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

APPLICATION #: V-19-182
DATE ACCEPTED: 08/05/2019

NOTICE TO APPLICANT
Address of Property: 1274 Avalon PL NE

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

Board of Zoning Adjustment (BZA) Hearing Date:
Thursday, October 3, 2019 at 12:00 p.m.
Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

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,

[Signature]

LM, for Director, Office of Zoning and Development

MARK F. ARNOLD

Office of Planning
AUG 5, 2019

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
Phone: 404-330-6175

REFERRAL CERTIFICATE

COUNCIL DISTRICT _______ APPLICATION NUMBER _______

NPU ______________________ DATE FILED ________________

____________________________________________________________________

Mark F. Arnold
Name of Applicant

BUILDING PERMIT AUTHORIZING
Single-family addition and new detached garage structure

at 1274 Avalon Place NE 17th/02
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 to: (1) reduce the required front yard building setback from 35 feet to 30 feet; (2) reduce the required northern side yard building setback from 7 feet to 3.75 feet; and (3) reduce the required southern side yard building setback from 7 feet to 1.5 feet — for a new detached garage structure and an addition.

1982 ZONING ORDINANCE, AS AMENDED
A Complete Plan Review Was Not Conducted
Applicant seeks no other variances or exceptions

Chapter _______ Section _______ Paragraph _______

Chapter _______ Section _______ Paragraph _______

Scott A. Haeberlin 8-5-19
Plan Reviewer Date

Applicant Date
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

<table>
<thead>
<tr>
<th>Variance</th>
<th>✅</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Exception</td>
<td></td>
</tr>
<tr>
<td>Variance &amp; Special Exception</td>
<td></td>
</tr>
</tbody>
</table>

Date Filed ______________ Application Number ______________

Name of Applicant _Mark F Arnold_ Daytime Phone _(404) 939-3690_

Company Name (if applicable) _Mark Arnold, Architect_ email _markarnoldarchitect@gmail.com_

Address _1126 N Highland Ave, NE_ Atlanta GA 30306

Name of Property Owner _J.R. & Tiffany Torbert_ Phone _(404) 954-0582_

Address _1274 Avalon Place, NE_ Atlanta GA 30306

Description of Property

Address of Property _1274 Avalon Place, NE_ Atlanta GA 30306

Area: ___________ Land Lot: __02__ District: _17th_, Fulton County, GA.

Property is zoned: _R4_, Council District: _06_, Neighborhood Planning Unit (NPU): __F__

TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in 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) _Mark F Arnold_

Print Name of Owner Agent _Office of Planning_

Sworn To And Subscribed Before Me ONA TURNO TruNAT EXPRESS NOTARY PUBLIC

CARTERS COUNTY, GEORGIA

FEBRUARY 20, 2016

Day Of _Av_ 20 19

Office Of Planning 18

AUG 5 2019

55 Trinity Ave. S.W.
600 0350
Atlanta, GA

August 2016 - Page 4 of 12
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.)

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.”).

- First floor rear addition, new roof configuration in order to enable build-out of 4 bedrooms,
- 4 bathrooms, and a laundry room on the second floor, new carriage house.

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.

\[
\frac{4,301 \text{ covered square feet}}{8,605 \text{ total lot square feet}} = 49.9\% \text{ proposed lot coverage}
\]

- 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 justification)

__________________________

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 justification)

__________________________

3) What conditions are peculiar to this particular piece of property? (see attached justification)

__________________________

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 justification)

__________________________

AUG 5 2019

August 2016 - Page 5 of 12
July 10, 2019

City of Atlanta
Department of Planning and Community Development
Bureau of Planning, Current Planning Division
55 Trinity Avenue, Suite 3350
Atlanta, GA 30335

re: 1274 Avalon Place, NE 30306

Planning Staff:

We are planning to remodel and expand our circa 1929 home by expanding the first floor and building out the second floor to include four bedrooms, four bathrooms, and a laundry room. The existing house encroaches into both the required 35 foot front yard setback and the required 7 foot south side yard setback. We will not be changing the footprint at the front of the house, but a portion of the new second floor will be located above the non-conforming portion of the house.

We are also planning to build an accessory structure consisting of a two car garage with a studio above. It will replace an existing shed that is currently located 2.75 feet from the north side property line. We would like to construct the new accessory structure within the 7 foot setback, but not as close as the existing shed.

It is our understanding that increasing the existing degree of non-conformity at the house and the proposed shed location will require variances from the existing zoning regulations. We therefore request 1) the front yard setback be reduced from the required 35 feet to 30 feet, 2) the south side yard setback be reduced from the required 7 feet to 1.5 feet, and 3) the north side yard setback be reduced from the required 7 feet to 3.75 feet. We offer the following items in support of our variance request:

- Variance Application
- Proposed Site Plan
- Referral Certificate
- Proposed Plans & Elevations

The subject property is zoned R-4. We believe the property meets the variance criteria laid out in Section 16-26.003 in the Zoning Guidelines in the following ways:

Extraordinary/Exceptional Conditions Pertaining to the Property because of its Size/Shape

The street frontage of our lot is just over 46 feet versus the required minimum width of 70 feet and the lot area is 8,605 sf versus the required minimum area of 9,000 sf. To the best of our knowledge, these features have been in place since the house was originally constructed in 1929.
The Application of the Zoning Ordinance to this Property would create an Unnecessary Hardship

Our renovation and expansion plans have been designed with the goal of preserving ample backyard space and maintaining the historic look of the existing house. The existing roof will be removed and refamed to enable the build-out of a four-bedroom/three-bath second floor addition. The front bedroom will be located over the existing porch and, consequently, it be located within the required front-yard setback. The west side bedrooms will be stacked over the existing exterior wall and since the existing wall encroaches into the side yard setback so too will the new bedrooms. The application of the required front and west side yard setbacks would create an unnecessary hardship in that it would prevent us from expanding our home in an efficient and pragmatic manner.

Such conditions are peculiar to the particular piece of property involved

Many of the lots in intown Atlanta have features that are in conflict with the current zoning ordinance. The specific deficiencies of this lot are the street frontage of 46.18 feet versus the required 70 feet and the lot area of 8,605 sf versus the required 9,000 sf.

The Variance would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance of Atlanta

The existing front porch currently encroaches 4.2 feet into the required front yard setback and the existing south side of the house currently encroaches 2.5 feet into the required south side yard setback. The proposed work will not increase the encroachment at the front of the house and increases the south side yard encroachment only slightly and only on the first floor. The south side yard setback on the second floor will be actually be increased to 3.5 feet.

The existing shed is currently located 2.75 feet from the north side yard setback. The new accessory structure is proposed to be located 3.75 feet from the north side yard setback and will actually reduce the encroachment by a foot.

The variance, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta. Relief, if granted, will not distract from people’s use and enjoyment of adjoining and surrounding properties. The proposed construction is in harmony with construction on neighboring lots, and allows for adequate light and air. We believe the proposed construction is in keeping with the orderly evolution of this neighborhood and will promote desirable living conditions for the homeowner as well as the neighborhood.

Thank you for your consideration in this request.

Sincerely,

Tiffany & J.R. Torbert
AUTHORIZATION BY PROPERTY OWNER  
(Required only if the applicant is not the owner of the property subject to the proposed application.)  

(Please Print Clearly)

I, Tiffany Torbert (OWNER’S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1274 Avalon Place (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.

NAME OF APPLICANT:

LAST NAME Arnold  FIRST NAME Mark

ADDRESS 1126 N. Highland Ave, NE SUITE

CITY Atlanta STATE GA ZIP CODE 30306

OWNER’S TELEPHONE NUMBER: 404-379-0102

Tiffany Torbert  
SIGNATURE OF OWNER  
Tiffany Torbert  
PRINT NAME OF OWNER

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.

Notary Public  
7/22/19  
DATE  

Office of Planning  
V.19.18  
AUG 5 2019

55 Trinity Ave S.W.  
Dec 0508  
Atlanta, GA
RECEIPT

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

Application: V-19-182
Application Type: Planning/BZA/Variance/NA
Address: 1274 AVALON PL NE, ATLANTA, GA 30306
Owner Name: STANLEY MAUREEN E
Owner Address: 1274 AVALON PLACE

Receipt No. 661647
Payment Method: Credit Card
Ref Number: 
Amount Paid: $100.00
Payment Date: 08/05/2019
Cashier ID: PAMITCHELL
Received
Comments: STANLEY MAUREEN E

APPLICANT SEeks a variance FROM THE ZONING REGULATION TO (1) REDUCE THE REQUIRED FRONT YARD BUILDING SETBACK FROM 35 FT TO 30 FT; (2) REDUCE THE REQUIRED NORTHERN SIDE YARD BUILDING SETBACK FROM 7 FT TO 3.75 FT AND (3) REDUCE THE REQUIRED SOUTHERN SIDE YARD BUILDING SETBACK FROM 7 FT TO 1.5 FT - FOR A NEW DETACHED GARAGE STRUCTURE AND AN ADDITION.

https://av3.atlanta.gov/portal/page/portal/occit/View.do?mode=view&receiptnbr=661647&module=Planning&spaceName=null
ZONING ANALYSIS
R-4 (SINGLE FAMILY RES) DISTRICT,
SECTION 16-06 City of Atlanta Zoning Ordinance

1) Minimum lot area: 9,000 SF
   Existing: 8,605 SF (0.202 ACRES)

2) Minimum lot frontage: 70 feet
   Existing: 46.18'
   Proposed: NO CHANGE

3) Maximum Floor Area Ratio: 50%
   Existing: 19.5%
   1st Floor 1,257sf + 2nd Floor 424sf/Lot Area 8,605sf
   1,681sf/8,605sf = 0.195 = 19.5%
   Proposed: 47.1%
   1st 1,727sf + 2nd Floor 1,402sf + A.S. 1st 559sf + A.S. 2nd 363sf
   divided by Lot Area 8,605sf = 4,051sf/8,605sf = 0.4707

4) Maximum lot coverage: 50%
   Existing: 31.4%
   House Footprint 1,383sf + Front Porch/Steps 154sf
   + Driveway/Sidewalk 1,011sf + Shed 83sf + Walls 71sf
   divided by Lot Area 8,605sf = 2,702sf/8,605sf = 0.3140
   Proposed: 49.9%
   House Footprint 1,727sf + Front Porch/Steps 167sf + Side Porch 39sf
   + Rear Porch 300 sf + Driveway/Sidewalk 1,438sf + Walls 71sf
   + Accessory Structure Footprint 559sf divided by Lot Area 8,605sf
   = 4,030sf/8,605sf = 0.4798

5) Minimum depth front yard: 35 feet
   Existing: 30.8'
   Proposed: NO CHANGE

6) Minimum width west side yard: 7 feet
   Existing: 11' at House; 2.75' at Accessory Structure
   Proposed: 10' at House; 3.75' at Accessory Structure

7) Minimum width east side yard: 17.5 feet
   Existing: 2.5' at House
   Proposed: 1.5' at 1st Floor; 3.5' at 2nd Floor

8) Minimum depth rear yard: 15 feet
   Existing: 89.25'
   Proposed: 74' at House; 15' at Accessory Structure

9) Maximum building height: 35 feet
   Existing: 22.5' at House
   Proposed: 28' at House; <20' at Accessory Structure

PROPERTY DATA
R-4 (SINGLE FAMILY RES) DISTRICT,
16-06 City of Atlanta Zoning Ordinance

LAND LOT 2, 17A DISTRICT
FULTON COUNTY, GEORGIA

GORDON C STORY, JR. LICENSE NO. 2076

OWNER
J.R. & TIFFANY TOMBERT
1774 AVALON PLACE NE
ATLANTA, GA 30306
(404) 954-0582
jb@levelteamcontracting.com

ARCHITECT
MARK ARNOLD, ARCHITECT
1726 N. HIGHLAND AVENUE, NE
ATLANTA, GA 30306
404-939-3680
markarnoldarch@Gmail.com
Georgia Registration RA08398

CONTRACTOR
TO BE DETERMINED

STRUCTURAL
TO BE DETERMINED

DRAWING INDEX
A-0.00 PROJECT DATA
A-0.01 PROPOSED SITE PLAN
A-0.02 EXISTING SURVEY
A-1.04 PROPOSED FIRST FLOOR PLAN
A-1.02 PROPOSED SECOND FLOOR PLAN
A-1.03 PROPOSED ROOF PLAN
A-1.04 PROPOSED EXTERIOR ELEVATIONS
A-1.05 PROPOSED EXTERIOR ELEVATIONS
A-1.06 PROPOSED EXTERIOR ELEVATIONS
The field data upon which this plot is based has a closure precision of one foot in feet and an angular error of
seconds per angle point and was adjusted using the Compass Rule.
This plot has been calculated for closure and is found to be accurate
within one foot in feet.
Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT:

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER
THE 1997 FLOOD HAZARD MAP OF FULTON COUNTY, GEORGIA,
COMMUNITY PANEL NUMBER 13121C 0281 G, DATED 08/16/13

01 PROPOSED SITE PLAN
A-0.01

ALPHA LAND SERVICES
P.O. BOX 1651
LOGANVILLE, GA 30052
ENGINEERING & LAND SURVEYING
P: 770.84 4548 W: (770) 843-0000

SURVEY FOR:
1274 AVALON PLACE
TAX PARCEL #1700020001034

REV/02/08/M00/000
REV/01/07/M00/000

REVISION:

LAND LOT: 17
LOT:\n
DISTRICT:

COUNTY:

STATE:

GA

FIELD DATE:
10/18/17

AREA: 0.202 ACRES

REF. PLAT PB. 12

P:\n
98

PLAT DATE:
12/28/17

JOB No.: 17-10-270

THE SURVEY WAS PERFORMED IN CONFORMITY WITH THE
TECHNICAL STANDARDS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS
SET FORTH IN THE GEORGIA REAL ESTATE PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS
SET FORTH IN THE GEORGIA PLAT ACT O.C.A. 15-9-67

LEGER

PF = P. REBAR FOUND
P3 = PVC REBAR PIN SET
L.L. = LAND LOT LINE
L.L.L. = LAND LOT LINE
P.L. = PROPERTY LINE
C = CENTERLINE
B.L. = BUILDING LINE
R.W. = RIGHT-OF-WAY
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
M.H. = MANHOLE
C.A. = CATCH BASIN
J.B. = JUNCTION BOX
H.W. = HEADWALL
D.1. = DROP INLET
P.F. = POWER UTILITY POLE
F.H. = FIRE HyDRANT
I.E. = INVERT ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
F.F.B. = FINISHED FLOOR BASEMENT
F.F.G. = FINISHED FLOOR GARAGE
B.C. = BAND OF CURB
E.P. = EDGE OF PAVEMENT
N.F. = NEW OR FORMERLY
P.O.B. = POINT OF BEGINNING
--- = SANITARY SEWER LINE/PIPE
--- = STORM SEWER LINE/PIPE
--- = WATER LINE
--- = GAS LINE
F.W. = FLOW WELL
C.E. = CONSTRUCTION EASEMENT
C.G. = CLOG AND GUTTER
L.S. = LIGHT STANDARD
O.P = OPEN TOP PIPE FOUND
C.T.P = CRIMP TOP PIPE FOUND
W.D. = WOOD DECK
C.O. = CLEAN OUT

08/05/19

R E V I S I O N E N G R I N G S A N D A D D I T I O N S F O R

V A R I A N C E A P P L I C A T I O N

J.R. AND TATIANA TOMET
1274 AVALON PLACE, NE
ATLANTA, GEORGIA
30306

A0.01
The field data upon which this plat is based has a closure precision of one foot in length and an angular error of seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot.

Equipment used: Topcon GTS-213 Total Station.

**FLOOD HAZARD STATEMENT:**

This property is not in a flood hazard area as per the firm flood hazard map of Fulton County, Georgia, Community Panel Number 12121C 0261 C, Dated 09/18/13.