



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

APPLICATION #: **V-16-260**  
DATE ACCEPTED: **09/20/2016**

## NOTICE TO APPLICANT

Address of Property:  
**797 Greenwood AVE 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

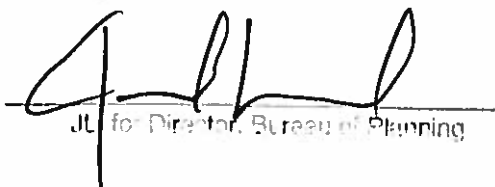
**Charles Nabone**  
**404-376-3230**  
**zoning@cityofatlanta.org**

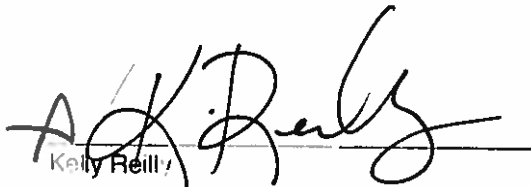
Contact info for adjacent NPUs is provided below if necessary:

**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:

  
JL for Director, Bureau of Planning

  
Kelly Reilly



# CITY OF ATLANTA

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



## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-16-260

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

1. Kelly Reilly  
Name of Applicant

## BUILDING PERMIT AUTHORIZING

Construction of a new single family dwelling.

at 797 Greenwood Ave NE 14th / 17  
Street Address Quadrant District & Land Lot

to be used for Residential purposes

The property is zoned RG-2/BL District

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

Applicant seeks a variance from the zoning regulations to reduce the required front yard setback from 40 feet to 18 feet 10 inches. Applicant seeks a variance to reduce the required half-depth front yard from 20 feet to 7 feet 11 inches. Also, applicant seeks a variance to reduce the required side yard set back from 7 feet to 6 feet 10 inches. Applicant seeks no other variances at this time.

## 1982 ZONING ORDINANCE, AS AMENDED

Chapter 8 Section 16-08.008 Paragraph (1)

Chapter 28 Section 16-28.007 Paragraph (5) (b)

Chapter 28 Section 16-28.011 Paragraph (5) (e) b

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

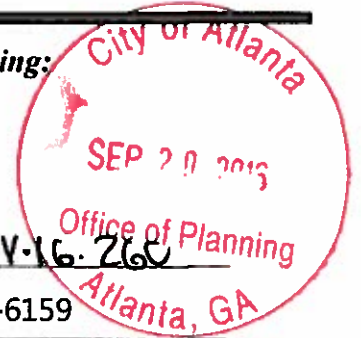
[Signature] 9/20/16  
Plan Reviewer B.P Date

[Signature] 9/20/16  
Applicant Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	X
Special Exception	
Variance & Special Exception	



Date Filed 09/20/16

Application Number V-16-260

Name of Applicant Kelly Reilly

Daytime Phone 678-596-6159

Company Name (if applicable) Wright Gardner Architect email kelly@wrightgardnerarchitect.com

Address 154 Krog Street NE, Suite 125 Atlanta GA 30307  
street city state zip code

Name of Property Owner Liberty Spring Homes Phone 678-654-4666

Address 820 Marseilles Drive Atlanta GA 30327  
street city state zip code

**Description of Property**

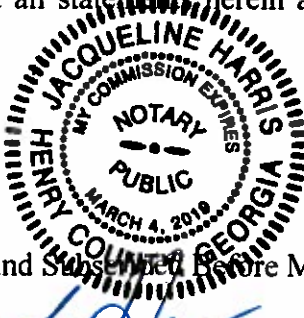
Address of Property 797 Greenwood Avenue NE Atlanta GA 30306  
street city state zip code

Area: 0.115 acres / 5,009 sf Land Lot: 17 District: 14th, Fulton County, GA.

Property is zoned: RG-2, Council District: 6th, Neighborhood Planning Unit (NPU): 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 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.



Owner or Agent for Owner (Applicant)  
Kelly Reilly  
 Print Name of Owner

Sworn To And Subscribed Before Me This 20 Day Of 9, 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.

V-16-260

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

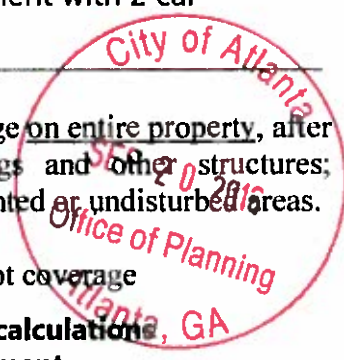
**Summary of proposed construction changes to buildings or site (shall not replace submittal of written criteria).** (Examples: "Convert a 100' x 200' retail space into a restaurant." "Install a 6-foot high opaque wooden wall ('privacy fence' with 6-foot high opaque wall gates.").

Construct a new 3,252 SF residence with two main living levels and a basement with 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.

\_\_\_\_\_ covered square feet / \_\_\_\_\_ total lot square feet = \_\_\_\_\_ % proposed lot coverage  
\_\_\_\_\_ % maximum allowed lot coverage

**NOTE: Full FAR, TOSR & UOSR calculations provided on the attached document**



**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)? **see attached document**  
\_\_\_\_\_  
\_\_\_\_\_
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? **see attached document**  
\_\_\_\_\_  
\_\_\_\_\_
- 3) What conditions are peculiar to this particular piece of property? **see attached document**  
\_\_\_\_\_  
\_\_\_\_\_
- 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. **see attached document**  
\_\_\_\_\_  
\_\_\_\_\_

September 19, 2016

**Re: 797 Greenwood Avenue Justification Letter**

V-16260

The following setback variances are requested to allow the owner of the property to build a new residence in following the precedent of the existing foundation from a previous home that was on the property. Originally the property owner intended to renovate and add a second level to the existing structure however extensive fire and termite damage was uncovered that rendered the home unsafe for renovation and therefore required demolition down to the foundation. See existing conditions survey for precedent dimensions.

Requested Setback Variances:

- Reduce the front yard setback from 40 feet per ~~R69~~<sup>R62</sup> zoning ordinance to 18'-9.6"
- Reduce the side yard setback from 7 feet minimum per ~~R69~~<sup>R62</sup> zoning ordinance to 6'-9.6"
- Reduce the half depth front yard setback from 20 feet per ~~R69~~<sup>R62</sup> zoning ordinance to 7'-10.8"



**LAND USE INTENSITY CALCULATIONS for RG-2 ZONING**

Gross Land Area = Net Lot area + ½ adjacent street and sidewalks  
 = 5,009 SF + 4,336 SF  
 = 9,345 SF

**Required:**

FAR = .348 x 9,345 SF = 3,252 SF  
 TOSR = .73 x 9,345 SF = 6,822 SF  
 UOSR = .45 x 9,345 SF = 4,205 SF

**Provided:**

FAR = 3,252 SF  
 TOSR = 7,499 SF  
 UOSR = 4,449 SF



**VARIANCE JUSTIFICATION**

**1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)?**

Being a corner lot with only 50' of width results in a narrow buildable footprint following prescriptive setbacks (7' side yard + 20' half depth front yard = 23' buildable width). This condition is exacerbated by the 100' lot depth once prescriptive setbacks are enforced (7' rear yard + 40' front yard = 53' buildable depth).

**2. How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?**

In order to build a home with the maximum allowable building area (3,252 SF) within the prescriptive setbacks would require the owner to build a third level above grade. This additional floor would add costs to the buildout and be less accessible to an aging homeowner with mobility concerns.

**3. What conditions are peculiar to this particular piece of property?**

Per the existing conditions survey the previous home on the property was built within the modern day setbacks. The original intent of the property owner was to renovate and build an addition to that existing footprint, however extensive fire damage and termite infestation was discovered that ultimately lead to the demolition of the home down to the existing foundation.

**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.**

The variances requested are to maintain the setbacks between the property line and the line of the existing foundation but with new construction. These relationships between the home, the adjacent streets and adjacent properties are all compatible with existing conditions in the immediate neighborhood and therefore would cause no detriments



# 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, Michael Jenkins (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 797 Greenwood Avenue 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 FILE THIS APPLICATION AS MY AGENT.



**NAME OF APPLICANT:**

LAST NAME Reilly FIRST NAME Kelly  
ADDRESS 154 Krog St NE SUITE 125  
CITY Atlanta STATE GA ZIP CODE 30307

V-16  
-260

OWNER'S TELEPHONE NUMBER: 678 654 4666

SIGNATURE OF OWNER

Michael Jenkins

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.

