



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

APPLICATION #: **V-16-349**
DATE ACCEPTED: **12/29/2016**

NOTICE TO APPLICANT

Address of Property:
1437 High Point PL NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, March 2, 2017 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



John E. Swiney

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Office of Planning

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

DEC 29 2016

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

66 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

Date Filed _____

Application Number V-16-349

Name of Applicant John E. SWINEY

Daytime Phone (404) 502-8574

Company Name (if applicable) J. S. CARD

email SWINEYJC@BELLSOUTH.NET

Address 1426 GOLF LINK DR STONEMOUNTAIN GA 30088
street city state zip code

Name of Property Owner REDELLY JIM MARTELL

Phone (224) 558-6525

Address 1437 High Point Place NE, ATLANTA, GA 30306
street city state zip code

Description of Property

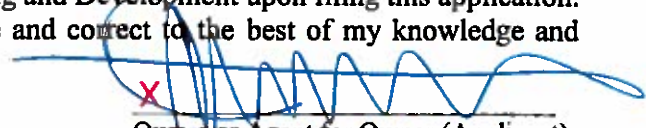
Address of Property 1437 HIGH POINT PLACE, ATLANTA, GA 30306
street city state zip code

Area: _____ Land Lot: 2 District: 17th, FULTON County, GA.

Property is zoned: _____, 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.

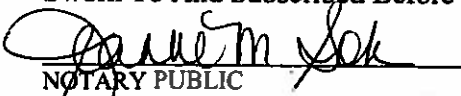


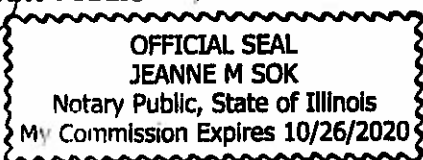
Owner or Agent for Owner (Applicant)

Jim Martell

Print Name of Owner

Sworn To And Subscribed Before Me This 15th Day Of Dec, 2016.


NOTARY PUBLIC





Office of Planning

DEC 29 2016

CITY OF ATLANTA

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

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-16-349
NPU F DATE FILED 10/29/16

1. Mr. John E. Swiney
Name of Applicant

BUILDING PERMIT AUTHORIZING

Detached Garage 2nd Story Addition

at 1437 High Point Place NE 17th/2
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: (1) reduce the required rear yard setback from 15 feet to 1.5 feet; (2) reduce the required southern side yard setback from 7 feet to 1.3 feet; (3) and to increase the maximum size of an accessory structure from 30 percent of the main dwelling floor area to 43 percent - for a second story addition to an accessory structure (garage)

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 (1) (3)

Chapter 28 Section 16-28.004 Paragraph (3)

Chapter _____ Section _____ Paragraph _____

Scott Haeberlin 12-28-16
Plan Reviewer Date

[Signature] 12/28/16
Applicant Date

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 NO. (If yes, the variance/special exception request will be rescheduled to a hearing following the final approval by City Council & the Mayor). Please provide the relevant zoning number associated with the subject property: _____.

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.").

ADD AND COVER & OPEN DECK ON TOP OF EXISTING 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.

1746 covered square feet / 5140.8 total lot square feet = 66 % proposed lot coverage

_____ % 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 LOT IS SMALLER THAN THE MINIMUM REQUIRED BY THE ZONING REGULATIONS FOR A CORNER LOT
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? WITH THE CURRENT ZONING ORDINANCE WE CAN NOT USE THE REAR OF PROPERTY BECAUSE OF THE TOPOGRAPHY & SHAPE OF THE LOT.
- 3) What conditions are peculiar to this particular piece of property? THE PROPERTY HAS AN EXISTING GARAGE IN REAR IN THE EXISTING SET BACK WHICH COULD A PROBLEM TO USE THE TOP OF THE GARAGE FOR OUTDOOR SPACE
- 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 DECK WOULD BE BUILT ON AN EXISTING GARAGE THAT WOULD NOT IMPAIR ON NEIGHBORS OR PUBLIC GOOD.

Office of Planning

V-16-349 2016

V-14e-349

JS CADD DESIGN SERVICE
1426 Golf Link Dr.
Stone Mountain Ga. 30088
(404) 502-8574

Office of Planning

DEC 29 2016

Justification Letter

65 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

Hello we are Jim & Becky Martel 1437 High Point, Atlanta Ga. 30306
Hello my name is John E. Swiney I am the agent for Mr. & Mrs. Jim & Becky Martel of
1437 High Point, Atlanta Ga. 30306 we are filing for a variance because of the
topography and size of the lot and the current zoning setback regulations and rules will
not allow for the addition of a deck on top of my existing garage to have outdoor living
space on this lot.

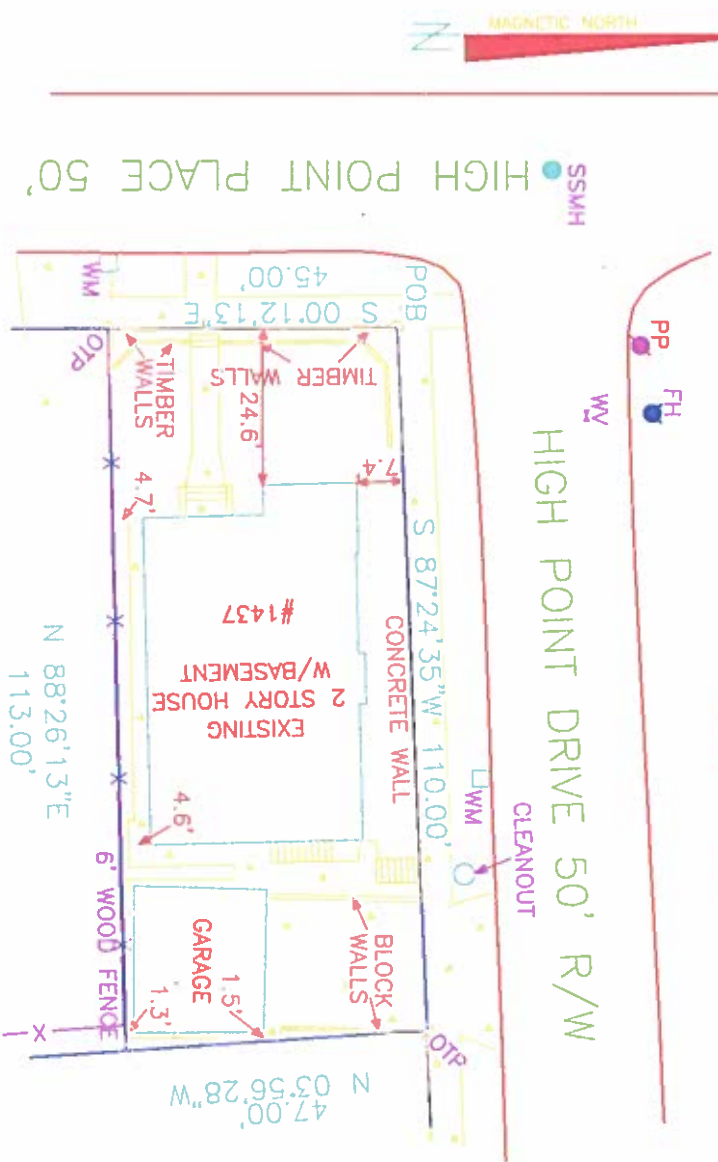
Thank you

John E. Swiney
12/07/2016



LEGEND

- IPF = 1/2" REBAR FOUND
- IPS = 1/2" REBAR PIN SET
- L.L. = LAND LOT
- L.L.L. = 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
- S- = 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
- CRIMP = CRIMP TOP PIPE FOUND



The field data upon which this plat is based has a closure precision of one foot in _____ feet and an angular error of _____ 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 _____ feet.

Equipment used: Topcon GTS-213 Total Station.

Office of Planning
DEC 29 2016

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

ALPHA LAND SERVICES
1005 ECHO VALLEY COURT
LOGANVILLE, GA. 30052
ENGINEERING * LAND SURVEYING
OFF: 770.696.4054 FAX: 770.696.4054

SURVEY FOR:
1437 HIGH POINT PLACE
TAX PARCEL #1700020003075

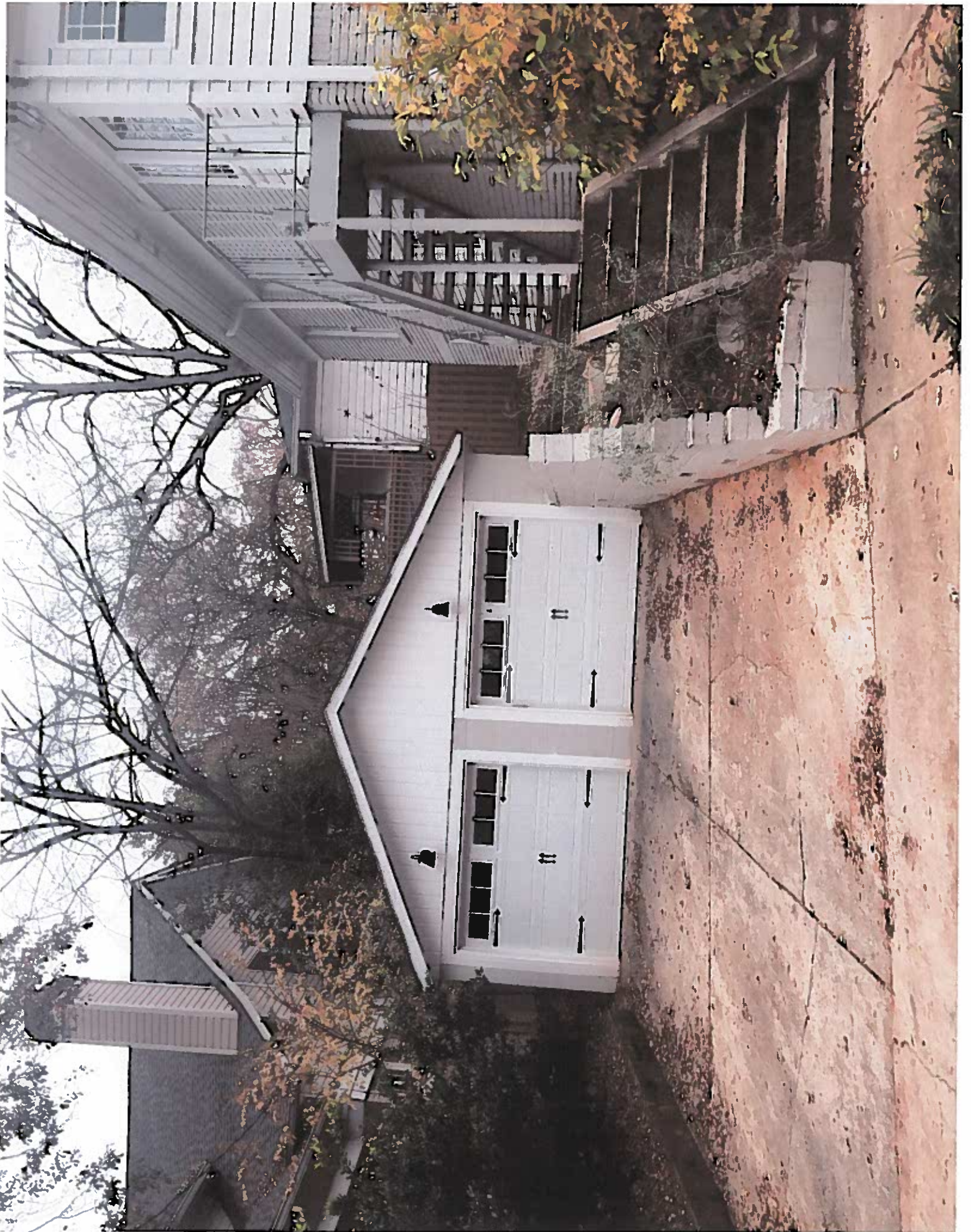
LAND LOT: 2
DISTRICT: 17TH
COUNTY: GEORGIA

FIELD DATE: 08/08/14
PLAT DATE: 08/08/14

LOT: 21 BLOCK:
SUB: NC MCPHERSON

AREA = 0.118 ACRES
JOB No. 14-07-228

V-16-349



1-10-349

Office of Planning

DEC 29 2016

65 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA



AUTHORIZATION BY PROPERTY OWNER

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

Rebecca
I, Jim Martell

(Please Print Clearly)

(OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1437 High Point Place (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:

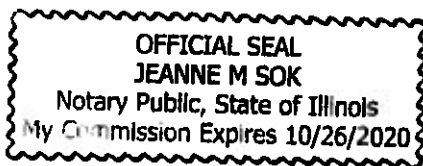
LAST NAME SWINEY FIRST NAME JOHN
ADDRESS 1426 GOLF LINK DR SUITE _____
CITY STONE MOUNTAIN STATE GA ZIP CODE 30088

OWNER'S TELEPHONE NUMBER: _____

X Rebecca Martell
SIGNATURE OF OWNER
REBECCA
Jim Martell
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.

Jeanne M. Sok
NOTARY PUBLIC
12/15/16
DATE



V-16-349

Office of Planning

DEC 29 2016

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

Deed Book 52699 Pg 88
Filed and Recorded Jun-03-2013 08:47am
2013-0154618
Real Estate Transfer Tax \$644.90
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

AFTER RECORDING RETURN TO:
THE FRYER LAW FIRM
70 LENOX POINTE, N.E.
ATLANTA, GA 30324
File No. 2013-00939 JS

V-16-349
Office of Planning

DEC 29 2016

56 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE made this 30th day of May, 2013 between RICHARD HORN and SUSAN RASHID HORN of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CARL JOHN SUKENIK and MICHAELNA MARIE SUKENIK AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, as party or 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,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 2 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 18, N.C. MCPHERSONS PROPERTY, AS PER PLAT RECORDED IN PLAT BOOK 10, PAGE 125, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 1436 HIGH POINT PLACE NE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FULTON COUNTY, GEORGIA.

SUBJECT TO ANY RIGHT OF WAY DEEDS OR OTHER EASEMENTS OF RECORD.

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 Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee 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.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

Notary Public
My commission expires: 11/15/18

[Signature]
RICHARD HORN
[Signature]
SUSAN RASHID HORN



RECEIPT

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

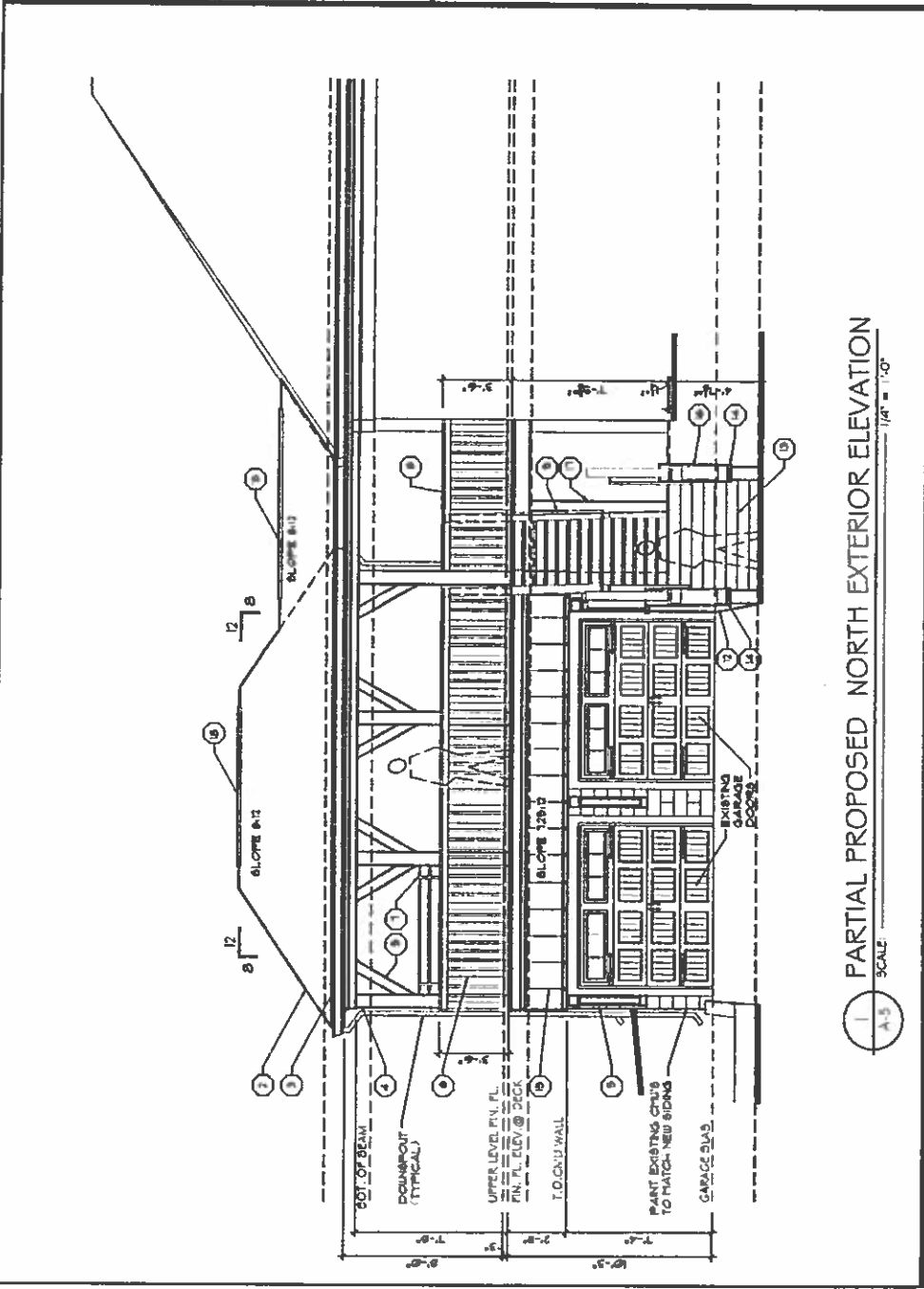
Application: V-16-349
Application Type: Planning/BZA/Variance/NA
Address: 1437 HIGH POINT PL NE, ATLANTA, GA 30306
Owner Name: KELLY BERT ALLEN JR
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
500952		\$100.00	12/29/2016	RPLEWIS		

