



CITY OF DUNWOODY

41 Perimeter Center East
Dunwoody, Georgia 30346
Phone: 678.382.6800 • Fax: 678.382.6701
www.dunwoodyga.gov

MEMORANDUM

To: City of Dunwoody Zoning Board of Appeals
From: City of Dunwoody Community Development
Date: July 2, 2009
Subject: **Richard Brown of Carnaby Court - BZA09-052**

Mr. Richard Brown of 1471 Carnaby Court has retained counsel, Mr. Steven J. Kyle, to represent his interests in the Brown Family application for a variance to allow the reconstruction of a deck in a required rear yard. Due to the talks between Mr. Brown and his neighbors having not yet been completed, and the absence of his attorney at the July meeting due to the scheduling of a prior event, the applicant respectfully requests the Dunwoody Zoning Board of Appeals defer any discussion or judgment related to the request until the regular August meeting of the Board.

On Wednesday June 24, Mr. Kyle wrote to me the following letter:

“As I indicated to you earlier today, I met with Mr. Brown this afternoon and he requested my assistance with his application for a variance. Unfortunately, I am leaving this Saturday for a week of vacation in Destin, Florida with my wife and 5 daughters, son-in laws, and 6 grandchildren. It is a family vacation and my daughters live as far west as Dallas, Texas and as far north as New York City, Washington DC and Richmond Virginia. Obviously, it would be a major hardship for me to cancel or postpone this vacation.

“Second of all, I have just looked at this matter today. I will need some time to meet with the neighbors, including the Mayor Ken Wright and his wife. I was told that the reason for the deferment was to allow the parties to meet and confer. There isn't time for me to accomplish this in the next two days.

“I have spoken with Brian Daughdrill, the attorney for the Wrights and he too will be out of town next week and told me he was emailing his clients to inform them of my representation and the hearing but preliminarily he said he did not object to the continuance.

“This is formal notice that I represent Richard Brown in my capacity as an attorney at law. Second, I have spoken to Mr. Brown and he has authorized me to state to you and the board that he requests a delay of the July 2 scheduled hearing. In most every court of law I have ever appeared in, it is routine to request a continuance through the attorney and not to require the client to appear and request it in person. However, if that is necessary, he is prepared to do so.

“I would hope that the board would like to see an amicable resolution to the variance application be achieved by a consensus of the neighbors, if at all possible, and I would hope the board on their own would request the delay, if necessary. I can assure you that Mr. Brown concurs if the Board were to so act... [*continued*]”

Staff recommends **deferring the item again until the August 6, 2009** regular meeting of the Dunwoody Zoning Board of Appeals.