



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

APPLICATION NUMBER: V-11-113

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

Address of Property: **970 Arcadia Street**

Board of Zoning Adjustment (BZA) Hearing Date: *Oct. 6, 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:

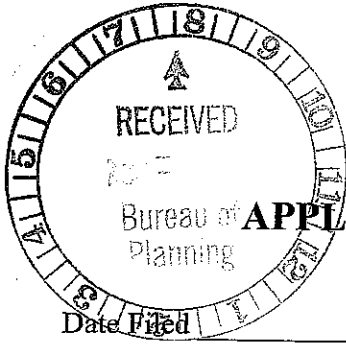
Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

**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,

*Mira E. Gentry*  
\_\_\_\_\_  
for Director, Bureau of Planning

*Dan Millberg*  
\_\_\_\_\_



**APPLICATION FOR VARIANCE**  
City of Atlanta

Date Filed \_\_\_\_\_ Application Number V-11-113

Name of Applicant Daniel Millerborg Daytime Phone 404-403-2221

Company Name \_\_\_\_\_ e-mail millerborg@aol.com

Address 970 Arcadia St N.E. Atlanta GA 30306  
street city state zip code

Name of Property Owner Millerborg & Scheidler Phone 404-403-2221

Address 970 Arcadia St N.E. Atlanta GA 30306  
street city state zip code

**Description of Property**

Address of Property 970 Arcadia St. N.E. 30306 OR

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

Depth: \_\_\_\_\_ Area: \_\_\_\_\_ Land Lot: 53 District: 17, Fulton County, GA.

Property is zoned: R-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 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 27 Day Of July 2001.

Daniel D. Millerborg  
Owner or Agent for Owner (Applicant)

Daniel D. Millerborg  
APPLICANT'S NAME IN PRINTED LETTERS

Elise Bailey  
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 E. Shelby  
Commissioner  
Dept. of Planning &  
Community Development

Don Rosenthal  
Director  
Office of Buildings

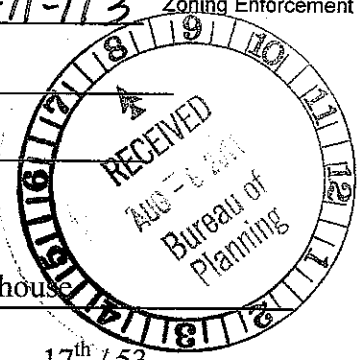
## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-11-113 Zoning Enforcement Division

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

1. Daniel Millerborg  
Name of Applicant

**BUILDING PERMIT AUTHORIZING**  
Detached garage addition to existing single-family house



at 970 Arcadia St., N.E. 17<sup>th</sup> / 53.  
Street Address Quadrant District & Land Lot

to be used for Residential purposes

The property is zoned R-4/Beltline District

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

Applicant seeks a variance from zoning regulations to reduce the rear yard setback from 15ft.(required) to 5ft.(credit for 1/2 depth of 10ft. alley included) to allow for a detached garage addition to an existing single-family house. Applicant also seeks a special exception to erect a 6ft. high wall (privacy fence) in the required 1/2-depth front yard, where otherwise only a 4ft. fence is allowed. Applicant seeks no other variances or special exceptions at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (3)

Chapter 28 Section 16-28.008 Paragraph (5) (a)

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

Department of Planning and Development  
Office of Buildings  
Don Rosenthal, Director  
Ann Heard, Chief Zoning Division

Applicant: Daniel Millerborg

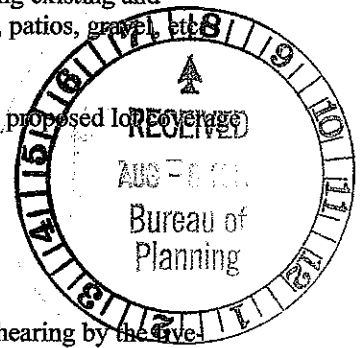
Zoning Plan Reviewer: [Signature]

V-11-113

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: replace current detached garage w/ a  
1 story two car detached garage

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.

3653 covered square feet / 7,500 total lot square feet = 48.7 % proposed lot coverage  
50 % maximum allowed lot coverage



Variance Procedures

Variance applications are heard and decided at a regularly-scheduled public hearing by the 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 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 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-11-113



**Explanation for Justification of Variance**

970 Arcadia St. NE, Atlanta, GA 30306-3896  
(the legal address of this property changed in 2010; it was 972 Virginia Cir. NE)

August 4, 2011

Variance Requested:

To continue the set back non-conformity at the North side of the property (adjacent to abandoned alley way) an additional 4' 0" feet to accommodate a single story, two car garage, replacing the existing garage that is in need of significant repair, and install a six foot privacy fence around the perimeter of the back yard.

Criteria Justifications:

1. The current structure to be demolished and rebuilt currently has a 5' 0" setback (includes half the width of the alley) along 22' 3" of the north side of the property. The proposed structure maintains this non-conformity and extends it 4' 0" west, while conforming to the required east and west set-backs. The additional space will provide for a garage that will have adequate room for secure storage of lawn maintenance and other equipment, and provide storage space for the garbage and recycling containers as well as garage space for our cars. If not allowed to extend the non-conformity, we would not have the required space without extending the width of the garage further into the back yard resulting in less usable rear yard space for outdoor enjoyment. Additionally, the garbage and recycling containers would be stored outside, creating a less pleasing environment for the neighborhood.
2. The proposed structure is consistent with our neighbor's two car garage on the opposite (north) side of the alley way, and will be built consistent with architectural details to match the house. This will provide a much more pleasing structure than is currently in place and add to the overall beauty of the neighborhood and provide for a structure that is more in line with the desired streetscape.
3. The property is adjacent to a public park (John Howell Park), and Arcadia St. is used for parking by many who enjoy the park. Additionally, Arcadia St. descends from Virginia Ave. toward Virginia Circle, meaning the park area on Arcadia St. has a sight line from a higher elevation than the property. The six foot privacy fence will enable the home owners to better enjoy outside activities and entertainment without feeling the intrusion of the park goers, and is consistent with nine other corner lots in the immediate neighborhood.
4. The proposed fence covers only 28 linear feet, or 18.7% of the 150 foot length of the east side of the property fronting Arcadia St. Also, the fence will be set back over 18' from the street, providing significantly more open space between the fence and the street than is commonly found in the neighborhood.
5. This corner lot and the access to the current and proposed garage is off of Arcadia St., which is only one block long, connecting two other more main streets. Arcadia St. has only three residential properties and a park that share its length. The two other residential properties do not front this street, so there is minimal impact on the neighbors. Therefore, we feel that granting this variance will not be a detriment to the public good or in any way be an unusual or oddly distinguishing feature on the streetscape of this neighborhood.

RECEIPT

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** V-11-113  
**Application Type:** Planning/BZA/Special Exception/NA  
**Address:** 970 ARCADIA ST , ATLANTA, GA 30306  
**Owner Name:** DICKSON RUTH M  
**Owner Address:**  
**Application Name:**

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Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
266610	1138	\$200.00	08/08/2011	OFELIX		

**Owner Info.:** DICKSON RUTH M

**Work Description:** Variance to reduce the rear yard setback from 15 ft. to 5 ft. (credit for 1/2 depth of 10 ft. alley included) to allow for a detached garage addition and a special exception to erect a 6 ft. wall (privacy fence) in teh required 1/2-depth front yard

PAID  
CITY OF ATLANTA  
AUG 08 2011  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR