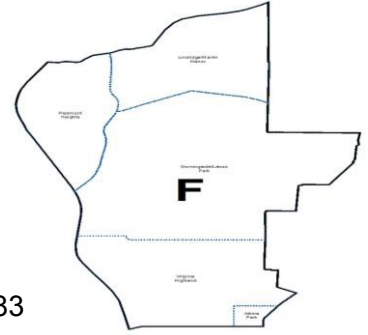


# MEETING AGENDA

## NEIGHBORHOOD PLANNING UNIT - F

**DATE:** Monday, November 20, 2017  
**TIME:** 7:00 P.M.  
**LOCATION:** Hillside Facility  
1301 Monroe Drive  
Atlanta, GA 30306-3439



### Contact Information:

Debbie Skopczynski, Chair [Chair@npufatlanta.org](mailto:Chair@npufatlanta.org) 404-874-7483

### City Staff:

Charletta Wilson Jacks, Director [cjacks@atlantaga.gov](mailto:cjacks@atlantaga.gov) 404-330-6145

Erica Pines, Asst. Director [epines@atlantaga.gov](mailto:epines@atlantaga.gov) 404-546-0159

Doug Young, Planner [dyoung@atlantaga.gov](mailto:dyoung@atlantaga.gov) 404-330-6702

Tanya C. Mitchell, NPU Coordinator [tcMitchell@atlantaga.gov](mailto:tcMitchell@atlantaga.gov) 404-330-6899

## AGENDA

### 1. Opening Remarks/Introductions

- The meeting was called to order at 7:02pm.

#### Reminders:

- Campaigning for any political office is prohibited at NPU meetings. If you are a candidate, you are welcome to meet and greet outside the building before and after our meetings. The specifics of the prohibition are printed at the end of the agenda.
- All attendees, including non-residents, must sign in on one of the sheets located on the front table. If you are interested in receiving updates from the NPU and more detailed agenda with links to the applications on the agenda, please sign the clip board.
- Residents of NPU-F may vote on any issue unless there is a financial interest (e.g. property owners may not vote on their own variances, but can vote on other variance applications). Business owners may vote if they have met the requirements as described in our by-laws. Most of our votes will be taken by voice vote.
- Because of the length of the agenda, discussion and debate may be limited throughout the meeting. We use Robert's Rules of Order to keep the meeting moving – so please be patient and follow the cues on when it is appropriate to discuss an issue.
- There are two agendas --4 page with the map and Consent Agenda. Are there any additions to the agenda? Any items added to agenda requires a 80% vote.

### 2. Approval of Minutes

**NPU-F Action: Motion to approve the October 2017 minutes carries on voice vote.**

### 3. Announcements

### 4. Reports from City Departmental Representatives

- Atlanta Fire Department – Station 19 North Highland; Station 29 Monroe

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Atlanta Police Dept. - Zone 6 - Major Peek Zone 2 – Major Shaw

Major Peek: Thank you for the toy drive support, for children in zone 6, the kids will receive their gifts on December 16. You can drop unwrapped gifts in the box. Crime remains at 6%, larceny still big driver, a special task force has been set up to address crime. A reminder please do not warm up your car and leave it running. No critical incidents to report in Zone 6. The holiday plan of action live as of last Friday, includes increased coverage. Reminder don't leave your bags in your car after shopping.

Zone 2: Similar issues to Zone 6, when you pump your gas lock your doors and don't leave your car running.

- Fulton County Community Prosecutor - Zone 2 - Brendan Dougherty; Zone 6 - Keith Lamar Jr; Court Watch Coordinator – Danielle Simpson
- MARTA police - Major Nelvette Easterling, Lt. Chapman, North Precinct

Sergeant Johnson: New major Mathew Carrier. Lenox Mall and Perimeter Mall, watch what you leave in your cars. Juveniles are targeting the cars. Dome implosion this morning, no incidents. Macy's tree lightings no incidents. Next big event Dec 2, SEC Championship at Mercedes Benz Stadium.

- Bureau of Housing and Code Compliance – Officer Edwards [sledwards@atlantaga.gov](mailto:sledwards@atlantaga.gov) cell 404-326-6573 Condensed report Aug 1- Oct 31, had 44 cases, 39 property maintenance, 5 highly hazardous. Armond is only one that is still active, there is a new owner the Bureau is currently working with.

- Office of the Solicitor's - Andrew Hughes, Solicitor
- Watershed Management – Chaitanya Bhatt, Watershed Ambassador
- Public Works – Carla T. Smith [ctsmith@atlantaga.gov](mailto:ctsmith@atlantaga.gov) 404-546-0041  
City is rolling out a recycling program. Question: Residential street sweeping done three times a year, how can we get that done more often? Answer: Contact Public Works.

### 5. Comments from Elected Officials

- State House of Representatives - Rep. Pat Gardner/Rep. Park Cannon

Park Cannon: Was unable to attend today's NPU meeting, but wanted everyone to know about a legislative listening session on Saturday, December 9<sup>th</sup>: <https://www.eventbrite.com/e/legislative-listening-session-tickets-39856125745>

- Councilmember District 6 - Alex Wan
- Atlanta City Council Posts: Michael Julian Bond-Post 1; Mary Norwood-Post 2; Andre Dickens-Post 3
- Atlanta City Council President's Office - Ceasar Mitchell

# MEETING AGENDA

## NEIGHBORHOOD PLANNING UNIT - F

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- Fulton County Commission - Fulton County Commission - Lee Morris, District 3; Marvin Arrington Jr., District 5;
- Atlanta School Board – Matt Westmoreland

### 6. Presentations

#### **Mayor's Office of Resilience – transition to clean energy – Dr. Jairo Garcia**

Emissions from electricity and driving cars represent 60% of emissions in the city of Atlanta. Atlanta's Office of Resilience is putting together a plan to become 100% clean energy to create a strategic advantage and remain competitive with other cities. The plan will be completed by January 31, 2018. Here is how you can support the creation of the plan:

- Fill out a short survey (only takes 5 minutes), deadline to complete is December 15, 2017:  
[www.100atl.com](http://www.100atl.com)
- Attend the Townhall presentation: December 7, 2017

Question: What about addressing the pollution from the airport, make it sustainable and competitive?

Answer: the airport has a sustainability office and they are engaged with the clean energy plan.

### 7. Planner's Report

Two programs:

- The Office of Planning has announced their 2017/2018 NPU Grant award. Each NPU may be awarded up to \$4,000 for projects that support or enhance a neighborhood or NPU. Deadline for submission is December 29 to contact Erica Pines, [epines@atlga.gov](mailto:epines@atlga.gov). The grant criteria is in the attached document. If you're interested, please let Debbie Skopczynski know by December 10th (no need to complete an application by then) help to coordinate with other NPU's. Last year, Edmund Park received a \$2,500 grant to build a neighborhood website. So far, MLPA and LMM have expressed an interest in receiving a grant.
- Applications are now being accepted for 50 participants to be part of the Community Leadership Institute of Atlanta. Submit application by January 15, 2018 to Erica Pines, [epines@atlga.gov](mailto:epines@atlga.gov) for more information. Two Cohorts will be held in 2018: Cohort I – January to May and Cohort II – July to November. Class topics (which are one per month, 6 hours each) include: Roles and Functions of NPUs and APAB, Understanding Leadership, Conflict Management, Ethics, making citizen Engagement Work in Our Communities, and Collaborative Leadership Model: Consensus Building and Problem Solving. Dates tbd. See Debbie for application.

### 8. Committee Reports

- Lindridge-Martin Manor Neighborhood Association – Kevin McBride, President; Rich Sussman, NPU Rep  
Joining with Piedmont Heights to feed firemen on Thanksgiving at station 29.
- Morningside-Lenox Park Association – Sally Bayless President; TBD, Neighborhood Rep; John Ayers, Zoning  
New board will be installed in January.
- Piedmont Heights Civic Association – Gary Dresser, President; Jean Johnson and Tim Berube, Neighborhood Reps  
No report. No big change of board.

