

RECEIVED

By Rachel Bragg at 12:41 pm, Nov 07, 2022



DeKalb County
GEORGIA

DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or
Authorized Representative Jackie Spivey c/o Dunlavy Law Group, LLC

Mailing Address: 245 North Highland Avenue, N.E., Suite 230 #905

City/State/Zip Code: Atlanta, Georgia 30307

Email: ldunlavy@dunlavylawgroup.com

Telephone Home: _____ Business: 404-371-4101 (office); 404-664-0895 (cell)

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Jackie Spivey

Address (Mailing): 447 North Clarendon Avenue, Scottdale, Georgia 30079

Email: nkspivey7@gmail.com

Telephone Home: 404-299-9084 Business: 770-315-9819

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 465 North Clarendon Ave City: Scottdale State: GA Zip: 30079

District(s): 18 Land Lot(s): 47 Block: 19 Parcel: 003

Zoning Classification: C-2 -Scottdale Overlay Commission District & Super District: 4 and 6

CIRCLE TYPE OF HEARING REQUESTED:

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
- ☒ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

*** PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. ***

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____

Fee Paid: _____

ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 11-4-22

Applicant: Jackie Finney
Signature

DATE: _____

Applicant: _____
Signature

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the
Zoning Board of Appeals for the requests as shown in this application.

DATE: 11-4-22

Applicant/Agent:
Signature

Jackie Spivey

TO WHOM IT MAY CONCERN:

(I) (WE) Jackie Spivey
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

Linda Dunlavy and Dunlavy Law Group, LLC

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

WRITTEN JUSTIFICATION

and

Other Material Required by
DeKalb County Zoning Ordinance

for an

Application for Appeal of Administrative Decision
To the DeKalb County Zoning Board of Appeals

Of
Jackie Spivey of 465 North Clarendon, LLC

From

- 1) Decision of Howard L. Johnson , dated October 21, 2022, denying a building permit for automobile paint booths

At Property
Located in 18th District, Land Lot 47
Known as
465 North Clarendon
Scottdale, Georgia

Submitted for Applicant by:
Linda I. Dunlavy
Dunlavy Law Group, LLC
245 North Highland Avenue, N.E., suite 230 #905
Atlanta, GA 30307
(404) 371-4101 Office
(404) 664-0895 Cell
ldunlavy@dunlavylawgroup.com E-mail

WRITTEN JUSTIFICATION IN SUPPORT OF APPEAL

INTRODUCTION AND GENERAL BACKGROUND

Appellant is the principal of 465 North Clarendon, LLC, the owner of the Subject Property, located at 465 North Clarendon Avenue in the Scottdale area of unincorporated DeKalb County. The property at issue is an approximate 0.4 acre parcel zoned C-2 and is within the Scottdale Overlay District Tier 2. The property fronts on Clarendon Avenue immediately across Clarendon from the Steel, Inc. steel mill. The Applicant, Mr. Jackie Spivey, owns and operates an automobile body shop in combination with the adjoining parcels at 455 and 447 North Clarendon Avenue. 447 North Clarendon contains 4 auto repair bays and one paint booth and parking areas. 457 North Clarendon is the site of the administrative offices for the business and 465 North Clarendon contains Myco Imported Parts (a tenant) and two paint booths. *See photographs of the properties in the materials submitted in support of this appeal.* The business is known as Spivey's Body Shop. The body shop performs auto repairs, including the painting of automobiles, and has since at least 1974. Mr. Spivey originally operated the business exclusively from 447 North Clarendon but over the years expanded the business operation to include 457 and 465 North Clarendon. Mr. Spivey purchased 465 North Clarendon in January of 2017 but prior to that time the Subject Property was continuously used from 1999 to 2017 by Atlanta Racing and Frank's Custom Paint for auto repairs which, at all times, included

the painting of automobiles. *See Affidavit of Rick Miler included with the appeal submittal.* The current business on the Subject Property contains two paint booths. Those paint booths have been there since 1999, when they were installed by Frank Fletcher of Atlanta Racing and Frank's Custom Paint. *See deed records submitted with this appeal showing relevant transfers of title and Affidavit of Jackie Spivey.*

The paint booths on the Subject Property need updating. As such, Mr. Spivey retained Jack Hughes of Autotality to tear out one of the old paint booths and install a new one at 465 North Clarendon. The new paint booth would be no larger than the old paint booth on site and would be installed on the same footprint. However, the new paint booth would be more energy efficient and more environmentally friendly due to improved air flow and filtration through the booth, decreased energy consumption and the ability to use water-based paint as opposed to paints with solvents. It would be installed on the same footprint as the old booth. *See stock photos of paint booths submitted with appeal materials.* The work contemplated was simply to replace the aging paint booth without expansion, movement, or alteration of the use.

Jack Hughes of Autotality applied for a building permit to install the new paint booth. The building permit was denied. The written notice of denial was sent to Mr. Spivey on October 21, 2022, by Howard L. Johnson, Senior Planner with the DeKalb County Department of Planning and Sustainability. The written notice of the denial decision indicated that auto repair and paint shop establishments are prohibited in the Scottdale Overlay District Tier II. *A copy of this emailed decision is included with the*

*materials herein.*¹ Appellant submits that the administrative decision of Howard L. Johnson is in error legally and factually. Mr. Johnson failed to ascertain the salient facts concerning pre-existing uses on the Subject Property and his decision was arbitrary, capricious, not supported by law and in violation of the plain language of the Codes of DeKalb County and Georgia law concerning non-conforming legally grandfathered uses. The paint booth that Mr. Spivey sought to replace was part of a legal non-conforming use, namely an auto repair and mechanic shop that predated the Scottdale Overlay District and its prohibition on Auto Repair/Mechanic shops. As such, the decision to deny a building permit for the new paint booth must be reversed.

LEGAL ARGUMENT

The use of the Subject Property pre-dated the Scottdale Overlay District and is entitled to legal non-conforming use status.

The Scottdale Overlay District was first adopted 10 years after Frank Fletcher of Atlanta Racing and Frank's Custom Paints established his auto repair and paint business at 465 North Clarendon in November of 1999. Frank's Custom Paints, according to the Affidavit of Rick Miler, contained a paint booth for automobiles from 1999 continuously in use until purchased by 465 North Clarendon, LLC, in January of 2017. Since January of 2017, the Applicant has continuously operated and automobile paint booth on the Subject Property. *See Affidavit of Rick Miler.* In 1999, when Frank Fletcher installed the paint booth and began operating his automobile repair establishment, "Automobile and Paint Shop" was a permitted use of right in a C-2 zoning district. *See relevant excerpt from the 1999 Zoning Ordinance.* Per Section 8.1.5 of the current DeKalb County Zoning

¹ Mr. Johnson advised Mr. Spivey to apply for a variance to the Zoning Board of Appeals however, Applicant notes that Section 7.5.5 A of the DeKalb County Zoning Ordinance does not allow use variances. As such, Applicant files this appeal.

Ordinance “[a] legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located...” Moreover, that section in subsection A makes it clear that “A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use provided that the use itself remains unchanged and is continuously maintained.” Thus, even though 465 North Clarendon changed ownership in January of 2017 from Frank Fletcher, Jr. to 465 North Clarendon, LLC, the paint booth use was continuously maintained and, as such, legally nonconforming under this section.

Section 8.1.5 (C), however, provides that a nonconforming use of land cannot “be enlarged, expanded, moved or otherwise altered in any manner that increases the degree of nonconformity.” The paint booth at issue in the instant appeal only differs from the original paint booth use in its efficiency and age. Is it environmentally more friendly and more efficient but is otherwise the same as to size, location, and footprint. Installation of such a replacement in kind is not prohibited by the Zoning Ordinance.

CONSTITUTIONAL OBJECTIONS

As a consequence of the foregoing, the Appellant respectfully submits that sustaining the administrative decision to deny the applications for building permit would be a denial of due process and equal protection as guaranteed by the 5th and 14th Amendments to the United States Constitution; and, Article I, Section I, Paragraphs 1 and 3, and Article I, Section III, Paragraphs 1 and 3 of the Georgia Constitution, due to the following:

1. A decision to uphold the administrative decision challenged would amount to a taking of private property and vested property rights without just and adequate compensation.
2. A decision to uphold the administrative decision challenged would be arbitrary, irrational, and capricious and a manifest abuse of discretion.
3. A decision to uphold the administrative decision challenged would deny the Applicant due process of law.

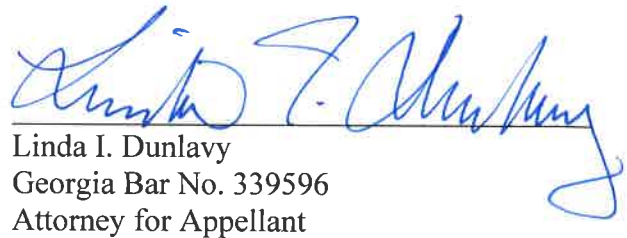
To uphold the administrative decision challenged would be contrary to the express provisions and intent of the DeKalb County Code of Ordinances and state law.

CONCLUSION

The decision of Mr. Johnson was based on materially erroneous findings of fact and misapplications of law in that ignored the express provisions of the Code of Ordinances, failed to ascertain factually the non-conforming status of the use, and resulted in arbitrary treatment of Mr. Spivey when compared with other similarly situated property owners. Pursuant to DeKalb County Zoning Ordinance Section 27-7.5.2 (G), the Zoning Board of Appeals has the authority to reverse the denial of permits “upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all

requirements imposed by any applicable laws are met.” Accordingly, the Appellant respectfully requests that the decision of Howard L. Johnson be reversed and express finding be made that the disapproval of the building permit application for a replacement paint booth, was in error and direct the issuance of building permits to for the installation of the paint booth.

Respectfully submitted this 7th day of November 2022.



Linda I. Dunlavy
Georgia Bar No. 339596
Attorney for Appellant

DUNLAVY LAW GROUP, LLC
245 North Highland Avenue, N.E.
Suite 230, #905
Atlanta, GA 30307
(404) 371-4101 (Office)
(404) 664-0895 (Cell)
ldunlavy@dunlavylawgroup.com E-mail

ADMINISTRATIVE DECISION FROM HOWARD L. JOHNSON

From: [Nancy Spivey](#)
To: [Linda Dunlavy](#)
Subject: Fwd: Variance Application - Spivey Auto Repair -N. Clarendon - Scottsdale.
Date: Wednesday, October 26, 2022 11:02:55 AM
Attachments: [ZONING BOARD OF APPEALS_04.04.22.pdf](#)

Please see attached.

Thank you!

----- Forwarded message -----

From: Johnson, Howard L <hjohnson@dekalbcountyga.gov>
Date: Fri, Oct 21, 2022 at 3:56 PM
Subject: Variance Application - Spivey Auto Repair -N. Clarendon - Scottsdale.
To: Nancy Spivey <nkspivey7@gmail.com>
Cc: Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>, Folgherait, Andrea K <akfolgherait@dekalbcountyga.gov>

Your building application was failed per the following:

9-26-22 The Overlay and Zoning Reviews were failed by Senior Planner Howard Johnson on 9-15-22 per the following comments: Applicant Is proposing a paint booth for an Auto Repair / Mechanic shop. The Scottsdale Tier 2 Overlay District clearly prohibits Auto Repair & Paint Shop within the Overlay District per 27-3.36.5(B)(4).

Ms. Spivey:

Please find attached the Variance Application for the Zoning Board of Appeals (ZBA).

After you read through the application, the next step is to setup a Pre-application with me using the link below.

<https://outlook.office365.com/owa/calendar/DeKalbCoPlanningSustainabilityPreApps@dekalbcountyga.gov/bookings/s/rzBLZey3G0Kol7tNqLLoXw2>

If you have any addition questions, don't hesitate to reach out.

Thanks

Howard

Howard L. Johnson

Senior Planner

DeKalb County Dept. of Planning and Sustainability

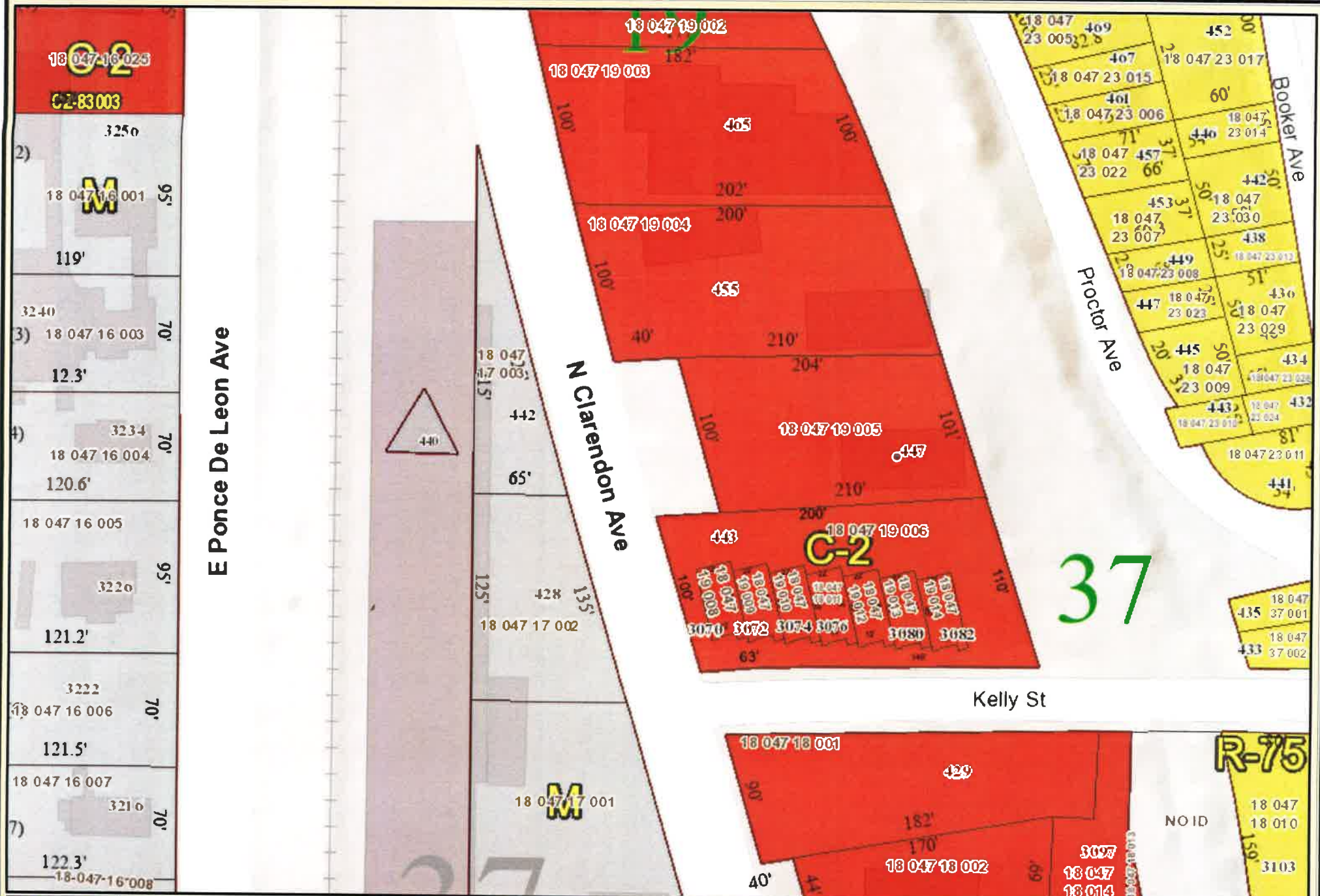
Current Planning Section – Suite A3600

178 Sams Street, Decatur, GA 30033

404-371-4977 desk

hjohnson@dekalbcountyga.gov

RELEVANT TAX RECORDS





Property Tax Information Results

Any errors or omissions should be reported for investigation. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

[Back](#)

[Sign up to receive future tax bills by email.](#)
[Click here for the request form](#)

Parcel ID 18 047 19 003
Pin Number 0894702
Property Address [465 N CLARENDON AVE](#)
Property Type Real Estate
Tax District 04 - UNINCORPORATED

Owner Information
Jan. 1st Owner Last Name, First Name
 465 NORTH CLARENDON LLC
Co-Owner
Current Owner 465 NORTH CLARENDON LLC
Co-Owner

Owner Address 447 N CLARENDON AVE
 SCOTSDALE GA 30079
Care of Information

**** CHANGE MAILING ADDRESS ****

Exemption Type - NO EXEMPTION
Tax Exempt Amount \$0.00

[APPLY FOR BASIC HOMESTEAD EXEMPTION AND
 PROPERTY ASSESSMENT FREEZE](#)

Exemption Type
Value Exemption Amount \$0.00

Deed Type QUIT CLAIM DEED
Deed Book/Page 26045 / 00371
Plat Book/Page 0 / 0

NBHD Code 7049
Zoning Type C2 - GEN COMMERCIAL DIST
Improvement Type
Year Built 1966
Condition Code AVERAGE
Quality Grade AVERAGE
Air Conditioning
Fireplaces
Stories
Square Footage 9,653 Sq. Ft.
Basement Area 0 Sq. Ft.
% Bsmt Finished 0 Sq. Ft.
Bedrooms
Bathrooms
Last Deed Date 1/20/2017
Last Deed Amount \$0.00

[Click here to view property map](#)
[Additional Property Information](#)

Taxable Year 2022
Millage Rate 0.04389
DeKalb County Taxes Billed \$7,657.74
DeKalb County Taxes Paid \$7,657.74
DeKalb County Taxes Due \$0.00
Total Taxes Billed \$7,657.74
Total Taxes Paid \$7,657.74
Total Taxes Due \$0.00

DeKalb County Taxes
First Payment Date 9/9/2022
First Payment Amount \$7,657.74
Last Payment Date 9/9/2022
Last Payment Amount \$7,657.74

[Tax Paid Receipt](#)

[Tax Bill Details](#)

-- Choose a Tax Year -- ▼

[Get Tax Payoff Info.](#)

CURRENT YEAR PAYMENTS

DeKalb County Tax
 Commissioner
 Collections Division
 PO Box 117545
 Atlanta, GA 30368-7545

PRIOR YEAR PAYMENTS

DeKalb County Tax
 Commissioner
 Collections Division
 PO Box 100004
 Decatur, GA 30031-7004

Prior Years Tax

*** Please note that payment posting information may be delayed
 due to batch processing***

DeKalb County Tax

TaxYear	Total Owed	Total Paid	Total Due	Adjusted Bill Due Date
2022	\$7,657.74	\$7,657.74	\$0.00	
2021	\$7,657.74	\$7,657.74	\$0.00	
2020	\$7,657.76	\$7,657.76	\$0.00	
2019	\$7,657.74	\$7,657.74	\$0.00	
2018	\$7,674.46	\$7,674.46	\$0.00	
2017	\$7,691.16	\$7,691.16	\$0.00	
2016	\$7,707.88	\$7,707.88	\$0.00	
2015	\$7,774.74	\$7,774.74	\$0.00	

[Tax Sale File Number](#)
[FiFa-GED Book/Page](#)
[Levy Date](#)
[Sale Date](#)
[Delinquent Amount Due](#)

PROPERTY VALUE ASSESSMENT

Taxable Year	2022
<u>Land Value</u>	\$201,200
<u>Building Value</u>	\$216,580
<u>Misc. Improvement Value</u>	\$0
<u>Total Value</u>	\$417,780
<u>40% Taxable Assessment</u>	\$167,112

Information as of 11/5/2022

For additional information on the data above,
contact the Property Appraisal Department at 404-371-
2471

PARID: 18 047 19 003

Tax Dist: 04-UNINCORPORATED

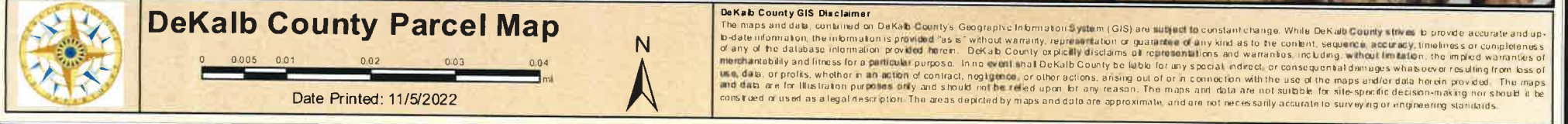
465 NORTH CLARENDON LLC

465 CLARENDON AVE N

Land

Land Type	S - SQUARE FOOT
Land Code	931 - SECONDARY ARTERY GOOD PRIMARY
Square Feet	19,166
Calculated Acres	.44
Deeded Acres	.4
Parcel ID	18 047 19 003
Address	465 N CLARENDON AVE
Unit	
City	SCOTTDALE
Zip Code	30079-1322
Neighborhood	7049
Class	I3 - INDUSTRIAL LOT
Land Use Code	398-Warehouse (bulk)
Super NBHD	
Zoning	C2 - GEN COMMERCIAL DIST

PHOTOS OF SUBJECT PROPERTY AND SURROUNDS

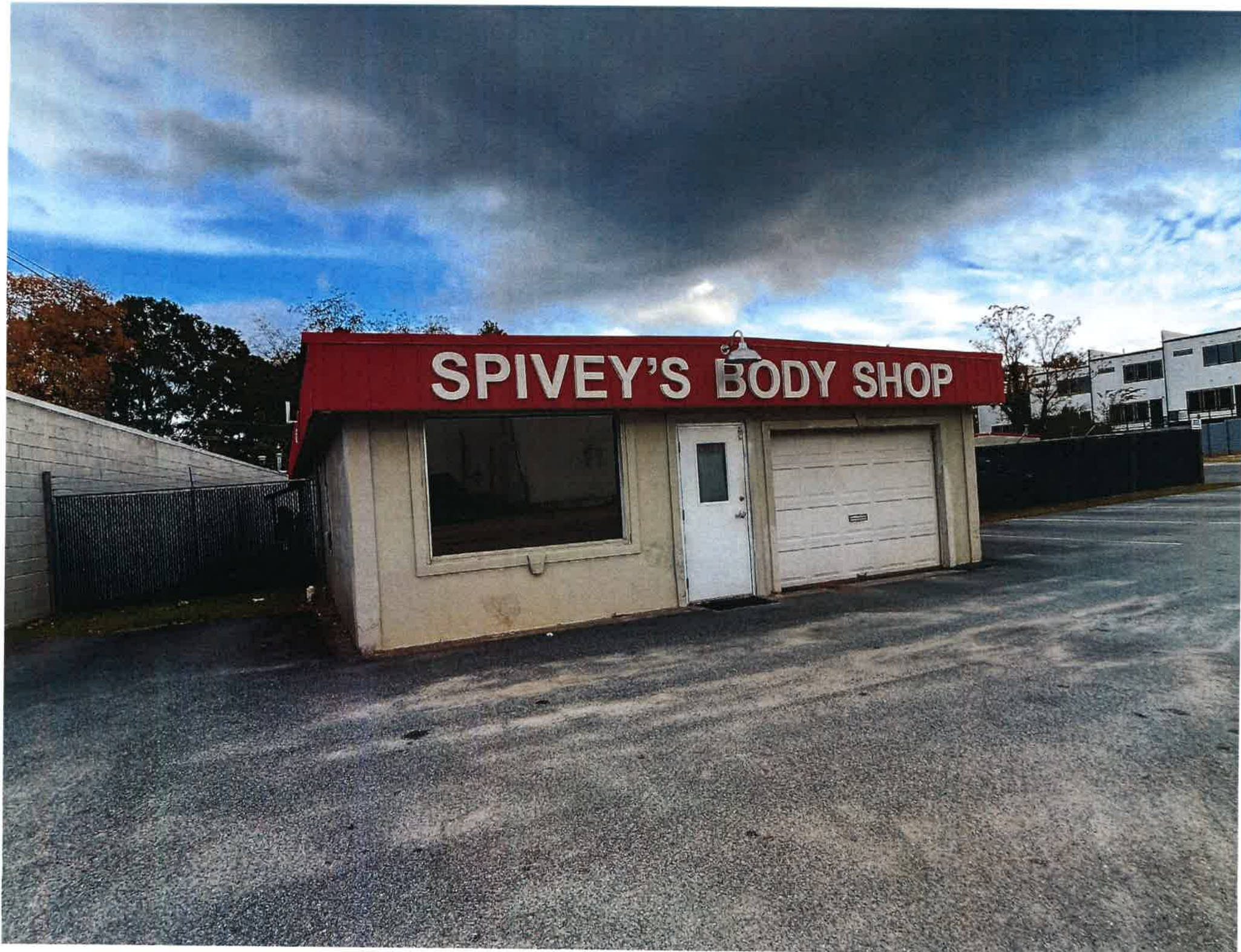


465 NORTH CLARENDON SHOWING TWO PAINT BOOTH BAYS



457 NORTH CLARENDON SHOWING BUSINESS OFFICE

SPIVEY'S BODY SHOP



447 NORTH CLARENDON SHOWING FOUR AUTO REPAIR BAYS

Spivey's
Body Shop, Inc.

404-299-0841

Est. 1974





PHOTOS OF PAINT BOOTH





RELEVANT DEEDS IN CHAIN OF TITLE

Jeanette Rozier
Clerk of Superior Court DeKalb Cty. Ga.
I HAVE NOT BEEN ASKED TO SIGN THIS DOCUMENT

STATE OF GEORGIA
COUNTY OF FULTON

WARRANTY DEED

THIS INDENTURE is made this 30 day of November, 1999, by and between The Myler Company, Inc. (hereinafter called the "Grantor") and Frank W. Fletcher, Jr. (hereinafter called the "Grantee"), the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all Grantor's right, title and interest in and to the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 47 of the 18th District of Dekalb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD said Property together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of the said Grantee forever in FEE SIMPLE, subject only to the matters set forth herein.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that it will warrant and forever defend the right and title to said land unto Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has executed these presents and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR :

The Myler Company, Inc.

By: _____

Title:

[CORPORATE SEAL]

Witness

Notary Public

Commission Expires



EXHIBIT "A"

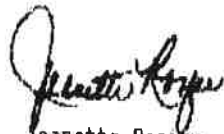
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 47 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the Northeasterly side of North Clarendon Avenue, formerly known as Old Stone Mountain Highway and Grand Avenue, 300 feet Northwesterly from the corner formed by the intersection of the Northeasterly side of North Clarendon Avenue with the North side of Kelly Street; thence North $13^{\circ} 45'$ West along the Northeasterly side of North Clarendon Avenue 100 feet to an iron pin; thence South $86^{\circ} 23'$ East at an interior angle of $73^{\circ} 48'$ with the preceding course, 182.45 feet to an iron pin on the Southwesterly line of Georgia Railway & Power Company right-of-way; thence Southwesterly along the Southwesterly line of said right-of-way, 100 feet to an iron pin; thence North $88^{\circ} 43'$ West 202.7 feet to an iron pin on the Northeastly side of North Clarendon Avenue and the point of beginning.

Containing 0.4123 acre and having a one-story concrete block and brick warehouse and offices thereon and being more particularly shown on survey prepared by Southland Engineers & Surveyors, Incorporated, dated August 29, 1966, and revised December 2, 1966.

Print quality poor when received
Official record may be illegible

Deed Book 11082 Pg 271



Jeanette Rozier
Clerk of Superior Court DeKalb Cty. Ga.
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN THE CLERK'S OFFICE OF THE SUPERIOR COURT OF DEKALB COUNTY, GEORGIA, ON AUGUST 29, 1966.

AFTER RECORDING RETURN TO
JOHN E. ROBINSON P.C.
ROBINSON & BLAZER, LLP
150 E. Ponce de Leon Ave, Suite 475
Decatur, Georgia 30030

2017021001 DEED BOOK 26045 Pg 362
Filed and Recorded:
1/24/2017 2:59:45 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia
Georgia Intangible Tax Paid \$0.00
Real Estate Transfer Tax \$0.00

Note to Clerk
Please cross-reference to:
Deed Book 4695, Page 709
Deed Book 4695, Page 715
Deed Book 4932, Page 659

AFFIDAVIT OF FRANK W. FLETCHER, JR.

RE: ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot
47 of the 18th District, DeKalb County, Georgia, being more fully and particularly described
on EXHIBIT "A" attached hereto and incorporated by reference herein.

Personally appeared before the undersigned attesting officer, Frank W. Fletcher, Jr., who after
first being duly sworn was deposed and stated under oath as follows:

1.

I am the owner of that certain tract or parcel of land commonly known as 465 North Clarendon
Avenue, Scottdale, DeKalb County, Georgia 30079, having a parcel ID number of 18-047-19-003 and
as more fully described in Deed Book 11082, Page 270, DeKalb County, Georgia Records, and, as
more fully and particularly described on EXHIBIT "A" attached hereto and by reference made a part
hereof (hereinafter, together with any and all improvements and fixtures located thereon, being referred
to as the "Property");

2.

I am the sole owner of the Property described on the attached Exhibit "A".

3.

I have been informed of certain title objections, as follows:

- A. March 2, 1984 Deed to Secure Debt and Security Agreement recorded in Deed Book
4932, Page 659, which matured on September 14, 1999.
- B. 1982 Deed to Secure Debt recorded in Deed Book 4695, Page 709, which matured on
June 7, 1991.
- C. December 7, 1982 Deed to Secure Debt recorded in Deed Book 4695, Page 715, which
matured on October 14, 1992.

4.

I purchased this Property on November 12, 1999.

5.

It was my understanding that all of the above debts were paid in full that day.

6.

I have never paid any monies to any of said lenders.

7.

I have never been notified by any of said lenders to make a payment.

8.

This Affidavit is filed and recorded on the Deed Records in DeKalb County, Georgia, to evidence the fact of the cancellation of these Deeds to Secure Debt and for all other purposes allowed under Georgia law, including without limitation, pursuant to O.C.G.A. Section 44-2-20.

Sworn to and subscribed before me this
24th day of January 2017.


Notary Public

 (seal)
Frank W. Fletcher, Jr.



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 47 of the 18th District of DeKalb County, Georgia, being more fully and particularly described as follows:

Beginning at a point on the northeastern right-of-way line of N. Clarendon Ave. which point is located a distance of 300 feet northwesterly from the intersection of the northeasterly right-of-way line of N. Clarendon Ave. with the northern right-of-way line of Kelly Street as measured along the northeastern right-of-way of N. Clarendon Ave.; running thence along the northeastern right-of-way line of N. Clarendon Ave. N. 9° 37 ' 24 " West a distance of 100 feet to a point marked by an iron pin; running thence South 83° 26 ' 2" East a distance of 182.45 feet to a point marked by an iron pin; continuing thence South 83° 26 ' 02 " East a distance of 30 feet, more or less, to the Western right-of-way line of an asphalt bike trail; running thence in a generally southeastern direction along the asphalt bike trail a distance of 100 feet more or less to a point; running thence North 85° 50 ' 24 " West of a distance 27.5 feet more or less, to a point marked by an iron pin; continuing thence North 85° 50' 24" West a distance of 202.70 feet to a point marked by an iron pin found and the point of beginning.

Being improved property commonly known as 465 N. Clarendon Ave. according to the present system of numbering buildings and naming streets in DeKalb County Georgia with a tax parcel number of 18 - 047 - 19 - 003 as more fully shown on a survey for Jackie L Spivey and First American Title Insurance Company certified by Patrick F. Carey, G.R.L.S. Number 3077, which survey is incorporated by reference herein.

Spivey 465 N. Clarendon
Legal Description for QCD



Filed and Recorded:
1/24/2017 2:59:45 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

Return Recorded Document to:
John E. Robinson, P.C.
150 East Ponce De Leon Avenue, Ste 475
Decatur, GA 30030
File No: 3501.3
File Name: 465 North Clarendon, LLC

GENERAL WARRANTY DEED

STATE OF GEORGIA

COUNTY OF DEKALB

THIS INDENTURE, made the **20th day of January, 2017**, between **Frank W. Fletcher Jr.** of the County of **DeKalb**, and State of Georgia, as party of the first part, hereinafter called Grantor, and **465 North Clarendon, LLC** of the County of **DeKalb**, and State of Georgia, as party of the second part, hereinafter called Grantee (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto the said Grantee,

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.


Frank W. Fletcher Jr.

Signed, sealed and delivered in the presence of:




Unofficial Witness

Notary Public



EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 47 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly side of North Clarendon Avenue, formerly known as Old Stone Mountain Highway and Grand Avenue, 300 feet northwesterly from the corner formed by the intersection of the northeasterly side of North Clarendon Avenue with the north side of Kelly Street; thence north 13 degrees 45 minutes west along the northeasterly side of North Clarendon Avenue 100 feet to an iron pin; thence south 86 degrees 23 minutes east at an interior angle of 73 degrees 48 minutes with the preceding course, 182.45 feet to an iron pin on the southwesterly line of Georgia Railway & Power Company right-of-way; thence southeasterly along the southwesterly line of said right-of-way, 100 feet to an iron pin; thence north 88 degrees 43 minutes west 202.7 feet to an iron pin on the northeasterly side of North Clarendon Avenue and the point of beginning.

Containing 0.4123 acre having a one-story concrete block and brick warehouse and offices thereon and being more particularly shown on survey prepared by Southland Engineers & Surveyors, Incorporated, dated August 29, 1966 and revised December 2, 1966 and being known as 465 North Clarendon Avenue according to the present system of numbering in DeKalb County, Georgia and being further known as Tax Parcel ID No. 18-047-19-003.



Real Estate Transfer Tax \$0.00

Filed and Recorded:

1/24/2017 2:59:45 PM

Debra DeBerry

Clerk of Superior Court
DeKalb County, Georgia

After recording return to:
JOHN E. ROBINSON, P.C.
150 East Ponce de Leon Ave., Suite 475
Decatur, Georgia 30030

QUITCLAIM DEED

THIS INDENTURE, made this 20th day of January in the year Two Thousand Seventeen between **FRANK W. FLETCHER, JR.**, as party of the first part, hereinafter called "Grantor"; and **465 NORTH CLARENDON, LLC**, a Georgia limited liability company, as party of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND as described in Exhibit "A", attached hereto and incorporated herein by reference for a more complete description.

TO HAVE AND TO HOLD the said described premises unto the said party of the second part, its successors and assigns, so that neither the said party of the first part nor its heirs, successors or assigns, nor any other persons claiming under it shall at any time claim or demand any right, title or interest to any of the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed the day and year above written.

GRANTOR:

 (Seal)
FRANK W. FLETCHER, JR.

Signed, sealed and delivered this
20th day of January, 2017 in the presence of:


Witness



Notary Public
(Affix Seal & Stamp)



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 47 of the 18th District of DeKalb County, Georgia, being more fully and particularly described as follows:

Beginning at a point on the northeastern right-of-way line of N. Clarendon Ave. which point is located a distance of 300 feet northwesterly from the intersection of the northeasterly right-of-way line of N. Clarendon Ave. with the northern right-of-way line of Kelly Street as measured along the northeastern right-of-way of N. Clarendon Ave.; running thence along the northeastern right-of-way line of N. Clarendon Ave. North $9^{\circ} 37' 24''$ West a distance of 100 feet to a point marked by an iron pin; running thence South $83^{\circ} 26' 2''$ East a distance of 182.45 feet to a point marked by an iron pin; continuing thence South $83^{\circ} 26' 02''$ East a distance of 30 feet, more or less, to the Western right-of-way line of an asphalt bike trail; running thence in a generally southeastern direction along the asphalt bike trail a distance of 100 feet more or less to a point; running thence North $85^{\circ} 50' 24''$ West of a distance 27.5 feet more or less, to a point marked by an iron pin; continuing thence North $85^{\circ} 50' 24''$ West a distance of 202.70 feet to a point marked by an iron pin found and the point of beginning.

Being improved property commonly known as 465 N. Clarendon Ave. according to the present system of numbering buildings and naming streets in DeKalb County Georgia with a tax parcel number of 18-047-19-003 as more fully shown on a survey for Jackie L Spivey and First American Title Insurance Company certified by Patrick F. Carey, G.R.L.S. Number 3077, which survey is incorporated by reference herein.

RELEVANT ZONING CODE PROVISIONS

Sec. 8.1.5. - Nonconforming use.

A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

- A. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.
- B. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six (6) continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.
- C. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. No. 15-06, 8-25-2015)

Sec. 27-598. Principal uses and structures.

The following principal uses of land and structures shall be authorized in the C-2 (General Commercial) District:

- (a) Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel.
- (b) Art gallery and art supply store.
- (c) Automobile, boat, and trailer sales and service as follows:
 - (1) Automobile and truck sales.
 - (2) Automobile repair and paint shop.
 - (3) Automobile service station.
 - (4) Automobile, truck, and trailer lease and rentals.
 - (5) Automobile, truck, and trailer lease and rentals as accessory to an automobile service station.
 - (6) Automobile upholstery shop.
 - (7) Automobile wash service.
 - (8) Boat sales.
 - (9) Minor automobile repair and maintenance.
 - (10) Retail automobile parts and tire store.
 - (11) Storage yard for damaged automobiles or confiscated automobiles.
 - (12) Tire retreading and recapping.
 - (13) Trailer salesroom and sales lot.
- (d) Bank, credit union and other similar financial institution.
- (e) Check cashing establishment.
- (f) Commercial recreation and entertainment:
 - (1) Adult entertainment establishments. (See also section 27-732).
 - (2) Adult service facility.
 - (3) Bowling alley.
 - (4) Drive-in theater.
 - (5) Go-cart concession.
 - (6) Golf course.
 - (7) Golf driving range or batting cage facility.
 - (8) Miniature golf course.
 - (9) Movie theater.
 - (10) Recreation grounds and facilities.
 - (11) Recreational facilities carried on wholly within a permanently enclosed building.
 - (12) Tennis center, club and facilities.
- (g) Communications uses, as follows:
 - (1) Radio and television broadcasting station.
 - (2) Telephone business office.
- (h) Community facilities, as follows:
 - (1) Cultural facilities.
 - (2) Noncommercial club or lodge.
 - (3) Fraternal club or lodge.
 - (4) Utility structure necessary for the Transmission or distribution of Service (Section 27-770).
- (i) Construction contractors, as follows:
 - (1) General building contractor.
 - (2) Heavy construction contractor.
 - (3) Special trade contractor.
- (j) Dwellings, as follows:
 - (1) Shelter for homeless persons.
 - (2) Transitional housing facility.
- (k) Education uses as follows:
 - (1) Vocational school
 - (2) Private elementary, middle or high school.
 - (3) Specialized non-degree schools.
- (l) Lodging, as follows:
 - (1) Hotel.
 - (2) Motel.
- (m) Manufacturing uses, as follows:
 - (1) Light malt beverage manufacturer.
 - (2) Light manufacturing establishment.

- (n) Office uses as follows:
 - (1) Accounting office.
 - (2) Engineering and architectural office.
 - (3) Financial services office.
 - (4) Insurance office.
 - (5) Legal office.
 - (6) Medical office.
 - (7) Real estate office:
- (o) Pawn shop.
- (p) Place of worship.
- (q) Printing establishments, as follows:
 - (1) Bookbinding and related work.
 - (2) Photoengraving, typesetting, electrotyping and stereotyping.
 - (3) Publishing and printing establishment.
- (r) Restaurant, drive-through restaurant facilities, and restaurant accessory to a motel.
- (s) Retail sales as follows:
 - (1) Apparel and accessories store.
 - (2) Book, greeting card, and stationery store.
 - (3) Camera and photographic supply store.
 - (4) Commercial greenhouse or plant nursery.
 - (5) Convenience store.
 - (6) Farm and garden supply store.
 - (7) Florist.
 - (8) Food stores including bakeries.
 - (9) Fuel dealers, manufacturers and wholesalers.
 - (10) Furniture, home furnishings and equipment store.
 - (11) General merchandise store.
 - (12) Gift, novelty, and souvenir store.
 - (13) Hardware store.
 - (14) Hobby, toy and game store.
 - (15) Jewelry store.
 - (16) Music and musical equipment store.
 - (17) News dealer and newsstand.
 - (18) Office supplies and equipment store.
 - (19) Pharmacy and drug store.
 - (20) Quick copy printing store.
 - (21) Retail liquor store, both independent stores and stores accessory to hotels, motels and high-rise office buildings.
 - (22) Shopping center.
 - (23) Specialty store.
 - (24) Sporting goods and bicycle sales.
 - (25) Variety store.
 - (26) Video tape sales and rental store.
- (t) Services, personal, as follows:
 - (1) Barbershop, beauty shop, and similar personal service establishments.
 - (2) Business service establishment.
 - (3) Coin-operated laundry and dry-cleaning store and pickup station.
 - (4) Dry-cleaning plant.
 - (5) Funeral home.
 - (6) Linen and diaper service, garment pressing, alteration and repair.
 - (7) Outdoor advertising service.
 - (8) Personal care home, congregate.
 - (9) Personal care home, family.
 - (10) Personal care home, group.
 - (11) Personal care home, registered.
 - (12) Photographic studios.
- (u) Services, repair, as follows:
 - (1) Heavy repair service and trade shop.
 - (2) Home appliance repair and related service.
 - (3) Jewelry repair store.
 - (4) Radio, television and home electronics repairs.
 - (5) Reupholstery, furniture and major appliance repair.

- (6) Shoe repair store.

(Ord. No. 99-11, Pt. 1, 4-13-99) (XXXIII, 1-25-00)
(XXXIV, 1-25-00)

Sec. 27-599. Accessory uses and structures.

The following accessory uses of land and structures shall be authorized in the C-2 (General Commercial) District:

- (a) Accessory uses and structures incidental to any authorized use.
- (b) Signs and outdoor advertising in accordance with the provisions of Chapter 21 and this chapter.

(Ord. No. 99-11, Pt. 1, 4-13-99)

Sec. 27-600. Special permits.

The following uses and structures shall be authorized only by permits of the type indicated:

- (a) *Special administrative permit from director of public works:*

- (1) Telecommunications tower or antenna, subject to requirements of section 27-779.
- (2) Temporary outdoor sales of merchandise.
- (3) Art shows, carnival rides and special events of community interest (section 27-747(a)).
- (4) Rodeos, horse shows, carnivals, athletic events and community fairs (section 27-747(b)).
- (5) Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days duration, adequate parking is provided on the site, and where the same lot or any portion thereof is so used for no more than one (1) such fourteen-day time period within any calendar year.

- (b) *Special exception permit from the zoning board of appeals:* None.

- (c) *Special land use permit from board of commissioners:*

- (1) Buildings in excess of two (2) stories in height.

- (2) Temporary outdoor sales, seasonal.
(Ord. No. 99-11, Pt. 1, 4-13-99)

Sec. 27-601. Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the C-2 (General Commercial) District:

- (a) *Lot width:* All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage.
- (b) *Minimum lot area:* Thirty thousand (30,000) square feet.
- (c) *Minimum setback requirements:*

- (1) *From public street:*

- a. *Front yard setback:* Seventy-five (75) feet.

- (2) *Interior side yard:* Twenty (20) feet, five (5) feet of which shall be planted and landscaped.

- (3) *Rear yard:* Thirty (30) feet.

(Ord. No. 99-11, Pt. 1, 4-13-99)

Sec. 27-602. Transitional buffer zone requirement.

Where a lot in the C-2 (General Commercial) District adjoins the boundary of any property which is zoned for any R classification, RM classification, MHP classification, or TND classification, a transitional buffer zone not less than fifty (50) feet in width shall be provided and maintained in a natural state. Said transitional buffer zone shall not be paved and shall not be used for parking, loading, storage or any other use, except where necessary to grade or modify a portion of the transitional buffer zone for the installation of utilities necessitated by the development. Water detention ponds shall not be located within transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone. In addition, a screening fence not less than six (6) feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining residential use.

(Ord. No. 99-11, Pt. 1, 4-13-99)

AFFIDAVIT OF RICK MILER

**AFFIDAVIT OF RICK MILER IN SUPPORT OF NONCONFORMING USE STATUS
FOR SPIVEY PAINT BOOTHS**

I, RICK MILER, having been duly sworn depose and state the following:

1. I am over eighteen years of age, have personal knowledge of the facts to which I attest to herein, am competent to give this affidavit and do so voluntarily.
2. I am currently, and have been since 1980, the owner and operator of a business known as Myco Imported Parts. I currently rent space at 465 North Clarendon Avenue in Scottdale, Georgia, for the operation of my business and have done so since 2016. The Lessor is 465 North Clarendon, LLC. The principal of the LLC is Jackie Spivey, the owner of Spivey's Body Shop at 447 N. Clarendon.
3. I have known Jackie Spivey since the 1980's when he purchased 447 North Clarendon for the operation of a body shop at that location. Spivey's Body Shop has provided auto repair, including car painting, since the 1980's at the 447 location. At the time of Jackie's purchase, I owned 465 North Clarendon and ran my business there. I sold 465 North Clarendon in 1999 to Frank Fletcher who owned and operated Atlanta Racing and Frank's Custom Paint from 1999 to 2016 at the 465 North Clarendon property. Frank installed a painting booth at 465 North Clarendon shortly after he purchased it for the purposes of providing auto painting as a service. He maintained and operated the painting operation on site until he sold 465 to Jackie Spivey in 2016. Jackie continued to provide automobile painting in the paint booth on site from 2016 to the present.



4. Since 1999 to the present businesses at 465 North Clarendon have continuously operated a paint booth for automobile painting on that site. Moreover, since the 1980's Mr. Spivey has continuously operated a paint booth for automobile painting on 447 North Clarendon.

FURTHER AFFLIANT SAITH NAUGHT


Rick Miler



Notary Public
this 7th day of November, 2022.

Gloria Ann WoodwardGlasser
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 08/18/2026

Sworn to and subscribed before me
this 7th day of November, 2022

AFFIDAVIT OF JACKIE SPIVEY

STATE OF GEORGIA)
DEKALB COUNTY)

**AFFIDAVIT OF JACKIE SPIVEY IN SUPPORT OF NONCONFORMING USE STATUS
FOR SPIVEY PAINT BOOTHS**

I, JACKIE SPIVEY, having been duly sworn depose and state the following:

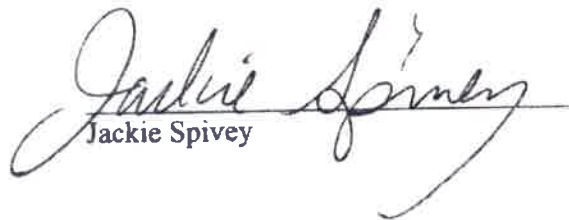
1. I am over eighteen years of age, have personal knowledge of the facts to which I attest to herein, am competent to give this affidavit and do so voluntarily.
2. I am currently, and have been since 1974, the owner and operator of a business known as Spivey's Bodyshop. We provide body work, minor car repairs and painting for cars that have been damaged and/or involved in collisions.
3. Our first location was 447 North Clarendon Avenue in Scottdale. At all times since commencement of the business at that location Spivey's Body Shop has provided auto repair, including car painting. We have had a fully operational body shop with a paint booth in continuous operation at that location since 1974 at 447 North Clarendon. In 2015, I purchased 455 North Clarendon to use for our administrative offices and non-auto repair activities. A couple years later I purchased 465 North Clarendon from Frank Fletcher who owned and operated Atlanta Racing and Frank's Custom Paint from 1999 to 2016 at the 465 North Clarendon property. When I purchased 465 North Clarendon it contained two automobile painting booths which Frank had installed shortly after he purchased the Subject Property in 1999. Frank had maintained and operated the painting operation on site during the entire period of his ownership and I continued to provide automobile painting in those two paint booths on site from January of 2017 (when I purchased it) to the present.

the paint booths are showing their age and need replacing. As such, I engaged Jack Hughes of Autotality to tear out one of the old booths at 465 Clarendon and replace it with a new more efficient, environmentally friendly paint booth. Unfortunately, he encountered difficulty with DeKalb County when he applied for a building permit. They denied the permit.

5. It took us a while to get something definitive from DeKalb County telling us why the permit application was denied but finally we received an email from Howard L. Johnson on October 21, 2022, advising us that "Auto Repair/Mechanic Shops" were not allowed in the Scottdale Overlay. This came as a big surprise to me since I have been operating essentially the same business in essentially the same location for more than 40 years. I understand this was communicated to Mr. Johnson by Mr. Hughes but we were told simply to apply for a variance –that was our only solution.

6. I believe that we are entitled to grandfathered status since we (and my predecessors) have operated auto repair businesses with painting services continuously on the Subject Property for many years and have received business permits annually for this business from the County.

FURTHER AFFIANT SAITH NAUGHT


Jackie Spivey



Notary Public

Sworn to and subscribed before me
this 7th day of November 2022

Gloria Ann Woodward Glasser
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 08/18/2026

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

MECHANICAL PERMIT APPLICATION

Date: 5/4/2022

Shaded area for office use Mechanical Permit Number	Building Permit Number	Check Applicable Type: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Non-Residential
---	-------------------------------	---

Job Address 465 N. Clarendon Ave.	City Scottdale	State GA	Zip 30079
Building No.	Floor No.	Apt / Lot # 13 Industrial	Unit / Suite #

Check One:			
<input type="checkbox"/> New (New Bldg.)	<input type="checkbox"/> Addition (Bldg. Enlargement)	<input type="checkbox"/> Expansion (To Exist. Sys.)	<input type="checkbox"/> Replacement
<input type="checkbox"/> Air Condition	<input type="checkbox"/> Floor Furnace	<input type="checkbox"/> Bath fan	
<input type="checkbox"/> Gas Forced Air	<input type="checkbox"/> Wall Furnace	<input type="checkbox"/> Ventilation Fan	
<input type="checkbox"/> Electric Forced Air	<input type="checkbox"/> Space Heater	<input type="checkbox"/> Range Hood	
<input type="checkbox"/> Vent Only	<input type="checkbox"/> Steam & Hot Water	<input type="checkbox"/> Fireplace	
Net Load:	Heat Loss:	Heat Gain:	

DESCRIPTION OF WORK: Installation of (1) Spray Booth

BOILERS AND HEATING APPLIANCES (BTU Input)		VERTICAL GAS VENTS (BTU Input)	
Up to 300,000	No. ____ X \$25.00 = ____	Up to 100,000	No. ____ X \$25.00 = ____
300,001 to above	No. ____ X \$35.00 = ____	100,001 and up	No. ____ X \$35.00 = ____
Decorative fire place	No. ____ X \$35.00 = ____	Clothes dryer vents	No. ____ X \$20.00 = ____

A/C AND REFRIGERATION APPLIANCES (Tons)		OTHER	
Up to 10	No. ____ X \$25.00 = ____	Fireplace lighters	No. ____ X \$25.00 = ____
11 to 30	No. ____ X \$35.00 = ____	Gas line (per connection)	No. ____ X \$25.00 = ____
31 to 100	No. ____ X \$40.00 = ____	Duct work installation (per system)	No. ____ X \$25.00 = ____
101 and up	No. ____ X \$60.00 = ____	Zone dampers	No. ____ X \$25.00 = ____
		Fire suppression system	No. ____ X \$30.00 = ____
		Fire inspection	\$100.00 = ____
		Fire review	\$100.00 = ____
		Fire plan resubmittal	\$150.00 = ____
		Safety inspection	No. ____ X \$75.00 = ____
		PIU/VAC	No. ____ X \$75.00 = ____

NOTE: A/C package unit must include heat (2 x \$25).

RANGE HOODS (Face area or hood sq. ft.)		VENTILATION FANS (HP)	
Residential Hood	No. ____ X \$20.00 = ____	Up to 1.5	No. ____ X \$25.00 = ____
Commercial Hood	No. ____ X \$50.00 = ____	1.5 to 10	No. ____ X \$30.00 = ____
		11 to 20	No. ____ X \$35.00 = ____
		21 and up	No. ____ X \$40.00 = ____
		Residential vent fans	No. ____ X \$20.00 = ____
FIRE REVIEW FEES:	Attach County Review Application	TOTAL= ____	

*** List the names, model numbers, and ratings (BTU input, compressor HP, hood face area in sq. ft., fan motor HP) of all appliances indicated in this application (continued on page 2). ***

Fee Schedule: MINIMUM FEE \$120. Additional \$200 for Fire Suppression Systems (Fire Review & Inspection Fee)	TOTAL FEES \$
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MECHANICAL RE-INSPECTION FEES	1 st Re-inspect \$25.00	2 nd Re-inspect \$50.00	3 rd Re-inspect \$100.00
FIRE INSPECTOR RE-INSPECTION FEES	1 st Re-inspect \$50.00	2 nd and over - \$100.00	

ALL APPLIANCES AND EQUIPMENT INDICATED IN THE FEE SCHEDULE OF THIS APPLICATION SHALL BE LISTED HERE AS FOLLOWS: (Attach additional sheet if necessary)

NAME

MODEL NUMBER

RATING

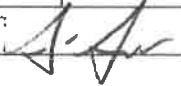
BOILERS AND HEATING APPLIANCES

A/C AND REFRIGERATION

RANGE HOODS

VENTILATION FANS

By signing this application, I certify that the design and installation meets the Georgia Uniform Codes Act, Mechanical Code, Fuel Gas Code, Energy Code and ACCA Manuals "D" & "J" for ductwork and sizing. Copies of REScheck or COMcheck will be maintained for future reference or other approved sizing method. I understand that if I provide false or misleading information in this application I may be subject to criminal prosecution and/or immediate revocation of any building permit or certification issued as a result of this application. I understand that I must comply with all County ordinances and regulations.

Company: Filterworks USA, LLC		Applicant: Gregg Strandberg		Owner: 465 North Clarendon LLC	
Address: 378 SW 12th Ave			Address: 447 N Clarendon Ave		
City: Deerfield Beach	State: FL	Zip 33442	City: Scottsdale	State: GA	Zip 30079
Fax #:		Mobile #: 954-422-8900	Fax #:		Mobile #:
Email: Permits@filterworksusa.com			Email:		
State License #: GCQA008564		Business License #: 423120		Signature of Homeowner:	
Signature of State Cardholder: 			(Sign only if work is being performed by homeowner)		
Print Name: Gregg Strandberg			Print Name:		

NOTE: Copy of permit, drawings, plans and sketches to be posted at the jobsite.

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

BUILDING PERMIT APPLICATION

Date: _____

Shaded area for office use Building Permit Number	Check Applicable Type:	
	<input checked="" type="checkbox"/> Non-Residential <input type="checkbox"/> Residential <input type="checkbox"/> Apartment <input type="checkbox"/> Condo Stack Flats <input type="checkbox"/> Condo Townhouse <input type="checkbox"/> Townhouse Fee Simple	

PROJECT NAME / TENANT NAME / SUBDIVISION NAME	LDP NUMBER	NUMBER OF UNITS
Spivey's Body Shop		

PROJECT ADDRESS		City	State	Zip
465 N. Clarendon Ave.		Scottdale	GA	30079
Building #	Floor #	Apt #	Suite #	Lot #

PROPERTY OWNER'S NAME		
465 North Clarendon LLC		
Address		
447 N Clarendon Ave., Scottdale GA 30079		
Phone	Mobile	Fax
Email		

APPLICANT <input type="checkbox"/> Property Owner <input type="checkbox"/> Tenant Leasing Commercial Space <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Authorized Agent <input type="checkbox"/> Architect/Engineer		
Applicant's Name		
Gregg Strandberg		
Company Name		
Filterworks USA, LLC		
Address		
Filterworks USA, LLC, 378 SW 12th Ave., Deerfield Beach, FL 33442		
Phone	Mobile	Fax
954-422-8900		
Email		
Permits@filterworksusa.com		

CONTRACTOR <input type="checkbox"/> Property Owner <input type="checkbox"/> To Be Determined <input checked="" type="checkbox"/> State of Ga Licensed Contractor <input type="checkbox"/> Specialty Contractor		
Contractor's Name		
Gregg Strandberg		
Company Name		
Filterworks USA, LLC		
Address		
Filterworks USA, LLC, 378 SW 12th Ave., Deerfield Beach, FL 33442		
Phone	Mobile	Fax
954-422-8900		
Email		Business License Number
Permits@filterworksusa.com		BL01572
Individual / Authorized Agent's State License #		Company's State License #
GCQA006564		

Type of Work: <input type="checkbox"/> New <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Fire Damage <input type="checkbox"/> Demo <input type="checkbox"/> Exterior Work <input type="checkbox"/> Driveway <input type="checkbox"/> Other		Estimated Cost \$ \$22,261
Please provide a full description of work: Installation of (1) Paint Booth		
Construction Type: <input checked="" type="checkbox"/> IA <input type="checkbox"/> IIA <input type="checkbox"/> IIIA <input type="checkbox"/> IB <input type="checkbox"/> IIB <input type="checkbox"/> IIIB <input type="checkbox"/> IV <input type="checkbox"/> VA <input type="checkbox"/> VB		
Occupancy Classification:		S1

Total Square Footage Include only areas pertaining to this scope of work. This should be a combined total of all of the items below (if applicable).				<i>enter numbers in cells below to sum-up here:</i>		5,966	0
Finished Floor Area Primary Structure _____ Finished Basement _____	Unfinished Area Attic <u>N/A</u> Basement <u>N/A</u>	Garage <u>N/A</u> Detached garages require separate permits	Outdoor Areas Deck _____ Porch _____ Patio _____				

Indicate additional permits required to complete this job <input type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Electrical / Low Voltage <input checked="" type="checkbox"/> Plumbing <input type="checkbox"/> Other <input type="checkbox"/> None	Is there a sprinkler system? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sanitary Facilities <input type="checkbox"/> Septic <input checked="" type="checkbox"/> Sewer	Elevators <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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# of Stories 1	# Total Rooms	# Bathrooms/ Restrooms	# Kitchens	# Bedrooms N/A
Exterior Finish Materials		Roofing Materials		

Setbacks: Front _____ Rear _____ Left _____ Right _____	Impervious Area (Square Feet) _____	Lot Size: _____ Easement: <input type="checkbox"/> Yes <input type="checkbox"/> No
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<p align="center">THIS SECTION IS FOR NON-RESIDENTIAL APPLICANTS ONLY</p> <p>ADULT ENTERTAINMENT ESTABLISHMENT means a business or establishment where persons, employees, or patrons appear nude or in such attire, costume or clothing as to expose specified anatomical areas or engage in specified sexual activities, including, but not limited to, adult bookstores, adult businesses, adult motion picture theaters; adult mini-motion picture theaters, adult motion picture arcades; adult video stores, erotic entertainment/dance establishments; escort bureaus, introduction services. "Adult entertainment establishment" shall not include a traditional or mainstream establishment, which means a theater, movie theater, concert hall, museum, educational institution, or similar establishment which regularly features live or other performances or showing which are not distinguished or characterized by an emphasis on the depiction, display, or description or featuring is incidental to the primary purpose of any performance.</p> <p>Is this business an adult establishment as defined above by the DeKalb County Code, or does it offer any form of adult entertainment?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

****Note: Only the Property Owner, Architect, Engineer, or General Contractor should sign this application. EXCEPTION: If a tenant is applying to move into a commercial space, the tenant may sign. Authorized Agents may also sign, when an Authorized Permit Agent Form is completed on behalf of a State of Georgia licensed contractor. Before signing, please carefully read the statements below.**

I, Gregg Strandberg, do solemnly swear that the information on this application is true, and that no false or misleading statement is submitted herein to obtain a Building Permit or Certificate of Occupancy. I understand that if I provide false or misleading information in this application I may be subject to criminal prosecution and/or immediate revocation of any Building Permit or Certificate of Occupancy issued as a result of this application. I understand that I must comply with all County ordinances and regulations. I hereby agree to provide any clearance(s) and/or inspection report(s) required prior to the issuance of a Permit or Certificate of Occupancy.

I further agree that I shall be responsible from the date of this permit, or from the time of the beginning of the first work, whichever shall be earlier, for all injury or damage of any kind resulting from this work, whether from basic services or additional services, to persons or property. I agree to exonerate, indemnify and save harmless the County from and against all claims or actions, and all expenses incidental to the defense of any such claims, litigation, and actions, based upon or arising out of damage or injury (including death) to persons or property caused by or sustained in connection with any work performed under the Building Permit issued as a result of this application.

Signature 

Total Minimum Fees \$245 (\$175 Minimum Permit Fee; \$20 Technology Fee; \$50 Certificate of Occupancy or Certificate of Completion). Some commercial projects require Fire Review & Inspection Fees (\$100 Fire Life Safety Review; \$100 Fire Site Review; \$100 Fire Inspection). Please note that additional fees may apply depending on the type of permit being submitted. Please contact us at (404) 371-4915 for the calculation of fees or refer to our fee schedule located at www.planningdekalb.net.