NOTICE TO APPLICANT

Address of Property:
1069 Cumberland RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, 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,

Rhonda Wood
RG, for Director, Bureau of Planning

Mark F Arnold
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 ______

Mark F. Arnold
Name of Applicant

BUILDING PERMIT AUTHORIZING
The construction of an Accessory Structure (Garage)

at ______ 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 reduce the required west side yard

______ from 7 feet to 3 feet and to reduce the required rear yard from 15 feet to 4 feet in order to erect

______ an accessory structure (garage/office studio). Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter ______ Section ______ Paragraph ______ (2) (3)
Chapter ______ Section ______ Paragraph ______
Chapter ______ Section ______ Paragraph ______
Chapter ______ Section ______ Paragraph ______

Plan Reviewer ______ Date 3/17/17

Applicant ______ Date 3/17/17
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

- Variance
- Special Exception
- Variance & Special Exception

Date Filed ______________ Application Number V-17-0060

Name of Applicant Mark F Arnold Daytime Phone (404) 939-3690

Company Name (if applicable) Mark Arnold, Architect email markarnoldarchitect@gmail.com

Address 1126 N Highland Ave, NE Atlanta GA 30306

Name of Property Owner Jennifer Metzger/Broad Builders Phone (404) 218-0468

Address 1069 Cumberland Rd, NE Atlanta GA 30306

Description of Property

Address of Property 1069 Cumberland Rd, NE Atlanta GA 30306

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

Property is zoned: R4, Council District: 06, 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)

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

NOTARY PUBLIC

August 2016 - Page 4 of 12
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.”).

Interior renovation of existing kitchen and family room, conversion of existing carport to a screened porch, construction of a new single car carport.

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.

3,910 covered square feet / 7,964 total lot square feet = 51.1 % 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 justification)

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 attached justification)

3) What conditions are peculiar to this particular piece of property? (see attached justification)

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 attached justification)
March 3, 2017

City of Atlanta
Department of Planning and Community Development
Bureau of Planning, Current Planning Division
55 Trinity Avenue, Suite 3350
Atlanta, GA 30335

re: 1069 Cumberland Road, NE 30306

Planning Staff:

We would like to replace our existing parking pad with an accessory structure containing a 2-car garage with second floor office space. The existing parking pad is located at the back southwest corner of the property and it encroaches into both the rear-yard and side-yard setbacks. It is our understanding that our project will require variances for both the rear-yard and side-yard setbacks if we want to build on the existing parking pad footprint. We, therefore, request that the side-yard setback be reduced from the required 7 feet to 3 feet and the rear-yard setback be reduced from the required 15 feet to 4 feet. We offer the following items in support of our variance request:

- Variance Application
- Survey
- Referral Certificate
- Proposed Floor Plans & Elevations with existing photographs

The subject property is zoned R-4. We believe the property meets the variance criteria laid out in Section 16-26.003 in the Zoning Guidelines in the following ways:

Extraordinary/Exceptional Conditions Pertaining to the Property because of its Size/Shape

The street frontage of our lot is 65 feet versus the required minimum width of 70 feet and, to the best of our knowledge, has been so since the house was built in 1930.

The Application of the Zoning Ordinance to this Property would create an Unnecessary Hardship

The proposed structure has been designed to utilize the same footprint as the existing parking pad. By doing this, we are able to limit the amount of land disturbance and preserve a large portion of the existing back yard. The topography allows us to ‘bury’ the side and back walls into the hill and the overall structure has been designed to blend in with the historic neighborhood fabric.

The existing parking pad is at the end of our driveway and the narrowness of our lot leaves very little in the way of alternate locations for the accessory structure. The application of the required 7 foot side-yard and 15 foot rear-yard setbacks would create an unnecessary hardship in that it would prevent us from constructing the garage in the most efficient and pragmatic location.
Variance Application for 1069 Cumberland Road, NE

Such conditions are peculiar to the particular piece of property involved

Many of the lots in Morningside have features that are in conflict with the current zoning ordinance. The specific deficiencies of this lot include the street frontage of 65 feet versus the required 70 feet. Additionally, the fact that our circa 1930 house is nearly 49 feet wide leaves us with very narrow side yards of 9 and 7 feet. Consequently, the existing parking pad is the best location for the new accessory structure.

The Variance would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance of Atlanta

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 distract from 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. We believe the proposed construction is in keeping with the orderly evolution of this neighborhood and will promote desirable living conditions for the homeowner as well as the neighborhood.

Thank you for your consideration in this request.

Sincerely,

Broad Builders
Kris White and Jen Metzger
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, ___________________________ (OWNER’S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT ___________________________ (PROPERTY ADDRESS) AS SHOWN IN THE RECORDS OF ________________ 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 ___________________________ FIRST NAME ___________________________

ADDRESS ___________________________ SUITE __________

CITY ________________ STATE ________ ZIP CODE __________

OWNER’S TELEPHONE NUMBER: ___________________________ ___________________________

SIGNATURE OF OWNER ___________________________

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.

______________________________
NOTARY PUBLIC

DATE ___________________________

PUBLIC NOTARY

EXPIRES

PUBLIC

DECATUR, GA

Aug 2016 - Page 9 of 12
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**Work Description:** Variance to reduce the required west side yard from 7 feet to 3 feet and to reduce the required rear yard from 15 feet to 4 feet in order to erect an accessory structure (garage/office studio).