

Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-115**

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

Address of Property: **1049 Kentucky Ave.**

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, September 9, 2010 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

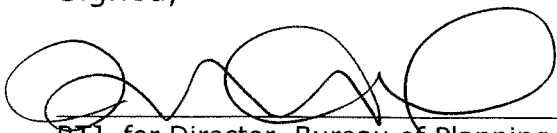
Contact info for adjacent NPUs is provided below if necessary:

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,


RTJ, for Director, Bureau of Planning


Tilo & Kris Fruth, 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

KASIM REED
MAYOR

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

Anthony Carter
Acting Director
Office of Building

REFERRAL CERTIFICATE

COUNCIL DISTRICT _____ APPLICATION NUMBER V-10-115

Zoning Enforcement Division

NPU _____ DATE FILED _____

1. Tilo Fruth / Kris White-Fruth

Name of Applicant

BUILDING PERMIT AUTHORIZING

Porch and room addition to an exiting single-family house

at 1049 Kentucky Ave., N.E. 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:

Applicant seeks a variance from zoning regulations to reduce the required front yard setback from 35ft.(required) to 24ft. to allow for a front porch and dormer addition for a second story bedroom expansion to an existing single-family house. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (1)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Department of Planning and Development
Office of Buildings
Anthony Carter, Acting Director
Ann Heard, Chief Zoning Division

Applicant: [Signature] Zoning Plan Reviewer: [Signature]

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 is a new dormer addition on 2nd story of an existing single family house. The lower level will include an expanded front porch and the upper level will include a new master suite. The proposed footprint is 50 sf and the additional heated area is 110 sf.*

V-10-115

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.

2488 SF covered square feet / 5483 SF total lot square feet = 45% 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 (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.

Kris White-Fruth, Homeowner
1049 Kentucky Ave NE
Atlanta, Georgia 30306
telephone 404.933-3820
kwhiteusa@gmail.com

V-10-115

July 19, 2010

City of Atlanta Department of Planning and
Community Development Bureau of Planning,
Current Planning Division
55 Trinity Avenue, Suite 3350
Atlanta, GA 30335

re: 1049 Kentucky Ave, Variance Application

Planning Staff:

Please find attached the following items in support of the request for a variance to reduce the front yard setback of the above referenced property:

- Variance Application
- Existing Survey
- Proposed Site Plan
- Referral Certificate
- Proposed Floor Plans & Elevations
- Photographs of the Existing House

In addition, please note the following justifications for the requested variance:

Extraordinary/Exceptional Conditions Pertaining to the Property because of its Size/Shape

The existing house is a two-story tudor bungalow built in the early 1920's. The lot and the placement of the house on the lot comply with the current Zoning Ordinance in all respects except for the front yard set back – The lot frontage is 28.9' versus the required 35'. The lot coverage and floor area ratios are currently and will remain well below the maximum limit of 50% even with the proposed expansion.

The proposed renovation and addition calls for expanding the front porch, re-framing the roof on the front right side and building-out the attic in that section in a manner that is compatible with the style of the existing house. Due to the fact that the existing 80+ year old house was originally built within the front yard set-back and due to the fact that the existing degree of non-conformity will be minimally increased by 4.9', we request that the side yard set-back be reduced from 35' to 24'.

RECEIVED
CITY OF ATLANTA
DEPARTMENT OF
PLANNING

V-10-115

The Application of the Zoning Ordinance to this Property would create an Unnecessary Hardship

The application of the required 35 foot front yard set-back to this project would prohibit the inclusion of 60sf to the front right of the second floor in the renovation plans. While the dimensional amount does not increase the size of the home by very much, the inability to extend the front and utilize this portion of the house would result in a renovation that would be ineffective and potentially less compatible with the existing style of the house and that of the adjoining properties.

The application of the required 35 foot front yard set-back to this project would cause unnecessary hardship because it would prevent the owners from constructing the proposed front porch in the area that is most suited for this type of project. The existing house footprint and lot configuration prevents expansion on the side or rear of the home. We have one of the smallest footprints in the neighborhood but need more space. The only way to not impact our neighbors but achieve an expanded home is to build forward and cantilever the 2nd story over the expanded front porch. The lot boundaries limit our ability to expand the actual footprint in any other direction.

Much consideration has been given to the expansion of the home. Ultimately, four feet nine inches of the required front yard setback was seen as a small price to pay for being able to protect the existing neighbor boundaries and City of Atlanta setbacks and still be able to design an addition that is attractive, compatible with the existing architectural style, and was favorably reviewed by the neighborhood civic association.

Such conditions are peculiar to the particular piece of property involved

The fact that existing homes in the Virginia Highlands neighborhood encroach in the front and side yard set-backs is quite common. The condition is, therefore, not peculiar only to this piece of property, but to the neighborhood as a whole.

The Variance would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance of Atlanta

The requested variance would not detract from people's use and enjoyment of the adjoining and surrounding properties. The renovation goal is to add additional living space to the existing house, while maintaining the existing architectural style. The permission to re-frame the front right roof (including the portion that is within the setback) facilitates the ability to expand the house in a manner that retains the historic architectural character and does not dramatically alter the existing scale of the house.

The proposed project will not diminish the safety from fire, panic, or other dangers.

The proposed project will not diminish the amount of light/air to the neighboring properties.

The proposed project is commensurate with the single family residential use of other homes in this area.

The proposed project, in that it enables the existing occupants to provide needed space for their family, promotes desirable living conditions and helps sustain the stability of the neighborhood.

V-10-115

In that the desire is to renovate the existing house, (versus tearing down the house and building a new one) in a style similar to the existing house, the project provides for the orderly evolution of the neighborhood and protects against blight/depreciation.

Thank you for your time and consideration in reviewing this application. Please do not hesitate to contact me if you have any questions.

Sincerely,



Kris White-Fruth, Homeowner

404-933-3820

kwhiteusa@gmail.com

Fruth Residence
1049 Kentucky Ave NE
Atlanta, GA 30306
Tel 404-933-3820

V-10-115



CITY OF ATLANTA
55 TRINITY AVE SW STE 1350
ATLANTA, GA, 30303-3534
404-330-6270

Merchant ID: 550138523
Term ID: 0010540000550138523002

Sale

XXXXXXXXXXXX5019

VISA Entry Method: Swiped

Total: \$ 100.00

07/21/10 09:27:45

Inv #: 000003 Appr Code: 152673

Apprvd: Online

Application: V-10-115
Application Type: Planning/BZA/Variance/NA
Address: 1049 KENTUCKY AVE , ATLANTA, GA 30306
Owner Name: FRUTH TILO & KRIS W
Owner Address:
Owner Phone Name:

Customer Copy
THANK YOU!

| Number | Amount Paid | Payment Date | Cashier ID | Received | Comments |
|--------|-------------|--------------|------------|----------|----------|
| | \$100.00 | 07/21/2010 | SLEONARD | | |

Owner Info.: FRUTH TILO & KRIS W

Work Description: reduce the front yard setback from 35 ft to 24ft to allow for a porch and dormer addition.

PAID
CITY OF ATLANTA
JUL 21 2010
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

LEGEND

- CRS CAPPED 1/2" REBAR SET (LSF-000433)
- OTF OPEN TOP PIPE FOUND
- RBF RE-BAR FOUND
- PP POWER POLE
- P PROPERTY LINE
- B/L BUILDING LINE
- X- FENCE
- C CENTERLINE
- SF SQUARE FEET
- FP FOOTPRINT
- PP POWER POLE
- R/W RIGHT-OF-WAY
- ⊕ SANITARY SEWER MANHOLE
- ⊕ IRRIGATION CONTROL VALVE
- WM WATER METER
- GM GAS METER
- PC PROPERTY CORNER

ELEVATIONS ARE FIELD RUN BASED UPON AN ASSUMED DATUM.

GENERAL NOTES

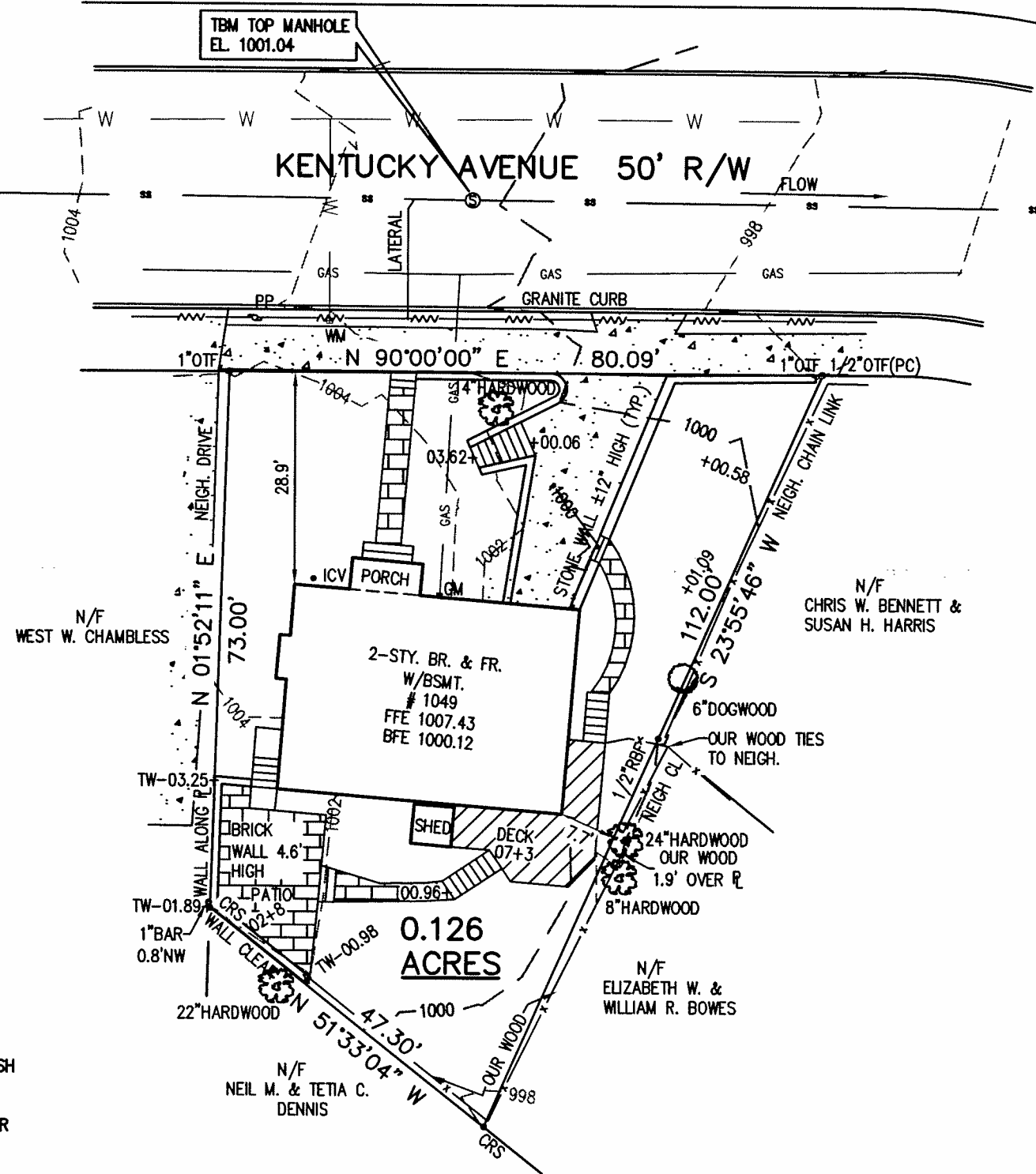
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND IS FOUND ACCURATE TO WITHIN ONE FOOT IN 958,582 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000± FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

A TOPCON - TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

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

CERTIFICATION IS MADE TO PERSON(S) NAMED ON THIS PLAT AND IS NOT TRANSFERABLE TO OTHERS.



NOTE: THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR OPINION. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

V-10-115



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.



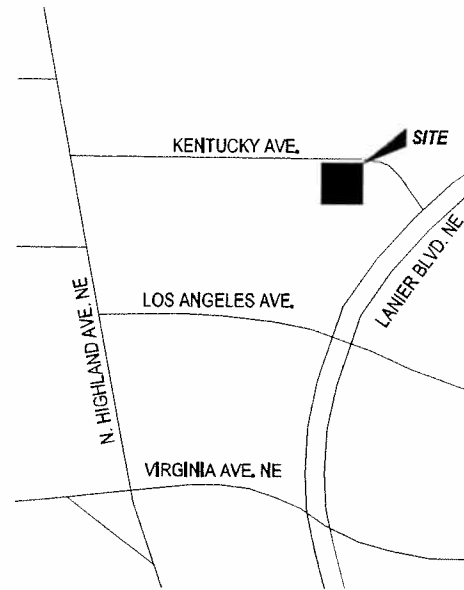
SCI Development Services



ENGINEERS - SURVEYORS - LAND PLANNERS
 3655 HEWATT COURT - STE E - SNELLVILLE, GEORGIA 30039
 (770) 736-7666 FAX (770) 736-4623
 MAIL@SURVEYCONCEPTS.NET

PROJECT: 50229
 DWG BY: DGK
 CHKD BY: OEK
 DATE: 7/7/10
 SCALE: 1"=20'

SURVEY FOR
TILO FRUTH & KRIS WHITE
 PART OF LOTS 8 & 9
 SUBDIVISION: HIGHLAND AVENUE ADDITION
 LAND LOT 1 17th DIST.
 CITY OF ATLANTA
 FULTON COUNTY, GEORGIA
 REC. IN DEED BOOK 38238, PG. 482



VICINITY MAP
N.T.S.

FRUTH RESIDENCE

ADDITION

1049 KENTUCKY AVE NE
ATLANTA, GA 30306

SHEET INDEX

- A0.0 COVER SHEET
- A1.0 ENTRY PLAN AND DETAILS
- A2.0 2ND LEVEL FLOOR PLAN & ROOF PLAN
- A3.0 ELEVATIONS
- A4.0 ELEVATIONS
- A5.0 WALL SECTION AND DETAILS

CODES

2006 INTERNATIONAL RESIDENTIAL CODE W/
GA STATE AMENDMENTS

JURISDICTION

CITY OF ATLANTA BUREAU OF BUILDINGS



RELEASED FOR CONSTRUCTION

| REV. NO. | DATE | DESCRIPTION | BY |
|----------|------|-------------|----|
| | | | |
| | | | |
| | | | |
| | | | |

FRUTH RESIDENCE
ADDITION
ATLANTA, GA

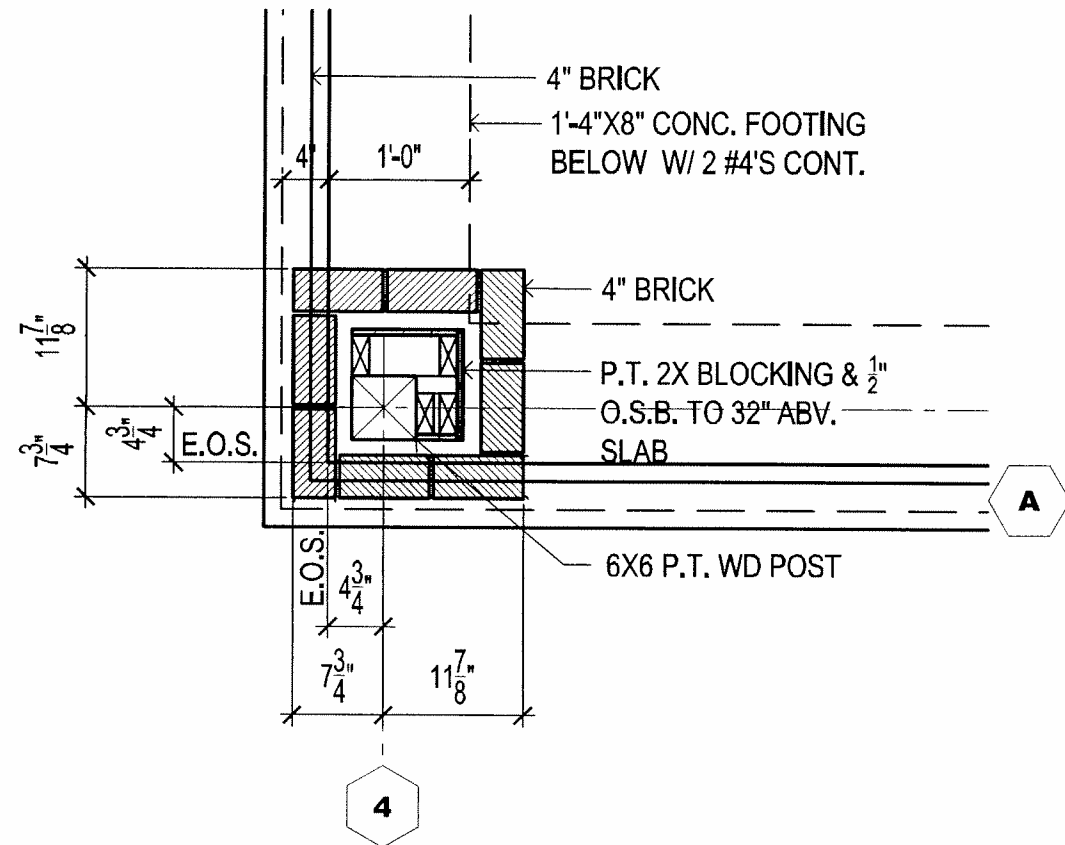
DATE: 25 MAY 2010

SHEET TOTAL

COVER SHEET

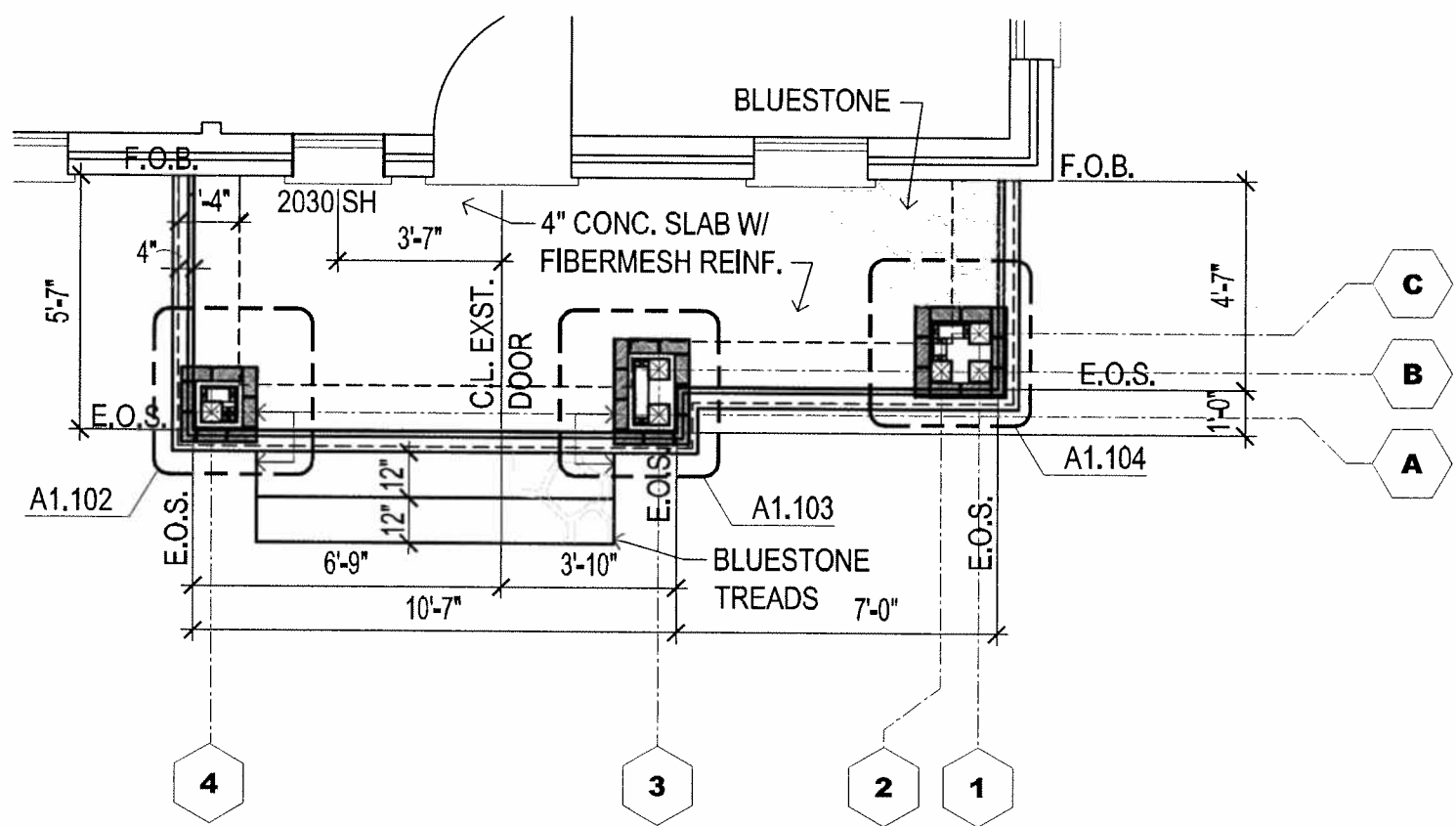
SHEET NO.

A0.0



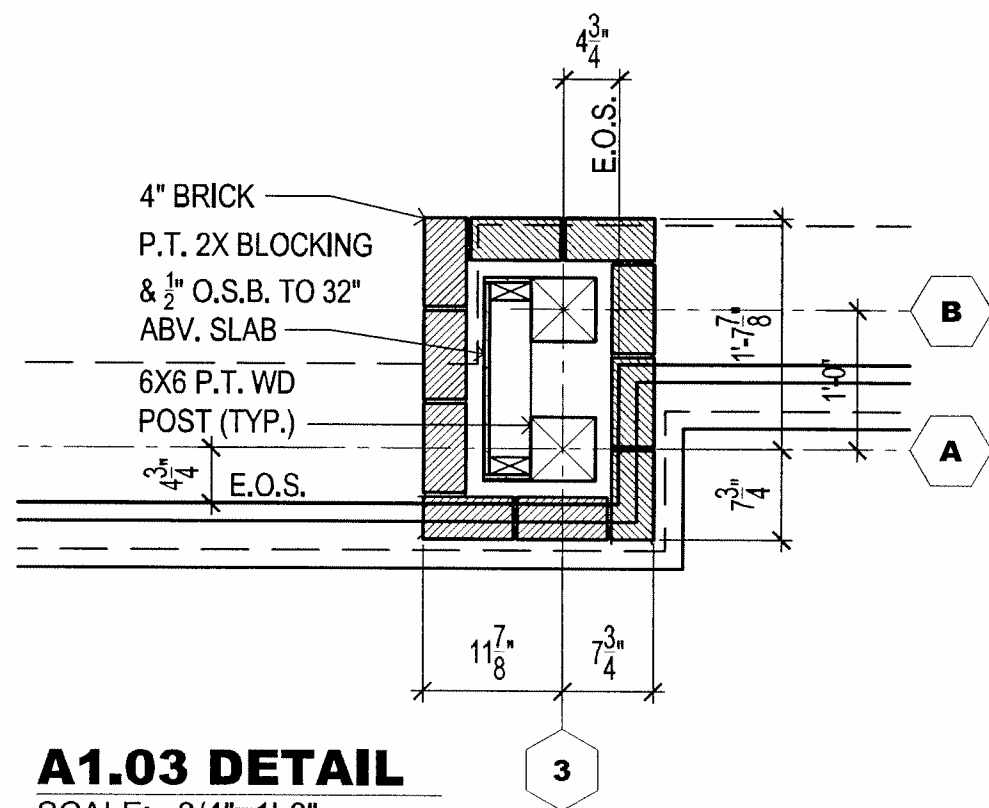
A1.02 DETAIL

SCALE: 3/4"=1'-0"



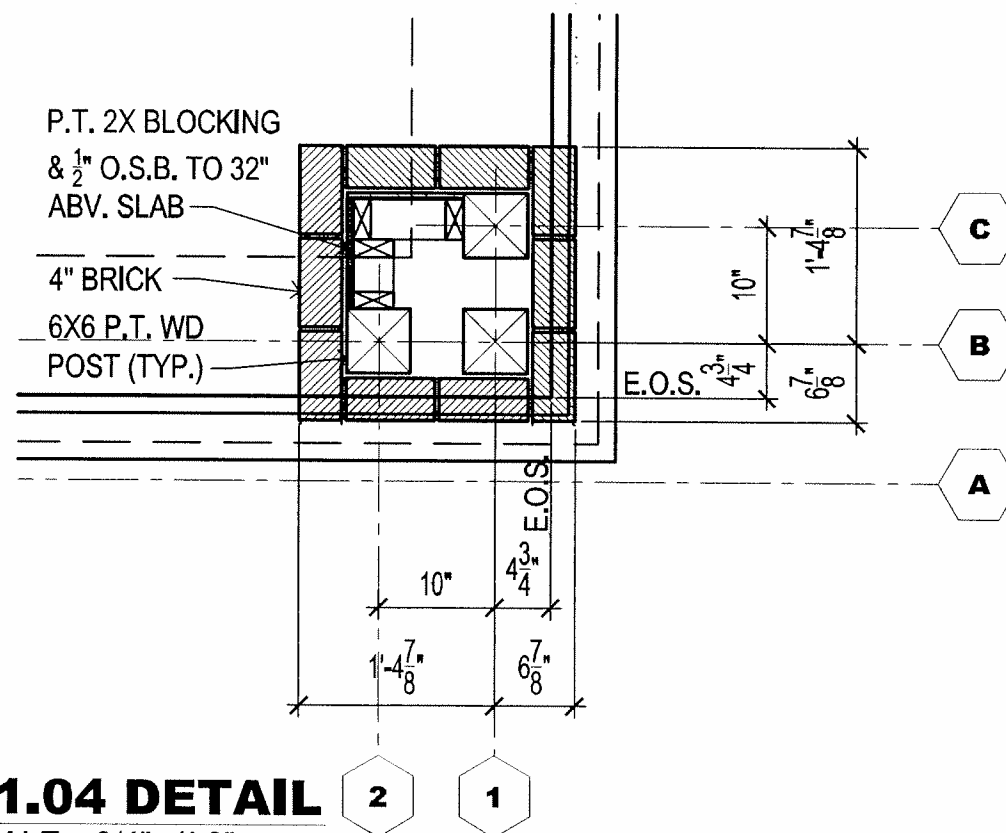
A1.01 ENTRY PLAN

SCALE: 1/4"=1'-0"



A1.03 DETAIL

SCALE: 3/4"=1'-0"



A1.04 DETAIL

SCALE: 3/4"=1'-0"

NOTES:

1. E.O.S. - EDGE OF SLAB
2. F.O.B. - FACE OF BRICK
3. C.L. - CENTERLINE
4. ALL 6X6 WOOD POSTS SHALL BE PRESSURE TREATED.
5. ALL WOOD POSTS SHALL BE CONNECTED AT THE SLAB WITH A METAL POST BASE (SIMPSON PBS66 OR EQUAL), INSTALLED PER MANF INSTRUCTIONS.
6. PROVIDE BRICK TIES AT 16" O.C. VERT., MAX.

RELEASED FOR CONSTRUCTION

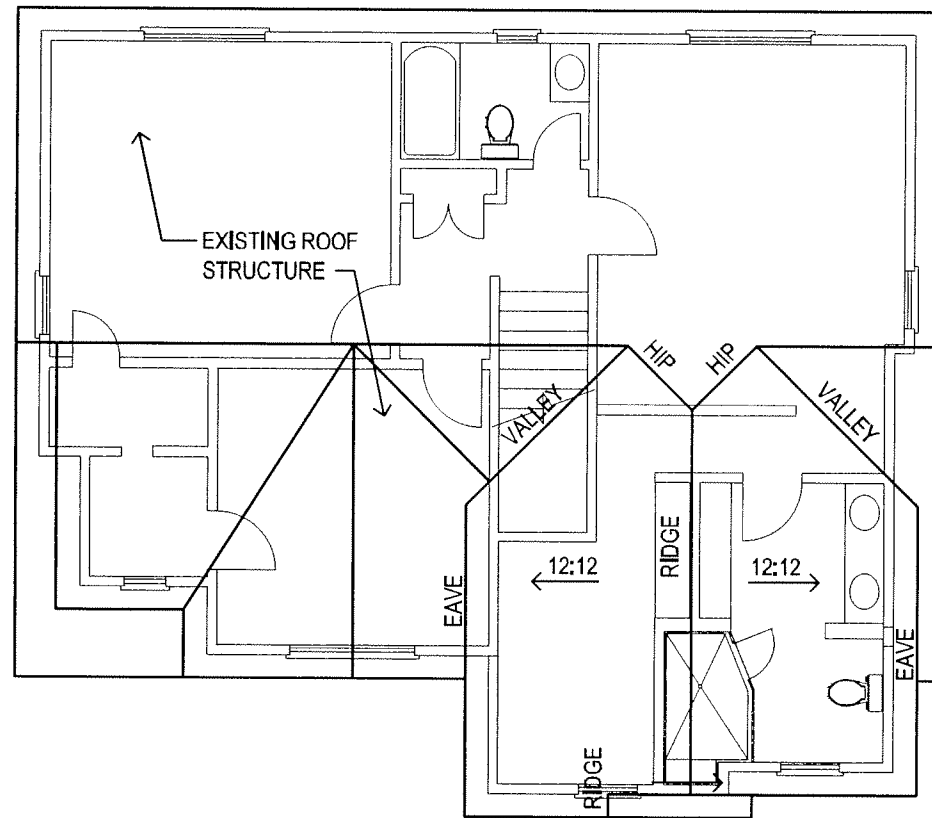
| REV. NO. | DATE | DESCRIPTION | BY |
|----------|------|-------------|----|
| | | | |
| | | | |
| | | | |
| | | | |

FRUTH RESIDENCE
ADDITION
ATLANTA, GA

DATE: 25 MAY 2010

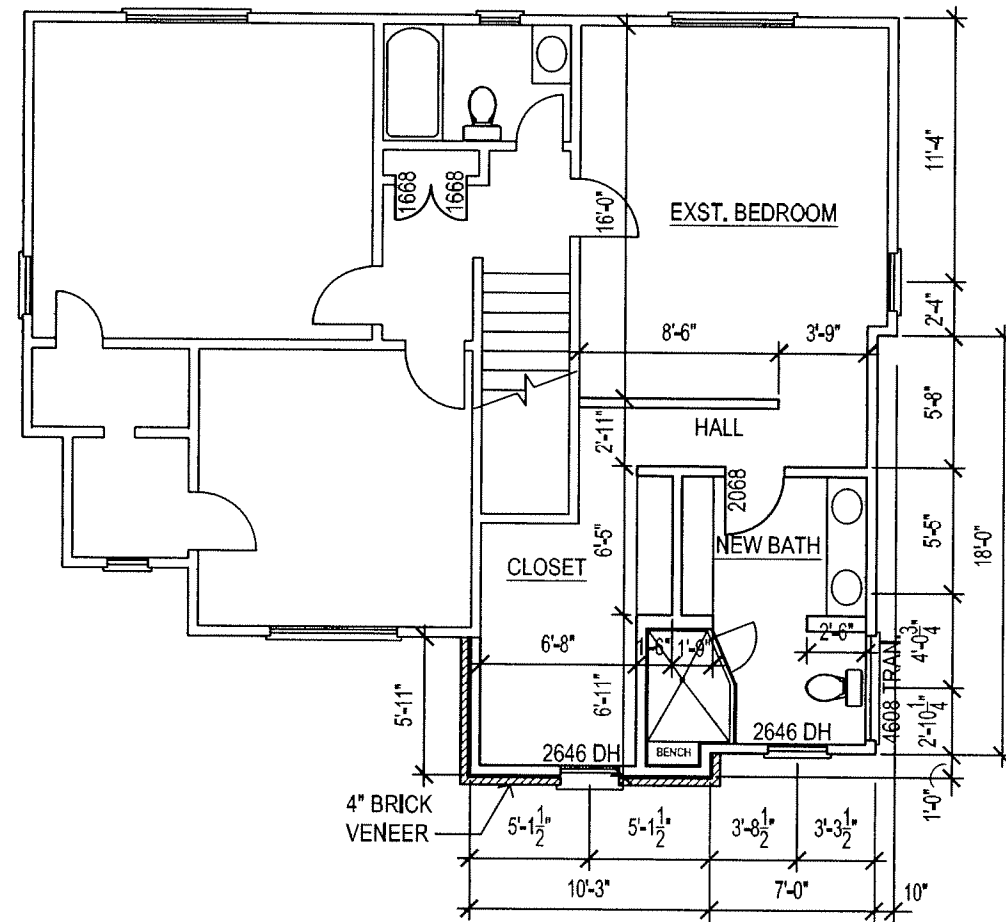
ENTRY PLAN
DETAILS

A1.0



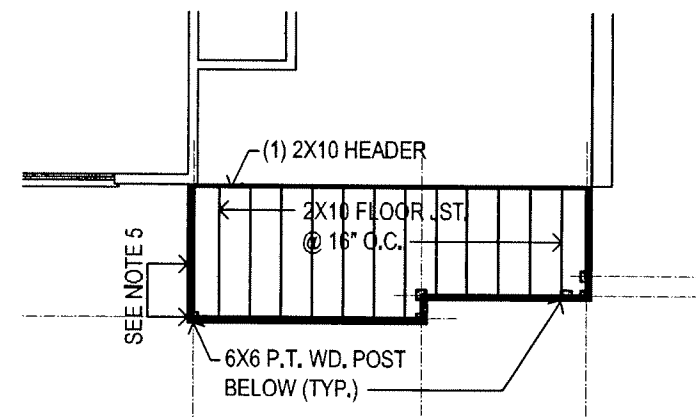
A2.03 ROOF PLAN

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



A2.01 2nd FLOOR PLAN

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



A2.02 2nd FLOOR FRAMING PLAN

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

FLOOR FRAMING NOTES

1. 2X10 HEADER SHALL BE THRU-BOLTED TO EXISTING HEADER WITH 1/2" DIA. BOLTS @ 32" O.C. MAX. STAGGER BOLTS VERTICALLY, 2" FROM EDGE OF BOARD PER CODE.
2. ALL RIM JOISTS SHALL BE DOUBLED MEMBERS.
3. ALL FLOOR JOISTS SHALL BE HUNG FROM HEADER AND RIM JOISTS WITH SIMPSON STRONG-TIE METAL JOIST HANGERS; "HU" SERIES. TOE NAILING MEMBERS IS NOT ACCEPTABLE.
4. CONNECT ALL RIM JOISTS TO POSTS WITH 1 (ONE) SIMPSON LCE4 POST CAP AT EACH END OF EACH RIM JOIST.
5. ALIGN OUTSIDE FACE OF DOUBLED RIM JOISTS WITH OUTSIDE FACE OF WD. POST.

RELEASED FOR CONSTRUCTION

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

FRUTH RESIDENCE
ADDITION
ATLANTA, GA

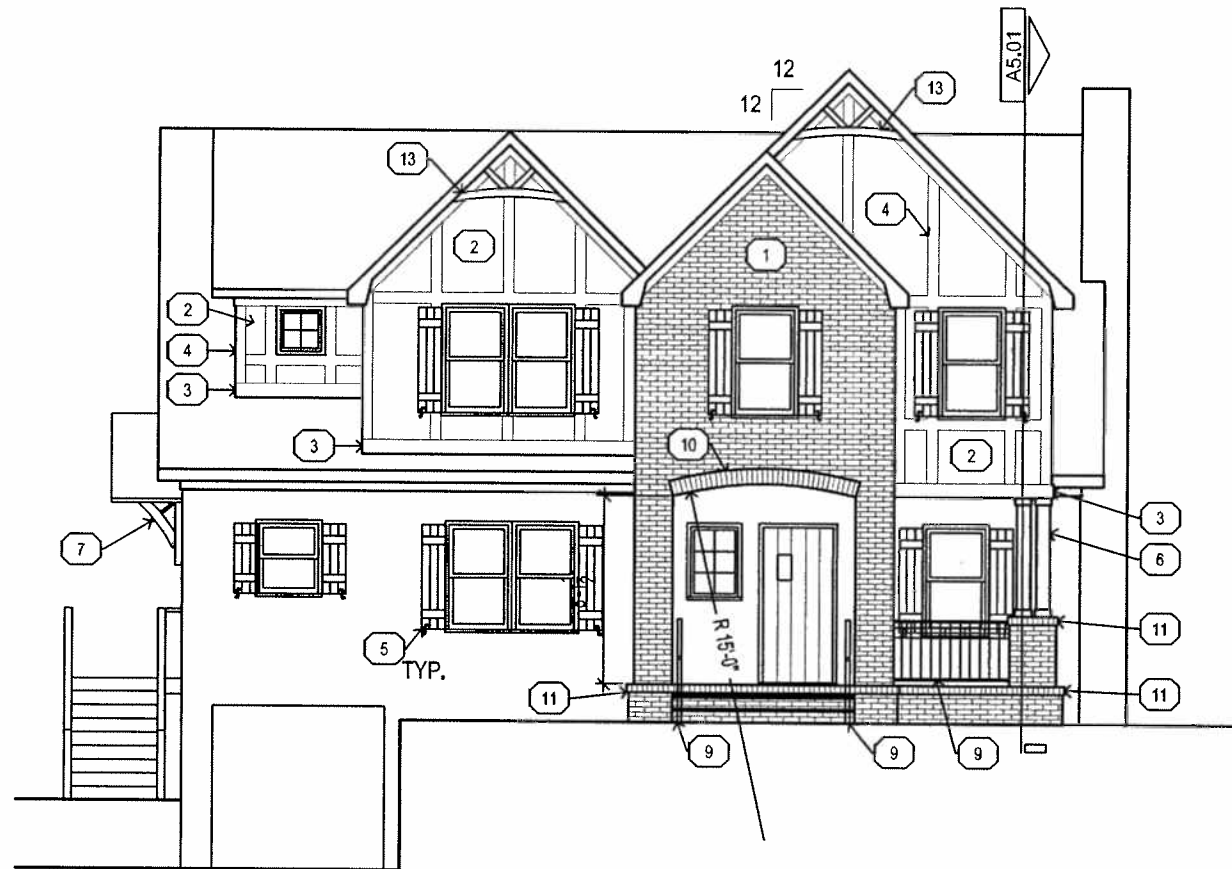
PROJECT NO.

DATE 25 MAY 2010

SHEET TITLE

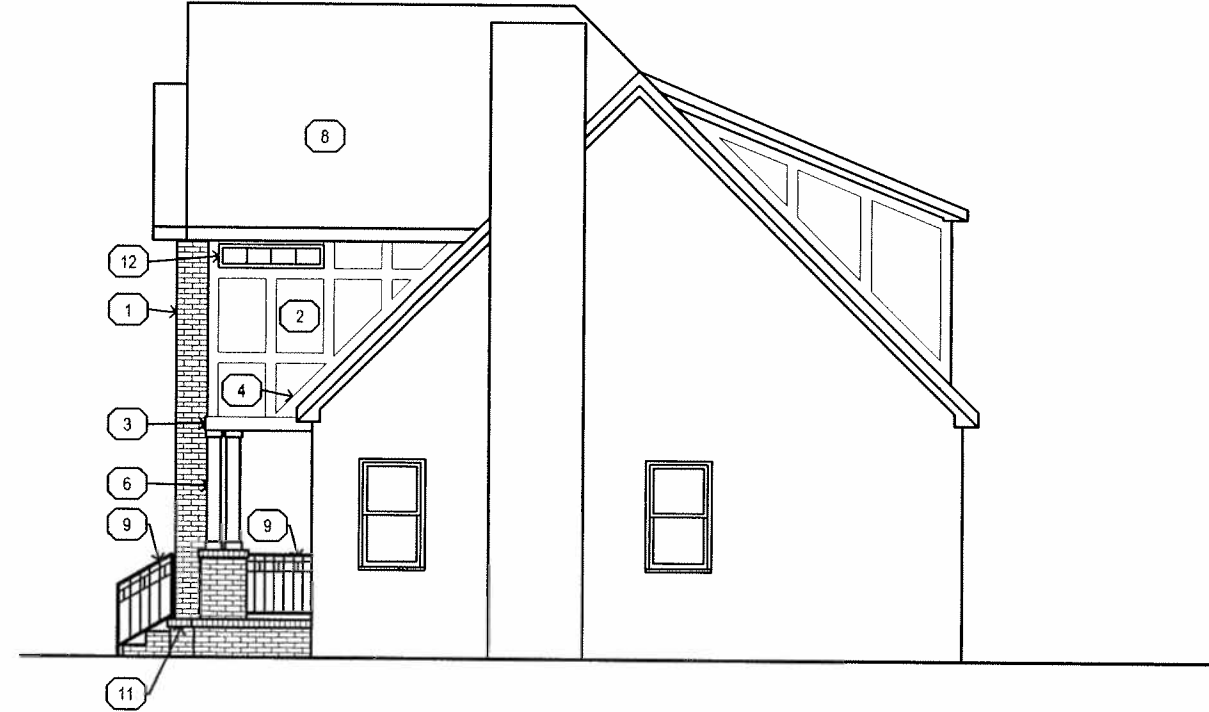
2ND FLOOR PLAN

SHEET NO. **A2.0**



A3.01 FRONT ELEVATION

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



A3.02 RIGHT SIDE ELEVATION

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

KEYED NOTES

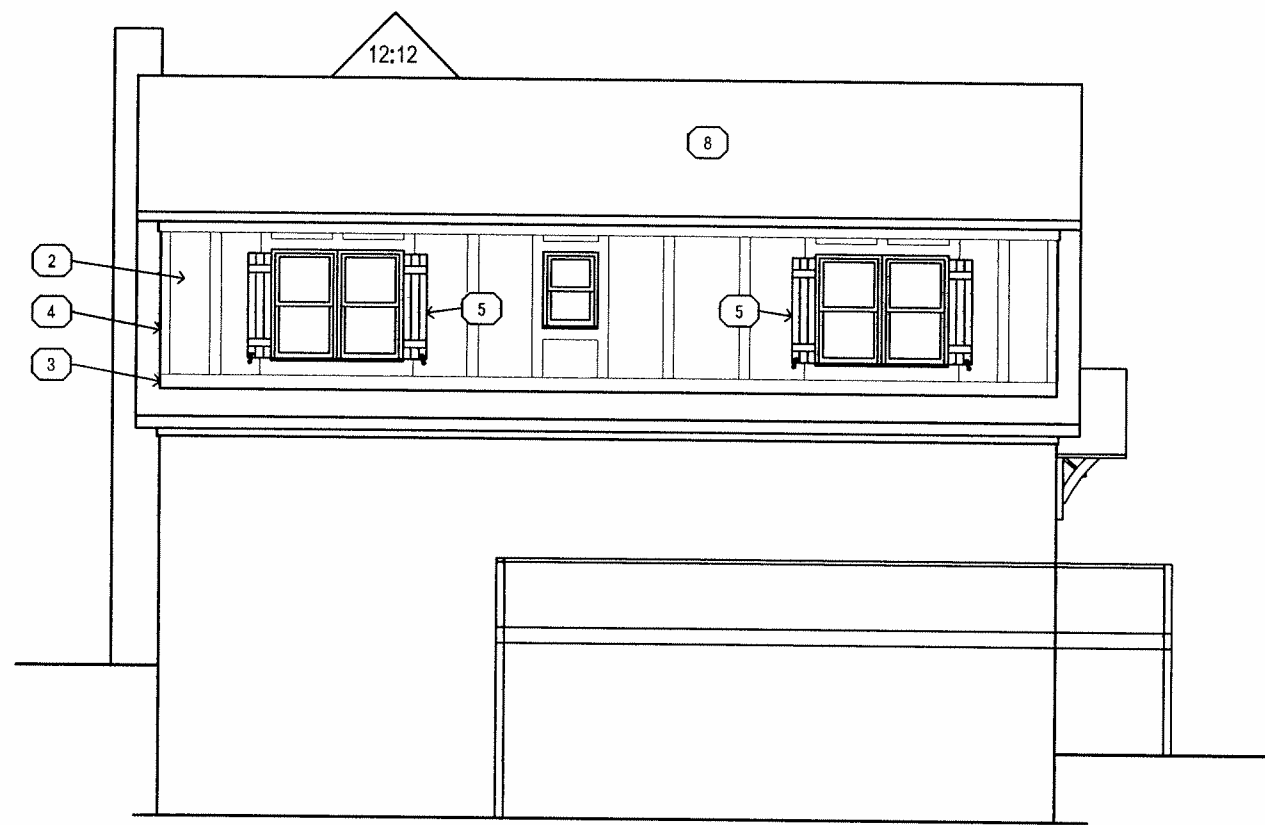
- ① 4" BRICK VENEER
- ② HARDIPANEL SHEET SIDING - PAINT
- ③ 5/8" X8 HARDIETRIM (BOTTOM ONLY) - PAINT
- ④ 1/2" X6 HARDIETRIM. PATTERN AS SHOWN - PAINT
- ⑤ 12" X WINDOW LENGTH WD. SHUTTERS W/ HORIZ. BRACES AS SHOWN. PROVIDE CLOSURE HOOKS AS SELECTED BY OWNER.
- ⑥ 1X CEDAR COLUMN WRAP W/ 1X4 CEDAR TRIM TOP & BOTTOM
- ⑦ WOOD BRACKETS - PRO WOOD 13T1 OR EQUAL. 1-888-540-9663
- ⑧ SHINGLES AS SELECTED BY OWNER
- ⑨ 34" METAL HANDRAILING - PAINT
- ⑩ BRICK ARCH - SOLDIER COURSE (+1/2")
- ⑪ BRICK ROWLOCK
- ⑫ TRANSOM WINDOW - SEE PLAN
- ⑬ GABLE BRACKET AS SELECTED BY OWNER

RELEASED FOR CONSTRUCTION

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

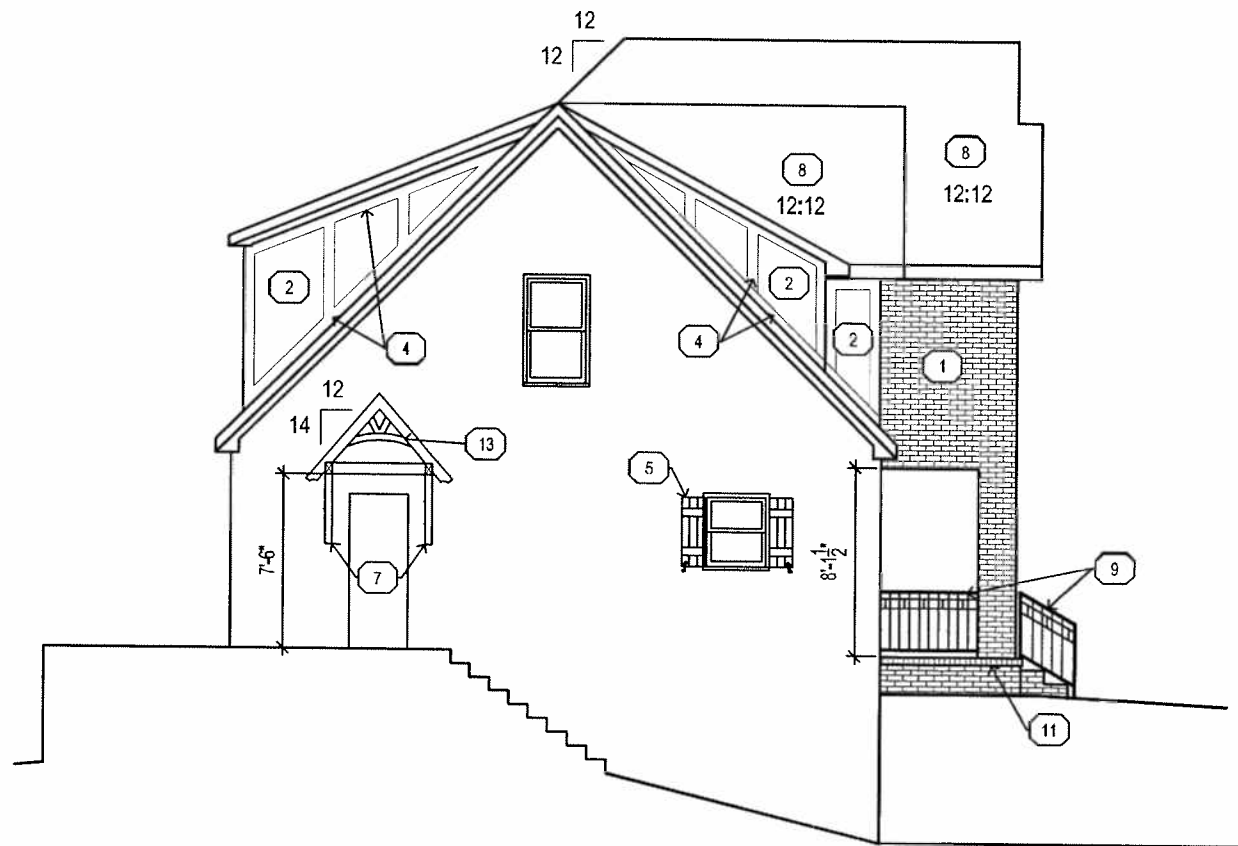
FRUTH RESIDENCE
ADDITION
ATLANTA, GA

PROJECT NO. _____
DATE: 25 MAY 2010
SHEET TITLE: ELEVATIONS
SHEET NO. **A3.0**



A4.01 REAR ELEVATION

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



A4.02 LEFT SIDE ELEVATION

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

KEYED NOTES

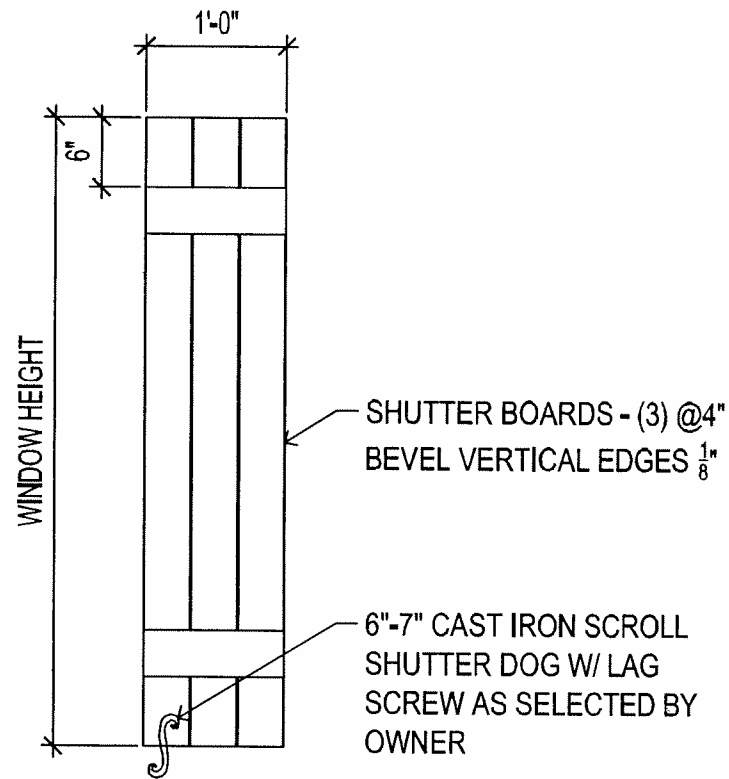
- 1 4" BRICK VENEER
- 2 HARDIPANEL SHEET SIDING - PAINT
- 3 5/4 X8 HARDIETRIM (BOTTOM ONLY) - PAINT
- 4 1/2 X6 HARDIETRIM. PATTERN AS SHOWN - PAINT
- 5 12" X WINDOW LENGTH WD. SHUTTERS W/ HORIZ. BRACES AS SHOWN. PROVIDE CLOSURE HOOKS AS SELECTED BY OWNER.
- 6 1X CEDAR COLUMN WRAP W/ 1X4 CEDAR TRIM TOP & BOTTOM
- 7 CEDAR BRACKETS - PRO WOOD 13T1 OR EQUAL. 1-888-540-9663
- 8 SHINGLES AS SELECTED BY OWNER
- 9 34" METAL HANDRAILING - PAINT
- 10 BRICK ARCH - SOLDIER COURSE (+1/2")
- 11 BRICK ROWLOCK
- 12 TRANSOM WINDOW - SEE PLAN
- 13 GABLE BRACKET AS SELECTED BY OWNER

RELEASED FOR CONSTRUCTION

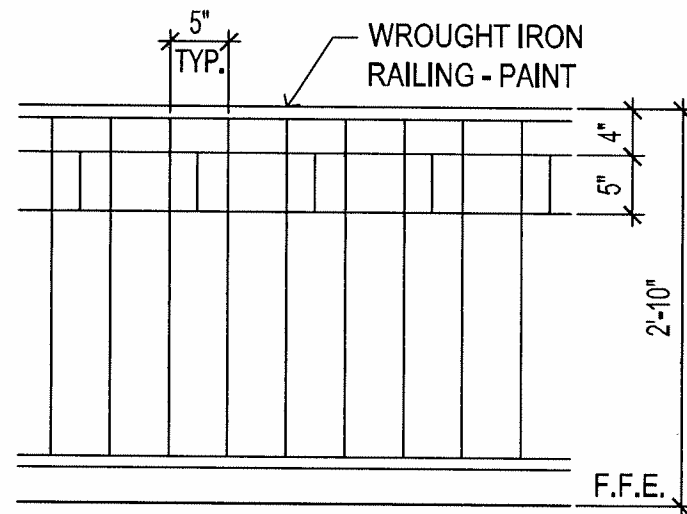
| DATE | BY | REVISION |
|------|----|----------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

FRUTH RESIDENCE
 ADDITION
 ATLANTA, GA

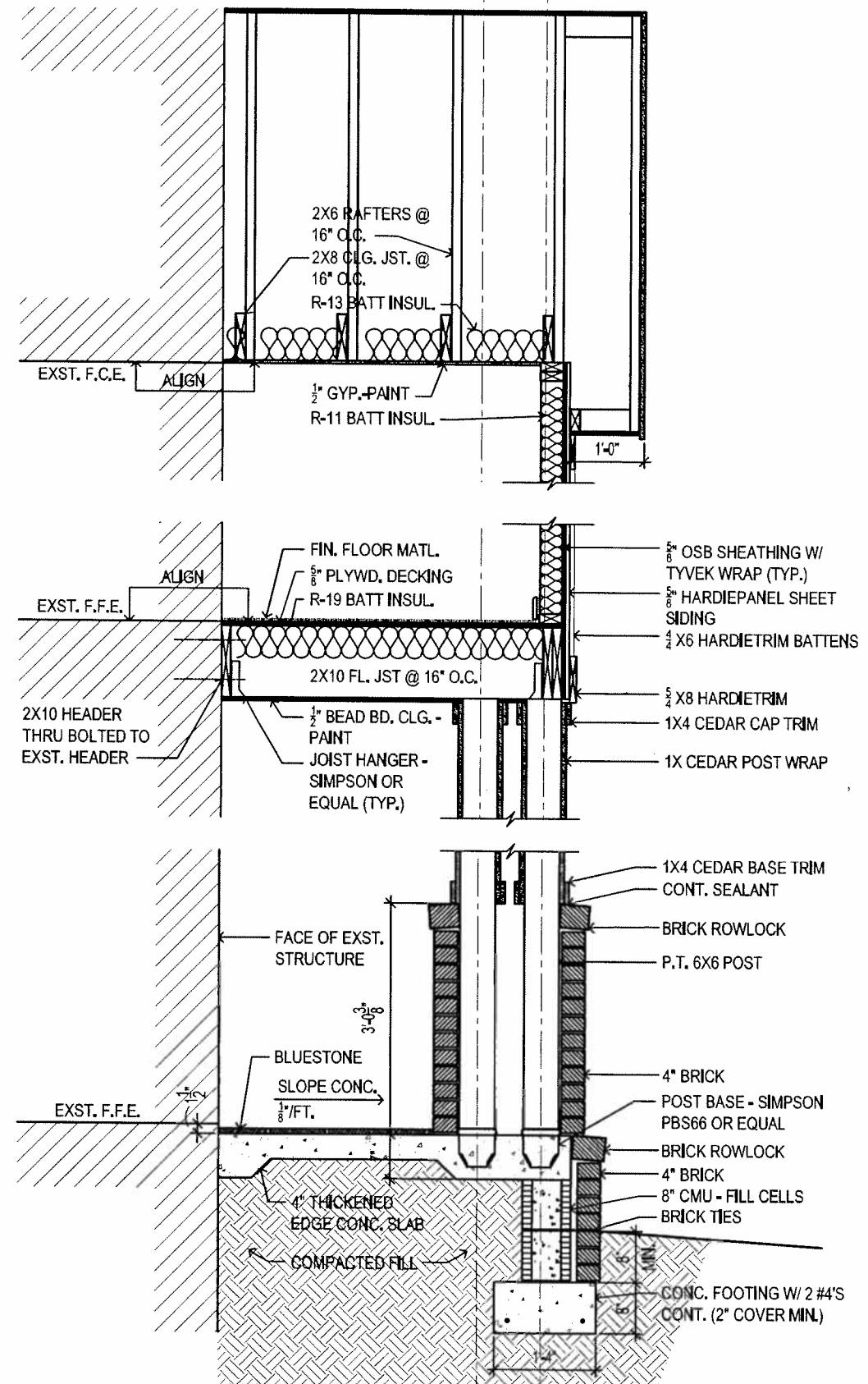
| | |
|-------------|-------------|
| DATE | 25 MAY 2010 |
| SHEET TITLE | ELEVATIONS |
| SHEET NO. | A4.0 |



A5.02 SHUTTER DETAIL
SCALE: 3/4"=1'-0"



A5.03 RAILING DETAIL
SCALE: 3/4"=1'-0"



A5.01 WALL SECTION
SCALE: 1/2"=1'-0"

RELEASED FOR CONSTRUCTION

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

FRUTH RESIDENCE
ADDITION
ATLANTA, GA

PROJECT NO. [REDACTED]
DATE 25 MAY 2010
SHEET TITLE

WALL SECTION

SHEET NO. **A5.0**

Fruth Residence
1049 Kentucky Ave NE
Atlanta, GA 30306
Tel 404-933-3820

