



MEMORANDUM

To: Mayor and City Council

From: Michael Tuller

Date: July 11, 2011

Subject: Special Land Use Permit to allow a home occupation use, specifically private instruction with personal contact in the home

Request

The applicant, Heather Chlup, owner and resident at 4607 Brierwood Place, Dunwoody, Georgia 30360 requests of the City of Dunwoody an occupational tax certificate to conduct a business within her home. The business request is to operate a private music education use in a room above her garage, requiring students to come to her home for lessons. The text of the City's zoning ordinance requires any home occupation operator to secure a Special Land Use Permit if the business enterprise will require customer contact in the person's home, as in this case. Therefore, prior to the City issuing the tax certificate, the request for a Special Land Use permit must be approved by the Mayor & City Council.

Location

The site is located at the very south end of the eastern side of Brierwood Place, which itself is located at the end of Briers North which takes access from Tilly Mill Road. The property is currently zoned R-50 (Single-Family Residential District). See maps 1-4, attached to this document, for further reference.

Special Land Use Analysis

Section 27-320 of the City of Dunwoody Zoning Ordinance allows an applicant to request a Special Land Use Permit (SLUP) if they seek to establish a home occupation with customer contact in their home; as such, the applicant in this case, Heather Chlup, seeks an SLUP to teach violin lessons in a room in the rear of her residence. The subject property is located at 4607 Brierwood Place, Dunwoody, Georgia 30360. Home occupations are an allowable use in the R-50 District, pursuant to the regulations in §27-320 and §27-1321, listed below.

The section in Article II allowing home occupations in R-50 Districts implies a conflict with the Supplemental Regulations (Article IV, §27-1321). Pursuant to §27-1321, home occupations are exempted from the customer contact provision because private educational uses are only required to comply with subsections (1), (2), (3), (4) and (8). The prohibition on customer contact is found in §27-1321(5); however, §27-1321 only serves as enabling legislation, allowing the prospect for customer contact in the home, and does not absolve an applicant requesting to conduct a home occupation for a private educational use of the SLUP requirement found in §27-320. Therefore, the requirement in §27-320 is still applicable.



Sec. 27-320. - Special permits.

The following uses and structures shall be authorized only by permits of the type indicated:

...

- (3) Special land use permit from city council.

...

- f. Home occupation involving any customer contact.

Sec. 27-1321. - Home occupations and private educational uses.

The following provisions shall apply to home occupations. Private educational uses shall only be required to comply with subsections (1), (2), (3), (4) and (8) of this section:

- (1) There shall be no exterior evidence of the home occupation.
- (2) No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
- (3) The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
- (4) No more than 25 percent of the dwelling unit and in no case more than 500 square feet, whichever is less, may be used for the conduct of the home occupation.
- (5) No use shall involve public contact on the property and no article, product or service shall be sold on the premises other than by telephone.
- (6) No materials or equipment shall be stored on the premises upon which the home occupation is located, except where such materials and equipment are stored entirely within the residence.
- (7) No vehicle other than a passenger automobile, passenger van, or passenger truck shall be used in the conduct of a home occupation, and no other vehicle shall be parked or stored on such premises.
- (8) No home occupation shall be operated so as to create or cause a nuisance.
- (9) Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, taxi service, van service, limousine service, wrecker service, car wash, or ammunition or firearms sales establishment.

Community Council

At their regular May meeting, the Community Council heard the applicant's request, and after some discussion, a motion was made to **recommend approval** of the request, as submitted.

Conditions of the Zoning Ordinance

Section 27-1491 of the City of Dunwoody Zoning Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special land use permit:

- (a) Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;



The size of the site is acceptable for the proposed use—the applicant proposes to teach a single student at a time and will not hold recitals at this location. As such, her driveway will adequately service the number of cars associated with the proposed use. The applicant is not planning on altering the site to perform the lessons.

- (b) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
Small-scale, private music education is often associated with residential land uses. Piano, guitar and violin are often taught in a residential setting. The proposed use will occur entirely indoors and will not be incompatible with neighboring land uses.

- (c) Adequacy of public services, public facilities, and utilities to serve the use contemplated;
The addition of the home occupation use should not appreciably increase the demand on water, sewer, gas or any other utility. It is not expected that the use will increase demand for public services, or utilize any public facility.

- (d) Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
There would not be an increase in traffic trip generation out of line with the normal coming and going of the current residential uses. The application indicates there will be no more than one student per hour, which is not such an increase on the street system to cause concern.

- (e) Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
Adjacent land uses are identical to the proposed land use (residential), and the vehicle traffic required for pick-up/drop-off (if not arriving on foot or bicycle) will be no larger or more obtrusive than a common passenger vehicle. Therefore, it is not anticipated that other adjacent and nearby sites will be adversely affected.

- (f) Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
The use proposed will occur at a residential scale. There is no requirement for improved ingress/egress, whether vehicular or pedestrian. There is more than adequate off-street parking on the subject site if the student were to drive herself to the lesson, or if dropped off by another, the driveway is adjacent to the end of the street cul-de-sac with more than adequate room to turn around and drive out of the neighborhood.



- (g) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

It is not anticipated that granting the private educational use would create any adverse impacts on the site. Violins are not percussion instruments, and in the absence of any amplification, cannot be heard through the walls of the existing home. Smoke, odor, dust and vibration are not relevant to this application.

- (h) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

The applicant is proposing to operate when school-aged children are not attending classes, between the hours of 3 p.m. and 8 p.m. on weekdays, and 8 a.m. and 12 p.m. on weekends. These hours of operation are compatible with the requirements of the City Noise Ordinance. Additionally, the hours of operation are comparable to the activity in a residential district and will not be concentrated during peak travel hours.

- (i) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The lessons will be wholly contained within the residence, so it will not create adverse impacts on neighboring land uses.

- (j) Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;

The residence is compliant with the current zoning classification.

- (k) Whether or not the proposed use is consistent with the policies of the comprehensive plan;

The proposed use is consistent with the current and proposed comprehensive plan.

- (l) Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;

There are no such buffer zones required as a function of initiating this use.

- (m) Whether or not there is adequate provision of refuse and service areas;

Since the residence already exists, there are already adequate refuse and service areas. It is not anticipated that the use will generate more refuse than a typical residential use.

- (n) Whether the length of time for which the special land use permit is granted should be limited in duration;

There should be no limit to the special land use permit because the use, if found to be compatible with the surrounding neighborhood, the use should run with the land, not with the operator. There has not been found any demonstrable benefit to creating an arbitrary time frame for when an approved use is appropriate, and when the use is no longer appropriate, in the absence of a major land use change in the neighborhood or surrounding region. Expirations for a SLUP only force the applicant



to again apply, which necessitates a nearly four months long process, only to re-initiate a use already found to be appropriate at an earlier date. It may be appropriate to limit the hours of operation each day, and may also be appropriate to limit the instruments used in instruction to non-percussion instruments (piano notwithstanding), limit or preclude the use of amplification to daylight hours, if at all, and limit the use to indoor spaces only.

- (o) Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;
No new structures are proposed as a function of this use. The existing home is properly scaled in relation to the remainder of the neighborhood.

- (p) Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;
There are no known historic buildings, sites, districts, or archaeological resources in any proximity to the site, nor would any such resources be impacted by the proposed use.

- (q) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
The proposed use satisfies the requirements of the supplemental regulations (§27-1321).

- (r) Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
There is no building construction proposed as a function of initiating this use.

Council Actions

When considering the proposal as submitted, the Mayor & City Council may either approve the SLUP as presented, approve the SLUP with additional conditions, or deny the request outright.

The first and third options are obvious and transparent: approve the use consistent with the submittal documents, after finding they comply and are congruent with the terms found in the above analysis, or deny the application, for not being appropriate.

When creating conditions of approval, the choices may seem endless, but in fact are limited to those conditions which are found to have a rational nexus between the uses proposed and the conditions assigned, and those conditions which do not derivate from the established policies and procedures found in the City Code. The conditions of approval must only apply directly to the initiation of the new use as submitted.

For instance, requiring the installation of a 30-cubic yard refuse dumpster on site would not have any rational basis, because in this application there cannot be found any evidence that that amount of new refuse would be generated by the use.



However, limiting the types of instruction or the types of instruments instructed can be indicated to have a real impact on the use and its relationship to neighboring properties. For instance, recitals of multiple students could result in increased volume and a large number of vehicles parked on and around the property, potentially causing a local nuisance. Drums are found to operate normally at a much higher volume (on a sound level that carries much further than most every other instrument) than smaller hand-held instruments. Conditions which limit the number of students performing, the types of instruments used, and the number of vehicles allowed on the street would have a rational correlation to the initiation of the new use.

Two concepts have introduced to staff in response to this application: that of term limits for the use and also requiring neighboring property owner's/residents' approvals at established intervals for continuation of the use.

Staff does not agree with the imposition of arbitrary term limits as a "trial run" for further approvals. In the absence of a major change of land use in and around the subject property, once the use has been found to be appropriate as compared and contrasted with established criteria delineated in the zoning ordinance (§27-1491), the use should be free and unencumbered from having to re-apply for an additional SLUP to continue the use.

As for placing the standard of approval to the citizenry, that would conflict with the policies and procedures for approval spelled out in the 3rd Division of Article 5 of the City zoning ordinance. If the use for whatever reason is found to be out of compliance with the original application materials, and the associated approval and conditions of approval (if any), then there are mechanisms already in place in the zoning ordinance that deal with those situations, including but not limited to citations and court actions. Creating a standard of expiration for lack of approval of the neighboring owners/residents abrogates the authority enabled by the zoning ordinance to the public at large.

Finally, the idea that approval of this SLUP for customer contact in the home creates any precedent for future approvals is not accurate. Special Land Use Permits are each considered individually, on their own merits. The manner in which the use is initiated, the manner in which the use affects the subject property, the manner in which the use and property in unison affect the surrounding region are all unique, and must be deliberated separately. It may very well be appropriate to approve a use on one property, and completely justifiable to reject a similar proposal for a nearby property. It is the relationship of the proposal to the approval criteria which is relevant to this process, not the idea that one approval opens a door for all future proposals.

Recommendation

Staff recommends the application, as has been detailed and submitted to city staff, be approved. Staff further recommends there be the following conditions associated with the approval:

1. The instruction may only occur within the bounds of the city noise ordinance – 7:00 a.m. to 11:00 p.m. on weekdays (Monday through Friday) and 7:00 a.m. to 12:00 a.m. on weekends (Saturday and Sunday) (pursuant to §18-19(b)(2)).
2. No vehicle (including the property owner's vehicle) may be parked on the public right of way in such a manner to block or impede regular traffic flow, block or impede fire hydrants, or block or impede neighbor's access to their property and regular ingress/egress to their driveway.



3. No percussion instruments may be used in the instruction (not including electronic keyboards or pianos).
4. No amplification of instruments is permitted.
5. No more than one student may perform at any time, and no recitals are permitted at the site.

Community Council reviewed the item on May 12, 2011 and voted to approve it with a vote of 5-0.

Planning Commission reviewed the item on June 14, 2011 and voted to approve the item 6-0.

Attachments

- Attorney Memo.
- Site Map.
- Application.
- Site Plan.
- Letters of Support.
- Pre-submittal Documents.
- Photos.



41 Perimeter Center East, Suite 250
Dunwoody, Georgia 30346
P (678) 382-6700 F (678) 382-6701
dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council

From: Brian Anderson, City Attorney

Date: 6/29/2011

Subject: SLUP Conditions

ITEM DESCRIPTION

Consideration of revisions to the Special Land Use Permit ("SLUP") procedure.

BACKGROUND

Chapter 27, Article V, Division 3 of the City Code provides a means by which the City Council gives special consideration to those types of land uses which may not be compatible in all cases with uses and structures allowed by right within a particular zone. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth.

The city council determines whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth. Such uses may require and the city council is authorized to impose special conditions in order to ensure their compatibility with surrounding uses and to minimize adverse impacts of the use on surrounding property. These special conditions must be related to minimizing the adverse impact or ensuring compatibility with the surrounding uses. However, because each case is unique, the advance of the slippery slope argument has little merit.

Further, allowing the neighbors to have the authority to block or deny an application could be considered arbitrary and capricious because the denial may be based upon circumstances unrelated to the SLUP. Likewise, any time limitations or any other conditions must be related to the particular uses for all cases. Mandating limitations in all cases limits the Council's discretion and may be arbitrary and capricious in some instances. As currently contemplated, these limitations can be applied in a case by case basis.

Ken Wright Mayor

Denis Shortal City Council Post 1
Adrian Bonser City Council Post 2
Doug R. Thompson City Council Post 3

Robert Wittenstein City Council Post 4
Danny Ross City Council Post 5
John Heneghan City Council Post 6



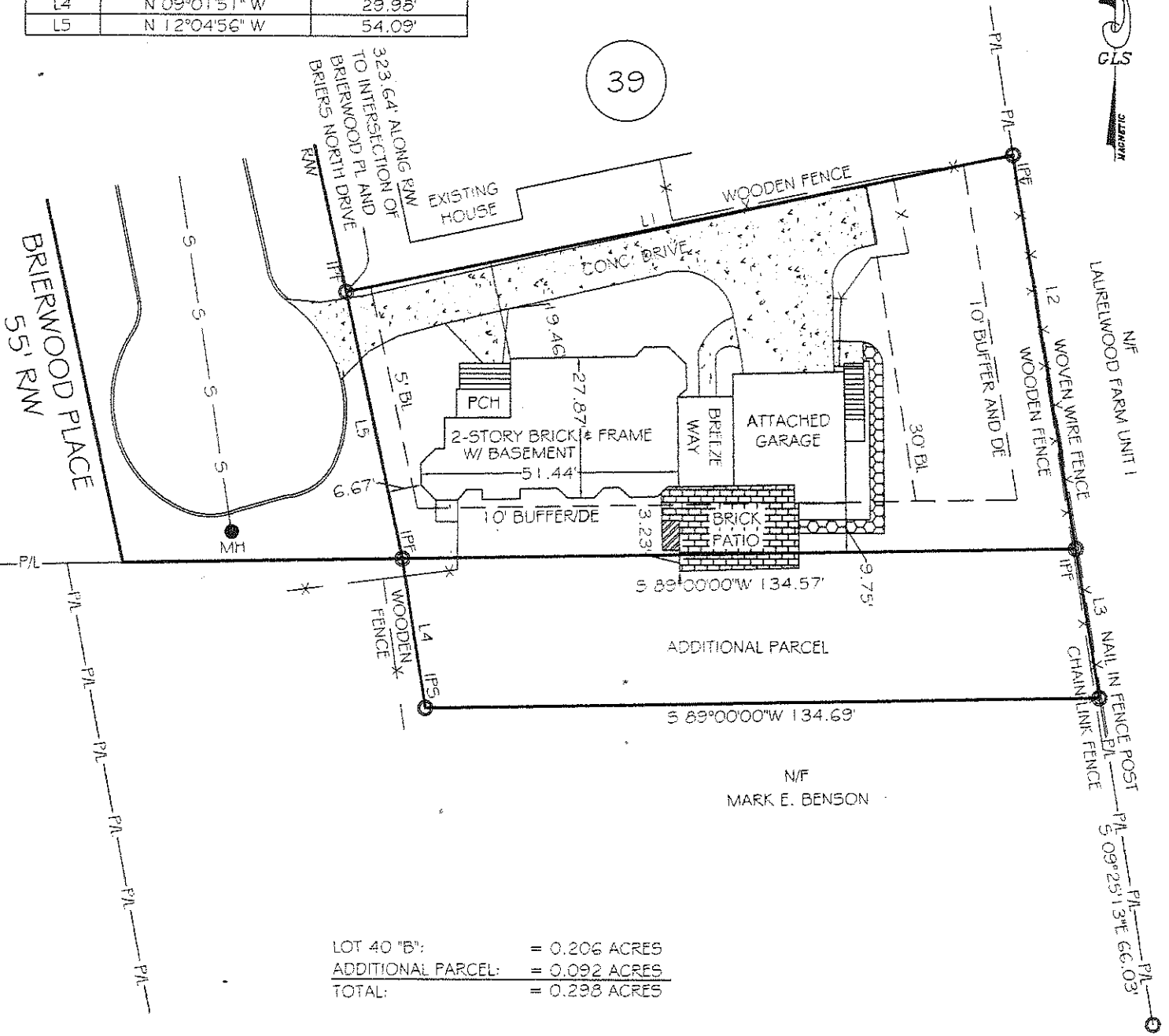
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RECOMMENDED ACTION

No change to the Zoning Code at this time.

NO PORTION OF THIS PROPERTY LIES WITHIN A F.I.R.M. FLOOD HAZARD AREA AS PER
FIRM PANEL NO. 13089C0017H , DATED 06/18/10
FIELD CLOSURE = ONE FOOT IN 20,190 FEET ANGLE ERROR = .8" PER ANGLE POINT
EQUIPMENT = TOPCON GTS-312 ADJUSTED BY LEAST SQUARES
PLAT CLOSURE = 192,821 FEET

Course	Bearing	Distance
L1	N 78°11'46" E	135.99'
L2	S 09°14'54" E	79.39'
L3	S 09°14'54" E	30.00'
L4	N 09°01'51" W	29.98'
L5	N 12°04'56" W	54.09'



LOT 40 "B": = 0.206 ACRES
ADDITIONAL PARCEL: = 0.092 ACRES
TOTAL: = 0.298 ACRES

LEGEND

- CMF = CONCRETE MONUMENT FOUND
- CTP = CRIMP TOP PIPE
- IPF = IRON PIN FOUND
- DTP = OPEN TOP PIPE
- RBF = REBAR PIN FOUND
- IPS = 1/2" REBAR PIN SET
- R/W = RIGHT OF WAY
- LL = LAND LOT
- LLL = LAND LOT LINE
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- UE = UTILITY EASEMENT
- PL = PROPERTY LINE
- BL = BUILDING LINE
- CL = CENTERLINE
- EP = EDGE OF PAVEMENT
- BC = BACK OF CURB
- HM = MAN HOLE
- CB = CATCH BASIN
- JB = JUNCTION BOX
- DI = DROP INLET
- HW = HEAD WALL
- PP = POWER POLE
- FE = FIRE HYDRANT
- IE = INVERT ELEVATION
- FEE = FINISHED FLOOR ELEVATION
- S-S = SANITARY SEWER LINE/PIPE
- X- = STORM SEWER LINE/PIPE
- 000 = FENCE LINE
- N/F = FLOOD HAZARD ZONE LINE
- EE = NOW OR FORMERLY EXISTING ELEVATION
- FE = FINISHED ELEVATION



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

4607 BRIERWOOD PLACE
BRIERS NORTH
UNIT II
BLOCK B
LOT 40 (TOGETHER WITH PARCEL TO THE SOUTH)
0.298 ACRES (TOTAL)

SUBDIVISION FINAL PLAT RECORDED
10/05/85 , DEKALB COUNTY , GA.
PLAT BOOK 81 , PAGE 37

SURVEY FOR:

PAUL
CHLUP

GRIFFIN LAND SURVEYING, INC.

2274 AZALEA DRIVE, SUITE A
LAWRENCEVILLE, GEORGIA 30043
(770) 995-9723

Date: 12/21/10 Land Lot: 355 District: 18
County: DEKALB, GA. Scale: 1" = 30'
Drawn By: JRG Checked By: JHG
Job Number: BRIERSN File Number:

GLS

**Legend**

City Streets

4607 Brierwood Pl

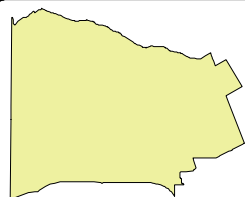
Parcels

Dunwoody*
 *Smart people - Smart city

Community Development

41 Perimeter Center East | Dunwoody, Georgia
 Suite 250 | 30346-1902

678-382-6800 - www.dunwoodyga.gov



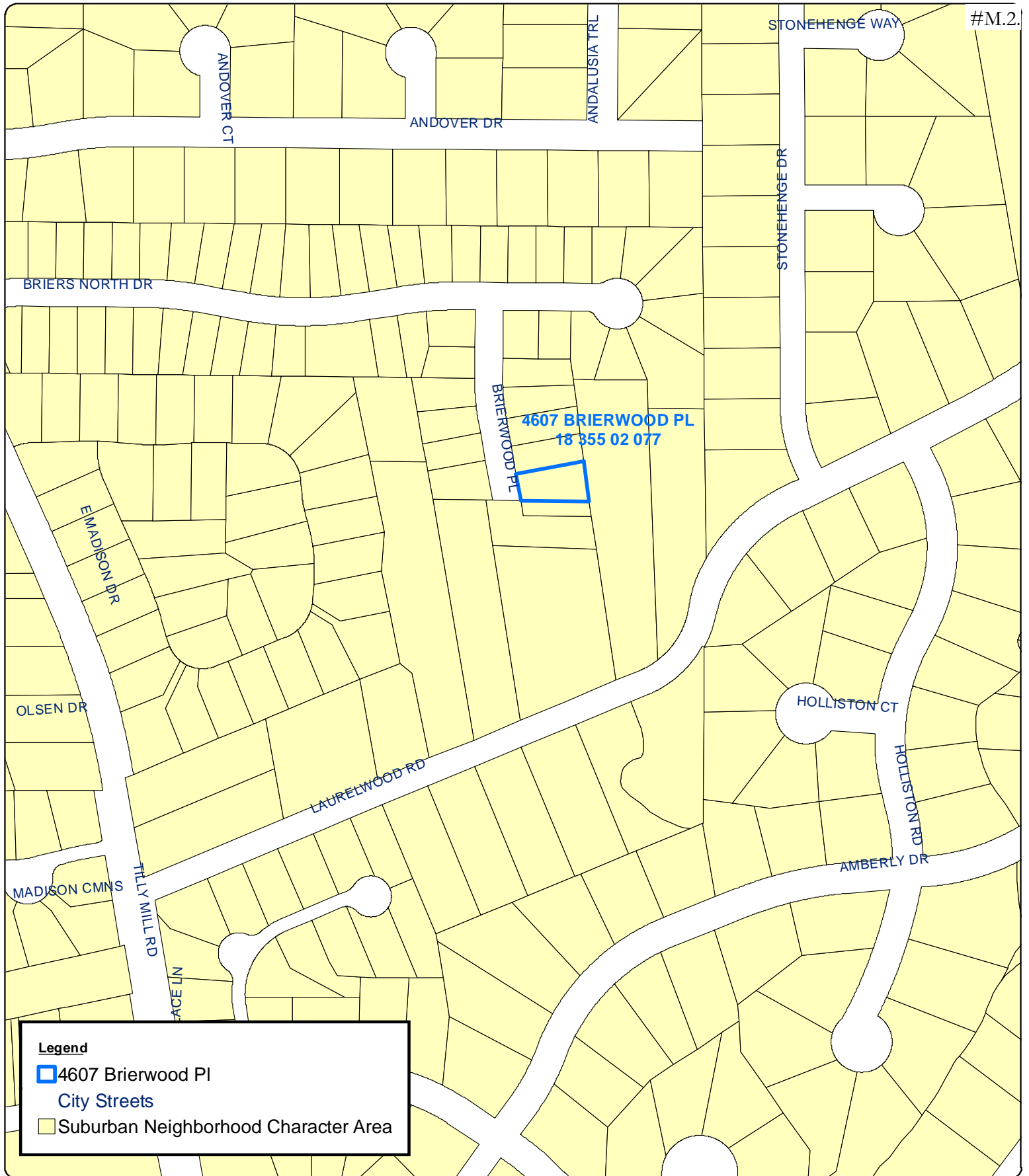
4607 Brierwood Place
Aerial

June 14, 2011



Scale: 1" = 250'
 (1:3000)

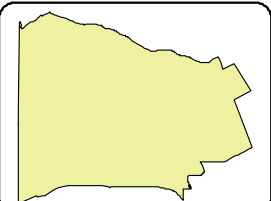
Map Notes:



Dunwoody
*Smart people - Smart city

Community Development

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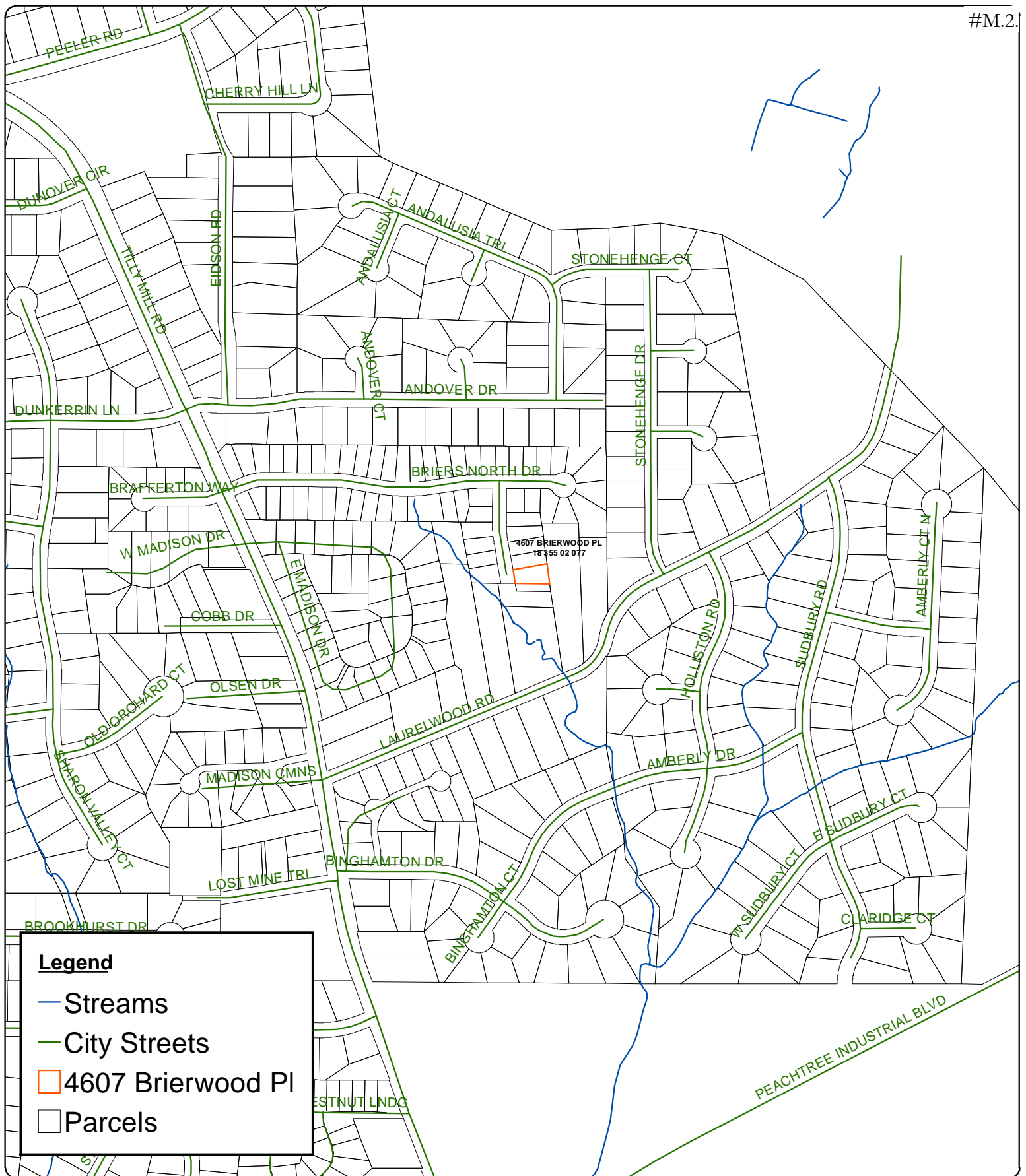
4607 Brierwood Place Future Land Use

June 14, 2011



Scale: 1" = 250'
(1:3000)

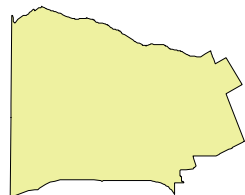
Map Notes:



Dunwoody
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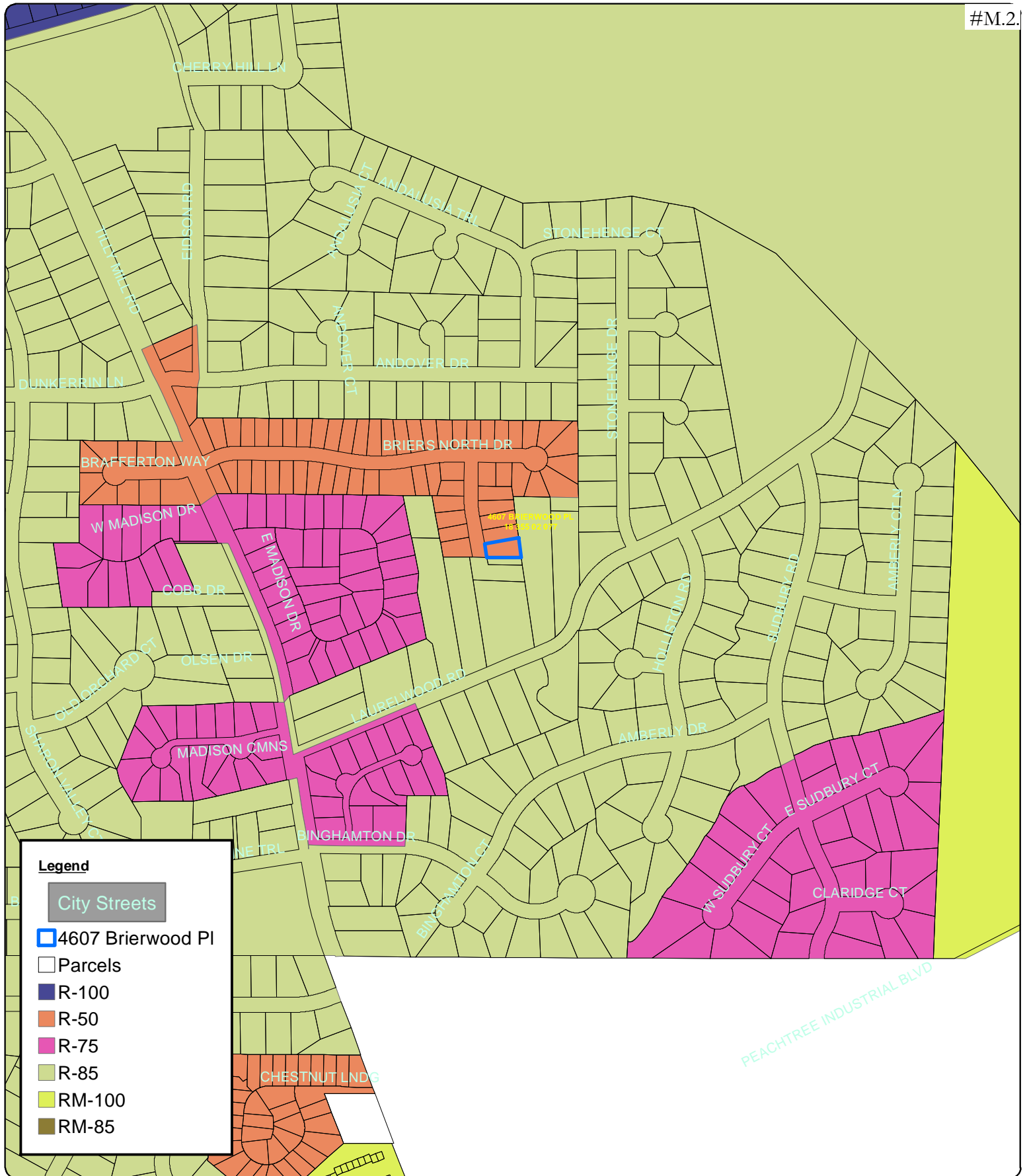
4607 Brierwood Place Site Location

June 14, 2011



Scale: 1" = 500'
(1:6000)

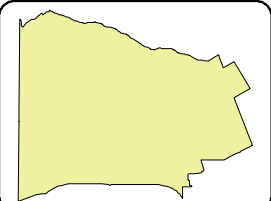
Map Notes:



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4607 Brierwood Place Zoning

June 14, 2011



Scale: 1" = 500'
(1:6000)

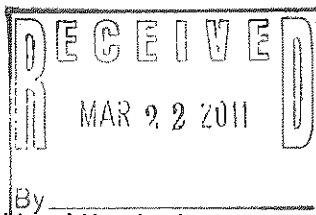
Map Notes:



City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
Fax: (770) 396-4828

Special Land Use Application

Applicant	Name: Heather Chlup ZB7 SLUP 11-061 ; 110
	Address: 4607 Brierwood Pl, Dunwoody GA 30360
	Phone: 678-694-8858 Fax: 678-694-8858 Email: heather.orr@australiaonline.net.au
Property Owner	Owner's Name: Paul & Heather Chlup
	Owner's Address: 'As Above'
	Phone: Fax: Email: phchlup@aol.com
Property Information	Property Address: 4607 Brierwood Pl, Dunwoody GA 30360 Parcel ID: 18 355 02 077
	Current Zoning Classification: R85-SF RES DIST
	Requested Use of the property: One room at rear to be used as a violin teaching studio.
Applicant Affidavit	To the best of my knowledge, this special land use 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.
	Applicant's Name: Heather Chlup
	Applicant's Signature: <i>H Chlup</i> Date: 03/19/2011
Notary	Sworn to and subscribed before me this 19 Day of March, 20 11
	Notary Public: <i>Marilyn Z. Davis</i>
	Signature: <i>Marilyn Z. Davis</i> My Commission Expires: 9-26-2012
Owner Affidavit	To the best of my knowledge, this special land use 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.
	Property Owner's Name: Heather Chlup / Paul Chlup
	Property Owner's Signature: <i>H Chlup / Paul Chlup</i> Date: 03/19/2011
Notary	Sworn to and subscribed before me this 19 Day of March, 20 11
	Notary Public: <i>Marilyn Z. Davis</i>
	Signature: <i>Marilyn Z. Davis</i> My Commission Expires: 9-26-2012



Special Land Use Application



City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
Fax: (770) 396-4828

Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. If additional materials are determined to be necessary, they understand that they are responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinances.

Property Owner (If Applicable)	Signature: <u>HCNup</u>	Date: <u>03/19/11</u>
	Address: <u>4607 Brierwood Pl</u>	City, State: <u>Dunwoody, GA</u> Zip: <u>30360</u>
	Phone: <u>678-694-8858</u>	
	Sworn to and subscribed before me this <u>19th</u> day of <u>March</u> , 20 <u>11</u>	
Property Owner (If Applicable)	Signature: <u>Paul Whelp</u>	Date: <u>03/19/11</u>
	Address: <u>4607 Brierwood Pl</u>	City, State: <u>Dunwoody, GA</u> Zip: <u>30360</u>
	Phone: <u>678 694 8858</u>	
	Sworn to and subscribed before me this <u>19th</u> day of <u>March</u> , 20 <u>11</u>	
Property Owner (If Applicable)	Signature: <u>Marilyn Z. Davis</u>	Date: <u>3-19-11</u>
	Address: _____	City, State: _____ Zip: _____
	Phone: _____	
	Sworn to and subscribed before me this _____ day of _____, 20 _____	
Notary Public: _____		



City of Dunwoody
 41 Perimeter Center East
 Dunwoody, GA 30346
 Phone: (678) 382-6800
 Fax: (770) 396-4828

Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: _____		
Attorney / Agent	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: _____		



City of Dunwoody
 41 Perimeter Center East
 Dunwoody, GA 30346
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 Fax: (770) 396-4828

Campaign Disclosure Statement

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>HCHup</i>
	Address: <i>4607 Brierwood Pl, Dunwoody, GA 30360</i>
	Date: <i>03/20/11</i>

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

Date	Government Official	Official Position	Description	Amount

Heather Chlup

4607 Brierwood Pl

Dunwoody, GA, 30360

20 March, 2011

LETTER OF INTENT

To Whom It May Concern

It is my intention to make application to the City of Dunwoody for a Special Land Use Permit with regard to the property I own and inhabit at 4607 Brierwood Place, Dunwoody, GA, 30360.

The subject of my application is to be permitted by the City of Dunwoody to operate a music teaching business from the premises which would involve teaching the violin to individual students. The studio would not involve the conducting of lessons to groups of students. I anticipate that as the students would most likely be minors, an accompanying parent would be attending the lesson as well. Lessons would be scheduled for the duration of one-half to one hour per week on a weekly basis during the school semesters. The hours which I plan to operate the business would be when students are out of school and limited to the hours of 3pm – 8pm on weekdays and 8am-12pm on weekends.

Lessons would be conducted in one room on the second floor of the property which is accessible by external stairs at the rear of the home. Students would not need to access the front of the house in order to attend lessons. The teaching room has an en-suite bathroom for the use of the students and/or parents. The only equipment needed in the room would be a music stand, chair, bookcases & adequate lighting as would be required for normal household use. There would be no use of amplification equipment such as a stereo, loud speakers or microphones. Musical instruments involved would be the student's violin and my own violin.

The home has a long driveway and is positioned at the end of a cul-de-sac in the Briers North Community. The development consists of similarly –styled Victorian homes that are well-known for attracting visitors to the community by way of a Halloween display annually. The neighborhood consists of a variety of persons of all age groups, backgrounds and occupations. Neighbors are friendly and supportive of one another and many of them have already expressed their support for my application to establish of a music teaching studio in my home.

I am a certified elementary teacher with degrees in both music and music education. I have taught students for the past 15 years both in my previous homes and within the public and private school systems. I contribute to the local community as a member of the Dekalb Symphony Orchestra that gives concerts to members of the public. I have conducted youth string orchestras and choirs on three

#M.2. continents. I am also a member of the American String Teacher's Association. I believe that by offering a music teaching service to the local community, I would be providing an avenue for local students to gain greater skills, self-discipline, a sense of achievement and the enjoyment that comes from learning an instrument.

I therefore ask that you carefully consider the many positive aspects that can be gained from the establishment of a violin teaching studio in my home.

Thank you for your time and consideration.

A handwritten signature in cursive script, reading "HChlup".

Heather Chlup

Heather Chlup
4607 Brierwood Pl
Dunwoody, GA, 30360

ANALYSIS OF IMPACT OF PROPOSAL WITH REGARD TO S-27/1491 & S-
27/1492.

To Whom It May Concern

In complying with my obligations for the application of Special Land Use Permit with the City of Dunwoody, I wish to make the following analysis with regard to operating a music teaching studio at my home at 4607 Brierwood Pl, Dunwoody, GA, 30360.

Adequacy of size of property:

The subject home consists of 3356 Sq ft. (as per appraisal by Michael Oleksinski, Nov 29, 2010). An official floor plan is provided within showing the dimensions of the home, and more specifically the dimensions of the proposed teaching studio (marked on the floor plan by an asterisk *). The dimensions of this room are 22' by 17' which is more than adequate to conduct a music lesson comfortably.

Adequacy of public services and access in the event of fire and emergency:

As noted on the floor plan, the room has an en-suite full bath which can be used by students and/or parents. There is a wooden door separating the room from the remaining sections of the house and an external stair well leads from the room to the rear yard and exit gate (please see attached color photograph for details) as well as three fully-operational windows and a skylight.

Noise generated by the proposed use:

The only equipment needed in the room would be a music stand, chair, bookcases, adequate lighting etc as would be required for normal household use. There would be no use of amplification equipment such as a stereo, loud speakers or microphones. Musical instruments involved would be the student's own violin, my violin and possibly a small electric piano which would have built-in volume control. In keeping with noise ordinances for the City of Dunwoody, no noise from such lessons would be conducted between the hours of 11pm and 7am on weekdays and 12pm and 7am on weekends.

The criteria set forth under Section 27 -1492 do not apply to the current application as the criteria are not compatible with the proposed use.

Sincerely


Heather Chlup.

Borrower: Paul Chiup		File No.: GA011611
Property Address: 4607 Briarwood Place		Case No.:
City: Dunwoody	State: GA	Zip: 30360
Lender: Rate One, Inc - Memphis		

STATE OF GEORGIA REAL ESTATE APPRAISERS BOARD

MICHAEL RICHARD OLEKSINSKI

281802

IS AUTHORIZED TO TRANSACT BUSINESS IN GEORGIA AS A
CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER

THE PRIVILEGE AND RESPONSIBILITIES OF THIS APPRAISER CLASSIFICATION SHALL CONTINUE IN EFFECT AS LONG AS THE APPRAISER PAYS REQUIRED APPRAISER FEES AND COMPLIES WITH ALL OTHER REQUIREMENTS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, CHAPTER 43-39-A. THE APPRAISER IS SOLELY RESPONSIBLE FOR THE PAYMENT OF ALL FEES ON A TIMELY BASIS.

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D. SCOTT MURPHY
MARILYN R. WATTS

SAUNDRA MCAUSTER WINTER
Vice Chairperson

66745724

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Status ACTIVE

CERTIFIED RESIDENTIAL REAL
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THIS LICENSE EXPIRES IF YOU FAIL TO PAY
RENEWAL FEES OR IF YOU FAIL TO COMPLETE ANY
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State of Georgia
Real Estate Commission
610 Peachtree Street, N.E.
27th Floor, Suite 1100
Atlanta, GA 30308-1100

ORIGINALLY LICENSED
10/29/2004

END OF RENEWAL
06/27/2011

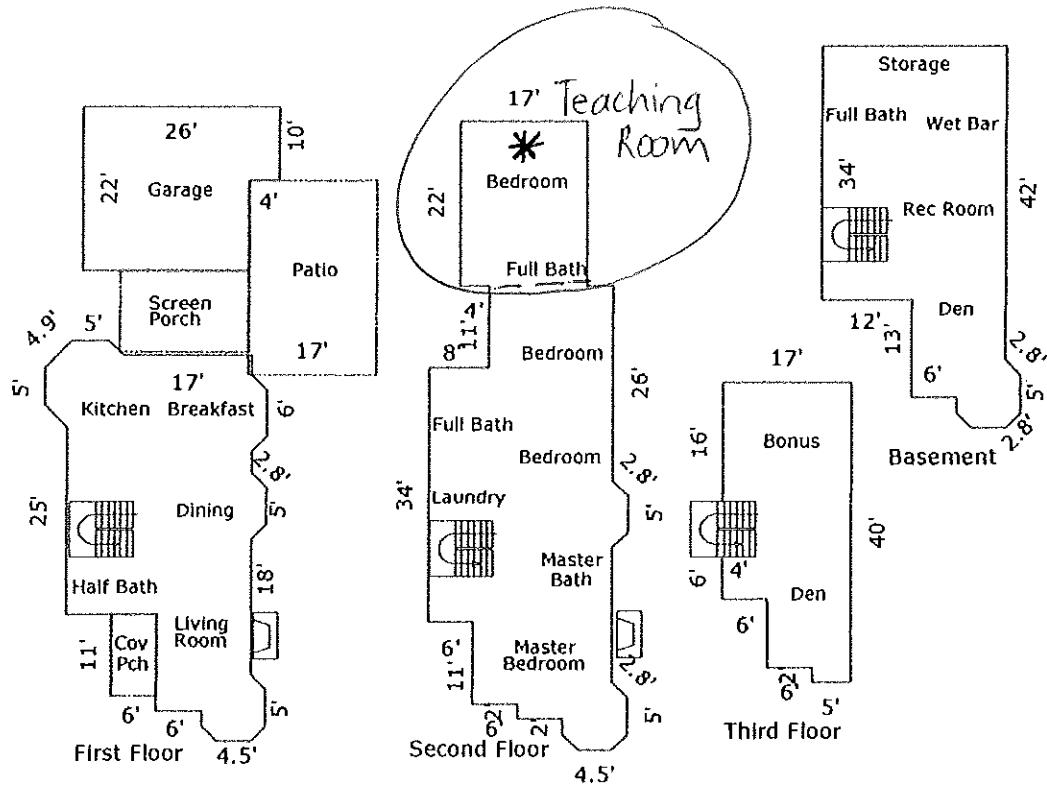


JEFFREY LEDFORD
Real Estate Commissioner

66745724

FLOORPLAN

Borrower: Paul Chlup	File No.: GA011611
Property Address: 4607 Briarwood Place	Case No.:
City: Dunwoody	State: GA
Lender: Rate One, Inc - Memphis	Zip: 30360



Sketch by Apex Media™

Comments:

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	1112.6	1112.6
GLA2	Second Floor	1669.0	1669.0
GLA3	Third Floor	574.0	574.0
BSMT	Basement	1033.5	1033.5
GAR	Garage	524.0	524.0
P/P	Screen Porch	187.0	
	Cov Porch	66.0	
	Patio	442.0	
			695.0

LIVING AREA BREAKDOWN

Breakdown	Subtotals
First Floor	
24.5 x 12.0	294.0
10.0 x 12.5	125.0
2.0 x 8.5	17.0
3.0 x 14.5	43.5
6.0 x 26.5	132.5
0.5 x 2.0	2.0
0.5 x 2.0	2.0
0.5 x 2.0	2.0
0.5 x 2.0	2.0
4.5 x 2.0	9.0
7.0 x 24.5	171.5
0.5 x 2.0	2.0
4.0 x 26.5	106.0
0.5 x 2.0	2.0
0.5 x 2.0	2.0
2.0 x 29.5	59.0
3.0 x 27.5	82.5
0.5 x 3.0	4.5
0.5 x 2.0	2.0
1.5 x 26.0	39.0
5.0 x 2.0	10.0
0.5 x 1.5	1.1
21 Items Not Listed	2245.0
43 Items	3356

Net LIVABLE Area

(rounded)

3356

OS2226P

Chlup

EXHIBIT "A"

ALL that tract or parcel of land lying and being in Land Lot 355, 18th District, DeKalb County, Georgia, being Lot 40, Block "B", Unit II, Briers North Subdivision, as per Plat recorded in Plat Book 81, page 37, Dekalb County, Georgia Records, together with an Adjacent Parcel on the South, said entire Tract being more particularly described as follows:

BEGINNING at a 1/2-inch Rebar found on the Easterly Right-of-Way Line of Brierwood Place (a 55.00-foot Right-of-Way), 323.64 feet Southerly as measured along the Easterly Right-of-Way Line of Brierwood Place and following the Curvature thereof, from its Intersection with the Southerly Right-of-Way Line of Briers North Drive (a 55.00-foot Right-of-Way), said Point also being located at the Northwest Corner of said Lot 40; running thence along the Easterly Right-of-Way Line of Brierwood Place, South 11 degrees 44 minutes 55 seconds East, 54.05 feet to a 1/2-inch Rebar found at the Southwest Corner of said Lot 40; running thence South 09 degrees 03 minutes 44 seconds East, 30.00 feet tp a 1/2-inch Rebar set; running thence North 89 degrees 00 minutes 00 seconds East, 134.69 feet to an 1/2-inch Rebar set; running thence North 09 degrees 03 minutes 44 seconds West, 30.00 feet to a 1/2-inch Rebar found at the Southeast Corner of said Lot 40; running thence North 09 degrees 03 minutes 44 seconds West, 79.26 feet to an 1/2-inch Rebar found at the Northerly Line of said Lot 40; running thence along the Northerly Line of said Lot 40, South 78 degrees 15 minutes 05 seconds West, 136.04 feet to THE POINT OF BEGINNING; being Improved Property known as 4607 Brierwood Place, according to the present system of numbering Property in DeKalb County, Georgia.

THE above described Property is more particularly shown and delineated on Survey by the Carter Group bearing the Seal of James H. Carter, G.R.L.S. #1999, dated May 29, 1997.

BEING the same Property as conveyed in Deed Under Power from Larry Donell Ailes to Bank One, N.A., dated January 7, 2003, recorded in Deed Book 14131, page 263, DeKalb County, Georgia Records.

27 January, 2011

Heather Chlup

4607 Brierwood Pl

Dunwoody, GA, 30360

ANALYSIS OF IMPACT OF PROPOSAL WITH REGARD TO S-27/1491 & S-27/1492.

To Whom It May Concern

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As noted on the floor plan, the room has an en-suite full bath which can be used by students and/or parents. There is a wooden door separating the room from the remaining sections of the house and an external stair well leads from the room to the rear yard and exit gate (please see attached color photograph for details) as well as three fully-operational windows and a skylight.

Noise generated by the proposed use:

The only equipment needed in the room would be a music stand, chair, bookcases, adequate lighting etc as would be required for normal household use. There would be no use of amplification equipment such as a stereo, loud speakers or microphones. Musical instruments involved would be the student's own violin, my violin and possibly a small electric piano which would have built-in volume control. In keeping with noise ordinances for the City of Dunwoody, no noise from such lessons would be conducted between the hours of 11pm and 7am on weekdays and 12pm and 7am on weekends.

The criteria set forth under Section 27 -1492 do not apply to the current application as the criteria are not compatible with the proposed use.

Sincerely

HChlup

Heather Chlup.



The Dunwoody Chief - Front

Page 1 of 1

Chesnut parents seek tweaks in school attendance zone

Wednesday, March 2, 2011 2:57 PM EST

By Dick Williams
For The Chief

While most of North Decolb and Dunwoody have calmed down about school redistricting, the parent leaders at Chesnut Charter School in Dunwoody remain apprehensive about the future and have begun a letter-writing campaign.

The school's charter council is seeking to pull a neighborhood or apartment complex inside its attendance zone to protect discretionary programs such as music, art, the gifted program and specialized mathematics instruction.

The number of additional students needed at the 50-year-old facility on North Peachtree Road is small, but the worry is great.

"They want Chesnut has to look at its surplus very closely," said Melissa Minton-Landis, vice-chair of the charter council. "A lot of people don't realize teachers for art, music and discovery programs are optional, not part of the basic instruction package."

Interim School Superintendent Ramona Tyson has set Chesnut's enrollment for next year at 404, based on new attendance lines. But the charter council insists that count includes 40 students in pre-kindergarten.

Schools use a rubric called Full-Time Equivalency to determine how much money they receive for additional services. Minton-Landis says she has not been able to learn if the danger zone for services is 450 students or 500. The council wants the school to enroll some 500 students to be safe. FTE status, measured on the previous year's enrollment, will be based on this year's 455 students (not counting 40 pre-K students who not earn FTE points).

FTEs are calculated in a "discretionary bucket," Chesnut, for instance, is entitled to half an art teacher, but retains a full-time teacher because no other school nearby has enrollment issues. Most will remain above capacity.

To resolve the problem in the short-term, the Chesnut council has asked the school system to adjust the attendance zone to include the Camden apartments on Cullison Drive or the Decolb Highlands sub-division. Students from either of those areas would push Chesnut close to the 500-student mark.

Children from Decolb Highlands currently attend Chesnut but would go to Kingfish next year under the superintendent's plan. Students from the Camden apartments currently attend Chesnut but are slated to go to Dunwoody Elementary next year.

Another concern for Chesnut parents is that no one seems to know if the school board this month will approve the plan as a whole or try to adjust it. School board member Nancy Jester told the Dunwoody Homeowners' Association of that uncertainty.

"Because we're the only school with potential staffing problems," said Minton-Landis, "we hope that the other schools will work with us."

She said Chesnut parents are comfortable with the school's ratio of apartments to single-family homes and can point to performance. She did note, however, that under the superintendent's plan, Chesnut loses strong single-family neighborhoods such as Georgetown and North Springs to

<http://www.thecrier.net/articles/2011/03/03/front/chesnut.txt>

3/13/2011

The Benefits of the Study of Music



Why we need music education in our schools

"Every student in the nation should have an education in the arts." This is the opening statement of "The Value and Quality of Arts Education: A Statement of Principles," a document from the nation's ten most important educational organizations, including the American Association of School Administrators, the National Education Association, the National Parent Teacher Association, and the National School Boards Association.

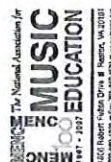
The basic statement is unlikely to be challenged by anyone involved in education. In the harsh reality of limited time and funding for instruction, however, the inclusion of the arts in every student's education is sometimes relegated to a distant wish rather than an exciting reality.

It doesn't have to be that way!

If public education is to help all our children reach their individual potential and serve the collective good of our

society, music must be a part of the education of all American children. The No Child Left Behind act defines "core academic subjects" as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. Music, as a valued part of culture, is a birthright of every child. In addition, learning music in school contributes to student achievement in four important categories:

- ▶ Success in society
- ▶ Success in school and learning
- ▶ Success in developing intelligence
- ▶ Success in life



The study of music helps students achieve Success in Society

Perhaps the basic reason every child must have an education in music is that music is a part of the fabric of our society. The intrinsic value of music for each individual is widely recognized in the many cultures that make up American life —indeed, every human culture uses music to carry forward its ideas and ideals. The importance of music in our economy is massive. And the value of music in shaping individual abilities and character are evident:

- ▶ Data show that high earnings are not just associated with people who have high technical skills. In fact, mastery of the arts and humanities is just as closely correlated with high earnings, and, according to our analysis, that will continue to be true. History, music, drawing and painting, and economics will give our students an edge just as surely as math and science will.
- *Tough Choices or Tough Times: The report of the new Commission on the Skills of the American Workforce, 2007*

- ▶ The arts provide one alternative for states looking to build the workforce of tomorrow—a choice growing in popularity and esteem. The arts can provide effective learning opportunities to the general student population, yielding increased academic performance, reduced absenteeism, and better skill-building. An even more compelling advantage is the striking success of arts-based educational programs among disadvantaged populations, especially at-risk and incarcerated youth. For at-risk youth, that segment of society most likely to suffer from limited lifetime productivity, the arts contribute to lower recidivism rates, increased self-esteem, the acquisition of job skills and the development of much needed creative thinking, problem solving and communications skills. Involvement in the arts is one avenue by which at-risk youth can acquire the various competencies necessary to become economically self-sufficient over the long term, rather than becoming a financial strain on their states and communities. *The Impact of Arts Education on Workforce Preparation, The National Governors Association, May 2002*

- ▶ Secondary students who participated in band or orchestra reported the lowest lifetime and current use of all substances (alcohol, tobacco, illicit drugs).
- *Texas Commission on Drug and Alcohol Abuse Report, Reported in Houston Chronicle, January 1998*

▶ The U.S. Department of Education lists the arts as subject that college-bound middle and junior high school students should take, stating "Many colleges view participation in the arts and music as a valuable experience that broadens students' understanding and appreciation of the world around them. It is also well known and widely recognized that the arts contribute significantly to children's intellectual development."

In addition, one or two years of Visual and Performing Arts is recommended for college-bound high school students. — *Getting Ready for College Early: A Handbook for Parents of Students in the Middle and Junior High School Years, U.S. Department of Education, 1997*

▶ "When I hear people asking how do we fix the education system, I tell them we need to do the opposite of what is happening, cutting budgets by cutting music programs.... Nothing could be simpler than removing the ability for the left and right brains to function. Ask a CEO what they are looking for in an employee and they say they need people who understand teamwork, people who are disciplined, people who understand the big picture. You know what they need? They need musicians." — *Former Arkansas Governor Mike Huckabee, 2007*



The study of music helps students achieve Success in School and Learning

Success in society, of course, is predicated on success in school. Any music teacher or parent of a music student can call to mind anecdotes about effectiveness of music study in helping children become better students. Skills learned through the discipline of music, these stories commonly point out, *transfer to study skills, communication skills, and cognitive skills useful in every part of the curriculum.* Other stories emphasize the way the discipline of music study—particularly through participation in ensembles—helps students learn to work effectively in the school environment.

Schools with music programs have significantly higher graduation rates than do those without programs (90.2% as compared to 72.9%). In addition, those that rate their programs as "excellent" or "very good" have an even higher graduation rate (90.9%). Schools that have music programs have significantly higher attendance rates than do those without programs (93.3% as compared to 84.9%). *Harris Interactive poll of high school principals, 2006*

Students in high-quality school music programs score higher on standardized tests compared to students in schools with deficient music education programs, regardless of the socioeconomic level of the school or school district. *Students in top-quality music programs scored 22% better in English and 20% better in math than students in deficient music programs.* Students at schools with excellent music programs had higher English and math test scores across the country than students in schools with low-quality music programs. Students in all regions with lower-quality instrumental programs scored higher in English and math than students who had no music at all.

Christopher M. Johnson and Jenny E. McManis, Journal of Research in Music Education, 2006

Students of music continue to outperform their non-arts peers on the SAT, according to reports by the College Entrance Examination Board. In 2006, SAT takers with coursework/experience in music performance scored 57 points higher on the verbal portion of the test and 43 points higher on the math portion of the test. Scores for those with coursework in music appreciation were 62 points higher on the verbal and 41 points higher on the math portion. *The College Board, Profile of College-Bound Seniors National Report for 2006*

Nearly 100% of past winners in the prestigious Siemens Westinghouse Competition in Math, Science and Technology (for high school students) play one or more musical instruments. This led the Siemens Foundation to host a recital at Carnegie Hall in 2004, featuring some of these young people, after which a pond of experts debated the nature of the apparent science-music link. *The Midland Chronicle (Meridian Chemical Society) Vol. 42, No. 1, Feb. 2005*



The study of music helps students achieve Success in Developing Intelligence

Success in school and in society depends on an array of abilities. Some measures of a child's intelligence are indeed increased with music instruction. Data supports a long-established base of anecdotal knowledge to the effect that music education makes kids smarter. What is new and especially compelling, however, is a combination of behavioral studies and groundbreaking neurological research that shows how music study can actively contribute to brain development. Results of an IQ test given to groups of children who were provided with lessons in keyboard, voice, drama, or no lessons at all showed that the IQ of students in the keyboard or voice classes increased from their pre-lesson IQ score more than the IQ of those students taking drama or no lessons. Generally, those increases occurred across IQ subtests, index scores, and academic achievement. Summary of results by Dr. E. Glenn Schellenberg, *Psychological Science*, August 2004

Children with music training had significantly better verbal memory than those without such training, and the longer the training, the better the verbal memory. Students who continued training and beginners who had just started learning to play both showed improvement in verbal learning and retention. *Summary of paper by Ha Y. C., Chuang M. C., & Chan, in Neuropsychology, 2003*

A 2004 Stanford University study showed that mastering a musical instrument improves the way the human brain processes parts of spoken language. Using functional magnetic resonance imaging (fMRI), researchers also discovered that musical training helps the brain work more efficiently in distinguishing split-second differences between rapidly changing sounds that are essential to processing language. — Prof. John Gabrieli, *associate director of MIT's Martinos A. Martinos Center for Biomedical Imaging*

Young children who take music lessons show different brain development and improved memory over the course of a year, compared to children who do not receive musical training. Musically trained children performed better in a memory test that is correlated with general intelligence skills such as literacy, verbal memory, visuospatial processing, mathematics and IQ. Dr. Laurel Trainor, *Prof of Psychology, Neuroscience, and Behavior at McMaster University, 2006*

Playing a musical instrument significantly enhances the brain's sensitivity to speech sounds. This relates to encoding skills involved with music and language. Experience with music at a young age can "fine-tune" the brain's auditory system. — *Nature Neuroscience, April 2007*



Photos by Becky Spray, Mark Regier, and Jim Kirby

The study of music helps students achieve Success in Life

Each of us wants our children—and the children of all those around us—to achieve success in school, success in employment, and success in the social structures through which we move. But we also want our children to experience "success" on a broader scale. Participation in music, often as not based on a grounding in music education during the formative school years, brings countless benefits to each individual throughout life. The benefits may be psychological or spiritual, and they may be physical as well.

"Music is one way for young people to connect with themselves, but it is also a bridge for connecting with others. Through music, we can introduce children to the richness and diversity of the human family and to the myriad rhythms of life." — *Daniel A. Carp, Esquire/Kodak Company Chairman and CEO.*

"Casals says music fills him with the wonder of life and the 'incredible marvel' of being a human. Just says it expands his mind and challenges him to be a true individual. Bernstein says it is enriching and ennobling. To me, that sounds like a good cause for making music and the arts an integral part of every child's education. Studying music and the arts elevates children's education, expands students' horizons, and teaches them to appreciate the wonders of life." — *U.S. Secretary of Education Richard W. Riley, July 1999.*

"The life of the arts, far from being an interruption, a distraction, in the life of the nation, is close to the center of a nation's purpose - and is a test to the quality of a nation's civilization." — *President John F. Kennedy*

Borrower: Paul Chlup	File No.: GA011611
Property Address: 4607 Briarwood Place	Case No.:
City: Dunwoody	State: GA Zip: 30360
Lender: Rate One, Inc - Memphis	



FRONT VIEW OF
SUBJECT PROPERTY

Appraised Date: November 29, 2010
Appraised Value: \$ 385,000



REAR VIEW OF
SUBJECT PROPERTY

Separate
* Exit/Entrance to
teaching room




STREET SCENE

From: BobGoldSL@cs.com


To: heather.orr@australiaonline.net.au

Cc: brierwire@briersnorth.org


Subject: Re: [BrierWire] Community Meeting Monday 14, 7pm

Part(s): Download All Attachments (in .zip file) 

Headers: Show All Headers

Alternative parts for this section: 



unnamed [text/html] 0.65 KB 

I support your request to provide lessons at your house. As there will be only one student at a time, it should not have any effect on traffic or neighborhood safety. It's much less of an issue than the previous house owners - and they were nice people.


Bob Gold
4611 Brierwood Place
Atlanta, GA 30360

Date: Sun, 13 Mar 2011 23:08:47 -0400 [14/03/11 14:08:47 EST]

From: Samantha Suggs <sam_gold@hotmail.com>

To: heather.orr@australiaonline.net.au


Subject: RE: [BrierWire] Community Meeting Monday 14, 7pm

Part(s): Download All Attachments (in .zip file) 

Headers: Show All Headers


Alternative parts for this section: 



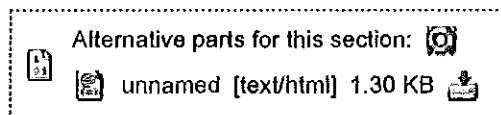
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Heather,

I truly do hope all goes well and you get your permit. I have been to lessons in several people's homes in my life. I don't know if they had permits or not, but I don't see that it is a nuisance or a problem.

Date: Mon, 14 Mar 2011 07:05:24 -0400 [14/03/11 22:05:24 EST]
From: stephane Ratway <stephaneratway@hotmail.com>
To: bobgoldsl@cs.com, heather.orr@australiaonline.net.au
Cc: brierwire <brierwire@briersnorth.org>
Subject: RE: [BrierWire] Community Meeting Monday 14, 7pm
Part(s): Download All Attachments (in .zip file) 

Headers: Show All Headers



I agree. Morgan will most likely be one of your students during the summer as she is in the orchestra this year and would like to continue with the Violin. We will be walking to lessons.

Stephane Ratway

From: BobGoldSL@cs.com
Date: Sun, 13 Mar 2011 21:21:55 -0400
Subject: Re: [BrierWire] Community Meeting Monday 14, 7pm
To: heather.orr@australiaonline.net.au
CC: brierwire@briersnorth.org

I support your request to provide lessons at your house. As there will be only one student at a time, it should not have any effect on traffic or neighborhood safety. It's much less of an issue than the previous house owners - and they were nice people.

Bob Gold

4611 Brierwood Place

Atlanta, GA 30360

Date: Mon, 14 Mar 2011 04:08:39 -0700 [14/03/11 22:08:39 EST]


From: Marci Biel <mbiel@bellsouth.net>

To: heather.orr@australiaonline.net.au

Subject: Violin Lessons

Part(s): Download All Attachments (in .zip file) 

Headers: Show All Headers

Alternative parts for this section: 



unnamed [text/html] 0.34 KB



Hi Heather-

I am fine with your proposal to hold violin lessons in your home- Welcome to the neighborhood!

Marci Biel
4617 Brierwood Place

Date: Mon, 14 Mar 2011 08:49:01 -0400 [14/03/11 23:49:01 EST]

From: Scotchie Cochran <scotchie@scotchie.com>

To: "heather.orr@australiaonline.net.au" <heather.orr@australiaonline.net.au>

Cc: Penny Cochran <pennyacochran@gmail.com>

Subject: RE: [BrierWire] Community Meeting Monday 14, 7pm

Headers: Show All Headers

Heather,

Of course we want for you to be able to teach violin lessons in your home because you want to in addition to the fact that my wife, Penny, will be a regular customer.

So where is the meeting to be held?

Either Penny or I will make sure to attend.

Scotchie Cochran


2552 Briers North Drive.

Date: Mon, 14 Mar 2011 07:57:32 -0700 [15/03/11 01:57:32 EST]

From: Cheryl HAGEDORN <chagedorn@bellsouth.net>

To: heather.orr@australiaonline.net.au


Subject: Re: [BrierWire] Community Meeting Monday 14, 7pm

Part(s): Download All Attachments (in .zip file) 

Headers: Show All Headers

Alternative parts for this section: 



unnamed [text/html] 2.29 KB 

Heather -

Thank you for going through the appropriate channels to provide these lessons out of your home. I have no issue with you doing so and find it unnecessary to personally attend the meeting.

Cheryl Hagedorn

Date: Mon, 14 Mar 2011 18:59:08 -0400 [15/03/11 09:59:08 EST]

From: Tracy Greene-Montfort <stellasasha@comcast.net>

To: heather.orr@australiaonline.net.au

Subject: FW: [BrierWire] Community Meeting Monday 14, 7pm

Headers: Show All Headers

Hello Heather,

I want to thank you for the courteous notification for your endeavor. Michael and I would like to let you know that your description of "one student at a time" to be taught violin at your home does not raise alarms with us - provided there are no weekly recitals bringing a street lined with cars and people (Briers North Halloween and the occasional party are enough for us!!). I am actually in admiration of your talents with the violin and the ability to teach children something of infinitesimal value. We won't make the meeting this evening, but we do send our regards and well wishes for your work!

Many Warm Regards!


Tracy and Michael Montfort
4616 Brierwood Place

Date: Tue, 15 Mar 2011 10:50:38 -0400 [01:50:38 EST]

From: melanie jobin <meljobin@hotmail.com>

To: heather.orr@australiaonline.net.au, brierwire@briersnorth.org


Subject: RE: [BrierWire] Community Meeting Monday 14, 7pm

Part(s): Download All Attachments (in .zip file) 

Headers: Show All Headers

Alternative parts for this section: 



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Congrats to you on this business venture and good luck! We definitely support you!


Art and Mel
#2546 Briers North

Date: Tue, 15 Mar 2011 11:23:16 -0400 [02:23:16 EST]


From: Cory Stokes <corys70155@yahoo.com>

To: heather.orr@australiaonline.net.au


Subject: Re: [BrierWire] Community Meeting Monday 14, 7pm

Part(s): Download All Attachments (in .zip file) 

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Alternative parts for this section: 



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Heather, If we need to sign anything or go meet with some one to help let us know. Beth and I support your project and I think most everyone in the neighborhood will.

www.dunwoodyga.gov or contact Brent Walker at
brent.walker@dunwoodyga.gov or (678) 382-6851.

Public Information Meeting – Comprehensive Transportation Plan

The City of Dunwoody will be hosting a Community Meeting to discuss the Comprehensive Transportation Plan on Tuesday, March 1st, 2011 between 6:00 P.M. and 8:00 p.m. at Dunwoody Baptist Church, 1445 Mt. Vernon Road, 30338 in their Dining Room.

For more information or if you have any questions, please contact the Public Works Department at 678-382-6850.



Public Notice

Public notice is hereby given of a Pre-Submittal Community Meeting to be held at 4607 Brierwood Pl, Dunwoody at 7pm on March 14, 2011 for the purpose of an application to the City of Dunwoody for a Special Land Use Permit to operate a home music teaching business. Home owners who live within 500 feet of the above property are invited to attend.

Heather Chlup, Applicant

The bill co-sponsored by Tom Taylor (R-Dunwoody) would create one form for collecting information for the governments and set cap fees and penalties. It sets a lower registration fee (\$25 penalty fee (\$100 per month than DeKalb's ordinance, has a \$175 registration fee \$1,000 per day fine not exceed \$100,000 per year. It applies to properties vacant than two months, not just closures. It also provides for appeals, exemptions and limits the use of fees.

"I am not wedded to an opinion of the bill," Jacobson adding that there will be more hearings on the bill. "Everybody is at the table, banks, realtors, counties, cities to reach a workable solution for everyone."

So far 849 properties on the DeKalb foreclosure registry that was created to protect neighborhoods from blight caused by a lack of adequate maintenance and security at foreclosed properties. The registry has provided information for credit agencies and mortgagees that foreclosed properties since October 2010.

Dunwoody Crier, Feb 16, 2011

#M.2.

Heather Chlup

4607 Brierwood Pl

Dunwoody, GA, 30360

Feb 8th, 2011

Re: Pre-Submittal Community Meeting for the property at 4607 Brierwood Pl, Dunwoody, GA, 30360.

Dear Property Owner/s

It is my duty to inform you that it is my intention to make an application to the City of Dunwoody for a Special Land Use Permit for the property I own at 4607 Brierwood Pl, Dunwoody, GA, 30360.

In order for the application to be accepted by the City of Dunwoody, applicants are obliged to hold a Pre-Submittal Community Meeting for all property owners whose residence is within 500 feet of the subject property and at a location no more than 2 miles from the subject property. The purpose of the meeting is to inform neighboring property owners of the details of the proposal and my intent with regard to the subject property.

Where any sort of home-based business in the City of Dunwoody involves having public contact on the property and/or services sold on the premises, a regular Business License will not suffice and an application must be made for a Special Land Use Permit.

My intention is to use one room at the rear of the subject property as a music teaching studio in order to teach the violin to private students. Lessons would only involve one-to-one teaching and not groups of students. Most likely the students will be minors accompanied by one parent. One vehicle's parking would be necessary, which can be accommodated in the property's driveway. Lessons would not involve the use of a stereo, loud speakers, microphones or any other such amplification equipment.

I will be holding a Pre-Submittal Meeting at the subject property at 4607 Brierwood Pl, Dunwoody, GA, 30360, at 7pm on Monday March 14, 2011 for all property owners within 500 feet of the subject property. A sign-on sheet for the meeting forms part of the evidence for the Special Land Use Application in the City of Dunwoody.

Sincerely

Heather Chlup

Heather Chlup

4607 Brierwood Pl

Dunwoody, GA, 30360

March 20, 2011

Re: Pre-Submittal Community Meeting for the property at 4607 Brierwood Pl, Dunwoody, GA, 30360.

Attached are the sign-on sheets that were used for the Pre-Submittal Community Meeting on March 14, 2011. All addresses were typed prior to the meeting of those local residents whose property fell within the 500 foot boundary and who had received a letter regarding my intent to hold the Pre-Submittal Community Meeting. As a courtesy to ALL residents of our immediate development, "Briers North", I extended the invite via our neighborhood's email directory so that all owners would be aware of the meeting regardless of whether their homes were outside the 500 foot boundary.

Of all of the residents who received notification, five were in attendance at the meeting and all were in support of my application. I received additional emails from residents in our development as well as several verbal indications of support for my application and I have included some of them here. Comments included, "We think it would bring some class to the neighborhood," (neighbor, Bob Cichon) "My daughter already learns the violin and wants to continue lessons in the summer, so you could count us in" (neighbor, Stephane Ratway).....(and) "I am actually in admiration of your talents with the violin and the ability to teach children something of infinitesimal value....." (neighbors, Michael and Tracy Montfort).

Sincerely



Mrs Heather Chlup

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING4607 Briewood Place, Dunwoody, GA, 30360Monday March 14, 2011 - 7pm

BRIERS NORTH DRIVE		LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
2551				
2555				
2556				
2559	O'Neill		J. O'Neill	
2567				
2572				
2573				
2576				
2577				
2580				
2584				

2592 Siegel / Lichon J. Siegel
 2532 Panny Cochran Panny Cochran

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING

4607 Brierwood Place, Dunwoody, GA, 30360

Monday March 14, 2011 – 7pm

BRIERS NORTH DRIVE		LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
2596				
2600				
2603				
2606				
2609				
2610				
2611		Conreano	Conreano	
2613				
2614				
2616				
2617				

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING4607 Briewood Place, Dunwoody, GA, 30360Monday March 14, 2011 – 7pm

ANDOVER DRIVE	LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
2505			
2513			
2514			
2523			
2524			
2531			
2532			
2538			
2555			
2563			
2564			

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING

4607 Briewood Place, Dunwoody, GA, 30360

Monday March 14, 2011 – 7pm

ANDOVER DRIVE	LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
2570			
2571			
2579			
2587			
2588			
2595			
2603			
2611			
2619			
2620			
2539			

4607 Brierwood Place, Dunwoody, GA. 30360

Monday March 14, 2011 - 7pm

[illegible]

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING4607 Brierwood Place, Dunwoody, GA, 30360Monday March 14, 2011 – 7pm

E MADISON DRIVE	LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
2554			
2550			
2544			
2558			
2564			
2570			
2576			
2580			
2584			
2588			
2594			

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING

4607 Briewood Place, Dunwoody, GA, 30360

Monday March 14, 2011 – 7pm

E MADISON DRIVE	LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
2555			
2565			
2571			
2581			
2597			

SIGN-ON SHEET FOR PRE SUBMITTAL COMMUNITY MEETING4607 Brierwood Place, Dunwoody, GA, 30360Monday March 14, 2011 – 7pm

BRIERWOOD PLACE	LAST NAME	SIGNATURE /S	FEEDBACK (OPTIONAL)
4610			
4611			
4616			
4617			
4620			
4621			
4624			
4625			
4630			
4631			
4670			

This is a copy of a brochure I created for all 3/14/2020 M.2.
attendants at the pre-Submittal community meeting.



City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
Fax: (770) 396-4828

Special Land Use Application

A special land use permit is a means by which the City Council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized by right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in the City's Zoning Ordinance. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations as permitted by special land use permit. An applicant desiring to apply for a special land use permit authorized within a district contained within the Zoning Ordinance shall file an application with the planning department. The City Council, following recommendation by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and Chapter. Such uses may further require, and the City Council shall be authorized to impose, special conditions in order to assure their compatibility with surrounding uses and to minimize adverse impacts of the use on surrounding property.

No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit, or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has attended and held a published pre-submittal community meeting(s) with property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing by the applicant, meeting an advertisement will be printed in the newspaper of general circulation and a letter will be mailed and mailed to those property owners. The pre-submittal community meeting shall take place at a facility within two (2) miles of the subject property and shall not take place less than fifteen (15) days after the date of the written notice nor more than one hundred twenty (120) days prior to the application submitted to the City. If there is more than one community meeting relating to the proposal, the 120-day timeline shall begin as of the date of the final meeting in the series. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to a copy of the notice letter and signs in sheets or correspondence from the residents from the community before the application can be considered complete.

1 The Special Land Use process for the City of Dunwoody involves five public meetings, one of which occurs by the applicant's authority, and two of which are state-mandated Public Hearings. The first meeting occurs as described above at the applicant's request in front of the neighboring property owners at a location central to the subject property. The second meeting occurs at City Hall in front of the Community Council, where the item is first introduced in front of the City at large. The Community Council meets the second Thursday of every month at 7:00 PM. In the Mayor and Council chambers downstairs at 41 Perimeter Center East.

3 The third meeting, and first Public Hearing, is in front of the Planning Commission, where the item will be heard and a recommendation will be made that goes in front of the Mayor and City Council. The Planning Commission meets the 2nd Tuesday of each month at 7:00 PM. at Dunwoody City Hall, located at 41 Perimeter Center East, Dunwoody, GA 30346. At that hearing, the Planning Commissioners review the applicant's submittal materials and a report generated by city staff related to the proposal. During the Public Hearing portion of the meeting, the applicant presents the proposal to the Planning Commission and answers questions posed by the Commissioners, and the public at large is entitled to speak in support or opposition to the application. The commissioners' deliberations are transmitted to the Mayor and City Council in the form of a non-binding recommendation to approve the application, approve it with conditions, or deny the application.

Special Land Use Application

Page 1 of 8



City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
Fax: (770) 396-4828

the fourth & fifth meetings, and the second Public Hearing, are first and second readings of the proposal before the Mayor and City Council who ultimately vote in favor or against the proposal. Following the Planning Commission Public Hearing, the application will be heard in front of the Mayor and City Council on the fourth Monday of the month for a final decision based on the applicant's submittal information, the report generated by city staff, and the non-binding recommendation from the Planning Commission.

To initiate a request for a Special Land Use Permit within the City of Dunwoody, an applicant must also attend a pre-application conference with the city Planning & Zoning staff. These meetings occur weekly on Thursday mornings. The purpose of the pre-application conference is to establish an expectation on the part of both staff and the applicant for the special land use process. At the conference, the applicant should display any preliminary site plans and/or other illustrative documents as necessary. The applicant will then detail an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to affect the change proposed, and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.

Following the pre-submittal meeting and the pre-application conference, applicants can submit their application and required supplemental materials (described in the following checklist) to the Community Development Department, located at 41 Perimeter Center East, Dunwoody, GA 30346. Our mailing address for correspondence is 41 Perimeter Center East, Suite 250, Dunwoody, Georgia 30346. Public notification of the pending action (in a conspicuous location on the subject property and via US Mail) is the responsibility of the City for all meetings except the pre-submittal meeting; however, all costs associated with the mailing is the responsibility of the applicant. In all cases, legal advertisements in the City's legal organ (Community the Dunwoody Chief) shall be placed by the City no fewer than 45 days prior to the Mayor and City Council meeting and not less than 15 days prior to the Planning Commission meeting.

Special Land Use Application

Page 2 of 8

500-ft boundary map





















