



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

APPLICATION #: **V-20-048**

DATE ACCEPTED: **03/09/2020**

## NOTICE TO APPLICANT

Address of Property:

**8 Clifton ST SE**

City Council District: **5**      Neighborhood Planning Unit (NPU): **O**

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, May 7, 2020 at 12:00 p.m.**

Council Chambers, 2nd Floor, City Hall  
55 Trinity Avenue, S.W.

The contact person for NPU O is:


**Daniel Rice**  
**706-247-3561**  
**chair@atlantanpuo.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

  
\_\_\_\_\_  
JOHN VANVLACK



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



### REFERRAL CERTIFICATE

COUNCIL DISTRICT 5 APPLICATION NUMBER \_\_\_\_\_

NPU O DATE FILED \_\_\_\_\_

John Van Vleck

Name of Applicant

### BUILDING PERMIT AUTHORIZING

Multifamily Development

8 & 16 Clifton Street SE 10<sup>th</sup>/207

Street Address

Quadrant

District & Land Lot

to be used for Multifamily Purposes

The property is zoned MR-3 District

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

Applicant seeks a variance from the zoning ordinance to (1) Reduce the required south side transitional yard setback from the 20 feet to 15 feet. (2) Reduce the required east side transisnal yard setback from 20 feet to 18 feet. (3) Reduce the required width of a two way driveway from 24 feet to 12 feet at the narrowest point. (4) A special exception to reduce the minimum required parking spaces from 26 spaces to 20 spaces (12 off-street parking spaces and 8 parking spaces on Clifton Street, SE) to construct a multifamily development.

Applicant seeks no other variances at this time.

#### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 35 Section 16-35.009 Paragraph (2)(a)

Chapter 35 Section 16-35.018 Paragraph (2)

Chapter 35 Section 16-35.021 Paragraph (5)

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

Thomas Otoo 12.23.2019  
 Plan Reviewer Date

[Signature] 3/9/2020  
 Applicant Date

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	<input type="checkbox"/>
Special Exception	<input type="checkbox"/>
Variance & Special Exception	<input checked="" type="checkbox"/>

Date Filed

05/19/2020

Application Number

V-20-048

Name of Applicant

John VanVlack

Daytime Phone

(404) 310-8610

Company Name (if applicable)

Irwin & Grape, LLC

email

johnvv@bellsouth.net

Address

104 Hillcrest Avenue

Decatur

GA

30030

street

city

state

zip code

Name of Property Owner

Irwin & Grape, LLC

Phone

(404) 310-8610

Address

104 Hillcrest Avenue

Decatur

GA

30030

street

city

state

zip code

## Description of Property

Address of Property

8 and 16 Clifton Street, SE (combined)

Atlanta

GA

30317

street

city

state

zip code

Area: 18,311 sq ft (0.42)

Land Lot: 207

District: 10

DeKalb

County, GA.

Property is zoned: MR-3 (Z-19-086)

Council District: 5

Neighborhood Planning Unit (NPU): 0

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.

Department of City Planning  
Office of Zoning & Development

Owner or Agent for Owner (Applicant)

John VanVlack, Irwin & Grape, LLC

Print Name of Owner

Sworn To And Subscribed Before Me This 13 Day Of December, 2019.

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.

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: Z-190-86.

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.").

Reuse and adaptation of existing 2-story brick apartment building consisting of 8 units and construction of a new 3-story apartment building with frontage along Hosea Williams Drive, NE consisting of 9 units and construction of a new 2-story apartment building at the south of the existing building consisting of 6 units. Newly constructed apartment buildings with tie-in to and envelope the existing building. Proposed development will utilize existing curb cut from Hosea Williams Drive, NE and existing surface parking lot consisting of 12 spaces

**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.

n/a covered square feet / n/a total lot square feet = n/a % proposed lot coverage  
n/a % maximum allowed lot coverage

