



ANDRE DICKENS  
MAYOR

## CITY OF ATLANTA

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

JAHNEE R. PRINCE, AICP  
Commissioner

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

### MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** **V-23-207 for 1425 Piedmont Avenue NE**

**DATE:** October 10, 2024

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The applicant seeks a variance to reduce the front yard setback from 35 feet to 16 feet 10 inches (pending lot consolidation) and a special exception to increase the height of a fence in the front yard from 4 feet to 7 feet with 50% opacity for the expansion of the Atlanta Botanical Garden.

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

**RECOMMENDATION: DENIAL WITHOUT PREJUDICE**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

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

**DATE:** October 10, 2024

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

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

**STAFF RECOMMENDATION: DEFERRAL – OCTOBER 24, 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-24-146 for 395 10<sup>th</sup> Street NE

**DATE:** October 10, 2024

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**The applicant seeks variances to increase lot coverage from 55% to 57.6%, reduce half-depth setback from 15 feet to 14 feet, special exceptions to allow active recreation in yards adjacent to a street, and to increase the height of the retaining wall from 4 feet to 6 feet within the half-depth front setback.**

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

**RECOMMENDATION: DEFERRAL - NOVEMBER 14, 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-24-157 for 1065 Hubbard Street SW

**DATE:** October 10, 2024

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

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

**RECOMMENDATION: DEFERRAL – DECEMBER 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-24-121 for 714 Fraser Street NE

**DATE:** October 10, 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 a new single-family home.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 40.08 feet on the east side of Fraser Street and beginning approximately 117.3 feet from the southeast intersection of Bass Street and Fraser Street. The property is located in Land Lot 54 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Summerhill Neighborhood of NPU-V Council District 1.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4B-C (Single Family Residential Conditional)
- Minimum yard setbacks: Front yard: 35 feet; side yard: 7 feet; rear yard: 15 feet
- Minimum lot requirements: Lot Area: 2,800 square feet; frontage: 40 feet

**Property Characteristics:** The subject property is a regular shaped lot with approximately 40 feet of street frontage and 5,662 square feet (0.13 acres) of area. The property is currently vacant.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area are consistent in size, shape, and area. Properties to the north, east, and south are zoned R-4B-C (Single Family Residential Conditional). Property to the west is zoned MRC-3 (Mixed Residential Commercial Conditional).

**PROPOSAL:** The 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 a new single-family home.

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

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot features topographical conditions, sloping upwards of about 10 feet from the street level to the mid-way point of the lot. Therefore, Staff finds topography as the extraordinary and exceptional conditions regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause a hardship by preventing the proposed development from being constructed as requested. The Summerhill rezoning conditions require the driveway width to be 10 feet, and single-family homes to be minimum 20 feet, affecting the buildable area. Adhering to the code regulations would affect the structural integrity of the proposed home and the driveway. 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 peculiar to this subject property. Staff is unaware of similar conditions on adjacent or nearby parcels.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. The request allows an increase in the quality of life and housing stock for the Summerhill neighborhood and decrease the number of vacant lots that are susceptible to blight. 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-24-147 for 312 Blackland Road NW

**DATE:** October 10, 2024

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Applicant seeks a variance to increase the height of a retaining wall in the rear yard from 6 feet to 9 feet.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronting 171.8 feet on the south side of Blackland Road and beginning approximately 1,150.1 from the southwest intersection of Tuxedo Road and Blackland Road. Zoned R-2/SPI-25 (Single Family Residential/Tuxedo Park Neighborhood Overlay). Land Lot 140 of the 17th District, Fulton County, Georgia. It is located in the Tuxedo Park neighborhood of NPU-A, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-2 (Single Family Residential).
- Minimum yard setbacks: Front yard: 60 feet; side yard: 15 feet; rear yard: 30 feet.
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 1 acre; frontage: 150 feet

**Property Characteristics:** The subject property is an irregularly shaped lot with approximately 171.8 feet of street frontage and 57,681 square feet (1.32 acres) of area. The property is currently developed with a 2-story home with a basement. The topography is inconsistent across the lot with a difference of about 52 feet 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 R-2 (Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to increase the height of a retaining wall in the rear yard from 6 feet to 9 feet.

