



ANDRE DICKENS
MAYOR

CITY OF ATLANTA

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAHNEE R. PRINCE, AICP
Commissioner

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

MEMORANDUM

TO: Board of Zoning Adjustment

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

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

DATE: July 11, 2024 (*Deferred March 14, 2024; May 2, 2024*)

Applicant seeks a variance from the zoning regulation to (1) reduce the front yard setback from 30 feet to 10 feet, (2) reduce the north side yard setback from 7 feet to 0 feet, (3) increase the lot coverage from 55% to 70%, and (4) relief from the minimum six-inch wide porch roof supports for construction of a new single-family dwelling.

The applicant has requested to defer this application to continue working with the NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – SEPTEMBER 2024

cc: Keyetta M. Holmes, AICP, Director



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Jahnee R. Prince, AICP
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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-036 for 246 Bolling Road NE

DATE: July 11, 2024

Applicant seeks a variance from the zoning ordinance to allow the floor area of an accessory unit to exceed the maximum 30 percent to 45 percent of the floor area of the primary structure

Due to amendments submitted by the applicant, Staff recommends deferral to allow the NPU an opportunity to re-review.

RECOMMENDATION: DEFERRAL – SEPTEMBER 5, 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-24-057 for 4075 Paces Ferry Road NW**

DATE: July 11, 2024

Applicant seeks a variance to increase the lot coverage from 25% to 27.6% and increase the building height from 35 feet to 60 feet for the construction of new buildings.

This case must be readvertised in order to correctly identify multiple addresses associated with the proposed developments. Staff recommends a deferral to the next available agenda and the applicant is supportive.

RECOMMENDATION: DEFERRAL – AUGUST 8, 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-24-066 for 3265 Argonne Drive NW

DATE: July 11, 2024

Applicant seeks a variance to reduce the north side yard setback from 10 feet to 1.6 feet for the construction of a second story addition and swimming pool.

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-24-083 for 2213 Ridgedale Road NE

DATE: July 11, 2024

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 0.3 feet.

Staff recommend deferral of the application to allow the applicant to present to the NPU.

RECOMMENDATION: DEFERRAL – SEPTEMBER 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-24-084 for 2236 Melante Drive NE

DATE: July 11, 2024

Applicant seeks a variance to reduce the south side yard setback from 7 feet to 3 feet for a carport installation.

The applicant has requested to defer this application to continue working with the NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL – SEPTEMBER 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-24-086 for 2394 Main Street NW

DATE: July 11, 2024

Applicant is seeking a variance from the zoning ordinance to reduce the required front yard setback from 30 feet to 10 feet and to reduce the required west side yard setback from 7 feet to 5 feet for the construction of a new single-family dwelling.

This case has not yet received an NPU recommendation. Therefore, Staff recommends deferral to the next available agenda.

RECOMMENDATION: DEFERRAL – SEPTEMBER 2024

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-087 for 540 John Wesley Dobbs Avenue NE

DATE: July 11, 2024

Applicant seeks a variance to reduce the west side yard setback from 7 feet to 3 feet and increase the lot coverage from 55% up to 73.1% for the construction of a gazebo

The applicant has requested a deferral to readvertise additional address. Staff is supportive of this request.

STAFF RECOMMENDATION: DEFERRAL – AUGUST 8, 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-24-090 for 1937 Felker Ward Street NW

DATE: July 11, 2024

Applicant seeks a variance to reduce the rear yard setback from 15 feet to 3 feet and reduce the west side yard setback from 7 feet to 4 feet for the installation of a swimming pool and gazebo.

Staff request deferral to correctly advertise the subject property per Zoning Procedure Law.

RECOMMENDATION: DEFERRAL – AUGUST 8, 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-24-045 for 2397 Hurst Drive NE

DATE: July 11, 2024

Applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 2 feet 5 inches, special exceptions to increase the height of the retaining walls from 3 feet to 5.5 feet in the front yard, increase the number of retaining walls from two to five and height from 3 feet to 8 feet 10.5 inches in the half-depth front yard, and increase the height of a retaining wall from 6 feet to 8 feet 10.5 inches in the rear yard for construction of a single-family dwelling.

