

CITY OF ATLANTA

Office of Buildings - Zoning Division
55 TRINITY AVENUE, SUITE 3900
Atlanta, Georgia 30303
404-330-6175

REFERRAL CERTIFICATE

COUNCIL DISTRICT APPLICATION NUMBER V-15-194
NPU DATE FILED 7/21/2015

1. Dianne Barfield

Name of Applicant
BUILDING PERMIT AUTHORIZING
Special exception (church)

at 798 - 800 North Highland Avenue, NE 14/16
Street Address Quadrant District & Land Lot

to be used for church -assembly purposes

The property is zoned NC-12 SA1 District

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

Applicant seeks a special exception from zoning regulations to allow for a portion of an existing commercial building to be converted to a church. Applicant seeks no further variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 32 Section 16-32.007 Paragraph (3) (a)

Chapter Section Paragraph

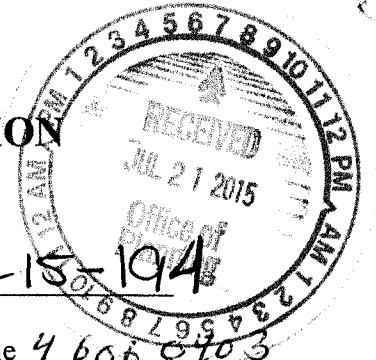
Chapter Section Paragraph

Handwritten signature and date 7/21/15 for Plan Reviewer

Handwritten signature and date 7-20-15 for Applicant

NOTE: Please be advised the parking was based on the data provided for grandfathered conditions of the site.

APPLICATION FOR SPECIAL EXCEPTION
City of Atlanta



Date Filed 7/21/2015 Application Number V-15-194
Name of Applicant DIANNE BARFIELD Daytime Phone 4606 0703
Company Name BARFIELD CONSULTANTS LLC email barfieldconsult@aol.com
Address P.O. Box 475 MORROW GA 30260
street city state zip code

BARBARA LINDSCOTT
Name of Property Owner 798 N. Highland LLC Phone _____
Address 5607 Glenridge Dr suite 200 Atlanta GA 30342
street city state zip code

Description of Property

Address of Property 798/800 North Highland Dr., OR ⁸⁰³⁰⁶
The subject property fronts 50.3 feet on the West side of
North Highland Ave beginning 257.1 feet from the
NW corner of St Charles Ave.
Depth: Varies Area: 8382 Land Lot: 16 District: 14, Fulton County, GA.
NC-
Property is zoned: 12, Council District: _____, Neighborhood Planning Unit: _____

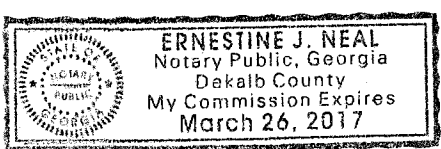
TO THE BOARD OF ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

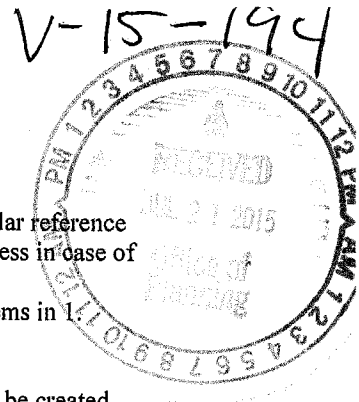
I hereby authorize the staff of the Office of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Planning upon filing this application. I swear 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 16 Day Of Jul 20015

Dianne Barfield
Owner or Agent for Owner (Applicant)
Dianne Barfield
NAME OF APPLICANT IN PRINTED LETTERS

Ernestine J. Neal
NOTARY PUBLIC





CHURCHES ON LOTS OF LESS THAN ONE ACRE

1. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in 1. above.
3. Refuse and service areas.
4. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
5. Hours and manner of operations.
6. Length of time regarding the duration of such permit, if any.
7. Required yards and other open spaces.

PARKING. The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any district when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot. If you propose to provide off-site parking spaces, please see the attached Standards for Off-site Parking Agreements (p. 8).

WALLS AND FENCES. Any request for walls or fences should include:

1. a site plan showing the full extent of the wall or fence; and
2. a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

The Board of Zoning Adjustment may grant Special Exceptions in any district for greater heights of walls and fences only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or,
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

ACTIVE RECREATION FACILITIES: The BZA may grant a Special Exception to permit active recreation in yards adjacent to streets in residential districts only upon finding that:

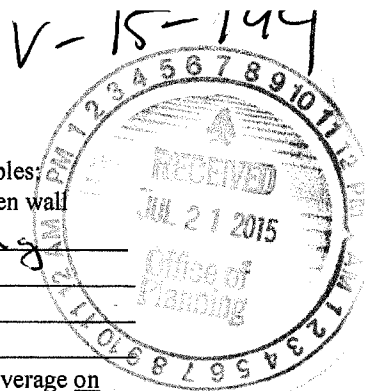
1. The location will not be objectionable to occupants of a neighboring property or the neighborhood in general by reason of noise, lights or concentration of persons or vehicular traffic; and
2. The area for such activity could not reasonably be located elsewhere on the lot.

In some cases, applications for a swimming pool or tennis court adjacent to a street may also need a Special Exception for a wall or fence. This should be verified with the Zoning Enforcement Division of the Office of Buildings prior to making application.

SATELLITE DISHES: The BZA may permit satellite receiving dish antennae to be erected in any yard, (required or other), or attached to the primary or an accessory structure. However, such Special Exception shall be granted only upon finding that the location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of visual unsightliness, potential hazard to pedestrian or vehicular traffic movement, or the obstruction of light or air to adjoining properties; and the equipment could not reasonably be located elsewhere on the lot. However, a problem related solely to signal reception standards shall not be considered sufficient grounds for granting relief under this paragraph.