**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, due to its tapering in the rear. The lot also has a sizable topography difference of about 52 feet across the lot. 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 a space for outdoor enjoyment. The previous owner of the property built a retaining wall without a permit and the current owner is requesting a height increase for the retaining wall to comply. The owner received a stop work order and cannot continue any other construction on-site until this is rectified. Furthermore, the odd shape and topography further limit the buildable area. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The combination of the shape and topography of the 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 retaining walls are not visible from the street, it controls erosion and allows for usable outside space for the residences. 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-24-154 for 1051 Northcliffe Drive NW

**DATE:** October 10, 2024

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**Applicant is seeking a variance to reduce the south side yard setback from 10 feet to 6 feet 6 inches for the construction of an addition to an existing single-family home.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 78.03 feet on the east side of Northcliffe Drive NW beginning approximately 2,016.9 feet from the southwest intersection of Howell Mill Road and Northcliffe Drive. The property is located in Land Lots 184 and 185 of the 17<sup>th</sup> District, Fulton County, Georgia. It is in the Wildwood Neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-3A (Single Family Residential)
- Minimum lot dimensions: Frontage: 85 feet; Minimum lot area: 13,500 square feet.
- Minimum yard setbacks: Front yard: 50 feet; Side yard: 10 feet; Rear yard: 15 feet.
- Maximum lot coverage: 45% of total lot area

**Property Characteristics:** The subject property is developed with a ranch-style single family home on a regularly shaped parcel fronting Northcliffe Drive NW. The square footage of the parcel is 16,118 square feet (0.370 acres) with 78.03 feet of frontage on Northcliffe Drive NW. The existing single family home encroaches into the south side yard approximately 4 feet and 8 inches. The topography of the parcel slopes toward the rear with an overall elevation change of about 14 feet.

**Characteristics of Adjoining Properties, Neighborhood:** The surrounding neighborhood is developed primarily with single-family homes and is zoned R-3A (Single Family Residential) with Single Family Residential (SFR) future land use designation. The neighboring parcels to the east and west are developed with single family homes.

**PROPOSAL:** The applicant is seeking a variance to reduce the south side yard setback from 10 feet to 6 feet 6 inches for the construction of an addition to an existing single-family home.

**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.** Though the subject property is not deficient in lot area, the parcel is deficient in frontage by approximately 7 feet, which creates a wide, shallow buildable area. Due to the shape of the buildable area and the long, linear form of the ranch house type, the existing single-family home encroaches into the south side yard setback 4 feet and 8 inches. This lack of depth in the buildable area limits suitable sites for the proposed addition. The decline in elevation in the rear and presence of the existing patio also makes that portion of the parcel less suitable for the proposed new construction. Therefore, Staff finds deficient frontage, existing encroachment, and topography as exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Strict interpretation of the code in this instance would create an unnecessary hardship due to the constraints on the buildable area of the lot created by the shallow depth of the parcel, existing configuration of the structure within the buildable area and side yard, and sloping topography in the rear. Therefore, Staff is of the opinion that the proposed setback reduction is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The parcel's deficient frontage, existing south side yard setback encroachment, and sloping topography are peculiar to the subject property and inconsistent with the typical parcel in the zoning district.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has room for the requested improvements. It is important to note that the requested variance does not increase the degree of non-conformity on the lot, as the proposed addition is encroaching approximately 2 feet less into the south side yard compared to the existing single family home. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variances are reasonable.

**RECOMMENDATION: APPROVAL**

cc: Keyetta M. Holmes, AICP, Director



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## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

**SUBJECT:** V-24-155 for 3110 Habersham Road NW

**DATE:** October 10, 2024

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**Applicant seeks a variance to reduce the south side yard setback from 15 feet to 5 feet and reduce the north side yard setback from 15 feet to 9 feet for the construction of a garage and pool compliance.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 118.05 feet on the west side of Habersham Road and beginning approximately 115 feet from the northwest intersection of Pine Valley Road and Habersham Road. The property is located in Land Lot 114 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Arden/Habersham Neighborhood of NPU-C, Council District 8.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-2A (Single Family Residential).
- Minimum yard setbacks: Front yard: 60 feet; side yard: 15 feet; rear yard: 30 feet
- Minimum lot requirements for single-family detached dwellings and all other uses: Lot Area: 30,000 square feet; frontage: 100 feet

**Property Characteristics:** The subject property is an irregular shaped lot with approximately 118 feet of street frontage and 38,562 square feet (0.154 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 R-2A (Single Family Residential).

