



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

APPLICATION #: **V-16-222**  
DATE ACCEPTED: **08/23/2016**

## NOTICE TO APPLICANT

Address of Property:  
**1294 North Morningside DR NE**

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

Board of Zoning Adjustment (BZA) Hearing Date:

**Thursday, October 13, 2016 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 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.

Signed,

  
\_\_\_\_\_  
T.T. for Director, Bureau of Planning

  
\_\_\_\_\_  
Jeremy Griffin



**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 V-16-222

NPU \_\_\_\_\_ DATE FILED 8.23.2016

1. \_\_\_\_\_ Mr. Jeremy Griffin  
Name of Applicant

**BUILDING PERMIT AUTHORIZING**

Dwelling 2<sup>nd</sup> Story Addition and Garage Addition

at 1294 North Morningside NE 17<sup>th</sup>/2  
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 the zoning regulation to: (1) reduce the required eastern side yard setback from 7 feet to 3 feet, 6 inches feet for a second story addition to the dwelling;  
(2) reduce the southern required rear yard setback from 15 feet to 0.9 feet and (3) reduce the required western side yard setback from 7 feet to 0.8 feet in order to make an addition to an existing garage.

Applicant seeks no other variances at this time.

A Complete Plan Review Was Not Conducted

**1982 ZONING ORDINANCE, AS AMENDED**

Chapter 6 Section 16-06.008 Paragraph (2) (3)

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

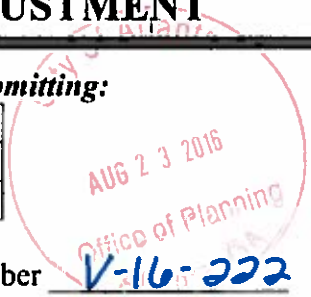
Plan Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Applicant \_\_\_\_\_ Date 8/23/16

# APPLICATION FOR BOARD OF ZONING ADJUSTMENT

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

Variance	X
Special Exception	
Variance & Special Exception	



Date Filed 8-23-2016

Application Number V-16-022

Name of Applicant JEREMY GRIFFIN Daytime Phone 678.478.8417

Company Name (if applicable) J RYAN DUFFEY ARCHITECT email RYAN.C.JRYANDUFFEY.COM

Address 22 EAST ANDREWS DRIVE, REAR ATLANTA GA 30305  
street city state zip code

Name of Property Owner WILL KILPATRICK Phone 404.403.4101

Address 1294 NORTH MORNINGSIDE DR. ATLANTA GA 30306  
street city state zip code

## Description of Property

Address of Property 1294 NORTH MORNINGSIDE DR ATLANTA GA 30306  
street city state zip code

Area: 7999 SF Land Lot: 2 District: 17, FULTON County, GA.

Property is zoned: R-4, Council District: OGH, Neighborhood Planning Unit (NPU): 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 a Variance or Special Exception.

I hereby authorize the staff of the Office of Zoning and Development Review 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 Review 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.

Will Kilpatrick

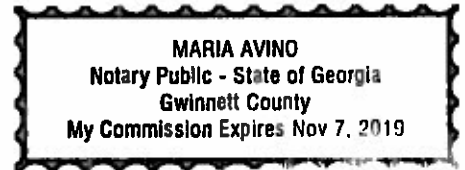
Owner or Agent for Owner (Applicant)

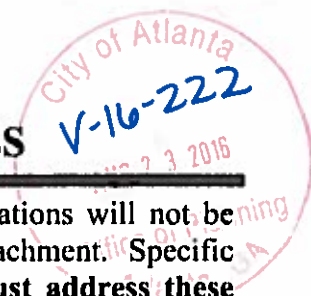
Will Kilpatrick

Print Name of Owner

Sworn To And Subscribed Before Me This 22<sup>nd</sup> Day Of August, 2016.

Maria Avino  
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.)

**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).")

RENOVATE EXISTING HOUSE & ADD SECOND FLOOR. ALSO REBUILD AND SLIGHTLY EXPAND GARAGE (EXISTING) TO ALLOW VEHICLE TO FIT INSIDE.

**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.

4,389 covered square feet / 7,999 total lot square feet = 54.87% 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)? \_\_\_\_\_  
\_\_\_\_\_
- 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. \_\_\_\_\_  
\_\_\_\_\_

# J. RYAN DUFFEY

A R C H I T E C T



**Variance Justification**  
1294 North Morningside Drive NE



- 1) This property has an exceptional condition because the existing structure is non-conforming. The current zoning ordinance requires 7'-0" of side setback, a 35'-0" front setback and a 15'-0" rear setback from each property line. Along with this the allowable lot coverage is 50%. On the east side, the existing house is non-conforming in that it overlaps our side setback about 3'-6". As you move towards the rear, this overlap of the setback reduces down to 6". The existing garage is non-conforming by being over both the side and rear setbacks. In addition the existing overall lot coverage is non-conforming at 55.57%. We are requesting from the City that we be allowed to increase these existing non-conformities to build our addition of the second floor which will be a ½ story. In addition, we would like to rebuild the garage in the existing location while adding 3'-6" to the north side of the garage. With both of these modifications we will actually reduce our lot coverage to 54.87% which is still beyond the allowable. This is necessary due to our existing non-conforming lot size. Our lot is 7,999sf in contrast to existing zoning requires of 9,000sf minimum lot size. This is the basis of our variance request. To expand the living space as desired will require that the existing non-conformity be honored in a future addition since it is the only functional layout which can be applied to the existing floor plan.
- 2) Maintaining the R4 zoning side and rear setback requirements creates an expansion that is neither functional nor desirable for the existing floor plan. Adjusting the new walls to meet these setback requirements is detrimental to the expansion. To add a second floor, increasing the non-conformity is natural. Adding to the garage further adds to the non-conformity although it allows for reasonable access without infringing upon the privacy of the adjacent neighbor. Improving and adding to these spaces is the goal with this renovation.
- 3) The homeowner's goal is to improve the curb appeal of the house and increase its livability for their growing family. Adding charm is a key goal of the homeowner, and therefore they intend to employ the proper architectural standards in the addition. This requires an honest and straightforward approach to the design. This design is the best means to maintain good light, circulation and integrity of the architecture. Furthermore, this design maintains reasonable access for maintenance and fire protection.
- 4) By improving the livability of this house, we improve the value of the property, as well as the value of the neighborhood and city. The proposed addition is neither out of scale, nor imposing on our neighbors. It is to simply open the existing floor plan on the main floor and add bedrooms in a second story addition that will ensure we can grow our family in this location. The house will become a 1-1/2 story home which maintains the character of a great Morningside bungalow. We would also like to rebuild the garage in its current location while also adding 3'-6" feet to the front portion which will make it possible to park a car inside. As stated in the previous criteria (3), the proposed addition would not intrude upon our neighbor's privacy or create a maintenance or fire hazard. The addition will allow us to improve the light and air quality of the home. Rather than tear this house down, we find it both respectful and sustainable to extend its life through adaptation to the modern living of a growing family. This addition will benefit the house.

# AUTHORIZATION BY PROPERTY OWNER

(Required only if the applicant is not the owner of the property subject to the proposed application.)

(Please Print Clearly)

I, Will Kilpatrick (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1294 N. MORNINGSIDE (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.



**NAME OF APPLICANT:**

LAST NAME GRIFFIN FIRST NAME JEREMY\*  
ADDRESS 22 EAST ANDREWS DRIVE, REAR SUITE \_\_\_\_\_  
CITY ATLANTA STATE GA ZIP CODE 30305

OWNER'S TELEPHONE NUMBER: 404.403.4101

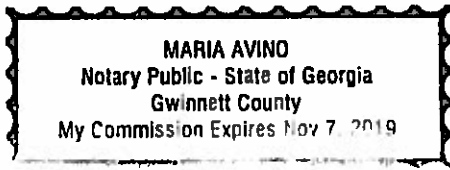
Will Kilpatrick  
SIGNATURE OF OWNER

\*OF J. RYAN DUFFEY  
ARCHITECT

Will Kilpatrick  
PRINT NAME OF OWNER

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.

Maria Avino  
NOTARY PUBLIC



08/22/2016  
DATE

RECEIPT

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

Application: V-16-222  
Application Type: Planning/BZA/Variance/NA  
Address: 1294 NORTH MORNINGSIDE DR NE, ATLANTA, GA 30306  
Owner Name: Will Kilpatrick  
Owner Address:  
Application Name:

PAID  
CITY OF ATLANTA  
AUG 23 2016  
EXCEPCIO MUNICIPAL  
REVENUE COLLECTOR  
*[Handwritten signature and number 213]*

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
482946	213	\$100.00	08/23/2016	BSIMMONS		

Owner Info.: Will Kilpatrick

Work Description: to reduce the eastern side yard setback from 7 ft to 3 ft 6 inches to reduce the southern rear yard setback from 15 ft to .9 ft to reduce the required western side yard setback from 7 ft to .8 ft to make an existing garage for a second story addition