



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

APPLICATION #: **V-18-337**

DATE ACCEPTED **10/23/2018**

NOTICE TO APPLICANT

Address of Property:

1190 Cumberland RD 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

KRISTI WARREN

Department of City Planning
 Office of Zoning & Development

V-18-337
OCT 23 2018

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



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

Department of City Planning
 Office of Zoning & Development

OCT 23 2018

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REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-337
 NPU F DATE FILED 23 Oct 2018

Kristi Warren
 Name of Applicant

BUILDING PERMIT AUTHORIZING
 Proposed Accessory Structure

at 1190 Cumberland Rd. NE 18th/55
 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 4 foot for the construction of a two story accessory structure. (2) to increase the maximum square footage of an accessory structure from 30 percent to 33 percent of the main structure.

A complete plan review was not conducted
Applicant seeks no other variances at this time.
1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)
 Chapter 28 Section 16-28.004 Paragraph (3)
 Chapter _____ Section _____ Paragraph _____

Julie Paquin 10/23/18
 Plan Reviewer Date

Kristi Warren 10/23/18
 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 V18-334
Name of Applicant Kristi Warren Daytime Phone 4049090748
Company Name (if applicable) _____ email _____
Address 1190 Cumberland Rd NE Atlanta GA 30306
street city state zip code

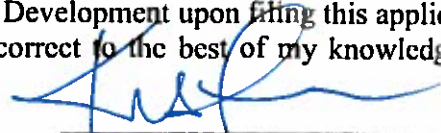
Name of Property Owner Kristi Warren Phone 4049090748
Address 1190 Cumberland Rd NE Atlanta GA 30306
street city state zip code

Description of Property

Address of Property 1190 Cumberland Rd NE Atlanta GA 30306
street city state zip code
Area: _____ Land Lot: 55 District: 18, Dekalb County, GA.
Property is zoned: R4, 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)

Kristi Warren
Print Name of Owner

Sworn To And Subscribed Before Me This 18th Day Of Oct, 2018.


NOTARY PUBLIC

SIMONE SMITH
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Dec. 4, 2018

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Department of City Planning
Office of Zoning & Development

V18-334
OCT 23 2018

65 Trinity Ave. S.W.
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Atlanta, GA

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.")

Renovate existing home and add 486.3 SF. Relocate and reconstruct 1-car detached, non-conforming garage to a 2 car garage with 2nd floor office + bathroom

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.

5243.6 covered square feet / *12709.6* total lot square feet = *41.3* % 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)? *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*

Department of City Planning
Office of Zoning & Development

V-18-221
V-18-221
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October 19, 2018

Kristi Warren
1190 Cumberland Rd NE
Atlanta, GA 30306

V-18-334
OCT 23 2018

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

RE: Variance Criteria:

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.

Our request is for a variance of the 7 foot side yard setback requirement down to 4 feet, to provide for the relocation and renovation of a non-conforming one car garage to a 2 car garage with a second level addition. We are requesting to move the garage, which currently sits within 1 foot of our property line, further back on our property and to within 4 feet of the property line. The new garage will have 22' of length within 4" of the property line, versus the current 18" of length almost on the property line. This construction is part of a larger plan to build an addition onto our home to provide for more living area downstairs and more bedrooms upstairs.

If granted, the variance would be consistent with the purposes and intent of the zoning ordinance, as follows:

- It provides substantial area for securing properties on both sides from fire, panic and other dangers.
- It also allows for adequate air flow and light between structures and property lines and facilitates drainage and sanitation.
- It promotes desirable living conditions, as it allows us to construct a 2 car garage but leave enough back yard to enjoy. Our lot is just over 60 feet wide, and the 22 foot garage set 7 feet off the property line takes up almost 1/2 of the width of the property. We currently have a lovely backyard with living area, a vegetable garden and honey bee yard. Our plan is to keep an open and enjoyable living area, which the variance would provide.

Finally, as it is consistent with nearly all construction projects over the past several years in our neighborhood, our variance request provides for a sustainable neighborhood, protects against blight and depreciation, and is responsive to the evolution of development along our street and in our area.

We have reviewed our plans with the homeowners who share that property line, and they are in favor of our plans.

After we are complete, our floor area to lot size ratio will be .29, versus the allowable .5, and our lot coverage ratio will be 41.3% versus the allowable 50%. We will be installing a 320 cubic foot water management flo well to address any additional run off potentially generated by the increase in pervious surface. This water management system is larger than what is required, based on our scope of construction. We have already terraced a substantial bank in our back yard to assist with water run off and to improve the quality of our property.

We are not removing any trees during our construction.

We are notifying our adjoining neighbors and plan to present our variance request for approval at the November 6, 2018 Morningside Lenox Park Zoning Committee Meeting, at the and then again at the NPU -F meeting on November 19, and finally at the Board of Zoning Adjustment Meeting on December 13, 2018.

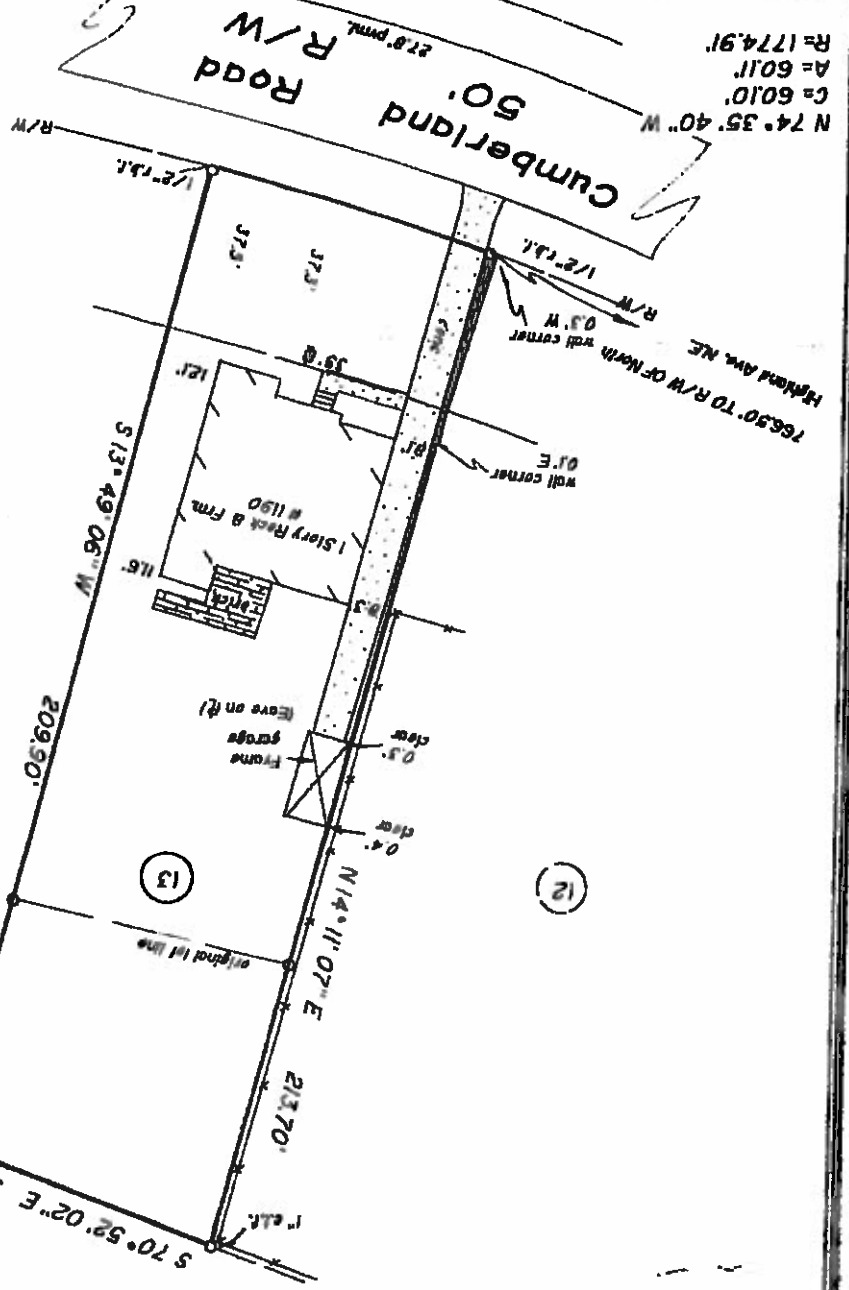
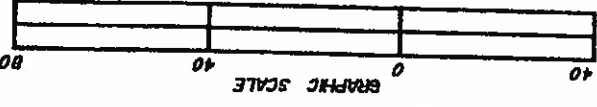
garage is 31.85% of our home, versus the 30% allowable.

