



OFFICE OF ZONING AND DEVELOPMENT

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **V-19-195**

DATE ACCEPTED: **08/14/2019**

NOTICE TO APPLICANT

Address of Property:

996 Cumberland RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 10, 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,

LM, for Director, Office of Zoning and
Development

JOHN VAN VLACK

Department of City Planning
Office of Zoning & Development

V-19-195
AUG 14 2019

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



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

AUG 14 2019

55 Trinity Ave. S.W.
Ste. 3350
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REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-19-105
NPU F DATE FILED _____

1. John Van Vlack
Name of Applicant

BUILDING PERMIT AUTHORIZING

Construct a 2nd story addition

at 996 Cumberland RD NE 17th / 0003
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 reduce the required front yard setback from 35 feet to 31.2 feet

Applicant seeks no other variances at this time.

A complete Plan Review Was Not Conducted

1982 ZONING ORDINANCE, AS AMENDED

Chapter 4 Section 16-04.008 Paragraph (1)
Chapter _____ Section _____ Paragraph _____
Chapter _____ Section _____ Paragraph _____
Chapter _____ Section _____ Paragraph _____

Henry Singleton 8/14/2019
Plan Reviewer Date

[Signature] 8/14/2019
Applicant Date

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	X
Special Exception	
Variance & Special Exception	

1142019
 V-19-195
 55 Trinity Ave. S.W.
 Ste. 3350
 Atlanta, GA

Date Filed 8/14/19

Application Number V-19-195

Name of Applicant John Van Vlack Daytime Phone 404-310-8610

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

Address 996 Cumberland Rd NE Atlanta GA 30306
street city state zip code

Name of Property Owner John Van Vlack Phone 404-310-8610

Address 996 Cumberland Rd NE Atlanta GA 30306
street city state zip code

Description of Property

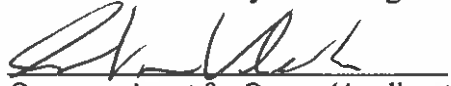
Address of Property 996 Cumberland Rd NE Atlanta GA 30306
street city state zip code

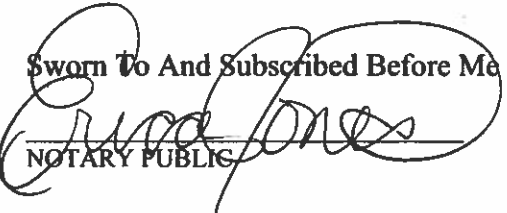
Area: _____ Land Lot: X3 District: 17, Fulton County, GA.

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)
John Van Vlack
 Print Name of Owner

Sworn To And Subscribed Before Me This 6th Day Of Aug, 2019.

 NOTARY PUBLIC



V-19-105
ASU 11 2019

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 the criteria.** Please submit a typewritten or legible justification.

Is the property described in this application 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 application number associated with the subject property: _____

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.").

Renovation and additions to a 1960s home to include a second floor addition and carport.

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.

3,002 covered square feet / 7,449.87 total lot square feet = 40.3 % 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)? Please 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? Please see attached justification
- 3) What conditions are peculiar to this particular piece of property? Please 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. Please see attached justification

V-12-105
MAY 14 2019

Variance Justification - 996 Cumberland Rd NE, Atlanta GA 30306

To make addition blend in with neighborhood, I respectfully request variance to ~~reduce front yard setback from 35 feet to 31.2 feet~~ to build second story addition on top of existing 1960s home. This would allow the second story addition to be built on top of the original home's entire first floor. Having the front façade aligned makes the addition look as if home was originally built as two stories and blends into historic Morningside Lenox Park.

In addition to aesthetically blending in with the neighborhood, building the second story on top of the original home's entire first floor reduces additional construction in the backyard and decreases overall impervious space. After construction complete, impervious ratio will decrease from 49.2% to 40.3% because much of currently over paved backyard will be returned to landscaping.

Extraordinary and Exceptional Conditions Pertaining to the Property because of its Size, Shape, and Topography

The street frontage is only 50 ft compared to required 70 ft and lot area is only 7,449 sf compared to required 9,000 sf. The lot slopes down ~20 ft from the front yard to the back yard. These features appear to be consistent to when the home was built ~1966.

