

Notice To Applicant

City of Atlanta
Bureau of Planning
Current Planning Division, Development Review Section

APPLICATION NUMBER V-06-342

Council District 6

Location of Property 890 Courtenay Dr., NE
Atlanta, Ga., Zip: 30306

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NOV 27 2006
Bureau of
Planning

<p><input checked="" type="checkbox"/> <u>X</u> BZA – Board of Zoning Adjustment</p> <p><input type="checkbox"/> ZRB – Zoning Review Board</p> <p>HEARING DATE : <u>January 19, 2007</u></p> <p>At <u>1:00</u> P.M.</p> <p>Council Chambers, 2nd Floor, City Hall</p> <p>55 Trinity Avenue, S.W.</p>	<p>LAND USE AMENDMENT REQUIRED FOR THIS REZONING REQUEST</p> <p>YES</p> <p>NO</p> <p>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)

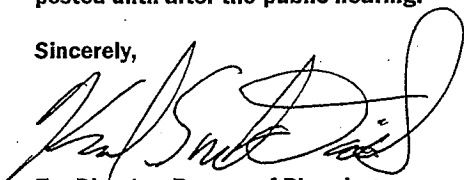
<p>Adjacent NPU(s) (Use another sheet if necessary) to present for information purposes only.</p>	
<p>NPU _____</p> <p>Name of Contact Person _____</p> <p>Telephone No. _____</p>	<p>NPU _____</p> <p>Name of Contact Person _____</p> <p>Telephone No. _____</p>

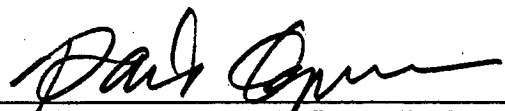
Please contact the person listed above within two days to ensure that your application is placed on the agenda for the next Neighborhood Planning Unit meeting. If you are unable to reach the contact person, please call Wendy Scruggs-Murray, NPU Coordinator, at (404) 330-6145.

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 January 4, 2007 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)

DAVID OGRAM
Print Name

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NOV 27 2006 March 2006
Bureau of
Planning

APPLICATION FOR VARIANCE
City of Atlanta

Date Filed 11/22/2006 Application Number V-06-342
Name of Applicant David Ogram Daytime Phone 404-578-0352
Company Name Permits Now e-mail davidrogram@aol.com
Address 254 E. Paces Ferry Rd Atl. GA 30305
street city state zip code

Name of Property Owner Trevor Russell Phone 404.433.7021
Address 890 Courtenay Drive^{NE} Atlanta, GA 30306
street city state zip code

Description of Property

Address of Property 890 Courtenay Drive Atlanta, GA 30306 OR
the subject property fronts _____ feet on the _____ side of _____
_____, and begins _____ feet from the
_____ corner of _____.

Depth: 154' Area: 8268ft² Land Lot: 2 District: 17, Fulton County, GA.

Property is zoned: R4, Council District: 6th, 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).

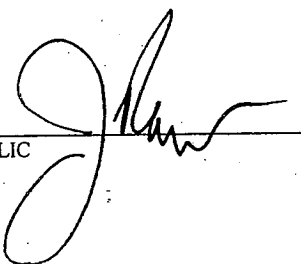
I hereby authorize the staff of the Bureau of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Bureau of Planning upon filing this application. I swear 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 21st Day Of November 2006.

X

Owner or Agent for Owner (Applicant)

APPLICANT'S NAME IN PRINTED LETTERS

NOTARY PUBLIC


JEFF RAW
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
COMMISSION EXPIRES 02/13/08



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

Steven 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-06-342
NPU F DATE FILED _____

1. David Orgram

Name of Applicant

BUILDING PERMIT AUTHORIZING Construction of a single family house

at 890 Courtenay Drive 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 regulations to reduce the east side yard setback
from 7' (required) to 3.3' to allow construction of a single family house. Applicant seeks
no other variances at this time.

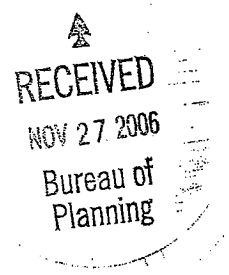
1982 ZONING ORDINANCE, AS AMENDED

Chapter 06 Section 16-06.008 Paragraph (2)

Chapter _____ Section _____ Paragraph _____

Chapter 28 Section 16-28.015 Paragraph _____

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



V-06342

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: Existing home is currently under construction and we discovered that the foundation was inadvertently located within the side setback.

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.

_____ covered square feet / _____ total lot square feet = _____ % proposed lot coverage
_____ % maximum allowed lot coverage

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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 inquires 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 (NPUs), 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.

V-06-342 March 2006

NOTARIZED AUTHORIZATION BY PROPERTY OWNER

(Required only if applicant is not the owner of the property subject to the application.)

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Bureau of Planning

TYPE OF APPLICATION Variance

I, Trevor Russell (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT _____

890 Courtenay Drive Atlanta, GA 30306 (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 ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT David Ogram

ADDRESS OF APPLICANT 254 E. Paces Ferry Rd. Atlanta, Ga. 30305

TELEPHONE NUMBER 404-578-0352

X [Signature]
Signature of Owner

Personally Appeared Before Me
Jeff Raw

Who Swears That The Information Contained In This Authorization Is True and Correct To The Best of His or Her Knowledge and Belief.
[Signature]

Notary Public
Date 11/21/2006

11/21/2006

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Variance Justification for 890 Courtenay Drive Atlanta, GA 30306:

Trevor and Petra Russell have lived at 890 Courtenay Drive since approximately 1997. They have been a vibrant part of the community and hope to be there many years to come.

east

In 2005 Trevor and Petra started planning a project that will eventually become their dream home. This project is about 80% complete at this point, but we have discovered that the foundation sub-contractor sited the house improperly and its back corner currently sits in the side setback. Upon discovering this error, the general contractor has contacted different parties to see how they could properly resolve the situation including re-platting the property, buying property from the neighbors, etc... After exhausting our other resources we are submitting an application for variance based on the following justifications and hardships:

The home is approximately 80% finished. The exterior is almost completely done and the interior has passed its inspections and is moving forward. There is a massive concrete foundation that was required to create a side-entry garage and basement living space for this home. This foundation can not be relocated.

We have received support from the immediate neighbors that would be affected and they support the request for variance. They understand that the back corner of the house is 3.3ft from the property line instead of the required 7ft. This area is behind a garage/storage shed and does not affect their property negatively. The creation of the new structure has actually benefited the immediate neighbor because what was once a shared driveway now becomes their own to use on a daily basis.

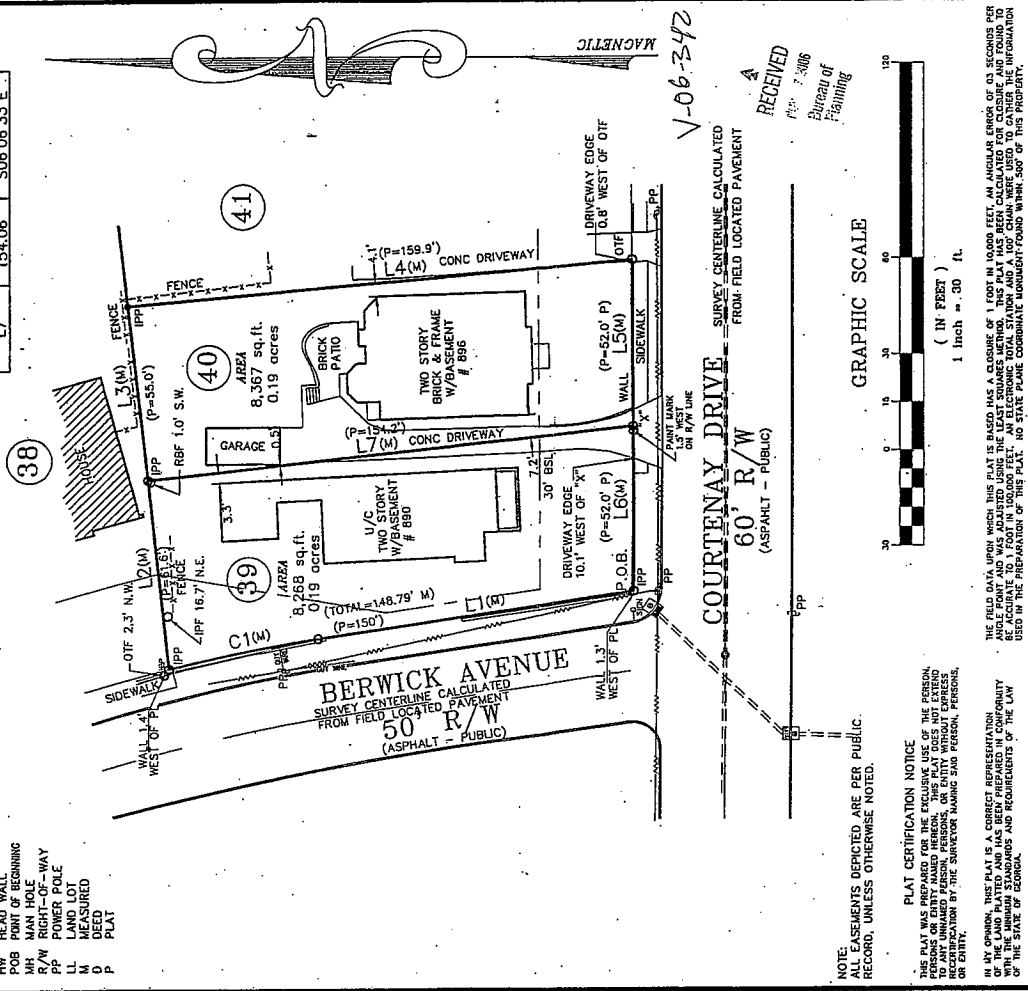
This home was sited incorrectly because of the size, complexity, and topography of the lot. An extreme amount of dirt was removed from the job site to create the foundation and the foundation sub-contractor has reviewed the situation and admitted to the mistake. The benefit to the location as it is was that we were able to save all of the trees on the site. The Russells have been working with Bartlett Tree Experts to medicate and care for these trees during the construction process as well.

Thank you for your time and consideration.

- LEGEND:
- CLIP CORRUGATED METAL PIPE
 - DE DRAINAGE EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - BBL BUILDING SETBACK LINE
 - REBAR FOUND
 - IPF IRON PIN FOUND
 - OTF OPEN TOP FOUND
 - CRAMP TOP FOUND
 - REBAR
 - CB CATCH BASIN
 - JUNCTION BOX
 - MAN HOLE
 - POINT OF BEGINNING
 - R/W RIGHT-OF-WAY
 - LAND LOT
 - MEASURED
 - N. N. N.
 - P. PLAT

CURVE TABLE			
CURVE	LENGTH	BEARING	CHORD
C1	48.04'	N11°11'58"W	48.02'

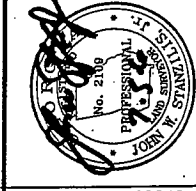
LINE TABLE		
LINE	LENGTH	BEARING
L1	100.75'	N08°27'29"W
L2	59.80'	N83°30'26"E
L3	54.90'	N83°30'26"E
L4	159.67'	S04°58'34"E
L5	52.00'	S89°37'55"W
L6	51.66'	S89°37'55"W
L7	154.08'	S06°06'33"E



NOTE:
ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

PLAT CERTIFICATION NOTICE
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PERSON OR ENTITY NAMED HEREON. THE PLAT DOES NOT EXTEND TO ANY OTHER PERSONS OR ENTITIES UNLESS SO INDICATED BY THE SURVEYOR HAVING SAID PERSON, PERSONS, OR ENTITY.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN PREPARED IN CONFORMANCE OF THE REQUIREMENTS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.



JOB NUMBER: 06-06949

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR:		DATE	07/01/06
OWNER / PURCHASER	BLACK DAWG CONSTRUCTION	SCALE	1" = 30'
LAND LOT 2	17th DISTRICT	SECTION	FULTON COUNTY, GEORGIA
LOT 39 & 40	BLOCK B	UNIT	AREA OF LOT:
SUBDIVISION	HIGHLAND PARK		
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED			
SOLAR LAND SURVEYING COMPANY P.O. BOX 723993 ATLANTA GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770)794-9052			