

Notice To Applicant
City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-164**

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

Address of Property: **1166 East Rock Springs Road**

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:

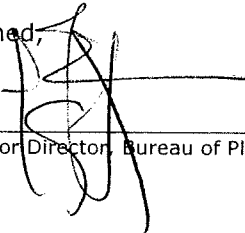
Charlie Nalbone
404-626-1354
atlanta.npuf.zoning@gmail.com

Contact info for adjacent NPUs is provided below if necessary:

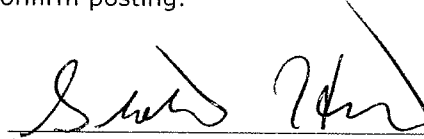
The contact person for NPU is:

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,


B, for Director, Bureau of Planning



Scott Harbolt, Applicant

APPLICATION FOR VARIANCE

City of Atlanta

V-10-164

Date Filed 10/12/10 Application Number 404-351-7989
Name of Applicant Scott Harbolt Daytime Phone 404-253-1070
Company Name Vision General Contracting-mail jmahdavis@bellsouth.net
Address 1681 Fernleaf Circle Atlanta GA 30318

Name of Property Owner Jeremiah Davis Phone 404 253 1070
Address 1166 E. Rock Springs Rd NE Atlanta, GA 30306

Description of Property

Address of Property 1166 E. Rock Springs Rd NE, Atlanta, GA 30306 OR

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

Depth: _____ Area: _____ Land Lot: 3 District: 17, FULTON County, GA.
Property is zoned: P-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 5 Day Of Oct, 2010.

ADRIENNE D ALICEA
NOTARY PUBLIC
Henry County - State of Georgia
My Comm. Expires Nov. 5, 2013

Jeremiah Davis
Owner or Agent for Owner (Applicant)
APPLICANT'S NAME IN PRINTED LETTERS

Adrienne D. Alicea
NOTARY PUBLIC

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OCT 12 2010
PLANNING DEPARTMENT



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-10-164
NPU F DATE FILED 10/12/10

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Planning

1. Scott Harbolt

Name of Applicant

BUILDING PERMIT AUTHORIZING Variance

at 1166 E. Rock Springs Road, NE 17TH/3
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 to reduce the required east side yard setback from 7' to 4'5" to
allow for second story 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 (2)

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: grow into existing attic space and add 1100'± SF

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.

_____ covered square feet / _____ total lot square feet = _____ % proposed lot coverage

_____ % maximum allowed lot coverage

NOT EXPANDING THE FOOTPRINT OF THE HOUSE

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 (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.

OCT 18 2009
Bureau of Planning

V-10-164

NOTARIZED AUTHORIZATION BY PROPERTY OWNER

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

TYPE OF APPLICATION Residential Addition

I, Jeremiah Davis (OWNER'S NAME)

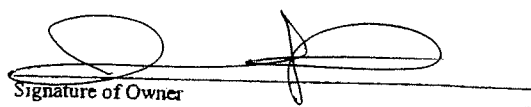
SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 1166 E. Rock Springs Rd in Atlanta, GA 30306 (PROPERTY ADDRESS).

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 Jeremiah Davis

ADDRESS OF APPLICANT 1166 E. Rock Springs Rd. Atlanta, GA 30306.

TELEPHONE NUMBER 404.253.1070


Signature of Owner

Personally Appeared Before Me
Jeremiah Davis

V-10-164

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
10.7.10
Date

OCT 1
BUS
Planning

DEIDRA P MILLER
NOTARY PUBLIC
DEKALB County - State of Georgia
My Comm. Expires Dec. 15, 2013

Variance Application Information

1. Application is attached with notarized signatures
2. Property Owner and contractor signatures attached.
3. 1 copy of the survey is attached as well as the legal description.
4. 8 copies of the site plan are attached; there are no changes to the site for this addition.
5. Written Justification for variance:
 - a. The current attic structure and side of this house is currently 4.5 feet from the east neighbor's driveway. The variance does not alter or change the current neighbor's egress and does not change the side foot print for the building itself. The variance allows the current owner to grow into the attic space and this addition falls within the maximum floor area ratio, and the maximum lot coverage does not change.
 - b. Please also see the attached letter from the neighbor to the east supporting the addition and variance.
6. N/A
7. Referral Certificate is attached

Numbers 8 – 13 to be followed and complete as requested.

Legal Description:

ALL THAT TRACT OR PARCEL OF LAUD LYING AND BEING IN LAND LOT 3 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND LAND LOT 58 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING ALL OF LOT 6, BLOCK B, HYLAN PARK CORP., JOHNSON ESTATES AND LAND LOT THREE REALTY CO., SUBDIVISION AS PER PLAT RECORDED AT PLAT BOOK 16, PAGE 8, FULTON COUNTY, GEORGIA RECORDS AND PLAT BOOK 10, PAGE 55, DEKALB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CRIMP TOP PIPE FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY OF EAST ROCK SPRINGS ROAD 290 FEET SOUTHEASTERLY ALONG THE RIGHT-OF-WAY OF EAST ROCK SPRINGS ROAD FROM THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF EAST ROCK SPRINGS ROAD WITH THE SOUTHEASTERN RIGHT-OF-WAY OF NORTH HIGHLAND AVENUE AND RUNNING THENCE NORTH 27 DEGREES 32 MINUTES 49 SECONDS EAST 168.85 FEET TO AN IRON PIN SET; RUNNING THENCE SOUTH 63 DEGREES 05 MINUTES 36 SECONDS EAST 60.00 FEET TO AN OPEN TOP PIPE; RUNNING THENCE SOUTH 27 DEGREES 30 MINUTES 00 SECONDS WEST 170.05 FEET TO AN OPEN TOP PIPE FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY OF EAST ROCK SPRINGS ROAD; RUNNING THENCE ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF EAST ROCK SPRINGS ROAD NORTH 81 DEGREES 57 MINUTES 07 SECONDS WEST 60.14 FEET TO A CRIMP TOP PIPE AND THE POINT OF BEGINNING, AS SHOWN ON PLAT OF SURVEY BY SURVEY SYSTEMS AND ASSOCIATES, INC., DATED 11/14/96 AND BEING KNOWN AS 1166 EAST ROCK SPRINGS ROAD ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN THE CITY OF ATLANTA.

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Department of
Planning

Submitted by Scott Harbolt from Vision General Contracting LLC, 404 351 7989, scott@visionholdings.net

Justification to the variance criteria:

- 1) A) Property has less frontage than the minimum required 70' vs. 57'7" existing.
 - B) The existing house encroaches 2.5' into the required 7' setback now, on the east side.
 - C) The proposed addition extends the roofline upward at the same setback as the existing footprint.
 - D) N/A
- 2) The current zoning regulations require an unnecessary hardship due to existing setbacks not allowing the family to grow into the existing attic by adding bedrooms.
 - 3) These conditions are peculiar since the current footprint does not meet the existing 7' setback now.
 - 4) If passed, the relief will add a "tudor addition" that fits within construction for this period.
 - Since the existing structure sits within the 7' setback requirement, the addition will not impede light or air or provide any other negative conditions.
 - Please see the letter of support from the property owner directly next to the current home for the setback in question.

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Planning

October 6, 2010

To Whom It May Concern:

We are the neighbors to the (East) of 1166 E. Rock Springs Road in Atlanta Georgia 30306.

We are writing to express our support of the proposed changes to the Davis home and we recommend passing the variance application currently before the City of Atlanta Planning Bureau.

Should you need further information please feel free to contact us at () 704-874-3858

Sincerely,



Zack Peters

1172 EAST ROCK SPRINGS ROAD
(Neighbor Address)

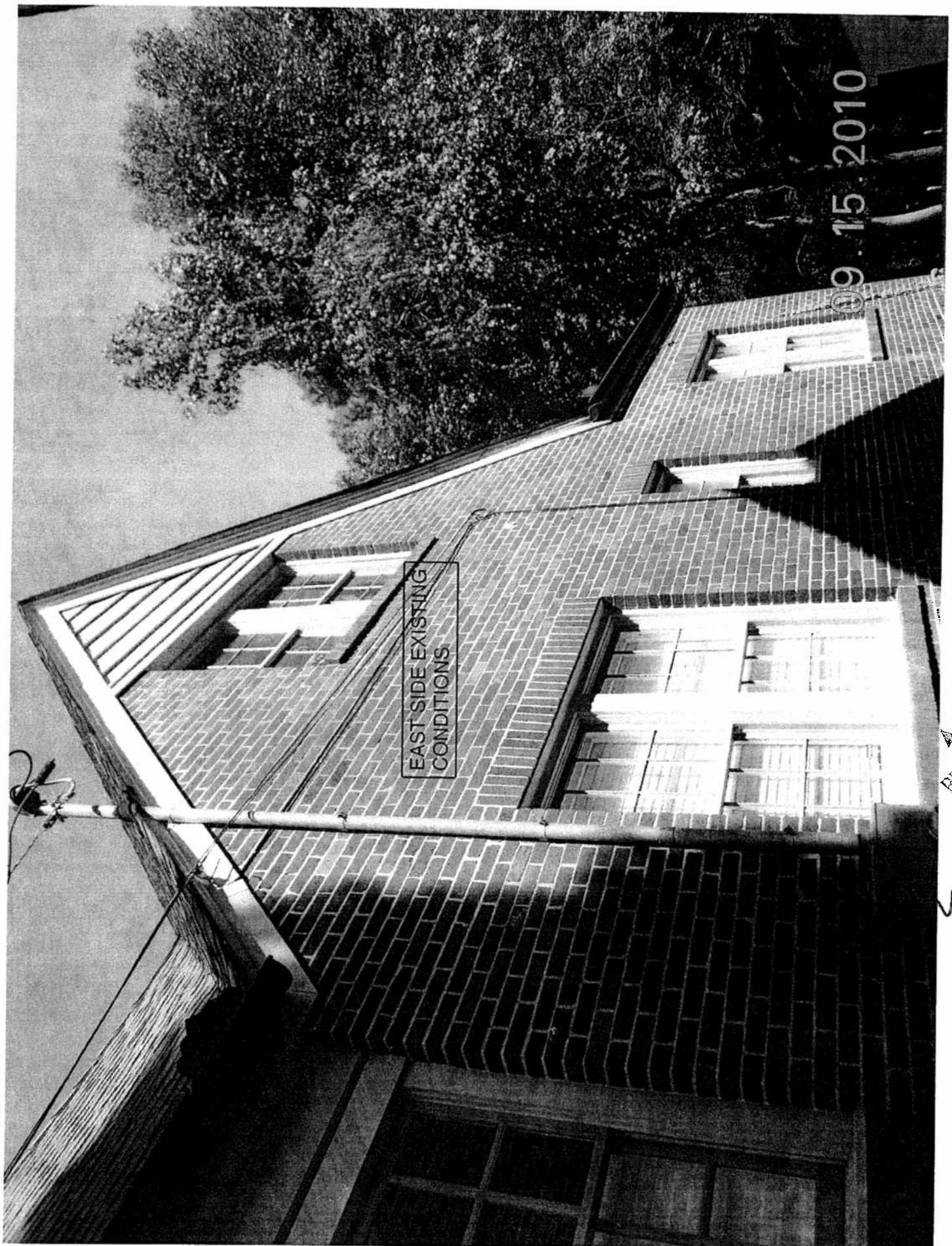
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EAST SIDE EXISTING
CONDITIONS

09.15.2010

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V-1076



SIDE ELEVATIONS
ARE THE SAME ON
BOTH SIDES.

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Rear Elevations,
this side has 4.5'
setback

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Burden of
Planning

V-10-164



RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: V-10-164
Application Type: Planning/BZA/Variance/NA
Address: 1166 EAST ROCK SPRINGS RD , ATLANTA, GA 30306
Owner Name: ~~FERRO THOMAS D & KIMBERLY B~~ JEREMIAH DAVIS &
Owner Address: MARIA DAVIS
Application Name: Scott Harbolt

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
243595	1378	\$100.00	10/12/2010	PAMITCHELL		

Owner Info.: FERRO THOMAS D & KIMBERLY B

Work Description: Variance to reduce the east side yard setback from 7ft required to 4'5" to allow for a second story addition to an existing single-family dwelling. Applicant seeks no other variances at this time.

PAID
CITY OF ATLANTA
OCT 12 2010
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Handwritten: CK# 1378 [Signature]