

Notice To Applicant
City of Atlanta - Bureau of Planning

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APR 23 2008
Bureau of
Planning

APPLICATION NUMBER: **V-08-114**

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

Address of Property: **651 Cumberland Road**

Board of Zoning Adjustment (BZA) Hearing Date:

Friday, July 11, 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

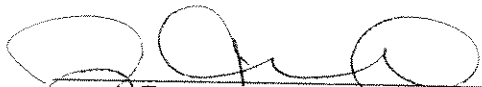
Contact info for adjacent NPUs is provided below if necessary:

[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



Donna Toepfer, Applicant

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APPLICATION FOR VARIANCE
City of Atlanta

V-08-114

Date Filed _____ Application Number _____

Name of Applicant DONNA TOEPPER Daytime Phone 404-815-8843

Company Name A MASTERPIECE REMODELING e-mail amrdesign@comcast.net

Address 3235 INDUSTRIAL WAY SW #D SNELLVILLE GA 30039
street city state zip code

Name of Property Owner Carol & Chris Daniel Phone 404-607-7705

Address 651 Cumberland Rd, Atlanta, Ga 30306
street city state zip code

Description of Property

Address of Property 651 Cumberland Road OR

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

Depth: 150.04' Area: 207 acres Land Lot: 52 District: 17th Fulton County, GA.

Property is zoned: R-3 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 25th Day Of MAR, 2008.

[Signature]
Owner or Agent for Owner (Applicant)

DONNA TOEPPER
APPLICANT'S NAME IN PRINTED LETTERS

[Signature]
NOTARY PUBLIC

LISA MALCOM
NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES JUNE 20 2008.



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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

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-08-114
NPU F DATE FILED _____

Chris and Carol Daniel
Name of Applicant

BUILDING PERMIT AUTHORIZING

A new detached garage.

at 651 Cumberland Road N.E 17th / 52
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 west side-yard from the required 7-ft to 1.83-ft. and a variance to reduce the required rear-yard setback from the required 15-ft. to 7.5-ft. to allow for a new detached 2-car garage. The applicant seeks no further variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 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

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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:

construct a 22'00" x 22'00",
484 sq ft, 1 story, garage

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.

4231.58[#] covered square feet 9004.5[#] total lot square feet = 47 % proposed lot coverage

60 % 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.

March 2006

NOTARIZED AUTHORIZATION BY PROPERTY OWNER

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Bureau of Planning

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

V-08-114

TYPE OF APPLICATION Variance

1. Thomas Christopher Daniel (OWNER'S NAME)

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

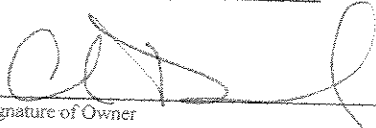
651 Cumberland Road (PROPERTY ADDRESS).

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 DONNA TOEPPER

ADDRESS OF APPLICANT 3235 INDUSTRIAL WAY SW SUITE D SNELLVILLE, GA 30039

TELEPHONE NUMBER 404-815-8843


Signature of Owner

Personally Appeared Before Me

Thomas Christopher Daniel

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



Notary Public

3/26/08
Date

March 24, 2008
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Chris and Carol Daniel
651 Cumberland Road
Atlanta, Georgia 30306
404-607-7705

A variance is requested to reduce the side set back from 7.0' to 1.83'-2.75', an average of 2.29', and the rear set back from 15.0' to 7.5' to construct a two car garage in the same location as the former garage. The criteria for the variance request are:

1. There is an exceptional condition in the size and shape of my lot. The length is more than twice the width. Without a variance, construction will take away my backyard leaving only "strips" of grass.
2. The hardships created by application of the zoning code would be the loss of an existing backyard seen from the house, damage to vehicles due to incimate weather and/or vandalism, and security. Safety has become an issue with the increase in crime and violence when people are getting in or out of their vehicles. I don't want to choose between the safety of my family or a yard for my son.
3. Other homeowners in the neighborhood are, or have been, able to salvage enough of their old garages to rebuild in place even if the current ordinance is not met. My garage was not maintained by the previous owner. The extreme deterioration of the structure created unsafe conditions and has prevented me from doing the same.
4. Relief, if granted will not cause any detriment to the public good or impair the purpose of intent of the zoning ordinance of the City of Atlanta. Just the opposite would occur:
 - a. Drainage problems will be addressed by replacing the existing driveway and incorporating new drainage around the garage slab.

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Daniel
3/24/08
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- b. Constructing the garage at the end of the driveway will promote safety for my family and neighbors with additional and better lighting. Two less cars on the street will contribute to more desirable and safer conditions on the street. Last, I will be able to maintain my yard and not cover any additional green space.

My family wants to remain in the neighborhood, continuing to contribute to its growth and stability. As our family, and income, has grown we have remodeled and expanded, always maintaining the aesthetics and integrity of our house as well as the neighborhood. A variance will enable us to build a garage, providing safety for ourselves and others without sacrificing our yard.

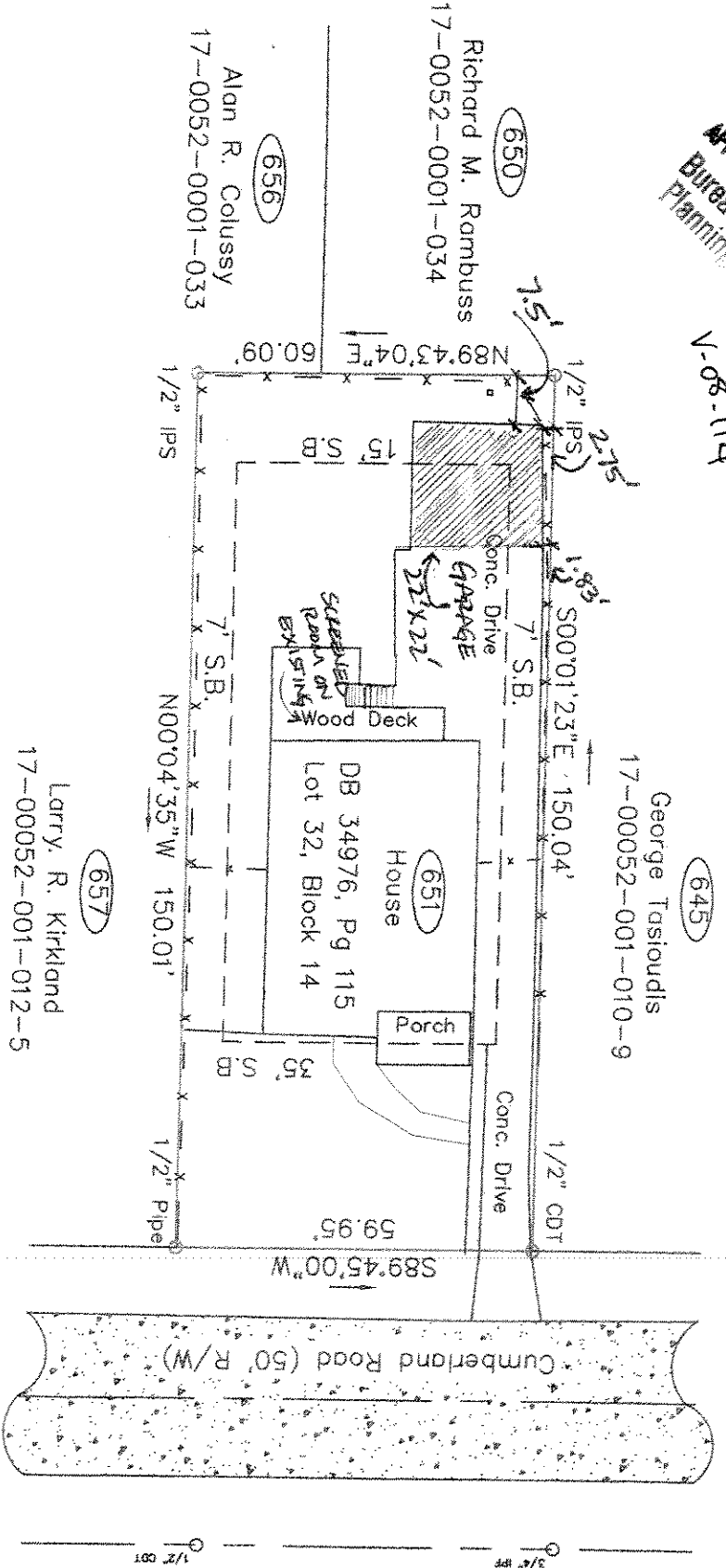
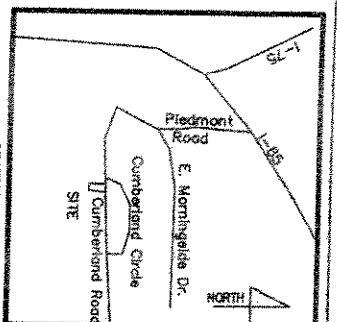
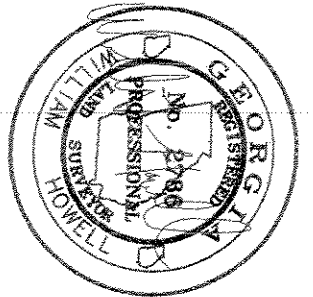
CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE LAND DEVELOPMENT ORDINANCE OF FULTON COUNTY, GEORGIA, AND THAT IT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF FULTON COUNTY, GEORGIA.

DIRECTOR, FULTON COUNTY PLANNING & DEVELOPMENT DATE

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1-08-114

**Land Lot 52, 17th District
 Fulton County, Georgia
 City of Atlanta**



Tax Map 17-0052-0001 Parcel 011-7

Boundary Survey
 Thomas C. Daniel
 Land Lot 52, 17th District
 Fulton County, Georgia

Phoenix Solutions Inc.
 2309 HWY 81
 LOGANVILLE, GA 30052
 Ph. 770-554-3604 Fax 770-554-3604

THIS PROJECT IS NOT IN A FLOOD HAZARD PER F. I. R. M. PANEL # 13121C0261 F DATED 5/07/2001

GRAPHIC SCALE: 1"=30'



Building Setbacks

Front: 35'
 Side: No less than 7'
 Rear: 15'

General Site Notes:

1. TOTAL TRACT AREA: 0.207 ACRES
2. ZONING: R-3
3. THERE IS NOT A GRAVEYARD FOUND ON THIS SITE.

The field data upon which this survey is based has a relative closure precision of one foot in 23,584 feet and a relative angular error of 0.11" per angle point and was adjusted using Least Squares.
 This plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

Equipment used for measurements:
 Topcon 811A

Direct Reading:
 Angular: 1 second
 Linear: 0.001 feet

In my opinion, this plat is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

