



**OFFICE OF ZONING AND DEVELOPMENT**

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **V-18-330**

DATE ACCEPTED **10/23/2018**

**NOTICE TO APPLICANT**

Address of Property:

**1278 Avalon PL NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, December 13, 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,

LM, for Director, Office of Zoning and  
Development

MICHAEL BROWN

Office of Planning

V-18-330

OCT 23 2018

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



CITY OF ATLANTA

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

Office of Planning
V-18-330
OCT 23 2018

55 Trinity Ave. S.W.
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REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-330

NPU F DATE FILED 23 Oct 2018

1. Michael H. Brown
Name of Applicant

BUILDING PERMIT AUTHORIZING
Accessory structure

at 1278 Avalon Place NE 17th/2
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 require northern side yard setback from 7 feet to 0 feet - to erect a detached pergola 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 (2)

Chapter Section Paragraph

Chapter Section Paragraph

Scott Haeberlin 10-23-18
Plan Reviewer Date

Michael H. Brown 23 OCT 18
Applicant Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	<input checked="" type="checkbox"/>
Special Exception	<input type="checkbox"/>
Variance & Special Exception	<input type="checkbox"/>

Date Filed 23 OCT 2018

Application Number V-18-330

Name of Applicant MICHAEL H. BROWN Daytime Phone 404 754 0918

Company Name (if applicable) \_\_\_\_\_ email mikebandanng@yahoo.com

Address 1278 AVALON PLACE ATLANTA GA 30306  
street city state zip code

Name of Property Owner \_\_\_\_\_ Phone 404.754.0918

Address 1278 AVALON PLACE ATLANTA GA 30306  
street city state zip code

**Description of Property**

Address of Property 1278 AVALON PLACE ATLANTA GA 30306  
street city state zip code

Area: 0.2 ACRE Land Lot: 2 District: 17, FULTON County, GA.

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

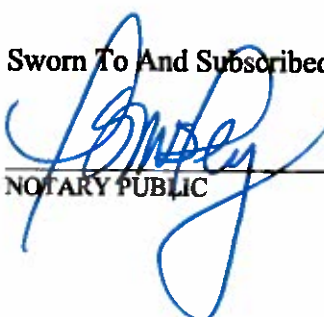
TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received a preliminary plan review from the Office of Zoning and Development prior to seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Variance or Special Exception.

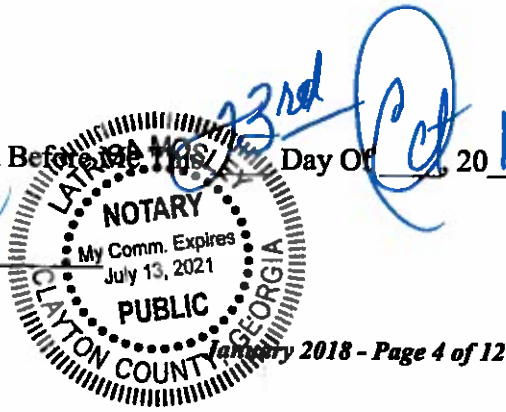
I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing 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)

MICHAEL H. BROWN  
 Print Name of Owner

Sworn To And Subscribed Before Me this 23rd Day Of Oct, 2018.

  
 NOTARY PUBLIC



Office of Planning  
V-18-330  
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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: \_\_\_\_\_.

Is the proposal subject to Inclusionary Zoning? YES  NO

**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).")

INSTALL 16' X 18' WOODEN PERGOLA

**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.

3,876 covered square feet / 8,777 total lot square feet = 44.2 % proposed lot coverage

\_\_\_\_\_ % maximum allowed lot coverage

**Variance Criteria (see page 6 for detailed criteria):** SEE ATTACHED

- 1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)? THE HOUSE WAS BUILT IN 1925 BEFORE CURRENT ZONING, AND BEFORE CONSIDERATION FOR AUTOMOBILES. THE SHARE OF THE LOT AND PROXIMITY TO NEXT DOOR PRODUCE BUSINESS IS NOT IDEAL SPACING BACK TO A PERCENTAGE OF THE STREET FRONTAGE.
- 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 PERGOLA IS A STRUCTURE THAT IS NECESSARY FOR THE BUSINESS TO OPERATE IN AN AREA THAT DOES NOT HAVE ADEQUATE PARKING SPACE.
- 3) What conditions are peculiar to this particular piece of property? \_\_\_\_\_
- 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.

Office of Planning

18-330  
OCT 23 2018

October 20, 2018

Office of Zoning and Development  
City of Atlanta  
55 Trinity Ave., Suite 3350  
Atlanta, GA 30303

RE: 1278 Avalon Place – Request for Variance from City of Atlanta Zoning Ordinance

Dear Board Members and Staff:

I am proposing to build a wooden pergola measuring 18' wide by 16' deep to be placed on an existing concrete driveway. I meet all the criteria that the zoning ordinance requires for the Board to base its decision:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.*
  - The house was built in 1925, before current zoning regulations went into effect.
  - The lot is small: 8,673 sq. ft. The current minimum lot size is 9,000 sq. ft. for R-4 zoning.
  - The house is not parallel with the lot, so the space for a pergola is squeezed tight.
  
2. *The application of the zoning ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.*
  - The area planned for the pergola is already covered by a concrete driveway, but this places it within the seven-foot set back requirement. Putting the pergola in a code-compliant location would require increasing the impervious surface of the lot and the removal of at least one mature pecan tree.
  
3. *Such conditions are peculiar to the particular piece of property involved.*
  - The neighborhood was built before automobiles were common, so, as with most of the original homes here, there is no existing structure for protecting cars. The mature pecan tree canopy hangs over the driveway and drops branches and pecan nuts, damaging the cars below. A pergola will greatly minimize this damage.

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4. *Submit fact to show that relief, if granted, would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance of the City of Atlanta.*

- Without a variance, this property would not evolve along lines responsive to public needs where automobiles are involved. A potential buyer would probably remove some of the mature pecans and build a much more substantial garage instead of the modest pergola I propose that fits the scale of the neighborhood.

- Additionally, since it covers an existing driveway, it does not add to the impervious surface of the property. A pergola is the least intrusive structure that will adequately protect a car from falling tree branches and nuts. Because there are no walls on this structure, there will not be a problem with stepping on the neighbor's property to address a problem with the abutting wall.

- No trees will be affected with this pergola.
- There will be little, if any, site disturbance.

Thank you for your consideration.

---

Michael H. Brown, owner

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RECEIPT

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

PAID  
City of Atlanta  
OCT 23 2018  
EX OFFICIO MUNICIPAL  
Lic. Public Collector  
Rosalie P. Lewis  
*Rosalie P. Lewis*

Application: V-18-330  
Application Type: Planning/BZA/Variance/NA  
Address: 1278 AVALON PL NE, ATLANTA, GA 30306  
Owner Name: GUILFOILE ANN P & BROWN MICHAEL H  
Owner Address:  
Application Name: 1278 AVALON PLACE NE

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
609637		\$100.00	10/23/2018	RPLEWIS		

Owner Info.: GUILFOILE ANN P & BROWN MICHAEL H

Work Description: APPLICANT SEEKS A VARIANCE FROM THE ZONING REGULATION (1) TO REDUCE THE REQUIRED NORTHERN SIDE YARD SETBACK FROM 7 FEET TO 0 FEET - TO ERECT A DETACHED PERGOLA STRUCTURE.

CITY OF ATL BLDG PERMI  
55 TRINITY AVE STE 1350  
ATLANTA, GA 30303

10/23/2018 09:05:02

CREDIT CARD

VISA SALE

Card #: XXXXXXXXXXXX9502  
Chip Card: Visa Credit  
AID: A0000000031010  
ATC: 0038  
TC: 323F225A5E3E97D2  
SEQ #: 3  
Batch #: +53  
INVOICE: 3  
Approval Code: 09618D  
Entry Method: Chip Read  
Mode: Issuer

SALE AMOUNT \$100.00

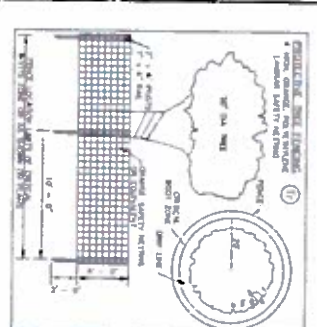
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CUSTOMER COPY

**NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE ATLANTA ZONING CODE.
2. THE PERGOLA SHALL BE CONSTRUCTED WITH A MINIMUM CLEARANCE OF 7 FEET ABOVE THE FINISHED GRADE.
3. THE PERGOLA SHALL BE CONSTRUCTED WITH A MINIMUM CLEARANCE OF 10 FEET ABOVE THE FINISHED GRADE.
4. THE PERGOLA SHALL BE CONSTRUCTED WITH A MINIMUM CLEARANCE OF 15 FEET ABOVE THE FINISHED GRADE.
5. THE PERGOLA SHALL BE CONSTRUCTED WITH A MINIMUM CLEARANCE OF 20 FEET ABOVE THE FINISHED GRADE.

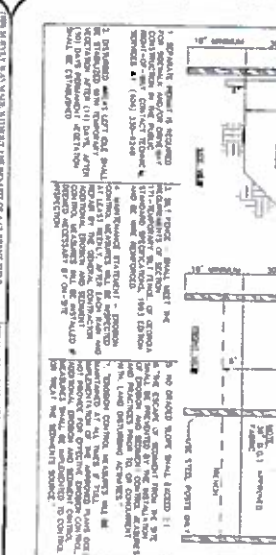


**PERGOLA MATERIALS LIST**

ITEM	QUANTITY	UNIT	REMARKS
WOOD PERGOLA	1	UNIT	180\"/>

**PERGOLA CONSTRUCTION NOTES**

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 OCT 23 2018

55 Trinity Ave. SW  
 S10 3350  
 Atlanta, GA

Date: 10/22/18  
 Time: 5:25:42 PM  
 File name: Pergola A1.wvx  
 Pergola location site plan for 1278 Avalon Place, Atlanta, GA, 30306

**SITE PLAN**  
 PREPARED FOR: MICHAEL BROWN & ANN GUILFOILE  
 LOT 1, BLOCK 7, AVALON COMPANY PROPERTY SUBDIVISION, NORTH HIGHLANDS  
 LAND LOT 3, 7TH DISTRICT

**BOUNDARY**  
 ZONE, INC.  
 WWW.BOUNDARYZONE.COM  
 (770) 271-5772 / (919) 363-9226

PROJECT: 1278A1  
 SHEET: 1 OF 1