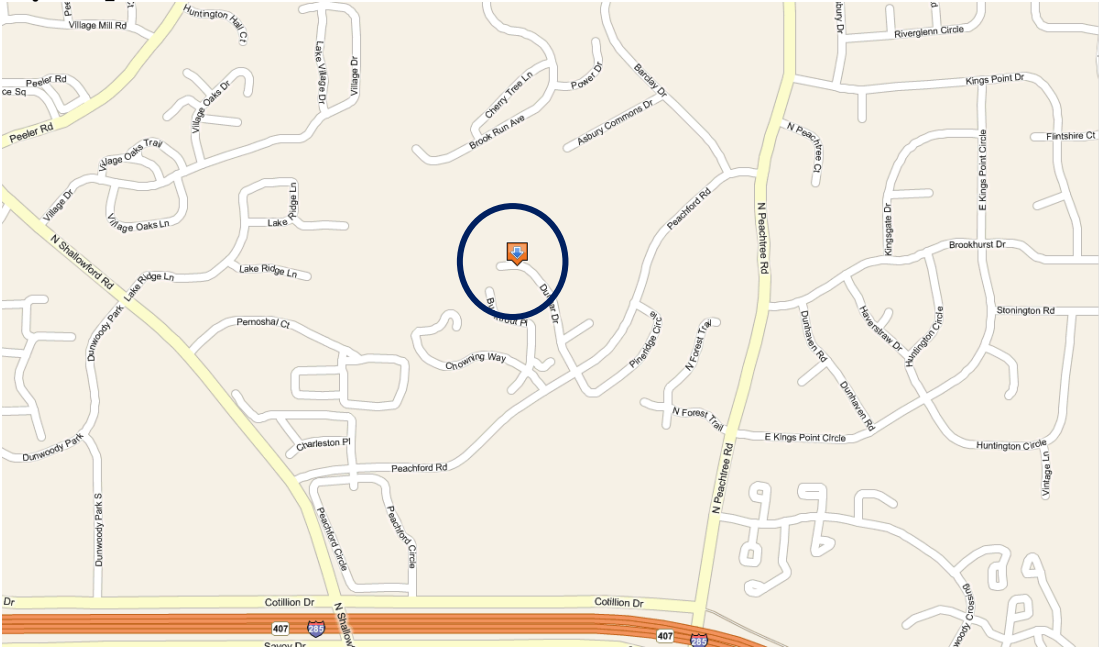


**Property Location** 1010 Dunbar Drive (LL 353)

**Petitioner** Steven J. Campbell, President  
Dunwoody Court Condominium Association  
Doyle P. Jones, Representative  
Atlanta, Georgia 31145

**Variance Requests** Permission to encroach into an undisturbed and impervious surface stream buffer to replace a cross-tie retaining wall

**Vicinity Map**



The site is located at 1010 Dunbar Drive, which is approximately on the north terminus of Dunbar Drive, north of its intersection with Peachford Road. The property is currently zoned RM-100 (Multi-family Residential District). The applicant’s request is to encroach into an undisturbed state waters stream buffer to remove an existing railroad cross-tie retaining wall and install a new poured-in-place concrete retaining wall.

**Site Plan Analysis**

The site, 1010 Dunbar Drive, is zoned RM-100 (Multifamily Residential District). The lot is 14.46 acres and is developed with several multi-tenant multi-family residences, including both two- and three-story buildings. The building at issue in this request is the northern-most building which is situated directly adjacent to a stream bank along the northern property line. As it is currently configured, that building is apparently failing and settling north towards the creek which runs west to east. Due to the inability of a cross-tie retaining wall between the building and the creek holding the building up from the bottom of the stream basin, there is evidence of structural failures including cracked and uneven concrete.

The property is bordered by a dense forested area to the north.

The property line between the subject retaining wall and the adjoining property is a stream. The total stream buffer in the City of Dunwoody is 75 feet overall, as measured from that point where vegetation has been wrested by normal stream flow or wave action (typically referred to as 'top of the stream bank') with differing allowable uses in the buffer. This 75-foot bufferyard is comprised of a 25-foot undisturbed buffer yard adjacent and contiguous with stream banks, mandated by Georgia State Law; in addition the City of Dunwoody recognizes an additional 25-foot of buffer yard -above and beyond the state requirement- for disturbing the soil in any manner, and then 25 additional feet after that which precludes the installation of impervious surfaces (but does allow for land disturbance as usual and customary to the primary use of the property).

Both the building and the wall as they exist today are non-conforming and are in the stream buffer. The applicant seeks to replace a failing, or at best under-performing, cross-tie retaining wall and replace that structure with an engineered, poured-in-place steel re-enforced concrete wall. This action on its surface is a beneficial act that will serve to perform better than the current tie wall. In fact, the applicant would be permitted by right (with administrative approval) to replace the failing timber wall with another timber wall of identical construction, so long as it were placed in the exact same location as the existing wall. Instead, the applicant plans to improve the existing situation with a wall of higher value and construction.

But the applicant, in order to complete the installation of the concrete wall, plans to build the new wall further into the stream buffer rather than in the place of the existing wall. It is no doubt more cost-effective and expedient to build the new wall in such a manner, but staff believes the preferred method for construction should be to stabilize the adjacent building with piers and structural bracing, remove the tie wall and install the concrete wall, then remove the bracing on the building. This achieves the goal of replacing the under-performing wall should stop the failure of the adjacent residential structure.

## Conditions of the Zoning Ordinance

Article 5, Section 5D-15 of the City of Dunwoody Zoning Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district; *The site's proximity to a stream, specifically, the location of the building and retaining wall inside the modern day stream buffer is not a condition created by the applicant. The steam buffer variance requested actually seeks to improve a perilous condition of a failing structural wall adjacent to both a stream bank and a multi-story residential structure.*
2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located; *The applicant is asking for more than the minimum required to facilitate the new wall, and staff would prefer if the applicant sought to replace the existing wall rather than build an additional wall outside of it.*

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; *The negative effects of a wall failure near that creek, coupled with the expected loss of the building in the instance of a wall failure far outweighs the potential for detrimental streamside disturbance during the construction process, or the added impervious surface of the top of the wall permanently in place post-construction.*
4. The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; and... *The literal interpretation of the land development code in concert with the zoning ordinance makes saving the structure a near impossibility without variance to the stream buffer. Either the entirety of both adjacent structures need to be removed, or a variance to allow for a repair needs to be approved.*
5. The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text. *Granting the variance will not compromise the spirit and purpose of the zoning ordinance, or compromise the spirit and purpose of the city's comprehensive plan.*

### **Recommendation**

Staff recommends the application, as has been detailed and submitted to city staff, be approved subject to the following conditions:

1. Approval of the variance request is not permission to begin construction.
2. Replacement of the existing wall with the newly-engineered wall is approved; however, construction should occur without further encroachment into the stream buffer.

### **Attachments**

- Application packet, including site plan.









06/16/2009 14:50



06/16/2009 14:49



06/16/2009 14:48



06/16/2009 14:58



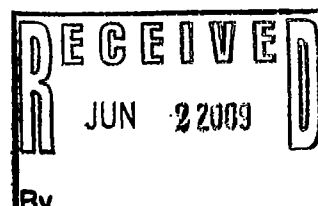


# Variance Application



City of Dunwoody  
 400 Northridge Road, Suite 1250  
 Atlanta, GA 30350  
 Phone: (678) 382-6800  
 Fax: (678) 382-6701

Type	Type of Request: <input checked="" type="checkbox"/> Variance (BZA) <input type="checkbox"/> Variance (Administrative)					
	Concurrent Variance(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide rezoning case #:					
		Square Feet	Acre	Minimum Setback Requirements		Proposed Setback Requirements
	Total Area of Lot	632 056	14.51	Front	N/A	Front N/A
	Building Footprint	N/A		Side	N/A	Front N/A
	# of Parking Spaces	N/A		Rear	N/A	Front N/A
	Height	N/A	Other	N/A	Front N/A	
Project	Name of Project/Subdivision: Dunwoody Court					
	Property Address/Location: 1010 Dunbar Drive (1834408 001)					
	Land Lot: 353	District: 18	Section:	Property ID:		
	Lot Number:	Block:	Present Zoning: RM-100	Proposed Zoning: N/A		
Applicant Information	Name: STEVEN J. CAMPBELL, PRESIDENT					
	Company: PRESIDENT DUNWOODY COURT CONDOMINIUM ASSOC.					
	Address: 306 DUNBAR DRIVE					
	Phone: 770 452-1437			Fax: 770 457 3627		
	Cell: 404 281-2768			Email: optionsfurniture@comcast.net		
	Representative	Name: DOYLE P. JONES, MANAGING A				
Company: CAPITAL COMMUNITY MANAGEMENT, Inc.						
Address: P.O. Box 450607, Atlanta GA 31145						
Phone: 770. 908. 2013			Phone:			
Cell: 678. 467. 5702			Cell:			
Affidavit		To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.				
	Applicant's Signature: <i>Steven J. Campbell</i>				Date: May 27, 2009	
	Representative's Signature: <i>Doyle P. Jones</i>				Date: May 27, 2009	
Notary	Sworn to and subscribed before me this 27 Day of May 20 09					
	Notary Public: <i>Arthur M. Huerbach</i>				Notary Public, DeKalb County, Georgia My Commission Expires May 27, 2012	
	Signature: <i>Arthur M. Huerbach</i>					
	Date:					
Office Use	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC - Visa/MC		Date:	
	<input type="checkbox"/> Approved <input type="checkbox"/> Denied By:				Date:	

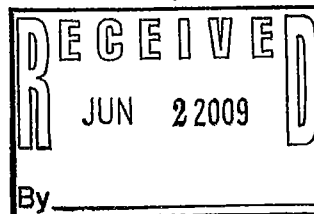


# Variance Application



City of Dunwoody  
 400 Northridge Road, Suite 1250  
 Atlanta, GA 30350  
 Phone: (678) 382-6800  
 Fax: (678) 382-6701

Request	<p>Please explain the reason for the request and attach additional information as necessary.</p> <p style="text-align: center;"><i>TO FACILITATE THE REMEDIAL WALL REPLACEMENT AS AGREED TO WITH DEKALB COUNTY. SEE ATTACHED LETTER FROM STEVE RAY, THE ENGINEER.</i></p>
Orientation	<p><i>Prior to the submission of a variance application, the applicant is required to schedule an orientation meeting with the appropriate planner in the Planning and Zoning Division of the Community Development Department. The purpose of this meeting is to determine the number and nature of the variances requested, become familiar with the appeals process and obtain preliminary input from staff. A meeting date before the Board of Zoning Appeals will be scheduled upon a determination of completeness and compliance of the application. The applicant or representative must attend the meeting and make the presentation. An Orientation Meeting is NOT required for an Administrative Variance.</i></p>
	<p>Orientation Meeting Date:</p>
	<p>Board Meeting Date:</p>
Remarks	<p>Zoning Director Comments:</p>
	<p>Planning &amp; Zoning Director: _____ Date: _____</p>



# Campaign Disclosure Ordinance



City of Dunwoody  
400 Northridge Road, Suite 1250  
Atlanta, GA 30350  
Phone: (678) 382-6800  
Fax: (678) 382-6701

## Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

### GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions  
\*38069 Code, 36-67A-3

## CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

### 36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - 1) The name and official position of the local government official to whom the campaign contribution was made; and
  - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
  - 1) The name and official position of the local government official to whom the campaign contribution was made; and
  - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)  
*Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.*

Dunwoody Court Condominium  
1000 Dunwoody Court  
May 26, 2009

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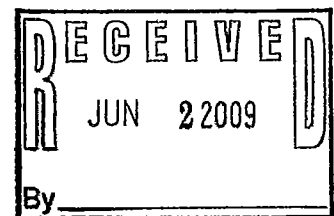
2009. In January 2009, we checked with the City of Dunwoody and found out that they had the same stream buffer variance moratorium which basically put the project on hold.

We have been told that after May 26, 2009, we could apply for the stream buffer variance and submit the plans for permit. We are planning to do that this week and hopefully start the permitting process. Once the permit is received, hopefully a contractor will be selected and construction of the wall can begin.

I hope this provides you with the information you need; however, if I can be of further assistance, please feel free to contact me.



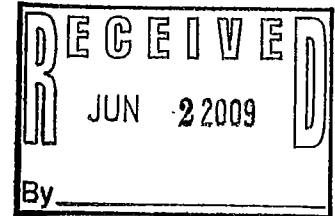
Steven W. Ray, P.E.  
President



May 26, 2009

*Via E-mail: [capitolcomm2341@bellsouth.net](mailto:capitolcomm2341@bellsouth.net)  
and regular mail*

Mr. Doyle Jones  
Capitol Community Management  
P.O. Box 450607  
Atlanta, Georgia 31145



**RE: DUNWOODY COURT CONDOMINIUM • BUILDING 1000**

Dear Mr. Jones:

As you are aware, Ray Engineering, Inc. has been involved in the inspection of and restoration of the cross tie retaining wall at Building 1000 for the last 15 years. Our initial inspection in 1993 revealed that the cross tie wall was structurally sound even though the wall had several deteriorated cross ties. In 1994, the area behind the wall was pressure grouted by Jory Concrete to stabilize the soil behind the wall and to mitigate settlement that was occurring at the foundation of Building 1000. This pressure grouting actually created a concrete wall behind the cross tie wall, which has not only extended the life of the wall but has reinforced the wall and is actually now supporting the soil behind the wall.

In 2005, the wall was re-evaluated at which time it was determined that the wall remained structurally sound, but we recommended that some of the voids created by the deteriorated cross ties and dead men be filled with a concrete repair mortar. At this time, the wall was reviewed by DeKalb County and the County recommended that the wall be replaced. After much discussion and litigation, it was agreed that the association would obtain bids and replace the wall within three years.

In February 2008, Ray Engineering, Inc. prepared drawings and received bids for the replacement of the wall as agreed with DeKalb County in 2005. Also, in 2008 we applied and received a stream buffer variance from Georgia EPD for the construction of the wall. In August 2008, the drawings were submitted to Dekalb County for permitting at which time we were told the project would be on hold due to a stream buffer variance moratorium, in addition during this time, Dunwoody Court had been annexed into the City of Dunwoody which start operations in

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 343, 341 and 353 of the 48th District of DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the intersection of the northwestern right-of-way of Peachford Road (having a sixty-foot right-of-way) with the southeastern right-of-way of Barclay Drive, and run thence in a southwestern direction along the northwestern right-of-way of Peachford Road and following the curvature thereof, a distance of 1465 feet to an iron pin running thence north 39 degrees 19 minutes 30 seconds west a distance of 5.1 feet to the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, running thence in a southwestern direction, along the northwestern right-of-way of Peachford Road, an arc distance of 207.30 feet to a point (said arc having a radius of 547.00 feet and being subtended by a chord bearing south 50 degrees 05 minutes 35 seconds west and having a length of 206.06 feet); running thence south 60 degrees 57 minutes west, along the northwestern right-of-way of Peachford Road, a distance of 205.96 feet to a point; running thence north 29 degrees 08 minutes west a distance of 144.9 feet to an iron pin; running thence north 76 degrees 02 minutes 30 seconds west a distance of 153.3 feet to an iron pin; running thence north 11 degrees 29 minutes 30 seconds east a distance of 212.8 feet to an iron pin; running thence north 20 degrees 09 minutes west a distance of 180.0 feet to an iron pin; running thence north 87 degrees 48 minutes 30 seconds west a distance of 353.3 feet to an iron pin; running thence south 70 degrees 18 minutes west a distance of 243.2 feet to an iron pin; running thence south 61 degrees 51 minutes 30 seconds west a distance of 202.8 feet to an iron pin; running thence south 83 degrees 18 minutes 30 seconds west a distance of 162.0 feet to the centerline of a creek, which point is referred to hereinafter as Point "A"; running thence in a northern and northwestern direction, along the centerline of said creek and following the meanderings thereof, a distance of 645 feet, more or less, to a point; running thence north 67 degrees 49 minutes 25 seconds east a distance of 8.77 feet, more or less, to an iron pin, which iron pin is referred to hereinafter as Point "B" (The traverse line connecting Point "A" and Point "B" has a bearing of north 20 degrees 54 minutes 28 seconds west and a length of 625.94 feet); running thence north 62 degrees 49 minutes 25 seconds east a distance of 228.23 feet to an iron pin; running thence south 27 degrees 09 minutes 42 seconds east a distance of 430.16 feet to an iron pin; running thence north 62 degrees 50 minutes 18 seconds east a distance of 528.19 feet to an iron pin; running thence south 86 degrees 59 minutes 12 seconds east a distance of 239.47 feet to an iron pin; running thence south 39 degrees 13 minutes 30 seconds east a distance of 873.06 feet to an iron pin and the TRUE POINT OF BEGINNING as shown on that Boundary and Topographic Survey prepared for Paragon House, Ltd., by J.S. Ross & Associates, registered land surveyors, dated September 11, 1979, and last revised September 3, 1980, containing 14.46 acres, more or less.

EXHIBIT "A"

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With the TRUE POINT OF BEGINNING thus established, running thence in a southwestern direction, along the northwestern right-of-way of Peachford Road, an arc distance of 207.39 feet to a point (said arc having a radius of 547.00 feet and being subtended by a chord bearing south 50 degrees 05 minutes 35 seconds west and having a length of 206.06 feet); running thence south 60 degrees 57 minutes west, along the northwestern right-of-way of Peachford Road, a distance of 205.96 feet to a point; running thence north 29 degrees 08 minutes west a distance of 144.9 feet to an iron pin; running thence north 76 degrees 02 minutes 30 seconds west a distance of 153.3 feet to an iron pin; running thence north 11 degrees 29 minutes 30 seconds east a distance of 212.8 feet to an iron pin; running thence north 20 degrees 09 minutes west a distance of 180.0 feet to an iron pin; running thence north 87 degrees 48 minutes 30 seconds west a distance of 353.3 feet to an iron pin; running thence south 70 degrees 18 minutes west a distance of 243.2 feet to an iron pin; running thence south 61 degrees 51 minutes 30 seconds west a distance of 202.8 feet to an iron pin; running thence south 83 degrees 18 minutes 30 seconds west a distance of 162.0 feet to the centerline of a creek, which point is referred to hereinafter as Point "A"; running thence in a northern and northwestern direction, along the centerline of said creek and following the meanderings thereof, a distance of 645 feet, more or less, to a point; running thence north 42 degrees 49 minutes 25 seconds east a distance of 8.77 feet, more or less, to an iron pin, which iron pin is referred to hereinafter as Point "B" (The traverse line connecting Point "A" and Point "B" has a bearing of north 20 degrees 54 minutes 28 seconds west and a length of 625.94 feet); running thence north 62 degrees 49 minutes 25 seconds east a distance of 228.23 feet to an iron pin; running thence south 27 degrees 09 minutes 42 seconds east a distance of 430.16 feet to an iron pin; running thence north 62 degrees 50 minutes 18 seconds east a distance of 528.19 feet to an iron pin; running thence south 88 degrees 59 minutes 12 seconds east a distance of 239.47 feet to an iron pin; running thence south 39 degrees 19 minutes 30 seconds east a distance of 873.06 feet to an iron pin and the TRUE POINT OF BEGINNING as shown on that Boundary and Topographic Survey prepared for Paragon House, Ltd., by J.S. Ross & Associates, registered land surveyors, dated September 11, 1979, and last revised September 3, 1980, containing 14.46 acres, more or less.

