

# Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-161**

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

Address of Property: **1123 Virginia Avenue**

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, December 2, 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,

\_\_\_\_\_  
NEG, for Director, Bureau of Planning

\_\_\_\_\_  
Evan J. Hunter, Applicant

**APPLICATION FOR VARIANCE**  
**City of Atlanta**

OCT 17 2010

Date Filed \_\_\_\_\_

Application Number V-10-161

Name of Applicant Evan J. Hunter Daytime Phone 770.294.7380

Company Name HUNTER REISING DESIGN BUILD, INC. e-mail evan@hunterreising.com

Address 1243 Francis St. NW Atlanta, GA 30318  
street city state zip code

Name of Property Owner Stefanie Augusta Steve Albert Phone 917.283.7717

Address 1123 Virginia Ave. Atlanta, GA 30306  
street city state zip code

**Description of Property**

Address of Property 1123 Virginia Ave. Atlanta, GA 30306

the subject property fronts 60 feet on the South side of Virginia Ave, and begins \_\_\_\_\_ feet from the \_\_\_\_\_ corner of \_\_\_\_\_.

Depth: \_\_\_\_\_ Area: \_\_\_\_\_ Land Lot: 1 District: 17, Fulton County, GA.

Property is zoned: \_\_\_\_\_, 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 3 Day Of OCT, 2010.

Evan J. Hunter  
Owner or Agent for Owner (Applicant)

Evan J. Hunter  
APPLICANT'S NAME IN PRINTED LETTERS

[Signature]  
NOTARY PUBLIC



# 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 Shelby  
Commissioner  
Dept. of Planning & Community  
Development

Anthony Carter, Interim Director  
Bureau of Building

Zoning Division  
Ann Sharpe-Heard

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-10-161

NPU F DATE FILED \_\_\_\_\_

1. Evan J. Hunter

Name of Applicant

### BUILDING PERMIT AUTHORIZING

Variance (addition to single family dwelling)

RECEIVED  
OCT - 7 2010  
Bureau of Planning

at 1123 Virginia Avenue, NE 17<sup>TH</sup>/1  
Street Address Quadrant District & Land Lot

to be used for \_\_\_\_\_ residential \_\_\_\_\_ purposes

The property is zoned R4 District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from zoning regulations to exceed the maximum allowed lot  
coverage from 50% to 56% to allow for a deck and screen porch addition to an existing  
single family dwelling. Applicant seeks no other variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (5)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Bureau of Buildings  
Anthony Carter, Interim Director  
Ann Heard, Chief Zoning Division

**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: Construction of a 16'-0" x 10'-0", one story, screened porch attached to rear (south) side of house. Includes a deck walkway and steps down to driveway.

**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.

4950 covered square feet / 9000 total lot square feet = 55 % proposed lot coverage  
50 % maximum allowed lot coverage

V-10-141

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OCT 7 2010  
BUREAU OF  
PLANNING

### 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.

**Staff Recommendation.** Bureau of Planning staff reviews and makes written recommendations to the BZA on each variance application. You may contact your assigned planner at (404) 330-6145 on the day of the public hearing if you wish to know staff's recommendation.

**NOTARIZED AUTHORIZATION BY PROPERTY OWNER**

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

TYPE OF APPLICATION increase in impervious ratio from 50% to 56%

I, Stefanie Augusta & Steven Albert (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT \_\_\_\_\_

1123 Virginia Ave. Atlanta, GA 30306 (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 Evan J. Hunter, Hunter Reising Design Build, Inc.

ADDRESS OF APPLICANT \_\_\_\_\_

1243 Francis St. NW Atlanta, GA 30318

TELEPHONE NUMBER 770.294.7380

[Signature]  
Signature of Owner

Personally Appeared Before Me  
Steven Albert

Who Swears That The Information Contained In This Authorization Is True and Correct To The Best of His or Her Knowledge and Belief.  
Faye Albertson Hays  
Notary Public

Date Sept. 30, 2010

Faye Hays  
Notary Public  
State of Georgia  
My Comm. Exp. 2/21/12

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OCT 7 2010  
Bureau of Planning

V-10-161

7 October 2010

**Request for Variance:** Increase of 50% impervious ratio to 56% to allow construction of a 16'-0 x 18'-0, one story, screened porch with gas fireplace attached to existing house and a deck walkway and stairs down to driveway. The screened porch will be within all building setbacks and will not impact any trees.

Property: 1123 Virginia Ave. Atlanta, GA 30306 Fulton County

**Exceptional Condition: Health**

The owner has a health condition that requires easy access to outdoor space but in a screened-in, comfortable environment with permanent furniture.

**Hardship: Backyard that cannot be enjoyed**

The Owners have one small child and will have their second child before year-end and need a screened porch to sit in while their children play in the backyard and on the porch, particularly when health conditions would prevent going outside otherwise. The rear of the house faces south and a screened porch is ideal in this orientation.

**Promotion of desirable living conditions**

If granted, the variance will promote desirable living conditions. The owners recently purchased the property, which was on the market for 2 and half years, after a search in the local area for a home they intend to remain in until their children are grown. However, the lack of convenient/accessible outdoor space was a negative aspect of the home which they hope to remedy.

The architectural vernacular of the screened porch will be consistent with the craftsman style of the main house. Rain water runoff will seep into permeable soil underneath elevated structure.

It will promote the sustainability of the neighborhood, achieve property appreciation, increase neighborhood friendships, and promote safety in the neighborhood. The screened porch will provide excellent light and air and be a great place for social gatherings.

V-10-101

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OCT 10 2010  
Board of  
Planning



Please return to:  
NEEL & ROBINSON ATTORNEYS AT LAW, LLC  
535 CLENBURY CONNECTOR, SUITE 400  
ATLANTA, GA 30342  
File # (082849)

STATE OF GEORGIA  
COUNTY OF FULTON

WARRANTY DEED

THIS INDENTURE made this 23rd day of June, 2010, between

DAVID TAYLOR,

as party or parties of the first part, hereinafter called Grantor, and

STEVEN P. ALBERT and STEFANIE AGUSTA,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lot 1 of the 17th District, Fulton County, Georgia, being Lot 11, Block 3, Virginia Highlands Subdivision, as per plat recorded in Plat Book 10, Page 133, Fulton County, Georgia records, which recorded plat is incorporated herein by this reference and made a part of this description.

Being 1123 Virginia Avenue NE, Atlanta, Georgia 30306

Tax ID: 17-0001-0010-011-8

BEING MORE FULLY DESCRIBED ON THE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

*[Handwritten signature]*  
Witness

*[Handwritten signature: David Taylor]* (Seal)  
DAVID TAYLOR

*[Handwritten signature: Joyce R. Roach]*  
Notary Public  
My commission expires 10/21/2011  
[Attach Notary Seal]

NOTARY PUBLIC-STATE OF FLORIDA  
Joyce R. Roach  
Commission # DD710895  
Expires: OCT 21, 2011  
BONDED THROUGH ATLANTIC BONDING CO., INC.

Show Receipt Detail

RECEIPT

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** V-10-161  
**Application Type:** Planning/BZA/Variance/NA  
**Address:** 1123 VIRGINIA AVE , ATLANTA, GA 30306  
**Owner Name:** TAYLOR DAVID  
**Owner Address:**  
**Application Name:**

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

Merchant ID: 550138523  
Term ID: 001054000550138523004

Sale

XXXXXXXXXXXX9395  
MASTERCARD

Entry Method: Swif

Total: \$ 100.

10/07/10

10:49:1

Inv #: 000005

Appr Code: 0074

Apprvd: Online

Customer Copy  
THANK YOU!

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
243187		\$100.00	10/07/2010	PAMITCHELL		

**Owner Info.:** TAYLOR DAVID

**Work Description:** Variance to exceed the maximum allowed lot coverage from 50% to 56% to allow for a deck and screen porch addition to an existing SF dwelling

PAID  
CITY OF ATLANTA  
OCT 07 2010  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

MIC  
pm