OFFICE OF PLANNING
55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: V-17-045
DATE ACCEPTED: 02/20/2017

NOTICE TO APPLICANT

Address of Property:
1227 North Highland AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Friday, April 13, 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@npufatlanta.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,

[Signatures]

MDA, for Director, Bureau of Planning

Samuel Maddox
City of Atlanta
Office of Buildings – Zoning Division
55 Trinity Avenue, Suite 3900
Atlanta, Georgia 30303
Phone: 404-330-6175

REFERRAL CERTIFICATE

COUNCIL DISTRICT _______ APPLICATION NUMBER V-1245

NPU ______________________ DATE FILED ________________

Samuel Maddox
Name of Applicant

BUILDING PERMIT AUTHORIZING
The construction of an Accessory Structure

at 1227 North Highland Ave NE 17th/2
Street Address Quadrant District & Land Lot

to be used for Residential __________________________ purposes

The property is zoned R-4 (Single-Family Residential District) District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from the zoning regulation: to allow an accessory structure to
exceed 30% of the floor area of the main structure to 81% to construct a garage and guest
house. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter _______ Section _______ Paragraph _______ (3)
Chapter _______ Section _______ Paragraph _______
Chapter _______ Section _______ Paragraph _______
Chapter _______ Section _______ Paragraph _______

Plan Reviewer 2/20/17 Date

Applicant 2/20/17
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Please mark "X" next to the type of application(s) you are submitting:
Variance [X]
Special Exception
Variance & Special Exception

Date Filed: Atlanta, GA
Application Number: 17-45

Name of Applicant: Samuel Maddox
Daytime Phone: 404-875-7751

Company Name (if applicable): Gamble & Gamble Architects
Email: samuel@gg-architects.com

Address: 935 Myrtle St NE, Atlanta, GA 30307

Name of Property Owner: Jeffrey Notrica
Phone: (912) 398-2340

Address: P.O. Box 10027, Savannah, GA 31412

Description of Property

Address of Property: 1227 North Highland Ave NE, Atlanta, GA 30306

Area: 11,023
Land Lot: 2
District: 17, Fulton County, GA.

Property is zoned: R-4
Council District: 6
Neighborhood Planning Unit (NPU): F

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)

[Signature]
Print Name of Owner

Sworn To And Subscribed Before Me This 7 Day Of Feb, 2017.

[Signature]
NOTARY PUBLIC
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.)

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.”).

See Attached

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.

5,290 covered square feet / 11,023 total lot square feet = 48% proposed lot coverage

50% 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)?

See Attached

2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

3) What conditions are peculiar to this particular piece of property?

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.
February 3, 2017

1227 North Highland Ave NE
Justification for Variance

Dear Members of the Board of Zoning Adjustment:

The subject property is zoned R-4 (Single Family Residential) District. We propose the addition of a three-car garage with second-story guest house, altogether measuring approximately 1,650 square feet.

We feel that this property meets the variance criteria laid out in Section 16-26.003 in the Zoning Guidelines in the following ways:

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size and shape and because of the location of mature trees. The subject property has a street frontage measuring 58’, well below the minimum of 70’ required for a lot in the R-4 zoning district regulations. Due to the narrowness of the site in conjunction with the size and position of the existing house, there is no way an attached side garage of any size could be constructed within the 7’ side yard setback. Additionally, the location of a mature oak tree directly behind the house prevents the addition of an attached garage of any size to the rear of the house without the destruction and removal of the tree. As a result of these exceptional conditions, the addition of an accessory structure is the only viable option to add a garage of any size to the property.

The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship. The floorplan of the existing house subdivides the building into three separate low-rent apartments which are already rented to long-term tenants at highly affordable rates for the neighborhood. Mr. Notrica understands that displacing members of the neighborhood would cause detriment to the public good, but he also understands it is his right to build out his property to the allowable floor area ratio (FAR) and lot coverage. Were Mr. Notrica to maximize his investment in his property by expanding the house to the allowable FAR (0.5) for R-4, he would have to expand upward, adding a second story and displacing the tenants below. Effectively, the existing plan of the house along with the low-rent, long-term tenants therein create a hardship that doesn’t permit Mr. Notrica to maximize his investment, as is his right, by expanding the house to 5,511 sqft, the maximum allowable square footage on an R-4 parcel measuring 11,023 sqft. Due to this hardship, Mr. Notrica’s only viable option to rightfully invest in his property is to add an accessory structure. As the parcel’s size and zoning allow for a house measuring 5,511 sqft, the proposed accessory structure should be allowed to be 30% of the square footage of this potential-buildout floor area since the aforementioned hardships do not allow for expansion of the primary structure at this time without significant detriment to the public good. At 1,650 sqft, the accessory structure would be 81% of the area of the existing primary structure. This ratio is in keeping with neighboring properties which have guesthouses that far exceed 30% of the floor area of the home. Please see supporting materials for examples.

Such conditions are peculiar to the particular piece of property involved. The conditions enumerated above, in regards to the narrow street frontage and quantity of individual dwelling units without parking, are peculiar to this piece of property. Also there are numerous examples of other lots with street frontages narrower than is required per R-4 zoning district regulations that have subsequently built accessory structures in the form of detached multi-car garages with guest houses above. Such structures are so ubiquitous across the neighborhood and in keeping with the character of its surroundings that it is, in fact, peculiar that this property does not already have an existing detached garage.

Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta. Relief, if granted, will not detract from the people’s use and enjoyment of adjoining and surrounding properties. The proposed construction is in harmony with construction on neighboring lots and allows for adequate light and air to both the proposed guest house and the existing house as well as neighboring structures. We feel that the proposed construction is in keeping
with the orderly evolution of the neighborhood and promotes desirable living conditions for the long-term, low-rent tenants by allowing Mr. Notrica to rightly invest in his property without displacing them and by bringing the number of parking spaces up to the required amount for the number of living units.

Thank you for your consideration in this request.
Sincerely,

Samuel Maddox
1039 Amsterdam Ave NE
Atlanta, GA 30306

Primary Structure:
- 1,901 sqft

Accessory Structure:
- approx. 900 sqft

Percent of Primary Structure: 47%
1025 Amsterdam Ave NE
Atlanta, GA 30306

Primary Structure:
- 2,189 sqft

Accessory Structure:
- approx. 1,000 sqft

Percent of Primary Structure: 45%
1019 Amsterdam Ave NE
Atlanta, GA 30306

Primary Structure:
- 1,884 sqft

Accessory Structure:
- approx. 1,400 sqft

Percent of Primary Structure: 74%
1221 N Highland Ave NE
Atlanta, GA 30306

Primary Structure:
- 2,940 sqft

Accessory Structure:
- approx. 1,500 sqft

Percent of Primary Structure: 51%
991 McLynn Ave NE
Atlanta, GA 30306

Primary Structure:
- 2,166 sqft

Accessory Structure:
- approx. 765 sqft

Percent of Primary Structure: 35%

City of Atlanta
FEB 20 2017
Office of Planning
Atlanta, GA
AUTHORIZATION BY PROPERTY OWNER
(Required only if the applicant is not the owner of the property subject to the proposed application.)

(Please Print Clearly)

I, Jeffrey Notrica (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1227 N Highland Ave NE Atlanta (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 Notrica FIRST NAME JEFFREY
ADDRESS PO Box 10027
CITY Savannah STATE Georgia ZIP CODE 31412

OWNER'S TELEPHONE NUMBER: ______________________

SIGNATURE OF OWNER

Jeffrey Notrica

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.

Christen Calkins Graves
NOTARY PUBLIC

2/7/17

DATE

August 2016 - Page 9 of 12
D COMMUNITY DEVELOPMENT
\30303

VIN: V-17-045
po: Planning/BZA/Variance/NA

1227 NORTH HIGHLAND AVE NE, ATLANTA, GA 30306
me: MIGHTY FINE PROPERTIES LLC

Perties LLC

an increase in the allowed floor area of an accessory structure from 30%
GENERAL NOTES:
1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.

2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.

3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.

4: No Geodetic monuments were found within 500 feet of this site

5: This Plat has been prepared for the exclusive use of the person(s) or entity named hereon.

SURVEY DATA:
TYPE OF SURVEY: Topographic
SOURCE OF TITL E DESCRIPTION FOR SUBJECT PROPERTY: DB 42026 PG 106
PROPERTY OWNED AT TIME OF SURVEY: WIT TNESS MINE PROPERTIES, LLC.
PARCEL NUMBER: 17-0000-0000-0562
TOTAL AREA: 11,023 SQ FT, 0.25 AC
CALCULATED PLAT CLOSURE: 1-637-461

FIELD DATA:
DATE OF FIELD SURVEY: 8-12-2016, 8-17-2016
THE CALCULATED POSITIONAL TOLERANCE BASED ON REPEATED LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.003 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION

SURVEY FOR
JEFF NOTRICA
LOT 18, OWENS AND WALKER PROPERTY
1227 NORTH HIGHLAND AVENUE

CITY OF ATLANTA, FULTON COUNTY, GEORGIA
LAND LOT 2, DIST 17
DATE: AUGUST 18, 2016

ACK-17-014