FINDINGS OF FACT:

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

Relevant Zoning Requirements:

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

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

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

PROPOSAL: The applicant seeks a variance to reduce the half-depth front yard setback from 17.5 feet to 2 feet 5 inches, special exceptions to increase the height of the retaining walls from 3 feet to 5.5 feet in the front yard, increase the number of retaining walls from two to five and height from 3 feet to 8 feet 10.5 inches in the half-depth front yard, and increase the height of a retaining wall from 6 feet to 8 feet 10.5 inches in the rear yard for construction of a single-family dwelling.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is irregularly sized and narrow, limiting the building area. The topography varies throughout the site, increasing approximately 10 feet on the half-depth yard and approximately 6 feet on the front yard. Therefore, Staff finds shape and topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations on building setbacks and retaining wall regulations would cause a hardship by preventing the proposed house from being constructed as requested. The narrow shape and topography limit the overall building area. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions identified above are conditions peculiar to this subject property. Staff is unaware of similar conditions on adjacent or nearby 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 proposal would not impose upon adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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MEMORANDUM

TO: Board of Zoning Adjustment

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

SUBJECT: V-24-078 for 3296 Mathieson Drive NE

DATE: July 11, 2024

The applicant seeks a variance to reduce the north yard setback from 14 feet to 10 feet for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 99.46 feet on the west side of Mathieson Drive and beginning approximately 318.4 feet from the southwest intersection of Alberta Drive and Mathieson Drive. Zoned R-4/RG-3 (Single Family Residential/Residential General). It is located in the Buckhead Forrest Neighborhood, Land Lot 62 of the 17th District, Fulton County, Georgia.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential).
- Minimum yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 9,000 square feet; frontage: 50 feet

Relevant Zoning Requirements:

- The subject property is zoned RG-3 (Residential General Sector 3).
- Minimum lot dimensions: All other uses: Minimum lot width of 50 feet; minimum net lot area of 20,000 square feet.
- Minimum yard setbacks:
Front yard: 40 feet.
Side or rear yard:
- Section 16-28.011(5)e: Formulas determining minimum open space requirements adjacent to walls: Minimum distance from walls to lot lines or building site lines for buildings or portions of buildings containing living quarters shall be computed as follows, where D = depth in feet, L = length in feet, and S = height in stories.
Distance requirements: $D = 4 + s + L/10$

For Sector 1 through Sector 3: Side yard or Rear yard: In no case shall any yard be less than 7 feet.

Property Characteristics: The subject property is an irregularly shaped lot with approximately 100 feet of street frontage and 34,891.6 square feet (0.801 acres) of area. The property is currently undeveloped. The topography is inconsistent across the lot, with approximately a 13-foot difference in elevation between the highest point at the rear of the lot to the lowest point in the front of the lot. There is a stream and mature trees onsite.

Characteristics of Adjoining Properties, Neighborhood: The other lots in the immediate area are relatively inconsistent in their size, shape, and area. Adjacent parcels to the south and west are R-4 and RG-3 to the East and north is R-4.

PROPOSAL: The applicant seeks a variance to reduce the north yard setback from 14 feet to 10 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 lot has approximately 13 feet of topography difference and is obtusely shaped due to tapering in the rear. There are also two streams and two different zoning districts onsite. Therefore, Staff finds the topography and shape as extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The application of the zoning regulations would cause hardship by preventing the proposed improvement from being constructed within the buildable area. The two streams and their buffers greatly limit the buildable area. The subject property is also dual-zoned RG-3 and R-4. Due to the limited buildable area, the proposed dwelling will be constructed within both zoning designations where the previous structure similarly existed. The new single-family dwelling will match the development patterns of the other homes on the block and within the neighborhood. Furthermore, the property's topography presents additional challenges for this lot. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** Dual-zoning, topography, and stream buffers are conditions peculiar to this lot. Staff has not identified other lots with the same conditions.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The new home will be developed in the same style and development controls as the other properties on the block that are zoned R-4. The variance will also allow the development of the lot

with the additional constraints of a stream buffer on site. 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-24-082 for 4581 Ajo Walk SW

DATE: July 11, 2024

The applicant seeks a variance to reduce the minimum window fenestration along the façade of the principal structure from 10% to 7% and to allow a garage to exceed 35% to 37.27% of the ground floor area of the principal building for construction of a new single family dwelling.

