NOTICE TO APPLICANT
Address of Property:
1256 Spring Valley LN NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 4, 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:

Charles Nulbone
641 East Pelham Rd NE
Atlanta, GA 30324
(404) 376-3230

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,

[Signatures]

V.P. for Director, Office of Zoning and Development

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

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6
APPLICATION NUMBER 1-18-241

NPU F
DATE FILED __________________

Ute Banse
Name of Applicant

BUILDING PERMIT AUTHORIZING
Construction of a New Accessory Structure

at 1256 Spring Valley Lane NE 18th/55
Street Address Quadrant District & Land Lot

to be used for 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 regulations to (1) Reduce the required rear yard setback from 15 feet to 3 feet.

Applicant seeks no other variances at this time.

A Complete Plan Review Was Not Conducted

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (3)

Chapter __________ Section __________ Paragraph __________

Thomas Otoo 8/01/2018
Plan Reviewer Date Applicant Date
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance  X
Special Exception
Variance & Special Exception

Date Filed 8-1-18
Application Number U-13-241

Name of Applicant  Ute Banse
Daytime Phone  404-525-7956

Company Name (if applicable)  Ute Design
email  utebanse@gmail.com

Address  1077 Alta Avenue, NE
          Atlanta  GA  30307
          street  city  state  zip code

Name of Property Owner  Aki Onozuka and Peter Evans
Phone

Address  1256 Spring Valley Lane
          Atlanta  GA  30306
          street  city  state  zip code

Description of Property

Address of Property  1256 Spring Valley Lane, Atlanta, GA, 30306
street  city  state  zip code

Area: 11,114 sqf  Land Lot: 55  District: 18th  Dekalb County
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.

Owner or Agent for Owner (Applicant)

Print Name of Owner  APPLICANT

Sworn To And Subscribed Before Me This Day Of  August, 2018.

NOTARY PUBLIC

November 2017 - 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 ___X__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.”).

Construct a 38.1' wide x 22' deep accessory structure in rear yard

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.

\[
\frac{5,532 \text{ covered square feet}}{11,114 \text{ total lot square feet}} = 47 \% \text{ proposed lot coverage}
\]

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

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

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

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

AUG 1 2018

Department of City Planning
Office of Zoning & Development

55 Trinity Ave. S.W.
Atlanta, GA

November 2017 - Page 5 of 12
Aki Onozuka and Peter Evans
1256 Spring Valley Lane
Atlanta, GA 30306

July 24, 2018

City of Atlanta
Office of Zoning and Development
Board of Zoning Adjustment
55 Trinity Avenue, SW
Suite 3350
Atlanta, Georgia 30303

Dear Members of the Board of Zoning Adjustment:

We wish to build an accessory structure on our property to address our need for a playroom for our children and for home office space. The playroom is designed to potentially be used as a one car garage.

To allow the proposed accessory structure, we request a variance to reduce the rear yard setback from 15’ to 3’.

Please find attached the following items in support of the variance request:

- Variance Application Forms
- Survey/Site Plan
- Proposed Floor Plan and Elevations
- Referral Certificate

Justification:

The subject property is zoned R-4. We believe that the property and the proposed plans meet the variance criteria per Section 16-26.003 in the Zoning Code.

(1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)?

Our property meets the minimum lot size requirements. However, the existing structure is located on the property with a front yard setback of 46’ making the rear yard unusually small. There are patio doors and an elevated brick patio along the entire rear of the house.

The house was completely renovated and updated about 10 years ago. The second floor is built-out attic space, and there is no unused attic space suitable for expansion. All spaces located to the rear of the house feature visual and functional connections to the rear yard. Therefore, adding on to the rear of the house is not a viable option.

(2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.

The application of the zoning ordinance would create an unnecessary hardship as it would not allow us to construct the additional spaces our family needs without impacting the usability of the rear yard for enjoyment, play and recreation. The strict application of the zoning ordinance would only allow for minimal yard space between the accessory structure and the main house. This would greatly diminish the quality of the rear yard and adjacent living spaces.

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

Many properties in our neighborhood in fact are of similar size and width. However, the particular condition of the existing front yard setback is peculiar to this property.
(4) Submit facts to show that relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance of the City 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 detract from neighbor's use and enjoyment of adjoining and surrounding properties. The proposed design meets the required side yard setbacks and does not affect the neighbors to either side negatively. The neighboring property at the rear property line has an accessory structure in close proximity to the rear property line and is not negatively impacted. We believe that the proposed improvements are in keeping with the orderly evolution of this neighborhood and will promote desirable living conditions for our family and the neighborhood.

Thank you for your consideration in this request.

Sincerely,

Aki Onozuka and Peter Evans
I, **PETER C. EVANS** (OWNER’S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT **1256 Spott Valley Lane** (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF **DeKalb** COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

OWNER’S TELEPHONE NUMBER: **404-254-2161**

**PETER C. EVANS**
SIGNATURE OF OWNER

**PETER C. EVANS**
PRINT NAME OF OWNER

NAME OF APPLICANT:

LAST NAME **BANSE** FIRST NAME **UTE**

ADDRESS **1077 Alta Ave. NE** SUITE ______

CITY **ATLANTA** STATE **GA** ZIP CODE **30307**

APPLICANT’S TELEPHONE NUMBER: **404-525-7956**

APPLICANT’S EMAIL ADDRESS: **utebanse@gmail.com**

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

**07-30-2018**

DATE

My Commission Expires
February 16, 2020
AUTHORIZED BY PROPERTY OWNER

(Required only if the person filling the application 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, Aki Onozuka (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 6256 Spring Valley Ln, Atlanta, GA (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF DeKalb COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

OWNER'S TELEPHONE NUMBER: 404-254-2661

[Signature of Owner]

[Print Name of Owner]

NAME OF APPLICANT:

LAST NAME Banse FIRST NAME UTE

ADDRESS 1077 Alta Ave. NE

CITY Atlanta STATE GA ZIP CODE 30307

APPLICANT'S TELEPHONE NUMBER: 404-525-7956

APPLICANT'S EMAIL ADDRESS: utebanse@gmail.com

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]

07-30-2016

My Commission Expires February 16, 2020

DATE

January 2018 - Page 9 of 12
CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

Application: V-18-241
Application Type: Planning/BZA/Variance/NA
Address: 1256 SPRING VALLEY LN NE, ATLANTA, GA 30306
Owner Name: [Redacted]
Owner Address: [Redacted]
Application Name: [Redacted]

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Work Description: Applicant seeks a variance from the zoning regulations to (1) Reduce the required rear yard setback from 15 feet to 3 feet.
**Compliance with Section 16-28.60.040 of the Zoning Ordinance**

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**Lot Size:** 11,144 SF  
**Zoning:** R-4

**Property Information:**