



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____

Application No: _____

APPLICANT NAME: THE POBOY SHOP

Daytime Phone: 770-366-5104

E-Mail: THEPOBOYSHOPATL@GMAIL.COM

Mailing Address: 4340 Ashwoody Trail Brookhaven GA 30319

Owner Name: Mark Ferguson

(If more than one owner, attach contact information for each owner)

Daytime Phone: SAME AS ABOVE

E-Mail: "

Mailing Address: "

SUBJECT PROPERTY ADDRESS OR LOCATION: 1369 Clairmont Rd Decatur GA

30053

DeKalb County, GA

Parcel ID: _____

Acreage or Square Feet: _____

Commission Districts: _____

Existing Zoning: _____

Proposed Special Land Use (SLUP): _____

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: A

Agent: _____

Signature of Applicant: _____



DeKalb County
GEORGIA

Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

PRE-APPLICATION FORM

REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE

(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Mark Ferguson Phone: 770-366-5104 Email: thepoboyshopatl@gmail.com

Property Address: 1369 (1353) Clairmont Road, Decatur 30033

Tax Parcel ID: 18-051-12-011 Comm. District(s): 2 & 6 Acreage: 2.04

Existing Use: _____ Proposed Use: Extended hours.

Supplemental Regs: _____ Overlay District: No DRI: _____

Rezoning: Yes _____ No X

Existing Zoning: C-1 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: TC Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes X No _____ Article Number(s) 27- _____

Special Land Use Request(s): Extended hours for existing restaurant.

Major Modification:

Existing Case Number(s): N/A

Condition(s) to be modified:

N/A

Impact Analysis

- A) There is Condo building less than 50ft away from our property line. We have been open for business for 5 years and have zero noise complaints. Extending our hours will not change this as we will NOT be adding live music or a dj, just selling food and drink
- B) Same as A
- C) We are zoned commercial, so there will be no impact on public utilities or schools
- D) There will be no impact on traffic.
- E) The ingress and egress is adequate since we are zoned commercial
- F) There will be no impact upon any adjoining land use because we are a restaurant and don't make noise
- G) Same as A
- H) We are consistent with the policies the Dekalb County Comprehensive Plan calling for a mix of retail, office, services and employment to serve the neighborhoods.
- I) There is adequate provision of refuse and service areas.
- J) The length in time should not be limited since we plan on renting this space for another 20 years.
- K) No new buildings
- L) No effects to historical buildings.
- M) We satisfy the requirements for a late night establishment.
- N) We will be consistent with the needs of the neighborhood.

Letter of Application and Impact Analysis

Our restaurant, The Po'Boy Shop, located at 1369 Clairmont Rd., Decatur Ga. 30033 would like to extend our business hours by 90 minutes and be able to sell food, beer, wine, and liquor until 2:00am. Our current closing hours are 12:30am.

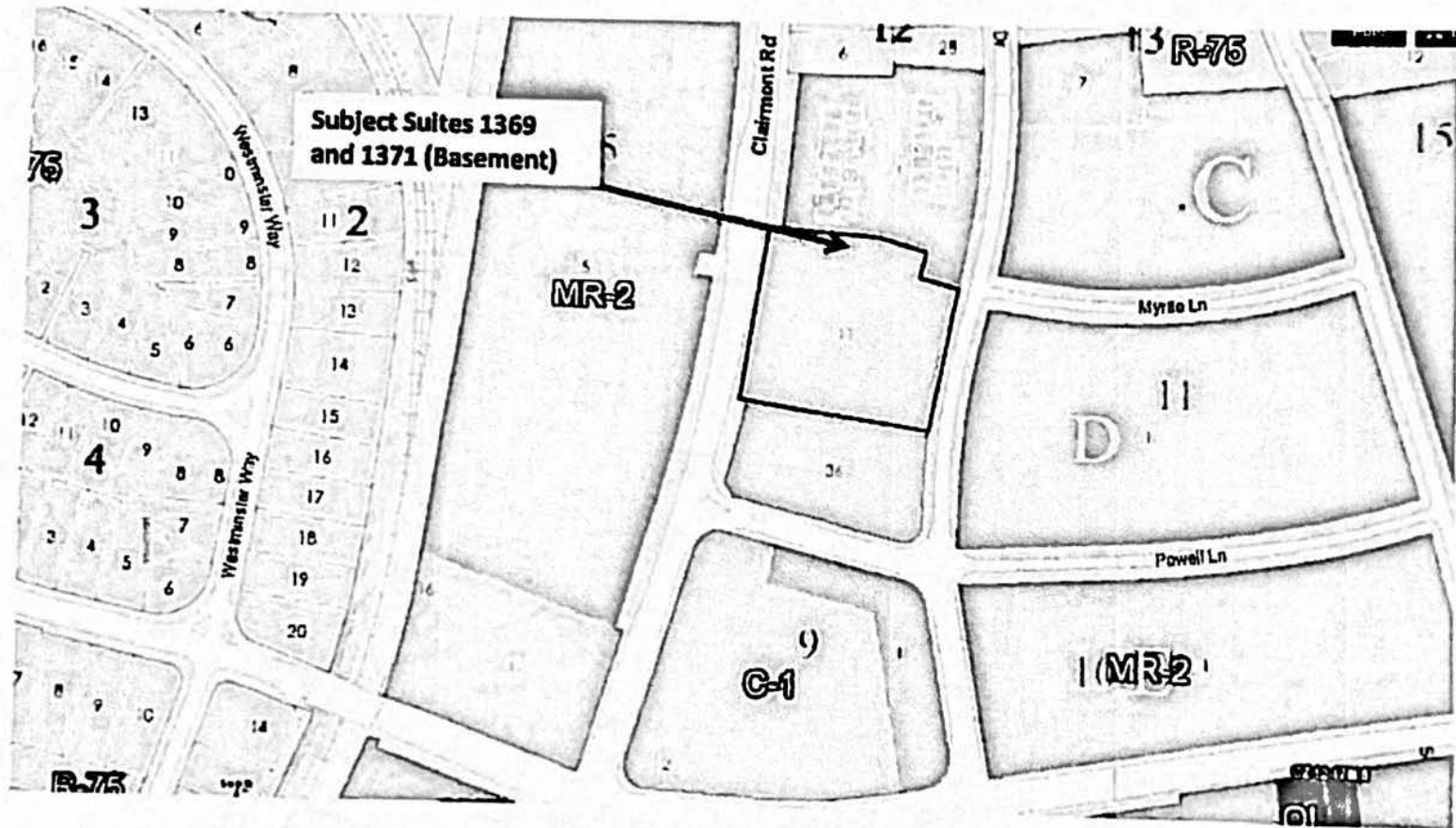
We are an existing business and has been open since 2018. We have zero pouring violations and have had no noise complaints. Our food sales are 74% of our business and these extended minutes will not change those percentages.

There should be no parking issues since the other restaurants in our complex all close early, leaving ample amounts of spaces after 12:30am.

This will also be a benefit to our community, because, as of now, there are no other real nice restaurants serving food that late to the many employees and residents of the neighborhood that work/dine late.

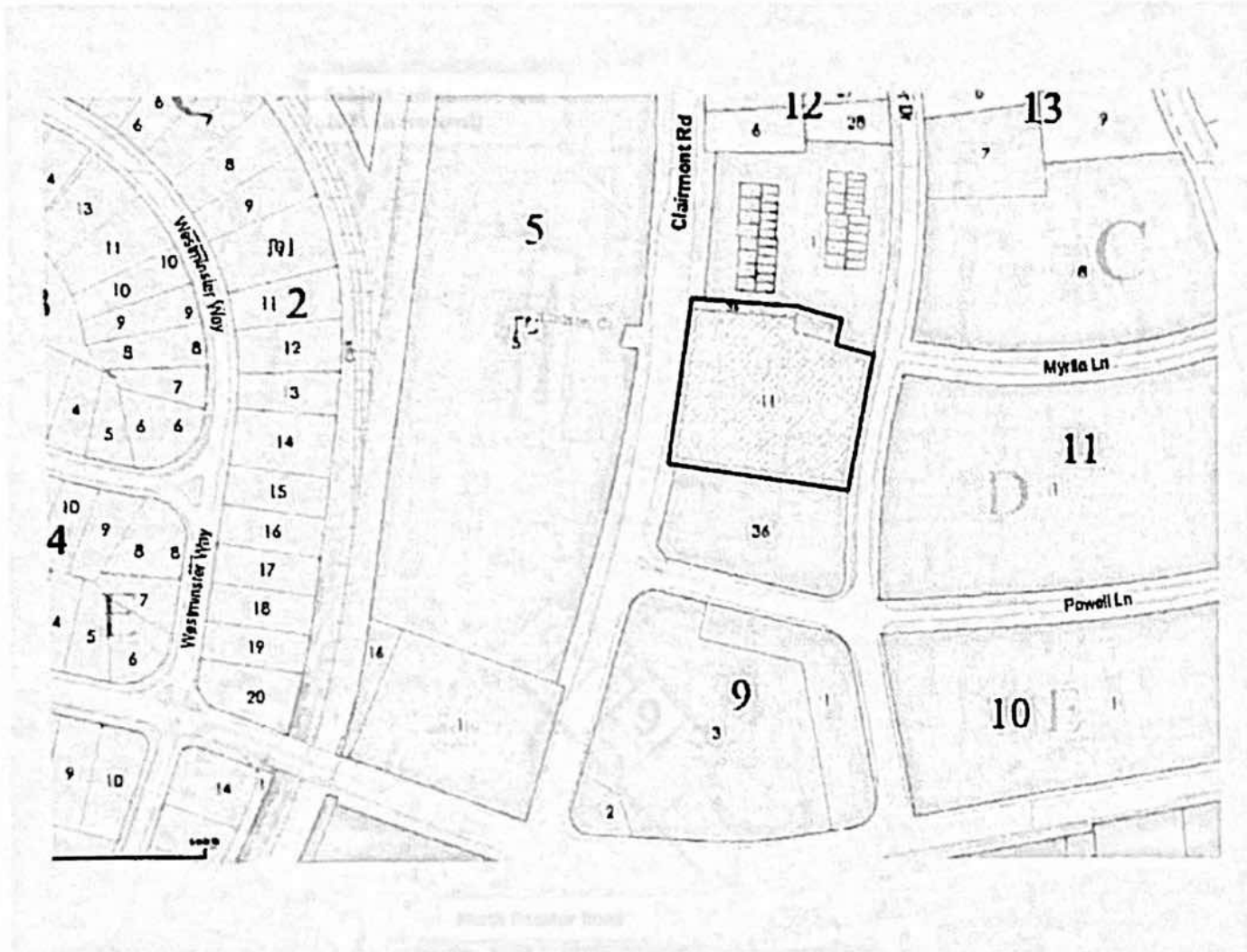
N2. SLUP-17-21417

ZONING MAP



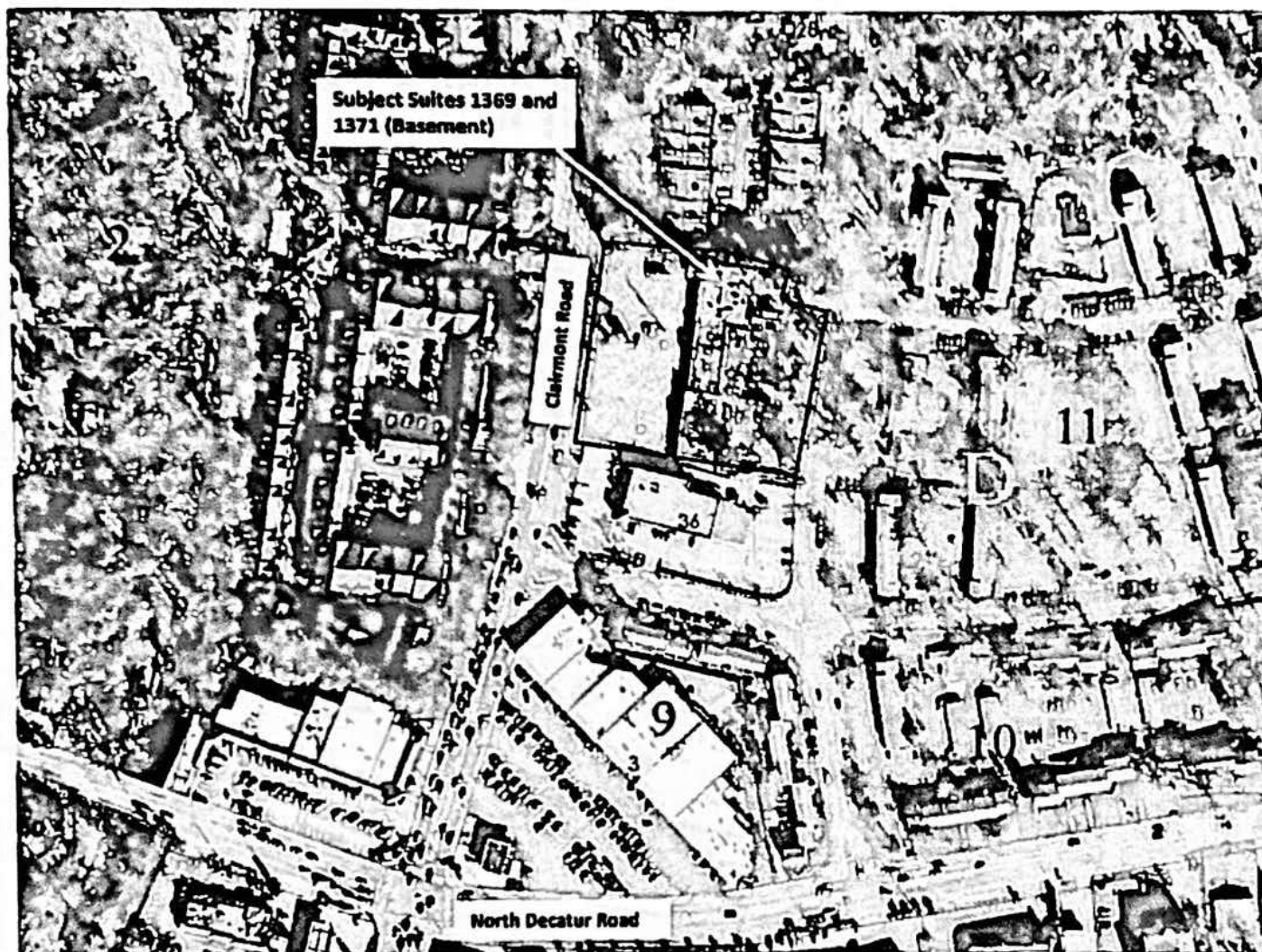
N.2. SLUP 17 21417

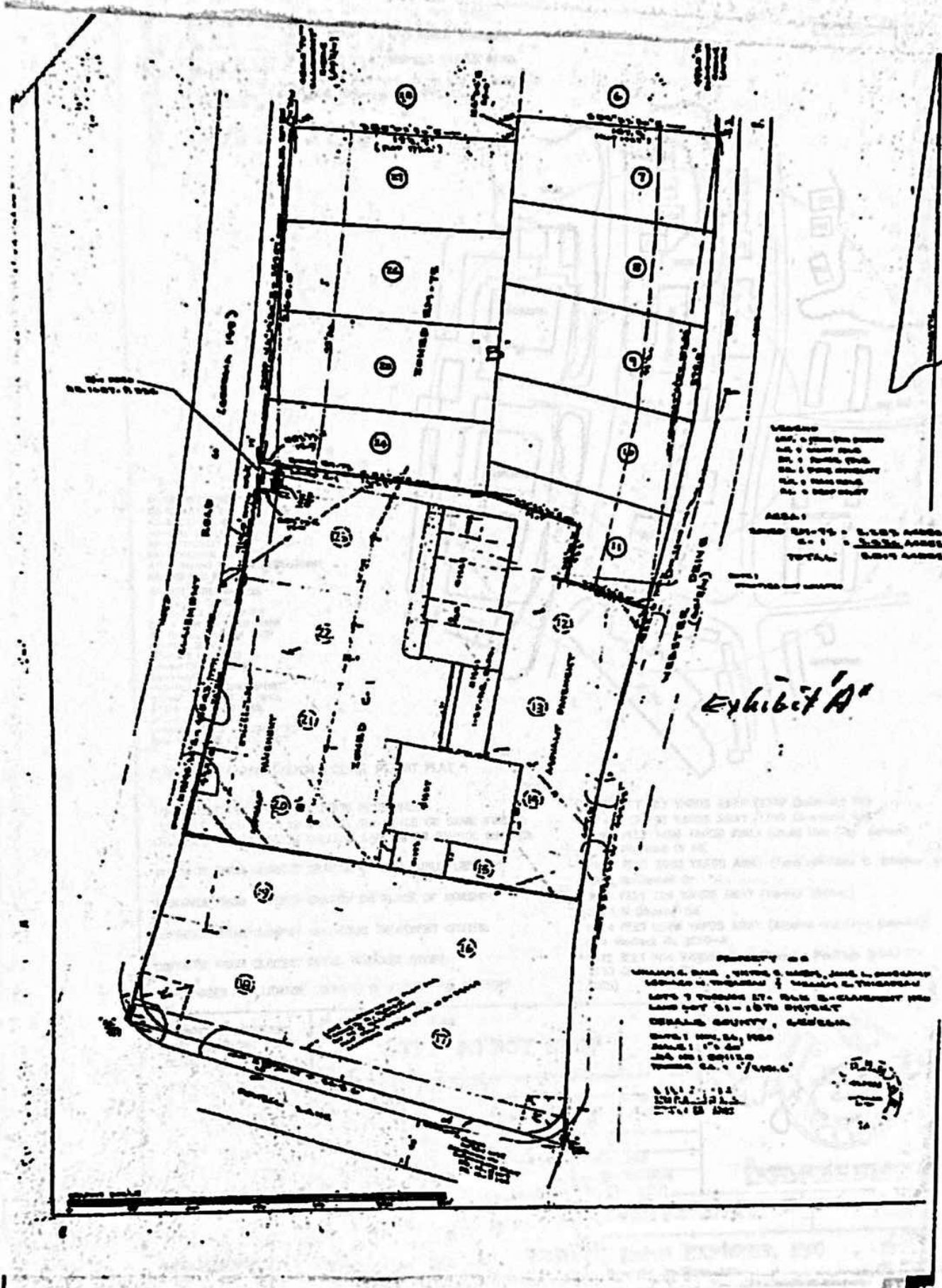
FUTURE LAND USE MAP



N2 SLUP 17 21417

AERIAL MAP





DISTANCE MEASUREMENT

THE DISTANCE WAS MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND AND WAS MEASURED IN THE FOLLOWING MANNER:

- FROM THE FRONT DOOR OF STRUCTURE FROM WHICH BEVERAGE ALCOHOL IS SOLD OR OFFERED FOR SALE;
- IN A STRAIGHT LINE TO THE NEAREST PUBLIC SIDEWALK, WALKWAY, STREET, ROAD OR HIGHWAY;
- ALONG SUCH PUBLIC SIDEWALK, WALKWAY, STREET, ROAD, OR HIGHWAY BY NEAREST ROUTE;
- TO FRONT DOOR OF THE BUILDING, OR TO THE NEAREST PORTION OF THE GROUNDS, WHICHEVER IS APPLICABLE UNDER THE CODE.

NOTE: SEE ATTACHED DOCUMENT:
REPORT OF SURVEY FOR ALCOHOLIC BEVERAGE LICENSE

PEDESTRIAN TRAVEL IS CALCULATED
BY USING MEASURING WHEEL, LUFKON PRO SERIES

NOTE A
FRONT DOOR OF
1369 CLAIRMONT ROAD
DECATUR, GA 30033

SUBJECT - THE PO'BOY SHOP

- A1-MS. ICEY'S RESTAURANT
A2-SUBJECT (THE PO'BOY SHOP)
A3-NECTAR SMOOTHIES JUICES
A4-MINT 2 THAI SUSHI
A5-COMMUNITY BBQ
A6-ETHIOPIAN KITCHEN
A7-PYUNG HO CHINESE RESTAURANT
A8-BREW & BIRD
B1-HOT WORK FITNESS
B2-SAJON CAFE
B3-CHOCOLATE COFFEE
B4-WUXTRY RECORD SHOP
B5-BICYCLE SOUTH SHOP
B6-HAIR BAR
B7-HAIR CUT ZOO
B8-MATRESS FIRM
B9-VACANT
B10-PLAY IT AGAIN SPORT
B11-MEDITERRANEAN GRILL
B12-FINDERS KEEPERS
B13-SARAH DONUTS
B14-BULL GOGI KOREAN POKE
B15-SUNO ICE CREAM SHOP

* BEER, WINE AND LIQUOR LICENSE PERMIT PLAT *

DISTANCE FROM CLOSEST PRIVATE RESIDENCE:
DISTANCE FROM CLOSEST PRIVATE RESIDENCE ON SAME STREET:
DISTANCE FROM CLOSEST COLLEGE CAMPUS OR SCHOOL GROUND:

DISTANCE FROM CLOSEST BRANCH OF ANY PUBLIC LIBRARY:

DISTANCE FROM CLOSEST CHURCH OR PLACE OF WORSHIP:

DISTANCE FROM CLOSEST ALCOHOLIC TREATMENT CENTER:

DISTANCE FROM CLOSEST RETAIL PACKAGE STORE:

IS PREMISES FOR LICENSE LOCATED IN A SHOPPING CENTER?

579 FEET 193 YARDS AWAY (1399 Clairmont Rd)
579 FEET 193 YARDS AWAY (1399 Clairmont Rd)
4224 FEET 1408 YARDS AWAY (Druid Hills High School)
1798 Haygood Dr NE
7920 FEET 2640 YARDS AWAY (Toco Hill-Avis G. Williams Library)
1282 McConnell Dr
2112 FEET 704 YARDS AWAY (Veritas Church)
2193 N Decatur Rd
6864 FEET 2288 YARDS AWAY (Alcohol and Drug Diversion)
534 Medlock Rd #210-A
2112 FEET 704 YARDS AWAY (Decatur Package Store)
1220 Clairmont Rd
(YES)

PROPERTY ADDRESS:
1369 CLAIRMONT ROAD
DECATUR, GA 30033

PLAT PREPARED FOR:

THE PO'BOY SHOP

LOT BLOCK
SUBDIVISION UNIT
LAND LOT 51 18TH DISTRICT SECTION
DEKALB COUNTY, GEORGIA

FIELD WORK DATE OCT 31, 2019 PRINTED/SIGNED NOV 07, 2019

PLAT BOOK PAGE 14787 PAGE 187 ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 5000+ FEET, AN ANGLE OF 1 SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 5000+ FEET. AN ELECTRONIC TOTAL STATION AND A 10X CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE USUAL STANDARDS AND REQUIREMENTS OF LAW.

0 200
SCALE 1" = 200'

JP
DWG #20181917

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES

34 LENOX PORTE
ATLANTA, GA 30342
FAX 404-601-0941
TEL 404-352-5747
INFO@SURVEYLANDEXPRESS.COM

ALCOHOLIC BEVERAGE LICENSE SURVEY

To:

Date: 11/07/2019

Applicant's Name: _____

Trade Name: _____

Business Address: 1369 CLAIRMONT ROAD DECATUR, GA 30033

BEER AND / WINE (100 YARDS MINIMUM)

1. 704 Number of yards to the nearest church or place used primarily for religious services at:
Veritas Church - 2193 N Decatur Rd

2. 1408 Number of yards to the nearest school, school grounds, educational facility or college campus; this includes kindergartens, or churches, which have schools or kindergartens, located at:
Druid Hills High School - 1798 Haygood Dr NE

3. 2288 Number of yards (must be at least 200 yards for Beer, Wine or Distilled Spirits) to the nearest alcohol treatment center located at:
Alcohol and Drug Diversion - 534 Medlock Rd #210-A

LIQUOR (200 YARDS MINIMUM)

1. 704 Number of yards to the nearest church or place used primarily for religious services at:
Veritas Church - 2193 N Decatur Rd

2. 2288 Number of yards (must be at least 200 yards) to the nearest alcohol treatment center located at:
Alcohol and Drug Diversion - 534 Medlock Rd #210-A

3. 1408 Number of yards to nearest school, school grounds and college campus; this includes kindergartens or churches, which have schools or kindergartens located at:
Druid Hills High School - 1798 Haygood Dr NE

NOTE: ALL MEASUREMENTS SHALL BE MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND (WALKING or DRIVING) AND SHALL BE MEASURED IN THE FOLLOWING MANNER:

- (a). From the front door of the structure from which alcoholic beverage is to be sold or served;
- (b) In a straight line to the nearest public sidewalk, street, highway, road or walkway;
- (c) Along such public sidewalk, street, highway, road or walkway;
- (d) To the front door of the building, unless you are measuring to an educational facility (schools and school grounds). When measuring to a school, the measurement stops at the nearest property line of the school.

Note: Survey drawing showing distance to the businesses described above must be attached to this survey certificate.

The undersigned surveyor has examined the subject location and has made measurements to determine compliance or non-compliance with the above distance requirements.

Signature of Land Surveyor
Revised 09-20-05

3197
State License Number

11/07/2019
Date



PARCEL I

All that tract or parcel of land lying and being in Land Lot 51 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, commence at an iron pin found located at the intersection of the easterly right-of-way line of Clairmont Road, having a 70 foot right-of-way at that point, and Powell Lane, having a 60 foot right-of-way; running thence along said easterly right-of-way line of Clairmont Road northerly along the arc of a curve a distance of 439.0 feet to the Point of Beginning, said arc being subtended by a chord bearing north 13 degrees 45'30" East and having a chord distance of 438.63 feet; from the Point of Beginning as thus established, running thence along the easterly right-of-way line of Clairmont Road, having a 100 foot right-of-way at that point, South 83 degrees 15' East a distance of 15.0 feet to a point; continuing along said right-of-way of Clairmont Road, North 8 degrees 41' East a distance of 20.0 feet to a point; thence South 83 degrees 15' East a distance of 165.3 feet to a point; thence South 71 degrees 42'30" East a distance of 79.17 feet to a point; thence South 14 degrees 2' West a distance of 43.5 feet to a point; thence South 71 degrees 42'30" East a distance of 70.19 feet to a point located on the westerly right-of-way line of Webster Drive, having a 60 foot right-of-way; thence southerly along said westerly right-of-way line of Webster Drive to a point located on the westerly right-of-way line of Webster Drive, which point is on a line with the south wall of that building known as 1353 Clairmont Road, DeKalb County, Georgia, according to the system of numbering buildings in DeKalb County, Georgia; Thence leaving said westerly right-of-way line of Webster Drive at said point and running westerly to the point of intersection of said south wall with the southeasterly corner of said building; thence westerly along said south wall to the point of intersection of said south wall with the southwesterly corner of said building; thence from said southwesterly corner of said building along a line which is on a line with said south wall westerly to a point located on the easterly right-of-way line of Clairmont Road; having a 70 foot right-of-way at that point; thence northerly along said easterly right-of-way line of Clairmont Road to the Point of Beginning, all as more particularly shown on a survey of Property of William C. Duke, Victor S. Harris, Jane L. Hanekamp, Leonard W. Thibadeau and William C. Thibadeau, prepared by Virgil F. Gaddy & Associates and dated November 26, 1980.



DEPARTMENT OF PLANNING & SUSTAINABILITY

LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1. Is the requested SLUP for a new business or an existing business? (Please check only one) New Business _____ Existing Business X. If the SLUP is for an existing business, please answer question Nos. 2 - 5.
2. Does this Business have a current Business License? Yes X No _____ If yes, provide a copy of current business license.
3. Has this business ever been operated without a Business License? Yes _____ No X
If yes, how long did the business operate without a business license? _____
4. Has this business received a citation for any of the following: NO
 - a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.
 - b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.
 - c. Business closure and renovation without surrendering license to State and County as required by State law.
 - d. Change of business name, ownership, or use without DeKalb County approval.
 - e. No valid Certificate of Occupancy issued by DeKalb County
 - f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.
 - g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.
5. If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

Submittal of a fraudulent application is a violation of DeKalb County and State law.

Zoning Analysis

- A. Plenty of off street parking both in front and back of the building**
- B. Replacing an existing restaurant and bar, already deemed compatible with adjacent properties**
- C. Adequate public services and utilities**
- D. Clairmont Rd. is a major road and will be able to handle the extra traffic we may add to the area.**
- E. We will have no effect on existing land use located near our property**
- F. We are wide open strip center with multiple exits**
- G. We will not be a loud place. We are simply a restaurant that wants to open late.**
- H. Our extended hours of operation should in no way effect our neighbors other than giving them an additional option of where to eat if they are hungry after midnight.**
- I. We will not create adverse impacts of the neighborhood by being a restaurant**
- J. This location has been zoned for restaurants**
- K. We consistent with the policies of the comprehensive plan**
- L. We will meet all buffer zones and transitional zones we are required to meet.**
- M. We have plenty of space for refuse and service areas.**
- N. We should not be limited in our time of being a special land use operation.**
- O. We are taking over an existing location and will not be expanding**
- P. Not Applicable**
- Q. Not Applicable**
- R. Not Applicable**
- S. Not Applicable**
- T. We will be an asset to our neighborhood by offering amazing food and a place to grab a drink for years to come.**

Additional owners:

David Schmidt 404-593-7091

Linda Schmidt 678-984-3821



Virtual Community Meeting 11:00am
Tuesday, August 14, 2022

Hi Neighbors,

This is Mark, one of the owners of The Party Shop.

I wanted to invite you to a community meeting to discuss the operation of the bar and house
from 11:00am-12:30am everyday to 11:00pm-2:00am everyday.

We are not running anything else apart from restaurant just focusing on bar and house
at closing 12:30am food and drinks.

We will be keeping our kitchen open until 1:00am each night. We currently run a 15% tip
and 10% of our total sales and intend to keep that high of a percentage without additional
fees.

Please join our virtual meeting on Tuesday, September 27th at 11:00am by clicking the following
link.

Join Zoom Meeting

<https://us05web.zoom.us/j/98100348331?pwd=AAZlOGRhbnRlbnR5c0p5aGpBbnR1bR1Scz1>

Meeting ID: 981 003 48331

Passcode: 981 003 48331

Thank You

11-ATTN: Mark - Andrew R. Cetta - 404-315-0010



Virtual Community Meeting Letter
Monday, August 14, 2023

Hi Neighbors!

This is Mark, one of the owners of The Po'Boy Shop.

I wanted to invite you to a community meeting to discuss our application to extend our hours from 11:00am-12:30am everyday to 11:00am-2:00am everyday.

We are not changing anything else about our restaurant, just looking to fulfill a need in the area of offering late-night food and drinks.

We will be keeping our kitchen open until 2:00am each night. We currently are running at 75% food sales of our total sales and intend to keep that high of a percentage with our extended hours.

Please join our virtual meeting on **Tuesday, September 5th at 6pm** by going to the following link:

Join Zoom Meeting

<https://us05web.zoom.us/j/89100348816?pwd=aA2f0cAbdkTePs5aqpBef7cltbP1Se.1>

Meeting ID: 891 0034 8816

Passcode: PPM9tY

Thank You

1-ATTENDEE - AARON Ruscetta - 404-315-0406

Department of Planning & Sustainability

Authorization Form

My name is ANNA PICHULIK, and I am the owner of the building that The PoBoy Shop, located at 1369, Claremont Rd., Decatur Ga 30033 leases.

I give our tenant permission to extend their closing hours from 12:30am to 2:00am.

Signature of Owner *Anna Pichulik* Date 9/5/23

Notary *Pamela Annette Bradley*

Expiration Date/Seal 9/17/2023



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

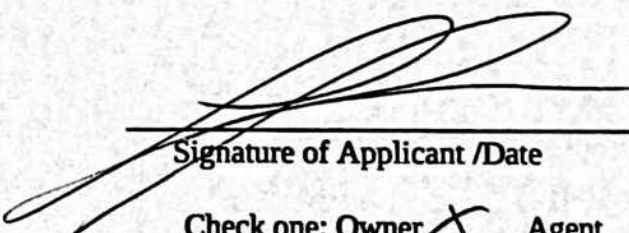
Yes _____ No X *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary


Signature of Applicant /Date

Check one: Owner X Agent _____

Expiration Date/ Seal

*Notary seal not needed if answer is "no".