



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

APPLICATION #: **V-17-022**
DATE ACCEPTED: **01/31/2017**

NOTICE TO APPLICANT

Address of Property:
568 Park DR NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

April 6th at 12:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

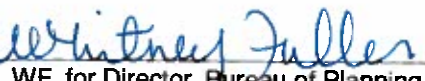
Charles Nalbone
404-376-3230
zoning@npufatlanta.org


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,


WF, for Director, Bureau of Planning


Nina Gentry



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

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-17-022
~~V-17-022~~
 NPU NPU-F DATE FILED _____

Nina E. Gentry
 Name of Applicant

BUILDING PERMIT AUTHORIZING
 The construction of an Accessory Structure (Garage)

at 568 Park Drive NE 17th/54
 Street Address Quadrant District & Land Lot

to be used for 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 required east side yard from 7 feet to 3 feet in order to erect 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 (2)
 Chapter _____ Section _____ Paragraph _____
 Chapter _____ Section _____ Paragraph _____
 Chapter _____ Section _____ Paragraph _____

[Signature] 1/31/17
 Plan Reviewer Date

[Signature] 1/31/17
 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 1/31/17

Application Number V-17-022
~~V-16-022~~

Name of Applicant Nina E. Gentry, AICP Daytime Phone 404-218-5730

Company Name (if applicable) Gentry Planning Services, LLC email gps2015@comcast.net

Address 992 Eden Avenue, SE Atlanta GA 30316
street city state zip code

Name of Property Owner Marc Conway Phone 782-679-0000

Address 568 Park Drive, NE Atlanta GA 30306
street city state zip code

Description of Property

Address of Property 568 Park Drive, NE Atlanta GA 30306
street city state zip code

Area: 11,767.85 SF Land Lot: 53 District: 17, Fulton County, GA.

Property is zoned: R-4/BL, Council District: 6, 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.

Nina E. Gentry
Owner or Agent (for Owner) (Applicant)
Nina E. Gentry
Print Name of Owner

Sworn To And Subscribed Before Me This 31 Day Of January 2017.

Ernestine J. Neal
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.").

Construct a 22' 1' x 22' 3" (540 SF) detached one-story, two car garage at rear of existing home.

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.

5803.5 covered square feet / 11,767.85 total lot square feet = 49.3 % proposed lot coverage

50 % maximum allowed lot coverage

Variance Criteria (see page 6 for detailed criteria): SEE ATTACHED DOCUMENT

- 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. _____

VARIANCE REQUEST
568 Park Drive, NE

V-17-022

568 Park Drive is a legal nonconforming parcel located on the north side of Park Drive in the Virginia Highland neighborhood. It is zoned R-4 and has less frontage than required for R-4 properties in the City of Atlanta.

The property owner wishes to construct a one-story, two car detached garage at the rear of the existing dwelling. Because the parcel has only 50 feet of width (street frontage) it is difficult to meet the required 7 foot side yard setback when siting the garage and allow ample room for ingress and egress to the garage. The applicant requests a reduction in the east side yard setback from the required 7 feet to 3 feet to enable construction of a 22'1" x 22' 3" (540 SF) detached garage.

JUSTIFICATION

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** 568 Park Drive has less frontage than required for properties zoned R-4. It has 50 feet of street frontage rather than the required 70 feet. This is an extraordinary and exceptional condition because of shape of the property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause an unnecessary hardship because of the irregularities of the lot with regard to width which results in the lot's nonconforming status. Adherence to the zoning regulations regarding the setback would cause a hardship, by preventing the applicant from constructing a commonly found accessory structure in a manner that would preserve as much of the back yard as possible. The garage would enable the property owner to keep vehicles and yard equipment out of sight. Most people consider a new garage to be more attractive than vehicles and yard equipment that are left in view of neighbors or passers-by. The structure would be set 3 feet from the side property line so that the owner would be able to repair or paint its walls without stepping on the neighbors' properties. It should not be necessary to impose this hardship to protect the public good.
- c. **Such conditions are peculiar to the particular piece of property involved.** The lot shape is not unique to the subject property. Similar non-conforming conditions can be found on many adjacent and nearby properties and they are not peculiar to the subject property. However, the existence of similar conditions on adjoining neighborhood properties should not negate the desirability of the proposal.
- d. **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 requested variance would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance by allowing the proposed side yard setback reduction for the proposed detached garage. There is no evidence that the addition would impede the quality of life of adjacent neighbors. The proposal promotes desirable living conditions and reinforces the stability of the surrounding neighborhood by making improvements on an existing nonconforming property. The proposal does not appear to pose a detriment to the public and there are no negative impacts resulting from the proposed detached garage.

Office of Planning

V-17-022
JAN 31 2017

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

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, Marc Conway (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT _____
568 Park Drive, 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 ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT Nina E. Gentry, AICP

ADDRESS OF APPLICANT 992 Eden Avenue, SE Atlanta, GA 30316

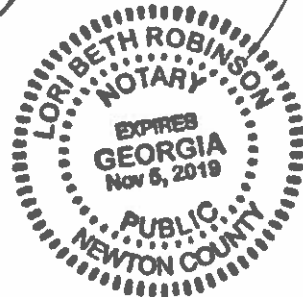
TELEPHONE NUMBER 404-218-5730

[Handwritten Signature]
Signature of Owner

Personally Appeared Before Me
Marc Conway

Who Swears That The Information Contained In This Authorization Is True and Correct To The Best of His or Her Knowledge and Belief
[Handwritten Signature]
Notary Public

Date 1/26/17



RECEIPT

V-17-022

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

PAID
CITY OF ATLANTA

JAN 31 2017

EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Application: V-17-022
Application Type: Planning/BZA/Variance/NA
Address: 568 Park DR NE, ATLANTA, GA 30306
Owner Name: Marc Conway
Owner Address: 568 Park Drive NE ATLANTA,GA
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
505596		\$100.00	01/31/2017	PAMITCHELL		

Owner Info.: Marc Conway
568 Park Drive NE
ATLANTA, GA

Work Description: Applicant seeks a variance from the zoning regulation: to reduce the required east side yard from 7 feet to 3 feet in order to erect an accessory structure (garage).