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- Virginia-Highland Civic Association (VHCA) –David Brandenberger, President; Barry Loudis and Eleanor Barrineau, Representatives;  
Tour of homes coming up Dec 2 and 3, still looking for more volunteers and also please buy tickets.
- Virginia-Highland Business Association (VHBA) –Lynn DeWitt and Kristi Warren Evans, Reps.  
No report
- Edmund Park - Pete Densmore, Neighborhood Reps; Sally Montgomery, Zoning  
No report
- Public Safety Committee – Jim Hardy  
Several neighbors are working together with Alex Wan and ATL police foundation to get cameras with LPR (license plate readers) to increase safety of the neighborhood.
- Parks, Trees & Environment Committee – Jack White and Rich Sussman  
No report
- Education Committee - Abby Martin  
No report
- Chair Report:
  - APAB's annual **Neighborhoods Matter Awards** will be presented to NPU nominees on December 16<sup>th</sup> at their monthly meeting. Please let me know if you wish to nominate someone from your neighborhood who has made a difference in your community. An award recipient from NPU-F will be selected from the nominees by the NPU-F executive committee. Awardees will receive a nice plaque from APAB and a reception at City Hall. Previous recipients from NPU-F include Jean Johnson (2016), Rich Sussman and June Neumark, Jack White and Lola Carlisle, Jane Rawlings, Diane Olansky, John Wolfinger, and others....  
**Please send your nominations no later than November 27th** so that we have time to make a final selection and get the form to APAB by December 5th.
  - As reported last month, the NPU received SAP-17-143 for interior and minor façade alterations at 780 North Highland. We reported no comments or concerns on the proposed alterations.
  - We were notified by the event organizer on November 2<sup>nd</sup> that the date for the **Festival Peachtree Latino to be held in Piedmont Park was moved from August 27<sup>th</sup> to November 19th**. Apparently, the date change was approved by the Parks Department in mid-August and they were expecting that a revised application would be sent to the NPUs. When asked for comment, I responded that since we did not receive a new application and the NPU was not meeting until after the 19<sup>th</sup>, consistent with our policy, the NPU-F was not in support of the date change. This event was supported by the NPU in May.

### 9. Matters for Voting

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**Consent Agenda:**  
**Board of Zoning Adjustment Applications**

Applic ation	Address	Request	Neighborhood Recommendation
V-17-174	1944 Piedmont Circle NE	Applicant, Lemuel Ward, seeks a special exception from the zoning regulation to reduce the required off-street parking from 377 spaces to 211 spaces for proposed hotel/office use.	<b>Defer at the request of the applicant (submitting SAP for shared parking)</b>
V-17-288	961 Highland View NE	Applicant, Mark F. Arnold, seeks a variance from the zoning regulation: (1) to reduce the required front yard setback from 35 feet to 18 feet, and (2) to reduce the required eastern side yard setback from 7 feet to 4 feet for a 2 <sup>nd</sup> story addition to a single-family dwelling.	<b>VHCA: Recommend approval</b>
V-17-310	683 Cresthill Avenue NE	Applicant, Patti Crenshaw, seeks a variance from the zoning regulation to reduce the required eastern side yard setback from 7 feet to 4 feet to construct a 2 <sup>nd</sup> story addition to a single-family dwelling.	<b>VHCA: Recommend approval</b>

- **NPU Action:** Motion to accept the neighborhood recommendations and approve the consent agenda carries on voice vote.

**License & Review Board (LRB) – vote required**

Name of Applicant	Type of Business	Name of Business	Property Address	Request
Stephen Maurice Bynum	Nightclub	Club Platinum	1905 Piedmont Road NE	Change of Agent

**Comments:** No neighborhood report. Parking still have the lease contract across the street, about 60-70 spaces, filed through city planning office. LLC is the business address. Only two calls to APD in last year, due to larceny. No previous revocations.

**NPU-F Action:** Motion to approve contingent upon proof of meeting parking requirements, approval carries on a voice vote.

Name of Applicant	Type of Business	Name of Business	Property Address	Request
Davis Elliott	Restaurant	Friends on Ponce	736 Ponce de Leon Ave, Suite M	Change of Status

**Comments:** Change in Status for existing facility, from “nightclub” to “restaurant.” The biggest impact is ability to sell alcohol on Sunday. Facility is under 100 seats. Has adequate parking. No VHCA vote required.

