

12-0-0614

(Do Not Write Above This Line)

AN ORDINANCE U-12-10
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit pursuant to Section 16-11.005 (1) (I) for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property zoned as R-1 through R5, or that is used as a residential property. Property is located at **991 Piedmont Avenue, N.E. (aka 989 Piedmont Avenue, N.E.)** and fronts approximately 43 feet on the east side of Piedmont Avenue and at the intersection of Piedmont Avenue and 10th Street. Depth: approximately 89 feet. Area: approximately 1.31 acres. Land Lot 106 17th District, Fulton County, Georgia.
OWNER: JOSEPH M. DAVIS
APPLICANT: GILBERT YEREMIAN
NPU
COUNCIL DISTRICT 6

ADOPTED BY
As Amended
JUL 0 2 2012

COUNCIL

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

Date Referred 5/7/12
Referred To: ZRB+ Zoning
Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee Zoning
Date June 27 2012
Chair [Signature]
Referred To [Signature]

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members

[Signature]
[Signature]
[Signature]

Refer To
Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members

Second Reading
Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members

[Signature]
[Signature]
[Signature]

Refer To
Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members

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

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
[Signature]
JUL 0 2 2012

CERTIFIED
JUL 0 2 2012
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 1 1 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



Municipal Clerk
Atlanta, Georgia

12-O-0614

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-12-10

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

SECTION 1. Under the provisions of Section 16-18Q.027 (a) (iii) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for an Eating and Drinking Establishment greater than is hereby approved. Said use is granted to **GILBERT YEREMIAN** and is to be located at **991 PIEDMONT AVENUE (AKA 989 PIEDMONT AVENUE), N.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 106, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description or survey/map.

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
APPROVED as per City Charter Section 2-403

JUL 02, 2012
JUL 11, 2012



**Conditions for
U-12-10 for 991 Piedmont Avenue (aka 989 Piedmont Avenue) N.E.**

1. The Special Use Permit shall be valid only as long as Gilbert Yeremian (or immediate family member) is the operator of this eating and drinking establishment.



U-12-010

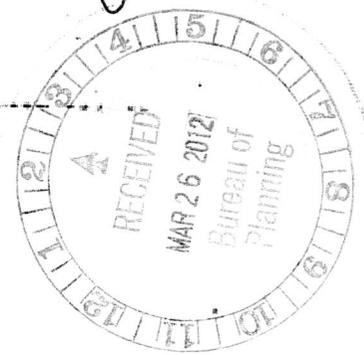


EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 106 of the 17th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at a point on the East side of Piedmont Avenue forty-four (44) feet originally, now forty-two and eight-tenths (42.8) feet South from the Southeast corner of Piedmont Avenue and Tenth Street (said beginning point being at the South line of property owned by Norman D. Burke); running thence East along the South line of said property one hundred and thirty-five (135) feet; thence South fifty (50) feet; thence West one hundred and thirty-five (135) feet to Piedmont Avenue; and thence North along the East side of Piedmont Avenue fifty (50) feet to the POINT OF BEGINNING.

Also all that tract or parcel of land in the City of Atlanta, in Land Lot 106 of the 17th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at the Southeast corner of Piedmont Avenue and Tenth Street; running thence Southwardly along the East side of Piedmont Avenue forty-two and eight-tenths (42.8) feet; thence East one hundred and thirty-seven and two-tenths (137.2) feet; thence Northwardly forty-four (44) feet to Tenth Street; thence West along the South side of Tenth Street one hundred and thirty-five (135) feet to the POINT OF BEGINNING.

Said two tracts of land are improved real property known as 983-985-987-991 Piedmont Avenue and 219-225 Tenth Street, according to the present system of numbering of places of business in the City of Atlanta, Georgia.

Prof



U-12-010

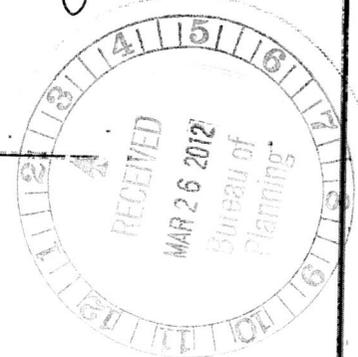


EXHIBIT "B"

1. Easement in favor of Georgia Power Company dated September 5, 1968, recorded in Deed Book 4970, Page 555, Fulton County Records.
2. Indemnification Agreement in favor of City of Atlanta dated August 23, 1949, recorded in deed book 2453, Page 420, Fulton County Records.

LEASES:

1. Lease dated March 15, 1994 by and among Roy M. Jones, individually and as agent for Robert H. Jones, IV, the beneficiaries of the Estate of Nancy Jones Bryan, Slaton M. Jones and the beneficiaries of the Estate of Eliza W. Jones ("Landlord"), and Barbara Tarver and Pamela Rivers, ("Tenant").
2. Lease dated April 1, 1995 between Roy M. Jones, individually and as agent for Robert H. Jones, IV, the beneficiaries of the Estate of Nancy Jones Bryan, Slaton M. Jones and the beneficiaries of the Estate of Eliza W. Jones ("Landlord"), and Patty's on the Park, Inc. as assigned to Chowdhury, Inc. and Shabbir A. Chowdhury, ("Tenant"), pursuant to Assignment of Lease (the "Assignment") dated as of May 19, 1995.

RCS# 2132
7/02/12
2:26 PM

Atlanta City Council

MULTIPLE

12-O-0614 AND 12-O-0611
U-12-10 AND Z-12-09
ADOPT AS AMNDED

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

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

MULTIPLE