject property is a regular shape corner lot that abuts two roads, Bill Lucas Drive on the north and Fraser Street on the west. The property consists of approximately 3,330 square feet (0.076 acres) of area, approximately 33 feet of frontage on Fraser Street, and 100 feet of frontage on Bill Lucas Drive. The lot narrows 100 feet from the front to the rear. The subject property is vacant and undeveloped. The topography increases from the front property line to the rear property line with an 8-foot grade change. The lot has no vegetation, only manicured grass throughout.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding lots vary in different sizes and shapes. The properties adjacent to the subject parcel have single-family homes, townhomes, and multifamily buildings. To the north, there are townhomes on a parcel zoned RG-3 (Residential General). To the east, south, and west, there are single-family homes on parcels zoned R-4B-C (Single Family Residential).

**PROPOSAL:** Applicant seeks a variance to reduce the half-depth front yard from 10 feet to 5 feet for the construction of a new single-family dwelling.

**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 meets or exceeds the minimum area requirements for a R-4B lot. However, it is deficient in the lot width requirement, falling short by 7 feet of the 40 feet of frontage required. Furthermore, the property's topography slopes upwards from the front property line to the rear property line, with a total grade change of 8 feet. As a result, Staff finds the width of the lot to be the exceptional condition for this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The lot's irregularities, such as its position on a corner and narrow width, make it challenging to enforce zoning regulations. The applicant proposes to build a two-story single-family house in the Summerhill Neighborhood. Due to the hardships posed by the property's narrow width and corner position, Staff finds the proposed reduction in the setback reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** While the shape of the corner lot is fairly standard, it is relatively narrow. The condition of the lot is similar to that of neighboring properties and is not unique to this particular lot. However, the topography, while not significant, is unique to this lot. However, the existence of similar conditions does not reduce the desirability of the request.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requests to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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## 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:** June 13, 2024 (*Deferred March 7, 2024; May 9, 2024*)

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**Applicant seeks a variance from the zoning regulation to reduce the front yard setback from 35 feet to 10 feet and to reduce the rear yard setback from 15 feet to 4 feet for construction of an accessory dwelling unit.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 101.27 feet on the west side of Donnelly Avenue and begins approximately 145 feet from the northwest intersection of Oglethorpe Avenue and Donnelly Avenue. The property is located in Land Lot 139 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-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.

**Property Characteristics:** The subject property is an irregular shaped lot of approximately 6,030 square feet (0.138 acres) of area and 13.4 feet of frontage. The topography inclines approximately 4 feet from the east to west side of the property. There are no mature trees on the property.

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

**PROPOSAL:** Applicant seeks a variance from the zoning regulation to reduce the front yard setback from 35 feet to 10 feet and to reduce the rear yard setback from 15 feet to 4 feet for the purpose of constructing a new accessory dwelling unit.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is irregularly shaped and deficient in area by 2,970 square feet. Therefore, Staff finds lot size and shape as the extraordinary and exceptional 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.** The application of the zoning regulations would cause a hardship due to the lot shape and size. The deficiency in lot area and irregular lot shape limits the buildable area. Furthermore, the existing single-family home encroaches into the front and rear yard setback by 21.6 feet and 3.7 feet, respectively. Thus, adherence to the zoning regulations would cause a hardship by preventing the applicant from making a reasonable improvement to a residential property in the neighborhood. 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 irregular shape of the lot is peculiar to the particular piece of property as Staff is not aware of similar conditions on adjacent properties. However, the existence of similar conditions on neighboring properties does not negate the desirability of the 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. Additionally, the structure will match the aesthetic of the house and fit the character of other properties on the block. 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 that the requested variance is reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-006 for 846 Fraser Street SE

**DATE:** June 13, 2024

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**Applicant is seeking a variance from the zoning ordinance to reduce the required front yard setback from 30 feet to 15 feet for the construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 75.29 feet on the east side of Fraser Street beginning approximately 209.8 feet from the southeast intersection of Ormond Street and Fraser Street. The property is located in Land Lot 54 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Summerhill Neighborhood of NPU-V, Council District 1.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4A (Single Family Residential).
- 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.

**Property Characteristics:** The subject property consists of a vacant parcel situated on Fraser Street SE. The square footage of the parcel is 5351 square feet (0.12 acres) with 75.29 feet of frontage on Fraser Street SE. It is currently undeveloped. The topography of the parcel features a slope of about 8 feet toward the north side yard.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding neighborhood is developed primarily with single-family homes, with some multifamily residential and commercial uses. The abutting property to the south is developed with a single-family home zoned R-4A (Single Family Residential). To the north of the property, the adjacent parcel is developed with a commercial building and is zoned C-1. The subject property is separated from the commercial parcel by an intervening alley.