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With the TRUE POINT OF BEGINNING thus established, running thence in a southwestern direction, along the northwestern right-of-way of Peachford Road, an arc distance of 207.30 feet to a point (said arc having a radius of 347.00 feet and being subtended by a chord bearing south 50 degrees 05 minutes 35 seconds west and having a length of 206.06 feet); running thence south 60 degrees 57 minutes west, along the northwestern right-of-way of Peachford Road, a distance of 205.90 feet to a point; running thence north 29 degrees 08 minutes west a distance of 144.9 feet to an iron pin; running thence north 76 degrees 02 minutes 30 seconds west a distance of 153.3 feet to an iron pin; running thence north 11 degrees 29 minutes 30 seconds east a distance of 212.8 feet to an iron pin; running thence north 20 degrees 09 minutes west a distance of 180.0 feet to an iron pin; running thence north 87 degrees 48 minutes 30 seconds west a distance of 353.3 feet to an iron pin; running thence south 70 degrees 18 minutes west a distance of 243.2 feet to an iron pin; running thence south 61 degrees 51 minutes 30 seconds west a distance of 202.8 feet to an iron pin; running thence south 83 degrees 18 minutes 30 seconds west a distance of 162.0 feet to the centerline of a creek, which point is referred to hereinafter as Point "A"; running thence in a northern and northwestern direction, along the centerline of said creek and following the meanderings thereof, a distance of 645 feet, more or less, to a point; running thence north 62 degrees 49 minutes 25 seconds east a distance of 8.77 feet, more or less, to an iron pin, which iron pin is referred to hereinafter as Point "B" (The traverse line connecting Point "A" and Point "B" has a bearing of north 20 degrees 54 minutes 28 seconds west and a length of 625.94 feet); running thence north 62 degrees 49 minutes 25 seconds east a distance of 228.23 feet to an iron pin; running thence south 27 degrees 09 minutes 42 seconds east a distance of 430.16 feet to an iron pin; running thence north 62 degrees 50 minutes 18 seconds east a distance of 528.19 feet to an iron pin; running thence south 88 degrees 59 minutes 12 seconds east a distance of 239.47 feet to an iron pin; running thence south 39 degrees 19 minutes 30 seconds east a distance of 873.86 feet to an iron pin and the TRUE POINT OF BEGINNING as shown on that Boundary and Topographic Survey prepared for Faragon House, Ltd., by J.S. Ross & Associates, registered land surveyors, dated September 11, 1979, and last revised September 3, 1980, containing 14.46 acres, more or less.

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ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 343, 341 and 353 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the intersection of the northwestern right-of-way of Peachford Road (having a sixty-foot right-of-way) with the southeastern right-of-way of Barclay Drive, and run thence in a southwestern direction along the northwestern right-of-way of Peachford Road and following the curvature thereof, a distance of 1465 feet to an iron pin running thence north 39 degrees 19 minutes 30 seconds west a distance of 5.1 feet to the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, running thence in a southwestern direction, along the northwestern right-of-way of Peachford Road, an arc distance of 207.30 feet to a point (said arc having a radius of 547.00 feet and being subtended by a chord bearing south 50 degrees 05 minutes 35 seconds west and having a length of 206.05 feet); running thence south 60 degrees 57 minutes west, along the northwestern right-of-way of Peachford Road, a distance of 205.98 feet to a point; running thence north 29 degrees 08 minutes west a distance of 144.9 feet to an iron pin; running thence north 76 degrees 02 minutes 30 seconds west a distance of 153.3 feet to an iron pin; running thence north 11 degrees 29 minutes 30 seconds east a distance of 212.8 feet to an iron pin; running thence north 20 degrees 09 minutes west a distance of 180.0 feet to an iron pin; running thence north 87 degrees 48 minutes 30 seconds west a distance of 353.3 feet to an iron pin; running thence south 70 degrees 18 minutes west a distance of 243.2 feet to an iron pin; running thence south 61 degrees 51 minutes 30 seconds west a distance of 202.8 feet to an iron pin; running thence south 83 degrees 18 minutes 30 seconds west a distance of 162.0 feet to the centerline of a creek, which point is referred to hereinafter as Point "A"; running thence in a northern and northwestern direction, along the centerline of said creek and following the meanderings thereof, a distance of 645 feet, more or less, to a point; running thence north 62 degrees 49 minutes 25 seconds east a distance of 8.77 feet, more or less, to an iron pin, which iron pin is referred to hereinafter as Point "B" (The traverse line connecting Point "A" and Point "B" has a bearing of north 20 degrees 54 minutes 28 seconds west and a length of 625.94 feet); running thence north 62 degrees 49 minutes 25 seconds east a distance of 228.23 feet to an iron pin; running thence south 27 degrees 09 minutes 42 seconds east a distance of 430.16 feet to an iron pin; running thence north 62 degrees 50 minutes 18 seconds east a distance of 528.19 feet to an iron pin; running thence south 80 degrees 59 minutes 12 seconds east a distance of 239.47 feet to an iron pin; running thence south 39 degrees 19 minutes 30 seconds east a distance of 873.06 feet to an iron pin and the TRUE POINT OF BEGINNING as shown on that Boundary and Topographic Survey prepared for Faragon House, Ltd., by J.S. Ross & Associates, registered land surveyors, dated September 11, 1979, and last revised September 3, 1980, containing 14.46 acres, more or less.

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 343, 341 and 353 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the intersection of the northwestern right-of-way of Peachford Road (having a sixty-foot right-of-way) with the southeastern right-of-way of Barclay Drive, and run thence in a southwestern direction along the northwestern right-of-way of Peachford Road and following the curvature thereof, a distance of 1465 feet to an iron pin running thence north 39 degrees 19 minutes 30 seconds west a distance of 5.1 feet to the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, running thence in a southwestern direction, along the northwestern right-of-way of Peachford Road, an arc distance of 207.30 feet to a point (said arc having a radius of 547.00 feet and being subtended by a chord bearing south 50 degrees 05 minutes 35 seconds west and having a length of 206.06 feet); running thence south 60 degrees 57 minutes west, along the northwestern right-of-way of Peachford Road, a distance of 205.90 feet to a point; running thence north 29 degrees 08 minutes west a distance of 144.9 feet to an iron pin; running thence north 76 degrees 02 minutes 30 seconds west a distance of 153.3 feet to an iron pin; running thence north 11 degrees 29 minutes 30 seconds east a distance of 212.8 feet to an iron pin; running thence north 20 degrees 09 minutes west a distance of 180.0 feet to an iron pin; running thence north 87 degrees 48 minutes 30 seconds west a distance of 353.3 feet to an iron pin; running thence south 70 degrees 18 minutes west a distance of 243.2 feet to an iron pin; running thence south 61 degrees 51 minutes 30 seconds west a distance of 202.8 feet to an iron pin; running thence south 83 degrees 18 minutes 30 seconds west a distance of 162.0 feet to the centerline of a creek, which point is referred to hereinafter as Point "A"; running thence in a northern and northwestern direction, along the centerline of said creek and following the meanderings thereof, a distance of 645 feet, more or less, to a point; running thence north 42 degrees 49 minutes 25 seconds east a distance of 8.77 feet, more or less, to an iron pin, which iron pin is referred to hereinafter as Point "B" (The traverse line connecting Point "A" and Point "B" has a bearing of north 20 degrees 54 minutes 28 seconds west and a length of 625.94 feet); running thence north 62 degrees 49 minutes 25 seconds east a distance of 228.23 feet to an iron pin; running thence south 27 degrees 09 minutes 42 seconds east a distance of 430.16 feet to an iron pin; running thence north 62 degrees 50 minutes 18 seconds east a distance of 528.19 feet to an iron pin; running thence south 88 degrees 59 minutes 12 seconds east a distance of 239.47 feet to an iron pin; running thence south 39 degrees 19 minutes 30 seconds east a distance of 873.86 feet to an iron pin and the TRUE POINT OF BEGINNING as shown on that Boundary and Topographic Survey prepared for Paragon House, Ltd., by J.S. Ross & Associates, registered land surveyors, dated September 11, 1979, and last revised September 3, 1980, containing 14.46 acres, more or less.

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 343, 341 and 353 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the intersection of the northwestern right-of-way of Peachford Road (having a sixty-foot right-of-way) with the southeastern right-of-way of Barclay Drive, and run thence in a southwestern direction along the northwestern right-of-way of Peachford Road and following the curvature thereof, a distance of 1465 feet to an iron pin running thence north 39 degrees 19 minutes 30 seconds west a distance of 5.1 feet to the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, running thence in a southwestern direction, along the northwestern right-of-way of Peachford Road, an arc distance of 207.30 feet to a point (said arc having a radius of 547.00 feet and being subtended by a chord bearing south 50 degrees 05 minutes 35 seconds west and having a length of 206.06 feet); running thence south 60 degrees 57 minutes west, along the northwestern right-of-way of Peachford Road, a distance of 205.96 feet to a point; running thence north 29 degrees 08 minutes west a distance of 144.9 feet to an iron pin; running thence north 76 degrees 02 minutes 30 seconds west a distance of 153.3 feet to an iron pin; running thence north 11 degrees 29 minutes 30 seconds east a distance of 212.8 feet to an iron pin; running thence north 20 degrees 09 minutes west a distance of 180.0 feet to an iron pin; running thence north 87 degrees 48 minutes 30 seconds west a distance of 353.3 feet to an iron pin; running thence south 70 degrees 18 minutes west a distance of 243.2 feet to an iron pin; running thence south 61 degrees 51 minutes 30 seconds west a distance of 202.8 feet to an iron pin; running thence south 83 degrees 18 minutes 30 seconds west a distance of 162.0 feet to the centerline of a creek, which point is referred to hereinafter as Point "A"; running thence in a northern and northwestern direction, along the centerline of said creek and following the meanderings thereof, a distance of 645 feet, more or less, to a point; running thence north 62 degrees 49 minutes 25 seconds east a distance of 8.77 feet, more or less, to an iron pin, which iron pin is referred to hereinafter as Point "B" (The traverse line connecting Point "A" and Point "B" has a bearing of north 20 degrees 54 minutes 28 seconds west and a length of 625.94 feet); running thence north 62 degrees 49 minutes 25 seconds east a distance of 228.23 feet to an iron pin; running thence south 27 degrees 09 minutes 42 seconds east a distance of 430.16 feet to an iron pin; running thence north 62 degrees 50 minutes 18 seconds east a distance of 528.19 feet to an iron pin; running thence south 88 degrees 59 minutes 12 seconds east a distance of 239.47 feet to an iron pin; running thence south 39 degrees 13 minutes 30 seconds east a distance of 873.86 feet to an iron pin and the TRUE POINT OF BEGINNING as shown on that Boundary and Topographic Survey prepared for Paragon House, Ltd., by J.S. Ross & Associates, registered land surveyors, dated September 11, 1979, and last revised September 3, 1980, containing 14.46 acres, more or less.

EXHIBIT "A"

[Return to Console](#)[Print Receipt](#)

# City of Dunwoody Sales Receipt

Tuesday June 02, 2009

Permit #

Order # 1332

Transaction Date: 6/2/2009

Transaction Status: APPROVED

Transaction Amount: 350.00

Account# 0094....4979

Collapse All Rows

Description	Quantity	Amount	Tran #
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Signature

By clicking the process payment button, you authorize an electronic debit from your checking account that will be processed through the regular banking system. If your full order is not available at the same time, you authorize partial debits to your account, not to exceed the total authorized amount. The partial debits will take place upon each shipment of partial goods. If any of your payments are returned unpaid, you will be charged a returned item fee up to the maximum allowed by law. To exit without authorizing, click Cancel.

# Campaign Disclosure Statement



City of Dunwoody  
 400 Northridge Road, Suite 1250  
 Atlanta, GA 30350  
 Phone: (678) 382-6800  
 Fax: (678) 382-6701

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

YES  NO

Applicant / Owner	Signature: <i>Steve J. Payne</i>
	Address: <i>306 Dunbar Drive, Dunwoody Ga. 30338</i>
	Date: <i>May 27, 2009</i>

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount