



**OFFICE OF ZONING AND DEVELOPMENT**

55 Trinity Avenue S.W., Suite 3350

Atlanta, Georgia 30303

(404) 330-6145

APPLICATION #: **U-23-032**

DATE ACCEPTED **10/03/2023**

**NOTICE TO APPLICANT**

Address of Property:

**215 West Wieuca RD NW**

City Council District: **8** Neighborhood Planning Unit (NPU): **A**

Zoning Review Board (ZRB) Hearing Date:

**Thursday, December 07 or 14, 2023 at 6:00 p.m.**

Council Chambers, 2nd Floor, City Hall  
55 Trinity Avenue, S.W.

The contact person for NPU A is:

**Nina Schwartz**

**404-697-6857**

**ninaschwartz@comcast.net**

Contact info for adjacent NPUs is provided below if necessary:

**Additional Contacts:**

Please contact the person(s) listed above within five days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Signed,

*Rhonda Goodman*

\_\_\_\_\_  
RG, for Director, Office of Zoning and  
Development

*Laurel David*

\_\_\_\_\_  
Laurel David

**U-23-032**



SPECIAL USE PERMIT APPLICATION

U-23-032



DATE FILED \_\_\_\_\_

APPLICATION NUMBER \_\_\_\_\_

I hereby request that the property described in this application be granted a special use permit.

SUMMARY OF PROPOSED PROJECT. What kind of special use would you be operating? Select from the list below.

- personal care home, rehabilitation center, day care center, assisted living facility, nursing home, church, other: (describe): revise existing SUP for (U-00-26) for private school with new site plan

Applicant Name The Galloway Schools, Inc. c/o Laurel David, The Galloway Law Group L
Last Name First Name M.I.

Address 4062 Peachtree Rd., Suite A330,

City Atlanta State GA Zip Code 30319

Phone 404-965-3669 Email laurel@glawgp.com

James Calleroz White / James Calleroz White
Name for The Galloway Schools, Inc.

Sworn to and subscribed before me this the

2 Day of Oct. 2023
Anne Ault



DESCRIPTION OF PROPERTY

Address of Property 215 Street Name West Wieuca Rd. (aka Chastain Park Ave) NW

Parcel ID Number 17 0118 LL020

City Atlanta State GA Zip Code 30342

The subject property fronts approx 1,100 feet on the northwest side of West Wieuca Rd aka Chastain Park Ave

max approx Depth: 650 feet Area: 8.26 acres Land Lot: LL020 Land District: 17 - Fulton County, GA.

Property is zoned: R-4 requested Council District: 8 Neighborhood Planning Unit: A

(this application is filed concurrently with a rezoning request)

ATTORNEY AT LAW

I swear and affirm, as an attorney at law, that I have been authorized by the owner of the property subject to the proposed special use permit to file this application.

Laurel David

TYPE OR PRINT ATTORNEY'S NAME

The Galloway Law Group, LLC, 4062 Peachtree Rd.

ADDRESS

Atlanta, GA 30319

CITY & STATE

ZIP CODE

ATTORNEY'S SIGNATURE

*Laurel David*

Sworn to and subscribed before me this the

22 Day of Sept. 2 023

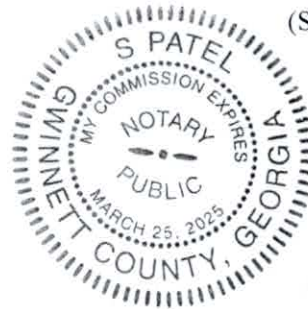
*S. Patel*

NOTARY PUBLIC

03/25/25

COMMISSION EXPIRES

(SEAL)



U-23-032



# PROPERTY OWNER

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

James Calleroz White, for The Galloway Schools, Inc.

TYPE OR PRINT OWNER'S NAME

215 West Wieuca Road NW,

ADDRESS

Atlanta, GA 30342

CITY & STATE

ZIP CODE

OWNER'S SIGNATURE

404-252-8589

PHONE NUMBER

U-23-032



## AUTHORIZATION BY PROPERTY OWNER

(Required if person filing application is not the owner of the subject property or Applicant for the proposed rezoning)

I, The Galloway Schools, Inc. (Owner's Name) swear and affirm that I am the owner of property at 215 West Wieuca Road NW, Atlanta, GA 30342 (Property address). As shown in the records of Fulton County, Georgia, which is the subject matter of the attached application. I authorize The Galloway Law Group, LLC to file this application.

James Calleroz White / James Calleroz  
Name  
for The Galloway Schools, Inc.

Sworn to and subscribed before me this the  
2 Day of OCT 2023  
Elizabeth Anne Aiello  
NOTARY PUBLIC



# AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Office of Zoning and Development of the City of Atlanta to inspect the premises, which are the subject of this special use permit application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

James Calleroz White / James Calleroz  
Owner or Agent of Owner (Applicant)  
for The Galloway Schools, Inc.

U-23-032



Sworn to and subscribed before me this 2 day of October, 2023

Elizabeth Anne Aiello  
Notary Public

11-2-2024  
Commission Expires





## IMPACT ANALYSIS FOR SUP

The purpose of this application is to modify an existing SUP for The Galloway Schools, Inc. (the “School”) at its property located at 215 Chastain Park Avenue (Formerly 215 West Wieuca Rd.)(the “Property”). The original SUP was approved in 2000 (U-00-26)(the “2000 SUP”). The approval of the 2000 SUP was conditioned on a site plan showing buildings that now exist. The School wishes to construct a new building on the premises to meet current teaching and student demands via more functional and adaptable space, ADA requirements, and current safety and security needs. The building that currently houses the high school students and administrative offices is in urgent need of repair. Numerous temporary fixes over previous decades are now deteriorating and will require significant preventative measures. More importantly, the building is becoming increasingly unsafe as it does not have a comprehensive sprinkler system, nor does it have adequate fire life safety measures for its staff or the children. Also, the lack of handicapped access restricts students’ ability to attend classes and to safely evacuate children if they fall ill in the upper stories. As a result, the construction of a new building necessitates a change in the site plan. The outdoor play areas and patios will also be increased or reconfigured. The School asks that the SUP modification be approved without a time limit to enable it to continue to serve the community by providing quality education in a safe and nurturing environment.

### 1) Ingress and Egress:

- a) **Clients and Employees:** The Property is accessed by a one-way drive loop from Chastain Park Ave. Vehicles access from a driveway on the western side of its Property and exit on the eastern side. This drive also provides access to the on-site parking. There is an additional access from Elliott Galloway Way for loading and unloading and emergency vehicles and is restricted from public use at times for safety reasons. The children arrive and leave via personal vehicles that are unloaded or loaded on an internal drive, or they access the campus walking via the entrances and exits described above. The ingress to and egress from the Property for staff, parents and children has proved reasonable and safe over many years and will not be affected by approval of this SUP.
- b) **Emergency Vehicles** can access the property from Chastain Park Ave via the one-way drive loop and from a restricted access drive from Elliott Galloway Ave.
- c) **Traffic Congestion:** The School does not anticipate any changes to traffic patterns due to the approval of this SUP modification. It is committed to ensuring that local traffic is not disrupted, and safety is maximized for both the neighborhood and its staff, parents and students

### 2) Off-Street Parking and Loading:

- a) **Garbage:** Dumpsters are located at the rear of the Property and are serviced by a private waste management company. The company accesses the area from the restricted access from Elliott Galloway Ave.
- b) **Products and Supplies:** Delivery vehicles can access the Property from Chastain Park Avenue and from the restricted access drive from Elliott Galloway Ave. All loading and unloading can occur conveniently on-site.



- c) **Service Vehicles:** Service vehicles can park along the private drives.
- d) **Employees and Clients:** Please see section I.a. above. In addition, the School has shared parking arrangements with the City of Atlanta for approximately 478 spaces in Chastain Park lots, including the Red, Yellow and Green Chastain Amphitheater Lots.

### 3) Buffering and Screening:

- a) The School is surrounded on all sides by open space or facilities that are part of Chastain Park. There aren't any lights, machines, or emissions that will affect the surrounding community.
- b) **Traffic and Roads:** Traffic volume and patterns will not be affected by this modification application.

### 4) Hours and Manner of Operation:

- a) **Proposed Use:** The School has been operating at this location for over 50 years. The approval of this modification to the SUP will not affect the proposed use.
  - b) **Hours of Operation:** Monday to Friday from 7:30am to 6pm. The School occasionally holds special events on campus on the weekends and after hours.
  - c) **Employees:** The School currently has 176 staff who work from 7:30am-3:30pm.
  - d) **Clients:** The approval of the 2000 SUP was conditioned on an enrollment of a maximum of 750 students. The School has inadvertently exceeded this enrollment maximum for many years. Should an enrollment maximum be deemed necessary, The School wishes it to be increased to 825 students to match enrollment. This increase will not result in an increase of any impacts on the surrounding community as it reflects the same enrollment that has existed for years.
  - e) **Meals:** The School prepares meals in its kitchen facilities and serves them in its cafeterias.
  - f) **Special Programs:** The School occasionally has school-related special events. Historically these events have not resulted in adverse effects on the surrounding community. The Property is surrounded by Chastain Park and its facilities.
- 5) **Duration:** Unlimited. The School has provided educational opportunities that are needed by families in the community for over 50 years.
- 6) **Tree Preservation and Replacement:** This Application is a request to modify an existing SUP. The School intends to comply with the City of Atlanta's Tree Ordinance. Trees and creative landscaping will be installed in outdoor space and play areas for the children.
- 7) **Required Yards and Open Spaces:** This Application is a request to modify an existing SUP. Some of the open space on site will be renewed, relocated, or reconfigured, as indicated on the site plan. The required yards will not be affected.



## CONSTITUTIONAL OBJECTIONS

Georgia Law and the procedures of the City of Atlanta require us to raise Federal and State Constitutional objections during the application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, it is our firm's practice to include constitutional objections in every application we file, as follows:

The portions of the Zoning Ordinance of the City of Atlanta, Georgia, as applied to the Property, that would result in a denial of this Application as requested, are, or would be, unconstitutional in that they would destroy property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Atlanta or the Atlanta Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested is unconstitutional, illegal and null and void because such an application constitutes a taking of property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of the City of Atlanta without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to grant this Application as requested would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application subject to conditions that are different from the conditions requested, to the extent such different conditions would have the effect of further restricting the utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Atlanta, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains

or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Atlanta. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Owner/Applicant respectfully requests that the City Council of the City of Atlanta grant this Application as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel David  
Attorney for the Applicant

4062 Peachtree Road, Ste A330  
Atlanta, Georgia 30319  
(404) 965-3680

**U-23-032**



U-23-032



RECEIPT

CITY OF ATLANTA  
 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
 55 TRINITY AVE SW, ATLANTA GA 30303  
 404-330-6070

**Application:** U-23-032  
**Application Type:** Planning/ZRB/Special use/NA  
**Address:** 215 WEST WIEUCA RD NW, ATLANTA, GA 30342  
**Owner Name:** GALLOWAY SCHOOL INC THE  
**Owner Address:**  
**Application Name:**

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Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
890346		\$400.00	10/03/2023	PUBLICUSER893256		

**Owner Info.:** GALLOWAY SCHOOL INC THE

**Work Description:** Revise existing SUP for (U-00-26) for private school with new site plan.