NOTICE TO APPLICANT

Address of Property:
1437 High Point PL NE

City Council District: 6 Neighborhood Planning Unit (NPU): F

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, March 2, 2017 at 12:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Charles Nalbone
404-376-3230
zoning@npuatlanta.org

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city’s NPU Coordinator at 404-330-6145.

Signed,

[Signature]
RG, for Director, Bureau of Planning

[Signature]
John E. Swiney
# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Please mark “X” next to the type of application(s) you are submitting:

<table>
<thead>
<tr>
<th>Variance</th>
<th>Special Exception</th>
<th>Variance &amp; Special Exception</th>
</tr>
</thead>
</table>

Date Filed: [Blank]  
Application Number: V-16-349

Name of Applicant: John E. Swiney  
Daytime Phone: (404) 502-8574  
Email: swiney.jc@bellsouth.net

Company Name (if applicable): J.S. Cadd

Address: 1426 Golf Link Dr, Stone Mountain, GA 30088

Name of Property Owner: Jim Martell  
Phone: (224) 558-6525

Address: 1437 High Point Place NE, Atlanta, GA 30306

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## Description of Property

Address of Property: 1437 HIGH POINT PLACE, ATLANTA, GA 30306

Area: [Blank]  
Land Lot: [Blank]  
District: 17TH, Fulton County, GA

Property is zoned: [Blank]  
Council District: [Blank]  
Neighborhood Planning Unit (NPU): [Blank]

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TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Variance or Special Exception.

I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

[Signature]
Owner or Agent for Owner (Applicant)

Jim Martell
Print Name of Owner

Sworn To And Subscribed Before Me This 15th Day Of Dec, 2016.

[Signature]
NOTARY PUBLIC

OFFICIAL SEAL
JEANNE M. SOK
Notary Public, State of Illinois
My Commission Expires 10/26/2020

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CITY OF ATLANTA
Office of Buildings - Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-14-349
NPU f DATE FILED 10/29/16

1. Mr. John E. Swiney
   Name of Applicant

BUILDING PERMIT AUTHORIZING

Detached Garage 2nd Story Addition

at 1437 High Point Place NE 17th/2
   Street Address Quadrant District & Land Lot

to be used for Residential purposes

The property is zoned R-4 District

2. The Building Permit Was Denied For The Following Reasons:
   Applicant seeks a variance from the zoning regulation to: (1) reduce the required rear yard
   setback from 15 feet to 1.5 feet; (2) reduce the required southern side yard setback from 7
   feet to 1.3 feet; (3) and to increase the maximum size of an accessory structure from 30
   percent of the main dwelling floor area to 43 percent - for a second story addition to an
   accessory structure (garage)

   Applicant seeks no other variances at this time.

   A Complete Plan Review Was Not Conducted

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (1) (3)

Chapter 28 Section 16-28.004 Paragraph (3)

Chapter Section Paragraph

Scott Haeberlin 12-28-16
Plan Reviewer Date

Applicant Date
SUMMARY & JUSTIFICATION FOR VARIANCES

Directions: Complete responses must be provided for ALL questions. Incomplete applications will not be accepted. The space below may be utilized or responses may be submitted as a separate attachment. Specific criteria for Board approval of variances may be found on page 7. The justification must address these criteria. Please submit a typewritten or legible justification.

State whether the property described in this application is subject to a pending application or ordinance for a Rezoning or Special Use Permit. ___ YES ___ NO. (If yes, the variance/special exception request will be rescheduled to a hearing following the final approval by City Council & the Mayor). Please provide the relevant zoning number associated with the subject property: _____________.

Summary of proposed construction changes to buildings or site (shall not replace submittal of written criteria). (Examples: “Convert a 100’ x 200’ retail space into a restaurant.” “Install a 6-foot high opaque wooden wall (‘privacy fence’ with 6-foot high opaque wall gates.”).

