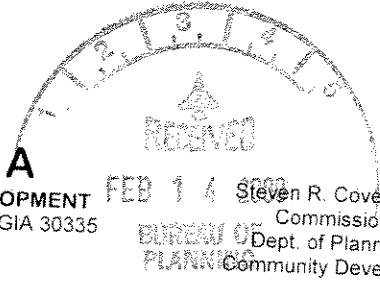


NPU-F



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

AMENDED REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-08-017
NPU F DATE FILED _____

Vanessa Shaller
Name of Applicant

BUILDING PERMIT AUTHORIZING

The construction of an addition to a single family residence

at 943 Highland Terrace NE 17th /01
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:

The applicant seeks a variance from the zoning regulations to reduce the front yard setbacks
from 35 ft (required) to 16 ft and the west side yard setback from 7ft (required) to 3ft to
allow the construction of a second floor and rear addition. The applicant seeks no other
variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 06 Section 16-06.008 Paragraph (1), (2)
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

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APPLICATION NUMBER: **V-08-017**

City Council District: **6** Neighborhood Planning Unit (NPU): **F**

Address of Property: **943 Highland Terrace NE**

Board of Zoning Adjustment (BZA) Hearing Date:

Friday, April 4, 2008 at 1:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Charlie Nalbone
404-626-1354
cn3353@att.com

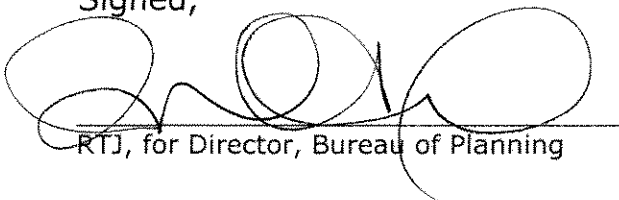
Contact info for adjacent NPUs is provided below if necessary:

[Empty box for contact information for adjacent NPUs]

Please contact the person(s) listed above within two 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.

Sign Posting - The property owner is required to post a sign or signs in a conspicuous place on the property at least 15 days before the hearing date shown above. One sign shall be placed every 600 feet along each street the property abuts. A sign posting affidavit must be returned to the Bureau of Planning to confirm posting.

Signed,



RTJ, for Director, Bureau of Planning



Vanessa Shaller, Applicant

APPLICATION FOR VARIANCE

City of Atlanta

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Date Filed 02/06/08 Application Number V-08-08
Name of Applicant Vanessa Shaller Daytime Phone 678.429.3398
Company Name _____ e-mail vshallere@gmail.com
Address 943 Highland Terrace NE, Atlanta, GA 30306
street city state zip code

Name of Property Owner Jonathan Shaller Phone 678.516.8754
Address same as above
street city state zip code

Description of Property

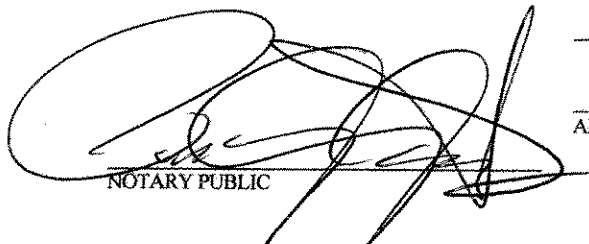
Address of Property 943 Highland Terrace NE OR
the subject property fronts _____ feet on the _____ side of _____
_____, and begins _____ feet from the
_____ corner of _____.


Depth: 100ft Area: 0.18 Land Lot: 1 District: 17, 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 6th Day Of _____, 2008.


NOTARY PUBLIC

V Shaller
Owner or Agent for Owner (Applicant)
Vanessa Shaller
APPLICANT'S NAME IN PRINT (PLEASE PRINT)

Page 1



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SHIRLEY FRANKLIN
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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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-08-017
NPU F DATE FILED _____

Vanessa Shaller
Name of Applicant

BUILDING PERMIT AUTHORIZING

The construction of an addition to a SFR

at 943 Highland Terrace NE 17/01
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:

The applicant seeks a variance from the Zoning Ordinance to reduce the west side yard
setback from the required 7ft. to 3ft. to allow the construction of a second floor addition. The
applicant seeks no other variances at this time.

-1982 ZONING ORDINANCE, AS AMENDED

Chapter 16 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, Chief Zoning Division
Willie B

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Summary of proposed changes to buildings or site (example: "Construct 10-foot by 10-foot, one-story room addition on the first floor of the house.") Include square footages and stories: construct a 37'-0" x 19'-18" addition (w/ basement) at back of house (+1-1356 heated sq. ft.) - and - construct 2nd story addition over existing structure (+1-774 heated sq. ft.)

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.

2547 covered square feet / 7840 total lot square feet = 32 % 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 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.

