



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

APPLICATION #: **V-17-066**  
DATE ACCEPTED: **03/07/2017**

## 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,

RG, for Director, Bureau of Planning

Mark F Arnold



V-17-066

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

Office of Planning

MAR 7 2017

55 Trinity Ave. S.W.  
Ste. 3350  
Atlanta, GA

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-17-066

NPU F DATE FILED March 7, 2017

Mark F. Arnold  
Name of Applicant

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

at 1069 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 (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 6 Section 16-06.008 Paragraph (2) (3)

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

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

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

[Signature]  
Plan Reviewer  
3/7/17  
Date

[Signature]  
Applicant  
3/7/17  
Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

7 2017

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"/>

55 Trinity Ave. S.W.  
Ste. 3350  
Atlanta, GA

Date Filed \_\_\_\_\_ Application Number V-17-0660  
 Name of Applicant Mark F Arnold Daytime Phone (404) 939-3690  
 Company Name (if applicable) Mark Arnold, Architect email markarnoldarchitect@gmail.com  
 Address 1 126 N Highland Ave, NE Atlanta GA 30306  
street city state zip code

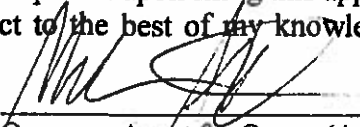
Name of Property Owner Jennifer Metzger/Broad Builders Phone (404) 218-0468  
 Address 1069 Cumberland Rd., NE Atlanta GA 30306  
street city state zip code

### Description of Property

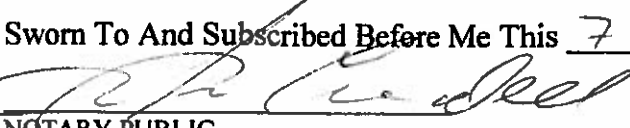
Address of Property 1069 Cumberland Rd., NE Atlanta GA 30306  
street city state zip code  
 Area: \_\_\_\_\_ Land Lot: 2 District: 17, Fulton County, GA.  
 Property is zoned: R4, Council District: 06, Neighborhood Planning Unit (NPU): F

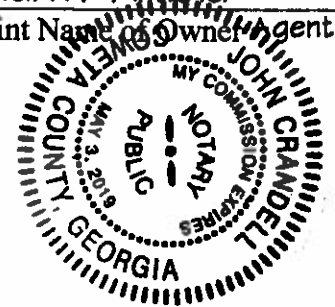
TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Variance or Special Exception.

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.

  
 \_\_\_\_\_  
 Owner or Agent for Owner (Applicant)

Mark F Arnold  
 Print Name of Owner/Agent

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



MAR 7 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).")

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)

**Broad Builders**

Jennifer Metzger & Kris White  
1049 Rosewood Drive, NE  
Atlanta, Georgia 30306  
(404) 218-0468  
broadbuilders@gmail.com

V-17-0600

Office of Planning

MAR 7 2017

March 3, 2017

55 Trinity Ave. S.W.  
Ste. 3350  
Atlanta, GA

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.

**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.

MAR 7 2017

65 Trinity Ave. S.W.  
Atlanta, GA 30350

**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

MAR 7 2017

(Required only if the applicant is not the owner of the property subject to the proposed application.)

(Please Print Clearly)

55 Trinity Ave. S.W.  
Ste. 3350  
Atlanta, GA

I, Jennifer Metzger / Broad Builders (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1069 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 Arnold FIRST NAME Mark

ADDRESS 1126 N. Highland Ave, NE SUITE \_\_\_\_\_

CITY Atlanta STATE GA ZIP CODE 30306

OWNER'S TELEPHONE NUMBER: 404 218 0468  
404 933-3820

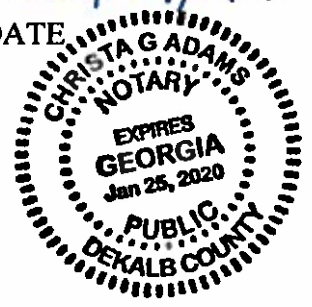
[Signature]  
SIGNATURE OF OWNER

Jennifer Metzger / Broad Builders  
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

2/24/17  
DATE



RECEIPT

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

Application: V-17-066  
Application Type: Planning/BZA/Variance/NA  
Address: 1069 CUMBERLAND RD NE, ATLANTA, GA 30306  
Owner Name: HAMER SANDRA C  
Owner Address:  
Application Name:

PAID  
CITY OF ATLANTA  
MAR 07 2017  
EX OFFICIO  
REVENUE COLLECTOR  
*[Handwritten signature]*  
*[Handwritten initials]*

