

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

HEN: Monday, May 16, 2011
TIME: 7:00 P.M.
WHERE: Hillside Facility
1301 Monroe Dr, N.E.

SPONSORS: NPU-F and the Bureau of Planning

FOR FURTHER INFORMATION CONTACT:

Jane Rawlings, Chairperson (404) 315-8408

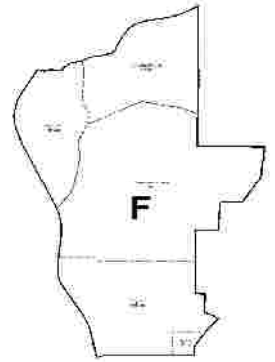
Gerry Neumark, Vice Chairperson (404) 261-5863

Jenifer Keenan, Secretary (404) 881-4398

Charletta Wilson Jacks, Director (404) 330-6145

Wendy Scruggs-Murray NPU/Citizen Participation Coordinator (404) 330-6899

Doug Young, Planner (404) 330-6702



AGENDA

1. Welcome and introduction of guests
 - Motion to add R-11-0777 to May 2011 agenda approved on voice vote.
2. Announcements
 - MARTA and the Clifton Corridor Transportation Management Association (CCTMA) will hold a public Open House on Thursday, May 19th from 4:00-7:00 pm at the Emory University Conference Center located at 1615 Clifton Road, Atlanta, GA 30329. For more information, contact Leah Vaughan, 404-377-9147 or leahvaughan@sycamoreconsulting.net . Additional information on MARTA website: www.itsmarta.com/Clifton-Corr.aspx
 - Lane closures on Monroe 5/16 – 5/19 for concrete sidewalks on Monroe. (Between Piedmont and Montgomery Ferry Rd).
3. Reports by City Representatives (Fire, Police, Council Members, etc.)
 - Atlanta Fire Department – Station 19 North Highland Station 29 Monroe
 - Car Seat program
 - Senior Citizen program
 - Smoke Alarm program
 - Cadet program – teach teens about fire service.
 - Stay hydrated. Make plenty of liquids over the summer months.
 - Will be an extremely hot summer. Be mindful of overgrowth. Debris that is combustible should be 3 – 10 feet from the house.
 - Q: What happened with smoke alarms given out by Fire Dept that didn't work? A: Investigation found that some were faulty. All had UL stamps but some of the stamps were counterfeit.

- Zone 6 Police –Major Dalton

Visit NPU-F's Web Site – <http://npufatlanta.org>
Visit The City of Atlanta Web Site – www.atlantaga.gov

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

Sgt. Bruce: no complaints in this area. A/C units are targets for theft (copper wire).

Q: What's the law re: door to door solicitations? A: Any one with a business license can come to your door. If your house or complex says no soliciting it's considered trespassing.

Update on Room Service Lounge: off duty police officers can no longer work there. Should be closing soon.

5/29: Event at Loca Luna. 1:00 – 10:00. There have been problems in the past with crowds.

- Department of Parks, Recreation, and Cultural Affairs -- Quentin Moore, Parks District Maintenance Supervisor Northeast District

Jazz Festival the end of May. Piedmont Park events are free – Chastain events are ticketed.

Camp Best Friends 5/31 – 7/22. Call Samantha Terry for more information: 404-624-0697.

5/28: All 10 public pools will open.

- Bureau of Housing and Code Compliance – Jason Baill

31 total complaints in NPU F. 2 notices mailed. 1 citation served. 6 voluntary compliances.

Q: Is there a standard for grass height? A: Judge Jackson has found it has to be over 16" – 18" before code compliance will go after.

Comment: There should be a rethinking of mowing. Native grasses are not designed to be mowed and are often higher than 16". Code compliance should consult with Watershed Management. A: There is discretion in the office.

- Bureau of Public Works, Solid Waste Services –

No report

- Department of Watershed Management – Julie Todd

New Commissioner has been appointed. Formerly with Dekalb County.

Landscape architects on staff. Can give information on native landscapes.

- Atlanta City Council –Alex Wan, District 6

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

Working on pension reform. Amortization has been closed. Mayor has council looking at 2 options.

Budget hearings are on-going. 120 people proposed personnel cuts. 100 new police officers proposed.

Council voted 8 – 5 to rename a street downtown.

Spy Club in Midtown may open soon. They have a city liquor license. Suit has been filed saying that city improperly issued the license.

Q: Resolution passed in 2005 to limit changing of names of streets. Why was a street name changed?

A: There are flaws in the 2005 ordinance. Comment: Moratorium on name changes until budget is balanced should be proposed.

