

Historic Preservation Studio  
Office of Design  
55 Trinity Avenue S.W., Suite 3350  
Atlanta, Georgia 30303 (404) 330-6145



Department of  
**CITY PLANNING**

Application #: _____
Date Accepted: _____

### Application for Variances and Special Exceptions

Applicant's Name KACI PALO  
Applicant's Address 10439 Old Atlanta Hwy  
City Covington State GA Zip 30307  
Phone # 770-871-9040 E-Mail KACI@PERMITSUNLIMITEDLLC.COM

**DESCRIPTION OF PROPERTY:**

Property Address 941 AUSTIN AVE NE ATLANTA, GA 30307  
Zoning Category R-5 Beltline?        In SPI / MR / MRC / NC?       

Is Inclusionary Zoning applicable to this project? Yes  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 proposed construction, alterations, repairs and other changes to the exterior appearance or site. The Office of Design Staff will use this description to determine the appropriate application type. Additional pages may be used if more space is needed, but "See Attached" will not be accepted

For this project proposal, we intend to extend the back of the house out to enclose the old back porch, build a new garage with an ADU on top as a second story. We also are proposing to add a full second story, to the main house, to increase its livability and longevity. We also plan to restore all older nonfunctioning windows, replace all rot, bring the property up to current building codes and renovate the interior of the house.

The Office of Design Accepts Applications  
Monday through Friday from 8:30 Am to 3:00 PM  
Incomplete applications will NOT be accepted.

## Application Checklist

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

Variances and Special Exceptions must be accompanied with an application for a Certificate of Appropriateness to approve the proposed work. Variances and Special Exceptions require a separate application and fee.

- Variances:
  - Responses to all five (5) of the Variance Criteria found in this packet.
  - Project documents such as a site plan or elevations showing the requested deviations from the Zoning Ordinance (disregard if you are submitting this request along with another application for a Certificate of Appropriateness).
  - Completed and Notarized Authorization by Property Owner Form (disregard if you are submitting this request along with another application for a Certificate of Appropriateness)
  
- Special Exceptions:
  - Responses to one (1) of the four (4) Special Exception Criteria found in this packet.
  - Project documents such as a site plan or elevations showing the requested deviations from the Zoning Ordinance (disregard if you are submitting this request along with another application for a Certificate of Appropriateness).
  - Completed and Notarized Authorization by Property Owner Form (disregard if you are submitting this request along with another application for a Certificate of Appropriateness)
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While it is not required and will not affect the outcome of your review, the Office of Design Staff strongly recommends that you contact your neighborhood association for their input on your project before submitting for a review.

# ADDENDUM - VARIANCE PETITION

**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):**

PLEASE, SEE LETTER OF RESPONSES.

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**for the following reasons:**

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

PLEASE, SEE LETTER OF RESPONSES.

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

PLEASE, SEE LETTER OF RESPONSES.

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

PLEASE, SEE LETTER OF RESPONSES.

(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.

PLEASE, SEE LETTER OF RESPONSES.

(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      X  NO

I HEREBY FILE THIS REQUEST FOR VARIANCE FROM THE TERMS OF THE ZONING REGULATIONS FOR THE INMAN PARK HISTORIC DISTRICT DISTRICT AND OTHER TERMS OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, WHICH APPLY TO THE PROPERTY IN QUESTION. I HEREBY AUTHORIZE THE OFFIC OF DESIGN STAFF AND THE 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.

KACI PALO

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
For Doug Young, Executive Director.

**DESCRIPTION OF PROJECT:** Describe clearly and in detail all proposed construction, alterations, repairs and other changes to the exterior appearance or site. The Office of Design Staff will use this description to determine the appropriate application type. Additional pages may be used if more space is needed, but “See Attached” will not be accepted.

For this project proposal, we intend to extend the back of the house out to enclose the old back porch, build a new garage with an ADU on top as a second story. We also are proposing to add a full second story, to the main house, to increase its livability and longevity. We also plan to restore all older nonfunctioning windows, replace all rot, bring the property up to current building codes and renovate the interior of the house.

- (1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)?
  - a. This piece of property is confined within a skinny, irregular shaped lot, which makes a rear extension problematic because it would create ill-proportionately shaped spaces that wouldn't be functional. This is due to the need for a means of ingress and egress out of the back of the house and because it is not possible to do it on the side given that the existing house is already very close to the property lines.
- (2) How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?
  - a. It creates a monetary hardship because the current zoning requirements restricts the property to only being able to be 3 bedrooms including the garage/ADU, and the cost of construction for this project along with the purchase price is greater than the resale value of the house upon completion. Although this is intended to be my long-term home, this same hardship affects the ability to get construction financing and potentially future refinancing opportunities. (it could also make more sense for me to demo the house completely and build back a two story house)
- (3) What conditions are peculiar to this particular piece of property?
  - a. The historical zoning restrictions don't allow an addition taller than the original structure's roof height of 18 feet. This restriction doesn't allow for an appropriate societal evolution in order to extend the longevity of the home. Given the lower sloped roof pitch, it wouldn't make sense to squeeze the additional living space into the existing attic, and beyond. In addition to this, this house already had an addition built onto it before it was bought, and had a new roof put on due to tree damage.
- (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.
  - a. The proposed plans, fit into all other neighborhood regulations and would be very similar to most the other houses on the street. See the 2 story examples similar homes on Austin Ave below. Another proposal we would be willing to make is that this property sits up on a steep elevation and the back part of the house isn't visible from the sidewalk or street. If we were able to build a second story on the back half of the house so long as it isn't visible from the sidewalk or the street. This would both hold up the integrity of the historical intentions of the neighborhood by

maintaining its original front façade and also allowing to get more use out of the house and justify the renovation expense, and bettering the neighborhood.

965 and 969 Austin Ave.



941 and 934 Austin Ave.



(5) State whether the property described in this application forms any part of the subject

## 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, Tyler Alev (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 941 Austin Ave Atlanta, Ga 30307 (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:

LAST NAME PALO FIRST NAME KACI  
ADDRESS 10449 OLD ATL HWY SUITE \_\_\_\_\_  
CITY COVINGTON STATE GA ZIP CODE 30014

OWNER'S TELEPHONE NUMBER: 5208706410



SIGNATURE OF OWNER

Tyler Alev

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.

Ramona V. Bystrom

NOTARY PUBLIC

12-7-2022

DATE

