



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

APPLICATION #: **V-20-085**

DATE ACCEPTED: **08/03/2020**

NOTICE TO APPLICANT

Address of Property:

1280 Middlesex AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 01, 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,

Nathan A. Brown

Digitally signed by Nathan A. Brown
DN: C=US,
E=nathanbrown@atlantaga.gov, O=City
of Atlanta, OU=Office of Zoning and
Development, CN=Nathan A. Brown
Date: 2020.08.03 08:33:37-04'00'

David Price

NB, for Director, Office of Zoning and
Development



City of Atlanta
Office of Zoning and Development
55 Trinity Avenue, Suite 3300
Atlanta, Georgia 30303
Phone: 404-330-6145



REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER _____

NPU F _____ DATE FILED _____

David Price
Name of Applicant

Addition to existing Single Family Residence

at 1280 Middlesex NE 17/52
Street Address Quadrant District & Land Lot

to be used for Residential Purposes

The property is zoned R-4 (Single Family Residential) District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from the zoning regulations to 1). reduce the required half-depth front yard setback from the required 17.5 feet to 8.5 feet, to 2). increase the size of a garage on the ground floor from 35% of the ground floor to 72% of the ground floor, and to 3). exceed the width of a driveway from 20 feet to 35.5 feet for an addition to an existing single family residence.

Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 28 Section 16-28.007 Paragraph (5)(b)

Chapter 29 Section 16-29.001 Paragraph 14(a)

Chapter 28 Section 16-28.008 Paragraph (7)(b)

Tamaria Letang 07/30/2020
Plan Reviewer Date

David W. Price 7-30-2020
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	

V-20-085



RECEIVED

DATE: 8-3-2020

Date Filed _____

Application Number _____

Name of Applicant David Price Daytime Phone 404-245-4244

Company Name (if applicable) _____ email dave@priceresidentialdesign.com

Address 1595 Nottingham Way Atlanta Georgia 30309
street city state zip code

Name of Property Owner Inho Kim Phone 1-770-329-1998

Address 1280 Middlesex Avenue Atlanta Georgia 30306
street city state zip code

Description of Property

Address of Property 1280 Middlesex Avenue Atlanta Georgia 30306
street city state zip code

Area: 10377 sq. ft. Land Lot: 52 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)

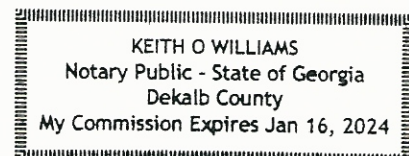
David W Price

Print Name of ~~Owner~~

Applicant

Sworn To And Subscribed Before Me This 10th Day Of June, 2020.

Keith O. Williams
NOTARY PUBLIC



SUMMARY & JUSTIFICATION FOR VARIANCES

RECEIVED

DATE: 8-3-2020

Directions: Complete responses must be provided for ALL questions. Incomplete applications not 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.”).

Add 22'x22' garage to basement of existing SFR home with porch and living space on main floor above. Space will be added to upper floor as well but not within current half-front yard setback. Three small trees including one street tree must be removed for addition and driveway extension.

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.

3368 covered square feet / 10377 total lot square feet = 32.5 % 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 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?

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.

Justification Letter

David W. Price
1595 Nottingham Way
Atlanta, Georgia 30309



June 10, 2020

Board of Zoning Adjustment and staff of the Planning Department
City of Atlanta
Department of Planning and Community Development
Bureau of Planning
55 Trinity Avenue, Suite 3350

RE: **1280 Middlesex Avenue** - Request for Variance from City of Atlanta zoning ordinance to:
1) reduce half-front yard setback from 17.5' to 8.5' for an addition, and 2) increase allowable height of fence from 4' to 8' in half-front yard to replace existing 8' high fence. See below for possible additional variances.

Dear Board members and staff:

There are three possible additional variances related to this project that I do not believe are necessary, but I will point out the situations so that they may be added if it is determined that any are required:

3) Per 16-29.001(14)(a)(1), garage space is limited to 35% total garage space of ground floor area. Our proposed garage (including existing garage space) will be 760 sq ft of 2193 sq ft ground floor footprint (34.7%) but this footprint includes existing crawlspace areas. If only full height areas (1057 sq ft) are counted as ground floor area, the percentage rises to 72% and a variance to raise the maximum percentage from 35% to 72% would be required.

4) Per 16-06.012(1)(b), there is a minimum front porch size of 12'Wx8'D. We are building a new porch roof over an existing 9'Wx8'D stoop. If the new porch must meet the new requirements, a variance would be required to decrease the minimum porch width from 12' to 9'.

5) Per 16-28.008(7)(b), the driveway is limited to 20' wide within a required yard. The method of driveway width measurement is to measure the maximum dimension in a line parallel with the lot frontage line. Our existing driveway width is 10.2' and the new driveway will add only to the length. If the method of measurement is changed to a line parallel with the side lot line facing Courtenay Drive, a variance would be required to increase maximum driveway width from 20' to 35.5'.

Pertaining to variances #1 and 2 but relevant to any additional variances, we believe we meet all of the criteria that the zoning ordinance requires the BZA to base its decision upon:

(1) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

The non-conforming lot of record is a corner lot with 59.79' of frontage. This is more than 10' below the minimum per R-4 zoning. The existing house is 10.2' from the Courtenay Drive property line and we propose the face of the garage addition brick veneer will be 8.5' from that property line to allow

for a standard 22'x22' garage addition. The other side of the house is 8.6' from the northern property line, well in excess of that 7' setback. The narrowness of the lot and its corner location make it exceptional.

(2) the application of the zoning ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;

The lot is narrower than many in the area and well below the 70' frontage required for R-4 zoning especially for a corner lot. The existing one-car garage has an 8' door and steel columns which limit the parking length to 17' if you actually touch the column. We propose to keep the existing garage for a lawn equipment or a very small car and add a two-bay 22'x22' garage, which is a standard garage size, common through the neighborhood. The parking length within the new garage bays will be somewhat shortened by the need to retain the existing footing of the existing crawlspace where it abuts the proposed addition, but approximately 19'-10" will be sufficient for most vehicles.

The house has no other non-conforming setback, lot coverage, floor area ratio, or building height issues even though the lot is more than 10' narrower than required by current zoning. There will be some habitable space on the main floor added within the 17.5' half-front yard but it will be minimized by having a large portion of the addition on this floor as exterior space and the habitable space added to the upper floor will not encroach the current setback.

The survey and photos show the existing 8' high fence within the half-front yard facing Courtenay Drive. We will partially or fully rebuild this fence and would like to retain the existing height and design with 6' high solid wood privacy fence topped by 2' of wood lattice for a total of 8'.

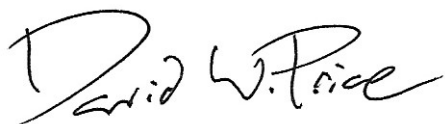
(3) such conditions are peculiar to the particular piece of property involved;

This property is a corner lot that is more than 10' narrower than the current minimum frontage and the existing house is 10.2' from the property line along the half-front yard facing Courtenay Drive. The side setback opposite this half-front yard is 7' and the existing house sits 8.6' from that property line. We will not affect any neighbor directly with this project since the addition is on the street side but three small trees must be removed including one street tree.

(4) 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 owners are long-term Atlanta residents and the relief granted would increase their safety by providing off-street parking for their two cars with a larger driveway which allows better visibility when backing out onto Courtenay Drive. The garage addition is a result of their desire to stay within intown neighborhoods while their needs have changed. This contribution to neighborhood stability is consistent with the intent of the zoning ordinance.

Thank you for your consideration,



David W. Price, Applicant



V-20-085



City of Atlanta | Department of City Planning
**OFFICE OF ZONING
& DEVELOPMENT**

RECEIVED

DATE: 8-3-2020

Price Residential Design

1595 Nottingham Way Atlanta, Georgia 30309

EXISTING CONDITIONS AT 1280 Middlesex Avenue



Front - new porch roof will be provided over existing stoop



Side facing Courtenay Drive with two small trees (left of existing garage door) to be removed

V-20-085



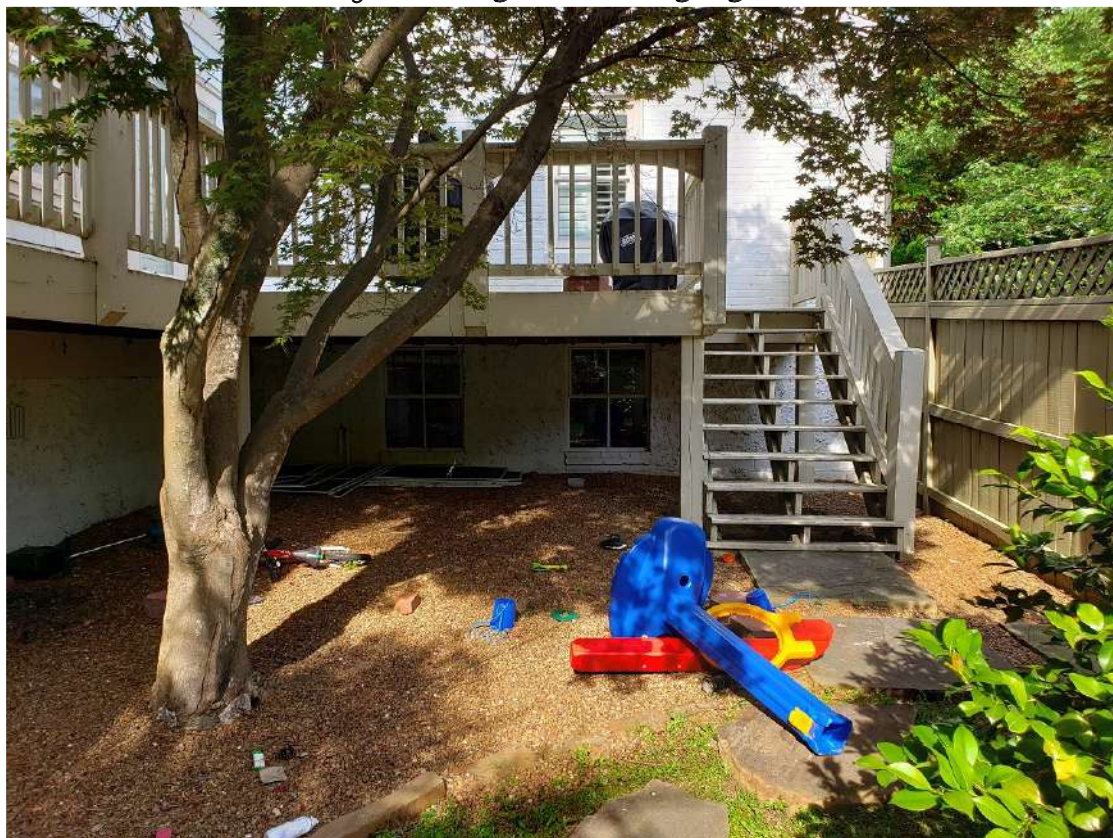
City of Atlanta | Department of City Planning
**OFFICE OF ZONING
& DEVELOPMENT**

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DATE: **8-3-2020**



Rear yard including non-conforming height fence



Rear yard including third small tree to be removed along with portion of deck to be removed

V-20-085



City of Atlanta | Department of City Planning
**OFFICE OF ZONING
& DEVELOPMENT**

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DATE: 8-3-2020



Existing concrete stairs to be removed



Tight conditions in existing small garage



Right (north) side of house – no work on this side.



AUTHORIZATION BY PROPERTY OWNER

(Required only if the applicant 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, Inho Kim (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1280 Middlesex 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.

NAME OF APPLICANT:

LAST NAME Price FIRST NAME David
ADDRESS 1595 Nottingham Way SUITE _____
CITY Atlanta STATE Georgia ZIP CODE 30309

OWNER'S TELEPHONE NUMBER: 770 329 1998

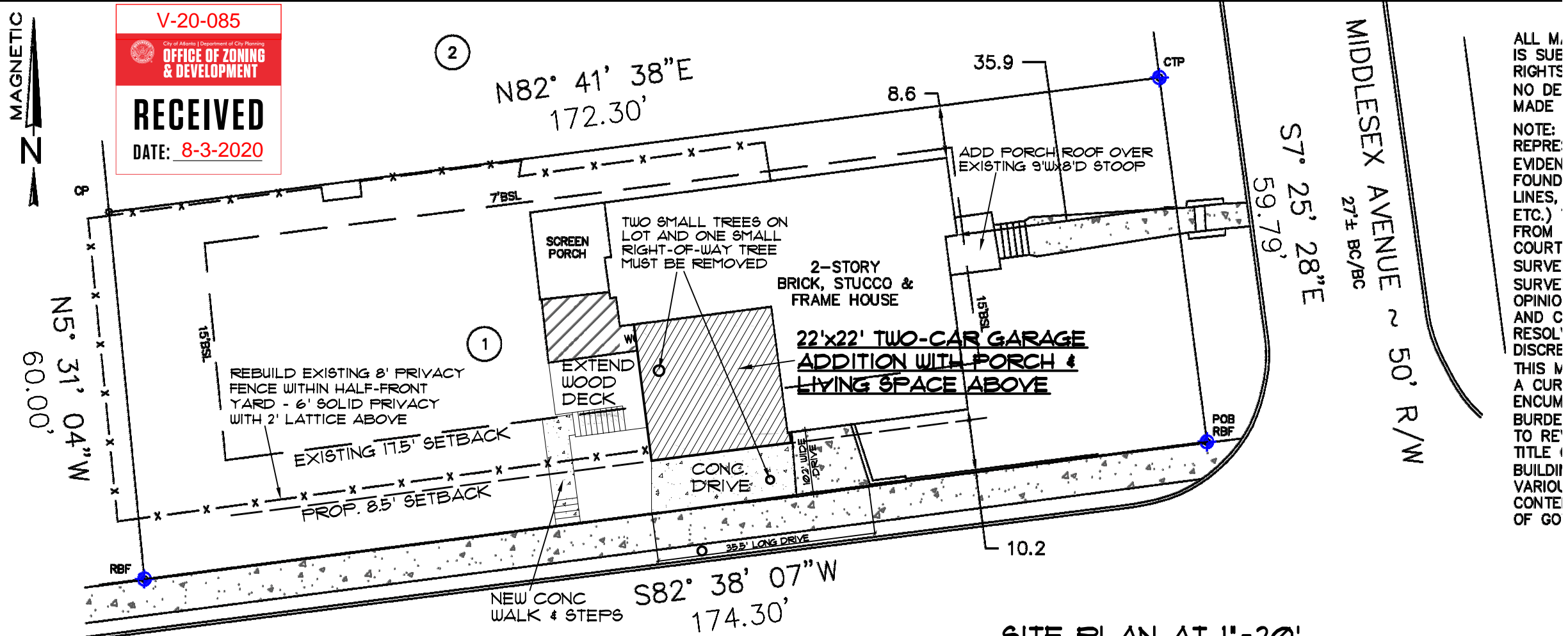
[Signature]
SIGNATURE OF OWNER
Inho Kim
PRINT NAME OF OWNER

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.

