

Municipal Clerk
Atlanta, Georgia

04-0-1410

AN ORDINANCE
BY: ~~ZONING COMMITTEE~~

U-04-14

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-07.005(1)(b) of the Zoning Ordinance of the City of Atlanta, a **Special Use Permit for Outdoor Dining** is hereby approved. Said use is granted to Alon Balshan and is to be located at **1394 North Highland Avenue, N.W.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 2 of the 17th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Doughtin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

DEC 06, 2004
DEC 10, 2004



Conditions for U-04-14

1. A site plan dated 5/07/04 last revised October 25, 2004 and marked received by the Bureau of Planning October 29, 2004;
2. No more than 13 tables, accommodating 2 individuals each, for outdoor dining shall be allowed and,
3. Applicant shall mark the parking lot for one-way ingress and egress to create a circular traffic flow.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 18,495 FEET. AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED UNDER THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMED SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT ©2003 FRONTLINE SURVEYING AND MAPPING, INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

LEGEND:

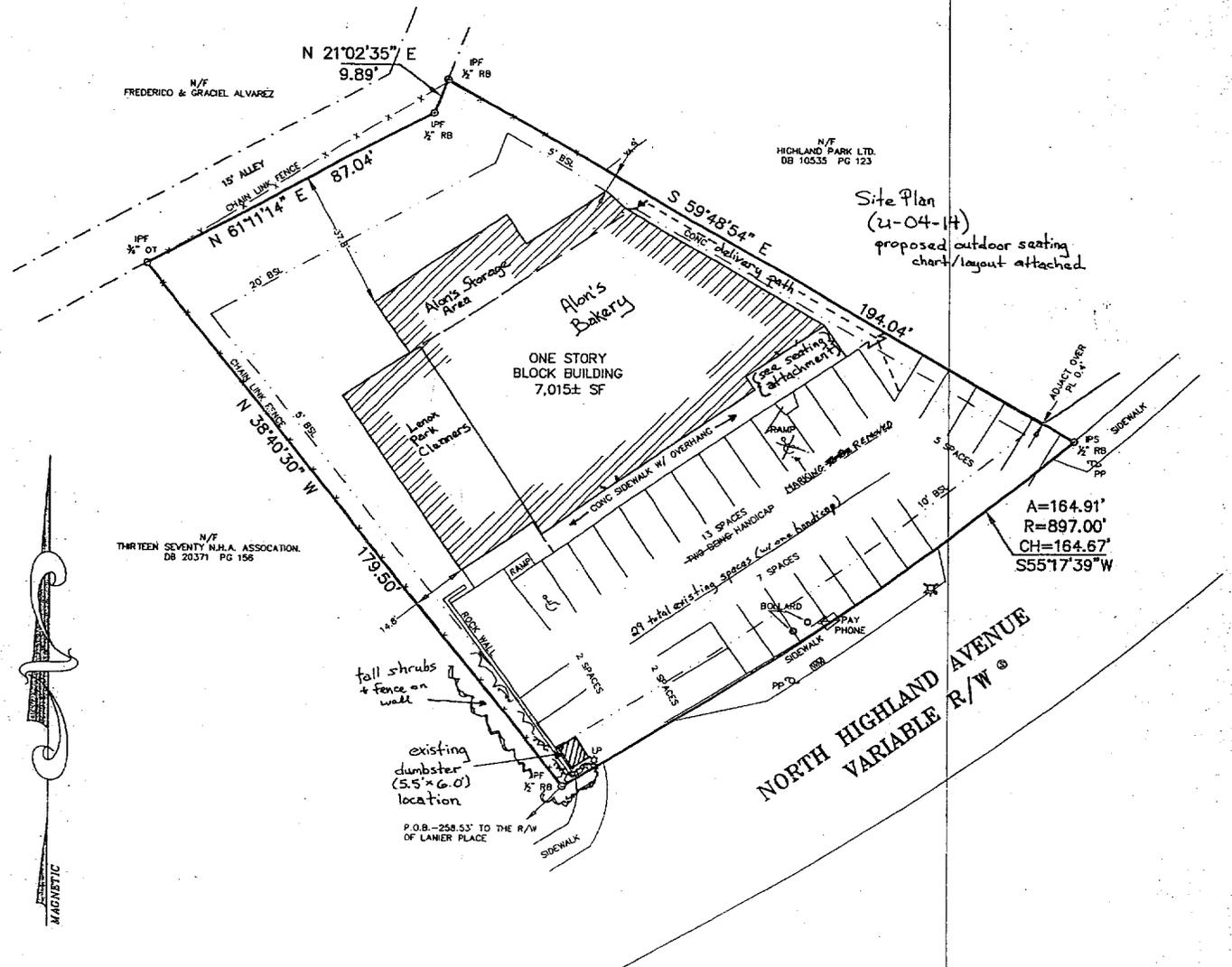
IPF	IRON PIN SET	CMF B	CONCRETE MONUMENT FOUND
IPF	IRON PIN FOUND	Z	OVERHEAD UTILITY LINE(S)
OT	OPEN TOP PIN	SMH	SEWER MAN HOLE
OT	CRIMP TOP PIN	MHT	MAN HOLE TELEPHONE
RB	REINFORCING-BAR	CB	CATCH BASIN
CL	CENTERLINE	JB	JUNCTION BOX
R/W	RIGHT-OF-WAY	DI	DROP INLET
L	LAND LOT	LL	LAND LOT LINE
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	CMF	CORRUGATED METAL PIPE
C	CURVE	RCF	REINFORCED CONCRETE PIPE
PP	POWER POLE	SSE	SANITARY SEWER EASEMENT
SP	SERVICE POLE	FH	FIRE HYDRANT
GV	GAS VALVE	DE	DRAINAGE EASEMENT
GM	GAS METER	WV	WATER VALVE
LP	LAMP POLE	WM	WATER METER
SS	SANITARY SEWER	CO	SANITARY SEWER CLEANOUT
N&C	NAIL & CAP	POB	POINT OF BEGINNING
FC	FENCE CORNER	POC	POINT OF COMMENCEMENT
X	FENCE	PI	POINT OF INTERSECTION

1394 NORTH HIGHLAND AVENUE
23,088 SF
0.53 Ac



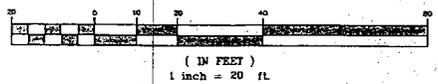
GENERAL NOTES:

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. PURSUANT TO RULE 100-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEOCENTRIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.



Site Plan
(U-04-14)
proposed outdoor seating
chart/layout attached.

GRAPHIC SCALE



3595 Canton Road
A-9, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805

www.frontlinesurvey.com

PLAT OF SURVEY FOR		DATE 5/7/04	
ALON BALSHAN		SCALE 1" = 20'	
LAND LOT 2	17th DISTRICT	SECTION FULTON COUNTY, GEORGIA	
LOT	BLOCK	UNIT	REVISION
			add detail Oct. 25, 04
SUBDIVISION	PHASE		
PD _____ PC _____	I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL IS (S) NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS ZONE		
DB 26701 PC 201	MAP ID 13121C0261 F EFFECTIVE DATE: 5/7/01		
		JOB # 26052	





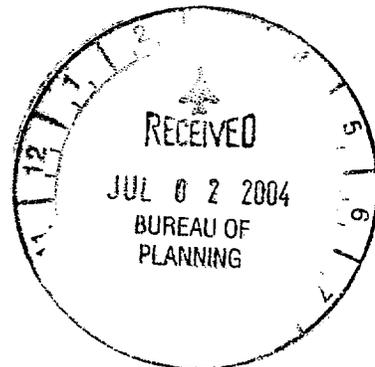
Legal Description
1394 NORTH HIGHLAND AVENUE

All that tract or parcel of land lying and being in the 17th District of Land Lot 2 in the City of Atlanta of Fulton County, Georgia and being more particularly described as follows:

Commencing from the intersection of the easterly right-of-way of Lanier Place and the northerly right-of-way of North Highland Avenue (having a variable right-of-way) a distance of 258.53 feet along the northerly right-of-way of North Highland Avenue to a #4 re-bar found, said point being the **TRUE POINT OF BEGINNING**;

Thence leaving said right-of-way and proceeding North 38 degrees 40 minutes 30 seconds West for a distance of 179.50 feet to a 3/4" open top pipe found on south side of a 15 foot alley; Thence proceeding North 61 degrees 11 minutes 14 seconds East for a distance of 87.04 feet to a #4 re-bar found on south side of said 15 foot alley; Thence proceeding North 21 degrees 02 minutes 35 seconds East for a distance of 9.89 feet to a #4 re-bar found on south side of said 15 foot alley; Thence proceeding South 59 degrees 48 minutes 54 seconds East for a distance of 194.04 feet to a point on the Northerly right-of-way of North Highland Avenue (having a variable right-of-way); Thence proceeding along said right-of-way along a curve to the right having a radius of 897.00 feet (said curve having an arc distance of 164.91 feet and being subtended by a chord bearing of South 55 degrees 17 minutes 39 seconds West a chord distance of 164.67 feet) to a #4 re-bar found; said point being the **TRUE POINT OF BEGINNING**

Said parcel containing .53 acres of land.



U-04-14

RCS# 6314
12/06/04
5:30 PM

Atlanta City Council

Regular Session

MULTIPLE

04-O-1830 04-O-1840 04-O-1132 04-O-1406
04-O-1641 04-O-1849 04-O-1301, 1410 1839
ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	NV Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

MULTIPLE

#116

04-0-1410

(Do Not Write Above This Line)

AN ORDINANCE U-04-14
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for Outdoor Dining (Section 16-11.005(1)(I)), property located at 1394 North Highland Avenue, N.W. fronting approximately 165 feet on the northwesterly side of North Highland Avenue beginning 258.53 feet from the northeast corner of Lanier Place.
Depth: Varies
Area: 0.53 acres
Land Lot 2, 17th District, Fulton County, Georgia.
OWNER: SRG INVESTMENTS, LLC
APPLICANT: ALON BALSCHAN
BY: CARTER SMITH, AGENT

NPU-F COUNCIL DISTRICT 6

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 03/16/04
 Referred To: 3 RRB & zoning
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

ADOPTED BY

DEC 06 2004

COUNCIL

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee RRB
Date Dec 2004
Chair [Signature]

Action Adopted
Fav, Adv, Hold (see rev. side)

Members Out of 200

[Signatures]

Refer To _____

Committee _____

Date _____

Chair _____

Action _____
Fav, Adv, Hold (see rev. side)

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____
Fav, Adv, Hold (see rev. side)

Members _____

Committee _____

Date _____

Chair _____

Action _____
Fav, Adv, Hold (see rev. side)

Members _____

Refer To _____

Refer To _____

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
- Readings
- Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
DEC 06 2004

MAYOR'S ACTION

[Signature]
 DEC 10 2004
 MAYOR