



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

APPLICATION #: **V-16-213**
DATE ACCEPTED: **08/09/2016**

NOTICE TO APPLICANT

Address of Property:
1071 Bellevue DR NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 6, 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,



RJ, for Director, Bureau of Planning



Brent Drone



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

REFERRAL CERTIFICATE

COUNCIL DISTRICT _____ APPLICATION NUMBER V14-213

NPU _____ DATE FILED _____

Mr. Brent Drone
Name of Applicant

BUILDING PERMIT AUTHORIZING
Addition to a Single-Family Dwelling

at 1071 Bellevue DR NE 17th/1
Street Address Quadrant District & Land Lot

to be used for Single-Family Residential purposes

The property is zoned R-4 (Single-Family Residential District) District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a variance from the zoning regulation to reduce the eastern side yard setback from 7 feet to 6 feet, seven inches in order to construct an addition to a single-family dwelling.

A complete review was not conducted.

Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Plan Reviewer Date

Applicant Date 8/9/16

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APPLICATION FOR VARIANCE

City of Atlanta

OFFICE OF PLANNING

Date Filed _____ Application Number V-10-213

Name of Applicant Brent Drone Daytime Phone 404.680.9452

Company Name Antiquity Architecture e-mail brent@antiquity-architecture.co

Address 555 Elmwood Dr. NE Atlanta GA 30306
street city state zip code

Name of Property Owner Gary Rishel Phone 404.213.4968
SARAH RISHEL

Address 1071 Bellevue Dr. NE Atlanta GA 30306
street city state zip code

Description of Property

Address of Property 1071 Bellevue Dr. NE Atlanta GA 30306 OR

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

Depth: _____ Area: _____ Land Lot: 1 District: 17th Fulton 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 9th Day Of August, 20016.

ADRIENNE L RICHARDSON
NOTARY PUBLIC
Henry County
State of Georgia
My Comm. Expires April 7, 2018

[Signature]
NOTARY PUBLIC

[Signature]
Owner or Agent for Owner (Applicant)
BRENT E. DRONE
APPLICANT'S NAME IN PRINTED LETTERS

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V-11213

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: *Remove the roof from the existing house and build a second story consisting of 1,752 sq. ft. Expand the footprint of the ground level with a new addition measuring 12 feet x 31 feet 8 inches. Construct a new detached garage that is 1 1/2 stories and measures 19 feet x twenty 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. *10 inches in plan.*

3,969 covered square feet / 7,945 total lot square feet = 49.95% 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.

Justification for Variance
1071 Bellevue Drive, NE
Atlanta, GA 30306

Property Owners: Gary & Sarah Rishel
Applicant: Brent Drone, 404-680-9452

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V-10-213

Summary

Homeowners, Gary & Sarah Rishel, (“Owners”) intend to remove the existing roof from their house and build a second story addition along with a rear addition and a new detached garage. The Owners seek a variance to reduce the setback requirement for the east side yard from 7’-0” to 6’-7” for the property located at 1071 Bellevue Drive, NE (the “Property”).

Background about the Property

The Property is zoned R-4 and is 7,945 square feet. The frontage is 50.09 feet. The existing Floor Area Ratio is 19% and the existing Lot Coverage is 39.5%. The existing house on the Property encroaches into the east side-yard setback 3 5/8”.

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-4 designated property. The Property is 7,945 square feet, which is 1,055 square feet less than the minimum lot size of 9,000 square feet.
 - The Property is narrower than the minimum frontage requirement set forth in the zoning ordinance for an R-4 designated property. The Property is 50.09 feet wide along Bellevue Drive, which is 19.91 feet less than the minimum frontage of 70 feet.
 - The existing house is non-conforming to the zoning ordinance with regard to the east side yard. The proposed new construction at the second story and rear will not increase the degree of non-conformity.
- (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 side yard setback. To disallow construction of a roof to occur in this area 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.

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VHUBS

- 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 side-yard setback 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-4 zoning classification are non-conforming with respect to the side-yard setback requirement. It may be safe to assume a small percentage of properties have a similar condition with an existing dwelling overstepping the side-yard setback.

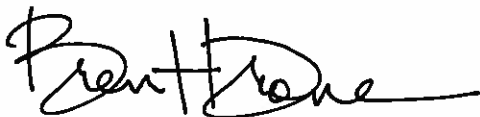
(4) The variance, if granted would not cause substantial detriment to the public good or impair the purpose and intent of the Code.

- The existing structure has been encroaching into the 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 Owners' house and the neighbor's house to the east will not change when 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 conforms to the City's requirement); 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 Gary & Sarah Rishel, and Applicant – Brent Drone respectfully request that the City grant the variance requested in this application.

Respectfully submitted,



Brent Drone

Date: 8/9/2014

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Re: Request for Variance by Gary & Sarah Rishel from a side-yard set-back requirement for 1071 Bellevue Drive, NE Atlanta, GA 30306.


To whom it may concern:

The undersigned are nearby property owners of 1071 Bellevue Drive, NE, (the "Property"). The owners of the Property, Gary & Sarah Rishel, have explained to us their plan to build a second story addition to their existing house and have shared architectural drawings that show their intentions. We are aware that the plans require them to obtain a variance from the set-back requirement as set forth in the City of Atlanta Zoning Ordinance. As indicated by our signatures below, we each approve and support the Rishel's request for a variance.

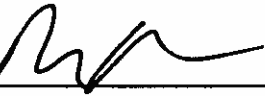
Name: Sally Hale
Address: 1076 Bellevue Dr NE, Atlanta, Ga 30306

Signature:  Date: 8/6/16


Name: Cathy Lepik
Address: 1079 Bellevue Dr. NE Atlanta GA 30306

Signature:  Date: 8.6.16

Name: Reese Porter
Address: 1075 Bellevue Drive NE 30306 Atlanta GA

Signature:  Date: 8/8/16

Name: HENRY VAUGHAN
Address: 1065 BELLEVUE DR. ATLANTA 30306

Signature:  Date: 8-8-16

Name:
Address:

Signature: _____ Date: _____

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V-16-213

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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, GARY RISHEL (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 1071 Belleview Dr. NE 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 Brent Drone

ADDRESS OF APPLICANT 555 ELMWOOD AVE NE
Atlanta GA. 30306

TELEPHONE NUMBER 404 680 9452

Gary Rishel
Signature of Owner

Personally Appeared Before Me
Gary Rishel

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 8/9/16



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V14-23

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, Sarah Rushel (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 1071 Bellevue Dr. NE 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 Brent Drone

ADDRESS OF APPLICANT 555 Elmwood Ave NE
Atlanta GA 30306

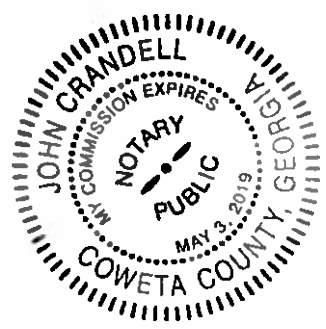
TELEPHONE NUMBER 404 680 9452

Sarah Rushel
Signature of Owner

Personally Appeared Before Me
Sarah Rushel

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 8/9/16



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

Application: V-16-213
Application Type: Planning/BZA/Variance/NA
Address: 1071 BELLEVUE DR NE, ATLANTA, GA 30306
Owner Name: PHAIL DIANE M
Owner Address:
Application Name:

PAID
CITY OF ATLANTA
AUG 09 2016
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR
CRH
1200

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
480939	1200	\$100.00	08/09/2016	BSIMMONS		

Owner Info.: PHAIL DIANE M

Work Description: variance

ZONING: R-4 SINGLE FAMILY RESIDENTIAL DISTRICT

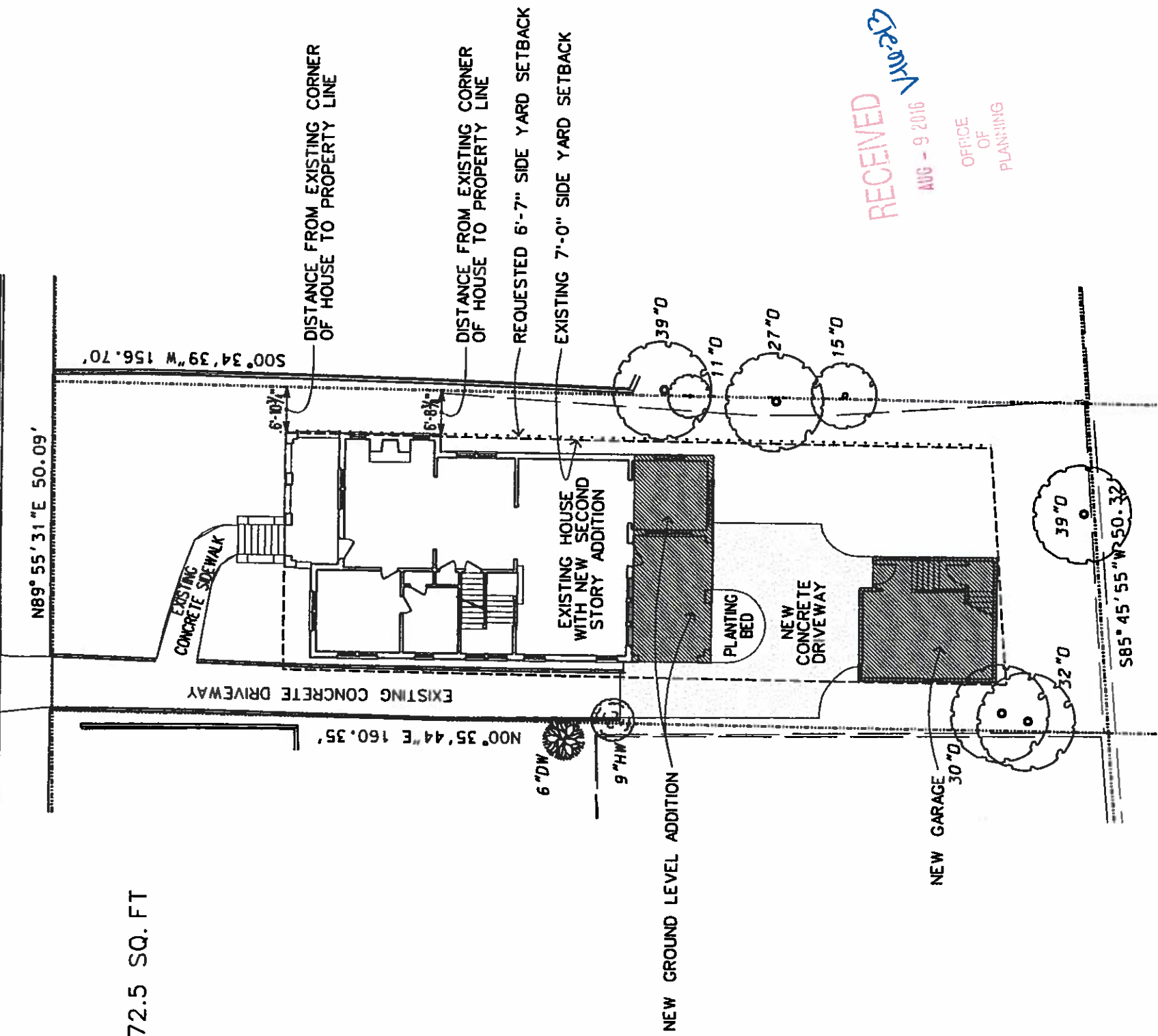
TOTAL LOT AREA: 7,945 SQ. FT

ALLOWABLE LOT COVERAGE: 7,945 SQ. FT x 0.50 = 3,972.5 SQ. FT

PROPOSED LOT COVERAGE:

DRIVEWAY & SIDEWALK:	2,127 SQ. FT
HOUSE:	1,455 SQ. FT
GARAGE:	387 SQ. FT
TOTAL:	3,969 SQ. FT

TOTAL PROPOSED LOT COVERAGE: 49.95%



↑ JOB NORTH
 1
 A-1
 1"=20'-0"
PROPOSED SITE PLAN

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 (Handwritten: V. K. 011)

ANTIQUITY
 ARCHITECTURE & DESIGN, LLC
 555 ELWOOD DRIVE, NE
 ATLANTA, GEORGIA 30306
 404-680-9452

1071 BELLEVUE DRIVE, NE
 ATLANTA, GA 30306
**RENOVATION & ADDITION
 TO THE RISHEL RESIDENCE**

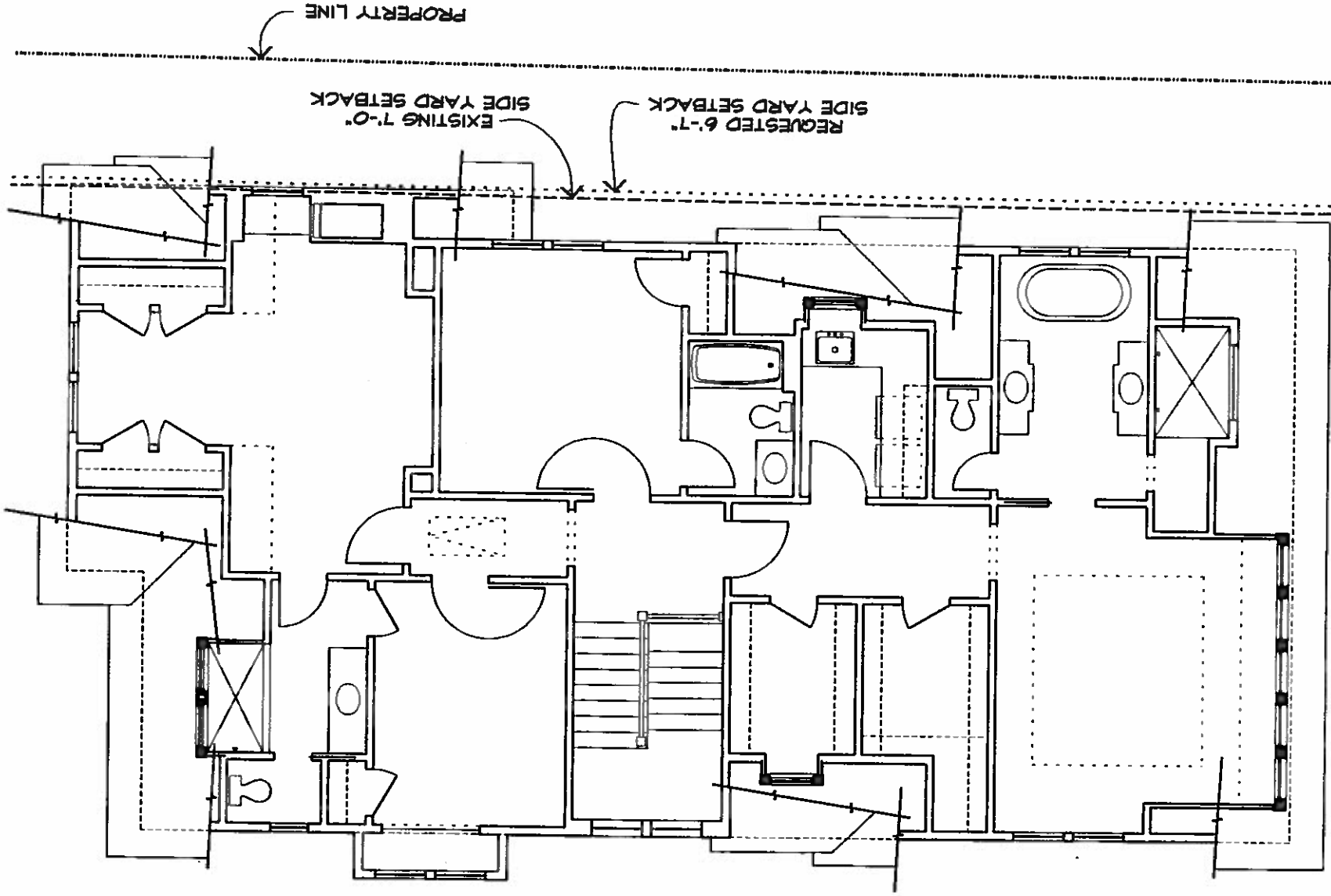
Date 5 AUGUST 2016

A-1

RENOVATION & ADDITION
TO THE RISHEL RESIDENCE

Date 5 AUGUST 2016

A-2

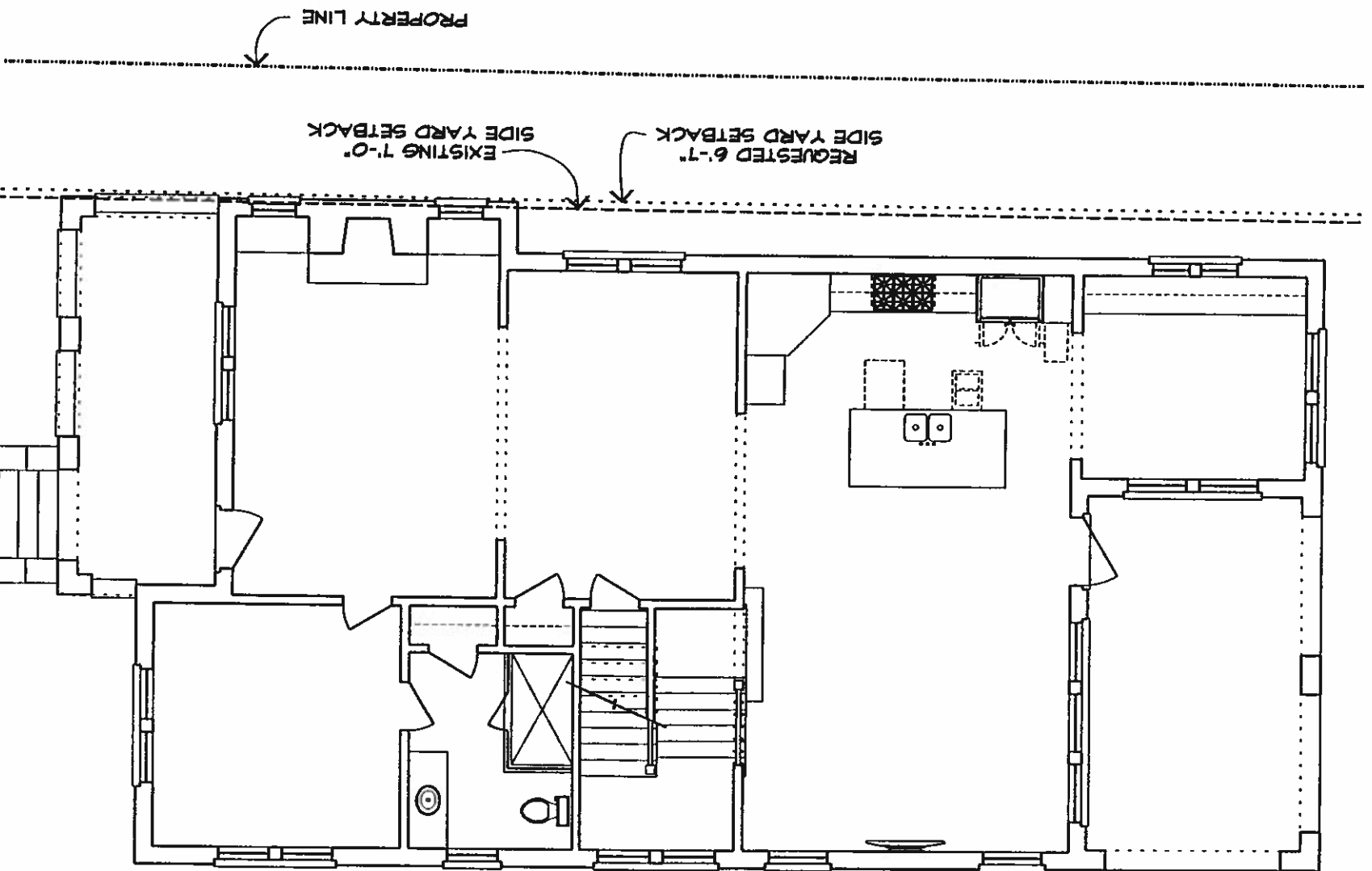


2 PROPOSED SECOND FLOOR PLAN

↑ JOB NORTH

2
A-2

1/8"=1'-0"



1 PROPOSED FIRST FLOOR PLAN

↑ JOB NORTH

1
A-2

1/8"=1'-0"

RENOVATION & ADDITION
TO THE RISHEL RESIDENCE

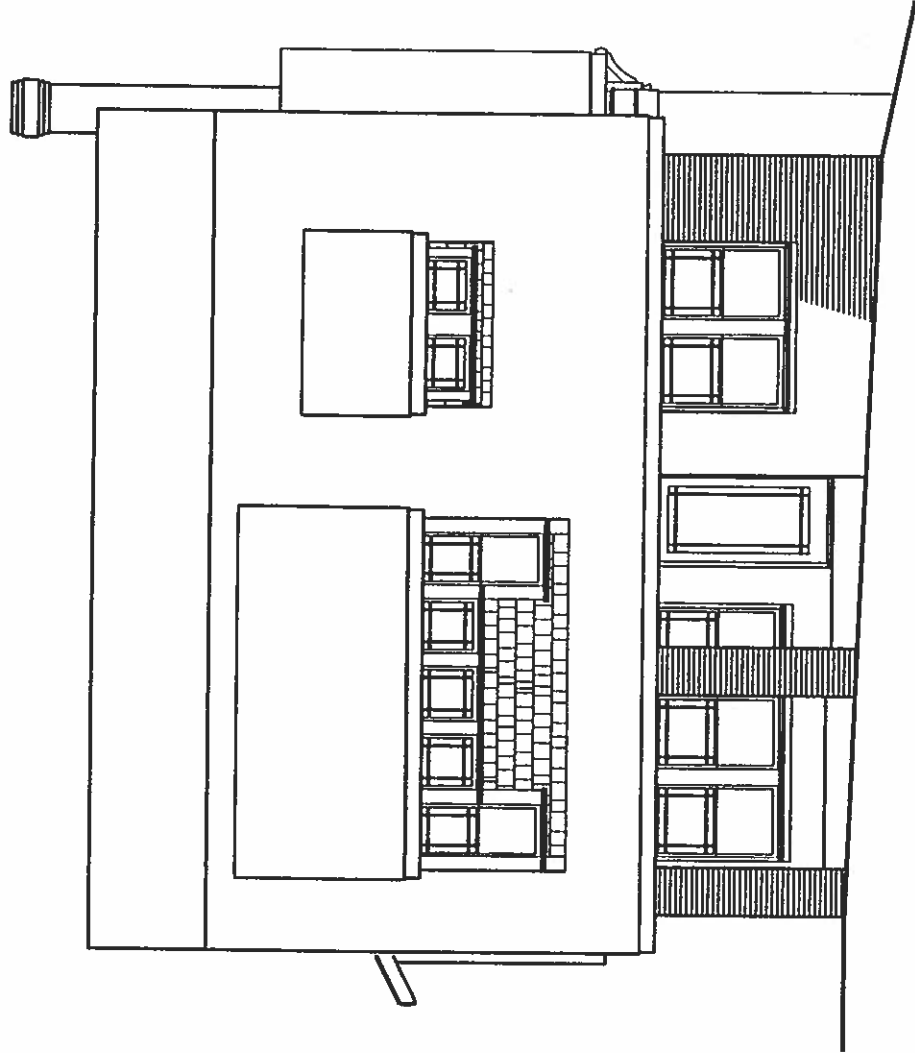
Date 5 AUGUST 2016

A-3



1 PROPOSED FRONT ELEVATION

A-3
1/8"=1'-0"



2 PROPOSED REAR ELEVATION

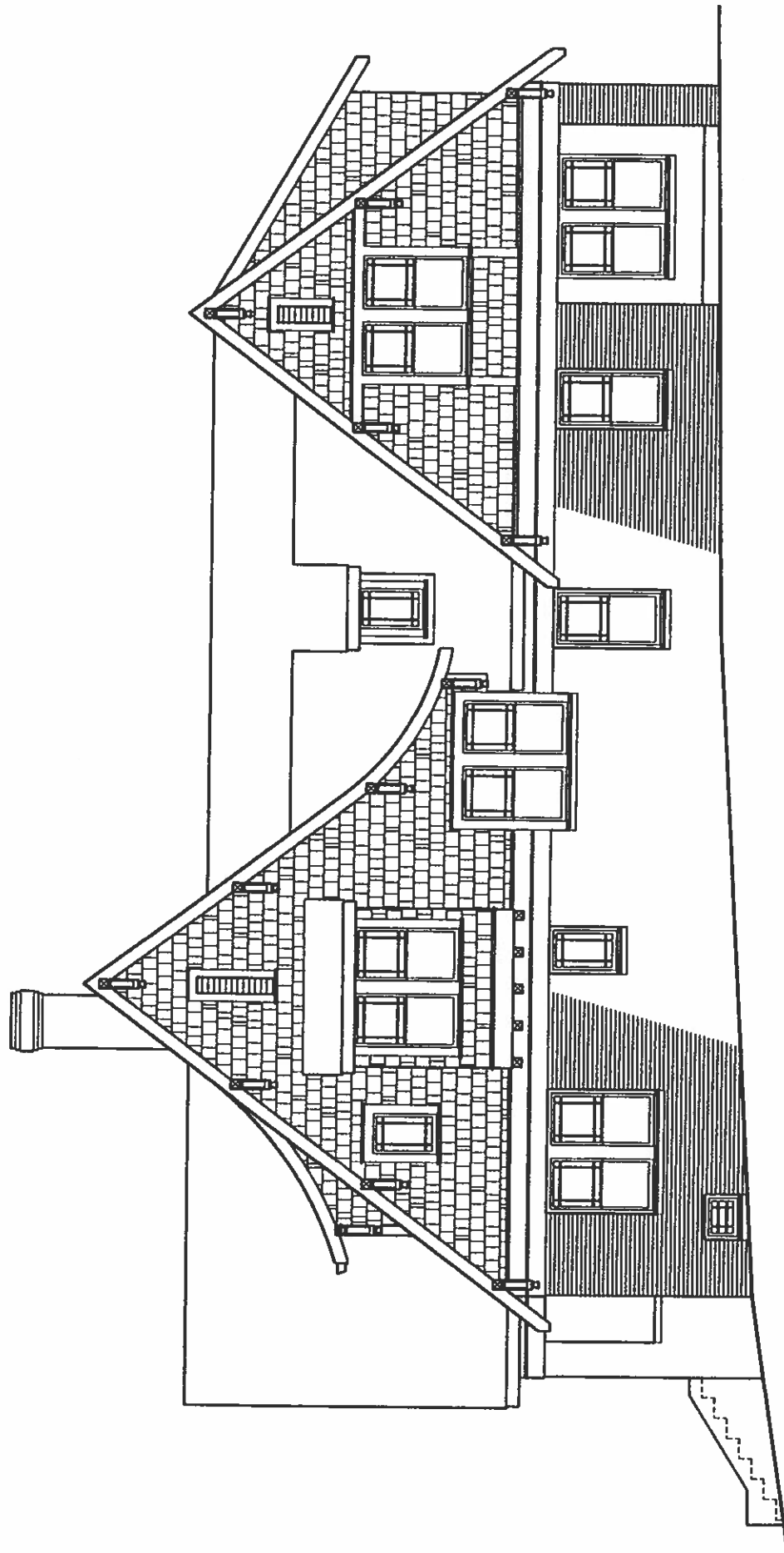
A-3
1/8"=1'-0"



RENOVATION & ADDITION
TO THE RISHEL RESIDENCE

Date 5 AUGUST 2016

A-4



PROPOSED RIGHT SIDE ELEVATION

1
A-4

1/8"=1'-0"

RENOVATION & ADDITION
TO THE RISHEL RESIDENCE

Date 5 AUGUST 2016

A-5



1 PROPOSED LEFT SIDE ELEVATION

A-5

1/8"=1'-0"