



Legislation Details (With Text)

File #: 2019-3841 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 6/4/2019 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 7/23/2019 **Final action:**
Title: COMMISSION DISTRICT(S): 3 & 6
Application of Hunter Carson to rezone property from R-75 (Residential Medium Lot -75) to R-60 (Residential Small Lot-60) to allow the property to be split into two lots, at 1357 Diamond Ave.

Indexes:

Attachments: 1. Staff Report

Date	Ver.	Action By	Action	Result
7/23/2019	1	Board of Commissioners - Zoning Meeting	denied	Pass
7/9/2019	1	Planning Commission	denial per staff recommendation	Pass

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT: Rezoning - Hunter Carson

COMMISSION DISTRICT(S): 3 & 6
Application of Hunter Carson to rezone property from R-75 (Residential Medium Lot -75) to R-60 (Residential Small Lot-60) to allow the property to be split into two lots, at 1357 Diamond Ave.

PETITION NO: N2. Z-19-1243243

PROPOSED USE: Two single-family residential lots, one with an existing house that would remain after lot division.

LOCATION: 1357 Diamond Avenue, Atlanta.

PARCEL NO.: 15-143-10-001

INFO. CONTACT: Marian Eisenberg

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PURPOSE:

Application of Hunter Carson to rezone property from R-75 (Residential Medium Lot -75) to R-60 (Residential Small Lot-60) to allow the property to be split into two lots. The property is located at the southeast corner of Diamond Avenue and Hazel Drive at 1357 Diamond Avenue, Atlanta, GA. The property has 73 feet of frontage on Diamond Avenue and 175 feet of frontage on Hazel Drive and contains 0.3 acre.

RECOMMENDATIONS:

COMMUNITY COUNCIL: DENIAL.

PLANNING COMMISSION: DENIAL.

PLANNING STAFF: DENIAL.

STAFF ANALYSIS: The zoning proposal would allow the introduction of smaller lot sizes than those of the properties in the surrounding neighborhood, thereby departing from an established development pattern that has been in place since 1939. Thus, the zoning proposal is inconsistent with 2035 Comprehensive Plan Traditional Neighborhood Character Area Policy No. 1 to: “Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.” The Comprehensive Plan states that the intent for Traditional Neighborhood Character Areas is to “preserve the style and appeal of older traditional neighborhood communities.” The neighborhood currently has ample yards with many mature trees that lend it a verdant character. The homes are spaced in a manner that allows for privacy and for the enjoyment of natural open space. The smaller lots and smaller yards proposed by the applicant are inconsistent with this established character. If the property were to be rezoned and subdivided as proposed, the existing home would encroach into the rear yard of the newly-created corner lot and development on the new lot would be required to meet smaller yard standards of the R-60 zoning classification. The resulting loss of privacy and green space could adversely affect the usability of adjacent and nearby properties. During the years that have passed after Bouldercrest Estates was initially platted in 1939, a significant number of properties have been redeveloped while zoned R-75. This condition is likely to continue as long as there is market demand for larger homes. The ability of property owners and developers to reinvest in the neighborhood without rezoning supports disapproval of the zoning proposal. It is apparent that the zoning proposal would not benefit the public in a manner that is not already found under the existing zoning. Rather, the rezoning proposal would benefit the owner of the subject property alone. Therefore, for the reasons stated above, the Department of Planning and Sustainability recommends “Denial”.

PLANNING COMMISSION VOTE: Denial 8-0-0. V. Moore moved and J. West seconded for denial, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 10-0-0. The recommendation was based on the Board's concern that the zoning proposal would set a negative precedent for the neighborhood and that it would cause property taxes for nearby properties to increase, which would be a hardship for neighbors, especially those who are senior citizens.