NOTICE TO APPLICANT

Address of Property:  
1835 Piedmont RD NE

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

Board of Zoning Adjustment (BZA) Hearing Date:

Thursday, February 2, 2017 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 NPUs is provided below if necessary:

Additional Contacts:

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,

Jaylan Thompson  
Director, Bureau of Planning

[Signature]

Attorney for Applicant

[Signature]  
Dorothy Friedmann
COUNCIL DISTRICT _____ APPLICATION NUMBER V16-322

NPU _________________ DATE FILED _______________

1. Oz Friedman

Name of Applicant

BUILDING PERMIT AUTHORIZING

Construction of a mixed use building

at 1835 Piedmont Rd NE 17th/50

Street Address Quadrant District & Land Lot

to be used for commercial purposes

The property is zoned C2/R4 District

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

Applicant seeks a special exception from the zoning ordinance to (1) reduce the required on-site parking spaces from 65 spaces to 46 spaces; (2) A special exception to reduce the required loading spaces from two 12'x35' spaces to 0 spaces. To allow construction of a mixed use building containing multifamily and restaurant use on the C-2 portion of property.

(no plan review conducted)

Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 12 Section 16-12.009 Paragraph (4)(16)

Chapter 28 Section 16-28.015 Paragraph

Chapter _______ Section _______ Paragraph

Chapter _______ Section _______ Paragraph

Plan Reviewer Date

Attorney for Applicant

Applicant Date
APPLICATION FOR BOARD OF ZONING ADJUSTMENT

Please mark “X” next to the type of application(s) you are submitting:

<table>
<thead>
<tr>
<th>Variance</th>
<th></th>
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<tbody>
<tr>
<td>Special Exception</td>
<td>X</td>
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<tr>
<td>Variance &amp; Special Exception</td>
<td></td>
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</tbody>
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Date Filed __________________  Application Number V-16

Name of Applicant Oz Friedmann  Daytime Phone (678) 608-0907

Company Name (if applicable) CPT Morningside Heights, LLC  email  OFreidmann@mcrtrust.com

Address 3715 Northside Parkway  Atlanta  GA  30327

daytime Phone

Name of Property Owner Development Authority of Fulton County  Phone (404) 873-8124

Address 141 Pryor Street NW  Atlanta  GA  30303

Description of Property

Address of Property 1835 Piedmont Avenue, Atlanta, GA 30324

Area: 0.527 acres  Land Lot: 50  District: 17  Fulton County, GA.

Property is zoned: C-2 & R-4  Council District: 6  Neighborhood Planning Unit (NPU): 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 a Variance or Special Exception.

I hereby authorize the staff of the Office of Zoning and Development 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 Zoning and Development 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.

Owner or Agent for Owner (Applicant)

Chad Dubeau

Print Name of Owner

Sworn To And Subscribed Before  Day Of Nov, 2016.

C. McKee

NOTARY PUBLIC
SUMMARY & JUSTIFICATION FOR SPECIAL EXCEPTIONS

Directions: Complete responses must be provided. Incomplete applications will not be accepted. The space below may only be utilized for the summary of proposal or responses may be submitted in a separate attachment. Specific criteria for Board approval of special exceptions may be found on page 9. The justification must address these criteria. Please submit a separate justification for responses to the applicable special exception criteria.

State whether the property described in this application is subject to a pending application or ordinance for a Rezoning or Special Use Permit. ___ YES ___ X NO. (If yes, the variance/special exception request will be rescheduled to a hearing following the final approval by City Council & the Mayor.)

Summary of proposed special exception request (shall not replace submittal of written criteria). (Examples: “Installation of a swimming pool adjacent to the public right of way (“active recreation”), “Install a 6-foot high opaque wooden wall (‘privacy fence’ with 6-foot high opaque wall gates.”).

☐ Parking & Loading: List the maximum number of employees who will park on the site at any given time: _____ 10 ______ 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: _____ 80 ______. If you propose to provide off-site parking, see the attached Standards for off-site Parking Agreements (page 10).

☐ Walls and Fences: Any request for walls or fences should include a site plan and elevations showing the full extent of the wall or fence and a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

☐ Active Recreation:

☐ Non-Conforming Uses & Structures (i.e. duplex):

☐ All other Special Exception Requests:
I. SUMMARY:

The applicant seeks the following special exceptions pursuant to this application:

1. Special exception from Section 16-12.009(4) and 16-12.009(16) to reduce the required number of parking spaces for a mixed use building containing multifamily residential use and restaurant use on the C-2 portion of the property from 65 spaces required to 46 spaces provided. Parking for the R-4 portion of the lot is met independently from this calculation.

2. Special exception from Section 16-28.015 to reduce the required loading spaces from two 12’x35’ spaces required to 0 onsite spaces.

The proposed development is the second phase of a larger mixed use development located at 1845 Piedmont Avenue. This second phase consists of 20 multifamily units and a 4,500 square foot commercial space fronting on Piedmont Avenue. In the rear of the subject lot is a single family home on the R-4 portion of the lot. The phase one and phase two developments are connected by a shared vehicular drive from Piedmont Avenue and an elevated pedestrian bridge over the drive to provide resident access between the two buildings. The development on the property has been permitted by the City of Atlanta is under active vertical construction. The parking reduction is necessary because the applicant seeks to provide a restaurant in the 4,500 square foot commercial space which triggers a higher parking requirement than the retail use originally proposed.

The parking requirements for the single family structure on the R-4 portion of this split zoned lot are met independently by providing two parking spaces on the R-4 portion of the lot to meet the requirement for one parking space for the single family dwelling unit. The two parking spaces provided on the R-4 portion of the lot are not included in the 46 parking spaces provided for this request.

The loading facilities for this lot are located on the adjacent property (1845 Piedmont Road) which has been developed with the phase one portion of this development. The existing phase one development provides six 12’x35’ spaces and one 12’x55’ space for the combined development. The loading areas are located immediately across the shared vehicular drive from the subject property. If both phases of this development were located on the same lot, a loading reduction would not be required.

II. SPECIAL EXCEPTION JUSTIFICATION

Section 16-26.006 of the Zoning Ordinance provides that parking requirements may be reduced or waived in any district, when the character or use of the building is such as to make unnecessary the full provisions of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot. This Application meets both criteria.
The applicant is providing 46 onsite parking spaces for the 20 multifamily units and the proposed 4,500 square foot restaurant use. The applicant also proposes to enter into an agreement with the adjacent property owner to the southwest (1841 Piedmont Avenue) to provide additional parking for the proposed restaurant. The adjacent property is currently improved with a Dunkin' Donuts. The applicant anticipates that approximately 23 parking spaces will be made available for use by the restaurant through a shared parking arrangement. The provision of off-site parking makes unnecessary the full provisions of the parking requirements.

Similarly, the applicant will share loading facilities with the adjacent phase one portion of this development. The loading spaces are located immediately across the sole vehicular access to the property, which makes the loading spaces provided easily accessible. The shared loading between phase one and phase two makes unnecessary the full provisions of the loading requirements on this lot.

At 51 feet wide along the Piedmont Avenue frontage and 86.5 feet wide along the rear of the property, the lot is very narrow. The lot is also small (0.527 acres) for a commercially zoned property. Development is on the lot limited by the transitional requirements imposed along the adjacent R-4 and PD-H zoned properties. Additionally, the lot is split zoned at the rear which further limits the development on the lot. The applicant is proposing to satisfy the market parking requirements for the proposed development through the use of the parking proposed on site together with an offsite shared parking arrangement on the adjacent property. Further, the loading needs for the development on the lot are met through the shared loading by the phase one portion of this development located immediately adjacent to the subject property. Additionally, the City of Atlanta issued permits for the current, active construction based on the shared loading space proposal included in this application. To require the applicant to meet the full parking and loading requirements given the proposed shared parking and loading and the lot constraints, would create an unreasonable hardship on the use of the lot.
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, ___________, Chairman of the Development Authority of Fulton County

SWEAR THAT IAM THE OWNER OF THE PROPERTY LOCATED AT ______

835 Piedmont Ave, Atlanta 30324 (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, CPT Morningside Heights, LLC

ADDRESS 3715 NOrthside Parkway, Suite 2-440 Atlanta, GA

TELEPHONE NUMBER (678-608-0907)

Signature of Owner

Personally Appeared
Before Me

Robert J. Shaw, Chairman

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

SANDRA ZEVAC
NOTARY PUBLIC
EXPIRES GEORGIA
Public Notary
Nov. 7, 2016

Date

Page 5
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 50 of the 17th Land District City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more particularly described as follows:

To find the POINT OF BEGINNING, Commence at the intersection of the northerly right-of-way line of Rock Springs Road (apparent 50 foot r/w) and the easterly right-of-way line of Piedmont Avenue (r/w varies).

THENCE proceeding along said easterly right-of-way line of Piedmont Avenue the following courses and distances, along a curve to the right, having an arc length of 75.93 feet, a radius of 958.92 feet, said arc being subtended by a chord bearing of North 22 degrees 58 minutes 15 seconds East for a distance of 75.91 feet to a point;

THENCE North 25 degrees 14 minutes 21 seconds East for a distance of 74.50 feet to a railroad spike found, said railroad spike found being the POINT OF BEGINNING.

THENCE continuing along said easterly right-of-way line of Piedmont Avenue, North 25 degrees 14 minutes 21 seconds East a distance of 51.97 feet, to a PK nail set;

THENCE departing said easterly right-of-way line of Piedmont Avenue, South 62 degrees 31 minutes 48 seconds East a distance of 334.13 feet, to a 1/2" iron pin found;

THENCE South 29 degrees 20 minutes 31 seconds West a distance of 86.50 feet, to a 1/2" iron pin set;

THENCE North 56 degrees 34 minutes 01 second West a distance of 132.45 feet to a 1/2" iron pin set;

THENCE North 56 degrees 31 minutes 45 seconds West a distance of 198.64 feet, to a railroad spike found on said easterly right-of-way line of Piedmont Avenue, said railroad spike found being the POINT OF BEGINNING.

Said tract or parcel of land contains 0.527 acres or 22,967 square feet and is intended to be the same tract of land that was previously conveyed in Deed Book 20788, Page 113, Fulton County Georgia Records.

Together with beneficial rights and easements in Access Easement Agreement from SM&M Realty Corp., a Georgia corporation to Two Strips, LLC, a Georgia limited liability company, dated May 26, 2011, filed for record June 6, 2011, and recorded in Deed Book 50108, Page 372, Fulton County, Georgia Records.

Together with easement reserved in Limited Warranty Deed by and between Two Strips, LLC, a Georgia limited liability company and Kelly Scott Girard and Diane Louise Kasper, dated May 15, 1997, filed for record July 24, 1997, and recorded in Deed Book 22960, Page 208, aforesaid records.