

File No.: SAP-13-104 Date of Completed Submittal: July 16 2013 Reviewed by: _____



APPLICATION FOR A SPECIAL ADMINISTRATIVE PERMIT (SAP)
For SPI, Beltline Overlay, LW, MR, MRC, and NC Zoning Districts
City of Atlanta, Office of Planning (404/330-6145)

APPLICANT

Jim Talerico

*Applicants must appear in person to file an application. Applications by mail or courier will not be accepted.

COMPANY

Zin Lenox, LLC

ADDRESS

78 Okner Parkway, Livingston, NJ 07039

PHONE NO.

973-214-9609

EMAIL JTalerico@Briad.com

PROPERTY LANDOWNER

Simon Property Group, Inc (Contact-Robin Suggs)

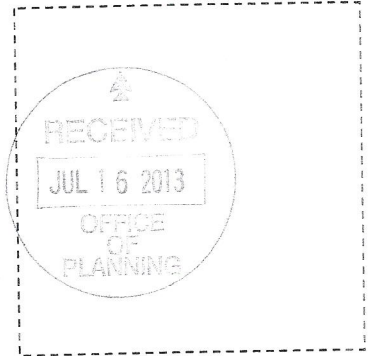
ADDRESS

3393 Peachtree Road NE, Atlanta, Georgia 30326

PHONE NO.

404-233-7575

EMAIL RSuggs@Simon.com



ADDRESS OF PROPERTY 3393 Peachtree Road NE, Atlanta, Georgia 30326

Is property within the BeltLine Overlay District? Yes No

Zoning Classification SPI-10-SA1 Land District _____ Land Lot _____ Council District B NPU B

INSTRUCTIONS (approved SAP plans shall be included in Building Permit Application submittal to the Office of Buildings):

- **Demolition Permits:** Applications for demolition permits shall not be approved until the SAP is approved.
- **Signage:** SAP approval for free-standing/monument and/or projecting structures only. Signage approval issued by Office of Buildings.
- **Photographs:** For alterations to existing building facades to document existing conditions.

Submittal Package Requirements (See detailed checklist):

- 1) **Project Summary:** Describe all new construction, alterations, repairs or other changes to the exterior of existing structures or to the site. Requests for administrative variations must be accompanied by a written justification for each variation requested.
- 2) **Property Survey:** Submit two (2) copies. Lot consolidation, replatting or subdivision may be required prior to approval of SAP.
- 3) **Site Plan (released for construction and sealed) and Building Elevations:**
 - a. **Initial Plan Submission:** Two (2) copies for initial review (four copies that require DRI & NPU review). Also, copies of applicable Rezoning Legislation, Special Use Permit, Variance or Special Exception letters from the Board of Zoning Adjustment.
 - b. **Final Plan Submission (after staff review) incorporating staff comments:** 11 copies of site plan and 5 copies of elevations.
 - c. **Other information:** Additional plans or documents may be required at the discretion of the Office of Planning.
- 4) **Property Owner Authorization:** Submit required notarized owner consent per attached form.
- 5) **Notice to Applicant:** Submit attached form with signature and date.

Additional Submittal Requirements (as applicable):

- 1) **BeltLine, NC-10, NC-11, NC-12 Districts:** Pre-application conference with Planning Staff is required prior to SAP submittal. **INCLUDE EXTRA COPY OF SUBMITTAL PACKAGE** for the required 21-day NPU review period as detailed below:
 - a. Mail a copy of the SAP application and plans which are stamped received by the Office of Planning to the NPU.
 - b. Submit a copy of U.S. Postal Service Certificate of Mailing within 5 business days of SAP application submittal.
 - c. Submit notarized Affidavit of NPU Notification within 5 business days of SAP application submittal.
 - 2) **Development Review Committee (DRC):** Projects within SPIs 1, 9, 12, 15, 16, 17 districts may require review by DRC.
 - 3) **Development of Regional Impact (DRI) Study:** Developments either; over 300,000 sf; or greater than 400 residential units; or a mixed-use development with more than 222 residential units require a DRI approval by GRТА and ARC.
 - a. **Initial submission:** DRI Form 1 with the SAP application. Planning staff will then submit information to GRТА and ARC.
 - b. **Final submission:** Copy of the DRI Notice of Decision letter shall be printed on the final site plan submission.
- **Fees (non-refundable):** Payable to the "City of Atlanta" in the form of cash, credit card, personal or cashier check, or money order.
 - Exterior demo, outdoor dining new/expansion, or non-expansion: \$250.
 - Developments < 50,000 sqft of floor area: \$500.
 - Developments between 50,000 and 250,000 sqft of floor area: \$1,000.
 - Developments ≥ 250,000 sqft of floor area: \$1,500.

I HEREBY AUTHORIZE CITY STAFF TO INSPECT PREMISES OF ABOVE DESCRIBED PROPERTY. I HEREBY DEPOSE THAT ALL STATEMENTS HEREIN ATTACHED & SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date 7/10/13 Signature of Applicant [Signature]

The City Code provides that Planning Director shall review each request for an SAP within 30 days of a filing of a **completed*** application. (Atlanta Code Chapter 16, Section 16-25). * **Note: NPU/DRC notification and review, as applicable, are required to complete the SAP application.**

(FOR OFFICE OF PLANNING OFFICE USE ONLY)

The above request for a Special Administrative Permit (SAP) was approved or denied on _____ See attached **Special Administrative Permit Approval Form(s)** for detailed approval information.



City of Atlanta Office of Planning
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Notice to Applicants

File # SAP-13-104

The applicant hereby acknowledges notification that in the process of design review in connection with the issuance of a **Special Administrative Permit (SAP)**, the City of Atlanta Office of Planning (OOP) will only review such documents as are deemed necessary for the approval of a project concept in compliance with the district regulations set forth in the City of Atlanta Zoning Code. Such documents may include, without limitation, the elevations of the structures proposed and site plans specifying the arrangement of such structures and other features of the project, but generally will not include a full set of construction drawings. This level of review is for the purpose of determining compliance with those sections of the Zoning Code applying to the district where the project is located or to be located and to allow the applicant the flexibility to receive approval for a project concept without the requirement that a full set of construction drawings, that would otherwise be necessary to obtain a building permit, be prepared, presented and reviewed.

It is the applicant's duty to ensure that all drawings or plans, that may be required for further permitting of the actual construction of the project, will result in a finished project that complies with the elevations, site plan and other plans on which the SAP was granted. The applicant is further notified that neither the Office of Buildings nor any of the other City of Atlanta agencies that review any other part of the overall project plans for compliance to building codes, zoning codes, the tree preservation, the riparian buffers ordinance, land disturbance regulations, drainage and sewer capacity or any other regulations in effect at the time of plan review have the authority to approve any changes to the exterior appearance of structures or site plans in a SAP.

It is the responsibility of the applicant to ensure that any changes required, requested, or allowed by any other City agency or any other agency reviewing the plans during any part of the building permit process will not alter the exterior appearance of any structure or cause the relocation, rearrangement and/or reorientation of any feature of the site plan. Therefore, it is important for the applicant to be aware that even changes which may be in compliance with other codes, including without limitation, an increase to the height of the structure, whether resulting from changes to the foundation plan or the grading plan of the site, alterations to the interior layout of the structure that affect the location or size of exterior doors or windows, or changes to the method of construction for any floor of a structure or the roof of any structure, may affect the exterior appearance in a manner which could cause the finished structure to be out of compliance with the elevations approved by the OOP.

The applicant is further put on notice that the location of any feature specified on the site plan is not to be changed from that location which is specified on the site plan approved by the OOP. This includes, without limitation, any such changes that might affect the setbacks of any structure, the orientation of structures or features on the lot, including, without limitation, accessory buildings, the location and size of driveways, walkways, fences, parking pads, parking spaces, loading zones and service areas. It shall be the responsibility of the applicant to ensure that any changes required by any agency reviewing plans for the project remain consistent with the site plan and elevations approved by the OOP. It shall be the responsibility of the applicant, not the OOP, to monitor any plan changes during the permitting of the project to be sure that such changes do not affect the elevations and site plan approved by the OOP at the time of issuance of the SAP.

It is also the responsibility of the applicant to ensure that any changes made on site during the construction of the project, regardless of whether such changes are approved by a City building inspector, or representative of another City agency as being in compliance with the building codes or other applicable codes, do not result in a change to the exterior appearance of a structure or in a change to the site plan. The City of Atlanta Zoning Ordinance provides a process under which changes to the elevations and site plan in a SAP may be approved, however such approval is not guaranteed and the applicant is hereby notified that such changes are based on the application of the district regulations and not on the fact that a hardship, financial or otherwise may result if such permission is not given. The duty to adequately monitor the construction of the project to ensure compliance to the approved SAP and or any other City permit shall at all times be on the applicant, who assumes all risk of loss, financial or otherwise, from enforcement actions that result from the failure to comply with the SAP or any other City permit.

The applicant acknowledges that relief from any stop work order or other enforcement action, whether resulting from action taken by the OOP staff, the Office of Buildings staff or by the staff of any other City agency, must be appealed within the time and in the manner provided by the City Code. The applicant further acknowledges that the decision to apply to the OOP for permission to alter the approved plans is not an appeal of a stop work order or other enforcement action. The applicant acknowledges that it is solely within their own discretion to choose a process to resolve any dispute arising from the interpretation of any ordinance, the issuance of a stop work order or any other enforcement action and that the resolution of any such matter shall be made in compliance with the City Code and other applicable laws. The applicant further acknowledges that no written or oral representation of any City officer, employee, agent or elected official can waive or modify the City Code.

Jim Talerico
 Applicant Printed Name


 Applicant Signature

7/10/13
 Date



City of Atlanta Office of Planning
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Notarized authorization by Property Landowner

File # 710-13-104

(Required only if applicant is not the owner of the property subject to the application)

TYPE OF APPLICATION: Special Administrative Permit

I, Robin SUGGS SWEAR THAT I AM THE LANDOWNER
Landlord Rep. owner(s) name

OF THE PROPERTY LOCATED AT: 3393 Peachtree Road NE, Atlanta, Georgia 30326

AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA
WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE
PERSON NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS
APPLICATION.

NAME OF APPLICANT (PRINT CLEARLY):

Jim Talerico
Zin Lenox, LLC
ADDRESS: 78 Okner Parkway, Livingston, NJ 07039

TELEPHONE: 973-214-9609 EMAIL: JTalerico@Briad.com

[Handwritten Signature]

Signature of Property Landowner

Robin SUGGS

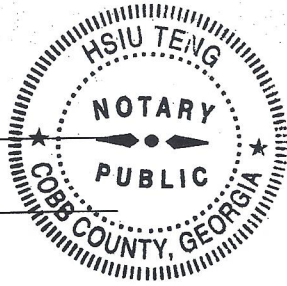
Print Name of Property Landowner
Landlord Rep.

Personally Appeared
Before Me

Who Swears That The
Information Contained
In this Authorization
Is True and Correct
To The Best of His or Her
Knowledge and Belief.

[Handwritten Signature]
Signature of Notary Public

7/10/13
Date





78 Okner Parkway
Livingston, NJ 07039
p (973) 597-6433
f (973) 597-6422



Zinburger Restaurant – Lennox Square Mall

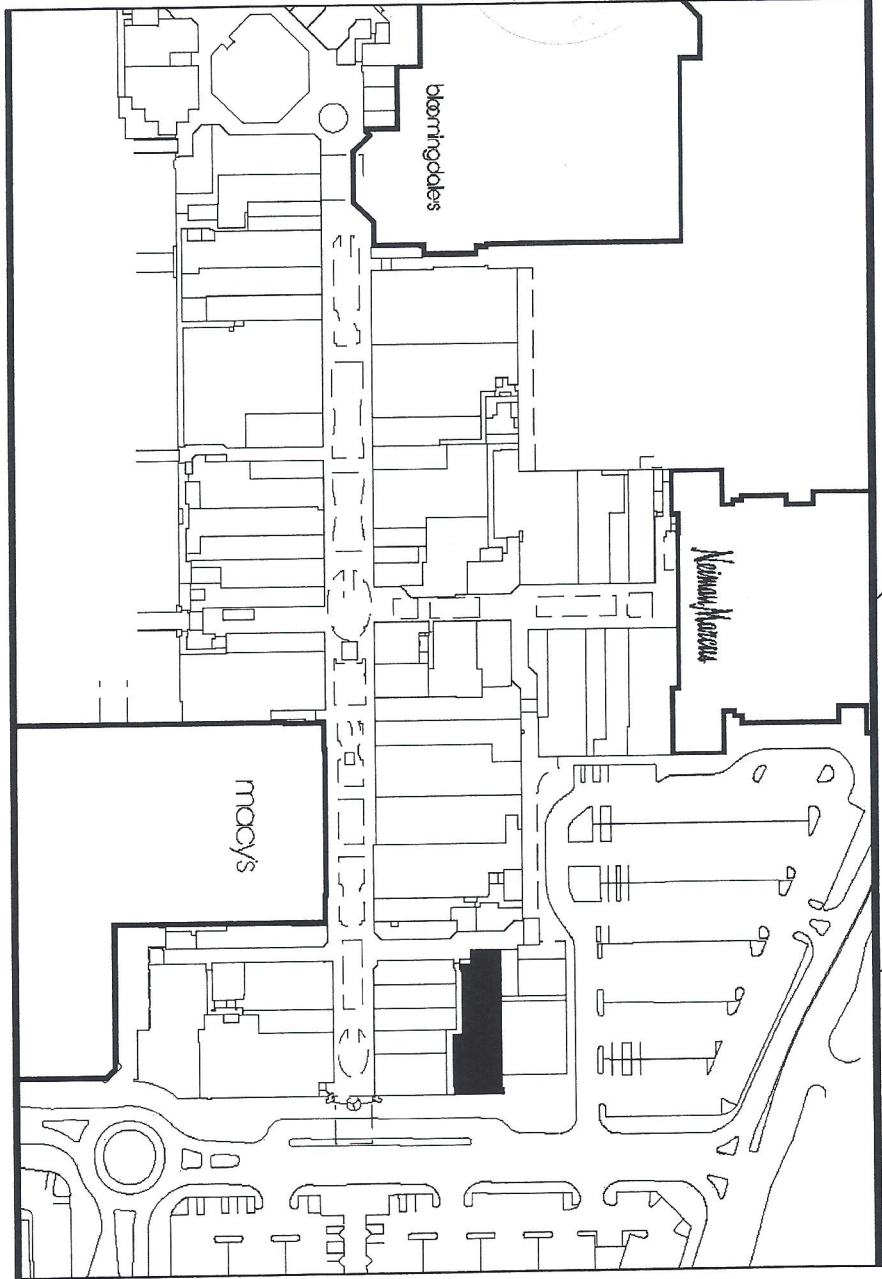
Project Summary (Exterior):

Zinburger is a wine and burger restaurant with three open locations, three units under construction, and many other in various stages of development. From the website: “Energetic, modern, upbeat, fun and most importantly, simply delicious, Zinburger offers a mouthwatering selection of gourmet burgers, salads and sides, decadent shakes and desserts, and a carefully crafted selection of wine. The setting is sleek, contemporary, upbeat and playful featuring rich wood and earth tones and stylish, comfortable seating.”

The exterior façade will feature the signature Zinburger logo and cow. Above the windows will be awnings with the Zinburger name running along the vertical portion. The awnings will be illuminated by lights from above. Outdoor seating for thirty people is proposed. The outdoor seating area will be uncovered and surrounded by a railing with green fabric (to match awnings) that features the Zinburger logo. The existing windows will be replaced with aluminum, bi-fold, sliding doors. The doors will be replaced with matching aluminum doors. There are five Lava heaters and one fire pit proposed in the outdoor seating area that will be fueled by a direct gas line. There are no proposed changes to the existing EFIS.

973-13-104

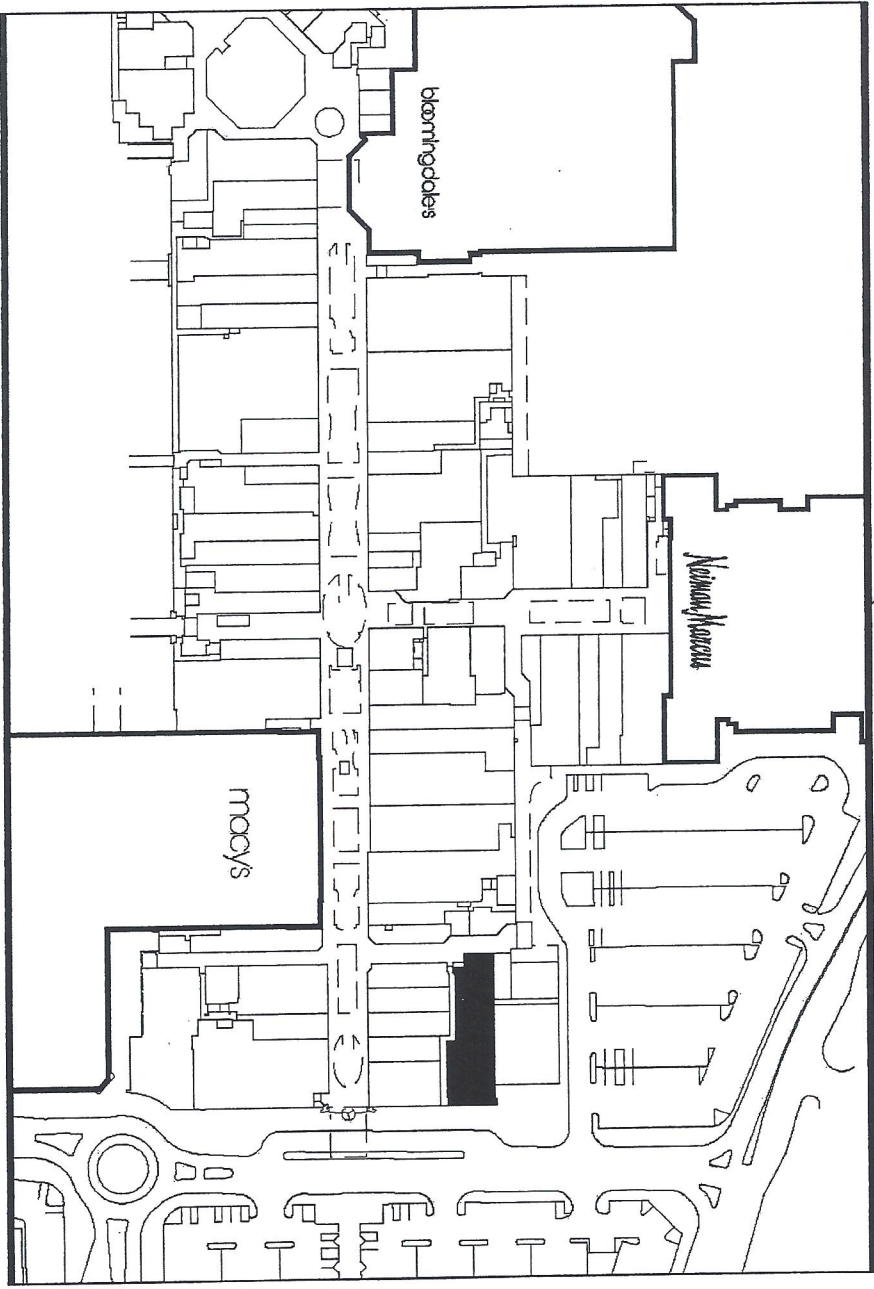
REVISION
JUL 16 2011



ZINBURGER

SITE LOCATION PLAN - LENOX SQUARE

ZINBURGER



SITE LOCATION PLAN - LENOX SQUARE

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: SAP-13-104
Application Type: Planning/SAP/SPI/NA
Address: 3393 PEACHTREE RD NE, ATLANTA, GA 30326
Owner Name: COPORATE PROPERTY INVESTORS LTD
Owner Address:
Application Name:

Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
335416	219201	\$250.00	07/16/2013	JADEGBOYE		

Owner Info.: COPORATE PROPERTY INVESTORS LTD

Work Description: Outdoor dining for Zinburger restaurant and exterior alterations

PAID
CITY OF ATLANTA
JUL 16 2013
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR