



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

APPLICATION #: **V-17-027**
DATE ACCEPTED: **02/07/2017**

NOTICE TO APPLICANT

Address of Property:
596 East Morningside DR NE

City Council District: 6 Neighborhood Planning Unit (NPU): F

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, April 6, 2017 at 12:00 p.m.

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

The contact person for NPU F is:

Charles Nalbone
404-376-3230
zoning@npufatlanta.org

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

Please contact the person(s) listed above within two 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,



RG, for Director, Bureau of Planning



Ron Heller



CITY OF ATLANTA

Office of Buildings - Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175

Office of Planning

FEB - 7 2017

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-17-027

NPU F DATE FILED _____

1. Ron Heller
Name of Applicant

BUILDING PERMIT AUTHORIZING Active recreation/pool/ parking turn around

at 596 East Morningside Drive NE 17th/51
Street Address Quadrant District & Land Lot

to be used for Residential purposes

The property is zoned R-4 District

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

Applicant seek a variance from the zoning regulation to reduce the required rear yard setback from 15 feet to 10 feet. Also, applicant seek a special exception to allow: (1) active recreation in a yard adjacent to a street (Pool);(2) to allow a parking turn around in the required front yard setback; (3) and to exceed the maximum width of a driveway in the required front yard setback from 20 feet to 40 feet.

Applicant seeks no other variances at this time.

Complete plan review was not conducted

Pending Lot Acknowledgement

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph 3

Chapter 28 Section 16-28.008 Paragraph 6

Chapter 28 Section 16-28.008 Paragraph 7

Nettie Gibson 2-3-17
Plan Reviewer Date

[Signature] 2/3/17
Applicant Date

APPLICATION FOR SPECIAL EXCEPTION

City of Atlanta

FEB - 7 2017

Date Filed _____ Application Number V-17-027 67 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

Name of Applicant Bon Heller Daytime Phone 404-217-8796

Company Name Artisan Pools, LLC email ron@artisanpoolsllc.com
#A187

Address 4162 Peachtree Rd NE, Brookhaven GA 30319
street city state zip code

Name of Property Owner Brandon M. Roberts Phone 256 509 6468

Address 596 E Morningside DR ATLANTA GA 30324
street city state zip code

Description of Property

Address of Property 596 E Morningside DR NE OR

The subject property fronts 67 feet on the NE side of
E Morningside Drive beginning 0 feet from the
East corner of Piedmont Avenue.

Depth: 132 Area: 11,938 Land Lot: 51 District: 17 Fulton County, GA.

Property is zoned: R4 Council District: 6 Neighborhood Planning Unit: F

TO THE BOARD OF ADJUSTMENT Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

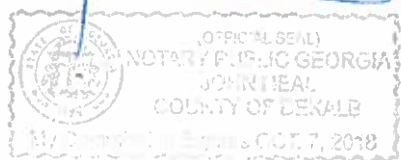
I hereby authorize the staff of the Office of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Planning upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before Me This 30th Day Of January 2017.

Brandon M. Roberts
Owner or Agent for Owner (Applicant)

Brandon M. Roberts
NAME OF APPLICANT IN PRINTED LETTERS

NOTARY PUBLIC



APPLICATION FOR SPECIAL EXCEPTION

City of Atlanta

FEB - 7 2017

Date Filed _____ Application Number V-17-027
 Name of Applicant Ron Heller Daytime Phone 404-212-8196
 Company Name Artisan Pools, LLC email ron@artisanpoolsllc.com
 Address 4162 Peachtree RD NE, A187 Brookhaven GA 30319
street city state zip code

55 Trinity Ave. S.W.
Ste. 3000
Atlanta, GA

Name of Property Owner Landon E Sutterlin Phone 404-805-5221
 Address 5916 E Morningside RD NE, ATLANTA GA 30324
street city state zip code

Description of Property

Address of Property 5916 E Morningside Dr NE OR

The subject property fronts 67 feet on the NE side of E. Morningside DR NE beginning 0 feet from the East corner of Piedmont Avenue.

Depth: 132 Area: 11,938 and Lot: 51 District: 17 . Fulton County, GA.

Property is zoned: R4 . Council District: 6 . Neighborhood Planning Unit: F

TO THE BOARD OF ADJUSTMENT Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

I hereby authorize the staff of the Office of Planning 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 Planning 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.

Sworn To And Subscribed Before Me This 30th Day of February 2017.

Landon Sutterlin
 Owner or Agent for Owner (Applicant)
Landon E. Sutterlin
 NAME OF APPLICANT IN PRINTED LETTERS

NOTARY PUBLIC



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 NO. (If yes, the variance/special exception request will be rescheduled to a hearing following the final approval by City Council & the Mayor.)

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: _____ 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: _____. 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: *Install a swimming pool in rear yard adjacent to the public right of way.*

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

All other Special Exception Requests: *To allow a parking turnaround in the required front yard setback from 20 feet to 40 feet.*

FEB - 7 2017

LETTER OF JUSTIFICATION

596 E. MORNINGSIDE DRIVE

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

To Whom It May Concern:

We are writing this letter to request approval for Two Special Exceptions and One Zoning Variances.

1. Special Exception to allow an Active Recreation adjacent a street in a residential district to install a swimming pool.
2. Special Exception to construct a parking turnaround in the front yard setback and to exceed the maximum width of driveway in the required front yard setback from 20' to 40'.
3. Variance from the zoning regulation to reduce the required Rear Yard Setback from 15' to 10' to install a swimming pool.

Below are Justifications:

Reasons for Special Exception for Active Recreation Adjacent to a Street.

- I. The location of Active Recreation will not be objectionable to occupants of a neighboring property or the neighborhood in general by reason of noise, lights or concentration of persons or vehicular traffic;
 - a. The existing house is elevated more than 20' above the Piedmont Avenue to the West and more than 8' from E. Morningside Drive to the South. The neighbor to the North, the house sits +/-10' lower and the neighbor to the East has an existing swimming pool and fence enclosure at same elevation level. The proposed pool is located in the rear yard and would be enclosed by an Existing 5' ht Solid Brick Fence and steel access gates.
- II. The area for such activity could not reasonably be located elsewhere on the lot;
 - a. The pool would be located directly behind the footprint of house,
 - b. The proposed pool and pool deck is within the impervious lot coverage.

Reasons for Special Exception of a Parking Turnaround in Front Yard Setback:

- I. Sec. 16-18G.010 States that "No Parking shall be in the front yard or half depth front yard or between a primary residence and a street". Existing is a driveway 10' wide tapering to 18' at top of front yard slope within 10' the front of house. No garage or side access drive exists.
- II. Due to the topography of the lot, the house abuts the East side yard setback and no vehicle parking turnaround or garage was built. In addition, the House was built 20' back from the 35' front setback.
- III. The lot is on the corner of two major collector streets, thus creating an unsafe and difficult ingress and egress. Currently, owner has to reverse his vehicle down the sloped driveway into oncoming or blocked traffic at the Piedmont Ave and E.

596 E. Morningside Dr. Residence

Morningside Drive traffic light intersection. With a parking turnaround in front yard, vehicles would be able to turnaround at top of driveway and exit safely in forward position.

- IV. The proposed front yard parking turnaround is within the impervious lot coverage.

Reasons for Variance from the zoning regulation to reduce the required Rear Yard Setback from 15' to 10':

- I. The back yard is less than 35' from rear of house to the existing solid brick fence, leaving only a 20' developable area.
- II. The style and size of house was designed for the lots topography hardships.
 - a. Over 30' of the side yard to the West is elevation difference of 20' to Piedmont Ave.
 - b. Being on a corner of two major collector streets and the non-90 degree angle of E. Morningside Drive created a further setback of house.
 - c. The plat shows the lots to the East have deeper rear yards than this one, a past lot split happened in earlier years.
 - d. The proposed pool is of adequate size for the limited developable rear yard at 13'x28' water area, is directly behind footprint of house and is within the impervious lot coverage.

With the facts above, we ask for your approval for the requested Special Exceptions and Variance.

Thank you,

Brandon Roberts & Landon Sutterlin
596 E. Morningside Drive
Atlanta, Ga 30306

V-17-027
Office of Planning

FEB - 7 2017

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

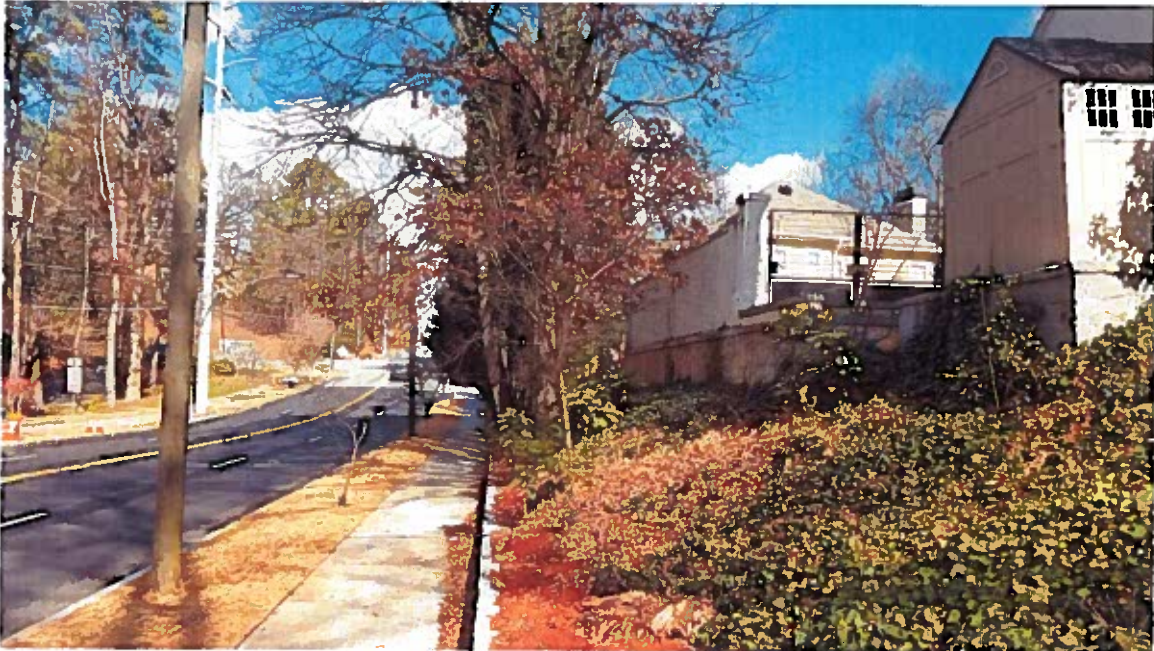
FEB - 7 2017

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

EXISTING CONDITIONS



FRONT YARD ALONG E. MORNINGSIDE DRIVE



LOOK NORTH ALONG PIEDMONT AVE, WEST SIDE OF HOUSE

596 E. Morningside Dr. Residence

V-17027

FEB

596 E. Morningside Dr.
St. Louis
Atlanta, GA



LOOKING SOUTH ALONG PIEDMONT AVE AT INTERSECTION WITH E. MORNINGSIDE DRIVE, WEST SIDE OF HOUSE



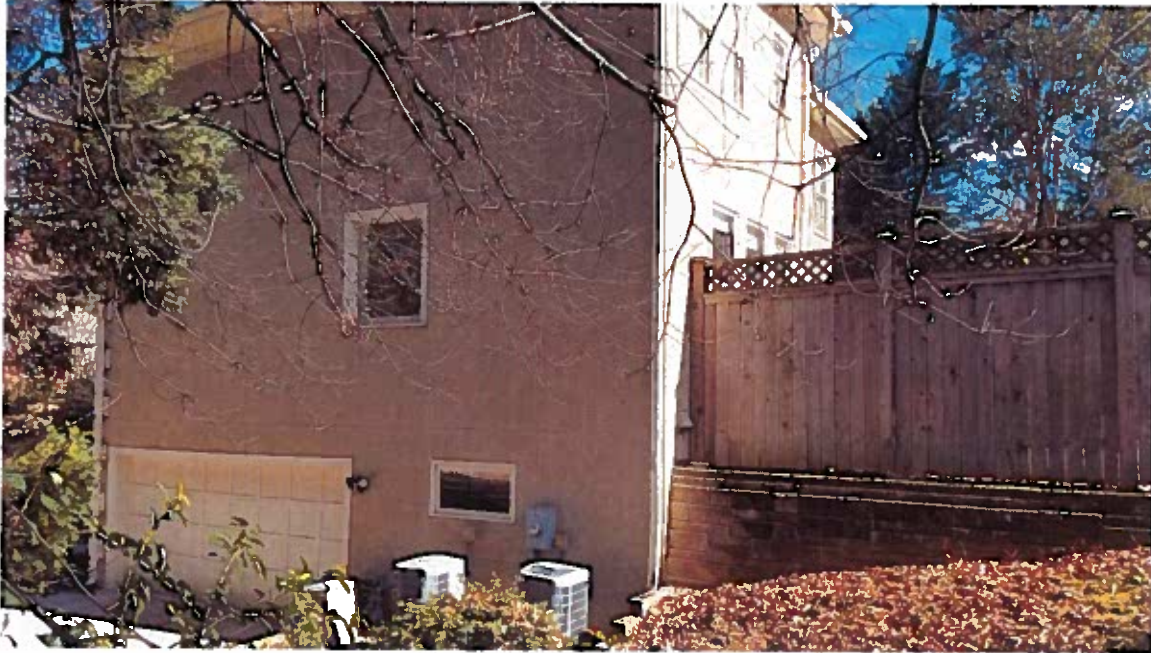
LOOKING AT WEST SIDE OF HOUSE/YARD, EXISTING SOLID BRICK FENCE

FEB - 7 2017

Boundary Associates
Ste. 3350
Atlanta, GA



LOOKING EAST AT REAR YARD AND NEIGHBOR



LOOKING AT REAR YARD NEIGHBOR

596 E. Morningside Dr. Residence

FEB - 7 2017



Trinity Ave SW
Ste. 3350
Atlanta, GA

LOOKING WEST ON E. MORNINGSID DR/PIEDMONT AVE INTERSECTION



LOOKING EAST ON E. MORNINGSID DRIVE

FEB - 7 2017

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA



LOOKING NORTH ALONG EAST SIDE OF HOUSE/YARD/NEIGHBOR



REAR YARD



NOTARIZED AUTHORIZATION BY PROPERTY OWNER FEB 7 2017
(Required only if applicant is not the owner of the property subject to the application)

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA

TYPE OF APPLICATION _____

1. Brandon M. Roberts & Landon E Sutterlin (OWNER(S) NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 596
E. Morningside DR NE ATLANTA, GA 30324 (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 ACT AS THE APPLICANT
IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT Ron Heller

ADDRESS 4062 Peachtree Rd NE, A187
Brookhaven, GA 30319

TELEPHONE NUMBER 404-212-8196

Brandon M. Roberts
Signature of Owner

Personally Appeared
Before Me

Brandon M. Roberts & Landon E Sutterlin Landon Sutterlin

Who Swears That The
Information Contained
In This Authorization
Is True and Correct To
The Best of His or Her
Knowledge and Belief

Notary Public

01/30/2017
Date



RECEIPT

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

PAID
CITY OF ATLANTA

FEB 07 2017

Application: V-17-027
Application Type: Planning/BZA/Special Exception/NA
Address: 596 EAST MORNINGSIDE DR NE, ATLANTA, GA 30324
Owner Name: CAMPAGNA GEORGIA & GLENN
Owner Address:
Application Name:

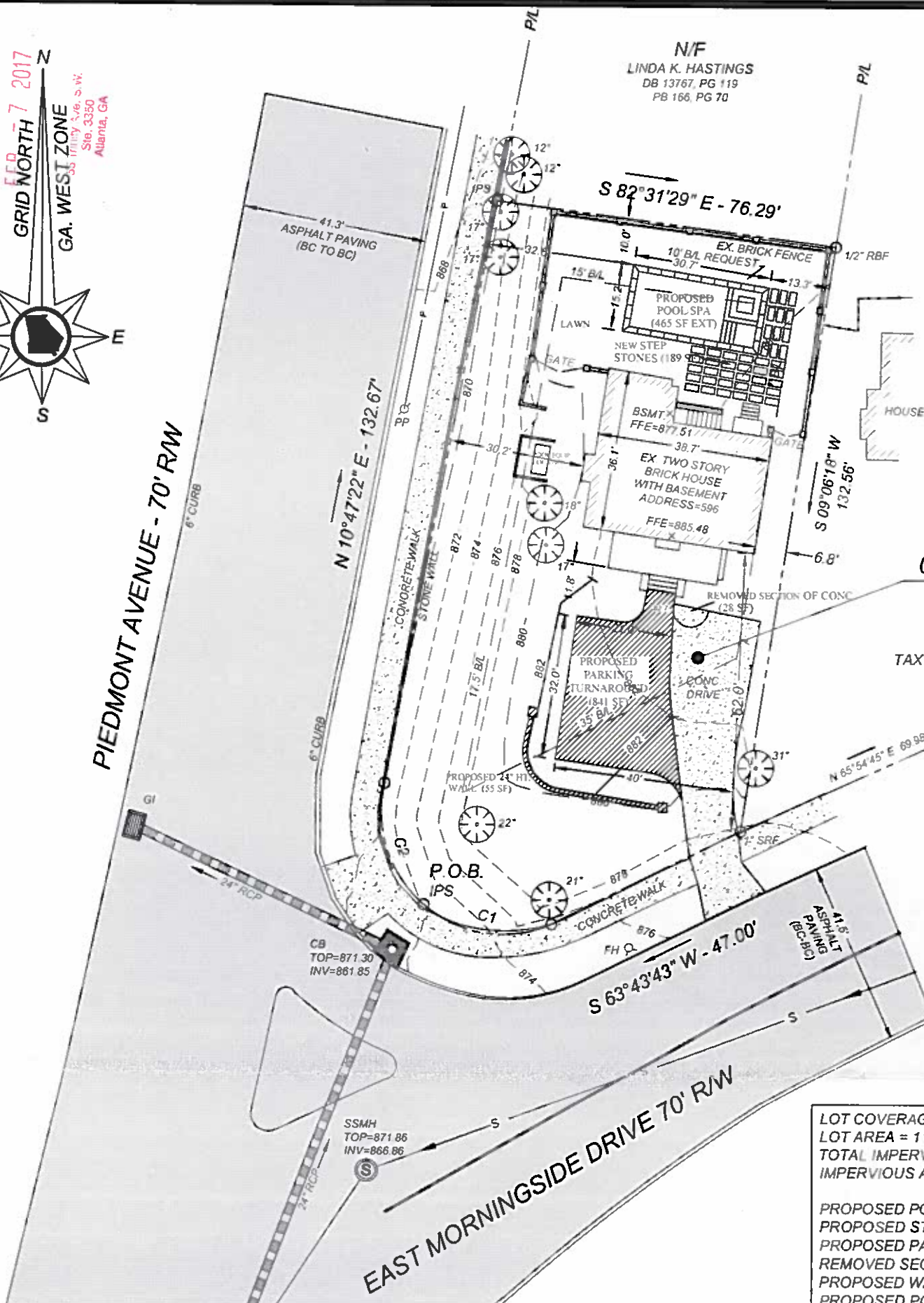
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR



Receipt No.	506818					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Check	4136	\$100.00	02/07/2017	PAMITCHELL		

Owner Info.: CAMPAGNA GEORGIA & GLENN

Work Description: Special exception to allow: 1- active recreation in a yard adjacent to a street (pool) 2- to allow parking turn around in the required front yard setback (3) and to exceed the maximum width of a driveway in the required front yard setback from 20 feet to 40 feet. Complete plan review was not conducted Pending lot acknowledgment.



0.2741 ACRES
 11,938 S.F.
 LOT 1, BLOCK 1
 MORNINGSIDE S/D
 PB 11, PG 125
 TAX PARCEL 17 005100040552

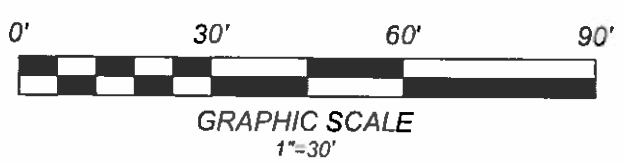
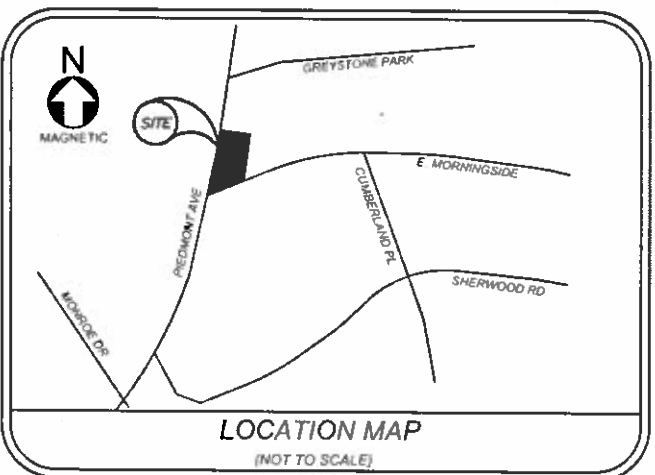
LOT COVERAGE CALCULATION:
 LOT AREA = 11,938 S.F.
 TOTAL IMPERVIOUS AREA 2471 S.F.
 IMPERVIOUS AREA = 20.65%

PROPOSED POOL/SPA = 465 S.F.
 PROPOSED STEP STONES = 189 S.F.
 PROPOSED PARKING PAD = 841 S.F.
 REMOVED SECTION OF CONC. = -28 S.F.
 PROPOSED WALL = 55 S.F.
 PROPOSED POOL EQUIPMENT PAD = 21 S.F.
 TOTAL PROPOSED IMPERVIOUS = 1543 S.F.
 TOTAL LOT COVERAGE 2471 + 1543 = 4014 S.F.
 NEW IMPERVIOUS AREA = 33.6%

REQUESTS:

1. REQUESTING A SPECIAL EXCEPTION FOR AN ACTIVE RECREATION ADJACENT TO A STREET FOR POOL IN THE REAR YARD.
2. REQUESTING A SPECIAL EXCEPTION TO ALLOW A PARKING TURN AROUND IN THE REQUIRED FRONT YARD SETBACK AND TO EXCEED THE MAXIMUM WIDTH OF A DRIVEWAY IN THE REQUIRED FRONT YARD SETBACK FROM 20 FEET TO 40 FEET.
3. REQUESTING A VARIANCE FROM THE ZONING REGULATION TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 15 FEET TO 10 FEET.

LOT ZONING
 ZONING - R-4
 SETBACKS
 FRONT - 35'
 SIDE - 7'
 REAR - 15'
 MAXIMUM LOT COVERAGE - 50%
 MAXIMUM F.A.R. - 50%



GA
 LAND SURVEYOR
404-384-9577
 GA LAND SURVEYOR, LLC
 3355 ANNANDALE LANE, STE 1
 SUWANEE, GA 30024

DATE: FEBRUARY 2, 2017	ISSUE		
SCALE: 30	NO.	DESCRIPTION	DATE
ACREAGE: 0.2741			
LAND LOT(S): 51			
DISTRICT: 17 SECTION:			
CITY: ATLANTA			
COUNTY: FULTON STATE: GEORGIA			
SURVEYED: MWR DRAWN: CAM			
CHECKED: APPROVED: CAM			
PROJECT #: 17-109			

VARIANCE PLAN FOR:
BRANDON ROBERTS & LANDON SUTTERLIN
 596 EAST MORNINGSIDE DRIVE
 LOT 1, BLOCK 1, MORNINGSIDE S/D
 LAND LOT 51, 17th DISTRICT, FULTON COUNTY, GEORGIA
 TAX PARCEL No. 17 005100040552
 BEING IN THE CITY OF ATLANTA