

did not object to this variation. There being no opposition present, this matter was referred to Executive Session.

In Executive Session, upon motion by Mr. Maddox, seconded by Mr. Plunkett, and unanimous vote, this petition was approved.

#V-58-90 - Appeal of A. Edwin Ryckley, 672 Holderness Street, S. W., for variance to permit the reduction of the required lot frontage of 70 feet to an average of 57 feet in order to build duplexes on property fronting 450.8 feet on the east side of Cordova Street and 607.7 feet on the west side of Cordova Street, beginning 0 feet north from the northwest corner of White Oak Avenue, in an R-6 (Residential) District. Depth 220 feet. Land Lot 119, 14th District, Fulton County, Georgia.

The Appellant was present. Approximately 10 persons appeared in opposition to this variance. Mr. Ryckley stated that he was seeking a variance in lot frontage from the required 70 feet to 50 feet in order that he might build duplexes on subject property; that these duplexes would be constructed of brick and would be used for rental purposes; that this area is predominantly built up with duplexes on 50 foot lots. Mr. Ryckley further stated that he intended to over-build the neighborhood, and could therefore see no reason why the surrounding property owners should object. Mr. H. F. Buford, Vice-President of the Donnelly-Avon Civic Club, appeared and stated that this civic organization objected to this variance due to the fact that it would be relaxing the zoning in that area; that they take great pride in their neighborhood and they feel that these additional duplexes would tend to increase congestion in that area. Mr. Bean, with the permission of the Chairman, asked Mr. Buford the following question: "Mr. Buford, to what use is the south side of Merrill Avenue, which is adjacent to subject property now developed?" Mr. Buford stated that this portion of Merrill Avenue was developed with duplexes. Mr. John L. Harper, 1122 Merrill Avenue, appeared and stated that, before examining the proposed plans, he was under the impression that these duplexes would be small structures which would deteriorate that neighborhood; that, having heard the Appellant's statements, he feels that these duplexes will actually be an improvement to their community; that he therefore was definitely in favor of the granting of this variance. Other interested parties appeared in order to make brief statements or ask questions concerning this variance. After considerable discussion, this matter was referred to Executive Session.

In Executive Session, upon motion by Mr. Plunkett, seconded by Mr. Wellborn, and unanimous vote, this petition was approved.

#V-58-91 - Appeal of Atlanta Merchandise Mart, Inc., Belle-Isle Bldg., for variance to permit 100% penetration of all set-back planes, also to permit a floor area of 1,600,000 square feet instead of the maximum of 753,090 square feet, and also to permit a reduction of truck loading spaces from the required 64 spaces to 14 spaces, on property fronting 198.5 feet on the west side of Peachtree Street, beginning 0 feet south from the corner of Harris Street. Depth (average) 380 feet. Land Lot 78, 14th District, Fulton County, Georgia.

Representing the Atlanta Merchandise Mart were: Mr. Foy L. Hood, Attorney, and Mr. John Portman, Architect, President of the Atlanta Merchandise Mart. Other parties appearing in support of this appeal were: Mr. Harry Donahue, Manager of the Atlantan Hotel; Mr. W. E. Crawford, with the Atlanta Convention Bureau; and

Mr. John Gerson, with the Atlanta Transit System. Mayor William B. Hartsfield, "Muggsy" Smith, and Mr. Karl Bevins, appeared also to make statements in behalf of the proposed merchandise mart. Appearing in opposition were: Mr. Morris Abram, Attorney; Mr. Robert Young, Attorney; and Mr. Harry C. Adley, City Planning Consultant.

A number of brochures were passed out to the Board members in order to assist them in understanding exactly what the merchandise mart proposed to do.

Mr. Hood stated that Atlanta has wanted a merchandise mart for 25 years; that in order to construct this proposed building, three variances were necessary. The first variation was in the required set-back plane - that is, they would like to build straight up. The second variation was in loading dock facilities.

Thirdly, a variance was necessary to increase the maximum floor area from 753,090 square feet to 1,600,000 square feet - that is, a variance in floor lot ratio of 10 to 1. Mr. Hood further stated that the parties who would be most effected by the variances in set-back plane and floor lot ratio, were the adjoining property owners; that he had received letters from the Capitol City Club, the First National Bank, Mr. Ben Massell, and others whose property is immediately adjacent to subject property, and they have reported that they are in full support of the proposed building. At this time, Mr. Hood stated that Mr. Portman would explain, in detail, the variance in loading facilities; that he felt sure that any objections anyone might have would be the result of a misunderstanding.

Mr. Portman stated that there are only about five merchandise marts existing in the country; that a merchandise mart was actually a shopping center; that they take orders for goods in the mart, but do not sell goods; that the mart is composed of show rooms permanently set-up, leased on a year-round basis; that the only merchandise coming and going from the building was to bring in new designs and take out the old deleted ones. Mr. Portman further stated that they had provided for 14 truck loading spaces; that they are devoting $\frac{1}{2}$ of this property, approximately 40,000 square feet, to the purpose of service to this building; that they did not anticipate having any trucks loading or unloading from Spring or Harris Streets. In answer to Mr. Pitman, Mr. Portman stated that all maneuvering of trucks would be done on the property; that the City Traffic Engineer had approved their plans. Mr. Portman read a letter from Mr. Karl Bevins, City Traffic Engineer, stating that the scheduling and routing of trucks would be done in full co-operation with the traffic engineer of the City of Atlanta, and the loading operations would be so scheduled as not to effect, in any manner, the free flow of traffic in this area. Mr. Portman also pointed out that the proposed building was never in full operation at any one time; that different types of shows would be held at different times; that the furniture show was the biggest show of the year, and it would occur only two weeks out of the year; that around 10 to 12 thousand people would visit the mart while the furniture show was in session. Mr. Portman stated also that they had selected this particular site because it is close enough to hotels and housing facilities so that the people visiting the mart could dispose of their automobiles and walk to the mart; that 70% of the first-class rooms in the City are within walking distance of the proposed mart; that they have provided a 25 foot walk around the building on the street floor for the anticipated foot traffic; that the automotive traffic would be primarily taxi-cabs; therefore parking would not be a problem. In answer to a number of questions by Mr. Pitman, Mr. Portman stated that the proposed building would consist of showrooms, no convention halls; that the proposed mart would be similar in operation to the American Furniture Mart in Chicago; and that they had made no provisions for cab-ramps inside the building.

At this time, the Chairman allowed the Attorney in opposition, Mr. Abram, to cross-examine Mr. Portman. Mr. Abram stated that he represented Mr. Bannon Jones, who owns the building at 293 Peachtree Street, and Mrs. Sally Jones, at 310

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Peachtree Street. The first phase of questioning was based on the location of the presently existing merchandise marts. Mr. Abram further questioned Mr. Portman concerning the reduction of required loading docks from 64 to 14 spaces. Mr. Portman stated that it would be absurd for the proposed mart to provide 64 truck loading spaces since they never have that many trucks at any given time. Mr. Portman further pointed out that the primary reason for this proposed location was that, frankly, the mart would not be built in Atlanta if it was not built at this particular location; that this was the only location where they were successful in getting the proposed mart financed. Mr. Pitman asked Mr. Portman if there was any possibility that the merchandise mart might alter their present plans. Mr. Portman stated that their plans were drawn after much research; that they might be able to make a few minor changes (such as providing space in back of property for taxi-cab loading and unloading) but, actually, their plans were firm. In answer to the Chairman, Mr. Portman stated that the proposed mart would have 21 stories and a roof garden; that they did not feel that the required set-backs were necessary since there are very few multiple-story buildings in Atlanta. At this time, Mr. Portman read letters from Mr. Ben Massell; the Capitol City Club, signed by Alfred Kennedy; Mr. Fred Turner, President of the Central Atlanta Improvement Association; and Fay Mewborn, Trust Officer, First National Bank, the Estate of James W. English. Mayor Hartsfield appeared and stated that the City of Atlanta, the entire City of Atlanta, hoped that this appeal would be granted; that for years the City has wanted a merchandise mart. The Mayor further stated that the zoning laws of the City should be revised as the town is "opened up." The Mayor pointed out that one of his duties as Mayor of the City, was the supervision of the various City Departments; that none of his departments, traffic, health, police, or fire, objected to the proposed mart or the variations.

Mr. Donahue spoke representing the Atlanta Hotel Association. One of the points he brought out was that the traffic problem would be taken care of in the quiet of the evening; that the buyers would arrive after 5:00, sometimes before, but the majority would arrive when the streets were not crowded. Mr. Crawford, head of the Atlanta Convention Bureau, appeared and stated that the Board of Directors of his Bureau unanimously passed a resolution favoring a down-town site for a merchandise mart.

There was considerable discussion at this time, between the Chairman and Mr. Abram in reference to the powers and the authority of the Board of Adjustment. Mr. Gerson, Vice-President of the Atlanta Transit Company, stated that, in his opinion, this merchandise mart presented an opportunity to build the central business district of Atlanta up as it should be built; that the down-town district must be strong, especially population-wise, and he felt strongly that apartments, stores, and merchandise marts should be allowed in the central business district.

"Muggsy" Smith, representative of the Legislature, appeared and stated that he was 100% for this mart because it would help Atlanta, and it was something the City needed.

Mr. Harry C. Adley, appearing as a witness on behalf of the opposition, was cross-examined by Mr. Abram. Mr. Adley stated that he was a Planning Consultant, and had received his masters degree in city planning from the University of North Carolina. In answer to a question by Mr. Abram, Mr. Adley stated that he would look to probably the adjacent portion of the down-town area for a suitable location of a merchandise mart; that by "adjacent portion" he means one of the fringe areas, possibly one of the re-development areas; that the operations are so unique and so demanding on the adjacent area, that a mart could either be a tremendous asset or a tremendous liability; that in the fringe areas, the system of streets and parking would be best suited to its unique needs. Mr. Abram further

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questioned Mr. Adley as to the amount of traffic, the locations, and the required loading spaces of existing merchandise marts and the proposed mart. Mr. Pitman suggested, in the interest of time, that this matter be deferred and a special meeting be set up at a later date for a continuation of this matter. This being agreeable to all parties concerned, the meeting was adjourned and a special hearing was set for Wednesday, October 22, at 10:00 A.M.

On Wednesday, October 22, 1958, at 10:00 A.M., the hearing was resumed with the same appearances as were present at the first hearing. Mr. Abram stated that he would like to withdraw the names of Bannon Jones and Mrs. Sally Jones as opposing this variance; that he was now representing Mr. E.M. Kenny, 246 Peachtree Street; that Mr. Kenny owns the store known as Millinery Supply, which is located in the Emory University Building; that he is a tenant in this building. Mr. Hood stated that this building would be demolished when the mart was constructed; that they had received a letter from Emory University supporting the request of the merchandise mart.

At this time, Mr. Abram submitted a certified copy of the Zoning Ordinance of 1954, as the Opponent's Exhibit #1. Mr. Abram resumed the questioning of Mr. Harry Adley. In answer to a series of questions by Mr. Abram, Mr. Adley stated that he could see no reason why the property in question was suffering any unusual hardship, in that it was no different from the adjacent land; that subject property was exceptionally well-suited for retail department stores and other retail operations; that he did not believe there were any special conditions, topographical, geological, socialological, or in any other sense that would pose any particular difficulty with respect to the use of the land for the purposes for which it is zoned, C-4.

Mr. Abram submitted a picture of subject property and the property in that immediate vicinity, which he asked to be designated as Opponent's Exhibit #2. Mr. Abram asked Mr. Adley to what extent a merchandise mart resembled a trucking terminal or a warehouse. Mr. Adley stated that a merchandise mart had some characteristics of a retail center, only the buyers purchase goods in wholesale lots; that there is certainly a warehouse and storage function associated with a mart; that the truck terminal feature would only be apparent when goods are being brought in and taken out. Mr. Adley further stated in answer to Mr. Abram, that the total amount of square footage permitted in a building was limited so as to prevent overcrowding the land and the adjacent streets. After further questioning, the witness was excused.

Mr. Moreton Rolleston, Jr., Attorney, appeared representing the Heart of Atlanta Motel, Inc. Mr. Rolleston made a few brief statements in support of the mart. Mr. Abram again cross-examined Mr. Portman. In answer to Mr. Abram, Mr. Portman stated that Emory University presently owns the property in question; that the purchase price of subject property is \$1,800,000; that they had put-up \$25,000. At this time, Mr. Abram made a motion that the application be dismissed on the grounds that the owners of the land are not suffering a particular hardship if this appeal is not granted. Mr. Abram's motion was over-ruled. Mr. Portman was excused.

Mr. Bevins appeared and reported the recommendations of the Traffic Department in connection with the merchandise mart. Mr. Bevins stated that the proposed mart indicates that it can be carried out without, in any way, reducing the effective capacity of the streets in that neighborhood, therefore, on that basis, he could see no reason to make any objections from the traffic operation standpoint.

At 11:15 A.M., after the concluding statements by Mr. Abram and Mr. Hood, this matter was referred to Executive Session.

In Executive Session, upon motion by Mr. Maddox, seconded by Mr. Wellborn, and unanimous vote, this appeal was approved.
