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,

[Signature]

LM, for Director, Office of Zoning and Development

[Signature]

JOHN VAN VLACK

Department of City Planning
Office of Zoning & Development

AUG 14 2019

65 Trinity Ave. S.W.
Ste. 3260
Atlanta, GA
REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER 19105

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

8/14/2019
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>X</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: 8/14/19

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

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

Address: 996 Cumberland Rd NE  
Atlanta GA 30306

Description of Property

Address of Property: 996 Cumberland Rd NE  
Atlanta GA 30306

Area:  
Land Lot: X 3  
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.

[Signature]

Owner or Agent for Owner (Applicant)

John Van Vlack
Print Name of Owner

Sworn to and subscribed before me this 14th Day of Aug., 2019.

[Notary Public Stamp]

May 2019 - Page 5 of 13
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
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.
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 HERETO 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 LANDLOT LINE OF LAND LOT NO. 2, SAID DISTRICT AND COUNTY; RUNNING THENCE EAST ALONG SAID LANDLOT 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 #17-0033-0009-020-0.

BEING THE SAME PROPERTY AS THAT CONVEYED BY WARRANTY DEED DATED AUGUST 21, 1970, FROM LAWRENCE W. REHFIELD TO GREGORY N. LOUPIIS AND NETTIE LOUISE LOUPIIS (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

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. 663541
Payment Method Credit Card
Ref Number
Amount Paid $100.00
Payment Date 08/14/2019
Cashier ID PAMITCHELL
Received
Comments

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 PERMIT
55 TRINITY AVE SW, 230
ATLANTA, GA 30303
DE 14 2019

DEPARTMENT OF PLANNING
Office of Zoning & Development

SALE AMOUNT $100.00

CUSTOMER COPY