

The Messenger

News for Candler Park

Our intown hometown

January 2001

MEETINGS*EVENTS

CPNO MEETING JAN 8 @7 PM

The Candler Park Neighborhood Organization is for all residents! We meet the second MONDAY of each month at Epworth United Methodist Church at 1561 McLendon Avenue. Please use the Mell Avenue entrance. Membership is FREE!

JANUARY MEETING AGENDA:

7:00 pm NOTE: EARLIER MEETING TIME!

- Officer Reports
- VOTE on revised Cancer Survivor Plaza proposal
- Presentation of 2002 Atlanta Comprehensive Development Plan
- DISCUSSION and VOTE on variances

TO SUBMIT AN AGENDA ITEM for the February meeting, contact any CPNO officer (see list on page 2). Deadline is January 15, 2000.

EVENTS CALENDAR

JANUARY 2001

Saturday, January 6 * 9 AM

Tree planting in Candler Park

Monday, January 8 * 7 PM

CPNO General Meeting

Monday, January 15 * 7 PM

CPNO Executive Committee Meeting

FEBRUARY 2001

Friday & Saturday, February 2-3

Kid's Market, Morningside Day Out

FALL 2001

October 2001

Candler Park FallFest

Volunteers welcome! Contact Bert Bellinson at bert@tangentindustries.com or call 404-351-8000.

We're Back In Action At Candler Park Playground!

The new playground equipment for Candler Park will be delivered the first week in January, and barring any weather problems, will be installed by the city that same week. It may be in progress – or perhaps even complete – by the time you read this article. Additional improvements, such as new paths around the playground, a brick plaza with our donor bricks, picnic tables, etc., will probably be added in February. We plan to hold a thank you celebration in March or April, when the weather is warmer, so look for more information about that in future issues of the Messenger.

We'd like to offer an enormous thank you to all our donors and volunteers. A complete list of the institutions that gave us grants, businesses and individuals that made donations or bought bricks, and people that helped with the yard sale, will be published in the *Messenger* soon. If you donated items to the yard sale and don't already know for a fact that I have your name, please call me to ensure that you get

recognized (it got a bit hectic there toward sale day!).

I'm thrilled to announce that we exceeded our fundraising goal – at press time (mid-December), we had roughly \$64,000 in the bank with two weeks of brick sales left. Our original goal had been to

raise \$50,000. We're saving the excess funds for maintenance. For example, the next time the groundcover level gets dangerously low, we can replenish it quickly without waiting for the city.

Once again, the Candler Park Playground Task Force would like to express our appreciation to everyone involved in this project. The fact that we were able to beat both our fundraising goal and our self-imposed timeline is a testament to the generosity of our extraordinary community and proof of the difference a small group of dedicated individuals can make. I've never been prouder to live in Candler Park.

—Stacy Williams

*Okay kids... let's get
ready to play!*

Tree Planting In Candler Park, Saturday, January 6, 9 AM

Please join us on Saturday, January 6, to help plant 40 to 60 new trees in Candler Park. Tree planters of all shapes and sizes are encouraged to come out and help us make the park a little greener and a little shadier. The trees will compliment efforts to revitalize the Candler Park playground and pool. So bring your shovels and your muscles, and meet by the playground at 9:00 AM for a morning of digging in the dirt.

If you plan to participate, or if you have any questions, please contact George Dusenbury at 404-373-0428 or dc_dusenbury@yahoo.com. A special thanks to Trees Atlanta for providing us with the trees.

—George Dusenbury

The Messenger

The Messenger is published monthly by the Candler Park Neighborhood Organization. Deadline for articles for the Feb. issue is Jan. 19. Submit to:

EDITOR

Robin Bellinson 4/522-8930
robinbel@bellsouth.net
405 Oakdale Road NE

AD RATES, SPECIFICATIONS AND PAYMENT

CLASSIFIED ADS \$2 per line
One line = 35 characters/spaces. First few words will be bold/capitalized. Must be printed/typed.

DISPLAY ADS \$10 per column inch
Ad cost = # of columns x # of inches in height.
1 col = 2.5"; 2 col = 5"; 3 col = 7.5". Max height = 9.75". Supply camera ready art (laser print OK).

DEADLINES

18th of the month (prepaid) for publication in the following month's edition. No extensions. Include your name and phone number. Ads may not be phoned in or bought on credit.

SEND AD AND CHECK (PAYABLE TO CPNO) TO:

Robin Bellinson, 405 Oakdale Rd. (ph. 522-8930)

CPNO Officers 2001

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greg30307@yahoo.com

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THE MESSENGER/CANDLER PARK

PO Box 5418 * Atlanta, GA 30307
www.candlerpark.org

Sidewalk Committee Gears Up To Help Homeowners

The Sidewalk Committee met on Monday December 11 at the home of Austin Wattles. Our discussion included:

- More volunteers are needed. We are particularly interested in finding someone with fundraising experience.
- We will begin mapping the worst sidewalk damage (street-side only) soon. We are appealing to homeowners to let us know where that may be (give us an address – either yours or a neighbor's). We don't intend to condemn your property – we want to help! First priority for funding assistance will go to the priority routes indicated in last month's issue of *The Messenger*. What we are looking for is sidewalks you would have great difficulty maneuvering a wheelchair or baby stroller over.
- We welcome assistance/comments from all Candler Park residents. We

are also particularly interested in comments from the elderly, people with physical disabilities, and parents with strollers. We need to understand your concerns.

Our next meeting will be at 7 PM, Thursday January 11 at the home of Ally and Danny Earnest, 456 Candler Street, NE. Thereafter we will meet at 7 PM on the second Thursday of each month at rotating homes.

Please send any comments too cpsidewalks@hotmail.com, or mail to Eric Worrell at 410 Candler Park Drive, Unit C2, Atlanta, GA 30307.

If you want to volunteer to help on the committee call Eric Worrell at 404-562-3684, or Austin Wattles at 404-577-1498.

If you can make a tax deductible contribution to help the neighborhood rebuild its sidewalks, contact Mike Brandt at 404-525-4214 or mbrandt@mindspring.com.

—Eric Worrell

Laughter in the Park by Deb Milbrath



An Open Letter To Epworth Church

Dear Rev. Kent, Rev. Oglesbee and the staff and congregation of Epworth,

We'd like to express our deep appreciation for the support you have given to the effort to rebuild Candler Park's playground. You have been so generous in allowing us to use your facility at any time. Our yard sale items took up three large rooms for well over a month, you allowed us to use as many tables as we wanted, and you even advertised our yard sale on your marquis. Then, to top it off, you made a generous contribution to our cause, which we know means a lot coming from a non-profit organization that itself relies on donations for survival.

You have been a shining example of an organization that supports its community. As far as I can tell, you have never turned down a request for a group to use your facility, from CPNO to clubs to a Friday morning play group. This is especially meaningful considering that by opening your facility to outsiders, you're risking the safety of your own church to help others.

In this day and age of "each man for himself" (or "each woman for herself"), we'd like to offer our profuse thanks for your giving and serving. We hope you receive as much from this neighborhood as you offer it.

—Stacy Williams

On behalf of the Candler Park Playground Task Force

Zoning Matters: Neighborhood Update

For the Record:

CPNO voted to support the application for Special Use Permit for proposed outdoor dining at restaurants to be developed at 353 and 361 Moreland Avenue, with conditions acknowledged by the applicant, Josh Sagarin, as follows: *As to Outdoor Dining:* (1) a wall will be constructed along the south side of the patio adjacent to the Bank of America site to minimize noise carrying onto Josephine St.; (2) hours of alcohol service to end by midnight Sun.-Wed., and by 1 AM on Thurs., and by 2 AM on Fri.-Sat., with the restaurant to close within one hour after these times, respectively; (3) valet parking to be provided at peak periods on weekends to increase parking counts in the onsite lot. *As to Structure Design:* (1) no rooftop decks overlooking Josephine Street; (2) no residential windows overlooking Josephine Street; (3) no unshielded parking lot lighting to spill onto Josephine Street; (4) bike racks to be provided. This matter will be considered at the December NPU-N meeting, tentatively rescheduled from Dec. 18 (the day of the snowstorm) to 7PM Tuesday, January 2nd. CPNO members are encouraged to attend.

NPU Announcement

2002 Atlanta Comprehensive Development Plan: NPU-N has been invited to submit recommendations for the upcoming annual amendment of Atlanta's CDP. The deadline for NPU-N recommendation for proposed CDP amendments will be January 12th. A short explanation of the purpose and significance of the CDP and companion 15-year Land Use Plan will be presented at the January CPNO meeting. CDP Land Use section guidelines already established include: maintaining the Little Five Points commercial district boundary, preventing the encroachment of non-residential uses into surrounding residential areas; preserving the historic integrity of Candler Park neighborhood; preventing expansion of industrial and commercial uses along DeKalb Avenue into surrounding residential areas; and maintaining the boundaries between commercial and residential areas around the Clifton/McLendon commercial district. CPNO members wishing to propose land use or other matters for possible recommendation to NPU-N should attend the January CPNO meeting to learn more about the CDP. —Walt Weimar

Revised Cancer Survivor Plaza Concept Up For Vote

There will be a presentation of revisions to the Cancer Survivor Plaza concept plan at the January CPNO meeting. The Cancer Survivor Plaza will be a plaza area along Moreland Avenue directly across from where Freedom Parkway ends. An original iteration of these plans was reviewed and approved at the October 2000 meeting. While the basic design of the plaza remains unchanged, details have been added and some modifications have been made to the plan. We will therefore review the updated plan and vote whether or not to support it at the January meeting. Specific changes to the plan include:

- The trail will pass in front of the Plaza instead of in the rear (per suggestions from October meeting)
- The plaza will be shifted about 15 feet closer to Moreland Avenue
- The sculpture will be oriented to face east instead of south
- The water wall will be increased in height by two feet
- Signage for the plaza has been changed to better delineate the plaza from the rest of the park (per suggestions from October meeting)
- The positive mental attitude walk has been incorporated into the plaza instead of as a secondary trail connecting to Druid Place.

We will be seeking approval for the Plaza from the Urban Design Commission in January and this will be our last chance to review the plan before then. Please plan on attending the January CPNO meeting if you have any interest in this project.

Contact Eric Dusenbury at 404/522-7130 or ericandkarin@msn.com if you have any questions or would like to review the design prior to the meeting.

—Eric Dusenbury

Zoning 101: Understanding Atlanta's Zoning Process And Ordinances

A workshop entitled "Zoning 101" sponsored by Atlanta Planning Advisory Board (APAB) members at City Hall was held on Saturday, December 2nd. This session (which was free and open to the public), offered helpful information to neighborhood leaders on legal and practical solutions to land use matters involving issues of concern to adjacent landowners. Local zoning attorneys Jim Ney and Tom Anderson (of Holt Ney Zatzoff & Wasserman), along with Atlanta's current Planning Bureau Director John Bell and past Director Bill Kennedy, provided an overview of current planning processes (including rezoning, special use permits, special exceptions and variances), and suggested strategies by which opponents of controversial land use proposals might negotiate concessions important to their neighborhoods.

As background, rezonings or special use permits were explained as more serious land use matters, while variances or special exceptions and other matters (liquor license applications, certificates of appropriateness) are of lesser formality. Land development matters requiring a building permit may be referred for Planning Bureau review, following which a formal applica-

tion may be required. In rezoning or seeking a special use permit, the sequence is generally from Neighborhood Planning Unit (NPU) to Atlanta Zoning Review Board (ZRB), Atlanta City Council Zoning Committee, and full City Council approval before being signed into law by the Mayor. For variances or special exceptions, the sequence is NPU and then Atlanta Board of Zoning Adjustment (BZA), without the need for further review. Appeal of denials from either process must be pursued in Fulton County Superior Court.

The Neighborhood Planning Units (NPUs), which make recommendations to city planners based on their respective by-laws, and concern or support expressed by local members, are volunteer organizations. NPU-N, a representative NPU which meets monthly (in which CPNO is one of nearly a dozen member organizations) is just one of 24 geographically-distinct NPUs in Atlanta. BZA is a 5-member board of citizens appointed by the City Council, meeting twice monthly. ZRB is a 9-member citizen's committee appointed by the Mayor and confirmed by City Council, holding public hearings twice monthly. City Council Zoning Committee meetings are held once per month, followed closely by monthly meetings of the full

City Council. Application forms and 2001 meeting schedules/filing deadlines for all such agencies are available from CPNO zoning VP Walt Weimar or CPNO's NPU-N representative Lexa King. As an "executive" form of neighborhood planning unit, NPU-N by-laws require formal recommendations from constituent organizations as a significant element in deliberations toward issuing recommendations to municipal agencies such as ZRB or BZA.

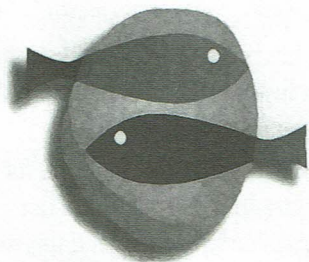
Opponents of land use matters, workshop participants observed, should determine in advance the desired outcome of their efforts - whether to defeat the proposal, or to reach consensus through conditional approval. Key to the success of either approach is adequate research to learn the exact nature of the proposal by obtaining a copy of the application, any subsequent amendments and the zoning ordinance provisions to which reference is made. Understanding the organizing principles of the Atlanta Zoning Ordinance (including definitions, general provisions and status of "non-conformities") is important, as are the "rules of procedure" of each reviewing agency. For example, by-laws of CPNO or the NPU may be requested from their respective officers, while planning staff personnel can provide BZA, ZRB or other municipal agency guidelines.

Obtaining a copy of any formal determinations of planning staff, as well as assessing relevant provisions of the Atlanta Comprehensive Development Plan are recommended. Substantive or procedural faults in the application, if any, should be identified, then prioritized; too readily revealing such faults (if confirmed - anonymously- as fatal to approval) may yield little leverage toward conditional concessions by the applicant. Inadequate notification by applicants to NPU or neighborhood officers, failure to place visible signage, failure to meet with affected neighbors, or failure (where required) to post newspaper ads may all be verifiable defects of an application.

Organization of those individuals most affected by a proposed development issue should be among the earliest tasks in the process of successfully opposing an unpopular land use application. Adjacent neighbors and other "people in opposition" should, however, refrain from participating if any have contributed more than \$250 to any agency member reviewing the matter, unless they have publicly filed a disclosure at least 5 days in advance of such review. Impact to various neighborhood elements (traffic, sewer, etc.) can be assessed by expert witnesses to whom a fee for service (if not donated by volunteers, none of whom should be city employees) may be payable. If hired, the "best affordable" consultants should be given clear guidelines for sufficiently-definitive conclusions, and should be retained for the anticipated

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Zoning 101 (continued)

duration of the matter, through appeals if necessary.

A resulting "position paper" may be drafted, based on group and expert input, which allows the group to avoid making unsupported claims or accusations, and provides a basis for written communication with the planning staff, and appointed or elected officials. Such correspondence with Atlanta officials should not be "ex parte" (or separate from publicly-filed comments) - officials are generally not free to discuss pending matters privately with any interested parties. The position paper may later form the outline for legal briefs, if necessary, and may be accompanied by a petition signed by opponents (for whom knowledge of relevant hearing dates will help in scheduling attendance that often gives an added emphasis and important human dimension to written opposition).

As hearings draw near, seeking to meet with applicants as recommended by neighborhood or NPU executives determine appropriate can help in framing core issues for possible compromise, without necessarily disclosing all strategic means; consulting experts need not attend all such meetings, but should be kept informed of any significant concessions by either side. Arranging to meet openly with agency members or planning staff *on site* about 1 week before formal hearings, followed by final correspondence advocating the adversarial position paper, gives opponents the best chance to focus on key points in reaching an informed, timely decision. Full attendance by opponents, whose identity (through common apparel, insignia or signs) makes easily discernible the political implications of an unpopular decision, is as important as careful allocation to those most articulate, well-recognized speakers the limited speaking time (usually a total of 10 minutes or less) for addressing each public hearing.

If compromise is well-supported by opposition members (determination in advance being crucial to legitimacy at such hearings), then *prior to final agency determination* a group decision-maker authorized to negotiate (particularly where opposition themes seem unlikely to succeed on merit) may achieve the best practical outcome. Otherwise, private contractual agreements binding landowners adjoining a proposed land use matter may allow sufficient protection (through contractual remedies) to achieve a conditional compromise that might otherwise be unenforceable by municipal agencies (and therefore absent from agency determination, such as conditions not physically verifiable upon site inspection). Categorically excluded from an agency's conditional findings, usually, are "system improvements" for which developers (rather than public agencies) are normally not responsible (this would

disallow, for instance! , general road or sewer improvements not related to the specific property in question).

Defeat of opposition isn't necessarily the end, while decisions to deny an application may be "with prejudice" (implying a similar matter won't be heard for as much as 1 year from the determination date). Decisions can be appealed to civil courts, but ordinarily BZA and ZRB hearings are most influential because overturning such decisions requires a affirmative proof of "fraud, corruption or manifest abuse of process", all highly burdensome as a matter of zoning law. When asked by an attendee near the conclusion of the workshop, it was observed that a widely-anticipated Georgia Supreme Court decision now pending (the so-called Buckhead Loop case) will clarify the legitimacy of Atlanta's planning process as it relates to the Comprehensive Development Plan, consequences of which may impact several levels of planning procedures just described.

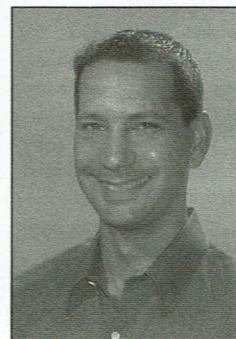
Some additional zoning concepts offered by participants: (1) authority of zoning laws stems from a 1926 US Supreme Court decision, prior to which development regulations were merely contractual in nature; (2) each zoning ordinance is unique, unlike building codes which are largely uniform throughout wide geographic regions; (3) non-conforming uses are legal even if zoning is changed, so long as "uninterrupted and continuous", while non-conforming structures arise when lot standards are adopted or changed after a lot is already improved; (4) variances are an attempt to maintain the principle that a reasonable use must be available to an owner of any parcel (otherwise,

mere zoning constraints which disallow any use would amount to a "taking" for which "just compensation" would be required to comply with constitutional due process.

Anyone interested in attending future APAB events should contact Ken Rose of the Atlanta Planning Advisory Board, or Barney Simms of the Atlanta Bureau of Planning.

—Walt Weimar

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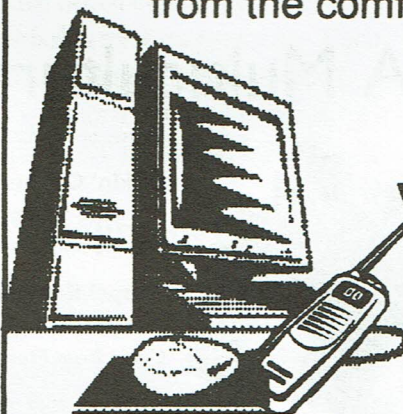
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HOURS
Monday-Friday 11-6
Saturday 11-3

CRIME REPORT

Crimes reported Nov. 18 - Dec. 19, 2000 in Zone 6 police records. (Block numbers rounded to closest hundred.)

500 Candler Park Dr., 12/08, 8:15 am, house broken into, stereo, clothing, toys gift certificates.

500 Candler Park Dr., 12/12, 5:09 am, victim had been sleeping under golf course bridge, assaulted by 3 men (person arrested later).

400 Candler Park Dr., 12/17, 8:05 am, mountain bike stolen from entryway, victim heard crash from window breaking, stereo in bag left on steps.

1600 DeKalb Ave., 12/02, 9:00 pm, victim hit in head with pipe, suspect ran, victim refused treatment.

1200 Mansfield, 12/15, 9:35 pm, drunk suspect assaulted police, no sustainable damage, kick and cuffs, person arrested.

300 Mell, 11/27, 8:40 am, residence and shed robbed, bike, coins, electronics, broken side window.

1500 Miller Ave., 12/08, 5:00 am, two people looking into cars, Officer was called, suspects ran, caught on Iverson St. but later freed at station.

400 Moreland Ave., 11/03, 11:00 pm, forced entry, property taken - watches, wallet, suspects chased, caught on Elmira Street and arrested.

300 Moreland Ave., 12/01, 0:39 am, vehicle break in and damage done, coins taken.

400 Moreland Ave., 12/02, 1:00 am, driver arrested for D.U.I. who had stopped and not started again.

300 Moreland, 12/14, 6:45 pm, victim from 12/12 spotted person who assaulted him, suspect arrested.

1300 North Ave., 12/04, 3:46 pm, electrical wire stolen from employer by employee - it disconnected electric power.

1300 North Ave., 12/04, 4:15 pm, property stolen from side yard - air conditioner.

500 Oakdale, 11/23, 2:51 am, open door found.

500 Oakdale, 12/15, 12:50 pm, shed broken into, lawn mower taken, had been robbed before, owner had put on four hasps and locks, were cut anyway.

500 Oakdale, 12/19, 0:45 am, male told to leave, had exposed himself, when returned and did the same thing again, he was arrested.

ZONE 6 POLICE: CALL 911 FIRST!

Individual Officers: 404-371-5002

VARIANCE REQUESTS

Discussion and voting on the following issues will be held at the January CPNO meeting.

623 AND 629 TERRACE AVENUE

Variances for Rear Driveways. Applicant Will Colley seeks variances for properties at 623 and 629 Terrace Avenue for rear driveways. No further information was provided to CPNO by the applicant as of *Messenger* publication deadline.

1358 IVERSON STREET

Variance for Reduced Setback. Applicant Mark Carson seeks a variance for 1358 Iverson Street to reduce the half-depth front yard (street frontage along the side yard) from 15' (required) to 3.5 feet (existing) to allow for a 2-story rear-yard expansion of the existing non-conforming structure.

ISSUE FOR DISCUSSION

Saul Friedman, owner of properties located at 1369-1373 Euclid Avenue, has requested an opportunity to address CPNO regarding proposed redevelopment of existing improvements (in possible combination with 1355 Euclid Avenue) into a total of 12 to 14 townhomes. Rezoning from single-family R-4 or R-5 into multi-family RG-2 or RG-3 is anticipated. No other information was provided to CPNO by the applicant as of the *Messenger* publication deadline, but no vote will be taken on this item (feedback from the neighborhood on preliminary design ideas is all that will be considered at the January meeting). The architect for the project is the Atlanta firm, Jones Pierce (404-688-1050).

Candler Park FallFest Volunteers Needed

Lots of help needed, big and small!
If you are interested in working on the FallFest (October 2001), contact Bert Bellinson at 404-351-8000 or email bert@tangentindustries.com.

CLASSIFIED ADS

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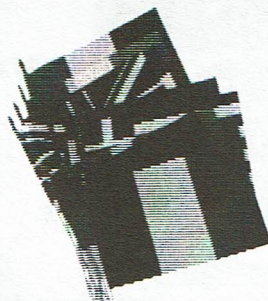
Please join us for:

Kirkin' O' The Tartans

A tribute to our Presbyterian heritage with traditional Scottish bagpipe and drum music. Sunday, February 4, 11 am

Gospel Extravaganza

A celebration of Black History Month featuring the Gospel Choir from Presbyterian College. Saturday, February 10, 5 pm



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