



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

APPLICATION #: **V-17-033**  
DATE ACCEPTED: **02/08/2017**

## NOTICE TO APPLICANT

Address of Property:  
**1064 Cumberland Rd NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, April 6, 2017 at 12:00 p.m.**

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

The contact person for NPU Q is:

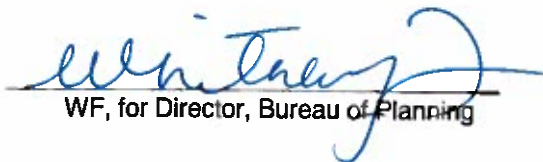
**Charles Nalbone**  
**404-3769-3230**  
**zoning@npufatlanta.org**

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

  
John Temmel

Office of Planning

V-17-033

FEB - 8 2017

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



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

FEB - 8 2017

Office of Planning

REFERRAL CERTIFICATE

COUNCIL DISTRICT 17 APPLICATION NUMBER V-17-033

NPU F DATE FILED 2/8/2017

1. Peter Wietrak  
Name of Applicant

BUILDING PERMIT AUTHORIZING  
Addition to single-family dwelling

at 1064 Cumberland Road NE 17<sup>th</sup>/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 seek a variance from the zoning regulation to reduce the required west side yard setback from 7 feet to 4 feet for a second story addition.

Applicant seeks no other variances at this time.

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] 2-7-17  
Plan Reviewer Date

[Signature] 2-7-17  
Applicant Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	
Special Exception	
Variance & Special Exception	

Date Filed 2-8-2017 Application Number V-17-033  
Name of Applicant Peter Wietrak Daytime Phone (904) 735-9589  
Company Name (if applicable) N/A email p.wietrak@gmail.com  
Address 1064 Cumberland Rd NE, Atlanta GA 30306  
street city state zip code

Name of Property Owner Peter Wietrak Phone (904) 735-9589  
Address 1064 Cumberland Rd NE, Atlanta, GA 30306  
street city state zip code

## Description of Property

Address of Property 1064 Cumberland Rd NE, Atlanta, GA 30306  
street city state zip code  
Area: NE Land Lot: 2 District: 17, Fulton County, GA.  
Property is zoned: R4, 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.

Peter Wietrak  
Owner or Agent for Owner (Applicant)  
Peter Wietrak  
Print Name of Owner

Sworn To And Subscribed Before Me This 17<sup>th</sup> Day Of Jan, 20 17.

Rebecca J. Gullett  
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  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.)")

Second floor addition is in existing frame of house

**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.

2620 covered square feet / 7456 total lot square feet = <sup>35</sup>~~4828~~ % proposed lot coverage

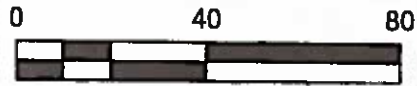
50 % maximum allowed lot coverage

**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)? Home was built before 7' set back was implemented, existing structure is now 3' over the set back.
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? Would like to add living space over existing structure, 3' of this space would be over set back but home was built over set back.
- 3) What conditions are peculiar to this particular piece of property? Home was built before 7' standards.
- 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. Plot provided with changes proposed.



LINE	BEARING	DISTANCE
L5	N 00°02'12" W 5.35'	
L6	N 90°00'00" W 15.57'	
L7	S 00°00'00" E 5.41'	
L8	S 89°48'04" W 5.98'	
L9	N 89°57'54" W 14.02'	
L10	S 00°00'00" W 25.42'	
L11	N 90°00'00" E 35.58'	
L12	S 00°02'12" E 20.00'	



20' AMENDED & RESTATED SEWER ESMT. SEE REFERENCE

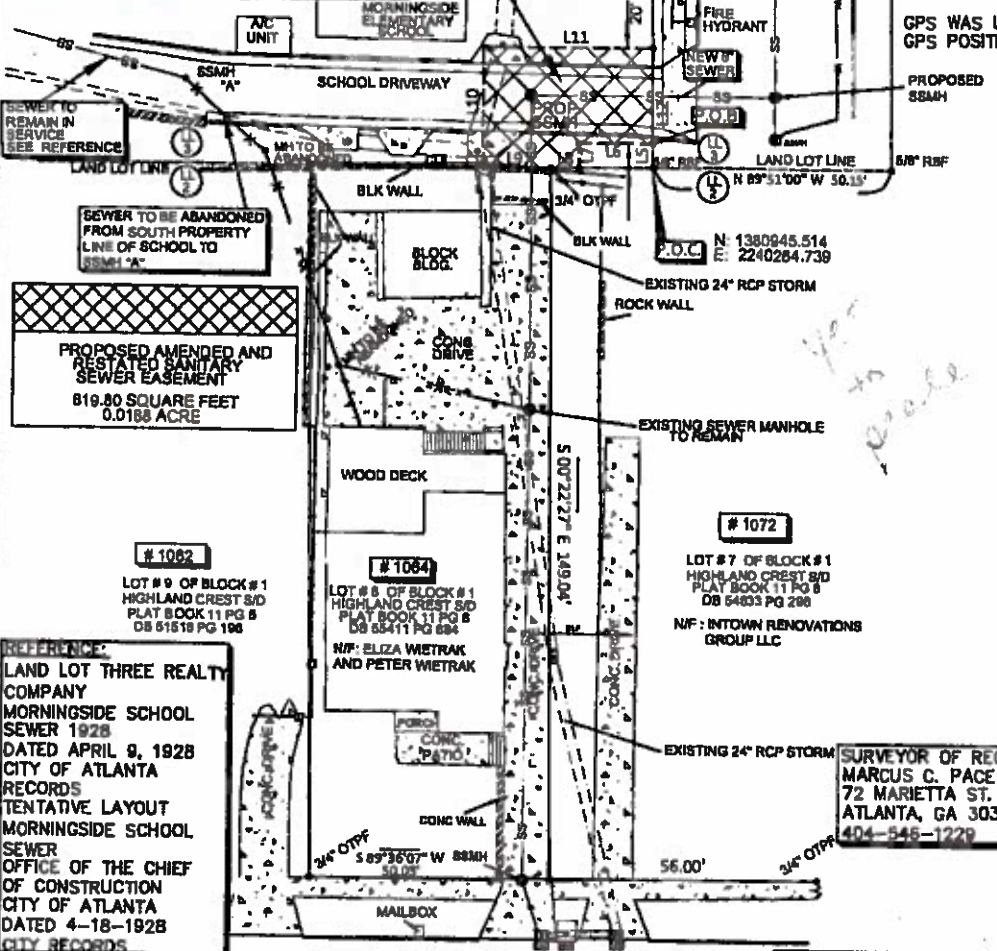
FORDHAM COURT - 50' R/W  
FORMERLY KNOWN AS TENNESSEE ST.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 30,100 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT AND WAS NOT ADJUSTED. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 40,773 FEET.

FIELD EQUIPMENT:  
TOPCON ES 102 TOTAL STATION,  
CHAMPION TKO GPS RECEIVER ON THE GPS REALTIME NETWORK,  
TDS RANGER DATA COLLECTOR  
ALL DISTANCES ARE HORIZONTAL.  
GPS WAS USED TO ESTABLISH SURVEY CONTROL ON THIS SITE. GPS POSITIONAL TOLERANCE DOES NOT EXCEED 0.07'/POINT

**LEGEND**

P.O.B.	POINT OF BEGINNING
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
P.B.	PLAT BOOK
D.B.	DEED BOOK
BC	BACK OF CURB
RBS	REBAR SET
RBF	REBAR FOUND
OTF	OPEN-TOP PIPE FOUND
CTF	CRIMP-TOP PIPE FOUND
PP	POWER POLE
PROP.	PROPOSED
P.O.C.	POINT OF COMMENCEMENT
SSMH	SANITARY SEWER MANHOLE
SSE	SANITARY SEWER EASEMENT
DE	DRAINAGE EASEMENT
JB	JUNCTION BOX
CI	CURB INLET
CB	CATCH BASIN
DI	DROP INLET
HW	HEADWALL
DIP	DUCTILE IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
MH	MANHOLE
WM	WATER METER
WV	WATER VALVE
FH	FIRE HYDRANT
LL	LAND LOT
-X-	FENCE
CSF	COMBINED SCALE FACTOR
-X-X-	ABANDONED SEWER



**REFERENCE:**  
LAND LOT THREE REALTY COMPANY  
MORNINGSIDE SCHOOL SEWER 1928  
DATED APRIL 9, 1928  
CITY OF ATLANTA RECORDS  
TENTATIVE LAYOUT MORNINGSIDE SCHOOL SEWER  
OFFICE OF THE CHIEF OF CONSTRUCTION  
CITY OF ATLANTA DATED 4-18-1928  
CITY RECORDS

**SURVEYOR OF RECORD:**  
MARCUS C. PACE  
72 MARIETTA ST. 5th FLOOR  
ATLANTA, GA 30303  
404-545-1229



**NOTE:** EXISTING PERMANENT SEWER EASEMENT FROM LAND LOT THREE REALTY CO. TO THE CITY OF ATLANTA DATED 4-9-28 ATLANTA EASEMENT RECORD NO. 00121, CITY OF ATLANTA RECORDS, AMENDED & RESTATED ACCORDING TO METES & BOUNDS NOTED.

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  
DATE OF FIELD SURVEY: 4-12-2016  
DATE OF PLAT: 5-18-2016

**NOTE:** THE PURPOSE OF THE DRAWING IS TO ILLUSTRATE THE PROPOSED RELOCATED SANITARY SEWER LINE RUNNING ACROSS MORNINGSIDE ELEMENTARY SCHOOL. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY OF THE ABOVE NAMED PROPERTY.

**Office of Planning**  
V-17-033  
FEB 8 2017  
**CITY OF ATLANTA**  
**DEPARTMENT OF WATERSHED MANAGEMENT**  
**OFFICE OF ENGINEERING SERVICES**

**AMENDED AND RESTATED SANITARY SEWER EASEMENT**  
**ATLANTA PUBLIC SCHOOLS / MORNINGSIDE ELEMENTARY SCHOOL**  
TAX ID # 17 00030010025

SURVEYOR M GEIGER	FIELD BOOK MG 01-2016	L.L. DIST. 3 17th	COUNTY FULTON	CITY ATLANTA	SHEET 1 OF 1	SCALE 1" = 40'	DATE 06/09/2016
DRAWN BY MRG	DESIGNED BY	CHECKED BY <i>SNP</i>	APPROVED BY M C PACE	PROJECT NO. MORNINGSIDE ELEM SEWER.dwg			



SEWER TO REMAIN IN SERVICE SEE REFERENCE

LL 3  
LL 2

MH TO BE ABANDONED

PROP SSMH  
L6  
L5  
5/8" RBF

LAND LOT LINE

SEWER TO BE ABANDONED FROM SOUTH PROPERTY LINE OF SCHOOL TO SSMH "A"

BLK WALL

3/4" OTRF

BLK WALL

P.O.C.

EXISTING ROCK WALL



PROPOSED AMENDED AND RESTATED SANITARY SEWER EASEMENT  
819.80 SQUARE FEET  
0.0188 ACRE

BLOCK BLDG.

CONC. DRIVE  
M.H. TO BE ABANDONED

EXISTING S TO REM

Office of Planning  
V-17-033  
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WOOD DECK

5 00° 22' 27" E 149.04'

# 4062

LOT # 8 OF BLOCK # 1  
HIGHLAND CREST S/D  
PLAT BOOK 11 PG 6  
DB 51518 PG 198

# 1064

LOT # 8 OF BLOCK # 1  
HIGHLAND CREST S/D  
PLAT BOOK 11 PG 6  
DB 55411 PG 684

N/F: ELIZA WIETRAK  
AND PETER WIETRAK

LOT HIGH PLATE DE N/F: IN GI

REFERENCE:  
AND LOT THREE REALTY COMPANY  
MORNINGSIDE SCHOOL SEWER 1928  
DATED APRIL 9, 1928  
CITY OF ATLANTA RECORDS  
PROVENSIVE LAYOUT MORNINGSIDE SCHOOL SEWER  
OFFICE OF THE CHIEF OF CONSTRUCTION  
CITY OF ATLANTA DATED 4-18-1928  
CITY RECORDS

PORCH

CONC. PATIO

EXISTIN

CONC WALL

3/4" OTRF  
S 89° 36' 07" W SSMH  
50.05'

56.00'

MAILBOX

CUMBERLAND RD. - 50' R/W  
(AKA CUMBERLAND DRIVE)

SSMH SS SS

Office of Planning

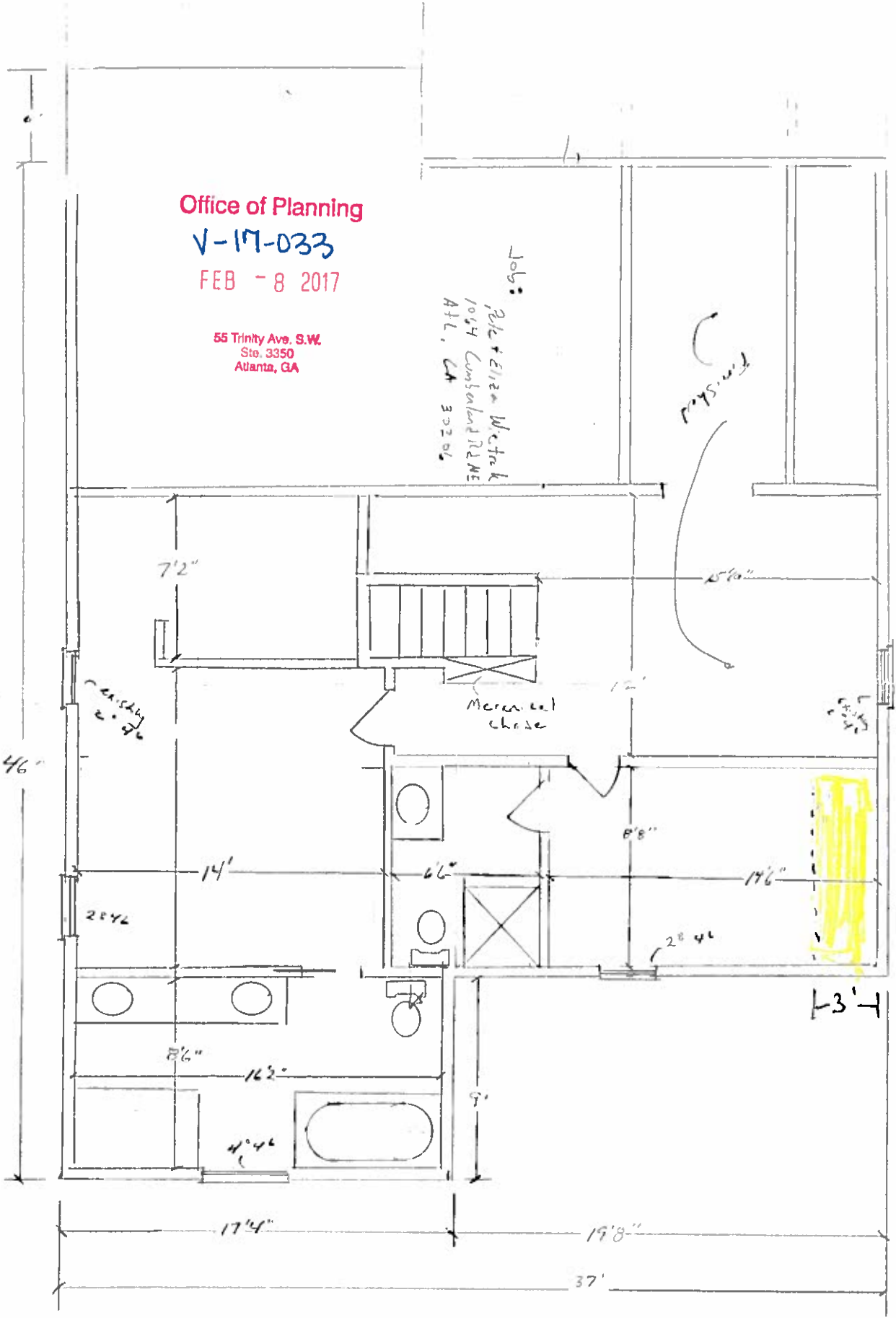
V-17-033

FEB - 8 2017

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

Job:  
Pete + Eliza Westak  
1054 Combsland RD NE  
ATL, GA 30204

Fin. Skid



Proposed

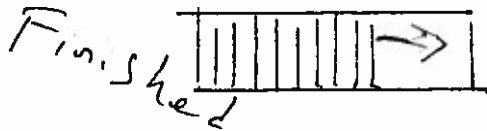
Office of Planning

V-17-033

FEB - 8 2017

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

Attic



Existing

Finished

Job:  
Belen & Eliza W. et al  
1064 Cumberland NE  
ATL, GA 30206

Attic



# 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, Peter Wietrak (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1064 Cumberland Rd 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 Tennel FIRST NAME John  
ADDRESS 275 Wood Shoals Ct SUITE \_\_\_\_\_  
CITY Alpharetta STATE GA ZIP CODE 30022

OWNER'S TELEPHONE NUMBER: (904) 735-9589

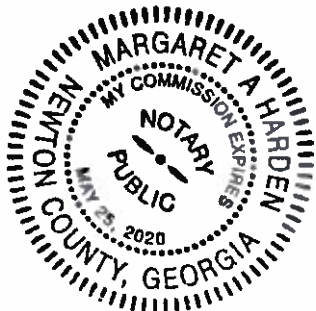
Peter Wietrak  
SIGNATURE OF OWNER

Peter Wietrak  
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.

Margaret A. Harden  
NOTARY PUBLIC

January 25, 2017  
DATE



RECEIPT

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

Application: V-17-033  
Application Type: Planning/BZA/Variance/NA  
Address: 1064 Cumberland RD NE, ATLANTA, GA 30306  
Owner Name: Peter Wietrak  
Owner Address: 1064 Cumberland Road ATLANTA,GA 30306  
Application Name: Variance

PAID  
CITY OF ATLANTA  
FEB 08 2017  
EX OFFICER MUNICIPAL REVENUE COLLECTOR  
*Handwritten: 02/08/17 5240*

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
507068	5240	\$100.00	02/08/2017	BSIMMONS		

Owner Info.: Peter Wietrak  
1064 Cumberland Road  
ATLANTA, GA 30306

Work Description: Variance request to reduce the required west side yard setback from 7 feet to 4 feet for a second story addition.