FINDINGS OF FACT:

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

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yard: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50% percent of the total lot area.
- Sec. 16-06.012(4) Window Fenestration. Window fenestration shall be provided along the façade of the principal structure for a minimum of ten percent of the front façade area of the principal structure.
- Sec. 16-29.001(14)(a) Garages, accessory. (1) Private residential, one- and two-family dwellings, R or O-I district: An accessory building for parking or storage of automobiles or residential occupants of the premises, or a part of the principal building occupying not more than 35 percent of its ground floor area. No such garage shall contain more than four (4) parking spaces. One (1) vehicle parked or stored in such a garage may be owned by a person not residing on the property if all parking requirements applying to the

property are otherwise met. Not more than one (1) vehicle parked or stored in such garage may be a truck of not to exceed three-quarter-ton rated capacity.

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

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

PROPOSAL: The applicant is requesting a variance to reduce the minimum window fenestration along the façade of the principal structure from 10% to 7% and to allow a garage to exceed 35% to 37.27% of the ground floor area of the principal building for construction of a new single family dwelling. The applicant is attempting to finish building the proposed 42-unit subdivision as per SD-21-022 Cascade Ridge at Niskey Lake.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property under consideration has an area of 23,458 square feet, which meets the minimum lot area requirement for properties zoned R-4. However, the lot width falls short by 15.52 feet. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the property, with a 16-foot grade change. At the rear end of the property, there is a sewer cleanout, a roof drain, a 20-foot sewer sanitary easement, a 25-foot undisturbed buffer, and a 15-foot floodplain buffer, and to the south side of the property there is a 100-year elevation detention pond. Due to the unusual lot width and topography, this property is deemed to have extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The property presents challenges due to its unique characteristics, including irregular lot shape, topography and site conditions. The property meets the minimum lot area requirements but poses difficulties in complying with the neighborhood design standards. The lot has a slope of 16 feet from the front to the rear. At the rear, there are several obstacles, including a sewer cleanout, a roof drain, a 20-foot sewer sanitary easement, a 25-foot undisturbed buffer, and a 15-foot floodplain buffer. Moreover, the majority of the south side yard is covered by a 100-year elevation detention pond, making it challenging to construct a single family residential development on the site.

The topographic challenges, along with required setbacks for R-4 zoning, combined with the presence of sewer sanitary pipes, buffers, and a detention pond, significantly restrict the buildable areas, limiting feasible areas for construction. No above-ground improvements are allowed unless authorized by the City's Department of Watershed Management. The Georgia Department of Community Affairs and the City of Atlanta Department of Watershed Management regulate the property's buffer requirements, significantly restricting the applicant's ability to construct on the buffer.

This severely limits feasible areas for construction and necessitates placing the house and proposed garage in specific configurations. Notably, the applicant has granted an approval to position a garage in front of the building, recessed from 10 linear feet to 0 feet from the R-4 requirement, as previously granted under variance V-23-042

The applicant requests a reduction in minimum window fenestration from 10% to 7% and approval for the garage to exceed the allowable 35% ground floor area of the principal building, increasing it to 37.27%. This adjustment accommodates the size of the proposed house on the constrained lot. The applicant emphasizes that the proposed single-family residential development includes a total window square footage of 36 square feet, resulting in 7% fenestration, while the garage occupies 37.27% of the ground floor area, necessary due to limited buildable space.

Given the lot's irregular shape, challenging topography, buffers, and the presence of the 100-year elevation detention pond, and sanitary sewer line, staff supports the variance request. This variance would allow for the enabling construction of a new single-family residence. The applicant aims to contribute positively to neighborhood development through this single-family dwelling project.

- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property has an irregular shape, unique topography, buffers, and width deficiency. and approved garage in front of the building, recessed from 10 linear feet to 0 feet, previously granted under variance V-23-042. These peculiar features limit the possibility of constructing a single-family residence. Staff has determined that these unique conditions do impede the applicant from developing the property according to the Ordinance. The staff is not aware of any other property with similar conditions, so the presence of similar conditions on adjacent properties does not impact the proposal's attractiveness.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** This proposal will not adversely affect the light or air on neighboring properties, nor will it hinder emergency access or threaten health and fire safety. Allowing the variance will increase the quality of life and reinforce the 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-24-085 for 4580 Ajo Walk SW

DATE: July 11, 2024

The applicant seeks a variance to reduce the minimum window fenestration along the façade of the principal structure from 10% to 7% and to allow a garage to exceed 35% to 37.27% of the ground floor area of the principal building for construction of a new single family dwelling.

FINDINGS OF FACT:

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

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single Family Residential).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yard: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50% percent of the total lot area.
- Sec. 16-06.012(4) Window Fenestration. Window fenestration shall be provided along the façade of the principal structure for a minimum of ten percent of the front façade area of the principal structure.
- Sec. 16-29.001(14)(a) Garages, accessory. (1) Private residential, one- and two-family dwellings, R or O-I district: An accessory building for parking or storage of automobiles or residential occupants of the premises, or a part of the principal building occupying not more than 35 percent of its ground floor area. No such garage shall contain more than four (4) parking spaces. One (1) vehicle parked or stored in such a garage may be owned by a person not residing on the property if all parking requirements applying to the

property are otherwise met. Not more than one (1) vehicle parked or stored in such garage may be a truck of not to exceed three-quarter-ton rated capacity.

Property Characteristics: The subject property is a cul-de-sac lot that faces the rounded turn-around portion of Ajo Walk. Its shape is irregular, covering an area of around 13,258 square feet (0.54 acres) and has a frontage of 63.04 feet. Currently, the lot is undeveloped. Access to the property will be through Ajo Walk for vehicles. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the property, with a 16-foot grade change. At the west side of the property, the majority of the west side yard is covered by a 100-year elevation detention pond, and there are a few trees on the property

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

PROPOSAL: The applicant is requesting a variance to reduce the minimum window fenestration along the façade of the principal structure from 10% to 7% and to allow a garage to exceed 35% to 37.27% of the ground floor area of the principal building for construction of a new single family dwelling. The applicant is attempting to finish building the proposed 42-unit subdivision as per SD-21-022 Cascade Ridge at Niskey Lake.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The property under consideration has an area of 13,258 square feet, which meets the minimum lot area requirement for properties zoned R-4. However, the lot width falls short by 6.96 feet. The topography of the lot slopes downward from the front property line along the curb-de-sac to the rear of the property, with a 16-foot grade change. At the west side of the property, the majority of the west side yard is covered by a 100-year elevation detention pond. Due to the deficient lot width and topography, Staff finds the property to have extraordinary and exceptional conditions.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The property poses significant challenges due to its unique characteristics, including an irregular lot shape and challenging site conditions. While it meets the minimum lot area requirements, adhering to neighborhood design standards is difficult. The lot slopes sharply from the front to the rear, with a 16-foot grade change. Moreover, a 100-year elevation detention pond occupies much of the west side yard, complicating construction without a variance.

These topographic challenges, along with required setbacks for R-4 zoning, and the presence of the detention pond, render a large portion of the lot unbuildable. This severely limits feasible areas for construction and necessitates placing the house and proposed garage in

specific configurations. Notably, the applicant has granted an approval to position a garage in front of the building, recessed from 10 linear feet to 0 feet from the R-4 requirement, as previously granted under variance V-23-043.

The applicant requests a reduction in minimum window fenestration from 10% to 7% and approval for the garage to exceed the allowable 35% ground floor area of the principal building, increasing it to 37.27%. This adjustment accommodates the size of the proposed house on the constrained lot. The applicant emphasizes that the proposed single-family residential development includes a total window square footage of 36 square feet, resulting in 7% fenestration, while the garage occupies 37.27% of the ground floor area, necessary due to limited buildable space.

Given the lot's irregular shape, challenging topography, and the presence of the 100-year elevation detention pond, staff supports the variance request. This variance would allow for the enabling construction of a new single-family residence. The applicant aims to contribute positively to neighborhood development through this single-family dwelling project.

- c. **Such conditions are peculiar to the particular piece of property involved.** The subject property has an irregular shape, unique topography, 100-year elevation detention pond, width deficiency and approved garage in front of the building, recessed from 10 linear feet to 0 feet, previously granted under variance V-23-043. These peculiar features limit the possibility of constructing a single-family residence. Staff has determined that these unique conditions do impede the applicant from developing the property according to the Ordinance. The staff is not aware of any other property with similar conditions, so the presence of similar conditions on adjacent properties does not impact the proposal's attractiveness.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** This proposal will not adversely affect the light or air on neighboring properties, nor will it hinder emergency access or threaten health and fire safety. Allowing the variance will increase the quality of life and reinforce the 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

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-24-094 for 1631 Ezra Church Drive NW

DATE: July 11, 2024

Applicant seeks a variance to reduce the northern side yard setback from 7 feet to 0 feet for the construction of a deck.

