



OFFICE OF ZONING AND DEVELOPMENT

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **V-18-338**

DATE ACCEPTED **10/24/2018**

NOTICE TO APPLICANT

Address of Property:

1250 Beech Valley RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, December 13, 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,

LM, for Director, Office of Zoning and
Development

Nina Gentry

Office of Planning

V-18-338

OCT 24 2018



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

Office of Planning

OCT 24 2018

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

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-338

NPU F _____ DATE FILED _____

Nina Gentry
 Name of Applicant

BUILDING PERMIT AUTHORIZING
Addition to existing single family residence

at 1250 Beech Valley Road NE 18th/56
 Street Address Quadrant District & Land Lot

to be used for Residential Purposes

The property is zoned R-4 (Single Family) District

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

Applicant seeks a variance from the zoning regulations to reduce the required half-depth front yard (along Hyland Way) from 17.5 feet to 4.5 feet for an addition to an existing single family residence.

COMPLETE REVIEW WAS NOT CONDUCTED. PENDING REPLAT/LOT ACKNOWLEDGEMENT.

Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 28 Section 16-28.007 Paragraph (5)(b)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Tamaria Letang 10/23/18
 Plan Reviewer Date

Nina E Gentry 10/23/18
 Applicant Date

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	X
Special Exception	
Variance & Special Exception	

Date Filed 10/24/18 Application Number V-18-338

Name of Applicant Nina E. Gentry, AICP Daytime Phone 404-218-5730

Company Name (if applicable) Gentry Planning Services, LLC email gps2015@comcast.net

Address 992 Eden Avenue, SE Atlanta GA 30316
street city state zip code

Name of Property Owner Erik Olson Phone 404-433-9310

Address 1250 Beech Valley Road Atlanta GA 30306
street city state zip code

Description of Property

Address of Property 1250 Beech Valley Road Atlanta GA 30306
street city state zip code

Area: 9,594 SF Land Lot: 56 District: 18, 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 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.

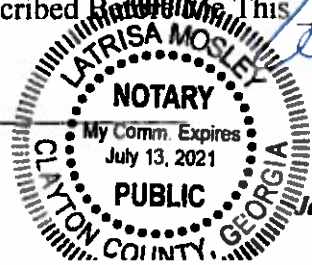
I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing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

Nina E. Gentry
 Owner or Agent for Owner (Applicant)

Erik Olson
 Print Name of Owner

Sworn To And Subscribed Before Me This 23rd Day Of Oct, 2018.

[Signature]
 NOTARY PUBLIC



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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: _____.

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.").

Remove existing deck and construct new deck and screen porch

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.

4131 covered square feet / 9594 total lot square feet = 43 % proposed lot coverage

50 % maximum allowed lot coverage

Variance Criteria (see page 6 for detailed criteria): SEE ATTACHED

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

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

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

- 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. _____

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VARIANCE REQUEST
1250 Beech Valley Road, NE

1250 Beech Valley Road is an R-4 zoned property located at the northeast corner of Beech Valley Road and Hylan Way in the Morningside/Lenox Park neighborhood of NPU-F in Council District 6. The property is a conforming lot having 77.65 feet of frontage and a land area of 9,594 square feet. However, the property tapers to a rear width of 45 feet. The topography slopes up from Beech Valley from an elevation of 862 to 868 and Hylan Way from 864 to 868. This places the dwelling approximately 6 to 4 feet above street level.

The dwelling was constructed around 1935 prior to the adoption of the current City of Atlanta zoning regulations. The dwelling and deck encroach into the required half-depth front yard of 17.5 feet. The east side of the dwelling encroaches into the required 7-foot side yard setback. A detached garage is located in the rear yard and encroaches into the rear and east side yard setbacks. The deck is 5.5 feet from the west property line at its closest point where the lot width is approximately 55 feet. A 32" oak tree is present on the west side of the property and the existing deck is built around the tree. The existing conditions were present when the current homeowners purchased the property.

The homeowners request a reduction in the half-depth front yard from the required 17.5 feet to 4.5 feet to allow a new deck (308 SF) and screen porch with fireplace (286 SF). The width of the lot at this point is 57', some 20 feet narrower than the front of the property and 13' less than the required width of a property zoned R-4. All other proposed improvements will be within the buildable area of the property.

To protect the 32" oak there will be no land disturbance other than as necessary for hand digging holes for new posts and no roots over 2" will be cut during excavation. The root plate will also be covered with a 12" layer of hardwood mulch followed by a layer of ¾" plywood during construction.

The existing Floor Area Ratio (FAR) is 0.185 and post construction the FAR will on increase to 0.199 far below the permitted FAR of 0.50 for R-4 properties. Similarly, the existing lot coverage is 41.25% and post construction the lot coverage will increase to 43.06% again, remaining under the permitted 50% lot coverage for properties zoned R-4.

Considering all of the information above the property owners respectfully request the Board of Zoning Adjustment approve the request for a reduction in the half depth front yard setback from 17.5 feet to 4.5 feet to allow for the proposed improvements on the property.

JUSTIFICATION

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** 1250 Beech Valley Road is a conforming lot of record zoned R-4 (Single-Residential) developed in the 1930s. Although the property exceeds the required lot frontage of 70 feet it tapers to a width of 45 feet. The topography slopes up from Beech Valley and Hylan Way. These are extraordinary and exceptional conditions because of the shape and topography of the property.

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- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause an unnecessary hardship because of the irregularities of the property. Adherence to the zoning regulations would cause a hardship by preventing the property owner from making a reasonable improvement to a single-family property. The proposed deck and screen porch would encroach into the half-depth front yard setback similarly to the existing condition. The Floor Area Ratio (FAR) nor lot coverage will increase above what is permitted with the proposed improvements. It should not be necessary to impose this hardship to protect the public good.
- c. **Such conditions are peculiar to the particular piece of property involved.** The shape of the property is unique to the subject property as there are no other lots in the area that taper to the same extent.
- d. **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 proposed new deck and screen porch are typical improvements to a single-family property. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the property has the room for the requested improvements. The request allows for an increase in the livability of the property which improves and reinforces the stability of the surrounding neighborhood. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

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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, ERIK OLSON (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1250 Beech Valley Road, NE (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.

NAME OF APPLICANT:

LAST NAME Gentry FIRST NAME Nina

ADDRESS 992 Eden Avenue, SE SUITE _____

CITY Atlanta STATE GA ZIP CODE 30316

OWNER'S TELEPHONE NUMBER: 404-433-9310

[Signature]
SIGNATURE OF OWNER

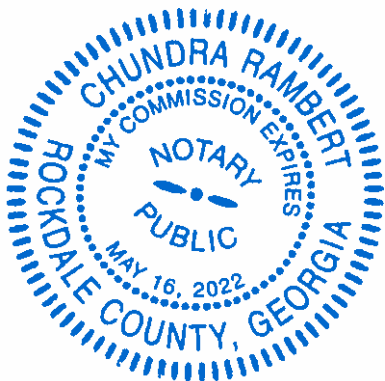
ERIK OLSON
PRINT NAME OF OWNER

Office of Planning
V18334
OCT 24 2018
55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

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.

[Signature]
NOTARY PUBLIC

10/10/18
DATE



PAID
CITY OF ATLANTA
OCT 24 2018

EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Visa


RECEIPT

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

Application: V-18-338
Application Type: Planning/BZA/Variance/NA
Address: 1250 BEECH VALLEY RD NE, ATLANTA, GA 30306
Owner Name: BANKS WILLIAM ROBERT OR BANKS KATHLEEN C
Owner Address:
Application Name: 1250 BEECH VALLEY ROAD NE

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
609955		\$100.00	10/24/2018	BSIMMONS		

Owner Info.: BANKS WILLIAM ROBERT OR BANKS KATHLEEN C

Work Description: APPLICANT SEEKS A VARIANCE FROM THE ZONING REGULATIONS TO REDUCE THE REQUIRED HALF-DEPTH FRONT YARD (ALONG HYLAND WAY) FROM 17.5 FEET TO 4.5 FEET FOR AN ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE.

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