



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

APPLICATION #: **V-15-124**
DATE ACCEPTED: **05/11/2015**

NOTICE TO APPLICANT

Address of Property:
857 Ponce De Leon PL NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, July 9, 2015 at 12:00 p.m.

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

The contact person for NPU F is:

Charles Nalbone
404-376-3230
zoning@npufatlanta.org

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,



Taylor Thompson, for Director, Bureau of Planning



Sarran Marshall



RECEIVED

MAY 15 2015

OFFICE OF PLANNING

City of Atlanta
Office of Buildings - Zoning Division
55 Trinity Avenue, Suite 3900
Atlanta, Georgia 30303
Phone: 404-330-6175

REFERRAL CERTIFICATE
REVISED: 5/15/15

COUNCIL DISTRICT APPLICATION NUMBER 115-104
NPU DATE FILED

1. Sarran Marshall
Name of Applicant

BUILDING PERMIT AUTHORIZING
Construction of a single family residence

at 857 Ponce De Leon Place NE 14th / 17
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 required side yard from 7' to 3', reduce the required rear yard setback from 15' to 3' and a special exception to eliminate the requirement for an independent driveway to be directly connected to a public street and allow for a shared driveway between 2 addresses (857 & 863 Ponce De Leon Place). Applicant seeks no other variances or special exceptions at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2), (3)

Chapter Section Paragraph

Chapter Section Paragraph

Chapter Section Paragraph

Chapter Section Paragraph

Applicant: [Signature]

Zoning Plan Reviewer: [Signature]

APPLICATION FOR VARIANCE
City of Atlanta

Date Filed 05-11-13 Application Number V-15-124

Name of Applicant Sarran Marshall Daytime Phone 404.441.3602

Company Name Narras Consulting Services, LLC e-mail narrascs@yahoo.com

Address 1434 Everhart Street, SW, Atlanta, GA 30310
street city state zip code

Name of Property Owner Steve and Karen Wade Phone 678-624-0596

Address 857 Ponce De Leon Place, Atlanta GA 30306
street city state zip code

Description of Property

Address of Property 857 Ponce De Leon Place OR

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

Depth: 150 Area: 7492 Land Lot: 17 District: 14th, 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).

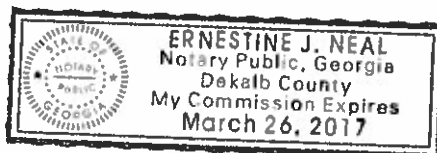
I hereby authorize the staff of the Office of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Planning upon filing this application. I swear 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 11th Day Of MAY, 2013.

Sarran Marshall
Owner or Agent for Owner (Applicant)

Sarran Marshall
APPLICANT'S NAME IN PRINTED LETTERS

Ernestine J. Neal
NOTARY PUBLIC



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:** **Construction of a 21' x 22' (462 sf) detached garage in the rear yard with a 3-ft (north) side yard setback and a 3-ft rear yard setback. A shared driveway is also requested.**

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.

3,616 covered square feet / 7,486.5 total lot square feet = 48 % 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 (NPU), 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.

RECEIVED

MAY 15 2015

OFFICE
OF
PLANNING

JUSTIFICATION LETTER

Wade Residence
857 Ponce De Leon Place

Request: To reduce the side yard setback from seven (7) feet to three (3) feet and rear side yard setback from fifteen (15) feet to three (3) feet, with special exception to eliminate the private driveway requirement for a shared driveway to allow for the re-construction of a single family residence.

The owner (Steve and Karen Wade) of 857 Ponce De Leon Place, respectfully request a variance to reduce the side and rear yard setbacks with special exception of the private driveway for a shared driveway as stated above. The subject property is a relatively narrow rectangular shaped interior lot with 50 feet of frontage and 150 feet in depth located on the east side of Ponce De Leon Place, just north of Drewry Street. The subject property is an existing lot of record within an established neighborhood. Consequently, the proposed construction represents residential re-development on a parcel of land within the Virginia Highland community. This legal lot of record is zoned R-4. Adjacent parcels on the all side of the subject property are also within the R-4 zoning district.

