

Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-014**

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

Address of Property: **920 Ponce de Leon Avenue**

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, March 11, 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

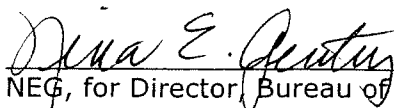
Contact info for adjacent NPUs is provided below if necessary:

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,



NEG, for Director, Bureau of Planning



Tony Tripoli, Applicant

APR 27 2010
BUREAU OF PLANNING

APPLICATION FOR VARIANCE

City of Atlanta

Date Filed _____

Application Number V-10-014

Name of Applicant Tony Tripoli

Daytime Phone 404-597-0292

Company Name Homes by Design

e-mail ttripoli@bellsouth.net

Address 3081 Clarendale Dr. Atl. Georgia 30327
street city state zip code

Name of Property Owner Nick Beaulieu Phone 404.376.7559

Address 920 Ponce De Leon Ave. Atl. Georgia
street city state zip code

Description of Property

Address of Property 920 Ponce De Leon Ave. Atl. Ga OR

the subject property fronts 50 feet on the North side of Ponce De Leon Ave, and begins 400' feet from the North / Eastern corner of Barnett.

Depth: 180 Area: 9004 Land Lot: 16 District: 14, Fulton County, GA.

Property is zoned: O4I-C, 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 26 Day Of Jan, 200 2010

* [Signature]
Owner or Agent for Owner (Applicant)

Tony Tripoli
APPLICANT'S NAME IN PRINTED LETTERS

[Signature]
NOTARY PUBLIC

Notary Public, DeKalb County, Georgia
My Commission Expires August 25, 2013



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 E. Shelby
Commissioner
Dept. of Planning &
Community Development

Ibrahim Maslamani, CBO,
AIA
Director
Bureau of Building

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-10-014
NPU F DATE FILED _____

1. Tony Tripoli
Name of Applicant

BUILDING PERMIT AUTHORIZING Addition to an existing office

at 920 Ponce De Leon Ave., N.E. 14th / 16
Street Address Quadrant District & Land Lot

to be used for _____ Office _____ purposes
The property is zoned O-I-C District

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

Applicant seeks a variance from zoning regulations to reduce the west side yard setback from 15ft.(required) to 9.5ft. and reduce the east transitional side yard setback from 20ft.(required) to 9.5ft. to allow for dormer additions for attic finish of an existing medical office building. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 10 Section 16-10.007 Paragraph (3) (b)
Chapter 10 Section 16-10.006 Paragraph (2) (a)
Chapter _____ Section _____ Paragraph _____

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

Applicant: _____

Zoning Plan Reviewer: _____

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JAN 27 2010
Bureau of Planning

V-10-014

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:** Convert existing attic space (approx. 30x60) to storage & break room for medical practice.

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.

6565 covered square feet / 11,300 total lot square feet = .58 % proposed lot coverage
_____ % maximum allowed lot coverage

JAN 27 2010
BUREAU OF PLANNING

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 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 (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. 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.

NOTARIZED AUTHORIZATION BY PROPERTY OWNER

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

TYPE OF APPLICATION Variance

I, Nick Beaulieu (OWNER'S NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 920 Ponce De Leon Ave. Atl Ga (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 Tony Tripoli

ADDRESS OF APPLICANT 3081 Clarendale Dr. Atlanta Ga 30327

TELEPHONE NUMBER 404-597-0292

[Handwritten Signature]
Signature of Owner
V-10-014

Personally Appeared Before Me

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

Date 1/26/10

Notary Public, DeKalb County, Georgia
My Commission Expires August 25, 2013

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BUREAU OF PLANNING

V-10-04

JAN 27 2010
City of Atlanta
Planning

City of Atlanta Board of Zoning Adjustment
55 Trinity Ave., Suite 3350
Atlanta Ga. 30303

RE: Variance Justification

Dear members of BZA and staff;

The subject property located at 920 Ponce De Leon Ave. Atlanta Georgia 30306 is Highland Urgent Care and Family Medicine.

Proposal

To convert existing attic of subject property, to allow for both storage and a break room area for employees. The office is a 1910's era American Four Square and has been occupied as commercial space for approximately 22 + years. We would like to reduce required 15' side yard setback to the existing building footprint of 9.5'. There are no proposed changes to existing building footprint, nor to the site. The current parking area will accommodate future proposed use.

Criteria for Variances

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

Most properties within the O&I zoning district are of greater width and total lot area. The property is fairly narrow @ 55' and smaller net lot area of 9000 + sq. ft. The existing structure is located within required 15' sideyard setback.

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

We feel as though the side yard setback requirement of 15' is an unnecessary hardship. The property has an existing structure that is located 9.5' from both side yard property lines. The side yard setback should be what ever the actual existing distance is from structure to property line at time of zoning inception. Any proposed improvements within 5.5' from exterior along both sidewalls will require a variance approval. Attic access is an existing internal stairwell that is located within that required side yard setback. The proposed external walls and roof that are stacking on existing structure will require approval also. Without the approval of access to attic other improvements are not possible and this creates an unnecessary hardship.

(3) *Such conditions are peculiar to the particular piece of property involved.*

Most properties within the O&I zoning district are of greater width and total lot area. This property is has an existing office structure located within required side yard setback. The property is a fairly narrow @ 55' and smaller net lot area of 9000 + sq. ft., compared to wider adjacent properties in the district. Due to the narrow lot, the side yard setback requirement of 15' creates a hardship. The existing structure is 9.5' from both side yard property lines creating setback encroachments of 5.5'. Any proposed improvements to existing structure will require a variance.

(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.*

Relief, if granted, would not cause substantial detriment or impair the purposed intent of the zoning ordinance. All zoning ordinances are instituted for the purpose and intent of protecting surrounding neighbors from proposed development. In this case, the structures use and building footprint will not substantially change, so not causing substantial detriment to neighbors or offending the intent of the ordinance. If granted, the proposed changes will help by offering services to fulfill public needs for medical services and will help offer neighborhood stability and future growth. Both contiguous property owners are in favor of the proposal and their letters are attached.

Highland Urgent Care and Family Medicine is a highly regarded service element of the in town community. Dr. Beaulieu enjoys the support of his adjacent neighbors; a synagogue, law office and Homeless Shelter. Together they provide essential services for the diverse community of which they are a part. We feel given the opportunity to present our minimally impacting construction plan to the local community, it will be well received

If any action, other than approving variance requested by owner is taken, such action will result in the deprivation of certain constitutional rights of the owner such as Article I, Section I, Paragraph I; Article I, Section I, Paragraph II; and Article I, Section III, Paragraph I; and Article I, Section I, Paragraph IX of the Georgia Constitution, and the First, Fifth and Fourteenth amendments to the United State Constitution.

Given this application meets all of the criteria required for approval, the owner respectfully requests that this application be approved.

Thank you

Nick Beaulieu

APR 27 2010
City of Atlanta
V-10-014

CLERK OF COUNCIL
CITY OF ATLANTA

V-10-014

CLERK OF COUNCIL
Atlanta, Georgia

JAN 27 2010
CLERK OF COUNCIL

SUBSTITUTE
AN ORDINANCE
BY: ZONING COMMITTEE

Date Filed: 10/9/87
Z-87-36

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection herewith be changed so that the following property located at 920-922 Ponce de Leon Avenue, N.E. to be changed from RG-3 (Residential-General-Sector-3) District to O-I-C (Office-Institutional-Conditional) Districts, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 16 of the 14th District, Eulton County, Georgia being more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION

SECTION 2. That this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta entitled "Conditional Development" and the Building Inspector shall issue a building permit for the development of the above described property only in compliance with the following conditions: NOTE: The conditional site plan hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Atlanta Board of Zoning Adjustment.

1. Site plan entitled "Proposed Offices for Teresa E. Clark" prepared by Carol M. Richard, AIA, dated July 13, 1987 and marked received by the City of Atlanta Zoning Division July 13, 1987.

SECTION 3. That the maps referred to, now on file in the Office of the Clerk of Council, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

(3/12/84)

