

MEMORANDUM

KRONBERG WALL
ARCHITECTS / PLANNERS



PROJECT NAME: 344 Candler Park Drive
PROJECT #: 2907
RE: Zoning Review

DATE: 4/27/09
TO: Tim Holdroyd
FROM: Eric Kronberg

Address	R5
Land Lot	209
District	15th
Current Zoning	R-5
Current Land Use	Low Density Residential
Net Lot Area	15,661 SF
Max. Lot Coverage:	55%

Current Permitted Uses:

Two Family Residential. Per the existing R-5 Zoning, the existing building could be converted into a two family (duplex) structure and sold as two separate residential units. These units could be either condominiums or townhouses in ownership.

The existing lot is large enough to be subdivided into two conforming R-5 parcels. Each lot could have a duplex unit on it for a total of 4 residential units. The existing building would have to be demolished before a lot subdivision could be approved.

Grandfathered Uses:

The City of Atlanta Cadastral Maps show this property designated as a church. This means that another church can occupy and use this building as a conforming use per the following exception in the Zoning Ordinance.

Sec. 16-24.007. Uses permissible by special use permit or special exception not to be construed as nonconforming uses.

Except as otherwise provided herein, any use which is permissible by special use permit or special exception in a district shall not be considered a nonconforming use in the district if in lawful existence prior to passage of the requirement for such special permit or special exception, but shall without further action be considered a conforming use. So long as such use remains the same, structural alterations within the general limits of the regulations of this chapter shall be permitted on the premises of such use; but any enlargement, extension, movement or replacement of such use, with respect to land or structures, shall require a special exception or special use permit, as appropriate to the case, as though it were a new use.

Other Uses Requiring Special Use Permits:

- (a) Cemeteries, mausoleums and columbariums.
- (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.
- (c) Churches, synagogues, temples, mosques and other religious worship facilities.
- (d) Civil, service, garden, neighborhood or private clubs.
- (e) Colleges and universities, other than trade schools, business colleges and similar uses.
- (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
- (g) Personal care homes, and rehabilitation centers.
- (h) Landfills.
- (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (j) Nursing homes.
- (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
- (l) Private schools.

Special Use Permits require neighborhood approval and thereby neighborhood support. I believe it is possible to reach consensus with the neighborhood in approving one of the above uses. The applicant will have to be willing to work with the Neighborhood to gain support and approval.

Other Uses Requiring Rezoning:

Other uses such as office, gallery, or similar uses beyond those listed above would require a rezoning and a land use amendment. Initial feedback from both the neighborhood and Bureau of Planning are extremely negative on a change in land use for this site for more intensive purposes. We would recommend against such a pursuit due to the slim chance of success.

Parking:

There is no parking available on the current site. A new use (other than a church) would have to show how parking needs are addressed.

There is an area of green space that appears suitable for parking at the Northeast corner of the site. There are several challenges with this location though. First, the overall site appears to be significantly beyond the permitted 55% lot coverage. Any further increase in lot coverage would require a variance. The Candler Park Zoning Chair has expressed an expectation that the neighborhood would not support an increase of paving in this area. This support would be extremely important in achieving any such variance. There are also several trees near the North property line that would be affected by a new parking lot. This would further provide

opportunities for neighborhood involvement to slow or stop the permitting process if they chose to protect tree removal.

The Zoning Chair was also asked for feedback on a proposal to remove the one story addition on the Western edge of the site and convert that area for parking. Further opposition was expected from the adjacent neighbor to the West. The preference is expected that the existing 1 story building is superior to a parking lot.

One parking possibility has come to light from these discussions. The rear one story addition is wide enough to be used for a single loaded parking garage. 7-8 parking spaces would fit depending on existing structural layout and potential building modifications. It is likely that most of the uses requiring a Special Use Permit would be required by zoning to have more than the 7-8 potential spaces described above. This would require a Special Exception be granted to reduce overall parking requirements. This request could be made concurrently as a Special Use Permit request. This modification could be made for a church use without a Special Exception or Special Use Permit.