NOTICE TO APPLICANT

Address of Property:
1050 East Rock Springs RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, May 10, 2018 at 12:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:
Debbie - Charles Malbone - 404-376-
zoning@npufatlanta.org

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,
NYM, for Director, Office of Zoning and Development

RON HELLER
Department of City Planning
Office of Zoning and Development
55 Trinity Avenue, Suite 3350
Atlanta, Georgia 30303
Phone: 404-330-6145

MAR 20 2018

City of Atlanta
Department of City Planning
Office of Zoning and Development

REFERRAL CERTIFICATE

COUNCIL DISTRICT __________ APPLICATION NUMBER N.1.8.017

NPU ______________________ DATE FILED ______________

Ron Heller
Name of Applicant

BUILDING PERMIT AUTHORIZING
Active Recreation Area (Pool)

at 1570 Barclay Place (AKA 1050 E. Rock Springs Rd.) NE 17th/3
Street Address Quadrant District & Land Lot

to be used for Single family residential Purposes

The property is zoned R-4 District

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

Applicant seeks a variance from the zoning regulation: (1) to reduce the required west side yard setback from 7 feet to 3 feet 6 inches and (2) Special exception to allow active recreation area in a yard adjacent to the street.

COMPLETE PLAN REVIEW NOT CONDUCTED.
Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 16 Section 16-06.008 Paragraph (2)

Chapter 28 Section 16-28.008 Paragraph (6)

Chapter __________________ Section __________ Paragraph __________

Julie Paquin 3/20/18
Plan Reviewer Date

Ron Heller 3/20/18
Applicant 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 [X]

Date Filed __________________________ Application Number V. 18-011

Name of Applicant  Ron Keller __________ Daytime Phone 404.217.8786

Company Name (if applicable) ARTISAN POOLS, LLC email ron@artisanpoolsllc.com

Address 4062 Peachtree Rd. NE #107 Brookhaven GA 30319

Name of Property Owner  MATTHEW KLEENER __________ Phone 404-441-2392

Address 1570 BARCLAY PL NE ATLANTA GA 30306

Description of Property

Address of Property 1570 BARCLAY PL NE, ATLANTA, GA 30306

Area: __________ Land Lot: 3 District: ATLANTA: FULTON County, GA.

Property is zoned: R4, Council District: ______, Neighborhood Planning Unit (NPU): 17034

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)

MATTHEW KLEENER
Print Name of Owner

Sworn To And Subscribed Before Me This 5th Day Of March 2018.

NOTARY PUBLIC
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.”).

Construction of a raised concrete swimming pool, wood decks, stairs and ornamental fence 60” high enclosure of rear yard around pool.

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.

4,321 covered square feet / 14,244 total lot square feet = 30.3 % 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)? Corner lot of two streets, side slope from neighbor to the west.

2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? Pool located anywhere else on the side would impact historic shade trees.

3) What conditions are peculiar to this particular piece of property? Side slope to street & historic shade trees.

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. The pool is its proposed location would be within other granted variances and on non developable slope.

May 2017 - Page 5 of 12
SUMMARY & JUSTIFICATION FOR SPECIAL EXCEPTIONS

Directions: Complete responses must be provided. Incomplete applications will not be accepted. The space below may only be utilized for the summary of proposal or responses may be submitted as a separate attachment. Specific criteria for Board approval of special exceptions may be found on page 9. The justification must address these criteria. Please submit a separate justification for responses to the applicable special exception criteria.

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 special exception request (shall not replace submittal of written criteria). (Examples: “Installation of a swimming pool adjacent to the public right of way (“active recreation”), “Install a 6-foot high opaque wooden wall (‘privacy fence’ with 6-foot high opaque wall gates.”).

☐ Parking & Loading: List the maximum number of employees who will park on the site at any given time: _______________ AND list the maximum estimated number of customers, clients, visitors, or similar persons who will require automobile parking in connection with the facility on the site at any given time: _______________. If you propose to provide off-site parking, see the attached Standards for off-site Parking Agreements (page 10).

☐ Walls and Fences: Any request for walls or fences should include a site plan and elevations showing the full extent of the wall or fence and a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

☐ Active Recreation: Pool adjacent to Barclay Road & portion

☐ Non-Conforming Uses & Structures (i.e. duplex):

☐ All other Special Exception Requests:

Department of City Planning
Office of Zoning & Development

V-18-077
MAR 20 2016

May 2017 - Page 7 of 12
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, Matthew Kiewer (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1570 Barclay Pl NE, Atlanta (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 Heller FIRST NAME Ron
ADDRESS 4062 Peachtree Rd. NE #187 SUITE
CITY Brookhaven STATE Ga ZIP CODE 30319

OWNER'S TELEPHONE NUMBER: 404-441-2392

Signature of Owner

Matthew Kiewer
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
LETTER OF JUSTIFICATION

To Whom It May Concern:

We are writing this letter to request approval for the following Zoning Variances:
1. Special Exception Variance to allow an Active Recreation adjacent a street in a residential district to install a swimming pool.
2. Side Yard Setback Reduction Variance from 7' to 3.5' (50%) to install a swimming pool.

Below are Justifications for the Variances:

Reasons for Special Exception Variance:
I. The location will not be objectionable to occupants of a neighboring property or the neighborhood in general by reason of noise, lights or concentration of persons or vehicular traffic:
   a. The existing house faces E. Rock Springs Road with heavy vegetation obscuring the front, side and rear yards. The neighbor’s house to the North is set back beyond the width of lot and is not visible from pool. The neighbor to the West has a 6’ privacy wood fence, the neighbor to the East is separated by the divided landscape median and Elementary school to the South.

II. The area for such activity could not reasonably be located elsewhere on the lot;
   a. The pool would be located behind the footprint of house except where side yard variance is requested.
   b. The proposed Pool/Wall/Equip and wood deck/steps is within the impervious lot coverage.

Reasons for Side Setback Reduction Variance:
I. To closely align the pool with existing grandfathered landscape wall and wood deck in the side setback.

II. Keeping Pool close to side yard, it would not extend into rear yard any further, thus making visible to Barclay Road and impacting large mature shade trees.

With the facts above, we ask for your approval for the requested Variances.

Thank you,

Matthew Kliewer
1570 Barclay Road
Atlanta, Ga 30306
REAR OF HOUSE

SIDE OF HOUSE
March 7, 2018

To Whom It May Concern:

We are the homeowners at 1596 Barclay Pl and our house is next door from Matthew Kliwer and Ashford Rowe’s house at 1570 Barclay Pl.

We are not opposed to any variances needed for the construction of a pool in their backyard.

Regards,
Patricia A. Artis

Bill and Pat Artis
March 7, 2018

To Whom It May Concern:

We are the homeowners at 1571 Barclay Pl and our house is across the street from Matthew Kliwer and Ashford Rowe’s house at 1570 Barclay Pl.

We are not opposed to any variances needed for the construction of a pool in their backyard.

Regards,

Sigrid and Jeff Vale

Department of City Planning
Office of Zoning & Development

V-18-077

MAR 20 2018

55 Trinity Ave, S.W.
Ste, 5330
Atlanta, GA