The application of the Zoning Ordinance of the City of Atlanta to this Property would create an Unnecessary Hardship

Building the addition with front façade aligned with existing home's first floor will minimize lot coverage and be aesthetically pleasing. The existing home currently encroaches into the front yard setback. Administering the 35 ft front yard setback would create an unnecessary hardship because it would prevent me from building the addition with minimum impervious footprint.

Such Conditions are Peculiar to this Property

Many Morningside Lenox Park lots have homes built within current zoning setbacks. The 35 ft front yard setback does not appear to have been in place when most of the original historic homes were built in the neighborhood. This Property's smaller frontage and area than R-4 requirements are consistent with other homes on street including many that were built ~80 years ago.

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

If relief granted, the variance would not cause substantial detriment to the public good or impair the purpose and intent of Atlanta's Zoning Ordinance. Relief, if granted, would not lessen neighbors' use/enjoyment of their properties. The proposed addition is similar to additions on the block and allows for adequate light and air. Emergency access to home/lot would not change. I think the proposed addition will promote desirable living conditions which will help sustain neighborhood stability.

V-10-105
AUG 14 2019

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

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT NO. 2, OF THE 17TH DISTRICT, OF FULTON COUNTY, GEORGIA, IN THE CITY OF ATLANTA, BEING LOT NO. 5, BLOCK C, LANIER HEIGHTS SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 10, PAGE 29, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY ADOPTED AND MADE A PART HEREOF BY REFERENCE THERETO FOR A MORE COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY BEING IMPROVED PROPERTY NOW OR FORMERLY KNOWN AS 996 CUMBERLAND ROAD NE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF CUMBERLAND ROAD 50 FEET WEST FROM THE INTERSECTION FORMED BY THE WEST SIDE OF SUSSEX ROAD WITH THE NORTH SIDE OF CUMBERLAND ROAD AS MEASURED ALONG THE NORTH SIDE OF CUMBERLAND ROAD, SAID POINT OF BEGINNING ALSO BEING IN THE SOUTHWEST CORNER OF LOT 4, SAID BLOCK, SUBDIVISION, AND PLAT; RUNNING THENCE WEST ALONG THE NORTH SIDE OF CUMBERLAND ROAD 50 FEET TO LOT 6, SAID BLOCK, SUBDIVISION AND PLAT; RUNNING THENCE NORTH ALONG THE EAST SIDE OF SAID LOT 6 A DISTANCE OF 148.9 FEET TO THE NORTH LAND LOT LINE OF LAND LOT NO. 2, SAID DISTRICT AND COUNTY; RUNNING THENCE EAST ALONG SAID LAND LOT LINE 50 FEET TO SAID LOT 4; RUNNING THENCE SOUTH ALONG THE WEST SIDE OF SAID LOT 4 A DISTANCE OF 149.5 FEET TO THE NORTH SIDE OF CUMBERLAND ROAD AND THE POINT OF BEGINNING.

BEING TAX PARCEL ID #17-0003-0009-020-0.

BEING THE SAME PROPERTY AS THAT CONVEYED BY WARRANTY DEED DATED AUGUST 21, 1970, FROM LAWRENCE W. REHFELD TO GREGORY N. LOUPIS AND NETTIE LOUISE LOUPIS (TENANTS IN COMMON), AS RECORDED AUGUST 26, 1970, AT DEED BOOK 5270, PAGE 411, FULTON COUNTY, GEORGIA RECORDS.

RECEIPT

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

PAID
CITY OF ATLANTA

AUG 14 2019

EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Application: V-19-195
Application Type: Planning/BZA/Variance/NA
Address: 996 CUMBERLAND RD NE, ATLANTA, GA 30306
Owner Name: LOUPIS NETTIE L
Owner Address:
Application Name: 996 CUMBERLAND RD NE

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
663541		\$100.00	08/14/2019	PAMITCHELL		

Amex
Jm

Owner Info.: LOUPIS NETTIE L

Work Description: APPLICANT SEEKS A VARIANCE FROM THE ZONING REGULATION TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 35 FT TO 31.2 FT TO BUILD A SECOND STORY ADDITION.