Additionally, even though we have plenty of lot area remaining, we are choosing not to build our home to the maximum allowable square footage. However, this requires a 30% maximum structure variance on our

ALL MATTERS OF TITLE EXCEPTED.
 DO NOT USE HOUSE TO PROPERTY LINE DISTANCE OR
 FENCES FOR PROPERTY LINE LOCATION
 WHERE APPLICABLE
 LOCATION AND DESCRIPTION OF EASEMENTS AND UTILITIES
 TAKEN GRAPHICALLY FROM RECORDED SUBDIVISION PLAT
 GTS 2-B.
 EQUIPMENT UTILIZED ANGULAR AND LINEAR TOPCON
 IN 100,000 FEET.
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS
 FOUND TO BE ACCURATE WITHIN ONE FOOT
 POINT AND WAS ADJUSTED USING LEAST SQUARES
 AN ANGULAR ERROR OF 78 PER ANGLAR
 FOOT IN 10,000 FEET AND AN
 BASED HAS A CLOSURE PRECISION OF ONE
 THE FIELD DATA UPON WHICH THIS PLAT IS



SURVEY FOR: WARREN, KRISIL L.
 OF THE FLOOD HAZARD AREA
 THAT THE PROPERTY SHOWN HEREON IS OUTSIDE
 THE FEDERAL INSURANCE ADMINISTRATION, IT IS MY OPINION
 BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD
 BOUNDARY MAPS FURNISHED BY THE DEPT. OF H.U.D. THROUGH



55 Thirty Ave. S.W.
 S.W. 3350
 Atlanta, GA

OCT 23 2018
 V18354
 Department of City Planning
 Office of Zoning & Development

PLAT NO. 99-0470267

DeKalb County, Georgia
Real Estate Transfer Tax

Paid \$ NONE

CLERK SUPERIOR COURT

By: [Signature]

QUITCLAIM DEED

FILED AND RECORDED THIS

2 DAY OF Feb, 1996

AT 2:38 P.M.

Clerk Superior Court
DeKalb County, Ga.

AFTER RECORDING, RETURN TO:
COBB & HYRE
6085 Lake Forest Drive, Suite 200
Atlanta, Georgia 30328

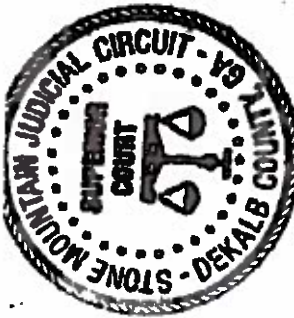
STATE OF GEORGIA COUNTY OF FULTON

THIS INDENTURE, Made the 28th day of September, in the year one thousand nine hundred Ninety-Five, between JUDITH HOLBROOK STEWART, of the County of DEKALB, and the State of GEORGIA, as party or parties of the first part, hereinafter called Grantor, and KRISTI L. WARREN of the county of Dekalb, and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that : Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 55 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA IN BLOCK "A" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ONE HUNDRED FIFTY-FOUR AND TWO-TENTHS (154.2) FEET NORTHERLY FROM CUMBERLAND ROAD, N.E., SAID POINT BEING THE NORTHWEST CORNER OF LOT 13; THENCE RUNNING NORTHERLY FIFTY-NINE AND SIX-TENTHS (59.6) FEET; THENCE RUNNING EASTERLY SIXTY (60) FEET; THENCE RUNNING SOUTHERLY FIFTY-THREE AND EIGHT-TENTHS (53.8) FEET TO THE REAR LINE AND NORTHEAST CORNER OF LOT 13; THENCE RUNNING WESTERLY TO POINT OF BEGINNING, SAME BEING DESIGNATED AS LOT "B". ALL OF ABOVE DISTANCES ARE MORE OR LESS.



Department of City Planning
Office of Zoning & Development

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Atlanta, GA

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

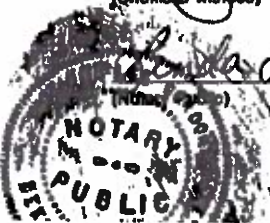
[Signature]
JUDITH HOLBROOK STEWART

(Seal)

(Notarial witness)

[Signature]

(Seal)



Notary Public, DeKalb County Georgia
My Commission Expires June 12, 1998

State of Georgia, DeKalb County
This indentured Clerk or Deputy Clerk of DeKalb Superior Court certifies that this document or order of court is a true and correct copy of the same as appears of file and record in this office. Witness my hand and seal of the DeKalb Superior Court this 28 day of September, 1995.
[Signature]
Deputy Clerk, Superior Court

After recording, return to:
COBB & HYRE
6085 Lake Forrest Drive, Suite 200
Atlanta, Georgia 30328

STATE OF GEORGIA
COUNTY OF FULTON

DeKalb County, Georgia
Real Estate Transfer Tax

Paid \$ 210.00

Date 10/25/95
CLERK SUPERIOR COURT

By: Brenda S. Hurley
Deputy Clerk

FILED & RECORDED
DEKALB COUNTY, GA.

Oct 25 8 30 AM '95

CLERK SUPERIOR COURT
DEKALB COUNTY, GA.

WARRANTY DEED

THIS INDENTURE made this **28th** day of **September**, in the year **One Thousand Nine**

Hundred Ninety-Five, between **JUDITH HOLBROOK STEWART**, as party or parties of the first part, hereinafter called Grantor, and **KRISTI L. WARREN**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS** in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 55 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA, BEING LOT 13 IN BLOCK A, OF THE HYLAN PARK SUBDIVISION, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 10, PAGE 41, DEKALB COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF CUMBERLAND ROAD, 766.5 FEET SOUTHEASTERLY, AS MEASURED ALONG THE CURVE OF CUMBERLAND ROAD, FROM A CONCRETE MARKER LOCATED IN THE CURVE FORMED BY THE INTERSECTION OF THE NORTHEASTERLY SIDE OF CUMBERLAND ROAD WITH THE SOUTHEASTERLY SIDE OF HIGHLAND AVENUE, SAID BEGINNING POINT BEING ALSO THE SOUTHEAST CORNER OF LOT 12 IN BLOCK A; THENCE RUNNING SOUTHEASTERLY ALONG CUMBERLAND ROAD 60 FEET TO THE LINE OF LOT 14; THENCE RUNNING NORTHEASTERLY ALONG THE LINE OF SAID LOT 14, A DISTANCE OF 157.5 FEET TO AN IRON STAKE; THENCE RUNNING NORTHWESTERLY 60 FEET TO THE NORTHEAST CORNER OF LOT 12; THENCE RUNNING SOUTHWESTERLY ALONG THE LINE OF SAID LOT 12, A DISTANCE OF 154.2 FEET TO CUMBERLAND ROAD AT THE POINT OF BEGINNING; BEING IMPROVED PROPERTY WITH A HOUSE THEREON KNOWN AS #1190 CUMBERLAND ROAD, NE, ATLANTA, GEORGIA.

Office of Zoning & Development
100 23 2018

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Ste. 3350
Atlanta, GA

Subject to all easements, rights-of-way, and restrictive covenants of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



CITY OF ATLANTA
55 TRINITY AVE SW

Application: V-18-337
Application Type: Planning/BZA/Variance/NA
Address: 1190 CUMBERLAND RD
NE ATLANTA, GA 30306

Applicant Name:
Phone: 404.909.0748
E-mail: KLW@THEWARRENCITYCLUE

Description	Amount Due	Payment Date	Account Number
Application Fee 100	\$100.00	10/23/2018	1001 250201 3413902 7210000
Sub Total	\$100.00		

Owner Info : WARREN KRISTI L

Work Description: APPLICANT SEEKS A VARIANCE FROM THE ZONING REGULATION (1) REDUCE THE REQUIRED WEST SIDE YARD SETBACK FROM 7 FEET TO 4 FEET FOR THE CONSTRUCTION OF A TWO STORY ACCESSORY STRUCTURE. (2) INCREASE THE MAXIMUM SQUARE FOOTAGE OF AN ACCESSORY STRUCTURE FROM THE 30 PERCENT TO 33 PERCENT OF THE MAIN STRUCTURE.

Related CAPS:

Total Fees: \$100.00

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Office of Zoning & Development

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