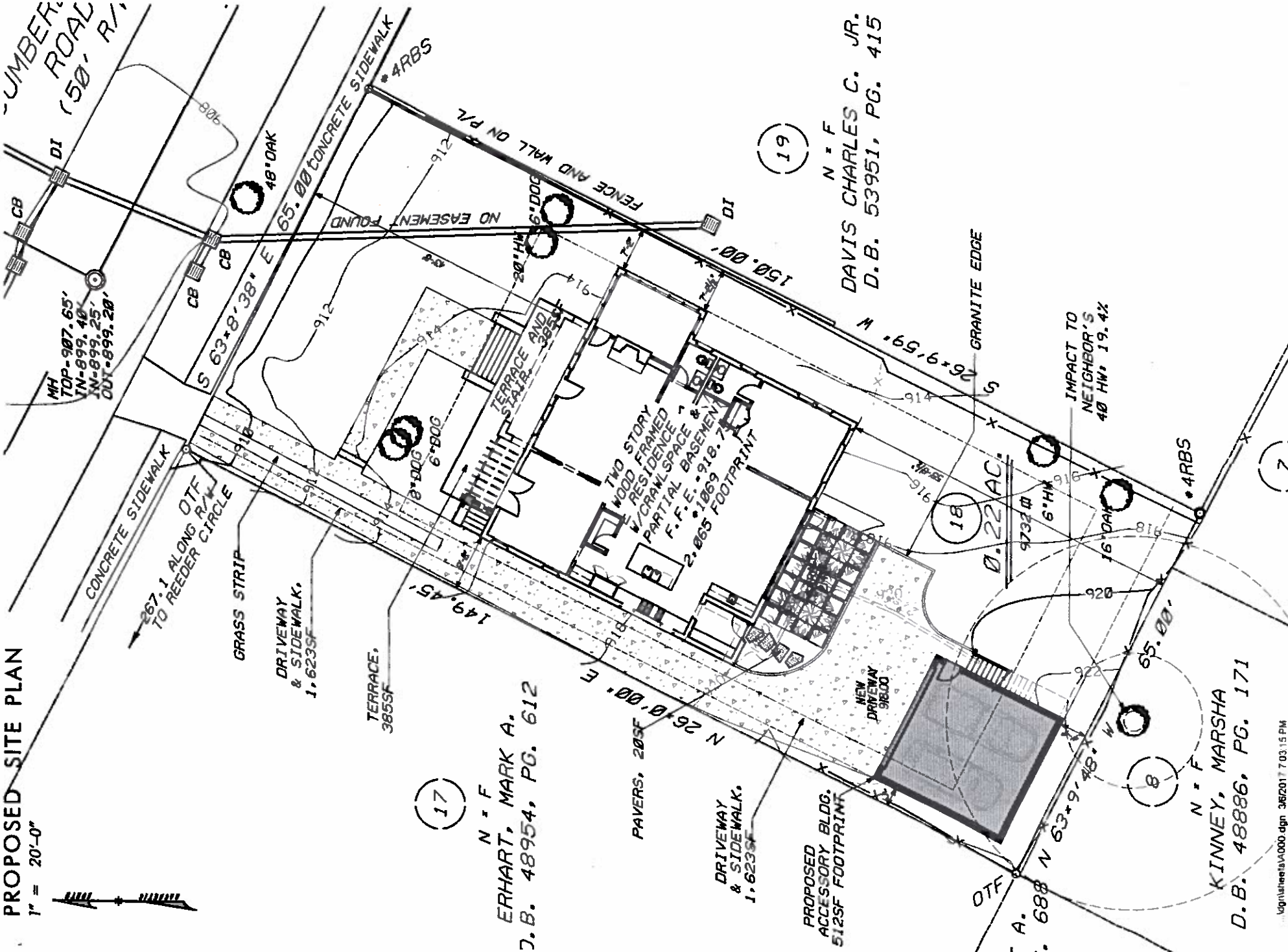
Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
511511		\$100.00	03/07/2017	BSIMMONS		

Owner Info.: HAMER SANDRA C

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).