REQUEST FOR A VARIANCE
943 HIGHLAND TERRACE—REDUCTION OF WEST SIDE SETBACK TO 3'-0"
AND SECOND FLOOR ADDITION

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WRITTEN JUSTIFICATION BASED ON CRITERIA FOR VARIANCE

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

This home, as well as most in the Virginia-Highlands neighborhood, was built before the current zoning ordinance was developed, and as a result, the lots are narrower than the lot described by the R-4 zoning governing the property. According to R-4 zoning, a 70' street frontage is required (see attached table). This property has a 50.09' street frontage, or roughly 71% of the frontage designated for R-4 lots. This narrow lot results in a width that limits development without encroaching in the 7'-0" side yard setbacks. The narrow lot combined with the 7'-0" side yard requirements and the older construction has resulted in this variance request. Please note that the existing home is already built within the west side yard setback, 3'-0" from the property line per a survey prepared by Survey Concepts, Inc. Our addition of a Family Room would occur on this same, west side of the existing home, set back from the existing west wall of the home. The outside face of the new chimney would roughly align with the outside face of the existing house (see attached design drawings). The outside face of the new addition would be set back from the existing house by 2'-0", or 5'-0" from the property line. This will result in all roof overhangs and gutters being located well within the property, as well as a continuation of the formal aesthetic of the existing house when considered from adjacent properties. A second story addition is also planned for this property that would not extend beyond the existing face of the house on this west side, but would stay within the existing plane of the house (see attached design drawings).

(2) The application of the zoning ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.

Without a variance, it will be difficult to make any improvements or additions to this property. Please note that the planned addition and second story addition do not encroach into the side yard setback beyond the plane of the existing home. In fact, the majority of the addition, with the exception of the chimney, steps away from the property line relative to the existing house. Further reducing the new construction to fit within the current side setback would not correct this existing intrusion, would result in an aesthetically awkward structure, and decrease the usable space to a degree that would make it impractical given the program. Stepping back the second-story addition would

not correct this existing intrusion, and would decrease the usable space to a degree that would make the second floor impractical.

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(3) Such conditions are peculiar to the particular piece of property involved.

The property is bracketed by homes and driveways on both the east and west sides. The proposed addition would be located such that it would be completely within the property lines, as well as the visual lines-of-sight of the existing structure. There is also a relatively severe change in elevation from the front of the house towards the back, which will further reduce the visual impact of the new construction, as well as providing an additional sense of separation along the west property line (see attached photographs).

Because of the age of the home, the existing house was built prior to the establishment of the current zoning ordinance. Although we are not aware of this exact condition existing in neighboring properties, it is our opinion that most of the older homes in the neighborhood have similar conditions. It is also our understanding that variances have been granted in order to allow improvements to older homes in neighboring lots.

(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.

We understand that new zoning restrictions have been put in place to further restrict the impact of brand new construction in the neighborhood, and appreciate the intent behind those new restrictions. However, we are trying to preserve the character of both our home and the neighborhood, and do not feel that this addition would in any way harm the qualities that the zoning ordinance is trying to reinforce. No part of the structure would encroach over the property lines. The perceived, visual division of property between the two lots on the east and west sides would also be maintained, as the new addition actually steps back behind the existing structure. Drainage will be maintained as it is now on the lot. As we hope to show by the attached set of drawings, we have developed the design thoughtfully and are enthusiastic about the improvements planned for the property.

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[EXHIBIT "A"]

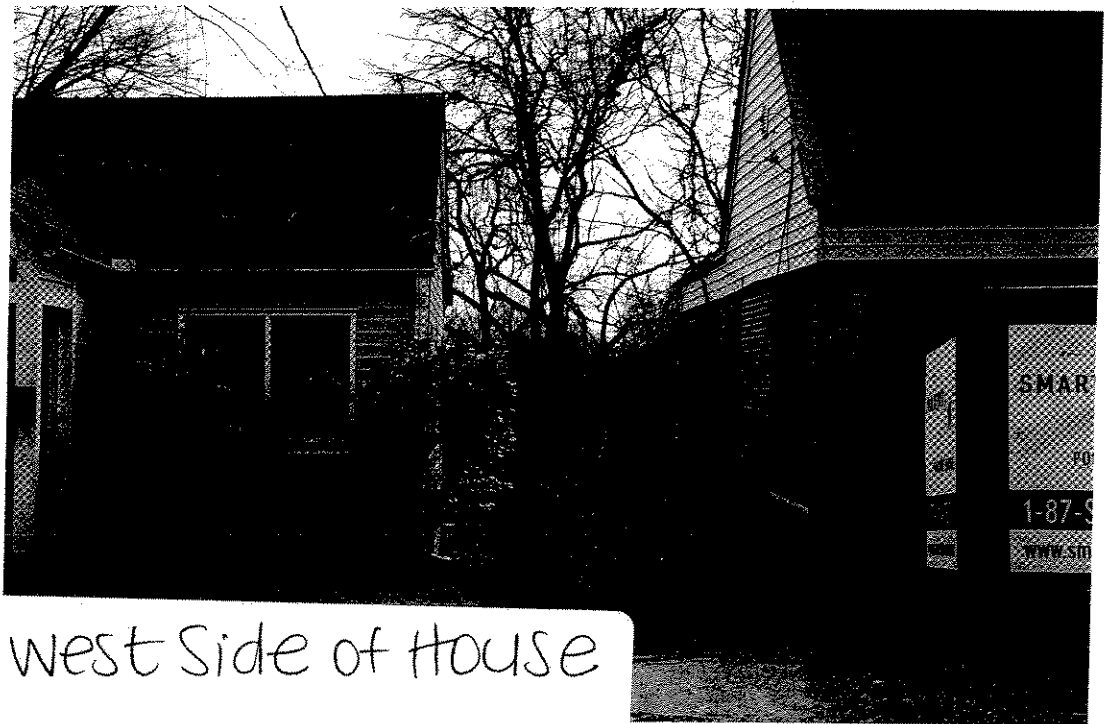
All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 1 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found on the southerly right of way of Highland Terrace (aka Thomas Street), having a 50-foot right of way, 325 feet westerly, as measured along the southerly right of way of Highland Terrace from the intersection formed by the southerly right of way of Highland Terrace and the westerly right of way of North Highland Avenue, said point of beginning also being the line dividing Lots 24 and 25 of the Subdivision hereinafter referred to, and running thence south 06 degrees 40 minutes 23 seconds east along said Lot dividing line 166.10 feet to an iron pin found on the northerly right of way of a 10-foot alley; running thence north 85 degrees 37 minutes 45 seconds west along the northerly right of way of said 10-foot alley, 49.58 feet to an iron pin found and the line dividing Lots 23 and 24 of the Subdivision hereinafter referred to; running thence north 06 degrees 46 minutes 14 seconds west along said lot dividing line 159.78 feet to an iron pin found on the southerly right of way of Highland Terrace; running thence south 86 degrees 03 minutes 05 seconds east along the southerly right of way of Highland Terrace 49.79 feet to the iron pin found and the point of beginning, being known as Lot 24, of the Edmondson-Highland Avenue Property, and being improved property known as No. 943 Highland Terrace, according to the present system of numbering houses in the City of Atlanta, Fulton County, Georgia, and being more particularly shown on survey prepared by J. A. Evans Surveying Co., Inc., dated June 24, 1994.

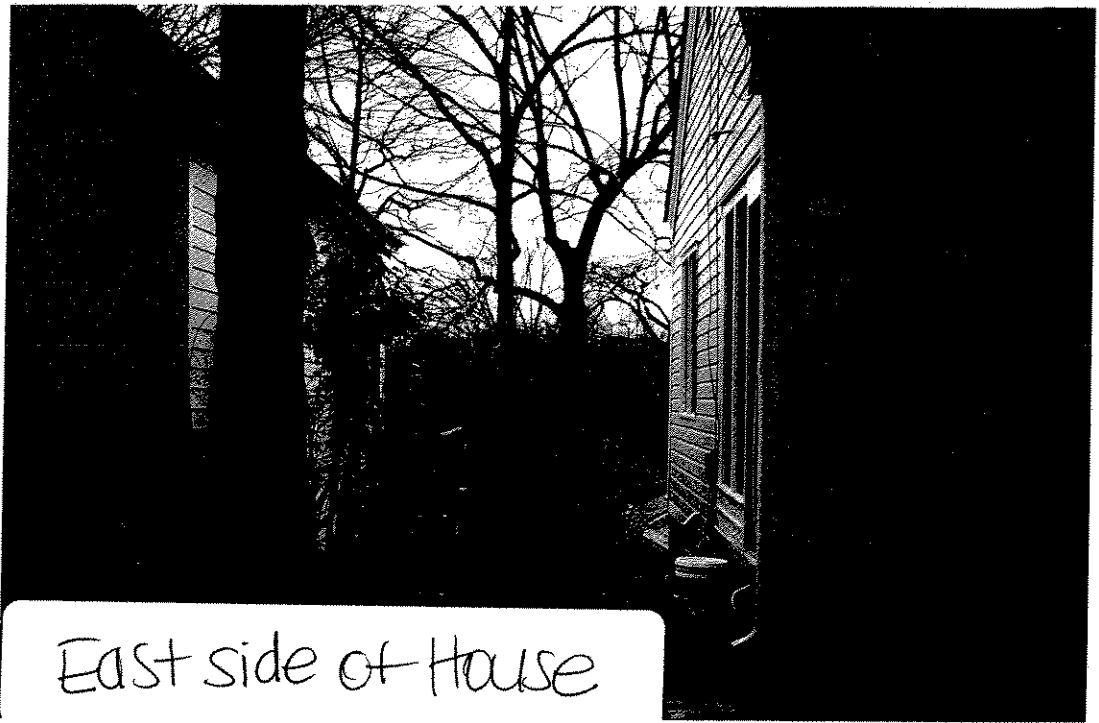
The above described property being the same property as that conveyed to James E. Goodman by Guardian's Deed from Ann W. Spier, dated May 3, 1993 and recorded in Deed Book 16561, page 297, Fulton County records.



Front of House



West Side of House



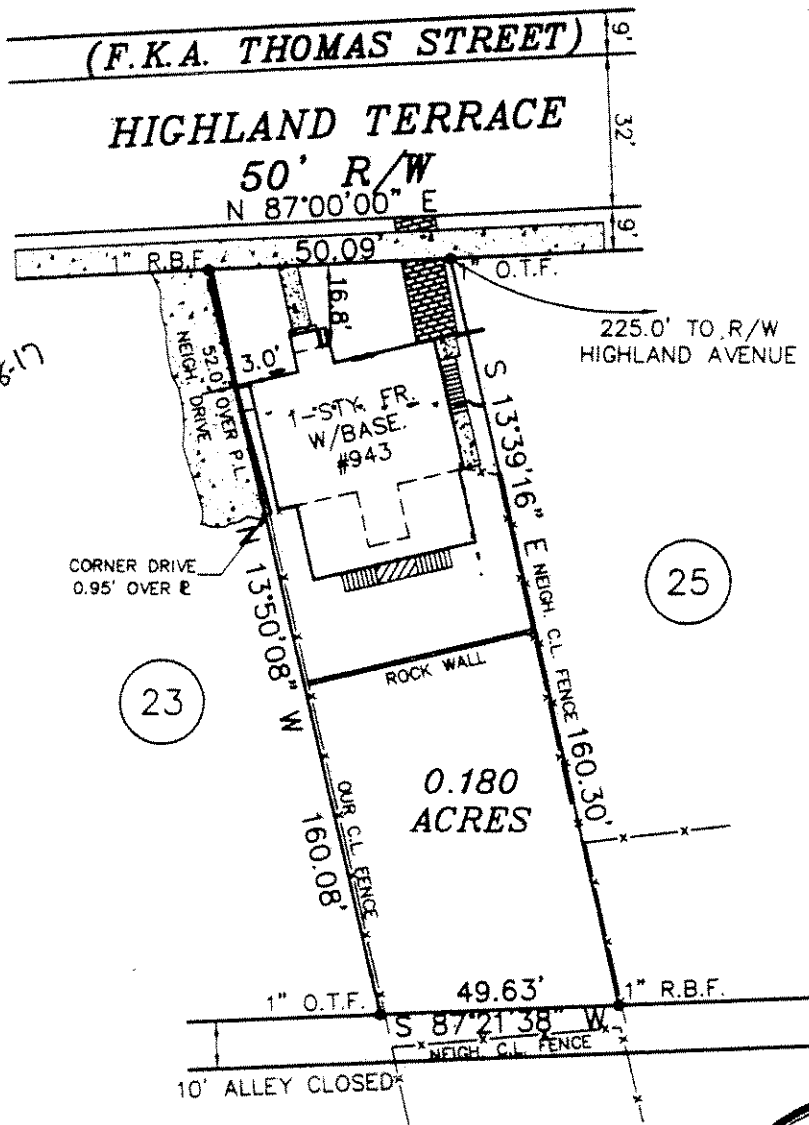
East side of House

LEGEND

- IPS IRON PIN SET (1/2" RE. BAR)
- RBF RE. BAR FOUND
- CTF CRIMP TOP FOUND
- OTF OPEN TOP FOUND
- JB JUNCTION BOX
- R/W RIGHT-OF-WAY
- B.L. BUILDING LINE
- PL PROPERTY LINE
- CB CATCH BASIN
- HW HEADWALL
- SSMH SEWER MANHOLE
- X- FENCE
- L.L.L. LAND LOT LINE
- O.L.L. ORIGINAL LOT LINE
- D.E. DRAINAGE EASMT.
- S.E. SEWER EASMT.
- U.E. UTILITY EASMT.
- C.L. CHAIN LINK

THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND FOUND ACCURATE TO WITHIN ONE FOOT IN 86,578 FEET.

NOTE: FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE OR STRUCTURE.



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CORNER DRIVE
0.95' OVER E

225.0' TO R/W
HIGHLAND AVENUE

25

23

0.180
ACRES

SURVEY FOR
JONATHAN M. SHALLER
LOT 24
SUBDIVISION: 55 NORTH HIGHLAND AVENUE
OAK GROVE LOTS
LAND LOT 1 17th DIST.
FULTON COUNTY, GEORGIA
SCALE: 1"=40' AUGUST 30, 2000
REC. IN PLAT BOOK 2, PG. 191



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

O. Eugene Kay



SURVEY CONCEPTS, INC.

PROFESSIONAL LAND SURVEYORS & ENGINEERS

3675 HEWATT COURT - SUITE B - SNELLVILLE, GEORGIA 30039

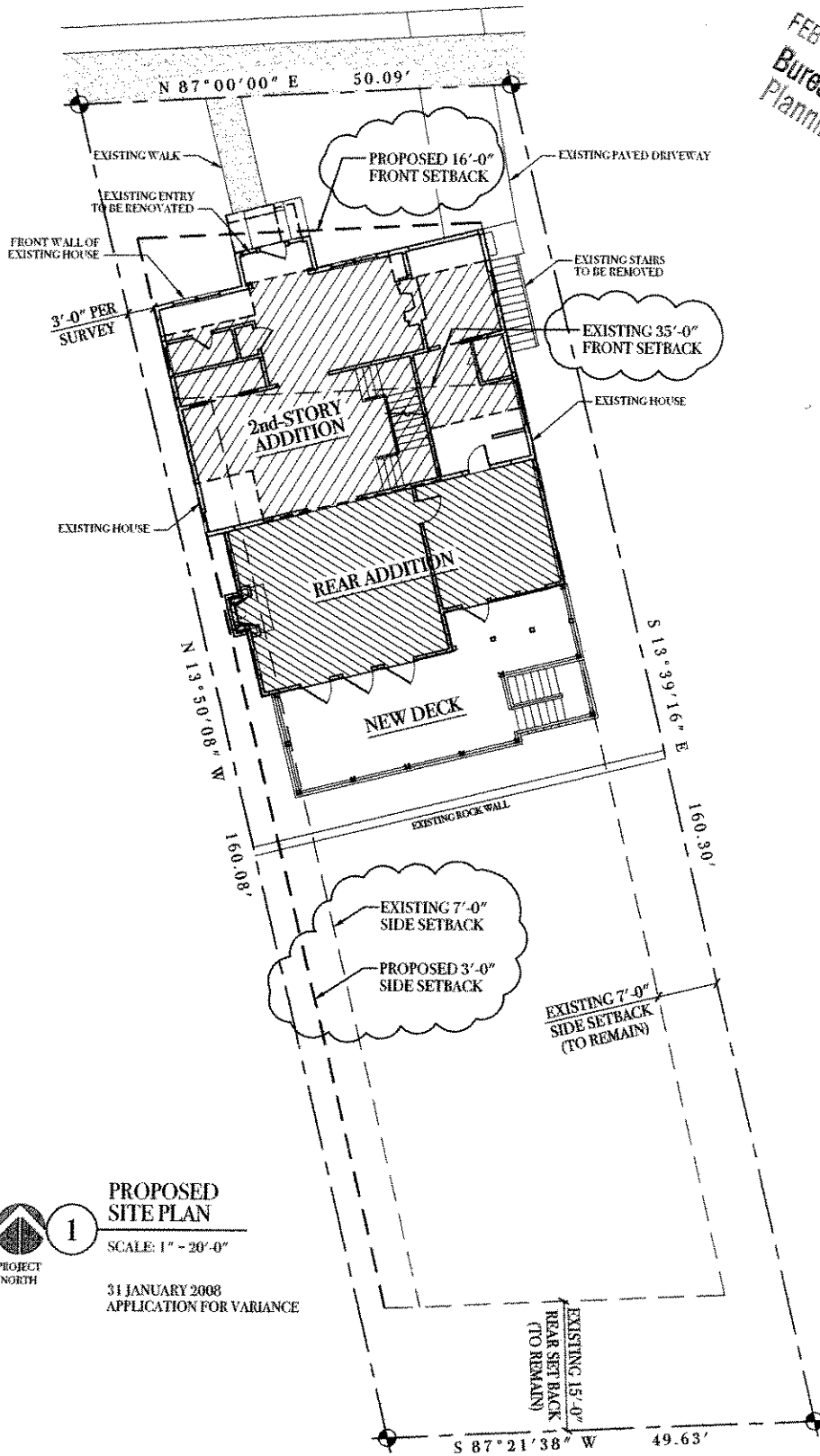
(770) 736-7666

SCINCOAVANA.NET

FAX (770) 736-4623

HIGHLAND TERRACE
(50'-0" R.O.W.)

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1

PROPOSED
SITE PLAN

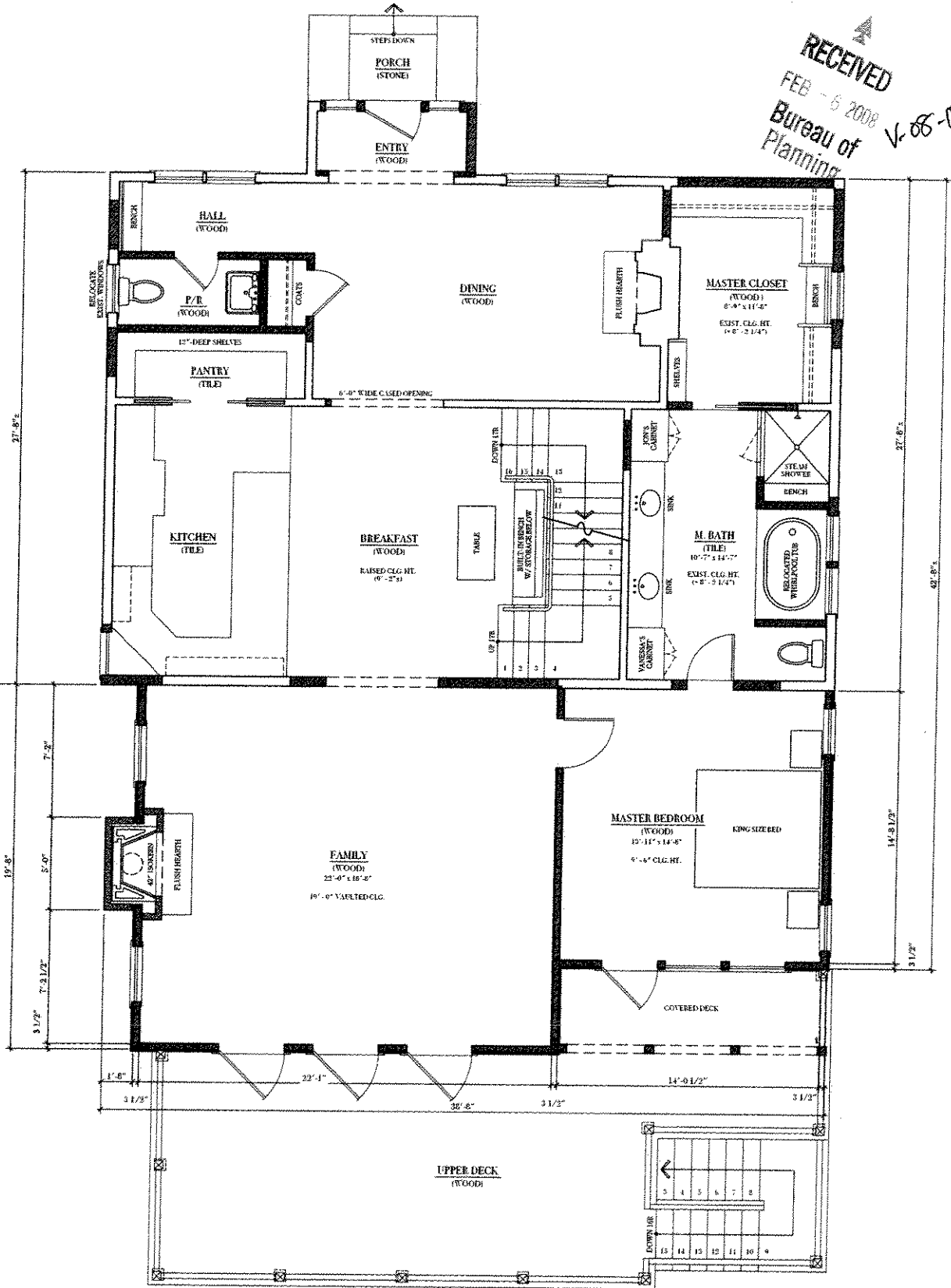
SCALE 1" = 20'-0"

