



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

APPLICATION #: **V-17-144**
DATE ACCEPTED: **05/23/2017**

NOTICE TO APPLICANT

Address of Property:
1239 North Highland AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date: July 13, 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

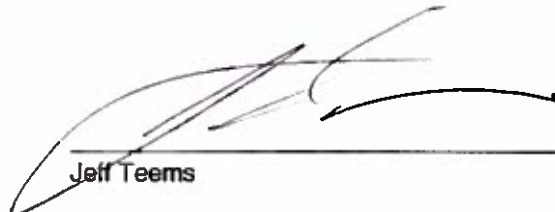
Contact info for adjacent NPUs is provided below if necessary:

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,


MD, for Director, Bureau of Planning


Jeff Teems



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

Office of Planning

MAY 23 2017

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

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER _____

NPU F DATE FILED 5-23-2017

Mac Joye
Name of Applicant

BUILDING PERMIT AUTHORIZING
Addition to Accessory Structure

at 1239 North Highland Avenue 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 exceed the maximum of 30% of the floor area of the main house to 38.6%, to construct an addition to an existing accessory structure (garage). Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 28 Section 16-28.004 Paragraph (3)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

[Signature]
Plan Reviewer Date 5-23-17

[Signature]
Applicant Date 5/23/17

V-17-144

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

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

Office of Planning

MAY 23 2017

55 Trinity Ave. S.W.
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Atlanta, GA

Date Filed 5-23-2017 Application Number _____

Name of Applicant MAC JOYE Daytime Phone 678-488-2904

Company Name (if applicable) _____ email MACJOYE@YAHOO.COM

Address 1239 N HIGHLAND AVE NE ATLANTA GA 30306
street city state zip code

Name of Property Owner MAC JOYE Phone _____

Address 1239 N HIGHLAND AVE NE ATLANTA GA 30306
street city state zip code

Description of Property

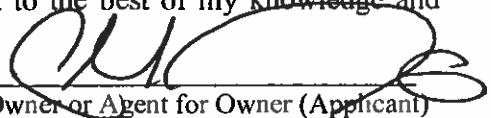
Address of Property 1239 N. HIGHLAND AVE NE ATLANTA GA 30306
street city state zip code

Area: 9715 Land Lot: 2 District: 17th, FULTON County, GA.

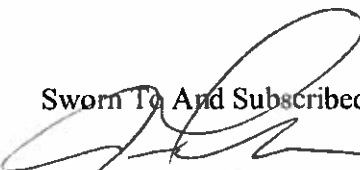
Property is zoned: R-4, Council District: 6, Neighborhood Planning Unit (NPU): F

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.


 Owner or Agent for Owner (Applicant)
CHARLES M. JOYE III
 Print Name of Owner

Sworn To And Subscribed Before Me This 20 Day Of MAY 20 17.


 My Commission Expires
 February 16, 2020
 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). 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.").

REMOVE ROOF FROM EXISTING GARAGE AND ADD A NEW 2ND FLOOR
ROOF. APPROX. 27'x24'

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

Office of Planning
MAY 23 2017
55 Tandy Ave. S.W.
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Atlanta, GA

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
- 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
- 3) What conditions are peculiar to this particular piece of property? SEE ATTACHED
- 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

V-17-144

Office of Planning

MAY 23 2017

Trinity Ave. S.W.
3350
Atlanta, GA

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

The piece of property has two structures that currently sit upon it, i) my two-story home and ii) a detached 2 car garage. My house is approximately 3000 square feet therefore based upon the zoning regulations I'm limited to no more than 900 square feet of developed space outside my home. The existing, single-level, detached 2-car garage currently occupies around 625 square feet. The garage is not heated nor cooled and does not serve any purpose beyond housing our cars and some limited storage. The current zoning regulation limits me from building out the usable space above the two-car garage, an additional 625 square feet that would bring the total developed square footage to 1250 square feet. This equates to 350 square feet over the current zoning ordinance. This limitation is only driven by the square footage of my home as I understand it. There are numerous homes on my side street, McLynn Ave NE, that have larger homes on them with detached garages that include finished 2nd story space above the garage YET the lots are MUCH smaller than my lot. The limitation based upon the zoning regulation is the size of the home. Given the approved development along the line of my variance request that exists upon my street, I don't feel this is an egregious request.

Given the layout of the lot and the layout of my home, the logical place to create more usable space for my family of five (5) is above my garage. Adding a 3rd story to my home is not feasible and extending the home into the backyard infringes upon the greenspace of the property that we utilize daily.

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

The zoning regulations as I understand them limit the developed space outside of the home to no more than 30% of the square footage of my house. My house is approximately 3000 square feet therefore based upon the zoning regulations I'm limited to no more than 900 square feet of developed space outside my home. The existing, single-level, detached 2-car garage currently occupies around 625 square feet. The garage is not heated nor cooled and does not serve any purpose beyond housing our cars and some limited storage. The current zoning regulation limits me from building out the usable space above the two-car garage, an additional ~~625~~ ¹¹⁵³ square feet that would bring the total developed square footage to ~~1250~~ ¹⁸⁰³ square feet. This equates to ~~350~~ ⁸⁷⁸ square feet over the current zoning ordinance. This limitation is only driven by the square footage of my home as I understand it. There are numerous homes on my side street, McLynn Ave NE, that have larger homes on them with detached garages that include finished space above the garage YET the lots are MUCH smaller than my lot. The limitation based upon the zoning regulation is the size of the home.

(From 30%
To 38.6%)

The house we own was built in 1909 and slightly remodeled in 1999. My wife and I have 3 children. We love our home, our neighborhood and plan to raise our kids here. Our only challenge is more usable space for our family. Given the current layout of our home there isn't adequate family room space. The addition above our garage would expand the usable space that our family can enjoy as we grow.

3. What conditions are peculiar to the property?

My house is approximately 3000 square feet therefore based upon the zoning regulations I'm limited to no more than 900 square feet of developed space outside my home. The existing, single-level, detached 2-car garage currently occupies around 625 square feet. The garage is not heated nor cooled

and does not serve any purpose beyond housing our cars and some limited storage. The current zoning regulation limits me from building out the usable space above the two-car garage, an additional 625 square feet that would bring the total developed square footage to 1250 square feet. This equates to 350 square feet over what would be allowed by the current zoning ordinance. This limitation is only driven by the square footage of my home as I understand it. There are numerous homes on my side street, McLynn Ave NE, and the surrounding neighborhood that have larger homes on them with detached garages that include finished space above the garage YET the lots are MUCH smaller than my lot. The limitation based upon the zoning regulation is the size of the home.

The limiting factor of our home is that the original structure built in 1909 was maintained and not scrapped and rebuilt for a new construction home with a much larger square footage. Had it been, there would be no need for this variance request. The lot that our home and detached garage currently rest upon is much larger by square footage than many of the lots on our street, McLynn Ave NE, and the surrounding neighborhood that currently have homes with detached garages with finished space above them.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance of the City of Atlanta.

The requested variance that would allow me to build out a 2nd floor on the existing two car garage on my property will not cause a substantial detriment to the public good. The garage structure already exists on my property and its current roof and roof height are almost the same height as the proposed build out of the 2nd floor. Given where the existing garage sits on the property it does not obstruct the view of any of adjoining or surrounding properties. There are numerous homes on my side street, McLynn Ave NE, and the surrounding neighborhood that have the types of built out structures I'm seeking. The following pages present a few examples.

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Ste. 3350
Atlanta, GA

V-17-144

1097 McLynn Ave NE



1269 Lanier Blvd NE



Office of Planning

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

V-17-144

829 Highland Terrace

Office of Planning

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

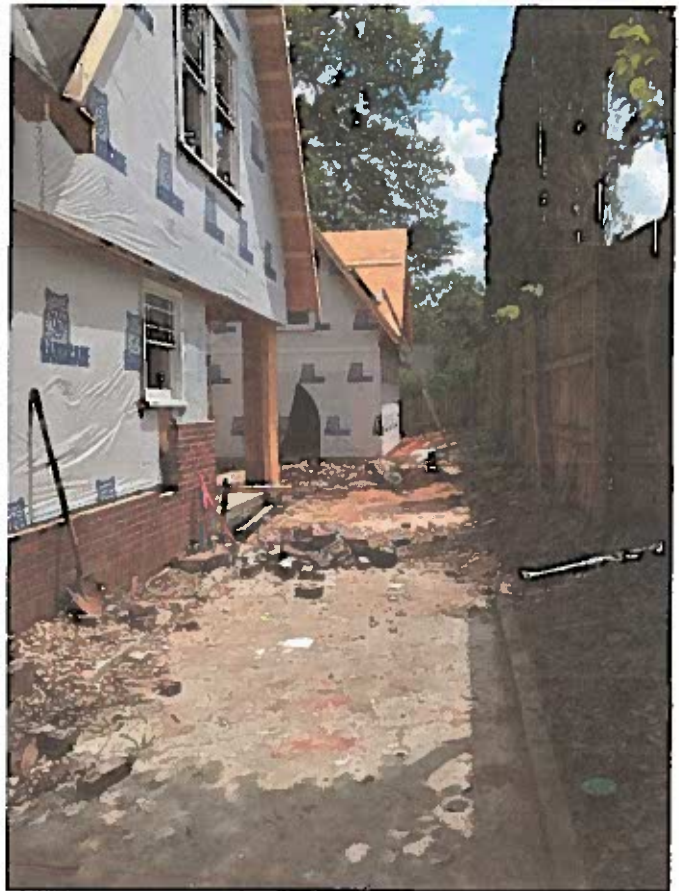


1071 Bellevue Dr. NE

Office of Planning

MAY 23 2017

35 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.)


(Please Print Clearly)

I, CHARLES M. JOYE III (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1239 N. HIGHLAND AVE 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 ~~JEFF~~ TEEMS FIRST NAME JEFF
ADDRESS 4045 ORCHARD RD SUITE 400
CITY SMYRNA STATE GA ZIP CODE 30080

OWNER'S TELEPHONE NUMBER: 678-488-2904


SIGNATURE OF OWNER

CHARLES M. JOYE III
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
5-20-2017

DATE

My Commission Expires
February 16, 2020

Office of Planning

MAY 23 2017

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

RECEIPT

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

Application: V-17-144
Application Type: Planning/BZA/Variance/NA
Address: 1239 NORTH HIGHLAND AVE NE, ATLANTA, GA 30306
Owner Name: Charles M. Joye, III
Owner Address: 1239 North Highland Avenue Atlanta, Ga 30306
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
524069		\$100.00	05/23/2017	RPLEWIS		

Owner Info.: Charles M. Joye, III
1239 North Highland Avenue
Atlanta, Ga 30306

Work Description: A variance to exceed the maximum of 30% floor area of the main house to 38.6% to construct an addition to an existing accessory structure (garage).

PAID
CITY OF ATLANTA
MAY 23 2017
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

The field data upon which this plat is based has a closure of 1 foot in 10,000+ feet, an angular error of .05 seconds per angle point and was adjusted using the Least Squares Method. This plat has been calculated for closure and found to be accurate to 1 foot in 100,000+ feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plat.

FLOOD STATEMENT

I HAVE EXAMINED THE OFFICIAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY LIES IN A FLOOD HAZARD AREA ACCORDING TO FEMA FIRM MAP 13121C0261 G, DATED 9/18/2013

STATE WATERS NOTE:

NO STATE WATERS PRESENT WITHIN 200 FEET OF PROJECT SITE.

ZONED: R4

FRONT: 35' MAX. LOT % = 50%
 CORNER: 17.5' MAX. FL. RATIO = 0.5
 SIDE: 7'
 REAR: 15'

LOT AREA:

9,715 sq. ft.
 0.223 acres

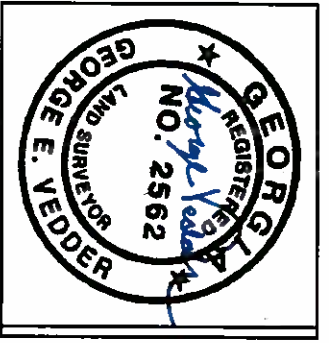
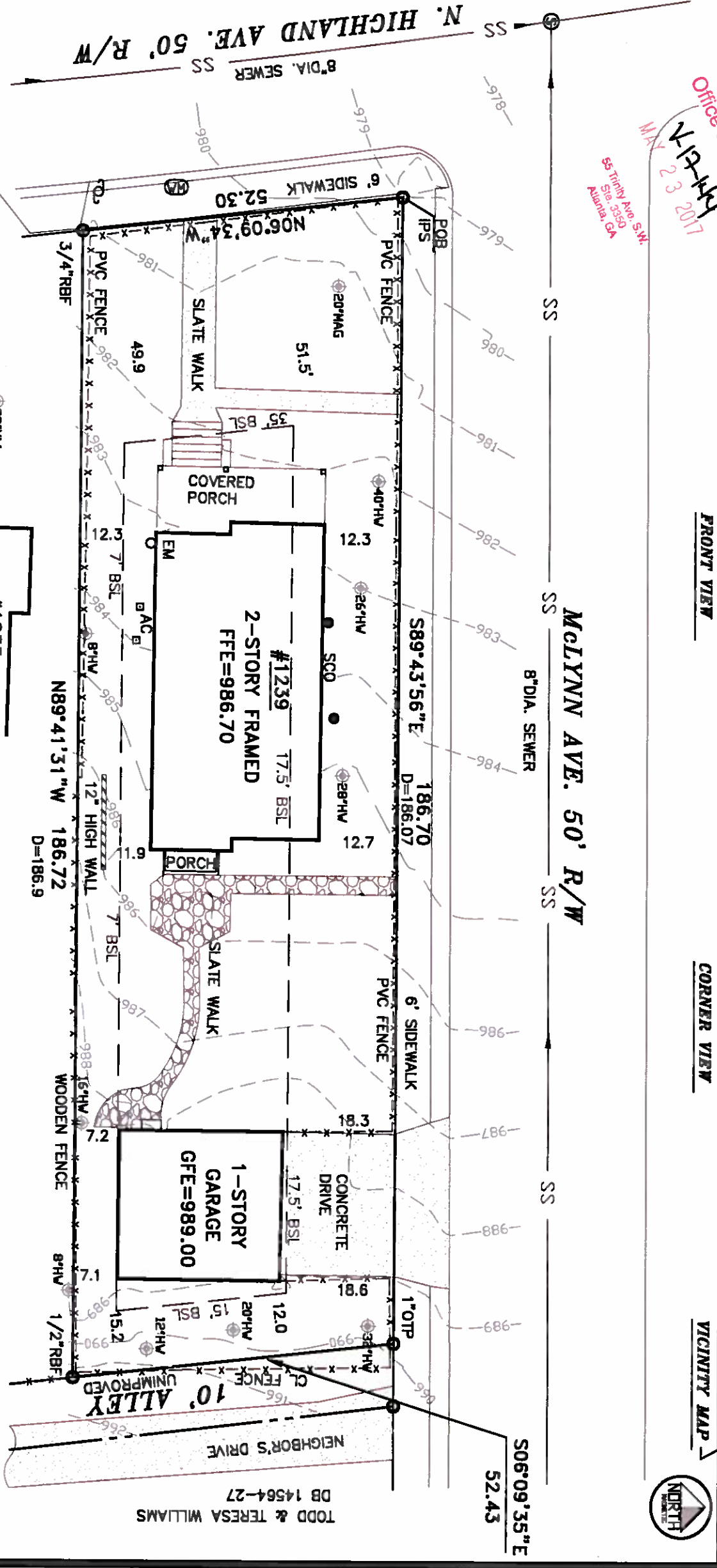
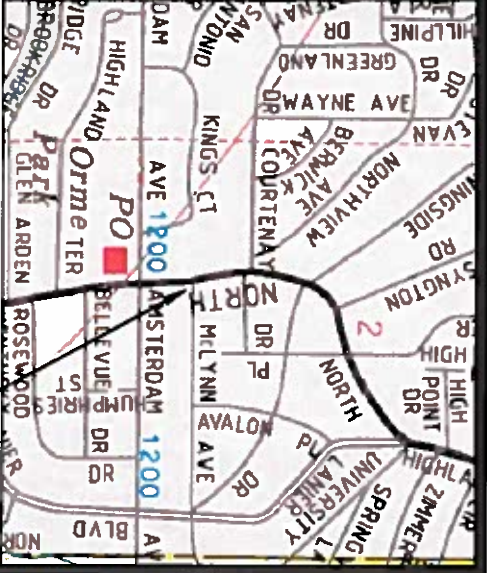
LEGEND

- POB POINT OF BEGINNING
- IPC IRON PIN SET
- IPF IRON PIN FOUND
- OT OPEN TOP PIN
- CT CRIMP TOP PIN
- RB REINFORCING BAR
- CL CENTERLINE
- R/W RIGHT-OF-WAY
- LL LAND LOT
- L LINE
- R RADIUS
- C CONC CONCRETE
- PP CURVE
- WM POWER POLE
- EM WATER METER
- GM ELEC. METER
- LP GAS METER
- SS LAMP POLE
- N&C SANITARY SEWER
- FFE NAIL & CAP
- X-X- FIN. FLOOR ELEV.

VEDDER SURVEYS & ASSOCIATES
 1648 Juliette Road, Forsyth, Ga. 31029
 TELEPHONE (678) 544-2585
 EMAIL: GEORGE@VEDDERSURVEY.COM

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.

Office of Planning
 MAY 23 2017
 55 Trinity Ave. S.W.
 Ste. 3350
 Atlanta, GA



#1233
 SINGLE FAMILY HOME
 JASON D. EADES
 DB 50355-667

SURVEY AS BUILT FOR:
JEFF TEEMS
ADDRESS: 1239 N. HIGHLAND AVE.
 LAND LOT 2 DIST. 17TH FULTON COUNTY, GA.
 LOT BLOCK SCALE 1"=20'
 DEED BOOK 54,484, PG. 378
 SURVEY & PLAT DATE: 3/30/2017 CITY OF ATLANTA

TODD & TERESA WILLIAMS
 DB 14564-27