

10-0-1243

(Do Not Write Above This Line)

AN ORDINANCE  
BY ZONING COMMITTEE U-10-13

An Ordinance granting a Special Use Permit for a SALVAGE YARD pursuant to Section 16-17.005 (1)(c) property located at 1134 SYLVAN ROAD, S.W. fronting approximately 85 feet on the east side of Sylvan Road and approximately 61 feet north of the intersection of Sylvan Road and Avon Road. Depth: varies. Area: approximately 2.032 acres. Land Lot 106, 14<sup>th</sup> District Fulton County, Georgia.

OWNER: MERCY L. MATTHEWS  
APPLICANT: MERCY L. MATTHEWS  
NPU-X  
COUNCIL DISTRICT 12

ADOPTED BY

SEP 07 2010

COUNCIL

AS AMENDED

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

Date Referred 7/6/2010

Referred To: ZR3/zone

First Reading

Committee Zoning  
Date July 06, 2010  
Chair Pat Walker

Committee Zoning  
Date Sept. 7, 2010  
Chair Clara Henderson  
Actions: Fav, Adv, Held (see rev. side) Other: AS AMENDED  
Members [Signatures]  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions: Fav, Adv, Held (see rev. side) Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

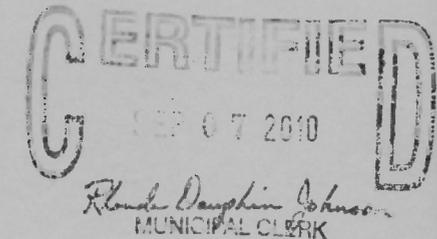
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions: Fav, Adv, Held (see rev. side) Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions: Fav, Adv, Held (see rev. side) Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

COUNCIL ACTION

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

CERTIFIED



MAYOR'S ACTION

APPROVED

SEP 16 2010

WITHOUT SIGNATURE  
BY OPERATION OF LAW



Municipal Clerk  
Atlanta, Georgia

**10-O-1243**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-10-13**

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

SECTION 1. Under the provisions of Section 16-17.005 (1) (c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **SALVAGE YARD**, is hereby approved. Said use is granted to **MERCY MATTHEWS OR JERRY MATTHEWS** and is to be located at **1134 SYLVAN ROAD, S.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 106, 14<sup>th</sup> 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.

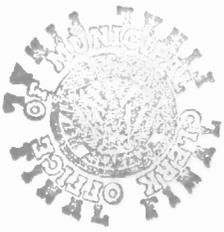
A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED as amended by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

SEP 07, 2010

SEP 16, 2010



**CONDITIONS FOR  
U-10-13 FOR 1134 SYLVAN ROAD, S.W.**

1. The Special Use Permit shall only be valid as long as Mercy Matthews or Jerry Matthews is the owner and operator of the automobile salvage yard facility.
2. The Special Use Permit shall be valid for a duration of five (5) years from the date of approval by the Atlanta City Council.
3. Survey/Existing Conditions Plan marked received by the Office of Planning on March 23, 2010. Modifications to the plan to comply with the written conditions noted below shall require final approval by the Office of Planning prior to the issuance of a building permit by the Office of Buildings.
4. Sidewalk: Installation of a 10 foot wide concrete sidewalk along Sylvan Road adjacent to the street curb shall be required.
5. Street trees: installation of three (3) inch caliper trees, measured at a height of six inches above ground level shall be required within the sidewalk. Said trees shall be planted in 4 feet by 8 feet tree wells and spaced approximately 30 feet apart. In addition, said street trees shall be single-stem and reach a minimum mature height of 25-30 feet.
6. Shade trees within the lot: shall be a minimum of two and one-half (2.5) inches in caliper as measured at a height six inches above ground level, shall be a minimum of ten feet in height, shall have a 40-foot minimum mature height and shall be drought-tolerant. Said trees shall be single stem and spaced a maximum of 50 feet apart parallel to the property lines. Minimum planting wells shall be 6 feet by 10 feet. Final approval shall be subject to the Office of Planning and the City arborist.



## Surveyed Legal Description

All that tract or parcel of land lying or being in Land Lot 106 of the 14<sup>TH</sup> Land District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Commence from the point of intersection of the Easterly right-of-way line of Sylvan Road (having a 50 foot wide right-of-way) and the Northerly right-of-way line of Avon Avenue (having a 40 foot wide right-of-way) thence along said Northerly right-of-way line of Sylvan Road North 10 degrees 00 minutes 00 seconds East a distance of 145.73 feet to a one half inch open top pipe found; thence departing said Northerly right-of-way line of Sylvan Road North South 80 degrees 00 minutes 00 seconds East a distance of 200.00 feet to a magnetic nail set; Being the TRUE POINT OF BEGINNING; thence from the true point of beginning as thus established North 10 degrees 00 minutes 00 seconds East a distance of 300.02 feet to a one half inch rebar set; thence South 64 degrees 50 minutes 40 seconds East a distance of 180.00 feet to a one half inch rebar set; thence South 50 degrees 02 minutes 23 seconds East a distance of 370.92 feet to a magnetic nail set; thence South 03 degrees 27 minutes 00 seconds West a distance of 43.00 feet to a one half inch rebar set; thence North 80 degrees 00 minutes 00 seconds West a distance of 450.00 feet to a magnetic nail set; thence South 10 degrees 00 minutes 00 seconds West a distance of 25.00 feet to a magnetic nail set; thence North 80 degrees 00 minutes 00 seconds West a distance of 50.00 feet to the TRUE POINT OF BEGINNING.

Said Tract or Parcel of Land Contains 2.032 acres.

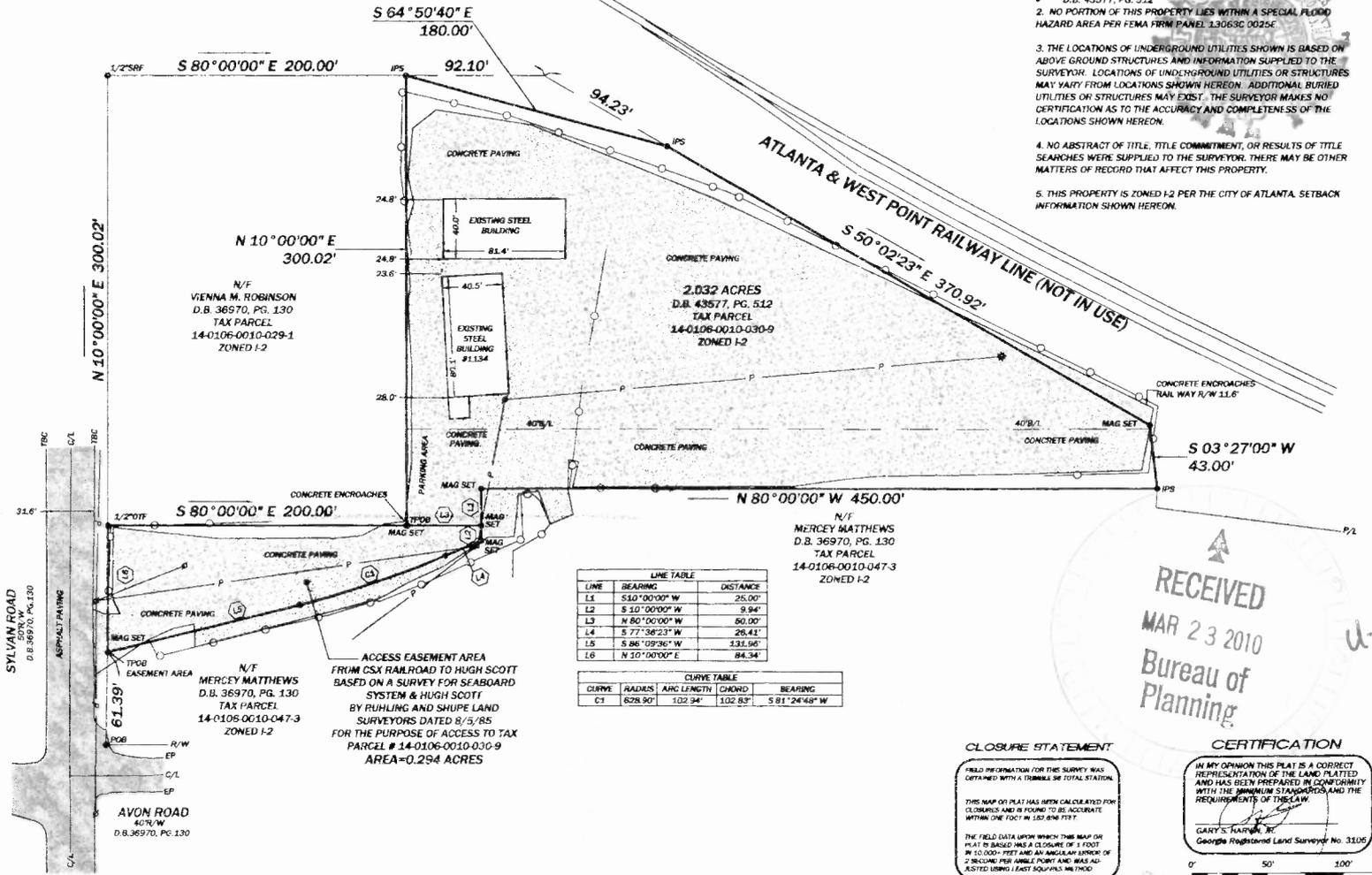
Together with an Easement for access described as:

All that tract or parcel of land lying or being in Land Lot 106 of the 14<sup>TH</sup> Land District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Commence from the point of intersection of the Easterly right-of-way line of Sylvan Road (having a 50 foot wide right-of-way) and the Northerly right-of-way line of Avon Avenue (having a 40 foot wide right-of-way) thence along said Northerly right-of-way line of Sylvan Road North 10 degrees 00 minutes 00 seconds East a distance of 61.39 feet to a magnetic nail set; Being the TRUE POINT OF BEGINNING; thence from the true point of beginning as thus established North 10 degrees 00 minutes 00 seconds East a distance of 84.34 feet to a one half inch open top pipe found; thence South 80 degrees 00 minutes 00 seconds East a distance of 200.00 feet to a point; thence South 80 degrees 00 minutes 00 seconds East A distance OF 50.00 feet to a magnetic nail set; thence South 10 degrees 00 minutes 00 seconds West a distance of 9.94 feet to a magnetic nail set; thence South 77 degrees 36 minutes 23 seconds West a distance of 26.41 feet to a point; thence along a curve to the right having a radius of 628.90 feet, an arc length of 102.94 feet, being subtended by a chord bearing of South 81 degrees 24 minutes 48 seconds West and a chord distance of 102.83 feet to a point; thence South 86 degrees 09 minutes 36 seconds West a distance of 131.95 feet to the TRUE POINT OF BEGINNING.

RECEIVED  
Bureau of  
Planning  
5/12/03

U-10-13



- SURVEY NOTES:**
- REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO THE FOLLOWING DOCUMENTS RECORDED WITH THE CLERK OF SUPERIOR COURT IN FULTON COUNTY:
    - P.B. 28, PG. 24
    - D.B. 36970, PG. 129
    - D.B. 43577, PG. 512
  - NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM PANEL 13063C 0025E.
  - THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
  - NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.
  - THIS PROPERTY IS ZONED I-2 PER THE CITY OF ATLANTA. SETBACK INFORMATION SHOWN HEREON.

N/F  
VIENNA M. ROBINSON  
D.B. 36970, PG. 130  
TAX PARCEL  
14-0106-0010-029-1  
ZONED I-2

2.032 ACRES  
D.B. 43577, PG. 512  
TAX PARCEL  
14-0106-0010-030-9  
ZONED I-2

N/F  
MERCY MATTHEWS  
D.B. 36970, PG. 130  
TAX PARCEL  
14-0106-0010-047-3  
ZONED I-2

ACCESS EASEMENT AREA  
FROM CSX RAILROAD TO HUGH SCOTT  
BASED ON A SURVEY FOR SEABOARD  
SYSTEM & HUGH SCOTT  
BY RUIHLING AND SHUPE LAND  
SURVEYORS DATED 8/5/85  
FOR THE PURPOSE OF ACCESS TO TAX  
PARCEL # 14-0106-0010-030-9  
AREA=0.294 ACRES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 10° 00' 00" W	25.00'
L2	S 10° 00' 00" W	9.94'
L3	N 80° 00' 00" W	50.00'
L4	S 77° 58' 23" W	25.41'
L5	S 86° 09' 36" W	131.96'
L6	N 10° 00' 00" E	84.34'

CURVE TABLE			
CURVE	RADIUS	ARC LENGTH	CHORD
C1	628.90'	102.34'	102.63'

**CLOSURE STATEMENT**

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE 56 TOTAL STATION.

THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

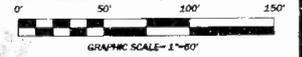
THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT AND HAS ADJUSTED USING LEAST SQUARES METHOD.

RECEIVED  
MAR 23 2010  
Bureau of Planning  
4-10-13

**CERTIFICATION**

IN MY OPINION THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND THE REQUIREMENTS OF THE LAW.

GARY S. HARVIN, P.E.  
Georgia Registered Land Surveyor No. 33105



- LEGEND**
- 1. UNDEVELOPED LAND
  - 2. CONCRETE PAVING
  - 3. ASPHALT PAVING
  - 4. EXISTING STEEL BUILDING
  - 5. CONCRETE ENDROACHES
  - 6. MAG SET
  - 7. TPOB EASEMENT AREA
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DATE	SCALE: HORIZ	NO	ISSUE	DESCRIPTION	DATE
MARCH 19, 2010	1"=50'				
ACREAGE: 2.032 ACRES					
LAND LOT(S): 106					
DISTRICT: 1411H SECTION					
CITY: ATLANTA					
COUNTY: FULTON STATE: GEORGIA					
SURVEYED: GSH DRAWN: GSH					
CHECKED: GSH APPROVED: GSH					
PROJECT # 10152					

**BOUNDARY SURVEY & EXISTING CONDITIONS PLAN FOR:**

**MERCY MATTHEWS**

1134 SYLVAN ROAD  
LAND LOT 106, 14th DISTRICT  
CITY OF ATLANTA, FULTON COUNTY, GEORGIA  
TAX PARCEL 14-0106-0010-030-9



**EarthPro**  
LAND SURVEYING & PLANNING  
678-640-5500  
P.O. BOX 382  
BRASELTON, GA 30517

SHEET  
**1**  
OF  
**1**

RCS# 540  
9/07/10  
4:35 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

~~10-O-1243~~, 10-O-0960, 10-O-1244, 10-O-1245  
10-O-1246, 10-O-0646  
ADOPT AS AMEND

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	E Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE