



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

APPLICATION #: **V-16-046**  
DATE ACCEPTED: **02/17/2016**

## NOTICE TO APPLICANT

Address of Property:  
**816 Wildwood RD 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,

  
\_\_\_\_\_  
TT, for Director, Bureau of Planning

  
\_\_\_\_\_  
David Hutchinson

Date: \_\_\_\_\_



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



### REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-16-046  
NPU F DATE FILED 02-17-16

1. David Hutchinson  
Name of Applicant

### BUILDING PERMIT AUTHORIZING

at 816 Wildwood Rd. NE 17<sup>th</sup> / 51  
Street Address Quadrant District & Land Lot

to be used for Residential purposes

The property is zoned R-3 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 50' to 38'-3", reduce the West side yard setback from 10' to 8'-6" and the East side yard setback from 10' to 5'-9" for a two-story rear addition to a single family residence. Applicant seeks no other variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 5 Section 16-05.008 Paragraph 1 & 2

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

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

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

Note: There were no architectural plans submitted with site plan upon applying for a referral certificate which enabled a full and thorough zoning review.

Applicant: [Signature]

Zoning Plan Reviewer: [Signature]

APPLICATION FOR VARIANCE  
City of Atlanta



Date Filed 02/17/16 Application Number A# V-16-046  
Name of Applicant David Hutchison Daytime Phone 404-580-7443  
Company Name Cornerstone of ATL e-mail hutch@cornerstone-atlanta.com  
Address 1212 Lanier Blvd, ATL, Ga. 30306  
street city state zip code

Name of Property Owner J. Abramowitz Phone 404-641-8179  
Address 816 Wildwood rd. NE ATL, Ga. 30324  
street city state zip code

Description of Property

Address of Property 816 Wildwood rd, <sup>NE</sup> ATL, Ga. 30324 OR  
the subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of \_\_\_\_\_  
\_\_\_\_\_, and begins \_\_\_\_\_ feet from the  
\_\_\_\_\_ corner of \_\_\_\_\_.

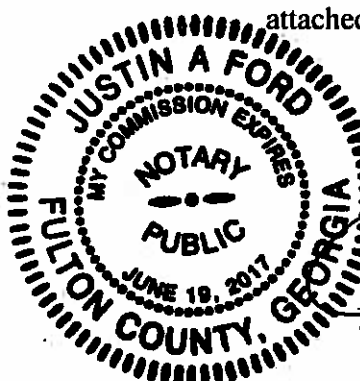
Depth: \_\_\_\_ Area: \_\_\_\_ Land Lot: 51 District: 17, \_\_\_\_\_ County, GA.

Property is zoned: R-3, 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 \_\_\_\_ Day Of \_\_\_\_, 200\_\_.



[Signature]  
NOTARY PUBLIC

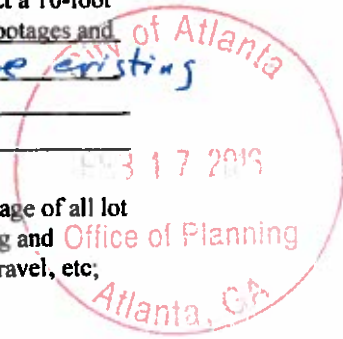
[Signature]  
Owner or Agent for Owner (Applicant)  
D.A. Hutchison  
APPLICANT'S NAME IN PRINTED LETTERS

50  
10  
20

V-16-046

**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:

Add rear addition and remove+replace existing second story to new lay out.



**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.

4,586 covered square feet / 14,888 total lot square feet = 31 % proposed lot coverage

40 % 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'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.

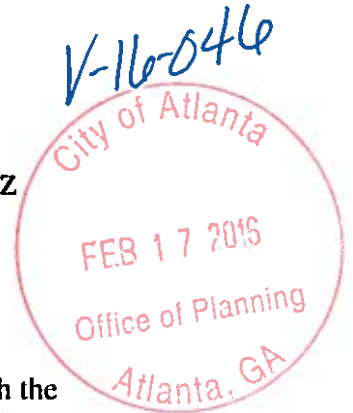
*You are responsible for obtaining a public notice sign when you file your application with the Office of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your 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.

Justification for Variance  
816 Wildwood Road, NE  
Atlanta, GA 30324

Property Owners: Jared & Stephanie Abramowitz  
Applicant: David Hutchison, 404-580-7443



### **Summary**

Homeowners, Jared & Stephanie Abramowitz, ("Owners") intend to demolish the existing second story and roof from their house and build a rear addition and second story addition contained within a new roofline. The Owners seek variances to reduce the setback requirements for the front yard from 50'-0" to 38'-3", the west side yard from 10'-0" to 8'-6" and the east side yard from 10'-0" to 5'-9" for the property located at 816 Wildwood Road, NE (the "Property").

### **Background about the Property**

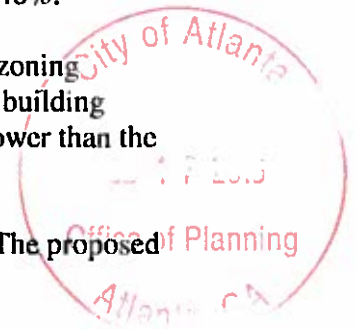
The Property is zoned R-3 and is 14,888 square feet. The frontage is 70 feet. The existing Floor Area Ratio is 28% and the existing Lot Coverage is 28%. The existing house on the Property encroaches into the front-yard setback 11'-8 1/2", into the west side-yard setback 1'-6" and into the east side-yard setback 5'-2".

### **Criteria for Variances Contained in Section 16.26.003 of the Code**

- (1) There are extraordinary and exceptional conditions pertaining to the Property due to the location of the existing house relative to the front and side property lines.
  - The Property is smaller than the minimum lot requirement set forth in the zoning ordinance for an R-3 designated property. The Property is 14,888 square feet, which is 3,112 square feet less than the minimum lot size of 18,000 square feet.
  - The Property is narrower than the minimum frontage requirement set forth in the zoning ordinance for an R-3 designated property. The Property is 70 feet wide along Wildwood Road, which is 30 feet less than the minimum frontage of 100 feet.
  - The existing house is non-conforming to the zoning ordinance with regard to the required front yard and side yards. The proposed new construction at the second story and rear will not increase the degree of non-conformity.

V-16-046

- A portion of the existing house footprint will be replaced with a rear addition. There is a net increase of 363 square feet of impervious area, yet the lot coverage will be 31% which is less than the allowable 40%.
- The building height for the proposed design as defined in the zoning ordinance is 23'-3". The R-3 zoning classification allows the building height to be 35'-0". The proposed building height is 11'-9" lower than the allowed building height.
- The R-3 zoning classification allows 40% Floor Area Ratio. The proposed Floor Area Ratio is 34%.



(2) The application of the zoning ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.

- A new roof structure is required to cover the portion of the existing first floor that encroaches into the front and side yard setbacks. To disallow construction of a roof to occur in these areas would leave the home open to infiltration of water and animals and would not provide a sealed environment that is conducive to maintaining a space conditioned with heat and air conditioning.
- Traditional aesthetic and conventional construction techniques necessitate locating new exterior second story walls on top of those existing at the first floor. The architect's goal for the second story addition is to achieve a pleasing aesthetic that will appear original and historically accurate. To disallow construction to occur in the areas where the existing first floor encroaches into the front and side-yard setbacks would result in an awkward and unappealing design.

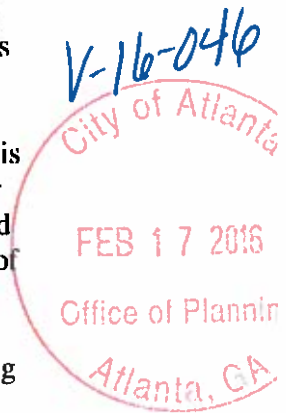
(3) Such conditions might be peculiar to the particular Property.

- It is unknown how many properties in the R-3 zoning classification are non-conforming with respect to the front and side-yard setback requirements. It may be safe to assume a small percentage of properties have a similar condition with an existing dwelling overstepping the front and side-yard setbacks.

(4) The variance, if granted would not cause substantial detriment to the public good or impair the purpose and intent of the Code.

- The existing structure has been encroaching into the front-yard setback and into the side-yard setbacks since the day it was built without any detriment to the public good.

- Granting the variance will not be inconsistent with the intent of the Code's goals of: securing safety from fire, panic or other dangers (the distance between the Owner's house and the neighbor's house to the east will be increased when existing construction is removed and the new addition is built); providing adequate light and air (same point); encouraging intensities of land development that will tend to facilitate drainage and other public requirements (not an issue since the proposed lot coverage is below the maximum limit); promote desirable living conditions (Owner plans to update the existing house with a design that is characteristic and in-scale with original houses of the neighborhood); sustaining stability of neighborhoods (same point); providing for the orderly evolution of neighborhoods along lines responsive to public needs (same point); and protecting against blight and depreciation (again, Owners will be making improvements to their Property with the new design).



**Conclusion**

For the reasons explained above, Owners – Jared & Stephanie Abramowitz, and Applicant – David Hutchison respectfully request that the City grant the variance requested in this application.

Respectfully submitted,

David Hutchison

Date:

1. THIS MAP OR PLAT IS CERTIFIED TO THE NAME BELOW AND/OR INSURER OR MORTGAGOR. NO LIABILITY IS ASSUMED TO THIRD PARTIES. NO ABSTRACT OF TITLE WAS PERFORMED.

2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL CLOSURE OF 1 FOOT IN 91,829 FEET. THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE BY LATITUDE AND DEPARTURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 990,832 FEET.

3. EQUIPMENT USED:  
THEODOLITE READING DIRECTLY TO 0.3 SECONDS. ELECTRONIC DISTANCE METER READINGS DIRECTLY TO .005 FEET.

4. THE UTILITIES SHOWN ARE BASED ON FIELD OBSERVATIONS AND INFORMATION AVAILABLE AT THE TIME THE SURVEY WAS PERFORMED AND MAY NOT COMPRISE ALL UTILITIES ON OR ADJACENT TO THE PROPERTY, EITHER IN SERVICE OR ABANDONED. FURTHERMORE THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION INDICATED, AS ASSUMPTIONS WERE MADE AS TO THE DIRECTION AND LOCATION. A DETAILED STUDY BY A COMPANY EQUIPPED AND QUALIFIED TO DETERMINE THE EXACT LOCATION OF UNDERGROUND UTILITIES MAY INDICATE A DIFFERENT DIRECTION, LOCATION OR TYPE.

5. THE EASEMENTS SHOWN HEREON WERE TAKEN FROM INFORMATION THAT WAS AVAILABLE AT THE TIME THE SURVEY WAS DONE AND MAY NOT BE ACCURATE AS TO THE EXTENT OR EXACT LOCATION OF ALL EASEMENTS ON SITE.

6. THIS PARCEL IS IN ZONE X AS PER FEMA FLOOD INSURANCE RATE MAP NUMBER 13121C0261G PANEL 261 OF 490 COVERING FULTON COUNTY, GEORGIA DATED SEPTEMBER 18, 2013.

7. THIS SURVEYOR HAS MADE NO DETERMINATION OR JUDGEMENT AS TO THE EXISTENCE OF ANY STATE WATERS THAT MAY BE ON OR ADJACENT TO THE PROPERTY SHOWN ON THIS SURVEY. PRIOR TO ANY CONSTRUCTION OR OTHER WORK THE PROPERTY OWNER AND/OR THEIR CONTRACTOR SHOULD VERIFY WITH THE LOCAL AND/OR STATE AGENCIES AS TO THE EXISTENCE OF STATE WATERS THAT MAY IMPACT THIS PROPERTY.

8. SETBACK INFORMATION AS PER CURRENT R-3 ZONING.

| TREE CHART |                |
|------------|----------------|
| 1          | 3 X 4" DOGWOOD |
| 2          | 4" DOGWOOD     |
| 3          | 19" HARDWOOD   |
| 4          | 38" HARDWOOD   |
| 5          | 29" PINE       |
| 6          | 7" FIR         |
| 7          | 23" HARDWOOD   |
| 8          | JAPANESE MAPLE |
| 9          | 27" HARDWOOD   |
| 10         | 51" HARDWOOD   |
| 11         | 24" HARDWOOD   |
| 12         | 15" MAGNOLIA   |
| 13         | 10" HARDWOOD   |
| 14         | 32" HARDWOOD   |
| 15         | 11" HARDWOOD   |
| 16         | 4" DOGWOOD     |

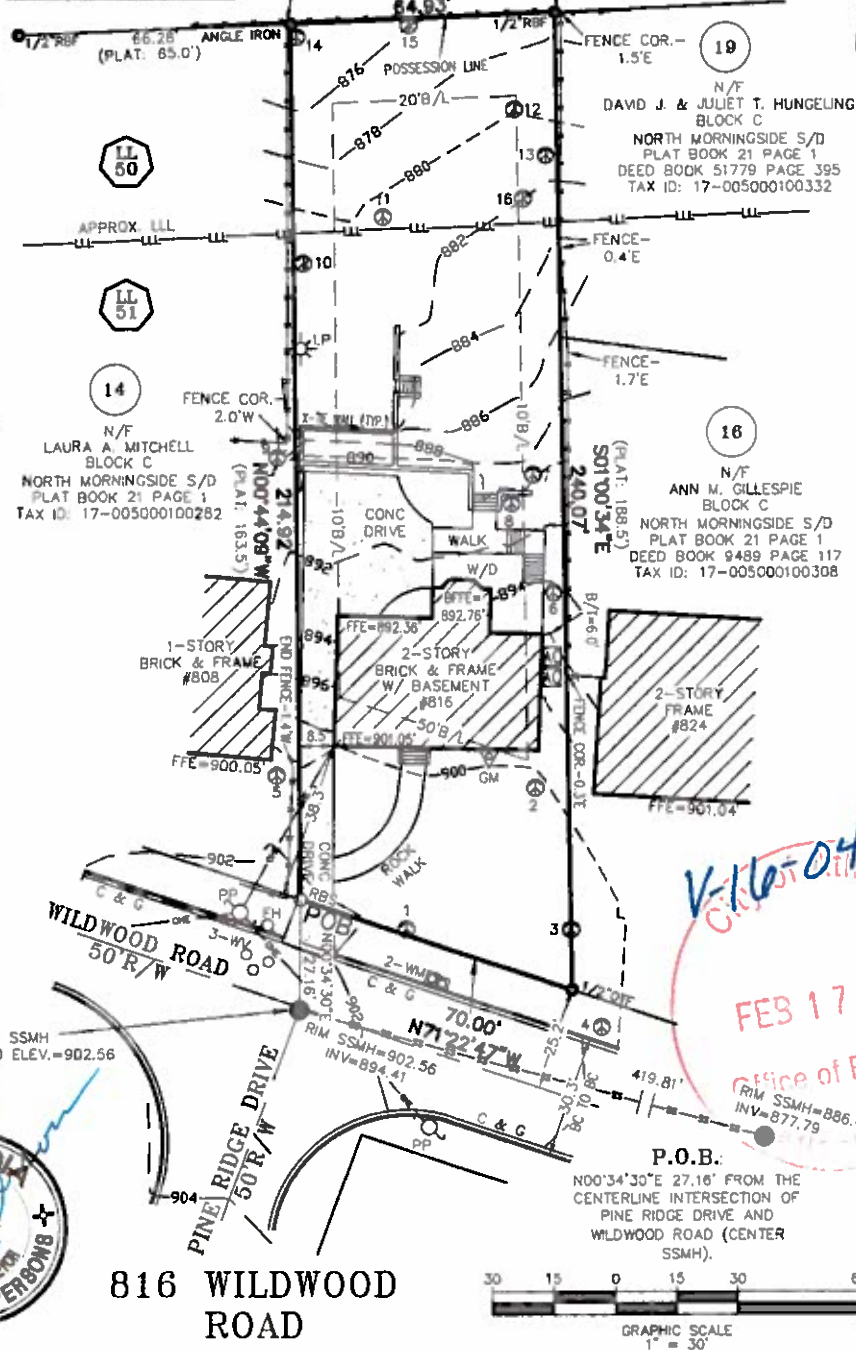
**PARCEL DESCRIPTION:**

LOT 15  
BLOCK C  
NORTH MORNINGSIDE S/D  
PLAT BOOK 21 PAGE 1  
DEED BOOK 32987 PAGE 42  
TAX ID: 17-005000100290

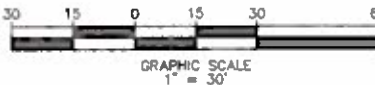
TOTAL AREA - 0.342 ACRES  
14,888 SQ. FT.

**LEGEND**

- APR. APPROXIMATE
- BC BACK OF CURB
- B/A BUILDING SETBACK
- B/T BUILDING TIE
- BW BOTTOM WALL
- CONC CONCRETE
- C/L CHAIN LINK
- DE DRAINAGE EASEMENT
- X-X FENCE
- C & G CURB AND GUTTER
- CORNER FOUND
- CO CLEANOUT
- GM GAS METER
- HW HEADWALL
- OTF OPEN TOP FOUND
- RFB REBAR FOUND
- CALC/SET CORNER
- ⊙ LAND LOT NUMBER
- LL APPROX. L.L. LINE
- ⊙ LOT NUMBER
- N/F NOW OR FORMERLY
- CMP CORRUGATED METAL PIPE
- PB PLAT BOOK
- P/B POWER BOX
- POB POINT OF BEGINNING
- PM POWER METER
- PS PARKING SPACE
- R/W RIGHT OF WAY
- SS SANITARY SEWER
- SS EASEMENT
- S/D SUBDIVISION
- STONE WALL
- TAX PARCEL
- TW TOP WALL
- UC UNDERGROUND
- WD WOOD DECK
- WL WATER LINE
- ZONE A NO BFE ESTABLISHED
- ZONE X NO FLOOD STUDY DONE



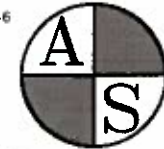
V-16-046  
Gordon Persons  
FEB 17 2014  
Office of Planning  
RIM SSMH=886.49  
INV=877.79



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 O.C.G.A. 15-6-87, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-8, 43-15-19, 43-15-22.

**Advance Survey, Inc.**  
634 N. CLAYTON STREET  
LAWRENCEVILLE, GA. 30046  
OFFICE: (770) 995-0938  
FAX: (770) 554-7539

© COPYRIGHT 2014  
ADVANCE SURVEY INC.  
ALL MATTERS OF TITLE EXCEPTED.  
GA. REGISTERED LAND SURVEY FIRM  
NO. LSF000455



BOUNDARY, TOPO AND TREE SURVEY FOR:

**JARED I. & STEPHANIE S. ABRAMOWITZ**

|           |         |           |             |
|-----------|---------|-----------|-------------|
| LAND LOT: | 50/51   | SCALE:    | 1"=30'      |
| DISTRICT: | 17TH    | DATE:     | 09/12/2014  |
| SECTION:  | ----    | DRAWN BY: | JJT         |
| COUNTY:   | FULTON  | CHK BY:   | AGP PC: GSO |
| STATE:    | GEORGIA | JOB NO:   | 140160      |



**NOTARIZED AUTHORIZATION BY PROPERTY OWNER**

(Required only if applicant is not the owner of the property subject to the application.)

V-16-046

TYPE OF APPLICATION Variance Application

I. Jared Abramowitz (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 816 Wildwood Rd NE (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 Jared Abramowitz

ADDRESS OF APPLICANT 816 Wildwood Rd  
Atlanta, GA 30324

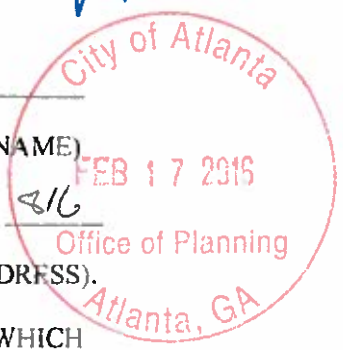
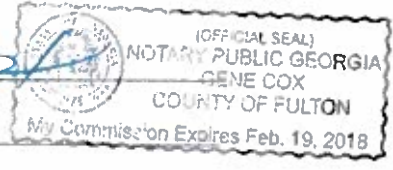
TELEPHONE NUMBER (770) 315-7819

[Signature]  
Signature of Owner

Personally Appeared Before Me  
JARED ABRAMOWITZ

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 2/16/16



CITY OF ATL BLDG PERMI  
55 TRINITY AVE STE 1350  
ATLANTA, GA 30303

02/17/2016  
Merchant ID:  
Terminal ID:  
184191133992

13:13:43 JNITY DEVELOPMENT  
000000004009798  
06381900

CREDIT CARD I6  
VISA SALE g/BZAVariance/NA  
.DWOOD RD NE, ATLANTA, GA 30324  
XXXXXXXXXXXX8387 OWITZ JARED I & STEPHANIE S

CARD #  
INVOICE  
Batch #:  
Approval Code:  
Entry Method:  
Mode:  
Tax Amount:

0010  
000729  
653360  
Swiped  
Online  
\$0.00

| Payment Date | Cashier ID | Received | Comments |
|--------------|------------|----------|----------|
| 2/17/2016    | RPLEWIS    |          |          |

SALE AMOUNT

\$100.00

PHANIE S

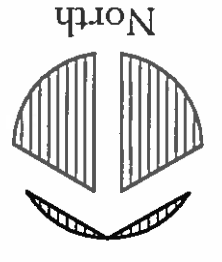
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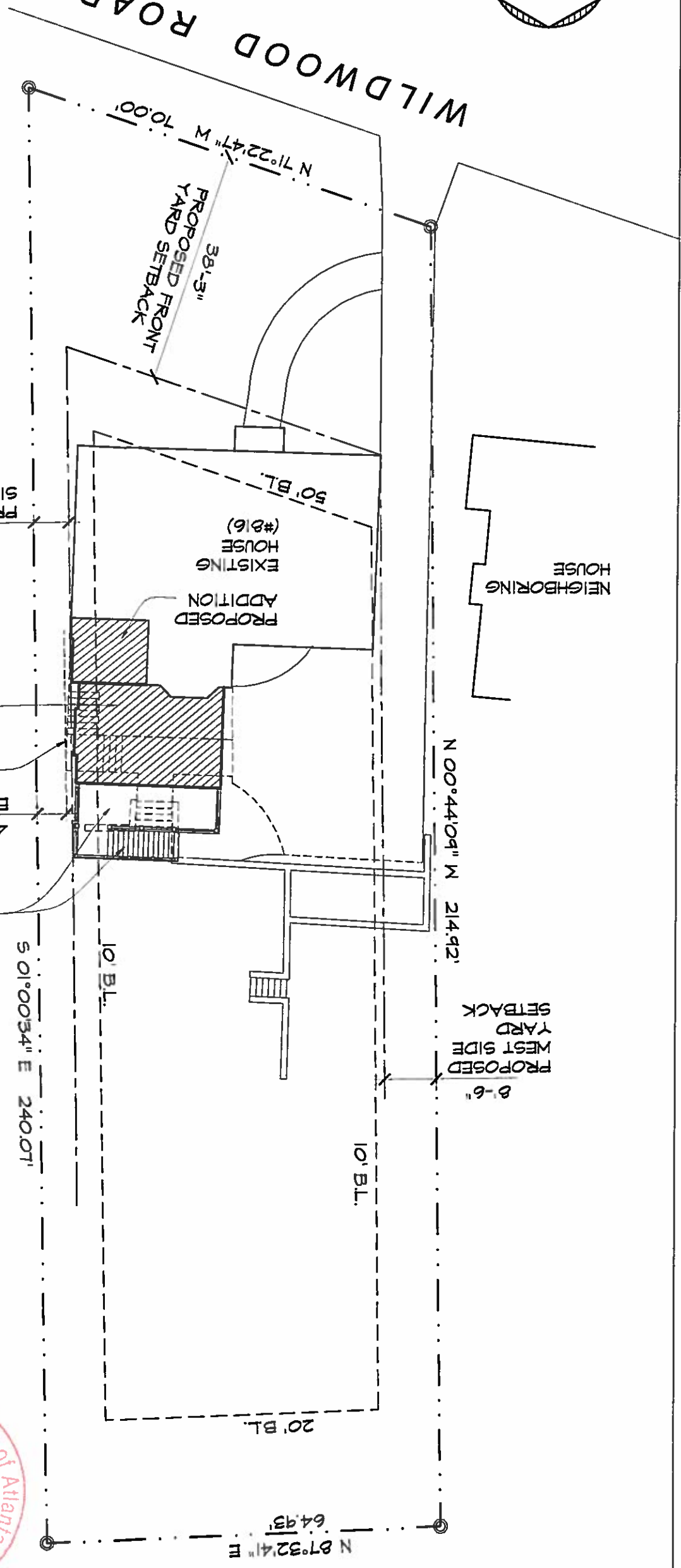
**PAID**  
CITY OF ATLANTA  
FEB 17 2016  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

REUSE.  
 RECYCLE.  
 RENOVATE.

Addition to the :  
**ABRAMOWITZ RESIDENCE**  
 816 Wildwood Road NE, Atlanta, GA 30324



**SITE PLAN**  
 1" = 20'-0"



**ZONING: R-3**

**PROPOSED LOT COVERAGE**  
 TOTAL LOT AREA: 14,888 SQ.FT.  
 EXISTING IMPERVIOUS AREA:  
 HOUSE & FRONT ENTRY ----- 1697 SQ.FT.  
 REAR DECK & WALK ----- 521  
 RETAINING WALLS & STEPS ----- 219  
 DRIVEWAY ----- 1566  
 FRONT WALKWAY ----- 220  
 TOTAL EXISTING IMPERVIOUS AREA: 4,223 SQ.FT. (28%)

**PROPOSED NEW IMPERVIOUS AREA:**  
 DRIVEWAY EXPANSION ----- 138 SQ.FT.  
 ADDITION NOT DISPLACED BY  
 EXISTING IMPERVIOUS AREA ----- 225  
 TOTAL NET INCREASE ----- 363 SQ.FT.  
 TOTAL PROPOSED IMPERVIOUS AREA: 4,586 SQ.FT. (31%)

NEIGHBORING HOUSE  
 NEIGHBORING HOUSE  
 PROPOSED EAST SIDE YARD SETBACK  
 PROPOSED FRONT YARD SETBACK  
 PROPOSED ADDITION  
 EXISTING HOUSE (#816)  
 EXISTING CONSTRUCTION TO BE REMOVED  
 PROPOSED SCREENED PORCH ADDITION W/ GARAGE BELOW  
 EXISTING GARAGE BELOW  
 EXISTING  
 EXISTING  
 PROPOSED DECK & STAIR ADDITION W/ GARAGE BELOW  
 4'-10"  
 5'-9"  
 50' B.L.  
 10' B.L.  
 10' B.L.  
 20' B.L.  
 8'-6"  
 N 00°44'04" W 214.92'  
 N 87°32'41" E 64.93'  
 5 01°00'34" E 240.01'



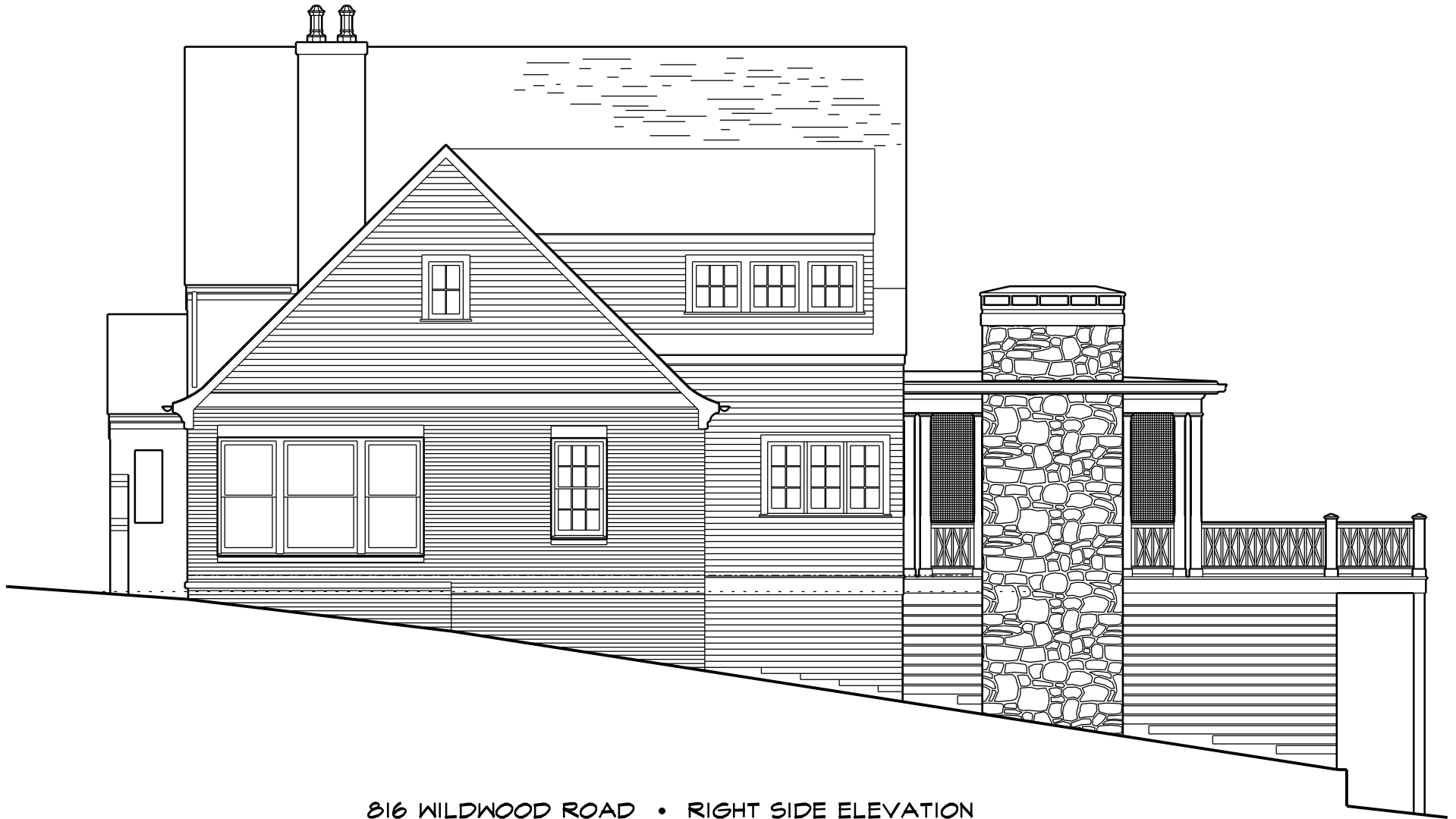
V-16-0410



816 WILDWOOD ROAD • FRONT ELEVATION

1/8" = 1'-0"

FEBRUARY 25, 2016



816 WILDWOOD ROAD • RIGHT SIDE ELEVATION

1/8" = 1'-0"

FEBRUARY 25, 2016



816 WILDWOOD ROAD • REAR ELEVATION

1/8" = 1'-0"

FEBRUARY 25, 2016



816 WILDWOOD ROAD • LEFT SIDE ELEVATION

1/8" = 1'-0"

FEBRUARY 25, 2016