**PROPOSAL:** The applicant is seeking a variance from the zoning ordinance to reduce the required front yard setback from 30 feet to 15 feet 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 a shallow rectangular shape with adequate frontage of 75.29 feet, but is deficient in lot size by 2, 149 square feet. The resulting shape severely limits the depth of the buildable area of the lot. Therefore, Staff finds deficient lot size and shape as exceptional 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.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the peculiar shape and dimensions of the subject property. The strict application of the regulations would greatly restrict the buildable depth of the property and possibly preclude the development of an existing legal lot of record. Therefore, Staff is of the opinion that the proposed setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficient lot size and shallow shape are peculiar to the subject property and inconsistent with the typical parcel in the zoning district. The City's cadastral maps show that at some point in the past, this parcel was subdivided from the adjoining parcel to the south.
- 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 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 variances are 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-24-026 for 1686 Woodland Avenue SE

**DATE:** June 13, 2024

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

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 66.69 feet on the east side of Woodland Avenue and beginning approximately 133.2 feet from the southeast intersection of Moreland Drive and Woodland Avenue. The property is located in Land Lot 8 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Custer/McDonough/Guice Neighborhood of NPU-W, Council District 1.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4 (Single Family Residential District).
- Relationship of building to street, 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.

**Property Characteristics:** The subject property is a regular shaped lot with 66.69 feet of street frontage and 6,586 square feet (0.15 acres) of area. The property is currently occupied by an existing one-story single family home. Vehicular access is provided via a curb cut along Woodland Avenue. The topography declines significantly across the site, with approximately a 10-foot difference between the highest and lowest points. There are a few mature trees on site.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area vary slightly in size, but otherwise are relatively 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 a variance to reduce the minimum distance of a front facing garage from the front facing façade from 10 linear feet to 0 feet for a garage enclosure.

**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 both frontage and area and has a relatively steep shift in topography from the front to the back. Therefore, Staff finds size and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed improvement. The lot is deficient in size and width which limits the total buildable area of the site and allows fewer alternatives for where a garage might be located. Furthermore, the change in topography means locating the garage somewhere different than what the applicant has proposed could require a significant amount of grading and new lot coverage to facilitate the construction. Lastly, other homes on this block face have garages that are not recessed, so there is no concern about a lack of compatibility with the surrounding properties. Woodland Avenue is a dead-end street that lacks sidewalks on either side, so there is little reason to emphasize a pedestrian-focused experience at this location by recessing the garage. 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**

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-24-067 for 1378 Metropolitan Avenue SE

**DATE:** June 13, 2024

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**Applicant seeks a variance to reduce the front yard setback from 35 feet to 32 feet for the construction of a new two-story single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 45 feet on the north side of Metropolitan Avenue and beginning 120 feet from the northeast intersection of Patterson Avenue and Metropolitan Avenue. The property is located in Land Lot 177 of the 15<sup>th</sup> District, Fulton County, Georgia. It is located in the East Atlanta 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 45 feet of street frontage and 8,508 square feet (0.195 acres) of area. The property has a single-family dwelling.

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

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 35 feet to 32 feet for the construction of a new two-story 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 size and frontage, limiting the building area. The current footprint of the single-family home encroaches on the west side yard and front yard setback. Therefore, Staff finds size as the extraordinary and exceptional condition regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed second story from being constructed as requested. The narrow shape and current footprint limit the overall building area, unless a variance is requested. 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 size and frontage deficiency are peculiar to the subject property as Staff is not aware of similar conditions on adjacent properties. However, the existence of similar conditions on neighboring properties does not negate the desirability of the 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. 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



# 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-24-069 for 1753 Pine Ridge Drive NE

**DATE:** June 13, 2024

---

**The applicant seeks a special exception to allow active recreation adjacent to the public right of way.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 195.94 feet on Pine Ridge Drive and begins approximately 165 from the southeast intersection of Wildwood Road and Pine Ridge Drive. This property is in Land Lot 51 of the 17<sup>th</sup> District, Fulton County Georgia. It is in the Morningside/Lenox Park Neighborhood in NPU F, Council District 6.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single-Family Residential District)
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 18,000 Square Feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yard setback: 10 feet; Rear yard setback: 20 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 40 percent of the total lot area.
- Active recreation in yards adjacent to streets, residential districts, special exceptions: 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 has a triangular shaped lot with a lot area of 0.439 acres (19,122 square feet) and frontage of 195.94 feet along Pine Ridge. The property is currently developed with a two-story brick frame single-family on a basement, front porch, rear rock patio, driveway and walkways.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots have different shapes and sizes than the subject property. All lots are developed with single-family dwellings zoned R-3.

**PROPOSAL: The applicant seeks a special exception to allow active recreation adjacent to the public right of way.**

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28-.008(6).

- 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 site has grown trees and vegetation at the perimeter of the property. Additionally, the applicant proposes a 6-foot privacy fence around the proposed pool. The pool will not be visible from the street due to the location of the fence as well as the location of the garage wall. The abutting neighbors will not be impacted due to the existing trees and proposed fence, which will provide a buffer for noise and view concerns.
- b) **The area for such activity could not be reasonably be located elsewhere on the lot.** The backyard of the lot has a triangular shape, and it is already improved with an approximate 900 square-foot brick patio that occupies a substantial amount of the backyard space. The applicant seeks to utilize a portion of the existing patio to install a new pool and an open-air cabana. Staff is of the opinion that the location of the proposed pool is reasonable given the existing improvements and screening proposed.

**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-24-071 for 388 Monument Avenue SE

**DATE:** June 13, 2024

---

**Applicant seeks a variance to reduce the north side yard setback from 7 feet to 5.1 feet and reduce the front porch dimensions from 12 feet wide and 8 feet deep to 11 feet 4.5 inches wide to 5 feet 8 inches deep for the construction of an addition to an existing single family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 45.01 feet on the east side of Monument Avenue and beginning approximately 240 feet from the northeast intersection of Metropolitan Avenue and Monument Avenue. The property is located in Land Lot 177 of the 15<sup>th</sup> District, Dekalb County, Georgia. It is located in the East Atlanta Neighborhood of NPU-W, Council District 5.

### **Relevant Zoning Requirements:**

- The subject property is zoned 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. 16-06B.012. - Relationship of building to street.
  - (1) Front porches.
    - a. Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the single-family detached dwellings on the block face.
    - b. Front porches, when required, shall:
      - i. Be a minimum of 12 feet wide or one-third the width of the front façade, whichever is greater, and a minimum of eight feet deep; and
      - ii. Contain roofs, a minimum of six-inch wide porch roof supports, and steps.

**Property Characteristics:** The property being described has a regularly shaped interior lot and is located on Monument Avenue. It spans an area of approximately 8,534 square feet (0.196 acres)

and has a frontage of 45 feet on Monument Avenue. At present, the lot features a 2 story frame building with a basement, an attached porch in the front of the house, and an attached deck with steps in the rear of the house. Vehicle access is provided to the property via a curb cut with a driveway that meets at the front-facing garage door in the front of the property. The topography of the property slopes downwards from the front property line to the rear of the lot with a 16 foot grade change. The property has a few trees, but the lot is surrounded by a well-maintained lawn.

**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-4 (Single Family Residential) zoning to the north, east, south, and west.

**PROPOSAL:** Applicant seeks a variance to reduce the north side yard setback from 7 feet to 5.1 feet and reduce the front porch dimensions from 12 feet wide and 8 feet deep to 11 feet 4.5 inches wide to 5 feet 8 inches deep for the 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 property in question does not meet the minimum lot requirements for both area and width. The property is deficient in width by 24.9 feet and area by 466 square feet. The topography of the property slopes downwards from the front property line to the rear of the lot with a 16 foot grade change. Therefore, Staff finds that the lot width and area are the extraordinary and exceptional condition for this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Enforcing zoning regulations on this lot has proven to be quite challenging due to its irregularities, narrow width, and small size. The enforcement of such regulations would lead to further hardships. The lot's narrow width restricts the buildable area since it needs to meet the minimum lot requirements for an R-4 lot. The proposal is to extend the foyer with the porch upwards and outwards toward the front facade of the house and extend beyond the side of the house. Since the house already exists with the nonconforming porch, the applicant would not be able to extend the porch or make edits to the porch with the current porch requirement for the relationship of the building to the street sec. 16-06.012(1). Staff has found the request to be reasonable. It's important to note that most of the houses on the block face don't have garages, nor do they have a front-facing garage that extends beyond the porch. Instead, they have a curb cut and a driveway that terminates on the side of the house, allowing for the parking of vehicles. Considering the property's narrow width and small size, Staff deems this request reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property's lot size and width present unique challenges. Although the lot's condition may not be unusual, its narrowness complicates building efforts. While neighboring properties might share similar conditions, the existing house's lot size and width are unique and not found on adjacent parcels. Staff note that this is the only house on the block with an attached garage extending beyond the porch, with garage doors facing the front of the right-of-way. This feature is peculiar to this property. Therefore, despite similar conditions elsewhere, the importance of this request remains significant.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requests to be reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



# CITY OF ATLANTA

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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-24-073 for 1807 Meadowdale Avenue NE

**DATE:** June 13, 2024

---

**Applicant seeks a variance to reduce the western side yard setback from 17.5 feet to 8.75 feet for the construction of a new porch.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 69.95 feet on the north side of Meadowdale Avenue and beginning at the northeast intersection of Charline Avenue and Meadowdale Avenue. Zoned R-4 (Single Family Residential). Land Lot 56 of the 18th District, DeKalb 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 69.95 feet of street frontage and 12,002 square feet (0.276 acres) of area. The property is currently developed with a single-story residential structure. The topography varies across the lot, with about a 10-foot difference in elevation between the highest point at the front of the house to the lowest point at the rear of the lot. 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).

**PROPOSAL:** The applicant seeks a variance to reduce the half-depth front yard westside yard setback from 17.5 feet to 8.75 feet to construct a new porch.



**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 just deficient in frontage for its zoning designation and has an irregular tapered shape. The lot has only 69.95 feet of the required 70 feet frontage for the R-4 zone and the curved nature of the intersecting streets creates an irregular shape. Additionally, the home predates zoning regulations for its designation so any improvement will require a variance. Staff is of the opinion that the shape and frontage are the exceptional conditions particular 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.** An application of the zoning regulations would cause hardship by preventing the proposed improvement from being constructed as requested. The existing home was constructed prior to the zoning regulations and the setbacks now restrict any further improvement without a variance. The existing porch is “small, steep, and difficult to navigate safely”. The new porch will comply with safety standards, increase connectivity to the house and privacy from the adjacent street, and keep the aesthetic of the home.
- c. **Such conditions are peculiar to the particular piece of property involved.** The width and shape 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 adequate light and/or air on the adjacent properties. The proposed porch will be replacing a previously existing porch, improving the safety and access to the home. The porch will be visible but will replace a deteriorated porch, improving the aesthetic of the home. 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

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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-24-074 for 1072 Shelby Place SE

**DATE:** June 13, 2024

---

**Applicant seeks a variance to reduce the rear yard setback from 15 feet to 5 feet, increase the lot coverage from 50% to 58.4%, increase the maximum width of a driveway in a residential district from 20 feet to 22 feet, exceed the allowable amount for paved areas in driveways from 1/3 to 42% of the total lot area in the west side yard, and a special exception to allow a parking bay within the east side yard setback for construction of an addition and detached garage.**

#### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 48.21 feet on the north side of Shelby Place and beginning approximately 330.5 feet from the northeast intersection of Woodland Avenue and Shelby Place. The property is located in Land Lot 10 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Woodland Hills Neighborhood of NPU-W, Council District 1.

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

- The subject property is zoned R-4 (Single Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yard: 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.
- 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. (b) Maximum width of driveways for one- and two-family uses shall be limited to 20 feet (exclusive of flares at the throat); for multi-family uses, to 24 feet. (c) Paved area in such driveways shall not exceed one-third of the total area of the required yard. There may be additional paved walkways not exceeding 10 percent of the required yard.

**Property Characteristics:** The subject property, an irregularly shaped interior lot situated along Shelby Place, spans approximately 7,917.22 square feet (0.182 acres) with a frontage of roughly 48.21 feet facing Shelby Place. Notably, the lot gradually narrows over its length, spanning approximately 177.24 feet from front to rear. There exists a one-story brick and frame single family house featuring a crawl space, an attached covered porch at the front, and a wooden deck at the rear. In the front of the property, there exists a brick and rock, and concrete wall, in the rear of the lot there exists a shed, concrete sidewalk, and concrete patio. Access to the property is facilitated by a curb cut leading to a driveway terminating at the side of the house. The topography of the lot gradually inclines from the front property line to the rear, presenting an approximate 6-foot grade change.

**Characteristics of Adjoining Properties, Neighborhood:** The neighboring lots exhibit diverse sizes and shapes. Adjacent to the subject parcel are single-family homes. To the north, east, and south, single-family homes occupy parcels zoned R-4 (Single Family Residential). On the western side, homes also zoned R-4 (Single Family Residential) are present, with the northwest corner marked by a church. This church sits adjacent to the subject property on a parcel zoned RG-3-C (Residential General Conditional).

