

RECEIVED  
March 2006  
BUREAU OF PLANNING

# APPLICATION FOR VARIANCE

City of Atlanta

Date Filed 6/25/07 Application Number V-07-187

Name of Applicant Thomas J. Crane/  
M. Hakim Hilliard Daytime Phone (404) 527-8329

Company Name McKenna Long & Aldridge LLP e-mail hhilliard@mckennalong.com

Address 303 Peachtree Street, Suite 5300 Atlanta, GA 30308  
street city state zip code

Name of Property Owner Thomas J. Crane Phone (404) 733-0017

Address 773 Brookridge Drive Atlanta Georgia 30306  
street city state zip code

### Description of Property

Address of Property 773 Brookridge Drive, NE Atlanta GA 30306 OR

the subject property fronts 55.10 feet on the south side of Brookridge Dr., NE, and begins \_\_\_\_\_ feet from the \_\_\_\_\_ corner of \_\_\_\_\_.

Depth: \_\_\_\_\_ Area: 19 acre and Lot: 53 District: 17th Fulton County, GA.

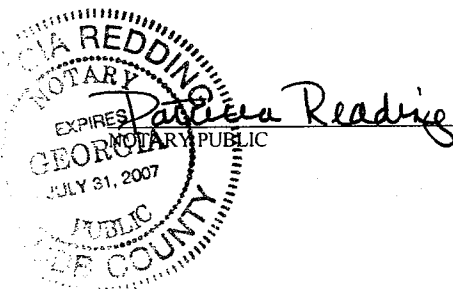
Property is zoned: R-4, Council District: 6, Neighborhood Planning Unit: F

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 25 Day Of June 2007.

M. Hakim Hilliard  
Owner or Agent for Owner (Applicant)  
M. HAKIM HILLIARD  
APPLICANT'S NAME IN PRINTED LETTERS



March 2006

RECEIVED

JUN 25 2006

BUREAU OF PLANNING

**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:**

Demolition of an existing single-family home to allow for construction of new home and detached garages with mother-in-law suite above.

V-07-187

**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.

4064 covered square feet / 8385 total lot square feet = 48.5% 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), 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

**AUTHORIZATION OF ATTORNEY**

(Required only if the applicant or owner is represented by an attorney.)

RECEIVED  
JUN 25  
BUREAU OF  
PLANNING

V-07-187

M. Hakim Hilliard

NAME

303 Peachtree Street, N.E.

ADDRESS

Suite 5300

Atlanta

CITY

Georgia

STATE

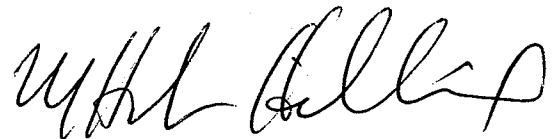
30308

ZIP CODE

(404) 527-8329

TELEPHONE NUMBER

I SWEAR, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED BY THE SUBJECT PROPERTY OWNER TO FILE THE ATTACHED APPLICATION.



SIGNATURE OF ATTORNEY

**STATEMENT OF INTENT**

and

Other Material Required by  
Zoning Ordinance of City of Atlanta

Application for Variances

of

THOMAS J. CRANE

for

± .19 Acre of land located at  
773 Brookridge Drive  
Land Lot 53, 17th District

To reduce the side yard setback from 7 feet to 3 feet.

To reduce the rear yard setback from 15 feet to 3 feet.

By:

M. Hakim Hilliard  
McKenna, Long & Aldridge, LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
404.527.8329

RECEIVED  
JUN 25 2011  
BUREAU OF  
PLANNING

U-07-187

V-07-127

RECEIVED  
JUN 25  
BUREAU OF  
PLANNING

**JUSTIFICATION FOR REQUEST**

This application requests variances from certain zoning regulations of the City of Atlanta for property located 773 Brookridge Drive, NE, Atlanta, Georgia ( hereinafter referred to as the "Subject Property"). The Applicant/Owner of the Subject Property, Thomas J. Crane (hereinafter referred to as the "Applicant"), proposes to demolish the existing house currently located on the Subject Property and construct a new home with an accessory structure in the rear. The proposed accessory structure will be two stories and include an enclosed garage on the first level and a mother-in-law suite on the second level. The mother-in-law suite shall not contain a kitchen or any other permanent fixtures that would disqualify its use as an accessory structure.

The Applicant has spent several months planning the redevelopment of the Subject Property in a manner consistent with the aesthetic trends for development in the Virginia Highlands neighborhood. In his effort to balance his desire to construct a home that provides modern functionality with his interest in ensuring that the home blends with the existing neighborhood, the Applicant has gone to great lengths to design the new home and accessory structure to respond to both of these interests. In this regard, while the redevelopment of the Subject Property could occur without the variances requested herein, approval of the variances provides the greatest opportunity for the redevelopment to occur in a manner that is consistent with the general welfare of the Virginia Highlands neighborhood. The Subject Property complies with all other development standards applicable thereto.

The Subject Property is zoned R-4 and the variances proposed are supported by the criteria for granting such contained in the City of Atlanta Zoning Ordinance. Specifically, the Applicant is requesting a variance from the side yard setback from seven (7) feet required to three (3) to accommodate a portion of the proposed new home on the front of the Subject

Property as well as a portion of the accessory structure in the rear of the Subject Property. See, §16-06.008(2) In addition, the Applicant is requesting a variance to reduce the rear yard setback from fifteen (15) feet required to three (3) feet to accommodate a portion of the accessory structure located therein. See, §16-06.008 (3).

RECEIVED  
BUREAU OF  
PLANNING  
✓-07-187

Chapter 26 of the City of Atlanta Zoning Ordinance governs the ability of the City of Atlanta to consider requests for variances. Specifically, Section 16-26.003 of the Zoning Ordinance authorizes the BZA to hear, grant or deny variances from the sections of this chapter which are the subject of the foregoing application where (1) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; (2) the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship; (3) such conditions are peculiar to the particular piece of property involved; and (4) 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. A review of the facts related to the Subject Property justifies the appropriateness of the variances requested herein.

The Applicant submits that the criteria justifying a variance are satisfied for each of the requested variances. Importantly, the Subject Property is a long, narrow lot which tapers and is shorter in width in the back, and rests on a steep hill, and, while the Zoning Ordinance allows for the construction of accessory structures in side and/or rear yards, the shape and width of the lot makes it difficult to locate such in a manner that does not diminish the opportunity for air and light to pass through onto adjoining properties. The variances, among other things, allow for the accessory structure and the main house to be far enough apart to allow for air and light to pass

through to adjoining properties. Moreover, said variances also provides the flexibility to the Applicant to create a courtyard/garden area that allows the main and accessory structures to function together, an important characteristic to the Applicant, which makes full use of the lot.

RECORDED  
BUREAU OF  
PLANNING  
V-07-187

The narrowness of the Subject Property makes it particularly difficult to develop the property with an otherwise permitted garage/accessory structure in a manner that does not diminish the air and light for adjoining properties. Moreover, because the subject property is a long, narrow lot, which tapers and is shorter in width in the back, and because the topography of the lot is such that it is high on a steep hill at the back of the lot, and low on the hill at the front of the lot, this makes maneuvering a car into the Garage, at the back, difficult. The variance will allow for normal maneuvering of a car into and out of the Garage, as if the lot were flat and a true rectangle. And the variance will be consistent with the desired neighborhood goal of keeping cars from having to park on the Street.

Additionally, there are several large trees on the lot, which, if possible, the Applicant would like to save, again in accordance with the goals of the ordinances and the neighborhood. The variance will allow for the structure to be built in a way that may save a couple of large trees. If the trees can not be saved during construction, the Applicant will replace the large trees as near as possible with a comparable tree. Wherein, again the issuance of the variance will be consistent with the desired goals of the neighborhood and ordinances.

The Applicant has taken substantial steps in the design of the project to address all of these concerns. As such, strictly adhering to the setbacks required for the Subject Property would create an unnecessary hardship for the Applicant. Again, these conditions are peculiar to the Subject Property and would not cause substantial detriment to the public good or impair the

purposes and intent of the Zoning Ordinance. On the contrary, approval of the request would further the intent of the Zoning Ordinance.

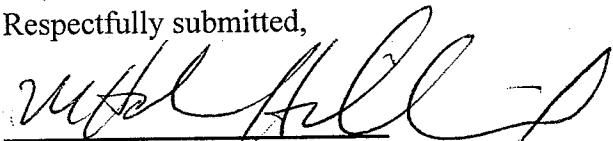
RECEIVED  
JUN 25 1987  
BUREAU OF  
PLANNING  
V-07-187

The Applicant respectfully submits that the Zoning Ordinance of the City of Atlanta, Georgia, as amended from time to time and known as the "City of Atlanta Zoning Ordinance," is expressly intended to grant variances in instances such as these described herein. Further, to forbid variances in this instance would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

In conclusion, the Applicant has begun discussions with adjacent property owners to ensure that the proposed design of the Subject Property is sensitive to the use of enjoyment of adjacent and nearby properties. The Applicant looks forward to discussing this application in more detail with City Planners, the Virginia Highlands Civic Association and representatives of NPU F and will incorporate all reasonable suggestions into the project. The Applicant believes this project exemplifies thoughtful redevelopment of the Subject Property. Again, the requested variances are just slight deviations from the existing requirements, but fully comply with the spirit and intent of R-4 Zoning District.

For these reasons, we request the variances sought herein from the stated restrictions as set out in the City of Atlanta Code of Ordinances.

Respectfully submitted,



M. Hakim Hilliard  
Attorney for Applicant





# 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

RECEIVED  
JUN 25  
BUREAU OF  
PLANNING

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-07-187  
NPU F DATE FILED 6/25/07

Thomas J. Crane / M. Hakim Hilliard

Name of Applicant

## BUILDING PERMIT AUTHORIZING

Reduction of side-yard and rear-yard setbacks (new single-family dwelling)

at 773 Brookridge Drive N.E. 17<sup>th</sup> / 53  
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 zoning regulations to reduce the required side-yard setback from 7 ft. to 3 ft. and a variance to reduce the required rear-yard setback from 15 ft. to 3 ft for the construction of a new single-family residence. The applicant seeks no other variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 16 Section 16-06.008 Paragraph (2) (3)  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

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

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

RECEIVED  
JUN 25  
BUREAU OF  
PLANNING

APPLICATION NUMBER V-07-187

Council District : 6

Location of Property 773 Brookridge., NE

Atlanta, Ga., Zip: 30306

<input checked="" type="checkbox"/> BZA - Board of Zoning Adjustment <input type="checkbox"/> ZRB - Zoning Review Board  HEARING DATE : <u>September 7, 2007</u> At <u>1:00</u> P.M. Council Chambers, 2 <sup>nd</sup> Floor, City Hall 55 Trinity Avenue, S.W.	<b>LAND USE AMENDMENT REQUIRED FOR THIS REZONING REQUEST</b>  YES  NO x  Circle one as appropriate
---	--

This application is for property located in Neighborhood Planning Unit (NPU) F

Dianne Olansky

Name(s) of Contact Person(s)

404-885-9846

olansky@bellsouth.net

Contact Info(s)

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

NPU X \_\_\_\_\_  
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 August 23, 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)

M. Hakian Hilliard  
Print Name