



City of Dunwoody Zoning Board of Appeals  
Thursday, June 4, 2009 – 7:00 PM  
41 Perimeter Center East, Dunwoody GA

---

**Call to Order / Roll Call:**

The meeting was called to order. All were present except for Joe Tuttle and Ed Godshall.

**Approval of Meeting Minutes:** Susan Mitchell motioned to approve the meeting minutes for May 7, 2009 with the change of 23 parking spaces rather than 24 parking spaces. Bill McCahan seconded. The vote carried unanimously (5-0).

**Old Business:**

**ZBA09-031: Maroof Ullah, owner, represented by Ayyad M. Mansur of Mansur Engineering, requests a variance to reduce the minimum required number of parking spaces at a retail infill redevelopment project from 37 spaces to 19 spaces, a reduction of just over 48%. The subject property is a Shell fuel station located at 5020 Winters Chapel Road, on the west side of the 5000 block of Winters Chapel Road, approximately at the intersection of Peeler Road. The tax parcel number is 06 280 01 008:** This item was withdrawn without prejudice by the applicant as of May 27, 2009, and will not be decided by the Zoning Board of Appeals. There was no discussion and no motion was made.

**Adopt Final Rules of Procedure:** Bill McCahan moved to adopt the Final Rules of Procedure as presented. Geri Penn seconded. The vote carried unanimously (5-0).

**New Business:**

**ZBA09-051: Plantation South Atlanta, Inc., of 4594 Barclay Drive Dunwoody GA 30338, d/b/a Plantation South Assisted Living Facility, applicant; represented by Dan Capobianco, requests a variance to the City of Dunwoody Sign Ordinance, section 12(a) and 12(c), to construct a second ground sign on the property. The subject property is the DeKalb County Fire Station located at 4588 Barclay Drive, on the southwest side of the 4500 block of Barclay Drive, northwest of its intersection with Asbury Commons Drive. The tax parcel number is 18 354 01 008:** The applicant presented his case in regards to the subject property at 4588 Barclay Drive. Public comment was opened. Someone opposed this request saying that without street footage you cannot have a street sign. Someone spoke in favor saying this applicant needed the sign. Public comment was closed. Discussion followed. Bill McCahan motioned to deny the variance request ZBA09-051. Geri Penn seconded. The vote carried unanimously (5-0).

**ZBA09-052: Richard Brown of 1471 Carnaby Court, Dunwoody, Georgia 30338, owner/applicant; requests a variance to the City of Dunwoody Zoning Ordinance, §2C-6, sub-section (e), to decrease a required rear yard setback from forty (40) feet to twenty-four (24) feet, a reduction of 40%, to re-build a deck. The subject property is located at 1471 Carnaby Court, Dunwoody, Georgia 30338, at the western terminus of Carnaby Court. The**

**tax parcel number is 18 375 01 017:** Richard Brown presented his case in regards to the subject property at 1471 Carnaby Court. Public comment was opened.

Greg Winnette - neighbor of Richard Brown spoke in favor of granting the variance request stating there is no disturbance to the neighborhood or street.

Those who opposed were:

Brian Daughdrill of the Law Firm of Roberts and Daughdrill - spoke on behalf of Terri and Ken Wright opposing the variance request stating it would cut the setback in half.

Ms. Roswell – neighbor of the Wright’s is opposing the variance request.

Public comment closed. Discussion followed. Ardy Bastien motioned that the decision for variance request ZBA09-052 be deferred until the July meeting, and in the interim the applicant needs to discuss the item with the neighboring party interests. Bill McCahan seconded. The vote carried (4-1) with Geri Penn saying ‘nay’.

**ZBA09-053: Dunwoody Village Place, LLC, owner; represented by Rich & Peggy Kernan of 210 Scotney Glen Circle John’s Creek, Georgia request the following variances: (1) to the City of Dunwoody Land Development and Environmental Protection Ordinance: §11 of Article 2 to encroach into an undisturbed state waters bufferyard; (2) to §2T-11(k) of the City of Dunwoody Zoning Ordinance, to allow for 39 parking spaces, a variance of approximately 15.2%; (3) to §4-11(b) of the City of Dunwoody Zoning Ordinance to construct an 11,400 square foot Child Day Care play area, a variance of approximately 26%. The subject property is located at 1536 Dunwoody Village Parkway, Dunwoody Georgia 30338. The tax parcel number is 18 366 06 061:** The case was presented in regards to the subject property at 1536 Dunwoody Village Parkway. Public comment was opened. No one spoke in favor of the variance request. Those who spoke in opposition of the variance request:

Lisa Morchower – an attorney representing the owners of the building adjacent to the subject property spoke on behalf of the concern that the existing businesses have regarding the impact of the daycare affecting their business and the professionalism.

Fred Spangler – represented the homeowners that live in a neighboring subdivision and had the following concerns: 1) increased traffic; 2) noise level; 3) the willingness of the City to adjust the ordinance to accommodate a smaller play area; 4) daycare is incongruent to the existing office complex; 5) does not believe the daycare fits into the long range planning of the City. Over 30 signatures were submitted of residents who oppose this variance request.

Sue Daniels – resident of nearby neighborhood suggested a noise study be done.

Mr. Miguel – asked that we not compromise a cut down on the playground.

Public comment was closed. Discussion followed. Geri Penn motioned that the decision for variance request ZBA09-053 be deferred until the July meeting, and the applicant to discuss the item

with the neighboring party interests (residential owners across the creek to the east, and the neighboring office condos adjacent to the south) to be mediated by Gordon Jackson of the DHA. Bill McCahan seconded. The vote carried unanimously (5-0).

**ZBA09-054: Bill Grossman, of 5061 Hidden Branches Drive, Dunwoody GA 30338, owner; requests a variance to §2C-6(c)(4) of the City of Dunwoody Zoning Ordinance, to decrease the minimum front yard setback requirement from 35 feet to 27 feet, a variance of approximately 23%, for a new home addition. The subject property is a single family home site located at 5061 Hidden Branches Drive. The tax parcel number is 18 365 01 237:** Bill Grossman presented his case in regards to the subject property at 5061 Hidden Branches Drive. Public comment opened. There were no public comments. Public comment closed. Discussion followed. Susan Mitchell motioned to approve variance request ZBA09-054. Ardy Bastien seconded. The vote carried unanimously (5-0).

**Public Comment:** There was no public comment.

**Items for discussion not otherwise addressed by this agenda:**

**Public Speakers Countdown Clock:** Susan Mitchell disagrees with the idea of not using a countdown clock.

**ID Badges for the Board Member:** There was no further discussion.

**Email Communication for Community Input:** Only one Board member has received an email from the Community Input email on the website.

**Adjourn:**

There being no further business the meeting was adjourned.