NOTICE TO APPLICANT
Address of Property:
1779 North Rock Springs RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, February 1, 2018 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 five 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]

[Signature]

RG, for Director, Office of Zoning and Development

Garrett Daniel
REFERRAL CERTIFICATE

COUNCIL DISTRICT 60
APPLICATION NUMBER V-17-354

NPU E
DATE FILED 12/6/2017

1. Garrett Daniel
Name of Applicant

BUILDING PERMIT AUTHORIZING
Second floor addition to an existing single family dwelling.

at 1779 North Rock Springs Road NE 17th/51st
Street Address Quadrant District & Land Lot

to be used for Residential purposes
The property is zoned R-1 District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from the zoning regulation to (1) reduce the required north side yard
set back from 7 feet to 1 feet 6 inches to construct a second floor addition to an existing single
family dwelling.

Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 16 Section 16-06-008 Paragraph (2)
Chapter Section Paragraph

Shawn Fernandes 12/6/17 Applicant Date
Plan Reviewer Date
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>
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<tr>
<td>Variance &amp; Special Exception</td>
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</table>

Date Filed 12/06/17
Application Number V117

Name of Applicant Garrett Daniel
Daytime Phone 404-441-6495

Company Name (if applicable) Garrett Daniel Architecture email garrett@garrettdanielarchitecture.com

Address 122 E. Hill St. Decatur, GA 30030

Name of Property Owner Mark Richards
Phone 404-513-4821

Address 1779 North Rock Springs Road, NE Atlanta, GA 30324

Description of Property

Address of Property 1779 North Rock Springs Road, NE Atlanta, GA 30324

Area: .259 acres Land Lot: 51 District: 17th, Fulton County, GA.

Property is zoned: R-4, 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.

Garrett Daniel
Owner or Agent for Owner (Applicant)

Print Name of Owner

Sworn To And Subscribed Before Me This 4 Day Of 12, 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). Please provide the relevant zoning number associated with the subject property: ________________________

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.”).

Reduce north side yard setback from 7'-0" to 1'-6" to construct new second floor upon existing non-conforming structure.

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.

3,612 covered square feet / 11,273 total lot square feet = 32.04 % 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 Letter of Criteria

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 Letter of Criteria

3) What conditions are peculiar to this particular piece of property?  See attached Letter of Criteria

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 Letter of Criteria

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Criteria for Variance for 1779 North Rock Springs Road, NE

December 4, 2017

City of Atlanta
Department of Planning and Community Development
Office of Planning
55 Trinity Avenue, Suite 3350
Atlanta, GA 30303

To whom it may concern,

Per the City of Atlanta Office of Planning Variance Application Checklist, I am providing the Criteria for Variance, per Sec. 16-26.003.

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

There are exceptional conditions pertaining to the particular piece of property in that the existing north side of the existing residence is non-conforming.

(2) The application of the zoning ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;

The zoning does not create a hardship.

(3) Such conditions are peculiar to the particular piece of property involved;

The existing residence is non-conforming.

(4) 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.

The reduction of the north side yard setback from 7'-0 to 1'-6" is requested to allow for a second floor to be built above the existing footprint.
The second floor addition does not increase the non-conformity as it goes directly on the existing footprint.

The variance, if granted, will not hinder securing safety from fire, panic or other dangers nor will it detract from providing adequate light and air because the house is moving up the nearest neighboring structures will be the same distance away.

The variance will further the purposes and intent of the zoning ordinance by reducing the side yard setback to allow for the second floor addition with minimal impact to the neighbors which will be consistent with the purposes and intent of the zoning ordinance.

The new second floor does not affect The City of Atlanta Department of Watershed Management as well as the State of Georgia Environmental Protection Division. If the variance is not granted, the owner will need to explore a design that encroaches further into the steeper topography which will require more land disturbance and lot coverage.

The variance will allow for the owner to develop the property for it highest and best use which will protect against blight and depreciation of the surrounding neighborhood and sustain stability of the neighborhood.

The proposed design will increase the impervious coverage to 31.05%, which is sensitive to the pervious area and increasing porous surfaces to allow rainwater to absorb into the ground and reducing runoff and flooding. The new structure will follow City of Atlanta run off guidelines thus facilitating drainage and other public requirements.

If granted, the variance will allow the owner to enhance the living conditions and neighborhood value which will provide for the orderly evolution of the neighborhood, and promote desirable living conditions.
AUTHORIZATION BY PROPERTY OWNER

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

(Please print clearly. Must be the original document. A copy will not be accepted.)

I, Mark Richards (OWNER’S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1779 North Rock Springs Road, NE (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 Daniel FIRST NAME Garrett

ADDRESS 122 E. Hill Street SUITE _____

CITY Decatur STATE GA ZIP CODE 30030

OWNER’S TELEPHONE NUMBER: 404-815-9232

SIGNATURE OF OWNER

Mark Richards

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

May 2017 - Page 9 of 12
LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 51 of the 17th Land District, known as Lot 1 Block B of the North Morningside subdivision, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the northeast right of way of North Rock Springs Road (50 foot right of way) located 184.9’ northwest from the intersection of said right of way and the northwest right of way of Wildwood Road; thence running along the northeast right of way of North Rock Springs Road along the arc of a curve to the right a distance of 90.00 feet (said arc having a radius of 605.33 feet with a chord bearing North 19 degrees 20 minutes 19 seconds West a chord distance of 89.92 feet) to a ½” rebar found; thence running North 76 degrees 28 minutes 52 seconds East a distance of 125.00 feet to a point; thence running South 46 degrees 42 minutes 13 seconds East a distance of 76.50 feet to a ½” rebar found; thence running South 67 degrees 19 minutes 26 seconds West a distance of 159.79 feet to a point on the north east right of way of North Rock Springs Road said point being the point of BEGINNING.

SAID PARCEL BEING 0.259 ACRES MORE OR LESS
CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

Application: V-17-354
Application Type: Planning/BZA/Variance/NA
Address: 1779 NORTH ROCK SPRINGS RD NE, ATLANTA, GA 30324
Owner Name: WOLTER THOMAS H
Owner Address:
Application Name:

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Owner Info.: WOLTER THOMAS H

Work Description: Variance to reduce the required north side yard setback from 7 feet to 1 feet 6 inches to construct a second floor addition to an existing single family dwelling.