FINDINGS OF FACT:

Property Location: The subject property fronts 49.07 feet on the east side of Ezra Church Drive and beginning approximately 400 feet from the southeast intersection of Lake Avenue and Ezra Church Drive. Zoned R-4 (Single Family Residential). Land Lot 147 of the 14th District, Fulton County, Georgia. It is located in the West Lake of NPU-J, Council District 3.

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 49.07 feet of street frontage and 7,300 square feet (0.165 acres) of area. The property is currently developed with a single-story residential structure. The topography slopes diagonally, across the lot, with a significant difference in elevation between the highest point at the front of the house to the lowest point at the rear. There are mature trees onsite.

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

PROPOSAL: The applicant seeks a variance to reduce the northern side yard setback from 7 feet to 0 feet for the construction of a deck. Although constructed, the proposed deck was not included

in the issued building permit plans and was flagged during their CO (Certificate of Occupancy) inspection. The applicant is seeking a variance to comply with the zoning regulations.

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 slightly deficient in frontage for its zoning designation. The lot has only 49.07 feet of the required 50 feet frontage and the lot is also deficient in size by 1,700 square feet for the R-4 zone. Additionally, there is a significant topography difference on the lot. Therefore, Staff finds the width and topography to be 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 from being constructed as requested. The lot has topography and size challenges that limit the buildable area. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The width and topography of the lot appear to be the conditions peculiar to this site; however, staff has identified similar conditions in the surrounding area. The conditions not peculiar to the site do not negate the need for a variance.
- 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 addition would not be visible from the street view, which will not affect the aesthetic of the subject property. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



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-24-099 for 3758 Adamsville Drive SW

DATE: July 11, 2024

The applicant seeks a variance to reduce the west side yard setback from 7 feet to 2 feet and a special exception to allow a greenhouse pool and a special exception to allow active recreation in yards adjacent to street.

FINDINGS OF FACT:

Property Location: The subject property fronts 98.77 feet on Adamsville Drive and begins approximately 1,027 feet from the southeast intersection of Woodstock Drive and Adamsville Drive. This property is in Land Lot 14 of the 14th District, Fulton County Georgia. It is in the Adamsville Neighborhood in NPU H, Council District 10.

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 regular shape with a lot area of 0.45 acres (19,898 square feet) and frontage of 98.77 feet along Ridgedale Road. The property is currently developed with a one-story single-family house, 725 square-foot accessory structure and enclosed patio, and driveway.

Characteristics of Adjoining Properties, Neighborhood: Adjoining lots have similar shapes but vary in lot sizes. All lots are developed with single-family dwellings zoned R-4.

PROPOSAL: The applicant seeks a variance to reduce the side yard setback from 7 feet to 2 feet and a special exception to allow active recreation in yards adjacent to street

PART I

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-16-008(2) regarding the setback reduction request.

- 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 regular shape and exceeds the minimum lot width by 28.77 feet and the minimum lot area by 10,898 square feet. The site, however, has steep topography in the back yard. There is a 10-foot slope from the eastern corner of the lot to the center of the lot where the detached accessory structure is located. Staff is of the opinion that there are extraordinary and exceptional conditions regarding topography.
- 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 7-foot side setback requirement will pose an unnecessary hardship to the applicant as it will limit the buildable area for the pool improvements given the location of the existing accessory structures on the lot and the topography on the back of the lot.
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the topography and existing improvements are peculiar to this specific piece of property. The location of the existing accessory structures limit the buildable area for the size and location of the pool enclosure.
- 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 setback reduction will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance.

PART II

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.008 (6) to allow active recreation in yards adjacent to street.

- 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 proposed pool enclosure will help mitigate noise concerns. No negative effects are anticipated regarding light or concentrations of persons. The pool is located behind the main dwelling and the property owners own the lot abutting to the west. Staff does not anticipate negative impacts from the location of the pool.
- b) **The area for such activity could not reasonably be located elsewhere on the lot.** Staff is of the opinion that there is no other reasonable location for the pool due to the existing improvements on the lot. The lot is improved with a long driveway that provides access to the existing accessory structure located behind the main dwelling. Staff is of the opinion that the location of the pool will not be substantially visible from the street.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS
MAYOR

CITY OF ATLANTA

JAHNEE R. PRINCE, AICP
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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-24-101 for 1537 Alder Court SE

DATE: July 11, 2024

Applicant is seeking a variance from the zoning ordinance to exceed the 3 feet above the average finished grade level from 933 to 938 for the construction of a new single-family dwelling.

