



**OFFICE OF DESIGN**  
**ATLANTA URBAN DESIGN COMMISSION**  
 55 Trinity Avenue S.W., Suite 3350  
 Atlanta, Georgia 30303  
 (404) 330-6145

Application# CA3-19-480  
 Date Accepted CA3-19-481

**Application for Urban Design Commission**  
**Certificates of Appropriateness, Staff Review, and Review and Comment**

Department of City Planning  
 and Community Development

Applicant's Name Vicki and Shawn Rafferty SEP 30 2019  
 Applicant's Address 124 Elizabeth St. NE  
 City Atlanta State GA Zip 30307  
 Phone # 404-549-2266 Fax # \_\_\_\_\_ E-Mail VLRAFFERTY5@GMAIL.COM

**DESCRIPTION OF PROPERTY:**

Property Address 124 ELIZABETH ST. NE, ATLANTA, GA 30307  
 Zoning Category R-5, HC20L SA-1 In Beltline? NO In SPI / MR / MRC / NC? NO

Is Inclusionary Zoning applicable to this project? \_\_\_ Yes NO No

\*Note: IZ is applicable to all new or conversion multifamily residential rental projects with ten (10) or more units in either the Beltline Overlay District or four Westside Neighborhoods (English Avenue, Vine City, Ashview Heights, or AUC). For these projects, applicant must complete and submit the supplemental Inclusionary Zoning Certification form.

**DESCRIPTION OF PROJECT:**

Describe clearly and in detail **ALL** construction, alterations, repairs or other changes to the exterior appearance or site proposed for the property. **You must summarize your project below. "See Attached" is not accepted.**

REMOVAL OF EXISTING REAR PORCH AND ADDITION;  
CONSTRUCTION OF A NEW REAR ADDITION 19' x 32'-1"  
AND CONSTRUCTION OF A REAR PORCH, REAR DECK  
AND REAR STAIRS; IN-KIND REPAIR OF EXISTING  
SIDING; REPLACEMENT OF BASEMENT STUCCO FINISH

The Office of Planning will accept applications for all types of Certificates of Appropriateness and applications for Review and Comment only as follows:

***Monday through Friday from 8:30 Am to 3:00 PM***

***Incomplete applications will NOT be accepted.***

## 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, Shawn / Vicki Rafferty (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE  
OWNER OF THE PROPERTY AT 124 Elizabeth St. NE (PROPERTY ADDRESS).  
AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH IS THE SUBJECT  
MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS  
APPLICATION AS MY AGENT.

NAME OF APPLICANT (AGENT FOR APPLICANT):

LAST NAME BANSE FIRST NAME LITE  
ADDRESS 1077 ALTA AVE. NE SUITE \_\_\_\_\_  
CITY ATLANTA STATE GA ZIP CODE 30307

OWNER'S TELEPHONE NUMBER:

AREA CODE (404) NUMBER 549 - 2266

  
SIGNATURE OF OWNER

SHAWN RAFFERTY  
PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION  
CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST KNOWLEDGE AND BELIEF.

  
NOTARY PUBLIC

September 27, 2019  
DATE

Notary Public, DeKalb County, Georgia  
My Commission Expires January 30, 2020

CA3-19-480  
CA3-19-481

Department of City Planning  
Office of Zoning & Development

SEP 30 2019

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# Application Package - Step by Step Checklist

- **Required Submission Materials:** *(Incomplete applications will NOT be accepted).* All submitted materials are retained by the Office of Planning **and not returned to the applicant.**

## **Type I and Type II Staff Review Certificates of Appropriateness:**

Three (3) to-scale sets of the following:

- Existing and proposed site plans showing all dimensions, existing improvements and all proposed work, only if proposed work involves changes to the site. *(not required for projects involving minor alterations or repairs to existing structures)*
- Existing and proposed elevations showing dimensions, existing features, proposed work, materials and accurate grades. *(not required for projects involving minor alterations or repairs to existing structures)*
- Relevant photographs of existing conditions.

## **Type II, III, and IV Certificates of Appropriateness / Review and Comment:**

- ☒ All plans must be properly collated, stapled and folded.
- ☒ Two (2) to-scale sets of plans (see below for specific types of plans needed).
- ☒ Twelve (12) sets of reduced size plans (no larger than 11" x 17" (see below for specific types of plans needed).
- ☒ Existing and proposed elevations showing dimensions, existing features, proposed work, materials, and accurate grades.
- ☒ Existing and proposed floor plans, showing location of windows, exterior doors, walls, and rough kitchen / bath layouts, etc.
- ☒ Existing and proposed site plans showing all dimensions, existing improvements and all proposed work.
- ☐ Twelve (12) copies of any materials the applicant would like the commission to consider prior to the assigned meeting when the project will be reviewed (i.e. photographs, project description, cover letter, support documentation, etc.)
- ☒ USB drive or CD containing no more than 10 photographs showing the following:
  - ☒ All facades, including the roof and foundation (even if the work is to be done on one side of the building).
  - ☒ Area(s) where the work is to be performed (for example: windows, doors, chimneys, porch, siding, etc.).
- ☐ Dimensioned, detailed, to-scale drawings of porch railings, window and door trim, fascia/eaves, etc.
- ☒ Details on exterior materials, such as manufacturer's specification pamphlets for windows, siding material, etc.
- ☒ Comparison analysis and compatibility rule information as required by the specific district regulations for your project.

## **Type IV applications only:**

- ☐ Twelve (12) copies of the answers to the corresponding Type IV Certificate of Appropriateness Addendum found on page 5 and 6 of this application.

## **Type III Variance Addendum / Special Exception Petition Addendum: (All Variances and Special Exceptions require a separate application and fee.)**

- ☒ A paper copy and an electronic copy (*MS Word format*) of the variance or special exception justification (see page 7 and 8).
- Complete **Application** in full and return it to the Commission office with original signatures by the appropriate deadline date, including an original, notarized **Authorization by Property Owner**, if applicable, found on page 4.
- Return the original signed and notarized **Sign Posting Affidavit** to the Urban Design Commission Staff before your hearing date, or bring it with you to the hearing. If required, this affidavit will be generated at the time of application.

I HEREBY AUTHORIZE THE OFFICE OF PLANNING STAFF AND MEMBERS OF THE ATLANTA URBAN DESIGN COMMISSION TO INSPECT THE PREMISES OF THE ABOVE DESCRIBED PROPERTY. I HEREBY DEPOSE AND SAY THAT ALL STATEMENTS HEREIN AND ATTACHED STATEMENTS SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

  
\_\_\_\_\_  
APPLICANT OR AGENT FOR APPLICANT

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Department of City Planning  
Office of Zoning & Development

\_\_\_\_\_  
DOUG YOUNG, EXECUTIVE DIRECTOR

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## ADDENDUM - VARIANCE PETITION

(Requires a separate application number and fee.)

Directions: Complete responses must be provided for **ALL** questions. Incomplete applications will not be accepted. If extra space is needed, please attach information and reference attachments for the appropriate question. Applicant, having received a determination that proposed action is at broad variance with the referenced zoning regulations when seeking a Certificate of Appropriateness, hereby requests that the Atlanta Urban Design Commission grant a variance for (description of variance):

REDUCE THE REAR YARD SETBACK FROM 71.7'  
ALLOWED PER COMPATIBILITY RULE TO 69'

the following reasons:

(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

(5) State whether the property described in this application forms any part of the subject matter of a pending application or ordinance for a zoning change or Special Use Permit. ☐ YES ☒ NO

I HEREBY FILE THIS REQUEST FOR VARIANCE FROM THE TERMS OF THE ZONING REGULATIONS FOR THE INMAN PARK HISTORIC DISTRICT AND OTHER TERMS OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, WHICH APPLY TO THE PROPERTY IN QUESTION. I HEREBY AUTHORIZE THE STAFF AND MEMBERS OF THE ATLANTA URBAN DESIGN COMMISSION TO INSPECT THE PREMISES OF THE ABOVE DESCRIBED PROPERTY. I HEREBY DEPOSE AND SAY THAT ALL STATEMENTS HEREIN AND ATTACHED STATEMENTS SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT OR AGENT FOR APPLICANT

DOUG YOUNG, EXECUTIVE DIRECTOR



Variance Justification  
124 Elizabeth Street, Inman Park Historic District

Request to reduce the rear yard setback from 71.7' allowed per compatibility rule to 69'

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

The property 124 Elizabeth Street is the second largest property on the blockface based on the lot area. However, it has the smallest depth. The property depth is 13' less than the average lot depth of the six other properties on the blockface (see attached chart). The curving rear property lines along Springvale Park/Park Lane are at their narrowest at the subject property. Therefore, the subject property is unusually shallow compared with the other properties on the blockface.

The property is also sloping towards the rear of the property. The main floor of the house is 9' and more above grade at the rear. Therefore, creating a patio directly off the rear of the house (which would be allowed within the rear yard setback) is not a viable option. Any quality outdoor space connected to the house needs to be an elevated structure.

The rear yard faces a public park; therefore outdoor space in the rear of the property is highly desirable and appropriate.

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

The intent of the proposed project is to update the property for today's needs and to secure enjoyment of the house and property today and for future generations. The application of the Zoning Ordinance would not allow for an appropriate and desirable rear addition to the existing structure and would limit the enjoyment of the property. Given the considerable size of the property and its excellent location, the appropriate use of the property would be negatively impacted.

**(3) What conditions are peculiar to this particular piece of property?**

In addition to the small property depth and topography, the property has considerable limitations resulting from the size and location of the existing historic house on the property:

- The existing house is placed on the lot with the second largest front yard setback, reducing even further the available rear yard for an addition.
- The existing historic structure has the smallest width on the blockface, which results in the largest combined side yard setbacks on the blockface. This fact has tremendous impact on possible architectural solutions for an addition to the property, as the addition cannot be wider than the existing structure per district ordinance. It greatly reduces the buildable area of the property.

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While the property is the second largest property on the blockface, its development potential is greatly reduced as only 33 % of its lot width is usable as buildable area. The other properties on the blockface have 57%, 66%, 69%, 77% and 90% of their lot width available as buildable area (see attached chart).

**(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.**

Relief, if granted will 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 plan requests a small decrease of the allowable rear yard setback to allow for the construction of an appropriately sized screened porch. The requested rear yard of 69' is nearly 10 times larger than the required rear yard setback of 7' of the underlying zoning category of the property.

The blockface north of the project location shares many features with the subject blockface such as lot size, the location on the public park and a curvy street along the park's edge along the rear property lines. Some of the properties on that blockface have a considerably smaller rear yard setback (37' at 176 Elizabeth Street and 61' at 182 Elizabeth Street).

The intensity of use of the property is with a proposed lot coverage of 31% and a proposed FAR of 0.25 well below the allowed intensity per R-5 and Inman Park Historic District Regulations.

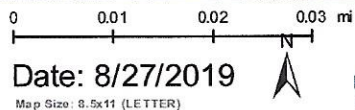
The proposed project will not detract from neighbor's use and enjoyment of adjoining and surrounding properties and will not diminish the usability and enjoyment of the adjacent public park. The proposed improvements are in keeping with the orderly evolution of this neighborhood and will promote desirable living conditions for a family and the neighborhood.

Blockface Comparison  
124 Elizabeth Street

Address	108 Elizabeth	116 Elizabeth	124 Elizabeth	132 Elizabeth	136 Elizabeth	144 Elizabeth
Lot area	17,760 sf	20,400 sf	18,600 sf second largest	7,500 sf	9,700 sf	10,350 sf
Lot depth	222 ft. average	204.25 ft. average	187.75 ft. average smallest	190.5 ft. average	194 ft.	207 ft. average
Front yard setback (to porch)	30'	27.4'	28.3' second largest	23'	16'	16'
Rear yard setback	133'	94'	94.8'	71.7'	94'	134'
Lot width	60 ft./83.3' (71.6 average)	100 ft.	100 ft.	60 ft./30' (45' average)	60 ft./35' (47.5' average)	60 ft./35' (47.5' average)
House width	42'	49'	32' smallest	53'	35'	36'
Combined south and north side yard setback	3'+10'= 13'	17'+26= 57'	19.3'+47.3= 66.6'	14'+0= 14'	6'+5'= 11'	0+2= 2'
Buildable lot width for addition (lot width – side yard setbacks)	47.2'	57'	33.4'	31'	36.5'	45.5'
Buildable lot width for addition as a percentage of lot width (lot width – side yard setbacks/lot width)	66 %	57 %	33 % smallest	69 %	77 %	90 %

Data based on Fulton County/City of Atlanta GIS, Fulton County Tax Assessor information, Property survey and field observation





## Prepared By

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use these data, even if Fulton County is advised of the possibility of such losses.

GIS Section  
Department of IT  
Fulton County Government