



OFFICE OF ZONING AND DEVELOPMENT

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **V-17-237**

DATE ACCEPTED **08/22/2017**

NOTICE TO APPLICANT

Address of Property:

1199 Argonne WAY NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, October 12, 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 five 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,

AD, for Director, Office of Zoning and
Development

Will Adams



Office of Planning

AUG 22 2017

CITY OF ATLANTA

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

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

REFERRAL CERTIFICATE

COUNCIL DISTRICT _____ APPLICATION NUMBER V-17-237

NPU _____ DATE FILED _____

Will Adams
Name of Applicant

BUILDING PERMIT AUTHORIZING Addition to single family dwelling

at 1199 Argonne Way NE 17th/4
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 regulations to reduce the (1) required east side yard setback from 7 feet to 5 feet 4 inches (2) applicant also which a variance to reduce the west side yard setback from 7 feet to 3 feet 7 inches to construct an addition to a single family dwelling.

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 _____

[Signature]
Plan Reviewer Date 8/22/17

[Signature] 8-22-17
Applicant Date

APPLICATION FOR BOARD OF ZONING ADJUSTMENT Planning

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

Variance	X
Special Exception	
Variance & Special Exception	

AUG 22 2017

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

Date Filed _____ Application Number V-17-237

Name of Applicant Will Adams/Jett Mogen Daytime Phone 925-285-1966

Company Name (if applicable) Frame to Finish Builders email Lydia@FFFBUILDERS.COM

Address 1190 N. Highland Ave Unit 8566 Atlanta GA 31106

street city state zip code

Name of Property Owner Chris Cochran Phone 925-285-1966

Address 1199 Argonne Way NE Atlanta GA 30324

street city state zip code

Description of Property

Address of Property 1199 Argonne way Atlanta GA 30324

street city state zip code

Area: _____ Land Lot: 4 District: 17th, DeKalb 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.

Jett Mogen
Owner or Agent for Owner (Applicant)

Jett Mogen
Print Name of Owner

Sworn To And Subscribed Before Me This 22 Day Of Aug 20 17.

[Signature]
NOTARY PUBLIC

V-17-237

SUMMARY & JUSTIFICATION FOR VARIANCES

Office of Planning

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.

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Ste. 3350
Atlanta, GA

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).")

51-4
Requesting setback reduction east side from 7'-0" to ~~5'-3"~~ and west side from 7'-0" to 3-7 to reflect existing as-built structure conditions.

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.

1,733 covered square feet / 7,198 total lot square feet = 27 % 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)? Existing home and side deck sits over setback lines
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? existing conditions cannot change
- 3) What conditions are peculiar to this particular piece of property? N/A
- 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. Request will not affect surrounding properties

1199 Argonne Way, Atlanta GA | Frame-to-Finish Builders | Homeowner Chris Cochran



CRITERIA FOR VARIANCES

1) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

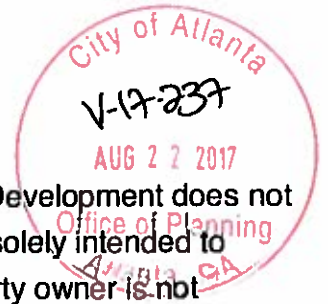
- Explain why you believe your property has an extraordinary or exceptional condition. Is the width narrower, or is it smaller than the minimum that is required by the zoning regulations for its zoning classification? **The actual lot size is 8198 square feet which does not meet the zoning regulations of 900 square feet. We are not altering the existing main level of the footprint or the front yard typography.**

Does it have a shape that limits development in its buildable area, or topography that restricts its use? **Yes, the original home sits over the build line due to being built prior to zoning.** Does this condition relate directly to the requested variance? **The lot is only 50' wide per the survey documentation, which does not meet the minimum requirements of R4.**

- Commercially zoned properties do not have minimum width and area requirements; therefore, those elements of this criterion are not strictly applicable. However, it is advisable to evaluate the shape and topography of the property in comparison to other nearby commercial properties.
- If the variance is required to avoid destruction of any mature trees located in the buildable area of the property, contact the office of the City Arborist at (404)330-6874 to schedule an appointment for an arborist to inspect the property and document the location of the tree.

2) **The application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create an unnecessary hardship.**

- Describe why you believe the zoning regulations create an unnecessary hardship on you regarding the use of your property. **Yes, the original home sits over the build line due to being built in 1956 prior to zoning restrictions were implemented, which creates a hardship to the homeowner to remodel the home with a second story. We are not altering the main home footprint, driveway or existing deck conditions.**



For the purposes of granting a variance, the Office of Zoning and Development does not consider a hardship to be related to cost alone. Variances are not solely intended to enable the property owner to save money. For example, the property owner is not considered to have a hardship if the only reason for the variance is that it would cost more to construct, without a variance, a structure in the buildable area of a lot, versus getting a variance to be allowed to construct the same structure in a yard setback.

- Location of a house on the property in a manner that instigates a variance request is not usually considered an extraordinary or exceptional condition. However, a hardship might be involved if the functional layout of an existing floor plan drives the request for the variance.

3) Such conditions are peculiar to the particular piece of property involved.

- State how the relevant extraordinary and exceptional conditions identified as per (1), above, are unique to the property, not shared by the majority of other properties in the same zoning district.

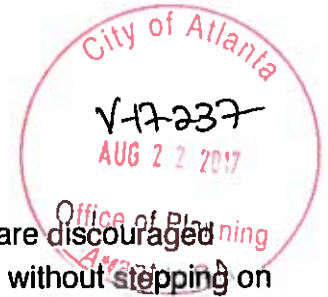
Yes, the original existing home sits over the build line due to being built in 1956 prior to the zoning restrictions implemented, which creates a hardship to the homeowner to build a second story above the existing main level conditions.

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.

- Explain how the requested variance would not detract from people's use and enjoyment of adjoining and surrounding properties. Explain how it would be consistent with the purposes and intent of the zoning ordinance and/or would further these purposes and intent. The purposes and intent are stated in Section 16-01.003 of the ordinance, and include: securing safety from fire, panic and other dangers, providing adequate light and air, encouraging . . . intensities of land development as will tend to facilitate drainage, sanitation, education, recreation and other public requirements, promoting desirable living conditions, sustaining stability of neighborhoods, providing for the orderly evolution of neighborhoods along lines responsive to public needs, protecting against blight and depreciation.

The remodel plan does not negatively impact the neighbors as the plan is adding a second story on the main level footprint. The plan does not impede fire safety, access to public safety or other dangers to the neighbors. The home will provide adequate light

and air to this home along with the neighbors. The remodel plans promotes desirable living conditions, sustaining stability of the neighborhood and increases home value in the area protecting against depreciation.



Note:

- Yard setback reductions to less than 3 feet for construction of a structure are discouraged because a) maintenance of side walls of structures is usually not possible without stepping on the adjoining property, and b) houses built less than 3 feet from the property line may not have windows in the affected side wall, in accordance with the fire safety building code.
- Pervious (porous) surfaces are encouraged to allow rainwater to absorb into the ground, thereby reducing runoff and flooding. Groundwater absorption also purifies stormwater runoff before it reaches our rivers and lakes. Please consider using the following pervious surfaces: pervious concrete, grasscrete, gravel, pervious medians in "ribbon" driveways, and sand-filled spaces between pavers. (Pervious surfaces are included in overall lot coverage calculations.)

AUTHORIZATION BY PROPERTY OWNER

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

(Please print clearly. Must be the original document. A copy will not be accepted.)

I, Chris Cochran (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1199 Argonne Way (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF DeKalb COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

Office of Planning

AUG 23 2017

NAME OF APPLICANT:

LAST NAME ADAM FIRST NAME WILL
ADDRESS 1190 Highland Ave SUITE _____
CITY Athens STATE GA ZIP CODE _____

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

OWNER'S TELEPHONE NUMBER: 706-575-2325

Christopher Cochran
SIGNATURE OF OWNER

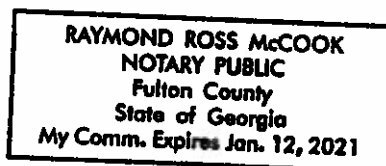
Christopher Cochran
PRINT NAME OF OWNER

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.

Raymond Ross McCook
NOTARY PUBLIC

08/22/2017

DATE



RECEIPT

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

Application: V-17-237
Application Type: Planning/BZA/Variance/NA
Address: 1199 ARGONNE WAY NE, ATLANTA, GA 30324
Owner Name: Chris Cochron
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
537907	2879	\$100.00	08/22/2017	RPLEWIS		

Owner Info.: Chris Cochron

Work Description: Reduce required setbacks.

PAID
CITY OF ATLANTA
AUG 22 2017
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

