



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

APPLICATION #: **V-16-259**  
DATE ACCEPTED: **09/20/2016**

## NOTICE TO APPLICANT

Address of Property:  
**907 Plymouth RD NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, November 10, 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**

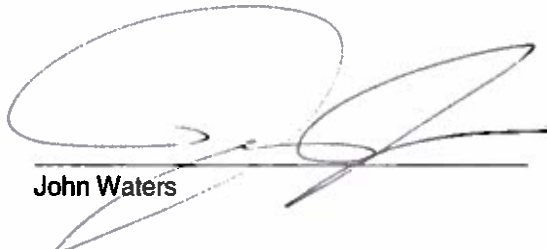
Contact info for adjacent NPUs is provided below if necessary:

**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,

  
\_\_\_\_\_  
Taylor Thompson  
for Director, Bureau of Planning

  
\_\_\_\_\_  
John Waters



# CITY OF ATLANTA

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



## REFERRAL CERTIFICATE

COUNCIL DISTRICT \_\_\_\_\_ APPLICATION NUMBER V-116-259

NPU \_\_\_\_\_ DATE FILED \_\_\_\_\_

1. Mr. John Waters  
Name of Applicant

### BUILDING PERMIT AUTHORIZING

New Accessory Structure

at 907 Plymouth RD NE 17<sup>th</sup>/3  
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 regulation to reduce the required eastern side yard setback from 7 feet to 3 feet in order to construct a new detached 2 story garage structure.

Applicant seeks no other variances at this time.

A Complete Plan Review Was Not Conducted

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)

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

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

[Signature]  
Plan Reviewer Date 9/13/16

[Signature]  
Applicant Date 9/13/16



# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Please mark "X" next to the type of application(s) you are submitting:

Variance	<input checked="" type="checkbox"/>
Special Exception	<input type="checkbox"/>
Variance & Special Exception	<input type="checkbox"/>

Date Filed 9/7/16

Application Number V-116-259

Name of Applicant JOHN WATERS (JAY) Daytime Phone 404.545.1601

Company Name (if applicable) WATERS ARCHITECTURE email ~~john@waters~~ Jay@waters  
ARCHITECTURE.COM

Address 3360 HIDDEN ACRES DR ATLANTA GA 30340  
street city state zip code

Name of Property Owner SEAN & CATHERINE HOUGH Phone 678-481-0455

Address 907 PLYMOUTH ROAD ATLANTA GA 30306  
street city state zip code

### Description of Property

Address of Property 907 PLYMOUTH ROAD ATLANTA GA 30306  
street city state zip code

0.516 ACRES

Area: ~~1.5~~ Land Lot: 3 District: 17TH, FULTON County, GA.

Property is zoned: R-3, Council District: \_\_\_\_\_, Neighborhood Planning Unit (NPU): \_\_\_\_\_

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 a Variance or Special Exception.

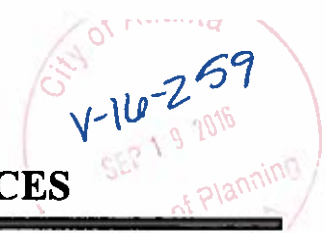
I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Phyllis R Swint  
NOTARY PUBLIC  
Clayton County, GEORGIA  
My Commission Expires  
October 6, 2017

Owner or Agent for Owner (Applicant)  
JOHN WATERS  
Print Name of Owner

Sworn To And Subscribed Before Me This 6 Day Of SEP, 2016.

NOTARY PUBLIC



## SUMMARY & JUSTIFICATION FOR VARIANCES

**Directions:** Complete responses must be provided for ALL questions. Incomplete applications will not be accepted. The space below may be utilized or responses may be submitted as a separate attachment. Specific criteria for Board approval of variances may be found on page 7. The justification must address these criteria. Please submit a typewritten or legible justification.

State whether the property described in this application is subject to a pending application or ordinance for a Rezoning or Special Use Permit. \_\_\_ YES X NO. (If yes, the variance/special exception request will be rescheduled to a hearing following the final approval by City Council & the Mayor.)

**Summary of proposed construction changes to buildings or site (shall not replace submittal of written criteria).** (Examples: "Convert a 100' x 200' retail space into a restaurant." "Install a 6-foot high opaque wooden wall ('privacy fence' with 6-foot high opaque wall gates.").

CONVERT AN EXISTING CONCRETE PARKING PAD INTO A DATCHED 2 CAR GARAGE.

**Proposed Lot Coverage (After Construction):** Calculate total amount of lot coverage on entire property, after completion of proposed construction, including existing and proposed buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything except natural planted or undisturbed areas.

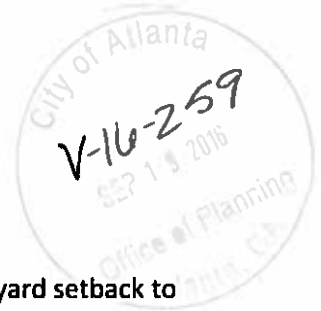
5,002 covered square feet / 24,492 total lot square feet = 22.2% proposed lot coverage

50 % maximum allowed lot coverage

**Variance Criteria (see page 6 for detailed criteria):**

- 1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)? \_\_\_\_\_  
\_\_\_\_\_
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? \_\_\_\_\_  
\_\_\_\_\_
- 3) What conditions are peculiar to this particular piece of property? \_\_\_\_\_  
\_\_\_\_\_
- 4) Submit facts to show that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta. \_\_\_\_\_  
\_\_\_\_\_

## **JUSTIFICATION FOR VARIANCE REQUEST**



### *Variance Request*

This variance application serves as a request for a reduction to the East side yard setback to construct a new 1 1/2 story detached garage. We would like to reduce the required 7'-0" side setback to 3'-0" (see architectural site plan). We are asking that we be allowed to construct a new detached garage addition over/near an existing concrete parking pad due to property hardship.

### *Extraordinary/Exceptional (Hardship) Property Conditions*

The primary reasons for the need for a reduction of this side yard setback are per the following:

1. allow proper storm water drainage away from the home (not towards the home),
2. allow the residence (which has a growing family) a safe and secure area for their children to play and explore.

Currently due to the extreme topography the existing driveway sheds stormwater directly towards the home. The proposed new driveway and detached garage will help direct and collect storm water in near by drains, in turn will direct its way around the home safely instead of towards the residence.

### *Uniqueness of Property Compared to Surrounding Properties*

The home is located within several beautiful single family homes that have more uniform topography which allows for easier expansion of garage additions (or detached garage). Due to the extreme topography conditions we are limited in our detached garage placement. Attempting to make use of an area that already has an existing parking pad, this helps us limit our reduction in impervious surfaces as well as the natural environment (for us as well as our neighbors). If our placement per the garage were to be in any other location we could be affecting/removing more trees (and neighboring trees) along with adding more impervious surfaces which again we are attempting to minimize any storm water run-off (espically not trying to add to an already overwhelmed storm-water city system).

### *No Cause of Impairment to Surrounding Properties*

As outlined in the site plan, and in looking at placement of structures on surrounding properties, the creation of the detached garage will not detract from the use/enjoyment of such properties. In fact, we believe the surrounding properties will benefit from the project. As designed, the detached garage will allow for us to keep the secure play space in the rear yard for our growing family while preserving all existing trees and plant life already developed around the property. All things considered, the project will transform our property into one of desirability for years to come. And while this is our "forever house", should there ever be a need to sell in the future, the project will significantly enhance the market addition, which will benefit the neighborhood as a whole.

NOTIFICATION OF CONTIGUOUS OCCUPANTS OR  
LAND OWNERS TO ACCOMPANY APPLICATION  
FOR VARIANCE



Date: 2016.09.02

Michael Friedman  
915 Plymouth Road  
Atlanta, Georgia 30306

Dear ,

We are making an application to the Atlanta Zoning Board of Appeals for an "Variance" which we need in order to construct a detached garage to our single family residence.

Since your property is close to ours, we wanted to let you know of our application so that you could provide the Zoning Board with any comments, should you so desire.

Enclosed is a copy of our application materials, which we submitted to the Zoning Board, for your reference. If you do not have any objection to our request, we would appreciate your signing the "consent" at the bottom of this letter and returning it to us.

Naturally, in the event that you have any questions, please feel free to get in touch with Jay Waters (our Architect) at the following number: 404.545.1601.

Very truly yours,

Sean and Catherine Hough  
907 Plymouth Road  
Atlanta, Georgia 30306

We consent to the application \_\_\_\_\_

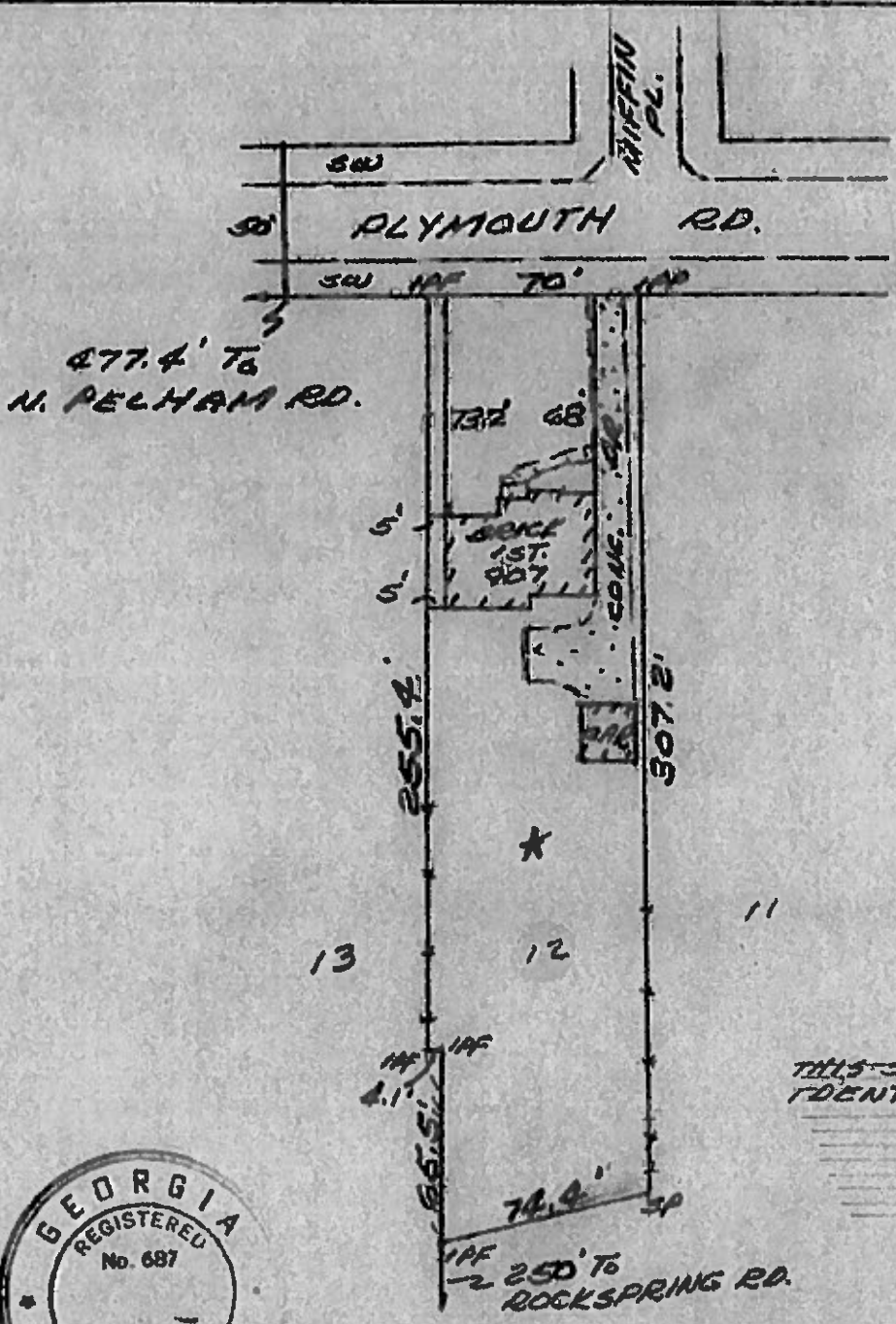
Name Michael Friedman

915 Plymouth Rd

Address \_\_\_\_\_

9/5/16

Date \_\_\_\_\_



THIS SURVEY IS NOT IN A HUD IDENTIFIED FLOOD PLAIN AREA.



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

*E. L. Chapman*

GA. REGISTERED LAND SURVEYOR # 687  
MEMBER GA. ASSOCIATION OF REGISTERED LAND SURVEYORS.

**PLAT OF PROPERTY OF**  
**DAVID G. FISHER**  
**IN LAND LOT 3-17 TH. DIST.**  
**FULTON CO., GA.**  
**PART OF LOT 12,**  
**MARY E. SMITH SUBD.**

E. L. Chapman, Reg. Surveyor No. 687  
Date: JAN. 5, 1981  
Scale: 1" = 60'

DWG. No. 811

**JOINT TENANCY WITH SURVIVORSHIP  
WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF FULTON**

**RAHALL & ASSOCIATES, PC**  
67 LENOX POINT N.E.  
ATLANTA, GEORGIA, FULTON COUNTY, GA 30324  
Filed and Recorded  
04/21/1997 04:30A  
JUNITH NICKS  
Clerk, Superior Ct

This indenture made this 4th day of April, in the year one thousand Nine Hundred Ninety-Seven, between PAULA S. PROPST and , of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and JULIE SADLER POWELL and JUDSON W. POWELL and , as joint tenants with the right of survivorship, not as tenants in common, as 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, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 3, 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING PART OF LOT 12 OF THE MARY E. SMITH PROPERTY, ACCORDING TO PLAT RECORDED AT PLAT BOOK 13, PAGE 52, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTH SIDE OF PLYMOUTH ROAD 477.4 FEET EAST OF PELHAM ROAD (SAID POINT BEING AT THE NORTHEAST CORNER OF LOT 13 OF SAID PROPERTY); RUNNING THENCE EAST ALONG THE SOUTH SIDE OF PLYMOUTH ROAD SOUTH 89 DEGREES 12 MINUTES 23 SECONDS EAST 70.05 FEET TO AN IRON PIN AT THE NORTHWEST CORNER OF LOT 11 OF SAID PROPERTY; RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 11, SOUTH 00 DEGREES 53 MINUTES 41 SECONDS EAST 306.81 FEET TO A CRIMP TOP PIPE; RUNNING THENCE SOUTH 80 DEGREES 24 MINUTES 47 SECONDS WEST 74.40 FEET TO AN IRON PIN SET; RUNNING THENCE NORTH PARTLY ALONG THE LINE OF A STONE WALL NORTH 02 DEGREES 17 MINUTES 22 SECONDS EAST 85.50 FEET TO A CRIMP TOP PIPE; THENCE WEST ALONG THE NORTH LINE OF THE STONE WALL NORTH 88 DEGREES 37 MINUTES 38 SECONDS WEST 3.78 FEET TO AN OPEN TOP PIPE ON THE EAST LINE OF LOT 13; RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID LOT 13, NORTH 00 DEGREES 04 MINUTES 29 SECONDS WEST 284.60 FEET TO AN IRON PIN LOCATED ON THE SOUTH SIDE OF PLYMOUTH ROAD; BEING IMPROVED PROPERTY HAVING A HOUSE THEREON KNOWN AS 907 PLYMOUTH ROAD, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA, GEORGIA, ALL ACCORDING TO SURVEY PREPARED BY SURVEY SYSTEMS AND ASSOCIATES, INC. DATED MARCH 30, 1987 RECORDED IN PLAT BOOK 13, PAGE 52, FULTON COUNTY RECORDS AND BEING THE SAME PROPERTY DESCRIBED IN DEED RECORDED AT DEED BOOK 10145 PAGE 19, FULTON COUNTY RECORDS.**

**THIS CONVEYANCE** is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

**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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FREE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

**THIS CONVEYANCE** is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

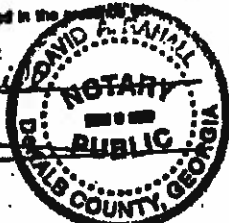
**AND THE SAID Grantor** will warrant and forever defend the right and title to the above described property unto the said Grantees against the claims of all persons whomsoever.

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

BK 22463 PG 267

Signed, sealed and delivered in the presence of

*Julie Sadler Powell*  
Witness  
*Judson W. Powell*  
My commission expires:



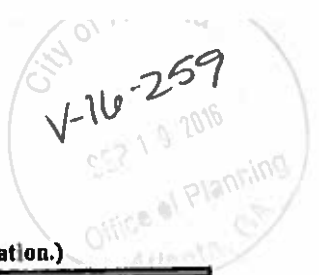
Notary Public, Fulton County, Georgia  
My Commission Expires October 8, 1998

*Paula S. Propst* (Seal)  
PAULA S. PROPST  
Fulton County, Georgia  
Real Estate Transfer Tax (Seal)  
Paid \$0.00  
Date 04/21/1997  
Junith Nicks  
Clerk, Superior Court (Seal)  
My duty expires:

Vertical text on the left margin: "FULTON Deed Book 22463 Page 267" and other document tracking information.

1





# AUTHORIZATION BY PROPERTY OWNER

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

(Please Print Clearly)

I, Sean Hough (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 907 Plymouth Rd. (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 FILE THIS APPLICATION AS MY AGENT.

**NAME OF APPLICANT:**

LAST NAME Waters FIRST NAME Jay  
ADDRESS 3360 Hidden Acres Drive SUITE \_\_\_\_\_  
CITY Atlanta STATE GA ZIP CODE 30340

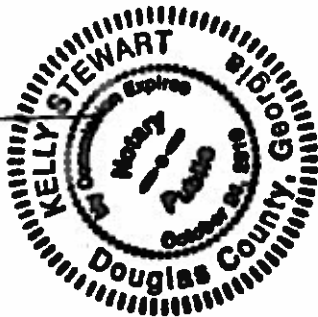
OWNER'S TELEPHONE NUMBER: 770-364-0613

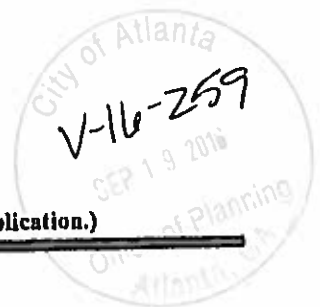
[Signature]  
SIGNATURE OF OWNER

Sean Hough  
PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Kelly Stewart  
NOTARY PUBLIC  
September 6, 2016  
DATE





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(Please Print Clearly)

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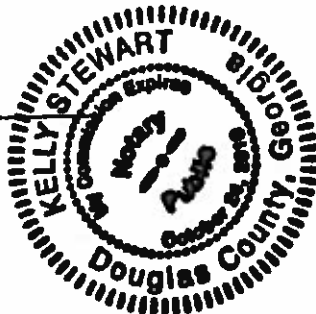
OWNER'S TELEPHONE NUMBER: 770-364-0613

[Signature]  
SIGNATURE OF OWNER

Sean Hough  
PRINT NAME OF OWNER

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Kelly Stewart  
NOTARY PUBLIC  
September 6, 2016  
DATE



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

9/20/2016  
Merchant ID:  
Terminal ID:  
64191133992

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CREDIT CARD  
VISA SALE

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ZA/Variance/NA  
OUTH RD NE, ATLANTA, GA 30306  
LULIE S & JUDSON W

PAID  
CITY OF ATLANTA  
SEP 20 2016

EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

ALE AMOUNT

\$100.00

Payment Date	Cashier ID	Received	Comments
9/20/2016	BSIMMONS		

CUSTOMER COPY

eastern side yard setback from 7 ft to 3 ft in order to  
y garage structure