



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

APPLICATION #: **V-16-192**
DATE ACCEPTED: **07/20/2016**

NOTICE TO APPLICANT

Address of Property:
2015 Rockledge RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, September 8, 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


Ben Woodrow Giles 

APPLICATION FOR VARIANCE
City of Atlanta



Date Filed 07-20-2016

Application Number V-16-192

Name of Applicant Ben Woodrow Giles

Daytime Phone 404-873-6730 ext. 123

Company Name TSW

e-mail bwgiles@tsw-design.com

Address 1389 Peachtree Street NE, Suite 200

Atlanta, GA 30309

street city state zip code

Name of Property Owner Beazer Homes Corp.

Phone 770-781-0626

Address 6455 Shiloh Road, Suite A

Alpharetta, GA 30005

street city state zip code

Description of Property

Address of Property 2015 & 2040 Rockledge Road NE OR

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

Depth: varies Area: 5 ac Land Lot: 17 District: 50, Fulton County, GA.

Property is zoned: NC-5, 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 20th Day Of July, 2016

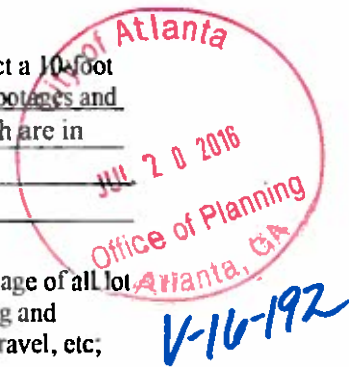
Ben Woodrow Giles
Owner or Agent for Owner (Applicant)

Ben Woodrow Giles
APPLICANT'S NAME IN PRINTED LETTERS

Elizabeth W. Walsh
NOTARY PUBLIC

ELIZABETH W. WALSH
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires January 7, 2017

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 103 three-story townhouses on two parcels, most of which are in NC-5 zoning, and which total 195,000 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.

140,000 covered square feet / 220,500 total lot square feet = 63 % proposed lot coverage

n/a % maximum allowed lot coverage

(numbers shown are for both parcels, including the portion of one parcel in MRC-2-C zoning)

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), 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

2015 and 2040 Rockledge Road Variance for Sidewalk Width

We would like to request a variance from the zoning regulations to provide a five foot wide sidewalk clear zone rather than the ten foot wide clear zone required by NC zoning Sec. 16-32.013. We also request a variance from the zoning regulations to allow for a landscaped supplemental zone rather than the hardscaped supplemental zone required by NC zoning Sec. 16-32.014.

The intent of NC zoning is to “promote a balance of retail, service, office, dining and residential uses” and “facilitate safe, attractive and convenient pedestrian circulation.” The sidewalk requirements, which effectively require a minimum of 15 feet width of pavement, are designed to ensure appropriate retail frontage and accommodate significant pedestrian traffic. However, NC zoning also allows townhouses and other residential uses where such wide sidewalks are not only unnecessary but also inappropriate and would create an unnecessary hardship.

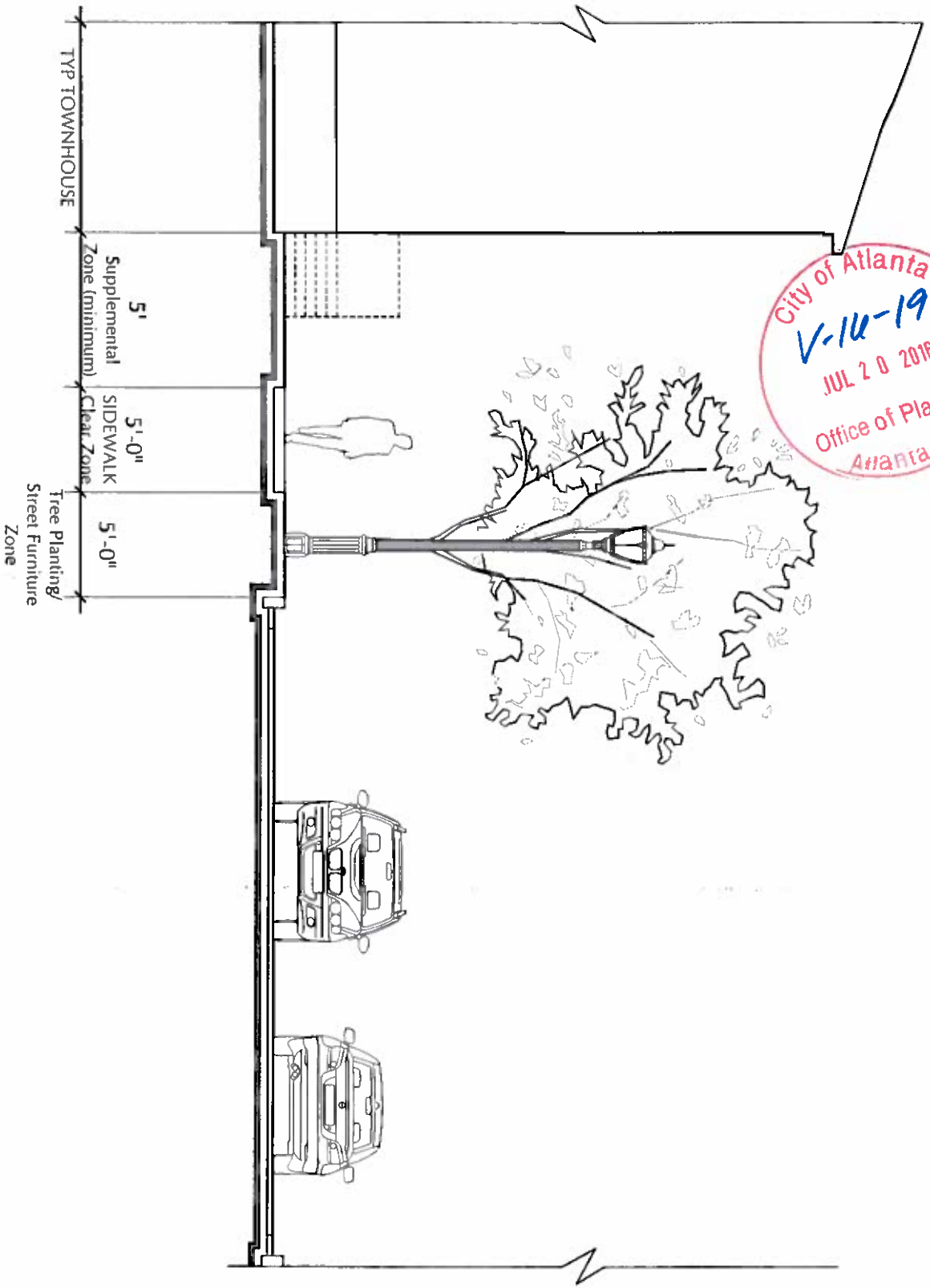
In the case of our project, narrow street rights-of-way do not allow for the provision of the full sidewalk requirements. NC zoning is typically applied to larger commercial corridors or nodes, and in the case of our project, it has been applied to a large area adjacent to the Cheshire Bridge Road commercial corridor. The location of our project is not a viable location for retail and for this reason is being proposed as townhouses, which are allowed under NC zoning. For this reason, the conditions that lead to our request for a variance are peculiar to our specific properties.

In the case of our project, providing a ten foot wide sidewalk would be onerous, especially given the lack of sidewalks on most adjacent properties, the lack of adjacent retail, and the lack of significant pedestrian through traffic. A five foot sidewalk is clearly adequate for residential development, as is made clear in other sections of the zoning ordinance. For this reason, we request that the clear zone be reduced from ten feet to five feet in width throughout the portion of our development that is zoned NC-5.

Furthermore, NC zoning requires that the supplemental zone be hardscaped, in order to provide an appropriate urban retail frontage. In the case of our proposed development, no retail is being provided, and being required to pave the front yard of each townhouse would be inappropriate and out of context for a residential environment. For this reason, we request that the requirement that the supplemental zone be hardscaped be waved throughout the portion of our development that is zoned NC-5.

Granting relief of both of these requests would in no way cause detriment to the public good or impair the purpose and intent of the zoning ordinance. In fact, granting these variances would promote more desirable living conditions, sustain stability of the neighborhood, provide for the orderly evolution of the neighborhood, and encourage appropriate intensity of land development.





Proposed Streetscape

2015 & 2040 Rockledge Road

The building types, building section, walkway locations, open space locations, planting type, wall locations, parking locations, private alley locations, use locations, provide parking, provide open space, and lot lines that are shown on the section are for illustrative purposes only and may be altered to the extent allow by the district regulation or City-approved variations thereto.

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, Beazer Homes Corp. (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 2015 & 2040 Rockledge Road 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 TSW

ADDRESS OF APPLICANT 1389 Peachtree Street NE, Suite 200
Atlanta, GA 30309

TELEPHONE NUMBER 404-873-6730 x123

[Signature]
Signature of Owner

Personally Appeared Before Me

GAREN SMITH

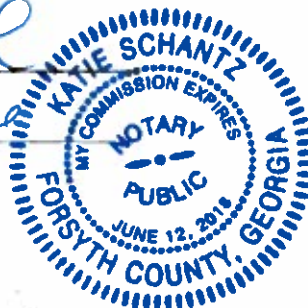
VP LAND Acquisition - Atlanta Division

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

7.15.16



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

07/20/2016
Merchant ID:
Terminal ID:
184191131992

12:39:03 DEVELOPMENT
000000004009798
06347552

CREDIT CARD
VISA SALE

variance/NA
MAGE RD NE, ATLANTA, GA 30324
S CORP

CARD #
INVOICE
Batch #:
Approval Code:
Entry Method:
Mode:
SALE AMOUNT

XXXXXXXXXXXX8592
0013
000442
020695
Swiped
Online
\$625.00

Date	Cashier ID	Received	Comments
7/16	BSIMMONS		

CUSTOMER COPY

zone in lieu of the required ten foot wide sidewalk
developmental zone instead of the required hardscaped

PAID
CITY OF ATLANTA
JUL 20 2016
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

visa
SS/BS