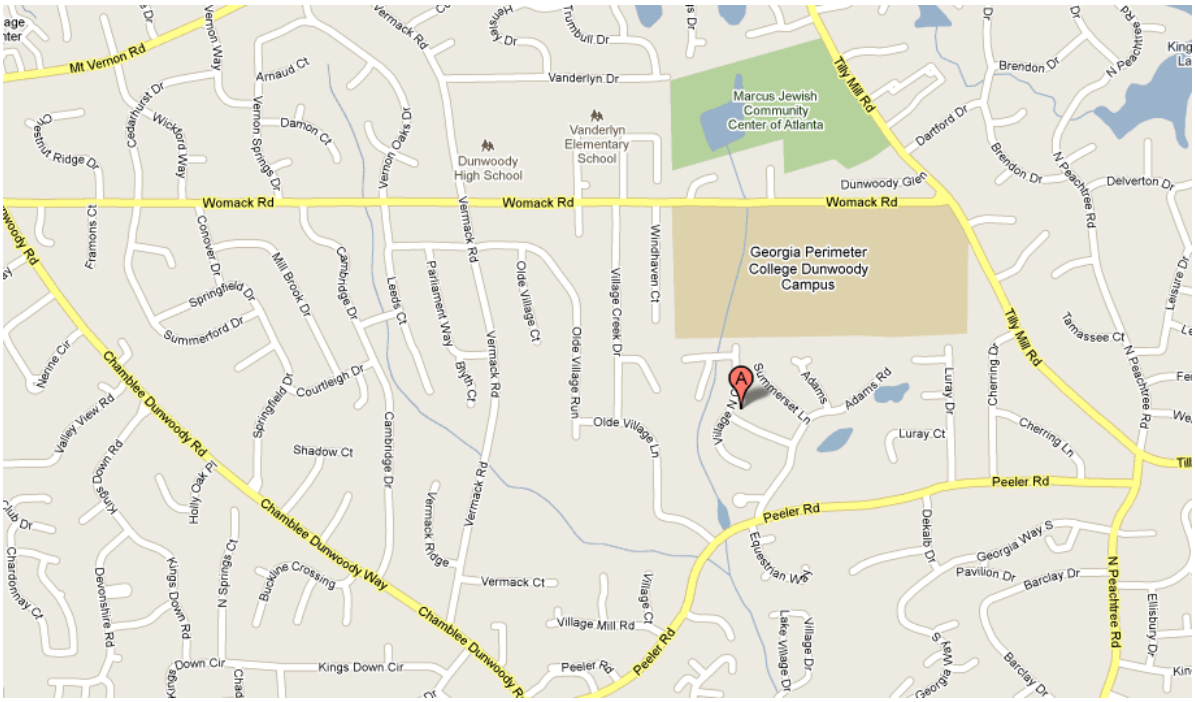
Hearing Date:	**December 3, 2009**
Property Location	**4809 Village North Court (LL 360)**
Owner/Petitioner	**Paige Quattrocchi** **4809 Village North Court** **Dunwoody, Georgia 30338**
Variance Requests	**Permit that the minimum front and side yard setback be reduced in a residential district**

Vicinity Map



The site is located on the northeast corner of the intersection of Village North Court and Village North Road. The property is zoned R-100 (Single-Family Residential district), and is adjacent to R-100 on all sides. The applicant's request is to permit that the minimum front and side yard setback be reduced in a residential district from 10 feet to 6.1 feet on the side yard and from 35 feet to 27.1 feet on the front yard adjacent to Village North Road.

Site Plan Analysis

The lot on which the home sits totals 0.414 acres, or 18,034 square feet. The district is zoned R-100, and the lot in question fronts Village North Court to the west and Village North Road to the south. The lot is generally flat with trees bordering the eastern property line. The property abuts single-family home development, zoned R-100, along all property lines.

The proposed two story garage addition will be partially constructed in the 10 foot side setback and partially in the 35 foot front yard setback.

The existing home as constructed is nonconforming, because of an intrusion into the minimum 40 foot rear yard, and exceeding the lot's maximum impervious surface ratio of 35%. Normally no variance may be granted to expand the nonconformity (see Chapter 27, Article 5, Section 5E-4(b)). Staff has found the proposed enclosure of the parking pad to be substantially compliant with Chapter 27, Article 5, Section 5E-4(c), which reads:

> **Sec 5E-4. Nonconforming Use of Land and Buildings in Combination and Nonconforming Use of Land and Structures in Combination.**
>
> …(c) A nonconforming use of a building may be extended into those interior parts of a building which were manifestly designed for such use prior to the enactment of this Chapter.

Because the two-car garage and slab existed prior to the enactment of the Dunwoody Zoning Ordinance, its extension/enclosure is allowable according to these conditions.

Additionally, staff has found that the post construction lot coverage will equal 6,817 square feet, which comes to 37.8 percent of the lot. Staff finds that if a variance is granted to exceed the minimum required yards to complete the garage project, the property owners will also have to apply for an additional variance to exceed the maximum 35 percent lot coverage of impervious surface, as the Zoning Ordinance for lots zoned R-100 states:

> **Sec. 2C-9. Lot Coverage.** The lot coverage of each lot shall not exceed thirty-five (35) percent.

An additional remedy would be to remove a portion of existing impervious surface to lower the lot's impervious surface ratio under the maximum 35% coverage.

Conditions of the Zoning Ordinance

The applicant seeks a variance to the following section of the city Zoning Ordinance:

> **Sec. 2C-6. Lot Width; Lot Area; Setbacks.**
>
> The following requirements shall apply to all lots and structures in the R-100 (Single-family Residential) District:
>
> (a) *Lot width:* All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage, except that lots fronting on the cul-de-sac of a street shall have at least thirty-five (35) feet of frontage as measured along the public street and shall have at least one hundred (100) feet of frontage as measured at the required front yard building setback line.
>
> (b) *Minimum lot area:* Fifteen thousand (15,000) square feet.
>
> (c) *Minimum yard adjacent to public street:*
> (1) *From major thoroughfares:* Fifty (50) feet.
> (2) *From minor thoroughfares:* Forty (40) feet.
> (3) *From collector streets:* Thirty-five (35) feet.
> **(4) *From other streets:* Thirty-five (35) feet.**
>
> **(d) *Interior side yard setbacks:* Ten (10) feet.**

(e) *Rear yard:* Forty (40) feet.

Article 27, Section 5D-14 identifies the following criteria for evaluation that shall be examined when determining the appropriateness of a variance:

a) Variances from the provisions or requirements of this Chapter shall be authorized only upon making all of the following findings:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district; *The topographical conditions on the site are not proposed to be altered. There are no unique natural conditions associated with this application per se. However, the strict application of the requirements of this Chapter would not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. A smaller garage could be permitted and constructed on the site without need for a variance.*

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located; *The request does not exceed the minimum required; however, affording the applicant the permission to construct this structure would be a special privilege not available to other properties in the zoning district.*

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; *Staff cannot determine any public safety concerns related to this request, nor would the neighboring properties or public be affected detrimentally.*

4. The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; *Any hardship, real or perceived, would not be undue because the garage and parking pad is currently being used to a lesser extent than what is indicated on the site plan; there would be no imposition of an unnecessary hardship, as the project proposed is discretionary on the part of the applicant, and.*

   and

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text. *The applicant's request is arguably inconsistent with the spirit and purpose of the zoning ordinance, as it is currently and proposed to be non-compliant upon completion, The application does not impact the Comprehensive Plan.*

Recommendation

Staff recommends the application be **denied** as discretionary.

Attachments

- Application
- Letter of intent received October 7
- Site plan, dated 10/29/08 and detail plan, both stamped received by the Community Development Department 10/07/09

ZBA 09 111

Variance Application

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

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Type

Type of Request: ☒ Variance (BZA) ☐ Variance (Administrative)

Concurrent Variance(s)? ☐ Yes ☐ No If yes, please provide rezoning case #:

	Square Feet	Acre	Minimum Setback Requirements	Proposed Setback Requirements
Total Area of Lot			Front	Front
Building Footprint			Side	Front
# of Parking Spaces			Rear	Front
Height			Other	Front

Project

Name of Project/Subdivision: VILLAGE NORTH

Property Address/Location: 4809 VILLAGE NORTH COURT DUNWOODY GA 30338

Land Lot: 18	District: R-100	Section:	Property ID:
Lot Number:	Block: 360	Present Zoning: R-100	Proposed Zoning: R-100

Applicant Information

Name: PAIGE QUATTROCCHI

Company:

Address: 4809 VILLAGE NORTH COURT DUNWOODY GA 30338

Phone: 4042295167 Fax: 770-783-8400

Cell: 678-488-3311 Email: Q.PAIGE@COMCAST.NET

Representative

Name: JOHN QUATTROCCHI

Company:

Address: 4809 VILLAGE NORTH COURT DUNWOODY GA 30338

Phone: Phone:

Cell: 6784883311 Cell:

Affidavit

To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.

Applicant's Signature: Date: 10/6/2009

Representative's Signature: Date: 10/6/2009

Notary

Sworn to and subscribed before me this 6 Day of OCTOBER 2009

Notary Public: Amy Kubis

Signature: Amy Kubis

Date: 10/6/2009

Office Use

Fee: $ 300.00 Payment: ☐ Cash ☐ Check ☒ CC – Visa/MC Date: 10/07/09

☐ Approved ☐ Denied By: Date:

AMY KUBIS COMMISSION EXPIRES NOTARY PUBLIC 10/30/11 FULTON, GEORGIA

Variance Application

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

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BY

Request

Please explain the reason for the request and attach additional information as necessary.

I AM REQUESTING A VARIANCE SO I CAN COMPLETE MY 3 CAR GARAGE. THE SET BACK OF THE RIGHT CORNER OF THE NEW GARAGE WILL NEED TO SIT 6'1" FROM THE PROPERTY LINE - AS SHOWN IN THE LAND SURVEY. THE SIDE OF THE GARAGE WILL SIT NO CLOSER TO THE STREET THAN THE HOUSES THAT ALREADY LINE THE STREET. THIS GARAGE WILL INCREASE PROPERTY VALUE AND PROTECT MY VEHICLES FROM UNPREDICTABLE ATLANTA WEATHER DAMAGE.

Orientation

Prior to the submission of a variance application, the applicant is required to schedule an orientation meeting with the approporate planner in the Planning and Zoning Division of the Community Development Department. The purpose of this meeting is to determine the number and nature of the variances requested, become familiar with the appeals process and obtain preliminary input from staff. A meeting date before the Board of Zoning Appeals will be scheduled upon a determination of completeness and compliance of the application. The applicant or representative must attend the meeting and make the presentation. An Orientation Meeting is NOT required for an Administrative Variance.

Orientation Meeting Date:

Board Meeting Date:

Remarks

Zoning Director Comments:

Planning & Zoning Director: Date:

Campaign Disclosure Ordinance

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

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Campaign Disclosure Ordinance
Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title
GA Code 36-67A-3, Disclosure of campaign contributions
*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating $250.00 or more to a local government official ho will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

   1) The name and official position of the local government official to whom the campaign contribution was made; and
   2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating $250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:

   1) The name and official position of the local government official to whom the campaign contribution was made; and
   2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)
Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.

Campaign Disclosure Statement

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

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Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

Applicant / Owner	
	Signature: Pay Gottlieb
	Address: 4809 Village North Ct Dunwoody Ga 30338
	Date: 10/6/2009

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

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By

Dekalb County Planning Development
Sheree Greenidge
1300 Commerce Drive
Decatur, Ga 30030
404-371-2155

Regarding: Approval of a three car garage at 4809 Village North Court

This letter is to serve as proof that the residents located at 1984 Village North Road are in agreement with the location of a proposed three car garage. They have been notified and made aware of where the garage will sit in relation to the side of there house.

Owner 1984 Village North Road:

Sign: _____ Date: 2-10-08

Print Name: Gregory T. Yarborough

Owner of 4809 Village North Court

Sign: _____ Date: 2-10-08

Print Name: PAIGE QUATTROCCHI

TO: Greg
From: Doug

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By

EXHIBIT "A'

All that tract or parcel of land lying and being in Land Lot 360 of the 18th District of Dekalb County, Georgia, being Lot Seven (7), Block "A", of VILLAGE NORTH SUBDIVISION, UNIT TWO (2), as per Plat recorded in Plat Book 61, Page 101, DeKalb County Records, and being more particularly described as follows:

BEGINNING at the northeast corner of Village North Court and Village North Road; running thence northerly, following the curve of the east side of Village North Court, 137.2 feet to the southwest corner of Lot 8, said block and subdivision; thence east, along the south line of said Lot 8, 135 feet to a point; thence south, along the west line of Lot 6, said block and subdivision, 176.5 feet to a point on the north side of Village North Road; thence west, along the north side of Village North Road, 107.3 feet to the point of beginning, and being known as 4809 Village North Court, Dunwoody, Georgia 30338.

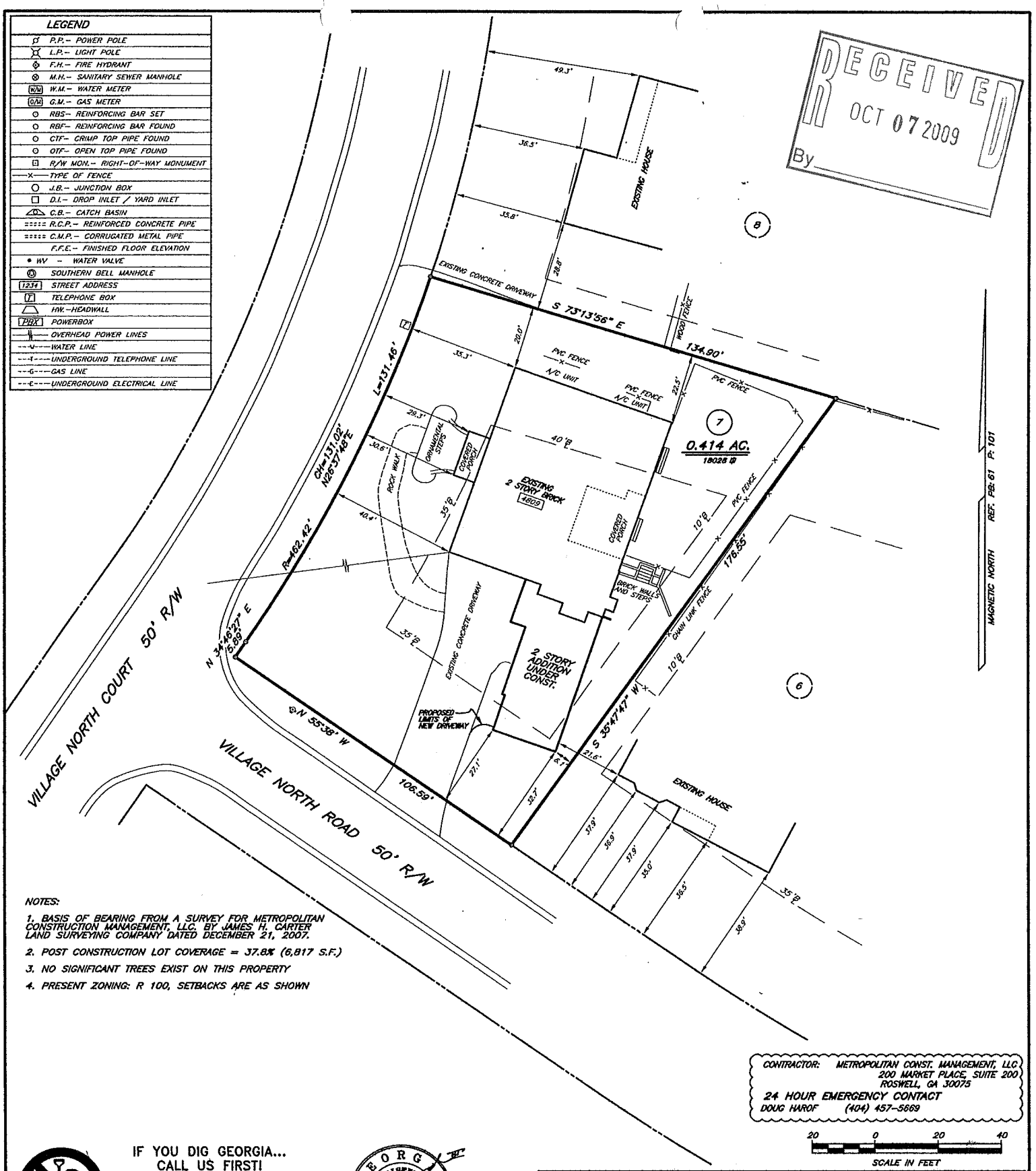
Metropolitan Construction Management,LLC

DOUG HAROF
(c) 404-457-5669 • doug-metro@mindspring.com

321 SOUTH DILLARD STREET
WINTER GARDEN, FL 34787
(t) & (f) 407-905-9754

200 MARKET PLACE SUITE 200
ROSWELL, GA 30075
(t) & (f) 678-417-6237

LEGEND
P.P.– POWER POLE
L.P.– LIGHT POLE
F.H.– FIRE HYDRANT
M.H.– SANITARY SEWER MANHOLE
W.M.– WATER METER
G.M.– GAS METER
RBS– REINFORCING BAR SET
RBF– REINFORCING BAR FOUND
CTF– CRIMP TOP PIPE FOUND
OTF– OPEN TOP PIPE FOUND
R/W MON.– RIGHT-OF-WAY MONUMENT
TYPE OF FENCE
J.B.– JUNCTION BOX
D.I.– DROP INLET / YARD INLET
C.B.– CATCH BASIN
R.C.P.– REINFORCED CONCRETE PIPE
C.M.P.– CORRUGATED METAL PIPE
F.F.E.– FINISHED FLOOR ELEVATION
WV – WATER VALVE
SOUTHERN BELL MANHOLE
1234 STREET ADDRESS
TELEPHONE BOX
HW.–HEADWALL
PBX POWERBOX
OVERHEAD POWER LINES
WATER LINE
UNDERGROUND TELEPHONE LINE
GAS LINE
UNDERGROUND ELECTRICAL LINE



NOTES:

1. BASIS OF BEARING FROM A SURVEY FOR METROPOLITAN CONSTRUCTION MANAGEMENT, LLC. BY JAMES H. CARTER LAND SURVEYING COMPANY DATED DECEMBER 21, 2007.
2. POST CONSTRUCTION LOT COVERAGE = 37.8% (6,817 S.F.)
3. NO SIGNIFICANT TREES EXIST ON THIS PROPERTY
4. PRESENT ZONING: R 100, SETBACKS ARE AS SHOWN

CONTRACTOR: METROPOLITAN CONST. MANAGEMENT, LLC
200 MARKET PLACE, SUITE 200
ROSWELL, GA 30075
24 HOUR EMERGENCY CONTACT
DOUG HAROF (404) 457-5669

20 0 20 40
SCALE IN FEET

IF YOU DIG GEORGIA...
CALL US FIRST!
1-800-282-7411
770-623-4344
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW

GEORGIA REGISTERED 2745 LAND SURVEYOR GEORGE F. McLAUGHLIN II

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY PANEL # 13089 C 0010 H DATED MAY 7, 2001.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/51,424 ; ANGULAR PRECISION: 36" √n. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/52,469 . MATTERS OF TITLE ARE EXCEPTED.

DATE : 10/29/08	REVISIONS:
SCALE : 1"=20'	
DRAWN BY : GFM	
CHECKED BY : GFM	
SURVEYED BY : GFM	
G:/004/VILLAGE NORTH 7A/	

TERRAIN SOLUTIONS, LLC
P.O. BOX 365
KENNESAW, GEORGIA 30156
(770) 427-3089
www.TerrainSolutionsLLC.com

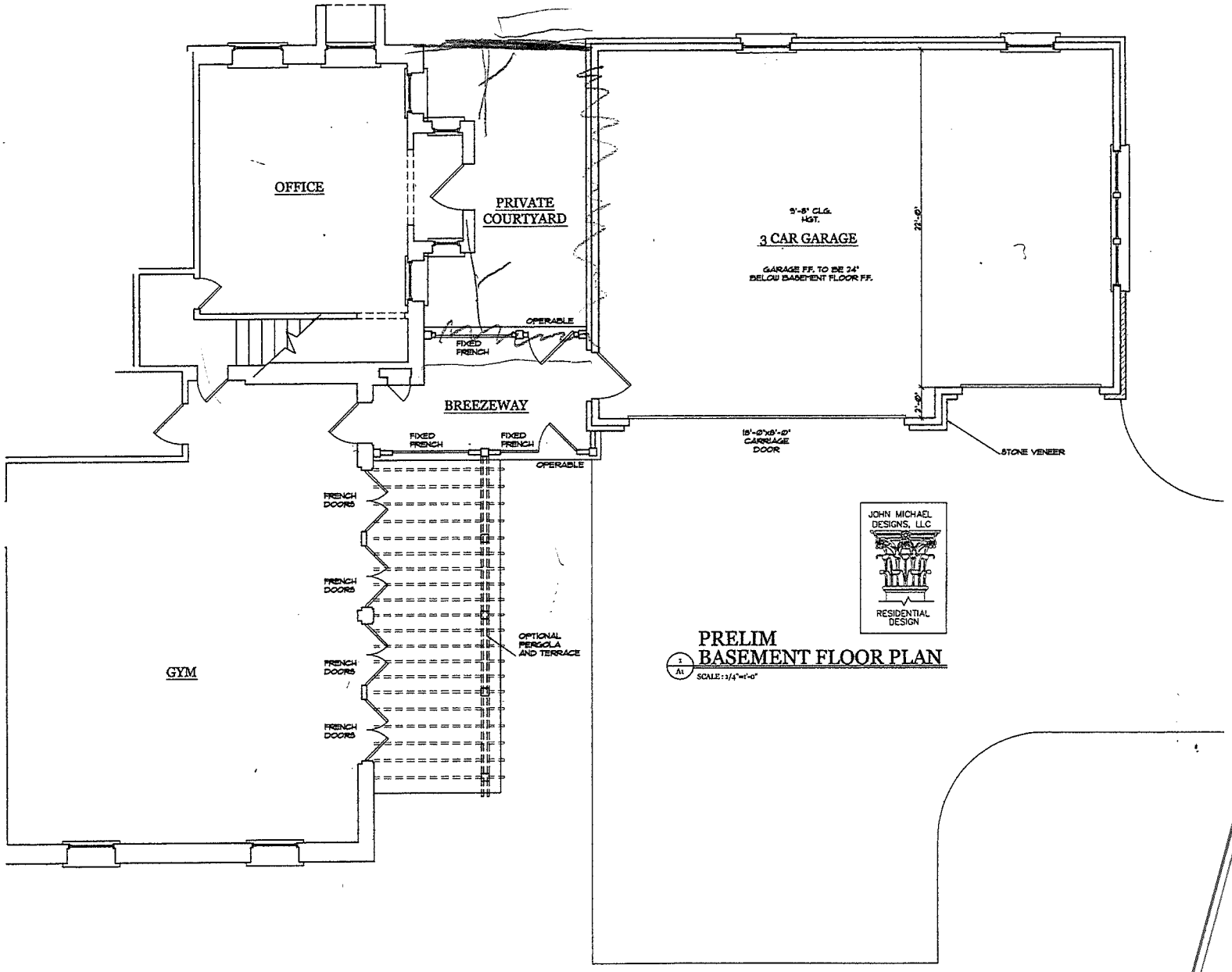
SURVEY FOR :

METROPOLITAN CONST. MANAGEMENT, LLC

LOT # 7 BLOCK "A"
VILLAGE NORTH UNIT TWO

LOCATED IN L.L. 360
18TH DIST., N/A SECT.,
DEKALB COUNTY, GA.

08-521



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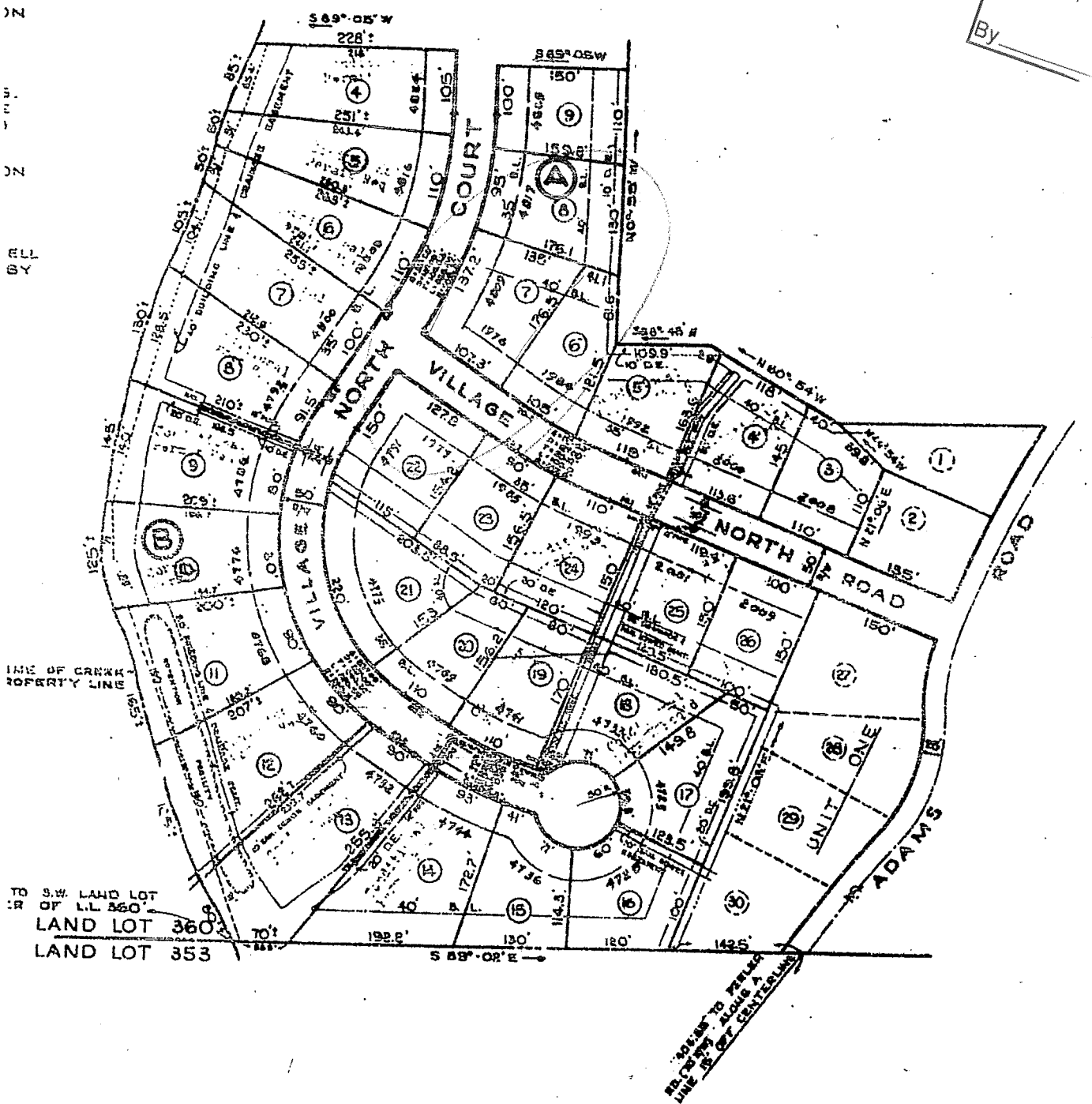

In my opinion, this plat is a correct representation of the land platted, and has been prepared in conformity with the minimum standards and requirements of law.

GEORGIA REGISTERED No. 2115 ENGINEER CHARLES E. RUPPE

GEORGIA REGISTERED No. 1233 LAND SURVEYOR CHARLES E. RUPPE

ORIGINAL BOUNDARY SURVEY BY
RUPPE ENGINEERING CO. DATED 4-7-71
ORIGINAL BOUNDARY E/C 1/5000 ±
NOTE BEARINGS ARE MAGNETIC

LOT 360
COUNTY
= 100'

18TH DISTRICT
GEORGIA
MAY 25 1973

VILLA

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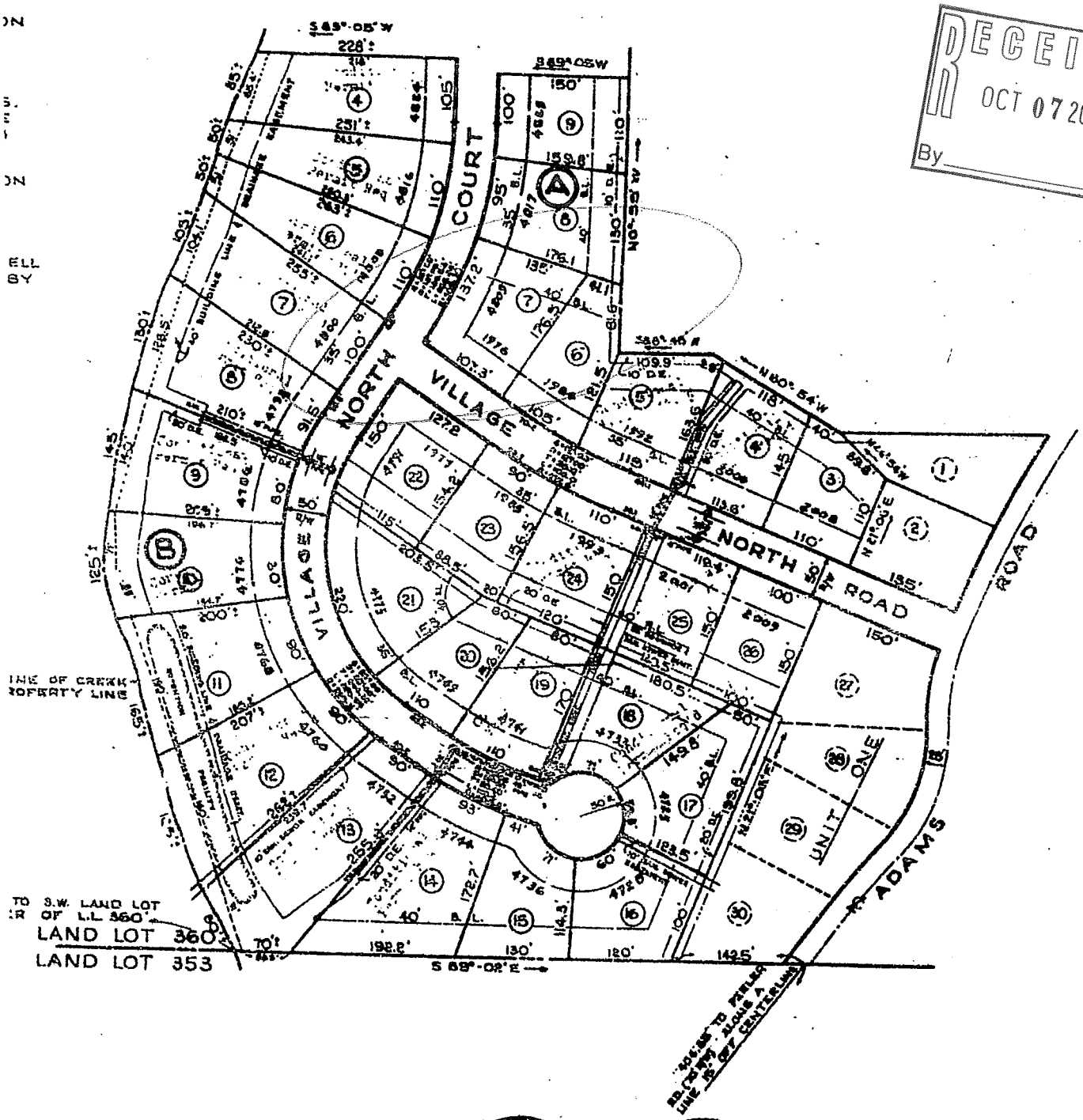
OCT 07 2009
By



In my opinion, this plat is a correct representation of the land platted, and has been prepared in conformity with the minimum standards and requirements of law.

GEORGIA REGISTERED No. 3713 ENGINEER CHARLES E. RUPPE

GEORGIA REGISTERED No. 1233 LAND SURVEYOR CHARLES E. RUPPE

ORIGINAL BOUNDARY SURVEY BY
RUPPE ENGINEERING CO. DATED 4-7-71
ORIGINAL BOUNDARY E/C 1/5000 ±
NOTE BEARINGS ARE MAGNETIC

)T 360
COUNTY
= 100'

18 TH DISTRICT
GEORGIA
MAY 25 1973

VILLA

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF DEKALB COUNTY, GEORGIA AND IS APPROVED BY SUCH COMMISSION

DATED THIS 18 DAY OF June 1973

Carl E. Greenwood
Chairman

Fran Sheets
Secretary

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CHAIRMAN, BOARD OF COMMISSIONERS OF ROADS AND REVENUES OF DEKALB COUNTY, GEORGIA AND IS APPROVED SUBJECT TO THE ZONING RESTRICTIONS.

DATED THIS 6TH DAY OF JULY 1973

A. C. Scholz
Chairman Board of Commissioners of Roads and Revenues
DeKalb County, Georgia

CERTIFICATE FOR APPROVAL
FINAL SUBDIVISION PLAT
Carl Scholz 6-29-73
CHIEF ENGINEER, WATER DIVISION
J.R. Gow Jr. 6-29-73
CHIEF ENGINEER, SEWER DIVISION
AND DOR HEALTH OFFICIAL ... DEPT.
F. Stevenson 7/5/73
CHIEF OF SUBDIVISIONS, R & B
M E Vane
DIRECTOR, ROADS & BRIDGES

THIS PLAT IS CERTIFIED AS BEING IN ORDER FOR APPROVAL OF THE CHAIRMAN, BOARD OF COMMISSIONERS OF ROADS AND REVENUES, DEKALB COUNTY ... SAID CERTIFICATE ... SUBJECT TO ... 19
M E Vane

VILLAGE NORTH SUBDIVISION
UNIT TWO

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OCT 07 2000