

Appeal Information

Lot 17

FINAL PLAT APPLICATION



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

Date: 12-16-13

* Project Information

Name of Subdivision:	<u>Dunwoody Club Forest</u>		
Current Address:	<u>5258 Vernon Lake Dr.</u>		
Parcel ID(s):	<u>18-374-03-017</u>	Zoning:	<u>R100</u>
Current Number of Parcels:	<u>1</u>	Proposed Number of Parcels:	<u>2</u>

* Applicant Information

Company/Organization:			
Applicant Name:	<u>James Milam (Jim)</u>		
Address:	<u>1995 Woodland Way, Dunwoody, GA</u>		
Phone:	Cell: <u>404-502-0090</u>	Email:	<u>jlmilam@southernco.com</u>

* Owner Information ☐ Same as applicant

Company/Organization:			
Owner Name:	<u>James M. Burkhalter</u>		
Address:	<u>P.O. Box 464552, Lawrenceville, GA 30042</u>		
Phone:	<u>770-717-1094</u>	Cell:	<u>678-262-6601</u> Email: <u>jim.burkhalter@gmail.com</u>

* Terms & Conditions

To the best of my knowledge, 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 Code of Ordinances. I understand that failure to supply all required information will result in the rejection of this application or revocation of a permit. I hereby indemnify and hold the City harmless from claims, demand or cause of action which may arise from activities associated with the approval.

Applicant's Name:	<u>James Milam</u>		
Applicant's Signature:	<u>[Signature]</u>	Date:	<u>12-16-13</u>

* Staff Use

Received by:	_____	Date:	_____	Notified within 7 days? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:	_____
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Residential Subdivision Disclosure Statement

Any applicant for the final plat, intending to make written or oral representations to potential purchasers of homes in any residential subdivision and any multiphase residential development must submit the information specified herein.

- * Copies of all forms of conveyance to be used in selling lots to potential purchasers.
- * Copies of Instruments creating any deed restrictions, easements and covenants applicable to the residential subdivision.
- * An estimated date of completion of the entire residential subdivision as well as each phase of the project.

* A statement of the average size of homes to be constructed in the subdivision, any specified style of architecture, landscaping, the type of construction materials to be used (i.e., brick, stone, stucco, pressboard, etc.) and the average size of lots (for each phase in a multiphase project).

Average size home: 4,000 sq ft, traditional style brick / stone / stucco; average size lot ~ 19,000 sq ft

* A statement of the applicant's commitment to build any community amenities within the subdivision, including, but not limited to, a clubhouse, tennis courts or swimming pool (for each phase in a multiphase project).

N/A

* A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the residential subdivision (for each phase in a multiphase project).

Lots to be sold to a residential builder

* A statement of all deed restrictions, easements and covenants applicable to the residential subdivision.

None

* A statement regarding whether there will be a mandatory membership in any homeowners association and if so, a copy of the budget for the association for its first year of operation including the estimated amount of the first year's assessments and the estimated amount of revenue to be subsidized by the developer.

No mandatory HOA.

* An explanation of the timing and method of transfer of control of the association to the homeowners where there is a mandatory membership in the homeowner's association governing the residential subdivision.

N/A

* Notarized Authorization

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Applicant Name: _____

Applicant Signature: _____

Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public

Completed copy in file

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May 1 2014

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Applicant Name: James M Burkhalter

Applicant Signature: James M Burkhalter

Sworn to and subscribed before me this 27 day of MARCH, 20 14

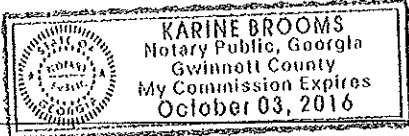
Notary Public



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

* Owner Authorization

Company/Organization: _____	
Owner Name: <u>James M Burkhalter</u>	
Signature: <u>James M Burkhalter</u>	
Sworn to and subscribed before me this <u>17</u> day of <u>Dec</u> , 20 <u>13</u>	
Notary Public: <u>Karine Brooms</u>	

* Owner Authorization

Company/Organization: _____	
Owner Name: _____	
Signature: _____	
Sworn to and subscribed before me this _____ day of _____, 20____	
Notary Public: _____	

* Owner Authorization

Company/Organization: _____	
Owner Name: _____	
Signature: _____	
Sworn to and subscribed before me this _____ day of _____, 20____	
Notary Public: _____	

CITY OF DUNWOODY
(678) 382-6700

REC#: 00061948 12/17/2013 1:42 PM
OPER: JH TERM: 009
REF#:
PAID BY:

ACCT #: XXXXXXXXXXXXXXXXXXXX
AUTH #: 09016Z
TRAN #: 000000004665

TRAN: 201.0000 BUILDING PERMITS
FPL 2013-8428
Bldg Structures & E 350.00CR

TENDERED: 350.00 CREDIT CARD
APPLIED: 350.00-

CHANGE: 0.00

WWW.DUNWOODYGA.GOV

LEGEND

IPF = IRON PIN FOUND
 IPS = IRON PIN SET
 BL = BUILDING LINE
 CL = CENTERLINE
 PL = PROPERTY LINE
 LLL = LAND LOT LINE
 R/W = RIGHT OF WAY
 MH = MANHOLE
 WM = WATER METER
 DE = DRAINAGE EASEMENT
 SSE = SANITARY SEWER EASEMENT
 CB = CATCH BASIN
 CD = CROSS DRAIN
 HW = HEAD WALL

LINE	ARC	RADIUS	CHORD BEARING	CHORD
C1	103.31'	343.31'	N71°20'12"E	102.98'
C2	85.86'	746.20'	S36°14'27"E	85.81'
C3	182.78'	542.96'	S28°23'30"E	181.92'

LINE	BEARING	DISTANCE
L1	S37°38'50"E	12.86'

This plat has been submitted to and accepted by the Community Development Director of the City of Dunwoody, Georgia and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Dated this _____ day of _____

By: _____
 Community Development Director.

This plat has been submitted to and accepted by the City Manager of the City of Dunwoody, Georgia, and has been approved as required by State law and City codes as meeting all conditions precedent to recording in the county superior court.

Dated this _____ day of _____

By: _____
 City Manager as designee of the City of Dunwoody

Surveyor's acknowledgement.

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

 2680
 William P. Grechman, Ga. R.L.S. No.

Owner's acknowledgement.

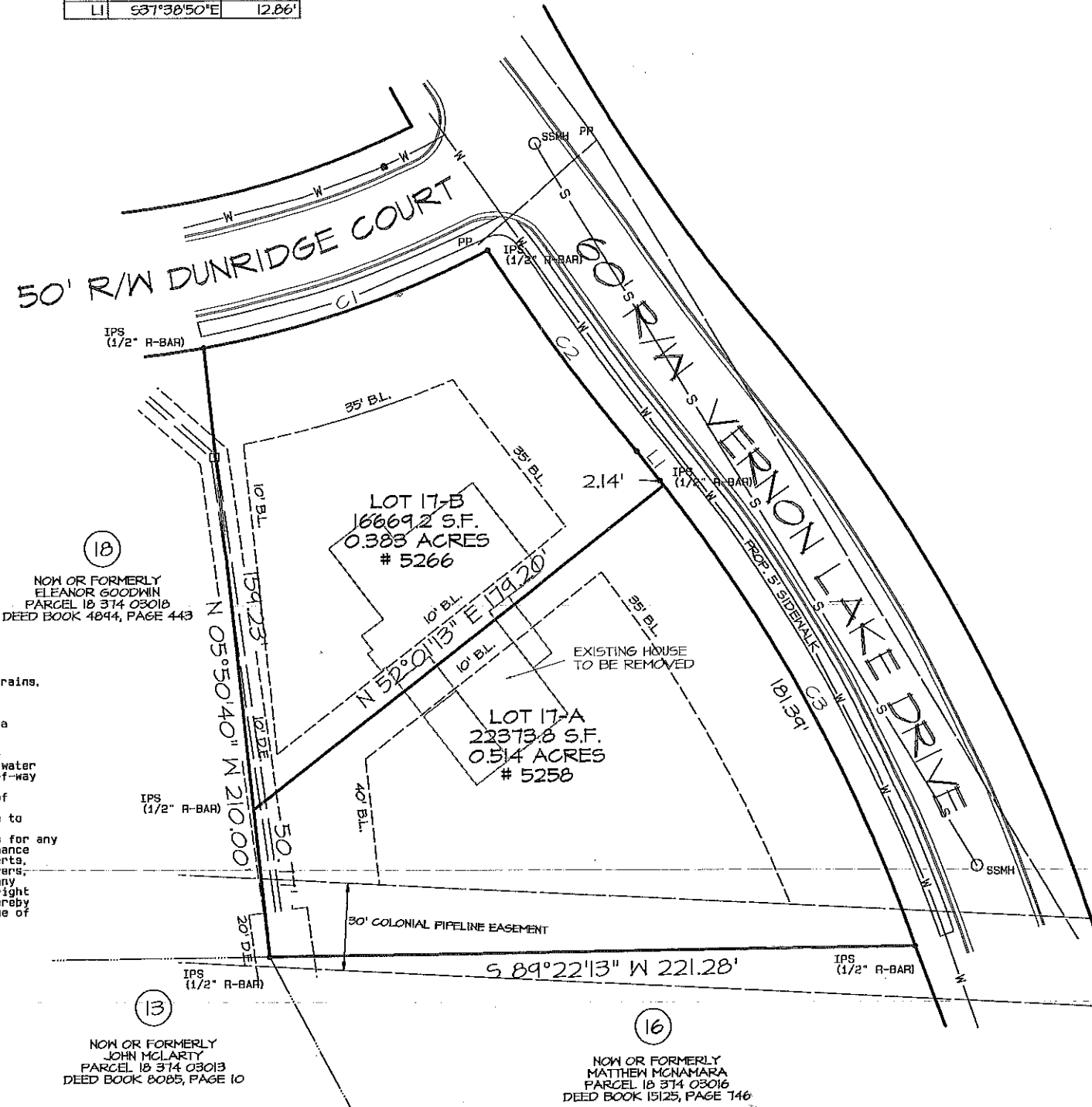
I, _____, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams. And further the owner warrants that he owns fee simple title to property shown hereon and agrees that the City of Dunwoody shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives structures, streets, culverts, curbs or sidewalks; the changing of course of streams or rivers; flooding from natural creeks or rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

All single-family residential lots on this plat are included in a special taxing district for funding the maintenance of stormwater detention facilities required because of this development. All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

In witness whereof, I hereunto set my hand this _____ day of _____

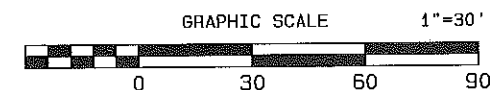
Owner: _____

Witness: _____
 Notary Public.



GENERAL NOTES

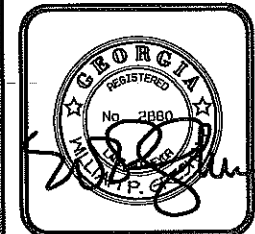
A TOPCON GTS-2B TOTAL STATION AND HP-406X(TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.



G R E S H A M
 PLANNING & DEVELOPMENT, INC.
 P.O. BOX 2888
 CLARKESVILLE, GEORGIA 30683
 706-784-9844
 FAX 706-784-7148

FINAL PLAT FOR:
DUNWOODY CLUB FOREST
LOTS 17 - A and 17 - B
 LAND LOT 374 of the 16th DISTRICT
 CITY OF DUNWOODY
 DEKALB COUNTY, GEORGIA

REVISIONS		DESCRIPTION	
NO.	DATE		



DATE 12-11-2013
 SCALE 1" = 30'
 JOB NO. 131211-10
 SHEET 1 OF 1
 DRAWN RLS CHECKED SDE

LEGEND

IPF = IRON PIN FOUND
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 In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

William P. Gresham
 William P. Gresham
 No. H.L.S. No.

Owner's acknowledgment.

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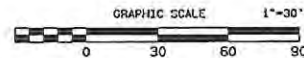
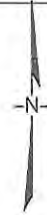
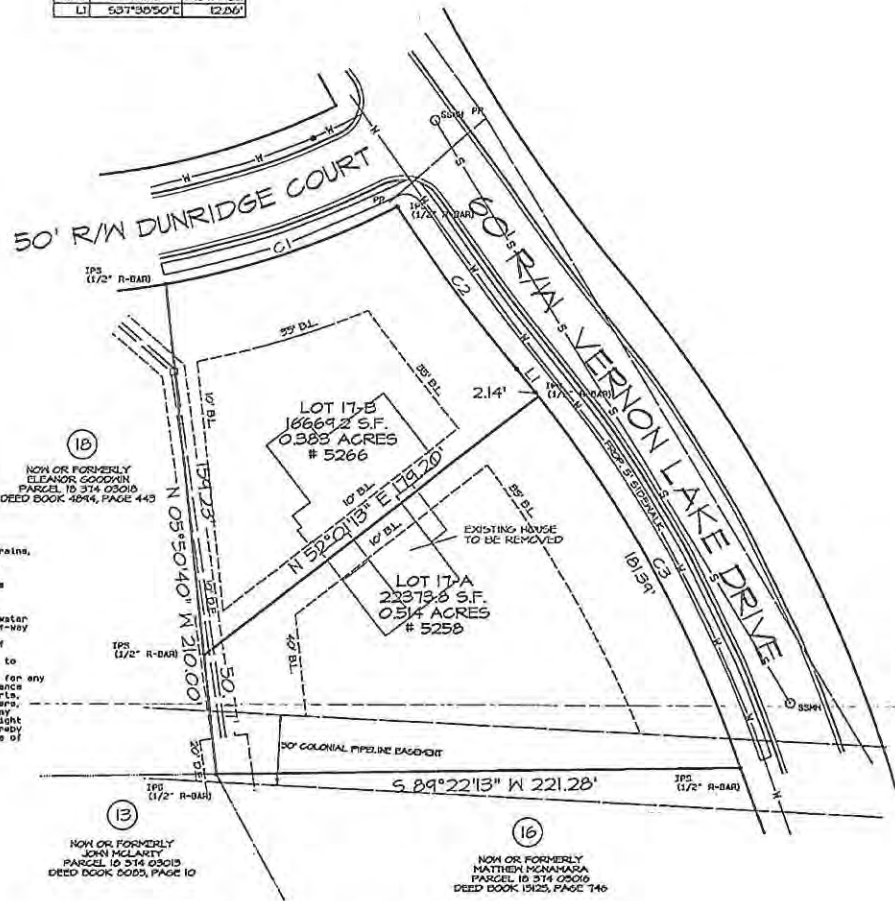
In witness whereof, I hereunto set my hand this _____ day of _____

Owner

Witness: _____
 Notary Public.

GENERAL NOTES

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 706-784-8084
 FAX 706-784-7148

FINAL PLAT FOR:

DUNWOODY CLUB FOREST
 LOTS 17 - A and 17 - B
 LAND LOT 314-A, 18th DISTRICT
 DECATUR COUNTY, GEORGIA

REVISIONS

DESCRIPTION

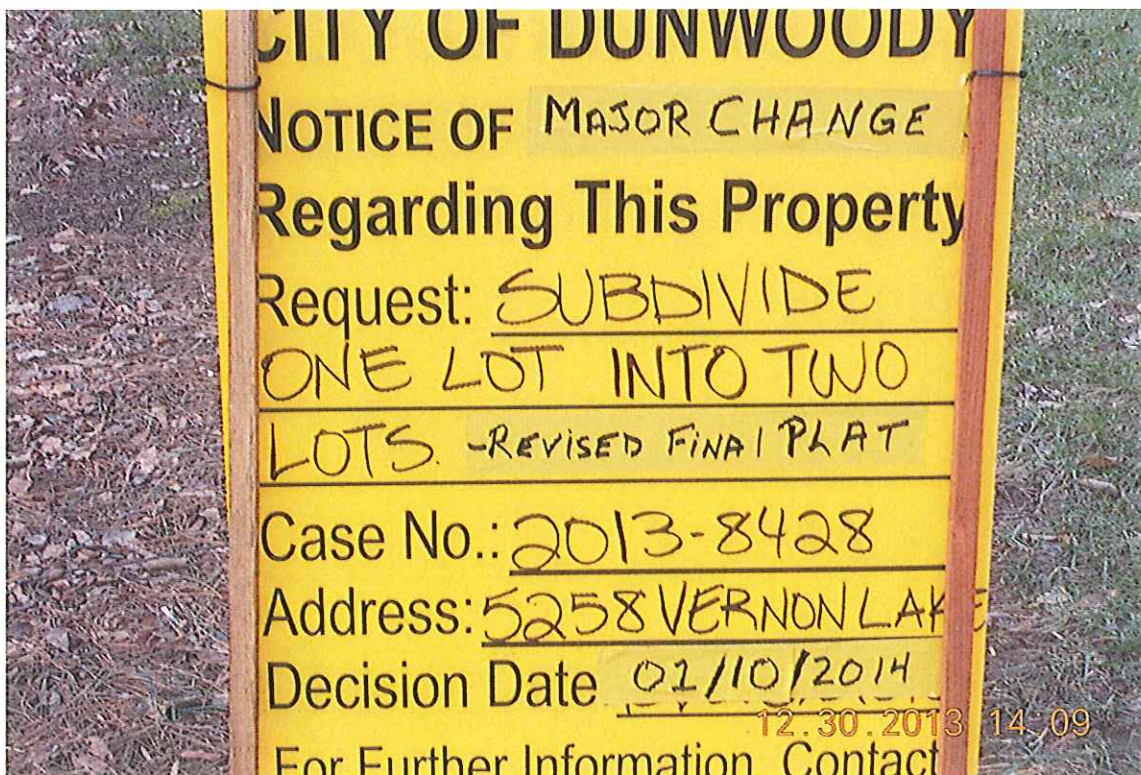
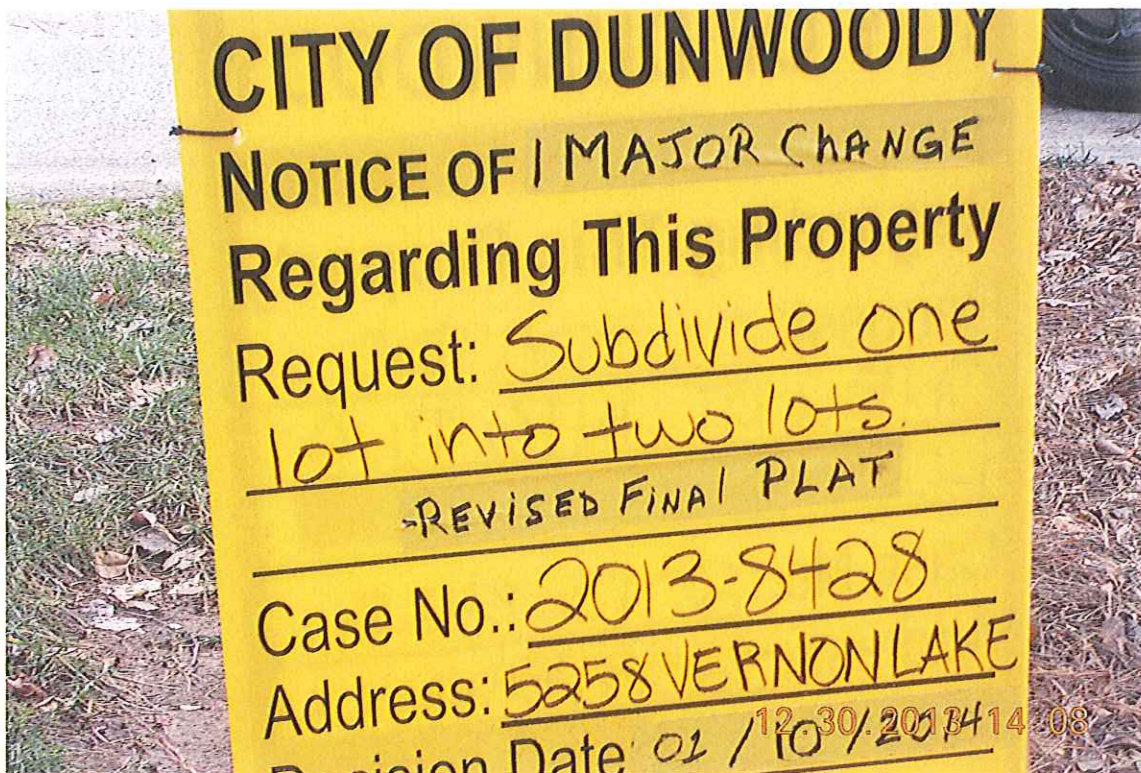
NO. DATE



DATE 12-11-2013
 SCALE 1" = 30'
 JOB NO. 13121-10
 SHEET 1 OF 1
 DRAWN RLS CHECKED SOE

Existing House

Existing House



CITY OF DUNWOODY

NOTICE OF MINOR SUBDIVISION

Regarding This Property

Request: SUBDIVIDE
ONE LOT INTO TWO
LOTS.

Case No.: 2013-8428

Address: 5258 VERNON LAK

Decision Date: 02/08/2014

For Further Information, Contact
the Community Development
Department at (678) 382-6800

<http://www.dunwoodyga.gov>

12.18.2013 13:06

CURVE		DATA			
No.	D	D'	T	L	R
1	34°00'	2°00'	87.59	170.00	286.470
2	13°00'	7°00'	93.82	185.71	318.511
3	33°30'	10°00'	101.18	200.00	372.958
4	33°30'	7°00'	115.55	148.76	316.197
5	11°30'	7°00'	82.42	132.25	310.511
6	32°31'	10°00'	116.09	325.17	572.958
7	54°30'	25°00'	116.04	218.00	529.185
8	42°30'	14°00'	115.83	332.16	409.256
9	15°00'	15°00'	118.31	183.41	310.511
10	22°00'	18°00'	79.36	155.56	310.510
11	22°00'	12°00'	52.61	183.53	477.425
12	9°25'	7°00'	67.41	134.62	310.511
13	35°00'	10°00'	160.65	350.00	572.958
14	31°30'	22°00'	73.75	142.31	320.036
15	10°00'	10°00'	101.18	200.00	372.958
16	19°00'	12°00'	66.49	128.57	304.628
17	3°00'	21°00'	50.01	100.00	309.822



Neighbors,

My name is Jim Milam, and I live here in Dunwoody. My partner and I recently purchased the house at 5258 Vernon Lake Drive. Our plans are to divide the property into two lots so that two new houses can be built.

We have partnered with a builder named Howard Levy (who also lives in Dunwoody) who will build the houses. His current plans are to build two homes that will be about 4,000 sq. ft., with three car garages and full basements. They will have five bedrooms, and five and a half baths. The target price will be around \$900,000.

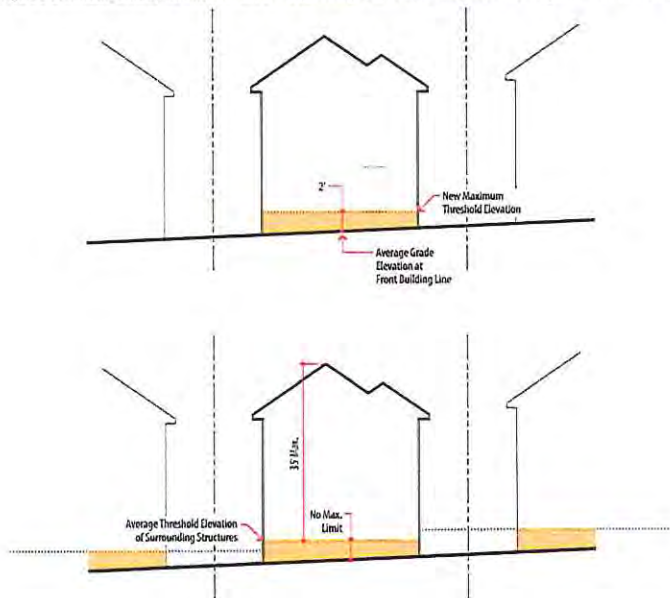
If you have any questions or concerns about this project, please feel free to call me. If you know of someone who might be interested in a new house in Dunwoody Club Forest, feel free to pass this information along.

Thank you,

Jim Milam

Cell Phone: 404-502-0090

Figure 9-2: Residential Infill, Maximum Height Based on Average Grade Elevation at Front Building Line and "Averaging"



3. Sewer Elevation

If an existing dwelling or lot is not connected to county sewer and if the community development director determines that the proposed residence is unable to be connected to county sewer within the allowable front door threshold height, then the community development director is authorized to approve a maximum 3-foot increase in threshold height above the threshold elevation allowed by Sec. 27-9.170-A allowing for gravity flow into the existing sewer tap. The community development director's determination must be based on sewer line elevation data and other evidence provided by the applicant and any other pertinent information available to the director.

4. Topographical Conditions

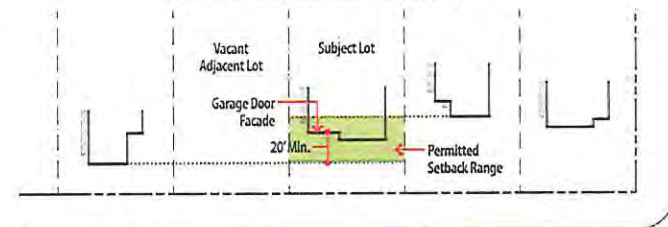
If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, the community development director is authorized to approve a maximum 3-foot increase in threshold height above the threshold elevation allowed by Sec. 27-9.170-A. The applicant must provide a site plan, including topography, certified by an engineer or landscape architect.

27-9.170-B. Contextual Street Setbacks

Detached houses constructed on block faces that are occupied by 2 or more existing detached houses must comply with the contextual street setback regulations of this subsection.

1. The street facing façade of a detached house subject to these contextual street setback regulations must be located within the range of street setbacks observed by detached houses that exist on the nearest 2 lots on either side of the subject lot.
2. If one or more of the nearest 2 lots on either side of the subject lot is vacant, the vacant lot will be deemed to have a street setback depth equal to the minimum street setback requirement of the subject zoning district.

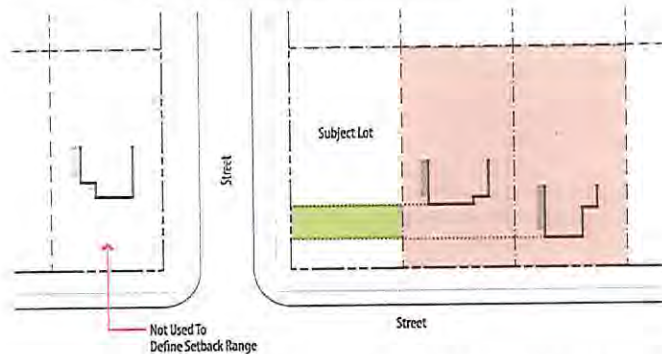
Figure 9-3: Residential Infill, Contextual Setbacks (1)



3. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in determining the street setback range (see Figure 9-4).

Figure 9-4: Residential Infill, Contextual Setbacks (2)





4. If the subject lot is a corner lot, the street setback range must be determined on the basis of the nearest 2 lots with frontage on the same street as the subject lot.
5. If the subject lot abuts a corner lot with frontage on the same street, the street setback range must be determined on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.
6. These contextual street setback regulations may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

27-9.170-C. Building Plans
 Building plans for a detached house must be submitted for review and approval prior to issuance of a building permit. Plans must contain all information necessary to determine compliance with the building code and this zoning ordinance.

27-9.180 Schools, (Private) Elementary, Middle or Senior High

The following minimum lot area requirements apply to private elementary, private middle schools and private senior high schools that require special land use approval:

- 27-9.180-A.** Elementary school: 5 acres plus one additional acre for each 100 students, based on the design capacity of the school.
- 27-9.180-B.** Middle school: 12 acres plus one additional acre for each 100 students, based on the design capacity of the school.
- 27-9.180-C.** High school: 20 acres plus one additional acre for each 100 students, based on the design capacity of the school.

27-9.190 Sexually Oriented Businesses

27-9.190-A. Purpose

It is the purpose of the city zoning ordinance to regulate land use by sexually oriented businesses in order to promote the health, safety, moral and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent

the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this article to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

27-9.190-B. Findings and Rationale

1. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the mayor and city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 2000 F.3d 1325 (11th Cir. 200); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faleon Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food and Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *Gammon v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13,

Industrial solid waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Industrialized building means any structure or component of a building that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

Infill building means any building built or proposed to be built on an infill lot.

Infill lot means: (1) a conforming lot or a nonconforming lot of record created by the demolition of an existing residential structure for the replacement of that structure with new construction; (2) any lot intended for use as a site for a detached house that is created by act of subdivision; and (3) any lot that, at the time it is zoned, has no principal building and that is subsequently proposed as a site for a detached house.

Interim development control means an ordinance that temporarily imposes developmental regulations when existing regulations do not adequately protect the public's health, safety and welfare in accordance with the standards specified in this zoning ordinance.

Invasive (plant) species means any plant species, including its seeds, spores or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction does or is likely to cause environmental harm.

27-32.10-J. Terms Beginning with "J"

Junk vehicle means any vehicle that is inoperable or any vehicle that does not bear a current, valid license plate.

27-32.10-K. Terms Beginning with "K"

Kiosk means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchen facilities means a room used to prepare food containing, at a minimum, a sink and a stove or oven.

27-32.10-L. Terms Beginning with "L"

Landscape/landscaping means the act of enhancing the appearance of the land by altering its contours and planting trees, shrubs, vines, flowers, turf, groundcover and other plant materials for aesthetic effect.

Land use means a description of how land is occupied or utilized.

Leachate collection system means a system at a landfill for collection of the leachate that may percolate through the waste and into the soils surrounding the landfill.

Lot means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot area See Sec. 27-30.10.

Lot, buildable area of means the portion of a lot remaining after required yards have been provided.

Lot, corner means a lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

Lot coverage See Sec. 27-30.50.

Lot, double-frontage means a lot that abuts 2 parallel streets or that abuts 2 streets that do not intersect at the boundaries of the lot. Double-frontage lots are sometimes referred to as "through lots."

Lot, interior means a lot, other than a corner lot, abutting only one street.

Lot, nonconforming See 27-29.20-A.

Luminaire means a complete lighting unit consisting of a lamp or lamps and the parts designed to distribute the light, to position and protect the lamp, and to connect the lamp to the power supply. These parts include the lamp, reflector, ballast, socket, wiring, diffuser and housing.

27-32.10-M. Terms Beginning with "M"

Mixed-use development means a development that includes primary residential uses and primary nonresidential uses that are part of the same integrated development, whether within the same building or on the same walkable, interconnected site.

Multiuse property means any distinct parcel of land that is being used for more than one land use purpose.

27-32.10-N. Terms Beginning with "N"

New construction on an infill lot means the replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

Node means a concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

Nonconforming use See Sec. 27-29.40-A.

Nonresidential development means any development that does not include residential uses.

27-32.10-O. Terms Beginning with "O"

One-part commercial block style means a single-story building that has a flat roof, a facade that is rectangular in shape, and in which the fenestration in the facade is equal to 75% of the width of the front facade of the building.

Open-air uses means storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses when the only buildings on the parcel are incidental and accessory to the open-air use of the lot.

Outdoor lighting fixture means outdoor artificial illuminating device, lamp, and other similar device used for flood lighting, security, and/or general illumination. Such devices include: outdoor lighting

Use means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Utility-scale energy production means an energy production facility that produces electric energy for widespread distribution through the electric power grid.

27-32.10-V. Terms Beginning with "V"

Vacant and undeveloped means the comprehensive plan land use category that includes forested areas, undeveloped land and land not used for any other identified purpose.

Van service means a commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination, and in which service is usually provided in a closed vehicle with a capacity of eight to 12 passengers.

Vehicular use area means any area on a parcel that is not located within any enclosed or partially enclosed building and that is devoted to a use by or for motor vehicles including parking; storage of automobiles, trucks or other vehicles; gas stations; car washes; vehicle repair establishments; loading areas; drive-through service areas; and access drives and driveways.

Viewshed means the total visible area from an identified observation position or positions.

27-32.10-W. Terms Beginning with "W"

Wall means a solid retaining or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials as may be approved by the community development director. See also Article 15.

Water collection cistern means a barrel or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff or diverted into a storm drain.

Weekday means the time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

Weekends means the time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

Wetlands means an area of land meeting the definition of "wetlands" set forth in 33 CFR 328.3(b), as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

Wing wall means a wall that is constructed and poured at the same time as the building foundation, and is structurally a part of the building foundation. A wing wall is not a retaining wall or an areaway. See also Article 15.

27-32.10-X. Terms Beginning with "X"

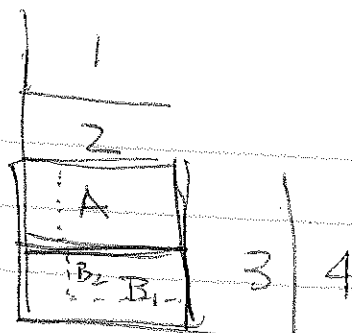
RESERVED

27-32.10-Y. Terms Beginning with "Y"

Yard means the actual area of a lot between the principal building and adjoining lot lines. Note: "setback" refers to the minimum distance that buildings are required to be set back from property lines..

27-32.10-Z. Terms Beginning with "Z"

Zoning decision means final legislative action by a local government that results in: (1) the adoption of a zoning ordinance; (2) the adoption of an amendment to a zoning ordinance that changes the text of the zoning ordinance; (3) the adoption of any amendment to a zoning ordinance that rezones the property from one zoning classification to another; (4) the grant of a permit relating to a special use of property, as defined in O.C.G.A. §36-66-3, and as may hereafter be amended by state law.



A: Range of B₂, 1, 2

B₁: range of 3 & 4

B₂: range of 1 & 2.

GP

Explanation of Contextual
Setbacks

5258 Vernon Lake Drive-Minor Subdivision-Version 1 Comments

Planning (Denied w/Comments)

Rebecca Keefer Rebecca.keefer@dunwoodyga.gov 678-382-6811

- Disclosure statement to be notarized (to be provided to potential purchasers)-- this was originally submitted but not notarized
- The Code has been renumbered since your last submittal, so please update those sections as follows:
 - note 1: change 16-13.20 to 16-207
 - note 5: no need to change because I've requested that it be replaced with the statement below
 - Include a note that reads, "Regulations of the Zoning Ordinance (e.g.: setbacks) are subject to change based on subsequent amendments to that ordinance." Remove the fifth note.

Engineering (Approved w/Comments)

James Bassett james.bassett@dunwoodyga.gov 678-382-6806

- Hold c.o's for sidewalk and water quality certification.

Public Works (Approved w/ Comments)

Michael Smith Michael.smith@dunwoodyga.gov 678-382-6852

- Remove last paragraph of Owner's Acknowledgement beginning: "All single-family residential lots....".
- Stormwater easement should be recorded with final plat.

GIS (Denied w/Comments)

Sherri Schreiner sherri.schreiner@dunwoodyga.gov 678-382-6811

- Current property owner address is incorrect, please correct
- 5258 Vernon lake Drive not 5253 Vernon Lake Drive (which doesn't exist)
- Please update addresses for lots to reflect assigned addresses:

Lot 17-B 5266 Vernon Lake Drive

Lot 17-A 5256 Vernon Lake Drive

- Provide recorded digitized site plan to the Dunwoody GIS department at the time of Final Plat. Must be in AutoCad format in Georgia State Plane.

5258 Vernon Lake Drive Minor Subdivision V1 Comments

GIS Comments

Contact: Sherri Schreiner sherri.schreiner@dunwoodyga.gov 678.382.6816

- Missing name and address of current property owners on the plat.
- Missing name and address of Developer on the plat.
- Provide recorded digitized site plan to the Dunwoody GIS department at the time of Final Plat. Must be in AutoCad format in Georgia State Plane.

Engineering Comments

Contact: James Bassett james.bassett@dunwoodyga.gov, 678.382.6806

- Code Section 16-382. (10) Water and sewer locations, and the location and type of permanent stormwater management facilities and water quality facilities.

Planning Comments

Contact: Rebecca Keefer Rebecca.keefer@dunwoodyga.gov, 678.382.6811

- Setbacks shall be in accordance with Section 27-9.170-B (2, 4, and 5), Residential Infill--contact me with any questions in determining the setbacks
- Disclosure statement to be notarized (to be provided to potential purchasers)
- Include the regulations of the zoning ordinance with a note that they are subject to change based on subsequent amendments to that ordinance
- Submit a copy of the original final plat
- Include a note that this is a major change to the final plat pursuant to Section 16-13.20-Q(1)(b)
- Include subdivision name, date, book, and page number of the original final plat recording
- Include a notation explaining the revisions to the original final plat
- Include a notation indicating all revisions to original plats must be bound by the protective covenants of the original final plat--include all protective covenants of the original final plat
- Add the following:

"This revised plat has been submitted to the city manager of the City of Dunwoody, Georgia, and has been approved as required by state law and municipal codes as meeting all conditions precedent to recording in the county superior court. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day of _____, _____

City Manager City of Dunwoody, Georgia"

Public Works Comments

Contact: Michael Smith michael.smith@dunwoodyga.gov 678.382.6852

1. Provide 6 foot landscape strip between the street and sidewalk.
2. Revise drainage easement over stormwater pipe to be 10 feet from center of pipe on lots 17-A and 17-B. Dedicate and record permanent easement to City for stormwater maintenance.

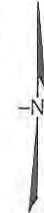
LEGEND

IPF = IRON PTN FOUND
 IPS = IRON PTN SET
 BL = BUILDING LINE
 CL = CENTERLINE
 PL = PROPERTY LINE
 LLL = LAND LOT LINE
 R/W = RIGHT OF WAY
 MH = MANHOLE
 WM = WATER METER
 DE = DRAINAGE EASEMENT
 SSE = SANITARY SEWER EASEMENT
 CB = CATCH BASIN
 CD = CROSS DRAIN
 HW = HEAD WALL

LINE	ARC	RADIUS	CHORD BEARING	CHORD
G1	103.37'	343.31'	N71°20'12"E	102.90'
G2	85.00'	146.20'	S86°14'27"E	85.01'
G3	102.70'	342.96'	S28°23'30"E	101.82'

LINE	BEARING	DISTANCE
L1	S37°38'30"E	12.06'

Lot A: 20,030 ±
 Lot B: 19,000 ±



This plat has been submitted to and accepted by the Community Development Director of the City of Dunwoody, Georgia, and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Dated this _____ day of _____
 By: _____
 Community Development Director.

This plat has been submitted to and accepted by the City Manager of the City of Dunwoody, Georgia, and has been approved as required by State law and City code as meeting all conditions precedent to recording in the county superior court.

Dated this _____ day of _____
 By: _____
 City Manager or designee of the City of Dunwoody.

Surveyor's acknowledgment.
 In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

William F. [Signature]
 William F. [Signature] No. 0000
 G.S. R.L.S. No.

Owner's acknowledgment.

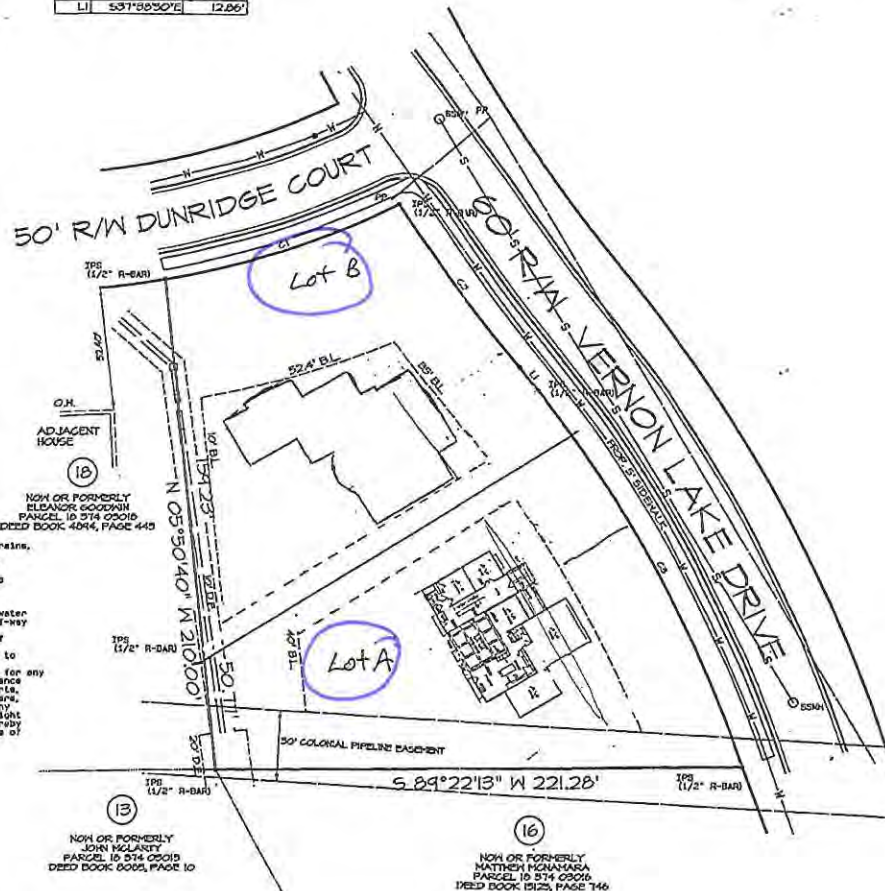
I, the owner of the land shown on this plat and shown here, do hereby acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey, all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public (for ever) all alleys, parks, watercourses, drains, easements and public places hereon shown for the purpose, and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon, on account of the roads, fills, easements, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed right-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of the course of streams.

All single-family residential lots on this plat are included in a special taxing district for funding the maintenance of wastewater treatment facilities required because of this development. All roads have been properly designed and constructed to accommodate any required parking in the right-of-way.

In witness whereof, I hereunto set my hand this _____ day of _____

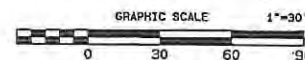
Owner

Witness: _____
 Notary Public.



GENERAL NOTES

A TOPCON GTS-25 TOTAL STATION AND HP-400XTDS DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.



GRESHAM
 PLANNING & DEVELOPMENT, INC.
 P.O. BOX 8843
 CLARKSTON, GEORGIA 30083
 770-784-6844
 FAX 770-787-6148

FINAL PLAT FOR:
 DUNWOODY CLUB FOREST
 LOTS 17 - A and 17 - B
 LAND LOT 574 of the 16th DISTRICT
 CITY OF DUNWOODY
 DEKALB COUNTY, GEORGIA

NO.	DATE	DESCRIPTION



DATE 12-11-2013
 SCALE 1" = 30'
 JOB NO. 13121-10
 SHEET 1 OF 1
 DRAWN BY [Signature] CHECKED GDE

Possible House Plans



HOMEPLANS
Designed for Today's Markets

Lot A

LONGLEAF

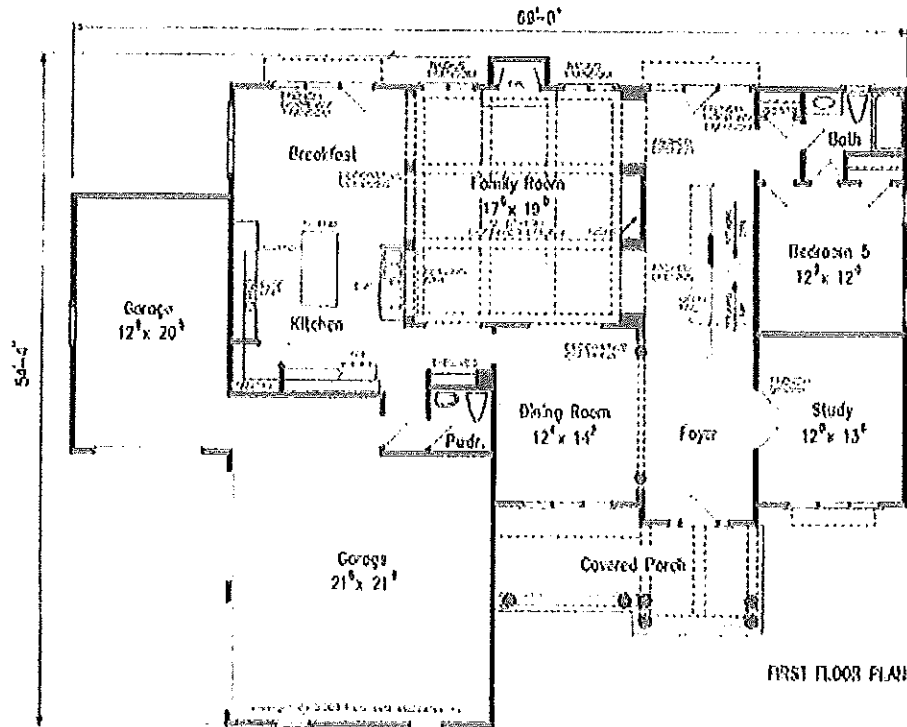


Floorplans and Elevations are subject to change. Floorplan dimensions are approximate. Consult working drawings for actual dimensions and information. Elevations are artists' conceptions. Photographs may have been modified from the original construction documents.



HOMEPANS
Designed for Today's Market.

LONGLEAF

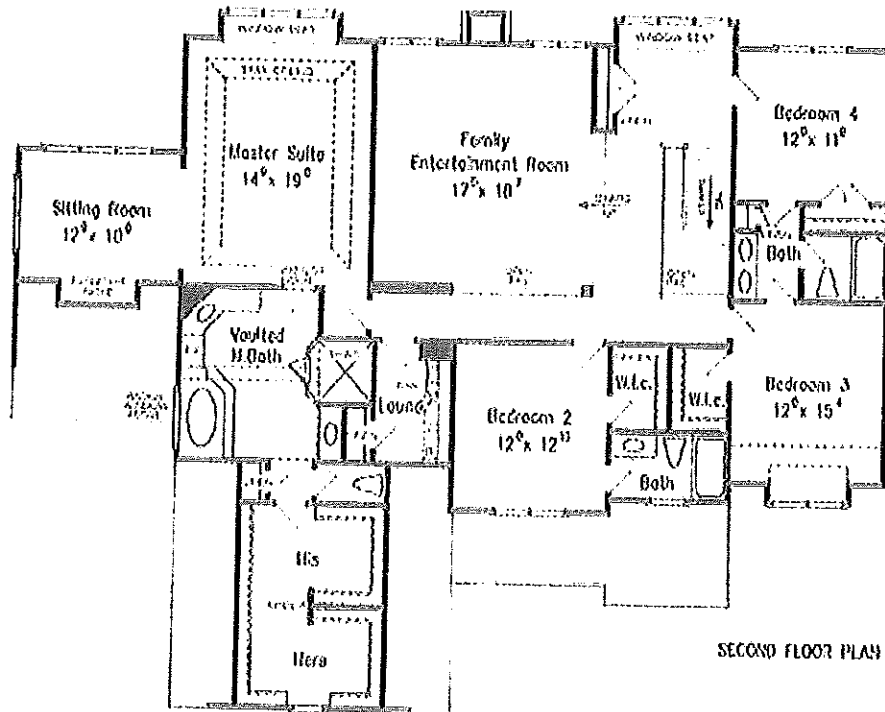


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HOMEPLANS
Designed for Today's Market.

LONGLEAF



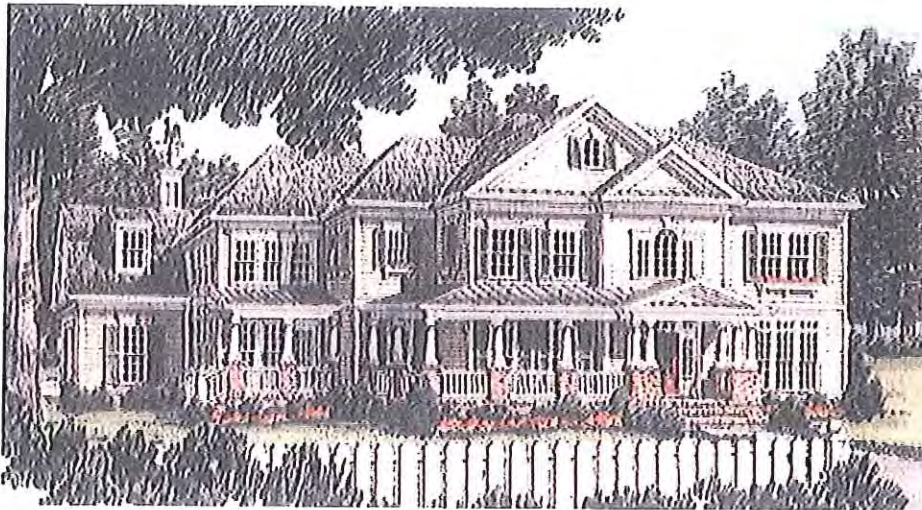
Floorplans and Elevations are subject to change. Floorplan dimensions are approximate. Consult working drawings for actual dimensions and information. Elevations are artists' conceptions. Photographs may have been modified from the original construction documents.



HOMEPLANS
Designed for Today's Market.

Lot 13

WOODLAWN



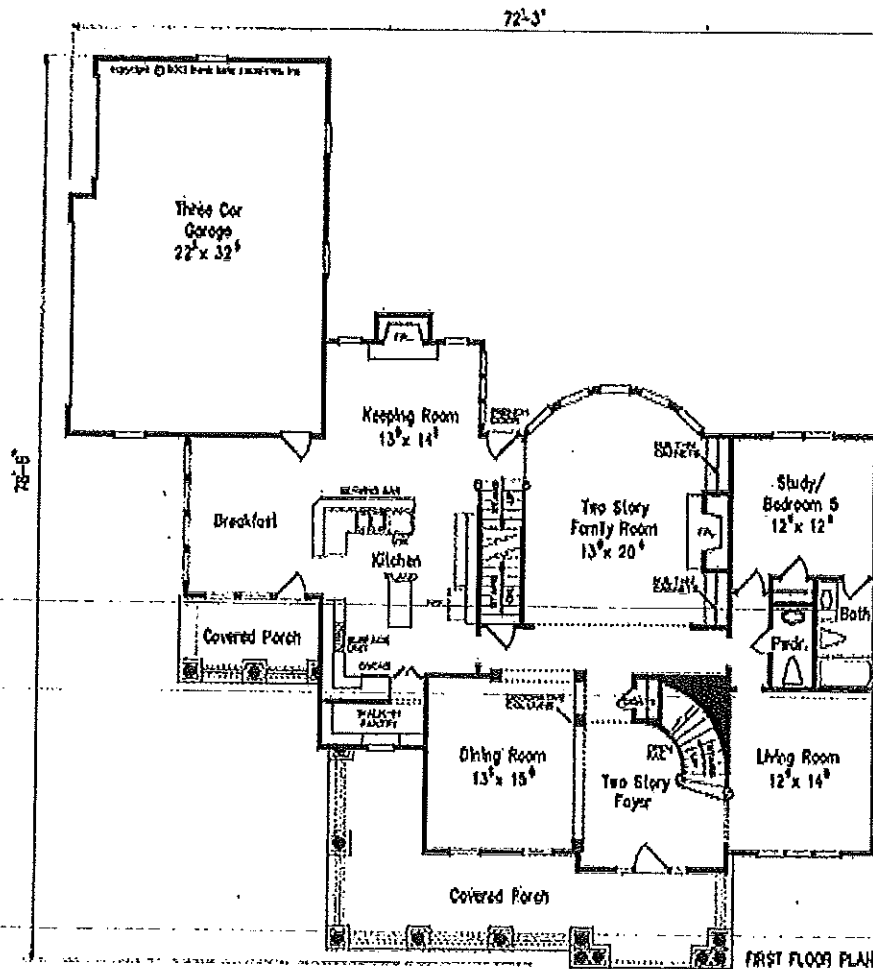
Floorplans and Elevations are subject to change. Floorplan dimensions are approximate. Consult working drawings for actual dimensions and information. Elevations are artists' conceptions. Photographs may have been modified from the original construction documents.



HOMEPLANS
Designed for Today's Markets

72
230

WOODLAWN

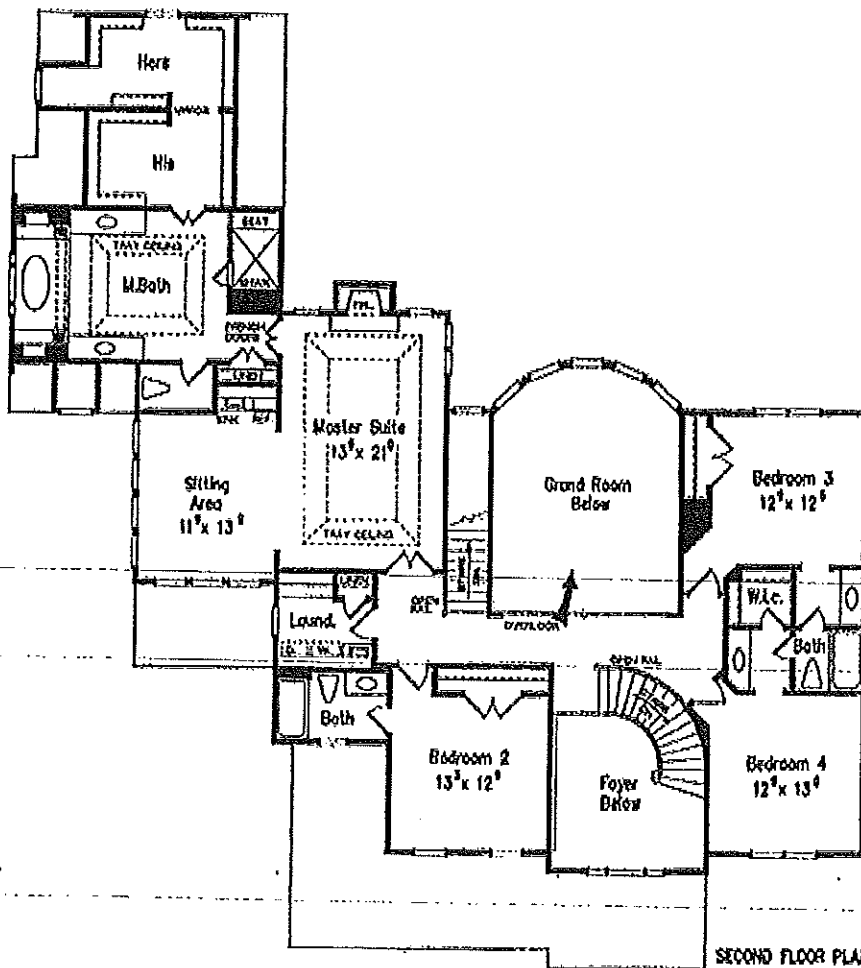


Floorplans and Elevations are subject to change. Floorplan dimensions are approximate. Consult working drawings for actual dimensions and information. Elevations are artists' conceptions. Photographs may have been modified from the original construction documents.



HOMEPANS
Designed for Today's Market.

WOODLAWN



Floorplans and Elevations are subject to change. Floorplan dimensions are approximate. Consult working drawings for actual dimensions and information. Elevations are artists' conceptions. Photographs may have been modified from the original construction documents.

Rebecca Keefer

From: Sherri Schreiner
Sent: Thursday, December 19, 2013 12:51 PM
To: Rebecca Keefer
Subject: Dunwoody Club Forest
Attachments: Dunwoody Club Forest.pdf

18 381 03 040	5723	TROWBRIDGE	DR	30095.7952029
18 374 10 025	1883	BAYNHAM	DR	49635.8255901
18 381 02 018	5445	TROWBRIDGE	DR	52677.1424209
18 380 04 026	5631	WOODSONG	DR	45314.2833394
18 374 03 044	5409	TROWBRIDGE	DR	33289.1687377
18 374 07 023	5307	VERNON LAKE	DR	48747.0366119
18 374 01 085	5301	FOREST SPRINGS	DR	56105.9747347
18 374 01 041	5289	FOREST SPRINGS	DR	33842.4306269
06 340 03 007	1771	TAMWORTH	CT	36618.7250737

Sherri

Sherri Schreiner

GIS Specialist
GA URISA Treasurer
City of Dunwoody
41 Perimeter Center East, Suite 250
Dunwoody, GA 30346

678-382-6816 direct
770-396-4828 fax

Dunwoody
* Smart people – Smart city



Legend

Parcels Mailing

DUNWOODY CLUB FOREST

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3. ALL DATA IS PROVIDED AS IS, WITH ALL FAULTS, WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.



087.575 350 525 700
Feet

2. This map is a graphical representation of the data obtained from a variety of sources, such as aerial photography, recorded deeds, plats, engineering drawings and other public records or data. The City of Dunwoody does not warrant the accuracy or currency of the map provided and does not guarantee the suitability of the map for any purpose, expressed or implied.

4. This map is not intended to depict boundary line discrepancies, lines of possession, or any other matters that a true and accurate land survey of the premises would disclose.

5. County, municipal, land lot and easement boundaries are approximate. It is the responsibility of the map user to verify boundaries with the appropriate governmental office.

Rebecca Keefer

From: Griffith, Greta <ggriffith@hunton.com>
Sent: Thursday, December 19, 2013 11:41 AM
To: Rebecca Keefer
Cc: Dave Griffith
Subject: Vernon Lake Subdivide

Hello. Thanks again for your time this morning.

In follow-up to our conversation, I would just like to formalize our objection to the subdivision of the property on Vernon Lake. We recently moved to Dunwoody Club Forest and one of the big reasons we chose Dunwoody Club Forest was because it was an established neighborhood with large lots and space between the houses (low density). Permitting the subdivision of the property on Vernon Lake would significantly alter that low density level (potentially lowering property values, setting precedent for this to occur elsewhere in the development and generally just altering the quiet enjoyment of the neighborhood for those of us who hope to live there for many years to come). At the very least, it seems to me there should be more time for the consideration of these matters (as far as I know the house was still for sale last week and I just noticed the re-zoning sign this morning) – having all of this occur in just a few weeks around the holidays seems to be rushing matters that could be very important to the neighborhood and our street, in particular.

We would appreciate anything you could do to either reject the request for the subdivision of this property or to, at the very least, allow additional time for input (and perhaps a hearing?) to allow the neighbors and others who are interested to voice their opinions.

Please keep us posted as to how this matter proceeds (and feel free to reach out if there is anything else you might need from me).

Thanks in advance for your consideration (and happy holidays!). G.

Bio vCard



Greta T. Griffith
Partner
ggriffith@hunton.com

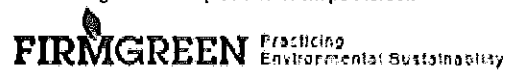
Hunton & Williams LLP
Bank of America Plaza, Suite 4100
600 Peachtree Street, N.E.
Atlanta, GA 30308
Direct: 404.888.4185
Fax: 404.602.8670
www.hunton.com

Circular 230 Disclosure:

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This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify Hunton & Williams LLP immediately by telephone (877-374-4937) and by electronic mail to: help_desk@hunton.com and then delete

this message and all copies and backups thereof.



Rebecca Keefer

From: Warren Hutmacher
Sent: Saturday, December 28, 2013 1:16 PM
To: Lynn Deutsch; Rebecca Keefer; Kevin McOmber
Subject: Re: Subdivision-Rezoning Application # 2013-8428 City of Dunwoody

Rebecca and Kevin can assist with this.

Warren Hutmacher, City Manager
City of Dunwoody
41 Perimeter Center E, Suite 250
Dunwoody, GA 30346
(678) 382-6700
www.dunwoodyga.gov

On Dec 28, 2013, at 11:40 AM, "Lynn Deutsch" <Lynn.Deutsch@dunwoodyga.gov> wrote:

Hope you are enjoying your vacation. Can you tell me who to ask about this in planning?

Thanks

Sent from Lynn Deutsch

Begin forwarded message:

From: "rja@rjalaw.com" <rja@rjalaw.com>
Date: December 28, 2013, 12:37:51 PM EST
To: Lynn Deutsch <Lynn.Deutsch@dunwoodyga.gov>
Subject: Re: Subdivision-Rezoning Application # 2013-8428 City of Dunwoody

Lynn,

Following up to your email. I went by the property and the sign says -- "Minor Subdivision --- divide one lot into two."

This really is anything but minor. If you look at the property to put two houses on two lots were one exists now will substantially change the subdivision.

I don't know who is handling these matters for the city, but it is unbelievable that they would treat such a major change to the entire layout of our subdivision as a minor matter.

Allowing something like this to in effect be replatted will alter our subdivision forever. The city will set a precedent for more and more of this. It

is just inconceivable that the city officials have treated this as such a minor matter.

If anything, this is a complete rezoning of the property. It is a complete change in site plan and plat as previously approved.. The city clerks dealing with this should never allow it as some type of "minor" matter.

Let me know what your further thoughts are. I'm sure Erika has some additional details here as well.

Thanks, Rob
SENT FROM MY WEB ACCESS PORTAL

Quoting Lynn Deutsch <Lynn.Deutsch@dunwoodyga.gov>:

I don't disagree at all.

Sent from Lynn Deutsch

On Dec 27, 2013, at 6:08 PM, "Rob Augustine" <rja@rjalaw.com> wrote:

Lynn, the point is that the buyer cannot change the subdivision plat. It is what it is.

You cannot change a platted subdivision and change the dimensions of lots, etc. You cannot do this through any administrative or rezoning process.

The city must recognize and follow the subdivision plat.

The subdivision plat was approved initially by the governing entity. It

sets

all lot sizes, dimensions, setbacks, easements, roadways, throughout the

entire subdivision and each phase as they are developed. It is a legally binding document.

Once the plat is filed it is the controlling document.

It doesn't matter if the overall zoning is R-100 or whatever. Once the plat is approved that is the layout.

People who buy property in the subdivision rely upon the plat. They are buying under its requirements and they must follow what it says.

You cannot rezone away the plat requirements. It violates everyone's rights who owns a lot in the subdivision.

Whoever is advising the developer has things substantially incorrect.

Thanks, Rob

-----Original Message-----

From: Lynn Deutsch
[mailto:Lynn.Deutsch@dunwoodyga.gov]

Sent: Friday, December 27, 2013 5:57 PM

To: Rob Augustine

Subject: RE: Subdivision-Rezoning Application # 2013-8428 City of Dunwoody

that is quite a risk to buy the property with that being the plan without first getting through the zoning/variance process...

I will try and find out more next week.

Thanks,

Lynn Deutsch
City Council Post 5
41 Perimeter Center East, Suite 250
Dunwoody, GA 30346
678-382-6700 direct
404-271-9962 cell

From: Rob Augustine [rja@rjalaw.com]
Sent: Friday, December 27, 2013 5:14 PM
To: Lynn Deutsch
Subject: RE: Subdivision-Rezoning Application #
2013-8428 City of

Dunwoody

Yes there is. My understanding today from Erika Harris is that a developer has just closed on the property with the ridiculous idea of "subdividing" and tearing down the existing home and rebuilding two new, even bigger homes.

-----Original Message-----

From: Lynn Deutsch
[<mailto:Lynn.Deutsch@dunwoodyga.gov>]
Sent: Friday, December 27, 2013 5:13 PM
To: Rob Augustine
Subject: RE: Subdivision-Rezoning Application #
2013-8428 City of Dunwoody

I totally understand. Is there currently a home on the property?

Thanks,

Lynn Deutsch
City Council Post 5
41 Perimeter Center East, Suite 250

Dunwoody, GA 30346
678-382-6700 direct
404-271-9962 cell

From: Rob Augustine [rja@rjalaw.com]
Sent: Friday, December 27, 2013 5:12 PM
To: Lynn Deutsch
Subject: RE: Subdivision-Rezoning Application #
2013-8428 City of

Dunwoody

Lynn,

I could not tell. I will look again at the sign on the
way home and will

let

you know. Erika Harris has a lot of details on this as
well.

I believe you may need to get the city attorney
involved in this, if the
city officials believe for some reason that they can
even consider this as
merely subdividing a lot.

You don't just subdivide lots in existing, already
platted subdivisions.

You

don't just do this by attempt to rezone, or get a
permit, or whatever they
are specifically seeking here.

Once it is platted, that is the subdivision.

If this were just land that was not part of a platted
subdivision, then you
could seek to rezone or subdivide. But that is
absolutely not the case

here.

Thanks for your attention to this. It is quite important going forward. If allowed, you would basically open the door to every platted subdivision in the City. It would be a nightmare.

Sincerely, Rob

-----Original Message-----

From: Lynn Deutsch
[mailto:Lynn.Deutsch@dunwoodyga.gov]
Sent: Friday, December 27, 2013 5:00 PM
To: Rob Augustine
Subject: RE: Subdivision-Rezoning Application # 2013-8428 City of Dunwoody

Rob

Thanks for bringing this to my attention. Is the property in question headed to the Zoning Review Board or Community Council/Planning Commission? Could you tell by the sign?

Thanks,

Lynn Deutsch
City Council Post 5
41 Perimeter Center East, Suite 250
Dunwoody, GA 30346
678-382-6700 direct
404-271-9962 cell

From: Rob Augustine [rja@rjalaw.com]
Sent: Friday, December 27, 2013 4:49 PM
To: Rebecca Keefer
Cc: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn

Deutsch; Terry Nall; Jritiche@bellsouth.net;
President@dcfn.org;
erikaleighh@gmail.com; Rebecca Keefer
Subject: Subdivision-Rezoning Application # 2013-
8428 City of Dunwoody

Dear Mayor, City Council Members, Ms. Harris
(President Dunwoody Club
Forest Homeowners Association), and Ms. Keefer,

I am writing with regard to an application to
subdivide a residential lot

at

5258 Vernon Lake Drive in the Dunwoody Club
Forest Subdivision. The
application number according to the posted sign is:
2013-8248.

I wanted to alert you to the significant problem
presented by this
particular application. I also wanted to express my
strong objection to it.

The details I have learned about this effort thus far
are truly appalling.
The City should not in any case allow any change to
the existing footprint
of an already platted subdivision that is filed and
recorded of record as
the plat that controls development in the Dunwoody
Club Forest subdivision.
The fact that someone buys a lot in the subdivision
means that they know
what the restrictions are, what the plat shows, and
they are bound by those
stated conditions which are recorded and of public
record. Anyone who buys
in Dunwoody Club Forest takes subject to the
existing subdivision plat.

You cannot legally just change the plat, even at the
request of the current

owner of the property, who I have been told is a developer who wants to construct two homes. Anything to be constructed on the existing lot should conform to the existing subdivision plat. No permits or approvals should be given for this attempt to subdivide in violation of already established legal requirements and rights. The City cannot just go off and issue

permits

for some property that is controlled under previous plat approvals by the governing authority. That is, the City, as successor to DeKalb County, is bound by the existing requirements of the Dunwoody Club Forest subdivision plat. This plat is officially approved and binding upon the local government. It is not something subject to modification under permit approvals or other administrative mechanisms. Further, every homeowner in Dunwoody Club Forest has vested rights in the enforcement of the conditions in the existing subdivision plat.

First of all, there is no basis for subdividing an existing lot in an already platted subdivision such as Dunwoody Club Forest. The houses, lot lines, setbacks, and other characteristics of the subdivision are as specifically defined already in the subdivision plat for Dunwoody Club Forest. There is absolutely no basis which I can think of to change any of these details. And legally, as I said, the purchaser takes subject to the plat of which he has actual and constructive notice since it is filed of record in DeKalb County records.

Second, there is no legal basis for "subdividing the existing lot." There

cannot be any legitimate reason for doing so. All we have here is that

someone wants to increase the density, take an existing lot, split it, and

then construct another building or residence upon the two lots. Naturally,

this would not be at all desirable with respect to an already existing,

well-established subdivision such as what we have in Dunwoody Club Forest.

In addition, any such effort would violate the already defined restrictions

as stated upon the recorded plat for the subdivision. Such an action should

never be allowed under the guise of "subdividing" an existing lot. The City

must recognize the conditions and plat layout for what was already filed

and

recorded and approved of record for quite a long time. The plat for

Dunwoody

Club Forest is a binding subdivision plat already and is not something that

anyone can modify based on a whim or a desire for more development.

I understand from speaking with someone in the clerk's office at the City

that two of the departments which have reviewed this request have

recommended against it. I certainly believe that they are correct in their

analysis. I strongly urge the City to not approve this request. Subdivision

of a lot, such as this, is equivalent to a complete rezoning. You cannot

rezone a lot such as this when the plat controls the layout, boundaries,

dimensions, set-backs, and all other requirements for the existing

subdivision. This IS NOT just putting a bigger house on an existing lot and abiding by the subdivision's requirements as shown on the plat. Here we

have

an egregious attempt to shoe horn in additional development in clear violation of the existing, recorded, and controlling subdivision plat for Dunwoody Club Forest.

Further, the residents of Dunwoody Club Forest have vested rights in the subdivision plat of record upon which they all purchased homes in Dunwoody Club Forest. No one who buys a home and lot in the subdivision should

expect

anything other than what is already shown on the plat that is recorded in the County Records and to which both the City and all property owners are subject.

The City should take appropriate action to deny this request. It is a

matter

of applying existing zoning laws and recognizing the rights of existing homeowners to the stated subdivision plat upon which they purchased their homes over many years.

Accordingly, I urge you to deny this request as being an illegal attempt to circumvent both the existing zoning and the long-standing legally binding effect of the subdivision plat.

Sincerely yours,

Robert Augustine
5491 Stapleton Drive
Dunwoody, GA 30338
770-394-8333

12/31/13

Open Records Request - Copies

\$1.50 - paid

2013-8428

5258 Vernon Lake Dr.

Mr. Robert Augustine

CITY OF DUNWOODY

(678) 382-6700

REC#: 00062254 12/31/2013 1:44 PM

OPER: JH TERM: 009

REF#: JH

PAID BY:

TRAN: 110.0000 OPEN RECORDS REQUEST

ROBERT AUGUSTINE

Other Charges For \$ 1.50CR

TENDERED: 1.50 CASH

APPLIED: 1.50-

CHANGE: 0.00

WWW.DUNWOODYGA.GOV

Rebecca Keefer

From: Terry Nall
Sent: Tuesday, December 31, 2013 9:18 PM
To: Andrew Carney
Cc: tomchrisman@aol.com; jwhagh@att.net; Terry Nall; Kevin McOmber; Rebecca Keefer; Warren Hutmacher
Subject: RE: Zoning

Hi Mr. Carney,

Thanks for writing me. While I've not asked city staff about this particular project, I will describe what I believe is underway.

Using our city's online GIS system, the lot at 5258 Vernon Lake Drive is zoned R100 (detached single family home), but it measures out as an oversized lot versus what is required for R100. By my unofficial measurements, the lot is about 2 - 2 1/2 times the minimum size of a R100 lot. From what you described below, it sounds as though the owner is using the oversized lot to create two R100 lots that individually fit all the restrictive measurements of R100. This lot perhaps could have been originally developed as two lots when Dunwoody Club Forest was constructed, but that was before my time.

The subdivide request would apply only to this current project and NOT to any other lot. As I noted above, any new home built on his single or subdivided R100 lot would be subject to all the minimum and maximum building and lot measurements and setbacks that are required for R100 lots. These restrictions include building height, front/rear/side setbacks, frontage, and lot area square footage.

Given the oversized lot measurements and the owner intent (from what you said in your email) to construct two homes within the total lot area that is the size of two R100 lots, this is not a rezoning request or a zoning change and thus, would not go through a rezoning process. Rather, it is an administrative decision process for our Director of Community Development.

The reason for the public sign and neighbor notice is to seek community input to the city's Community Development Department for this administrative decision process that must meet certain standards. Affected citizens' input is welcomed and should be sent to both Kevin McOmber (Kevin.McOmber@dunwoodyga.gov) and Rebecca Keefer (rebecca.keeper@dunwoodyga.gov). I cc'd both of them on my reply for your convenience.

In addition to welcoming your input, Kevin and Rebecca would be able to answer detailed questions about this particular project.

Thanks again for writing. I appreciate the time you took to inquire of Sen. Millar and to drop me a note. Happy New Year to you!

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-----Original Message-----

From: Andrew Carney <findcarney@gmail.com>

To: "info@terrynallfordunwoody.com" <info@terrynallfordunwoody.com>
Cc: "tomchrisman@aol.com" <tomchrisman@aol.com>, jwhagh <jwhagh@att.net>
Sent: Tue, 31 Dec 2013 4:21 PM
Subject: Zoning

Hello Mr. Niall, Fran Millar suggested I contact you. I live in the D'woody Club Forest neighborhood. Last week Jim Milam posted a zoning sign in the front yard of 5258 Vernon Lake Drive and taped a short note to mail boxes of a very few neighbors close to the property about his intentions. He and the builder Howard Levy plan to put two 4,000 sq. ft., five bedroom, five and 1/2 bath, three car garage and full basement homes on this one lot.

Mr. Milam told my neighbor on the phone today the plans are not drawn up yet. But he plans to build two story homes, as described above, in compliance with current code.

This zoning theme/trend would open the door to transition the current one home per lot to an "into the sky" two tall homes per lot. I hear Mr. Milam's filing was for all of DCF neighborhood. Condos, multi-family and large structures squeezed into a single lot will of course have a negative impact to the ideals of many current residents. With this type zoning change I would not doubt that HUD would welcome to put their demographic fiat change into our back yard. I reference the IBD article of December 13, 2013, HUD Targets Suburban Zoning As Racist, Official Warns

Read More At Investor's Business Daily: <http://news.investors.com/121313-682910-hud-targets-surburan-zoning-as-racially-exclusionary.htm#ixzz2p5YiK0jg>

Do you have contacts or influence with our local zoning board? Do you share my concerns regarding the above issues? Lastly would you have any suggestions of how best to keep zoning issues such as these halted now rather than fighting these issues long into the future?

Thank you for your consideration. Best of luck for 2014.

Andrew Carney
770) 861-4210

Rebecca Keefer

From: Terry Nall
Sent: Thursday, January 02, 2014 12:48 PM
To: Warren Hutmacher; Rebecca Keefer; Kevin McOmber
Subject: FW: DCF Subdivision lot size

FYI

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: wk.parker@comcast.net
Sent: Thursday, January 02, 2014 5:44:44 PM
To: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: DCF Subdivision lot size

I noticed that a lot- 5258 Vernon Lake Drive - was purchased with plans to cut the lot in half and build two houses on the resulting lots. I would ask that you not allow this construction and reduction in the lot size.

We moved into DCF in 1977 for the neighborhood and believe it is what continues to attract new residents today. I fear that developer changes, as contemplated for that lot, will lead to deterioration of the ambiance of this neighborhood and ultimately loss of property value.

Thank you for your consideration and support.

Bill Parker
5523 Stapleton Dr

Rebecca Keefer

From: Mary Stewart Peden <marystewz@gmail.com>
Sent: Thursday, January 02, 2014 1:21 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Dunwoody Club Forest

Dear Dunwoody Officials,

I would like to express my opposition to the proposed subdivision of the property that was recently purchased at 5258 Vernon Lake Drive. My family recently purchased in to this neighborhood because of the larger lots and the feel of the neighborhood. We moved from downtown to get away from the super sized houses that were on top of each other.

In addition, when we bought our home in Dunwoody Club Forest we were buying in to a subdivision with an approved neighborhood plat. We bought not only our own lot, but into the approved neighborhood plat too. Thus making it illegal to subdivide lots within the approved neighborhood plat

Please do not let our neighborhood be turned in to a super sized overbuilt neighborhood. We love this neighborhood the way it is.

Sincerely,
Mary Stewart Peden
(DCF resident)

*Please be aware that emails cannot be used for communicating emergency or life-threatening situations.

Mary Stewart Peden, MA, LPC

Intensively Trained in DBT

706-207-9699

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Rebecca Keefer

From: Kim Brooks <kimpbrooks@gmail.com>
Sent: Thursday, January 02, 2014 1:27 PM
To: Kevin McOmber; Rebecca Keefer
Subject: Vernon lakes home to be subdivided

I have been a Dunwoody Club Forest resident for 23 years. I purchased in this neighborhood for many reasons but two of which are the home setbacks, and lot sizes. I oppose the division of the lot to build two homes that is currently being requested on Vernon Lakes Drive. Please deny this request. Home improvements are one thing, lot density is a whole other animal.

Kim P Brooks
1691 Houghton Ct
Dunwoody GA

Sent from my iPhone

Rebecca Keefer

From: maureen sadler <moesadler@hotmail.com>
Sent: Thursday, January 02, 2014 1:42 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Opposed to dividing 5258 Vernon Lake Drive

I am a owner of a home in Dunwoody Club Forest and have recently learned of the request by Mr. Jim Milam to divide the lot located at 5258 Vernon Lake Drive into 2 lots. I am extremely opposed this. This would compromise the character of Dunwoody Club Forest and potentially reduce property values . We believe that among the many things that make DCF attractive to live in; our larger lots, setbacks, lower impervious coverage of lots, and mature foliage make.

Thank you for your time and attention to this matter.

Maureen Sadler
1728 Tolleson Court.

Rebecca Keefer

From: Kathy Brainard <kathybrainard@bellsouth.net>
Sent: Thursday, January 02, 2014 1:58 PM
To: Rebecca Keefer; mcomber@clarkpatterson.com; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: Erika Harris
Subject: Dunwoody Club Forest Lot Subdivision

Hello,

I have been a resident of Dunwoody since 1990. I have lived in Dunwoody Club Forest since 2004. One of the major reasons for choosing to live in DCF was the character of the neighborhood which has larger lots, good distance setbacks, lower impervious coverage of the lots and mature landscaping/trees.

The idea that a developer has purchased 5258 Vernon Lake Drive with plans of subdividing and building two large 4000 sq ft homes, three car garages and full basements on such a small lot (after subdividing) is very disturbing to say the least.

Developments/neighborhoods that are designed for that (such as Ellard off Holcomb Bridge or the Bill Grant neighborhood just down the street at Mt. Vernon and Tilly Mill) are fine if that's how they were designed and folks bought into the neighborhood knowing that was the "look". However, that is not the case with DCF. The subdivision was designed back in the early 1970's with an approved neighborhood plat. It is one of the characteristics of the neighborhood that is attractive to folks moving into the neighborhood to this day.

I respectfully request that you do not allow this lot to be subdivided and two very large homes to be built on such small lots. The will of the neighborhood and the families that live here should take precedence over the quick flip money making desire of a developer/contractor.

Best Regards,
Kathy Brainard
5379 Vernon Lake Drive

Rebecca Keefer

From: Laura McCoy <lauramccoy7@gmail.com>
Sent: Thursday, January 02, 2014 2:14 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber
Subject: 5258 Vernon Lake Drive

To the Dunwoody City Planners,

I am a resident of Dunwoody Club Forest and would like to voice my concern over the proposal to subdivide the single family home lot on 5258 Vernon Lake Drive. I am opposed to this plan and think it would create a precedent that would be detrimental to the neighborhood's home values and aesthetics. Dunwoody Club Forest was built as a subdivision with an approved neighborhood plat, which is what we bought into when we bought our home in the neighborhood.

Please support the almost 500 homeowners in Dunwoody Club Forest and do not allow the subdivision of the lot. I'm so pleased we now have the City of Dunwoody so the residents can maintain control of our zoning and development.

Thank you,
Laura McCoy
1727 Tamworth Court

Rebecca Keefer

From: Paul Schmid <pjschmid@bellsouth.net>
Sent: Thursday, January 02, 2014 2:24 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber
Cc: Bill Hackaday
Subject: Subdividing lots in Dunwoody Club Forest

I live Dunwoody Club Forest...A few weeks ago, a home at 5258 Vernon Lake Drive, a corner lot, was sold. The buyer, Jim Milam, also a Dunwoody resident, is petitioning the Council for approval to subdivide the current lot into two lots, in order to build two 4000 square foot homes with three car garages on 1/2 acre lots.

While I am in favor of renovation and building newer homes on existing lots, I am opposed to the idea of subdividing existing lots and building mega homes on smaller properties.

The Dunwoody Club Forest Neighbors (DCFN), our neighborhood association, is also opposed to this plan and points out that our subdivision was built with an approved neighborhood plat. When we bought our homes, we bought not only our own lot, but the approved neighborhood plat as well, thus making it illegal to subdivide lots within the neighborhood.

Please don't let the character of our neighborhood be changed and the value of our homes be affected.

Paul Schmid
5554 Durrett Drive
Dunwoody, GA 30338
770-396-1323
pjschmid@bellsouth.net

Rebecca Keefer

From: Kevin McOmber <KMcOmber@ClarkPatterson.com>
Sent: Thursday, January 02, 2014 1:44 PM
To: Rebecca Keefer
Subject: Fwd: Per your telephone conversation with Bill Hackaday and the attached letter from Jim Milam concerning subdividing lots in Dunwoody Club Forest
Attachments: DCF Letter from Jim Milam.doc; ATT00001.htm

FYI...

Sent from my iPhone

Begin forwarded message:

From: "Tom Chrisman" <tomchrisman1@aol.com>
To: "kevin.mcomber@dunwoodyga.gov" <kevin.mcomber@dunwoodyga.gov>, "Kevin McOmber" <KMcOmber@ClarkPatterson.com>
Cc: "jwhagh" <jwhagh@att.net>
Subject: Per your telephone conversation with Bill Hackaday and the attached letter from Jim Milam concerning subdividing lots in Dunwoody Club Forest

Dear Mr. McOmber,

Per your discussion with Bill Hackaday this morning concerning the proposal to subdivide a lot in DCF that will be discussed on 1-8-14, please refer to the attached copy of Mr. Milam's letter below which was distributed on the court adjacent to the property he wants to change. It is interesting to note that Mr. Milam did not evidently distribute this letter throughout DCF. I live very near this property on a different court but never received a copy of what he has proposed. So, it is clear he has only attempted to notified a small number of residents in the DCF community.

I am in a growing number of DCF residents opposed to approval of Mr. Milam's proposal. However, I will speak for myself in this email.

I am opposed to allowing Mr. Milam to subdivide this property for the following reasons:

1) DCF was designed for single family homes on lots ranging from 1/2 to 1 acre. All homes built have been consistent in design, set-back from the street, distance between homes, height, etc. Mr. Milam wants to build 2 - 4,000 sq ft homes on this corner lot that is about 3/4 acre by dividing it into 2 separate lots: 1 being approximately 1/3 of an acre; the other, about 1/2 an acre which includes a right-of-way for Colonial Pipe Line which cannot be disturbed in fear of impacting the integrity of the buried pipe line that carries gas to Doraville. With the other lots generally ranging between 1/2 and 1 acres, a 1/3 acre lot would be inconsistent with the layout and design of DCF.

2) Mr. Milam wants to build 2 - 4,000 sq ft homes on each of these lots. I am concerned that the set back, distance between adjacent dwellings, and height of each proposed home will not be

consistent with every other home in the DCF community.

3) I am also concerned with the way each home would be laid out relative to the property. Would they face Vernon Lake or would one have to be turned facing the court adjacent to Vernon Lake. Depending on the layout, one of these would be out of place. If both were facing Vernon Lake, 2 - 4,000 homes crammed onto a 3/4 acre lot would be out of place relative to the rest of this community.

3) Once allowed, this would open the door for any would-be developer to sub divide any lot in DCF transforming our community forever from what we all desired when we purchased in DCF to something else that few of us want.

In short, I am concerned that 2 large homes on 2 small lots will be out of place with the regular architecture and landscape that has made DCF a desirable place to live and raise our families. These homes will stick out and be out of place, much like a home built on Tilly Mill between the college and North Peachtree. Relative to the adjacent homes, that particular home is obviously out of place.

I would urge your committee to block Mr. Milan's efforts to cram 2 large homes into a space where one now exists. At the very least, this project should be put on hold until the DCF community has adequate time to express opinions about this proposal. We are in the process of generating a petition demanding this proposal be denied and I will forward that petition on to you once completed. In the meantime, I have advised interested parties to email their views to you directly.

Thanks for your consideration. I will monitor this and reserve further comment subject to your committee's decision on 1-8-14.

Sincerely,

Tom Chrisman
1728 Wilder Ct
Dunwoody, GA 30338
tomchrisman1@aol.com
404-310-3338

Rebecca Keefer

From: Jan Arnette <janarnette33@yahoo.com>
Sent: Thursday, January 02, 2014 3:30 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Dunwoody Club Forest subdividing lot

I am AGAINST subdividing any lots in the Dunwoody Club Forest neighborhood specifically 5258 Vernon Lake Drive.