Q: Parks budget was hit very hard. What is the status? A: Council people are trying to prevent cuts.

Movie this Thursday in Sunken Garden, 8:00 pm Dispicable Me.

- Councilmember H. Lamar Willis, Post 3 At-Large Assistant Kelli Jackson

Q: How did Councilman Willis vote on the street renaming? A: Voted for it.

Comment: Request for Councilman Willis to come to the next NPU meeting.

- Councilmember Michael Julian Bond, Post 1 At-Large, Jarrod R. Jordan Chief of Staff ; Andrea Chambers Representative

Q: How did Councilman Bond vote on the street renaming? A: Voted for it.

Comment: NPUs were in near unanimity on being against street renaming. Why did he vote for it?

- Fulton County Commission -- Joan Garner, District 6

Not present.

- Fulton County Community Prosecutor Zone 6,

Not present.

4. Planner's Report-Doug Young

Not present.

5. Committee Reports

- Lindridge-Martin Manor Neighborhood Association – Jane Rawlings, President, Richard Sussman, Representative –Gerry Neumark, Zoning–

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

No report

- Morningside-Lenox Park Association –Carmen Pope, President, Tracy Brown, Neighborhood Rep, Trav Carter Zoning

MLPA weekend. Celebration of Summer in Sidney Marcus Park. Nature Preserve bridge grand opening ceremony this weekend.

Welbourne trailhead land has been purchased by the City.

- Piedmont Heights Civic Association – Kevin Perry, President – Jean Johnson, Neighborhood Rep Marty Kleinman, Zoning–

No report.

- Virginia-Highland Business Association (VHBA) –Warren Bruno, President, Lynn DeWitt and David Burleson reps

Not present.

- Virginia-Highland Civic Association (VHCA) –Pamela Papner, President, Rob Glancy, Representative, Jack White Zoning

Not present.

- Traffic and Transportation Committee – Sybil Smith

No report.

- Public Safety Committee – John Wolfinger

No report.

- Parks and Recreation Committee – Rob Glancy, Rich Sussman

No report.

- Trees Committee – Charlotte Gillis

No report.

- Environment Committee – Jack White

No report.

- APAB - Cary Aiken, Gerry Neumark Alt.

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

APAB meeting is this coming Saturday. Public is welcome. Good opportunity to get involved in city planning.

- 6. Old Business
- 7. New Business
- 8. Presentation(s)
- 9. Liquor License Review

Applicant	Type of Business	Name of Business	Address	Request
Kevin Ward	Movie Theater	Midtown Art Cinema	931 Monroe Drive (NPU-E)	Change of Agent

NPU: Motion to take no action passes on voice vote. (Mr. Ward not present).

- 10. Zoning Matters(NPU Vote required)

Zoning Review Board

Z-10-30 / 10-O-1773 AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ATLANTA ZONING ORDINANCE FOR THE PURPOSE OF DEFINING FARMERS’ MARKETS AS A PERMITTED USE; TO PROVIDE WHERE AND UNDER WHAT CONDITIONS SUCH USES SHALL BE PERMITTED; AND FOR OTHER PURPOSES. (Deferred)

Enrique (Planning Dept) will meet with zoning committee meeting next week. Will discuss amended legislation.

NPU Action: Motion to Defer until June meeting passes on voice vote.

V-11-030 1332 Northview Avenue
 Applicant, seeks a variance from zoning regulations to reduce the south side yard setback from the required 7 ft. to 3 ft. and reduce the rear yard setback from the required 15 ft. to 3 ft. for a detached garage addition to an existing single-family house. (Deferred)

MLPA Report: Zoning Committee Recommendation: None
 MLPA Board: Motion to approve- 5-0-0. Conditioned on garage will never be used for rental space; it cannot contain a kitchen; and only 60 amps of electrical power can be supplied.

NPU-F Action: Motion to APPROVE conditioned on site plan dated 3/8/11, 60 amps of power, no kitchen, no rental FAILS for lack of majority. 8 yes, 8 no, 1 abstain.

COMMENT: Cannot enforce condition of “no rental” – can only enforce construction conditions, not use conditions. RESPONSE: Building in the normal setback would compromise existing trees.

V-11-039 1102 Lanier Boulevard, NE

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

Applicant, Jonathan Jarrell, seeks a variance from zoning regulations to reduce the north side yard setback from the required 7 ft. to 2.6 ft. in order to construct a one story detached accessory structure (single car garage). (Deferred)

VHCA Report: No impervious surface total, tree, or runoff issues observed. Letters of support and/or evidence of notification have been provided.

