



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

APPLICATION #: **V-15-316**  
DATE ACCEPTED: **09/22/2015**

## NOTICE TO APPLICANT

Address of Property:  
**793 Highland TER NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, November 12, 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**

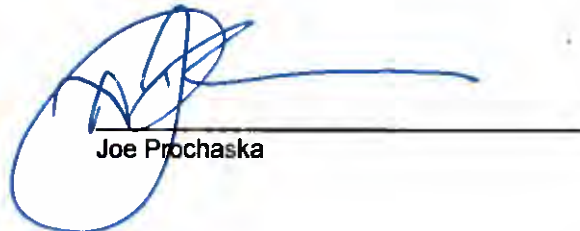
Contact info for adjacent NPUs is provided below if necessary:

**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,

  
\_\_\_\_\_  
Rhonda W.  
RG, for Director, Bureau of Planning

  
\_\_\_\_\_  
Joe Prochaska



CITY OF ATLANTA

Office of Buildings - Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175



REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-15-310
NPU F DATE FILED 9/22/2015

1. Joe Prochaska
Name of Applicant

BUILDING PERMIT AUTHORIZING

A 2nd Story Addition to a Single Family Dwelling

at 793 Highland Terrace NE 17th / 53
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 the zoning regulations to reduce the required front yard setback from the required 35 feet to 27.6 feet in order to allow for the construction of a 2nd Story addition to a single family dwelling. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (1)

Chapter Section Paragraph

Chapter Section Paragraph

Chapter Section Paragraph

Plan Reviewer [Signature] Date 9/22/15

Applicant [Signature] Date 9.22.15



**APPLICATION FOR VARIANCE**  
City of Atlanta

Date Filed 9/22/15 Application Number 1215-1310  
Name of Applicant JOE PROCHASKA Daytime Phone 678-608-5799  
Company Name BLAKE BUILDERS e-mail JOE@BLAKEBUILDERS  
Address 1358 BELLA CLIFF RD ATLANTA GA 30306  
street city state zip code

Name of Property Owner MEGAN + DANIEL VOGEL Phone 678-925-9293  
Address 793 HIGHLAND TERRACE N.E. ATLANTA GA 30306  
street city state zip code

**Description of Property**

Address of Property 793 HIGHLAND TERRACE ATLANTA GA 30306 OR

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

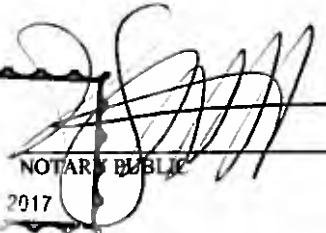
Depth: \_\_\_\_\_ Area: \_\_\_\_\_ Land Lot: \_\_\_\_\_ District: \_\_\_\_\_, \_\_\_\_\_ County, GA.

Property is zoned: \_\_\_\_\_, 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 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 21<sup>st</sup> Day Of Sept, 2015.

  
Y MYERS  
Notary Public  
DeKalb County  
State of Georgia  
My Commission Expires Feb 28, 2017  
NOTARY PUBLIC

Owner or Agent for Owner (Applicant)  
JOE PROCHASKA  
APPLICANT'S NAME IN PRINTED LETTERS



**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 NEW SECOND STORY ADDITION TO REAR ALLEY EXISTING SECOND STORY. ADDITIONAL SQUARE FOOTAGE 332 SQUARE FEET

**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.

2863 covered square feet / 6744 total lot square feet = 42 % 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 (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.

## JUSTIFICATION FOR VARIANCE



Department of Planning and Community Development for the City of Atlanta

I, Joe Prochaska, Operations Manager for Blake Builders and on behalf of Megan and Daniel Fogel whom are the current owners of the property located 793 Highland Terrace in Fulton County Georgia respectfully ask for you to consider my application variance. The intent of the variance is to allow for a new second story consisting of three bedrooms and two bathrooms. The purpose of the variance request is to reduce the North front set back from 35 feet to 27.6 feet. .