R-4 Zoning Ordinance Requirements:

The City of Atlanta requires that lots created within the R-4 district maintain a frontage of 70 feet and a lot size of 9,000 square feet (Section 16-06.007(2)) with setbacks of 35 feet from the front property line, 7 feet from the sides and 15 feet from the rear (Section 16-06.008). Under the current zoning ordinance, the subject property is considered a non-conforming lot of record as its width (70 ft) and size (7,492 s.f.) are less than the minimum required by the ordinance. A parcel that satisfies the minimum requirements of the code would be allowed a buildable lot width of approximately 70 feet. The applicant requests a buildable lot width of 40 feet (with side yard variance) considering that the minimum required lot size would typically yield a buildable lot width of 56 feet according to the requirements of the code.

Additionally, the City of Atlanta requires an independent driveway on each lot per Section 16-28.006 of the zoning ordinance. This requirement cannot be met with the subject property as it is a narrow non-conforming lot of record. A shared driveway currently exists between the adjoining properties (Exhibit A) and is intended to be maintained according to current usage. The Bureau of Building suggests that a special exception to eliminate the independent driveway requirement would be necessary to allow for a shared driveway between subject property and the adjacent property to the north. This request is being made considering what was suggested.

Justification for Variances and Special Exception

As mentioned previously, the non-conforming characteristics of the subject property will not allow the full benefit of the lot with requirement for the R-4 district according to the zoning ordinance. Consequently, the property owner will not be allowed the same lot width privilege a conforming lot of the same zoning district. The requested variances will apply only to the proposed detached garage. It was observed that similar encroachments are consistent on nearby properties within the same zoning district (Exhibit B). The adjoining neighbor fully supports the side yard setback reduction as a three car garage belonging to that property previously existed, crossing the property line with 7 feet of the garage encroaching on the subject property (Exhibit A). A rear yard reduction to 3 feet would allow for better functionality of the garage and will be consistent with rear yard setback on several properties in the neighborhood of the same zoning district (Exhibit B). The property owner to the rear also fully supports the rear-yard setback reduction to 3-feet as requested.

Strict application of current requirements of the zoning ordinance would be inconsistent with setbacks on several existing properties, where other property owners within the same district are allowed the privilege of further encroachments within the required yards.

The applicant proposes to develop the subject property with a 2,154 square-foot two-story residence with a detached garage at the rear of the structure – typical of construction on lots within the neighborhood. It would be difficult to build a structure that is consistent in size and compatible with other existing and new developments within the immediate vicinity without the necessary variances.

The applicant only seeks relief from the side and rear yard setback requirements, along with the special exception to eliminate the independent driveway requirement to allow for the existing shared driveway to remain. All other setback requirements and development standards will be satisfied according to the code.

Section 16-26.003 of the City of Atlanta zoning ordinance outlines criteria to be used by the Board of Zoning Adjustments in deciding applications for variances and special exceptions. The following are stated responses to the criteria that show that this variance request satisfies all such requirements:

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

The narrowness of the lot is an exceptional characteristic of the subject property. The subject property is exceptionally narrow compared to the requirements of the code that suggest that R-4 properties should have a width of at least 70 feet along a public right-of-way. The non-conforming 50-foot wide lot was not created by the applicant and would deprive the owners of similar privileges allowed to other property owners within the same zoning district.

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

Strict application of the requirements of the zoning ordinance would impose undue and unnecessary hardship on the applicant based on the narrowness of the lot that would deprive him of similar privileges granted to others similarly situated. Strict application of these requirements would not allow for reasonable construction of the garage structure in a manner that is characteristic of other current and infill homes within the neighborhood, and where other property owners within the same district are allowed the privilege of further encroachments within the required yards.

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

Such conditions are peculiar to the piece of property where the zoning ordinance requirements suggest the subject property should be approximately 70 feet wide. The non-conforming lot of record is only 50 feet wide which would not allow for reasonable construction based on the requirements of the code. The proposed rear yard setback is consistent with other nearby properties within the same zoning district.

- (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 variance and special exception requests are consistent with the character of other platted and infill homes within the neighborhood and would promote desirable living conditions while sustaining the stability of properties within the same zoning district, and is consistent with the spirit and purpose of the Chapter of the Zoning Ordinance relating to the granting of variances where exceptional conditions exist.

In conclusion, I respectfully ask for your approval of the requested variances and special exception, and thank you for your consideration in advance.

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, Stephen Wade (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 857 Ponce de Leon Pl., Atlanta 30304 (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 Stephen Wade

ADDRESS OF APPLICANT 9660 Rod Rd, Alpharetta, GA 30022

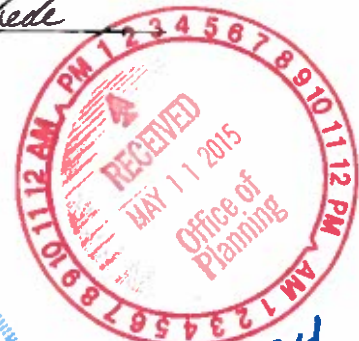
TELEPHONE NUMBER 678-624-0596

Stephen M. Wade
Signature of Owner

Personally Appeared Before Me
Stephen M. Wade

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
Date 5/5/15



V-15-124

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, Karen Wade (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 857 Ponce de Leon Pl, Atlanta 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 Karen Wade

ADDRESS OF APPLICANT 9660 Rod Rd, Alpharetta, GA 30022

TELEPHONE NUMBER 678-624-0596

Karen S. Wade
Signature of Owner

Personally Appeared Before Me

Karen S. Wade

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

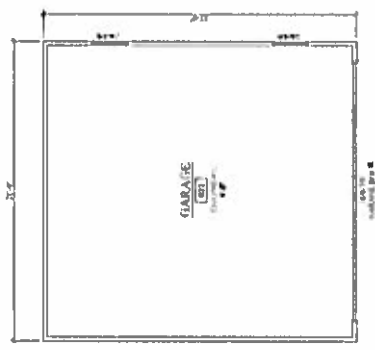
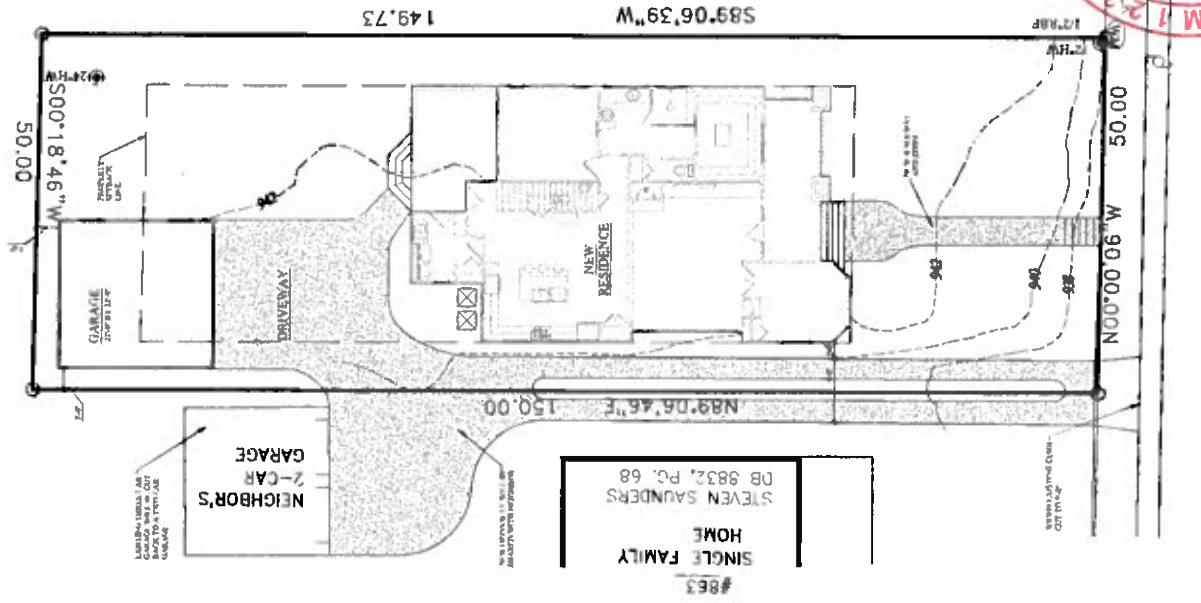
Notary Public

5/5/15

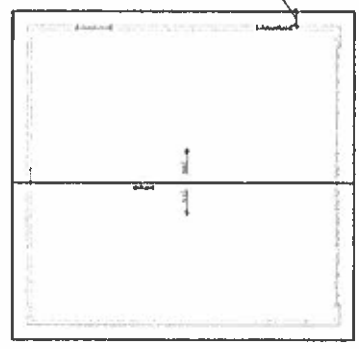
Date



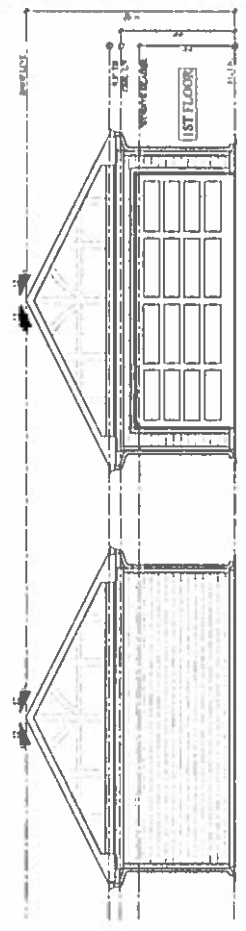
V-15-124



1 GARAGE FLOOR PLAN
 SCALE: 1/8" = 1'-0"



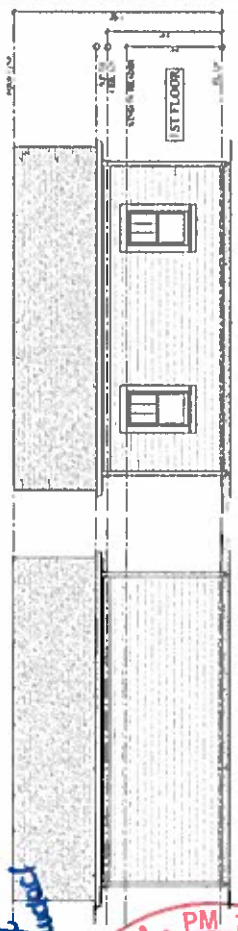
2 GARAGE ROOF PLAN
 SCALE: 1/8" = 1'-0"



3 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

4 REAR ELEVATION
 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION



5 LEFT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

6 RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

SQUARE FOOT CALCS.

FOUNDATION	100
FLOOR	100
CEILING	100
WALLS	100
ROOF	100
DRIVEWAY	100
TOTAL	500

F.A.R. & IMPERVIOUS CALCS.

RESIDENCE	100
DRIVEWAY	100
TOTAL	200



#863
 SINGLE FAMILY HOME
 STEVEN SAUNDERS
 DB 9832, PG. 68

7 REVISED SITE PLAN (PROPOSED)
 SCALE: 1/8" = 1'-0"

The field data upon which this plot is based has a closure of 1 foot in 30,000 feet, an angular error of 1 second per angle point and was adjusted using the Least Squares Method. This plot has been calculated for closure and found to be accurate to 1 foot in 100,000 feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plot. No State Plane Coordinate Monument found within 500' of this property. All matters pertaining to title are excepted.

The survey shown hereon was prepared without the benefit of an abstract of title; therefore, the undersigned and Vedder Surveys, Inc., make no guarantees or representations regarding information shown hereon pertaining to easements, right-of-way, setback lines, agreements, reservations, and other similar matters.

FLOOD STATEMENT

I HAVE EXAMINED THE OFFICIAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY LIES IN A FLOOD HAZARD AREA ACCORDING TO FEMA FIRM MAP 13121C0263 F; NOT PRINTED.

STATE WATERS NOTE:

NO STATE WATERS PRESENT WITHIN 200 FEET OF PROJECT SITE.

ZONED: R4

FRONT: 35' MAX. LOT % = 50%
 CORNER: 17.5' MAX. FL. RATIO: 4:1
 SIDE: 7'
 REAR: 15'

LOT AREA:
 7,492 sq. ft.
 0.172 acres

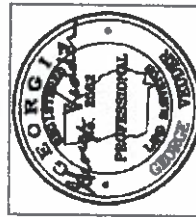


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VEDDER SURVEYS & ASSOCIATES
 1648 Juliette Road, Forsyth, Ga 31029
 TELEPHONE (678) 544-2585
 EMAIL: GEORGE@VEDDERSURVEY.COM

This survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act.

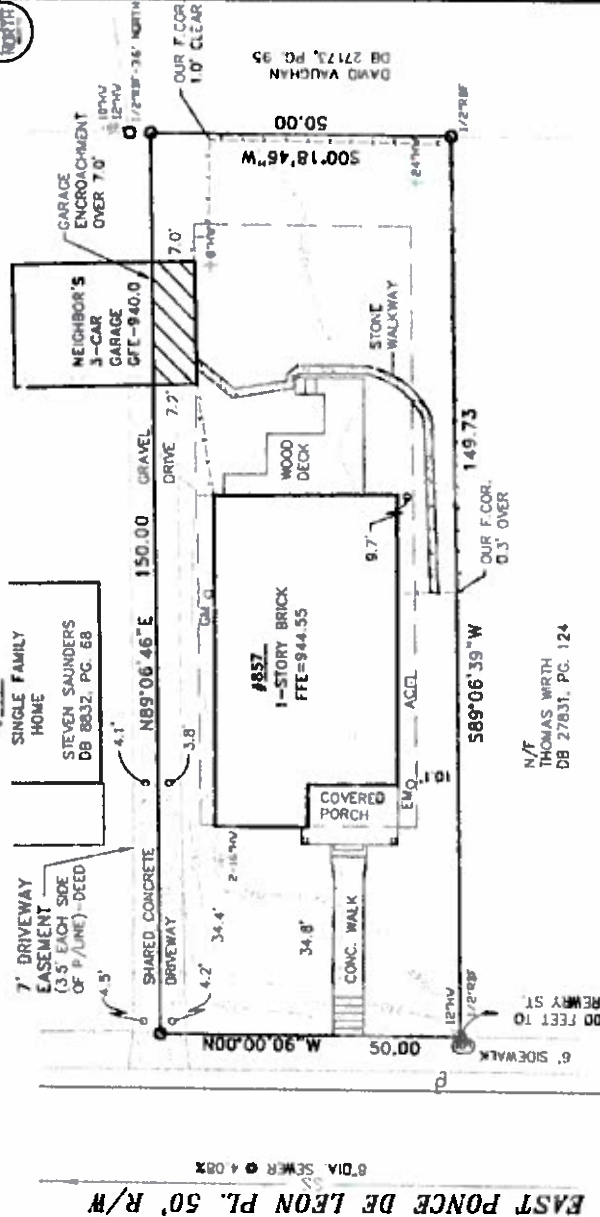


FRONT VIEW

REAR VIEW



VICINITY MAP



ADDRESS: 857 PONCE DE LEON PLACE	
LAND LOT 17	DIST. 14 TH. FULTON COUNTY, GA.
LOT	BLOCK CITY OF ATLANTA
SCALE	1" = 20'
SURVEY & PLAT DATE: 11/12/2014	



Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for errors resulting from the use of these data, even if Fulton County is advised of the possibility of such errors.



V-15-124

Exhibit B
Fulton County, Georgia

Steve and Karen Wade spoke with neighbors on either side of the property at 857 Ponce de Leon Pl and the neighbor in back on Saturday, May 2, 2015. All neighbors were fine with the variance for garage placement set back at 3 feet on the rear and 1 foot on the side.

Steven Sauders
863 Ponce de Leon Pl
Atlanta, GA 30306

Tom Worth (owner...property is being rented)
853 Ponce de Leon PL
Atlanta, GA 30306

*Spoke with renters Bob and Emily ...they were fine with variance as well

Samaad and Alan
740 Drewry St NE
Atlanta, GA 30306



V-15-124

RECEIPT

CITY OF ATLANTA
 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 55 TRINITY AVE SW, ATLANTA GA 30303
 404-330-6070

Application: V-15-124
Application Type: Planning/BZA/Special Exception-Variance/NA
Address: 857 PONCE DE LEON PL NE, ATLANTA, GA 30306
Owner Name: ROBERTSON JANE G
Owner Address:
Application Name:

Receipt No.	415884
Payment Method	Ref Number Amount Paid Payment Date Cashier ID Received Comments
Check	2046 &112 \$200.00 05/11/2015 PAMITCHELL

Owner Info.: ROBERTSON JANE G

Work Description: Applicant seeks a variance from zoning regulations to reduce the required side yard from 7' to 1'; reduce the required side yard from 15' to 3' and a special exception to eliminate the requirement for an independent driveway to be directly connected to a public street and allow for a shared driveway between 2 addresses (857 and 863 Ponce de Leon Place.)

PAID
 CITY OF ATLANTA
 MAY 11 2015
 EX OFFICIO MUNICIPAL
 REVENUE COLLECTOR

Pm



V-15-124