



# 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-24-058 for 545 Seals Place NE

**DATE:** September 5, 2024

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**The applicant seeks variances to reduce the front yard setback from 30 feet to 21.7 feet, reduce the east side yard setback from 7 feet to 3 feet, and reduce the west side yard setback from 7 feet to 4.3 feet for the construction of a second-story addition.**

Due to the cancellation of the July 18, 2024, BZA hearing, the applicant requested to be moved to a more accommodating agenda. Staff is supportive of this request.

**RECOMMENDATION: DEFERRAL – SEPTEMBER 12, 2024**

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-24-121 for 714 Fraser Street SE

**DATE:** September 5, 2024

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**Applicant seeks a special exception to increase the height of a retaining wall within the north side yard from 6 feet to 10 feet 5 inches and increase the height of a retaining wall within the front yard from 3 feet to 8 feet for the construction of a new single-family dwelling.**

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

**RECOMMENDATION: DEFERRAL – OCTOBER 10, 2024**

cc: Keyetta M. Holmes, AICP, Director



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-122 for 630 West Valley Court NW

**DATE:** September 5, 2024

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**The applicant seeks a special exception to allow active recreation (pool) in a yard adjacent to a street.**

The pool was found to be enclosed within a “court,” negating the need for the requested variance.

**RECOMMENDATION: DENIAL WITHOUT PREJUDICE**

cc: Keyetta M. Holmes, AICP, Director



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-128 for 1005 Howell Mill Road NW, 1021 Howell Mill Road NW, 1025 Howell Mill Road NW, 701 Edgehill Avenue NW, 707 Edgehill Avenue NW, 711 Edgehill Avenue NW, 717 Edgehill Avenue NW, 690 11th Street NW, 712 11th Street NW, and 724 11th Street NW

**DATE:** September 5, 2024

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**Applicant seeks a special exception to increase the maximum height of a building from 225 feet to 435 feet for the construction of a new mixed-use development.**

This case must be readvertised in order to modify the request. Staff recommends a deferral to the next available agenda and the applicant is supportive.

**RECOMMENDATION: 30 DAY DEFERRAL – OCTOBER 3, 2024**

cc: Keyetta M. Holmes, AICP, Director



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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-130 for 2010 Highview Road SW

**DATE:** September 5, 2024

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**Applicant pursues a special exception to increase the height of a privacy fence (more than 50% opacity) in the half-depth front yard from 4 feet to 8.2 feet for the construction of a wall and gate.**

Applicant has requested a deferral to continue to work with neighborhood groups. Staff is supportive of the request.

**RECOMMENDATION: DEFERRAL – NOVEMBER 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-24-091 for 575 Bethany Forest Drive SW

**DATE:** September 5, 2024

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**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 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 FCR-3 (Fulton County Single Family Residential).
- Minimum lot dimensions: Frontage: 35 feet adjoining a street; Minimum lot area: 18,000 square feet; Minimum lot width: 100 feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yard: 10 feet adjacent to interior line, 20 feet adjacent to street; Rear yard: 35 feet.

**Property Characteristics:** The subject property is an irregular shape corner lot that abuts two roads, Bethany Forest Drive on the East and Willowood Lane on the west. The property consists of approximately 17,503 square feet (0.402 acres) of area, approximately 70 feet of frontage on Bethany Forest Drive, and 101 feet of frontage on Willowood Lane. The lot narrows approximately 136.36 feet from the front to the rear. The subject property is vacant and undeveloped. The topography of the lot increases from the Willowood Lane property line to the side property line with a 12-foot grade change. The lot has no vegetation, only manicured grass throughout.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding lots come in different sizes and shapes. The properties adjacent to the subject parcel have single-family homes. To the north, east, south, and west, there are single-family homes on parcels zoned FCR-3 (Fulton County Single Family Residential).

**PROPOSAL:** Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 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 is situated on a corner lot with an irregular shape and does not meet the minimum width or area requirement for a lot. Specifically, the subject property falls short by 30 feet of the 100 feet of frontage needed, and 497 square feet of the required 18,000 square feet. Additionally, the property's topography slopes upwards from the Willowood Lane property line to the side property line, with a total grade change of 12 feet. As a result, Staff finds the area, width, and topography 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, narrow width, and topography, make it challenging to enforce zoning regulations. The plan is to build a single-family residence in the Guilford Forest single-family residential subdivision. This subdivision was originally platted and recorded in unincorporated Fulton County. Many of the home lots in the development were constructed in accordance with the originally approved plat and have front setbacks of 35 feet, which was the requirement at the time. However, since the original platting, the property was annexed into the City of Atlanta and the new front setback requirement is now 50 feet.

The property is located on a corner lot, which has a 20-foot side setback adjacent to the street. Increasing the front setback by 15 feet to 50 feet, coupled with the 20-foot side setback adjacent to the street reduces the buildable area, making the proposed home site too small to be viable. The proposed building envelope best addresses the topography present across the property while respecting the natural features. The proposed front setback of the home is directly aligned with the front setback of the property developed immediately adjacent to the west. The proposed location of the home with a 35-foot front setback allows for the efficient development of the property in a way that best addresses the topographical challenges. This setback also aligns with the adjacent property to the west and all other constructed homes in the development. Given the property's narrow width and corner position, the proposed reduction in the setback is reasonable. Therefore, Staff finds this request reasonable due to the hardships posed by the lot's narrow width, topography, area, and corner position.

- c. **Such conditions are peculiar to the particular piece of property involved.** The corner lot has an irregular shape. Its condition is similar to neighboring properties and is not unique. However, the topographic conditions are specific to this property and unique to this lot. Although, the presence of similar conditions on neighboring lots does not diminish 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

V-24-091 for 575 Bethany Forest Drive SW

September 5, 2024

Page 3 of 3

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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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-093 for 445 Claridge Trace SW

**DATE:** September 5, 2024 (*Deferred July 18, 2024*)

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**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet for the construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 110.20 feet on the north side of Claridge Trace and beginning approximately 364.2 feet from the northwest intersection of New Britain Drive and Claridge Trace. Zoned FCR-3 (Fulton County R-3 Single Family Residential). Land Lot 61 of the 14F District, Fulton County, Georgia. It is located in the Midwest Cascade neighborhood of NPU-Q, Council District 12.

### **Relevant Zoning Requirements:**

- The subject property is zoned FCR-3 (Single Family Residential).
- Minimum yard setbacks: Front yard: 50 feet; side yard: 20 feet; rear yard: 35 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 18,000 square feet; frontage: 100 feet

**Property Characteristics:** The subject property is an irregularly shaped lot with approximately 110 feet of street frontage and 16,087 square feet (0.37 acres) of area. The property is currently undeveloped. The topography is consistent across the lot and 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 FCR-3 (Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet for the construction of a new single-family dwelling unit.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is irregularly shaped and has a topography difference of about 10 feet across the lot. Additionally, the proposed setback distance will be consistent with the front yard setbacks of the existing homes in the neighborhood. Therefore, Staff finds the topography and shape as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by depriving the applicant of the right to develop the property similarly to the other homes in the subdivision. The previous ordinance would allow for the construction of the proposed home without the need for a variance, the new ordinance further restricts the other undeveloped lots in the subdivision from being constructed with respect to the surrounding properties. Furthermore, the irregular shape further limits 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 combination of the topography of the lot and the different development controls for this lot are conditions peculiar to this site; staff has not identified similar conditions on surrounding lots.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The new construction will match the setbacks of existing homes in the subdivision which will not affect the aesthetic of the subject property nor the neighborhood. 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-24-095 for 800 Forest Crossing Drive SW

**DATE:** September 5, 2024

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**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet for the construction of a new single-family dwelling.**

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

**Property Location:** The subject property fronts 118.44 feet on the north side of Forest Crossing Drive and beginning approximately 101.7 feet from the northwest intersection of New Britain Drive and Forest Crossing Drive. Zoned FCR-3 (Fulton County R-3 Single Family Residential). Land Lot 61 of the 14<sup>th</sup> District, Council District 4.

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

- The subject property is zoned FCR-3 (Fulton County R-3 Single Family Residential).
- Minimum lot dimensions: Frontage: 35 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Half Depth Front yard: 20 feet, Side yard: 10 feet; Rear yard: 35 feet.
- Maximum lot coverage: There are no regulations regarding maximum lot coverage within this district.

**Property Characteristics:** The subject property is a regular shaped lot measuring approximately 13,775 square feet (0.316 acres) of area, approximately 119 feet of frontage on Forest Crossing Drive SW. The lot narrows approximately 29 feet from the front to the rear. The subject property is vacant and undeveloped. The topography decreases from the front property line to the rear property line with a 15-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 but follow a common dendritic pattern. All properties adjacent to the subject parcel are either undeveloped or have single-family homes, and all are zoned FCR-3 (Fulton County R-3 Single Family Residential).

**PROPOSAL:** Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 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 lot requirements for an FCR-3 zoning designation except for lot area. The minimum lot area is deficient by approximately 4,225 square feet. 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 property's size and topography as extraordinary conditions that warrant the proposed reduction in front yard setback.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The strict enforcement of the Zoning Ordinance would create an unnecessary hardship, as it will result in an improvement that does not align with the existing building line footprint unmatching the existing building design and aesthetic. Accommodating this request is deemed not to result in a change in neighborhood character.
- c. **Such conditions are peculiar to the particular piece of property involved.** While the shape of the lot is fairly standard, it has a relatively narrow depth. The condition of the lot is similar to that of neighboring properties and is not unique to this particular lot. The topography and depth, while not significantly different, 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 to emergency access or threats to health and fire safety. 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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Director  
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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-096 for 1155 New Britain Drive SW

**DATE:** September 5, 2024 (*Deferred July 18, 2024*)

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**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet for the construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 128.47 feet on the south side of New Britain Drive beginning approximately 255.2 feet from the northwest intersection of Forest Crossing Drive and New Britain Drive. The subject property is zoned FCR-3 (Fulton County R-3 Single Family Residential). The property is located in Land Lot 61 of the 14F District, Fulton County, Georgia. It is located in the Midwest Cascade neighborhood of NPU-Q, Council District 11.

### **Relevant Zoning Requirements:**

- The subject property is zoned FCR-3 (Fulton County R-3 Single Family Residential).
- Minimum lot dimensions: Frontage: 35 feet; Width: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards (Interior): 10 feet; Rear yard: 35 feet.

**Property Characteristics:** The subject property is an irregular-shaped lot of approximately 13,511 square feet (0.31 acres) and approximately 128 feet of frontage. It is currently vacant and undeveloped. The topography declines by approximately 12 feet from its highest point to the lowest point. The property contains a 20-foot drainage easement. 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, south, and west are zoned FCR-3 (Fulton County R-3 Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 35 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 is irregularly shaped, deficient in area by approximately 4,489 square feet, and the topography declines by approximately 12 feet. Therefore, Staff finds lot shape, size, and topography to be 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 irregular lot shape and deficient lot area limit the buildable area. Strict application of the zoning regulations would potentially cause the home to encroach into the rear yard setback, the side yard setbacks, or the vegetated filter strips that are intended to manage stormwater runoff. 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, size, 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-24-097 for 1165 New Britain Drive SW

**DATE:** September 5, 2024 (*Deferred July 18, 2024*)

---

**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet for the construction of a new single-family dwelling.**

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

**Property Location:** The subject property fronts 145.98 feet on the west side of New Britain Drive beginning approximately 109.2 feet from the northwest intersection of Forest Crossing Drive and New Britain Drive. The subject property is zoned FCR-3 (Fulton County R-3 Single Family Residential). The property is located in Land Lot 61 of the 14F District, Fulton County, Georgia. It is located in the Midwest Cascade neighborhood of NPU-Q, Council District 11.

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

- The subject property is zoned FCR-3 (Fulton County R-3 Single Family Residential).
- Minimum lot dimensions: Frontage: 35 feet; Width: 100 feet; Minimum lot area: 18,000 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yards (Interior): 10 feet; Rear yard: 35 feet.

**Property Characteristics:** The subject property is an irregular-shaped lot of approximately 13,136 square feet (0.30 acres) and approximately 145 feet of frontage. It is currently vacant and undeveloped. The topography declines by approximately 16 feet from its highest point to the lowest point. The property contains two 20-foot drainage easements. 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 FCR-3 (Fulton County R-3 Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 35 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 is irregularly shaped, deficient in area by approximately 4,864 square feet, and the topography declines by approximately 16 feet. Therefore, Staff finds lot shape, size, and topography to be 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 irregular lot shape, deficient lot area, and the 20-foot drainage easements limit the buildable area. Strict application of the zoning regulations would potentially cause the home to encroach into the side yard setbacks or the vegetated filter strips that are intended to manage stormwater runoff. 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, size, 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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Director  
Office of Zoning and Development

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-098 for 440 Claridge Trace SW

**DATE:** September 5, 2024 (*Deferred July 18, 2024*)

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**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet for the construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 159.63 feet on the south side of Claridge Trace and beginning approximately 287.6 feet from the southwest intersection of New Britain Drive and Claridge Trace. Zoned FCR-3 (Fulton County R-3 Single Family Residential). Land Lot 61 of the 14F District, Fulton County, Georgia. It is located in the Guilford Forrest neighborhood of NPU-Q, Council District 12.

### **Relevant Zoning Requirements:**

- The subject property is zoned FCR-3 (Single Family Residential).
- Minimum yard setbacks: Front yard: 50 feet; side yard: 20 feet; rear yard: 35 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 18,000 square feet; frontage: 100 feet

**Property Characteristics:** The subject property is an irregularly shaped lot with approximately 153.07 feet of street frontage and 16,614 square feet (0.38 acres) of area. The property is currently undeveloped and the topography varies across the lot, with approximately a 30-foot difference in elevation between the highest point at the front of the house to the lowest point at the rear. There are mature trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area are relatively consistent in their size, shape, and area. All adjacent parcels to the north, south, east, and west, are also zoned FCR-3 (Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 35 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 elevation challenges, with a 30-foot change across the lot. The shape of the lot, due to its location on a cul-de-sac, also reduces the buildable area of this lot. The existing homes in the subdivision will match the proposed. Therefore, Staff finds the shape and topography as extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by depriving the applicant of the right to develop the property similarly to the other homes in the subdivision. The previous ordinance would allow for the construction of the proposed home without the need for a variance, the new ordinance further restricts the other undeveloped lots in the subdivision from being constructed with respect to the surrounding properties. Furthermore, the odd shape further limits 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 combination of the topography, shape of the lot, and the different development controls for this lot are the condition peculiar to this site; staff has not identified similar conditions on surrounding lots.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The new construction will match the setbacks of existing homes in the subdivision which will not affect the aesthetic of the subject property nor the neighborhood. 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

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-24-106 for 131 Whitefoord Avenue SE

**DATE:** September 5, 2024

---

**Applicant seeks a special exception to reduce the required off-street parking from 23 spaces to 9 spaces for the redevelopment of a site for a neighborhood restaurant and market.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 59 feet on the west side of Whitefoord Avenue and begins at the southwest intersection of Leslie Street and Whitefoord Avenue. Zoned C-1 (Commercial Business). Land Lot 205 of the 15th District, Dekalb County, Georgia. It is located in the Edgewood Neighborhood of NPU-O, Council District 5.

### **Relevant Zoning Requirements:**

- The subject property is zoned C-1 (Commercial Business District).
- Section 16-11.010 (11) – Minimum off-street parking requirements.
  - Eating and drinking establishments: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Property Characteristics:** The subject property is a regularly shaped lot with approximately 58 feet of street frontage and 8,850 square feet (0.203 acres) of area. The property is currently occupied by an existing one-story auto shop that is vacant. Vehicular access is provided via curbs

cut along Whitefoord Avenue and Leslie Street. The topography is mostly flat. There are few trees onsite.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area are similar in their size and shape but have varying zoning designations. The parcels to the north, south, east, and west are all zoned C-1 (Commercial Business District).

**PROPOSAL:** The applicant seeks a special exception to reduce the required off-street parking from 23 spaces to 9 spaces. The property is being redeveloped with a new eating and drinking establishment that will have indoor and outdoor dining options. The applicant has noted that the small site is already dedicating half of the lot to off-street parking.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.006 of the City of Atlanta Zoning Code.

