

Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **V-10-114**

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

Address of Property: **1544 Piedmont Road**

Board of Zoning Adjustment (BZA) Hearing Date:

SEPT. 9, 2010 **Thursday, at 12:00 p.m.**

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU F is:

Penelope Cheroff
404-892-0229
pcheroff@cheroffgroup.com

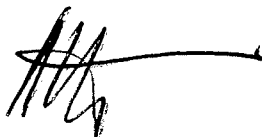
Contact info for adjacent NPUs is provided below if necessary:

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,



CMO, for Director, Bureau of Planning

_____
Kevin Curry, Applicant



RECEIVED
JUL 20 2010
Bureau of
Planning

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

Anthony Carter
Acting Director
Office of Building

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-10-114 Zoning Enforcement Division
NPU F (E) DATE FILED _____
1. Kevin Curry
Name of Applicant

BUILDING PERMIT AUTHORIZING Convert existing retail space into a restaurant

at 1544 Piedmont Ave., N.E. 17th / 56
Street Address Quadrant District & Land Lot
to be used for _____ Commercial _____ purposes
The property is zoned C-1 District

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

Applicant seeks a special exception from zoning regulations to reduce the off-street parking requirement from 890 parking spaces (required) to 756 parking spaces for the conversion of an existing retail space into a restaurant. Applicant seeks no other special exceptions at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 11 Section 16-11.10 Paragraph _____
Chapter _____ Section _____ Paragraph _____
Chapter _____ Section _____ Paragraph _____

Department of Planning and Development
Office of Buildings
Anthony Carter, Acting Director
Ann Heard, Chief Zoning Division

Applicant: Kevin Curry Zoning Plan Reviewer: Anthony Carter

APPLICATION FOR VARIANCE
City of Atlanta

Date Filed _____ Application Number V-10-114
Name of Applicant KEVIN CURRY Daytime Phone 404.898.9056

Company Name SELIG ENTERPRISES, INC mail kcurry@seligenterprises.com

Address 1100 SPRING ST. #550, ATLANTA, GA 30309
street city state zip code

Name of Property Owner SELIG ENTERPRISES, INC by: KEVIN CURRY, V.P. Phone 404.876.5511

Address 1100 SPRING ST #550, ATLANTA, GA 30309
street city state zip code

Description of Property

Address of Property 1544 PIEDMONT RD OR

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

Depth: _____ Area: 15.5 AC Land Lot: 56 District: 17, FULTON County, GA.

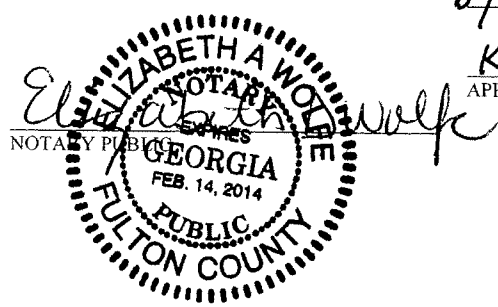
Property is zoned: C-1, Council District: 6, Neighborhood Planning Unit: F (E)

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 19 Day Of July, 2010

by: S. Kevin Curry, V.P.
Owner or Agent for Owner (Applicant)
KEVIN CURRY
APPLICANT'S NAME IN PRINTED LETTERS



V-10-114

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: CHANGE USE OF 4,318 SF RETAIL SPACE TO RESTAURANT.

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.

MA, covered square feet / _____ total lot square feet = _____% proposed lot coverage
_____ % 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 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.

V-10-1K

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN Land Lot 56, 17th District, Fulton County, Georgia, containing 15.51 Acres or 675,694 square feet to the centerline of Clear Creek in accordance with a plat of survey and being more particularly described as follows:

Commencing at the intersection of the Western Right-of-Way line of Piedmont Avenue NE (70' Right-of-Way) and the Southern Right-of-Way line of Monroe Drive NE (70' Right-of-Way); Thence leaving the Right-of-Way line of Piedmont Avenue NE, and traveling along Monroe Drive NE, North 32 degrees 14 minutes 41 seconds West, a distance of 141.41 feet to a 1/2" rebar found, said rebar being the POINT OF BEGINNING; Thence leaving the Southern Right-of-Way line of Monroe Drive NE (70' Right-of-Way), South 40 degrees 09 minutes 18 seconds West, a distance of 160.15 feet to a point; Thence South 32 degrees 21 minutes 04 seconds East, a distance of 147.55 feet to a 1" rod found on the Western Right-of-Way line of Piedmont Avenue NE (70' Right-of-Way); Thence along said Right-of-Way, South 39 degrees 57 minutes 25 seconds West, a distance of 234.17 feet to a point in the center of Clear Creek, said point being known as "Point A"; Thence in a Westerly direction along the centerline of Clear Creek said centerline being the boundary line +/-689.1 feet, to a point said point being known as "Point B", said direction and distance being subtended by a survey tie-line of the following course and distance from "Point A to Point B"; Thence North 52 degrees 29 minutes 05 seconds West, a distance of 681.67 feet to a point on the Northern Right-of-Way line of Southern Railway (200' Right-of-Way), said point being known as "Point B"; Thence leaving the centerline of Clear Creek and continuing along said Right-of-Way, North 25 degrees 18 minutes 56 seconds West, a distance of 800.69 feet to a point; Thence leaving the Northern Right-of-Way line of Southern Railway (200' Right-of-Way), North 70 degrees 16 minutes 47 seconds East, a distance of 526.22 feet to a 5/8" rebar found on the Southern Right-of-Way line of Monroe Drive NE (70' Right-of-Way); Thence along said Right-of-Way, South 32 degrees 24 minutes 37 seconds East, a distance of 300.90 feet to a point; Thence along said Right-of-Way, South 32 degrees 14 minutes 41 seconds East, a distance of 751.85 feet to a 1/2" rebar found, said rebar being the POINT OF BEGINNING.

