



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

APPLICATION #: **V-19-276**

DATE ACCEPTED: **11/20/2019**



NOTICE TO APPLICANT

Address of Property:

1042 Mclynn AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, January 9, 2020 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



JONATHAN ELMORE



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



REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-19-276

NPU F DATE FILED _____

1. Jonathan Elmore
 Name of Applicant

BUILDING PERMIT AUTHORIZING

Build New Single Family Dwelling

at 1042 McLynn Ave NE 17th / 2
 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 eliminate a minimum of 12 feet wide required front porch or third the width of the front façade, whichever is greater, and a minimum of eight feet deep, (2) to eliminate minimum distance of ten linear feet behind the front façade of the principal structure to 1 feet for the front facing garage door.

Applicant seeks no other variances at this time.

A complete Plan Review Was Not Conducted

1982 ZONING ORDINANCE, AS AMENDED

Chapter 06 Section 16-06.012 Paragraph (1) b i

Chapter 06 Section 16-06.012 Paragraph (2)

Chapter _____ Section _____ Paragraph _____

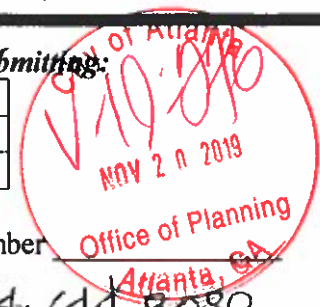
Henry Singleton 11/20/19
 Plan Reviewer Date

[Signature] 11/20/19
 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 Nov. 20, 2019 Application Number _____

Name of Applicant Jonathan Elmore Daytime Phone 404-644-8080

Company Name (if applicable) Jonathan Elmore, LLC email jonathan@modhouse.biz

Address 1094 Berkeley Road Avondale Estates, GA 30002
street city state zip code

Name of Property Owner Mark Smith Phone 404-643-8410

Address 1042 McLynn Avenue Atlanta, GA 30306
street city state zip code

Description of Property

Address of Property 1042 McLynn Avenue Atlanta, GA 30306
street city state zip code

Area: 0.25 AC Land Lot: 2 District: 17th, Fulton County, GA.

Property is zoned: B-4, Council District: 6, Neighborhood Planning Unit (NPU): J

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.

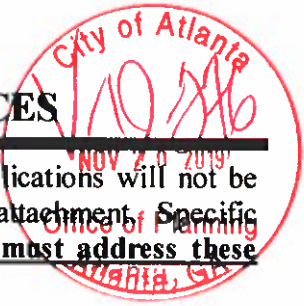
Jonathan Elmore
 Owner or Agent for Owner (Applicant)

Mark Smith
 Print Name of Owner
M. K. S. -

Sworn To And Subscribed to before me this _____ Day Of _____, 2019.

[Signature]
 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: _____.

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.").

Build new 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.

3436 covered square feet / 11099 total lot square feet = 31 % 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)? _____

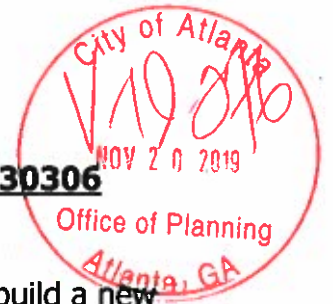
2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? _____

3) What conditions are peculiar to this particular piece of property? _____

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. _____

Variance Justification for 1042 McLynn Avenue, Atlanta, GA 30306

November 20, 2019



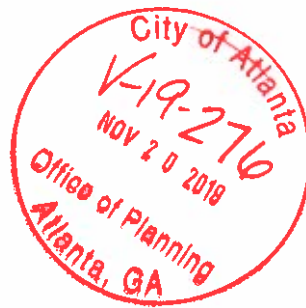
The property owners would like to demolish the existing house and build a new house. They are requesting a variance to not build the required front porch and are also requesting a reduction of the required setback for a front facing garage (in relation to primary façade) from 10' to one foot.

1. The extraordinary conditions of this parcel are topography and size. The lot is 65' wide, less than the required 70' for R-4 zoning. In addition, as the attached survey indicates, the parcel slopes from 962' ASL to approximately 953' ASF from side to side along the street and drops from 962' ASL and the southwest corner to 936' ASL at the northeast corner, a 26' difference. Basically, the front yard is largely useable thus rendering a front porch architecturally insignificant and creating a side yard driveway into a side facing garage is unpractical. The back yard is useable and visually desirable and in order to reduce pushing the new house plan further into the back yard, the owners are requesting these variances to maximize the functionality and enjoyment of an exceptional lot that is topographically difficult and non-conforming in width.