Department of City Planning  
Office of Zoning & Development

**Variance Criteria (see page 6 for detailed criteria):**

DEC 13 2019

- 1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)? See attached
- 2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship? See attached
- 3) What conditions are peculiar to this particular piece of property? See attached
- 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. See attached

## SUMMARY & JUSTIFICATION FOR SPECIAL EXCEPTIONS

**Directions:** Complete responses must be provided. Incomplete applications will not be accepted. The space below may only be utilized for the summary of proposal or responses may be submitted as a separate attachment. Specific criteria for Board approval of special exceptions may be found on page 9. The justification must address these criteria. Please submit a separate justification for responses to the applicable special exception criteria.

State whether the property described in this application is subject to a pending application or ordinance for a Rezoning or Special Use Permit. YES X NO. (If yes, the variance/special exception request will be rescheduled to a hearing following the final approval by City Council & the Mayor.)

Is the proposal subject to Inclusionary Zoning? YES X NO

**Summary of proposed special exception request (shall not replace submittal of written criteria).** (Examples: "Installation of a swimming pool adjacent to the public right of way ("active recreation"); "Install a 6-foot high opaque wooden wall ('privacy fence' with 6-foot high opaque wall gates.").

☐ **Parking & Loading:** List the maximum number of employees who will park on the site at any given time: 20 AND list the maximum estimated number of customers, clients, visitors, or similar persons who will require automobile parking in connection with the facility on the site at any given time: 20. If you propose to provide off-site parking, see the attached Standards for off-site Parking Agreements (page 10)

☐ **Walls and Fences:** Any request for walls or fences should include a site plan and elevations showing the full extent of the wall or fence and a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

☐ **Active Recreation:**

☐ **Non-Conforming Uses & Structures (i.e. duplex):**

☐ **All other Special Exception Requests:**



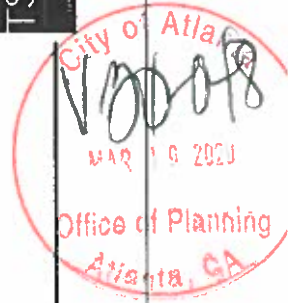


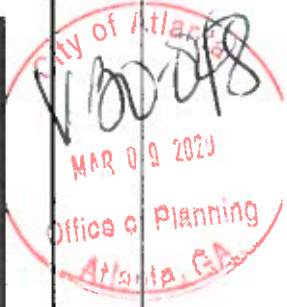


Clifton and Hosea

10/4/19

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# Clifton and Hosea

10/4/19

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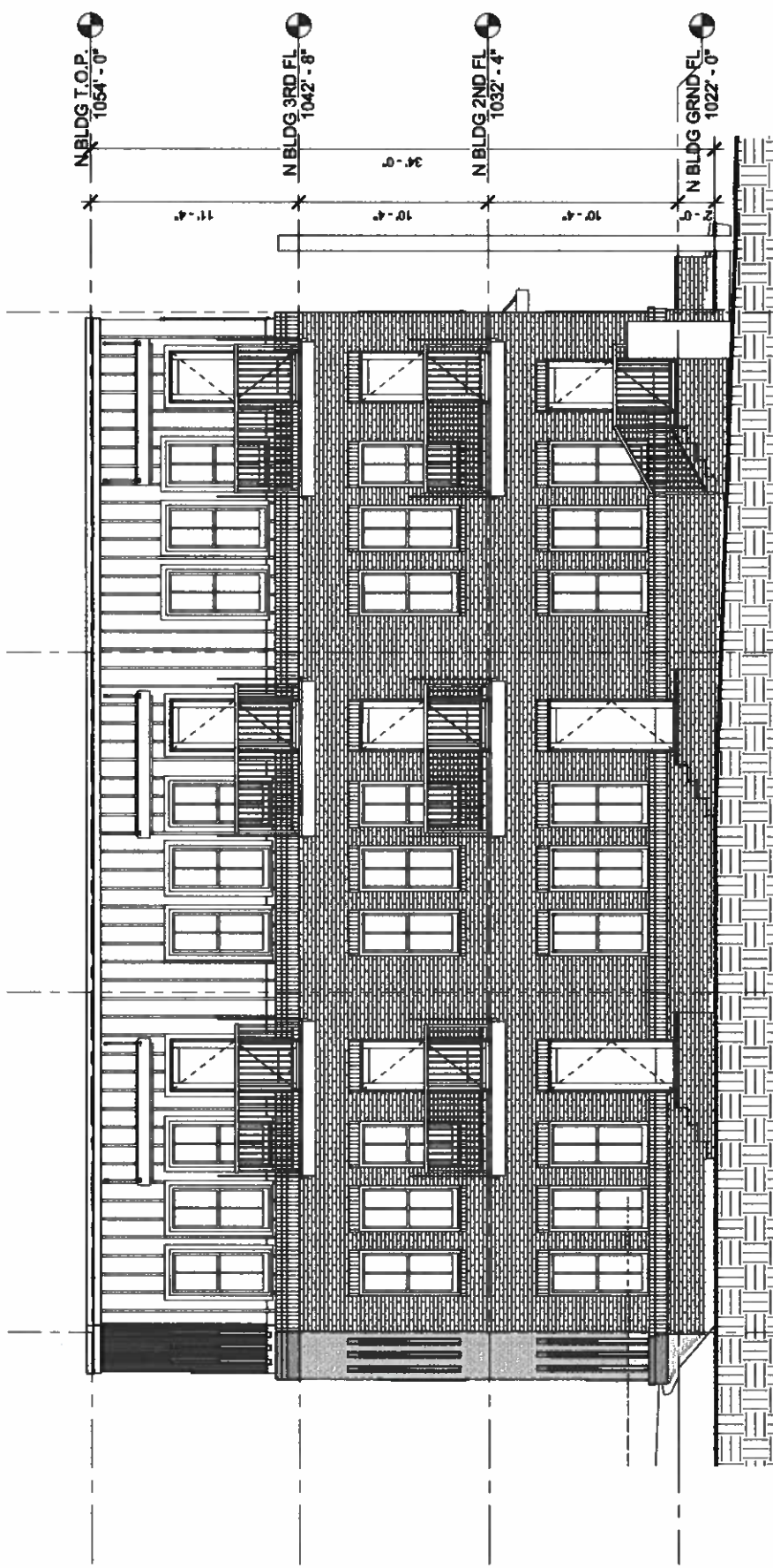
1 3D View 3

Clifton and Hosea

10/4/19

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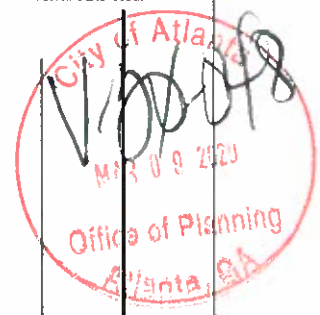