ADD AND COVER A SPOOL DECK ON TOP OF EXISTING GARAGE

Proposed Lot Coverage (After Construction): Calculate total amount of lot coverage on entire property, after completion of proposed construction, including existing and proposed buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything except natural planted or undisturbed areas.

1746 covered square feet / 5140.8 total lot square feet = 66% proposed lot coverage

________% maximum allowed lot coverage

Variance Criteria (see page 6 for detailed criteria):

1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)? __ THE LOT IS SMALLER THAN THE MINIMUM REQUIRED BY THE ZONING REGULATIONS FOR A CORNER LOT __

2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? __ WITH THE CURRENT ZONING ORDINANCE WE CAN NOT USE THE ROOF OF PROPERTY BECAUSE OF THE TOPOGRAPHY & SHAPE OF THE LOT __

3) What conditions are peculiar to this particular piece of property? __ THE PROPERTY HAS A EXISTING GARAGE IN REAR IN THE EUSTICK, SET BACK WHICH WOULD A PROBLEM TO USE THE TOP OF THE GARAGE FOR OUTDOOR SPACE __

4) Submit facts to show that 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 DECK WOULD NOT IMPAIR AN NEIGHBOR OR PUBLIC GOOD __

Office of Planning

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Justification Letter

Hello we are Jim & Becky Martel 1437 High Point, Atlanta Ga. 30306
Hello my name is John E. Swiney I am the agent for Mr. & Mrs. Jim & Becky Martel of
1437 High Point, Atlanta Ga. 30306 we are filing for a variance because of the
topography and size of the lot and the current zoning setback regulations and rules will
not allow for the addition of a deck on top of my existing garage to have outdoor living
space on this lot.

Thank you

John E. Swiney
12/07/2016
AUTHORIZATION BY PROPERTY OWNER
(Required only if the applicant is not the owner of the property subject to the proposed application.)

1. Jim Martell

(OWNER’S NAME) SWEAR AND AFFIRM THAT I AM
THE OWNER OF THE PROPERTY AT 1437 High Point Place (PROPERTY
ADDRESS), AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA,
WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE
PERSON NAMED BELOW TO FILE THIS
APPLICATION AS MY AGENT.

NAME OF APPLICANT:

LAST NAME Swiney FIRST NAME John

ADDRESS 1437 Golf Link Dr SUITE 

CITY Stone Mountain STATE GA ZIP CODE 30088

OWNER’S TELEPHONE NUMBER: ________________________

X Rebecca Martell
SIGNATURE OF OWNER

Jim Martell
PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE
INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE AND BELIEF.

Office of Planning

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WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE made this 30th day of May, 2013 between RICHARD HORN and SUSAN RASHID HORN of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CARL JOHN SUKENIK and MICHAELA MARIE SUKENIK AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND 00/100'S ($10.00) DOLLARS and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 2 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 16, N.G. MCPHERSONS PROPERTY, AS PER PLAT RECORDED IN PLAT BOOK 10, PAGE 125, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 1436 HIGH POINT PLACE NE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FULTON COUNTY, GEORGIA.

SUBJECT TO ANY RIGHT OF WAY DEEDS OR OTHER EASEMENTS OF RECORD.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whatsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Notary Public
My commission expires: 11/15/15
CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

Application: V-16-349
Application Type: Planning/BZA/Variances/NA
Address: 1437 HIGH POINT PL NE, ATLANTA, GA 30306
Owner Name: KELLY BERT ALLEN JR
Owner Address: 
Application Name: 

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<th>Payment Date</th>
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Owner Info.: KELLY BERT ALLEN JR

Work Description: Variance to reduce the required rear yard setback from 15 feet to 1.5 feet. 2. Reduce the required southern setback from 7 feet to 1.3 feet. 3. To increase the maximum size of an accessory structure from 30% of the main dwelling floor area to 43% for a second story addition to an accessory structure (garage).