NONCONFORMING USES AND STRUCTURES: See Section 16-24.001 through Section 16-24.007 of the City of Atlanta Zoning Ordinance and the following subsections:

1. Expansion of nonconforming uses or structures or of major structures and premises in combination: See Section 16-24.005(i).
2. Replacement or reconstruction of a destroyed major structure containing a nonconforming use: See Section 16-24.005(6)(b).
3. Expansion of a nonconforming use in R-4 (Single-Family Residential) and R-5 (Two-Family Residential) districts: See Section 16-24.005(7)(a).



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.") Convert existing Night Club to a church; interior alterations only

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

8382 covered square feet / 8382 total lot square feet = 100 % proposed lot coverage
NA % maximum allowed lot coverage

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

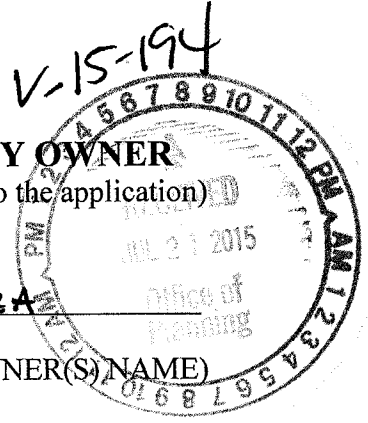
Schedule. There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached.

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 Office 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 Office 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 Office 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)

TYPE OF APPLICATION SPECIAL EXCEPTION - BZA

I, 798 N HIGHLAND, LLC (OWNER(S) NAME)

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

798 N. HIGHLAND, ATLANTA, GA (PROPERTY ADDRESS).

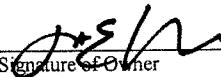
AS SHOWN IN THE RECORDS OF FULTON COUNTY, GEORGIA WHICH
IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I

AUTHORIZE THE PERSON NAMED BELOW TO ACT AS THE APPLICANT
IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT 798 N HIGHLAND, LLC

ADDRESS 5607 GLENRIDGE DR., SUITE 200
ATLANTA, GA 30342

TELEPHONE NUMBER 404.570.0105

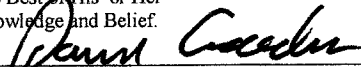

Signature of Owner

JASON LINSOTT
- AS PRINCIPAL OF
798 N HIGHLAND, LLC

Personally Appeared
Before Me

Jason Linscott

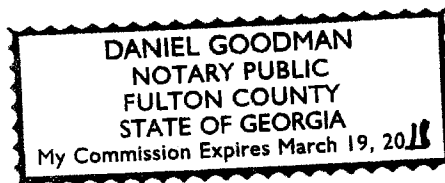
Who Swears That The
Information Contained
In This Authorization
Is True and Correct To
The Best of His or Her
Knowledge and Belief.



Notary Public

7/2/15

Date



798/800 North Highland Ave.

Justification for Exception

Applicant seeks special exception to convert an existing night club to a church. The subject property was originally built as the old Hilan Theater and housed the theater with two tenant spaces in the front of the building. The theater space was formally the Metropolitan church and was subsequently converted to the John Harvard Brew House (later proposed for the Cotton Club). The existing structure completely covers the lot and has no onsite parking; therefore, the parking is a nonconforming characteristic of use.

The provisions of the zoning ordinance for the granting of a special exception are met as follows:

- Special exception is compatible to surrounding areas; only interior changes to the building are proposed; no changes would impact light and air to adjoining properties.
- The use of the facility is compatible with other existing commercial developments; the subject block is developed with a variety of retail and restaurant uses. The conversion of this space for church purposes does not have an adverse effect on the public interest. This proposed use reduces the impact on the community by the very nature of its operation, especially when compared to the existing night club status. The public good is served by reducing the intensity of activity that other types of uses permitted at this location would create. The church has limited hours of operation and meets on a weekly basis only. This greatly reduces the traffic, noise and number of people associated with the property. The proposed church is a well-established small congregation that has a significant membership based in the Virginia Highlands; and several members have sent letters of support to the Virginia Highlands Civic Association. The church mission includes a commitment to community and its members are involved in a variety of causes. They wish to maintain this commitment and to relocate to an area that is convenient to its members.

Parking Analysis;

The provisions of the City of Atlanta Zoning Ordinance, Section 16-24.006 Nonconforming Characteristics of Use provides as follows:

If accessory characteristics of use, such as off-street parking and loading, lighting, or other matters pertaining to the use of land, structures or premises are made nonconforming by this chapter as passed or amended, no change shall be made which increases the degree of nonconformity with the requirements of this chapter, but changes may be made which result in the same or lesser degree of nonconformity.

An analysis of the required parking has been made by the Office of Buildings, Zoning Division and a determination made that the change of use to a church in combination with the two other tenants does not increase the degree of nonconforming characteristics. (128 Parking Spaces)

798/800 North Highland Avenue

Legal Description

All of that parcel of land lying and being in Land Lot 16 of the 14th District of Fulton County, Georgia and more particularly described as follows:

BEGINNING at a point 257.1 feet, more or less, from the northwest intersection of St. Charles Avenue and North Highland Avenue; said point being the true point of beginning; running thence north along the western right of way of North Highland Avenue a distance of 50.3 feet to a point; running thence in a westerly direction a distance of 166.6 feet to a point at a 10 foot alley; running thence south along said 10 foot alley a distance of 50.3 feet to a point; running thence east a distance of 167.5 feet to a point at the western right of way of North Highland Avenue; said point being the point of beginning. Property known as 798/800 North Highland Avenue according to the number system of the City of Atlanta.