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,

[Signature]

(CB, 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 SODAHLON
Name of Applicant

BUILDING PERMIT AUTHORIZING
Construction of an accessory structure

at 972 Cumberland Rd. 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 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)

Plan Reviewer Date

[Signatures]

Date

[Signatures]
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>X</th>
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<tbody>
<tr>
<td>Special Exception</td>
<td></td>
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<tr>
<td>Variance &amp; Special Exception</td>
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</table>

Date Filed ___________  Application Number V-17-060

Name of Applicant YAO SOOAHILON  Daytime Phone 404 388 6172

Company Name (if applicable)  email SOOAHILON1@YAHOO.COM

Address 325 SWANTON WAY DECATUR GA 30030

Name of Property Owner YAO SOOAHILON  Phone 404 388 6172

Address 325 SWANTON WAY DECATUR GA 30030

Description of Property

Address of Property 972 CUMBERLAND ROAD Atlanta, GA 30306

Area: 2414 sq.ft.  Land Lot: 2  District: 17, FULTON County, GA.

Property is zoned: R-1, 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 SOOAHILON

Print Name of Owner

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

NOTARY PUBLIC

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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 = 35.6% 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)? 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.)

(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 1043 Country Ln NE
City Atlanta
State GA
Zip Code 30324-4500

Owner’s Telephone Number: 404 888 6172

Signature of Owner

[Signature]

Print Name of Owner

[Print Name]

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

3/17/17

Date

Tiffany Taylor
Notary Public
Cobb County, Georgia
My Commission Expires July 24, 2020

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RECEIPT

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

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

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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