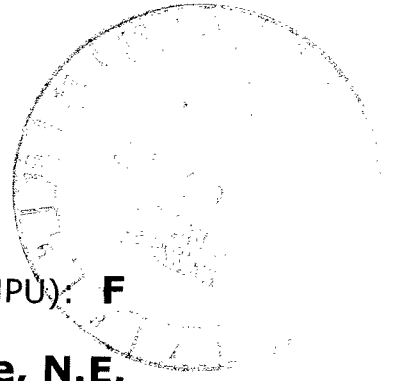


Notice To Applicant
City of Atlanta - Bureau of Planning



APPLICATION NUMBER: **V-09-006**

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

Address of Property: **1496 North Morningside Drive, N.E.**

Board of Zoning Adjustment (BZA) Hearing Date:
Thursday, March 12, 2009 at 12:00 p.m.
Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Charlie Nalbone
404-626-1354
cn3353@att.com

Contact info for adjacent NPUs is provided below if necessary:

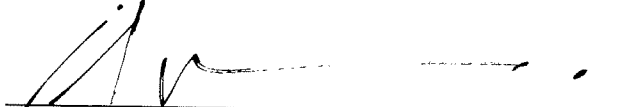
The contact person for NPU is:

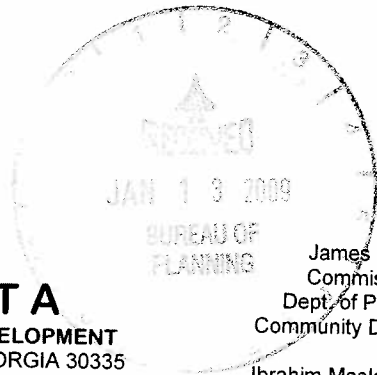
Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Sign Posting - The property owner is required to post a sign or signs in a conspicuous place on the property at least 15 days before the hearing date shown above. One sign shall be placed every 600 feet along each street the property abuts. A sign posting affidavit must be returned to the Bureau of Planning to confirm posting.

Signed,


BNC, for Director, Bureau of Planning


Richard Nelson, Applicant



CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335
404-330-6175 - FAX: 404-658-6979
Internet Home Page: www.atlantaga.gov

James Shelby
Commissioner
Dept. of Planning &
Community Development

Ibrahim Maslamani, CBO,
AIA
Director
Bureau of Building

Zoning Enforcement Division

SHIRLEY FRANKLIN
MAYOR

REFERRAL CERTIFICATE

COUNCIL DISTRICT _____ APPLICATION NUMBER _____

NPU _____ DATE FILED _____

1. Richard A Nelson

Name of Applicant

BUILDING PERMIT AUTHORIZING

The erection of a fence

| | | | |
|----|-------------------------|-----------------|--------------------------------|
| at | 1496 N. Morningside Dr. | N.E. | 17/52 |
| | Street Address | Quadrant | District & Land Lot |

to be used for Security purposes

The property is zoned R-4 District

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

Applicant seeks a special exception from the zoning regulations to erect a 6 foot fence with gates in the required half-depth front yard whereas the ordinance only allow 4 foot fences wiith gates. Applicant seeks no other variances at this time.

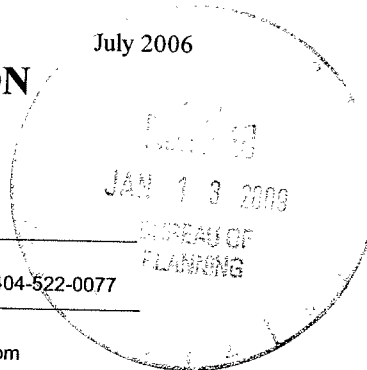
1982 ZONING ORDINANCE, AS AMENDED

| | | | | | |
|---------|-----------|---------|------------------|-----------|---------------|
| Chapter | <u>28</u> | Section | <u>16-28.008</u> | Paragraph | <u>(5)(a)</u> |
| Chapter | _____ | Section | _____ | Paragraph | _____ |
| Chapter | _____ | Section | _____ | Paragraph | _____ |
| Chapter | _____ | Section | _____ | Paragraph | _____ |

Department of Planning and Development
Bureau of Buildings
Ibrahim Maslamani, CBO, AIA
Ann Heard, Acting Chief Zoning Division

APPLICATION FOR SPECIAL EXCEPTION
City of Atlanta

July 2006



Date Filed 01/14/09 Application Number _____
Name of Applicant Richard H Nelson Daytime Phone 404-522-0077
Company Name CNNA Architects, Inc. email rhn@cna.com
Address 119 Luckie St., NW, Suite 100, Atlanta, Georgia 30303
street city state zip code

Name of Property Owner Richard & Darla Nelson Phone 404-226-9833
Address 1496 N Morningside Dr., NE, Atlanta, Georgia 30306
street city state zip code

Description of Property

Address of Property 1496 N Morningside Dr NE, Atlanta, Georgia 30306 OR

The subject property fronts 60 feet on the West side of
1496 N Morningside Drive NE beginning 0 feet from the
North-West corner of Yorkshire Road NE.

