

# Notice To Applicant

City of Atlanta - Bureau of Planning



APPLICATION NUMBER: **V-11-109**

City Council District: **6** Neighborhood Planning Unit (NPU): **N**  
**553 Candler St. NE**

Board of Zoning Adjustment (BZA) Hearing Date:  
**Thursday, September 8, 2011 at 12:00 p.m.**  
Council Chambers, 2nd Floor, City Hall  
55 Trinity Avenue, S.W.

The contact person for NPU N is:

**Jonathan Miller**  
**404-790-9398**  
**millernkelly2@mindspring.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,

  
KSD, for Director, Bureau of Planning

  
Mike Merritt, Applicant

APPLICATION FOR VARIANCE  
City of Atlanta



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

Application Number V-11-109

Name of Applicant MIKE MERRITT Daytime Phone 404.664.9487

Company Name THE RENOVATION COMPANY e-mail MNFNM71@YAHOO.COM

Address 1728 HARRIETT AVE NE ATLANTA GA 30307  
street city state zip code

Name of Property Owner JONATHAN BERGER Phone \_\_\_\_\_

Address 553 CANDLER ST NE ATLANTA GA 30307  
street city state zip code

Description of Property

Address of Property 553 CANDLER ST NE ATLANTA GA 30307

the subject property fronts 46 feet on the E side of Candler St.  
NE, and begins 349 feet from the Euclid Ave.  
corner of NE

Depth: 150' Area: \_\_\_\_\_ Land Lot: 240 District: 15, DeKalb County, GA.

Property is zoned: R-4, Council District: 6, Neighborhood Planning Unit: N

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 Office 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 Office 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 20 Day Of July, 2011.



[Signature]  
NOTARY PUBLIC

[Signature]  
Owner or Agent for Owner (Applicant)  
JOHN MICHAEL MERRITT  
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

KASIM REED  
MAYOR

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

Don Rosenthal  
Director  
Office of Buildings

## REFERRAL CERTIFICATE

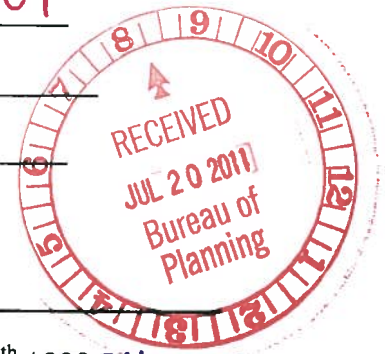
COUNCIL DISTRICT 6 APPLICATION NUMBER V-11-109

Zoning Enforcement Division

NPU -N DATE FILED \_\_\_\_\_

1. Mike Merritt  
Name of Applicant

**BUILDING PERMIT AUTHORIZING**  
Enclose existing deck w/an expansion to deck



at 553 Candler St., N.E. 15<sup>th</sup> / ~~99~~240  
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 2ft.-5in. to allow for a roof addition w/a screen enclosure and  
expansion of an existing deck. Applicant seeks no other variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)

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

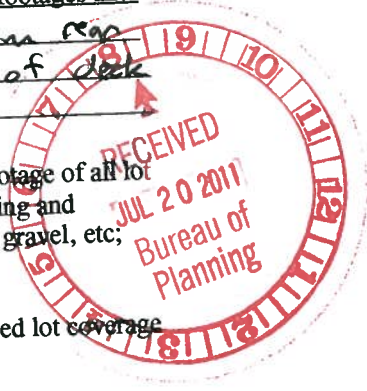
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Office of Buildings  
Don Rosenthal, 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: remove existing railing and decking from rear deck, re-deck, increase deck size, cover part of deck with roof and screen in.



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.

2961 covered square feet / 6879.5 total lot square feet = 43.5% 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 Office 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 Office 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 Office 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 Office 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.*

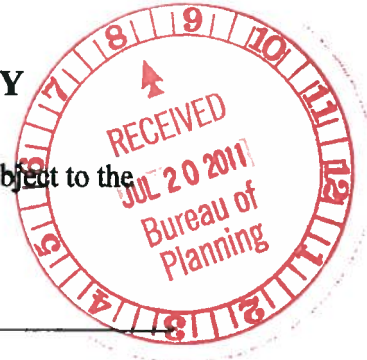
Refunds on Withdrawn Cases. Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

Staff Recommendation. Office 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.

V-11-109

**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, Jonathan Berger (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 553 Candler St. ALGA 30307 (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF DeKalb 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 Jonathan Berger

ADDRESS OF APPLICANT 553 Candler St. Atlanta, GA 30307

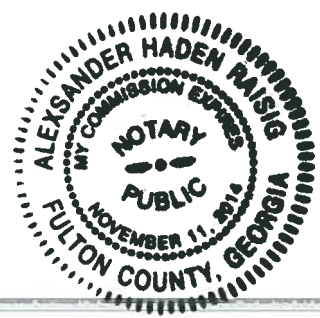
TELEPHONE NUMBER 404-653-0269

[Signature]  
Signature of Owner

Personally Appeared Before Me  
Alexander Haden Raisig

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

7/12/11  
Date



V-11-109

July 20, 2011

In regards to the variance request by Jonathan Berger, of 553 Candler St. NE  
Georgia:



**Per Sec. 16-26.003. Conditions of granting a variance.**

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

The lot is exceptional in size. The lot is zoned R-4, single family, but has less than the required minimum area of 9000 square feet, According to the attached site plan, the lot is 6879.5 square feet in size. The front lot line dimension is 46 feet which is less than the required 70 feet. Like most old properties in Atlanta, the lot was laid out prior to enactment of zoning in the 1950's. The current house lies with in the west side yard setback. In addition the current floor plan limits options for expanding the kitchen. the smaller than required lot size, the house being situated within the side yard setback and the current layout of the house create *extraordinary and exceptional conditions*.

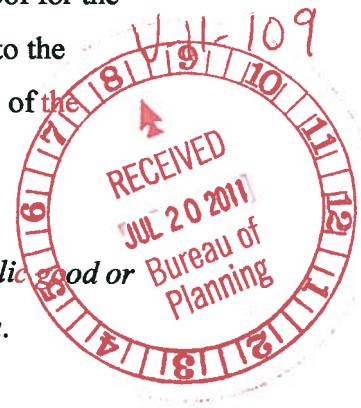
*(2) the application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create and unnecessary hardship;*

These additions and alterations would otherwise not require a variance if the lot were conforming in all regards to R-4 zoning requirements and the current house was not located with in the side yard setback. Therefore, the hardship arises from the fact that due to non-conforming size, site of current house and functional layout of existing rooms, the options for adding to the house are more limited than with conforming R-4 lots with regards to placement and size of alterations. In other words, the hardship is that the owner cannot enjoy the same use of their property that owners of conforming R-4 lots are allowed to utilize without requesting a variance.

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

In addition to the non-conforming size of the lot, the existing house and deck encroaches

on the setback on the north side of the lot. The construction of the proposed roof for the deck would take place in this setback. The proposed roof will not encroach into the setback any more than the existing deck already does. The increase in the size of the deck takes place in an area within the legal bounds of the setbacks.



(4) *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.*

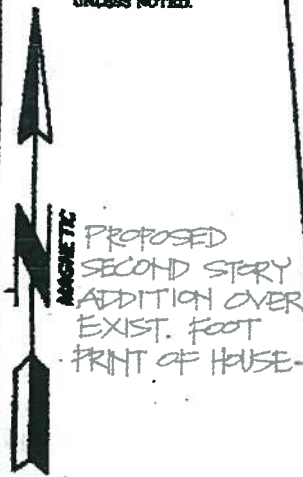
The improvements will not cause any detriment whatsoever, but will benefit the neighborhood by elevating the relative value and attractiveness of the property and will benefit the owner by providing much needed space for their family, as well as improving the future marketability of the house by placing it on par with new construction in the area. Although the proposed plans do increase the lot coverage and thus, the impervious surface on the site; it is more controllable impervious surface in relation to stormwater runoff. The impervious surface will now be mostly roof that will be guttered and can then be routed to rain barrels or cisterns and used for watering of the landscape, eliminating the “first flush” that is one of the main concerns of stormwater runoff. The improvements are otherwise within the requirements set forth by Zoning, such as height and will not have any effect on the surrounding properties or their uses. The intent of the Zoning Ordinances is fully maintained by meeting all the criteria set forth in Section 16-01.003.

V-11-109

**LEGEND**

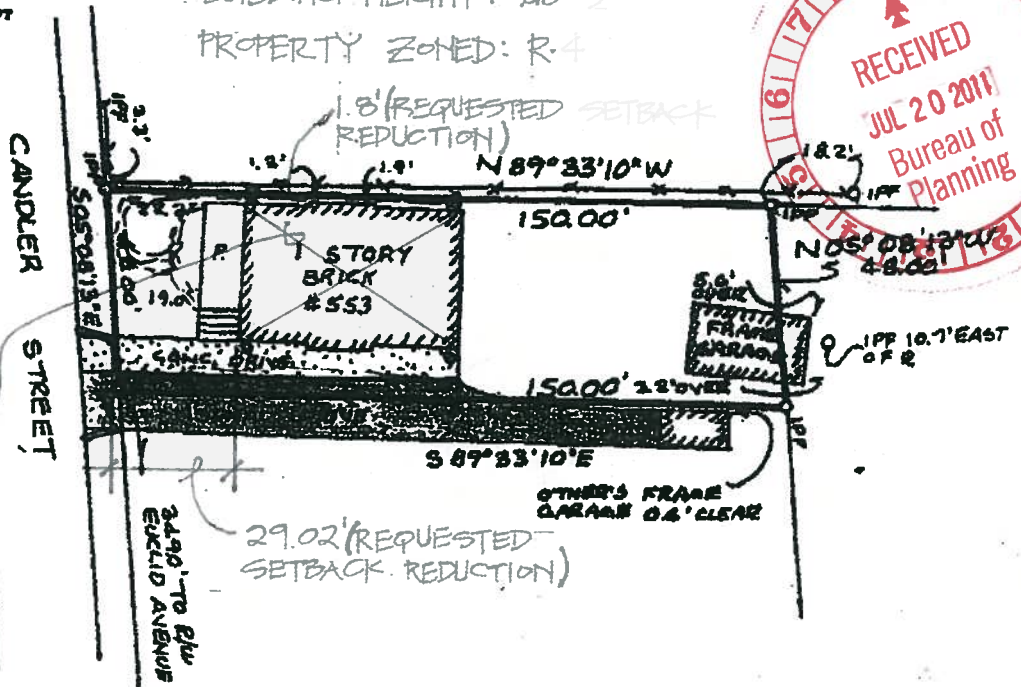
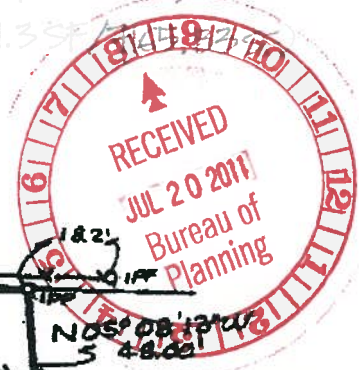
- IPF - IRON PIN FOUND
- ISB - IRON PIN SET
- S/W - RIGHT OF WAY
- D.L. - BUILDING LINE
- C. - CENTERLINE
- LL - LAND LOT
- LLL - LAND LOT LINE
- O.D. - DRAINAGE EASEMENT
- S.E. - SANITARY SEWER EASEMENT

ALL CORNERS ARE 1/2" REBAR UNLESS NOTED.



PROPOSED SECOND STORY ADDITION OVER EXIST. FOOT PRINT OF HOUSE

EXISTING LOT SIZE 7165.83 SF  
 LOT COVERAGE: 49.8% (3574 SF / 7165.83 SF)  
 FLOOR AREA RATIO 43.8% (3141.3 SF / 7165.83 SF)  
 BUILDING HEIGHT: 28'-5"  
 PROPERTY ZONED: R-4



0.105 ACRE



I HAVE THIS DATE, EXAMINED THE TPA OFFICIAL FLOOD HAZARD MAP AND FOUND REFERENCED HOUSE (IMP.) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 6000 FEET AND AN ANGULAR ERROR OF SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 5000 FEET.

EQUIPMENT USED: TOPCON 673-8100 & TRANSIT W/200' STEEL TAPE

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE NECESSARY STANDARDS AND REQUIREMENTS OF LAW.

*Ricky C. Busbee*  
**BUSBEE SURVEYING CO., INC.**  
 LAND SURVEYING  
 DULUTH, GEORGIA  
 PH. 497-9866  
 FAX 497-9887

**SURVEY FOR:**

JONATHAN M. BRASER

LOT	REVISIONS
DEEP BOOK 952, P. 186	
PLAT BK , PG.	
LAND LOT 240	
15 <sup>TH</sup> DISTRICT	CC W.R. LORIN S.C. CRO S.B.
DEKALB COUNTY, GEORGIA	JOB # 7177
DATE: 8-7-96 SCALE: 1" = 40'	MORT TITLE

FROM: TRC

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

Merchant ID: 550138523  
Term ID: 0010540000550138523004

**Sale**

XXXXXXXXXXXX1492  
VISA

Entry Method: Swiped

Total: \$ 100.00

07/20/11 14:36:48

Inv #: 000010 Appr Code: 094966

Apprvd: Online

Application: V-11-109  
Job Type: Planning/BZA/Variance/NA  
Address: 553 CANDLER ST , ATLANTA, GA 30307  
Printer Name: BERGER JONATHAN M  
Address:  
Printer Name:

Receipt No. 265160

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Credit Card		\$100.00	07/20/2011	CGOODE		

Owner Info.: BERGER JONATHAN M

**Work Description:** Var. to reduce the north side ysb from 7' to 2'-5" to allow for a roof addition w/a screen enclosure and expansion of an existing deck.

**PAID**  
CITY OF ATLANTA  
JUL 20 2011  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR  
EG