



OFFICE OF PLANNING
55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **V-12-134**
DATE ACCEPTED: **08/08/2012**

NOTICE TO APPLICANT

Address of Property:
870 Adair AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 4, 2012 at 12:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Debbie Skopczynski
404-874-7483
atlanta.npuf.zoning@gmail.com

Contact info for adjacent NPUs is provided below if necessary:

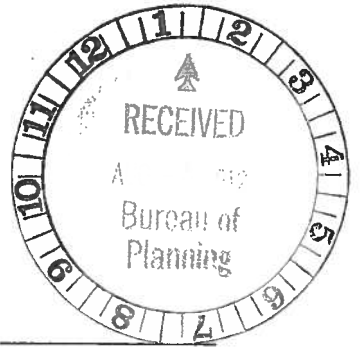
Additional Contacts:

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.

Signed,

BC, for Director, Bureau of Planning

Charles Toti



APPLICATION FOR VARIANCE
City of Atlanta

Date Filed 8/3/12 Application Number
Name of Applicant Charles Toti Daytime Phone 404-386-3790
Company Name e-mail ctoti@comcast.net
Address 870 ADAIR AVE NE ATLANTA, GA 30306

Name of Property Owner CHARLES TOTI Phone 404-386-3790
Address 870 ADAIR AVE NE ATLANTA, GA 30306

Description of Property

Address of Property 870 ADAIR AVE 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: 58 District: 17, FULTON County, GA.
Property is zoned: R4, Council District: 5, 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 2 Day Of Aug, 2012.

Signature of Charles Toti
Owner or Agent for Owner (Applicant)
Charles Toti
APPLICANT'S NAME IN PRINTED LETTERS

Signature of Theresa Nelson
NOTARY PUBLIC
EXPIRES OCT. 19, 2012
FULTON COUNTY, GEORGIA



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 Building

Zoning Enforcement Division

REFERRAL CERTIFICATE

COUNCIL DISTRICT _____ APPLICATION NUMBER _____

NPU _____ DATE FILED _____

Charles Toti

Name of Applicant

BUILDING PERMIT AUTHORIZING

Addition to a single family residence

at 870 Adair Ave NE 17th/53
Street Address Quadrant District & Land Lot

to be used for residential purposes

The property is R-4 District

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

Applicant seeks a variance from the zoning ordinance (1) to reduce the front yard setback from 35ft. (required) to 20ft. (2) reduce the half-depth frontyard drom 17 1/2ft. (required) to 7ft. to allow a second story addition. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 06 Section 16-06.008 Paragraph (1)

Chapter 28 Section 16-28.007 Paragraph (5)(b)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Department of Planning and Development
Office of Buildings

DON L. ROSENTHAL, CBO, MBA, Director

Applicant: Charles Toti Zoning Plan Reviewer: P. Johnson

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:** Construct A SECOND STORY ADDITION ON THE EXISTING FOOTPRINT.
NEW SECOND STORY TO ADD 1,915 SQ FT TO EXISTING 2,121 SQ FT.
Reducing front setbacks to 20' AND HALF DEP FRONT YARD TO 7'.

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.

3,583 covered square feet / 8,923 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 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.

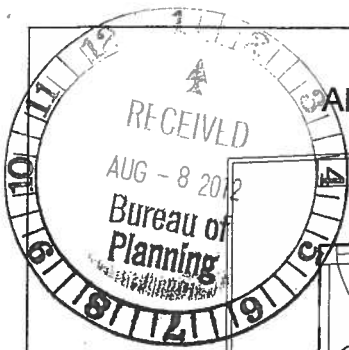
Public Notice. When you file your application, it will be scheduled for a public hearing. The Office of Planning will initiate posting of public notice ("an advertisement", "a legal ad") for this public hearing so that the public is informed at least 15 days before the date of the public hearing:

- 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.

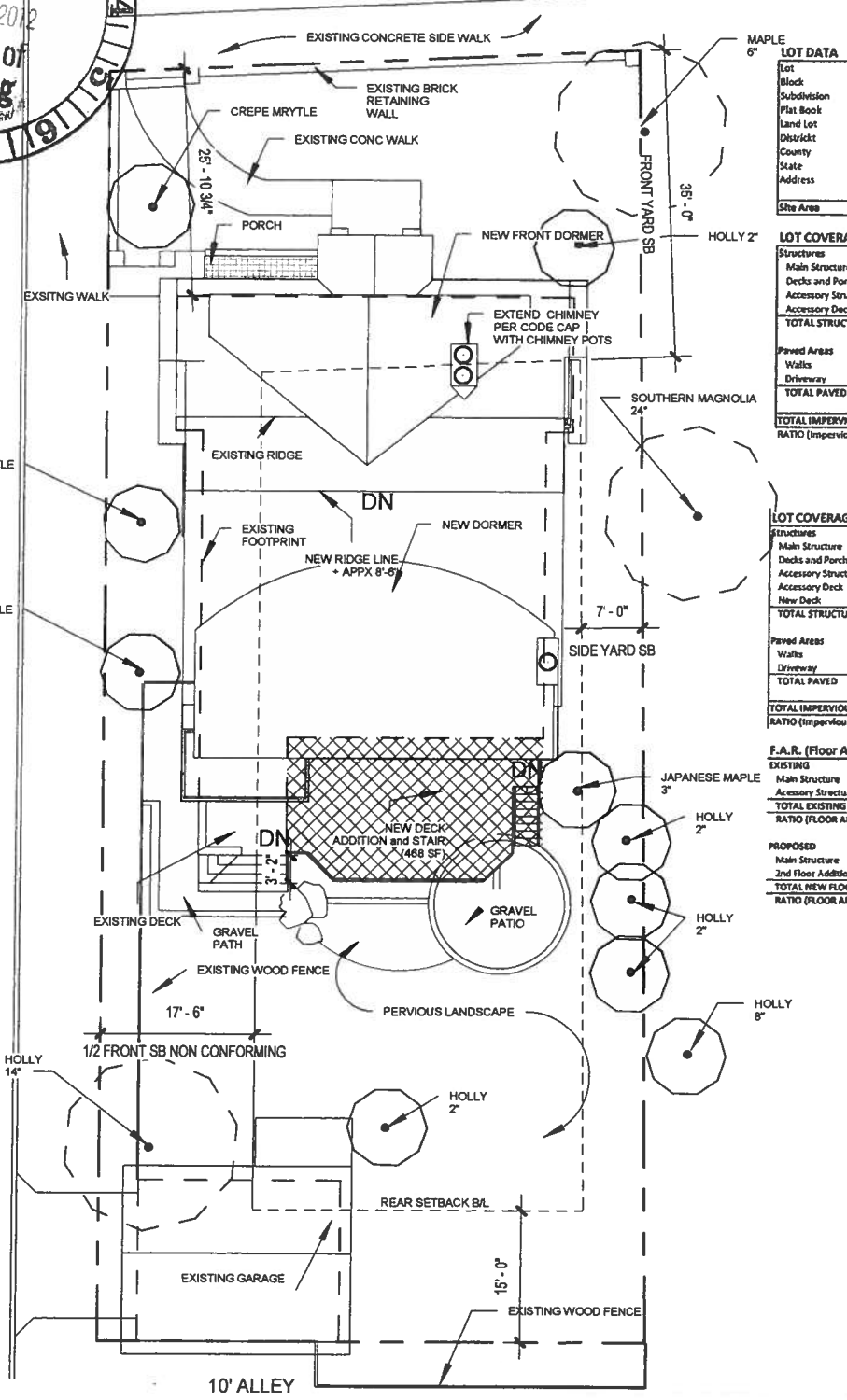
Refunds on Withdrawn Cases. Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

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.



ADAIR AVENUE 50' R/W

BARNETT STREET 50' R/W



LOT DATA

Lot	8
Block	9
Subdivision	Virginia Hills
Plat Book	11 Page 16
Land Lot	53
District	17
County	Fulton
State	Georgia
Address	870 Adair Avenue NE, 30306
Site Area	8,923

LOT COVERAGE EXISTING

Structures		
Main Structure	2,121	
Decks and Porch	276	
Accessory Structure	464	
Accessory Deck	54	
TOTAL STRUCTURES	3,215	
Paved Areas		
Walks	210	
Driveway	90	
TOTAL PAVED	300	
TOTAL IMPERVIOUS	3,215	
RATIO (Impervious/Site Area)	36%	Allowed 50% Compliant

LOT COVERAGE PROPOSED

Structures		
Main Structure	2,121	
Decks and Porch	276	
Accessory Structure	464	
Accessory Deck	54	
New Deck	368	
TOTAL STRUCTURES	3,283	
Paved Areas		
Walks	210	
Driveway	90	
TOTAL PAVED	300	
TOTAL IMPERVIOUS	3,583	
RATIO (Impervious/Site Area)	40%	Allowed 50% Compliant

F.A.R. (Floor Area Ratio)

EXISTING		
Main Structure	2121	
Accessory Structure	464	
TOTAL EXISTING FLOOR AREA	2,585	
RATIO (FLOOR AREA/SITE AREA)	29%	Allowed 50% Compliant

PROPOSED

Main Structure	2121	
2nd floor Addition	1915	
TOTAL NEW FLOOR AREA	4,036	
RATIO (FLOOR AREA/SITE AREA)	45%	Allowed 50% Compliant



JKG COLLABORATIVE
ARCHITECTURE

931 Monroe Dr. NE
Ste A102-181
Atlanta, GA 30303
404-310-8827

CHUCK TOTI
870 ADAIR AVENUE
NE

SITE PLAN PROPOSED

Project number	12.000	SITE-1.0
Date	7-30-2012	
Drawn by	JKG	
Checked by	JKG	
Scale		1" = 20'-0"



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870 Adair Ave NE
Atlanta GA 30306
Owner/Applicant: Charles Toti



Variance Request: Justification

(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 has ^{60'} frontage and ^{62'} rear dimension verses the required width of 70'. The lot size is 8,923 sf verses the required area of 9,000 square feet. Being located on a corner lot, the current house constructed circa 1925 resides within both the front and half-front setbacks. The structure is compliant for side yard setback. The narrow lot coupled with deep setbacks creates a hardship for development. Other homes on the street have similar setbacks from the street.

The proposed second story addition maintains the existing footprint. The second story addition could not be constructed inside of the setbacks and yield any reasonable and functional space, as a consequence of the narrow lot.

The proposed addition does not require removal or destruction of any existing trees. The total area is within the FAR allowed and the impervious area is within the allowed ratio.

The narrow lot is located on the corner of Adair and Barnett. The corner lot is subject to more restrictive setbacks than interior lots. The size and configuration of the existing home is consistent with other homes constructed at the time, before the zoning requirements were adopted. As such most homes on Adair are non-compliant with the front setback and most homes on Barnett (that front side street) are non-compliant for the half-front setback.

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

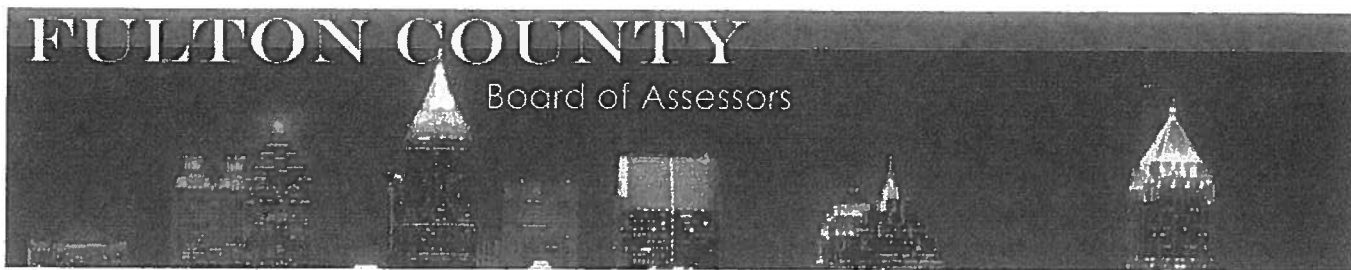
The setback requirements did not adequately address the existing homes constructed before the zoning regulations were in effect. Consequently almost any alteration of the existing structure changes the non-compliance of the home. This creates an ongoing and continuous hardship for the property. The second story addition could not be constructed inside of the setbacks and yield any reasonable and functional space, as a consequence of the narrow lot.

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

This property, under the current zoning creates a buildable footprint that is approximately 36 feet wide; this width is not in keeping with the character and quality of homes constructed in Virginia Highland.

(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 proposed second floor addition is similar in nature to most of the homes in the immediate neighborhood, including the adjacent homes. The modes increase in height does not impair the use and enjoyment of the adjoining and nearby properties. The addition allows for adequate light and air, and does not increase the footprint of the house. The proposed addition does not change substantially the safety of the house or surrounding properties. The vertical nature of the addition does not increase the impervious area. The addition provides additional living space in keeping with the evolution of the neighborhood.



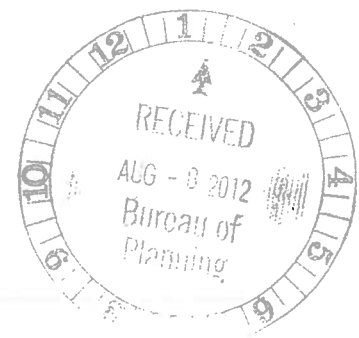
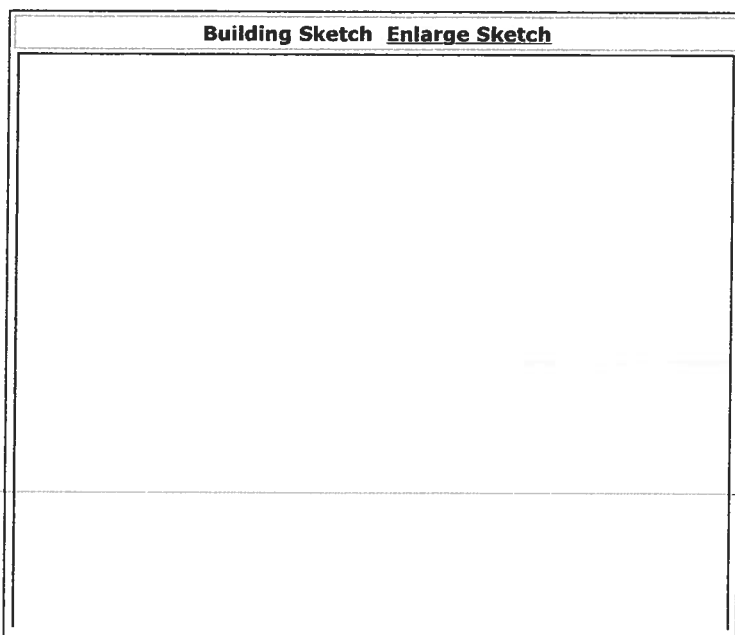
Recent Sales in Neighborhood	Previous Parcel	Next Parcel	Field Definitions	Return to Main Search	Fulton Home
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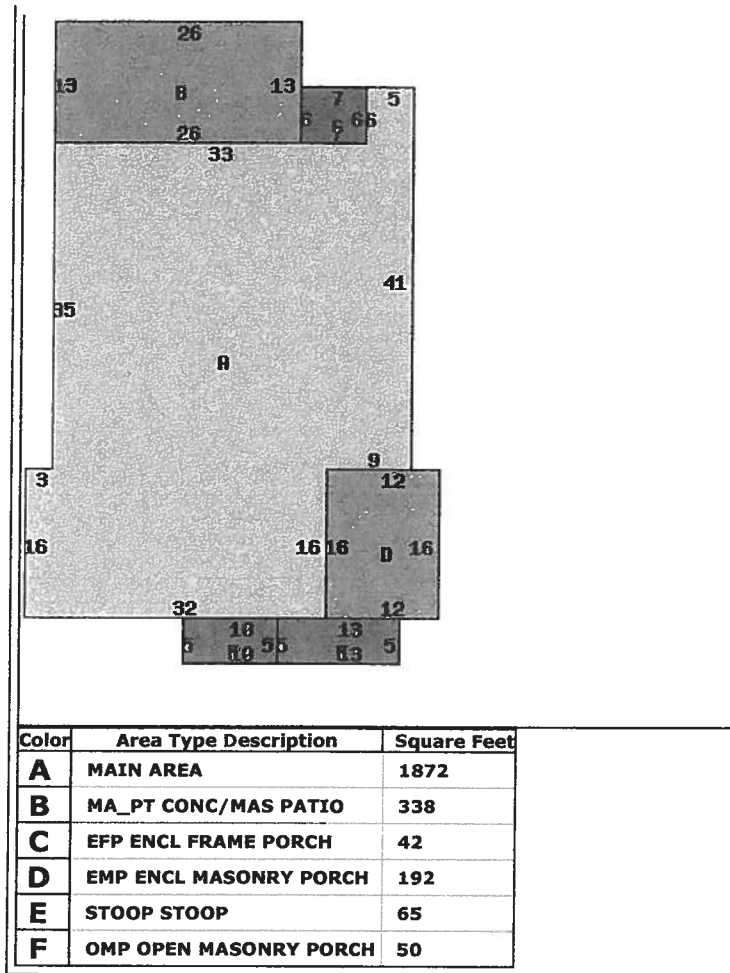
Owner and Parcel Information			
Owner Name	GRIFFIN JEFFREY K & RONAN MAUREEN A	Today's Date	August 2, 2012
Mailing Address	870 ADAIR AVE NE	Parcel Number	17 005300140228
	ATLANTA, GA 30306	Tax District	05
Location Address	870 ADAIR AVE		
Zoning	R4	Acres	0
Property Class	R3-Residential Lots	Parcel Map	Show Parcel Map
Neighborhood	14342	Homestead	Y

Assessment Information		Show Historical Assessments	Show Assessment Notice			
Year	LUC	CLASS	Land Value	Building Value	Total Value	Assessed Value
2012	101	R3	\$ 98,300	\$ 392,800	\$ 491,100	\$ 196,440

Land Information					
Land Type	Land Code	Description	Square Feet	Acreage	Price
S	1		8,760	0.2011	\$ 98,340

Improvement Information								
Card	Stories	Exterior Wall	Style	Year Built	Res Sq Ft	Basement	Total Bsmt Sqft	Finished Bsmt Sqft
1	1	7-STONE	01-CONVENTIONAL	1925	1,872	3-PART		
Garage Sqft	Garage Type	Total Rooms	Bedrooms	Full Bath/Half Bath	Attic	Additional Fixtures	Heating System	Heat
	-	8	3	1/1	2-UNFIN	2	1-WARM AIR	4-CENTRAL WITH A/C
Total Fixtures	Masonry Fireplaces	Heating Fuel Type	Pre Fab Fireplace	Split Level/Foyer	Miscellaneous Feature	Miscellaneous Feature 2		
7	1	1-GAS			-	-		





Accessory Information				
Description	Year Built	Area	Grade	Value
RG1-DET F GR	1925	29 X 17 493	C	\$ 11,853

Sale Information								
Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Validity	Grantee	Grantor
2009-03-19			47780	90	Unqualified	T-Sale < = 1000	JEFFREY K GRIFFIN AND MAUREEN A. RONAN	JEFFREY K. GRIFFIN AND MAUREEN A. RONAN

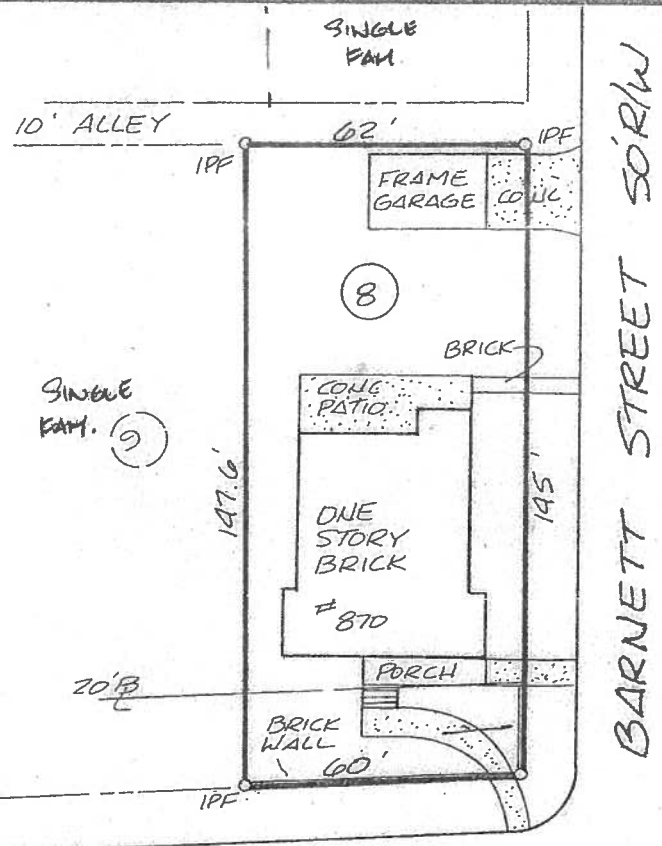
Recent Sales in Neighborhood	Recent Sales in Area	Previous Parcel	Next Parcel	Field Definitions	Return to Main Search Page	Fulton Home
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Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Assessment information for all tax parcels included in this data is for the 2012 tax year and does not reflect any changes due to documents recorded after January 1, 2012. These changes may include but is not limited to ownership or property characteristics. Website Updated: June 29, 2012

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TRIPLEX



ADAIR AVENUE 50' R/W

THIS SURVEY IS CERTIFIED TO SELLERS, ATKINSON & JOSE P.C.

THIS PROPERTY (8) (IS NOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS.

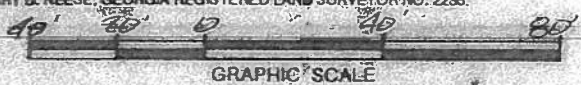
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 3" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

EQUIPMENT UTILIZED: ANGULAR - LIETZ 2" LINEAR - 100' STEEL TAPE

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500' OF THIS PROPERTY.

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.



CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK AND ALL THE PEOPLE SHALL SAY: "AMEN". Deut. 27:17

SURVEY FOR	
JEFFERY K GRIFFIN MAUREEN A RONAN	
LOT 8	BLOCK 9
VIRGINIA HILLS	
PLAT BOOK 11	PAGE 16
LAND LOT 53	
DISTRICT 17	SECTION
COUNTY FULTON	STATE GEORGIA
DATE 9-30-92	REVISED
SCALE: 1" = 40'	JOB NO. 922716 SAJ/PF

WEST GEORGIA SURVEYORS, INC.
P. O. BOX 28 MARIETTA, GEORGIA 30067 (404) 428-2122

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RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: V-12-134
Application Type: Planning/BZA/Variance/NA
Address: 870 ADAIR AVE , ATLANTA, GA 30306
Owner Name: GRIFFIN JEFFREY K & RONAN MAUREEN A
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
299845	1248	\$100.00	08/09/2012	OFELIX		

Owner Info.: GRIFFIN JEFFREY K & RONAN MAUREEN A

Work Description: Applicant seeks a variance to reduce the fornt yard setback from 35 feet to 20 feet and reduce the half depth front yard setback from 17.5 feet to 7 feet for a second story addition.

PAID
CITY OF ATLANTA
AUG 09 2012
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR