



**OFFICE OF ZONING AND DEVELOPMENT**

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **V-18-061**

DATE ACCEPTED **03/07/2018**

**NOTICE TO APPLICANT**

Address of Property:

**1249 Lanier BLVD NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, May 3, 2018 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,

RG, for Director, Office of Zoning and  
Development

Scott A. Burks



MAR - 7 2018

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

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

MAR - 7 2018

# CITY OF ATLANTA

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

Department of City Planning  
Office of Zoning & Development

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-061  
NPU F DATE FILED March 7, 2018

1. Scott A Burks  
Name of Applicant

### BUILDING PERMIT AUTHORIZING

New detached accessory structure - garage

at 1249 Lanier BLVD NE 17<sup>th</sup>/02  
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 7 feet, 6 inches and (2) reduce the required southern side yard setback from 7 feet to 3 feet - to erect a detached garage.

Applicant seeks no other variances or exceptions at this time.

A Complete Plan Review Was Not Conducted.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2) (3)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Scott Haeberlin 3/7/18  
Plan Reviewer Date

[Signature] 3/7/18  
Applicant Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Department of City Planning  
and Zoning & Development

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"/>

MAR - 7 2018

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

Date Filed 3/7/2018

Application Number V-18-061

Name of Applicant Scott A. Burks

Daytime Phone 404-954-0582

Company Name (if applicable) Level Team Contracting

email scott@levelteamcontracting.com

Address 1440 Dutch valley place suite 615 Atlanta

GA

30324

Name of Property Owner Level team Contracting

Phone 404-954-0582

Address 1440 Dutch valley place #615 Atlanta

GA

30324

## Description of Property

Address of Property 1249 Lanier Blvd. Atlanta

GA

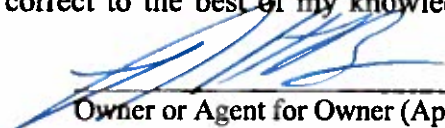
30306

Area: \_\_\_\_\_ Land Lot: 2 District: 17<sup>th</sup>, Fulton County, GA.

Property is zoned: R4, Council District: 6, Neighborhood Planning Unit (NPU): F

TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received a preliminary plan review from the Office of Zoning and Development prior to 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)

Scott Burks  
Print Name of Owner

Sworn To And Subscribed Before Me This 6 Day Of March, 2018.

Chelvia White  
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.

Site 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: \_\_\_\_\_.

Is the proposal subject to Inclusionary Zoning? \_\_\_ YES  NO

**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.").

Build new 2 car Detached garage at rear of property. Reduce (near east) setback from 15 feet to 7 feet 6 inches. Reduce (south) side setback from 7 feet to 3 feet for new 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.

3857 covered square feet / 7728 total lot square feet = ~~49~~ 50 % 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)? the lot is 7,728 sf well short of the minimum required size of 9,000 sf. The lot width is also deficient for the R-4 zoning. Required width is 70' this lot is only 50'.
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? Application of the side and rear setback would not leave adequate space to maneuver and park vehicles on this non-conforming lot.
- 3) What conditions are peculiar to this particular piece of property? the lot width and size are not peculiar b/c most lots were developed prior to establishment of the zoning ordinance. However, the encroachment is peculiar. The existence of similar conditions on adjoining properties doesn't negate desirability of the proposal.
- 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 requested variance would not impair the purpose or intent of the zoning ordinance and would maintain a neighborhood aesthetic that pre-dates the zoning ordinance. The proposal doesn't impose upon light & air on adjacent properties nor does it impact emergency access. The proposal will cause drainage between adjoining properties.

# AUTHORIZATION BY PROPERTY OWNER


(Required only if the person filing the application 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.) **MAR - 7 2018**

I, Scott A. Burks (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM  
THE OWNER OF THE PROPERTY AT 1249 Lanier Blvd Atl GA (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.

65 Trinity Ave. S.W.  
St. 335  
Atlanta, GA

OWNER'S TELEPHONE NUMBER: 404-954-0582

  
SIGNATURE OF OWNER

Scott A Burks  
PRINT NAME OF OWNER

**NAME OF APPLICANT:**

LAST NAME Burks FIRST NAME Scott

ADDRESS 1440 Dutch Valley P. NE SUITE 615

CITY Atlanta STATE GA ZIP CODE 30324

APPLICANT'S TELEPHONE NUMBER: 404-954-0582

APPLICANT'S EMAIL ADDRESS: Scott@levelteamcontracting.com

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

3/6/18

DATE



V-18-001

Department of City Planning  
Office of Zoning & Development

**Variance Application**

**Subject Property: 1249 Lanier Blvd., Atlanta, GA 30306**

MAR - 7 2018

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

**Legal Description of Property:**

Property fronts 50' of the east side of Lanier Blvd. and begins approximately 50' north of the intersection of Mclynn Ave. and Lanier Blvd.

RECEIPT

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

PAID  
CITY OF ATLANTA  
MAR 07 2018

EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR



Application: V-18-061  
Application Type: Planning/BZA/Variance/NA  
Address: 1249 LANIER BLVD NE, ATLANTA, GA 30306  
Owner Name: DELIZ LINDA D  
Owner Address:  
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
568429		\$100.00	03/07/2018	PAMITCHELL		

Owner Info.: DELIZ LINDA D

Work Description: Variance to reduce the required rear yard setback from 15 feet to 7 feet, 6 inches and to reduce the required southern yard setback from 7 feet to 3 feet- to erect a detached garage.