



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

APPLICATION #: **V-18-292**

DATE ACCEPTED **09/12/2018**

## NOTICE TO APPLICANT

Address of Property:

**733 Sherwood RD NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, November 8, 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

Jimmy Hilliard



V-18-292

Office of Planning

City of Atlanta  
Department of City Planning  
Office of Zoning and Development  
55 Trinity Avenue, Suite 3350  
Atlanta, Georgia 30303  
Phone: 404-330-6145

SEP 12 2018

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

**REFERRAL CERTIFICATE**

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-292  
NPU F DATE FILED 9/12/2018

Jimmy Hilliard  
Name of Applicant

**BUILDING PERMIT AUTHORIZING**  
*Active Recreation (Pool)*

at 733 Sherwood Road NE 17<sup>th</sup>/51  
Street Address Quadrant District & Land Lot

to be used for Active Recreation (Pool) Purposes

The property is zoned R-4/Beltline District

2. The Building Permit Was Denied For The Following Reasons:

Applicant seeks a special exception from the zoning regulation to allow active recreation (pool) in a yard adjacent to the street (Bridle Path).

Applicant seeks no other variances at this time.

**1982 ZONING ORDINANCE, AS AMENDED**

Chapter 16 Section 16-28.008 Paragraph (6)

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

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

Tamaria Letang 09/12/18  
Plan Reviewer Date

Michael Hill 9/12/18  
Applicant Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Office of Planning

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

Variance	
Special Exception	X
Variance & Special Exception	

SEP 12 2018

55 Trinity Ave. S.W.  
Ste. 3355  
Atlanta, GA

Date Filed 9/12/2018

Application Number V-18-292

Name of Applicant JIMMY HILLIARD Daytime Phone 404.374.6093

Company Name (if applicable) Swimtime Pools email Jim@swimtimepools.com

Address po box 1787 cumming ga 30028  
street city state zip code

Name of Property Owner NIGEL PRICE Phone 404.226.5629

Address 733 SHERWOOD RD ATLANTA GA 30324  
street city state zip code

### Description of Property

Address of Property 733 SHERWOOD RD ATLANTA GA 30324  
street city state zip code

Area: \_\_\_\_\_ Land Lot: 51 District: 17, Fulton County, GA.

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

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.

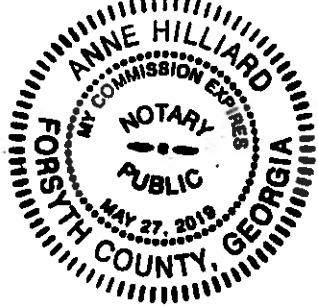
I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Nigel Price  
Owner or Agent for Owner (Applicant)

NIGEL PRICE  
Print Name of Owner

Sworn To And Subscribed Before Me This 21<sup>st</sup> Day Of AUG 2018.

Anne Hilliard  
NOTARY PUBLIC



# SUMMARY & JUSTIFICATION FOR VARIANCES

SEP 12 2018

**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: \_\_\_\_\_.

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.").

INSTALL AN INGROUND SWIMMING POOL ON A CORNER LOT, IN THE REAR YARD, WITHOUT ENCRoACHING ON BUILD LINES, INSIDE AN EXISTING PRIVACY FENCE.

**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.

4401 covered square feet / 11325 total lot square feet = 38.8% 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)? CORNER LOT, AREA IN QUESTION IS 14' ABOVE STREET LEVEL +/-
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? A pool would not be allowed
- 3) What conditions are peculiar to this particular piece of property? ELEVATION, CORNER LOT
- 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. THIS A PRIVATE RESIDENCE, THAT NOTHING OUTSIDE THE EXISTING PRIVACY FENCE WOULD CHANGE. THE NEIGHBORS VIEW WOULD NOT BE IMPACTED.



V-18-292

Office of Planning

SEP 12 2018

101-d Industrial Park Drive Cumming, Ga. 30040  
swimtimepools.com  
(770) 888-3160

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

**TO:** City of Atlanta Board of Zoning Adjustment

**FROM:** Jimmy Hilliard - Swimtime Pools  
Nigel & Joanna Price - Property Owners

**TOPIC:** Residential pool on corner lot

**DATE:** August 24, 2018

The Price family would like to build a pool in the backyard. The house is a corner lot requiring an exception.

Currently the home and backyard sit roughly 10' higher than the adjoining street. There is a 6' privacy fence on the side and rear property lines. No neighbors have a view into or across this property.

The requested exception is to allow that the pool to be built on the right rear of the property to utilize the existing covered porch for seating area. The pool will not encroach on any build lines and will not be visible to the neighbors.

### 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.)

I, NIGEL PRICE (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 733 SHERWOOD Rd Apt. (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.

Office of Planning

OWNER'S TELEPHONE NUMBER: 404-226-5629

SEP 12 2018

56 Trinity Ave. SW.  
Ste. 3250  
Atlanta, GA

Nre  
SIGNATURE OF OWNER

Nigel Price  
PRINT NAME OF OWNER

NAME OF APPLICANT:

LAST NAME Akin FIRST NAME Michelle

ADDRESS 4651 Woodstock Rd # 208 303 SUITE 208 303

CITY Roswell STATE GA ZIP CODE 30075

APPLICANT'S TELEPHONE NUMBER: 678.749.9282

APPLICANT'S EMAIL ADDRESS: akinpermits@att.net

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.

Anne Hilliard  
NOTARY PUBLIC

8/21/18  
DATE



**AUTHORIZATION BY PROPERTY OWNER** Office of Planning

(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.) 12 2018

I, NIGEL PRICE (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 730 SHERWOOD RD (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.

OWNER'S TELEPHONE NUMBER: 404.224.5629

NRe  
SIGNATURE OF OWNER

NIGEL PRICE  
PRINT NAME OF OWNER

**NAME OF APPLICANT:**

LAST NAME Hilliard FIRST NAME Jimmy  
ADDRESS P.O. Box 1787 SUITE \_\_\_\_\_  
CITY Cumming STATE GA ZIP CODE 30028

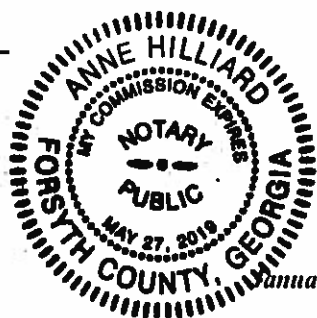
APPLICANT'S TELEPHONE NUMBER: 404.374.6093

APPLICANT'S EMAIL ADDRESS: jim@swimtimepools.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.

Anne Hilliard  
NOTARY PUBLIC

8/21/18  
DATE



**RECEIPT**

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

**PAID**  
CITY OF ATLANTA  
SEP 12 2018  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR  
*Jm*

**Application:** V-18-292  
**Application Type:** Planning/BZA/Special Exception/NA  
**Address:** 733 SHERWOOD RD NE, ATLANTA, GA 30324  
**Owner Name:** DARBY HENRY L & PASCHALL JOANNE  
**Owner Address:**  
**Application Name:**

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
602139	24152	\$100.00	09/12/2018	PAMITCHELL		

**Owner Info.:** DARBY HENRY L & PASCHALL JOANNE

**Work Description:** Special Exception to allow active recreation (pool) in a yard adjacent to the street (Bride Path).