



Virginia-Highland VOICE

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PLANNING COMMITTEE NEWS

Here is the long promised "Cafe Planetarian" story—condensed version. Late in 1995 the neighborhood learned a building permit had been issued for 1043 Greenwood Avenue. After obtaining a copy of the site plan, we found that the building required 14 parking spaces, but only had five. The Virginia Highland Civic Association (VHCA) appealed the issuance of the building permit to the Board of Zoning Adjustment (BZA) on those and other grounds. The Bureau of Buildings took the position at the BZA hearing that only 547 square feet of floor area within this 1380 square foot building required parking. (The required parking for restaurants is one space for each 100 square feet of floor area.) Because the Cafe Planetarian was stated to be 65% open air, the remaining 833 square feet was considered outside seating which did not require parking spaces. Never mind that the entire floor area is covered by a roof which is actually what determines whether floor space is required to have parking. The perceived loophole in the code, which allowed this building to only have five parking spaces occurred in someone's head in the Bureau of Buildings and not in the zoning code itself. Mary Davis even introduced and City Council passed an ordinance to amend this loophole that did not exist! Maybe her efforts would have been better directed at investigating the Bureau of Buildings and some of the decisions that come out of that department.

The BZA did not sustain the VHCA's appeal, and the VHCA appealed to Superior Court. Because we did not have a nearby resident who was joining our appeal, the court ruled that the Association did not have standing to bring the case. Therefore, the case was never heard on its merits.

The next chance the neighborhood had to deal with this restaurant was when it applied for an alcohol license. Parking requirements are found in the Alcoholic Beverages (Chapter 10) part of the city code and are different from zoning requirements. Members of the community appeared before the Alcohol License and Review Board to state again to the city that Planetarian Cafe did not meet the parking requirement. This fell on deaf ears. The Board recommended approval and Mayor Campbell issued the license even after receiving many calls and letters objecting to this issuance. The VHCA then filed in court stating the alcohol license had been granted illegally because the applicant had not furnished proof of adequate parking as required by the code. This time we had a resident who lives within 125 feet of this business who wished to join the appeal.

Parking for an establishment that serves alcohol is based on the square footage of customer service area of the premises. The first tactic of the defense attorney was to deny access to the premises of Planetarian to the plaintiffs so we could not properly determine the parking requirement. This caused unnecessary delay and expense to the VHCA because we had to have a hearing to even be allowed to proceed with discovery.

Through that process the city and Cafe Planetarian did admit that 23 parking spaces were required for the issuance of an alcohol license. Gilgamesh Faruki, owner of Cafe Planetarian, came before the BZA requesting off-site parking at 1039 Greenwood Avenue. The BZA did not grant the request. The VHCA appeared at the hearing and made a very compelling argument that the property at 1039 Greenwood is zoned residential and should not be used for commercial parking. The city then took the incredible position that the required parking spaces can be located on the street within 400 feet of the restaurant.

Judge Phillip Ethridge at the latest hearing on the motions for summary judgment held October 1, 1997, asked the city attorney, the Planetarian attorney, and the VHCA attorney to each write an order to the court, then get together and agree on one collaborative order to present to the court. The judge also stated that in the absence of one agreed upon order, then all three orders should be presented to him for a decision.

The latest snag — Planetarian's attorney filed a motion to request that Judge Ethridge recuse himself for a conflict of interest and, barring his refusal to do so, that he be removed by the court. The grounds for the recusal, however, are so flimsy that I do not believe this will happen.

Space in our newsletter does not permit the telling of this story in all its very interesting details. I would like to share them with anyone who wants to call me at 876-5101. Any reader who has not been involved in the saga from the beginning would not believe the extent to which the city code was circumvented in order to allow this restaurant to open. One cannot imagine, without hearing the entire story, the bad faith that has arisen between the neighborhood and the Bureau of Buildings. It was so very simple in the beginning: all the Bureau of Buildings needed to do when this restaurant first applied for a building permit was to state that the permit would issue only when parking requirements had been met. Because this did not happen the VHCA has spent in excess of \$20,000 in legal fees. Call the Mayor! (330-6100) Let him know we do not want to be spending our money trying to get the city to do its job properly.

Winnie Currie, Chair

MONTHLY CIVIC ASSOCIATION MEETINGS

When: The first Wednesday of the each month at 7:30 p.m.
Where: Ponce De Leon Library
BE THERE!

NOTICE

The Frederica/Drewry Neighborhood Watch meets the 2nd Tuesday of every month. For more information, contact: Vicky Gribble at 876-3926
email: vlgribble@mindspring.com

PUBLIC SAFETY COMMITTEE NEWS

Would you like to know what is going on in the neighborhood on the crime front? The civic association has become a part of the Zone 6 Citizens' Advisory Committee Public Safety Hotline. The hotline number is 404-875-7651 and by calling you will get information on criminal activity in Zone 6 as well as tips on public safety. You can also provide information about suspicious or criminal activity, but be mindful this is not a substitute for calling 911. It is merely a means of sharing information.

Dial 404-875-7651 and press 1 to hear the precinct report for our zone. To leave a message about criminal activity you have observed, experienced or suspected in our neighborhood, press 2 for Fulton County and then press 7 for Virginia-Highland. Leave a message at the tone.

Currently the prevalent crimes in our neighborhood are burglaries and auto thefts. In October, there were:

- 13 burglaries
- 14 motor vehicle thefts — 2 recovered
- 16 auto break-ins
- 4 robberies, plus 1 attempt
- 9 illegally parked vehicles towed away

The heaviest concentration of reported crimes is in the area bordered by Ponce de Leon Avenue, N. Highland Avenue, Ponce de Leon Place and Drewry Street.

The good news is that street crimes typically drop off in winter, and by spring, our zone will be built up with new and recent police academy grads. There will be a dedicated shift of two bicycle officers assigned to Virginia Highland Beat 610 from approximately 10 a.m. to 6 p.m. come spring.

Some very simple advice that bears repeating: do not create opportunities for crime.

- **DON'T LEAVE VALUABLES IN YOUR CAR—GET THAT CELL PHONE OUT OF VIEW**
- **LOCK YOUR CAR**
- **LOCK YOUR RESIDENTIAL WINDOWS AND DOORS**
- **BE AWARE OF YOUR SURROUNDINGS WHEN WALKING AT NIGHT**

Arnold Gross, Co-Chair



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MEET YOUR BOARD OF DIRECTORS FOR 1997-98

J.D. CHRISTY has been a Board member for the past four years, serving as President for three of those years. This year he will work as a member of the VHCA and VH Business Liaison Committee. J.D. lives on Rupley Road.

WINNIE CURRIE also continues on the Board for her fourth year. She is the Chair for the Planning Committee which helps residents and businesses understand and use the neighborhood process required for zoning variances and exceptions to planning issues. Winnie lives on Adair Avenue.

RUTHIE PENN DAVID returns for her third year having served for the last two years as Treasurer. She is now our Vice-President as well as Chair for the VHCA and VHBA Liaison Committee. Ruthie lives on North Highland.

VICKY GRIBBLE is a new member to the Board appointed from the St. Charles/Greenwood Association. In addition to dealing with issues specific to that area, she will serve on the Public Safety Committee. Vicky lives on Frederica Street.

ARNOLD GROSS, reelected to the Board for the fourth year, will again be our Summerfest Chair. He will also serve as Public Safety Chair. Arnold lives on Rosedale Drive.

BOB JARIC, who began as an appointed member from Atkins Park, is now serving his third term. He was Secretary last year and this year will be our Treasurer. Bob lives on St. Louis Place.

KATHY MCGRAW began serving on the Board three years ago as an alternate. Last year she became Chair for Membership and Editor of the *Voice*, both of which she will continue this year. Kathy lives on Virginia Circle.

BILL MITCHELL returns for his second year on the Board. He has worked on Summerfest and assisted in planning matters, both of which he will continue to do this year. Bill lives on Virginia Avenue.

CHARLIE NALBONE became involved in the VHCA because of a zoning issue near his property. He stayed involved and was elected this year to serve as our Secretary and he will also be on the Planning Committee. Charlie lives on Los Angeles Ave.

MELINDA POLITES is the Board member appointed to represent the Atkins Park Homeowners Association. She will also be involved in the Parks Committee. Melinda lives on St. Augustine.

RANDIE SIEGEL is the alternate this year and will be active on the Planning Committee. Randie lives on Ponce de Leon Place.

AMY WATERMAN returns as the President for her second term. For three years prior to that she served as Secretary. She will try to be involved in all aspects of the Board. Amy lives on Adair Avenue.

These people were elected to serve the neighborhood. Let them know how you feel about neighborhood issues, ask them for help and information, support them at meetings, and encourage the hard work they do for our neighborhood.

Amy Waterman
President

**NEED INFORMATION ABOUT THE NEIGHBORHOOD?
CALL 222-VAHI.**

Leave a message and someone will call you back.

**VOLUNTEER OPPORTUNITIES
PLANT TREES**

Saturday, November 15th and 22nd
See the Parks Committee Report.

PRESIDENT'S CORNER

In September an Urban Design Plan was introduced through Councilperson Mary Davis's Office of the Bureau of Planning. This plan is for the commercial district on N. Highland Avenue from Ponce de Leon to University Drive. There are two major parts to the plan—Streetscape and Access.

The Streetscape Plan addresses issues such as sidewalk improvements, greenspace, curb configurations and other pedestrian and urban design issues. The Access Plan deals with traffic and parking issues. Solutions might include, for example, alternative on-street parking—angled versus parallel, designated employee parking areas, and metered or pay parking.

We are very early in a long process. Specifically, we are now in the draft phase in preparing the proposal. When it is complete, we will present it to the community—hopefully at our December meeting. At that time, the proposal will be released for bids from urban design planners/consultants.

There are many safeguards built into the proposal ensuring that the community—both residential and commercial—will have input into this plan. The chosen urban design consultant will have community meetings and will work with a task force from the community throughout this process.

We will keep you updated along the way. I hope you will attend the meetings and be a part of this exciting process.

Amy S. Waterman
President VHCA

!!! NEWS FLASH !!!

We are an award winning neighborhood! Not one but **five** awards were bestowed by Together Atlanta '97 on October 25th. Congratulations to WINNIE CURRIE, JERRY BRIGHT, and RICK PORTER, who were honored for their outstanding contribution to community development. Neighborhood Achievement Awards went to the VIRGINIA HIGHLAND CIVIC ASSOCIATION and the VIRGINIA HIGHLAND CIVIC FUND.

PARKS COMMITTEE NEWS

There will be two neighborhood tree plantings in November. These plantings are co-sponsored by Trees Atlanta and the Virginia Highland Civic Association. They are funded by money the civic association received to ameliorate the visual impact of the additional dishes added to the cell tower behind Ponce de Leon Place. We need volunteers to help with the plantings, which will begin at 9:00 a.m. on Saturday, November 15th and 22nd, and will end around noon. Please, bring a shovel and help beautify the neighborhood. If you have any questions, call me, Stephanie Coffin, at 874-0523 or Greg Levine, Trees Atlanta, at 522-4097.

November 15th, Saturday: Ponce de Leon Place Planting

We will be planting in the green strips from Ponce de Leon to Virginia Avenue along both sides of Ponce de Leon Place. All the trees selected for these sites will be suitable street trees including redbuds, crape myrtles, golden rain trees and sophora. The trees will be spring and summer bloomers. Letters will be sent out to the residents notifying them of the planting and asking anyone who does not want a tree to let us know. We hope to plant and mulch about 80 trees. The trees will eventually create a boulevard feeling from Ponce de Leon to Virginia. This is a big project and we need your help!

November 22nd, Saturday: John Howell Park

Fifteen large crape myrtles will be planted along Virginia Avenue lining the park and filling in the spaces where old crape myrtles were damaged or destroyed.

Tree Planting on Frederica and Greenwood

Neighbors along Greenwood and Frederica turned out on October 4th—Hands on Atlanta Day—planting a total of 40 trees. With a crew of about ten and the mulch donated by Appleseed Tree Company, all the trees were planted and mulched. The trees were bought by the Virginia Highland Civic Association.

Many people ask me how to take care of their trees. The best thing to do is put a layer of mulch around the base of the tree. This helps keep the moisture in, protects the bark at the ground level, and keeps the weeds from competing for nutrients. Pull the mulch back from the base of the tree about 6 to 8 inches. The mulch should not directly touch the tree.

Stephanie Coffin, Chair



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