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APPLICATION FOR VARIANCE

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 4-66-07

PLAN LEGEND
 [Line] EXISTING WALL
 [Thick Line] NEW WALL

EXISTING
 NEW



2 NEW ENTRY LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"
 0 8 16

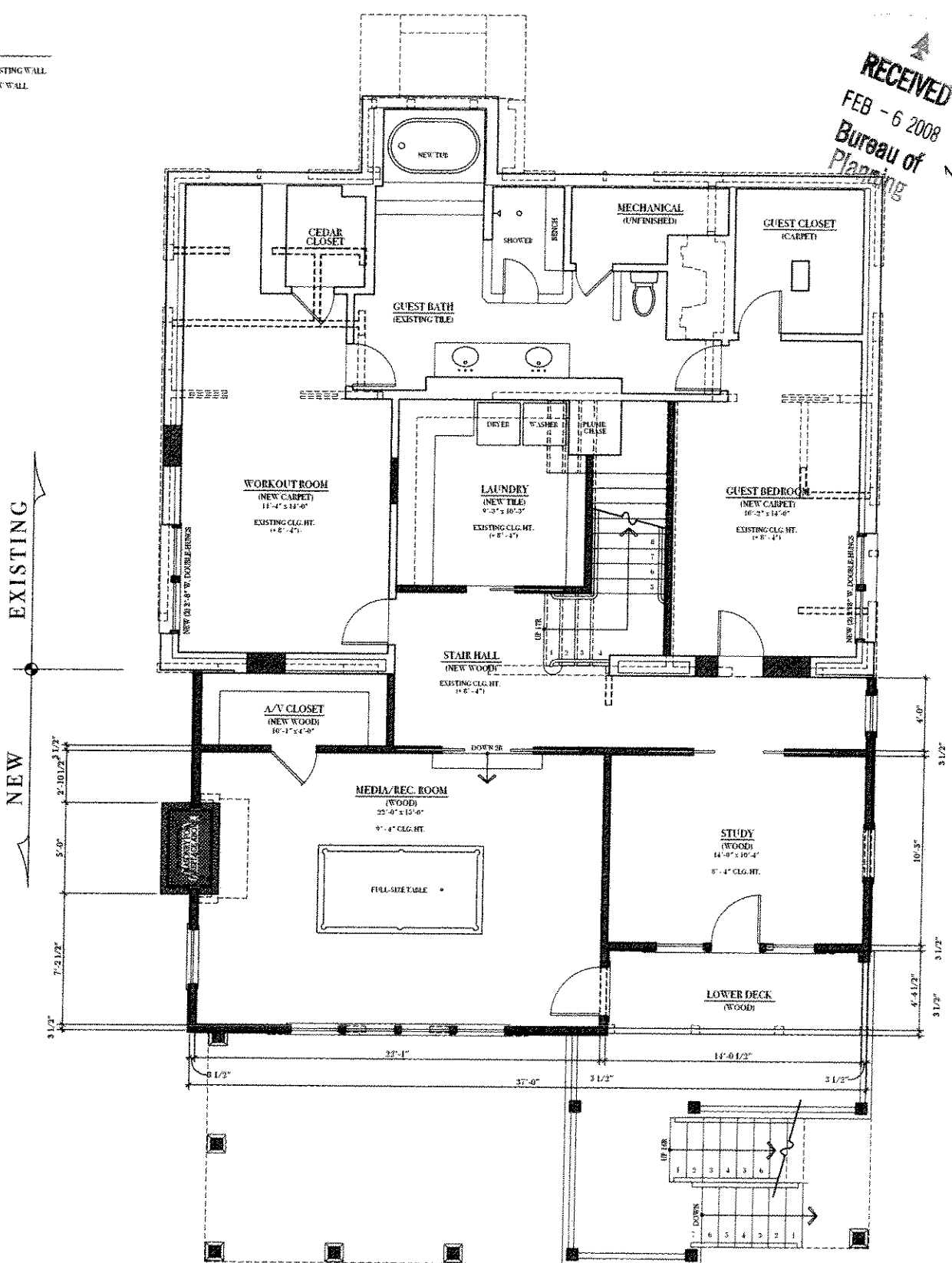
NEW HEATED CONSTRUCTION = 678 sq. ft.

31 JANUARY 2008
 APPLICATION FOR VARIANCE

PLAN LEGEND

EXISTING WALL
 NEW WALL

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 2-08-19



3

NEW BASEMENT FLOOR PLAN

SCALE: 1/8" = 1'-0"



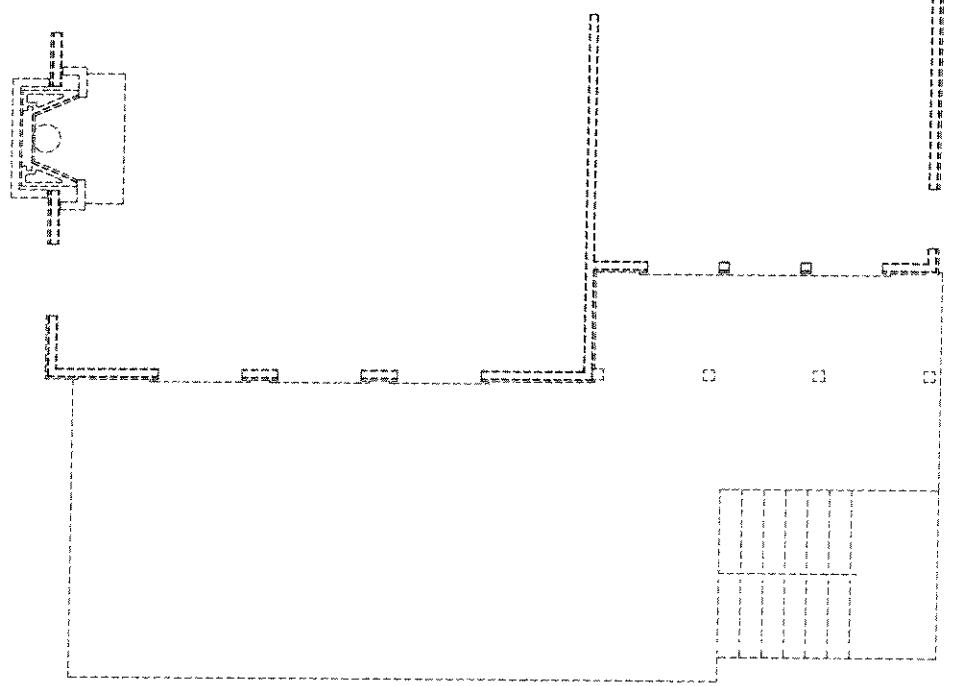
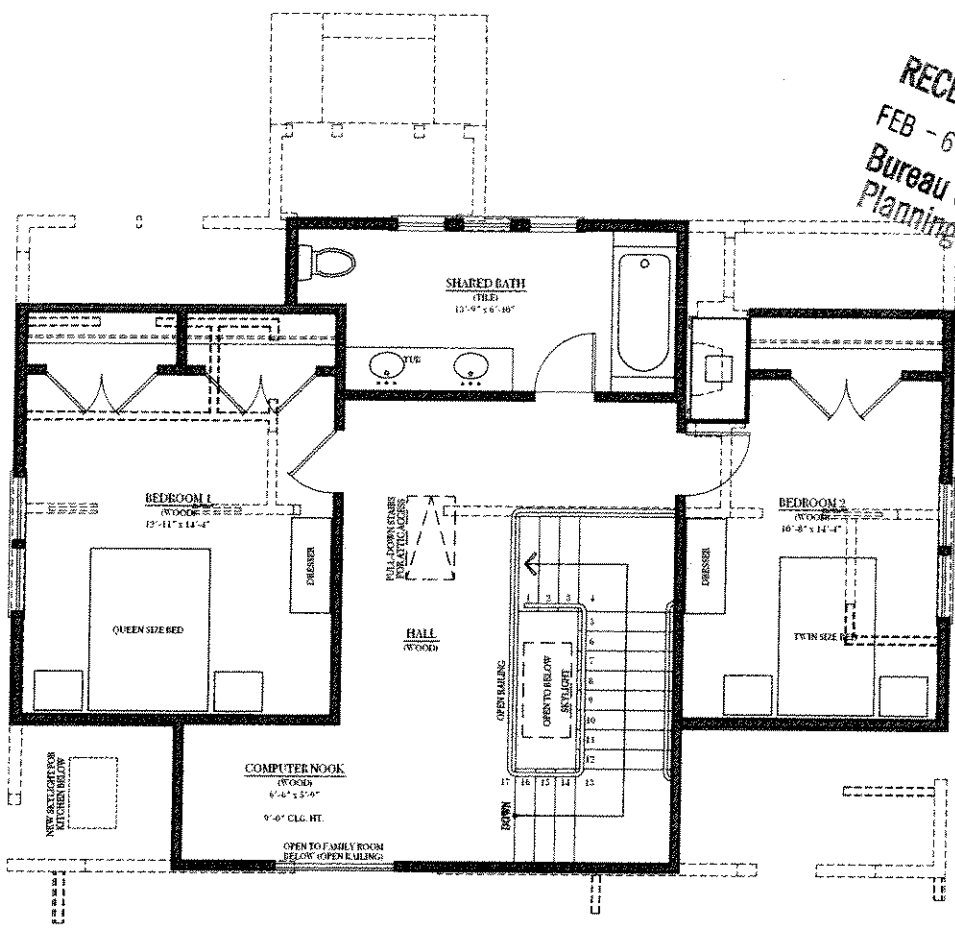
31 JANUARY 2008
 APPLICATION FOR VARIANCE

NEW HEATED CONSTRUCTION = 678 sq. ft.

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 Planning
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PLAN LEGEND
 [Solid Line] EXISTING WALL
 [Dashed Line] NEW WALL

EXTENT OF 2nd-STORY ADDITION



4

NEW UPPER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"



31 JANUARY 2008
 APPLICATION FOR VARIANCE

NEW HEATED CONSTRUCTION = 774 sq. ft.