Planning and VHCA recommended unanimously approval conditioned on standard garage conditions (max 60A electrical service and no plumbing except for hose bib) based on site plans stamped 3-23-11 by the City of Atlanta.

NPU-F Action: **Motion to APPROVE conditioned on site plan dated 3/23/11 with standard garage conditions CARRIES on voice vote.**

V-11-044 434 Rock Springs Road

Applicant, David Ogram, seeks a variance from zoning regulations to increase the maximum square footage allowed for an accessory structure from 30% (551 sq. ft.) to 44.8% (823 sq. ft.) in order to erect a house guest. (Deferred)

PHCA Report: Application has been withdrawn by applicant.

NPU-F Action: **Motion to DENY CARRIES on voice vote.**

Board of Zoning Adjustment June 2, 2011 12:00 PM

V-11-052 806 Ponce de Leon Place

Applicant, Sara Taylor, seeks a variance from zoning regulations to (1) reduce the west side yard setback from the required 7 ft. to 0 ft. , (2) reduce the half-depth front yard from the required 20 ft. to 0 ft. and (3) reduce the rear yard from the required 7 ft. to 0 ft. to allow a deck addition to a duplex.

VHCA Report: deferred. Has not been heard at VHCA. VHCA received written confirmation from applicant's architect that this application has been withdrawn.

NPU-F Action: **Motion to DENY CARRIES on voice vote.**

V-11-055 844 Virginia Circle

Applicant, Cathie Magnan Power, seeks a variance from zoning regulations to (1) reduce the side yard setback from the required 7 ft. to 4 ft. (2) to exceed the maximum allowed lot coverage from 50% to 52% (3) to allow a detached residential structure to exceed 30% of the main to 31% (4) to exceed the yard coverage from 25% to 27% to allow for the construction of a detached residential accessory structure (pavilion) for an existing single family dwelling.

VHCA Report: deferred. Has not been heard at VCHA.

NPU-F Action: **Motion to DEFFER CARRIES on voice vote.**

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

Board of Zoning Adjustment June 9, 2011 12:00 PM

V-11-060 920 Highland Terrace, NE

Maggie Copen, seeks a variance from zoning regulations to reduce the front yard setback from the required 35 ft. to 11 ft. to allow for a front porch addition to an existing single-family house.

VHCA Report: deferred. Has not been heard at VHCA.

NPU-F Action: **Motion to DEFFER CARRIES on voice vote.**

V-11-061 1598 W. Sussex Road

Applicant, Robert Soens, seeks a variance from zoning regulations to allow for an existing detached garage (previously approved by V-4-111 as garage only) which was developed in the required rear and sided yard setbacks to be converted into a residential accessory guest house (565 sq. ft. containing no cooking facilities).

MLPA Report: Zoning Committee Recommendation to approve: 4-2-1 conditioned on no wood burning in the indoor/outdoor fireplace and flue vent for fireplace not to extend beyond eave of garage.

MLPA Board : Motion to approve—5-0-0, conditioned on no wood burning in the indoor/outdoor fireplace and ventilation for fireplace not to extend beyond eave of garage; garage will never be used for rental space; it cannot contain a kitchen; and only 60 amps of electrical power can be supplied.

NPU-F Action: **Motion to APPROVE conditioned on site plan 4/20/11, no wood burning indoor/outdoor fire place, 60 amps, commitment not to rent CARRIES on vote based on show of hands. 11 APPROVE, 7 OPPOSED, 1 ABSTAIN.**

COMMENT: If you can do this in another way, you should do so and not get a variance. RESPONSE: Alternate plan would turn the garage into storage space. New 2 story structure would block the view of the neighbor.

Q: What is the hardship to support the variance? A: House is in the back corner of the lot. Restricts where building can occur. If they build up, it will block the neighbor's view.

Q: What is the lot coverage? A: 40% currently, 42% with variance, 43% with alternate if no variance is granted.

V-11-065 980 East Rock Springs Road, NE

Applicant, Craig Heiser, seeks a variance from zoning regulations to reduce the rear yard setback from the required 15 ft. to 9 ft. to allow for a roof expansion to an existing detached garage for a second story addition.

MLPA Report: Zoning Committee Recommendation to approve: 4-2-1.

MLPA Board : Motion to approve—5-0-0, conditioned on garage will never be used for rental space; it cannot contain a kitchen; and only 75 amps of electrical power can be supplied.

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

NPU-F Action: Motion to APPROVE conditioned on site plan 4/20/11, 75 amps, no kitchen, and commitment not to use as rental CARRIES on show of hands. 12 in favor, 5 opposed.

COMMENT: Revised referral certificate was issued – variance is different than information on the agenda. Correct description appears under “Exhibit A”.

11. Ordinances, Resolutions and Text Amendments: (For Public Review and Comment, No NPU Vote Required)

11-R-077 by Councilmember Alex Wan

A resolution to endorse the application of the seven fifty limited partnership (c/o Evergreen Partners Housing) to the Georgia Department of Community Affairs for 2011 low-income housing tax credits for the acquisition and renovation of Briarcliff Summit Apartments, located at 1050 Ponce de Leon Avenue NE, Atlanta, Georgia; and for other purposes.

VHCA Report: Board approval

NPU-F Action: Motion to APPROVE resolution CARRIES on voice vote.

COMMENT: VaHi Civic Association supports this renovation. Building has tremendous safety problems. Will provide decent senior citizen housing.

Q: What will the restrictions be on the occupancy? A: Will continue to be a senior center.

12. Special Events and Outdoor Festivals

- AJC Peachtree Road Race
 - Not present
- Atlanta Arts Festival
 - 9/17 – 9/18. 200 artists. Peak attendance 5,000. 20,000 total attendance. Officer Chris Clark will handle security. No street closings. Partner with parking lots.
 - Motion to APPROVE CARRIES on voice vote.
- Atlanta Pride Festival
 - Not present
- Atlanta Children’s Festival 5K
 - Not present
- Piedmont Park Midsummer Arts & Craft Festival
 - Not present
- Virginia Highland Summerfest (heard and approved at April 2011 meeting)
 - Approved last NPU meeting.
- Joining Hearts 24

MEETING NOTICE: NEIGHBORHOOD PLANNING UNIT - F

- 7/23 Piedmont Park Pool. Peak attendance 1,000. 3 APD officers will help with crowd control. No street closures. Class E event.
- **Motion to APPROVE CARRIES on voice vote.**
- Great Food Truck Race
 - Not required to appear at NPU.
- Atlanta Jazz Festival
 - Closing all of 10th Street. Will not be using Grady's parking lot. Q: Why do they need to close the entire street? A: One of the sponsors – NBA Nation -- needs asphalt so their event must be on asphalt. Q: Was NBA Nation asked to make a donation to Grady? A: No.
 - Lane closure. 2:00 pm Friday (2 lanes). 8:00 pm Friday full closure. Will be open 6:00 am Memorial Day.
 - 5/28 – 5/29 11:00 am – 11:00 pm.
 - Q: How will street closure be advertised? A: Information on 511 DOT hotline. Also using Facebook, Twitter, media plan, e-blast.
 - COMMENT: Closing the entire street and closing off access to the Grady parking lot is inconsiderate to the community.
 - COMMENT: Event needs sponsorship dollars, including that of NBA Nation, to go forward.
 - Q: Can event request that NBA Nation give a donation to Grady? A: They know it's a big deal for the neighborhood to close the street.
 - NBA is paying \$30,000 for the sponsorship. Grady said they wanted \$10,000 for the parking lot.
 - **Motion to DENY CARRIES on voice vote.**

13. Adjournment

14. Exhibit A

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CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3900 - ATLANTA, GEORGIA 30335
404-350-6175 - FAX: 404-658-6979
Internet Home Page: www.atlantaga.gov

KASIM REED
MAYOR

James F. Sheehy
Commissioner
Dept. of Planning &
Community Development

Don Rosenthal
Director
Office of Buildings
Zoning Enforcement Division

**REFERRAL CERTIFICATE
AMENDED**

COUNCIL DISTRICT _____ APPLICATION NUMBER _____

NPU _____ DATE FILED _____

1. Craig Heiser
Name of Applicant



BUILDING PERMIT AUTHORIZING
Second story addition to an existing detached garage

at 980 E. Rock Springs Rd., N. E. 17th / 3
Street Address Quadrant District & Land Lot

to be used for _____ Residential _____ purposes

The property is zoned R-4 District

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

Applicant seeks a variance from zoning regulations to reduce the rear yard setback from 15ft.(required) to 9ft. and increase the maximum total floor area of an accessory structure from 30% of the main structure (required) to 37% of the main structure, all to allow a roof expansion to an existing detached garage for a second story addition. Applicant seeks no other variances at this time.

1982 ZONING ORDINANCE, AS AMENDED

Chapter 6 Section 16-06.008 Paragraph (3)

Chapter 28 Section 16-28.004 Paragraph (3)

Department of Planning and Development
Office of Buildings
Don Rosenthal, Director
Ann Heard, Chief Zoning Division

Applicant: Craig Heiser 4/28/11 Zoning Plan Reviewer: [Signature] 4/28/11