



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

APPLICATION #: **V-19-185**

DATE ACCEPTED: **08/06/2019**

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@npufatlanta.org

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

Department of City Planning
Office of Zoning & Development

V-19-185
AUG - 6 2019

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

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,



LM, for Director, Office of Zoning and
Development



DAVID PRICE



Department
Office of Zoning & Development

CITY OF ATLANTA

AUG - 6 2019

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

55 Trinity Ave. S.W.
Ste. 3300
Atlanta, GA

REFERRAL CERTIFICATE

COUNCIL DISTRICT F 10

APPLICATION NUMBER V-19-185

NPU _____

DATE FILED 8/6/19

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 6 Section 16-06.008 Paragraph (2)(6)

Chapter _____ Section _____ Paragraph _____

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

David W. Price 8-6-19
Applicant Date

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	<input checked="" type="checkbox"/>
Special Exception	<input type="checkbox"/>
Variance & Special Exception	<input type="checkbox"/>

V-19-185
AUG - 6 2019

Date Filed 8/6/19

Application Number _____

Name of Applicant David Price

Daytime Phone 404-245-4244

65 Trinity Ave S.W.
Atlanta, GA 30350

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

Address 1595 Nottingham Way Atlanta Georgia 30309
street city state zip code

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

Address 1515 North Morningside Drive Atlanta Georgia 30306
street city state zip code

Description of Property

Address of Property 1515 North Morningside Drive Atlanta Georgia 30306
street city state zip code

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): 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.

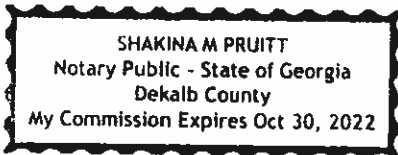
I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing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

David W. Price

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.

Shakina M. Pruitt
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

Office of City Planning
Office of Zoning & Development
✓ 19-185
AUG - 6 2019

Variance Criteria (see page 6 for detailed criteria):

55 Trinity Ave S.W
Ste. 2350
Atlanta, GA

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.

Justification Letter

David W. Price
1595 Nottingham Way
Atlanta, Georgia 30309

August 5, 2019

Department of City Planning
Office of Zoning & Development

V-19-185
AUG - 6 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

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

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.

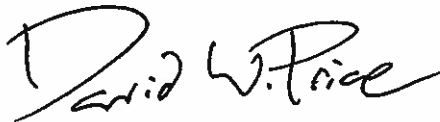
(4) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance of the City of Atlanta.

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

Department of City Planning
Office of Zoning & Development
V19-185
AUG - 6 2019

55 Trinity Ave S.W.
S:e. 3350
Atlanta, GA

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.)

(1)

I, Asma Khaid Butler (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: 615-504-5104

Asma Khaid Butler
SIGNATURE OF OWNER

Asma Khaid Butler
PRINT NAME OF OWNER

Department of City Planning
Office of Zoning & Development

V-19-185
AUG - 6 2019

55 Trinity Ave. S.W.
Ste 335B
Atlanta GA

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.

[Signature]
NOTARY PUBLIC

July 23, 2019
DATE

NOTARY PUBLIC
DeKalb County, Georgia
My commission expires:
February 28th, 2020

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, JAVED BUTRAN (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: 615 584 5705

[Signature]
SIGNATURE OF OWNER
JAVED BUTRAN
PRINT NAME OF OWNER

Department of City Planning
Office of Zoning & Development
V-19-185
AUG - 6 2019
65 Trinity Ave. S.W.
Ste 3350
Atlanta GA

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



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



Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
661887		\$100.00	08/06/2019	TSIMON		

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**

Department of City Planning
Office of Zoning & Development
V-19-185
AUG - 6 - 2019

55 Trinity Ave. S.W.
Ste. 3550
Atlanta GA