

**Conditional Use Permit  
Application  
Cost: \$50**



21 North Avondale Plaza  
Avondale Estates, Georgia 30002  
Ph: (404) 294-5400  
Fx: (404) 299-8137  
[www.avondaleestates.org](http://www.avondaleestates.org)

**APPLICANT INFORMATION**

|                 |   |        |                      |
|-----------------|---|--------|----------------------|
| Applicant Name: | Nicholas H. Edelstein   | Email: | Nick@nessrecords.com |
| Phone:          | 404-507-2576  | Fax:   |                      |
| Address:        | Village Music, 114 North Avondale Road, Avondale Estates, GA 3000 |        |                      |

**BUSINESS OWNER INFORMATION**

*If different than Applicant, attach Affidavit of Authorization as an Exhibit*

|            |      |        |  |
|------------|------|--------|--|
| B.O. Name: | SAME | Email: |  |
| Phone:     |      | Fax:   |  |
| Address:   |      |        |  |

**PROPERTY OWNER INFORMATION**

*If different than Applicant, attach Affidavit of Authorization as an Exhibit*

|            |  |        |   |
|------------|--|--------|---|
| P.O. Name: | Oakhurst Capital Partners, LLC               | Email: | bchambers@oakrep.com (Brian Chambers, prop.manager) |
| Phone:     | 404-371-4100                                 | Fax:   |   |
| Address:   | 3016 North Decatur Road, Scottdale, GA 30079 |        |   |

Location of Subject Property: 114 North Avondale Road, Avondale Estates, GA 30002 (DeKalb County)

|                |           |        |               |
|----------------|-----------|--------|---------------|
| District:      | Land Lot: | Block: | Parcel:       |
| 15th of DeKalb | 249       | 11     | 009, 010, 013 |

**FOR OFFICE USE ONLY**

**APPROVAL**

Received By: [Signature] Date: 9-29-2020 Application #: \_\_\_\_\_  
 Total Paid: \$50 CK# \_\_\_\_\_ Cash

Type of Conditional Use Requested (List Code Section base on Article 9 of the Official Zoning Ordinance):  
SECTION 819-XVIII Retail Trade Facilities - Specialized merchandise

**Please provide the following description of the proposed use and property, as listed below.**

1. General description of the proposed use.

Music instrument store, vinyl records store, and instruction. Instruments and accessories sales including guitars, keyboards, drum/percussion, world/ethnic, and some band/orchestra. Vinyl records sales in partnership with Sunbrimmer, plus two independent distributors. Rear lounge area to enjoy records before purchase, meet other students/parents, or participate in group learning. We have grown organically after 5 years on the 2nd floor (same building @ 122).

2. Hours of Operation.

Daily, Sunday - Saturday from 10:00 - 20:00 (10 AM - 8 PM).

We may adjust these hours after further observation of retail traffic. We have lesson appointments daily.

3. Size of building or tenant space.

Approximately 978 square feet of leased tenant space.

4. Number of parking spaces dedicated to the building or tenant space. You may also provide a shared parking agreement if one is in effect.

0.82 per 1,000 rentable square feet (22 total spaces to the building).

5. Explain how clients will enter and exit the property. Provide a site plan if needed.

Both our front and rear entrances will be available to customers.

6. Explain why the proposed use is beneficial and compatible to the surrounding area.

Studies—and our experience here since 2015—show residents support service-based businesses (ex: music lessons)  
and communal gathering spaces (ex: our lounge area). Our customers are patrons of neighboring businesses; hair cut  
while waiting for a lesson, pastry after a good lesson, dinner after lessons, etc.

7. List the uses of all abutting properties.

We cross-promote with the violin shop nextdoor—we teach (they don't) and they rent/sell orch. (we don't).  
In our building = music venue/theatre (another complimentary business); Kay pastries; Mama soaps; Reunion hair salon;  
insurance broker; nail salon (formerly Peas in a Pod); Rising Son restaurant; barbershop; Garage Door retail store.

### **Justification for Conditional Use Permit**

1. Would the proposed conditional use be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity of the Subject Property? Provide evidence based on the proposed business.

No, in fact we submit that our presence enhances the enjoyment of the immediate environment.

We have already renovated the floor to its original historic nature of thin-width oak hardwood,  
and our entire design aesthetic honors the vintage nature and rich history of Avondale.

In the five years we taught lessons upstairs, we never had a single noise complaint. And,  
we join Mama and Garage Door as only the third retail showroom on our front-facing block.

2. Would the proposed conditional use diminish or impair property values within the surrounding neighborhood? Explain why the business will be beneficial or detrimental to the surrounding neighborhood.

We believe that by adding a retail shopping alternative on the front-facing "main street" we help  
to enhance and benefit the surrounding neighborhood. Many of our students walk and bike to their  
lessons (formerly upstairs), which increases "foot traffic" and the neighborhood "scene." We also  
have many students who are driven by parents from surrounding areas beyond Avondale, which  
increases the amount of retail dollars being spent at neighboring businesses while they wait.

2. Would the proposed conditional use increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties? Explain.

No, our presense will not cost the local or state governments any additional funds in property maintenance. All of our business is conducted inside our leased space, which we maintain at our own cost in partnership with our landlord / property owner. Any vehicle traffic (cars, non-commercial trucks) are within normal parameters and will not incur any additional or unusual damage to roadways or parking surfaces.

3. Would the proposed conditional use impede the normal and orderly development of surrounding property for uses predominant in the area? Explain. The Comprehensive Plan and the Downtown Master Plan can assist with the future land use proposed for the area.

No, please refer to previous explanations of use. Our lesson rooms are built with double-thick 5/8" drywall (two sheets with Green Glue acoustic dampening epoxy between them). In addition, we use deflection panels and foam where necessary so that the rooms contain any "noise" level that could possibly interfere with surrounding businesses or civilian usage. We have already consulted the Downtown Master Plan and Comprehensive Plan studies during design stage.

4. Would the proposed conditional use be consistent with a desirable pattern of development for the locality in general? Explain. The Comprehensive Plan and the Downtown Master Plan can assist with the future land use proposed for the area.

Yes, our conditional use will increase foot traffic, create a common "hangout" area where people can congregate and enjoy the Tudor Village atmosphere, increase retail shopping options, and add "village" character to this historic building.

Our business caters to all ages, siblings, families, single adults, and all demographics and income brackets.

*[Handwritten Signature]*

Signature of Applicant

Sept. 23rd, 2020

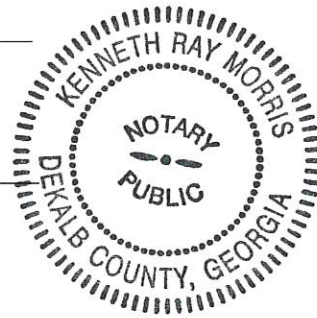
Date

Check One: Owner  Agent

Sworn to and subscribed before me this 29 day of September, 20 20.

*[Handwritten Signature]*  
Signature and Seal of Notary Public

My Commission Expires 11-14-2020



Conditional Use Permit Application Approved By:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

TO: The Champion Newspaper

Please publish the following notice in the Legal Review Section of the October 16, 2020 and October 23, 2020 editions of your paper:

### **Notice of Public Hearing**

**The Board of Mayor and Commissioners shall conduct a hearing on Monday, October 26, 2020 at 6:30 PM to consider a conditional use permit application (City of Avondale Estates Zoning Ordinance Code Section 822.I) from Nicholas H. Edelstein to establish a store of musical instrument and vinyl records sales and music instruction at 114 N. Avondale Road, Avondale Estates, GA 30002.**

**The hearings will be held via Zoom webinar. Please use one of the following to join the webinar.**

**Online: <https://us02web.zoom.us/j/84617859381>  
Telephone: 301.715.8592  
Webinar ID: 846 1785 9381**

**All interested parties are invited to attend.**

**Ken Morris  
Planner & Permit Services Coordinator  
City of Avondale Estates**