



OFFICE OF ZONING AND DEVELOPMENT
55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **V-18-311**

DATE ACCEPTED **10/01/2018**

NOTICE TO APPLICANT

Address of Property:

1764 Homestead AVE NE

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

Department of City Planning
Office of Zoning & Development

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@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,



Janice Hoyer, for Director, Office of Zoning and
Development



JOHN NEEL



OCT - 1 2018

CITY OF ATLANTA

Office of Buildings - Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-311

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 detached 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 Haeberlin 10-1-18
Plan Reviewer Date

John V. Neel 10/1/18
Applicant Date

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Department of City Planning
Office of Zoning & Development

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

Variance	X
Special Exception	
Variance & Special Exception	

OCT - 1 2018

55 Trinity Ave. S.W.
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Date Filed October 1, 2018

Application Number V-18-311

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 Atlanta GA 30306
street city state zip code

Name of Property Owner John & Susan Neel Phone (404) 610-9004

Address 1764 Homestead Ave NE Atlanta GA 30306
street city state zip code

Description of Property

Address of Property 1764 Homestead Ave NE Atlanta GA 30306
street city state zip code

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.

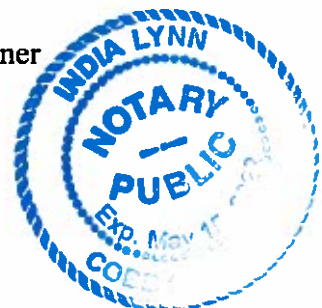
John H. Neel
Owner or Agent for Owner (Applicant)

John H. Neel
Print Name of Owner

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

[Signature]
NOTARY PUBLIC

Expires May 15, 2022



CARB county Notary

V-19-311

SUMMARY & JUSTIFICATION FOR VARIANCES

Department of City Planning
Office of Zoning & Development

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.

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Atlanta, GA

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.

4599 covered square feet / 13035 total lot square feet = 35.3 % 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)? 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%.

V-18-311

Letter of Justification for 1764 Homestead Ave NE

October 1, 2018

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

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

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

RECEIPT

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

CRA 247

PAID
CITY OF ATLANTA

OCT 01 2018

EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Application: V-18-311
Application Type: Planning/BZA/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.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
605651	247	\$100.00	10/01/2018	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

GENERAL NOTES:
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
 4: No Geodetic monuments were found within 500 feet of this site
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon.
RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.
 Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

REFERENCE: PB 11 PG 115
 DB 7550 PG 100
FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C00061J EFFECTIVE DATE MAY 16, 2013
 SURVEY DATA:
 TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 7550 PG 100
 PROPERTY OWNER AT TIME OF SURVEY: JOHN H. & SUSAN F. NEEL
 PARCEL NUMBER: 18-056-04-179
 TOTAL AREA: 13,035 SQ FT, 0.299 AC
 CALCULATED PLAT CLOSURE: 1:171,852
 FIELD DATA:
 DATE OF FIELD SURVEY 7-30-2018

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.015 FEET.
 EQUIPMENT:
 ELECTRONIC TOTAL STATION

SURVEY FOR
JOHN H & SUSAN F NEEL
LOT 1, BLOCK 10,
PART OF JOHNSON ESTATES

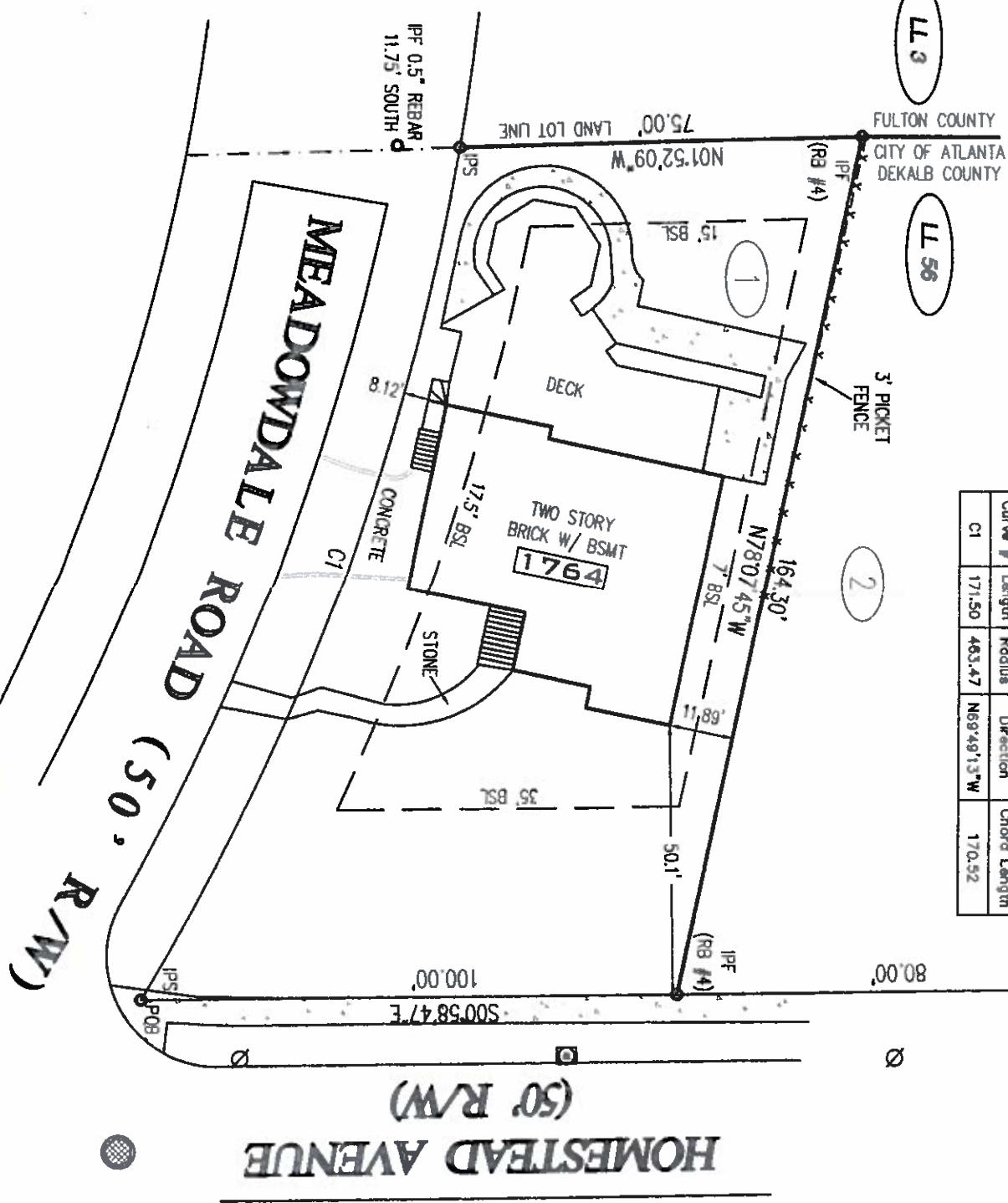
1764 HOMESTEAD AVENUE

CITY OF ATLANTA, DEKALB COUNTY, GEORGIA
LAND LOT 56, DIST 18
DATE: JULY 31, 2018

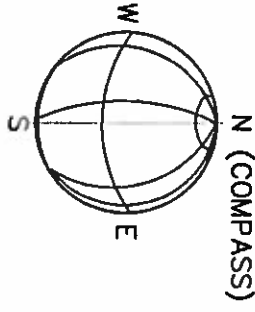
IMPERVIOUS CALCULATIONS 1764 HOMESTEAD AVENUE			
ZONING: R-4			
HOUSE = 2,205 S.F.			
FRONT WALK = 251 S.F.			
DRIVE = 204 S.F.			
WALLS = 10 S.F.			
DECK = 1,357 S.F.			
CONC. PAD = 772 S.F.			
IMPERVIOUS TOTAL = 4,799 S.F.			
Curve Table			
Curve #	Length	Radius	Chord Length
C1	171.50	463.47	170.52

LOT COVERAGE	
4,799 S.F.	/ 13,035 S.F. = 36.8%

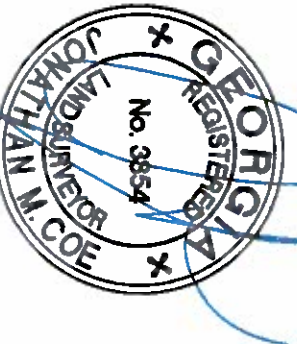
Curve #	Length	Radius	Direction	Chord Length
C1	171.50	463.47	N68°49'13"W	170.52



V-18-311
 Department of City Planning
 Office of Zoning & Development
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 58 Trinity Ave. S.W.
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- LEGEND**
- EPD EDGE OF PAVEMENT (CURB)
 - PP POWER POLE
 - R/W RIGHT OF WAY
 - IPF IRON PIN FOUND
 - IPS 1/2" REBAR SET
 - SW SIDE WALK
 - BOLLARD
 - OHP OVERHEAD POWER
 - FH FIRE HYDRANT
 - CB CATCH BASIN
 - MH MANHOLE
 - WM WATER METER
 - WV WATER VALVE
 - GV GAS VALVE
 - GM GAS METER
 - LP LIGHT POLE
 - CONCRETE PAD



FOR
 DEKALB SURVEYS, INC.
 407 W. PONCE DE LEON
 SUITE B
 DECATUR, GEORGIA 30030
 404.373.9003

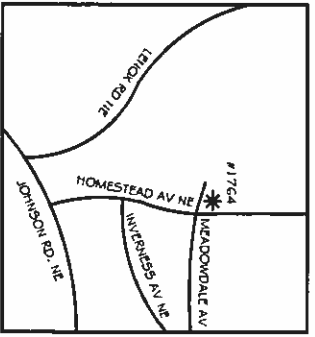


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V-19-811
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 Office of Zoning & Development

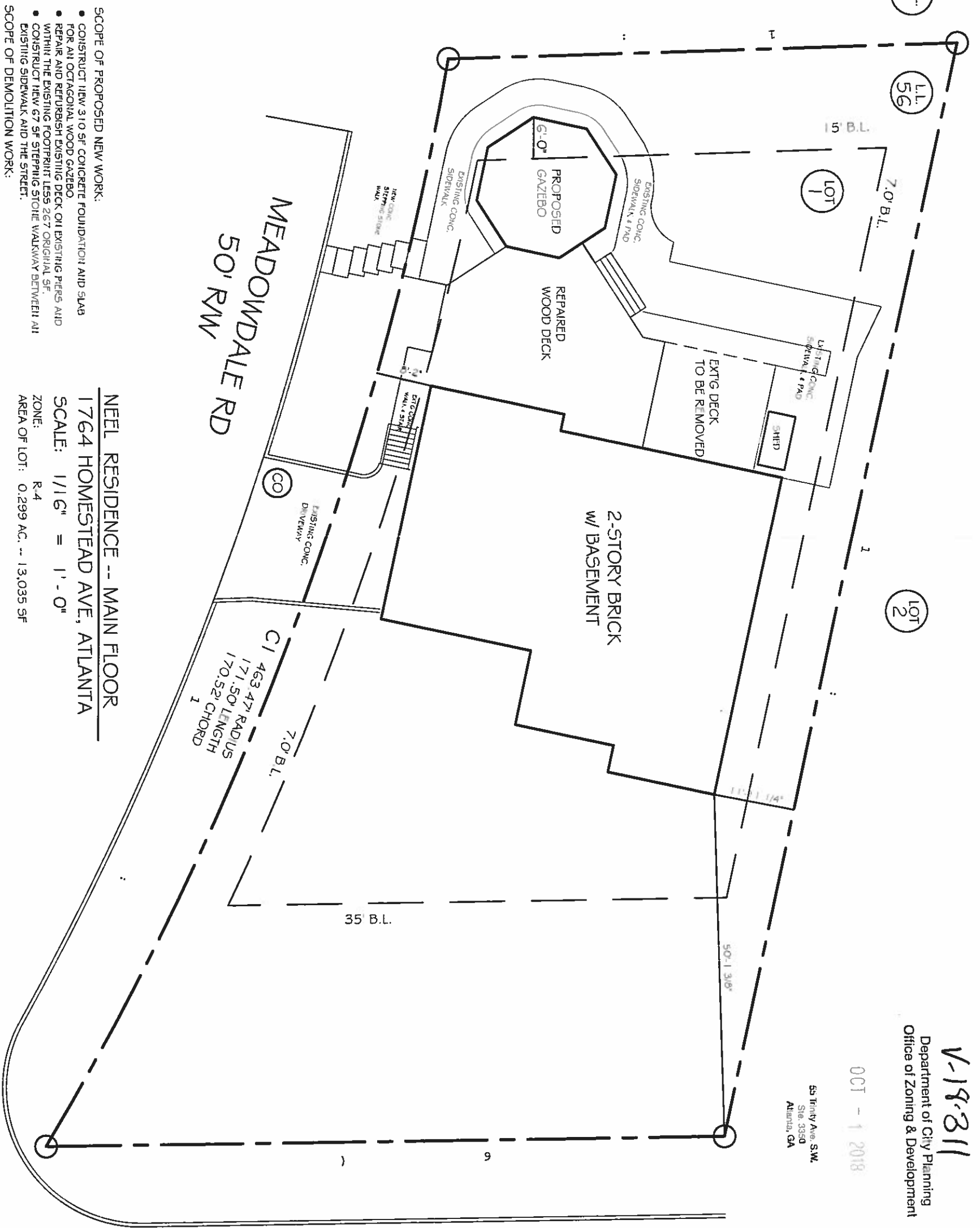
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55 Trinity Ave S.W.
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LOT COVERAGE CALCULATION

AREA OF PROPERTY	13035 SF
EXISTING HOUSE	2205 SF
EXISTING FRONT WALK	251 SF
EXISTING DRIVEWAY	204 SF
EXISTING DECK	1357 SF
EXISTING WALKS & PAD	772 SF
EXISTING WALLS	10 SF
EXISTING IMPERVIOUS	+/- 4799 SF
PERCENT COVERAGE	36.8%
ADD CONC. STEPS TO STREET	67 SF
REMOVE DECK PORTION	- 267 SF
PROPOSED IMPERVIOUS	+/- 4599 SF
PROPOSED COVERAGE	35.3%



- SCOPE OF PROPOSED NEW WORK:
- CONSTRUCT NEW 310 SF CONCRETE FOUNDATION AND SLAB FOR AN OCTAGONAL WOOD GAZEBO.
 - REPAIR AND REFURBISH EXISTING DECK ON EXISTING PIERS AND WITHIN THE EXISTING FOOTPRINT LESS 267 ORIGINAL SF.
 - CONSTRUCT NEW 67 SF STEPPING STONE WALKWAY BETWEEN ALL EXISTING SIDEWALK AND THE STREET.
- SCOPE OF DEMOLITION WORK:
- EXISTING DECK: REMOVE 267 SF SECTION BETWEEN REMAINING DECK AND THE SHED.
 - REMOVE 310 SF OCTAGONAL SECTION OF DECK AND REPLACE WITH CONCRETE SLAB WITHIN THE SAME FOOTPRINT.

NEEL RESIDENCE -- MAIN FLOOR
 1764 HOMESTEAD AVE, ATLANTA
 SCALE: 1/16" = 1'-0"
 ZONE: R-4
 AREA OF LOT: 0.299 AC. -- 13,035 SF

ARCHITECTURAL SITE PLAN BASED UPON SURVEY CREATED BY DEKALB SURVEYS, INC. -- DATED 07/31/2018 -- FOR LOT 1; BLOCK 10; JOHNSON ESTATES SUBDIVISION; LANDLOT 56; DEKALB COUNTY, GA

HOMESTEAD AVENUE -- 50' RW

KAUFFMANDESIGN SERVICES 1844 SOUTH GARDEN CT ATLANTA GA 678.772.9290	NEEL RESIDENCE 1764 HOMESTEAD AV. ATLANTA, GA 404.610.9004	PROPOSED SITE PLAN DATED: 09/24/2018 SCALE: 1/16" = 1'-0"	
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