[Signature]
NOTARY PUBLIC
6-3-2020

DATE





V-20-085
 City of Atlanta | Department of City Planning
OFFICE OF ZONING & DEVELOPMENT
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 DATE: 8-3-2020

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LOT COVERAGE BREAKDOWN

	EXISTING	PROPOSED
HOUSE	1757 SQ FT	1757 SQ FT
GARAGE ADD	0 SQ FT	496 SQ FT
DECK	367 SQ FT	305 SQ FT
DRIVEWAY	131 SQ FT	331 SQ FT
CONC WALK & STEPS	213 SQ FT	236 SQ FT
FRONT & REAR PORCH	243 SQ FT	243 SQ FT
TOTAL	2711 SQ FT	3368 SQ FT
	26.1%	32.5%

SITE PLAN AT 1"=20'
 6-10-2020

*** LEGEND ***
 NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
 AKA ALSO KNOWN AS
 APD AS PER DEED
 APP AS PER PLAT
 BSL BUILDING (SETBACK) LINE
 CP COMPUTED POINT
 CTP CRIMP TOP PIPE FOUND
 D DEED (BOOK/PAGE)
 DW DRIVEWAY
 EP EDGE OF PAVEMENT
 FFE FINISH FLOOR ELEVATION
 FKA FORMERLY KNOWN AS
 N NEIGHBOR'S
 N/F NOW OR FORMERLY
 NAIL NAIL FOUND
 P PLAT (BOOK/PAGE)
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 R RADIUS LENGTH
 R/W RIGHT-OF-WAY
 RBF REINFORCING BAR FOUND (1/2" UNO)

