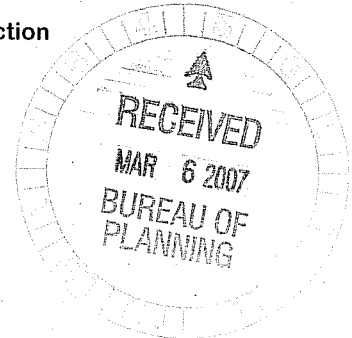


Notice To Applicant

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

V-07-82



APPLICATION NUMBER V-07-82

Council District : 6

Location of Property 2155 Monroe Place, N.E.
Atlanta, Ga., Zip: 30306

<input checked="" type="checkbox"/> BZA -- Board of Zoning Adjustment <input type="checkbox"/> ZRB -- Zoning Review Board HEARING DATE : <u>May 4, 2007</u> At <u>1:00</u> P.M. Council Chambers, 2nd Floor, City Hall 55 Trinity Avenue, S.W.	<p align="center">LAND USE AMENDMENT REQUIRED FOR THIS REZONING REQUEST</p> <p align="center">YES</p> <p align="center">NO</p> <p align="center">Circle one as appropriate</p>
--	---

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

Connie Ward Cameron

Name(s) of Contact Person(s)

404-876-0813

connew@bellsouth.net

Contact Info(s)

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

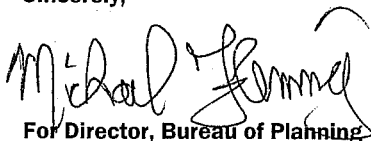
NPU _____ Name of Contact Person _____ Telephone No. _____	NPU _____ Name of Contact Person _____ Telephone No. _____
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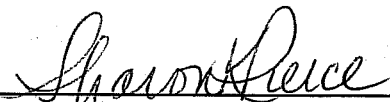
Please contact the person listed above within two days to ensure that your application is placed on the agenda for the next Neighborhood Planning Unit meeting. If you are unable to reach the contact person, please call Wendy Scruggs-Murray, NPU Coordinator, at (404) 330-6145.

The City of Atlanta's Zoning Ordinance, Section 16-07.008 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 April 19, 2007 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)

Sharon K Pierce
Print Name



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

SHIRLEY FRANKLIN
MAYOR

Steven R. Cover, AICP
Commissioner
Dept. of Planning &
Community Development

Ibrahim Maslamani, CBO,
AIA
Director
Bureau of Building

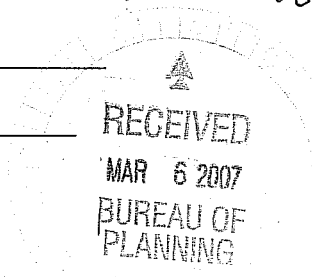
REFERRAL CERTIFICATE

Amended
COUNCIL DISTRICT 6 APPLICATION NUMBER _____

NPU F DATE FILED _____

1. Bob Walker & Sharon Pierce
Name of Applicant

BUILDING PERMIT AUTHORIZING Construction of a television studio tower



at 2155 Monroe Place NE 17th/57 Street
Address Quadrant District & Land Lot

to be used for commercial purposes

The property is zoned I-1 District

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

Applicant seeks a variance from the zoning ordinance to eliminate the transitional height
plane 35' (required) to allow construction of a 300' television studio tower. (Pending
approval of special use permit for tower)

1982 ZONING ORDINANCE, AS AMENDED

Chapter 06 Section 16-06.006 Paragraph (2)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

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

V-07-82

March 2006

APPLICATION FOR VARIANCE

City of Atlanta

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PLANNING
(404)873-9143

Date Filed _____ Application Number _____
WXIA-TV/WATL-TV, divisions Of Pacific and Southern Company, Inc.
Name of Applicant Bob Walker, President/General Manager Daytime Phone _____
Sharon Pierce, V.P./Business Manager
Company Name Pacific and Southern Company, Ince-mail bwalker@wxia.gannett.com

Address 1611 W. Peachtree St. Atlanta Georgia 30309
street city state zip code

Name of Property Owner Pacific and Southern Company, Inc.
Detroit Newspaper Partnership, L.P. Phone (703)854-6000
Gannett Satellite Information Network, Inc.

Address 7950 Jones Branch Dr. McLean Virginia 22107
street city state zip code

Description of Property

Address of Property 2155 Monroe Place NE, Atlanta, Georgia 30324 **OR**

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

Depth: 824' Area: 5.123 and Lot: 57 District: 17, Fulton County, GA.

Property is zoned: I-1, Council District: 6, Neighborhood Planning Unit: F

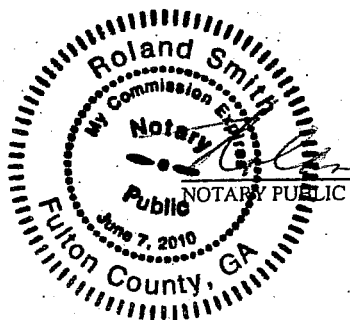
TO THE BOARD OF ZONING ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant variance(s).

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 6th Day Of March, 2007

Sharon K. Pierce
Owner or Agent for Owner (Applicant)

Sharon K. Pierce
APPLICANT'S NAME IN PRINTED LETTERS





March 6, 2007

V-07-82

City of Atlanta
55 Trinity Avenue
Atlanta, GA 30335

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RE: Variance Justification: 300 ft. high tower

Dear Sir or Madam:

We would like to request a variance to the transitional height plane requirement for this site in order to construct a 300 foot high self supporting television studio tower. The property is zoned I-1 and the current use is a television studio. It is bordered to the north and west by property zoned I-1, to the east by Monroe Place, and to the south by O-I and R-4 property. As owners of the property, WXIA-TV/WATL-TV, will be moving day to day operations from our existing studio location to this location which WXIA acquired along with WATL in August of 2006.

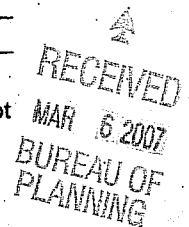
Due to site location and elevation, a 300 foot high tower is needed over a shorter tower to continue providing excellent service and programming for our customers. The tower is fabricated steel construction that is 28 feet wide at the base and 4 feet wide at the top. The site is approximately 270 feet wide and 824 feet deep. With the proximity to residentially zoned property to the south and given the width of the property, it is almost infeasible to locate the required height tower on the property that would not pierce the transitional height plane. With this we request to locate the tower in the least destructive location, adjacent to the existing studio structure where no trees would be removed for tower construction and it would be easily accessible. Locating the tower elsewhere on the property would place it on steeper topography which would require clearing and grading. This location is approximately 131 feet north of the R4 zoned property, approximately 700 feet from Monroe Place, and to the rear of adjacent I-1 zoned property that fronts Monroe Drive.

Sincerely,

Sharon K. Pierce
VP/Business Manager
WXIA-TV/WATL-TV

V-07-82

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: Construct a 300 foot high self supporting TV tower in conjunction with the studio renovation and addition.



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.

111585 covered square feet / 223171 total lot square feet = 50.0% proposed lot coverage

n/a % 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 (NPU), 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. The staff of Bureau of Planning reviews and makes written recommendations to the BZA on each variance application. You may call the Current Planning Division of the Bureau of Planning at (404) 330-6145 on the Monday before the public hearing if you wish the Planning staff's recommendation.

Public Hearing Presentation. Each applicant or representative of the applicant must appear and present the case before the BZA at the scheduled public hearing, or request a deferral in writing prior to the public hearing. The party representing the application is allowed a total of ten minutes to present the application. A portion of this time may be saved for rebuttal to any objections to the variance. You may choose to bring exhibits such as enlarged site plans; this is not required but is purely at your discretion. Any exhibits that are filed with the City at the hearing should be capable of being stored in the 11" x 17" City file, so please do not permanently affix exhibits to a stiff backing.

BZA Decision. Before granting any application for a variance, the BZA must enter the facts of the case into the record at the public hearing, and must base the decision on applicable criteria listed in the Zoning Ordinance. The City Council does not make decisions regarding applications that come before the BZA.

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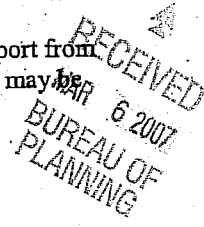
Variance Application Instructions

- (1) Information on your variance application should be clearly printed and all signatures on the application must be notarized.
- (2) If you do not own the subject property, the owner must sign the Notarized Authorization by Property Owner (See Page 6), which authorizes you to file this application. If more than one property owner is involved, each owner should sign a separate affidavit. The person who files the application with the City is considered the applicant.
- (3) Your application must contain a legal description of the property involved (in the form of either a legal description in metes and bounds from the title to the property, or an accurate survey).
- (4) Site plan(s) of your property must be submitted. All site plans must be to a scale no smaller than 1 inch = 30 feet. If the "to scale" site plan is 8 ½" x 11, submit 1 copy. If it is larger than 8 ½" x 11", submit 8 copies. The site plan must show all existing conditions and proposed improvements, including existing trees within 100 feet of any new construction. If you make any changes ("amendments") to the design of any proposed construction on the property, submit folded site plans (in the same number as previously submitted) that show the change. Direct the new site plans to the Secretary of the BZA or the planner assigned to review the application. Sample site plans and site plan specifications are attached.
- (5) You must submit a written justification for any variance that is requested. It is recommended that you address the same criteria that are the basis for the BZA decision (see Criteria for Variances, pages 4-5). If you are also applying for any special exceptions, add a justification based on criteria that are included in the special exception application form. Please submit typewritten justifications.
- (6) If you choose to be represented by an attorney, the attorney should sign the Authorization of Attorney (See page 7.)
- (7) The proper fee must accompany your application at the time of filing. Checks must be made payable to City of Atlanta. The application fee schedule is attached for your information (See Page 8). Any combination of two or more variances and special exceptions on one lot may be combined into one application with one fee.

- (8) Each variance application must be accompanied by a Referral Certificate before it is filed with the Bureau of Planning. This Referral Certificate describes the variance(s)/special exception(s) you are requesting and is obtained from the Zoning Enforcement Division, Bureau of Buildings, Suite 3900, 3rd Floor City Hall, Atlanta, GA, (404) 330-6175. Note: Zoning Enforcement is closed to the public on Tuesdays.

V-07-82

You may wish to submit other supporting documentation, such as signatures of support from neighbors, and photographs. Signatures of support are not required by the City, but may be requested by some NPU's.



Note:

Yard setback reductions to less than 3 feet for construction of a structure are discouraged because a) maintenance of side walls of structures is usually not possible without stepping on the adjoining property, and b) houses built less than 3 feet from the property line may not have windows in the affected side wall, in accordance with the fire safety building code.

Pervious (porous) surfaces are encouraged to allow rainwater to absorb into the ground, thereby reducing runoff and flooding. Groundwater absorption also purifies stormwater runoff before it reaches our rivers and lakes. Please consider using the following pervious surfaces: pervious concrete, grasscrete, gravel, pervious medians in "ribbon" driveways, and sand-filled spaces between pavers. (Pervious surfaces are included in overall lot coverage calculations.)

Criteria for Variances (also see special exception application criteria if applicable)

Your variance application must be accompanied by a written justification for all variances requested. If you also have requested any special exceptions, add the special exception justification. It is advisable that you address each of the four criteria listed below. Notes are provided in regular type to explain and clarify the criteria. Section 16-26.003 of the City of Atlanta zoning ordinance requires that the BZA base its decision on satisfaction of all four of these criteria.

(1) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

- Explain why you believe your property has an extraordinary or exceptional condition. Is the width narrower, or is it smaller than the minimum that is required by the zoning regulations for its zoning classification? Does it have a shape that limits development in its buildable area, or topography that restricts its use? Does this condition relate directly to the requested variance? Minimum lot requirements for residential properties are available from the Bureau of Buildings or Bureau of Planning.
- Commercially zoned properties do not have minimum width and area requirements; therefore, those elements of this criterion are not strictly applicable. However, it is advisable to evaluate the size of the property in comparison to other nearby commercial properties.
- Location of a house on the property in a manner that instigates a variance request is not usually considered an extraordinary or exceptional condition. However, a hardship might be involved if the functional layout of an existing floor plan drives the request for the variance.
- If the variance is required to avoid destruction of any mature trees located in the buildable area of the property, contact the office of the City Arborist at (404)330-6874 to schedule an appointment for an arborist to inspect the property and document the location of the tree.

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

- Describe why you believe the zoning regulations create an unnecessary hardship regarding the use of your property.
- For the purposes of granting a variance, the Bureau of Planning does not consider a hardship to be related to cost alone. Variances are not solely intended to enable the property owner to save money. For example, the property owner is not considered to have a hardship if the only reason for the variance is that it would cost more to construct, without a variance, a structure in the buildable area of a lot, versus getting a variance to be allowed to construct the same structure in a yard setback.

(3) such conditions are peculiar to the particular piece of property involved; and

- State how the relevant extraordinary and exceptional conditions identified as per (1), above, are unique to the property, not shared by the majority of other properties in the same zoning district.

(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.

- Explain how the requested variance would not detract from people's use and enjoyment of adjoining and surrounding properties. Explain how it would be consistent with the purposes and intent of the zoning ordinance and/or would further these purposes and intent. The purposes and intent are stated in Section 16-01.003 of the ordinance, and include:
 - securing safety from fire, panic and other dangers,
 - providing adequate light and air,
 - encouraging . . . intensities of land development as will tend to facilitate . . . drainage . . . and other public requirements,
 - promoting desirable living conditions,
 - sustaining stability of neighborhoods,
 - providing for the orderly evolution of neighborhoods along lines responsive to public needs,
 - protecting against blight and depreciation.

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V-07-82

SCHEDULE "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot 57 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

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To find the TRUE POINT OF BEGINNING begin at a point where the westerly right of way of Monroe Place intersects the southerly right of way of Monroe Drive; thence in a southerly direction along the westerly right of way of Monroe Place a distance of 275.0 feet to an iron pin set and the TRUE POINT OF BEGINNING; thence south 00°31'54" east along said right of way 148.86 feet to an iron pin set; thence continuing along said right of way along the arc of a curve to the left, said curve having a radius of 121.70 feet 46°03'35" east and a chord length of 173.69 feet, an arc distance of 193.41 feet to an iron pin set; thence south 01°12'25" east 1.0 foot to an iron pin set; thence south 88°47'35" west 124.96 feet to an iron pin found; thence south 88°47'35" west 24.90 feet to an iron pin found; thence south 00°02'38" west 19.95 feet to an iron pin found; thence south 88°47'50" west 769.43 feet to an iron pin found; thence south 01°11'41" east 49.97 feet to an iron pin found; thence south 88°36'02" west 189.11 feet to an iron pin found; thence north 53°35'47" east 143.73 feet to an iron pin set; thence along the arc of a curve to the right, said curve having a radius of 202.30 feet, said arc being subtended by a chord line having a bearing of north 52°47'17" east and a chord length of 5.91 feet, an arc distance of 5.91 feet to an iron pin set; thence along the arc of a curve to the left, said curve having a radius of 202.30 feet, said arc being subtended by a chord line having a bearing of north 36°56'41" east and a chord length of 104.76 feet, an arc distance of 105.97 feet to an iron pin set; thence along the arc of a curve to the right, said curve having a radius of 213.37 feet, said arc being subtended by a chord line having a bearing or north 37°06'19" east and a chord length of 123.97 feet, an arc distance of 125.78 feet to an iron pin found; thence along a curve to the right, said curve having a radius of 213.37 feet, said arc being subtended by a chord line having a bearing of north 70°24'17" east and a chord length of 120.81 feet, an arc distance of 122.48 feet to an iron pin found; thence north 85°05'42" east 609.91 feet to an iron pin found; thence north 85°05'42" east 1.0 foot to an iron pin set and the TRUE POINT OF BEGINNING.

Said parcel of land contains 5.1233 acres.

NOTES

RECEIPT

DATE 3/06/07 NO. 787239

RECEIVED FROM W AINE

ADDRESS ~~1611 West Peachtree St~~ 1611 West Peachtree St

425.00

FOR 12455 MONROE P.V. VARIANCE

V-07-82

DATE OF ACCOUNT	HOW PAID		
	CASH	CHECK	MONEY ORDER
MAR 06 2007		<input checked="" type="checkbox"/>	

BY Michael J. ...

©2001 REDFORM © 01808

441
200
OK 12

MAR 06 2007
CITY OF ATLANTA
OFFICE OF MUNICIPAL SERVICES
REVENUE COLLECTOR