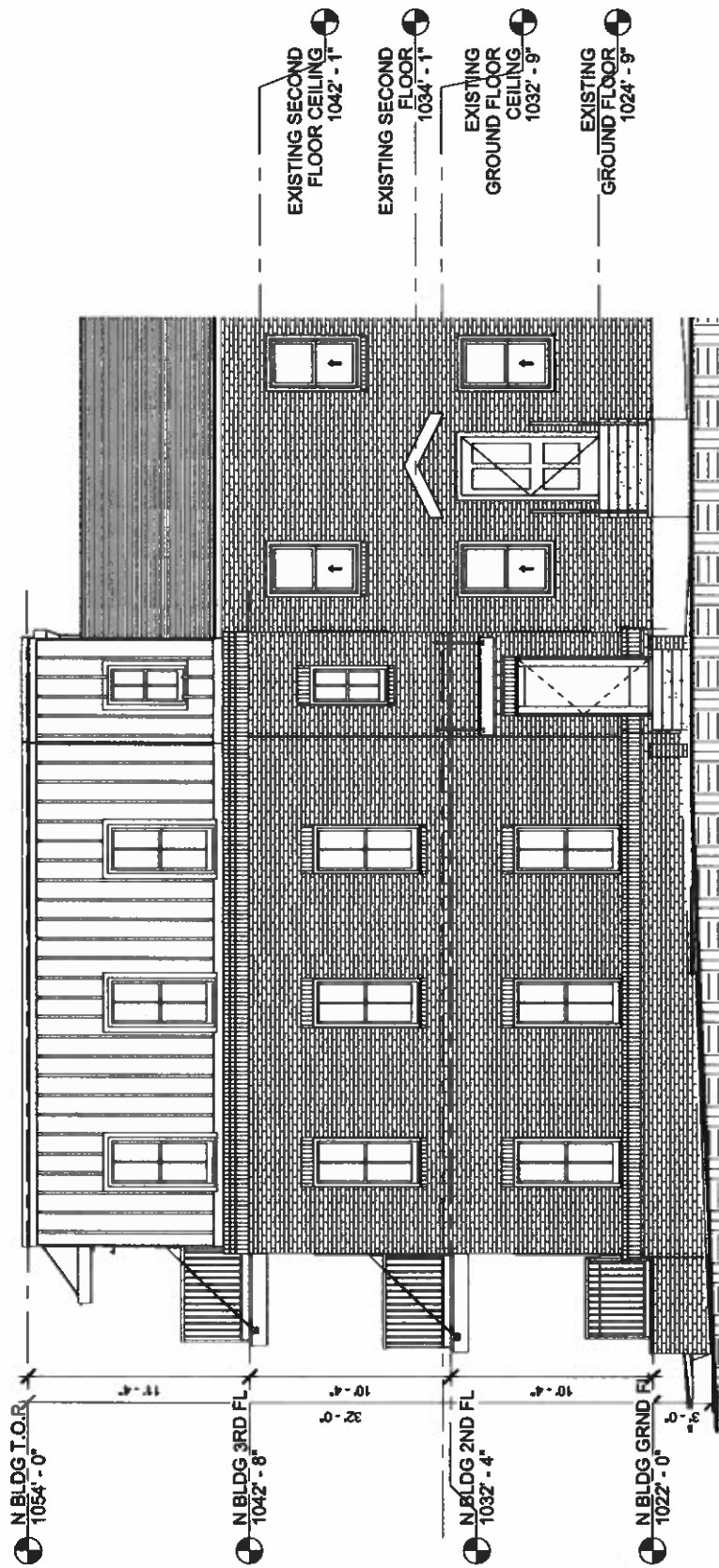
① NORTH ELEVATION  
3/16" = 1'-0"

Clifton and Hosea

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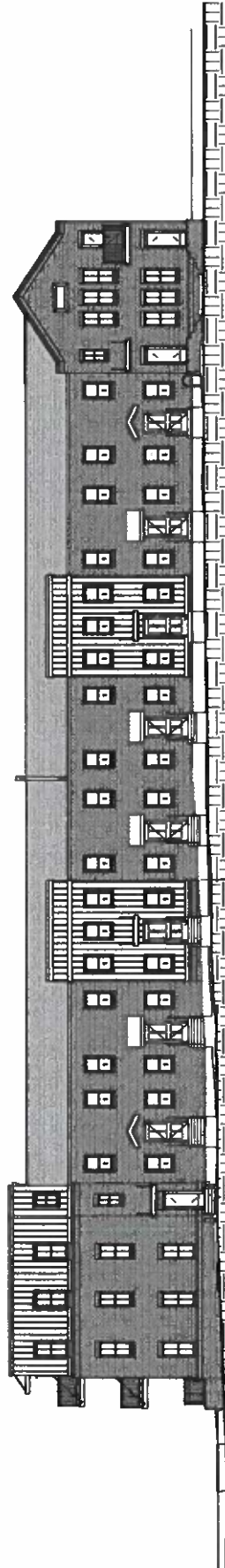
CLIFTON ENLARGED ELEVATION -  
NORTH END  
① 3/16" = 1'-0"

Clifton and Hosea

10/4/19



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① CLIFTON ELEVATION  
1/16" = 1'-0"

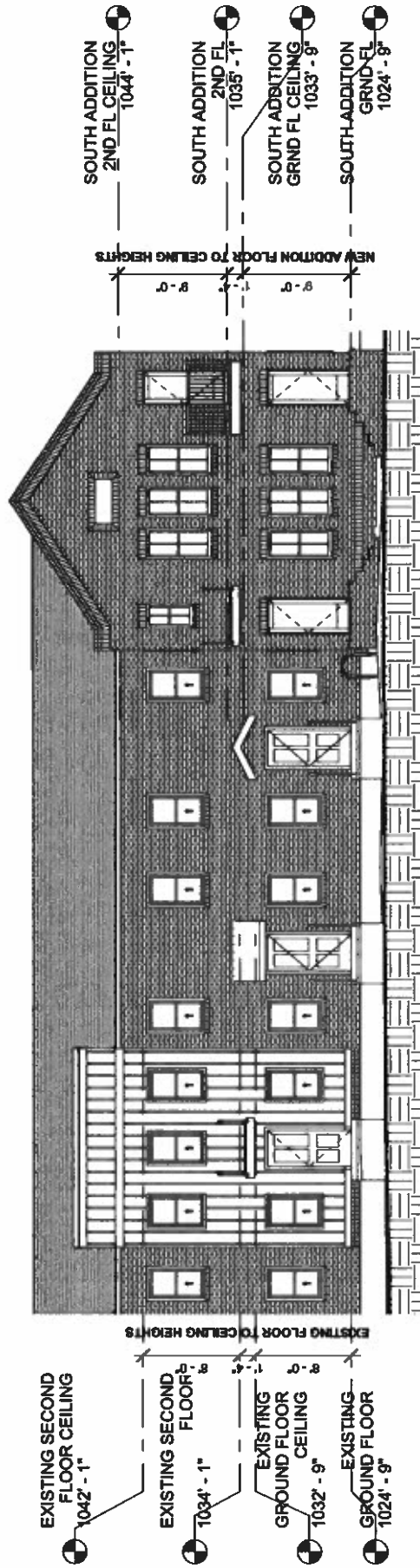
Clifton and Hosea

10/4/19



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CLIFTON ENLARGED ELEVATION -

① SOUTH END

1/8" = 1'-0"

Clifton and Hosea

10/4/19

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**APPLICATION FOR VARIANCES FROM  
TRANSITIONAL YARD REQUIREMENTS OF SECTION 16-35.009(2)(a)  
DRIVEWAY AND CURB CUT WIDTH REQUIREMENTS OF SECTION 16-35.018(2)  
OFF-STREET PARKING REQUIREMENTS OF SECTION 16-35.021(B)**

Irwin & Grape, LLC ("Owner") owns that certain combined improved real property located at and known as 8 Clifton Street, SE (Tax Parcel Id No. 15 207 01 079) and 16 Clifton Street, SE (Tax Parcel Id No. 15 207 01 098)(collectively, the "Property"). The Property contains a lot area of 18,311 square feet (0.42 acres) with 91.5' frontage along Hosea Williams Drive, NE and 200' frontage along Clifton Street, SE.

The Property is improved with an existing 2-story apartment building fronting along Clifton Street, SE and consisting of 8 units (the "Existing Apartment Building"). The Property is also improved with an existing surface parking lot with 2 curb cuts – one from Hosea Williams Drive, NE and a second one from Clifton Street, SE (the "Existing Surface Parking").

Owner proposes to reuse and adapt the Existing Apartment Building and Existing Surface Parking to construct a new 3-story apartment building with frontage along Hosea Williams Drive, NE consisting of 9 units and to construct a new 2-story apartment building at the south of the Existing Apartment Building consisting of 6 units. The proposed newly constructed buildings will tie-in to and envelop the Existing Apartment Building increasing the curb appeal and connectivity to the neighborhood and providing an increased density and diversity of housing types.

Owner proposes to reuse and adapt the Existing Surface Parking to continue to provide 12 parking spaces.

The Property was rezoned from RG-2 under Application (Z-19-086) to MR-3.

*Special Exceptions* / **VARIANCES REQUESTED**

1. Owner seeks a variance from Section 16-35.009(2)(a) to allow for the construction of new 2-story apartment building at the south of the Existing Apartment Building consisting of 6 units to encroach approximately 15' into the minimum 20' south Transitional Yard.
2. Owner seeks a variance from Section 16-35.009(2)(a) to allow for the Existing Surface Parking to continue to encroach approximately 18' into the minimum 20' east Transitional Yard.
3. Owner seeks a variance from Section 16-35.018(2) to allow for the existing driveway from Hosea Williams Drive, NE to continue as configured less than 12' at its narrowest point.
4. Owner seeks a *special exception* from Section 16-35.021(5) to reduce the minimum Parking Requirements from 26 spaces to 20 spaces (12 Off-Street Spaces and 8 On-Street Spaces on Clifton Street, SE adjacent to the Property).

These variances requested were considered and favorably recommended for approval by the Zoning Committee of Kirkwood Neighbors' Organization ("KNO"), the full KNO, and MRU-Q as part of Application (Z-19-086).



**DOCUMENTED IMPACT ANALYSIS UNDER SEC. 16-26.003**

**(1) There are extraordinary and exceptional conditions pertaining to the Property because of its size, shape, or topography.**

The Property is currently improved with the Existing Apartment Building and Existing Surface Parking. However, the configuration of the Existing Apartment Building is offset from and does not front or engage Hosea Williams Drive, NE. The Existing Apartment Building also only provides 8 units. A variance is sought from Sec. 16-35.009(2)(a) to allow for the construction of new 2-story apartment building at the south of the Existing Apartment Building consisting of 6 units to encroach approximately 15' into the minimum 20' south Transitional Yard. The requested variances will allow for a total density of 23 units and provide a much needed additional housing type within the surrounding neighborhood.

Additionally, the Existing Surface Parking currently encroaches into the minimum 20' east Transitional Yard. The current as-built driveway from Hosea Williams Drive, NE is also narrower than the required 12' at its narrowest point. The Existing Surface Parking only provides 12 Off-Street Parking Spaces, but the Property is serviced by 8 On-Street Spaces on Clifton Street, SE. Under Sec. 16-35.009(2)(a), the transitional yard can be paved as a private drive or private alley. A variance is sought from Secs. 16-35.009(2)(a), 16-35.018(2) and 16-35.021(5) to utilize the Existing Surface Parking and driveway in keeping with the current as-built configuration of the Property and the wishes of residents of the surrounding neighborhood.

The Property is centrally located within the neighborhood commercial corridor of Kirkwood with proximity to public transit, restaurants, retail and businesses, and amenities.

**(2) The application of the Zoning Ordinance of the City of Atlanta to the Property would create an unnecessary hardship.**

Strict application of the Zoning Ordinance would not allow for the reuse and adaptation of the Existing Apartment Building. Strict application of the Zoning Ordinance would not allow for the continuation of the non-conforming Existing Surface Parking and driveway. The requested variances will allow for a total density of 23 units and provide a much needed additional housing type within the surrounding neighborhood. The requested variances allow for the construction of a new 3-story apartment building with frontage along Hosea Williams Drive, NE consisting of 9 units and the construction a new 2-story apartment building at the south of the Existing Apartment Building consisting of 6 units. The proposed newly constructed building will tie-in to and envelop the existing building increasing the curb appeal and connectivity to the neighborhood.

