

Notice To Applicant
City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-019**

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

Address of Property: **1955 Monroe Dr**

Board of Zoning Adjustment (BZA) Hearing Date:
Thursday, April 1, 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:

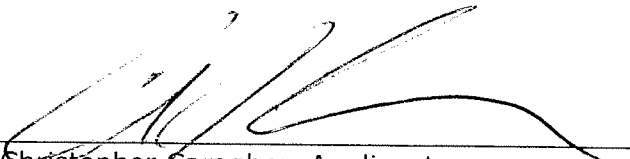
The contact person for NPU is:

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,


BOP, for Director, Bureau of Planning



Christopher Caragher, Applicant

APPLICATION FOR VARIANCE
City of Atlanta

0102 82123

Date Filed _____ Application Number V-10-019

Name of Applicant CHRISTOPHER J. CARAGHER Phone 404-438-2340

Address 413 MELROSE AVE DECATUR, GA 30030
street city state zip code

Name of Property Owner THE AMERICAN NATIONAL
REO CROSS Phone 404-876-3302

Address 2025 E STREET WASHINGTON DC 20006
street city state zip code

Description of Property

Address of Property 1955 MONROE DR. NE. ATLANTA, GA 30305

The subject property fronts 3749 feet on the EAST side of MONROE DR.
NORTH EAST beginning 750.04' feet from the WIMBLEDON ROAD corner of NORTH EAST

Depth: _____ Area: _____ Land Lot: 57 District: 17, FULTON County, GA.

Property is zoned: _____, Council District: _____, Neighborhood Planning Unit: F

TO THE BOARD OF ADJUSTMENTS: 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 Adjustments grant a Variance.

Justification For Request: On a separate sheet(s) of paper you must submit a full justification for your request based on the criteria outlined in the instructions (see Attachment 1). If the owner and applicant are not the same, please complete Attachment 2. If the applicant will be represented by an attorney, please complete Attachment 3.

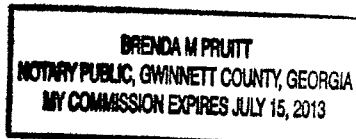
I hereby authorize the staff of the Bureau of Planning to inspect the premises of the above described property. I hereby swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before Me This 6 Day Of NOV, 2009

Brenda Pruitt

NOTARY PUBLIC

Christy Elrod
Owner or Agent for Owner (Applicant)





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

James Shelby
Commissioner
Dept. of Planning &
Community Development

Ibrahim Maslamani, CBO,
AIA,
Director
Bureau of Building

Zoning Enforcement Division

REFERRAL CERTIFICATE

COUNCIL DISTRICT 5
NPU F

APPLICATION NUMBER
DATE FILED 1-10-09

1. Christopher J. Caragher

Name of Applicant

BUILDING PERMIT AUTHORIZING Variance

at 1955 Monroe Drive
Street Address

N.E.
Quadrant

17TH/57
District & Land Lot

to be used for commercial purposes

The property is zoned OI District

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

Applicant seeks a variance from zoning regulations to reduce the required rear yard setback from 25ft to 0ft (as per special yards 16-28.007 (5) (f)) to allow for the construction of a radio tower (as per pending U-10-004). Applicant also seeks no further variance(s) request at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 10 Section 16-10.007 Paragraph (3) (c)

Chapter _____ Section _____ Paragraph _____

Chapter _____ Section _____ Paragraph _____

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

V-10-019

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, TIMOTHY ENGLISH FOR THE AM. NAT. RED CROSS (OWNER(S) NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT _____

1955 MONROE DR. ATLANTA, GA 30385 (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 CHRISTOPHER J. CARAGHER

ADDRESS 413 MELROSE AVE, DECATUR, GA
30030

TELEPHONE NUMBER 404-438-2340

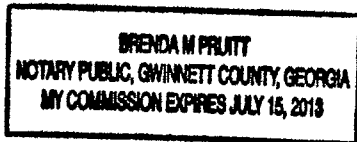
Timothy English
Signature of Owner

Personally Appeared
Before Me
Brenda Pruitt

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

Notary Public

11/6/2009
Date



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:

Commencing at a 3/8 inch rebar found at the intersection of the northerly right-of-way of Wimbledon Road (a 50 foot right-of-way) with the easterly right-of-way of Morrow Drive (a 50 foot right-of-way); Thence continuing with the said easterly right-of-way of Morrow Drive the following four courses: North 12 degrees 28 minutes 21 seconds West, a distance of 158.54 feet to a 1 inch crimped top pipe found; Thence along a curve to the right, an arc length of 64.86 feet, said curve having a radius of 72.97 feet with a chord distance of 58.84 feet, at North 07 degrees 24 minutes 56 seconds West to a 5/8 inch rebar found; Thence along a curve to the right, an arc length of 141.93 feet, said curve having a radius of 244.76 feet with a chord distance of 132.85 feet, at North 12 degrees 20 minutes 25 seconds East, to a 5/8 inch rebar found; Thence North 24 degrees 41 minutes 19 seconds East, a distance of 382.71 feet to a point, said point being the TRUE POINT OF BEGINNING. Thence continuing with the said easterly right-of-way of Morrow Drive, North 24 degrees 41 minutes 19 seconds East, a distance of 37.49 feet to a 1/2 inch rebar found in the division line between American Red Cross (Deed Book 2913 at Page 557) on the south and Twenty One Morrow, L.L.C. (Deed Book 20788 at Page 122) on the north; Thence departing the said easterly right-of-way of Morrow Drive and continuing with the said division line, South 83 degrees 29 minutes 09 seconds East, a distance of 270.63 feet to a 1/2 inch rebar found in the division line between the said American Red Cross on the south and Corporate Environments of Georgia, Inc. (Deed Book 1461 at Page 231) on the north; Thence continuing with the said division line, South 83 degrees 26 minutes 49 seconds East, a distance of 103.96 feet to a 1/2 inch rebar found in the division line between the said American Red Cross on the south and Quest Broadcasting, L.L.C. (Deed Book 21106 at Page 155) on the north; Thence continuing with the said division line between the said American Red Cross on the south and the said Quest Broadcasting, L.L.C. and continuing further with the said division line between the said American Red Cross on the west and Lois C. Franz (Deed Book 17529 at Page 243) on the east; Thence continuing with the said division line between the said American Red Cross on the west and Lois C. Franz and continuing further with Ann S. Kikorian, Trustee (Deed Book 34897 at Page 73) on the east, South 06 degrees 32 minutes 30 seconds West, a distance of 137.86 feet to a 1 inch crimped top pipe found in the division line between the said American Red Cross on the west and Lot 6A, Subdivision of the Suburban Realty Company's Property (Plot Book 31 at Page 19) on the east; Thence continuing with the said division line between the said American Red Cross on the west and the said Lot 6A and continuing with Lot 6B, Lot 70 and Lot 71 of the said subdivision, all on the east, South 06 degrees 27 minutes 06 seconds West, a distance of 241.34 feet to a 1/2 inch open top pipe found in the division line between the said American Red Cross on the west and Lot 72 of the said subdivision on the east; Thence continuing with the said division line between the said American Red Cross on the north and Lot 43 of the said subdivision on the south; Thence continuing with the said American Red Cross on the north and Lot 42 of the said subdivision on the east, South 06 degrees 27 minutes 37 seconds West, a distance of 60.04 feet to a 1/2 inch open top pipe found in the division line between the said American Red Cross on the north and Lot 43 of the said subdivision on the south; Thence continuing with the said American Red Cross on the north and Lot 42 of the said subdivision on the east, South 06 degrees 27 minutes 37 seconds West, a distance of 12.09 feet to a 1/2 inch open top pipe found in the division line between the said American Red Cross on the north and Lot 41 of the said subdivision on the south; Thence continuing with the said American Red Cross on the north and Lot 41 of the said subdivision on the south, North 13 degrees 41 minutes 10 seconds West, a distance of 359.52 feet to a 1/2 inch open top pipe found; Thence continuing through the said property of American Red Cross the following five courses: North 04 degrees 50 minutes 03 seconds East, a distance of 254.11 feet to a point; Thence North 31 degrees 57 minutes 11 seconds East, a distance of 175.98 feet to a point; Thence North 71 degrees 19 minutes 11 seconds East, a distance of 190.42 feet to a point; Thence North 06 degrees 26 minutes 17 seconds East, a distance of 77.97 feet to a point; Thence North 84 degrees 05 minutes 02 seconds West, a distance of 416.44 feet to a point on the said easterly right-of-way of Morrow Drive, said point being the TRUE POINT OF BEGINNING.

Total tract of land contains 5.552 Acres.

U-10-019

Justification for Variance

The American National Red Cross seeks to have granted variances from the City of Atlanta Zoning Ordinances that require: 1) antenna to be located within the buildable area of a property, and 2) a 15' side yard set back with respect to the re-erection of the 140' Emergency Radio Antenna. The antenna had been located on the original parcel for approximately fifty years before the parcel was subdivided and the portion containing the antenna was sold to Gables Residential for re-development in 2007. The antenna was subsequently removed and temporarily stored pending approval concerning its re-erection.

The proposed re-erection of the antenna meets each of the four required criteria for granting variances, as follows:

1. Extraordinary and exceptional conditions exist concerning the size, shape and topography of the parcel with respect to the antenna and its proposed location. The antenna is required for emergency radio communication, and as such the topography of the site allows the radio the direct communication pathway required to the other antenna with which it must communicate in emergency situations. Further, the proposed location of the antenna provides the necessary proximity to the equipment located within the building.
2. The application of the City of Atlanta zoning ordinance to this particular piece of property would result in an unnecessary hardship concerning the antenna, as The American National Red Cross would be impaired in meeting its obligations as chartered by Congress, potentially resulting in unnecessary delay responding to the public it serves.
3. The conditions pertaining to the re-erection of the antenna are certainly unique to the particular piece of property involved, as the antenna serves an emergency function unique to the American National Red Cross and the property involved contains the headquarters for the emergency response for the Atlanta region and potentially beyond.
4. Relief, if granted, would not cause any detriment to the public good nor impair the purpose and intent of the Zoning Ordinance of the City of Atlanta. In fact, the granting of this variance request would directly benefit the public, given the emergency function the tower and the American National Red Cross serve.

U10-019

U10-019



*Taking Care of the
Way People Live®*

City of Atlanta Bureau of Buildings
Atlanta, Georgia

February 4, 2009

To whom it may concern:

This letter is to confirm that LG Monroe LLC, aka Gables Midtown, has no objection to the American Red Cross' plan to relocate their emergency radio antenna tower within the 15-foot setback line between their property at 1955 Monroe Drive, Atlanta, and our property at 1925 Monroe Drive, Atlanta. This tower stood for many years on property we purchased from another division of the American Red Cross, and was disassembled to make way for the development of our property.

Sincerely,

Gables Residential Trust

Richard E. Munger
Regional Vice President of Investments

V-10-079

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: V-10-019
Application Type: Planning/BZA/Variance/NA
Address: 1955 MONROE DR , ATLANTA, GA 30324

Receipt No.	223472				
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Check	196440	\$625.00	01/28/2010	CGOODE	

Owner Info.: AMERICAN NATIONAL RED CROSS
1925 MONROE DR NE
ATLANTA, GA 30324

Work Description: variance to reduce rear yard setback from 25ft to 0ft to construct radio tower

PAID
01 28 2010
CITY OF ATLANTA
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Check 196440

C.G