

**FIRST AMENDMENT
APPLICATION FOR VARIANCE
CITY OF BROOKHAVEN, GEORGIA**

IN RE:)
)
Children's Healthcare of Atlanta, Inc.,)
)
Applicant,)
)
For the property located at)
1577 and 1597 Northeast Expressway,)
1911 Cliff Valley Way,)
DeKalb County, Georgia 30329)



COMES NOW the Applicant and respectfully requests that the above-referenced Application be amended as follows:

(1)

By incorporating to the Application the enclosed Boundary Survey to replace the Boundary Survey originally filed with the Application on April 5, 2017;

(2)

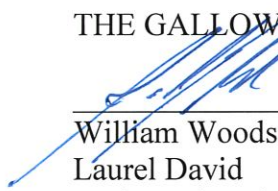
By incorporating to the Application the enclosed Legal Description to replace the Legal Description originally filed with the Application on April 5, 2017.

WHEREFORE, the Applicant respectfully requests that the City of Brookhaven accept this First Amendment; that the Application be amended in accordance with this First Amendment; and that the Applicant have such other and further relief as is just and proper under the circumstances.

Accordingly, the Applicant respectfully requests that the City Council of the City of Brookhaven approve the Variances as requested.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC



William Woodson Galloway
Laurel David
Jordan Edwards
Attorneys for the Applicant

3500 Lenox Road NE, Suite 760
Atlanta, Georgia 30326
(404) 965-3680



17VAR101



4362 Peachtree Road • Brookhaven, Georgia 30319 • (404) 637-0500 • Fax (404) 637-0501 • www.brookhaviga.gov

Variance Application

Type	Type of Request: <input checked="" type="checkbox"/> Zoning/Special Exception <input type="checkbox"/> Sign <input checked="" type="checkbox"/> Stream Buffer <input type="checkbox"/> Other <input type="checkbox"/> Administrative (Zoning/Special Exception or Stream Buffer)			
	Applicable Zoning/Sign Code Section:			
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements
	<input checked="" type="checkbox"/> Setback	(See Chart to the Right)		Front 50
	<input type="checkbox"/> Sign			Side 20
<input type="checkbox"/> # Parking Spaces			Rear	
<input type="checkbox"/> Other _____			Other	
Project	Name of Project/Subdivision: Children's Support Office Building			Present Zoning: O-1
	Property Address/Location: 1577 and 1597 Northeast Expressway and 1911 Cliff Valley Way 1571 NE Expressway			
	District: 18	Land Lot: 157	Block: 01	Property ID: 042, 044, 049
	Is this development and/or request seeking any incentives or tax abatement through the City of Brookhaven or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Owner Information	Name: see attached Property Owner Information page			
	Address:			
	Phone:		Fax:	
	Cell:		Email:	
Applicant	Name: Children's Healthcare of Atlanta, Inc. c/o William Woodson Galloway			
	Address: 3500 Lenox Rd. NE, Suite 760, Atlanta GA 30326			
	Phone: 404-965-3680		Fax:	
	Cell:		Email: woody@glawgp.com, laurel@glawgp.com	
Affidavit	<i>To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included</i>			
	Applicant's Name: Christopher J. Chelette, as Vice President of Children's Healthcare of Atlanta, Inc.			
Notary	Applicant's Signature:			Date: May 1, 2017
	Sworn to and subscribed before me this _____ Day of May 20			
	Notary Public: Elizabeth A. Rolfsen			
	Signature:			
Date: 5.1.17				
Office Use	Application Received By:		Project Title:	
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 per 500 feet per frontage) <input type="checkbox"/> Legal Fee (\$20)		Project Number:	
	Fee: \$	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied			Date:	

PROPERTY OWNER INFORMATION



Tax Parcel ID: 18 157 01 044

Address: 1577 Northeast Expressway, Atlanta GA 30329

Current Zoning: O-I

Owner name: Real Estate Enterprises, LLC (Note: tax records show Citizens Southern Natl Bank)

Note: Real Estate Enterprises, LLC, is a wholly owned subsidiary of Children's Healthcare of Atlanta, Inc.

Owner contact:

c/o The Galloway Law Group, LLC

3500 Lenox Road, Suite 760

Atlanta, Georgia 30326

Phone: (404) 965-3680

Email: laurel@glawgp.com

Tax Parcel ID: 18 157 01 042

Address: 1597 Northeast Expressway, Atlanta GA 30329

Current Zoning: O-I

Owner name: Real Estate Enterprises, LLC (Note: tax records show NE Express Realty LLC)

Note: Real Estate Enterprises, LLC, is a wholly owned subsidiary of Children's Healthcare of Atlanta, Inc.

Owner contact:

c/o The Galloway Law Group, LLC

3500 Lenox Road, Suite 760

Atlanta, Georgia 30326

Phone: (404) 965-3680

Email: laurel@glawgp.com

Tax Parcel ID: 18 157 01 049

Address: 1911 Cliff Valley Way, Atlanta GA 30329

Current Zoning: O-I

Owner name: Unitarian Universalist Congregation of Atlanta (Note: tax records show United Liberal Church)

Owner contact:

Attn.: Melissa Marion-Laudais

President, Board of Trustees

1911 Cliff Valley Way

Atlanta, GA 30329

PROPERTY DESCRIPTION
"PROPOSED SLUP & VARIANCE SUBMITTALS"



Being all that tract or parcel of land lying and being in Land Lots 156 & 157, 18th District, DeKalb County, Georgia and being more particularly described as follows:

COMMENCING at a point found at the intersection of the southerly Right-of-Way Line of Northeast Expressway NE A.K.A. I-85 Access Road (having a variable width limited access Right-of-Way) and the easterly Right-of-Way Line of Tullie Circle (having an apparent 60' Right-of-Way); thence, leaving the aforesaid point and running with the said Right-of-Way Line of Northeast Expressway NE North 63° 15' 43" East, 152.19 feet to a point; thence, North 62° 06' 26" East, 159.84 feet to a point and the POINT OF BEGINNING.

Thence, from said POINT OF BEGINNING as thus established and continuing with the aforesaid Right-of-Way line of Northeast Expressway NE

1. North 62° 03' 44" East, 263.09 feet to a green paint dot labeled "PC" found; thence,
2. North 62° 15' 26" East, 78.57 feet to a point; thence,
3. 376.99 feet along the arc of a curve deflecting to the left, having a radius of 5762.58 feet and a chord bearing and distance of North 60° 13' 59" East, 376.93 feet to a point; thence,
4. North 58° 11' 45" East, 465.19 feet to a point at the point of intersection with the westerly Right-of-Way Line of Cliff Valley Way (having a 100' Right-of-Way); thence, leaving the aforesaid Right-of-Way Line of Northeast Expressway NE and running with the said Right-of-Way Line of Cliff Valley Way
5. South 25° 05' 11" East, 59.82 feet to a point; thence,
6. 187.93 feet along the arc of a curve deflecting to the left, having a radius of 4,190.97 feet and a chord bearing and distance of South 26° 37' 59" East, 187.91 feet to a point; thence,
7. South 61° 17' 44" West, 554.60 feet to a point in the centerline of an unnamed creek; thence, leaving the aforesaid property of Cliff Valley Partners, LLC and running with the aforesaid centerline of unnamed creek
8. South 31° 55' 28" East, 28.76 feet to a point; thence,
9. South 36° 36' 32" East, 23.61 feet to a point; thence,
10. South 37° 15' 32" East, 57.89 feet to a point; thence,
11. South 55° 15' 11" East, 35.75 feet to a point; thence,
12. South 46° 55' 17" East, 16.19 feet to a point; thence,
13. South 38° 54' 40" East, 28.19 feet to a point; thence,
14. South 32° 11' 34" East, 12.58 feet to a point; thence,
15. North 89° 52' 48" West, 23.66 feet to a point on the west bank (20 feet west of centerline of creek per record information) of an unnamed creek; thence, running parallel and 20 feet west of aforesaid creek;
16. South 32° 11' 34" East, 39.82 feet to a point; thence,
17. South 49° 21' 05" East, 35.01 feet to a point; thence,
18. South 58° 50' 07" East, 42.95 feet to a point; thence,
19. South 38° 34' 34" East, 58.58 feet to a point; thence,
20. South 55° 49' 20" East, 14.81 feet to a point; thence,
21. South 19° 35' 53" East, 14.38 feet to a point; thence,
22. South 44° 18' 15" East, 35.14 feet to a point; thence,
23. South 36° 00' 32" East, 37.15 feet to a point; thence,
24. South 45° 01' 33" East, 45.91 feet to a point; thence,
25. South 41° 58' 27" East, 37.63 feet to a point; thence,
26. South 50° 58' 21" East, 52.62 feet to a 1/2 inch rebar found; thence,

27. North 89° 48' 01" West, 559.61 feet to a 1/2 inch rebar found; thence,
28. North 89° 48' 01" West, 287.21 feet to an axle found on the Land Lot Line common to Land Lots 156 & 157, said District; thence, continuing with the aforesaid property now or formerly owned by El Ad Briarcliff, LLC and running with the said Land Lot Line
29. South 01° 40' 37" West, 15.28 feet to a point; thence, leaving the aforesaid property now or formerly owned by El Ad Briarcliff, LLC and running with property now or formerly owned by American Society of Heating Refrigerating Air Conditioning Engineers, Inc. per Deed Book 4413, Page 408, aforesaid records
30. North 27° 58' 10" West, 404.50 feet to the point of beginning, containing 501,343 square feet or 11.5092 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.



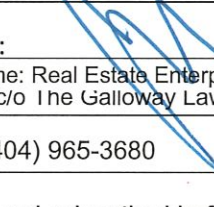
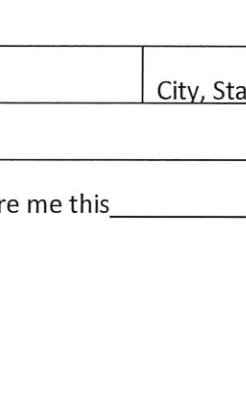


**Property Owner(s)
Notarized Certification**



The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Tax Parcel ID: 18 157 01 044 Address: 1577 Northeast Expressway, Atlanta GA 30329

Property Owner (If Applicable)	Signature: 		By: Christopher J. Chelette As: Authorized Representative	Date: <u>March 31, 2017</u>
	Owner name: Real Estate Enterprises, LLC (a wholly owned subsidiary of Children's Healthcare of Atlanta, Inc.) Address: c/o The Galloway Law Group, LLC 3500 Lenox Road, Suite 760 Atlanta, Georgia 30326			
	Phone: (404) 965-3680			
Property Owner (If Applicable)	Sworn to and subscribed before me this <u>31</u> day of <u>MARCH</u> , 20 <u>17</u>			
	Notary Public: <u>Kathryn Lindsay Betancourt</u>			
				
Property Owner (If Applicable)	Signature:		Date:	
	Address:	City, State:		Zip:
	Phone:			
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20 _____			
	Notary Public:			
	Signature:		Date:	
Address:		City, State:		Zip:
Phone:				
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20 _____			
	Notary Public:			

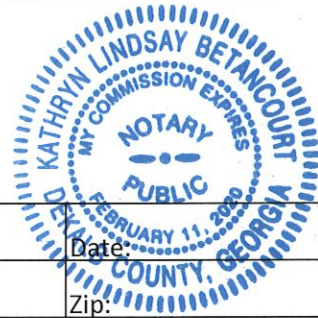


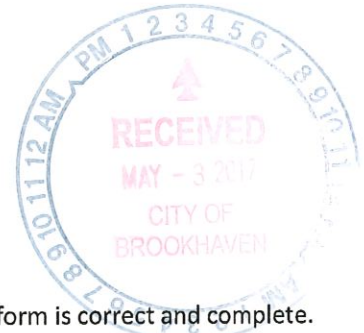
Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Tax Parcel ID: 18 157 01 042 Address: 1597 Northeast Expressway, Atlanta GA 30329

Property Owner (If Applicable)	Signature:		By: Christopher J. Chelette As: Authorized Representative	Date: <u>March 31, 2017</u>
	Owner: Real Estate Enterprises, LLC (a wholly owned subsidiary of Children's Healthcare of Atlanta, Inc.) Address: c/o The Galloway Law Group, LLC 3500 Lenox Road, Suite 760 Atlanta, Georgia 30326			
	Phone: (404) 965-3680			
Property Owner (If Applicable)	Sworn to and subscribed before me this <u>31</u> day of <u>MARCH</u> , 20 <u>17</u>			
	Notary Public: <u>Kathryn Lindsay Betancourt</u>			
	Signature:		Date:	
Property Owner (If Applicable)	Address:		City, State:	
	Phone:		Zip:	
	Sworn to and subscribed before me this _____ day of _____, 20_____			
Property Owner (If Applicable)	Notary Public:			
	Signature:		Date:	
	Address:		City, State:	
Property Owner (If Applicable)	Phone:		Zip:	
	Sworn to and subscribed before me this _____ day of _____, 20_____			
	Notary Public:			


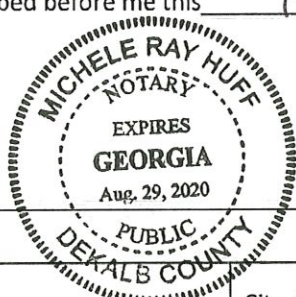




**Property Owner(s)
Notarized Certification**

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Re: Parcel ID: 18 157 01 049 Address: 1911 Cliff Valley Way, Atlanta GA 30329

Property Owner (If Applicable)	Signature: <u>M. Marion-Laudai</u>		Date: <u>3/15/17</u>
	Owner name: Unitarian Universalist Congregation of Atlanta, Attn.: Rev. Anthony M... Address: 1911 Cliff Valley Way		City, State: Atlanta, GA Zip: 30329
Property Owner (If Applicable)	Phone: <u>404-634-5134</u>		
	Sworn to and subscribed before me this <u>15</u> day of <u>March</u> , 20 <u>17</u>		
Property Owner (If Applicable)	Notary Public:		
			
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State: Zip:
Property Owner (If Applicable)	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Property Owner (If Applicable)	Notary Public:		
	Signature:		Date:
Property Owner (If Applicable)	Address:		City, State: Zip:
	Phone:		
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes

No

Tax Parcel ID: 18 157 01 044 Address: 1577 Northeast Expressway, Atlanta GA 30329

Applicant / Owner	Signature:	By: Christopher J. Chelette As: Authorized Representative
	Owner name: Real Estate Enterprises, LLC (a wholly owned subsidiary of Children's Healthcare of Atlanta, Inc.)	
	Address: c/o The Galloway Law Group, LLC 3500 Lenox Road, Suite 760 Atlanta, Georgia 30326	
	Date: <u>March 31, 2017</u>	

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes

No

Tax Parcel ID: 18 157 01 042 Address: 1597 Northeast Expressway, Atlanta GA 30329

Applicant / Owner	Signature:	By: Christopher J. Chelette
		As: Authorized Representative
	Owner: Real Estate Enterprises, LLC (a wholly owned subsidiary of Children's Healthcare of Atlanta, Inc.)	
	Address: c/o The Galloway Law Group, LLC 3500 Lenox Road, Suite 760 Atlanta, Georgia 30326	
	Date: <u>March 31, 2017</u>	

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes No

Re: Parcel ID: 18 157 01 049 Address: 1911 Cliff Valley Way, Atlanta GA 30329

Applicant / Owner	Signature: <i>M. Marion-Laudai</i>
	Owner name: Unitarian Universalist Congregation of Atlanta, Attn.: Rev. Anthony Makar
	Address: 1911 Cliff Valley Way, Atlanta GA 30329
	Date: <i>3/15/17</i>

*Melissa Marion-Laudai's
President*

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes No

Applicant / Owner	Children's Healthcare of Atlanta, Inc., Applicant
	Signature:
	By: Christopher J. Chelette, as Vice President of Children's Healthcare of Atlanta, Inc. Address: c/o The Galloway Law Group, LLC, 3500 Lenox Road, Suite 760, Atlanta, GA 30326
	Date: <u>March 31, 2017</u>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

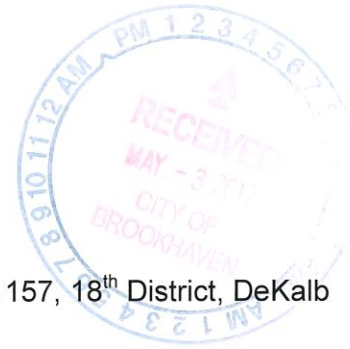
Yes No

Applicant / Owner	The Galloway Law Group, LLC, as Legal Counsel
	Signature:
	By: William Woodson Galloway, Partner
	Address: 3500 Lenox Road, Suite 760, Atlanta, GA 30326
Date: <u>5/1/17</u>	

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount
3-26-15	Bates Mattison	Council Member		\$500.00
8-18-15	Bates Mattison	Council Member		\$500.00

PROPERTY DESCRIPTION



Being all that tract or parcel of land lying and being in Land Lots 156 & 157, 18th District, DeKalb County, Georgia and being more particularly described as follows:

COMMENCING at a point found at the intersection of the southerly Right-of-Way Line of Northeast Expressway NE A.K.A. I-85 Access Road (having a variable width limited access Right-of-Way) and the easterly Right-of-Way Line of Tullie Circle (having an apparent 60' Right-of-Way); thence, leaving the aforesaid point and running with the said Right-of-Way Line of Northeast Expressway NE North 63° 15' 43" East, 152.19 feet to a point; thence, North 62° 06' 26" East, 159.84 feet to a point and the POINT OF BEGINNING.

Thence, from said POINT OF BEGINNING as thus established and continuing with the aforesaid Right-of-Way line of Northeast Expressway NE

1. North 62° 03' 44" East, 263.09 feet to a green paint dot labeled "PC" found; thence,
2. North 62° 15' 26" East, 78.57 feet to a point; thence,
3. 376.99 feet along the arc of a curve deflecting to the left, having a radius of 5762.58 feet and a chord bearing and distance of North 60° 13' 59" East, 376.93 feet to a point; thence,
4. North 58° 11' 45" East, 495.40 feet to a point at the point of intersection with the westerly Right-of-Way Line of Cliff Valley Way (having a variable width Right-of-Way); thence, leaving the aforesaid Right-of-Way Line of Northeast Expressway NE and running with the said Right-of-Way Line of Cliff Valley Way
5. South 25° 05' 11" East, 63.24 feet to a point; thence,
6. 186.15 feet along the arc of a curve deflecting to the left, having a radius of 4,160.97 feet and a chord bearing and distance of South 26° 37' 50" East, 186.13 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Cliff Valley Way and running with property now or formerly owned by Cliff Valley Partners, LLC per Deed Book 11166, Page 80, recorded among the Land Records of DeKalb County, Georgia
7. South 61° 17' 44" West, 584.60 feet to a point in the centerline of an unnamed creek; thence, leaving the aforesaid property of Cliff Valley Partners, LLC and running with the aforesaid centerline of unnamed creek
8. South 31° 55' 28" East, 28.76 feet to a point; thence,
9. South 36° 36' 32" East, 23.61 feet to a point; thence,
10. South 37° 15' 32" East, 57.89 feet to a point; thence,
11. South 55° 15' 11" East, 35.75 feet to a point; thence,
12. South 46° 55' 17" East, 16.19 feet to a point; thence,
13. South 38° 54' 40" East, 28.19 feet to a point; thence,
14. South 32° 11' 34" East, 12.58 feet to a point; thence,
15. North 89° 52' 48" West, 23.66 feet to a point on the west bank (20 feet west of centerline of creek per record information) of an unnamed creek; thence, running parallel and 20 feet west of aforesaid creek;
16. South 32° 11' 34" East, 39.82 feet to a point; thence,
17. South 49° 21' 05" East, 35.01 feet to a point; thence,
18. South 58° 50' 07" East, 42.95 feet to a point; thence,
19. South 38° 34' 34" East, 58.58 feet to a point; thence,
20. South 55° 49' 20" East, 14.81 feet to a point; thence,
21. South 19° 35' 53" East, 14.38 feet to a point; thence,
22. South 44° 18' 15" East, 35.14 feet to a point; thence,
23. South 36° 00' 32" East, 37.15 feet to a point; thence,

24. South 45° 01' 33" East, 45.91 feet to a point; thence,
25. South 41° 58' 27" East, 37.63 feet to a point; thence,
26. South 50° 58' 21" East, 52.62 feet to a 1/2 inch rebar found; thence,
27. North 89° 48' 01" West, 559.61 feet to a 1/2 inch rebar found; thence,
28. North 89° 48' 01" West, 287.21 feet to an axle found on the Land Lot Line common to Land Lots 156 & 157, said District; thence, continuing with the aforesaid property now or formerly owned by El Ad Briarcliff, LLC and running with the said Land Lot Line
29. South 01° 40' 37" West, 15.28 feet to a point; thence, leaving the aforesaid property now or formerly owned by El Ad Briarcliff, LLC and running with property now or formerly owned by American Society of Heating Refrigerating Air Conditioning Engineers, Inc. per Deed Book 4413, Page 408, aforesaid records
30. North 27° 58' 10" West, 404.50 feet to the point of beginning, containing 508,800 square feet or 11.6804 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