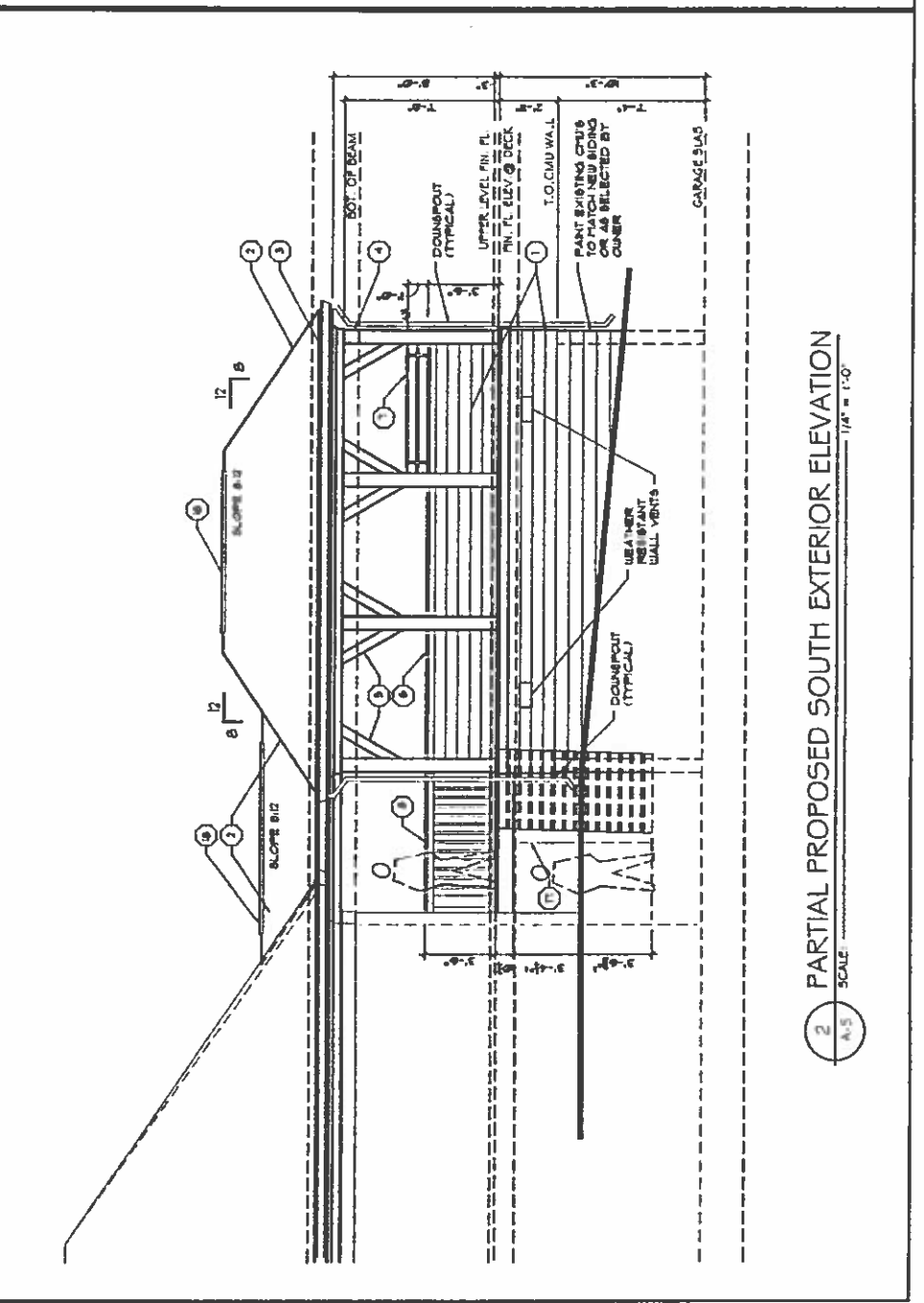
Owner Info.: KELLY BERT ALLEN JR

Work Description: Variance to reduce the required rear yard setback from 15 feet to 1.5 feet. 2. Reduce the required southern setback from 7 feet to 1.3 feet 3. to increase the maximum size of an accessory structure from 30% of the main dwelling floor area to 43% for a second story addition to an accessory structure (garage).

PAID
CITY OF ATLANTA
DEC 29 2016
RL
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR



1 PARTIAL PROPOSED NORTH EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



2 PARTIAL PROPOSED SOUTH EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

1	HORIZONTAL LAP SIDING (MATCH PROFILE ON EXISTING HOUSE)
2	MATCH EXISTING BRINKLES
3	MATCH EXISTING FASCIA BOARD, GUTTERS, AND CORNICE TRIM
4	6x6 CEDAR COLUMN (STAIN WHITE)
5	DECORATIVE CEDAR BRACKET (STAIN WHITE) SEE DETAIL 4 A-5