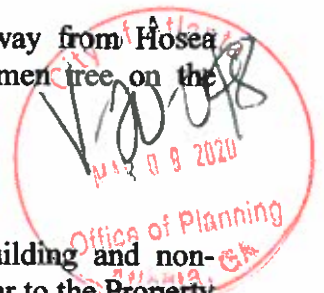
Strict application of the Zoning Ordinance to require a wider driveway from Hosea Williams, NE would impact and endanger the critical root zone of a specimen tree on the neighboring property to east of the Property.

**(3) These conditions are peculiar to the Property.**

The Property is currently improved with the Existing Apartment Building and non-conforming Existing Surface Parking and driveway. These conditions are peculiar to the Property and create an unnecessary hardship and limitation on any reuse and adaption of the Property. As-built the Existing Apartment Building is setback from and apart from Hosea Williams Drive, NE and the neighborhood.

**(4) 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.**

A grant of the requested variance would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta. As outlined above, the proposed variance allows for the fulfillment of the purpose of providing increase density and diversity of housing types along the neighborhood commercial corridor of Kirkwood with proximity to restaurants, retail and businesses, and amenities.





**EXHIBIT "A"**

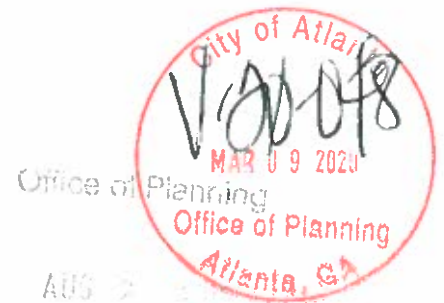
2-19-036

~~ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING A PART OF LOT 61, KIRKWOOD SECTION OF THE ATLANTA SUBDIVISION LAND COMPANY PROPERTY, BEING SHOWN AS TRACT 1, CONTAINING 0.21 ACRES MORE OR LESS, AS SHOWN ON THAT PLAT OF SURVEY PREPARED FOR DON A. BOMGARDNER AND J. CARSON PICKENS BY SURVEY SYSTEMS & ASSOC., INC, DATED MAY 2, 2001, AS RECORDED IN PLAT BOOK 128, PAGE 37, DEKALB COUNTY, GEORGIA RECORDS, SAID PLAT BEING INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

SUBJECT TO ANY RIGHT OF WAY DEEDS OR OTHER EASEMENTS OF RECORD

Parcel ID: 15 207 01 079



AUG 2

SW  
15 207 01 079

**EXHIBIT "A"**

217036

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT NO. 207, OF THE 15TH DISTRICT, OF DEKALB COUNTY, GEORGIA, IN THE CITY OF ATLANTA, BEING A PART OF LOT NO. 61, TRACT 2, CONTAINING 0.20 ACRE, MORE OR LESS, KIRKWOOD SECTION OF THE ATLANTA SUBDIVISION LAND COMPANY PROPERTY SUBDIVISION, AS PER PLAT OF SURVEY PREPARED FOR DON A. BOMGARDNER AND J. CARSON PICKENS, BY SURVEY SYSTEMS & ASSOC., INC., DATED MAY 2, 2001, RECORDED IN PLAT BOOK 128, PAGE 37, DEKALB COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY ADOPTED AND MADE A PART HEREOF BY REFERENCE THERETO FOR A MORE COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY BEING IMPROVED PROPERTY NOW OR FORMERLY KNOWN AS 16 CLIFTON STREET SE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN DEKALB COUNTY, GEORGIA.

BEING TAX PARCEL ID #15-207-01-098.

BEING THE SAME PROPERTY AS THAT CONVEYED BY WARRANTY DEED DATED April 2, 2009, FROM MELODYE BLOCK, AS TRUSTEE, FOR THE 16 CLIFTON STREET LAND TRUST, TO CODY CARLTON, AS RECORDED June 15, 2009, AT DEED BOOK 21494, PAGE 438, DEKALB COUNTY, GEORGIA RECORDS.



## 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, John VanVlack (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 8 and 16 Clifton Street, SE (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.

OWNER'S TELEPHONE NUMBER: (404) 310-8610

  
SIGNATURE OF OWNER

John VanVlack, Irwin & Grape, LLC  
PRINT NAME OF OWNER

### NAME OF APPLICANT:

LAST NAME VanVlack FIRST NAME John

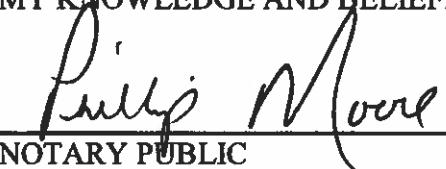
ADDRESS 104 Hillcrest Avenue SUITE

CITY Decatur STATE GA ZIP CODE 30030

APPLICANT'S TELEPHONE NUMBER: (404) 310-8610

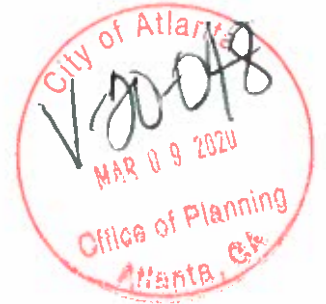
APPLICANT'S EMAIL ADDRESS: johnvv@bellsouth.net

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.

  
NOTARY PUBLIC

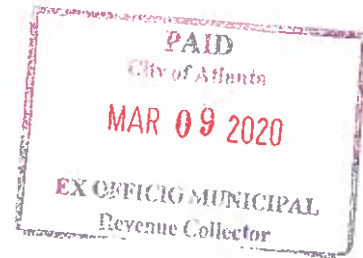
12-13-19

DATE



## RECEIPT

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



Application: V-20-048  
Application Type: Planning/BZA/Special Exception-Variance/NA  
Address: 8 CLIFTON ST SE, ATLANTA, GA 30317  
Owner Name: EDGEWOOD DEVELOPMENT PARTNERS  
Owner Address:  
Application Name: 8 CLIFTON STREET, SE

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
700017		\$1,000.00	03/09/2020	TSIMON		

Owner Info.: EDGEWOOD DEVELOPMENT PARTNERS

## Work Description:

APPLICANT SEEKS A VARIANC FROM THE ZONING ORDINANCE TO (1) REDUCE THE REQUIRED SOUTH SIDE TRANSITIONAL YARD SETBACK FROM THE 20 FEET TO 15 FEET. (2) REDUCE THE REQUIRED EAST SIDE TRANSITIONAL YARD SETBACK FROM 20 FEET TO 18 FEET. (3) REDUCE THE REQUIRED WIDTH OF A TWO WAY DRIVEWAY FROM 24 FEET TO 12 FEET AT THE NARROWEST POINT. A SPECIAL EXCEPTION (4) REDUCE MINIMUM REQUIRED PARKING SPACES FRM 26 SPACES TO 20 SPACES (12 OFF-STREET PARKING SPACES AND 8 PARKING SPACES ON CLIFTON STREET, SE) TO CONSTRUCT A MULTIFAMILY DEVELOPMENT. (CON-20-0013/ 19-O-1585)

CITY OF ATL BLDG PERM  
55 TRINITY AVE STE 1350  
ATLANTA, GA 30303

03/09/2020

14:18:29

CREDIT CARD

MC SALE

Card # XXXXXXXXXXXX8675  
Chip Card: Mastercard  
AID: A0000000041010  
SEQ #: 21  
Batch #: 251  
INVOICE 22  
Approval Code: 54237P  
Entry Method: Chip Read  
Mode: Issuer

SALE AMOUNT \$1000.00

CUSTOMER COPY

