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@npuatlanta.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

NB, for Director, Office of Zoning and Development

David Price

Date: 03-2-2020
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:

<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>
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</tbody>
</table>

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
street
Atlanta Georgia 30309

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

Address  
1280 Middlesex Avenue
street
Atlanta Georgia 30306

Description of Property

Address of Property  
1280 Middlesex Avenue
street
Atlanta Georgia 30306

Area:  $37,521.44$ 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.

David W Price
Owner or Agent for Owner (Applicant)

Sworn To And Subscribed Before Me This __ Day Of June, 20__.

Keith O. Williams
NOTARY PUBLIC

January 2020 - 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.”).
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.
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
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
Rear yard including non-conforming height fence

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

Tight conditions in existing small garage
Right (north) side of house – no work on this side.
AUTHORIZED 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, _______________ (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT _______________ (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 _______________ FIRST NAME _______________ 
ADDRESS _______________ SUITE _______________
CITY _______________ STATE _______________ ZIP CODE _______________

OWNER’S TELEPHONE NUMBER: _______________

SIGNATURE OF OWNER

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.

DATE _______________

V-20-085 RECEIVED DATE: 8-3-2020
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 AND ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTRADICTION 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 HEREBY DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONFLICT WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

* LEGEND *
NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
AMA ALSO KNOWN AS N MEASUREMENTS
APO AS PER DEED N/F NOW OR FORMERLY
APP AS PER PLAT NAIL NAIL FOUND
BSL BUILDING (SETBACK) LINE PLAT (BOOK/PAGE)
CP COMPUTERIZED POINT POB POINT OF BEGINNING
CTO GRUMP TOP PIPE FOUND POP POINT OF COMMENCEMENT
D DEED (BOOK/PAGE) POC POINT OF COMMENCEMENT
DW DRIVEWAY RADIUS LENGTH
EP EDGE OF PAVEMENT R/W RIGHT-OF-WAY
FPA FORMERLY KNOWN AS RBF REINFORCING BAR FOUND
FPA FORMERLY KNOWN AS (1/2" UNK)
FPF FORMERLY KNOWN AS RBS 1/2 REINFORCING BAR SET
L ARC LENGTH SW SIDEWALK
LLL LAND LOT S/ SANITARY SEWER EASEMENT
LLL LAND LOT LINE SSO SANITARY SEWER CLEANOUT
LLL LAND LOT LINE K FENCE LINE

PROPERTY ADDRESS:
1290 Middlesex Ave NE
Atlanta, GA 30306

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 5000965  ALL MATTERS OF TITLE ARE EXCEPTED – NOT FOR RECONCILIATION
REFERENCE: DEED BOOK 51172, PAGE 599

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET. AN ANGULAR ERROR OF 0.5 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 97,098 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PLAT.


SURVEY SYSTEMS & ASSOC., INC.
657 Lake Drive, Snellville, GA 30078 – O.S.S. No. LFS000867 ~ INFO@SURVEYSYSTEMSATLANTA.COM

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