6	47% HALF WALL SEE BUILDING SECTION SHEET A-6
7	1 1/2" DIA. GALVANIZED PIPE (STAIN WHITE) RAILING SEE BUILDING SECTION SHEET A-6
8	47% UD. RAILING (PAINT WHITE)
9	NEW STAIRS W/ 34% UD. RAILING
10	SPILLAR TO ITEM NO. 8. ADJUST HEIGHT AS TO MAINTAIN 47" GUARD RAILING. PROVIDE PROTECTIVE NEW CONCRETE ABOVE STAIR NOSE
11	NEW PIP. CONCRETE WALL W/ PAINT COAT
12	NEW CONCRETE STEPS
13	CAST STONE CAP
14	CUSTOM BASED ROOF W/ STANDING SEAM METAL ROOFING W/ 'ACTUAL' FINISH CEDAR BEAMS SEE BUILDING SECTION SHEET A-6
15	34% 6x6 NEWELPOST
16	6x6 CEDAR COLUMN (STAIN WHITE)
17	RIDGE VENT RIDGE VENT SHALL BE OF TYPE THAT RESISTS RIDGE SHINGLE AND HAVE INTERIOR FILTER
18	DOWNPOUT (TYPICAL)
19	WEATHER RESISTANT WALL VENTS

PROPOSED ELEVATIONS GENERAL NOTES

1. ALL VERTICAL DIMENSIONS ARE BASED ON FIELD NOTES. GENERAL CONTRACTOR TO VERIFY DIMENSIONS AND ADJUST ACCORDINGLY ANY DEVIATIONS FROM ACTUAL FIELD CONDITIONS

