NOTICE TO APPLICANT

Address of Property:
934 Amsterdam AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:   June 8, 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]

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

Mark F. Arnold
Name of Applicant

BUILDING PERMIT AUTHORIZING
Addition

at
934 Amsterdam Ave NE
Street Address
Quadrant
District & Land Lot

17th/2

1

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: 1) to reduce the required front yard setback from 35 feet to 20 feet 4 inches, 2) to reduce the required east side yard setback from 7 feet to 3 feet 8 inches, and 3) to reduce the required half depth front yard from 17 feet 5 inches to 6 inches to construct an addition to a single family structure. Applicant seeks no other variances.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (1)(2)
Chapter 28 Section 16-28.007 Paragraph (5)(b)
Chapter Section Paragraph

Plan Reviewer 4/18/17
Date

Applicant 4/18/17
Date
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-17-113

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 Anh Tran __________ Phone (404) 219-3528

Address 934 Amsterdam Ave., NE Atlanta GA 30306

Description of Property

Address of Property 934 Amsterdam Ave., 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.

Owner or Agent for Owner (Applicant)

Mark F Arnold

Print Name of Owner Agent

Sworn To And Subscribed Before Me This 17 Day Of 4, 2007.

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.”)

**Renovation and additions to a circa 1930 house to include a new garage and reconfiguration of the existing roof in order to build-out a 3BR/3BA second floor addition.**

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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.

- 3,441 covered square feet / 6,998 total lot square feet = 49.4% 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)**
April 17, 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: 934 Amsterdam Avenue, NE 30306

Planning Staff:

We wish to remodel and expand our existing home by adding a rear addition where the existing deck is located and by reframing the roof in order to add a second floor. The rear addition will encroach slightly into the half-depth front yard setback, the second floor addition will add living space in the portion of the house that is presently located within the front and side yard setbacks, and a proposed exterior stair will encroach into the side-yard setback. We, therefore, request that the front yard setback be reduced from the required 35 feet to 20.4 feet, the half-depth front yard setback be reduced from the required 17 ½ feet to 0.6 feet, and the east side-yard setback be reduced from the required 7 feet to 3.8 feet. It is our understanding that these conditions necessitate a variance and we offer the following items in support of our variance request:

- Variance Application
- Survey
- Proposed Site Plan
- Referral Certificate
- Existing and Proposed Plans & Elevations

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 50 feet versus the required minimum width of 70 feet and the area of our lot is only 6,998 sf versus the required minimum area of 9,000 sf. To the best of our knowledge, these features have been in place since the house was built in 1930.

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

We have given a lot of thought to how we are expanding our house. The rear addition will be in the location of the existing deck in order to minimize any increase to lot coverage and preserve as much of the existing pool deck and yard as possible. Similarly, the second floor addition will be located within a reconfigured roof line in order to minimize lot coverage and land disturbance.
Both the existing deck and the existing house already encroach into the front and half-depth front yard setbacks. The application of the required 17 ½ foot half-depth front yard setback and the 35 foot front yard setback would create an unnecessary hardship in that it would prevent us from expanding our home in an efficient and pragmatic manner. The encroachment into the east side yard setback is a consequence of wanting to run the stair adjacent to the existing pool deck. The encroachment is limited to a small portion of the proposed screened porch and the new staircase. Neither the garage nor the second floor will encroach into the east side yard setback.

Such conditions are peculiar to the particular piece of property involved.

Many of the lots in Morningside and adjacent Virginia-Highland have features that are in conflict with the current zoning ordinance. This lot, however, is one of the more extreme examples of having a deficient building area because it is located on a corner and subject to the half-depth front yard setback. Neither the 35 foot front yard setback nor the 7 foot side yard setback and most certainly the 17 1/2" foot half-depth front yard setback prescribed by the zoning ordinance are indicative of the historic building patterns in the these intown neighborhoods.

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,

Anh Tran & John French
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 GA 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 ___________________________

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<table>
<thead>
<tr>
<th>Action</th>
<th>Payment Date</th>
<th>Cashier ID</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>PNL</td>
<td>04/18/2017</td>
<td>RPLEWIS</td>
<td></td>
</tr>
</tbody>
</table>

Yard setback from 35' to 20' 4"; east side yard from 7' to 3' 8", and half on 17' 5" to 6"
The field data upon which this plat is based has a closure precision of one foot in 10,000± feet and an angular error of 03° for one second. The data was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000± feet.

Equipment used: Topcon GTS-213 Total Station.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

In my opinion this property is not in a flood hazard area as per F.I.R.M. Flood Hazard Map of Fulton County, Georgia

Community Survey Number 13121C 0261 G

Effective Date: 09/18/13

Revision Date: 09/18/13

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LEGEND
PF = 1/2" REBAR FOUND
PS = 1/2" REBAR PIN SET
LL = LAND LOT
LLL = LAND LOT LINE
PL = PROPERTY LINE
CL = CENTERLINE
B.L. = BUILDING LINE
R/B = RIGHT-OF-WAY
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
M.H. = MAINHOLE
C.B. = CATCH BASIN
J.B. = JUNCTION BOX
C.R. = CATCH RAINWATER COLLECTOR
D.I. = DRAIN INLET
P.P = POWER/UTILITY POLE
F.H. = FIRE HYDRANT
I.E. = INVERT ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
F.F.B. = FINISHED FLOOR BASEMENT
F.F.G. = FINISHED FLOOR GARAGE
B.O.C = BACK OF CURB
P.E. = EDGE OF PAVEMENT
N.F. = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
X-X-X-X = FENCE LINE
--- = FLOOD HAZARD ZONE LINE
--- = SCREW SEWER LINE/PIPE
--- = WATER LINE
--- = GAS LINE
--- = GAS LINE
--- = CONCRETE MONUMENT
C.C = CURB AND GUTTER
V.S = VIOENT SEATING
C.T.P = OPEN TOP PIPE FOUNT
--- = OPEN TOP PIPE FOUNT
--- = OPEN TOP PIPE FOUNT
--- = OPEN TOP PIPE FOUNT
--- = WOOD DECK
--- = CLEAN CUT

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ALPHA LAND SERVICES
P.O. BOX 1652
LOGANVILLE, GA 30052
ENGINEERING + LAND SURVEYING
WWW.AlphaLandServices.com

SURVEY FOR:
934 AMSTERDAM AVENUE
TAX PARCEL #17000200010265

REVISION: SUB.:
DISTRICT: FULTON COUNTY
GEORGIA:
FIELD DATE: 01/28/17
AREA = 0.154 ACRES
REF. PLAT: PB. P.
PLAT DATE: 01/28/17
JOB NO: 17-01-04