



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

APPLICATION #: **V-19-122**

DATE ACCEPTED **05/15/2019**

NOTICE TO APPLICANT

Address of Property:

1159 Cumberland RD 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, July 11, 2019 at 12:00 p.m.

MAY 15 2019

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

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

The contact person for NPU F is:

Debbi Skopczynski
404-874-7483
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,

YO, for Director, Office of Zoning and
Development

Bonnie Henry

Department of City Planning
Office of Zoning & Development



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

MAY 15 2019

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

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-19-122

NPU F DATE FILED _____

Bonnie Henry
Name of Applicant

BUILDING PERMIT AUTHORIZING
Accessory Structure

at 1159 Cumberland Rd. NE 17th/2
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 east side yard setback from 7 feet to 3 feet; (2) to reduce the rear yard setback from 15 feet to 12 feet for the construction of an accessory structure.

Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2) (3)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Julie Paquin 5/15/19
Plan Reviewer Date

Bonnie Henry 5/15/19
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	

MAY 15 2019

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

Application Number V-19-122

Name of Applicant Bonnie Henry Daytime Phone 404.422.5048

Company Name (if applicable) _____ email designbh@bellsouth.net

Address 1200 Cumberland Rd NE Atlanta GA 30306
street city state zip code

Name of Property Owner Jeff & Kristin Goran Phone _____

Address 1159 Cumberland Rd NE Atlanta, GA 30306
street city state zip code

Description of Property

Address of Property 1159 Cumberland Rd, NE Atlanta, GA 30306
street city state zip code

Area: 9577 SF 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.

K. Goran
Owner or Agent for Owner (Applicant)

Kristin Goran
Print Name of Owner



Sworn To And Subscribed Before Me This 14 Day Of May, 2019.

Patricia J. Harmon
NOTARY PUBLIC

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: X

Department of City Planning
Office of Zoning & Development

Is the proposal subject to Inclusionary Zoning? YES NO

MAY 15 2019

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."))

Sta. 3350
Atlanta, GA

Build New Garage at location of existing Garage. (Request 2 Variances.)

- 1. East side setback to be 3' vs. required 7'.
- 2. South rear setback to be 12' vs. required 15' for wood steps.

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.

4,969 covered square feet / 9577 total lot square feet = 51.90 % proposed lot coverage

51.90 % maximum allowed lot coverage (R-4 = 50%) (existing is allowed)

Variance Criteria (see page 6 for detailed criteria): (see enclosed letter)

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

- 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 enclosed letter

- 3) What conditions are peculiar to this particular piece of property? see enclosed letter

- 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 enclosed letter

May 13, 2019

MAY 15 2019

To Whom It May Concern:

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

We write in connection with the variance application for our residence at 1159 Cumberland Road NE. We are requesting a variance to the east side and rear setbacks required in the Zoning Ordinance. The variance will allow us to have a garage of a useful size while minimizing disturbances to waterflow and runoff. The requested variances are:

1. East side setback from the required 7' to 3'
2. Rear setback from the required 15' to 12' for wood steps.

When we purchased the home 6 years ago, we liked the fact that there was a garage onsite. However, we quickly discovered that the garage was unusable for a number of reasons. First, we found that animals had moved into the garage by gnawing a hole through the siding in the back. We resolved the animal situation, then realized that the garage isn't big enough to fit either of our cars. We also found that water gets into the garage, which minimizes its usefulness even for outdoor storage. Finally, late last year we discovered that there were termites inside of the garage. That discovery pushed us to the point that we want to demolish the existing garage more promptly.

Our proposal is to demolish the existing garage, which, as noted above, is too small (19' x 16') to park cars in and is unsafe to use based on termite infestation and water damage, and construct a new garage (22'-10" x 25') in which two cars can be parked and that is free of the termite and water issues. In addition to addressing the issues above, the proposed garage will provide a safe place to park our cars and eliminate them as a target for car break-ins. It also will be nice for our cars to be parked in a garage so that the neighbors do not have to see them in the driveway or on the street. We are not proposing for there to be finished space above the garage, just additional storage over the garage since the existing basement at the house has had water issues. No trees will be affected by building the proposed deeper garage.

We intend to stay in our home long-term, and the proposed garage would bring added benefits to our use of the home – with no detriment to our neighbors or the general public, we believe. We further address the criteria below.

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Our lot's topography and the location of existing structures on our lot together create an exceptional set of conditions for this project. First, the lot has a substantial grade (20' drop from the back of the lot to the front). With established homes uphill behind the lot, there is substantial water runoff through the existing topography and buried underground pipes. The existing topography restricts moving it over without affecting water flow and more dirt removal. One benefit of the substantial grade of the lot is that it enables the proposed garage to be buried within the hillside, which will ensure that most of the new structure is not visible. The location of the proposed garage has been moved over by 6" to allow for better fire protection. A downside of the topography, as noted below, is that it restricts the ability to move the garage over without affecting water flow and requiring more dirt removal.

Second, the existing garage doesn't meet the required setbacks, and the proposed garage will actually have a slightly larger setback on the east side than the existing garage: the existing garage setback is 2.56' on the east side property line, while the proposed east side setback is 3'-0".

