



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

APPLICATION #: **V-16-041**
DATE ACCEPTED: **02/16/2016**

NOTICE TO APPLICANT

Address of Property:
741 Virginia CIR NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, April 14, 2016 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,



TJ, for Director, Bureau of Planning



Isiah Battle

Date: 2/16/16



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



REFERRAL CERTIFICATE

COUNCIL DISTRICT 4 APPLICATION NUMBER V-16-041
NPU F DATE FILED 02-16-16

1. Isiah Battie
Name of Applicant

BUILDING PERMIT AUTHORIZING

at 741 Virginia Circle NE 17th / 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 required front yard setback from 35' to 21' to renovate the existing front porch of a single family residence. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 16 Section 16-06.008 Paragraph 1

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 2-15-16 Application Number V-16-041
Name of Applicant ISAIAH BATTLE Daytime Phone 404-641-3504
Company Name _____ e-mail ISAIAH-BATTLE13@yahoo.com
Address 2499 Waters Run Decatur GA 30035
street city state zip code

Name of Property Owner Jim Penosky & Shomi Kumar Phone 516-669-1454
Address 741 Virginia Cir NE Atlanta, GA 30306
street city state zip code

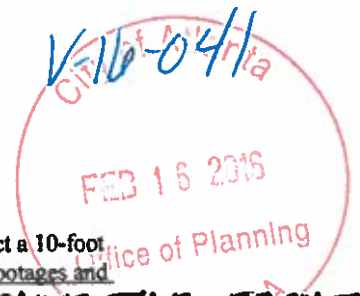
Description of Property
Address of Property 741 Virginia Cir NE Atlanta, GA 30306 OR
the subject property fronts 52.95 feet on the south side of VIRGINIA CIRCLE, and begins 126.2 feet from the NORTHEAST corner of PONCE DE LEON PLACE & VIRGINIA CIRCLE
Depth: 147.92 feet Area: 0.183 ac. Land Lot: 53 District: 1TH Fulton County, GA.
Property is zoned: R-4 Council District: _____ Neighborhood Planning Unit: _____
BELTLINE

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 12 Day Of 2, 200/16

Isaiah S. Battle
NOTARY PUBLIC
Jim Penosky
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:** THE EXISTING FRONT OF THE HOUSE IS OVER THE FRONT SETBACK. WE NEED A 14.0' VARIANCE (RELIEF) TO RENOVATE THE EXISTING NON-COMFORMING PORTION & TO RENOVATE THE FRONT PORCH.

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.

3961 covered square feet / 7961 total lot square feet 49.8 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.

OWNER'S JIM PENOSKY & SHEMI KUMAR

741 VIRGINIA CRICLE NE ATLANTA, GA. 30306

5 1 6 . 6 6 9 . 1 4 5 4

jpenosky@yahoo.com

From: Jim Penosky

To: The Planning Department
City of Atlanta

Ref: Hardship Letter Justifying a Front Yard Variance

Date: February 16, 2016

To Whom This Matter Concerns:

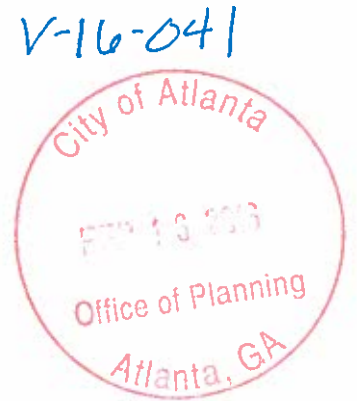
My wife and I bought the house located at 741 Virginia Circle NE Atlanta, Ga. 30306 with the intention of making some interior modifications to the front of the house and rebuild the front covered porch to beautify it and make necessary repairs.

We discovered after ordering a survey that the R-4 front setback of 35' "cuts" through our existing foyer and living room plan by 5'0". As we understand we would need a variance to do any work on the non-conforming portion of the front of the house, so we are asking with all due respect to the City of Atlanta BZA and neighborhood association to consider our request for a variance so that we may improve the interior of the existing footprint. We are not looking to expand the impervious area nor footprint, just make the existing floor plan and front porch a little more in keeping with our desires.

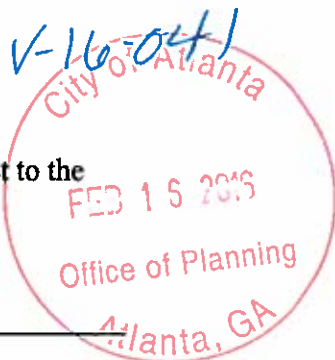
We are also seeking to change the open non-heated/non-cooled front porch design. We understand that up to 10'0" is permitted by current zoning but because the current footprint of the house sits too close to the road as described above we would also need relief to renovate our front porch.

In all, we are seeking to reduce the front setback from 35'0" to 21'0" to allow us to make interior modifications to the front of the house and renovate our porch and in both instances we will not be adding any impervious square footage our expanding the footprint but seeking relief from and undue hardship where the existing footprint is currently sitting over the existing front setback.

Sincerely Jim Penosky



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, Jim Tenosky (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 741 Virginia Circle Atlanta, GA. 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 MARK BATTLE

ADDRESS OF APPLICANT 2499 Waters Run Decatur GA 30035

TELEPHONE NUMBER 404-641-3584

[Signature]
Signature of Owner

Personally Appeared Before Me February 12, 2016

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 2/12/16

RECEIPT

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

PAID
 CITY OF ATLANTA

FEB 16 2016

EX OFFICIO MUNICIPAL
 REVENUE COLLECTOR



Application: V-16-041
 Application Type: Planning/BZA/Variance/NA
 Address: 741 VIRGINIA CIR NE, ATLANTA, GA 30315
 Owner Name: STEARNS JO ANN & TURNER CHRISTINE E
 Owner Address:
 Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
454590	4874	\$100.00	02/16/2016	PAMITCHELL		

Owner Info.: STEARNS JO ANN & TURNER CHRISTINE E

Work Description: to reduce the required front yard setback from 35' to 21' to renovate the existing front porch of a single family residence