

Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-09-134**

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

Address of Property: **1054 N. Virginia Avenue**

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 1, 2009 at 12:00 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
atlanta.npuf.zoning@gmail.com


Contact info for adjacent NPUs is provided below if necessary:

The contact person for NPU is:

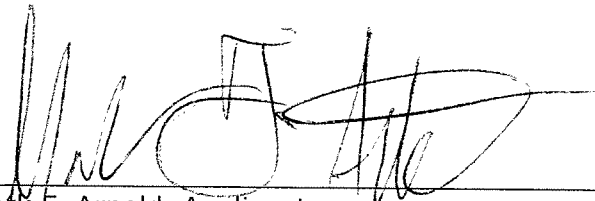
Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

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,



LEC, for Director, Bureau of Planning



Mark F. Arnold, Applicant

APPLICATION FOR VARIANCE
City of Atlanta

Date Filed: 7/29/09

Application Number V-09-134

Name of Applicant: *Mark F. Arnold*

Daytime Phone: 404-617-1520

Company Name: *Mark Arnold, Architect*

e-mail: *markarnoldarchitect@gmail.com*

Address: *1126 N. Highland Avenue, NE*
street

Atlanta
city

GA
state

30306
zip code

Name of Property Owners: *Brian & Laura Kish*

Phone: 571-723-5690

Address *1054 North Virginia Avenue*
street

Atlanta
city

GA
state

30306
zip code

Description of Property

Address of Property: *North Virginia Avenue, Atlanta, GA 30306*

OR

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

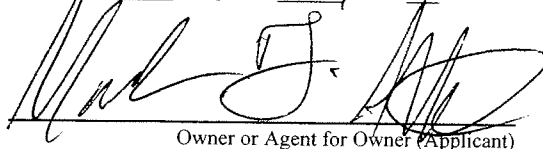
Depth: *149.37'* Area: *7,468 SF* Land Lot: *56* District: *18* *Fulton County, GA*

Property is zoned: *R4* Council District: *06* 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.

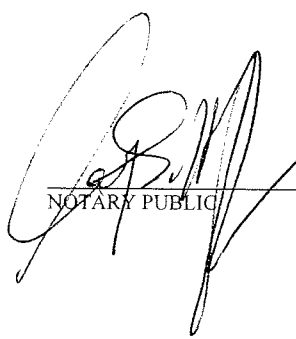
Sworn To And Subscribed Before Me This 29 Day Of July 2009.

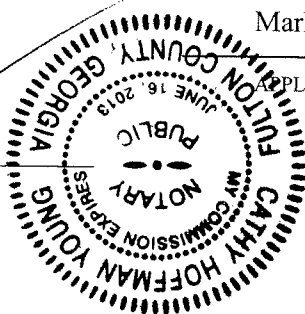


Owner or Agent for Owner (Applicant)

Mark F. Arnold

APPLICANT'S NAME IN PRINTED LETTERS


NOTARY PUBLIC



RECEIVED
JUL 29 2009
Bureau of
Planning



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

James E. Shelby
Commissioner
Dept. of Planning &
Community Development

Ibrahim Maslamani, CBO,
AIA
Director
Bureau of Building

REFERRAL CERTIFICATE

COUNCIL DISTRICT b APPLICATION NUMBER V-09-131
NPU P DATE FILED 7/29/09

1. Mark F. Arnold

Name of Applicant

BUILDING PERMIT AUTHORIZING

Detached garage addition

at 1054 N. Virginia Ave., NE 17th / 1
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 north side yard setback
from 7ft.(required) to 3ft. and reduce the rear yard setback from 15ft.(required) to 7.5ft o
allow for a detached garage addition to an existng single-family house. Applicant seeks no
other 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

Applicant [Signature] Zoning Plan Reviewer [Signature]

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, BRIAN KISH, SWEAR THAT
I AM THE OWNER OF THE PROPERTY LOCATED AT, 1054 N. Virginia Avenue 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: Mark F. Arnold
ADDRESS OF APPLICANT: 1126 N. Highland Avenue, NE
Atlanta, GA 30306
TELEPHONE NUMBER 404-617-1520

Brian Kish
Signature of Owner

Personally Appeared Before Me

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

Tammy K Jacobs
Notary Public

July 15, 2009
Date



V-09-134

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: *The proposed project includes the expansion of the existing front porch, the construction of a new screened porch, and the construction of a new one-car garage. The existing shed and attached deck will be removed and the existing driveway will be extended to the new garage location. A portion of the existing driveway will be removed and replaced with a planting strip.*

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.

3,693 covered square feet / 7,468 total lot square feet = 49% 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'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.

SEARCHED
SERIALIZED
INDEXED
MAY 10 2009
FBI - ATLANTA

V-09-134

July 23, 2008

1054 North Virginia Avenue
Justification for Variance

Dear Members of the Board of Zoning Adjustment:

The subject property is zoned R-4 (Residential) District. We propose to reduce the rear setback (from 15' to 7') and the side setback (from 7' to 3') in order to construct a detached one-car garage with a room above in the northwest corner of the rear yard of our residence.

We believe the property meets the variance criteria laid out in Section 16-26.003 in the Zoning Guidelines in the following ways:

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its shape and size. Based on the City of Atlanta Residential Zoning Regulations, the requirements of an R-4 designation include a minimum 9,000 square foot (SF) lot area. The area of our lot is approximately 7,500 SF, approximately 1,500 SF smaller than then the minimum R-4 lot size. Our architect has explored alternate locations for the garage structure; however due to our desire to maintain a lawn for our three children's play area, and due to the location of the driveway, the structure needs to be located as requested in the variance application.

The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship. There is an existing 60-year old garage-turned -shed on the property; however its physical deterioration, its functional obsolescence, and its location too close to the house for use as a garage makes it unusable. As such, the existing garage/shed is insufficient to meet the needs of our family. The proposed garage structure would be partially located over the existing garage's footprint and its adjacent wood deck, reducing the new structure's contribution to the impervious surface on the lot.

Such conditions are peculiar to the particular piece of property involved. The conditions enumerated above are distinct to this piece of property in that the available buildable area is limited due to a lot size 18% smaller than the minimum R-4 requirements, and the location of the existing garage on the lot. There are numerous examples of similar detached buildings built in the setback areas on nearby lots on North Virginia Avenue, including both immediate neighbors as well as the neighbor to the rear. Please see attached drawing.

Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta. Relief, if granted, will not distract from people's use and enjoyment of adjoining and surrounding properties. The proposed construction is in harmony with construction on neighboring lots, and allows for adequate light and air. We believe the proposed construction is in keeping with the orderly evolution of this neighborhood and will promote desirable living conditions for the homeowner as well as the neighborhood.

Thank you for your consideration in this request.

Sincerely,
Brian and Laura Kish

V-09-134

INVOICE

City of Atlanta
Bureau of Planning
55 Trinity Avenue, Suite 3350
Atlanta, Georgia 30303

DATE: July 29, 2009
INVOICE #: V-09-134

FUND #: **1A01**
ACCOUNT #: **441-201**
CENTER #: **B00001**

Bill to:

Mark F. Arnold
1054 N. Virginia Avenue
Atlanta, GA 30306

DESCRIPTION	AMOUNT
Application for Variance in R-4 zoning district	\$100.00
TOTAL	\$100.00

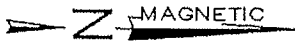


Approved by LEC

CK# 4215
P A I D
JUL 29 2009
CITY OF ATLANTA
EX OFFICIO MUNICIPAL
REVENUE COLLECTION
SG

Please make checks payable to "City of Atlanta."
No refunds will be issued.

THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORABLE. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT-OF-WAYS PUBLIC OR PRIVATE.



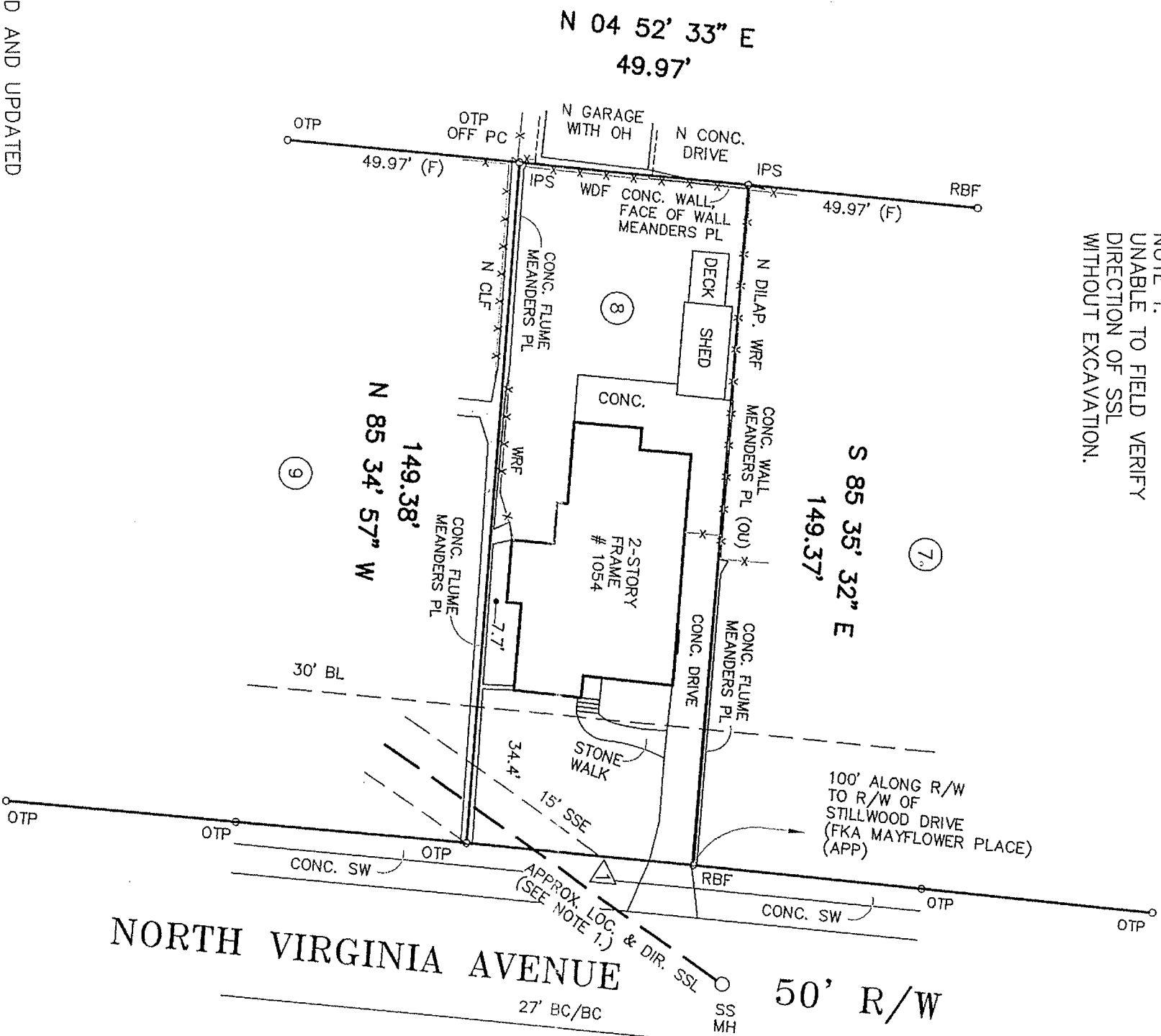
*** LEGEND ***

- IP IRON PIN FOUND
- IPS IRON PIN SET
- OTP OPEN TOP PIPE FOUND
- C/P CRIMP TOP PIPE FOUND
- RB REINFORCING BAR
- RBS REINFORCING BAR SET
- AI ANGLE IRON FOUND
- CP CALCULATED POINT
- X-X FENCE
- CLF CHAIN LINK FENCE
- WDF WOOD FENCE
- WRF WIRE FENCE
- FC FENCE CORNER
- BL BUILDING LINE
- R/W RIGHT-OF-WAY
- PL PROPERTY LINE
- PC CENTER LINE
- CL CARPORT
- CPT BRICK
- BR BRICK
- FR FRAME
- WD WOOD
- P PLAT
- D DEED
- R RECORD
- F FIELD

- POB POINT OF BEGINNING
- LL LAND LOT LINE
- MH MAN HOLE
- SSL SANITARY SEWER LINE
- CB CATCH BASIN
- JB JUNCTION BOX
- DI DRAINAGE INLET
- YI YARD INLET
- HW HEAD WALL
- PP POWER POLE
- PW SANITARY SEWER ESMT.
- SSE SANITARY SEWER LINE
- SSL DRAINAGE EASEMENT
- DE UTILITY EASEMENT
- AE ACCESS EASEMENT
- TOP OF BANK
- MB CORRUGATED METAL PIPE
- CMP REINFORCED CONC. PIPE
- RCP AS PER PLAT
- APP AS PER DEED
- APD AS PER RECORD
- APF AS PER FIELD
- BC BACK OF CURB
- EP EDGE OF PAVEMENT
- OH OVERHANG
- OU OWNERSHIP UNCLEAR
- N NBORS.

NOTE 1.
UNABLE TO FIELD VERIFY
DIRECTION OF SSL
WITHOUT EXCAVATION.

49.99'
S 04 51' 42" W



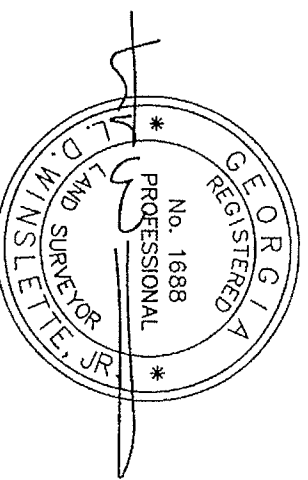
REVISED AND UPDATED
05/07/2008

PROPERTY ADDRESS:
1054 N. VIRGINIA AVE.
ATLANTA, GA

LAND AREA:
0.17 AC

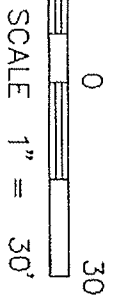
PLAT PREPARED FOR:
**BRIAN KISH &
LAURA KISH**

LOT 8	BLOCK 12	UNIT
SUBDIVISION HARLSON COMPANY		
LAND LOT 1 17TH DISTRICT SECTION		
FULTON COUNTY, GEORGIA		
PLAT BOOK 20	PAGE 24	DATE 08/02/2001
DEED BOOK ,PAGE TO TITLE ARE EXCEPTED		



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.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



JOB NUMBER 99-25032
JOB NUMBER 1-10025032

SURVEY SYSTEMS & ASSOC., INC.
16A LENOX POINTE
ATLANTA GA. 30324

SURVEYSYSTEMS@GMAIL.COM
FAX (404)760-0011
PHONE (404)760-0010

V-08-134