**PROPOSAL:** Applicant seeks a variance to reduce the rear yard setback from 15 feet to 5 feet, increase the lot coverage from 50% to 58.4%, increase the maximum width of a driveway in a residential district from 20 feet to 22 feet, exceed the allowable amount for paved areas in driveways from 1/3 to 42% of the total lot area in the west side yard, and a special exception to allow a parking bay within the east side yard setback for construction of an addition and 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 subject property does not meet the minimum width and area requirements for an R-4 lot. The lot is deficient in the lot width by 21.79 feet and area by 1,082.78 square feet. Furthermore, the property's topography slopes downwards from the front property line to the rear property line, with a total grade change of 6 feet. As a result, Staff finds the width and area deficiencies of the lot to be the exceptional conditions for this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The irregularities of the lot, such as its irregular shape and narrow width, present challenges in adhering to the required zoning regulations. The proposed project involves constructing a new addition to a single-story family dwelling, incorporating a grass strip in the driveway center, replacing the existing driveway, creating a new paved maneuvering area, and erecting a 24 feet by 24 feet car garage. Given the property's limited width, the current driveway width is insufficient for convenient access, especially considering its proximity to neighboring properties. While a shared driveway might be more suitable, the applicant lacks ownership of both properties, making it impractical to implement. Thus, the request to widen the driveway beyond the standard allowance and increase paved areas on the west side yard is reasonable, considering the lot's constraints. Furthermore, the request to expand lot coverage from 50% to 58.4% is justified by the lot's irregular shape and failure to meet minimum requirements. The necessity for additional asphalt due to these irregularities aligns with Staff's assessment, making the request reasonable.

Recognizing the importance of a garage for an improved quality of life, the applicant proposes this addition to the rear of the house. However, due to the aforementioned irregularities, alternative locations for the garage are limited, and relocating it would exacerbate accessibility challenges. Consequently, the proposed reduction in setback is deemed reasonable to accommodate the garage. In conclusion, staff finds the applicant's requests reasonable in light of the hardships posed by the lot's narrow width, irregular shape, and size.

- c. **Such conditions are peculiar to the particular piece of property involved.** While the shape of the lot is irregular, it is relatively narrow, indicative of the current encroachments in the required yards. The topography, while not significant, is unique to this lot. However, the existence of similar conditions does not reduce the desirability of the request.
- 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 on emergency access or threats to health and fire safety. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requests to be reasonable.

## 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). **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 request for a special exception to allow a parking bay in the required rear yard adjacent to the street is carefully considered within the context of safety, neighborhood character, and zoning regulations. The proposed parking bay is essential for safe ingress and egress from the property, particularly given narrow lot and irregularly shape. The lot tapers from the front to the rear leaving less room in the rear yard, constraining the buildable area. Placing the parking bay (turnaround) in the required side yard adjacent to the street ensures practical access while minimizing disruption to neighboring properties. This turnaround is necessary for safe egress and ingress out of the proposed garage. While the proposal deviates from strict zoning regulations, it addresses the unique circumstances of the property and promotes safety and functionality. Granting this special exception would allow the property owner to utilize the space. In conclusion, the request for a special exception to allow a parking bay in the required side yard adjacent to the street balances safety, and zoning regulations, making it a reasonable and necessary accommodation for the property owner.

## RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS  
MAYOR

# CITY OF ATLANTA

JAHNEE R. PRINCE, AICP  
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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-24-077 for 3027 Saint Annes Lane NW

**DATE:** June 13, 2024

---

**Applicant seeks a variance to reduce the west side yard setback from 10 feet to 6 feet for the construction of a second-floor addition and garage addition.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 68.19 feet on the south side of Saint Annes Lane beginning approximately 520.5 feet from the southeast intersection of Howell Mill Road and Saint Annes Lane. Zoned R-3 (Single Family Residential). The property is located in Land Lot 182 of the 17<sup>th</sup> District, Fulton County, Georgia. It is not located in an official neighborhood. It is located in NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single Family Residential).
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 20 feet.

**Property Characteristics:** The subject property is an irregular-shaped lot of approximately 8,996 square feet (0.21 acres) and 68 feet of frontage. It is currently developed with a single-family residential structure. There are no 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. The parcels to the north, east, and west are zoned R-1 (Single Family Residential). The parcels to the south are zoned RG-1-C (Residential General Conditional).