true copy
Jerry C. Bender
DEPUTY CLERK CMC

ADOPTED by Council Dec. 21, 1987

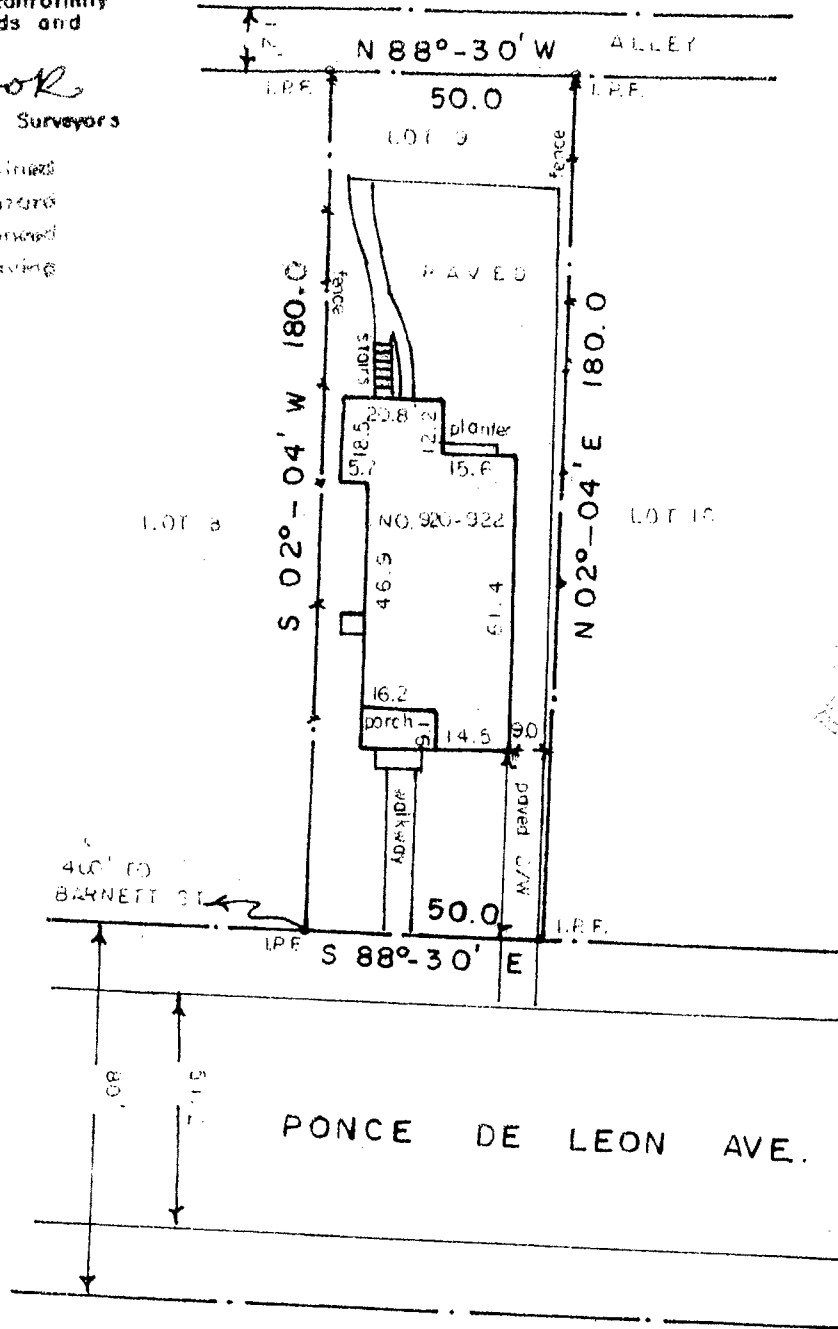
APPROVED

In my opinion, this plat is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

Noel W. Cook

Member Ga. Assn. Reg. Land Surveyors

I have this date, examined the FIA Official Flood Hazard Map and found referenced lots not in an area having special flood hazards.



RECORDED
JAN 27 2010
DEPT. OF REVENUE
PLATTING

V-10-014

LOT 9

JOHN B. DANIEL PROPERTY CO.

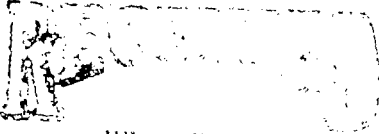
PLAT OF PROPERTY
for
TERESA E. CLARK



LAND LOT 16
FULTON COUNTY
NOEL W. COOK
JULY 7, 1987

14th DISTRICT
GEORGIA
LAND SURVEYOR
SCALE 1" = 40'

MAGNETIC



JUL 15 1987

2-87-3

CITY OF ATLANTA
ZONING DIVISION

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 16 of the 14th District of Fulton County, Georgia, being Lot 9, Subdivision of John B. Daniel Property, as per plat recorded in Plat Book 8, Page 63, Fulton County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point on the northerly side of Ponce de Leon Avenue 400 feet easterly, as measured along the northerly side of Ponce de Leon Avenue, from the corner formed by its intersection with the easterly side of Barnett Street, said point of beginning also being at the line dividing Lots 8 and 9 of said subdivision; running thence easterly along the northerly side of Ponce de Leon Avenue 50 feet to the southwesterly corner of Lot 10 of said subdivision; running thence northerly along the westerly line of Lot 10 of said subdivision 180 feet to the southerly side of a 12-foot alley; running thence westerly along the southerly side of said alley 50 feet to the northeasterly corner of Lot 8 of said subdivision; running thence southerly along the easterly line of said Lot 8 of said subdivision 180 feet to the northerly side of Ponce de Leon Avenue and the point of beginning, being improved property known as 920-922 Ponce de Leon Avenue, according to the present system of numbering houses in the City of Atlanta, Georgia.

V-10-014

JAN 27 2010
City of Atlanta
Planning



928 Ponce de Leon Avenue, Atlanta, GA 30306
www.chabadintown.org * www.intownjewishpreschool.org * www.intownjewishacademy.org *
www.campganizzy.net * www.intownhebrewschool.org

1/22/10

To: The Virginia Highlands Civic Association
From: Rabbi Eliyahu Schusterman
Re: Addition at 920 Ponce de Leon Ave Atlanta, GA. 30306

I am the next door neighbor to Highland Urgent Care and Family Medicine at 922 Ponce De Leon Ave Atlanta Ga. 30306. I have met with Dr. Nicholas Beaulieu and reviewed the proposed plans regarding the attic addition at that location.

I have no reservations regarding the construction or addition at this location. I am comfortable that this addition will not adversely impact my building or our activities there. I also trust that Dr. Beaulieu will conscientiously minimize any inconvenience related to our operations during the construction period.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to be "E. Schusterman".

Rabbi Eliyahu Schusterman

V-10-014

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Chabad
intown

1/22/10

To: The Virginia Highlands Civic Association

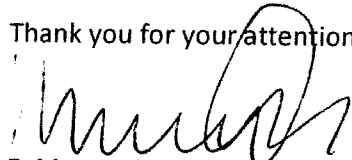
From: Marcus Davis Esq.

Re: Addition at 920 Ponce de Leon Ave Atlanta, GA. 30306

I am the next door neighbor to Highland Urgent Care and Family Medicine at 922 Ponce De Leon Ave Atlanta Ga. 30306. I have met with Dr. Nicholas Beaulieu and reviewed the proposed plans regarding the attic addition at that location.

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Thank you for your attention to this matter.



E. Marcus Davis, Esq.

V-10-014

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Bureau of
Planning

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: V-10-014
Application Type: Planning/BZA/Variance/NA
Address: 920 PONCE DE LEON AVE , ATLANTA, GA 30306

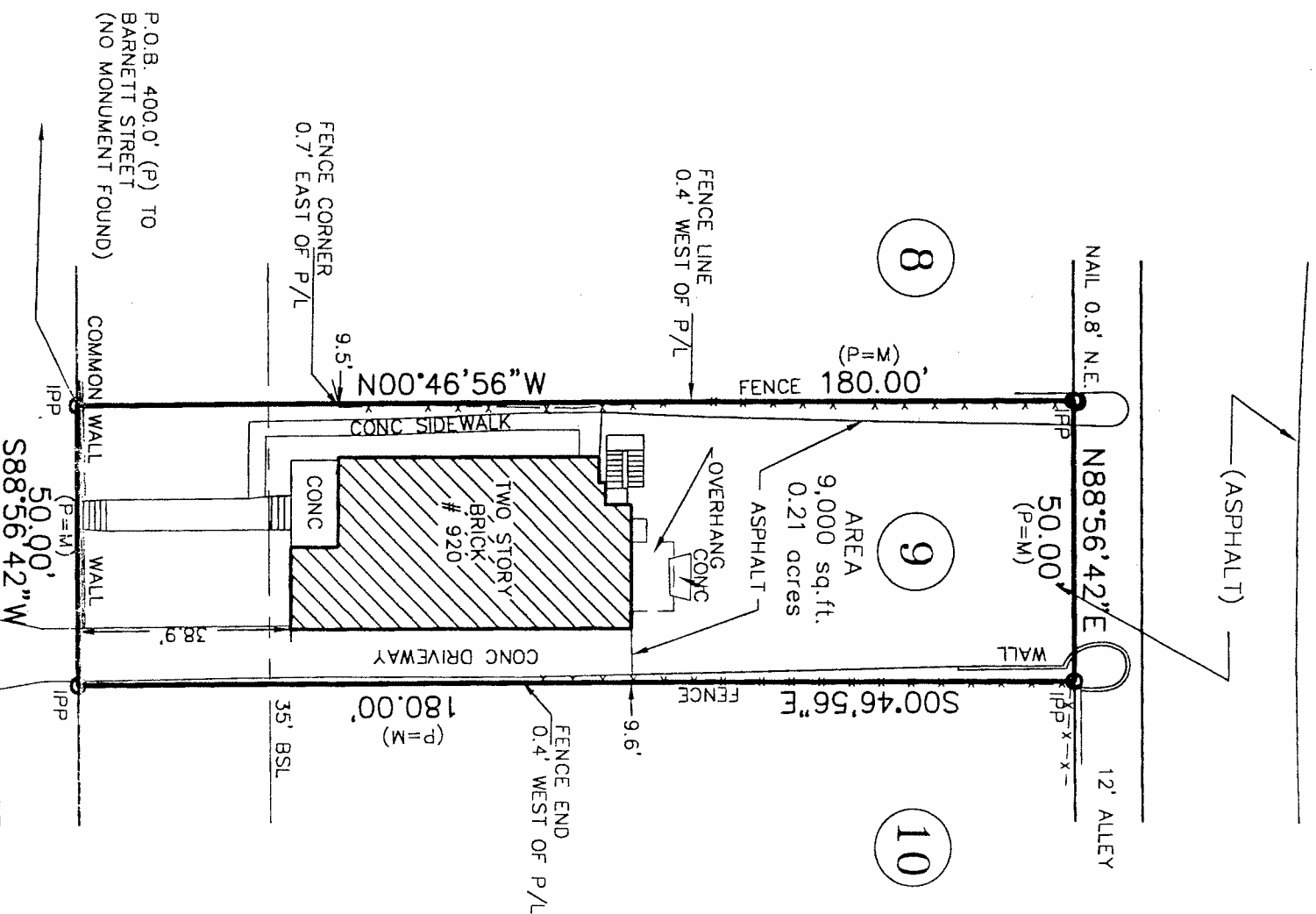
Receipt No.	223297				
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Check	5054	\$625.00	01/27/2010	SLEONARD	

Owner Info.: LAURUS HOLDINGS LLC

Work Description: Variance to reduce the west side yard setback from 15 ft. to 9.5 ft and reduce the east transitional side yard setback from 20 ft. to 9.5 ft. to allow for dormer additions for attic finish of an existing medical office building

A handwritten signature in black ink is written over a rectangular stamp. The signature appears to be 'PCIA # 5054'. The stamp contains the date 'JAN 27 2010' and the text 'CITY OF ATLANTA EX OFFICIO MUNICIPAL REVENUE COLLECTOR'.

- LEGEND
- CMP CORRUGATED METAL PIPE
 - DE DRAINAGE EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - BSL BUILDING SETBACK LINE
 - RBF REBAR FOUND
 - IPP IRON PIN PLACED
 - IPF IRON PIN FOUND
 - OTF OPEN TOP FOUND
 - CTF CRIMP TOP FOUND
 - RB REBAR
 - CB CATCH BASIN
 - JB JUNCTION BOX
 - HW HEAD WALL
 - POB POINT OF BEGINNING
 - MH MAN HOLE
 - R/W RIGHT-OF-WAY
 - PP POWER POLE
 - LL LAND LOT
 - M MEASURED
 - D DEED
 - P PLAT



PONCE DE LEON AVENUE 80'R/W

V-10-014

APR 27 2009



GRAPHIC SCALE

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

FIELD DATE 04/17/09

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR:		DATE	04/20/09
OWNER / PURCHASER		SCALE	1" = 30'
NICHOLAS BEAULIEU			
NICHOLAS BEAULIEU			

LAND LOT 16	14th DISTRICT	SECTION	FULTON COUNTY, GEORGIA
LOT 9	BLOCK	UNIT	AREA OF LOT: 9,000 S.F.

SUBDIVISION JOHN B. DANIEL PROPERTY		SOLAR LAND SURVEYING COMPANY	
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993	
		TELEPHONE (770) 794-9055 FAX (770) 794-9052	



JOB NUMBER: 09-00949

PLOTTED BY:

PLAT PREPARED FOR:

PLAT BOOK 8, PAGE 63
DEED BOOK, PAGE