**PROPOSED SITE PLAN**  
1" = 20'-0"



**OWNER**  
BROAD BUILDERS / JENNIFER METZGER  
1049 KENTUCKY AVE NE  
ATLANTA, GA 30306  
(404) 933-3820  
kris@broadbuilders.com

**ARCHITECT**

MARK ARNOLD, ARCHITECT  
1126 N. HIGHLAND AVENUE, NE  
ATLANTA, GA 30306  
404-939-3690  
intownarchitect@gmail.com  
Georgia Registration RA006398

**CONTRACTOR**

SMITH JACKSON PROPERTIES  
P.O. BOX 3101  
CUMMING, GA 30028  
(404) 933-3820

BUSINESS LICENSE #2522 Cumming, GA exp. 12/31/16  
GA GENERAL CONTRACTOR QUALIFYING AGENT  
DAVID M. WAHLBOM, # RLQA 000543, exp. 6/2017  
24hr CONTACT: KRIS WHITE (404) 933-3820

**APPLICABLE CODES**

International Residential Code, 2012 Ed.  
with Georgia Amendments 2014 and  
2014 Prescriptive Deck Details  
International Plumbing Code, 2012 Ed.  
with Georgia Amendments 2014  
International Mechanical Code, 2012 Ed.  
with Georgia Amendments 2014  
International Fuel Gas Code, 2012 Ed.  
with Georgia Amendments 2014  
National Electrical Code, 2011 Ed  
International Energy Conservation Code,  
2009 Ed., with Georgia Supplements  
and Amendments (2011/2012)

**DRAWING INDEX**

- A-0.00 COVER SHEET, ZONING ANALYSIS, ARCHITECTURAL SITE PLAN
- A-0.01 EXISTING SURVEY
- A-1.01 PROPOSED 1st FLOOR PLAN
- A-1.02 PROPOSED 2nd FLOOR PLAN
- A-1.03 PROPOSED ROOF PLAN
- A-1.04 PROPOSED EXTERIOR ELEVATIONS

N = F  
DAVIS CHARLES C. JR.  
D.B. 53951, PG. 415

N = F  
KINNEY, MARSHA  
D.B. 48886, PG. 171

**PROPERTY DATA**

R-4 (SINGLE FAMILY RES) DISTRICT,  
16-06 City of Atlanta Zoning Ordinance  
LAND LOT 2, 17th DISTRICT, LOT 18, BLOCK 2  
HIGHLAND CREST SUBDIVISION  
FULTON COUNTY, GEORGIA

ADDISON BLAKESLEE, REGISTERED LAND SURVEYOR  
GEORGIA LICENSE No. 3246, MAY 26, 2016

**ZONING ANALYSIS**

R-4 (SINGLE FAMILY RES) DISTRICT,  
SECTION 16-06 City of Atlanta Zoning Ordinance

- 1) Minimum lot area: 9,000 SF  
Existing: 9,732 SF (0.22 ACRES)
- 2) Minimum lot frontage: 70 feet  
Existing: 65.00 feet

- 3) Maximum Floor Area Ratio: 50%

Existing: 37.9% (3,689sf/9,732sf=0.379)  
First Floor 2,065sf + Second Floor 1,624sf  
divided by Lot Area 9,732sf

Proposed: 47.4% (4,616sf/9,732sf=0.474)  
House 1st Floor 2,065sf + House 2nd Floor 1,624sf  
+ Garage 1st Floor 446sf + Garage 2nd Floor 481sf  
divided by Lot Area 9,732sf

- 4) Maximum lot coverage: 50%

Existing: 49.5%  
House Footprint 2,065sf + Front Terrace 385sf  
+ Driveway & Walkway 1,639sf + Stepping Stones 20sf  
+ Rear Terrace 214sf + Parking Pad 459sf  
+ Retaining Walls 44sf divided by Lot Area 9,732sf  
= 4,862sf/9,732sf = 0.495

- Proposed: 50.0%

House Footprint 2,065sf + Front Terrace 385sf  
+ Driveway & Walkway 1,623sf + Stepping Stones 20sf  
+ Rear Terrace 214sf + Accessory Building 512sf  
+ Staircase 52sf divided by Lot Area 9,732sf  
= 4,871sf/9,732sf = 0.500

- 5) Minimum depth front yard: 35 feet

Existing: 48.5  
Proposed: NO CHANGE

- 6) Minimum width east side yard: 7 feet

Existing: 7.2'  
Proposed: NO CHANGE

- 7) Minimum width west side yard: 7 feet

Existing: 9.1'  
Proposed: 3.0' (at accessory structure)

- 8) Minimum depth rear yard: 15 feet

Existing: 55.5'  
Proposed: 4.33' (at accessory structure)

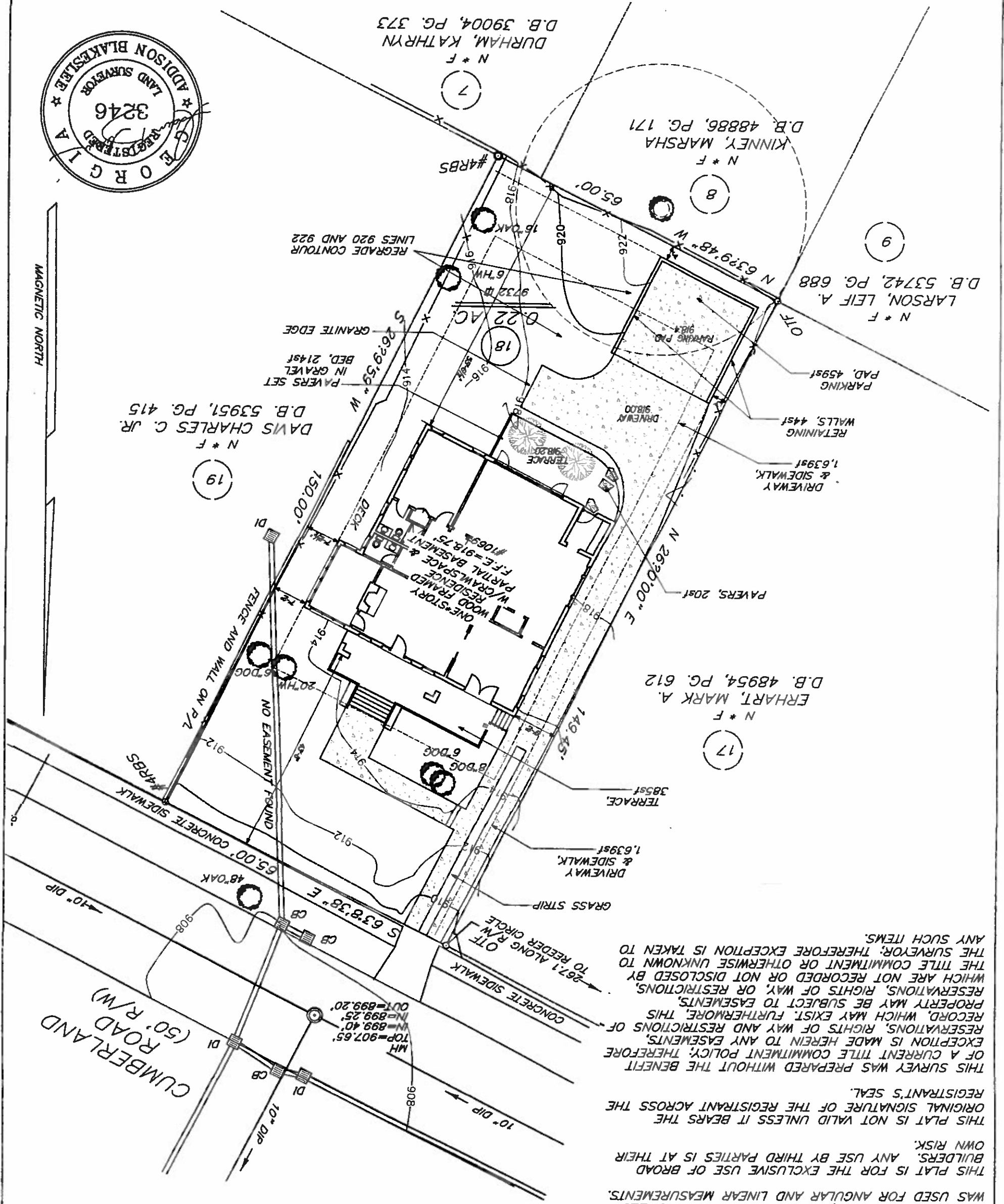
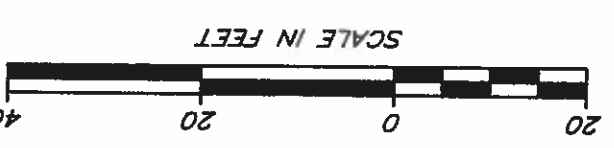
- 9) Maximum building height: 20' (Accessory Struct.)

Existing: n/a  
Proposed: 17.22' (average of 4 elevations)

GENERAL PLAT NOTES:

THE FIELD DATA DATED 5-18-16 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 94,514 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPOSS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 88,924 FEET. TOPCON GTS-225 WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS. THIS PLAT IS FOR THE EXCLUSIVE USE OF BROAD BUILDERS. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE; NOT RECORDED OR NOT DISCLOSED IN THE TITLE ABSTRACT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.



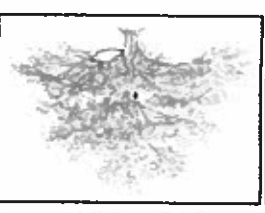
**BROAD BUILDERS**

TOPOGRAPHIC SURVEY FOR:  
 LAND LOT 2, 17TH DISTRICT  
 LOT 18, BLOCK 2  
 HIGHLAND CREST SUBDIVISION  
 CITY OF ATLANTA  
 FULTON COUNTY, GEORGIA

JOB NO. 2016019  
 DATE: \_\_\_\_\_  
 SCALE: 1"=20'  
 DRAWN BY: KAB  
 CHECKED BY: KAB  
 CUMBERLAND.DWG

LAND SERVICES  
 Land Surveyors • Landscapers • Environmental  
 4131 Balmbrook Dr.  
 Marietta, Georgia 30062  
 Phone 404.787.0112  
 www.pristineandsurveyors.com

**PRISTINE**

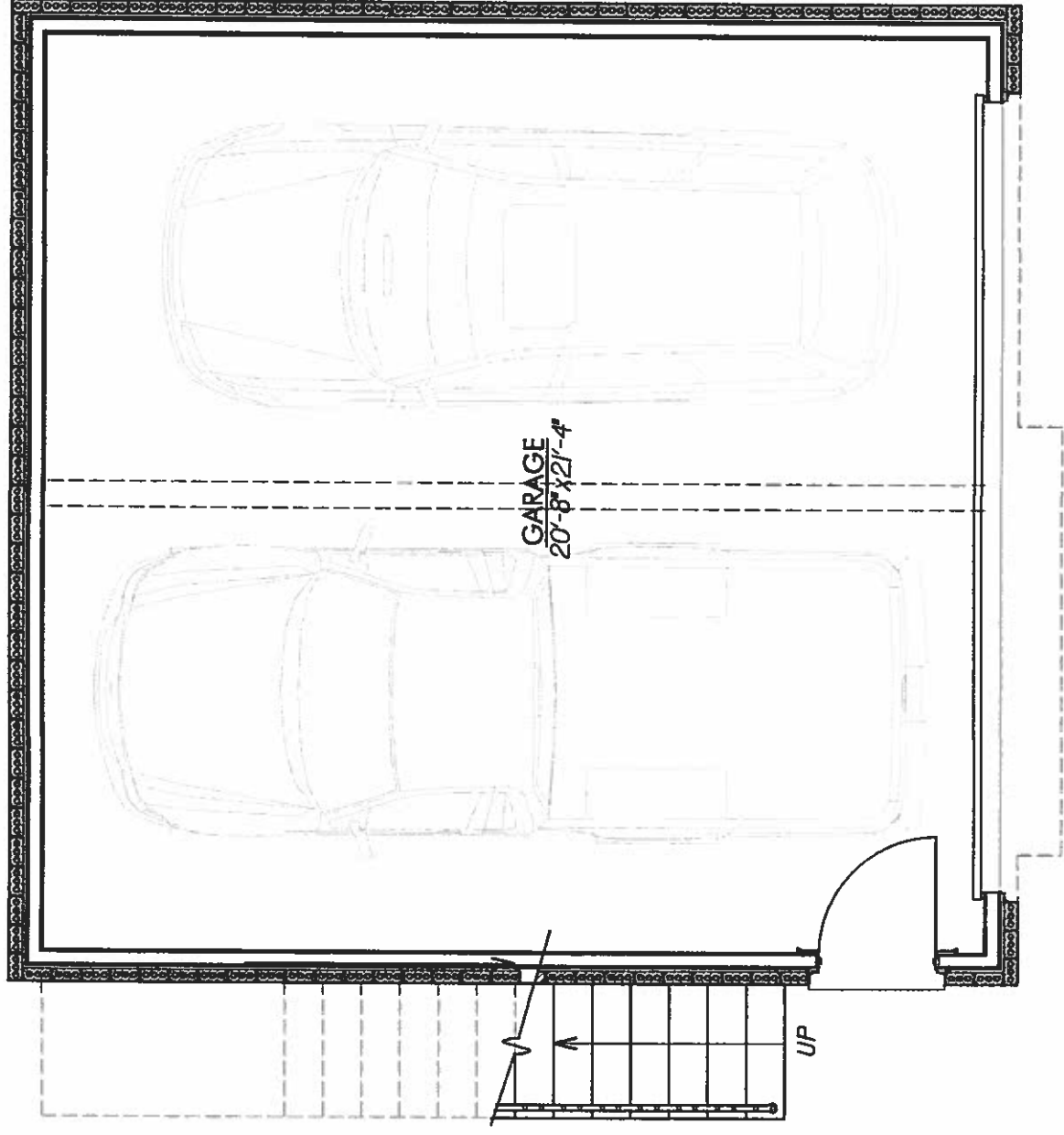


DATE	03/03/17
REVISIONS	10/21/16

**MA**

SHEET  
**A1.01**

PHASE



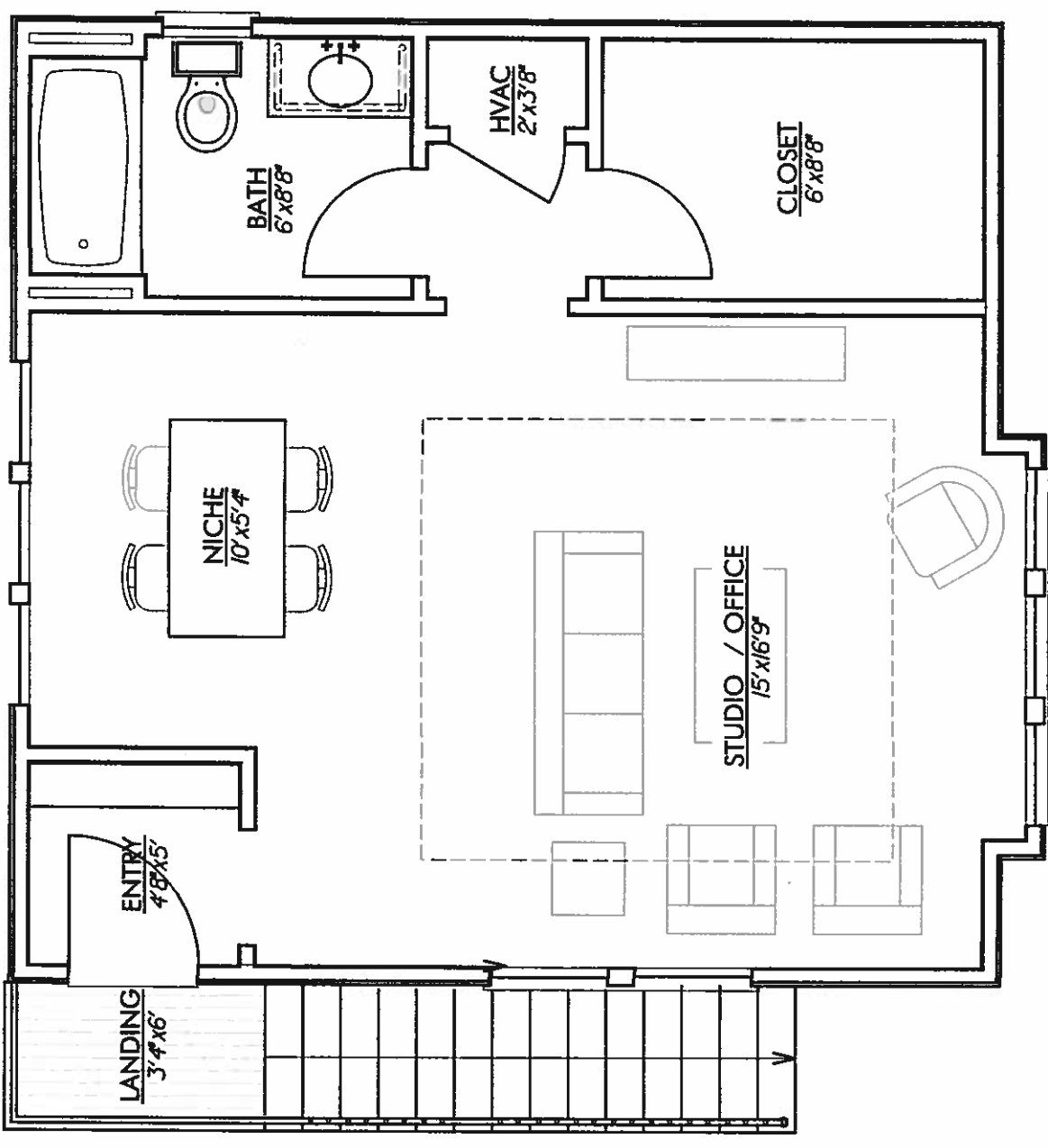
**01** FIRST FLOOR PLAN  
A-1.01 SCALE: 1/4" = 1'-0" FOOTPRINT: 512 SF; FLOOR AREA: 446 SF

DATE	03/03/17
REVISIONS	10/15/16

**WA**

SHEET  
**A1.02**

PHASE



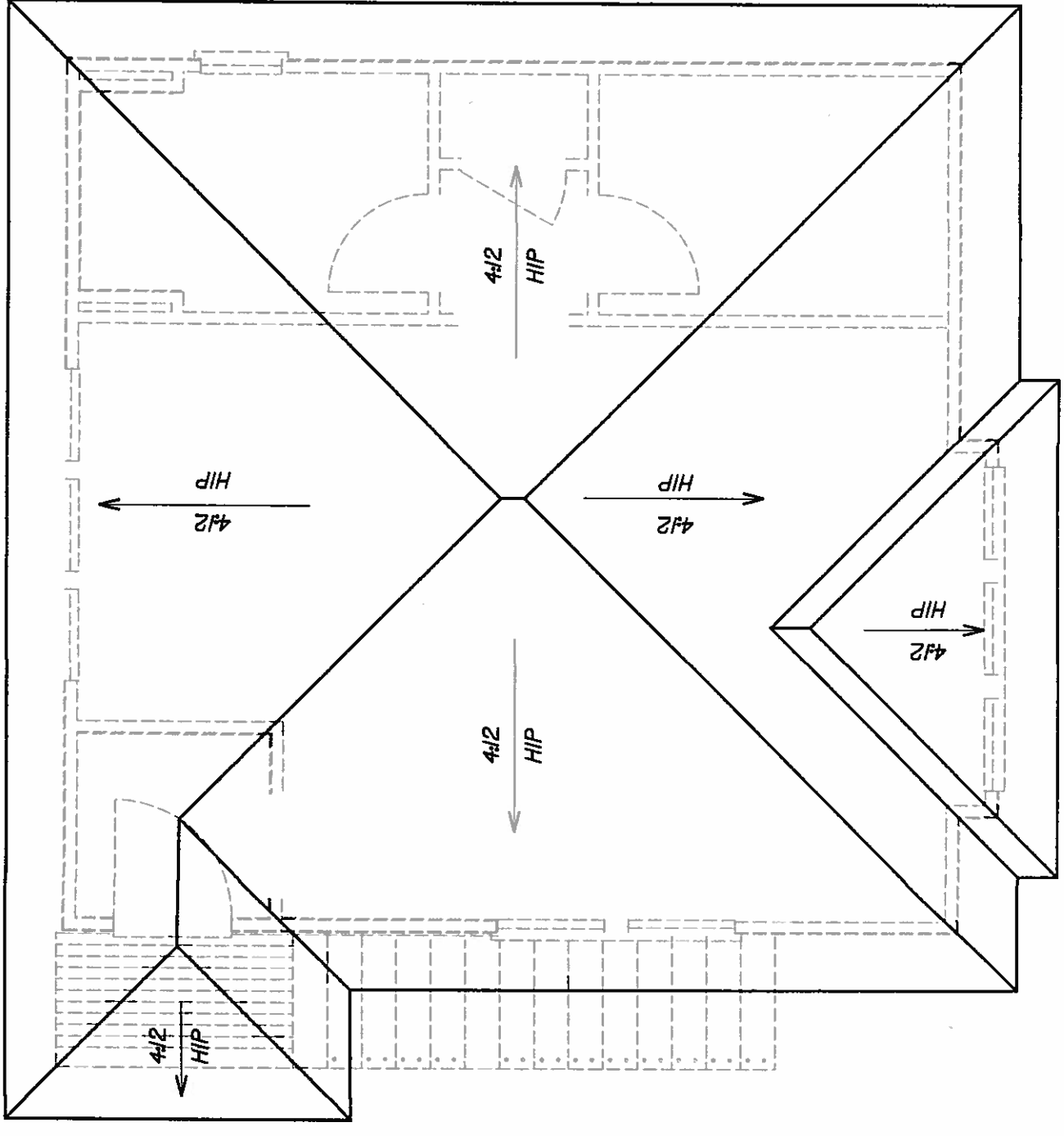
**01** SECOND FLOOR PLAN  
 A-1.02 SCALE: 1/4" = 1'-0" FLOOR AREA: 481 SF

DATE	03/03/17
REVISIONS	10/5/16

**MA**

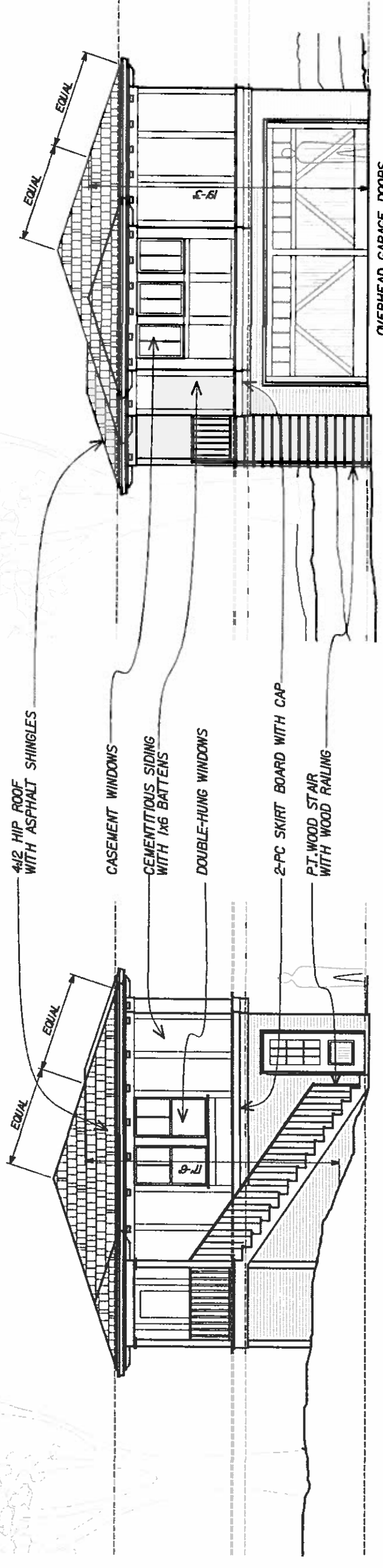
SHEET  
**A1.03**

PHASE



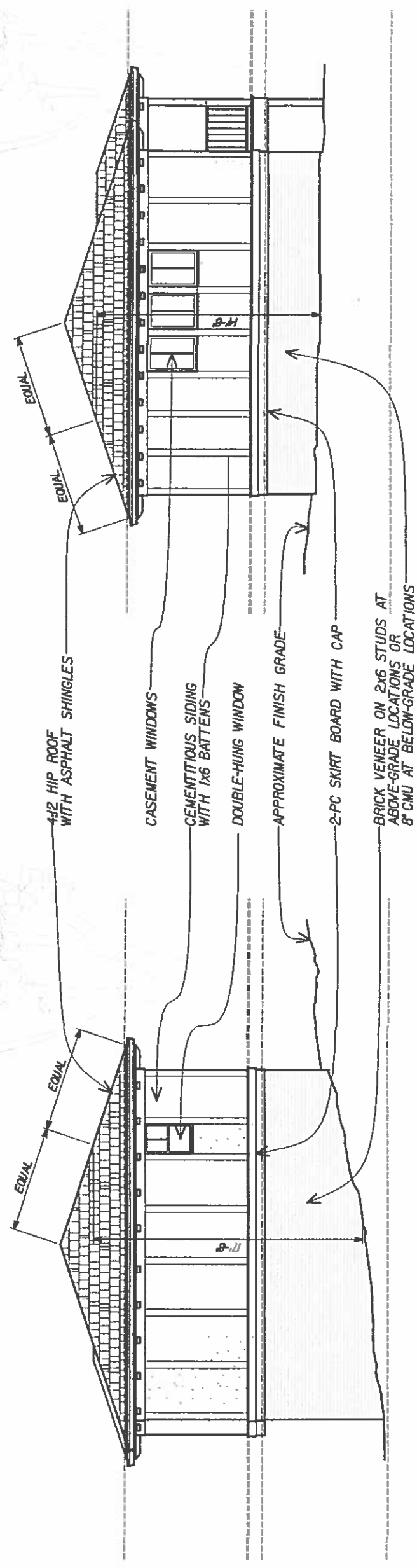
**01** ROOF PLAN  
 A-1.03 SCALE: 1/4" = 1'-0"

DATE	03/03/17
REVISIONS	10/9/16



01 SIDE (EAST) ELEVATION  
 A-1.04 SCALE: 1/8" = 1'-0"

02 FRONT (NORTH) ELEVATION  
 A-1.04 SCALE: 1/8" = 1'-0"



03 SIDE (WEST) ELEVATION  
 A-1.04 SCALE: 1/8" = 1'-0"

04 BACK (SOUTH) ELEVATION  
 A-1.04 SCALE: 1/8" = 1'-0"