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**Notice To Applicant**  
City of Atlanta  
Bureau of Planning  
Current Planning Division, Development Review Section

APPLICATION NUMBER V-06-324

Council District 6

Location of Property 1220 Pasadena Avenue., NE  
Atlanta, Ga., Zip: 30306

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<input checked="" type="checkbox"/> <b>BZA - Board of Zoning Adjustment</b> <input type="checkbox"/> <b>ZRB - Zoning Review Board</b> <b>HEARING DATE : <u>January 5, 2007</u></b> <b>At <u>1:00</u> P.M.</b> <b>Council Chambers, 2<sup>nd</sup> Floor, City Hall</b> <b>55 Trinity Avenue, S.W.</b>	<p align="center"><b>LAND USE AMENDMENT REQUIRED FOR THIS REZONING REQUEST</b></p> <p align="center">YES</p> <p align="center">NO</p> <p align="center">Circle one as appropriate</p>
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This application is for property located in Neighborhood Planning Unit (NPU) F

David Rogers  
Name(s) of Contact Person(s)

404.443.7435

David.rogers@perkinswill.com  
Contact Info(s)

Adjacent NPU(s) (Use another sheet if necessary) to present for information purposes only.

NPU _____ Name of Contact Person	NPU _____ Name of Contact Person
Telephone No. _____	Telephone No. _____

Please contact the person listed above within two days to ensure that your application is placed on the agenda for the next Neighborhood Planning Unit meeting. If you are unable to reach the contact person, please call Wendy Scruggs-Murray, NPU Coordinator, at (404) 330-6145.

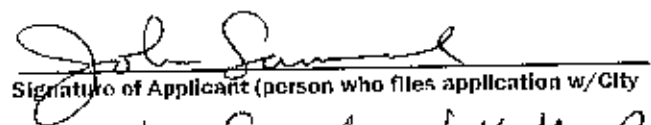
The City of Atlanta's Zoning Ordinance, Section 16-07.008 requires that "...the director, Bureau of Planning shall cause the property involved in the proposed change to be posted at least 15 days prior to the hearing." The Zoning Ordinance also requires that the sign or signs be posted on a conspicuous place on the property, adjacent to each street the property abuts, for each 600 feet of abutting street frontage.

The applicant should post the sign(s) by December 21, 2006 to allow adequate notice to interested parties, and it should remain posted until after the public hearing.

Sincerely,



For Director, Bureau of Planning

  
Signature of Applicant (person who files application w/ City)

John Sanders / Kelly Polvino  
Print Name

1. TO ADJ  
 2. CORRECTED AREA  
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CURVE TABLE			
CURVE	LENGTH	RADIUS	BEARING
C1	70.53	997.05	S46°52'52"W

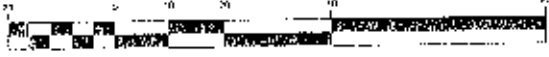
EXISTING GRADE TO BE  
 MAINTAINED TO THE  
 MAXIMUM EXTENT  
 POSSIBLE

250' WIDE R/W U  
 TO INTERSECTION WITH  
 1/2 W OF JOHNSON ROAD  
 (IF EXTENDED) AS PER PLAT  
 NO MONUMENT FOUND

AREA  
 9,408 sq. ft.  
 0.22 acres

GRADEING NOTES:  
 ALL EXISTING LINES TO REMAIN AS  
 EXISTING - UNLESS OTHERWISE NOTED

GRAPHIC SCALE



( IN FEET )  
 1 inch = 20 ft.

NOTE:  
 ALL DIMENSIONS IN FEET ARE PER PUBLIC  
 RECORDS, UNLESS OTHERWISE NOTED.

THIS PLAN WAS PREPARED BY THE ENGINEER  
 AND THE SURVEYOR HAS REVIEWED THE  
 SAME AND APPROVES THE SAME AS SHOWN  
 ON THIS PLAN.