**PROPOSAL:** The applicant seeks a variance to reduce the south side yard setback from 15 feet to 5 feet and reduce the north side yard setback from 15 feet to 9 feet for the construction of a garage and pool compliance.

**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, narrowing towards the back of the lot. In addition, the pool and primary structure encroach on the north side yard setback. According to the applicant, the pool was existing when the lot was approved via a consolidation plat in 2010 by the City of Atlanta. It is unclear when the pool was built. Therefore, Staff finds shape and existing pool and building encroachment 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 creating a pool that is out of compliance and prevent the proposed garage to be constructed. This property does not have an enclosed garage, while other adjacent properties do. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions identified above are peculiar to the piece of property involved. Staff is not aware of other adjacent properties with similar encroachments.
- 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. In addition, an enclosed garage will match the design of adjacent properties and will allow cars to not have to park in front of the home, creating a more appealing frontage for Habersham Road. 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-24-158 for 3880 Beechwood Drive NW

**DATE:** October 10, 2024

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**The applicant seeks a special exception form the zoning ordinance to allow for active recreation (pool) in the rear yard adjacent to a street.**

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 199.89 feet on the west side of Beechwood and begins 475 feet from the northwest intersection of Cave Road and Beechwood Drive. This property is in Land Lot 199 of the 17<sup>th</sup> District, Fulton County, Georgia. It is in the Mount Paran/Northside Neighborhood in NPU-A, Council District 8.

### **Relevant Zoning Requirements:**

- R-2 Zoning District
- Chapter 28 Section 16-28(6)- Swimming pools, tennis courts and other active recreation facilities shall not be permitted in connection with residential uses in residential districts in any yard, required or other, adjacent to a street, other than by special exception granted by the board of zoning.

**Property Characteristics:** The subject site has a regular shape with a lot area of 1.37 acres (59,913 square feet) and double frontage along Beechwood Drive and along Cave Road NW. The property is improved with a 2-story house, attached wood deck, and driveway. The lot is heavily wooded throughout the site.

**Characteristics of Adjoining Properties, Neighborhood:** The adjoining lot to the north and south have a similar size and are also used for single-family residential uses. The adjoining properties are also zoned R-2.

**PROPOSAL:** The applicant seeks a special exception to allow for active recreation (pool) in the rear yard adjacent to a street.

**CONCLUSIONS: The following conclusions in relation to the request for a special exception are in accordance with Section 16-28.008 (6) of the City of Atlanta Zoning Ordinance.**

- a) **The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of noise, lights or concentrations of persons or vehicular traffic.**

The pool will be located in the rear of the lot behind the principal structure and outside the building setback. The pool will be setback 60 feet from Cove Road and approximately 30 feet from each side property line. Additionally, there is an 8-foot drop on the edge of the rear property line to the street. Due to the pool distance to the property lines, street as well as the topography, and given that the property is heavily wooded, no negative visual or noise impact on the street or to the neighbors is anticipated.

- b) **The area for such activity could not reasonably be located elsewhere on the lot.**

The site is a double frontage lot and the pool can only be located behind the principal structure. Since the rear yard also faces a street, relief from the Zoning Ordinance will be required to allow the pool to be constructed in the only location available for the pool. Staff is of the opinion that there is no other reasonable location for the pool on the site.

**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-24-156 for 1595 Woodbine Avenue SE

**DATE:** October 24, 2024

Applicant seeks a variance to reduce the front yard setback from the required 30 feet to 23.2 feet, reduce the front yard half-depth setback from 15 feet to 13.2 feet, reduce the front porch dimensions from the required 12 feet wide by 8 feet deep to 4ft deep by 9.33 feet wide, eliminate the requirement that the front facing garage door be recessed and located a minimum of 10 feet behind the front façade of the principal structure, and exceed the maximum driveway width of 20 feet to allow a 35-foot wide driveway for the construction of a single-family dwelling.

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 106.8 feet on the east side of Woodbine Avenue and begins at the northeast intersection of Stanwood Avenue and Woodbine Avenue. The property is located in Land Lot 207 of the 15<sup>th</sup> District, Dekalb County, Georgia. It is located in the Kirkwood Neighborhood of NPU-O, Council District 5.

### **Relevant Zoning Requirements:**

- The subject property is zoned R-4A (Single Family Residential District).
- Minimum yard setbacks: Front yard: 30 feet; side yard: 7 feet; rear yard: 15 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.
- *Relationship of building to street, Garages:* Garages with front-facing garage doors shall be recessed and located a minimum distance of ten linear feet behind the front façade of the principal structure.
- *Limitations on required off-street parking in required yards adjacent to streets in residential districts; limitations on paving such yards:* Required off-street parking for uses in residential districts shall be permitted in required yards adjacent to streets only to the extent allowable under the following limitations:

- Maximum width of driveways for one- and two-family uses shall be limited to 20 feet (exclusive of flares at the throat).

**Property Characteristics:** The subject property is a slightly-irregular corner lot with approximately 107 feet of street frontage and 11,960 square feet (0.275 acres) of area. The property is currently vacant as the previous existing structure has been demolished. Vehicular access is provided via a single curb cut along Woodbine Avenue SE. The topography steadily slopes downward across the site by about 12 feet between the west and east sides of the lot. There are mature trees throughout the site.

**Characteristics of Adjoining Properties, Neighborhood:** Other lots in the immediate area vary in size and shape due to the irregular street pattern and inconsistent topography of the neighborhood. All parcels immediately to the north, south, east, and west of the site are also zoned R-4A (Single Family Residential District).

**PROPOSAL:** The applicant seeks a variance to reduce the front yard setback from the required 30 feet to 23.2 feet, reduce the front yard half-depth setback from 15 feet to 13.2 feet, reduce the front porch dimensions from the required 12 feet wide by 8 feet deep to 4ft deep by 9.33 feet wide, eliminate the requirement that the front facing garage door be recessed and located a minimum of 10 feet behind the front façade of the principal structure, and exceed the maximum driveway width of 20 feet to allow a 35-foot wide driveway 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 steadily sloping topography which provides challenges to development. Additionally, the lot has existing mature trees greater than eight inches of caliper diameter within the buildable area that have been confirmed by the City of Atlanta arborist as healthy. Therefore, Staff could find topography and existing mature trees as the extraordinary and exceptional condition regarding this property. However, this consideration is not applicable because variances that are granted in the interest of the tree preservation requirement of Section 16-26.003(2)(a) are specifically exempt from the provisions of Section 16-26.003(1)(a)–(c).
- b. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The site has mature trees with a caliper diameter of eight (8) inches or more which would be lost if the setback requirements were strictly applied, which has been confirmed by the City Arborist in writing. According to Section 16-26.003(2)(a) a variance may be granted to preserve such trees. The variance requests proposed here are triggered by the site design which preserves the trees in the northeast corner of the yard by locating the structure closer to the streets and thereby encroaching within the required setbacks along the southwest side. Without a variance, strict adherence to the zoning criteria would require the applicants to remove the healthy trees within the buildable area to be able to make use of the full development rights of their property. Staff therefore finds the proposed requests to be reasonable due to the priority of the tree preservation ordinance. Additionally, according to Section 16-26.003(2)(d)



variances that are granted in the interest of this tree preservation requirement are specifically exempt from the provisions of Section 16-26.003(1)(a)–(c).

- c. **Such conditions are peculiar to the particular piece of property involved.** Variances that are granted in the interest of the tree preservation requirement of Section 16-26.003(2)(a) are specifically exempt from the provisions of Section 16-26.003(1)(a)–(c).
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to emergency access or threats to health and fire safety because the property has room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Thus, Staff finds the requested variance to be reasonable.

**RECOMMENDATION: APPROVAL conditioned upon the following:**

1. Should the 33-inch hickory identified as #7 on the Tree Protection Plan dated August 19, 2024 and stamped received by the Office of Zoning and Development on August 21, 2024 die as a consequence, direct or indirect, of construction despite the granting of the variance, they shall be replaced, at the property owner's or applicant's expense, in accordance with a tree replacement plan prepared by the city arborist. The property owner or applicant shall be required to notify the city arborist of the death of the tree(s) within 30 days.

cc: Keyetta M. Holmes, AICP, Director



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

DEPARTMENT OF CITY PLANNING  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

JAHNEE R. PRINCE, AICP  
Commissioner

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

## MEMORANDUM

**TO:** Board of Zoning Adjustment

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

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

**DATE:** October 24, 2024

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

### **FINDINGS OF FACT:**

**Property Location:** The subject property fronts 48.88 feet on the west side of Cascade Avenue and beginning approximately 179 feet from the southwest intersection of Avenida Street and Cascade Avenue. The property is located in Land Lot 150 of the 14<sup>th</sup> District, Fulton County, Georgia. It is located in the Westview Neighborhood of NPU-T, Council District 10.

### **Relevant Zoning Requirements:**

- The subject property is zoned NC-14/IS/BL (Cascade Avenue-Beecher Street Neighborhood Commercial District/Intown South Commercial Corridor Overlay/BeltLine Overlay).
- Minimum yard setbacks: Side and rear yard: 20 feet (assuming windows are located along the building façade adjacent to the property line)
- Transitional yard requirements: Side and rear yard: 20 feet
- Minimum lot requirements for zero-lot-line subdivision for residential uses: Lot Area: 2,000 square feet; frontage: 20 feet

**Property Characteristics:** The subject property is an irregular shaped lot with approximately 45 feet of street frontage and 9,469 square feet (0.22 acres) of area. The property is currently vacant.

**Characteristics of Adjoining Properties, Neighborhood:** The other lots in the immediate area vary in their size, shape, and area. The adjacent parcel to the north and west is zoned RG-2 (Residential General District) with a multi-family development on the lot. Parcels to the east are zoned R-4 (Single Family Residential) with single-family homes. The adjacent parcel to the south is zoned NC-14 with a single-family home.

**PROPOSAL:** The applicant seeks a variance transitional side and rear yard from 20 feet to 0 feet and reduce the rear, north, and south side yard setbacks from 20 feet to 0 feet for the construction of 6 new townhomes.

**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 not deficient in size or width for its zoning designation, it is a regular rectangle shape, and the topography is relatively flat. However, the lot is smaller than other NC-14 lots that do not contain a single-family home. Therefore, Staff finds size to be an extraordinary and exceptional condition regarding this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** An application of the zoning regulations would cause an unnecessary hardship. The transitional yards and building setbacks would create a buildable area that is about 5 feet 8 inches wide, which heavily impacts the ability to build a habitable structure on the lot, regardless of the use. Therefore, Staff is of the opinion that the proposed request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The conditions identified above are peculiar to the piece of property involved. Staff has not identified similar conditions on other properties in this zoning district with a similar use.
- 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 housing stock in the Westview neighborhood. The development would replace a vacant lot and increase the visual appeal of the Cascade Avenue corridor. However, the applicant has not proposed vehicular parking in their site plan, received and stamped on March 22, 2024. There are no minimum parking requirements in the Beltline overlay, however, staff is of the opinion that lack of parking for these future homeowners and visitors would negatively impact adjacent properties and safety along Cascade Avenue as these parties attempt to find parking. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance, and staff finds the variance request to be reasonable. However, staff supports a supply of parking, whether on-site or off-site, to mitigate any negative impacts to the adjacent properties.

**RECOMMENDATION: APPROVAL with conditions:**

1. The applicant is required by the Office of Zoning and Development to provide vehicular parking for future homeowners, either on-site, or off-site through a shared parking agreement with an adjacent property.