FINDINGS OF FACT:

Property Location: The subject property fronts 51.3 feet on the east side of Alder Court beginning approximately 1,200 feet from the southwest intersection of Wayman Street and Alder Court. The property is located in Land Lot 207 of the 15th District, Fulton County, Georgia. It is in the Kirkwood Neighborhood of NPU-O, Council District 5.

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 is the former site of a recently demolished single-family home and is currently developed with an accessory structure. The square footage of the parcel is 10,574 square feet (0.247 acres) with 51.3 feet of frontage on Alder Court SE. The topography of the parcel is relatively flat.

Characteristics of Adjoining Properties, Neighborhood: The surrounding neighborhood is developed primarily with single-family homes. The adjacent properties to the north, east and west are developed with single-family homes and are zoned R-4A (Single Family Residential). There are multiple examples of single-family homes with higher finished floor elevations similar to the applicant's proposal.

PROPOSAL: The applicant is seeking a variance from the zoning ordinance to exceed the 3 feet above the average finished grade level from 933 to 938 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 is located within a flood plain, requiring the finished floor elevation to be 3 feet above the elevation of the 100-year flood plain. The current elevation of the grade is three feet below the 100-year flood elevation, presenting a flood hazard.
- 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 property's location within a flood plain. Strict interpretation of the code would require the finished floor elevation of the proposed single-family dwelling to be below that of the 100-year flood elevation and would prohibit the applicant from complying with site development review guidelines. Therefore, Staff is of the opinion that the proposed finished floor elevation is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The property's location within the 100-year flood plain is 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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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-23-102 for 4425 Northside Drive NW

DATE: July 11, 2024

Applicant seeks a variance to reduce the front yard half-depth setback from 30 feet to 10 feet, increase the width of a driveway from 20 feet to 47.92 feet, and increase the maximum number of retaining walls in the front yard half-depth setback from two to three for construction of an addition, driveway and deck.

FINDINGS OF FACT:

Property Location: The subject property fronts 146.23 feet on the east side of Northside Drive and beginning at the southeast intersection of Northside Chase and Northside Drive. The property is located in Land Lot 161 of the 17th District, Fulton County, Georgia. It is located in the Chastain Park Neighborhood of NPU-A, Council District 8.

Relevant Zoning Requirements:

- The subject property is zoned R-2 (Single Family Residential District).
- Minimum yard setbacks: Front yard: 60 feet; side yard: 15 feet; rear yard: 30 feet.
- Maximum lot coverage: 35 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:
 - Maximum width of driveways for one- and two-family uses shall be limited to 20 feet (exclusive of flares at the throat).
- *Walls or fences in required yards; height limits:* Fences, walls or hedges may occupy required yards as follows:
 - In the R-1 through R-5 districts, the following retaining walls and fences are permitted:
 - Not more than two retaining walls with a maximum height of three feet each may be erected, provided however that the face of the upper wall shall be separated from the face of the lower wall by at least a minimum

horizontal distance that is landscaped and equal in length to the height of the upper wall.

Property Characteristics: The subject property is a regular corner lot with approximately 146.23 feet of street frontage and 45,043 square feet (1.034 acres) of area. The property is currently occupied by an existing two-story single family home. Vehicular access is provided via a curb cut along Northside Chase NW. The topography varies significantly across the site; there is approximately a 40-foot difference between the highest and lowest point. The lowest elevation on the lot is in the middle and the edges are much higher, which forms a deep trough or channel-like area in the middle of the lot. This low-lying area on the lot is also encumbered by a 30-foot wide drainage easement. There are a few mature trees on site.

Characteristics of Adjoining Properties, Neighborhood: Other lots in the immediate area vary in size and shape due to the irregular street pattern and rolling topography of the neighborhood. All parcels to the north, south, east, and west of the site are also zoned R-2 (Single Family Residential District).

PROPOSAL: The applicant seeks a variance to reduce the front yard half-depth setback from 30 feet to 10 feet, increase the width of a driveway from 20 feet to 47.92 feet, and increase the maximum number of retaining walls in the front yard half-depth setback from two to three for construction of an addition, driveway and deck.

