NOTICE TO APPLICANT
Address of Property:
1764 Homestead AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, December 6, 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@npufatnanta.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]

Director, Office of Zoning and Development

[Signature]

John Neel

Office of Zoning & Development
CITY OF ATLANTA
Office of Buildings – Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175

REFERRAL CERTIFICATE
COUNCIL DISTRICT 6 APPLICATION NUMBER 418811
NPU F DATE FILED 

1. John and Susan Neel
   Name of Applicant

BUILDING PERMIT AUTHORIZING
Detached gazebo structure

at 1764 Homestead AVE NE 18th/56
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 regulation; (1) to reduce the required half depth
   front yard from 17.5 feet to 4 feet; and (2) reduce the required rear yard setback from 15 feet
   to 10 feet - to erect a detaced gazebo on a deck structure.

   Applicant seeks no other variances or exceptions at this time.

   A Complete Plan Review Was Not Conducted.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (3)
Chapter 28 Section 16-28.007 Paragraph (5) (b)
Chapter Section Paragraph

Scott Haebelin 10-1-18
Plan Reviewer Date

Applicant 10/1/18
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Date Filed: October 1, 2018

Name of Applicant: John & Susan Neel

Daytime Phone: (404) 610-9004

Company Name (if applicable): N/A

Email: jneel@gsu.edu

Address: 1764 Homestead Ave NE

City: Atlanta

State: GA

Zip Code: 30306

Application Number: 4K311

Name of Property Owner: John & Susan Neel

Phone: (404) 610-9004

Address: 1764 Homestead Ave NE

City: Atlanta

State: GA

Zip Code: 30306

Description of Property

Address of Property: 1764 Homestead Ave NE

City: Atlanta

State: GA

Zip Code: 30306

Area: 13035 sq ft (0.299 AC)

Land Lot: 56

District: 18, Dekalb County, GA.

Property is zoned: R-4, Council District: 6, Neighborhood Planning Unit (NPU): F

TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received a preliminary plan review from the Office of Zoning and Development prior to seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Variance by reducing the rear yard setback from 15 to 9 feet.

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.

John H. Neel

Owner or Agent for Owner (Applicant)

Print Name of Owner

Sworn To And Subscribed Before Me This 1st Day Of Oct., 2018.

[Signature]

NOTARY PUBLIC

Expires May 15, 2022

Cobb County Notar
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: ________________.

Is the proposal subject to Inclusionary Zoning? ___ YES ___ X ___ NO

Summary of proposed construction changes to buildings or site (shall not replace submittal of written criteria).

Replace a portion of an existing deck with a gazebo within the same footprint as the existing deck.

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.

\[
\frac{4599 \text{ covered square feet}}{13035 \text{ total lot square feet}} = 35.3\% \text{ proposed lot coverage} \\
50\% \text{ maximum allowed lot coverage}
\]

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)? **The property is a corner lot with a dead-end side street. The existing deck was permitted and constructed by the previous owner in 1986. The gazebo will be built on a part of the existing footprint of the deck while some parts of the existing deck will be removed. [A gazebo in this same position was part of the 1986 plan but never completed.]**

2. How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? **The existing deck area between the gazebo and the house will be significantly reduced. Landscaping and existing sidewalks would need to be altered.**

3. What conditions are peculiar to this particular piece of property? **The proposed design meets the required R-4 side-yard setbacks and does not affect the neighbors to either side negatively. The neighboring property at the rear property line has a large back yard with a wooded area between the houses. The rear deck of that house is approximately 180 feet from the dividing property line. This distance, the wooded area, and a small rise between the houses greatly limits visibility between the houses.**

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. **Because the gazebo will be constructed over a portion of the footprint of the existing deck, access will be as current. Because other portions of the deck will be removed, the ground coverage will be reduced from 36.8% to 35.3%.**
Letter of Justification for 1764 Homestead Ave NE

Variance request: Reduce back-yard setback from 15 to 9 feet.

October 1, 2018

We would like to replace part of our current deck with a gazebo. The gazebo will occupy the same footprint as the deck portion it replaces. The existing deck was approved with a gazebo in this position in 1986, but the deck was constructed without the gazebo by the previous owner. A different portion of the deck will be totally removed so that the total footprint of covered ground will be reduced.

There are no other variances existing or requested for this property.

The nearest structure on the neighboring property across the rear yard is approximately 180 feet from the boundary of the properties. Trees, plants, and a small hill minimize the visual impact on that neighbor. Access to both properties is not changed because the property is on a corner lot and because the requested change is small, a change of 6 feet.

Without this variance the hardship to the owners is that the existing deck would have to be significantly reduced and existing sidewalks and landscaping would need to be altered.

John H. Neel
1764 Homestead Ave NE
Atlanta, Ga, 30306-3136

(404)610-9004
jneel@gsu.edu

Department of City Planning
Office of Zoning & Development

Oct - 1 2018

65 Trinity Ave, S.W.
Ste. 330
Atlanta, GA
CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

Application: V-18-311
Application Type: Planning/RZAA/Variance/NA
Address: 1764 HOMESTEAD AVE NE, ATLANTA, GA 30306
Owner: Name: NEEL JOHN H OR NEEL SUSAN F
Owner Address: 
Application Name: 1764 HOMESTEAD AVE NE

Receipt No. 605651
Payment Method Check
Ref Number 247
Amount Paid 100.00
Payment Date 10/01/2018
Cashier ID BSIMMONS

Owner Info: NEEL JOHN H OR NEEL SUSAN F

Work Description: APPLICANT SEeks VARIANCE TO REDUCE THE REQUIRED HALF DEPTH FRONT YARD FROM 17.5FT TO 4FT, TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 15FT TO 10FT, TO ERECT A DETACHED GAZEBO ON A DECK STRUCTURE.