



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

APPLICATION #: **V-17-060**  
DATE ACCEPTED: **03/02/2017**

## NOTICE TO APPLICANT

Address of Property:  
**972 Cumberland RD NE**

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

Board of Zoning Adjustment (BZA) Hearing Date: **May 4, 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:**

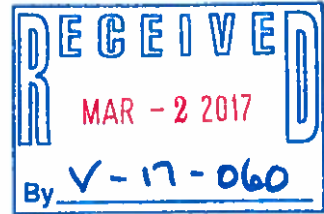
Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Signed,

**NB,** for Director, Bureau of Planning



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 \_\_\_\_\_

NPU \_\_\_\_\_ DATE FILED \_\_\_\_\_

YAO SOD AHLON

Name of Applicant

**BUILDING PERMIT AUTHORIZING  
 Construction of an accessory structure**

at 972 Cumberland Rd. NE 17<sup>th</sup> / 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 zoning regulations to reduce the required east side yard setback from 7 feet to 3 feet to erect an accessory structure. Also, applicant seeks a variance to allow an accessory structure to exceed 30% of the floor area of the main house to 48% of the main structure.

A complete review was not conducted.

**1982 ZONING ORDINANCE, AS AMENDED**

Chapter 6 Section 16-06.008 Paragraph (2)

Chapter 28 Section 16-28.004 Paragraph (3)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

[Signature]  
 Plan Reviewer Date 3/1/17

[Signature]  
 Applicant Date 3/07/17



# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	<input checked="" type="checkbox"/>
Special Exception	<input type="checkbox"/>
Variance & Special Exception	<input type="checkbox"/>

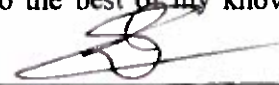
Date Filed \_\_\_\_\_ Application Number V-17-060  
 Name of Applicant YAO SODAHLON Daytime Phone 404 388 6172  
 Company Name (if applicable) \_\_\_\_\_ email SODAHLON1@YAHOO.COM  
 Address 325 SWANTON WAY DECATUR GA 30030  
street city state zip code

Name of Property Owner YAO SODAHLON Phone 404 388 6172  
 Address 325 SWANTON WAY DECATUR GA 30030  
street city state zip code

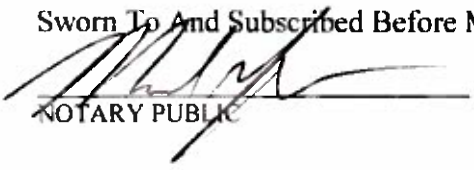
**Description of Property**  
 Address of Property 972 Cumberland Road, Atlanta, GA 30306  
street city state zip code  
 Area: 7414 SQ. FT. Land Lot: 2 District: 17, FULTON County, GA.  
 Property is zoned: R-A, Council District: 6, Neighborhood Planning Unit (NPU): F

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.

  
 Owner or Agent for Owner (Applicant)  
Yao K SODAHLON  
 Print Name of Owner

Sworn To And Subscribed Before Me This 28 Day Of Feb, 2017.

  
 NOTARY PUBLIC



V-17-060  
**RECEIVED**  
MAR - 9 2017

## 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.)")

Replace existing detached garage with a new, larger carriage house, with recreation area above. Increase driveway width near the new carriage house.

**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.

3,362 covered square feet / 9,414 total lot square feet = 36 % 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 typed pages
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? See typed pages
- 3) What conditions are peculiar to this particular piece of property? See typed pages
- 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. See typed pages

## Variance Criteria for 972 Cumberland Rd. NE

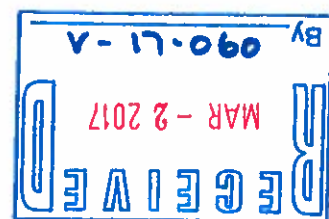
Variance to reduce the side yard setback from 7 feet to three feet:

1) There is an existing single-car detached garage that is about two feet four inches from the east property line, running parallel to that line. The driveway to that garage runs beside the existing house, which is only 8.3 feet away from the property line.

2) The existing detached garage is too small for today's standards. It needs to be replaced with a wider garage or carriage house. But, adhering to the seven foot side setback would mean moving the east wall of the new carriage house about four feet eight inches to the west, relative to the location of the existing garage. And, the west wall of the new carriage house would then move west about seven foot ten and a half inches further than the west wall of the existing detached garage. So, adhering to the side setback would make the new carriage house impossible for a car to get into. The driveway would have to suddenly jog west in a way that a car can't negotiate. And, the existing deck would block some of the garage entry. Also, the carriage house would encroach into the backyard so far that a person sitting on the existing deck would be looking right at the front of the carriage house, very close by.

3) The existing deck's position that would block entry to the new carriage house without a variance is unique. But, there are other properties in the neighborhood that also have old detached garages that were built very close to their property lines. And, I believe that many of those have been granted variances to bring their garages up to today's standards in tight situations.

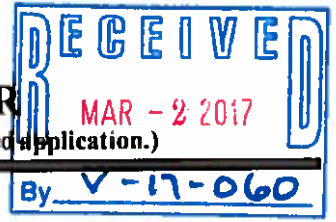
4) Granting relief from the side setback would not negatively impact the neighborhood. The new carriage house would be further from the side property line than the existing detached garage.



## Variance Criteria for 972 Cumberland Rd. NE

Variance to increase the maximum allowable area of the new carriage house from 30% to 48% of the area of the main house:

- 1) While the existing house on the lot is somewhat small, the house next door, near the new carriage house, is significantly larger. The new carriage house will be in scale for its surroundings.
- 2) Application of the 30% limit would not allow for a garage large enough to comfortably fit a car, a reasonable storage area, and a significant recreation area above.
- 3) The small house next to a larger house is not the norm.
- 4) Allowing the carriage house to be 48% of the area of the main house will mean a carriage house that is the size it should be, for its surroundings. The larger carriage house will only increase home values in the area.



**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, Yao K. SOGAKHON (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 972 Cumberland Rd (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 Leyburn FIRST NAME "Caroline" Boyd  
ADDRESS 1049 Country Ln NE SUITE \_\_\_\_\_  
CITY Atlanta STATE GA ZIP CODE 30324-4500

OWNER'S TELEPHONE NUMBER: 404 388 6172

[Signature]  
SIGNATURE OF OWNER

Yao K. SOGAKHON  
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.

[Signature]  
NOTARY PUBLIC

3/1/17  
DATE

**TIFFANY TAYLOR  
NOTARY PUBLIC  
COBB COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
JULY 24, 2020**

RECEIPT

CITY OF ATLANTA  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVE SW, ATLANTA GA 30303  
404-330-6070

PAID  
CITY OF ATLANTA  
MAR 02 2017

Application: V-17-060  
Application Type: Planning/BZA/Variance/NA  
Address: 972 CUMBERLAND RD NE, ATLANTA, GA 30306  
Owner Name: MATHIEU ELS & SODAHLON YAO  
Owner Address:  
Application Name: 972 Cumberland Road

EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
510708	1715	\$100.00	03/02/2017	BSIMMONS		

Owner Info.: MATHIEU ELS & SODAHLON YAO

Work Description: Two variances: (1) reduction in side yard setback from 7' to 3' for accessory structure (2) allowance to exceed 30% allowable FAR to 48% for accessory structure



**FLOOR AREA RATIO CALCULATIONS:**

**EXISTING HOUSE:**

MAN LEVEL HEATED AREA: 1161 SQ.FT.

UPPER LEVEL HEATED AREA: 487 SQ.FT.

TOTAL AREA OF EXISTING: 1648 SQ.FT.

**PROPOSED CARRIAGE HOUSE:**

UPPER LEVEL HEATED AREA: 36125 SQ.FT.

GARAGE AND STORAGE AREA: 396.06 SQ.FT.

COVERED PORCH AREA: 30.00 SQ.FT.

TOTAL AREA OF PROPOSED: 187.31 SQ.FT.

187.31/1648 = .48 = 48%

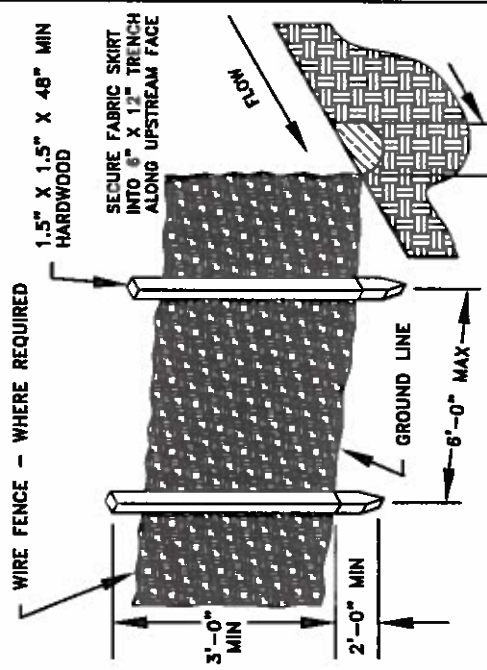
ALLOWABLE PRECENTAGE: 30%

VARIANCE REQUIRED

**(Sd1) SEDIMENT BARRIER**

SILT FENCE SHALL MEET THE REQUIREMENTS OF SECTION 171 - TEMPORARY SILT FENCE, OF THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA STANDARD SPECIFICATIONS, 1983 EDITION.

GEORGIA SOIL AND WATER CONSERVATION COMMISSION TYPE "A" - 36 WOVEN OR NONWOVEN GEOTEXTILE FABRIC FASTENED WITH #17 GAUGE MINIMUM 1/2" WIRE STAPLES (5 PER POST) AND/OR #14 GAUGE - 1" BUTTON HEAD NAILS (4 PER POST).

