

NOTICE TO APPLICANT

Address of Property: 1705 Merton RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, December 1, 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,

RG, for Director, Bureau of Planning

April Marham

APPLICATION #: V-16-269

DATE ACCEPTED: 09/27/2016



CITY OF ATLANTA

Office of Buildings - Zoning Division 55 TRINITY AVENUE, SUITE 3900 Atlanta, Georgia 30303 404-330-6175 SEP 2.7 2019
Office of Planning

REFERRAL CERTIFICATE

COUNCIL DISTRICT _	APPLICATION	NUMBER $V-16-$	agta, GA	
NPU		DATE FILED		
1.	April Ingraham	April Ingraham		
	Name of Applica	nt		
	BUILDING PERMIT AU	UTHORIZING		
	Building of a Swimming I	Pool		
at 1705 Merton RD	NE NE	17 th /3	17 th /3	
Street Address	Quadrant	District & L	District & Land Lot	
to be used for	Residential		purposes	
The property is zoned	R-3		District	
2. The Building Permit V	Vas Denied For The Followi	ng Reasons:		
Applicant seeks a Spec	cial Exception from the Zoni	ing Ordinance to allow the	e construction of	
a pool where otherwise		ms Ottomano to anow the	<u> </u>	
	· · · · · · · · · · · · · · · · · · ·			
50 (200)			_	
Ap	pplicant seeks no other varian	nces at this time.		
A	Complete Plan Review Was	Not Conducted		
198	2 ZONING ORDINANCE	, AS AMENDED		
Chapter28	Section <u>16-28.008</u>	Paragraph(6)	
Chapter	Section	Paragraph		
Chapter	Section	_ Paragraph	1000	
2 gb		/ Amilal	MOCh 9/2	
Plan Reviewer	Date	Applicant	Date	

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Please mark "X" next to the type of	of application(s) you	are submitting: of Atlanz	
Variance		City	2
Special Exception		X /	
Variance & Special Exc	eption		1
Date Filed 9/ //b	Application	on Number V-16-269 Office of Planning	ig /
Name of Applicant APRIL INGRHAM	Daytime Phone	Manta 60	ALIST.COM
Company Name (if applicable) THE PERMIT SPECIA	LIST, LLC email		<u> </u>
Address 165 WEST WIEUCA ROAD, NE STE #305		GA 30342 state zip code	
Name of Property Owner JOHN & ERIN HEYMAN	Phone	770-833-7077	
Address 1705 MERTON ROAD	ATLANTA G	A 30306	
street		tate zip code	_
Area: <u>0.76 ACRE</u> Land Lot: <u>3</u> District: <u>17</u> Property is zoned: <u>R-3</u> , Council District: <u>6</u>	th , FULTON		
TO THE BOARD OF ZONING ADJUSTMENT: Applica administrative officer in seeking a building permit or certif Adjustment grant a Variance or Special Exception.	nt, having received ar icate of occupancy, he	adverse order or requirement for ereby requests that the Board of	rom the Zoning
I hereby authorize the staff of the Office of Zoning and described property. I understand that it is my responsaccording to the instructions given to me by the Office of I swear that all statements herein and attached hereto belief.	nsibility to post a post a post a post a post a post and Develor are true and correct	ublic notice sign on the propopment upon filing this applica	enty ition. and
Sworn To And Subscribed Before Me This 27 Day O	Flootest. 20/6.	8	
Expertise 9 Meal			

Erin Heyman, owner 1705 Merton Road, NE Atlanta, GA 30306

September 8, 2016

Office of Planning 55 Trinity Avenue Suite 3350 Atlanta, Georgia 30303



JUSTIFICATION FOR THE SPECIAL EXCEPTION OF A SWIMMING POOL (ACTIVE RECREATION USE) ADJACENT TO A MINOR FRONT YARD

The owners of 1705 Merton Road, Atlanta, GA 30306 request a special exception in order to construct a swimming pool. This property resides at the corner of Merton Road, NE and Berkshire Road, NE. Merton Road is the primary front yard and also serves as the front yard based on the orientation of the house. The secondary front yard is off of Berkshire Road and is the frontage that conflicts with the proposed swimming pool construction.

The applicant contends that constructing a swimming pool in the rear yard poses no condition that would be exclusive or extraordinary for this property as compared to the properties within the neighborhood that possess a standard lot configuration. There is no alternative location within the applicant's property that would afford relief of this condition. Additionally, the lot configuration is such that the necessary pool barrier fencing at 5 feet tall can be set without requiring a special exception. Furthermore, in accordance with Sec 16-18E.008 (3a) & (3b), the applicant has provided letters from neighbors demonstrating no objections from directly adjacent neighbors.

In conclusion, the granting of a special exception for the construction of a swimming pool at 1705 Merton Road poses no land use that is extraordinary for this neighborhood nor will it create any unique burdens upon the neighbors.

Sincerely,

Erin Heyman, owner 1705 Merton Road Atlanta, GA 30305

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.").

CONSTRUCTION OF PROPOSED 17' x 40' SWIMMING POOL, POOL DECK, & PATIO

Proposed Lot Coverage (After Construction): Calculate <u>total</u> amount of lot coverage <u>on entire property</u>, 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.

9,278 covered square feet / 33,389 total lot square feet = 27.8 % proposed lot coverage
40 % 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)? THE CORNER LOT CONDITION OF THIS PROPERTY PROHIBITS AN ACTIVE RECREATION USE IN THE REAR YARD WITHOUT A SPECIAL EXCEPTION
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? <u>THE ACTIVE RECREATION RESTRICTION EXCLUSION PROHIBITS A SWIMMING POOL ON A CORNER LOT THAT WOULD OTHERWISE BE ALLOWABLE ON A TYPICAL PROPERTY CONFIGURATION</u>
- 3) What conditions are peculiar to this particular piece of property? <u>IT'S A CORNER LOT WHICH CREATES A CONDITION OF HAVING A FRONT YARD ADJACENT TO THE PROPERTY'S REAR YARD DESIGNATION</u>
- 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 ADDITION OF A SWIMMING POOL TO THIS PROPERTY POSES NO DETRIMENT TO TO THE PUBLIC GOOD AS LONG AS ORDINANCES ARE ADHERED TO. THERE IS NO ALTERNATIVE LOCATION WITHIN THE SUBJECT PROPERTY FOR A POOL TO FIT THAT CONFORMS WITH ZONING ORDINANCES. BASED ON THE ATTACHED SITE PLAN, THE PROPOSED POOL CONSTRUCTION DOES NOT POSE A CONDITION EXTRAORDINARY OR EXCLUISVE TO THIS PROPERTY.

 August 2016 Page 5 of 12

SUMMARY & JUSTIFICATION FOR SPECIAL EXCEPTIONS

Directions: Complete responses must be provided. Incomplete applications will not be accepted. The space below may only be utilized for the summary of proposal or responses may be submitted as a separate attachment. Specific criteria for Board approval of special exceptions may be found on page 9. The justification must address these criteria. Please submit a separate justification for responses to the applicable special exception criteria. 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 special exception request (shall not replace submittal of written criteria). (Examples: "Installation of a swimming pool adjacent to the public right of way ("active recreation"), "Install a 6-foot high opaque wooden wall ('privacy fence' with 6-foot high opaque wall gates."). Parking & Loading: List the maximum number of employees who will park on the site at any given time: AND list the maximum estimated number of customers, clients, visitors, or similar persons who will require automobile parking in connection with the facility on the site at any given time: ______. If you propose to provide off-site parking, see the attached Standards for off-site Parking Agreements (page 10)______ ☐ Walls and Fences: Any request for walls or fences should include a site plan and elevations showing the full extent of the wall or fence and a drawing showing a typical portion of the wall or fence including gates of ornamental fences. THE PROPOSED SWIMMING POOL FOR THIS PROPERTY DOES NOT REQUIRE A SPECIAL EXCEPTION FOR WALL / FENCE HEIGHTS BASED ON THE SITE PLAN ARRANGEMENT Active Recreation: CONSTRUCTION OF A SWIMMING POOL ADJACENT TO THE PUBLIC RIGHT OF WAY, BEHIND EXISTING HOME □ Non-Conforming Uses & Structures (i.e. duplex):_____ □ All other Special Exception Requests:_____