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 topography of the lot presents extreme development challenges; across the lot there is approximately a 40-foot difference between the highest and lowest points, and in particular there is a steep drop-off of approximately 18 feet directly adjacent to the existing structure and its driveway. The lot is also substantially encumbered by a wide drainage easement that bisects the buildable area. Therefore, Staff finds topography 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 construction. Though the lot is quite large, the steep changes in topography and the existing draining easement render much of the area unusable for permanent structures, so this lot has limited options for development. Because of the location of the existing driveway and primary structure, the location of the proposed improvements that the applicant has suggested is the most viable option. There are no alternative locations on the lot to expand the driveway. Furthermore, the retaining walls as they are proposed are necessary for the structural integrity of the site, due to the very steep grade changes being so close to the existing structure. 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

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 M. Blatch, Secretary to the Board *AMB*

SUBJECT: V-24-103 for 2289 Maxwell Drive SW

DATE: July 11, 2024

Applicant seeks a variance to reduce the placement of the front-facing garage door recessed from 10 linear feet to 0 feet for the construction of a new garage, addition, and patio.

FINDINGS OF FACT:

Property Location: The subject property fronts 89.98 feet on the west side of Maxwell Drive and beginning approximately 1,012.2 feet from the northwest intersection of Headland Drive and Maxwell Drive. The property is located in Land Lot 219 of the 14th District, Fulton County, Georgia. It is located in the Greenbriar Neighborhood of NPU-R, Council District 11.

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
- 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.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 9,000 square feet; frontage: 70 feet

Property Characteristics: The subject property is an irregular shaped lot with approximately 75 feet of street frontage and 21,870 square feet (0.5021 acres) of area. The property has a single-family dwelling with an existing patio in the rear.

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

PROPOSAL: The applicant seeks a variance to reduce the placement of the front-facing garage door recessed from 10 linear feet to 0 feet for the construction of a new garage, addition, and patio.

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 features steep topography from the front property line to the home and increases approximately 20 feet from the front of the home to the rear of the property. Therefore, Staff finds 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 garage from being constructed as requested. The proposed garage will replace the existing carport on the same building footprint. Adhering to the current regulation would necessitate the existing structure be demolished and rebuilt. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions identified above are peculiar to the piece of property involved as Staff is unaware of similar conditions on adjacent properties. However, the existence of similar conditions on adjoining neighborhood properties does not negate the reasonableness 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 for the homeowner. Staff found similar home designs on the same block face, with both carports and garages recessed at 0 feet of the front façade of the homes. The proposal would match the design of the block face. 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
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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-24-080 for 1511 McLendon Avenue NE

DATE: July 11, 2024

Applicant seeks a variance to reduce the front yard setback from 35 feet to 30.5 feet for the construction of a second-story addition.

FINDINGS OF FACT:

Property Location: The subject property fronts 48.44 feet on the south side of McLendon Avenue beginning approximately 248 feet from the southwest intersection of Mell Avenue and McLendon Avenue. The subject property is zoned R-4 (Single Family Residential). The property is located in Land Lot 210 of the 15th District, DeKalb County, Georgia. It is located in the Candler Park neighborhood of NPU-N, Council District 2.

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 yards: 7 feet; Rear yard: 15 feet.

Property Characteristics: The subject property is an irregular-shaped lot of approximately 8,655 square feet (0.199 acres) and approximately 48 feet of frontage. The topography declines by approximately 2 feet from its highest point to the lowest point. Vehicular access to the site is provided by a curb cut on McLendon Avenue. It is currently developed with a single-family residential structure. 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. The parcels to the north, east, south, and west are zoned R-4 (Single Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 30.5 feet for the construction of a second-story addition. The existing single-family structure encroaches into the front yard setback by approximately 4.5 feet; thus, the vertical addition requires a variance. The proposed second-floor addition will not change the footprint of the home. The applicant also

intends to construct a new carport and demolish and reconstruct an existing driveway and deck on the property.

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 345 square feet and deficient in frontage by 21 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 as they would not be able to construct improvements/additions to the front of the home if the zoning criteria were applied. The configuration of the existing home and the lot deficiencies in size and width limit the buildable area. If the lot met the minimum size requirements, then it is more likely that the existing structure could be expanded by right without encroachment into the front yard setback. 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 front 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