PROPERTY ADDRESS:
 1280 Middlesex Ave NE
 Atlanta, GA 30306

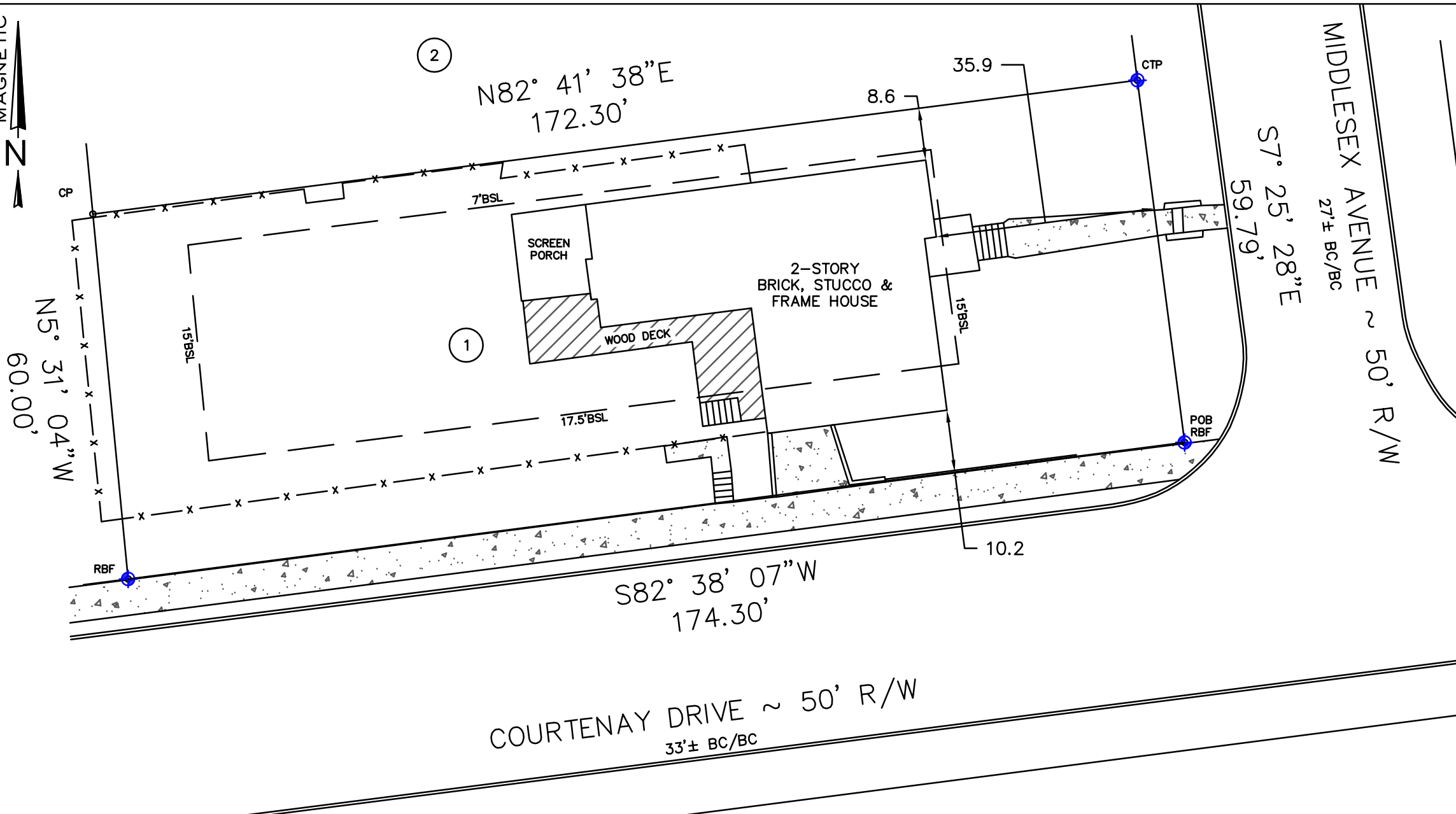
LAND AREA:
 10377 SF
 0.238 AC

IMPERVIOUS AREA:
 EXIST= 2711 SF=26.1%

ZONING: R-4

PLAT PREPARED FOR:
 Inho Kim

LOT 1 BLOCK D SUBDIVISION MORNINGSIDE HILLS		
LAND LOT 52	17th DISTRICT	BY:
FULTON COUNTY, GEORGIA	FIELD DATE: 5-24-2017	TH
LOCATED IN ATLANTA	DRAWN DATE: 5-25-2017	TW
REFERENCE: CADASTRAL p000965	ALL MATTERS OF TITLE ARE EXCEPTED ~ NOT FOR RECORDING	
REFERENCE: DEED BOOK 51177, PAGE 599	THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1	



ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.



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 POC POINT OF COMMENCEMENT
 R RADIUS LENGTH
 R/W RIGHT-OF-WAY
 RBF REINFORCING BAR FOUND
 (1/2" UNO)
 RBS 1/2" REINFORCING BAR SET
 SW SIDEWALK
 SSE SANITARY SEWER EASEMENT
 SSCO SANITARY SEWER CLEANOUT
 -X- FENCE LINE

PROPERTY ADDRESS:
 1280 Middlesex Ave NE
 Atlanta, GA 30306

LAND AREA:
 10377 SF
 0.238 AC

IMPERVIOUS AREA:
 EXIST= 2711 SF=26.1%

ZONING: R-4

0 20
 SCALE 1" = 20'

PLAT PREPARED FOR:
 Inho Kim

LOT 1 BLOCK D SUBDIVISION MORNINGSIDE HILLS	
LAND LOT 52 17th DISTRICT	BY:
FULTON COUNTY, GEORGIA	FIELD DATE: 5-24-2017 TH
LOCATED IN ATLANTA	DRAWN DATE: 5-25-2017 TW
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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 97906 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

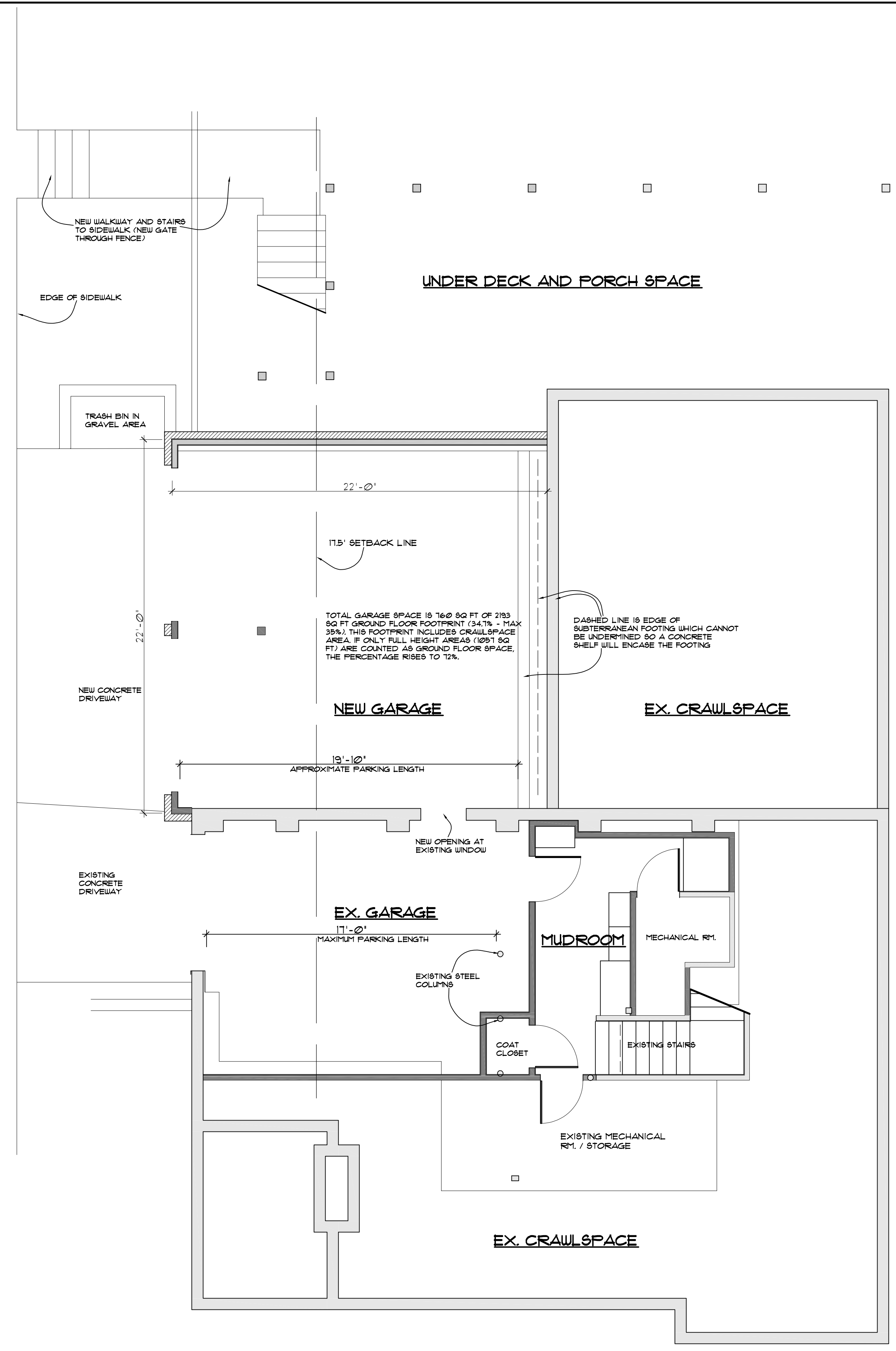
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



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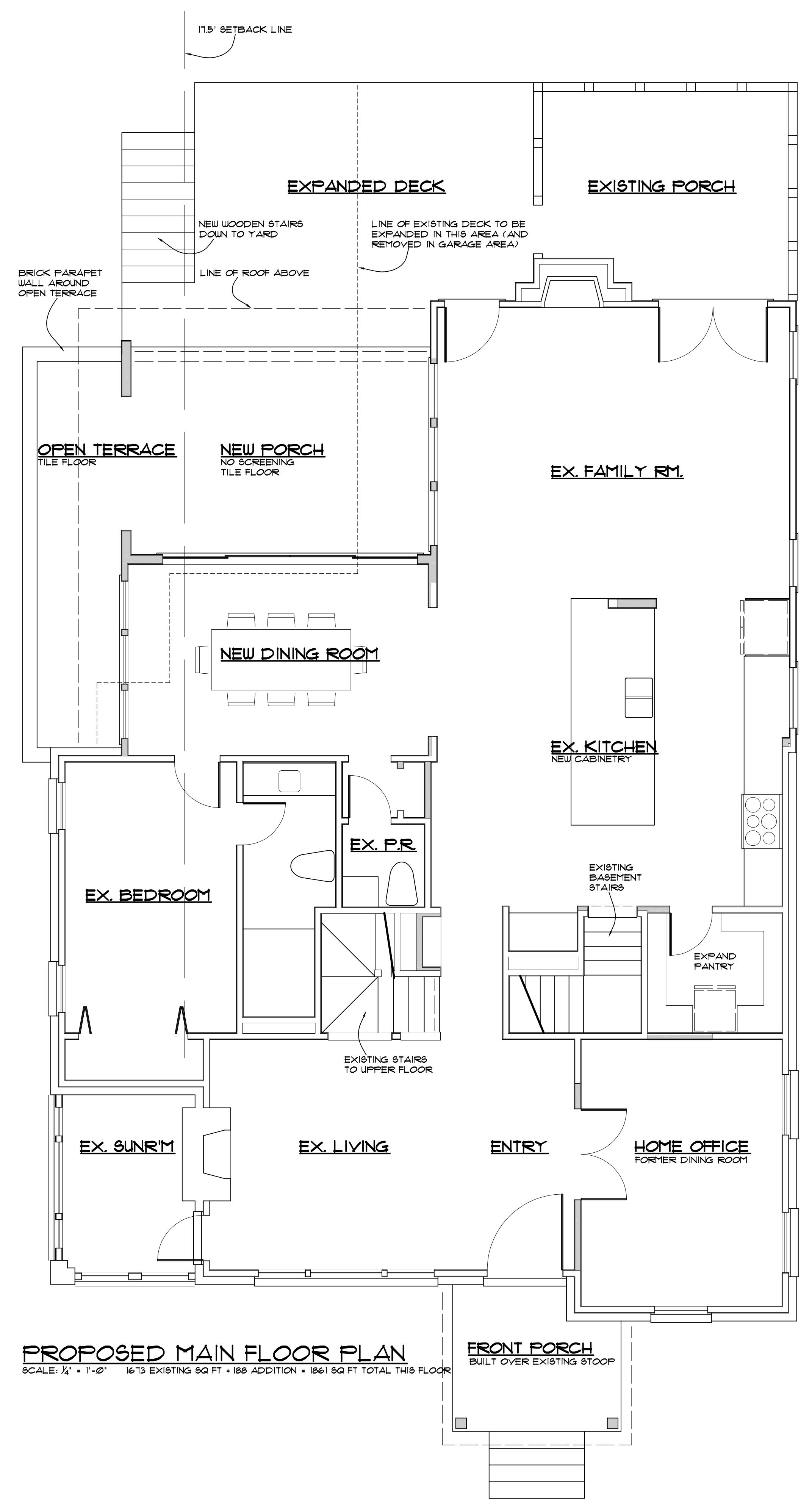


PRICE RESIDENTIAL DESIGN
 1535 NOTTINGHAM WAY
 ATLANTA, GEORGIA
 30309
 dave@priceresidentialdesign.com
 404-245-4244



PROPOSED FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"
 2193 PROPOSED SQ FT FOOTPRINT (114 EXISTING)
 126 NEW FINISHED CONDITIONED SPACE (MUDROOM) IN EXISTING BASEMENT

TOTAL GARAGE SPACE IS 1600 SQ FT OF 2193 SQ FT GROUND FLOOR FOOTPRINT (34.1% - MAX 35%). THIS FOOTPRINT INCLUDES CRAWLSPACE AREA. IF ONLY FULL HEIGHT AREAS (1091 SQ FT) ARE COUNTED AS GROUND FLOOR SPACE, THE PERCENTAGE RISES TO 12%.



PROPOSED MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1673 EXISTING SQ FT + 188 ADDITION = 1861 SQ FT TOTAL THIS FLOOR

KIM RESIDENCE
 1280 MIDDLESEX AVENUE

PRICE RESIDENTIAL DESIGN

KIM RESIDENCE
 1280 MIDDLESEX AVE
 ATLANTA, GEORGIA

PROPOSED
 FOUNDATION AND MAIN
 FLOOR PLAN

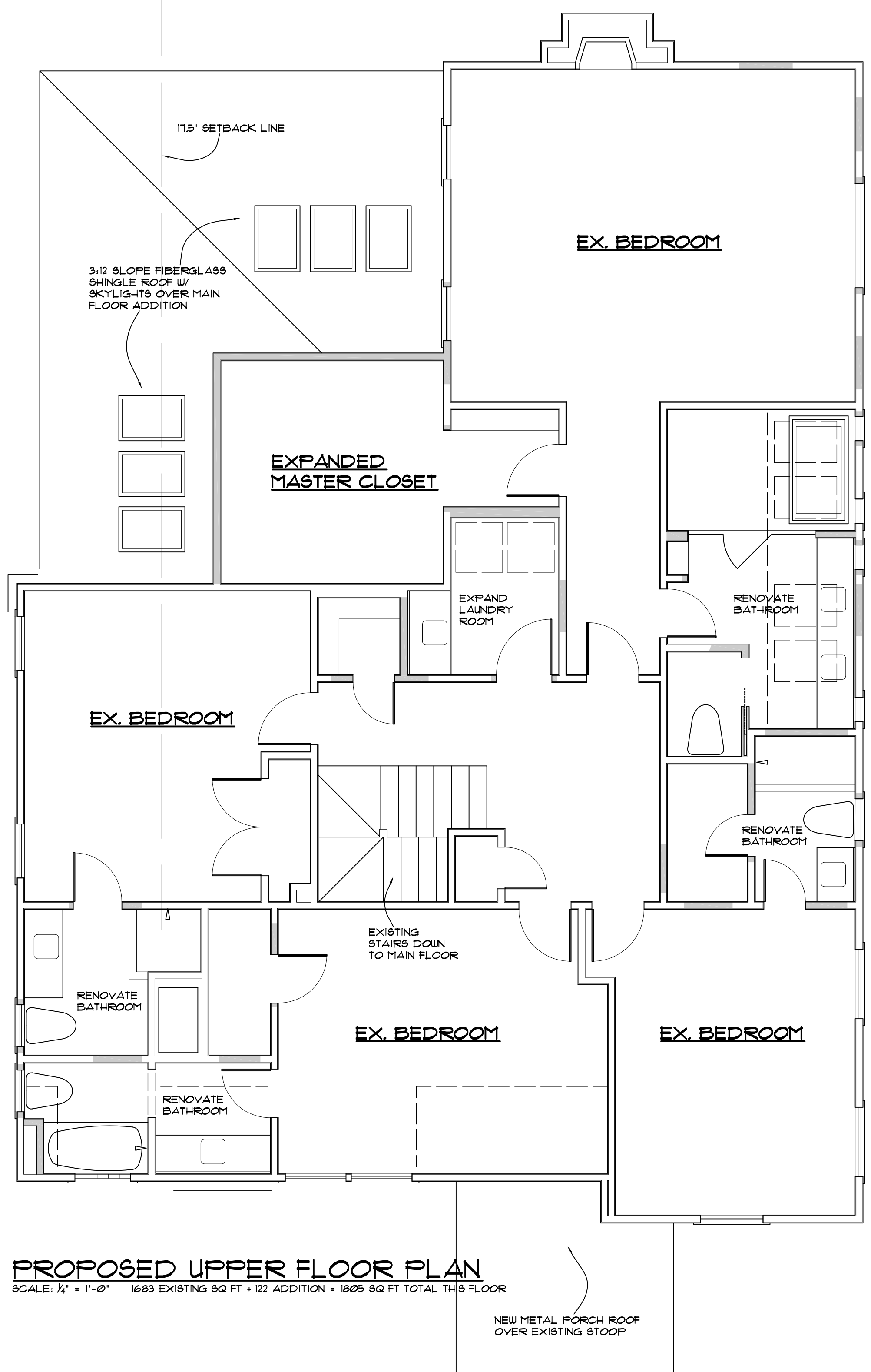
SHEET A-1

JUNE 10, 2020

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 1535 NOTTINGHAM WAY
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 30309
 dave@priceresidentialdesign.com
 404-245-4244



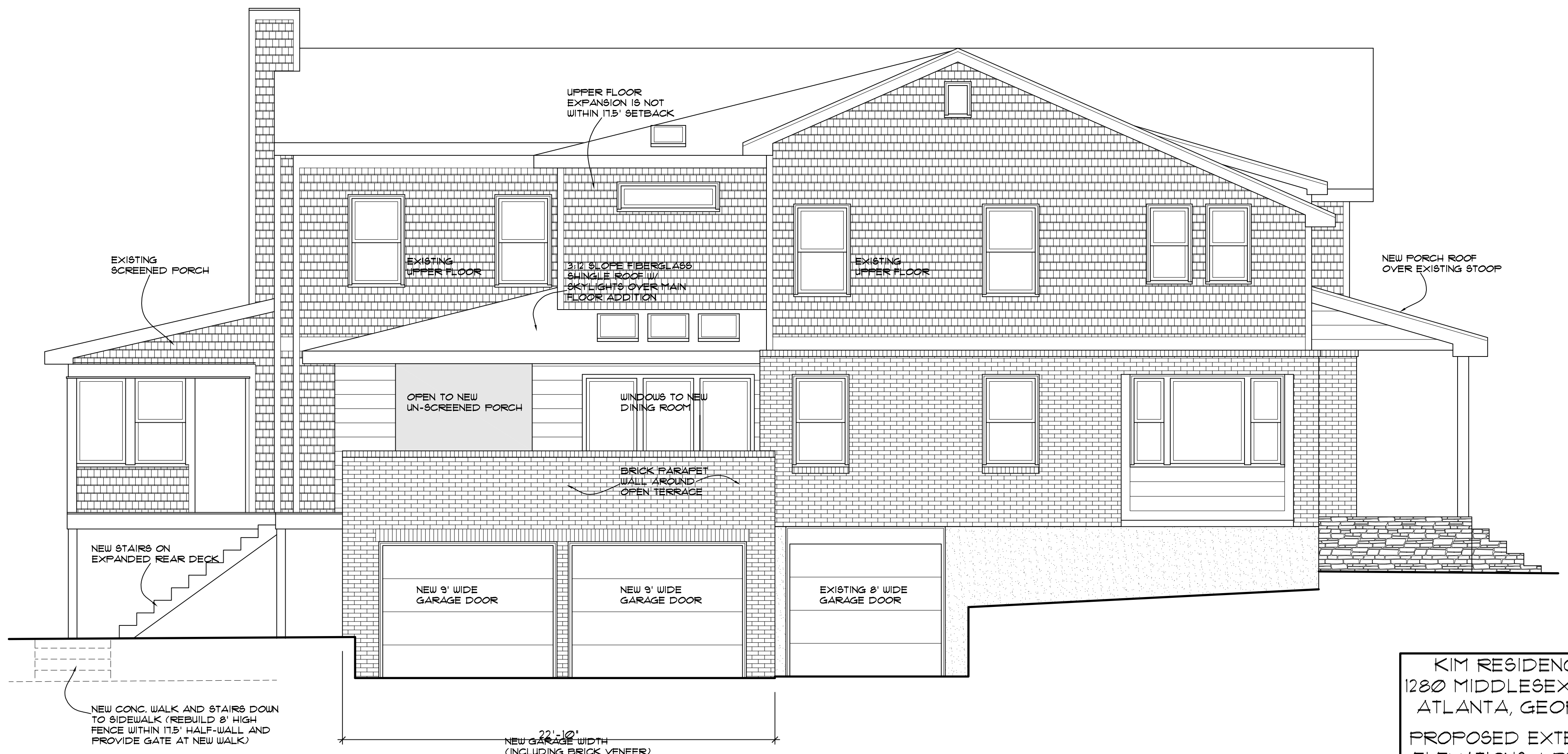
PROPOSED UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0" 1683 EXISTING SQ FT + 122 ADDITION = 1805 SQ FT TOTAL THIS FLOOR



PROPOSED FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

BUILDING HEIGHT CALCULATION (APPROX.)
 FRONT EL: 23'-10"
 RIGHT SIDE EL: 23'-8"
 REAR EL: 24'-0"
 LEFT SIDE EL: 28'-6"
 AVERAGE: 100'-0" / 4 = 25'-0" (MAX. 35')

FLOOR AREA RATIO
 BASEMENT: 126 SQ FT FINISHED, NON-GARAGE SPACE
 MAIN FLOOR: 1861 SQ FT PROPOSED
 UPPER FLOOR: 1805 SQ FT PROPOSED
 TOTAL: 3792 SQ FT OR 36.5% OF 10371 SQ FT LOT (50% MAX.)



PROPOSED LEFT ELEVATION
 SCALE: 1/4" = 1'-0"

KIM RESIDENCE
 1280 MIDDLESEX AVENUE

PRICE RESIDENTIAL DESIGN

KIM RESIDENCE
 1280 MIDDLESEX AVE
 ATLANTA, GEORGIA
 PROPOSED EXTERIOR ELEVATIONS & PROP. UPPER FLOOR PLAN
SHEET A-2
 JUNE 10, 2020