

CITY OF ATLANTA
BOARD OF ALDERMEN ZONING COMMITTEE

REQUEST FOR RECONSIDERATION OF ZONING APPLICATION
OF T. M. ALEXANDER, JR. (SOUTHWEST CORNER
OF WEST LAKE AND SIMPSON, S. W.)

T. M. Alexander, Jr. respectfully requests that the Zoning Committee reconsider its action of August 24, 1967, denying his application for rezoning for service station use of the property on the southwest corner of West Lake and Simpson, S. W. The applicant understands that the denial was based on Committee dissatisfaction with the justification offered by the staff who recommended the rezoning requested. Applicant submits the following points as justification for this request:

1) The application was recommended by the Zoning staff and the Planning Board after applicant complied with their requests, primarily to set off large buffer zones between the proposed service station and the property to the south and to the west of the situs (which containing trees offer an excellent insulation to any commercial activity -- see copy of plat attached hereto as Exhibit 12 and of picture attached as Exhibit 1).

2) One of the staff personnel with most detailed knowledge of the justification for the rezoning (Mr. Shuttleworth)

was on vacation at the time of the August 24 hearing and not available to advise the Committee.

3) The property in question is an integral part of the commercial bustle of the intersection of West Lake and Simpson, S. W. and is not insulated or buffered from it at all. It has infinitely more relation to that intersection than to the areas south and west of it, as only a casual inspection will show. Directly across West Lake in full sight, sound and smell, is a shopping center of not overly lovely appearance (see pictures attached as Exhibit 2; see also Exhibits 3 and 4 for pictures of the other corners). If a zoning line is to be drawn, it should be where trees and earth banks can shield from sight and sound.

4) The property in question is greatly devalued as residential property and can be maintained only at a loss, so that if rezoning is denied applicant is deprived of the reasonable use of his property, to which use he has a right under due process and the privilege and immunities secured by the Constitution and the laws. Applicant offers to show by testimony and figures the difficulty he had attempting to economically and sanitarily maintain the building that formerly existed at the property and the problems that caused him to tear it down.

5) There is not and has not been a true dividing line at West Lake insulating Simpson Road west of West Lake from commercial activities. True there are some lovely homes in the area. But it is heavily infested with apartment buildings. Moreover, only one-half mile west of West Lake on Simpson is Butch's Drive-In Restaurant with a very large parking lot (see copy of map attached as Exhibit 13 and of pictures attached as Exhibits 5 and 6). And two-tenths of a mile beyond that is a commercial corner at Simpson and Anderson consisting of two stores, a new diner and a service station only several years old (see pictures attached hereto as Exhibits 7, 8, 9, 10 and 11). Just north of this corner a short block is a lounge and drive in.

6) Simpson Road is a main east-west route (as is West Lake a main north-south route). It may ultimately and inevitably be destined as a commercial artery such as Piedmont Avenue and Peachtree Street have become. However, the commercialization of the lot in question, insulated by buffer zones and giving every appearance to casual observation of being an integral part of the Simpson-West Lake intersection, can have virtually no significant effect on the further commercialization of Simpson Road. Certainly the effect is minimal and conjectural when compared with the very substantial and present damage suffered by applicant from inability to rezone his property.

7) Commercial enclaves can and do exist without necessarily infecting surrounding residential property, of which applicant can give examples to the committee by testimony.

8) The northeast corner of the intersection at West Lake and Simpson is occupied by a service station of a major oil company that occupies a dominant competitive position in the City of Atlanta. It would be in the best interest of free enterprise, which all the members of this Committee are on record as favoring, to allow another oil company to service this heavily traveled intersection.

Applicant therefore respectfully requests that the Committee reconsider his application and do the following:

a) Rezone the property in question for commercial use as ~~as~~ a service station.

b) If such rezoning is denied, specify the reason for the denial.

c) If such rezoning is denied, specify the standard or standards used in making such a determination, and similar determinations.

d) If such rezoning is denied, state what commercial use, if any, applicant may make of the property.

e) If such rezoning is denied, state what other use, if any, applicant may make of the property.

f) If such rezoning is denied, state what action applicant may take, if any, in order to have the property rezoned for a service station.

Applicant respectfully requests that any member with a personal interest in this matter, if any, recuse himself from considering the application.

This 1st day of September, 1967.

T. M. Alexander, Jr.