CITY OF ATLANTA PERMITS
55 TRINITY AVE STE 1350
ATLANTA, GA 30303

08/14/2019 09:20:09

CREDIT CARD

AMEX SALE

Card #: 0XXXXXX3002
Chip Card: AMERICAN EXPRESS
AID: #0000025010801
ATC: 0268
AEQC: 302355ED7D1757AC
SEQ #: 3
Batch #: 312
INVOICE: 3
Approval Code: 851195
Entry Method: Chip Read
Mode: Issuer

SALE AMOUNT \$100.00

Department of Planning
Office of Zoning and Development

AUG 14 2019

55 Trinity Ave. SW
Atlanta, GA 30303
404-330-6070

CUSTOMER COPY

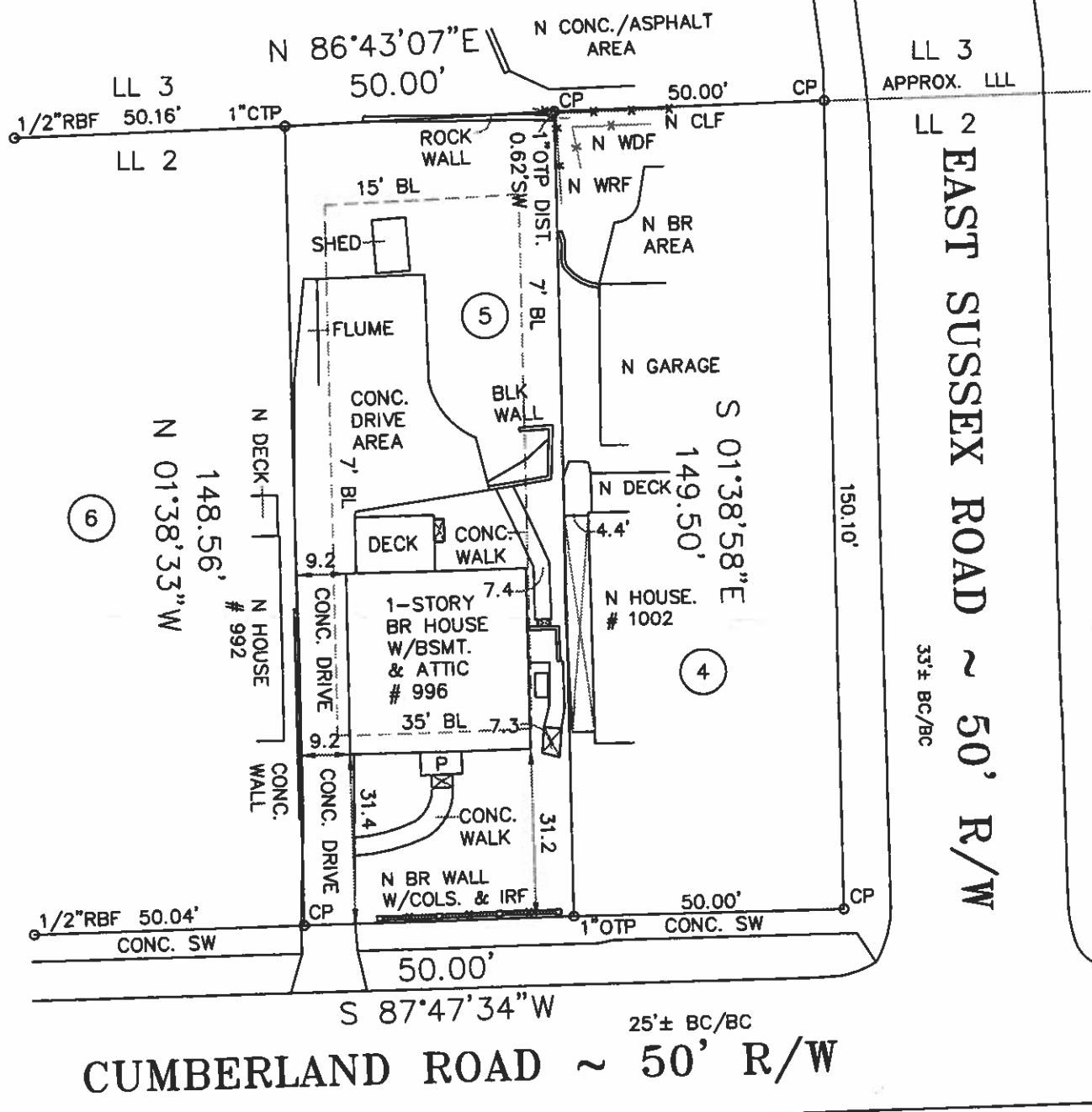
MAGNETIC

POB POINT OF BEGINNING	IPF IRON PIPE FITTING
LI LAND LOT LINE	IPS IRON PIPE SET
MI MAIN INLET	OPF OPEN TOP PIPE FITTING
SS SANITARY SEWER LINE	OPF OPEN TOP PIPE FITTING
CO SANITARY SEWER CLEANOUT	OPF OPEN TOP PIPE FITTING
CB CATCH BASIN	RB REINFORCING BAR
JB JUNCTION BOX	RBF REINFORCING BAR FITTING
DI DRAINAGE INLET	RBS REINFORCING BAR SET
VI VARD INLET	MAG MAGNETIC READING
HW HEAD WALL	AIF ANGLE IRON FITTING
PP POWER POLE	CP CALCULATED POINT
LP LIGHT POLE	-X-A- FENCE
PW POWER LINE	CLF CHAIN LINK FENCE
GW GUY WIRE	WDF WOOD FENCE
SE SANITARY SEWER ESMT	WRF WIRE FENCE
DE DRAINAGE EASEMENT	IRF IRON FENCE
UE UTILITY EASEMENT	FC FENCE CORNER
AE ACCESS EASEMENT	WW WET WEATHER
TB TOP OF BANK	BL BUILDING LINE
BB BOTTOM OF BANK	R/W RIGHT-OF-WAY
CMP CORRUGATED METAL PIPE	PC PROPERTY CORNER
RCP REINFORCED CONC. PIPE	PL PROPERTY LINE
APP AS PER PLAT	CL CENTER LINE
APD AS PER DEED	CPT CARPORT
APR AS PER RECORD	SP SCREEN PORCH
APF AS PER FIELD	P PORCH
BC BACK OF CURB	FH FIRE HYDRANT
EP EDGE OF PAVEMENT	CBX CABLE BOX
EB ELECTRIC POWER BOX	COL COLUMN
EM ELECTRIC METER	BLK BLOCK
GM GAS METER	BR BRICK
GV GAS VALVE	FR FRAME
WM WATER METER	WD WOOD
WV WATER VALVE	SN SIGN
OH OVERHAUNG	LND LANDING
OU OWNERSHIP UNCLEAR	P PLAT
AC AIR-CONDITION	D DEED
CONC CONCRETE	R RECORD
ATTB ATT BOX	F FIELD
	N N'BORES

INDICATES STAIRS

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.



CITY OF ATLANTA
ZONING R-4
BUILDING SETBACK LINE
FRONT 35'
SIDE 7'
REAR 15'
MAX. LOT COVERAGE 50%
EXISTING LOT COVERAGE
3694.63 SF / 49.59%

Department of City Planning
Office of Zoning & Development

V-19105
AUG 14 2019

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

REVISION DATE: 08/08/2019

NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY,
DEVELOPER AND ARCHITECT TO CONFIRM
ZONING DISTRICT & SET BACK, PER ZONING
DEPARTMENT.

PROPERTY ADDRESS:
996 CUMBERLAND ROAD
ATLANTA, GA 30306

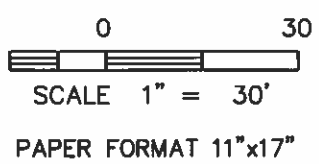
BOUNDARY SURVEY PREPARED FOR:
JOHN VANVLACK

LOT 5	BLOCK C
SUBDIVISION LANIER HEIGHTS	UNIT
LAND LOT 2	17TH DISTRICT SECTION
FULTON COUNTY, GEORGIA	
FIELD WORK DATE MAR 28, 2019	PRINTED/SIGNED APR 05, 2019
PLAT BOOK 10	PAGE 29
DEED BOOK	PAGE
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



SJ/LK
COORD # 20110250
DWG # 20190439 REV-BOUNDARY

SURVEY LAND EXPRESS, INC.
LAND SURVEYING SERVICES

24 LENOX POINTE,
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM