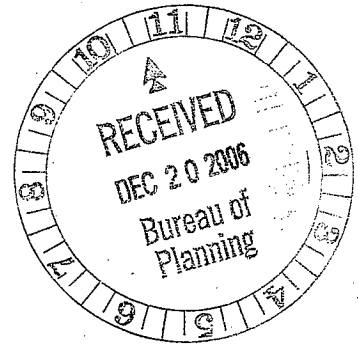


Notice To Applicant

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



APPLICATION NUMBER V-06-367

Council District: 6

Location of Property 899 Cumberland Rd., NE
Atlanta, Ga., Zip: 30306

<input checked="" type="checkbox"/> BZA - Board of Zoning Adjustment <input type="checkbox"/> ZRB - Zoning Review Board HEARING DATE: February 16, 2007 At 1:00 P.M. Council Chambers, 2nd Floor, City Hall 55 Trinity Avenue, S.W.	<p align="center">LAND USE AMENDMENT REQUIRED FOR THIS REZONING REQUEST</p> <p align="center">YES</p> <p align="center">NO</p> <p align="center">Circle one as appropriate</p>
---	---

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 _____ Telephone No. _____	NPU _____ Name of Contact Person _____ 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 February 1, 2007 to allow adequate notice to interested parties, and it should remain posted until after the public hearing.

Sincerely,

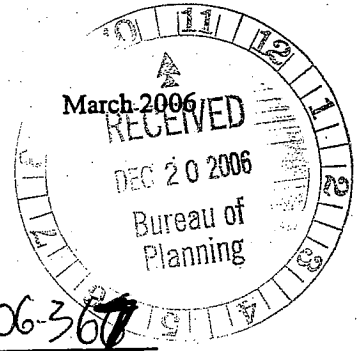
For Director, Bureau of Planning

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

DAVID OGRAM

Print Name

APPLICATION FOR VARIANCE
City of Atlanta



Date Filed _____ Application Number V-06-367
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 Devereaux Mc Clatchey Phone 404-874-5557
Address 899 Cumberland Rd. Atl., GA. 30306
street city state zip code

Description of Property

Address of Property 899 Cumberland Rd. OR

the subject property fronts _____ feet on the _____ side of _____
_____, and begins _____ feet from the
_____ corner of _____.

Depth: 114.44' Area: 9463sf Land Lot: 2 District: 17, Fulton County, GA.

Property is zoned: R4, Council District: _____, Neighborhood Planning Unit: _____

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 20 Day Of Dec, 2006.

David Ogram
Owner or Agent for Owner (Applicant)

DAVID OGRAM
APPLICANT'S NAME IN PRINTED LETTERS

MONIQUE JOHNSON
Notary Public, Fulton County Georgia
My Commission Expires August 16, 2010

NOTARY PUBLIC



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

Steve Cover
Commissioner
Dept. of Planning &
Community Development

Ibrahim Maslamani, CBO,
AIA,
Director
Bureau of Building

Zoning Enforcement Division

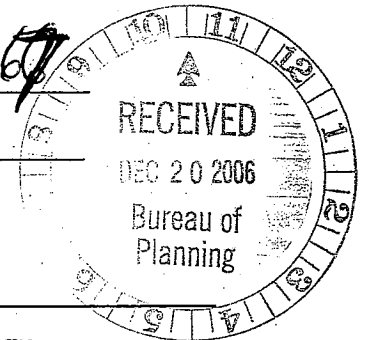
REFERRAL CERTIFICATE

COUNCIL DISTRICT
NPU _____

APPLICATION NUMBER
DATE FILED ✓-06-367

1. David Ogram

Name of Applicant



BUILDING PERMIT AUTHORIZING

Second story addition

at 899 Cumberland Road
Street Address

N.E.
Quadrant

17TH/2
District & Land Lot

to be used for residential purposes

The property is zoned R4 District

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

Applicant seeks a variance from zoning regulations to reduce the rear yard setback from 15ft required to 7ft to allow for a second story addition to an existing duplex. Applicant seeks no further request at this time. (pending conversion of duplex to single family dwelling)

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (3)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

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

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: Add Second Floor to house in 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.

V-06-267

_____ covered square feet / _____ total lot square feet = _____ % proposed lot coverage
_____ % 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 (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.

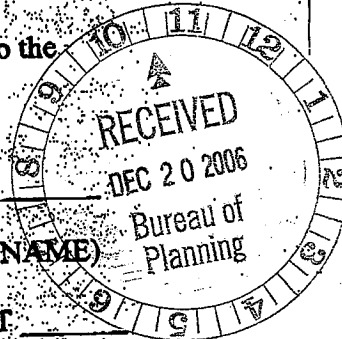
You are responsible for obtaining a public notice sign when you file your application with the Bureau of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your 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.

March 2006

NOTARIZED AUTHORIZATION BY PROPERTY OWNER

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



TYPE OF APPLICATION Variance
I, DEVEREAUX McCLATCHY (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 899 CUMBERLAND RD. NE (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 Dani Ogram

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

TELEPHONE NUMBER 404-578-0352

Deveraux McClatchy
Signature of Owner

DEVEREAUX McCLATCHY
Personally Appeared Before Me
DAMON MAASSEN

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

Damon Maassen
Notary Public

12-19-06
Date

DAMON P. MAASSEN
Notary Public, Fulton County, Georgia
My Commission Expires June 3, 2008

December 19, 2006

899 CUMBERLAND ROAD

To Whom It May Concern,

We are applying for a variance for 899 Cumberland Road, Atlanta, Georgia 30306. The house is currently a one story brick wood frame structure.

This property has a 1800SF single family house on the lot. Our intention is to add a 2nd floor to the house. Our plans are to change the style of the house from its existing 1950's ranch style to a Mediterranean Style home. We have planned a second floor to the house to look like it was originally built that way and the scale of the house will not be out of place.

The current zoning requires a back yard set back of 15ft. The existing house as built extends 8' into the back yard setback. Our intention is not to make the house any wider, but only to add future living space above the existing first floor. To do this requires a variance on the back yard from 15 ft. to 7ft.

There are extraordinary and exceptional conditions pertaining to this piece of property due to its size, shape or topography.

The lot is triangular shaped 115.15' W at the front by 114.46' deep on the side. The existing house is encroaching into the back yard set back by. To add a second floor on the house in an attractive and practical way would be difficult without extending the second floor addition over the first floor and requiring a variance.

The application of the city ordinance to this particular piece of property would create an unnecessary hardship.

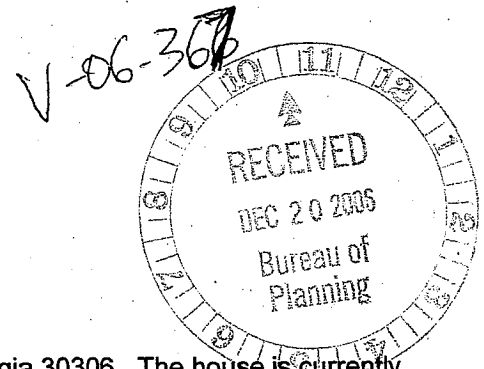
No additional enclosed space would be added to the first floor and 1380S.F. of living space to the second floor making the house 3180 S.F. total to accommodate the needs of the owners.

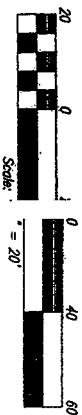
Such conditions are peculiar to this piece of property.

Going up is seen as the only practical way to add additional space.
We want to build an attractive house in keeping with better houses in the neighborhood.

Relief, if granted, would not cause substantial detriment to the good or impair the purpose of the Atlanta zoning ordinance.

Approval of a reduction in the side yard setback by 8ft. would allow construction of a non offensive discretely designed two story house that meets the requirements of a growing family and preserves the trees that create the natural environment in the backyard. The neighbors understand this and we have received favorable reaction from neighbors on the street. We intend to bring their affidavits of support to the local association NPU and BZA meetings. We believe this zoning change would not be objectionable and have no adverse effect on the community. We ask for your approval.





NOF TH

LOCATION MAP

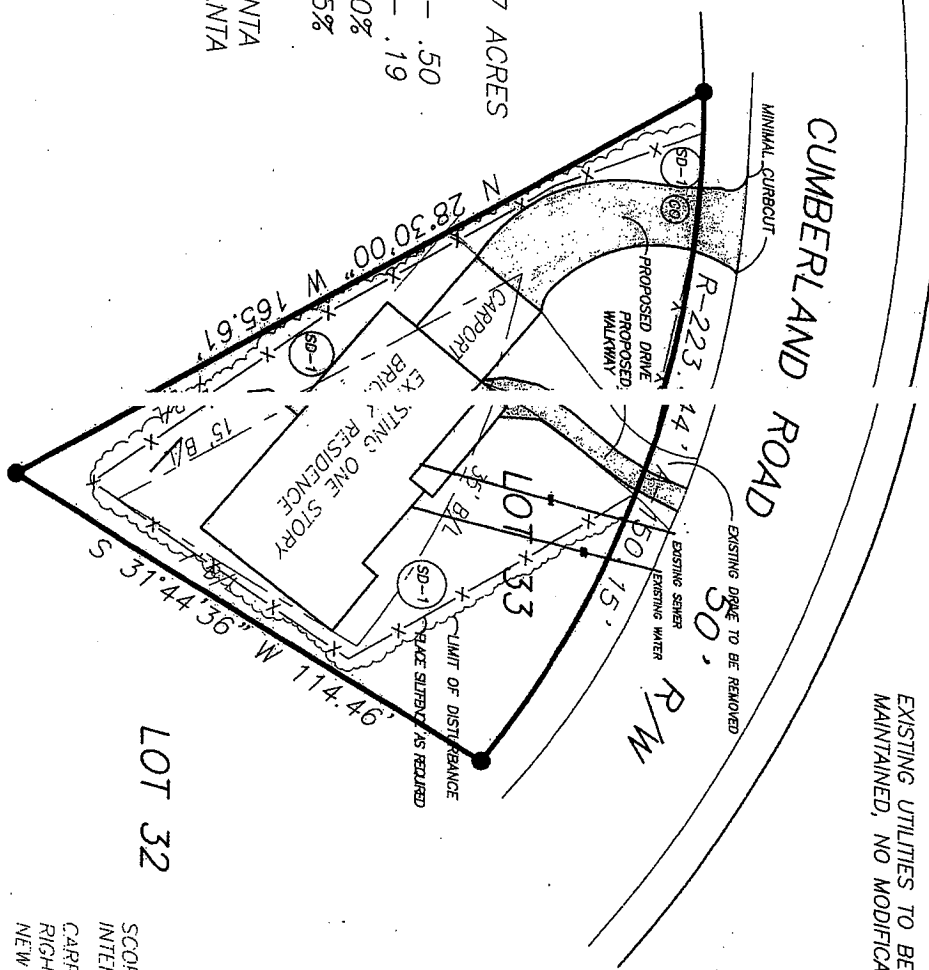


EXISTING UTILITIES TO BE MAINTAINED, NO MODIFICATIONS

BUILDING SETBACK LINES

- FRONT - 35
- SIDE - 7 FEET
- REAR - 15 FEET

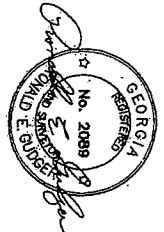
PROPERTY ZONED: R4
 TOTAL AREA - 9,463 SQ. FT. OR 0.217 ACRES
 MAXIMUM BUILDING HEIGHT - 35'
 MAXIMUM FLOOR AREA RATIO ALLOWED - .50
 MAXIMUM FLOOR AREA RATIO EXISTING - .19
 MAXIMUM LOT COVERAGE ALLOWED - 50%
 MAXIMUM LOT COVERAGE EXISTING - 35%
 MINIMUM OFF STREET PARKING - 1
 WATER PROVIDED BY THE CITY OF ATLANTA
 SEWER PROVIDED BY THE CITY OF ATLANTA



- LEGEND**
- M.H. - MANHOLE
 - J.B. - JUNCTION BOX
 - C.B. - CATCH BASIN
 - D.I. - DROP INLET
 - S.S.E. - SANITARY SEWER ESMT
 - D.E. - DRAINAGE EASEMENT
 - U.E. - UTILITY EASEMENT
 - I.P.F. - IRON PIPE FOUND
 - I.F.S. - IRON PIPE FOUND
 - C.T.F. - CEMENT TOP FIBE
 - R.F. - REBAR
 - F.H. - FIRE HYDRANT
 - 5/4 - BUILDING LINE
 - R/W - RIGHT OF WAY
 - P/P - POWER POLE
 - Q - CENTER LINE



SCOPE OF WORK:
 INTERNAL REMODELING ONLY
 CARPORT ACCESS BEING ROTATED TO
 RIGHT HAND SIDE CORRELATING WITH
 NEW DRIVEWAY



FLOOD STATEMENT
 THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO
 FIRM PANEL #131210232 E LAST REVISED ON JUNE 22, 1998.

GUDGER SURVEYING INC.
 LAND & ENGINEERING SURVEYS
 7000 PARKWAY - DUNWOODY ROAD
 BUILDING 6 SUITE 250
 ATLANTA GEORGIA 30388
 PH. (770) 396-0117 FAX (770) 396-2779

899 CUMBERLAND ROAD
 LOT 33
F.P. SMITH ESTATE PROPERTY
 L.L. 2, DISTRICT 17
 FULTON COUNTY, GEORGIA

MAGBEE CUSTOM HOMES
 OWNER/APPLICANT
 15227 THOMPSON ROAD
 ALPHARETTA, GA 30004

NO.	DATE	REVISION
6		
5		
4		
3		
2		
1		