



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

APPLICATION #: **V-18-310**

DATE ACCEPTED **09/27/2018**

NOTICE TO APPLICANT

Address of Property:

731 East Morningside DR NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, December 6, 2018 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 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,

RG, for Director, Office of Zoning and
Development

Marianna Love



City of Atlanta
Department of City Planning
Office of Zoning and Development
 55 Trinity Avenue, Suite 3350
 Atlanta, Georgia 30303
 Phone: 404-330-6145

Department of City Planning
 Office of Zoning & Development

V-18-310

SEP 27 2018

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

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-18-310
 NPU F DATE FILED 9/27/2018

Marianna Love
 Name of Applicant

BUILDING PERMIT AUTHORIZING
 Addition to a single-family dwelling

at 731 East Morningside DR NE 17th/51
 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 zoning regulations to (1). Reduce the required east side yard setback from 7 feet to 4.4 feet.

Applicant seeks NO other vaviance at this time

Complete review NOT conducted

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (2)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

Thomas Otoo 09/27/2018
 Plan Reviewer Date

Marianna Love 9/27
 Applicant Date

APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Department of City Planning
Office of Zoning & Development

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

Variance	X
Special Exception	
Variance & Special Exception	

SEP 27 2018

Date Filed 09/27/2018 Application Number V-18-310
550 Peachtree Avenue, Suite 2200, Atlanta, GA

Name of Applicant Marianna Love Daytime Phone 678-267-4535

Company Name (if applicable) _____ email LOVE.MARI.F@GMAIL.COM

Address 731 E. morningside Dr NE, Atlanta, GA 30324
street city state zip code

Name of Property Owner Marianna & Michael Love Phone 678-267-4535

Address 731 E. morningside Dr NE, Atlanta, GA 30324
street city state zip code

Description of Property

Address of Property 731 E. morningside Dr NE, Atlanta, GA 30324
street city state zip code

Area: 12,578 Land Lot: 51 District: 17, Fulton County, GA.
sq. ft.

Property is zoned: R4, Council District: 06, 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.

Marianna Love
Owner or Agent for Owner (Applicant)

Marianna Love
Print Name of Owner

Sworn To And Subscribed Before _____ Day Of Sept, 2018.

[Signature]
NOTARY PUBLIC

NOTARY PUBLIC
 My Comm. Expires July 13, 2021
 CLAYTON COUNTY, GEORGIA

2018 - Page 4 of 13

18-510
FEB 27 2018

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.").

Conversion of existing 233 sq. ft. patio on side of 1935 house to be an enclosed space on same foundation area

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.

3,705 covered square feet / 12,578 total lot square feet = 29 % 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? See Justification Letter
- 3) What conditions are peculiar to this particular piece of property? See Justification Letter
- 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. See Justification Letter

V-18-310

Marianna and Michael Love
Home Owners of 731 E. Morningside Dr. NE, Atlanta, GA 30324

Department of City Planning
Office of Zoning & Development

September 26, 2018

SEP 27 2018

City of Atlanta
Office of Zoning and Development

65 Trinity Ave. S.W.
Ste. 3390
Atlanta, GA

Dear Members of the Board of Zoning Adjustment,

The patio on the side of our home has screens that are no longer attached, faded wood paint, and entry doors that are broken. This was the condition when we purchased the home, so we are in the process of designing a renovation to our home to be aligned with the style and physical upkeep of homes throughout the neighborhood.

On the attached survey, above the garage, there is already a screened patio. Given such, our hope is to convert this rundown patio into an enclosed space. As we are expecting another child, the converted space would be used for an office to allow me to work from home. We are unable to add an office on the back of our home as there would be no opportunity for interior entrance. As our family expands, we would like this conversion of existing patio area to accommodate our growing family and make this house one that serves as a home for a working family.

The existing screened and open patio already sits on the side set-back from when the house was originally built in 1935. We are not looking to encroach further on the set-back. Above the existing screened patio is already our older son's bedroom, so there is existing heated space above our proposed enclosure. Our hope is this is an opportunity to meet the aesthetic standards that one would expect in Morningside, by converting the rundown patio into an enclosed office space.

Extraordinary and Exceptional Property Conditions

Our property is zoned for R-4 and meets the minimum lot size requirement. However, the house drops 5' from west to east and sits 51' back on the property. Adding an office to the back of the house would make the rear yard unusually small. There are also patio doors and a patio along the entire rear of the house, so there would be no method for interior entry into the enclosed space. The house itself was renovated in 1999 and the second floor is built into the attic, so there is no unused attic space for expansion.

Application of Zoning Ordinance Creating Unnecessary Hardship

We have given a lot of thought on how to both beautify the patio and make our home family-friendly. To ensure that we kept with the character of our home, we decided against making the open part of the patio a 2-story renovation. We want to focus on maintaining the integrity of the home by enclosing the patio on the existing foundation area only, which will still retain an over 4' distance from the side, and provide the perfect function for a working mom in the shape of an office.

The application of zoning ordinance would create unnecessary hardship as it would:

- Retain a worn patio that does not align with the aesthetic and physical upkeep within the neighborhood
- Prevent us from accommodating both our family changes and employment

I want to encourage and raise my children that women can work and be moms. The intent of the zoning ordinance is not to discourage families from remaining in their homes as life changes. This would greatly diminish the quality of life our soon-to-be family of four could have in this home.

Conditions Peculiar to Particular Property

The large front yard set-back, fused with the existing rundown nature of the patio on the side set-back, is peculiar to our property.

Cell Phone: 678-267-4535 or 770-547-5221
Email: Marianna.Love@gmail.com or malove@gmail.com

Variance Would Not Cause Detriment to Public Good or Impair Purpose / Intent of Zoning Ordinance
Relief, if granted, will not cause substantial detriment to the public good nor impair the purposes and intent of the zoning ordinance of the City of Atlanta.

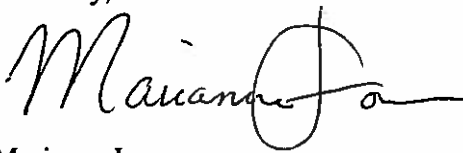
Relief, if granted, will not detract from the neighbor's use and enjoyment of the adjoining property as there is already an existing structure on that foundation. The set-back will not encroach any more than it is currently, and it is currently over 4' allowing for maintenance without stepping on the adjoining property and remaining in accordance with fire code.

The proposed design is actually to increase the aesthetic of our home and, inherently, create a better experience for our neighbors. We believe our proposed improvement is in keeping with the orderly evolution of this neighborhood and will promote a desirable living condition for our family and the neighborhood.

In advance of this filing, we met with and provided all of our neighboring properties with the survey as well as conversion drawings. Each and every one was supportive of our conversion to meet our growing family, and appreciative of renovating the worn looking patio. We have signed letters of acknowledgement from each.

Thank you for your consideration in this request.

Sincerely,



Marianna Love

V-18-310
Department of City Planning
Office of Zoning & Development

SEP 27 2018

55 Trinity Ave. S.W.
Ste. 3330
Atlanta, GA

V-18310

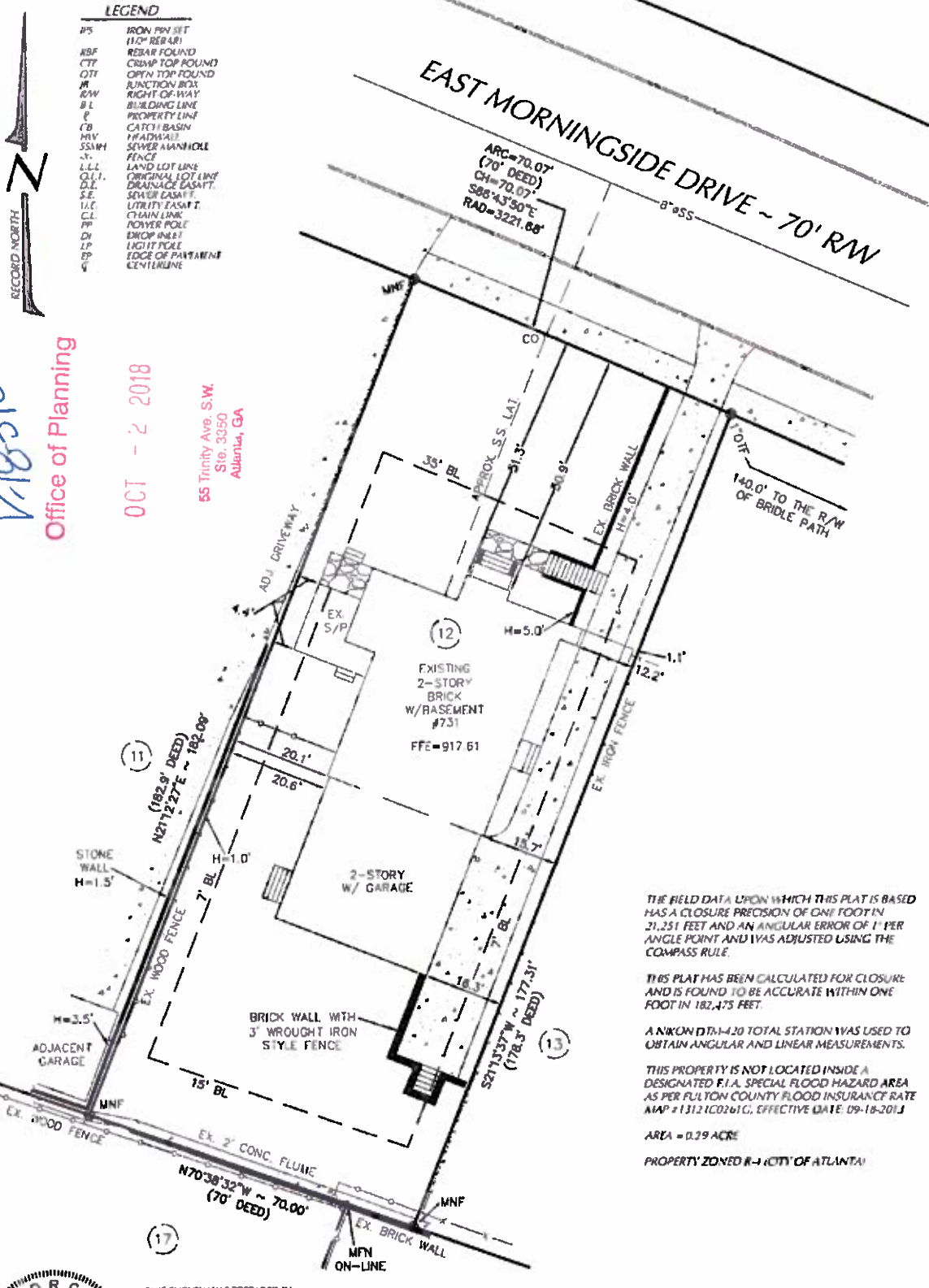
Office of Planning

OCT - 2 2018

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

LEGEND

- IR5 IRON PIN SET (1/2" REBAR)
- RBF REBAR FOUND
- CTT CRIMP TOP ROUND
- OTI OPEN TOP ROUND
- JN BOX JUNCTION BOX
- R/W RIGHT OF WAY
- BL BUILDING LINE
- PL PROPERTY LINE
- CB CATCH BASIN
- MV MANHOLE
- SSWH SEWER MANHOLE
- S FENCE
- LL.L LAND LOT LINE
- OLL ORIGINAL LOT LINE
- DL DRAINAGE CASSETT.
- SE SEWER CASSETT.
- UL UTILITY CASSETT.
- CL CHAIN LINK
- FP FLOYER POLE
- DI DRICOP INLET
- LP LIGHT POLE
- EP EDGE OF PAVEMENT
- CL CENTERLINE



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 21,251 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

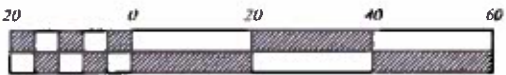
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 182,475 FEET.

A NIKON DTM-420 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.

THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER FULTON COUNTY FLOOD INSURANCE RATE MAP # 13121C0261G, EFFECTIVE DATE 09-16-2011

AREA = 0.29 ACRE
 PROPERTY ZONED R-1 (CITY OF ATLANTA)

GRAPHIC SCALE



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

SURVEY FOR:
 MICHAEL A. LOVE & MARIANNA FURMAN
 & SUNTRUST MORTGAGE, INC.
 731 EAST MORNINGSIDE DRIVE
 LAND LOT 51 - 17TH DISTRICT
 CITY OF ATLANTA
 FULTON COUNTY, GEORGIA

PROPERTY KNOWN AS:
 LOT 12, BLOCK "A"
 MORNINGSIDE
 SUBDIVISION
 (PLAT BOOK 9, PAGE 176)

SURVEY DATES:
 FIELD COLLECTION:
 11-23-16
 MAP PRODUCTION:
 11-28-16



GADDDY SURVEYING & DESIGN, INC.
 1215 PLEASANT HILL ROAD
 LAWRENCEVILLE, GEORGIA 30044
 PHONE: (770) 931-9920
 FAX: (770) 931-5801
 L.S. CERTIFICATE OF AUTHORIZATION #LS00101-J
 P.E. CERTIFICATE OF AUTHORIZATION #PE005450

JOB # AMIL-15-001

V-18-310
Office of Planning

OCT - 2 2018
RECORD NORTH
88 Trinity Ave. S.W.
Spc. 3350
Atlanta, GA

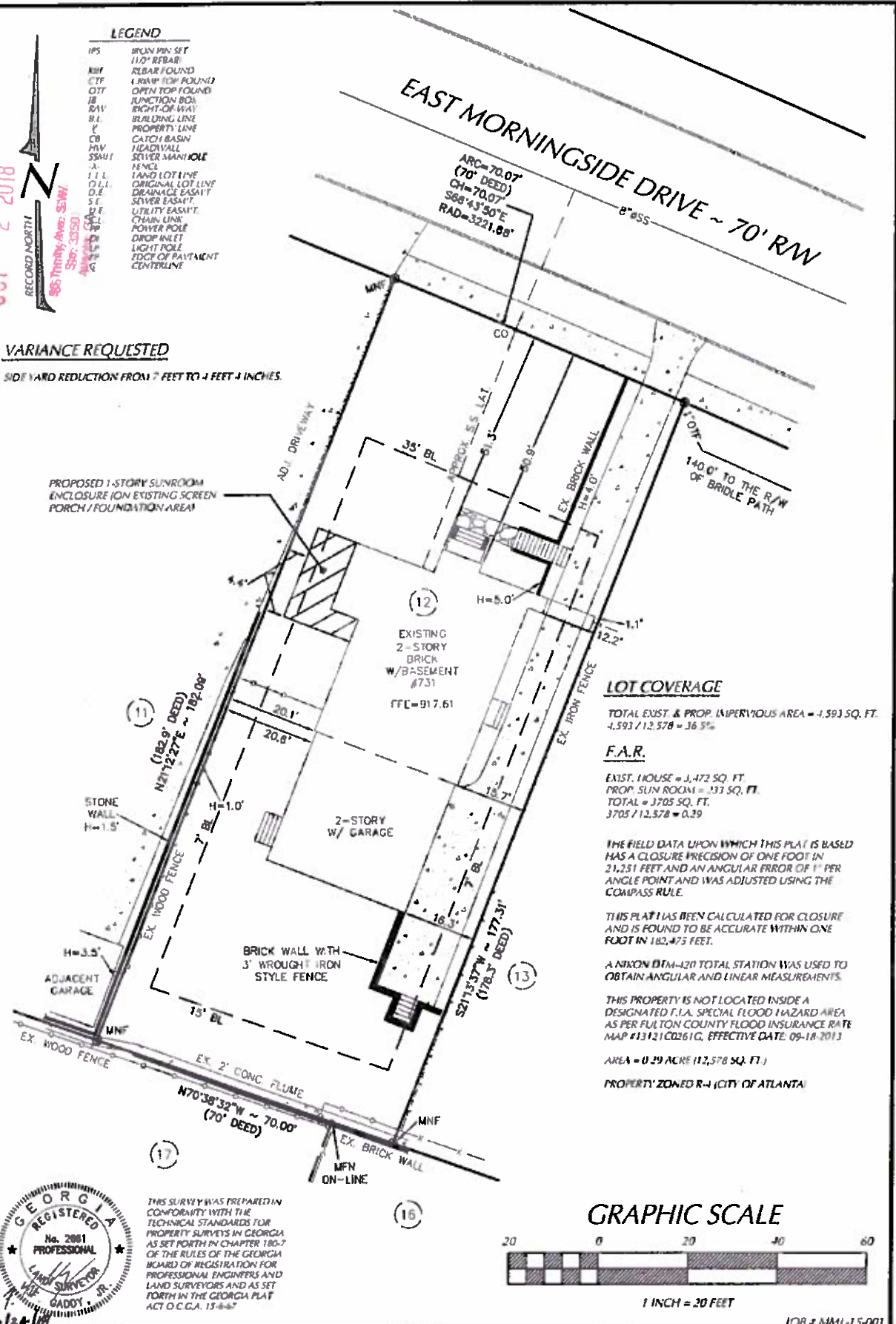
LEGEND

IPS	IRON PIN SET
11/2" REBAR	
MNF	REBAR FOUND
CTF	1.5" DIA TOP FOUND
OTF	OPEN TOP FOUND
JB	JUNCTION BOX
ROW	RIGHT-OF-WAY
B.L.	BUILDING LINE
P	PROPERTY LINE
CB	CATCH BASIN
MV	HEADFALL
SSA/I	SEWER MANHOLE
FENCE	
A	LAND LOT LINE
O.L.L.	ORIGINAL LOT LINE
D.E.	DRAINAGE EASMT
S.E.	SEWER EASMT
U.E.	UTILITY EASMT
C.L.	CHAIN LINE
P.P.	POWER POLE
D.I.	DROP INLET
L.P.	LIGHT POLE
E.P.C.	EDGE OF PAYMENT CENTERLINE

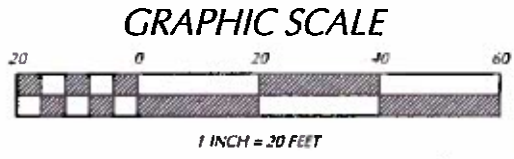
VARIANCE REQUESTED

SIDE YARD REDUCTION FROM 7 FEET TO 4 FEET 4 INCHES.

PROPOSED 1-STORY SUNROOM ENCLOSURE (ON EXISTING SCREEN PORCH/FOUNDATION AREA)



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.C.A. 13-8-87



VARIANCE EXHIBIT FOR:
MICHAEL A. LOVE & MARIANNA FURMAN
& SUNTRUST MORTGAGE, INC.
731 EAST MORNINGSIDE DRIVE
LAND LOT 51 - 11TH DISTRICT
CITY OF ATLANTA
FULTON COUNTY, GEORGIA

PROPERTY KNOWN AS:
LOT 12, BLOCK "A"
MORNINGSIDE SUBDIVISION
(PLAT BOOK 9, PAGE 176)

SURVEY DATES:
FIELD COLLECTION:
11-23-16
MAP PRODUCTION:
9-24-18



GADDY SURVEYING & DESIGN, INC.
1013 PLEASANT HILL ROAD
LAWRENCEVILLE, GEORGIA 30046
PHONE: (770) 931-5800
FAX: (770) 931-3900
L.S. CERTIFICATE OF AUTHORIZATION #15001014
P.E. CERTIFICATE OF AUTHORIZATION #PE16005450

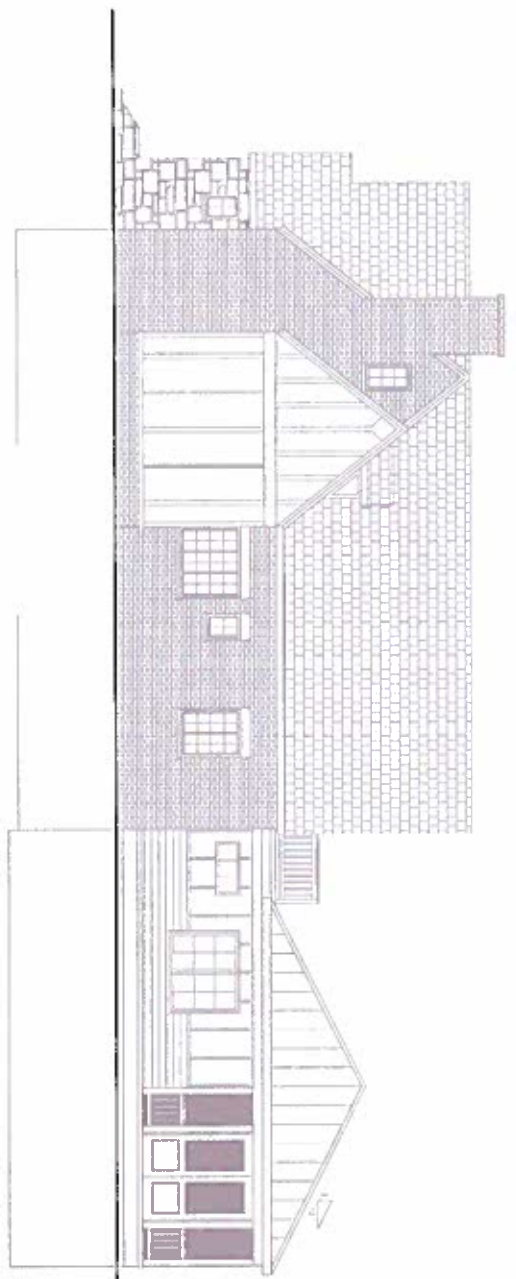
JOB # MML-15-001

V-18-310

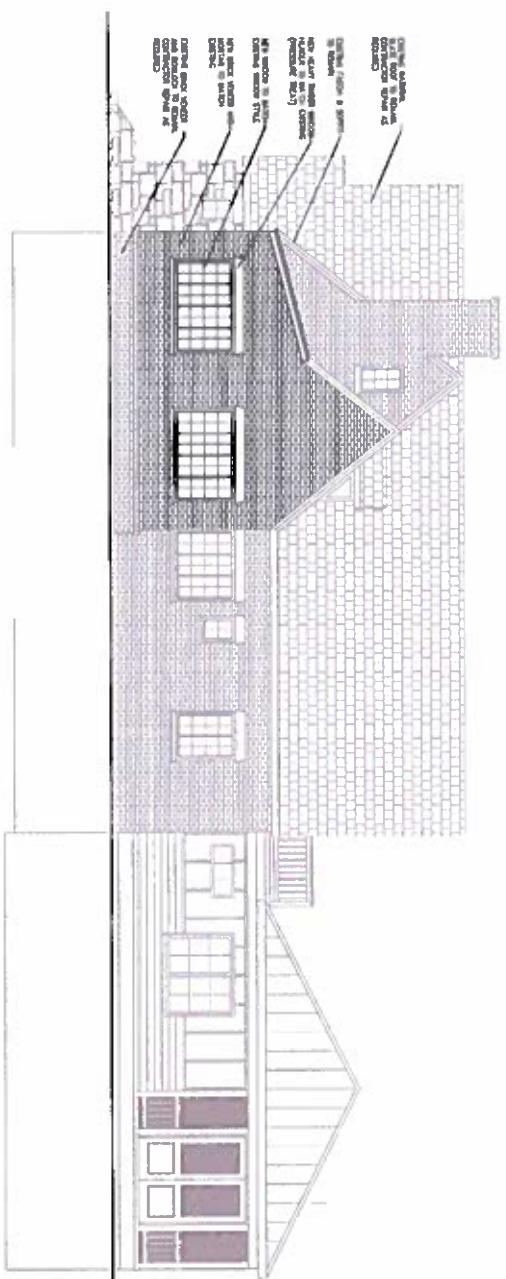
Office of Planning

001 - 2118

55 Trinity Ave. S.W.
S16 3350
Atlanta, GA



EXISTING WEST ELEVATION



PROPOSED WEST ELEVATION

ISSUED FOR CONSTRUCTION



KEY STONE
Structural
Engineering
Professional Corporation
P.O. Box 2684
Atlanta, GA 30301
404.525.8888
www.keystoneeng.com

PROJECT:	Love Residence Sunroom Renovation
OWNER:	Mananna & Michael Love
ADDRESS:	731 E. Massachusetts Drive, NE Atlanta, GA 30308
DATE:	03-30-2018
PROJECT NUMBER:	15-154
SCALE:	A2.5

SCALE: 1/4" = 1'-0"

170103760239

V-18310

Department of City Planning
Office of Zoning & Development

SEP 27 2018

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

Commitment Number GA16107848

After Recording, Send To.

This instrument prepared by
Jay A Rosenberg, Esq, Member Georgia Bar. Bar Number 507571, Rosenberg LPA. Attorneys
At Law, 3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605 Fax (866) 611-
0170

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER
17 005100070120

GENERAL WARRANTY DEED

MICHAEL A. LOVE and MARIANNA LOVE, WHO ACQUIRED TITLE AS MARIANNA FURMAN, husband and wife, hereinafter grantors, whose tax-mailing address is 731 E MORNINGSIDE DRIVE NE, ATLANTA, GA 30324, for \$0 00 (Zero Dollar and Zero Cents) in consideration paid, grant, with general warranty covenants to MICHAEL A. LOVE and MARIANNA LOVE, husband and wife, hereinafter grantees, whose tax mailing address is 731 E Morningside Drive NE, Atlanta, GA 30324. the following real property:

EXHIBIT "A" ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA, IN LAND LOT 51 OF THE 17TH DISTRICT FULTON COUNTY, GEORGIA OF MORNINGSIDE OF O.P. KAUFMAN, C.E. RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT POINT ON THE SOUTHWESTERN SIDE OF MORNINGSIDE DRIVE SEVEN HUNDRED EIGHTY (780) FEET EASTERLY AND SOUTHEASTERLY FROM THE SOUTHEASTERN INTERSECTION OF MORNINGSIDE DRIVE AND CUMBERLAND PLACE, SAID POINT OF BEGINNING BEING AT THE LINE OF LOT 11; THENCE SOUTHWESTERLY ALONG THE LINE OF SAID LOT ONE HUNDRED EIGHTY-TWO AND NINE-TENTHS (182.9) FEET TO THE LINE OF LOT 17, THENCE SOUTHEASTERLY ALONG LINE OF SAID LOT AND ALONG THE LINE OF LOT 18 SEVENTY (70) FEET TO THE LINE OF LOT 13; THENCE NORTHEASTERLY ALONG THE LINE OF SAID LOT ONE

17-0103-00240

HUNDRED SEVENTY EIGHT AND THREE TENTHS (178.3) FEET TO MORNINGSIDE DRIVE; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERN SIDE OF MORNINGSIDE DRIVE SEVENTY (70) FEET TO THE POINT OF BEGINNING. TAX ID: 17 005100070120 NOTE: The property address and tax parcel identification number listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured. Being that parcel of land conveyed to Michael A. Love and Marianna Furman from Sarita Andrews and Stephen D. Andrews by that deed dated 12/5/2014 and recorded 12/17/2014 in deed book 54458, at page 342 of the Fulton County, GA public registry.

Property Address is: 731 E Morningside Drive NE, Atlanta, GA 30324

The real property described above is conveyed subject to general warranty covenants. the following All easements, covenants, conditions and restrictions of record, All legal highways, Zoning, building and other laws, ordinances and regulations, Real estate taxes and assessments not yet due and payable, Rights of tenants in possession

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantors, either in law or equity, to the only proper use, benefit and behalf of the grantees forever

Prior instrument reference **Official Records Book 54458, Page 342**

V-18-310

Department of City Planning
Office of Zoning & Development

SEP 27 2018

55 Trinity Ave. S.W.
Ste. 3330
Atlanta, GA

170103700241

Signed this 20 day of December, 2016.

Michael A. Love
MICHAEL A. LOVE

Marianna Love, who assumed title as Marianna Furman
MARIANNA LOVE, WHO
ACQUIRED TITLE AS
MARIANNA FURMAN

State of GA
County of Fulton

V-18-310

Department of City Planning
Office of Zoning & Development

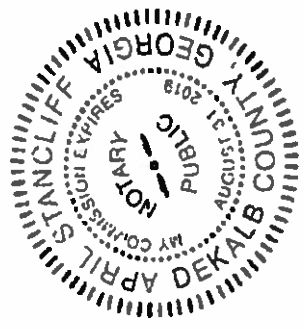
Signed this 20 day of December, 2016

SEP 27 2018

in the presence of
John Pappas
JOHN PAPPAS
(Unofficial Witness)

55 Trinity Ave. S.W.
Ste. 3396
Atlanta, GA

[Signature]
Notary Public (My Commission expires 8/31/19 (Notary Public Seal Affixed)



RECEIPT

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

PAID
 CITY OF ATLANTA
 SEP 27 2018

Application: V-18-310
 Application Type: Planning/BZA/Variance/NA
 Address: 731 EAST MORNINGSIDE DR NE, ATLANTA, GA 30324
 Owner Name: KEMPNER RONALD D
 Owner Address:
 Application Name:

EX OFFICIO MUNICIPAL
 REVENUE COLLECTOR



Receipt No.	605127					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Cash		\$100.00	09/27/2018	PAMITCHELL		

Owner Info.: KEMPNER RONALD D

Work Description: Variance to reduce the required east side yard setback from 7 feet to 4.4 feet.