2. A front porch on the proposed house would be architecturally insignificant as it would not be readily visible from the street and would have a commanding view of an embankment and the base of a magnolia tree. In other words, it won't function in the manner the zoning suggests, which is to be compatible with other nearby houses and create a friendly gesture to the street. As for the garage door, pushing the door back 10' pushes that entire side of the house further into the back yard, which the more desirable and functional yard, as well as adding significant cost to the project by adding 9 extra feet of retaining wall and adding 80 cubic yards of gravel fill under the connecting concrete drive. Creating a side facing garage would similarly require an additional 30 linear feet of retaining wall, massive amounts of gravel fill, and create a visually ugly wall towards the neighbor. In short, the owners of this non-conforming lot are not able to enjoy the use of an R-4 lot zoning designation as would the owner of a flat, conforming lot would enjoy through no action of their own, which creates the hardship.

3. As stated above, the lot is not as wide as required and has significant topography changes. The existing grading and retaining walls have created a situation that is unique along this street. It appears the house that was built in the 1960s was carved into the hillside in a manner that earlier built houses were not. In other words, most older houses were built up over existing grade. This house and lot were graded into the hill side. As evidence, a retaining wall along the western side of the lot is approximately 6' tall, resulting in the neighbors driveway being almost even with the gutter of the owner's house.

4. Relief, if granted, will not significantly affect public good or adjacent property values, nor impair the purpose and intent of zoning. By granting these variances, the owners will be able to build a more functional and valuable house and stay in the neighborhood. It appears the zoning requirement of a front porch is a welcome attempt to ensure new construction is more compatible with existing architecture in the neighborhood. However, due to topography, a front porch on this house would be architecturally insignificant if not odd. And by granting a garage door setback variance, the city would be recognizing a hardship and helping the owner preserve the back yard and long term value of the property.



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, Mark Smith (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1042 McLynn Avenue (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: 404.643.8410

[Signature]
SIGNATURE OF OWNER

Mark Smith
PRINT NAME OF OWNER

NAME OF APPLICANT:

LAST NAME Elmore FIRST NAME Jonathan

ADDRESS 1094 Berkeley Road SUITE _____

CITY Avondale Estates STATE GA ZIP CODE 30002

APPLICANT'S TELEPHONE NUMBER: 404.644.8080

APPLICANT'S EMAIL ADDRESS: jonathan@madhouse.biz

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.

Gina Hill

NOTARY PUBLIC

11.19.19

DATE

GINA HILL
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA

[Signature]



RECEIPT

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

Application: V-19-276
Application Type: Planning/BZA/Variance/NA
Address: 1042 MCLYNN AVE NE, ATLANTA, GA 30306
Owner Name: MACHT ELLEN
Owner Address:
Application Name: 1042 MCLYNN AVENUE



| Receipt No. | Ref Number | Amount Paid | Payment Date | Cashier ID | Received | Comments |
|-------------|------------|-------------|--------------|------------|----------|----------|
| 681854 | | \$100.00 | 11/20/2019 | TSIMON | | |

Owner Info.: MACHT ELLEN

Work Description:

APPLICANT SEEKS A VARIANCE FROM THE ZONING REGULATION(S): (1) TO ELIMINATE A MINIMUM OF 12 FEET WIDE REQUIRED FRONT PORCH OR THIRD THE WIDTH OF THE FRONT FACADE, WHICHEVER IS GREATER AND A MINIMUM OF EIGHT FEET DEEP (2) TO ELIMINATE MINIMUM DISTANCE OF TEN LINEAR FEET BEHIND THE FRONT FACADE OF THE PRINCIPAL STRUCTURE TO 1 FEET FOR THE FRONT FACING GARAGE DOOR.



CITY OF ATL BLDG PERMI
55 TRINITY AVE STE 1350
ATLANTA, GA 30303

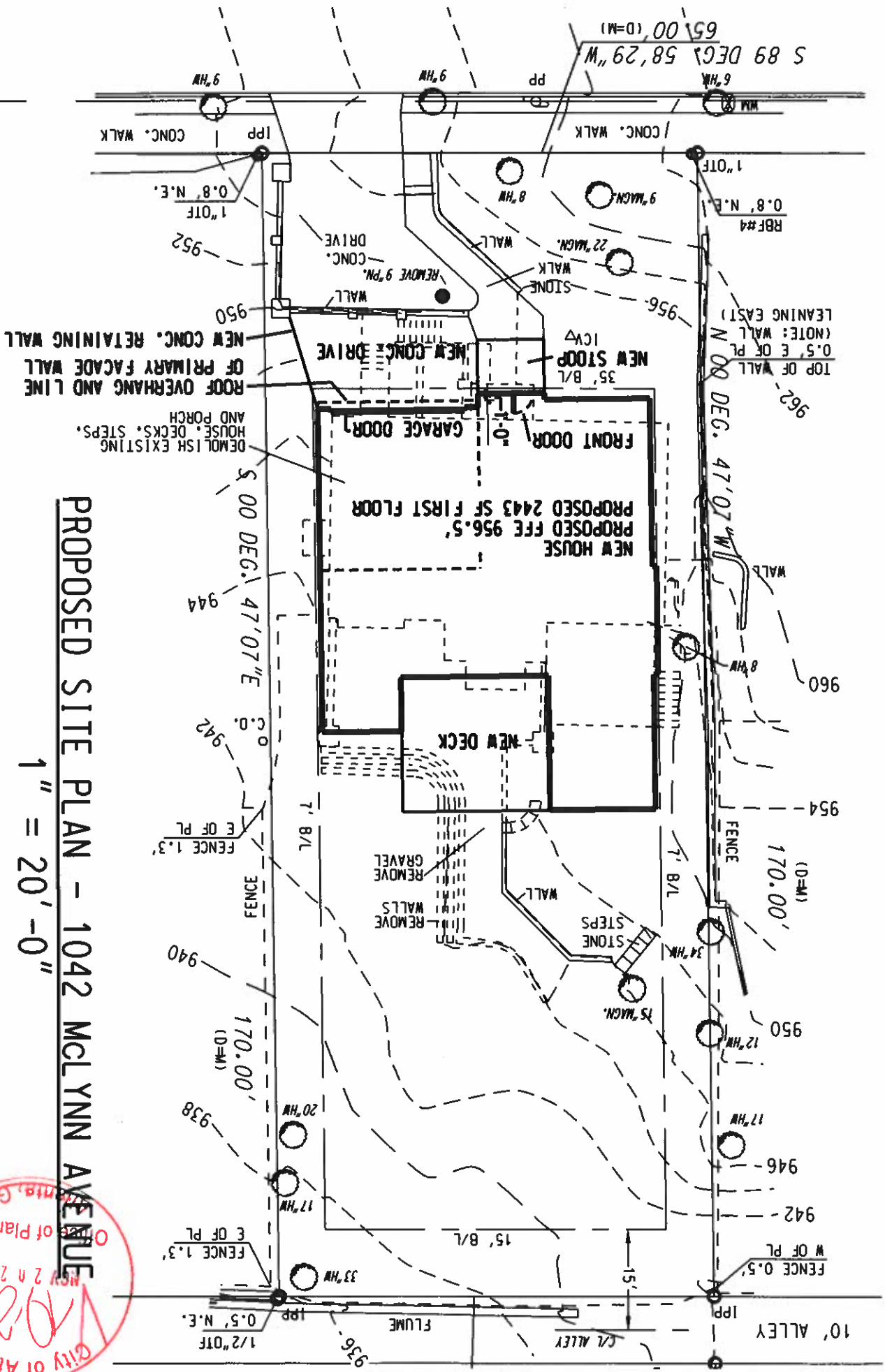
11/20/2019 15:21:17

CREDIT CARD
VISA SALE

Card # XXXXXXXXXXXX7402
Chip Card: CAPITAL ONE VISA
AID: A000000031010
ATC: 014A
ARQC: CD5E250AEE9A836C
SEQ #: 10
Batch #: 182
INVOICE 10
Approval Code: 035165
Entry Method: Chip Read
Mode: Issuer
Tax Amount: \$0.00

SALE AMOUNT \$100.00

CUSTOMER COPY



PROPOSED SITE PLAN - 1042 MCLYNN AVENUE

1" = 20'-0"