Currently, the home is a two story structure with an unfinished habitable second story. The existing main level consists of two bedrooms and one bathroom as well four other finished rooms which encroaches the front north setback by 7.4 feet.

There are 5 reasons that I believe this to be a reasonable request.

- Mr. and Mrs. Fogel's current home is encroaching the north setback which restricts their ability to construct a new second story by R-4 Zoning classifications.
- The placement of the current structure as well as the lot size qualifies as an unusual lot shape and size hardship.
- The new second story will not encroach into the front north setback any further than the current main structure already does.
- The requested variance would not grant a special privilege inconsistent with the limitations upon other properties in their development and surrounding areas.
- The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or surrounding properties.

I appreciate your thoughtful consideration.

Sincere Regards,

Joe Prochaska



V-15-310  
V-15-318

# 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, MEGAN FOGEL (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 795 HIGHLAND TERRACE (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 JOE PROCHASKA

ADDRESS OF APPLICANT 1358 BARNCLIFF RD NE  
ATLANTA GA 30306

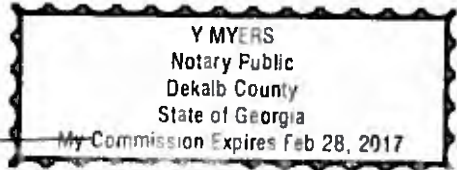
TELEPHONE NUMBER 678.608.5799

Megan Fogel  
Signature of Owner

Personally Appeared Before Me  
Joe Prochaska

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  
9/21/15  
Date



Deed Book 49687 Pg 257  
Filed and Recorded Dec-27-2010 08:07am  
2010-0506228  
Real Estate Transfer Tax \$352.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

AFTER RECORDING RETURN TO:  
THE FRYER LAW FIRM  
70 LENOX POINTE, N.E.  
ATLANTA, GA 30324  
File No. 2010-01750



WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF FULTON

THIS INDENTURE made this 21st day of December, 2010 between NORMA D. HUFF of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and VIRGINIA B. GRANT and VIRGINIA S. GRANT AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits). WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) DOLLARS and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 53 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 5, BLOCK B, HICKORY HILLS SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 24, PAGE 25, FULTON COUNTY, GEORGIA RECORDS, WHICH RECORDED PLAT IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 793 HIGHLAND TERRACE NE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FULTON COUNTY, GEORGIA.

SUBJECT TO ANY RIGHT OF WAY DEEDS OR OTHER EASEMENTS OF RECORD.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

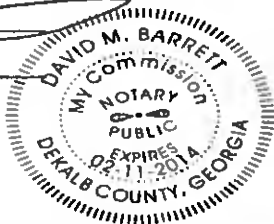
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

*Norma D. Huff*  
NORMA D. HUFF

Unofficial Witness  
*David M. Barrett*  
Notary Public  
My commission expires:



**RECEIPT**

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

**Application:** V-15-316  
**Application Type:** Planning/BZA/Variance/NA  
**Address:** 793 HIGHLAND TER NE, ATLANTA, GA 30306  
**Owner Name:** HUFF J WINSTON & NORMA D  
**Owner Address:**  
**Application Name:**

**PAID**  
CITY OF ATLANTA  
SEP 22 2015  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received Comments
434738	3048	\$100.00	09/22/2015	PLUKE	

**Owner Info.:** HUFF J WINSTON & NORMA D

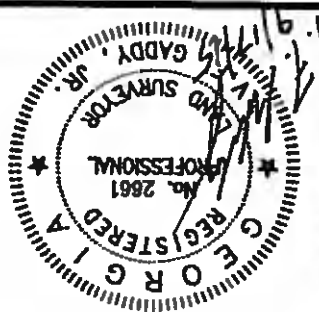
**Work Description:** Construct a new second story addition to its already existing second story.  
Additional square footage 332 square feet



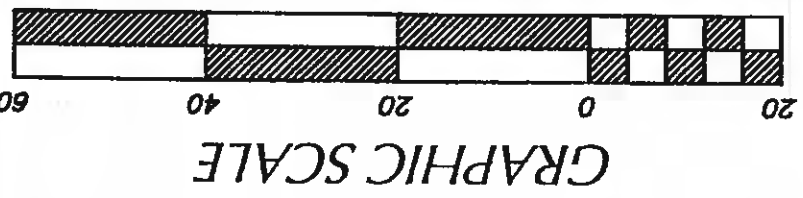
FLOOR AREA RATIO:  
 EX. 1ST FLOOR = 1,387 S.F.  
 EX. 2ND FLOOR = 800 S.F.  
 PROP. 2ND FLOOR = 2,519 S.F.  
 TOTAL HOUSE = 2,519 S.F.  
 LOT = 6,744 S.F.  
 RATIO = .37

793 HIGHLAND TERRACE  
 LOT 5 ~ BLOCK "B"  
 HICKORY HILLS SUBDIVISION  
 (PLAT BOOK 24, PAGE 25)  
 LAND LOT 53 ~ 17TH DISTRICT  
 CITY OF ATLANTA FULTON COUNTY, GEORGIA

GADDY SURVEYING & DESIGN, INC.  
 1215 PLEASANT HILL ROAD  
 LAWRENCEVILLE, GEORGIA 30044  
 PHONE - (770) 931-5920  
 FAX - (770) 931-5903  
 P.E. CERTIFICATE OF AUTHORIZATION #LS001014  
 P.E. CERTIFICATE OF AUTHORIZATION #PEF005450

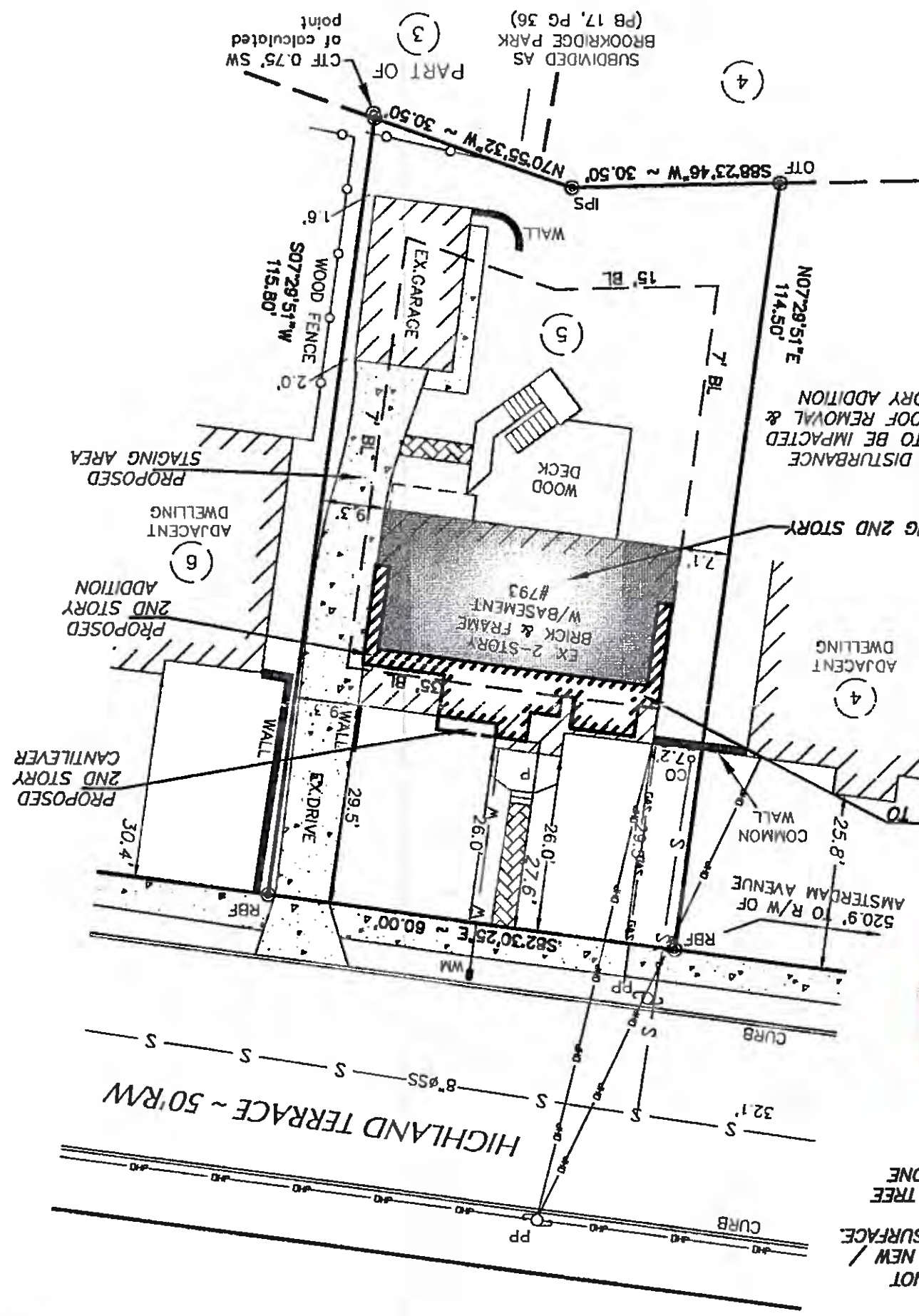


2ND STORY ADDITION PLAN AND VARIANCE EXHIBIT FOR 9/17/15  
 1 INCH = 20 FEET  
 JOB # BA-15-002



GRAPHIC SCALE

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 PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-8-67



WATER QUALITY DESIGN IS NOT REQUIRED. < 1000 S.F. OF NEW / REPLACEMENT IMPERVIOUS SURFACE.  
 NO LAND DISTURBANCE OR TREE REMOVAL OR TREE ROOT ZONE DISTURBANCE IS PROPOSED.  
 EXISTING ROOF TO BE REMOVED. ALL DEBRIS TO BE TRANSPORTED TO APPROVED LANDFILL.  
 NO LAND DISTURBANCE DURING ROOF REMOVAL & 2ND STORY ADDITION  
 NO TREES TO BE IMPACTED



- LEGEND
- IPS IRON PIN SET (1/2" REBAR)
  - RBF REBAR FOUND
  - OTF OPEN TOP FOUND
  - JB JUNCTION BOX
  - R/W RIGHT-OF-WAY
  - BL BUILDING LINE
  - P PROPERTY LINE
  - CB CATCH BASIN
  - HW HEADWALL
  - SSMH SEWER MANHOLE
  - X- FENCE
  - LL LAND LOT LINE
  - OLL ORIGINAL LOT LINE
  - D.E. DRAINAGE EASMT.
  - S.E. SEWER EASMT.
  - U.E. UTILITY EASMT.
  - CL CHAIN LINK
  - PP POWER POLE
  - DI DROP INLET
  - LP LIGHT POLE
  - EP EDGE OF PAVEMENT
  - CL CENTERLINE



**SITE INFORMATION:**  
 793 HIGHLAND TERRACE  
 TOTAL AREA: 0.15 ACRES  
 R-4 (SINGLE FAMILY RESIDENTIAL DISTRICT) REQUIREMENTS  
 LOT WIDTH: 70' FEET MIN.  
 MINIMUM LOT AREA: 9,000 SQ. FT.  
 MINIMUM YARD ADJACENT TO PUBLIC STREET:  
 FRONT YARD: 35' FEET.  
 INTERIOR SIDE YARD SETBACKS: 7 FEET.  
 REAR YARD: (15) FEET.  
 MAXIMUM LOT COVERAGE: 50 PERCENT  
 UTILITIES:  
 GAS - ATLANTA GAS LIGHT CO.  
 TELEPHONE - AT&T  
 POWER - GEORGIA POWER  
 THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER FULTON COUNTY FLOOD INSURANCE RATE MAP #13121C0261G.  
 EFFECTIVE DATE: 09-18-2013

PROPOSED VARIANCE TO REDUCE FRONT SETBACK LINE FROM 35' TO 27.6' FOR 2ND STORY ADDITION