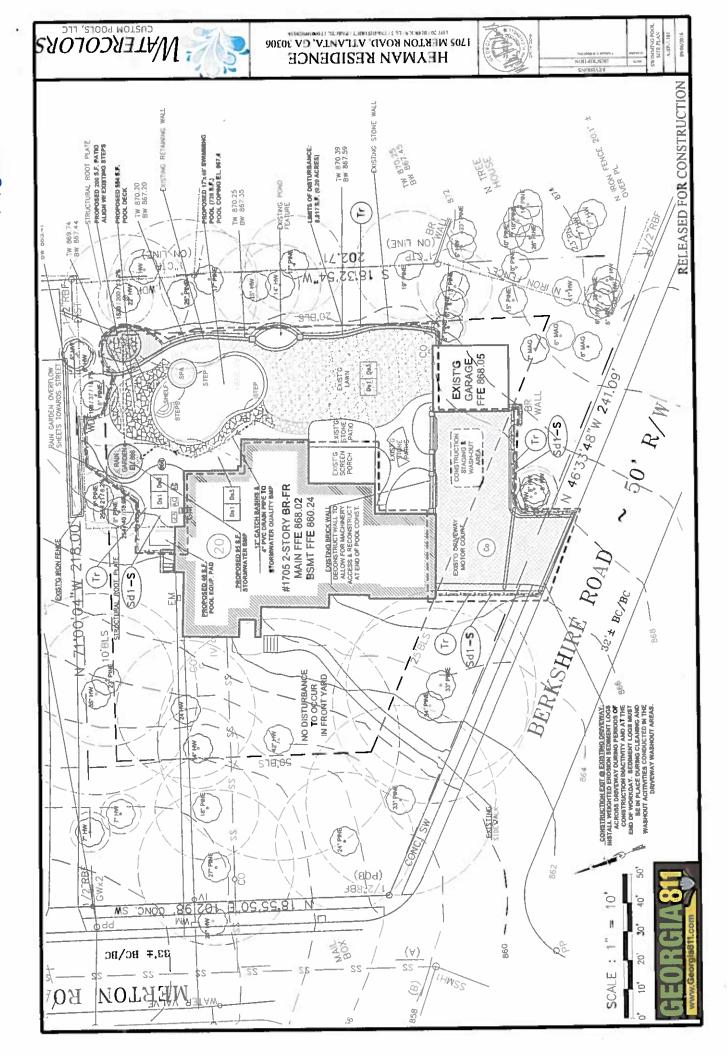
Office of Planning

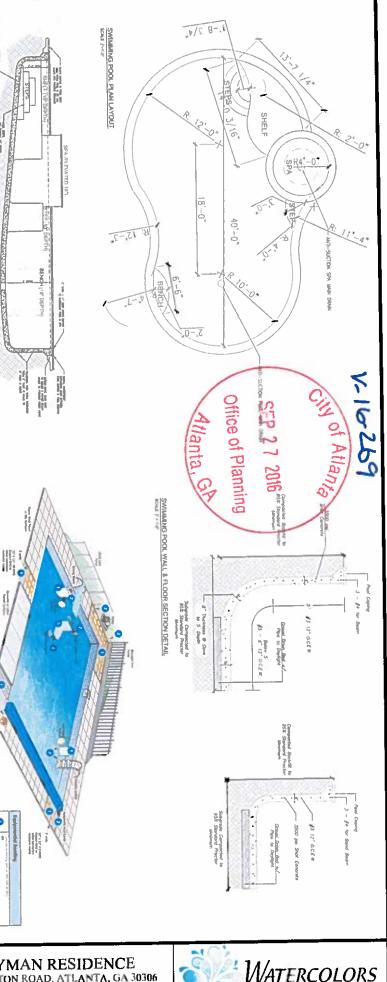
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PROJECT TEAM CONSTRUCTION & INSPECTIONS: CONTRACTOR BEFORE BUSINESS OF HIDERS CONTRACTOR BUSINESS OF BUSINESS OF HIDERS MACOURTMACHER BUSINESS OF BUSINESS OF BUSINESS BU THE PARTY OF THE P D or comb STATES CHANCE SALON WASHES the street deposits of any THE PARTY OF THE PARTY OF THE PARTY OF Annual de application (Con-contraction of application) (Con-contraction of application) (Con-contraction of application) (Con-contraction of application) (Con-contraction of application of applica A TOTAL STREET OF THE STREET O A NO WACHERY ALLOWED WITHIN THE PROTECTION THE PROT ARBORIST NOTES: ALL PROPOSED CRZ DISTURSANCES PROPOSED ARE UNDER 23% AND THEREFORE DO NOT REQUIRE A TREE PRESCRIPTION I, NO TREES TO BE LOST OR DESTROYED IN THIS WOJECT POOL BARRIER FENCING DETAILS IC. ANY NECESSARY CUTTING OF ROOTS SHALL BE RESOLUTED WITH SANS OR LOPPERS TO GIVE SHE I, FOR HANDSCAPE DEMOLITION WITHIN CRZ'S OF TREES TO BE PRESERVED: A JO RESIDAN SHALL EBECT CONSTRUCT OR OTHERWISE PERMIT ANY OBSTRUCTION THAT PERCANT THE WATERLAND CONTINUES FLOW OF HALTEN TO ANY COMPOSEST OF THE STORMANTER. 578 TEM OF THE CITY OF ATLANTA, UNLESS SUCH OSSTRUCTION IS ALLOWED AS PARE OF THE PRIVATE PERMIT. IN THE STUDBINGHTEN ENDICHMOLE FROM A DOWNSPOUT CRETERY OF MAY WAITER OUTLIESTON CERVICE SHALL BE LOCATED A DISTANCE OF HOLDES YMAN TEN FEET FROM COMMON PROPERTY LINE AND DISECTED NO DISECTION OF COMPANIEST FLOW FO HOT TOMAND THE MANACENT PROPERTY LINE. IS, DISCHARDE FROM ANY DOWNSPOUT DESCRIBED IN (A) MUST BE DISCRIPTED. INFUTRATED, OR DIVERTED BUCH THAT FLOMS WILL HOT BE CONCENTRATED. STORWATER MANAGEMENT NOTES , ONLY HAND EQUIPMENT SHALL BE USED FOR MOUTHON OF PAYEMENT WITHOUT DRITICAL ROOT MES. ADMINIA REQUIREMENTS - FOR ALL PROJECTS, THE FOLLOWING EQUIREMENTS MAST BE ADMERED TO WHEN MANAGING LOTE, AND BUILDINGS BAVIL, BE DEVELOPED HE A MANAGE TO SURRE THAT : ETDBUMANTER SOTTHO MONOCIUM, PARCELS OR TS LANGER PORTLOPENED CONDITIONS ORES NOT AND PARCESS. VI VICTORS AND PORT PARCELS OR 16/17 AS A RESILET OF VICEDITABLED RUMS FLOODING, EPIDISION OR DEPOSITS OF FOR SEXMENT. , all profits and the state of SWIMMING POOL ADDITION FOR: 1705 MERTON ROAD TOLICONDINCE # SOMEWIC ATLANTA, GA 30306 OTAL PRINCHES HEATED S.F. STORMWATER QUALITY BMP DETAIL DPOSED FAIL DPOSED FAIL DPOSED FAIL SALL STOLLTON 100 DOMESTICACE, HEAN GRAWWARM ACCIT VARD ACCIT DIECK HELLYTT RELIGIED IN COPILLION ARCHITECTS. WEER TO BE LOST ON DESTROYED SHICK COLUMN CHALLES 9,779,00 ST. 1,474,00 ST. 1-16-269 SEP 27 2016 Office of Planning Allanta Control of the Contro SEDIMENT BARRIER Comments of street, and the st COMMAND AND SUMMERS OF THE STATE OF THE STAT THE CONTRACT AND STATEMENT OF THE PARTY OF T EU THENCE THE SENETH ķ 340Y/104 8-8 74 CONSTRUCTION EXIT SITE LOCATION RELEASED FOR CONSTRUCTION EROSION AND SEDIMENT CONTROL EDGG BATES & PLANTING CANCER BY BOOM AT COURSE Love and with a Countries on Street, providing the Countries of TREE_SAYE_FENCE PINE ROOM SERVICE NOTES PLITON COLVEY, GEORGIA AND RECOMPONENTS AND AN FIRM The state of the s 10 10 10 REVISIO HEYMAN RESIDENCE 1705 MERTON ROAD, ATLANTA, GA 30306 HIT 29/BLOCK 9 (L.) 117th DISTRICT/PARCEL IT 00010000018

WATERCOLORS

POOL PERMIT
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SMIMMING POOL NOTES

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SYMMATING POOL SECTION

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REPORT RETURNS SHALL BE COMPLIANT WITH ASME/ANSI A112.18.6-2007 POOL OVERFLOW SHALL BE ROUTED THROUGH STORMWATER BAIP

POOL FILTER SHALL BE CARTRIDGE TYPE THAT DOES NOT REQUIRE BACK-WASHING

APPLICABLE CODES & STANDARDS

POOL BONDING DIAGRAM

- ≥ INTERNATION RESIDENTIAL CODE, 201 EDITION, WITH GEORGIA AMENDMENTS. 1. INTERNATIONAL BUILDING CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS
- , INTERNATIONAL PLUMBING CODE, 2012 EXTION, WITH GEORGIA AMENDMENTS INTERNATIONAL FIRE CODE, 2012 EDITION, WITH DEDROM AMENDMENTS
- IL INTERNATIONAL FUEL DAS CODE, 2812 EDITION WITH GEORGIA AMENDMENTS INTERNATIONAL MECHANICAL CODE, 2012 EDITION, WITH DEDRICA AMENDMENTS
- 7. MATIONAL BLECTHICAL CODE, 2014 EDITION (NO GEORGIA AMENICALENTS)
- III. GEORGIA ACCESSIBILTY CODE GA 129-3-20A (2010 ADA STANDANCIS FOR ACCESSIBILE DESIGN APPLICABLE TO COMMERCIAL II PUBLIC POCLS ONLY

NATIONAL ELECTRICAL CODE (NEC) 70, ARTICLE 680 28 EQUIPOTENTIAL BONDRIG OF PERMANENTLY INSTALLED SWIMMING POOLS

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CONNECTIONS AND FOUNDAILS FROM WHY BROWN DOWN
CONNECTIONS AND FOUNDAILS FROM WHY BROWN DOWN

B) CONCRETE RESHPORCANG STEEL AND ALL METALLIC STRUCTURAL COMPOSENTS - RESHPORCAND STEEL OF PROLEHELL AND CONCRETE POOL DECX SHALL BE BONDED TO THE CONCULTUR GROS DYEATS S.

C) UNDER WATER LIGHTING - ALL METALLIC PARTS OF HOUSINGS AND MOUNTING BRACKETS

ED, ERECTRECAL, EDURHERIT - ALL METAL PARTS DE ANY ELECTRICAL EQUIPMERIT ASSOCIATED WITH THE POOL RELUZIONED PUMPS AND RECIPICILIATING EQUIPMERIT, HEATENS BLOWNERS AND AUTOMATIC COMPRE. D) WETAL FITTINGS - WETAL FITTINGS FOR PIPES, DRAWS AND WATER WILETS.

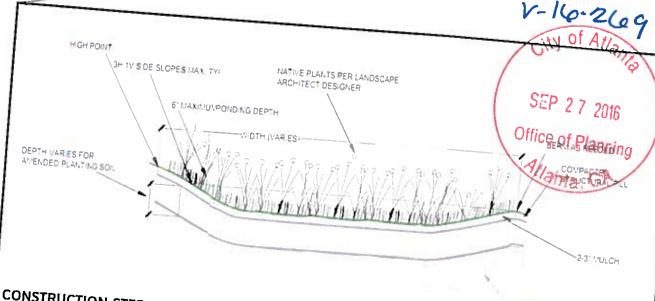
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G) POOL WATER SHALL BE BONDED UTILIZING A SACRIFICIAL IN-LINE ZING ANODE TIED TO THE BONDING GRID. (4.8, CMP BRAND POOL DETEXIDER),

RELEASED FOR CONSTRUCTION REVERONS DESCRIPTION DETAILS NOOL

HEYMAN RESIDENCE 1705 MERTON ROAD, ATLANTA, GA 30306

WATERCOLORS



CONSTRUCTION STEPS:

- UNDISTURBED NATIVE SUBGRADE 1. Locate rain garden(s) where downspouts or driveway runoff can enter garden flowing away from the home. Locate at least 10 feet from foundations, not within the public right of way, away from utility lines, not over septic fields, and not near a steep bluff edge.
- 2. Measure the area draining to the planned garden and determine required rain garden surface area
- 3. Optionally, perform infiltration test according to Appendix A. If the rate is less than 0.25 in/hr an underdrain will be necessary. If the rate is more than 0.50 in/hr the size of the garden may be decreased 10% for every 0.50 in/hr infiltration rate increase above 0.50 in/hr.
- 4. Measure elevations and stake out the garden to the required dimensions insuring positive flow into garden, the overflow elevation allows for six inches of ponding, and the perimeter of the garden is higher than the overflow point. If the garden is on a gentle slope a berm at least two feet wide can be constructed on the downhill side and/or the garden can be dug into the hillside taking greater care for erosion control at the garden inlet(s).
- 5. Remove turf or other vegetation in the area of the rain garden. Excavate garden being careful not to compact soils in the bottom of the garden. Level bottom of garden as much as possible to maximize
- 6. Mix compost, topsoil, and some of the excavated subsoil together to make the 'amended soil'. The soil mix should be 1/3 compost, 2/3 native soil (topsoil and subsoil combined).
- 7. Fill rain garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2" of mulch. The surface of the rain garden should be as close to level as possible.
- 8. Build a berm at the downhill edge and sides of the rain garden with the remaining subsoil. The top of the berm needs to be level, and set at the maximum ponding elevation.
- Plant the rain garden using a selection of plants from elsewhere in this manual.
- 10. Mulch the surface of the rain garden with two to three inches of non-floating organic mulch. The best choice is finely shredded hardwood mulch. Pinestraw is also an option.
- 11. Water all plants thoroughly. As in any new garden or flower bed, regular watering will likely be
- 12. During construction build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. Use of an impermeable liner under the rocks at the end of the swale near the house is recommended to keep water from soaking in at that point. Test the drainage of
- 13. Create an overflow at least 10 feet from your property edge and insure it is protected from erosion.

	NAME (ADDRESS	
DEPARTMENT OF WATERSHED MANAGEMENT	TO WILL ADDRESS.	RAIN GARDEN SPECIFICATIONS PAGE 1 OF 2

AUTHORIZATION BY PROPERTY OWNER

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

(Please Print Clearly) (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM Rd NE (PROPERTY THE OWNER OF THE PROPERTY AT ADDRESS). AS SHOWN IN THE RECORDS OF 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: SUITE **STATE** OWNER'S TELEPHONE NUMBER: 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. SEP 2 7 2016 DATE Office of Planning

RECEIPT

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

Application: V-16-269

Application Type: Planning/BZA/Special Exception/NA

Address: 1705 MERTON RD NE, ATLANTA, GA 30306

Owner Name: MENDOLA RICHARD A & GABRAM MENDOLA SHERYL G A

Owner Address: Application Name:

Receipt No.

487936

Payment Method

Ref Number

Amount Paid

Payment Date

Cashier ID

Received

Comments

Credit Card

\$100.00

09/27/2016

BSIMMONS

Owner Info,:

MENDOLA RICHARD A & GABRAM MENDOLA SHERYL G A

Work Description:

Request a Special Exception in order to construct a swimming pool.

LAND SURVEYING SERVICES

INFO@SURVEYLANDEXPRESS.COM TEL 404-252-5747 ATLANTA, CA 30324 FAX 404-601-0941

70 LENOX POINTE

EXIZIUNG CONDITIONS SURVEY PREPARED FOR:

MHLL

ATLANTA, GA 30306

1705 MERTON ROAD

PROPERTY ADDRESS:

EKIN HEXWYN

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SECTION TOISTRICT HTT! E TOJ GNAJ TINU SUBDIVISION OF MERTON ROAD

BLOCK 9 LOT 20

13355.69 SF / 0.306 AC / 40.00% ALLOWABLE IMPERVIOUS AREA

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