



OFFICE OF PLANNING
55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **V-16-121**
DATE ACCEPTED: **05/11/2016**

NOTICE TO APPLICANT

Address of Property:
1492 Piedmont AVE NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, July 7, 2016 at 12:00 p.m.

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

The contact person for NPU F is:

Charles Nalbone
404-376-3230
Zoning@npufatlanta.org

Contact info for adjacent NPU E is provided below if necessary:

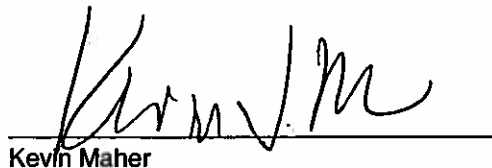
Additional Contacts:

Nabil Hammam
404-886-8448
Nabilhammam5@gmail.com

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.

Signed,


TT, for Director, Bureau of Planning


Kevin Maher



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

Tim Keane, Commissioner
Dept. of Planning &
Community Development

Gregory L. Pace
Interim Director
Office of Buildings

Zoning Enforcement Division

REFERRAL CERTIFICATE

COUNCIL DISTRICT 6 APPLICATION NUMBER V-16-121

NPU F DATE FILED 5.11.16

1. Kevin Maher

Name of Applicant



BUILDING PERMIT AUTHORIZING

Enclose existing patio for addition

at 1492 Piedmont Ave., N.E. 17th / 56
Street Address Quadrant District & Land Lot

to be used for Commercial purposes

The property is zoned C-1 / Beltline District

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

Applicant seeks a special exception from zoning regulations to reduce the required off-street parking spaces from 280 spaces (required) to 243 spaces to enclose an existing patio for an addition to an existing eating and drinking establishment. Applicant seeks no other special exceptions at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 11 Section 16-11.010 Paragraph (11)

Chapter _____ Section _____ Paragraph _____

Department of Planning and Development
Office of Buildings
Gregory L. Pace, Interim Director

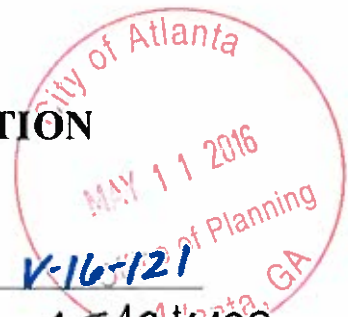
Please note that an accurate parking analysis was not provided. Applicant will need to provide detail parking analysis of uses and floor area of each suite for accurate parking reduction required.

Kevin J. Maher

Gregory L. Pace 5/11/16

APPLICATION FOR SPECIAL EXCEPTION

City of Atlanta



Date Filed 5-11-16 Application Number V-16-121
Name of Applicant KEVIN MAHER Daytime Phone 404-549-4499
Company Name PLACE MAKER DESIGN email kmahero@placemakerdesign.com
Address 4300 PACES FERRY RD, STE 357, ATLANTA GA 30339
street city state zip code

Name of Property Owner ROBERTS & SHEFRIN, LLC
KENNETH ROBERTS Phone _____
Address 3225 SHALLOWFORD RD, STE 620, MARIETTA GA 30062
street city state zip code

Description of Property

Address of Property 1492 PIEDMONT AVE OR
(1510 PIEDMONT AVE IN TAX RECORDS)
The subject property fronts _____ feet on the _____ side of
_____ beginning _____ feet from the
_____ corner of _____
Depth: _____ Area: _____ Land Lot: 56 District: 17, FULTON County, GA.
Property is zoned: G1, Council District: 6, Neighborhood Planning Unit: F

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 10th Day Of May, 20016



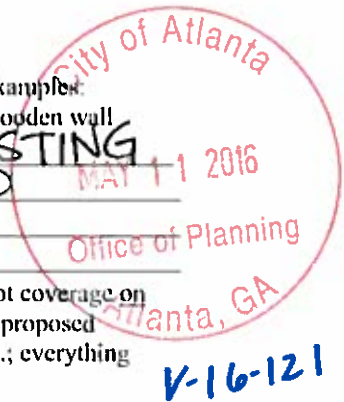
Christy Georges
PUBLIC

Kevin Maher
Owner or Agent for Owner (Applicant)
KEVIN MAHER
NAME OF APPLICANT IN PRINTED LETTERS

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.")

ENCLOSE EXISTING REAR PATIO



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.

_____ covered square feet / _____ total lot square feet = _____ % proposed lot coverage
_____ % 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's), 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.



May 10, 2016



SPECIAL EXCEPTION APPLICATION JUSTIFICATION

1492 Piedmont Avenue, NE
Atlanta, GA 30309
(Property is zoned C-1)

Requested Special Exception:

A parking reduction of 63 spaces for the entire Ansley Square Shopping Center from the required 280 total (refer to the attached Parking Summary for the parking calculations)

for the following reasons:

We are asking for a parking reduction for the property located at 1492 Piedmont Avenue. The subject property is Ansley Square, a shopping center built in 1980 that is currently a mix of restaurant, retail and office uses. The center is also immediately adjacent to the beltline and, as such, its tenants would like to take advantage of and also contribute to what makes the beltline project the success that it is. Specifically, a current tenant (Mixx) who backs up to the beltline would like to upgrade what they can offer to their patrons by becoming more of a traditional restaurant. This would include renovating what is currently the back of their tenant space to provide a new enclosed dining area. To do this, additional parking would be required for the additional area provided.

In working with the zoning for the site along with the beltline overlay, the current site becomes under parked only on weekdays during the hours of 4pm to 5:30 pm which is when the office and retail uses are open at the same time as the restaurant and night club uses. This is actually false data in that the restaurant uses are not maximized until after the 5:30 hour as these are not the peak times for these tenants. The actual condition is that the time of the day where there is the most parking available is after lunch and before 7 pm.

End of Special Exception Application Justification



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

I, KENNETH ROBERTS (OWNER(S) NAME)

OPERATING MANAGER OF THE
SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT 472

REDMONT AVE (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 KEVIN MAHER

ADDRESS 4300 Paces Ferry Rd #357
Atlanta, GA 30339

TELEPHONE NUMBER 404.549.4499

[Signature]
Signature of Owner
Operating Manager
Roberts & Sherrin LLC

Personally Appeared
Before Me
Kenneth Roberts

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

12/9/2014
Date

DAWN M. WAYAND
Notary Public, State of New York
No. 01WA6249053
Qualified in Bronx County
Commission Expires October 3, 2015

CITY OF ATL BLDG PERMI
55 TRINITY AVE STE 1350
ATLANTA, GA 30303

05/11/2016
Merchant ID:
Terminal ID:
184191133992

10:24:33 INITY DEVELOPMENT
000000004009798
06347552

PAID
CITY OF ATLANTA
MAY 11 2016
TAX OFFICIO MUNICIPAL
REVENUE COLLECTOR

CREDIT CARD
VISA SALE

?1
ig/BZA/Special Exception/NA
IEDMONT AVE NE, ATLANTA, GA 00000
s & Shefrin, LLC
TEENTH ST NE 1425 ATLANTA,GA 30309

CARD #
INVOICE
Batch #:
Approval Code:
Entry Method:
Mode:
Tax Amount:

XXXXXXXXXXXX2413
0003
000397
405020
Swiped
Online
\$0.00

Payment Date	Cashier ID	Received	Comments
05/11/2016	PLUKE		

SALE AMOUNT \$625.00

CUSTOMER COPY

g regulations to reduce the required off-street parking
(quired) to 243 spaces to enclose an existing patio for an
addition to an existing eating and drinking establishment

Ansley Square Parking Summary (by half-hour)

Tenant	4:00-4:30 pm	4:30-5:00 pm	5:00-5:30 pm	5:30-6:00 pm	6:00-6:30 pm	6:30-7:00 pm	7:00-7:30 pm	7:30-8:00 pm	8:00-8:30 pm	8:30-9:00 pm	9:00 pm and later
Bangkok Thai			17.32	17.32	17.32	17.32	17.32	17.32	17.32	17.32	17.32
Mixx (Existing)	42.67	42.67	42.67	42.67	42.67	42.67	42.67	42.67	42.67	42.67	42.67
Top Shoe Repair	3.75	3.75	3.75	3.75							
Burkhardt's Pub	48.84	48.84	48.84	48.84	48.84	48.84	48.84	48.84	48.84	48.84	48.84
Brushstrokes	10	10	10	10	10	10	10	10	10	10	10
Oscar's	17.81	17.81	17.81	17.81	17.81	17.81	17.81	17.81	17.81	17.81	17.81
Su's Chinese	19.05	19.05	19.05	19.05	19.05	19.05	19.05	19.05	19.05	19.05	19.05
Felix's Bar	18.83	18.83	18.83	18.83	18.83	18.83	18.83	18.83	18.83	18.83	18.83
Brushstrokes	9.38	9.38	9.38	9.38	9.38	9.38	9.38	9.38	9.38	9.38	9.38
VCA	26.61	26.61	26.61	26.61	26.61	26.61	26.61	26.61	26.61	26.61	26.61
Domestic Comfort	42.15	42.15	42.15								
Empty Office	7.62	7.62	7.62								
Empty Office	7	7	7								
Empty Office	2.92	2.92	2.92								
Empty Office	5.33	5.33	5.33								
Peak Parking	261.96	261.96	279.28	214.26	210.51	210.51	210.51	210.51	210.51	210.51	210.51

V-16-121



Current Conditions

Total Minimum Parking Required is 280 spaces at peak half-hour of 5:00 to 5:30

Total Parking Provided per new survey is 243 spaces (figure 37 spaces short at peak)

Parking available in former nursery area is 23 spaces (figure 14 spaces short if these spaces considered)

Future Development

Mixx Patio Enclosure requires 15.4 spaces

Mixx Outdoor Dining requires 10.22 spaces

Total Additional Spaces required is 26

Summary

280 spaces at peak time + 26 future Mixx spaces = 306 spaces required

243 existing spaces per new survey

63 additional spaces required