NOTARY PUBLIC

9/19/2016

DATE

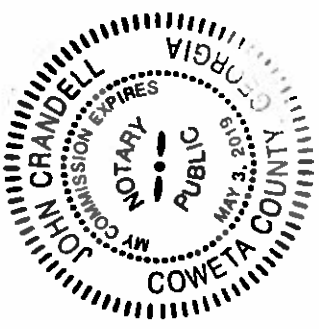
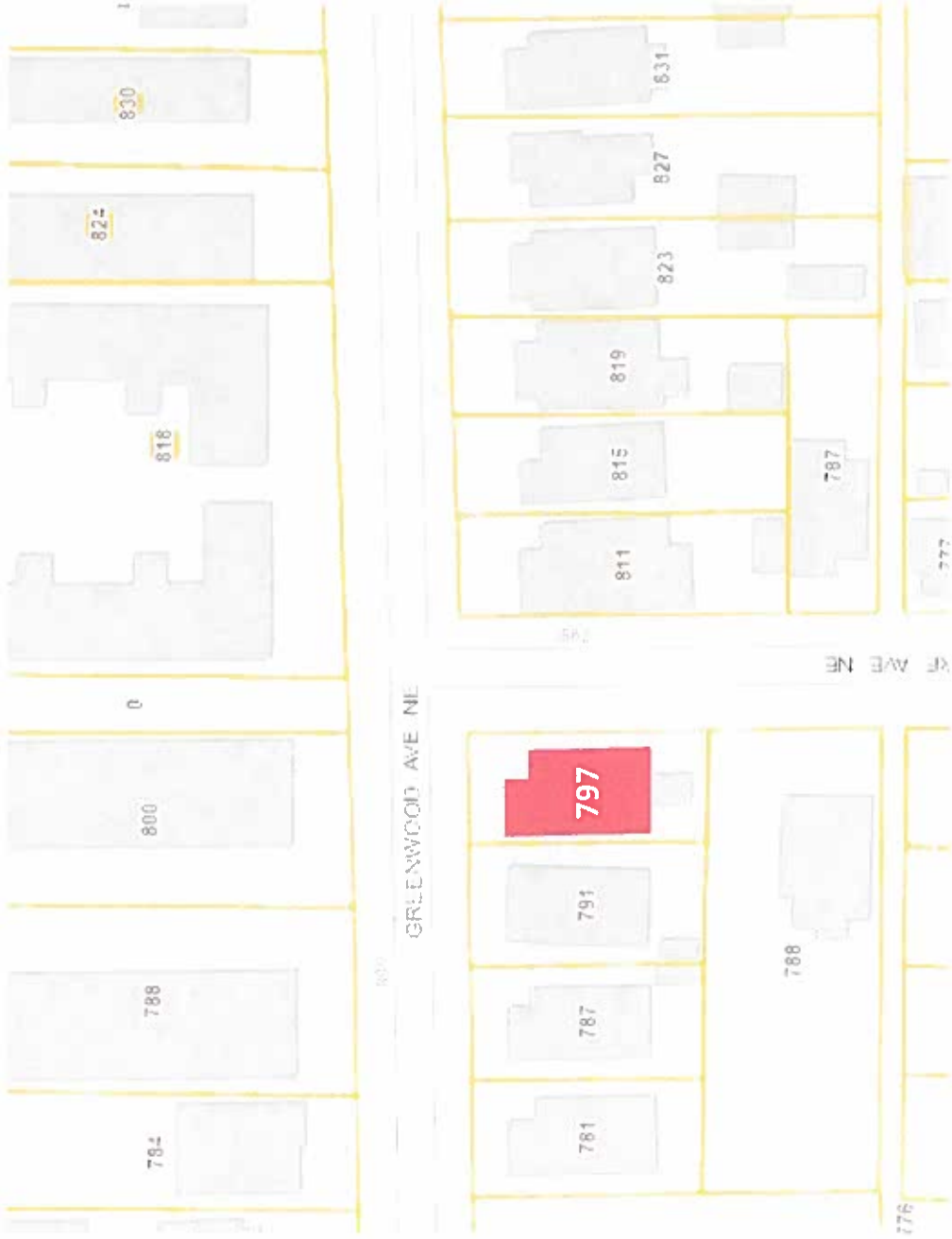


diagram showing compatibility of existing structure footprint with surrounding single family homes



V-16-260





other homes on  
the street with  
similar front yard  
depth

existing  
foundation of 797  
Greenwood  
Avenue

V-16  
260

RECEIPT

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

PAID  
CITY OF ATLANTA  
SEP 20 2016

EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

Visa

Application: V-16-260  
Application Type: Planning/BZA/Variance/NA  
Address: 797 GREENWOOD AVE NE, ATLANTA, GA 30306  
Owner Name: FRATES EDWARD  
Owner Address:  
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
487049						
Credit Card		\$500.00	09/20/2016	BSIMMONS		
Cash		\$500.00	09/20/2016	RGOODMAN		

Owner Info.: FRATES EDWARD

Work Description: Reduction of front yard from 40' to 18' 10"; reduction of 1/2 depth front yard from 20' to 7' 11"; reduction of side yard from 7' to 6' 10"

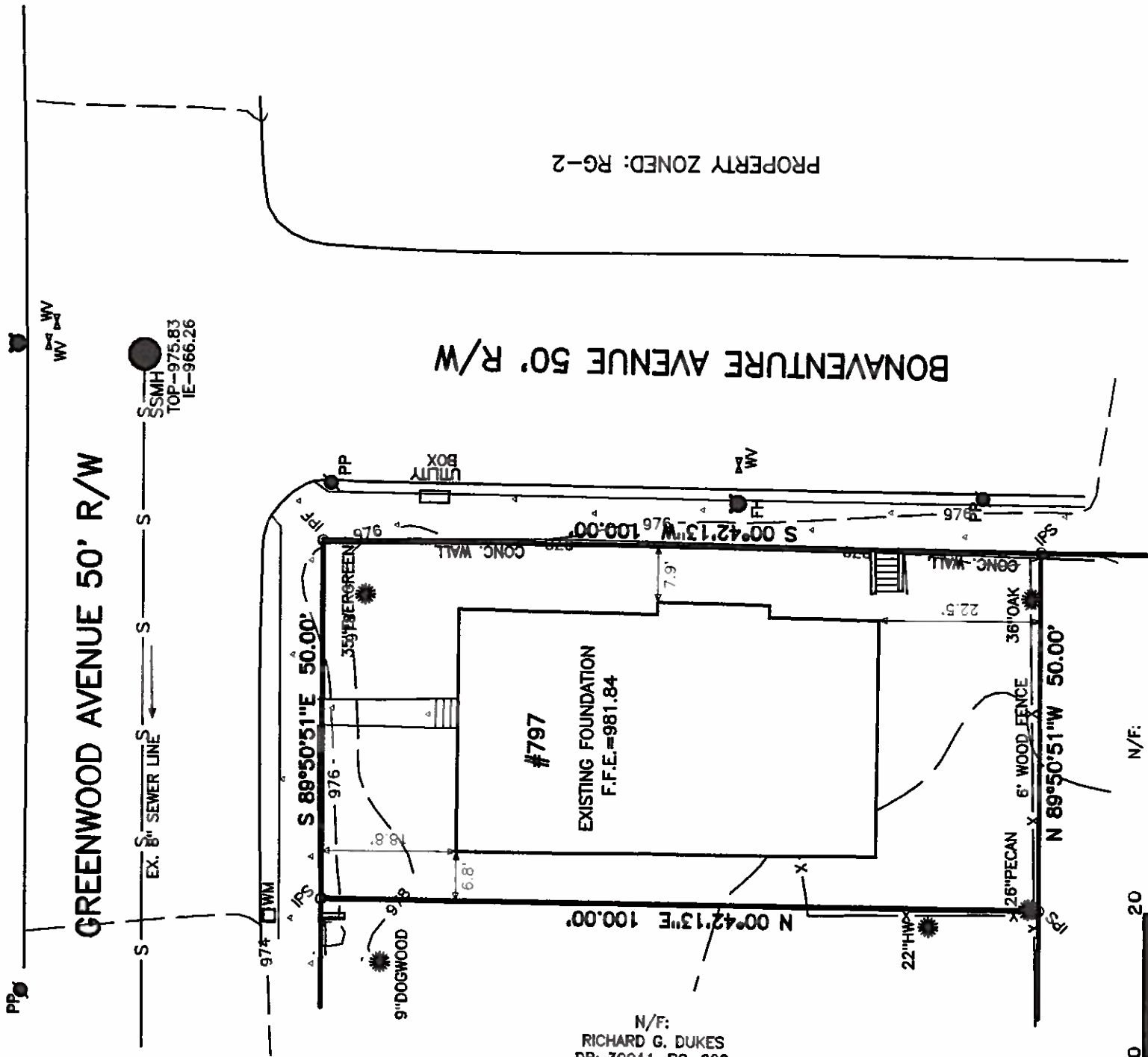


The field data upon which this plat is based has a closure precision of one foot in 15,000+ feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000+ feet.

Equipment used: Topcon GTS-213 Total Station.

In my opinion this property is not in a flood hazard area as per F.I.R.M Flood Hazard Map of Fulton County, Georgia  
Community Panel Number 13121C 0263 G  
Effective Date 09/18/13  
Revision Date

**GREENWOOD AVENUE 50' R/W**



N/F:  
RICHARD G. DUKES  
DB: 39911, PG: 602



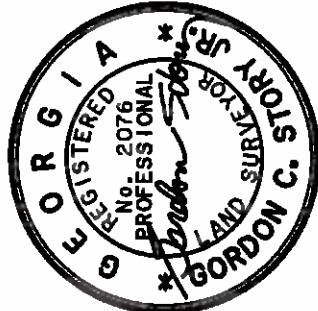
N/F:  
MARVIN P. FORRESTER

PROPERTY ZONED: RG-2

**BONAVENTURE AVENUE 50' R/W**

**LEGEND**

- IPF = 1/2" REBAR FOUND
- IPS = 1/2" REBAR PIN SET
- LL = LAND LOT
- LLL = LAND LOT LINE
- P.L = PROPERTY LINE
- CL = CENTERLINE
- B.L = BUILDING LINE
- R/W = RIGHT-OF-WAY
- S.S.E. = SANITARY SEWER EASEMENT
- D.E. = DRAINAGE EASEMENT
- MH = MANHOLE
- C.B. = CATCH BASIN
- J.B. = JUNCTION BOX
- HW = HEADWALL
- D.I. = DROP INLET
- PP = POWER/UTILITY POLE
- F.H. = FIRE HYDRANT
- I.E. = INVERT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- F.F.B. = FINISHED FLOOR BASEMENT
- F.F.G. = FINISHED FLOOR GARAGE
- BOC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- N/F = NOW OR FORMERLY
- P.O.B. = POINT OF BEGINNING
- SS = SANITARY SEWER LINE/PIPE
- X-X-X = FENCE LINE
- O = FLOOD HAZARD ZONE LINE
- W = STORM SEWER LINE/PIPE
- W = WATER LINE
- G = GAS LINE
- CM = CONCRETE MONUMENT
- C.E. = CONSTRUCTION EASEMENT
- C&G = CURB AND GUTTER
- LS = LIGHT STANDARD
- OTP = OPEN TOP PIPE FOUND
- CIP = CRIMP TOP PIPE FOUND
- WD = WOOD DECK
- CO = CLEAN OUT



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. 15-6-67



V-6-260

<b>ALPHA LAND SERVICES</b> 1005 ECHO VALLEY COURT LOGANVILLE, GA. 30052 <b>ENGINEERING • LAND SURVEYING</b> OFF: 770.698.4054 EMAIL: ROBERT.ALPHAS@GMAIL.COM		SURVEY FOR: <b>797 GREENWOOD AVENUE</b> TAX PARCEL #14001700080152	
REVISION:	LAND LOT: 17	LOT: 17	BLOCK:
	DISTRICT: FULTON	14TH	SUB:
	GEORGIA	COUNTY	
REF. PLAT: PB. P.	FIELD DATE: 09/08/16	AREA = 0.115 ACRES	
	PLAT DATE: 09/09/16	JOB No. 16-09-300	

**LAND USE INTENSITY CALCULATIONS for RG-2 ZONING**

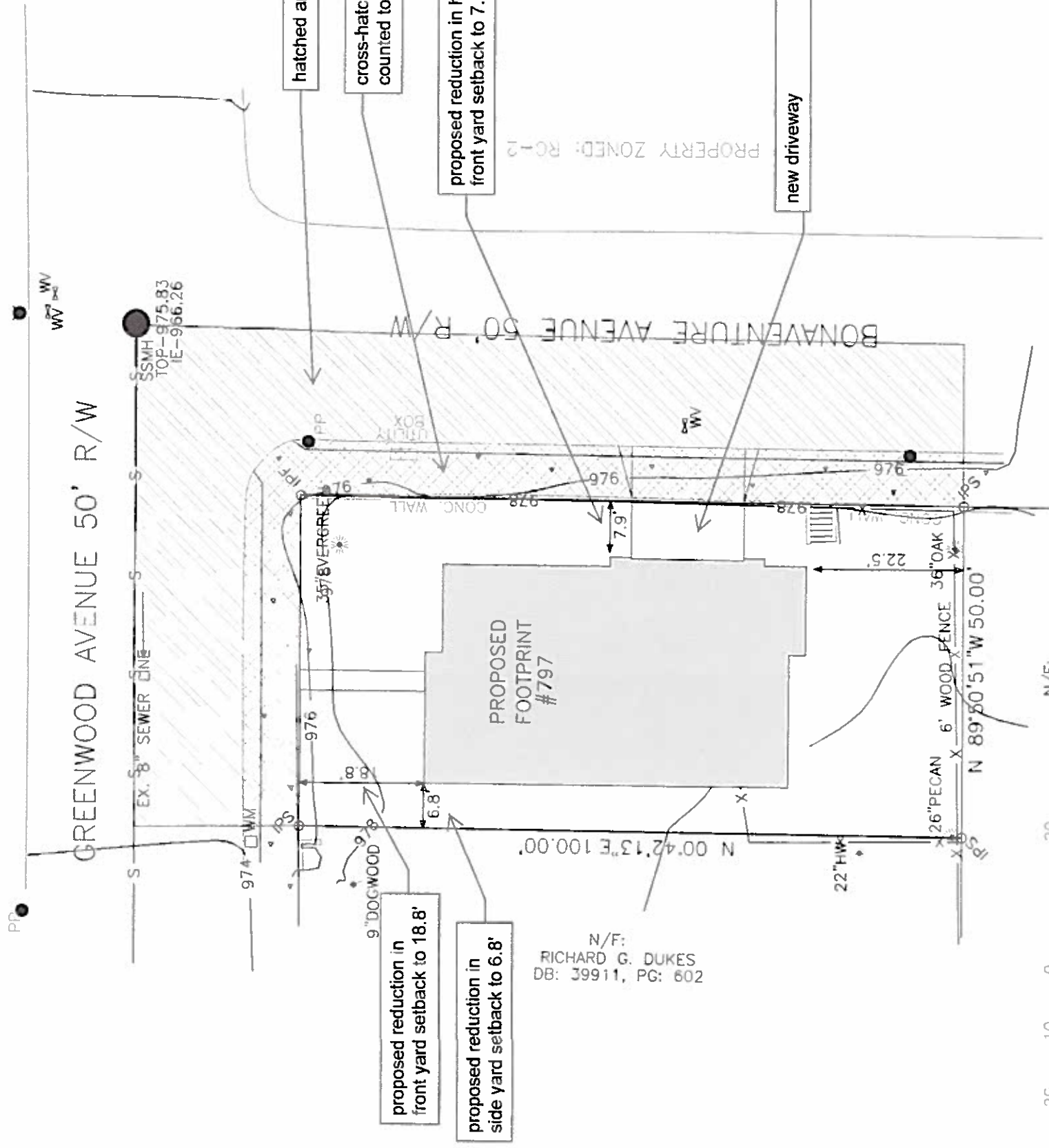
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**Provided:**

FAR = 3,252 SF  
 TOSR = 7,499 SF  
 UOSR = 4,449 SF



proposed reduction in front yard setback to 18.8'

proposed reduction in side yard setback to 6.8'

hatched area indicates sidewalk and 1/2 road width = 4,336 SF

cross-hatched area indicates landscaping and sidewalk zone counted towards UOSR = 1,286 SF

proposed reduction in half depth front yard setback to 7.9'

new driveway

PROPERTY ZONED: RC-2

N/F:  
 RICHARD G. DUKES  
 DB: 39911, PG: 602



N/F:  
 MARVIN P. FORRESTER

V-1b-260



797 greenwood avenue ne - proposed site plan  
 09/20/16