



# 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)

JANIDE SIDIFALL  
Interim Commissioner

KEVIN BACON, AIA, AICP  
Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission  
**FROM:** Matthew Adams, Executive Director  
**ADDRESS:** 715 Elbert Street SW  
**APPLICATION:** CA3-24-182  
**MEETING DATE:** May 22, 2024

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### FINDINGS OF FACT:

**Historic Zoning:** Adair Park Historic District (Subarea 1)      **Other Zoning:** R-4A / Beltline

**Date of Construction:** 2022

**Property Location:** Northeast corner lot at the intersection of Elbert Street SW and Mayland Avenue SW

**Contributing (Y/N)?:** No

**Building Type / Architectural form/style:** Residential duplex

**Project Components Subject to Review by the Commission:** Special exception request to allow a 6-foot privacy fence in the Mayland Avenue SW half-depth front yard where otherwise a 4-foot fence is permitted

**Project Components NOT Subject to Review by the Commission:** N/A

**Relevant Code Sections:** Sec. 16-20I.

**Deferred Application (Y/N)?:** No

**Previous Applications/Known Issues:** N/A

**SUMMARY CONCLUSION / RECOMMENDATION:** Approval

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20I. of the Code of Ordinances of the City of Atlanta.

The Applicant has provided documentation supporting their request for a special exception to allow a 6-foot privacy fence in the Mayland Avenue SW half-depth front yard where otherwise a 4-foot fence is permitted. In order to grant a special exception, the Commission must find that the request meets one of the four special exception criteria. While the Applicant has provided responses to all four criteria, Staff finds the response to the first criteria, which states “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, ” to be the most compelling argument presented by the Applicant.

The Applicant provides four police reports and security footage regarding one attempted and one successful car break in, as well as two trespassing incidents as justification for the proposed greater height for security reasons. Since January 2023, several incidents have escalated in violence causing safety concerns as recently as April 2024. Upon review, Staff finds that the materials submitted by the applicant detailing the security and safety concerns that have escalated over the past year meet the requirements for a special exception.

In order to demonstrate that the proposed fence would not be incompatible with the character of the neighborhood, the Applicant cites existing conditions along Elbert Street SW and Mayland Avenue SW as evidence. According to the photos submitted by the Applicant, retaining walls and privacy fences that exceed the combined maximum height permitted can be seen on properties including 716, 725, and 726 Elbert Street SW. As determined by an analysis of the District photographic inventory and publicly available street view photography, Staff finds that the proposal would not be incompatible with the pattern of fences in the half-depth front yards of the Mayland Avenue and Elbert Street intersection. Accordingly, Staff finds that the Applicant meets the criteria for granting a special exception.

**STAFF RECOMMENDATION: Approval**

cc: Applicant  
Neighborhood  
File