



**Notice To Applicant**  
City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-11-061**

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

Address of Property: **1598 West Sussex RD NE**

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, June 9, 2011 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**

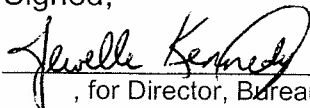
Contact info for adjacent NPUs is provided below if necessary:


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.

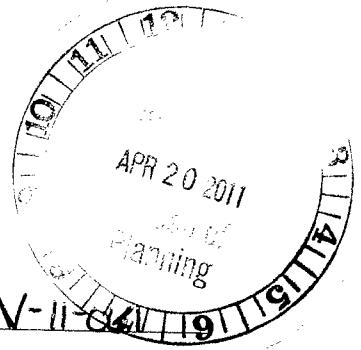
**Sign Posting** - The property owner is required to post a sign or signs in a conspicuous place on the property at least 15 days before the hearing date shown above. One sign shall be placed every 600 feet along each street the property abuts. A sign posting affidavit must be returned to the Bureau of Planning to confirm posting.

Signed,

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

  
\_\_\_\_\_  
Robert Soens

APPLICATION FOR VARIANCE  
City of Atlanta



Date Filed 4-20-2011

Application Number V-11-0419

Name of Applicant Robert Soens Daytime Phone 404.400.2345

Company Name Pinnacle Custom Builders e-mail rsoensjr@bellsouth.net

Address 1598 West Sussex Rd. Atlanta GA 30300  
street city state zip code

Name of Property Owner Sam and Pia Jones Phone \_\_\_\_\_

Address 1598 W. Sussex Rd. Atlanta, GA 30300  
street city state zip code

Description of Property

Address of Property 1598 W. Sussex Rd. Atlanta, GA 30300 OR

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

Depth: 162' Area: <sup>0.45</sup> acres Land Lot: 3 District: 17, Fulton County, GA.

Property is zoned: R-4, 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 7 Day Of 4, 2011.

STEPHANIE ALLEN  
NOTARY PUBLIC  
FULTON COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
AT 11:51 PM 17TH 2014

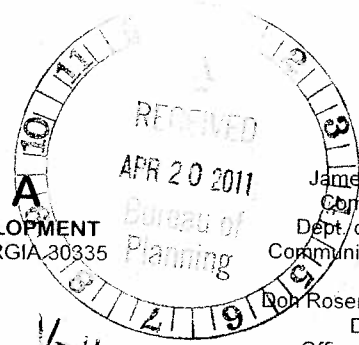
NOTARY PUBLIC

Owner or Agent for Owner (Applicant)  
ROBERT J SOENS JR  
APPLICANT'S NAME IN PRINTED LETTERS



# 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



James E. Shelby  
Commissioner  
Dept. of Planning &  
Community Development  
Doh Rosenthal, MBA, CBO  
Director  
Office of Buildings

Zoning Enforcement Division

KASIM REED  
MAYOR

## REFERRAL CERTIFICATE

COUNCIL DISTRICT \_\_\_\_\_ APPLICATION NUMBER \_\_\_\_\_

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

1. Robert Soens

Name of Applicant

### BUILDING PERMIT AUTHORIZING

Converting a detached garage into a conditioned accessory floor area

at 1598 W. Sussex Road NE 17<sup>th</sup>/3  
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 allow for an existing detached garage  
(previously approved by V-04-111 as garage only ) which was developed in the required rear  
and side yard setbacks to be converted into a residential accessory guest house (565 sq. ft.  
containing no cooking facilities). Applicant seeks no other variances at this time

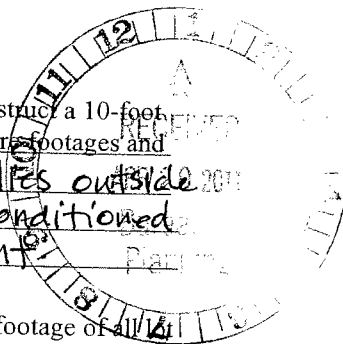
### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2) & (3)  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

  
Department of Planning and Development  
Bureau of Buildings  
Ann Heard, Chief, Zoning Enforcement Division

Applicant's 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: Convert an existing detached garage, which lies outside allowable rear- and side-yard setbacks, into a conditioned Pool House. No changes being made to the footprint.



**Proposed Lot Coverage (After Construction):** Calculate total square footage of 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.

V-01-001

7,830 covered square feet / 19,412 total lot square feet = 40 % 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.

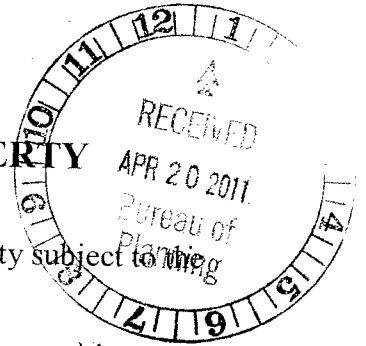
*You are responsible for obtaining a public notice sign when you file your application with the Bureau of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your 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.

**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.)



V-11-001

TYPE OF APPLICATION Variance Application

I, Sam Jones (OWNER'S NAME)

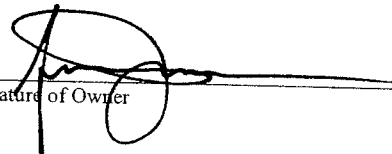
SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 1598 West Sussex Rd., Atlanta, GA 30306 (PROPERTY ADDRESS).

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 Robert Soens

ADDRESS OF APPLICANT 123 Jefferson Place  
Decatur, GA 30036

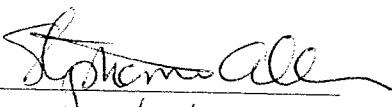
TELEPHONE NUMBER 404.406.2345

  
Signature of Owner

Personally Appeared Before Me

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

**STEPHANIE ALLEN  
NOTARY PUBLIC  
FULTON COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
AUGUST 17TH 2014**



Notary Public

4/7/2011

Date

JUSTIFICATION FOR  
VARIANCE APPLICATION FOR  
1598 WEST SUSSEX ROAD, ATLANTA, GEORGIA, 30306

Robert Soens, on behalf of Sam and Pia Jones, seeks a variance from zoning regulations to allow for an existing detached garage to be converted into a conditioned accessory structure (Guest House). Except for replacing the garage doors with French doors, addition of a fireplace and chimney, and adding two new windows, all work will be on the interior of the existing structure. The footprint, size and shape of the structure will primarily remain unchanged.

The current main house has only three bedrooms. Both Sam and Pia have extended families that visit occasionally. The Jones' are preparing for their growing family with an impending expansion of their main house to allow for the addition of one more bedroom and a children's playroom. A variance is not required for this expansion.

In an attempt to minimize the expansion of the main house, utilizing the existing garage for accommodating guests would be beneficial in allowing for the needed space of the family while minimizing the impact to the property, keeping the massing of the house to a minimum and minimizing the visual impact to the neighbors.

*1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;*

The extremely steep uphill slope of this lot from the street to the rear property line creates an extraordinary and exceptional condition, forcing all building to the very rear portion of the property. The house sits toward the very rear of the lot, and a pool and pool deck occupy the entire rear yard.

Therefore, although the floor area ratio and allowable lot coverage of the existing house and grounds are well below the 50% allowable, the owners can't easily add to the footprint of their house either to the front or to the rear. As a result, the proposed future expansion will be predominantly to the second story.

However, to accommodate visiting family, they will need more space than is reasonable to add to their main house without negatively impacting its historic, formal architectural style and scale. Instead, they seek a variance to convert an existing detached garage that sits behind the main house into a Guest House, which would serve as a guest room for visiting relatives.

*2) The application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create an unnecessary hardship;*

Because this house sits at the top of a steep hill, forcing the structures to be concentrated to one area of the property, the application of the zoning ordinance would cause unnecessary hardship on the owner by forcing the homeowner to put all additional living space in the main house, creating a much larger house of disproportionate mass and scale, negatively affecting the

appearance of an architecturally significant structure. This negative effect on the existing house would have a corresponding negative effect on the neighborhood, especially the next door neighbor to the right, as this would force a much larger structure directly to the rear and side of their house.

Converting the existing garage into the Guest House solves all these problems.

*3) Such conditions are peculiar to the particular piece of property involved;*

This property is peculiar and unique in the extreme slope of the front of the property, which forces all development to the small rear portion of the property significantly restricting the ability to build because of engineering and building constraints.

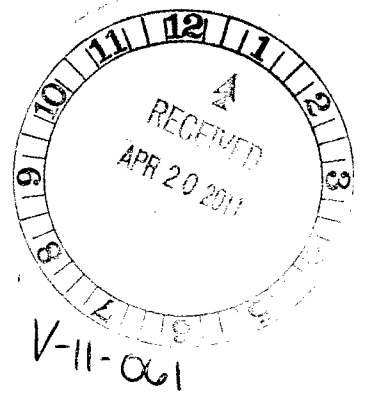
It is significant and peculiar to this property that the existing garage lends itself to a reasonable and attractive solution for the property owner and neighbors.

*4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance of the City of Atlanta.*

The accessory structure is existing and would not be significantly changed on the exterior.

Allowing the use of the existing garage to be converted to conditioned space does not cause detriment to the public good and actually benefits the neighbors and neighborhood by minimizing the visual impact of the expansion of the main house by utilizing already existing space on the rear of the property rather than forcing the home owner to add this space to the main house itself.

Because of the peculiar character of this piece of property and the significant hardship the application of this zoning ordinance would create for the property owner, relief, if granted, would not impair the purpose or the intent of the zoning ordinance.



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

Merchant ID: 550138523  
Term ID: 0010540000550138523004

### Sale

XXXXXXXXXX0032

VISA Entry Method: Swiped

Total: \$ 100.00

04/20/11 13:56:02

Inv #: 000008 Appr Code: 055510

Apprvd: Online

Application: V-11-061  
Application Type: Planning/BZA/Variance/NA  
Address: 1598 WEST SUSSEX RD , ATLANTA, GA 30306  
Owner Name: WRIGHT KEITH D & SYLVIA W  
Address:  
Phone Name:

Customer Copy

THANK YOU!

Credit Card

Order	Amount Paid	Payment Date	Cashier ID	Received	Comments
	\$100.00	04/20/2011	CGOODE		

Owner Info.: WRIGHT KEITH D & SYLVIA W

Work Description:

Change 2 car garage to conditioned living space. Applicant seeks variance to allow for existing detached garage to be converted into a residential accessory guest house.

PAID  
CITY OF ATLANTA  
APR 20 2011  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR  
CG

SURVEY PLAT  
PREPARED FOR:

**SAMUEL BLEYNAT JONES and  
PIA HUMPHREYS JONES**

LAND LOT: 3 DISTRICT: 17th SECTION:  
FULTON COUNTY, GEORGIA

PLAT REFERENCE

LOT 16 IN BLOCK 12

**LENOX PARK SUBDIVISION**

PLAT RECORDED IN PLAT BOOK 19, PAGE 9  
ALSO SEE DEED BOOK 46942, PAGE 1

**LEGEND**

- IPS --- IRON PIN SET (1/2" REBAR)
- IPF (1/2" REBAR) --- IRON PIN FOUND (TYPE)
- R/W --- RIGHT OF WAY
- PP --- POWER POLE
- OVERHEAD WIRES
- FENCE
- L.L. --- LAND LOT
- CMP --- CORRUGATED METAL PIPE
- RCP --- REINFORCED CONCRETE PIPE
- CB --- CATCH BASIN
- JB --- JUNCTION BOX
- SSMH --- SANITARY SEWER MANHOLE
- B/L --- BUILDING LINE
- D.O.T. --- DEPARTMENT OF TRANSPORTATION
- FH --- FIRE HYDRANT
- C/O --- CLEAN OUT
- GM --- GAS METER
- WM --- WATER METER
- U.E. --- UTILITY EASEMENT
- D.E. --- DRAINAGE EASEMENT

**IMPERVIOUS SURFACE AREAS:**

- (1) HOUSE = 1995 S.F.
- (2) GARAGE = 565 S.F.
- (3) POOL = 386 S.F.
- (4) POOL PATIO = 1079 S.F.
- (5) SIDEWALK & PROCH = 448 S.F.
- (6) STONE WALLS = 600 S.F.
- (7) DRIVEWAY = 2757 S.F.

TOTAL IMPERVIOUS SURFACE = 7830 S.F.

7830 / 19412 = 40% COVERAGE

TAX PAR. I.D. 17 000300060849

NOW OR FORMERLY  
D. PETER DROTMAN and CAROLYN N. ARAKAKI  
DEED BOOK 7992, PAGE 263  
(975 PLYMOUTH ROAD)

LOT 15

AREA:  
19,412 SQUARE FEET  
0.45 ACRES

TAX PAR. I.D. 17 000300060534

DRIVEWAY

N 89°16'22"E  
22.00'

N 01°17'57"W  
79.00'

*Proposed  
LOCATION  
OF  
GUEST HOUSE*

*25.0'*

*15.8/L*

*7.8/L*

*7.8/L*

*7.8/L*

N 42°04'34"E 112.00'

S 60°37'15"E 8.99'

S 88°10'20"W 162.92'

S 03°15'00"W 39.56'

S 89°16'22"E 22.00'

S 88°10'20"W 162.92'

S 88°10'20"W 162.92'

S 88°10'20"W 162.92'

S 88°10'20"W 162.92'

S 88°10'20"W 162.92'

S 88°10'20"W 162.92'

S 88°10'20"W 162.92'

LOT 17

TAX PAR. I.D. 17 000300060856

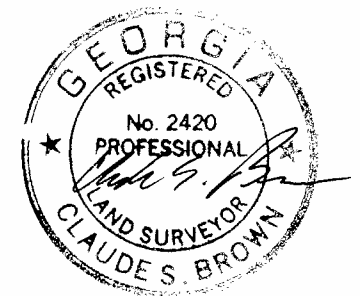
NOW OR FORMERLY  
MARGARET BEAR and ELIZABETH P. PARKER  
DEED BOOK 48570, PAGE 670

**GENERAL NOTES:**

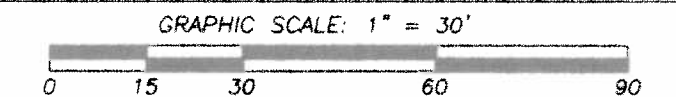
- (1) FIELD DATA CLOSURE IS ONE FOOT IN 79,030 FEET WITH AN ANGULAR ERROR OF 0 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- (2) THE EQUIPMENT USED WAS A TOPCON GPT-2003
- (3) THE CALCULATED PLAT CLOSURE IS 1 FOOT IN 111,498 FEET.
- (4) BEFORE YOU DIG, CALL THE UTILITIES PROTECTION CENTER, INC., AT 1-800-282-7411 FOR UNDERGROUND UTILITIES LOCATION.

ZONE: R-4  
FRONT SETBACK = 35'  
REAR SETBACK = 15'  
SIDE SETBACK = 7'  
ALLOWABLE LOT COVERAGE = 50%  
ALLOWABLE F.A.R. = 50%

- ① REVISED: FEBRUARY 10, 2011, TO SHOW ORIGINAL LINE BETWEEN LOTS 15 & 16
- ② REVISED: MARCH 8, 2011, TO SHOW ZONING INFORMATION AND SETBACKS



PREPARED BY:  
**REGISTERED LAND SURVEYORS, INC.**  
580 WEST CROSSVILLE RD., SUITE 204  
ROSWELL, GA. 30075  
PHONE (770) 998-7676 FAX (770) 998-2745



JOB No. 2411

DATE: 9-17-2010

N