PHASE APPROVAL

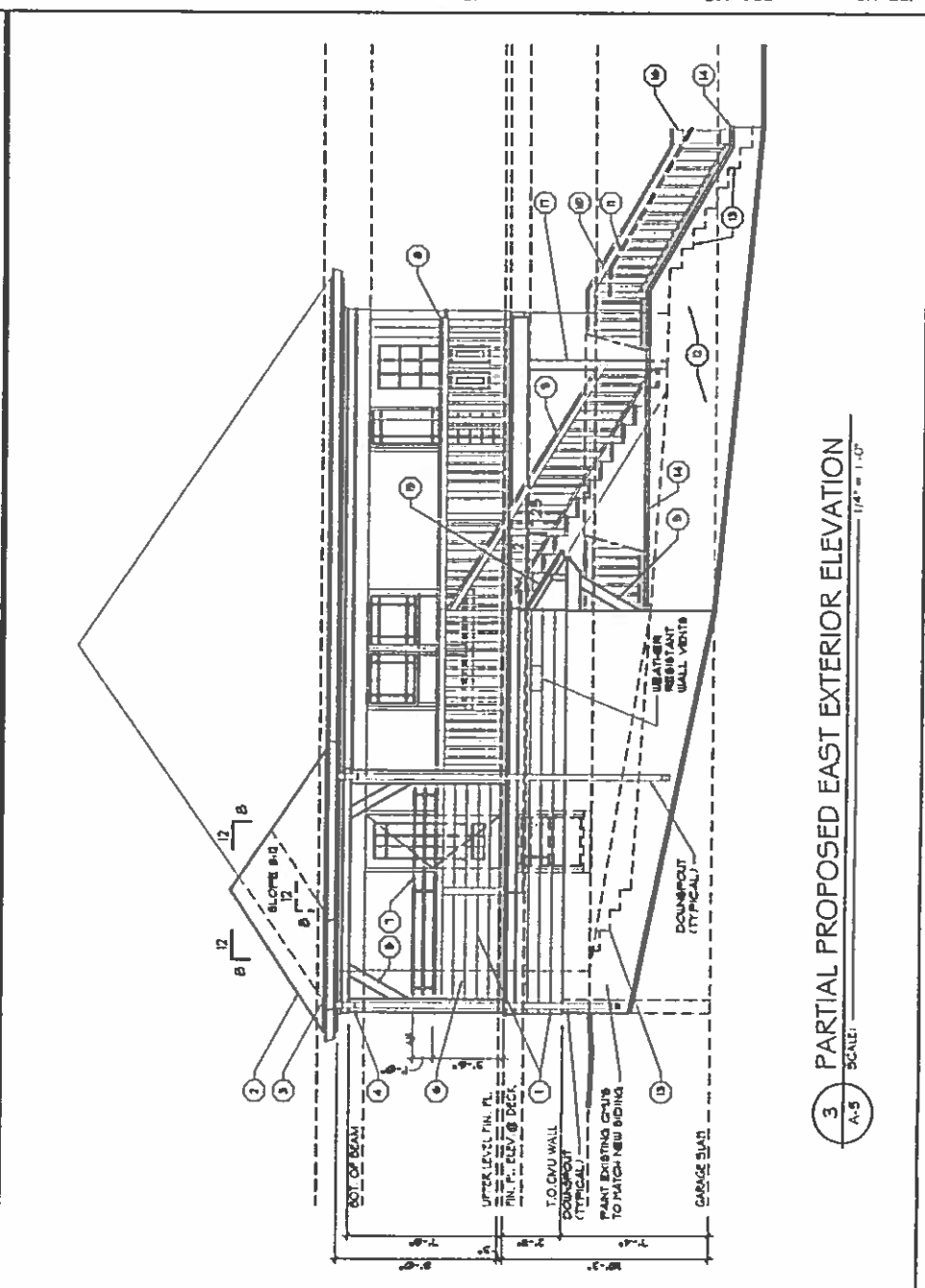
PHASE	DATE	INITIAL
PRELIMINARY		
FINAL		
CONSTRUCTION		
AS-BUILT		

PRINT RECORD

NO.	DATE	RECEIVED BY
1		

REVISIONS

NO.	DATE	DESCRIPTION



3 PARTIAL PROPOSED EAST EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

JOB NO.: 2016-013
DATE: 01-22-2016
PROJECT: RENOVATION @ EXISTING GARAGE & EXTERIOR DECK ADDITION
FOR: JIM & BECKY MARTEL
SHEET NO.: A-5
OF: 8

SHEET TITLE:
PARTIAL PROPOSED EXTERIOR ELEVATIONS
SCALE: AS SHOWN

1437 HIGH POINT PLACE NE
ATLANTA, GA 30306
JIM & BECKY MARTEL

This Drawing is The Property of
The Architect and May Not Be
Used or Reproduced Without His
Expressed Written Permission.

KIRKLAND + ASSOCIATES
ARCHITECTS, P.C.
2284 MEDLOCK BRIDGE RD. NW SUITE 110
NORCROSS, GEORGIA 30092
PHONE 770-328-5533
FAX 770-328-5534