

**Notice To Applicant**

City of Atlanta  
Bureau of Planning  
Current Planning Division, Development Review Section

MLPC

APPLICATION NUMBER V-06-329

Council District 6

Location of Property 1540 Monroe Dr., NE  
Atlanta, Ga., Zip: 30306

RECEIVED  
NOV - 8 2006  
Bureau of  
Planning

<input checked="" type="checkbox"/> BZA - Board of Zoning Adjustment  <input type="checkbox"/> ZRB - Zoning Review Board  HEARING DATE : <u>January 5, 2007</u> At <u>1:00</u> P.M. Council Chambers, 2 <sup>nd</sup> Floor, City Hall 55 Trinity Avenue, S.W.	LAND USE AMENDMENT REQUIRED FOR THIS REZONING REQUEST  YES  NO  Circle one as appropriate
---	--

This application is for property located in Neighborhood Planning Unit (NPU) F

David Rogers

Name(s) of Contact Person(s)

404.443.7435

David.rogers@perkinswill.com

Contact Info(s)

Adjacent NPU(s) (Use another sheet if necessary) to present for information purposes only.

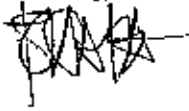
NPU _____ Name of Contact Person	NPU _____ Name of Contact Person
Telephone No. _____	Telephone No. _____

Please contact the person listed above within two days to ensure that your application is placed on the agenda for the next Neighborhood Planning Unit meeting. If you are unable to reach the contact person, please call Wendy Scruggs-Murray, NPU Coordinator, at (404) 330-6145.


The City of Atlanta's Zoning Ordinance, Section 16-07.00B requires that "...the director, Bureau of Planning shall cause the property involved in the proposed change to be posted at least 15 days prior to the hearing." The Zoning Ordinance also requires that the sign or signs be posted on a conspicuous place on the property, adjacent to each street the property abuts, for each 600 feet of abutting street frontage.

The applicant should post the sign(s) by December 21, 2006 to allow adequate notice to interested parties, and it should remain posted until after the public hearing.

Sincerely,



For Director, Bureau of Planning

  
Signature of Applicant (person who files application w/ City)

DAVID D. ROGERS  
Print Name

# APPLICATION FOR SPECIAL EXCEPTION

City of Atlanta

RECEIVED  
Bureau of  
Planning

Date Filed 10/2/06 Application Number V-06-329  
Name of Applicant MARINA ZAKHAROVA Daytime Phone 404 512 0329  
Company Name BAM, INC. email DIGI@AOL.COM  
Address 1540 MONROE DR ATLANTA GA 30324  
street city state zip code

Name of Property Owner MARINA ZAKHAROVA Phone (404) 512 0329  
Address 1664 LENOX RD ATLANTA GA 30306  
street city state zip code

### Description of Property

Address of Property 1540 MONROE DRIVE OR  
The subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of  
\_\_\_\_\_ beginning \_\_\_\_\_ feet from the  
\_\_\_\_\_ corner of \_\_\_\_\_  
Depth: \_\_\_\_\_ Area: \_\_\_\_\_ Land Lot 51 District: 17<sup>TH</sup>, FULTON County, GA.  
Property is zoned C-1, Council District 17, Neighborhood Planning Unit: F

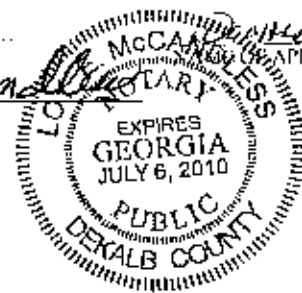
TO THE BOARD OF ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

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 2<sup>ND</sup> Day Of NOV, 2006.

[Signature]  
Owner or Agent for Owner (Applicant)

[Signature]  
NOTARY PUBLIC



MARINA ZAKHAROVA  
APPLICANT IN PRINTED LETTERS



# CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335  
404-330-8175 - FAX: 404-658-8979  
Internet Home Page: www.atlantaga.gov

SHIRLEY FRANKLIN  
MAYOR

James Shelby  
Acting Commissioner  
Dept. of Planning &  
Community Development

Norman A. Koplon, P.E.  
Director  
Bureau of Building

## REFERRAL CERTIFICATE

COUNCIL DISTRICT 6e  
NPU F

APPLICATION NUMBER V-06-329 Zoning Enforcement Division  
DATE FILED \_\_\_\_\_

1. Marina Zakharova

Name of Applicant

RECEIVED  
MAY 17 2006  
Bureau of Planning

### BUILDING PERMIT AUTHORIZING

Special exception for parking

at 1540 Monroe Drive, NE 17<sup>TH</sup>/56  
Street Address Quadrant District & Land Lot

to be used for commercial purposes

The property is zoned CI District

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

Applicant seeks a special exception from zoning regulations to reduce the required off street parking requirement from 30 parking spaces on-site to 5 parking spaces on-site and to allow for additional parking (25) spaces within 500ft of the primary use to allow for the conversion of an existing office building to a nightclub. Applicant seeks no further variance(s) at this time.

#### 1982 ZONING ORDINANCE, AS AMENDED

Chapter 26 Section 16-26.006 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

Zoning Comment- no site plan or scaled drawings w/dimensions to assist w/referral; info via verbal by applicant.

**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.") NONE

**Proposed Lot Coverage (After Construction)** Calculate total amount of lot coverage of 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.

N/A covered square feet / \_\_\_\_\_ total lot square feet = \_\_\_\_\_% proposed lot coverage  
\_\_\_\_\_ % maximum allowed lot coverage

RECEIVED  
NOV - 8 2006  
Bureau of Planning

**(For Parking Special Exceptions Only)** List the maximum number of employees who will park on the site at any given time: 0 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: 25  
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 inquires 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.*

**NOTARIZED AUTHORIZATION BY PROPERTY OWNER**  
(Required only if applicant is not the owner of the property subject to the application)

RECEIVED  
NOV - 8 2006  
Bureau of  
Planning

TYPE OF APPLICATION SPECIAL EXCEPTION

I, MARINA ZAKHAROVA (OWNER(S) NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT \_\_\_\_\_

1540 MONROW DRIVE ATLANTA GA 30324 (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 ACT AS THE APPLICANT  
IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT DONALD MATHIS for Marina Zakharova

ADDRESS 1664 LENOX ROAD ATLANTA GA 30306

TELEPHONE NUMBER 404 634 5208 C 404 863 4920

*[Handwritten Signature]*  
Signature of Owner

Personally Appeared  
Before Me

MARINA ZAKHAROVA

Who Swears That The  
Information Contained  
In This Authorization  
Is True and Correct To  
The Best of His or Her  
Knowledge and Belief:

*[Handwritten Signature]*

Notary Public

NOVEMBER 1, 2006

Date



EXHIBIT "A"

Deed Book 41578 Pg 496  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

V-06-329

All that tract or parcel of land lying and being in Land Lot 66 of the 17th District, Fulton County, Georgia, in the City of Atlanta, being more particularly described as follows:

Beginning at an iron pin on the southwest right of way of Monroe Drive (formerly North Boulevard) 170 feet southeast from the intersection of the southwest right of way of Monroe Drive and the southeast right of way of Piedmont Road; thence running southwesterly 158 feet, more or less, along the northwesterly line of property now or formerly owned by H. F. Woodall, Sr. and H. F. Woodall, Jr., known as 1536 Monroe Drive and continuing to a point at the southwestern corner of the building known as 1536 Monroe Drive; thence running northwest 22.5 feet, more or less, to a point on the southeast line of property now or formerly owned by Texaco, Inc., thence running northeasterly along said Texaco, Inc., property line a distance of 62 feet, more or less, to the southeasterly corner of the property now or formerly owned by Gulf Oil Corporation; thence in a northeasterly direction along the easterly property line of the Gulf Oil Corporation property a distance of 98.85 feet, more or less, along the southwest right of way of Monroe Drive; thence running southeasterly 44 feet, more or less, along the southwest right of way of Monroe Drive to the point of beginning, being improved property having a building thereon known as 1540 and 1542 Monroe Drive, N.E., Atlanta, Georgia.

Together with an easement for ingress and egress by vehicular traffic across the paved parking area of the property known as 1536 Monroe Drive from Monroe Drive to the rear of the buildings known as 1540 and 1542 Monroe Drive.

RECEIVED  
NOV - 8 2006  
Bureau of  
Planning

*MJ*

V-06-329

2006  
Bureau of planning  
55 Trinity Avenue  
Atlanta, GA 30303

RECEIVED  
NOV - 8 2006  
Bureau of  
Planning

To Whom it may concern:

This letter is regarding the property at 1450 Monroe Drive, Atlanta, GA.

The property is primarily occupied by the building which leaves only room for five parking spaces which is smaller than the zoning classification requirements for this area. There is no available area on the property to use for additional parking.

The adjacent property has more than adequate parking and the owner agrees to lease parking spaces to 1450 Monroe Drive.

We are asking for a reduction in the parking criteria from 30 spaces to 5 spaces and area leasing

Thank you for your consideration.

  
Don Mathis

V-06-329

RECEIVED  
NOV - 8 2006  
Bureau of  
Planning

### Parking Space Lease Agreement

THIS PARKING SPACE LEASE AGREEMENT (hereinafter "Agreement") is made and entered into as of October 16, 2006, by and between VERIZON WIRELESS, address: 1531 Piedmont Ave Ste D, Atlanta, GA 30324 and BAM LOUNGE, INC, 1450 Monroe Drive, Atlanta GA 30024.

#### WITNESSETH

**Parking Spaces:** VERIZON does hereby lease to BAM LOUNGE, INC and does hereby lease and hire from 30 (thirty) parking spaces exclusively available to BAM LOUNGE, INC located within 500 ft. of BAM LOUNGE, INC between hours of 5pm and 3am of operation in compliance with the City of Atlanta Code of Ordinances for the operation of the business of BAM LOUNGE, INC.

**Term:** The term of this agreement shall commence as of the date of execution hereof and shall continue until October 16, 2009. .

**Rental:** Commencing on October 16, 2006 BAM LOUNGE, INC determines it needs the Parking Spaces to comply with the parking requirements of the City of Atlanta Code of Ordinances for the operation of the business of BAM LOUNGE, INC, VERIZON wireless will put the signage on the 1540 Monroe building to compensate for leasing the parking spaces. Agreement shall abate any period of time that the parking requirements of the City of Atlanta Code of Ordinances which require BAM LOUNGE INC and other similarly situated businesses to secure offsite parking are enjoined by court order. *4' X 8' Lighted Signage IS Permitted @ witness [signature]*

**Atlanta Ordinances.** If the parking requirements of the City of Atlanta Code of Ordinances for the operation of the business of BAM LOUNGE INC are amended this Agreement shall automatically be deemed to be amended to reflect any such amendment so as to cause BAM LOUNGE INC to be in compliance with such Ordinances provided that any increase in the number of spaces required to be used is subject to the approval of VERIZON.

**Notices:** Any notice required or permitted hereunder shall be sent to the parties at the above referenced addresses by overnight mail by a nationally recognized delivery company or by personal delivery, and such notice shall be deemed received upon personal delivery or 24 hours after delivery to such overnight delivery company, whichever shall first occur.

**Miscellaneous:** This Agreement contains the entire agreement between the parties with respect to the lease of the Parking Spaces. No representations, negotiations, promises or agreements, whether oral or written, shall have any force or effect unless set forth herein. Except as provided herein, this Agreement may only be amended by a written instrument



V-06-329

signed by both parties. This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors, assigns, invitees, guests and designees. The titles of each paragraph are for the convenience of the parties only and do not add to or subtract from the meaning or content of each paragraph. This Agreement, and the rights and obligations of the parties hereto, shall be construed under and according to the laws of the State of Georgia. Any time period provided for herein which shall fall on a Saturday, Sunday or legal holiday shall extend to next full business day.

*IN WITNESS WHEREOF*, this Agreement has been signed, sealed and delivered as of the day and year first above written.

**VERIZON WIRELESS:**

Verizon Wireless Agent - The Wireless Store

By: [Signature]

Print Name: D. Stone Curtis

Print Title: Owner

**BAM LOUNGE, INC**

By: [Signature]

Print Name: MARINA ZAKHAROVA

Print Title: OWNER

*Sworn to and subscribed  
me this 23rd day of  
November, 2006*

*Lay*



V-06-329

RECEIVED  
NOV - 8 2006  
Bureau of  
Planning**SITE DESCRIPTION****Site, Size, Shape & Topography**

A survey was not provided to the appraiser. According to Fulton County tax records, the site consists of approximately 0.1223 acres or 5,327 square feet of land area. The subject site is irregular in shape and is generally level.

**Utilities**

All public utilities are available to the subject property in sufficient quantities.

**Zoning**

The property is zoned C-1 by the City of Atlanta. It was originally zoned residential and has been grandfathered in. The subject property meets all conditions required. The subject is considered to be in conformity with the applicable zoning ordinances.

**Easements**

There are no known easements or encroachments that would affect the subject's marketability or market value.

**Flood Hazard**

According to the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Panel #13121C0261F zone X, effective 5-7-2001 and does not lie within a 100-year flood hazard area. See a copy of the map in the addenda.

V-06-329

RECEIVED  
NOV - 8 2006  
Bureau of Planning

**LEGEND**

48 - ANTIQUA BOX  
49 - ROOM FOR RYSE  
50 - ROOM FOR RYSE  
51 - ROOM FOR RYSE  
52 - ROOM FOR RYSE  
53 - ROOM FOR RYSE  
54 - ROOM FOR RYSE  
55 - ROOM FOR RYSE  
56 - ROOM FOR RYSE  
57 - ROOM FOR RYSE  
58 - ROOM FOR RYSE  
59 - ROOM FOR RYSE  
60 - ROOM FOR RYSE  
61 - ROOM FOR RYSE  
62 - ROOM FOR RYSE  
63 - ROOM FOR RYSE  
64 - ROOM FOR RYSE  
65 - ROOM FOR RYSE  
66 - ROOM FOR RYSE  
67 - ROOM FOR RYSE  
68 - ROOM FOR RYSE  
69 - ROOM FOR RYSE  
70 - ROOM FOR RYSE  
71 - ROOM FOR RYSE  
72 - ROOM FOR RYSE  
73 - ROOM FOR RYSE  
74 - ROOM FOR RYSE  
75 - ROOM FOR RYSE  
76 - ROOM FOR RYSE  
77 - ROOM FOR RYSE  
78 - ROOM FOR RYSE  
79 - ROOM FOR RYSE  
80 - ROOM FOR RYSE  
81 - ROOM FOR RYSE  
82 - ROOM FOR RYSE  
83 - ROOM FOR RYSE  
84 - ROOM FOR RYSE  
85 - ROOM FOR RYSE  
86 - ROOM FOR RYSE  
87 - ROOM FOR RYSE  
88 - ROOM FOR RYSE  
89 - ROOM FOR RYSE  
90 - ROOM FOR RYSE  
91 - ROOM FOR RYSE  
92 - ROOM FOR RYSE  
93 - ROOM FOR RYSE  
94 - ROOM FOR RYSE  
95 - ROOM FOR RYSE  
96 - ROOM FOR RYSE  
97 - ROOM FOR RYSE  
98 - ROOM FOR RYSE  
99 - ROOM FOR RYSE  
100 - ROOM FOR RYSE

According to E.I.P.M. parcel no. N/A  
dated 1/1/00  
UNB

1/2" = 1' road tapered street  
included in 4 zone



THE UNDERSIGNED SURVEYOR  
EXCEPTS TO ALL MATTERS OF  
TITLE

I certify that this plot is  
true and correct.

A.S. Giannetti  
AS Graduate of E.L.S. no. 1425

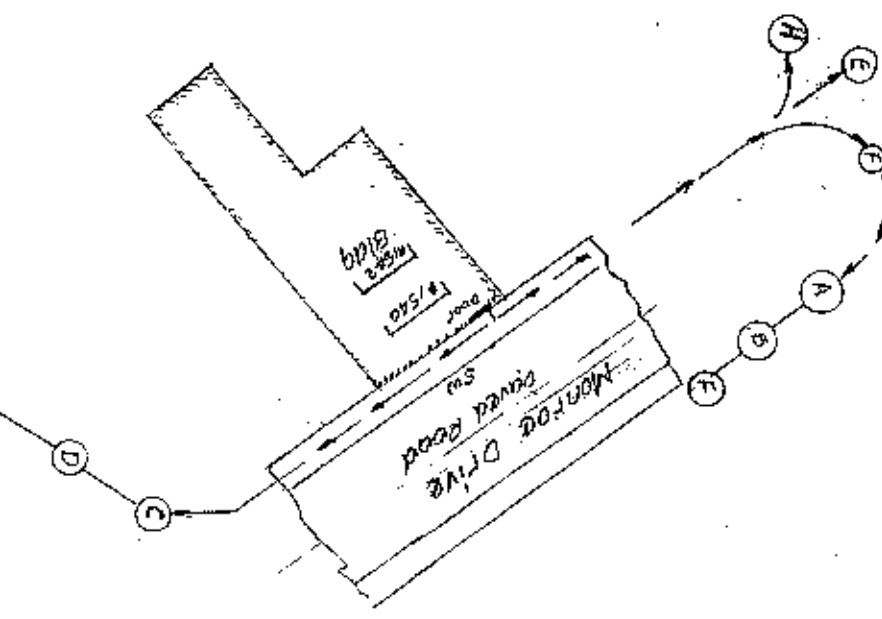
**LOCATION SURVEY**

1540 1/2 S MONROE DRIVE  
ATLANTA GEORGIA

Scale: 1" = 40'  
Date: 11-5-05  
Checked by: S.G.  
Revised: 1/7/06  
District: 1740  
County: FULTON

Drawn by: G.M.  
Invoice no.:  
SEC1  
GEOR

**A.S. Giannetti & Assoc., Inc.**  
CIVIL ENGINEERS - LAND SURVEYORS  
Atlanta, Georgia



- GENERAL NOTES**
- A. 950 FEET TO RESIDENCE AT 531 SHERWOOD ROAD AT SHERWOOD ROAD AND MONROE DRIVE
  - B. 950 FEET TO RESIDENCE AT 531 SHERWOOD ROAD AT SHERWOOD ROAD AND MONROE DRIVE (SAME AS A)
  - C. 5600 FEET TO HENRY GRADY HIGH SCHOOL AT 929 CHARLES ALLEN DRIVE
  - D. 7100 FEET TO ATLANTA PUBLIC LIBRARY AT 1315 PEACHTREE STREET
  - E. 2100 FEET TO MORNINGSIDE BAPTIST CHURCH AT 1700 PIEDMONT ROAD
  - F. 225 FEET TO SMITH PARK AT PIEDMONT ROAD AND MONROE DRIVE
  - G. 1000 TO ATLANTA PUBLIC HOUSING AT 10<sup>TH</sup> STREET AND JUNIPER STREET
  - H. 2000 FEET TO PACKAGE STORE AT 211 ANSLEY MALL AT ANSLEY LANE
  - I. 8500 FEET TO ALCOHOLIC TREATMENT CENTER AT CRAWFORD LONG HOSPITAL AT 550 PEACHTREE STREET

MAG.