AT CHICAGO, ILLINOIS

THE SURVEYOR HAS REVIEWED THE  
 SAME AND APPROVES THE SAME AS SHOWN  
 ON THIS PLAN.

DATE: 10-2-05  
 SCALE: 1" = 20'  
 DRAWN BY: ANTHONY T. POLYAK & KATHLEEN R. POLYAK  
 CHECKED BY: ANTHONY T. POLYAK & KATHLEEN R. POLYAK  
 SECTION: 15th DISTRICT  
 COUNTY: DICKENS COUNTY, GEORGIA



### APPLICATION FOR VARIANCE City of Atlanta

Date Filed 11/7/06 Application Number V 06-324  
 Name of Applicant Kathlynn Polvino Daytime Phone (404) 936-0406 (C)  
(404) 572-4589 (W)  
 Company Name Powell Goldstein LLP e-mail Kbutter@pogolaw.com  
 Address 1220 Pasadena Ave Atlanta, GA 30306  
street city state zip code

Name of Property Owner Kathlynn & Anthony Polvino Phone (404) 607-1899  
 Address 1220 Pasadena Ave, Atlanta, GA 30306  
street city state zip code

#### Description of Property

Address of Property 1220 Pasadena Ave, Atlanta OR  
 the subject property fronts 70 feet on the Northwest side of \_\_\_\_\_  
Pasadena Avenue, and begins 250.7 feet from the  
Southeast corner of Johnson Road.  
 Depth: 181' Area: .22 acres Land Lot: 56 District: 18<sup>TH</sup> DeKalb County, GA.  
 Property is zoned: R4, Council District: 6C, Neighborhood Planning Unit: F

TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant variance(s).

I hereby authorize the staff of the Bureau of Planning 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 Bureau of Planning 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.

Sworn To And Subscribed Before Me This 6<sup>th</sup> Day Of Nov, 2006

Kathlynn B. Polvino  
 Owner or Agent for Owner (Applicant)  
 KATHLYNN B. POLVINO  
 APPLICANT'S NAME IN PRINTED LETTERS

Leanne S. Middleton  
 NOTARY PUBLIC



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# CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335  
404-330-6175 - FAX: 404-658-6979  
Internet Home Page: www.atlantaga.gov

SHIRLEY FRANKLIN  
MAYOR

Stevon R. Cover, AICP  
Commissioner  
Dept. of Planning &  
Community Development

Ibrahim Maslamani, CBO,  
AIA  
Director  
Bureau of Building

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V 06-324

NPU F DATE FILED 11/7/06

1. Kathlyon Polvino  
Name of Applicant

### BUILDING PERMIT AUTHORIZING An addition to a single family house

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at 1220 Pasadena Avenue NE 18<sup>th</sup>/56 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 regulations to reduce the north side yard setback from 7ft (required) to 5ft to allow an addition to a single family house. Applicant seeks no other variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 06 Section 16-06.008 Paragraph (2)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Bureau of Buildings  
Ibrahim Maslamani, CBO, AIA, Director  
Ann Heard, Acting Chief Zoning Division *[Signature]*

**Summary of proposed changes to buildings or site** (example: "Construct a 10-foot by 10-foot, one-story room addition on the first floor of the house.") **Include square footages and stories:** repair and renovate existing one-story screened porch, to include enclosing porch and utilizing existing roof and square footage

**Proposed Lot Coverage (After Construction):** Calculate total square footage of all lot coverage on the entire property after construction would be finished, including existing and proposed buildings and other structures, sidewalks, driveways, parking pads, patios, gravel, etc; everything except natural planted or undisturbed areas.

3,440 covered square feet / 9,408 total lot square feet = 36.6% proposed lot coverage  
50 % maximum allowed lot coverage

**Variance Procedures**

Variance applications are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment ("BZA"). The Bureau of Planning serves as staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your application. All inquiries regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

**Schedule.** There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached (Page 9).

**Neighborhood and NPU Recommendations.** The City is divided into 24 Neighborhood Planning Units (NPU's), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on variances. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. You may be requested to attend additional neighborhood meetings; inquire about the time and place of those meetings. The applicant is expected to contact the NPU as soon as possible after the application is filed. The Bureau of Planning will send a copy of your application to the appropriate NPU during the week after the closing date for your application.

**Public Notice.** When you file your application, it will be scheduled for a public hearing. The Bureau of Planning will initiate posting of public notice ("an advertisement", "a legal ad") for this public hearing so that the public is informed at least 15 days before the date of the public hearing:

- by sending written notice of your application to all property owners whose property is within 300 feet of the subject property, and
- by causing public notice to be placed in the newspaper.

*You are responsible for obtaining a public notice sign when you file your application with the Bureau of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30 or more days after the original hearing.*

**Refunds on Withdrawn Cases.** Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

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*1220 Pasadena Avenue, Atlanta, GA 30306*  
*Justification for Variance Request*

This project involves the repair and renovation of an existing screened porch that was constructed over 20 years ago. A significant portion of the existing tiled floor of the 478 square foot porch collapsed in June 2006. (*See attached photographs*). After evaluating options to repair the entire flooring to make sure the area is structurally sound, while at the same time making other necessary repairs to the aged structure, the homeowners decided to enclose the porch itself. In 2004, repairs to the fascia board of the porch were made and the entire roof of the porch was repaired and re-shingled. Yet, the porch itself is in considerable need of additional repairs (including old, rotted wood, torn screens, doors that are warped and no longer shut completely).

The renovations and repairs will involve utilizing the existing roof (the roof line will not change at all), and, if possible, the existing footings of the porch. The dimensions of the porch will not change and the existing stone steps to the back yard will be repaired and reconfigured. The existing deck adjacent to the porch will not be altered. Thus, the enclosed living area will not be any closer to the adjoining property than the existing screened porch. A variance is requested solely given the conversion of the existing unheated space (in connection with the necessary repairs and renovations) into heated space. This project will improve the appearance of the existing structure, and is designed to be consistent with the character of the neighborhood and existing home.

*Specific Criteria for Variance*

**Factor 1:** The structural layout of the existing home (built in 1932) and the existing screened porch (built over 20 years ago) is driving the request for the variance. The porch was built flush with the existing home. The property line on the left side, however, is not parallel to the existing structures (the home or the screened porch). Rather, it angles in towards the existing structures. Thus, while the front of the existing screened porch is more than 7 feet from the adjoining property, the back corner of the existing screened porch is approximately 5 feet. (The variance is requested for the 2 foot difference). A hardship would be involved due to the zoning regulations if the existing footings and roof could not be used when the existing structure is repaired and renovated.

**Factor 2:** Given the existing structure that the homeowners seek to renovate and repair, it would create an unnecessary hardship to apply the zoning ordinance to this property. Application of the zoning ordinance would require the entire existing structure to be torn down and replaced, rather than utilizing the existing roof (that is less than 2 years old) and footings.

**Factor 3:** This situation is unique to this property as it involves an existing structure that is aged, currently un-safe, and in need of repairs. The proposed renovation and repairs will improve the appearance of the property without changing the functional footprint of the existing structures. The adjoining property is separated from the homeowners' property by an existing tall privacy fence, and will not be disrupted during the renovations and repairs.

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**Factor 4:** The granting of the variance is in the public interest, the interests of adjoining property owners, and would not impair the purposes and intent of the zoning ordinance of the City of Atlanta. As noted above, the floor of the existing porch is unsafe and the porch has not been used since June 2006 due to the extent of damage to the floor. Additionally, the existing doors and floor - to - ceiling beams are in need of repairs. Thus, the current condition of the porch must be improved. By improving the appearance of the property, this project will protect against depreciation of the existing home as well as the homes on the adjoining property. By enclosing the porch, the project also will promote greater privacy and reduce noise.

Thank you for your consideration of this request.

Kathy & Anthony Polvino

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