V-19-122

The application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create an unnecessary hardship.

If the garage were to meet the 7' side setback required by the Zoning Ordinance, it would create unnecessary hardship on both the property owners and their neighbors. Meeting the setback would require demolition and relocation of the existing driveway. Doing so would add additional lot impermeable lot coverage and cause additional land to be disturbed. Relocating the garage would also change the topography of the lot. This would require reengineering and redesign existing of water runoff/drainage routes for the owners and their uphill neighbors.

Such conditions are peculiar to the particular piece of property involved.

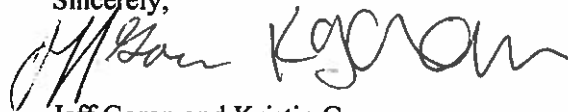
The substantial elevation change relative to the size of the lot is a peculiar condition to this piece of property. This condition makes moving the location of the garage laterally (*i.e.*, from left to right when facing it from the street) to comply with the Zoning Ordinance a significant effort that impacts waterflow around the building. At the same time, the elevation change also means that the garage can be expanded towards the back of the lot without the structure becoming more visible to neighbors. Further, the existing garage is located within the setback and the driveway was built accordingly. This peculiar condition means that moving the garage to comply would require moving the driveway also.

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.

The proposed garage project does not detriment the public good and is consistent with variances issued for similar projects throughout the neighborhood. The proposed garage will allow for both of our cars to be parked inside the garage and off of the street. This improves safety for us and our neighbors by removing targets for car break-ins. It also means that neighbors will not have to see additional cars parked in the driveway or on the street. Since the majority of the new structure can be buried in the hillside (towards the back of the lot), the project will not create a substantial visual impact and will allow the new structure to be consistent with the character of the neighborhood even with an expanded footprint.

We appreciate your consideration of our request. Please don't hesitate to reach out if any additional information would be helpful.

Sincerely,



Jeff Goran and Kristin Goran

Department of City Planning
Office of Zoning & Development

MAY 15 2019

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

AUTHORIZATION BY PROPERTY OWNER

(Required only if the person filing 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, Kristin Goran (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1159 Cumberland Rd NE (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF Fulton 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: 404-379-2499

Department of City Planning
Office of Zoning & Development

MAY 15 2019

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

KGoran
SIGNATURE OF OWNER

Kristin Goran
PRINT NAME OF OWNER

NAME OF APPLICANT:

LAST NAME Henry FIRST NAME Bonnie

ADDRESS 1200 Cumberland Rd NE SUITE _____

CITY Atlanta STATE GA ZIP CODE 30306

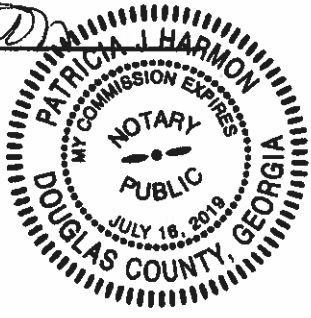
APPLICANT'S TELEPHONE NUMBER: 404.422.5048

APPLICANT'S EMAIL ADDRESS: Designbhe@bellsouth.net

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.

Patricia Harmon
NOTARY PUBLIC

May 14, 2019
DATE



RECEIPT

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

VISA
PAID
CITY OF ATLANTA
MAY 15 2019
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Application: V-19-122
Application Type: Planning/BZA/Variance/NA
Address: 1159 CUMBERLAND RD NE, ATLANTA, GA 30306
Owner Name: BAUER STEPHEN DEREK
Owner Address:
Application Name:

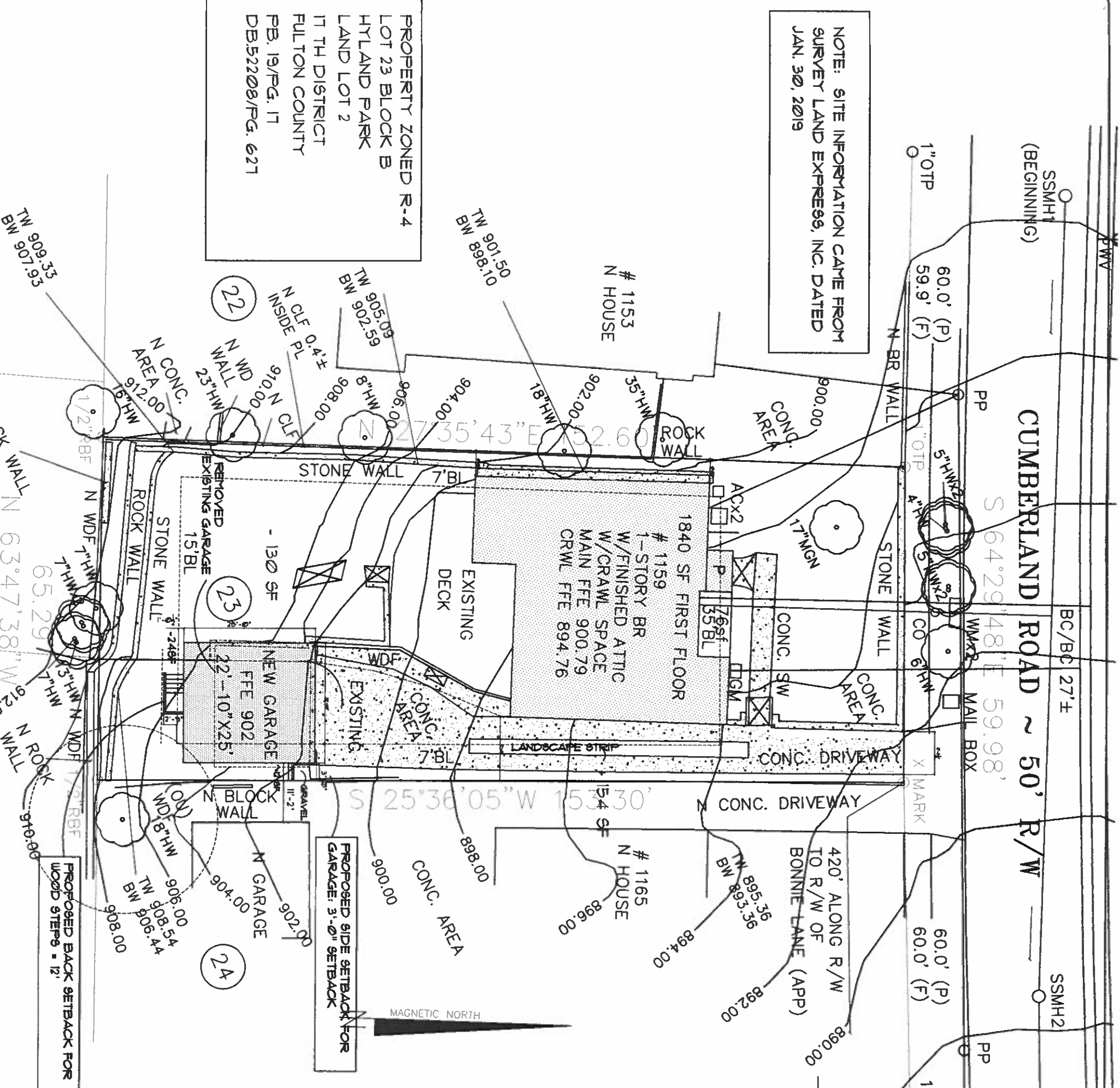
Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
646181		\$100.00	05/15/2019	ADEDMONDS		

Owner Info.: BAUER STEPHEN DEREK

Work Description: Applicant seeks a variance from the zoning regulation: (1) to reduce the required east side yard setback from 7 feet to 3 feet; (2) to reduce the rear yard setback from 15 feet to 12 feet for the construction of an accessory structure.

NOTE: SITE INFORMATION CAME FROM SURVEY LAND EXPRESSES, INC. DATED JAN. 30, 2019

PROPERTY ZONED R-4
 LOT 23 BLOCK B
 HYLAND PARK
 LAND LOT 2
 17 TH DISTRICT
 FULTON COUNTY
 PB. 19/PG. 17
 DB52208/PG. 627



4895 / 9577 = 51.11 %

LOT SIZE: 9,577 SF
 LOT COVERAGE

EXISTING LOT COVERAGE 4,971 SF

ADDITIONAL LOT COVERAGE ITEMS

EXPANDED GARAGE AREA - 148 SF

WOOD STEPS - 24 SF

SUB-TOTAL -172 SF

CREDIT OF LOT COVERAGE ITEMS

SLIDE OVER NEW GARAGE + 12 SF

LANDSCAPE STRIP + 154 SF

REMOVE PERGOLA +9 SF

SUB-TOTAL + 175 SF

TOTAL 4,971 + 172 SF - 175 SF = 4,969 SF

4,969 / 9577 = 51.88%

(LESS THAN EXISTING LOT COVERAGE OF 51.90 %)

PROPOSED SITE PLAN

SCALE: 1" = 20'-0"



NOTES:

- NO TREES AFFECTED
- LOT COVERAGE IS LESS THAN EXISTING.
- PROPOSED GARAGE IS FURTHER FROM SIDE PROPERTY LINE AND IS FIRE RATED.
- PROPOSED GARAGE IS 11'-2" FROM NEIGHBORS GARAGE



Bonnie Henry
 Designs

1500 CUMBERLAND RD. NE
 ATLANTA, GA 30306
 PHONE/FAX (404) 872-8451

New Garage for:
 Jeff & Kristin Goran
 1159 Cumberland Road
 Atlanta, GA 30306

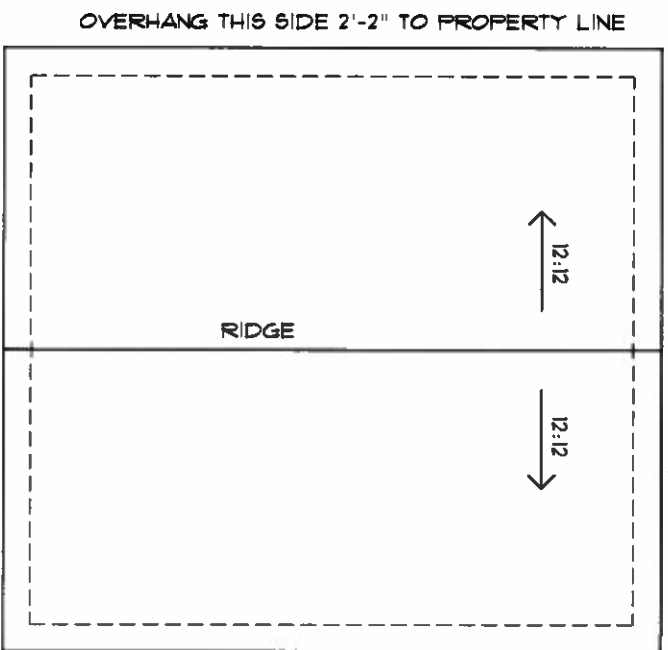
PROJECT
 1912

SUBMITTALS
 VARIANCE
 DATES
 5/14/15

DRAWING TITLE
 PROPOSED
 SITE PLAN

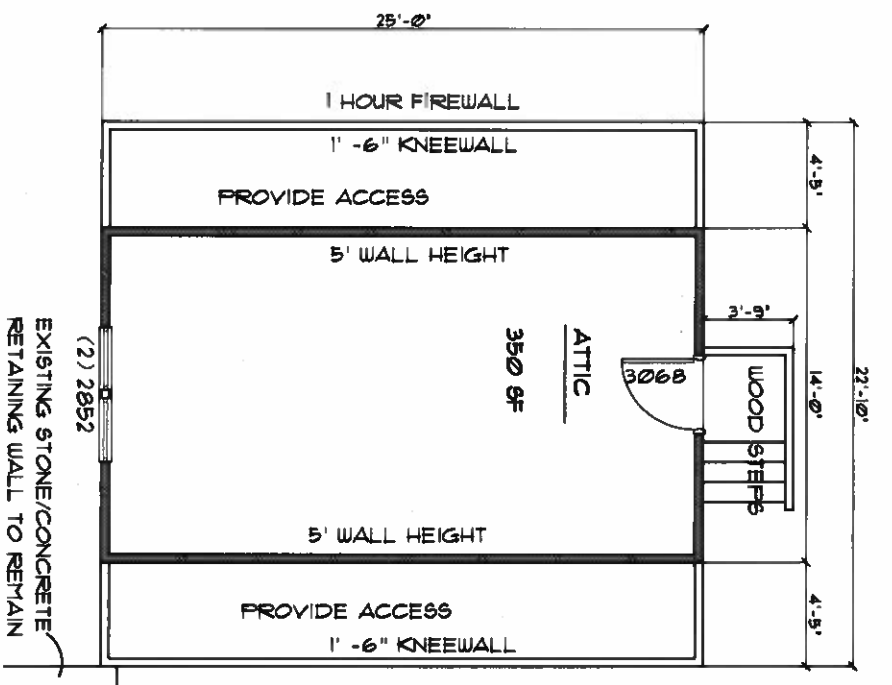
DRAWING REFERENCE

SITE-2



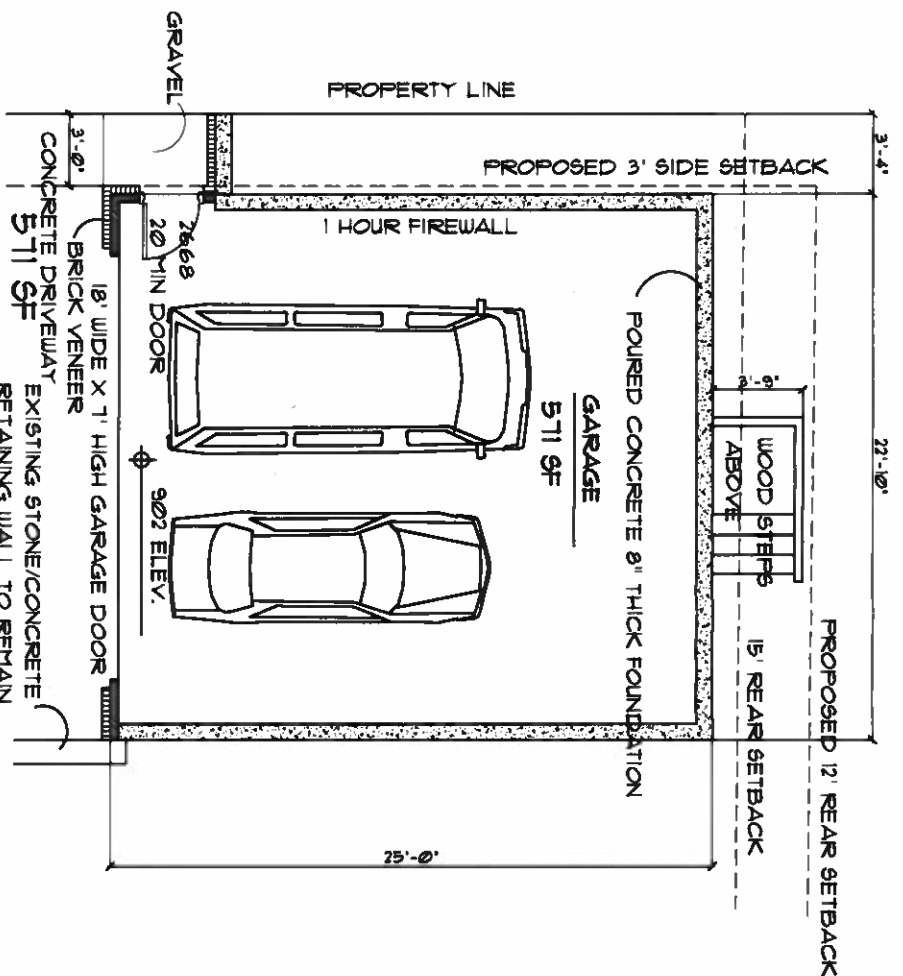
ROOF PLAN

SCALE: 1/8" = 1'-0"



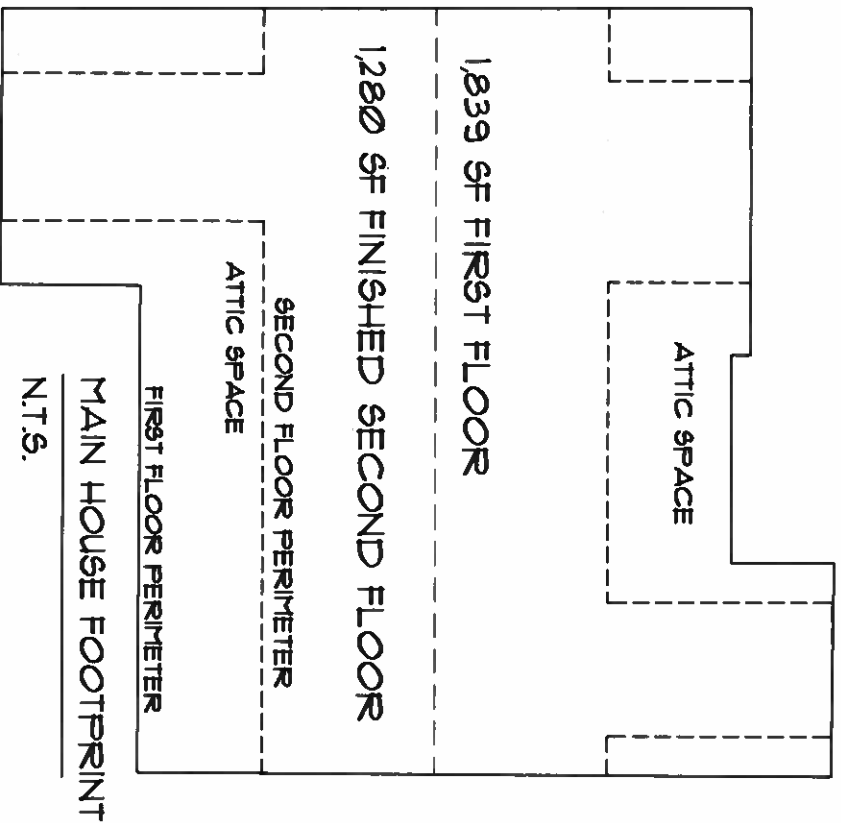
ATTIC PLAN

SCALE: 1/8" = 1'-0"



GARAGE PLAN

SCALE: 1/8" = 1'-0"



MAIN HOUSE AREA CALCULATIONS

FINISHED FIRST FLOOR	1839 SF
FINISHED SECOND FLOOR	1280 SF
TOTAL	3,119 SF
ALLOWED GARAGE AREA:	
30% FOR GARAGE :	
3,119 X 30% =	936 SF
GARAGE AREA CALCULATIONS:	
GARAGE AREA:	571 SF
GARAGE ATTIC:	350 SF
TOTAL	921 SF
29.53% OF MAIN HOUSE	



Bonnie Henry
Designs

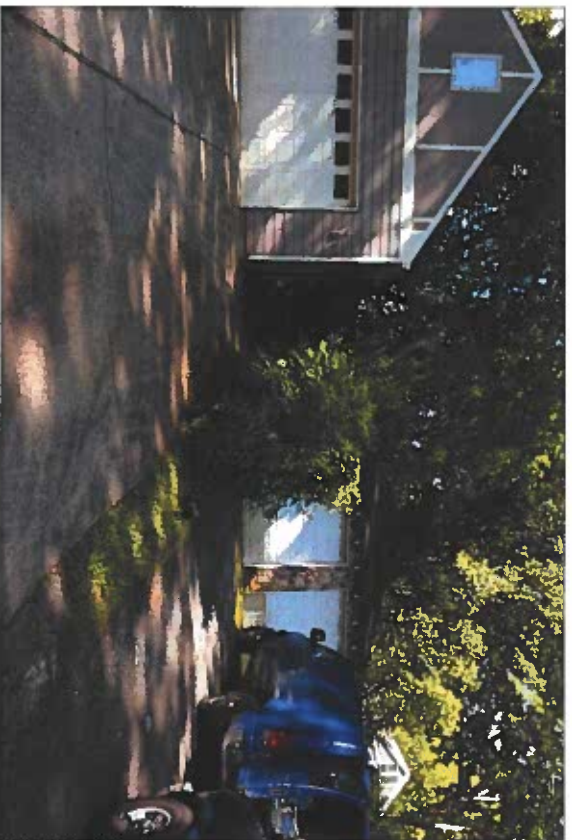
1200 CUMBERLAND RD. NE
ATLANTA, GA 30306
PHONE/FAX (404) 872-9451

New Garage for
Jeff & Kristin Goran
1159 Cumberland Road
Atlanta, GA 30306

PROJECT
1912

SUBMITTALS	DATES
VARIANCE	5/14/19

DRAWING TITLE
FLOOR PLANS
FOR GARAGE
DRAWING REFERENCE



VIEW WITH NEIGHBORS GARAGE & EXIST. GARAGE



FRONT OF GARAGE



YARD SIDE OF GARAGE



BACKYARD VIEW TO EXIST. GARAGE



VARIANCE SIDE OF GARAGE



VARIANCE SIDE OF GARAGE



Bonnie Henry
Designs

2820 CUMBERLAND RD., NE
ATLANTA, GA 30306
PHONE/FAX (404) 872-6491

New Garage for.
Jeff & Kristin Goran
1159 Cumberland Road
Atlanta, GA 30306

PROJECT
1912

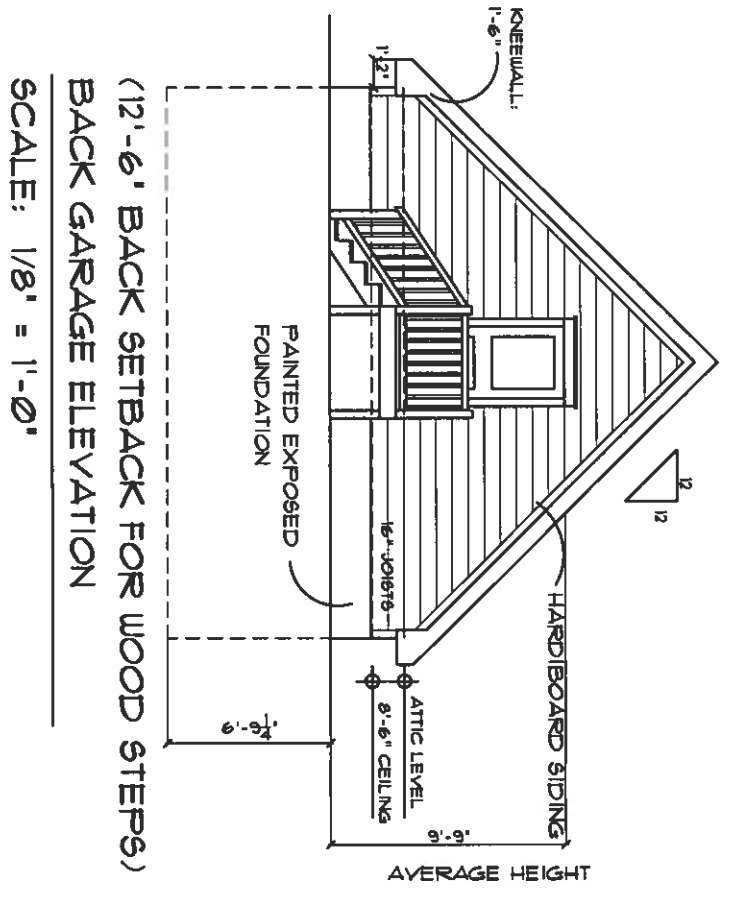
SUBMITTALS	DATES
VARIANCE	5/10/15

DRAWING TITLE
EXISTING
CONDITIONS
DRAWING REFERENCE

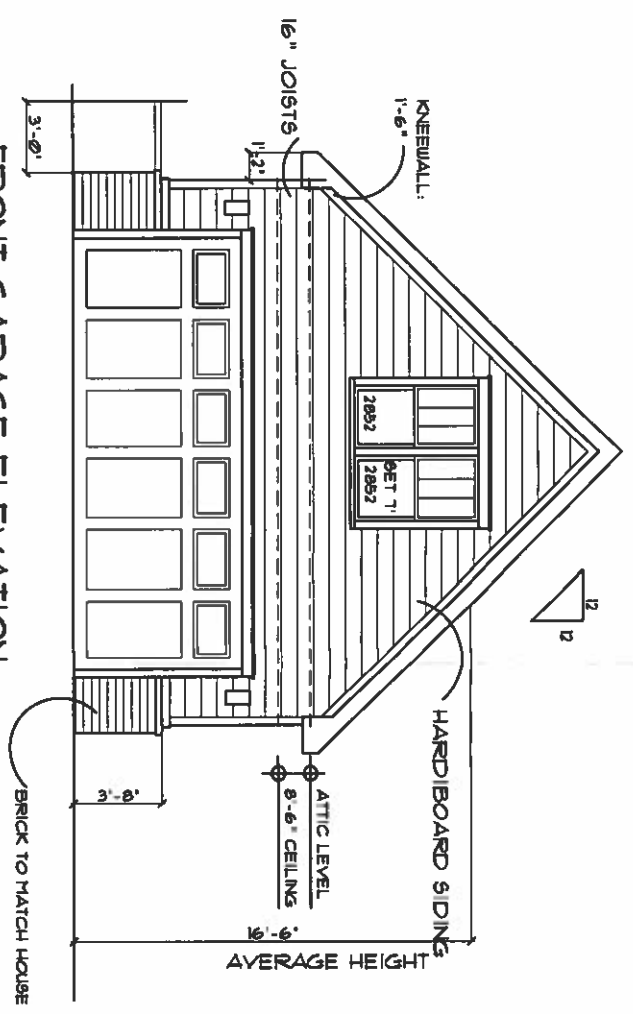
AVERAGE GARAGE HEIGHT

FRONT	16'-6"
BACK	9'-9"
PROPERTY SIDE	12'-6"
YARD SIDE	13'-0"

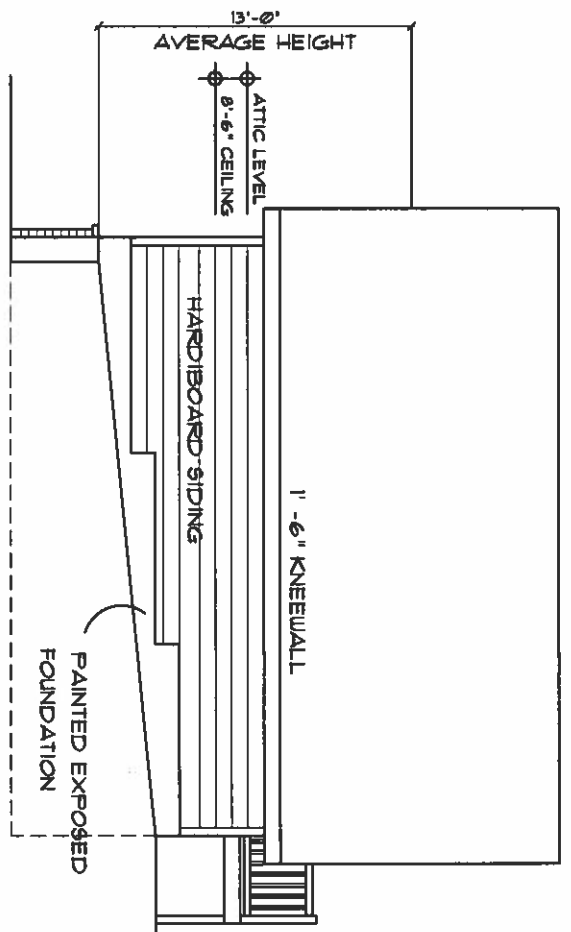
51.75 / 4 = 13'-0"
AVERAGE GARAGE HEIGHT



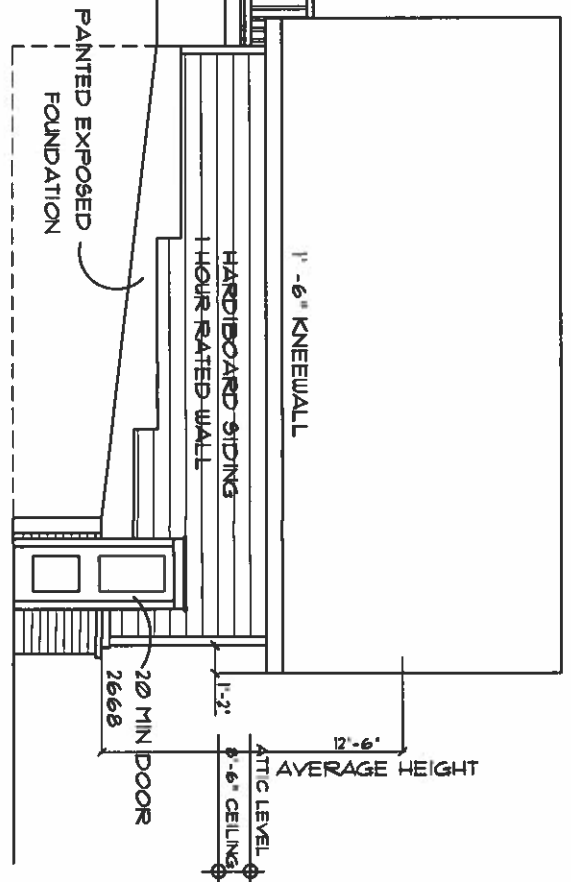
**(12'-6" BACK SETBACK FOR WOOD STEPS)
 BACK GARAGE ELEVATION**
 SCALE: 1/8" = 1'-0"



FRONT GARAGE ELEVATION
 SCALE: 1/8" = 1'-0"



YARD SIDE GARAGE ELEVATION
 SCALE: 1/8" = 1'-0"



**(3' VARIANCE SETBACK)
 PROPERTY SIDE ELEVATION**
 SCALE: 1/8" = 1'-0"



**Bonnie Henry
 Designs**

2800 CUMBERLAND RD. NE
 ATLANTA, GA 30306
 PHONE/FAX (404) 872-9451

**New Garage for:
 Jeff & Kristin Goran
 1159 Cumberland Road
 Atlanta, GA 30306**

PROJECT	
1912	
SUBMITTALS	DATES
VARIANCE	5/14/12
DRAWING TITLE	
GARAGE ELEVATIONS	
DRAWING REFERENCE	

MAY 15 2019

55 Trinity Ave. SW
Ste. 3350
Atlanta, GA

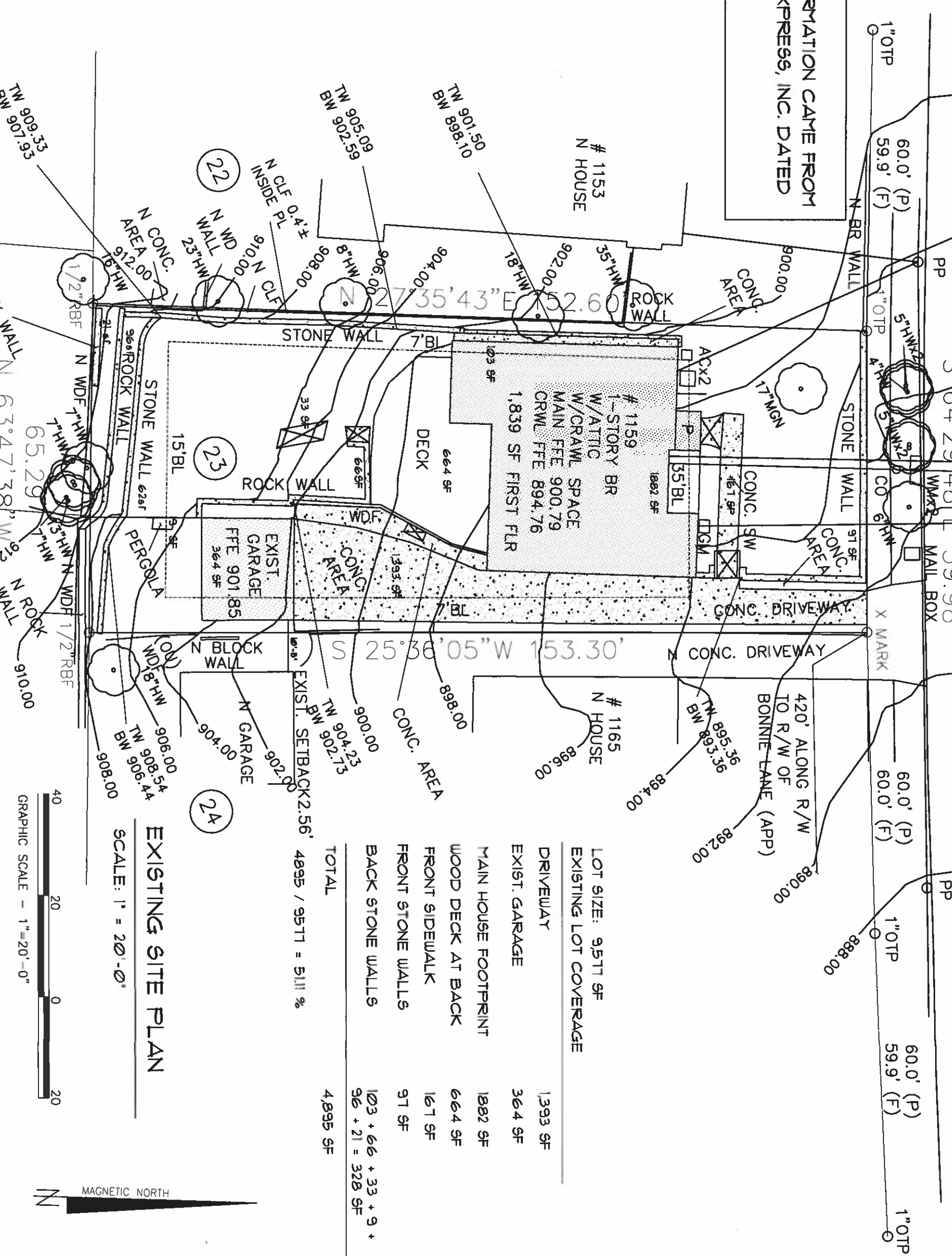
NOTE: SITE INFORMATION CAME FROM
SURVEY LAND EXPRESS, INC. DATED
JAN. 30, 2019

CUMBERLAND ROAD ~ 50' R/W

BC/BC 27'±

SSMH2

V-19-222



LOT SIZE:	9571 SF
EXISTING LOT COVERAGE	1393 SF
DRIVEWAY	364 SF
EXIST. GARAGE	1882 SF
MAIN HOUSE FOOTPRINT	664 SF
WOOD DECK AT BACK	167 SF
FRONT SIDEWALK	97 SF
FRONT STONE WALLS	103 + 66 + 33 + 9 + 96 + 21 = 328 SF
BACK STONE WALLS	
TOTAL	4,895 SF

EXISTING SITE PLAN
SCALE: 1" = 20'-0"



MAGNETIC NORTH



Bonnie Henry
Designer

2000 CUMBERLAND RD. NE
ATLANTA, GA 30305
PHONE/FAX (404) 878-6651

New Garage for
Jeff & Kristin Goran
1159 Cumberland Road
Atlanta, GA 30306

PROJECT
1912

SUBMITTALS	DATES
VARIANCE	5/10/19
DRAWING TITLE	
EXISTING SITE PLAN	
DRAWING REFERENCE	

SITE-1