**The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.**

The applicant seeks to develop a new eating and drinking establishment to further engage the neighborhood commercial node at this intersection in the Edgewood neighborhood. The Edgewood neighborhood is a thriving community in the City of Atlanta with regional and neighborhood commercial districts and transportation options including the Edgewood Shopping Center and different smaller neighborhood-serving commercial districts, with access to MARTA rail and buses. Furthermore, typically Neighborhood Commercial districts are intended to serve local residents (who are likely to use rideshare, carpool, or walk to the businesses), rather than those who live further away and must arrive by private automobile. The City of Atlanta encourages developments that improve pedestrian character and limit the number of vehicle trips in the area, which is achieved by limiting how many cars can park on location. Additionally, the Small Area Plan *Edgewood Redevelopment Plan 2006*, supports the development of this specific intersection as a neighborhood-serving commercial node as stated in its following recommendation, “Redeveloped Neighborhood Commercial Node: There is an existing commercial node in the Edgewood neighborhood at the intersection of Arkwright/Woodbine Avenue and Whitefoord Avenue. However, it is a node that has experienced significant disinvestment over the years. This node has the potential to provide a true neighborhood-scale commercial destination in Edgewood.....” Additionally, there is a dedicated pedestrian and bike path near the site that extends eastward toward Coan Park. This trail is currently planned to be extended westward directly along Arkwright Place to the Eastside BeltLine Trail as part of the proposed Trolley Trail. This proposed extension will provide alternative access to the site without the need for vehicular traffic and parking. The applicant also applied for a special use permit for outdoor eating and since then has decreased the size of the patio, further reducing the capacity of the restaurant and the need for additional parking. Therefore, Staff is of the opinion that the proposed request to reduce the parking requirement is reasonable.

V-24-106 for 131 Whitefoord Avenue SE

September 5, 2024

Page 2 of 2

**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-24-108 for 1295 New Britain Drive SW

**DATE:** September 5, 2024

---

**The applicant seeks a variance to reduce the required front yard setback from 50 feet to 35 feet to allow the construction of a single-family home.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 105.16 feet on New Britain Drive and beginning approximately 75.6 feet from the southwest intersection of Bethany Forest Drive and New Britain Drive. This property is in Land Lot 61 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Midwest Cascade Neighborhood in NPU Q, Council District 11.

### **Relevant Zoning Requirements:**

- The subject property is zoned FCR-3 (Fulton County 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: 20 feet; Rear yard setback: 35 feet.

**Property Characteristics:** The subject property has a regular shape with a lot area of 0.336 acres (14,650 square feet) and frontage of 105.16 feet along New Britain Drive. The property is currently undeveloped. A portion of the site has mature trees and another has grass only.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots have vary in shape and sizes. All lots are developed with single-family dwellings zoned FCR-3.

**PROPOSAL:** The applicant seeks a variance to reduce the required front yard setback from 50 feet to 35 feet to allow the construction of a single-family home.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Chapter 6C Sec. 16-06C.003(B).

- 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 a regular lot, however deficient in lot area by 3,350 square feet and in lot width by 6 feet. The site has a 20-foot drop from the rear property line to the middle of the lot. Staff is of the opinion that there are extraordinary and exceptional conditions on the lot regarding size and 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 50-foot front yard setback will substantially reduce the buildable area of the site resulting in a construction of a house that will be incongruent with the houses adjoining the site. Staff is of the opinion that the 50-foot setback will create an unnecessary hardship to the applicant, as it will push back the house farther from the street where the challenging topography is found and affecting the development pattern in the neighborhood.
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the lot width, area, and topography are conditions unique to this specific piece of property and are no conditions that result from actions of the property owner.
- 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 as it will provide cohesiveness with the abutting houses.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-109 for 1160 New Britain Dr SW

**DATE:** September 5, 2024

---

**The applicant seeks a variance to reduce the required front yard setback from 50 feet to 35 feet to allow the construction of a single-family home.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 116.13 feet on New Britain Drive and beginning approximately 929.1 feet from the northwest intersection of Bethany Forest Drive and New Britain Drive. This property is in Land Lot 61 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Midwest Cascade Neighborhood in NPU Q, Council District 11.

### **Relevant Zoning Requirements:**

- The subject property is zoned Fulton County 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: 20 feet; Rear yard setback: 35 feet.

**Property Characteristics:** The subject property has a regular shape with a lot area of 0.449 acres (19,541 square feet) and frontage of 116.13 feet along the north side New Britain Drive. The property is currently undeveloped with heavy vegetation.

**Characteristics of Adjoining Properties, Neighborhood:** Adjoining lots vary in shape and sizes. All lots are developed with single-family dwellings zoned Fulton County R-3.

**PROPOSAL:** The applicant seeks a variance to reduce the required front yard setback from 50 feet to 35 feet to allow the construction of a single-family home.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Chapter 6 C Sec. 16-06C.003(B).



- 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 a regular lot with no deficiency in area or width, however the lot has substantial steep topography of approximately 40 feet from the front of the lot to the rear of the lot. The highest point found at the front west corner and the lowest point found at the southeast corner. Therefore, Staff is of the opinion that the site has extraordinary and exceptional conditions regarding topography on the lot.
- 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 50-foot front yard setback will substantially reduce the buildable area of the site moving the house footprint where the topography is most challenging posing 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 topography is unique to this piece of property and are no conditions that are result from actions of the property owner.
- 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 as it will provide cohesiveness with the adjoining houses.

**RECOMMENDATION: APPROVAL.**

cc: Keyetta M. Holmes, AICP, Director



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Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-110 for 585 Bethany Forest Drive SW

**DATE:** September 5, 2024

---

**Applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet and reduce the side yard setback adjacent to a street from 20 feet to 13 feet for the construction of a new single-family dwelling.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 132.25 feet on the south side of Bethany Forest Drive and beginning at the southwest intersection of New Hope Road and Bethany Forest Drive. The property is located in Land Lot 61 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Midwest Cascade Neighborhood of NPU-Q, Council District 11.

### **Relevant Zoning Requirements:**

- The subject property is zoned FCR-3 (Fulton County R-3 Single Family Residential).
- Minimum yard setbacks: Front yard: 50 feet; side yard adjacent street: 20 feet; rear yard: 35 feet
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 18,000 square feet; frontage: 100 feet

**Property Characteristics:** The subject property is a regular shaped lot with approximately 132 feet of street frontage and 18,893 square feet (0.43 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. Parcels located in the immediate area are all zoned FCR-3 (Fulton County R-3 Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 50 feet to 35 feet and reduce the side yard setback adjacent to a street from 20 feet to 13 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 minimum lot requirements, however, there is a 10-foot landscaping easement and 50-foot undisturbed buffer located on the west portion of the site. Therefore, Staff finds this easement and undisturbed buffer 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 non-conforming structure to be up to zoning compliance. The plat was not recorded with the City of Atlanta, so the variance was requested so the lot can be brought to compliance. Denial of this request would require the structure to be demolished and/or moved. 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 not peculiar to the piece of property involved. The lot, along with others in the subdivision, was not properly recorded with the City, creating a non-conforming lot.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life and the lot be brought to full compliance. 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

JAHNEE R. PRINCE, AICP  
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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-24-112 for 70 and 72 Boulevard SE

**DATE:** September 5, 2024

---

**The applicant seeks a variance to reduce the front yard setback from 30 feet to 8 feet for the construction of a 3-story townhome.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 64.75 feet on the east side of Boulevard SE beginning approximately 312.5 feet from the northeast intersection of Decatur Street and Boulevard. The property is located in Land Lot 45 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the Old Fourth Ward of NPU-M, Council District 2.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-5/B-L (Two-Family Residential/BeltLine Overlay)
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yard: 7 feet; Rear yard: 7 feet.

**Property Characteristics:** The subject property is located on the east side of Boulevard SE. The square footage of the parcel is 6,194 square feet (0.142 acres) with 64.74 feet of frontage. The parcel is relatively flat with a grade change of approximately 5 feet across the site.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding neighborhood is a mix of commercial and residential development, consisting of duplexes, multifamily housing, and some single family homes, with commercial and light industrial development along Decatur Street and Edgewood Avenue. Adjacent zoning designations include C-1 (Community Business District), C-3 (Commercial Residential), and R-5 (Two Family Residential). The neighboring parcels to the north and south are developed as a duplex and a single family home.

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 30' to 8' for the construction of a 3-story townhome.

**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 deficient in lot size by approximately 1,314.48 square feet., which limits the buildable area of the parcel. Therefore, Staff finds deficient lot size as an 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.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the insufficient size of the parcel. The strict application of the regulations would greatly restrict the buildable area of the property. Therefore, Staff is of the opinion that the proposed setback reduction is reasonable. Though clearly self-imposed, requiring the demolition of an existing structure could also be considered a hardship upon the applicant.
- c. **Such conditions are peculiar to the particular piece of property involved.** The deficient lot size 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 variance is reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-120 for 520 West Paces Ferry Road NW

**DATE:** September 5, 2024

**The applicant seeks a special exception to increase the height of the fence in the required front yard from 4 feet to 12 feet, 3 inches.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 199.88 feet on the south side of West Paces Ferry Road NW and beginning approximately 754 feet from the southeast intersection of Glen Arden Drive and West Paces Ferry Road. This property is in Land Lot 142 of the 17<sup>th</sup> District, Fulton County, Georgia. It is in the Argonne Forest Neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-2 (Single Family Residential)
- Sec. 16-28.008(5)(1)- In the R-1 through R-5 districts within the required front and half-depth front yards: where no retaining wall is constructed, fences not exceeding four feet in height may be erected.

**Property Characteristics:** The subject property is a rectangular lot measuring 9,4786.56 square feet (2.176 acres) with a frontage of 199.88 feet along West Paces Ferry Road NE. The property is developed with a brick single family home with accessory pool, gardens, and an existing brick privacy wall visible from Paces Ferry Road. Vehicular access is provided via a curb cut on West Paces Ferry Road. The topography of the parcel varies, with an overall grade change of about 20 feet throughout the parcel.

**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in size, shape, and lot area. Abutting properties to the east and west are developed with single-family dwellings and are zoned R-2 (Single Family Residential)

**PROPOSAL:** The applicant seeks a special exception to increase the height of the fence in the required front yard from 4 feet to 12 feet, 3 inches.

**CONCLUSIONS:** The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-28.008 (5)(a)(1)(i) of the City of Atlanta Zoning Code.

**The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that such greater height is justified by requirements for security or privacy of persons and/or property and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood:**

The applicant seeks a special exemption to erect a gate measuring 12 feet and 3 inches in height in the front yard across the existing driveway. The applicant requests this special exception in response to safety concerns and auto theft detailed in the application and supported by documentation provided.

To illustrate compatibility with the established character of the neighborhood, the applicant provided evidence of four properties that have fences of similar height and design also located on West Paces Ferry Road (391, 480, 509, and 541 West Paces Ferry Road). Therefore, staff is of the opinion that the Special Exception request for extended fence height is compatible with surrounding properties.

Staff is of the opinion that the applicant has justified the need for a gate exceeding the maximum height of 4 feet by providing evidence to support their claims. Additionally, the applicant provided photographs of 4 nearby properties with gates of similar height and/or design, satisfying the compatibility criteria. Staff is supportive of the request.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS  
MAYOR

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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-24-125 for 1062 Bellevue Drive NE

**DATE:** September 5, 2024

---

**Applicant seeks a variance to reduce the front yard setback from 35 feet to 22.1 feet and a special exception to allow a parking bay within the west side yard and remove the requirement that the front door shall face and be visible from the adjacent street for construction of an addition and porch.**

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

**Property Location:** The subject property fronts 5 feet on the north side of Bellevue Drive and beginning 52.15 feet from the northeast intersection of Humphries Drive and Bellevue Drive. The property is located in Land Lot 1 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Virginia Highland 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.
- 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.
- Relationship of building to street: Front doors. Front doors shall face and be visible from the adjacent street.

**Property Characteristics:** The property is located on a regularly shaped interior lot along Bellevue Drive. It covers approximately 8,525 square feet (0.19 acres) and has a frontage of roughly 53 feet facing Bellevue Drive. The lot gradually narrows over its length, spanning about 160 feet from front to rear. The property features a two-story single-family house made of brick



and frame, with a covered porch in the front and a two-story deck in the rear. At the rear of the lot, you will find a concrete block wall, landscape timbers, and a shed on the west side. There is a 20-foot alley at the back of the property, and access to the property is provided by a driveway that leads to the rear yard. The land slopes gradually from the east property line to the west property line, with an approximate 6-foot grade change.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding lots vary in size and shape. Next to the subject parcel are single-family homes. Single-family homes on R-4 (Single Family Residential) parcels are situated to the north, east, south, and west.

**PROPOSAL:** Applicant seeks a variance to reduce the front yard setback from 35 feet to 22.1 feet and a special exception to allow a parking bay within the west side yard and remove the requirement that the front door shall face and be visible from the adjacent street for construction of an addition and 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 subject does not meet the minimum width and area requirements for an R-4 lot. The lot is deficient in the lot width by 17 feet and area by 475 square feet. Furthermore, the property's topography gradually slopes upwards from the east property line to the west property line, with a total grade change of 6 feet. As a result, Staff finds the width and area 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 narrow width, make it challenging to comply with zoning regulations. The proposed project involves constructing a new addition to a two-story single-family house. This includes removing the existing front awning and wooden porch and replacing them with a covered brick porch. Additionally, the plan involves removing the existing rear deck to make space for an addition with a screened porch on the main level and additional space for renovating the second level to add a bedroom, bathroom, and a larger laundry room. The primary suite on the second level will also be renovated, including an existing attached screened porch, which will be converted to a conditional space. The request to remove the requirement that the front door must face and be visible from the adjacent street is justified by the presence of three houses on the block where the front door is not visible from the street. Therefore, the proposed reduction in setback is deemed reasonable to accommodate the proposed alterations to the front porch.

The existing house is significantly within the front yard setback, at 24.4 feet from the front property line, instead of the mandated 35 feet of the R-4 zoning district. The owners seek relief from the 35 feet front yard setback to build a new brick front porch and awning that sit 22.1 feet from the front property line to the first step. The structure of the new awning will be behind the existing front wall of the home. Granting relief for the front yard setback is essential to provide a properly covered entrance, a feature common to the surrounding neighborhood. Only the steps and cheek walls of the proposed new covered brick entry porch extend beyond the existing building's footprint. This improvement will enhance the functionality of the property for the owner while contributing positively to the streetscape and overall neighborhood

ambiance. It aligns with the historical character of the home and enhances its visual appeal without compromising the integrity of the zoning ordinance. Most homes have their front door facing the street, while this property's front door and porch steps face the driveway. Granting relief of the front yard setback would allow a reconfiguration so the porch steps can face the street. In conclusion, the staff finds the applicant's requests reasonable in light of the hardships posed by the lot's narrow width and size.

- c. **Such conditions are peculiar to the particular piece of property involved.** Even though the lot is relatively narrow, existing encroachments in the required yards differentiate the subject property from other lots in the neighborhood. Most homes have their front door facing the street, while this property's front door and porch steps face the driveway, making it somewhat unusual. Additionally, the topography, while not significant, is still unique to this lot. However, the presence 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 proposed changes will not block light or air from adjacent properties. Additionally, they will not hinder emergency access or threaten health and fire safety. The changes will enhance the quality of life and contribute to the stability of the neighborhood. They are designed to improve the property while maintaining the neighborhood's character and complying with the city's zoning goals. The proposal strikes a balance between the homeowner's needs and the community's interests, ultimately benefiting the public and the neighborhood's development. If approved, the changes will not significantly harm the public good or the zoning ordinance's purpose. Therefore, the staff deems 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 west side yard adjacent to the street has been carefully considered within the context of safety, neighborhood character, and zoning regulations. The proposed parking bay is an expansion of the existing parking bay in the rear yard, which is essential for safe entry and exit from the property, especially given the narrow lot and the location of the house. The lot narrows from the front to the rear, leaving less room in the rear yard and a limited 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 parking pad is necessary for safe entry and exit from the property. 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 strikes a balance between safety and zoning regulations, making it a reasonable and necessary accommodation for the property owner.

V-24-125 for 1062 Bellevue Drive NE  
September 5, 2024  
Page 4 of 4

**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-24-127 for 1473 Lansing Street SE

**DATE:** September 5, 2024

---

**The applicant seeks a variance to reduce the front yard setback from 35 feet to 16.75 feet and reduce the rear yard setback from 15 feet to 5 feet.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 49.99 feet on the west side of Lansing Street and begins approximately 100 feet from the northwest intersection of Brown Avenue and Lansing Street. This property is in the Land Lot 56 of the 14<sup>th</sup> District, Fulton County, Georgia. It is in the South Atlanta Neighborhood in NPU Y, Council District 1.

### **Relevant Zoning Requirements:**

- Minimum yard setbacks: Front yard: 35 feet; Side yard setback: 7 feet; Rear yard setback: 15 feet.
- Maximum floor area ratio: .50 of the net lot area
- Maximum lot coverage: 50% of the total lot area

**Property Characteristics:** The subject site is a regular shape with a lot area of 0.057 acres (2,496 square feet) and frontage of 50 feet along Lansing Street. The property is undeveloped with mature trees and removable objects.

**Characteristics of Adjoining Properties, Neighborhood:** The adjoining lot to the north is bigger in size and has a rectangular shape. The abutting lot to the south is also bigger than the subject property and also has a rectangular shape. The properties across the street on Lansing Street have varying sizes and shapes and some have smaller, equal or greater sizes than the subject property. All surrounding properties are zoned R-4 and are used for single-family homes.

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from 35 feet to 16.75 feet and reduce the rear yard setback from 15 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 Sec. 16-16.008 (1) & (3).

- 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 a regular squared lot and it is substantially deficient in lot area by 6,504 square feet and lot width by 20 feet. The site does not have steep topography. Staff is of the opinion that the reduced size of the lot, shape, and deficient width are 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.** Enforcing the required 35-foot front yard setback and 15-foot rear setback will make this lot of record unbuildable. Staff is of the opinion that imposing the required setbacks will cause an unnecessary hardship to the applicant and that some level of relief needs to be granted to develop the site for a single-family home.
  
- c) **Such conditions are peculiar to the particular piece of property involved.** Staff is of the opinion that the lot improvements, size, and shape are unique to this piece of property. The setback reduction will allow for a reasonable use of the property.
  
- d) **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The setback reduction will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance. This will allow for the construction of a single-family home on a legal recorded lot that lacks sufficient lot area.

**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-24-111 for 491 Sterling Street NE

**DATE:** September 5, 2024

---

**Applicant seeks a variance to reduce the front yard setback from 35 feet to 11 feet for the construction of a new bathroom and closet.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronting 49.99 feet on the east side of Sterling Street and beginning approximately 193 feet from the southeast intersection of Euclid Avenue and Sterling Street. The property is located in Land Lot 240 of the 15<sup>th</sup> District, Fulton 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 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 50 feet of street frontage and 5,175 square feet (0.119 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 11 feet for the construction of a new bathroom and closet.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot is deficient in frontage and size, limiting the building area. The footprint of the existing structure encroaches on the front yard setback by approximately 15 feet. 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 preventing the proposed bathroom and closet from being constructed as requested. The proposed garage will replace an existing portion of the front porch on the same building footprint. Adhering to the current regulation would necessitate the existing structure be demolished and rebuilt within the setbacks. 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 are not peculiar to the piece of property involved. Staff is unaware of similar conditions on neighboring properties.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal 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 homes set close to the front yard setback, similar to the subject property, on the same block face; The proposal would match the aesthetic of the surrounding block. 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-24-124 for 3100 Marne Drive NW

**DATE:** September 5, 2024

---

**Applicant seeks a special exception to increase the height of a wall from 6 feet to 7 feet 3 inches in the side yard and from 6 feet to 10 feet in the rear yard.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 149.9 feet on the west side of Marne Drive NW and begins approximately 425 feet from the northwest intersection of Verdun Drive and Marne Drive. The property is located in Land Lot 142 of the 17th District, Fulton County, Georgia. It is located in the Argonne Forest Neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3 (Single-Family Residential District).
- *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:
    - Within the required side and rear yards: Where no retaining wall is constructed, fences or walls not exceeding six feet in height may be erected or maintained.

**Property Characteristics:** The subject property is a regular lot with approximately 149 feet of street frontage and 34,297 square feet of area. The property is currently developed with an existing one-story home and detached garage. Vehicular access is currently provided via a curb cut on Marne Drive. The topography declines by approximately 37 feet from its highest point to the lowest point. There is a 25-foot state waters buffer, a 50-foot undisturbed buffer, a 75-foot impervious setback buffer, and a creek located on the property. There are mature trees located on the property.



**Characteristics of Adjoining Properties, Neighborhood:** Lots in the immediate area vary in shape, size, and area. All of the parcels to the north, south, east, and west are zoned R-3 (Single-Family Residential District).

**PROPOSAL:** The applicant seeks a special exception to increase the height of a wall from 6 feet to 7 feet 3 inches in the side yard and from 6 feet to 10 feet in the rear yard. The proposed wall is not a privacy wall or fence along the property line, but rather a retaining wall located internally within the site. The retaining wall indicated by this proposal has already been installed and is not currently in compliance with existing zoning regulations.

**CONCLUSIONS:** The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008(5)(e) of the City of Atlanta Zoning Ordinance.

**The Board of Zoning Adjustment may grant special exceptions in any district for greater heights of walls or fences in required yards only upon finding that (1) Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood; (2) Such greater height is justified by requirements for security of persons or property in the area; (3) Such greater height is justified for topographic reasons; or (4) Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.**

The applicant is seeking a special exception to increase the height of a wall from 6 feet to 7 feet 3 inches in the side yard and from 6 feet to 10 feet in the rear yard for reasons of topography. The topography in the rear of the property is extremely steep, sloping upwards by a grade of 31 feet from the rear yard to the western corner of the site. The retaining wall improves the safety of the site, and the structural integrity of the site could be negatively impacted if the wall were to be removed. Existing landscaping in the form of mature trees and bushes also screens the wall, limiting its visibility and integrating it into the natural environment. Therefore, Staff is of the opinion that the proposal will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood, meeting the criteria for a special exception.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



ANDRE DICKENS  
MAYOR

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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-24-126 for 445 Brentwood Drive NE

**DATE:** September 5, 2024

---

**Applicant seeks a variance to reduce the east side yard setback from 7 feet to 3 feet 6 inches for the construction of a carport.**

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

**Property Location:** The subject property fronts 69.94 feet on the south side of Brentwood Drive NE and beginning approximately 274.5 feet from the southwest intersection of North Hilles Drive NE and Brentwood Drive NE. Zoned R-4/SPI-24 (Single Family Residential/Garden Hills Neighborhood Special Public Interest). Land Lot 60 of the 17<sup>th</sup> District, Council District 7, Fulton County, Georgia.

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

- The subject property is zoned R-4/SPI-24 (Single Family Residential/Garden Hills Neighborhood Special Public Interest).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Half Depth Front yard: 17.5 feet, Side yard: 7 feet; Rear yard: 15 feet.
- Maximum lot coverage: 50%

**Property Characteristics:** The subject property is a regular shaped lot measuring approximately 13,021 square feet (0.299 acres) of area, approximately 69.94 feet of frontage on Brentwood Drive NE. The lot narrows approximately 16 feet from the front to the rear. The subject property is developed with a single-family home. The topography increases from the front property line to the rear property line with an approximately 10-foot grade change. The lot has some vegetation, but mainly manicured grass throughout.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding lots vary in different sizes and shapes but follow a common dendritic pattern. All properties adjacent to the subject parcel are developed with single-family homes, and all are zoned R-4/SPI-24 (Single Family Residential/Garden Hills Neighborhood Special Public Interest).

**PROPOSAL:** Applicant to reduce the east side yard setback from 7 feet to 3 feet 6 inches for the construction of a carport.

**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 an R-4/SPI-24 lot. The property's topography slopes upwards from the front property line to the rear property line, with a total grade change of 8 feet. The existing driveway already encroaches into the side yard setback and no other location on the property would be suitable for a carport. As a result, Staff finds the site contains extraordinary conditions that warrant the proposed reduction in the side yard setback.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The strict enforcement of the Zoning Ordinance would create an unnecessary hardship, as it will result in an improvement that does not align with the existing building line footprint, diverting from the existing building design and aesthetic. Staff finds that accommodating this request is deemed not to result in a change in neighborhood character.
- c. **Such conditions are peculiar to the particular piece of property involved.** While the shape of the lot is fairly standard, it has a relatively narrow depth. The condition of the lot is similar to that of neighboring properties and is not unique to this particular lot. The topography and width, while not significantly different, is unique to this lot.
- 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. 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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Office of Zoning and Development

## 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:** September 5, 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.

### FINDINGS OF FACT:

**Property Location:** The subject property fronts 49.99 feet on the west side of Crew Street and beginning approximately 150 feet from the northwest intersection of Hatcher Avenue and Crew Street. The property is located in Land Lot 74 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Peopletown Neighborhood of NPU-V, Council District 1.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-5-C/BL (Two Family Residential District/Conditional/BeltLine Overlay).
- Minimum yard setbacks: Front yard: 30 feet; side yard: 7 feet; rear yard: 7 feet.
- Maximum height: 35 feet.
- *Front porches:* Front porches, when required, shall:
  - 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
  - Contain roofs, a minimum of six-inch wide porch roof supports, and steps.
- *Limitations on required off-street parking in required yards adjacent to streets in residential districts; limitations on paving such yards:* Required off-street parking for uses in residential districts shall be permitted in required yards adjacent to streets only to the extent allowable under the following limitations:
  - Such parking shall be permitted only in driveways within such yards, and no parking bays or parking outside such driveways shall be permitted.

- 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.
- 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 a regular shaped lot with approximately 49.99 feet of street frontage and 9,039 square feet (0.208 acres) of area. The property is currently vacant and unoccupied. Vehicular access is not currently provided. The topography level. There are a few mature trees on site.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area are consistent in their size, shape, and use. All parcels to the north, south, east, and west of the site are also zoned R-5-C/BL (Two Family Residential District/Conditional/BeltLine Overlay). There are some RG-3 (Residential General District) zoned properties relatively nearby as well, but not technically adjacent to the site.

**PROPOSAL:** The 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.

**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 regularly shaped, flat, and undeveloped. It essentially meets the minimum requirements of the zoning district, except that the width is measured to be 49.99 feet, which makes it deficient of its 50-foot minimum width requirement by just 0.01 feet or 0.12 inches. Staff is of the opinion that this deficiency is a negligible amount, especially as it relates to the specific requests of this variance. Therefore, Staff finds no 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 not cause an unnecessary hardship. This lot is vacant, regular shaped, and essentially satisfies the minimum requirements of the zoning district. Granting a variance under these conditions would give benefits to this applicant not enjoyed by their neighbors even though no deficiencies have been identified that provide development challenges. All of the requests proposed are design preferences of the applicant; unfortunately, none are triggered by deficiencies of the lot, which is required to qualify for a variance. Therefore, Staff is of the opinion that the proposed requests are not reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** Staff has not been able to identify any peculiar conditions. The lot is consistent with neighboring properties and represents a typical R-5 zoned lot.
  
- 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. However, the request proposes benefits for the applicant which would give it development advantages over nearby properties with no sound justification. Relief, if granted, would impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be not reasonable.

**RECOMMENDATION: DENIAL**

cc: Keyetta M. Holmes, AICP, Director