Ansley Mall Parking Variance Request

V-10-114

By Selig Enterprises, Inc. 7/19/10

1) Extraordinary and Exceptional Conditions:

The exceptional conditions at Ansley Mall are because of the age of the center. Ansley Mall was developed and built in 1960. At the time all development codes were met by the project including parking. The parking ratio is 756 spaces for 175,879sf or 4.3 spaces/ thousand square feet. We are not expanding the existing buildings and given the size and configuration of the buildings and the parking areas, we are confined to existing parking counts. A few years ago we tightened the efficiency of our parking areas in order to plant trees within the parking fields and along the perimeter, so we have exhausted our options to add more parking spaces at the center.

Selig has owned Ansley mall since 1972 and we have never experienced a situation when parking was not available for patrons of the mall.

Lastly, we are in extraordinary times and in order to compete in today's difficult real estate market, we must be in a position to market to restaurant tenants since so few retail tenants are expanding or opening at this time. We cannot do so without a parking variance.

2) Unnecessary Hardship:

Most points made on the previous explanation note apply here as well. This is an unnecessary application of the parking code, because in the 38 years that Selig has owned Ansley Mall, we have never had a parking problem, despite having many restaurants open at the center through the years. Specifically, Morrison's (12,000 sf) and then Piccadilly (5,600sf) restaurants occupied space in Ansley Mall for many years without parking issues. Piccadilly has recently closed and a retail tenant has since occupied the space. If our proposed restaurant tenant had been available to occupy the previous Piccadilly space, no variance would have been needed because the restaurant use would have been "grandfathered".

3) Particular to this Property:

The Ansley Mall property is the only commercial/ retail parcel of its size in this area of the Morningside/ Ansley community and has become an "institution" for these communities. Because of this unique situation and the previously noted age of the center, the conditions surrounding our request are particular to Ansley Mall.

4) No Detrimental Effect:

In the 38 years Selig has owned Ansley Mall (even when multiple restaurants were open and operating) we have never experienced a time when patrons to the center could not adequately find on-site parking. As many recent parking studies in the real estate industry have illustrated, a diverse, urban, multi- use-tenanted center like Ansley Mall enjoys a great deal of complimentary peak parking demand, thus cutting down on the necessary overall parking ratio for the center.

Additionally, allowing the variance will in fact add benefit and enjoyment to the surrounding communities. We pride ourselves on being involved in the adjoining communities. At Ansley Mall we have listened to community representatives and consistently act to bring to the Mall the tenant mix desired and needed by our neighbors. We believe the tenant we are proposing would be overwhelmingly supported by the community, with no detrimental effects to the community.

SIGN POSTING AFFIDAVIT

SIGN MUST BE POSTED BY:

PUBLIC HEARING DATE:

APPLICATION NUMBER: **V-10-114**

NAME OF APPLICANT: **kevin Curry**

PROPERTY ADDRESS: **1544 Piedmont Road**

Describe the location on the property where the sign(s) were posted:

_____ Date posted: _____

"I SWEAR THAT ON THE ABOVE POSTING DATE, I PERSONALLY POSTED IN THE MOST CONSPICUOUS PLACE POSSIBLE ON THE PREMISES AFFECTED BY THIS APPLICATION, SIGN(S) AS INDICATED ABOVE."

KEVIN CURRY, APPLICANT

PERSONALLY APPEARED BEFORE ME PERSON(S)
OF THE ABOVE NAME(S), WHO SWEAR THAT THE
INFORMATION CONTAINED IN THIS AFFIDAVIT
IS TRUE AND CORRECT TO THEIR BEST
KNOWLEDGE AND BELIEF.

NOTARY PUBLIC

DATE

Please mail or deliver this completed affidavit to the Bureau of Planning at the address listed below. You may fax a copy to 404-658-7491, but **this original affidavit must be received by the Bureau of Planning at least five days before your hearing date.** You may post the sign earlier than the posting date, but not later.

City of Atlanta
Bureau of Planning
attn: Brandi Crawford
55 Trinity Ave., Suite 3350
Atlanta, Georgia 30303

RECEIPT

CITY OF ATLANTA
 ATLANTATEST
 55 TRINITY AVE SW

Application: V-10-114
Application Type: Planning/BZA/Special Exception/NA
Address: 1544 PIEDMONT AVE , ATLANTA, GA 30324
Owner Name: SELIG ENTERPRISES INC
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
236676	220900	\$625.00	07/20/2010	SLEONARD		

Owner Info.: SELIG ENTERPRISES INC

Work Description: Special exception to reduce the off-street parking req's from 890 spaces to 756 spaces for the conversion of an existing retail space into a restaurant.

PAID
 CITY OF ATLANTA
 JUL 20 2010
 EX OFFICIO MUNICIPAL
 REVENUE COLLECTOR