

# Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-091**

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

Address of Property: **739 East Morningside Drive**

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, August 5, 2010 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**  
**atlanta.npuf.zoning@gmail.com**

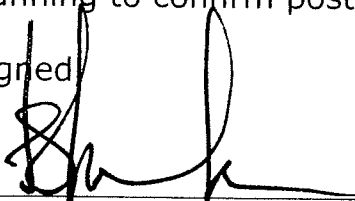
Contact info for adjacent NPUs is provided below if necessary:

The contact person for NPU is:

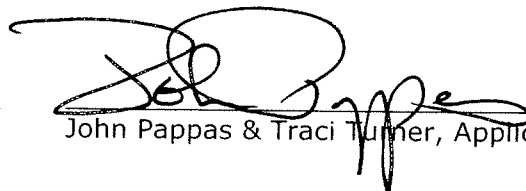
Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

**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



TTW, for Director, Bureau of Planning



John Pappas & Traci Turner, Applicant

# APPLICATION FOR VARIANCE

City of Atlanta

Date Filed \_\_\_\_\_

Application Number V-10-91

Name of Applicant John Pappas & Traci Turner Daytime Phone 404-873-3881

Company Name \_\_\_\_\_ e-mail johnleopappas@gmail.com

Address 739 E. Morningside Dr., Atlanta, GA 30324  
street city state zip code

Name of Property Owner John Pappas & Traci Turner Phone 404 873 3881

Address 739 E. Morningside Dr., Atlanta GA 30324  
street city state zip code

## Description of Property

Address of Property 739 E. Morningside Dr. OR

the subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of \_\_\_\_\_  
\_\_\_\_\_, and begins \_\_\_\_\_ feet from the  
\_\_\_\_\_ corner of \_\_\_\_\_.

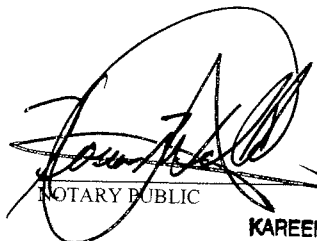
Depth: 170' Area: .28 Land Lot: 51 District: 17, Fulton County, GA.

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

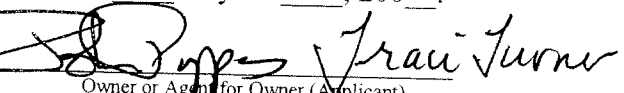
TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant variance(s).

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 \_\_\_\_\_ Day Of \_\_\_\_\_, 200\_\_.

  
NOTARY PUBLIC

**KAREEM WALKER**  
NOTARY PUBLIC  
DEKALB COUNTY, GEORGIA  
MY COMMISSION EXPIRES DEC 3RD 2011

  
Owner or Agent for Owner (Applicant)  
John Pappas & Traci Turner  
APPLICANT'S NAME IN PRINTED LETTERS



# 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

Kasim Reed  
MAYOR

James Shelby  
Commissioner  
Dept. of Planning &  
Community Development

Bureau of Building

Zoning Enforcement Division  
Ann Heard  
Chief of Zoning

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-10-91  
NPU F DATE FILED \_\_\_\_\_

1. John Pappas & Traci Turner

Name of Applicant

### BUILDING PERMIT AUTHORIZING Variance

at 739 East Morningside Drive, N.E. 17<sup>th</sup>/51  
**Street Address** **Quadrant** **District & Land Lot**

to be used for residential purposes

The property is zoned R4 District

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

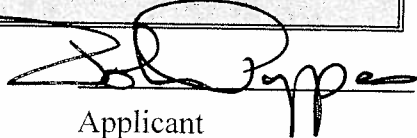
Applicant seeks a variance from zoning regulations to 1) reduce the required east side yard setback from 7' to 3'6" to allow for a two-story addition to an existing single family dwelling. Applicant seeks no further variances at this time.

### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_  
Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Department of Planning and Development  
Bureau of Buildings  
Ann Heard, Chief of Zoning Division

  
Plan Reviewer

  
Applicant

V-10-91

Summary of proposed changes to buildings or site (example: "Construct a 10-foot by 10-foot, one-story room addition on the first floor of the house.") Include square footages and stories: Replace existing side porch (one story) with 2 story addition. Existing is 9'x15'. Proposed is 10'x19.5'.

Proposed Lot Coverage (After Construction): Calculate total square footage of all lot coverage on the entire property after 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.

4757 covered square feet / 12198 total lot square feet = 39% proposed lot coverage  
50 % maximum allowed lot coverage

Variance Procedures

Variance 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 (Page 9).

**Neighborhood and NPU Recommendations.** The City is divided into 24 Neighborhood Planning Units (NPUs), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on variances. 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.*

**Refunds on Withdrawn Cases.** Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

**Staff Recommendation.** Bureau of Planning staff reviews and makes written recommendations to the BZA on each variance application. You may contact your assigned planner at (404) 330-6145 on the day of the public hearing if you wish to know staff's recommendation.

# Justification for Variance Request

John Pappas and Traci Turner  
739 E. Morningside Drive NE  
Atlanta, GA 30324

## Variance Request Description

V-10-91

The house at 739 E. Morningside Drive has an existing enclosed porch on the side of the house that has structural damage that has occurred over time, rendering the room unusable. This original porch structure is a rectangular structure that sits on the side of the house and is 9 feet by 15 feet. At one corner, the porch is 4.5 feet from the property line and at the other corner it is 5.3 feet from the property line.

We want to rebuild the existing porch structure and increase the size of it to 10 feet by 19.5 feet. As a result, the setback at corners will be 3.5 feet and 4.3 feet from the property line. This is why we are requesting the variance. No other zoning regulations are violated.

## Justification Based on Criteria for Variances

### ***(1) Extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography***

Currently, because of the condition of the structure, the space is not useable. The porch is pulling away from the house and sinking. It is currently a liability for us and impacts the value of our property in its current state. Replacing it will allow us to properly restore the grand nature of this old and significant home on one of the very best streets in Atlanta. The reality is that much of what is in our neighborhood, by its age, is not in compliance with current zoning laws. And our existing porch is no exception. Currently, as originally built, the porch is not in compliance with the side setback and it is a detriment to us and our neighbors. By allowing us to increase the size of the structure by 12 inches, we will greatly enhance the aesthetic of the neighborhood, improve the value and appeal of our house and indirectly enhance the value and beauty of our neighbor's homes.

V-10-91

***(2) Application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create an unnecessary hardship***

As a result of both of us working at home, we need a home office. This is a logical and ideal placement for the home office in terms of access, privacy and placement. In order to invest and build a useable space, we need a minimum of 10 feet width in order to give the room a human scale and proportion. We have lived in the Morningside neighborhood for 30 years and seen many houses that have been renovated and expanded. We have witnessed houses, that for a multitude of reasons, including building zoning restrictions, that have not lived up to their potential because of awkward and poorly designed spaces. With this variance, we can create a truly modern home without losing the charm and character of its original beauty.

***(3) Conditions are peculiar to the particular piece of property involved***

The conditions requiring this variance request are not peculiar – they are common and typical of the houses in our neighborhood. The reality is that these building plans will create a new space for use that will absolutely look like it was when the house was built in 1932.

***(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 proposed structure is on the side of the house and has very little visibility from the front or back and no visibility from the east. The direct impact is our neighbor on the west side of the house. The new proposed structure will directly face to the east side of their house. The east side of our neighbor's house has no windows. In fact, the neighbor closest to the structure will have virtually no visibility to the structure.

We have discussed this with our neighbors and they support our plans. We have included a letter from the neighbor that is directly impacted by our plans in support of our variance request and building plans. We can, if requested, provide additional letters of support.

In addition, the structure will still be over 3 feet from the property line, as strongly recommended by the zoning guidelines.

Attachment: Letter of Variance Request Support from Neighbor

*Greg May and David Fuerst  
745 East Morningside Drive NE  
Atlanta, GA 30324  
404-733-3000*

V-10-91

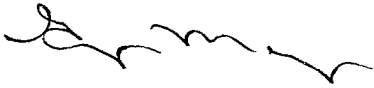
May 18, 2010

John Pappas and Traci Turner  
739 East Morningside Drive NE  
Atlanta, GA 30324

Dear John and Traci,

As your next door neighbor directly to the east, we have reviewed your plans to rebuild your sun porch. We support your effort and your request for a set back variance. The addition will be a strong enhancement to your house and the neighborhood.

Sincerely yours,



Greg May



David Fuerst

**RECEIPT**

CITY OF ATLANTA  
ATLANTATEST  
55 TRINITY AVE SW

**Application:** V-10-091  
**Application Type:** Planning/BZA/Variance/NA  
**Address:** 739 EAST MORNINGSIDE DR , ATLANTA, GA 30324  
**Owner Name:** PAPPAS JOHN L & TURNER TRACI L  
**Owner Address:**  
**Application Name:**

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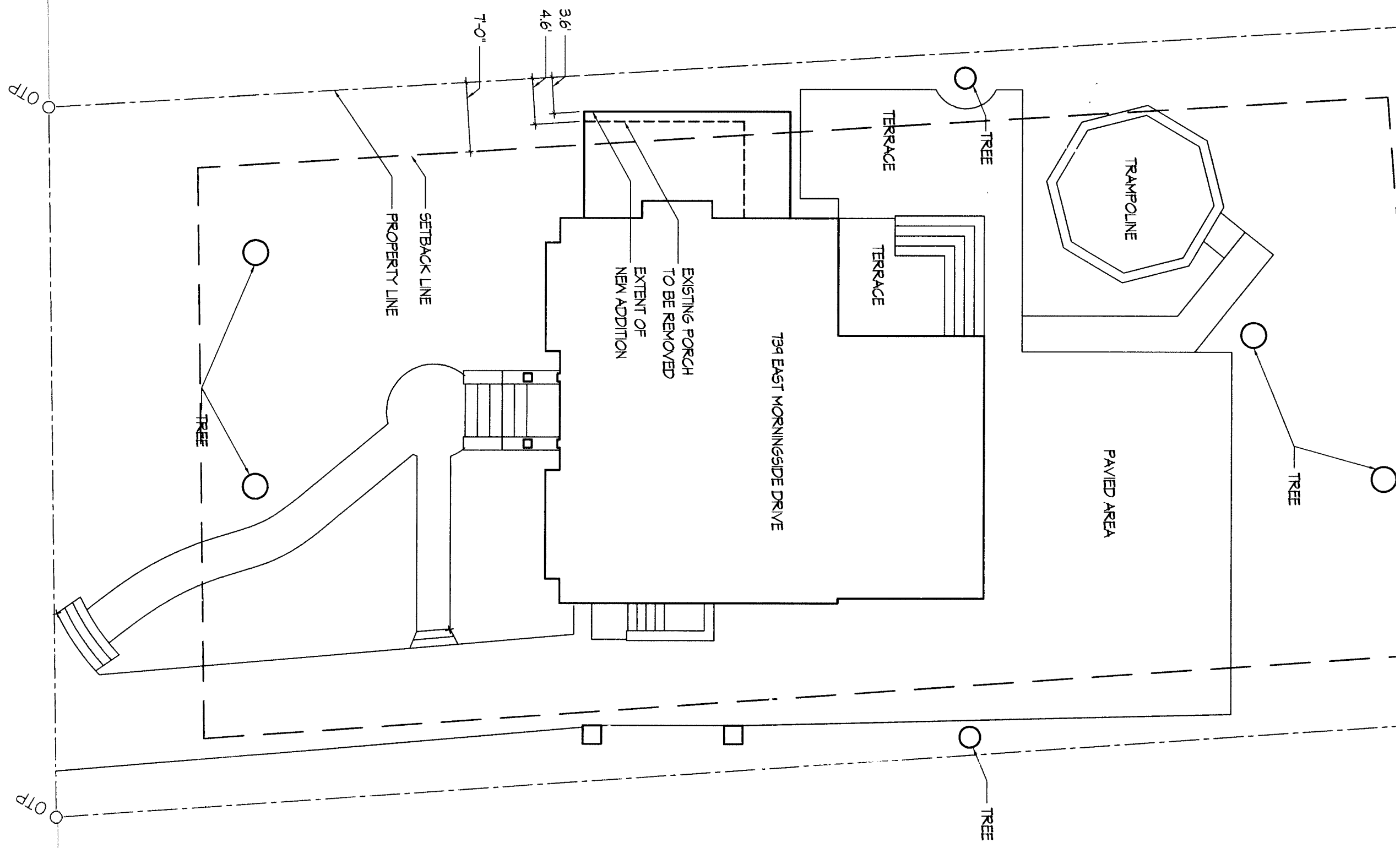
Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
232370		\$100.00	05/25/2010	CGOODE		

**Owner Info.:** PAPPAS JOHN L & TURNER TRACI L

**Work Description:** Variance to reduce the east sysb from 7 ft to 3 ft 6 in to allow for a two-story addition to an existing single-family dwelling.


  
 PAID  
 05-25-10  
 CITY OF ATLANTA  
 EX OFFICIO MUNICIPAL  
 REVENUE COLLECTOR  
 C.G.





EAST MORNINGSIDE DRIVE

GENERAL NOTES:  
 1. SITE PLAN BASED ON SUR  
 BY JOHN ROESER DATE  
 2. TREE LOCATIONS ARE AP