NOTICE TO APPLICANT
Address of Property:
1515 North Morningside DR NE

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

Board of Zoning Adjustment (BZA) Hearing Date:
Thursday, October 3, 2019 at 12:00 p.m.
Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:
Debbi Skopczynski
404-874-7483
zoning@npuatlanta.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,

[Signature]

DAVID PRICE

55 Trinity Ave. S.W.
Ste. 3350
Atlanta, GA
CITY OF ATLANTA
Office of Buildings - Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175

REFERRAL CERTIFICATE

COUNCIL DISTRICT ______ APPLICATION NUMBER ______

NPU ______ DATE FILED ______

1. ____________________________ David Price
   Name of Applicant

BUILDING PERMIT AUTHORIZING

New single-family dwelling

at 1515 North Morningside DR NE 17th/2
Street Address Quadrant District & Land Lot

to be used for Single-family purposes

The property is zoned R-4 District

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

   Applicant seeks a variance from the zoning regulations to: (1) reduce the required northern
   and southern side yard building setbacks from 7 feet to 5 feet; and (2) increase the maximum
   impervious lot coverage from 50 percent to 61.9 percent - to erect a new single-family
   dwelling.

   Applicant seeks no other variances or exceptions at this time.

   A Complete Plan Review Was Not Conducted.

1982 ZONING ORDINANCE, AS AMENDED

Chapter ______ Section ______ Paragraph ______

Chapter ______ Section ______ Paragraph ______

Scott A. Haeberlin 8-6-19
Plan Reviewer Date

[Signature]
Applicant Date
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

- Variance
- Special Exception
- Variance & Special Exception

Date Filed: 8/6/19

Application Number: 

Name of Applicant: David Price
Daytime Phone: 404-245-4234

Company Name (if applicable): Price Residential Design
email: dave@priceresidentialdesign.com

Address: 1595 Nottingham Way
Atlanta, Georgia 30309

Name of Property Owner: Asma and Javed Butler
Phone: 615-504-5104

Address: 1515 North Morningside Drive
Atlanta, Georgia 30306

Description of Property

Address of Property: 1515 North Morningside Drive
Atlanta, Georgia 30306

Area: 11245 sq ft
Land Lot: 2 & 52
District: 17, Fulton County, GA.

Property is zoned: R-4, Council District: 6, Neighborhood Planning Unit (NPU): 

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.

Owner or Agent for Owner (Applicant):

David W. Price (Applicant)

Print Name of Owner

Sworn To And Subscribed Before Me This 06 Day Of Aug, 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: ____________________

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.”).

Build new 4040 sq ft two-story house after demolishing existing house but leaving existing rear yard pool and patios. Provide new driveway and walks in front yard and terrace and walkway to pool in rear.

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.

6925 covered square feet / 11245 total lot square feet = 61.6% 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?

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

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.

February 2018 - Page 5 of 13
August 5, 2019

Board of Zoning Adjustment and staff of the Planning Department
City of Atlanta
Department of Planning and Community Development
Bureau of Planning
55 Trinity Avenue, Suite 3350

RE: 1515 North Morningside Drive - Request for Variance from City of Atlanta zoning ordinance to:
1) increase lot coverage to 61.6% (from 50% for R-4 zoning) to retain existing pool and patios while
building a new house (existing coverage 64.2%),
2) reduce both north and south side setbacks from 7’ to 5’ at new house.

Dear Board members and staff:

We meet all of the criteria that the zoning ordinance requires the BZA to base its decision upon:

(1) **there are extraordinary and exceptional conditions pertaining to the particular piece of
property in question because of its size, shape, or topography;**

The trapezoidal lot dimensions narrow from 55.22’ wide at the front (already below the required 70’
frontage) to 50’ wide at the rear. The actual width (distance between side property lines) is 54’ at the
front and 49.3’ at the rear so it is extraordinary in both shape and size. The existing topography rises
more than 20’ from the NW corner to the SE corner which is also an extraordinary condition on a lot
of this size.

(2) **the application of the zoning ordinance of the City of Atlanta to this particular piece of property
would create an unnecessary hardship;**

The lot is narrower than many in the area and well below the 70’ frontage required for R-4 zoning.
The existing house (to be demolished) is 4.9’ from the north property line and the existing two-story
detached accessory structure (to be demolished) is 6.4’ from the south property line. We propose
both side setbacks be reduced from 7’ to 5’, which is more appropriate for the width of the lot and the
sole portion of the new structure which intrudes into the south setback would be the fully brick
veneered garage area (and bedroom above) while the remainder of the length would be outside the 7’
setback other than the brick veneer at the basement only (4’-5.5’ showing above grade).

The lot coverage is currently 64.2% at the existing house that the Butler family has been living in
since 2007, but the pool which predates their ownership, has always been hidden behind the two-story
accessory structure, and therefore a major safety concern to the family. Moving the pool or adjacent
patios would be expensive and would unnecessarily endanger the eight trees in close proximity. We
therefore propose to leave the pool and patios in place as we build their new house. The new house, porches, walks, and driveway will contribute 4783 sq. ft. to the lot coverage (42.5% of the 11245 sq. ft. lot size) and the current pool and concrete and stone patios that remain will contribute another 2142 sq. ft. to bring the total lot coverage to 61.6%.

(3) such conditions are peculiar to the particular piece of property involved;

As mentioned in the previous item, the encroachment would be very limited along the south setback and, although the lot is narrow and oddly shaped, the house would not encroach more than the existing two-story house toward the north side property line. The volume of the (two-story) encroachment along the north side would be larger than that of the south side but this side of the property is visually buffered by a 21.5' wide City-owned parcel between it and the right-of-way of Cumberland Road, so it will never be apparent that the house is closer than required to the line.

(4) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance of the City of Atlanta.

The owners are long-term residents of the Morningside at this address and the relief granted would increase the safety of the existing pool while reducing the overall lot coverage. The new house is a result of their desire to stay within the neighborhood while their needs have changed. This contribution to neighborhood stability is consistent with the intent of the zoning ordinance.

Retaining the existing pool and surrounding patios will ensure that all of the trees on the rear of the lot (and of course, the adjacent city-owned parcel) will not be impacted by the construction. The only tree that must be removed is the 27” magnolia in the front yard and we will propose to plant a new overstory tree within the city-owned parcel near the corner of N Morningside and Cumberland to eventually provide shade to the largest amount of street asphalt possible.

The house will have no neighbor to the north so no neighbor will face diminished light and, at a 5’ setback, there are no concerns having to do with fire separation.

Thank you for your consideration,

David W. Price, Applicant
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.)


OWNER’S TELEPHONE NUMBER: 615-504-5109

Asma Khalid Butar
SIGNATURE OF OWNER

Asma Khalid Butar
PRINT NAME OF OWNER

NAME OF APPLICANT:

LAST NAME Price FIRST NAME David

ADDRESS 1595 Nottingham Way

CITY Atlanta STATE Georgia ZIP CODE 30309

APPLICANT’S TELEPHONE NUMBER: 404-245-4244

APPLICANT’S EMAIL ADDRESS: dave@priceresidentialdesign.com

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
July 23, 2019
DATE

February 2018 - Page 9 of 13
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, ___________________________ (OWNER’S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1515 North Morningside Drive Atlanta 30306 (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.

OWNER’S TELEPHONE NUMBER: 615-504-5705

SIGNATURE OF OWNER

PRINT NAME OF OWNER

NAME OF APPLICANT:

LAST NAME Price FIRST NAME David

ADDRESS 1595 Nottingham Way SUITE ________

CITY Atlanta STATE Georgia ZIP CODE 30309

APPLICANT’S TELEPHONE NUMBER: 404-245-4244

APPLICANT’S EMAIL ADDRESS: dave@priceresidentialdesign.com

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.

Monica M. Watkins
NOTARY PUBLIC
7/31/2019
DATE

February 2018 - Page 9 of 13
RECEIPT

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

Application: V-19-185
Application Type: Planning/BZA/Variance/NA
Address: 1515 NORTH MORNINGSIDE DR NE, ATLANTA, GA 30306
Owner Name: BUTLER JAVED & KHALID ASMA
Owner Address: Application Name: 1515 NORTH MORNINGSIDE DR NE

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Owner Info.: BUTLER JAVED & KHALID ASMA

Work Description: APPLICANT SEEKS A VARIANCE FROM THE ZONING REGULATION TO (1) REDUCE THE REQUIRED NORTHERN AND SOUTHERN SIDE YARD BUILDING SETBACKS FROM 7 FT TO 5 FT (2) INCREASE MAXIMUM IMPERVIOUS LOT COVERAGE FROM 50% TO 61.9% - TO ERECT A NEW SINGLE FAMILY DWELLING. ***APPLICANT SEEKS NO OTHER VARIANCES OR EXCEPTIONS AT THIS TIME** A COMPLETE PLAN REVIEW WAS NOT CONDUCTED**

https://ev2.accele.com/portlets/fee/receiptView.do?mode=view&autoPrint=false&receiptnbr=001807&module=Planning&spaceName=null