NOTICE TO APPLICANT
Address of Property:
731 East Morningside DR NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, December 6, 2018 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 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,

Rhonda S Gardiner
Mariana Love

RG, for Director, Office of Zoning and Development
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 6 APPLICATION NUMBER V-18-310

NPU F DATE FILED 9/27/18

Marianna Love
Name of Applicant

BUILDING PERMIT AUTHORIZING
Addition to a single-family dwelling

at 731 East Morningside DR 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 seeks a variance from zoning regulations to (1). Reduce the required east side yard setback from 7 feet to 4.4 feet.

Applicant seeks NO other variance at this time

Complete review NOT conducted

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)

Chapter Section Paragraph

Chapter Section Paragraph

Chapter Section Paragraph

Thomas Oto 09/27/2018
Plan Reviewer Date

Marianna Love 9/27
Applicant Date
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Please mark “X” next to the type of application(s) you are submitting.

<table>
<thead>
<tr>
<th>Variance</th>
<th>X</th>
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<tr>
<td>Special Exception</td>
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<tr>
<td>Variance &amp; Special Exception</td>
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Date Filed: 09/07/2018
Application Number: V-18-30

Name of Applicant: Marianna Love
Daytime Phone: 678-267-4535

Company Name (if applicable):

email: LOVE.MARILYN@GMAIL.COM

Address: 731 E. Morningside Dr NE, Atlanta, GA 30324

Name of Property Owner: Marianna & Michael Love
Phone: 678-267-4535

Address: 731 E. Morningside Dr NE, Atlanta, GA 30324

Description of Property

Address of Property: 731 E. Morningside Dr NE, Atlanta, GA 30324

Area: 12,578 sq.ft.
Land Lot: 51
District: 17
Fulton County, GA.

Property is zoned: R4
Council District: 06
Neighborhood Planning Unit (NPU): F

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.

Marianna Love
Owner or Agent for Owner (Applicant)

Print Name of Owner

Sworn To And Subscribed Before Me, This 14th Day Of Sept, 2018.

NOTARY PUBLIC

[Notary Seal]
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** **X** 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: ________________

Is the proposal subject to Inclusionary Zoning? **YES** **X** 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.”). Conversion of existing 133 sq. ft. patio on side of 1935 house to be an enclosed space on same foundation area

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.

3,705 covered square feet / 12,578 total lot square feet = 29% proposed lot coverage

50% maximum allowed lot coverage

Variance Criteria (see page 6 for detailed criteria):

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

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 Justification Letter**

3) What conditions are peculiar to this particular piece of property? **See Justification Letter**

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 Justification Letter**

February 2018 - Page 5 of 13
Marianna and Michael Love  
Home Owners of 731 E. Morningside Dr. NE, Atlanta, GA 30324  

September 26, 2018  

City of Atlanta  
Office of Zoning and Development  

Dear Members of the Board of Zoning Adjustment,  
The patio on the side of our home has screens that are no longer attached, faded wood paint, and entry doors that are broken. This was the condition when we purchased the home, so we are in the process of designing renovation to our home to be aligned with the style and physical upkeep of homes throughout the neighborhood.  

On the attached survey, above the garage, there is already a screened patio. Given such, our hope is to convert this rundown patio into an enclosed space. As we are expecting another child, the converted space would be used for an office to allow me to work from home. We are unable to add an office on the back of our home as there would be no opportunity for interior entrance. As our family expands, we would like this conversion of existing patio area to accommodate our growing family and make this house one that serves as a home for a working family.  

The existing screened and open patio already sits on the side set-back from when the house was originally built in 1935. We are not looking to encroach further on the set-back. Above the existing screened patio is already our older son’s bedroom, so there is existing heated space above our proposed enclosure. Our hope is this is an opportunity to meet the aesthetic standards that one would expect in Morningside, by converting the rundown patio into an enclosed office space.  

Extraordinary and Exceptional Property Conditions  
Our property is zoned for R-4 and meets the minimum lot size requirement. However, the house drops 5’ from west to east and sits 51’ back on the property. Adding an office to the back of the house would make the rear yard unusually small. There are also patio doors and a patio along the entire rear of the house, so there would be no method for interior entry into the enclosed space. The house itself was renovated in 1999 and the second floor is built into the attic, so there is no unused attic space for expansion.  

Application of Zoning Ordinance Creating Unnecessary Hardship  
We have given a lot of thought on how to both beautify the patio and make our home family-friendly. To ensure that we kept with the character of our home, we decided against making the open part of the patio a 2-story renovation. We want to focus on maintaining the integrity of the home by enclosing the patio on the existing foundation area only, which will still retain an over 4’ distance from the side, and provide the perfect function for a working mom in the shape of an office.  

The application of zoning ordinance would create unnecessary hardship as it would:  
- Retain a worn patio that does not align with the aesthetic and physical upkeep within the neighborhood  
- Prevent us from accommodating both our family changes and employment  

I want to encourage and raise my children that women can work and be moms. The intent of the zoning ordinance is not to discourage families from remaining in their homes as life changes. This would greatly diminish the quality of life our soon-to-be family of four could have in this home.  

Conditions Peculiar to Particular Property  
The large front yard set-back, fused with the existing rundown nature of the patio on the side set-back, is peculiar to our property.

Cell Phone: 678-267-4535 or 770-547-5221  
Email: Marianna.Love@gmail.com or malove@gmail.com
Variance Would Not Cause Detriment to Public Good or Impair Purpose / Intent of Zoning Ordinance

Relief, if granted, will not cause substantial detriment to the public good nor impair the purposes and intent of the zoning ordinance of the City of Atlanta.

Relief, if granted, will not detract from the neighbor's use and enjoyment of the adjoining property as there is already an existing structure on that foundation. The set-back will not encroach any more than it is currently, and it is currently over 4’ allowing for maintenance without stepping on the adjoining property and remaining in accordance with fire code.

The proposed design is actually to increase the aesthetic of our home and, inherently, create a better experience for our neighbors. We believe our proposed improvement is in keeping with the orderly evolution of this neighborhood and will promote a desirable living condition for our family and the neighborhood.

In advance of this filing, we met with and provided all of our neighboring properties with the survey as well as conversion drawings. Each and every one was supportive of our conversion to meet our growing family, and appreciative of renovating the worn looking patio. We have signed letters of acknowledgement from each.

Thank you for your consideration in this request.

Sincerely,

Marianna Love
This instrument prepared by
Jay A Rosenberg, Esq., Member Georgia Bar, Bar Number 507571, Rosenberg LPA, Attorneys At Law, 3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605 Fax (866) 611-0170

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER
17 005100070120

GENERAL WARRANTY DEED

MICHAEL A. LOVE and MARIANNA LOVE, WHO ACQUIRED TITLE AS MARIANNA FURMAN, husband and wife, hereinafter grantors, whose tax-mailing address is 731 E MORNINGSIDE DRIVE NE, ATLANTA, GA 30324, for $0 00 (Zero Dollar and Zero Cents) in consideration paid, grant, with general warranty covenants to MICHAEL A. LOVE and MARIANNA LOVE, husband and wife, hereinafter grantees, whose tax mailing address is 731 E Morningside Drive NE, Atlanta, GA 30324, the following real property:

EXHIBIT "A" ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA, IN LAND LOT 51 OF THE 17TH DISTRICT FULTON COUNTY, GEORGIA OF MORNINGSIDE OF O.P. KAUFMAN, C.E. RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT POINT ON THE SOUTHWESTERN SIDE OF MORNINGSIDE DRIVE SEVEN HUNDRED EIGHTY (780) FEET EASTERLY AND SOUTHEASTERLY FROM THE SOUTHEASTERN INTERSECTION OF MORNINGSIDE DRIVE AND CUMBERLAND PLACE, SAID POINT OF BEGINNING BEING AT THE LINE OF LOT 11; THENCE SOUTHWESTERLY ALONG THE LINE OF SAID LOT ONE HUNDRED EIGHTY-TWO AND NINE-TENTHS (182.9) FEET TO THE LINE OF LOT 17, THENCE SOUTHEASTERLY ALONG LINE OF SAID LOT AND ALONG THE LINE OF LOT 18 SEVENTY (70) FEET TO THE LINE OF LOT 13; THENCE NORTHEASTERLY ALONG THE LINE OF SAID LOT ONE
HUNDRED SEVENTY EIGHT AND THREE TENTHS (178.3) FEET TO MORNINGSIDE DRIVE; THENCE NORTHWESTERNLY ALONG THE SOUTHWESTERN SIDE OF MORNINGSIDE DRIVE SEVENTY (70) FEET TO THE POINT OF BEGINNING. TAX ID: 17 005100070120 NOTE: The property address and tax parcel identification number listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured. Being that parcel of land conveyed to Michael A. Love and Marianna Furman from Sarita Andrews and Stephen D. Andrews by that deed dated 12/5/2014 and recorded 12/17/2014 in deed book 54458, at page 342 of the Fulton County, GA public registry.

Property Address is: 731 E Morningside Drive NE, Atlanta, GA 30324

The real property described above is conveyed subject to general warranty covenants. the following: All easements, covenants, conditions and restrictions of record, All legal highways, Zoning, building and other laws, ordinances and regulations, Real estate taxes and assessments not yet due and payable, Rights of tenants in possession

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantors, either in law or equity, to the only proper use, benefit and behalf of the grantees forever

Prior instrument reference Official Records Book 54458, Page 342

V-8-310

Department of City Planning
Office of Zoning & Development

SEP 27 2018

1305 floyd ave. sw.
ste. 8590
atlanta, ga
Signed this 20 day of December, 2016.

MICHAEL A. LOVE

MARIANNA LOVE, WHO
ACQUIRED TITLE AS
MARIANNA FURMAN

State of GA
County of Fulton

Signed this 20 day of December, 2016

in the presence of

JOHN PAPPAS
(Unofficial Witness)

Notary Public (My Commission expires 8/31/19) (Notary Public Seal Affixed)
CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVE SW, ATLANTA GA 30303
404-330-6070

Application: V-18-310
Application Type: Planning/BZA/Variance/NA
Address: 731 EAST MORNINGSIDE DR NE, ATLANTA, GA 30324
Owner Name: KEMPNER RONALD D
Owner Address:
Application Name:

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Owner Info.: KEMPNER RONALD D

Work Description: Variance to reduce the required east side yard setback from 7 feet to 4.4 feet.