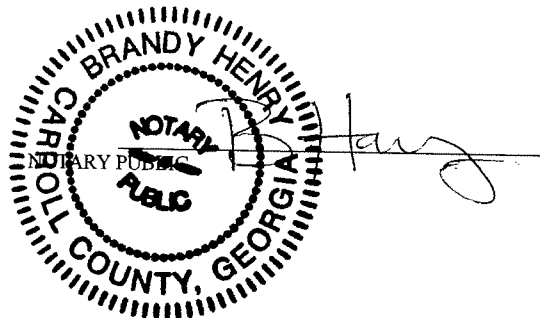
Depth: 150' Area: 9000sf Land Lot: 52 District: 17th, Fulton County, GA.

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

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 Bureau 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 Bureau 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 13 Day Of JAN, 2009.



[Signature]
Owner or Agent for Owner (Applicant)
Richard H Nelson
NAME OF APPLICANT IN PRINTED LETTERS

Summary of proposed construction changes to buildings or site. (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.)”

Install a 6-foot high picket fence and gates (both wrought iron or similar) along Yorkshire property line (1/2 front yard). Extending approx. 90’ east from the existing rear yard wood fence and returning 9’ to the brick house (about 12’ W from the front SE corner of the house).

Proposed Lot Coverage (After Construction) Calculate total amount of lot coverage on entire property, after proposed construction would be finished, including existing and proposed buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything except natural planted or undisturbed areas.

3825sf covered square feet / 9000 sf total lot square feet = 42 % proposed lot coverage

50 % maximum allowed lot coverage

(For Parking Special Exceptions Only) 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 (p. 8).

Special Exception Procedures

Special exception applications are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment (“BZA”). The Bureau of Planning serves as staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your application. All inquiries regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

Schedule. There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached.

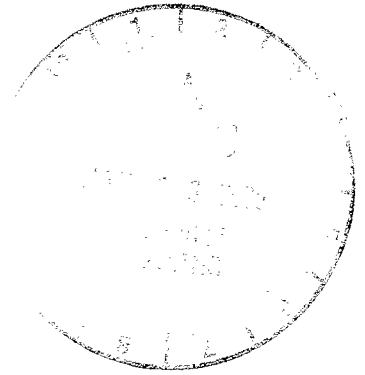
Neighborhood and NPU Recommendations. The City is divided into 24 Neighborhood Planning Units (NPU), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on special exceptions. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. You may be requested to attend additional neighborhood meetings; inquire about the time and place of those meetings. The applicant is expected to contact the NPU as soon as possible after the application is filed. The Bureau of Planning will send a copy of your application to the appropriate NPU during the week after the closing date for your application.

Public Notice. When you file your application, it will be scheduled for a public hearing. The Bureau of Planning will initiate posting of public notice (“an advertisement”, “a legal ad”) for this public hearing so that the public is informed at least 15 days before the date of the public hearing:

- by sending written notice of your application to all property owners whose property is within 300 feet of the subject property, and
- by causing public notice to be placed in the newspaper.

You are responsible for obtaining a public notice sign when you file your application with the Bureau of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30 or more days after the original hearing.

CNNA ARCHITECTS
119 Luckie Street NW | Suite 100
Atlanta, Georgia 30303
Ph 404.522.0077 | Fx 404.522.0080
www.cnna.com



January 13, 2009

C N N A

City of Atlanta
Department of Planning and Community Development
Bureau of Planning, Current Planning Division
City Hall South Building
55 Trinity Ave, SW, Suite 3350
Atlanta, Ga. 30303-0310

Re: Request for Special Exception for 6-foot fence
(In ½ front yard)
Richard & Darla Nelson (Owners)
1496 North Morningside Dr, NE

The Board of Zoning Adjustment:

Please accept this letter as our written justifications for requesting a Special Exception for a constructing a 6-foot high wrought iron fence, 2@ 6-foot wide x 6' h auto-gates, and a 3-foot wide x 6' h man-gate in our ½ front yard along Yorkshire Road.

We respectfully offer the following reasons for our request for your consideration:

- 1) Our house is located on a corner lot, leaving us without a typical backyard.
- 2) The fence allows us to create a contained protected area for our children, pets, and personal property.
- 3) In the 22 years we have lived in the neighborhood, and due to the corner lot, we have had two cars stolen (a Blazer, and VW) , two car break-ins resulting in extensive damage (in excess of 3K) , and no less than a dozen minor intrusions resulting in the loss of several lawnmowers, etc.
- 4) The proposed fence will be an attractive improvement to our property, and allows us to develop the landscape areas around our residence and create usable outside areas for us to enjoy.
- 5) Both the auto-gates and man-gate will open into the property.
- 6) The fence is set back at least 50 feet from the intersection of Morningside and Yorkshire and will not obstruct in anyway.
- 7) The fence will be an unobtrusive open-picket type fence and not an opaque type fence.
- 8) Upon further inspection and review, the appropriate city agencies will find that there is not any parking or access deficiencies.

January 13, 2009

C N N A

Request for Special Exception
1496 North Morningside Dr, NE
Page 2

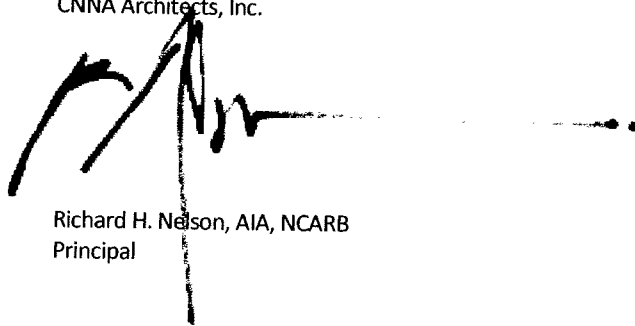
- 9) The applicant understands that if granted this special exception, the applicant is not relieved from the necessity of also obtaining any required variance or variances if such variance or variances are deemed necessary.
- 10) The applicant understands that if the nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.
- 11) The applicant understands that all the provisions of section 16-24.005 apply to this nonconforming property.
- 12) The applicant has made and will make available the premises for full inspection and provide all applications and permits previously sought, approved, or granted in association with the property.

Additionally, we respectfully ask you to also consider that our adjacent and immediate neighbors support our proposed 6' fence.

We are asking the board to consider the evidence provided herein and grant us the permission to construct a 6-foot wrought iron fence and gates in our ½ front yard.

Thank you for your time and consideration of this matter.

Sincerely,
CNNA Architects, Inc.



Richard H. Nelson, AIA, NCARB
Principal

File: Nelson-City of Atlanta Written Justification for 6' fence 011309.docx

INVOICE

City of Atlanta
Bureau of Planning
55 Trinity Avenue, Suite 3350
Atlanta, Georgia 30303

DATE: January 13, 2009
INVOICE #: V-09-006

FUND #: **1A01**
ACCOUNT #: **441-201**
CENTER #: **B00001**

Bill to:

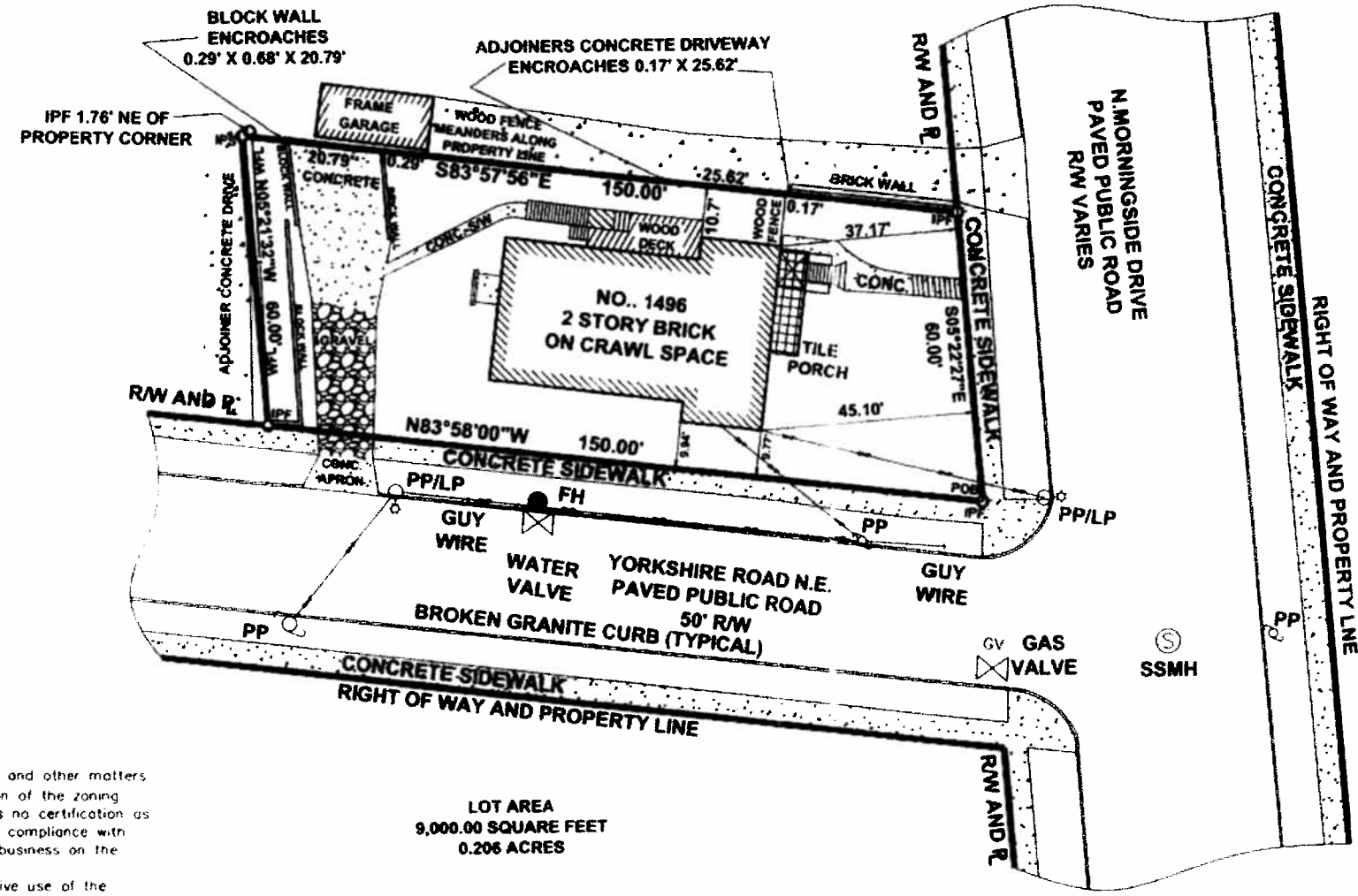
Richard Nelson
1496 North Morningside Drive, N.E.
Atlanta, GA 30303

Handwritten initials P A I D
JAN 13 2009
CITY OF ATLANTA
EX OFFICIO MUNICIPAL
REVENUE COLLECTION

| DESCRIPTION | AMOUNT |
|--|-----------------|
| Application for Special Exception in R-4 zoning district | \$100.00 |
| TOTAL | \$100.00 |

Brandon Crawford
Approved by BNC

Please make checks payable to "City of Atlanta."
No refunds will be issued.



| LEGEND | | LEGEND | |
|--------|---------------------------------|--------|--------------------------------|
| IPF | IRON PIPE FOUND (IF PLACED IPP) | IPF | IRON PIPE FOUND |
| P.O.B. | POINT OF BEGINNING | + | NOTHING FOUND NOTHING SET |
| PP | POWER POLE | -OH- | OVERHEAD ELECTRICAL LINE |
| PT | POWER TRANSFORMER | -UP- | UNDERGROUND POWER LINE |
| TP | TELE POLE | -OH- | OVERHEAD PHONE LINE |
| FL | FLOOD LIGHT ON POLE | ⊗ | TELEPHONE BOX |
| SM | SANITARY SEWER MANHOLE | ⊙ | WELL ON PEDESTAL |
| SM | STORM DRAINAGE MANHOLE | ⊙ | SEWER CLEAN OUT |
| UM | UTILITY MANHOLE | ⊙ | DRAINAGE JUNCTION BOX |
| DB | DOUBLE WING CATCH BASIN | CB | CATCH BASIN |
| SB | SINGLE WING CATCH BASIN | CCP | REINFORCED CONCRETE PIPE |
| HW | HEADWALL | CMF | CONCRETE METAL PIPE |
| BP | BROOK PILE | ⊗ | CLUB INLET |
| WV | WATER VALVE | ⊙ | CAST IRON |
| PH | PROPOSED HYDRANT | ⊗ | EXISTING FIRE HYDRANT |
| WM | WATER METER | ⊗ | BACK OF CURB |
| E.O.P. | EDGE OF PAVEMENT | B.S.L. | BUILDING SET BACK LINE |
| R.W. | RIGHT OF WAY | □ | MOULDED |
| D.E. | DRAINAGE EASEMENT | SS | SANITARY SEWER EASEMENT |
| CH | CLINE CHART NUMBERS | LN | LINE CHART NUMBERS |
| S/D | SUBDIVISION | LN | LAND LOT NUMBER |
| P.F.L. | PROPERTY FENCE LINE | UT | UTILITY UNDERGROUND PHONE LINE |
| G.L. | GAS LINE | TSP | TRAFFIC SIGNAL POLE |
| G.V. | GAS VALVE | TS | OVERHEAD TRAFFIC SIGNAL LINE |
| SL | SUBDIVISION LOT NUMBER | W | DOMESTIC WATER LINE |
| SM | SINGLE WING CATCH BASIN | W | WELL FENCE LINE |
| PP | PHONE BOX | S | SANITARY SEWER LINE |
| TSP | TRAFFIC SIGNAL BOX | TSP | TRAFFIC SIGNAL POLE |
| TR | TRANSFORMER | PB | PHONE BOX |

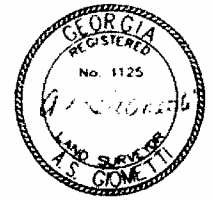
GENERAL SURVEY NOTES

- Any graphic depiction of setback lines and other matters of zoning are the surveyor's interpretation of the zoning information furnished. The surveyor offers no certification as to the zoning of the subject property or compliance with zoning regulations for the structures or business on the subject property.
- This survey is prepared for the exclusive use of the entities named in the certification hereon. Said certification does not extend to any unnamed entities without an express recertification by the surveyor naming said entities.
- Above ground visible utilities were obtained from field observations. A.S. Giometti & Associates, Inc. has not researched underground utility locations. Information shown hereon size, type, and location of underground utilities is based on observations location in the field and A.S. Giometti & Associates, Inc. is unable to certify the accuracy or completeness of this information underground. Coordinate with utility companies prior to proceeding with planning design or construction.
- All existing underground utilities shall be located and shall be pointed prior to construction.

REFERENCES
PLAT BOOK 11, PAGE 125

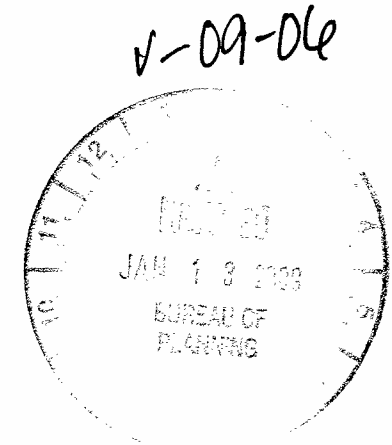
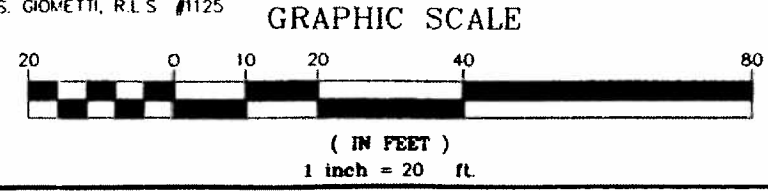
This drawing was prepared for the exclusive use of the person, persons or entity named hereon. This drawing does not extend to any unnamed person, persons or entity without express recertification by the surveyor naming said person, persons or entity.

CALL BEFORE YOU DIG!
UTILITIES PROTECTION CENTER
1 (800) 282 - 7411 STATEWIDE
ATLANTA (770) 623 - 4344



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

A.S. GIOMETTI, R.L.S. #1125



JOB NO. 08-061

RICHARD H. NELSON
LOT 37 BLOCK 13
PROVISIONAL MAP OF MORNINGSIDE NORTH HIGHLANDS
PLAT BOOK 11 PAGE 125

DATE 04/07/08 SCALE 1"=20' DRAWN BY:RRH
CHECKED BY:ASG Revised Invoice No.
LAND LOT 52 17TH DISTRICT SECTION
FULTON COUNTY GEORGIA

A.S. Giometti & Assoc., Inc.
ENGINEERS ~ SURVEYORS ~ LANDSCAPE ARCHITECTS
ATLANTA, GEORGIA