**PROPOSAL:** The applicant seeks a variance to reduce the west side yard setback from 10 feet to 6 feet for the construction of a second-floor addition and garage addition. The applicant intends to replace an existing, nonconforming carport with an unheated porch and construct a new attached garage at the rear of the house.

**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 9,004 square feet and deficient in frontage by 32 feet. Therefore, Staff finds lot shape and size 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 width, and the placement of existing structures. The configuration of the existing home and the lot deficiencies in size and width limit the buildable area. The existing single-family home currently encroaches into the west side yard setback by approximately four feet. The proposed second-floor addition will maintain the existing home's encroachment into the west side yard setback. 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 and size and the existing encroachment in the west side 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.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS  
MAYOR

# CITY OF ATLANTA

JAHNEE R. PRINCE, AICP  
Commissioner

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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-24-079 for 1031 Wadsworth Drive NW

**DATE:** June 13, 2024

---

**Applicant seeks a variance to increase the lot coverage from 45% to 47.3% and to increase the paved area in driveways within the west side yard from 33% (or one-third of total area) to 64% for the construction of driveway extension, detached garage, porch and addition.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 69.91 feet on the north side of Wadsworth Drive NW beginning 158.5 feet from the northeast intersection of Brookview Drive and Wadsworth Drive. Zoned R-3A (Single Family Residential). The property is located in Land Lot 185 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Wildwood Neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3A (Single Family Residential).
- Minimum lot dimensions: Frontage: 100 feet; Minimum lot area: 13,500 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards: 10 feet; Rear yard: 15 feet.
- (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:
  - (c) Paved area in such driveways shall not exceed one-third of the total area of the required yard. There may be additional paved walkways not exceeding 10 percent of the required yard. The remainder of the required yard shall be maintained in landscaping. Neither walkways nor landscaped area shall be used for parking, required or other, or for the storage of vehicles.

**Property Characteristics:** The subject property is an irregular-shaped lot of approximately 13,925 square feet (0.32 acres) and 69 feet of frontage. It is currently developed with a two-story single family residential structure. The topography inclines approximately 8 feet from the front to the rear 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-3A (Single Family Residential) zoning.

**PROPOSAL:** The applicant seeks a variance to increase the lot coverage from 45% to 47.3% and to increase the paved area in driveways within the west side yard from 33% (or one-third of total area) to 64% for the construction of a new detached garage at the rear of the property, a driveway extension in the west side yard, and the construction of a covered porch and addition at the rear of the single family 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 subject property is irregularly shaped and deficient in frontage by approximately 15 feet. Therefore, Staff finds lot shape and size 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.** An application of the zoning regulations would cause a hardship by preventing the proposed improvements from being constructed. The lot's deficiency in width and the configuration of the existing home limit the buildable area, creating a narrow west side yard. The irregular and narrow lot shape make it so the proposed detached garage and extended driveway could not be reasonably located elsewhere on the lot. Many of the improvements contributing to the excess of lot coverage are part of the proposed driveway, which is reasonably sized to safely accommodate the ingress and egress of two vehicles. 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 and size and 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.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, 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-24-072 for 1362 Athens Avenue SW

**DATE:** June 13, 2024

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**Applicant seeks a variance to reduce the front yard setback from 35 feet to 25 feet and reduce the south side yard setback from 7 feet to 0 feet for the renovation of an existing two-story single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 50.24 feet on the east side of Athens Avenue and begins approximately 162 feet from the southeast intersection of Dill Avenue and Athens Avenue. The property is located in Land Lot 105 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Capitol View Neighborhood of NPU-X, Council District 12.

### **Relevant Zoning Requirements:**

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

**Property Characteristics:** The subject property is a rectangular lot with approximately 50 feet of street frontage and 6,531 square feet (0.150 acres) of area. The property is currently occupied by the existing two-story single-family home. There is technically no true vehicular access to this lot, as the paved driveway serving the site sits outside the property lines on an adjacent alleyway. The topography of the site is mostly flat. There are a few mature trees on site.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots nearby are mostly consistent in their size and shape. The parcels to the west and south of the site are also zoned R-4/BL (Single Family Residential District/BeltLine Overlay) and the parcels to the north and east of the site are zoned NC-9/BL (Dill Avenue–Metropolitan Parkway Neighborhood Commercial District/BeltLine Overlay).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 35 feet to 25 feet and reduce the south side yard setback from 7 feet to 0 feet for the renovation of an existing two-story single-family dwelling. These improvements have already been constructed due to the approval of Building Permit BB-202201323 in the year 2022. Unfortunately, the permits expired before the inspections were completed and the applicants had to resubmit the same plans to move forward again with inspections and certificates of occupancy. Upon review of the second round of building permits, it was determined by the Office of Buildings that some variances were required, thereby compelling the applicant to submit an application to the Board of Zoning Adjustment to receive further approval for this completed structure.

Only the request to reduce the front yard setback from 35 feet to 25 feet will be evaluated below as **PART I**. Staff has determined that the side yard setback was an existing encroachment that has not increased in height, and therefore does not require a variance. That portion of the request will be recommended for Denial without Prejudice in **PART II**.

### **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 deficient in both width and size for its zoning designation. Therefore, Staff finds 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 requiring the applicant to make substantial modifications to the existing structure to bring it back into compliance. Firstly, the site is deficient in both size and width, and therefore qualifies for a variance of this nature. Secondly, the proposed improvements have been constructed over an existing foundation and do not increase the degree of encroachment into the setback beyond the previous form of the structure. Third, the setbacks proposed by the applicant and the overall size of this structure are in kind with those surrounding it. Finally, the Office of Buildings approved this exact scope of work, which led to the builders making the improvements as they were shown in the plans. It would place an extreme burden on the applicant to require them to undo what they have been previously given permission to construct via the proper channels of approval. Therefore, Staff is of the opinion that the proposed requests are reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions appear to be peculiar to the particular piece of property; staff has not identified similar conditions on adjoining neighborhood lots. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of this proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal

would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL**

**PART II**

**PROPOSAL:** As mentioned, Staff has determined that the side yard setback was an existing encroachment that has not increased in height, and therefore does not require a variance.

**RECOMMENDATION: DENIAL without Prejudice**

cc: Keyetta M. Holmes, AICP, Director



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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-076 for 71 Huntington Road NE

**DATE:** June 13, 2024

---

**The applicant seeks a variance to allow a reduction of the east side yard setback from 7 feet to 3 feet; reduce the rear yard setback from 15 feet to 3 feet; and increase lot coverage from 50% to 55%.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 55 feet on Huntington Road and begins approximately 855.5 feet from the southeast intersection of Peachtree Street and Huntington Road. This property is in Land Lot 109 of the 17<sup>th</sup> District, Fulton County Georgia. It is in the Brookwood Hills Neighborhood in NPU E, Council District 6.

### **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; 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.

**Property Characteristics:** The subject property has a triangular shape lot with a lot area of 0.263 acres (11,469 square feet) and frontage of 55 feet along Huntington Road. The property is currently developed with a two-story single-family house on a basement, rear patio, detached garage, walkways, and driveway.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots have similar shapes and lot sizes to the subject property. All lots are developed with single-family dwellings and rear accessory structures zoned R-4.

**PROPOSAL:** The applicant seeks a variance to allow a reduction of the east side yard setback from 7 feet to 3 feet; reduce the rear yard setback from 15 feet to 3 feet; and increase lot coverage from 50% to 55% for the construction of a 2-story accessory structure in the backyard.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-05.008 (2)(3) & (6).

- 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 width by 15 feet but exceeds the minimum lot area by 2,469 square feet. The lot has a rectangular shape, as it is narrow (55-foot wide) and deep (210 feet deep). The site slopes down 15 feet from the rear property line to the front property line. Staff is of the opinion that, although the lot is deficient in width, the lot and buildable area is sufficient to be able to comply with the setback requirements. Additionally, staff is of the opinion that the lot shape, size, and topography do not warrant the lot coverage increase request, as the applicant exceeds the lot size by 2,469 square feet.
- b) **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The applicant does not meet the 70-foot minimum required lot width and the existing primary house structure is already set back 3 feet from the east property line. However, based on the survey provided, it appears the applicant has sufficient buildable area to comply with the setback requirement and lot coverage requirement and still be able to obtain a similar result. Therefore, Staff is of the opinion that the strict enforcement of the code will not cause an unnecessary hardship to the applicant.
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the lot width, area, and existing improvements are peculiar to this specific piece of property. However, the lot width deficiency is not substantial enough compared to the exceeding lot area to warrant a setback reduction and lot coverage increase.
- 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 variances requested do not meet the intent of the Zoning Ordinance to reduce additional stormwater runoff in residential neighborhoods and to meet the setback requirement unless there is an extraordinary hardship, which was not found in this specific case.

**RECOMMENDATION: DENIAL**

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-23-172 for 187 Graves Street NW

**DATE:** June 13, 2024

---

**Applicant seeks a variance to reduce the north and south side yard setbacks from 5 feet to 3 feet for construction of construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 26.25 feet on the east side of Graves Street NW beginning approximately 75 feet from the southeast intersection of Spencer Street and Graves Street. The property is located in Land Lot 83 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Vine City Neighborhood of NPU-L, Council District 3.

### **Relevant Zoning Requirements:**

- The subject property is zoned SPI-19 SA6/W IZ (Vine City/Westside Affordable Housing Overlay).
- Minimum lot dimensions: Frontage: Frontage width to conform to the existing predominant block face pattern; Minimum lot area: 2,500 square feet.
- Minimum yard setbacks: Front yard: 3 feet or match existing block; Side yard: 5 feet; Rear yard: 7 feet or matching existing block.

**Property Characteristics:** The subject property consists of a vacant parcel situated on Graves Street NW. The square footage of the parcel is 2710 square feet (0.06 acres) with 26.25 feet of frontage on Graves Street NW. It is currently undeveloped. The topography of the parcel is relatively flat, with a gradual slope of about 6 feet to the west, toward the property's frontage.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area are developed with single family and multi-family residential dwellings within the SPI-19 zoning district. The abutting properties to the north and south are both single-family homes. Several lots in the immediate area are vacant/undeveloped.

**PROPOSAL:** Applicant seeks a variance to reduce the north and south side yard setbacks from 5 feet to 3 feet for construction of construction of a new single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has a narrow rectangular shape with a frontage of 26.25 feet, narrowing to 20 feet to the rear of the parcel. Though there is no set standard for lot frontage in the SPI-19 SA6 zoning district, the subject parcel appears to have the least amount of frontage on the block face. Therefore, Staff finds deficient lot width and shape as exceptional 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.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the peculiar shape and dimensions of the subject property. The strict application of the regulations would preclude the development of an existing single lot of record. Section 16-24.002 (2) of the City of Atlanta Code of Ordinances reads as follows: “*Single Lots of Record:* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be built on any single lot of record at the effect date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of these regulations. Variance of yard requirements in such cases shall be obtained only through variance action of the board of zoning adjustment.” Therefore, Staff is of the opinion that the proposed setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficient lot width and long, narrow shape 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 variances are 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-23-174 for 637 Dorothy Bolden Way NW

**DATE:** June 13, 2024

---

**Applicant seeks a variance to reduce the east and west side yard setbacks from 5 feet to 3 feet for construction of construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 24.89 feet on the north side of Dorothy Bolden Way NW beginning approximately 147.5 feet from the northwest intersection of Vine Street and Dorothy Bolden Way. The property is located in Land Lot 110 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Vine City Neighborhood of NPU-L, Council District 3.

### **Relevant Zoning Requirements:**

- The subject property is zoned SPI-19 SA6/W IZ (Vine City/Westside Affordable Housing Overlay).
- Minimum lot dimensions: Frontage: Frontage width to conform to the existing predominant block face pattern; Minimum lot area: 2,500 square feet.
- Minimum yard setbacks: Front yard: 3 feet or match existing block; Side yard: 5 feet; Rear yard: 7 feet or matching existing block.

**Property Characteristics:** The subject property consists of a vacant parcel situated on Dorothy Bolden Way NW. The square footage of the parcel is 2220 square feet (0.05 acres) with 24.89 feet of frontage on Dorothy Bolden Way NW. It is currently undeveloped. The topography of the parcel is relatively flat, with a gradual slope of about 2 feet to the west.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area are developed with single family dwellings within the SPI-19 zoning district. The adjacent lot to the east of the property is developed with a single family home. The adjacent lot to the west is undeveloped.



**PROPOSAL:** Applicant seeks a variance to reduce the east and west side yard setbacks from 5 feet to 3 feet for construction of construction of a new single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property has a narrow rectangular shape with a frontage of 24.89 feet and is deficient in lot size by 280 square feet. Though there is no set standard for lot frontage in the SPI-19 SA6 zoning district, the subject parcel appears to have the least amount of frontage on the block face. Therefore, Staff finds deficient lot width and size as exceptional 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.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the physical constraints of the subject property. The strict application of the regulations would preclude the development of an existing single lot of record. Section 16-24.002 (2) of the City of Atlanta Code of Ordinances reads as follows: “*Single Lots of Record:* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be built on any single lot of record at the effect date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of these regulations. Variance of yard requirements in such cases shall be obtained only through variance action of the board of zoning adjustment.” Therefore, Staff is of the opinion that the proposed setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficient lot frontage and size are peculiar to the subject property and are not typical of 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 variances are reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director