**NPU-F Action:** Motion to recommend approval carries on voice vote.

**Special Events (MOSE) – vote required**

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## NEIGHBORHOOD PLANNING UNIT - F

Event	Location	Date
2018 Atlanta Science Festival Exploration Expo	Piedmont Park Class C/15,000 Participants	March 24, 2018

Cynthia Alford provided some additional context, the event was started by GA Tech, Emory and Chamber of Commerce, to encourage young people to stay in ATL for science, engineering, arts and mathematics. The event previously held at Centennial Park: companies such as Delta, Cancer treatment centers, etc. will be represented. Load in will be held on Thursday and Friday. Security will be provided through off duty police officers for Thursday, Friday and Saturday. The event will require a brief closure of 10<sup>th</sup> street, from 7am-9:30am and 4-5:30pm on Saturday, March 24 (from Charles Allen to Monroe), access will be open on 9<sup>th</sup> street, residents will be notified of this via postcards.

**NPU-F Action: Motion to recommend approval carries on voice vote.**

### Board of Zoning Adjustment (BZA)

#### **V-17-142 712 Ponce de Leon Place NE** (Amended Referral Certificate)

Applicant, Nhan Le, seeks a special exception from the zoning regulation to reduce the required parking from 138 spaces to 13 spaces for a restaurant.

**Comments:** Skip the owner of Paris on Ponce, is opening another restaurant, Ama, it will be located in Paris on Ponce, it will be a 2400 sq. foot restaurant with 45 seats. Skip stated he has worked with the city for approval. They will hire a valet company during restaurant hours from 6-11pm weekdays and 6pm-12am on weekends. To accommodate for this restaurant the owner plans to decrease special events held at Paris on Ponce, the goal of the restaurant is to refurbish the building to drive new revenue to account for the declining retail business. Question: Have written consent from property owners been received agreeing to desired shared parking arrangement and copies of lease agreements? YES. Need 23 spaces just for the restaurant, have 13 already. Can't say yes to question as written, because this is misleading and appears to be asking for a reduction of 138 parking spaces to 13, recommend Paris on Ponce comes back with something that says reduction from 23 spaces to 13 spaces and recommend finding out rules about parking for the liquor license. Applicant is asking for the NPU to vote no on this so they can start fresh, since this has been going on for a long time and there seems to be confusion over what they are asking for.

**NPU-F Action: Motion to recommend denial V-17-142. In favor of denial 17, opposed 0, abstention 0. Motion to reconsider, favor of reconsideration 13, opposed 4, motion carries on a voice vote.**

**FINAL Motion: Motion to deny without prejudice, in favor 17, opposed 0, abstention 0. Recommendation to deny without prejudice.**

#### **V-17-286 973 Barnett Street NE formerly 880 Virginia Circle NE**

Applicant, Sandra Daniel, seeks a variance from the zoning regulation: (1) to reduce the required side yard setback from 7 feet to 4.6 feet to erect a detached garage, (2) to reduce the required rear yard setback from 15 feet to 11 feet with an alley credit to erect a detached garage, (3) to reduce the required side yard setback from 7 feet to 6.5 feet for a principal structure 2<sup>nd</sup> story addition, (4) to reduce the required front yard setback from 35 feet to 14.7 feet for a 2<sup>nd</sup> story principal structure addition, and (5) to reduce the required ½ depth front yard from 17.5 feet to 13.5 feet for a principal structure 2<sup>nd</sup> story addition.

**VHCA Report:** Applicant Sandra Daniel of Home Forge Remodeling on behalf of homeowners Matt and Cria Perrine request the following variances

1. 1) reduce the front yard setback from 35 feet to 14.7 feet (existing)
2. 2) reduce the rear yard setback from 15 feet to 11 feet (existing, w/ credit for the existing alley)
3. 3) reduce the half-depth side yard setback from 17.5 feet to 13.5 feet (existing)
4. 4) reduce the side yard setback from 7 feet to 4.6 feet (existing, garage)
5. 5) reduce the side yard setback from 7 feet to 6.5 feet (existing, house)

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to allow construction of:

1. 1) a second floor addition to the home in the existing footprint
2. 2) a new garage in the existing footprint

Due to the removal of a bricked patio area, lot coverage will be reduced from 56.7% to 49.6%. The applicant is also reviewing options for the potentially affected pine trees in the half-depth side yard. Appropriate neighbors were notified.

The Planning Committee and VHCA Board of Directors unanimously recommended approval conditioned on the applicant redesigning the driveway apron design to include a grass "refuge" space for pedestrians.

**Comments: None**

**NPU-F Action: Motion to recommend approval carries on voice vote.**

### **V-17-307 1184 Reeder Circle NE**

Applicant, April Ingraham, seeks a variance from the zoning regulation: (1) to reduce the required eastern side yard setback from 7 feet to 4 feet, 8 inches for a second story addition, (2) to reduce the required western side yard setback from 7 feet to 5 feet to erect a detached garage, and (3) to reduce the required rear yard setback from 15 feet to 5 feet, 1 inch to erect a detached garage.

**MLPA Action:** Planning Committee voted to support passed 8-0-0. MLPA Board voted unanimously to approve V-17-307 10-0-0

**Comments: Have neighbor support and response from all neighbors. Same footprint, will shift slightly due to critical root zone of tree.**

**NPU-F Action: Motion to recommend approval carries on voice vote.**

### **V-17-311 650 Virginia Avenue NE**

Applicant, Judith E. Allen, seeks a variance from the zoning regulation: (1) to reduce the required western side yard setback from 7 feet to 3 feet, and (2) to reduce the required rear yard setback from 15 feet to 3 feet to erect a new detached guest house.

**VHCA Report:** Applicant and homeowner Judith Allen requests the following variances

1. 1) reduce the rear yard setback from 15 feet to 3 feet
2. 2) reduce the side yard setback from 7 feet to 3 feet

to allow construction of

- 1) a new detached guest house

Lot coverage decreases from 52.2% to 49.9% as an existing concrete pad and wooden deck are being removed. Proposed Guest house is 464 square feet (16x29). No tree issues were observed and applicant chose location for structure so a tree did not have to be removed. Appropriate neighbors were notified.

The Planning Committee and VHCA Board of Directors unanimously recommended approval.

**Comments: How will the detached guest house be used? Mother will live there to help take care of her kids.**

**NPU-F Action: Motion to recommend approval carries on voice vote.**

### **V-17-314 269 Armour Drive NE (NPU-F Adjacent – Review & Comment Only)**

Applicant, Kronberg Wall, seeks a special exception from the zoning regulation to reduce the required on-site parking from 44 parking spaces to 0 parking spaces.

**Comments: Applicant was not present at the meeting.**

**NPU-F Action: None required.**

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### V-17-317 801 Adair Drive NE

Applicant, Brent Potter, seeks a variance from the zoning regulation: (1) to reduce the required front yard setback from 35 feet to 34 feet, (2) to reduce the required eastern side yard setback from 7 feet to 0 foot, and (3) to reduce the required western side yard setback from 7 feet to 3 feet, 2 inches to erect a port cochere and 2<sup>nd</sup> story addition. Applicant also seeks a variance from the zoning regulation: (4) to reduce the required eastern side yard setback from 7 feet to 3 feet, and (5) to reduce the required rear yard setback from 15 feet to 3 feet for a detached garage structure.

**VHCA Report:** The house faces northward on Adair just west of De Leon.

Applicant Brent Potter of Potter Design (on behalf of homeowner William Knight) requests variances to

1. reduce the front yard setback from 35 feet to 34 feet (existing) to build a 2nd floor addition above and along the existing dimension
2. reduce the rear yard setback from 15 feet to 3 feet to build a new garage and carriage house
3. reduce the west side yard setback from 7 feet to 3.2 feet (existing) to build a 2nd floor addition atop the existing dimension and to build a new outside deck at the left rear of the house aligned with this existing setback.
4. reduce the east side yard setback from 7 feet to 0 feet to accommodate a new Porte cochere
5. reduce the east side yard setback from 7 feet to 3 feet (for carriage house)
6. increase the ratio of the proposed new accessory structure to main structure from 30% (allowed) to 35% to accommodate a 2-car garage with a carriage house above

to allow construction of a second-floor addition to the existing house, new porch construction within the existing western side yard setback, and the addition of a new detached two-car garage topped by a carriage house in the southeastern corner of the property.

A further expansion of the home within the buildable area requires no variances.

The variance was received at the end of the cycle. A site visit (Loudis, White) was conducted on 11-4-17. A number of issues were identified, and the applicant was asked to consider a deferral to allow their resolution. He reported that time pressures and the wishes of the owners made further review unacceptable.

The VHCA Planning Committee (Bullock, Keenan, Loudis, Van Horne, White) considered the application on 11-9 and again recommended a deferral. The applicant declined; he requested and received immediate consideration.

Both of the next-door neighbors - to the west, Luke Denny of 795 Adair and Dr. Kim Kurtis, to the east at 805 Adair – spoke at both the Planning Committee and the 11-13 VHCA meetings.

General comments:

#### 1. Lot coverage and survey accuracy

The proposed lot coverage increases from 27.7% to 50.0% due to the first-floor addition, new porch, and new detached garage/carriage house. This generated a challenge to the accuracy of the survey by neighbor Luke Denny, who observed that a rock wall in the right rear of the 801 properties (beside Mr. Denny's fence in the rear at 795 Drewry) was both impervious and not shown or counted in the calculation of the impervious survey, which is proposed to be the at the 50% maximum allowed without a variance. The applicant had no comment on the topic; our site visit had not observed this.

A subsequent visit revealed that the wall does exist and aligns with the property boundary indicated on the variance request. It appears to be on 801, and it should be reflected in the lot coverage.

At the VHCA meeting, the applicant said this wall had apparently been missed by the surveyor and would be removed during construction.

#### 2. Tree loss and storm water impacts

Major tree impacts include the loss of two huge backyard oak trees totaling 70 inches at DBH; a third will be removed as DDH. There is a significant grade change at the rear of the property. The storm water increase resulting from the new impervious surfaces and the loss of these very old oak trees will flow partly west toward the rear of Mr. Denny's yard and substantially into the small valley behind the applicant's property.

Mr. Denny's reported that water now flows onto his property under his fence, and he logically fears an increase in volume reaching his property. The applicant proposes a rain garden or similar storm water feature (and new –



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obviously much smaller – trees) as part of the mitigation package that will be required by the city's Department of Storm Water Management further along in the process. Properly planted and graded, the area to the rear – already the site of a combined underground sanitary system - has considerable capacity for infiltrating storm water. We will express our concerns and hopes to DWM on the topic, and we will put Mr. Denny in touch with them as well. Beyond that, this topic is not within the purview of the variance process.

### 3. General site sanitation and invasive plant removal

As requested by the Planning Committee, the applicant removed considerable debris from the site following the site visit. He also pledged to appropriately treat the invasive on his and adjacent properties (as permitted.)

Variances requested at 801 Adair Ave. NE (note: numbers differ from Referral Certificate)

1. reduce the front yard setback from 35 feet to 34 feet (existing) to build a 2nd floor addition above and along the existing dimension
2. reduce the rear yard setback from 15 feet to 3 feet to build a new garage and carriage house
3. reduce the west side yard setback from 7 feet to 3.2 feet (existing) to build a 2nd floor addition atop the existing dimension and to build a new outside deck at the left rear of the house aligned with this existing setback.
4. reduce the east side yard setback from 7 feet to 0 feet to accommodate a new Porte cochere
5. reduce the east side yard setback from 7 feet to 3 feet (to accommodate the accessory building)
6. increase the ratio of the proposed new accessory structure to main structure from 30% (allowed) to 35% to accommodate a 2-car garage with a carriage house above

The Planning Committee and the VHCA Board voted unanimously in support of 1, 2, and 3 and unanimously recommended denial of 4, 5 and 6.

- 1.. (Referral Certificate #1) reduce the front yard setback from 35 feet to 34 feet (existing) to build a 2nd floor addition above and along the existing dimension reduce the front yard setback from 35 feet to 34 feet (existing) to build a 2nd floor addition above and along the existing setback dimension.

Such variances are routinely granted in this and other R-4 districts due to pre-existing conditions that are beyond the control of the applicant. Denying it would impose a hardship, and the Planning Committee and **VHCA BoD recommend approval.**

2. (RC#5) reduce the rear yard setback from 15 feet to 3 feet to build a new garage and carriage house  
Such variances are routinely granted in this and other R-4 districts when no hardships on the adjacent owner are identified. Denying it absent such a condition would impose a hardship, and Planning Committee and **VHCA BoD recommend approval.**
3. (RC#3) reduce the west side yard setback from 7 feet to 3.2 feet (existing) to build a 2nd floor addition atop the existing dimension and to build a new outside deck at the left rear of the house aligned with this existing setback.

Such variances are routinely granted in this and other R-4 districts due to pre-existing conditions that are beyond the control of the applicant. Denying it would impose a hardship. Proposed new extensions in line with an pre-existing dimension are frequently granted absent a specific articulated reason to deny. None are observed here; both the Planning Committee and **VHCA BoD recommend approval.**

4. (RC#2) reduce the east side yard setback from 7 feet to 0 feet to accommodate a new porte cochere  
The request for a zero setback is strongly opposed by the adjacent neighbor at 805, Dr. Kim Kurtis, who made several relevant articles, beginning with the code's assertion of the expectation of passage of air and light in this zoning. The city notes on its application forms the need for a minimum of 3' from an adjacent property line to accommodate construction, access, fire safety, and property maintenance. At the VHCA meeting, the Dr. Kurtis noted that absent a full set of specific architectural drawings (none have been provided), it is impossible to know if her basement access (which is on that side of her property) will be blocked or compromised. Nor were her concerns about fire safety alleviated by the code's requirements for three-hour fire ratings on a zero lot line. There is no reasonable expectation of such a variance – they are rarely granted in R-4 - and denying it does not impose a hardship on the applicant. Both the Planning Committee and **VHCA BoD recommend denial.**

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5. (RC#4) reduce the east side yard setback from 7 feet to 3 feet in the rear of the property (to accommodate an accessory building)

Dr. Kim Kurtis expressed concerns about the stability of the adjacent fence on her property were this variance granted. Dr. Kurtis has extraordinary professional credentials on such topics; she is a Professor of Structural Engineering, Mechanics and Materials, Construction and Infrastructure Systems at Ga. Tech, as well as the Department's Associate Dean. She noted an absence of information on the angle of repose and the structural feasibility on the adjacent slope under her property, whose rear yard has a wooden fence whose stability is also threatened by the proposed work below it. Other concerns voiced included the potential of an overage on lot coverage were additional foundational support required.

At the VHCA meeting, the applicant asserted that the required cut (into the earth) at the front of the accessory building would be "about 2.5 feet." Dr. Kurtis' personal measurements taken at the site found it to be minimum of 4 feet. Both parties agree that the depth will immediately increase from that point back to the rear of the structure as the slope falls away downhill.

The Planning Committee notes that this structure could apparently be shifted westward away from the neighbor's property without compromising its function. In any case, significant challenges have been identified regarding the construction, there is no inherent expectation of such a variance being granted, and denying this one does not impose a hardship on the applicant. **Both the Planning Committee and VHCA BoD recommend denial.**

6. (RC #6) increase the ratio of the proposed new accessory structure to the main structure from 30% (allowed) to 35% to accommodate a 2-car garage with a carriage house above

The Planning Committee, VHCA, and NPU-F note that such requests result in smaller-than-normal-sized rear yards that are often objectionable to the adjacent neighbors, as they are here. There is no inherent expectation of such a variance being granted – in fact, they are rare in this neighborhood and in NPU-F - and denying it does not impose a hardship on the applicant, who has options that avoid the need for it altogether. **Both the Planning Committee and VHCA BoD recommend denial.**

**Comments: Referral certificate 1,3,5 is what is being referenced. Two large trees will be removed to build the driveway.**

**RC#3: Documentation shows existing setback is 2.7ft, reality is 3.2ft – the record is not accurate, the documentation submitted shows 2.7ft. The applicant has been through the process and has not listened to any feedback provided by the neighborhood associations.**

**RC#2 Neighbor has expressed serious concerns about 0-foot setback, as it presents a fire hazard and no room for a maintenance area. Additional concern about potential runoff from new structure in to the neighbors basement. As a result of this concern, the Porte cochere has been withdrawn from the application by Brent Potter.**

**RC#6 Question: What is allowed in a kitchen in a carriage house? Answer: You can have everything except a full range stove.**

**There is much of the plan that the neighbors like, the historical integrity of the house as an example. The neighbors believe there is an opportunity to make some changes to the plan and move forward in a positive way. The builder is willing to work with the neighbors and stated they have previously visited all of the neighbors.**

**Applicant has asked to defer the entire application.**

**Concern by neighbors about going back through the process without getting feedback directly from the owner of the property. Owner was not present at NPU meeting nor subsequent meetings where his**

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property has been discussed.

### NPU-F Actions:

Motion to recommend approval for variance requests #1, #3, #5 \_\_7\_ ayes, \_15\_\_ nays, \_0\_ abstentions. The motion does not carry.

Motion to recommend denial for #2 on the referral certificate, porte cochere has been withdrawn from the application. No vote taken.

Motion to recommend denial of #4 on referral certificate, motion carries on a voice vote.

Motion to recommend denial of #6 on referral certificate, motion carries on a voice vote.

Motion to reconsider all previous motions by a member who voted in the affirmative on these motions, carries on voice vote.

Motion to defer the entire application at the request of the applicant carries. 1 nay.

### 10. Old Business

#### a. Officer Elections

**Chair** – Debbie Skopczynski (VH)

**Vice-Chair** – Kay Stephenson (VH)

**Secretary** - Jori Mendel (MLP) and Aruna Narasimhan (EP) shared responsibility

**Zoning Chair (Lead)** – Charlie Nalbone (MLPA)

**Public Safety** – Jim Hardy (PH)

**Parks, Trees & Environment** – Jack White (VH) and Rich Sussman (LMM)

**Alcohol Licenses & Permits** – Jane Rawlings (LMM)

**Education**- open

**Parliamentarian** – Jack White (VH)

*Are there any nominations from the floor? No*

**Motion to adopt the slate as presented, motion carries on a voice vote.**

### 11. New Business

Comments by Chair: A printed NPU ballot was published on Facebook earlier this month. In November 2015, printed ballots were used to record the votes for the Elizabeth Ann rezoning application because of the difficulty in counting the large number of people who were expected to attend the meeting as well as the large number of homeowners who had a financial interest in the outcome. To ensure that folks did not sign in to the meeting and then hand their ballot off to another person, we asked that each ballot be signed. After the vote was counted, the ballots were cross-checked with the sign-in sheets, the votes in favor were identified by neighborhood and the ballots were not intentionally destroyed pending the outcome of the rezoning; in fact, they were buried in a pile of NPU papers and generally forgotten until there was a question about the voting history of a candidate for the District 6 Council race. This individual was aware that the ballot still existed. Several months later, when the issue came up again and there was an apparent misrepresentation of the vote, the ballot was located and shared with several others who had asked about the vote. Unfortunately, the ballot was posted as an attachment on Facebook. It is regrettable that the ballot was posted and know that there are concerns by others about sharing a ballot publicly without consulting with the NPU executive committee. This was the first time that printed ballots were used by the NPU and there were no guidelines, policies or processes to follow.

# MEETING AGENDA

## NEIGHBORHOOD PLANNING UNIT - F

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Comments: There should be a retention policy on retaining NPU records. Adopt a policy that says we will destroy ballots once a decision has been made. Also, develop guidelines on proper use of NPU materials.

### 12. Adjournment

The meeting adjourned at 9:19pm.

#### City of Atlanta Code of Ordinances (Campaigning by Elected Officials & Candidates)

As we prepare for 2017 Elections please allow this message to serve as a reminder of the City of Atlanta's Code of Ordinances. Voting will involve municipal, county and state elections. The Guidelines for campaigning by elected officials at NPU and APAB meetings is strictly prohibited by the City of Atlanta's Code of Ordinances. Please note the following code section:

#### **SEC. 6-3019 Prohibition of Political Forums**

Part 1, Chapter 6, Article 1, Section 6-1: "It shall be unlawful for any person to use the interior of city hall, its rooms or offices in any type of advertisement of commercial products and political campaigns without first obtaining express permission from the city council. This prohibition shall apply to the filming or photographing of the interior of city hall for use in such advertisements; provided, however, that nothing in this section shall be construed to prohibit the filming or photographing of the interior of city hall for news coverage purposes by newspapers, magazines and television."

Part 6, Chapter 3, Article B, Section 6-3010: "Neighborhood Planning Unit meetings shall not be used for political forums or campaigning for city, county, state, or federal elections."

Examples of campaigning could include, but not be limited to:

- Introduction of elected officials as political candidates in upcoming elections;
- Passing out campaigning materials and literature; and
- Conducting either of the above in city hall, its rooms or offices.

If there are any questions or concerns, please contact: Erica Pines at (404) 546-0159 [or epines@atlantaga.gov](mailto:epines@atlantaga.gov).