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Berkeley Park Bulletin

May 2009

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Communications Report

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In an effort to get Berkeley Park more connected, I have started a Facebook page for the Berkeley Park Neighborhood Association. If you are on Facebook, search for Berkeley Park or go to <http://www.facebook.com/group.php?gid=76941789419> to join the group. Please let me know what you think, and if you have any other suggestions for how we can communicate better as a neighborhood, please share your ideas!

I would like to expand the newsletter to include more local news, now that the smaller local newspapers are gone and the Atlanta Journal Constitution is shrinking. Unfortunately, I am limited in the time I can devote to reporting the news. I would love to have some volunteers who can keep an eye out for interesting stories, whether in print or not, and let me know about them. If you can do some investigating to find out more, that would be even better! Nearly every day there are zoning hearings, building permits or new ownerships in our area of town, and many of these are indicative of upcoming changes. If you hear of anything that might be of interest to your neighbors, please let me know.

In an effort to cut costs for the BPNA, we are also paring down our publication of the print edition of the newsletter. If you would prefer to read the newsletter online, please let me know and I will remove you from the paper distribution list.

NPU-D Report

by Jim Martin

james.martin@me.gatech.edu

The April 28 th NPU-D meeting came very close to ending on time. We only ran 15 minutes past our target 9:00 PM end time. There were three business items on the agenda. One was for a liquor license for a restaurant in Riverside, which was unanimously approved. Another was an ordinance proposing to rename Coronet Way Park after Sara Gonzalez. This was unanimously rejected based on the perception that the renaming was inadequately justified and that no one in the community seemed to know who Ms Gonzalez was. There was also a sense that the process had not been properly handled since no one in the community had been made aware of the proposal until it had already been introduced as an ordinance.

The last business item involved a variance for a sign associated with the Dobbins Mini Warehouses on Chattahoochee. The issue was complicated by the nature of the sign as it was defined by zoning code and the fact that no one was at the meeting from the Blandtown neighborhood, where the sign was located. The sign itself already exists and is visible next to the bridge where Chattahoochee crosses the railroad tracks. It was never legally permitted. Thus the variance was to make the existing sign legal rather than to permit new construction. The problem was that, although the sign identifies the adjoining business (which is nearly invisible from Chattahoochee), the city considers it to be a “general advertising sign” like a billboard rather than a “business identification sign”. This appears to be because it is a freestanding sign located on a separate parcel of land. We were concerned that unconditionally granting the variance for the sign would allow any future owner of the site to construct a billboard. We already have more of those than we need. From a zoning perspective, it is not possible to dictate the sign's contents (i.e. what it advertises) so we arrived instead at what seemed to be three fairly reasonable zoning conditions. First, that the approval be conditioned on the dimensions of the current sign as indicated on an elevation drawing; second, that the approval be for a period of ten years rather than lasting in perpetuity; and third, that the approval was only for a sign of the current type (“freestanding internally illuminated”). The variance with these three conditions was unanimously approved.

On Wednesday April 15 th I met with a group of city staff members to discuss the status of the Kroger driveway and why it has not been dedicated as a road (as its zoning requires). The flow of the discussion had a bit of an Alice-in-Wonderland feeling to it. The upshot was that the city will do nothing to further the cause of fulfilling the zoning condition that required the driveway to be dedicated. The city will go out of its way to prevent this from occurring. And the city will take no action regarding improvements at the intersection with Bellemeade because it is not an intersection with public road (got that?). The road cannot be made public because doing so would incur unspecified liabilities for the city. The improvements, although they would mitigate liability for the city, cannot be made because the road is not public. The “good” news in all this is that despite cutbacks and furloughs the city can still address neighborhood concerns with the same zeal that it showed before the recent budget crisis.

If you can make it downtown in the next month there are two good reasons to attend the Board of Zoning Adjustment (BZA) hearings. On May 7 th the BZA will hear an appeal by the owner of the would-be Starship store (at the corner of Deering and Northside) of the city's decision to revoke his building

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permit. The city is now on the same side as the neighborhood in this case, after having decided that the application for the building permit was fraudulent. The business owner is contending that it was merely a creative parsing of the truth and that he should be allowed to proceed as a reward for this creativity. On June 11 th the BZA will hear an appeal by CSX rail of the city's prohibition against the handling of hazardous materials in the transfer yard on the other side of Howell Mill Road. It is their contention that the extraordinary exemptions enjoyed by railroads from local code and zoning ordinances can be extended beyond both the rail right-of-way and basic rail operations to include rail-related trucking. If these materials were being transferred between trucks this close to our homes, it would be illegal because of the danger of a spill associated with the transfer. CSX is not contending that the danger is mitigated in any way because one end of the transfer is from a rail car. They are merely contending that this makes them exempt from the prohibition. That should help us all sleep better at night.

The Mayor's latest budget proposal is now out and the finger-pointing has begun. The mayor has proposed a 3 mil (34%) increase in city of Atlanta taxes and is justifying this by the fiscal hardships brought on by the current recession. Presumably, these are government hardships that are not shared by Atlanta's taxpayers. Her detractors are blaming the shortfall on mismanagement and claiming that the whole mess can be fixed with an unspecified reorganization. As far as I can tell, the crisis has a lot more to do with past deferrals of expenses and revenues along with over-commitment of resources than it does with the current recession. In the end, we will not be paying for essential services like police and fire with our tax increase. We will be paying for a poorly structured pension plan, the failure of revenue collection and projection, and the giveaway of the tax base to deferrals and tax-allocation districts (a giveaway that the proposed budget will increase by \$4.4 million). Unfortunately, the commitments to pay for these things were made years ago. It would have been a great idea to protest these things then, but it is silly to do so now. Hopefully, we will all pay more attention in the future. Perhaps, we will even question assertions about "free" money being used to pay for things.

**Next NPU-D meeting:
Tuesday, May 26, 2009
7:30 pm
Agape Center, 2351 Bolton Road, NW
ALL NPU RESIDENTS ARE WELCOME**

Beautification Report

by Elizabeth Sears
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**BPNA Clean Up Day this Saturday, May 9
9 am - 12 pm**

We will meet at the parking lot on Forrest St. nearest the intersection of Berkeley Ave. and Forrest. Gloves might be useful to bring, as well as rakes, shovels, brooms, loppers for pruning trees, clippers,

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and wheel barrows. String trimmers and lawn mowers might be helpful if anyone want to lend theirs for the morning.

If anyone has any questions, concerns, ideas, etc. let me know - esears@earthlink.net

About Us

The Berkeley Park Bulletin is published monthly in print and at www.berkeleypark.org by the Berkeley Park Neighborhood Association, a non-profit organization. It is distributed to all Berkeley Park residents 3 times a year. To subscribe to the monthly edition, submit an article or Talk Back letter, or inquire about advertising, contact the editor, Maureen Hetrick, at 404-609-9873 or maureenfh@mindspring.com. We accept appropriate articles from all Berkeley Park residents or other interested community members at the discretion of the editor and as space permits.

Effective January 1, 2009, membership in the BPNA is \$20 per person (up to 3 adults per address are eligible to become members), and \$10 for seniors. To join the association, attend a monthly meeting and pay dues to the treasurer, [Nina-Daniela McCormack](#), or the president, [Michael Wagoner](#). If you cannot attend a meeting but wish to join, or for more information, email us at info@berkeleypark.org.

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