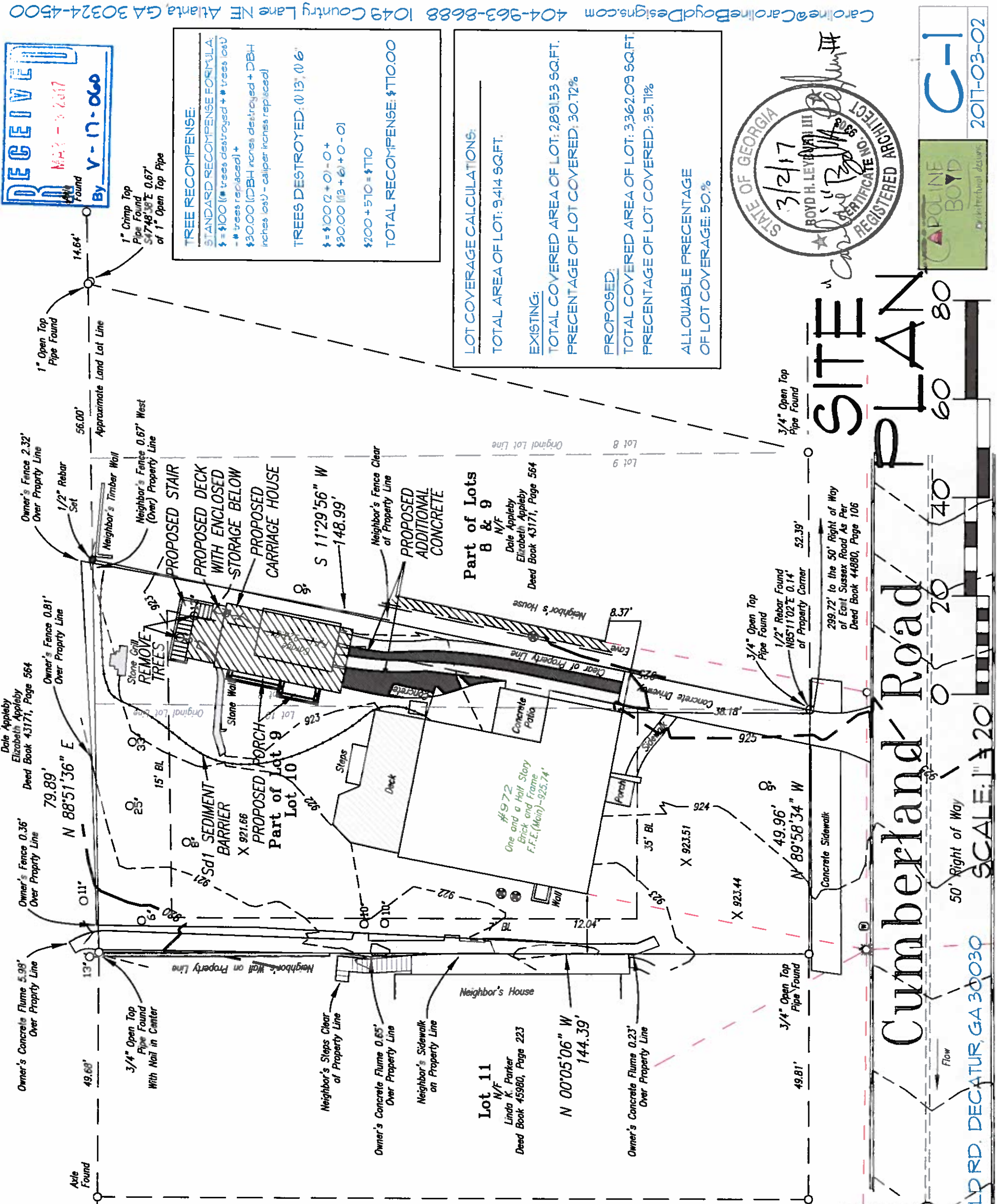


- NOTES:
1. DIG TRENCH TO BOTTOM OF TRENCH.
  2. LAY FABRIC TO BOTTOM OF TRENCH.
  3. BACKFILL TRENCH COVERING FABRIC.

**SILT FENCE DETAIL (Sd1)**

NOT TO SCALE

3/4" Open Top Pipe Found



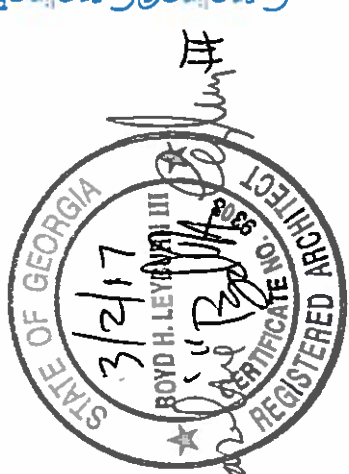
**Cumberland Road**

50' Right of Way

SCALE: 1" = 20'

1384 OLDFIELD RD. DECATUR, GA 30030

Flow



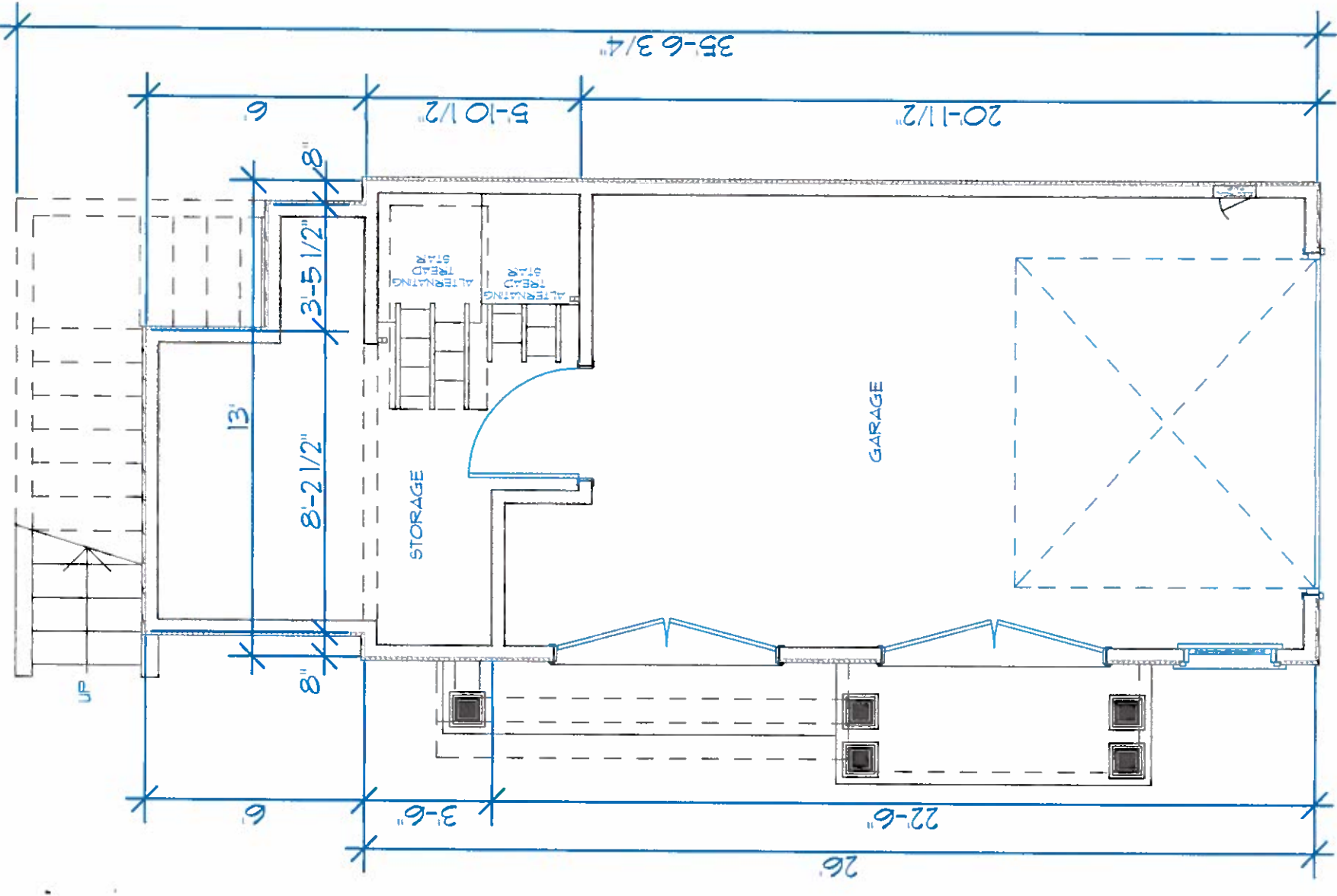
1384 OLDFIELD RD. DECATUR, GA 30030

SCALE: 1" = 20'

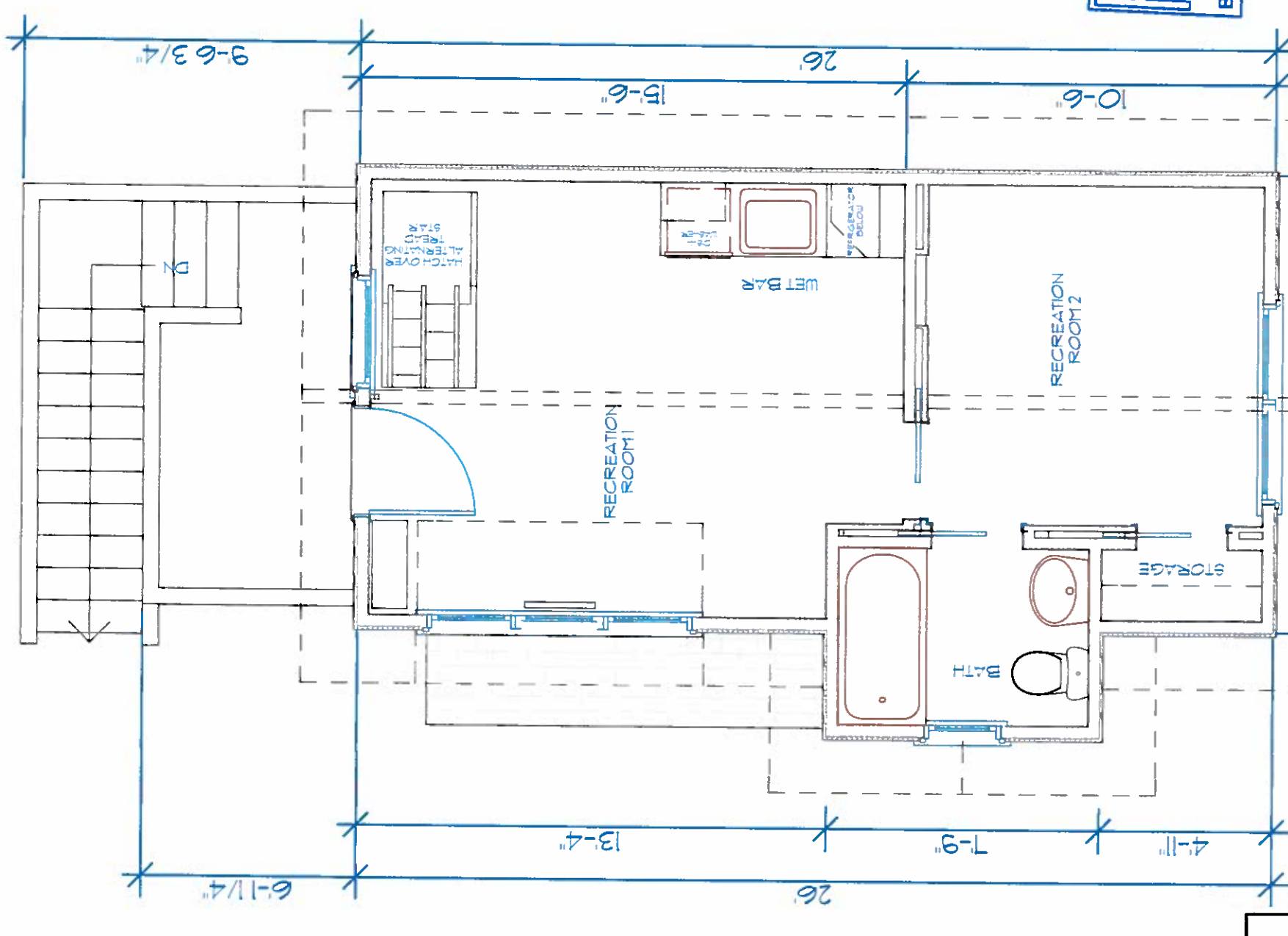
50' Right of Way

C-1

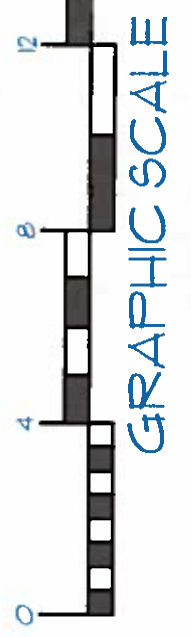
2017-03-02



**GROUND LEVEL PLAN**  
1/4" = 1'-0"



**PROGRESS SET  
NOT RELEASED  
FOR CONSTRUCTION**



**UPPER LEVEL PLAN**  
1/4" = 1'-0"

**CAROLINE BOYD**  
Architectural designs

**IA-1**

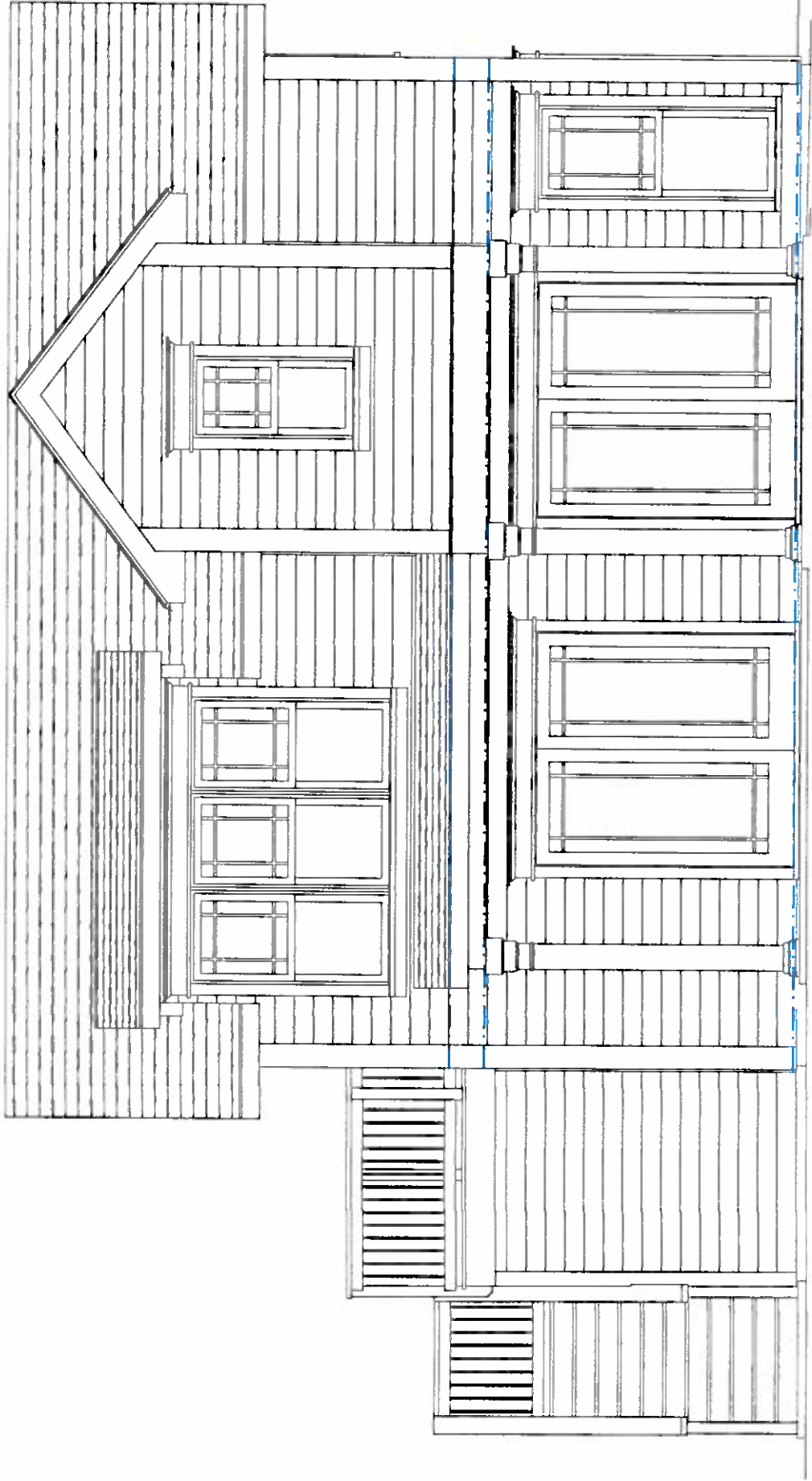
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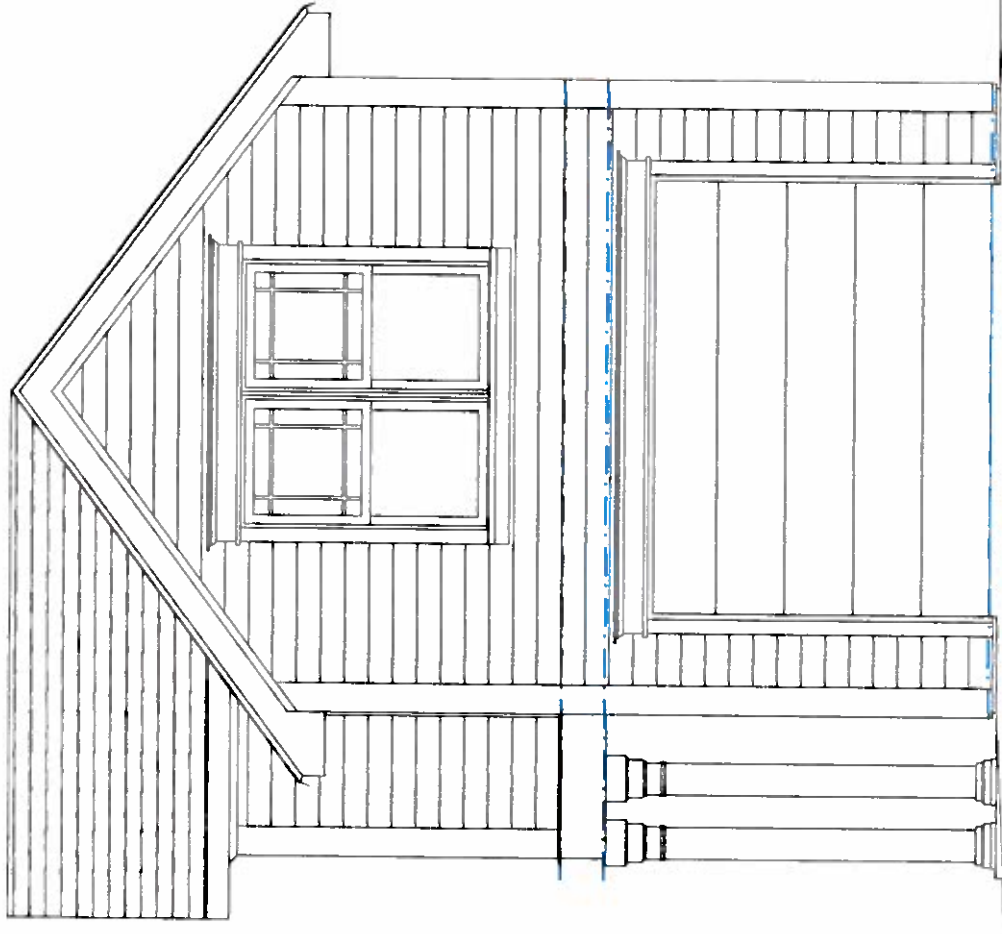
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By V-17-060

UPPER LEVEL HEATED AREA: 361.25 SQ. FT.  
GARAGE AND STORAGE AREA: 396.06 SQ. FT.  
COVERED PORCH AREA: 30.00 SQ. FT.  
TOTAL CARRIAGE HOUSE AREA: 787.31



LEFT ELEVATION  
1/4" = 1'-0"



FRONT ELEVATION  
1/4" = 1'-0"

PROGRESS SET  
NOT RELEASED  
FOR CONSTRUCTION

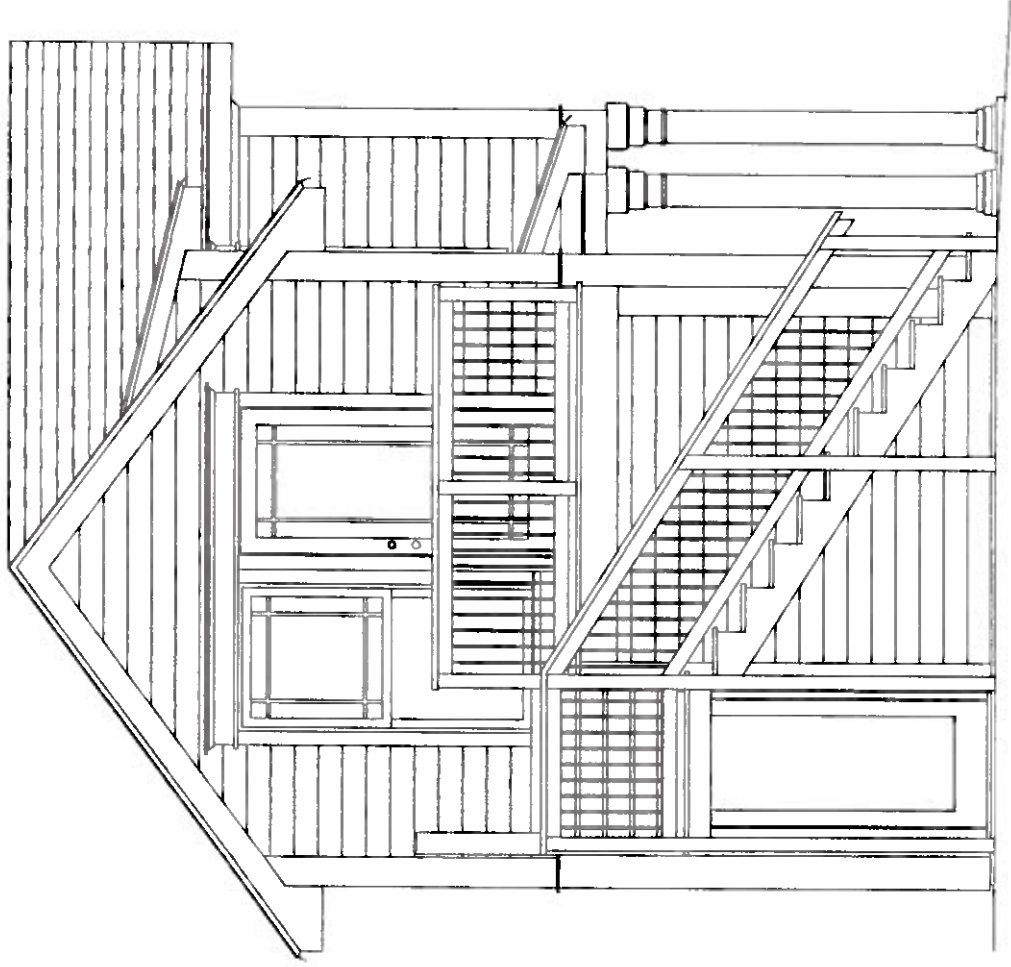
CAROLINE  
BOYD  
Architectural designs

2A-1

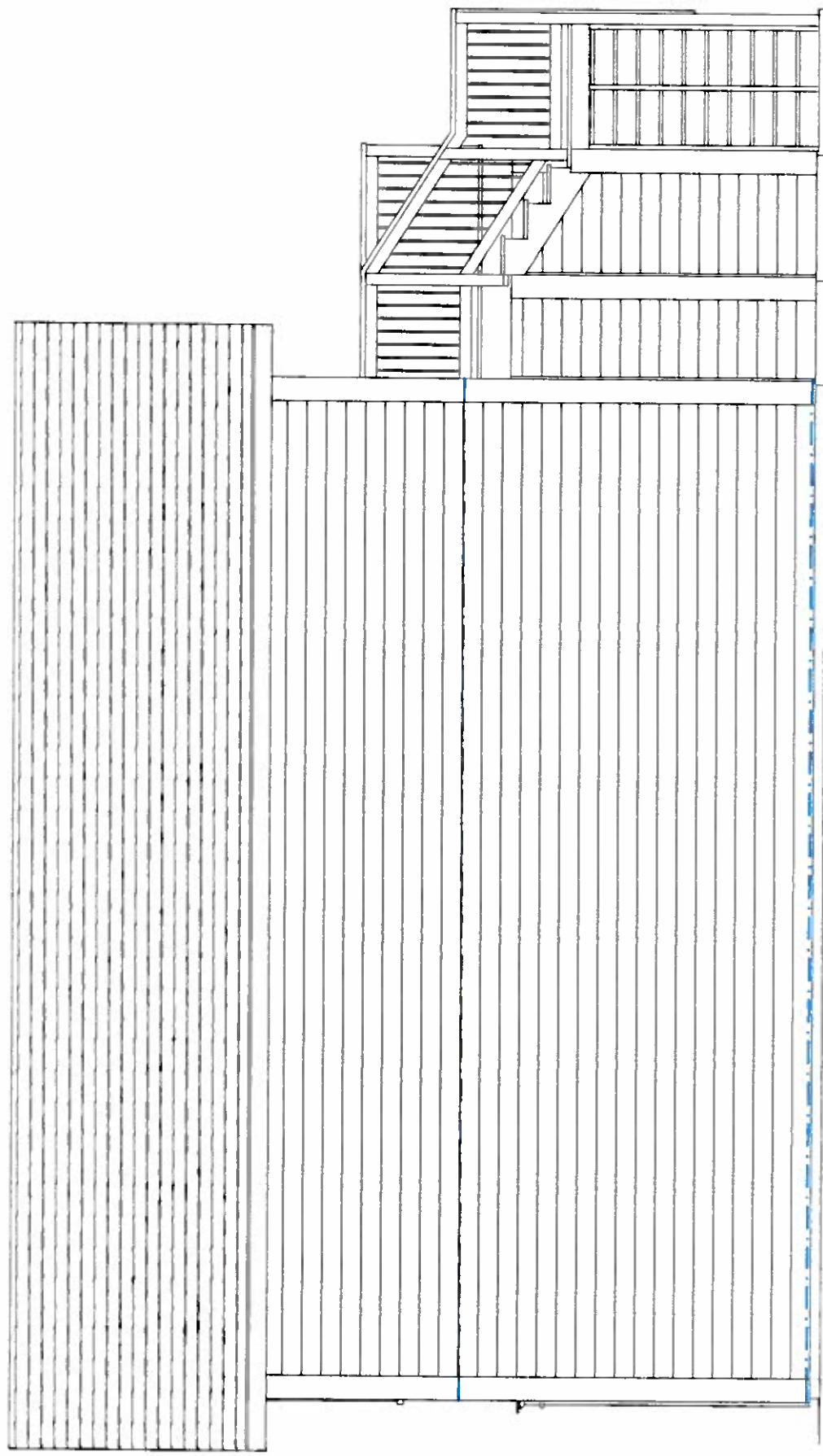
03/02/17



GRAPHIC SCALE

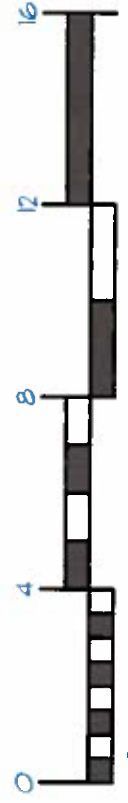


REAR ELEVATION  
1/4" = 1'-0"



RIGHT ELEVATION  
1/4" = 1'-0"

PROGRESS SET  
NOT RELEASED  
FOR CONSTRUCTION



GRAPHIC SCALE

	2A-2	03/02/17
	<small>architectural designs</small>	