I currently reside in Dunwoody Club Forest having purchased my home almost 12 years ago. I bought a home in this neighborhood due to its large lots and cohesive neighborhood feel. We paid a premium to be in the Dunwoody Club Forest neighborhood as similar houses were selling in the Dunwoody Club Forest West neighborhood for approximately \$50,000 less. The West neighborhood has similar houses on smaller lots.

We bought our home in an established neighborhood so that we would have trees, deep set backs from the road and large lots. The character of the neighborhood will be negatively impacted if this lot is divided. It will also set a very negative precedent for future lots to be divided. This will change the entire character and feel of the neighborhood.

Subdividing the lot is a terrible idea. Demolishing the current home and building one new home on the lot is an excellent idea. Other builders have successfully done this in our neighborhood and I would encourage the new owner to do the same.

Thank you for your consideration,
Jan Arnette

Rebecca Keefer

From: Bertschi, Craig <CBertschi@kilpatricktownsend.com>
Sent: Thursday, January 02, 2014 3:57 PM
To: Rebecca Keefer; Kevin McOmber
Cc: Kim Bertschi
Subject: 5258 Vernon Lake Drive

Ms. Keefer and Mr. McOmber:

My name is Craig Bertschi. I moved to Dunwoody in 1995, and I currently reside in the Dunwoody Club Forest neighborhood with my wife and our three children.

This morning, I learned that a request has been filed to subdivide one of the lots in my neighborhood, specifically the property located at 5258 Vernon Lake Drive (the "Property"). As I understand it, the owner of that property intends to demolish the existing home, subdivide the lot and build two new 4,000 sq. ft. homes, each having a three car garage.

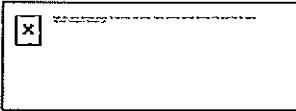
I am writing to you to express my opposition to the proposed subdivision of the Property or any zoning variance with respect thereto. My opposition is based on the following:

1. In its current configuration, the Property is approximately 0.9 acres. Subdividing that parcel will result in two lots of less than 0.5 acres, which is small and out of character for that part of the neighborhood.
2. Because the Property is a corner lot, fronting both on Vernon Lake Dr. and Dunridge Ct., there is no logical way to subdivide the property within the current setbacks. As a result, the construction of two homes on the Property will crowd each other and the streets, particularly Vernon Lake Dr.
3. Allowing a variance in this instance will set a dangerous precedent. There are many lots in Dunwoody Club Forest that are of similar size. If you allow this lot to be subdivided, you will be inundated with similar requests as the real estate market continues to improve. And that is true not just for Dunwoody Club Forest, but for other neighborhoods within the City limits.
4. The upshot of these concerns is that allowing the Property to be subdivided will negatively affect the character and quality of life in my neighborhood, and my property values.

That said, I am not opposed to redevelopment of property in the neighborhood, as long as it is on a "one-for-one" basis. There are a number of examples in Dunwoody Club Forest of an older home being demolished and replaced with a new home. As a rule, these new homes have been tastefully done, have respected existing lot dimensions and setbacks and have had a positive effect on property values in the neighborhood. I encourage this sort of redevelopment and would support the owner of the Property if he were inclined to demolish the existing structure and replace it with a single home.

Thank you in advance for your careful consideration of this issue.

Craig Bertschi



Craig Bertschi

Kilpatrick Townsend & Stockton LLP

Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528

office 404 815 6493 | cell 404 731 5492 | fax 404 541 3128

cbertschi@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

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Rebecca Keefer

From: David Roane <roane.david@gmail.com>
Sent: Thursday, January 02, 2014 4:24 PM
To: Rebecca Keefer
Subject: request to subdivide lot at 5258 Vernon Lake Drive

Ms. Keefer: I've recently been informed of a pending request by an individual to subdivide the lot located at 5258 Vernon Lake Drive, in the Dunwoody Club Forest subdivision and build 2 residences. I live nearby in that neighborhood at 5322 Forest Springs Drive. I am opposed to any subdivision of lots in this approximately 40 year old subdivision, as it would be obviously visually inconsistent with surrounding properties, and would set a disturbing precedent for further erosion of the existing character of the subdivision. I am sure that you and your colleagues will carefully research the legality of such an attempt to commercially exploit the long established desirability of this neighborhood, which was developed along the lines of a subdivision plat approved by DeKalb County. Just wanted to sound off about this. For what it may be worth, I am a retired attorney and hold an M.S. degree in Urban and Regional Planning from Florida State University (1979).

Rebecca Keefer

From: William Schmaltz <bill_schmaltz@hotmail.com>
Sent: Thursday, January 02, 2014 5:06 PM
To: Rebecca Keefer; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: Joan Schmaltz; president@dcfn.org
Subject: 5258 Lake Vernon Drive

To all concerned:

My wife, Joan Schmaltz and I own a home in Dunwoody Club Forest at 1730 Durrett Cove. We have learned recently that the property at 5258 Vernon Lake Drive was sold to a Dunwoody resident, Jim Milam. Currently Mr. Milam has filed to be able to subdivide the current property into two lots and with Dunwoody Contractor, Howard Levy, build two 4,000 sq. ft. homes with three car garages and full basements. While we do not begrudge anyone the reasonable use and enjoyment of their property and certainly have no problem with the purchase of existing properties to be expanded, refurbished or even demolished and rebuilt to a higher standard; we do not agree with the proposed practice of subdividing lots into smaller lots that will contain large homes with smaller setbacks, lower impervious coverage, and less mature foliage. Those are the very things that make DCF unique and add to the desirability of our community. We believe that this sort of practice will have a negative effect on property values in DCF.

We also share the opinion of several other homeowners that because DCF was built as a subdivision with an approved neighborhood plat – when we bought our homes in the neighborhood – we bought not only our own lot, but into the approved neighborhood plat too. Thus making it illegal to subdivide lots within the approved neighborhood plat.

We strongly urge you to deny this filing for approval to subdivide this property or any similar requests in the future.

Rebecca Keefer

From: Rob Augustine <rja@rjalaw.com>
Sent: Thursday, January 02, 2014 6:00 PM
To: Kevin McOmber; iwillretire@att.net; CBertschi@kilpatricktownsend.com; Bertschik@bellsouth.net; janarnette33@yahoo.com; president@dcfn.org; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; erikaleighh@gmail.com; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; findcarney@gmail.com; jimpattymckay@gmail.com
Cc: Denis Shortal; Mike Davis; Terry Nall; John Heneghan; Lynn Deutsch; Jim Riticher; Douglas Thompson; Warren Hutmacher; Rebecca Keefer
Subject: RE: 5258 Vernon Lake Drive

Dear Kevin,

Well we certainly appreciate that. It would be a real loss to the long-standing residential property owners in Dunwoody if the very subdivisions they live in can be further sub-divided again and redeveloped outside the original scheme of the existing subdivision plan.

These subdivision lots were previously plotted and approved by the local governing authority. The plats showing the lots and the well-planned development set up the scheme for the entire subdivision development. It was NEVER INTENDED that these lots once approved would ever be further subdivided and redeveloped. To do so would greatly alter the character and appeal of the entire subdivision. Indeed, this type of developer initiated over use of the already platted lots flies in the face of common sense and fairness to everyone who now has a home in the subdivision.

If you look at the newly filed application, the new owner of this property just plans to further sell it to a builder or builders for not one, but for two homes to be constructed. This was never the plan or intent here. This effort to further subdivide is against every principle of sound zoning, land development, and protection of existing property owners in the subdivision. Any such construction will overcrowd the corner lot, it will be very close to the property adjoining to the rear, it will destroy the visual layout of the streetscape, it will have a negative effect on every house nearby, and will diminish the attractiveness and value of the entire subdivision.

The overall plan of the subdivision as it was originally platted and approved by the governing authority, now the City of Dunwoody, should be given effect. Revising existing lot lines and adding new homes to the already approved subdivision should not be allowed. No one will benefit from this except the developer and builder to the loss of our existing homeowners.

I certainly hope that this matter can be resolved by following the current layout and plat as previously approved. Otherwise it will destroy what is now a perfectly fine subdivision as it is currently platted and previously approved and sanctioned by the governing authority. Certainly the existing homeowners have vested rights to not have their entire platted subdivision torn asunder.

Thank you for your attention to this matter.

Rob Augustine

From: Kevin McOmber [mailto:Kevin.McOmber@dunwoodyga.gov]
Sent: Thursday, January 02, 2014 4:58 PM
To: iwillretire@att.net; CBertschi@kilpatricktownsend.com; Bertschik@bellsouth.net; janarnette33@yahoo.com;

president@dcfn.org; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; erikaleighh@gmail.com; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrism1@aol.com; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com

Cc: Denis Shortal; Mike Davis; Terry Nall; John Heneghan; Lynn Deutsch; Jim Riticher; Douglas Thompson; Warren Hutmacher; Rebecca Keefer

Subject: 5258 Vernon Lake Drive

Good afternoon,

Each of you have either authored or have been copied on recent correspondence regarding the potential subdivision of land at 5258 Vernon Lake Drive. The City's planning and engineering team are currently reviewing the application and will have further information available very soon. Let me assure each of you that your concerns have been heard are being considered by the City of Dunwoody.

Best Regards,

Kevin



Kevin J. McOmber, PE

Interim Community Development Director

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6800 office

(770) 396-4828 fax

Rebecca Keefer

From: Tom Chrisman <tomchrisman1@aol.com>
Sent: Thursday, January 02, 2014 6:12 PM
To: Kevin McOmber
Cc: iwillretire@att.net; CBertschi@kilpatricktownsend.com; Bertschik@bellsouth.net; janarnette33@yahoo.com; president@dcfn.org; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; erikaleighh@gmail.com; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com; Denis Shortal; Mike Davis; Terry Nall; John Heneghan; Lynn Deutsch; Jim Riticher; Douglas Thompson; Warren Hutmacher; Rebecca Keefer
Subject: Re: 5258 Vernon Lake Drive

Thank you for your followup Kevin. It is greatly appreciated.

Based on the ground swell of comments I am hearing from neighbors in the DCF community, you have only begun to hear from the many who are concerned about the dangerous precedent that approval by your committee will create. I have asked and will encourage others to contact Jim Richtiner, newly elected member of the Dunwoody City Council and member of the DCF community to look into this matter.

As I think I stated in an earlier email I sent to you, at the very least, your committee needs to delay action on authorizing the request by Mr. Milam until you have an opportunity to hear from the rest of the DCF community. I am concerned that failure to do so will result in a fiasco similar to the one with the Dunwoody Parkway that has begun to fuel a lot of negativity on the part of Dunwoody Citizens, who can not see the wisdom in that move. I consider allowing an existing lot approaching 3/4 of an acre in size to be subdivided into a 1/3 and 1/2 acre lot and then erecting 2 homes each at least 4,000 sq ft, in size expecting the set back, height of the building, and distance between each new dwelling and adjacent properties to be consistent with the rest of our community may be wishful thinking. I for one would be extremely disturbed by the imbalance that would be created and the likelihood that this would only be the first of many attempts by would-be developers to follow the same path. The DCF community has been a showcase in Dunwoody since the early 70's. It doesn't seem it would be advisable to change the environment that several hundred property owners have come home. There are other communities like the one on Winter Chapel Rd near Peachtree Industrial that could be cleaned up and developed meeting little resistance. DCF does not need a facelift !

Thanks again, I look forward to monitoring how this unfolds and what steps may be needed to protect our community.

Best regards,

Tom Chrisman

On Jan 2, 2014, at 4:57 PM, Kevin McOmber wrote:

Good afternoon,

Each of you have either authored or have been copied on recent correspondence regarding the potential subdivision of land at 5258 Vernon Lake Drive. The City's planning and engineering team are currently reviewing the application and will have further information available very soon. Let me assure each of you that your concerns have been heard are being considered by the City of Dunwoody.

Best Regards,

Kevin

<image001.jpg>

Kevin J. McOmber, PE

Interim Community Development Director

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6800 office

(770) 396-4828 fax

Rebecca Keefer

From: ROBERT LOESEL <loesels@bellsouth.net>
Sent: Thursday, January 02, 2014 8:11 PM
To: Rebecca Keefer
Subject: Dunwoody Club Forest Lots

Dear Ms. Keefer,

My wife and I have been residents of Dunwoody Club Forest Subdivision for 24 years now. We were attracted to the charm and civility of the town of Dunwoody, the large homes, the great local schools and the heavily wooded, large lots.

It has come to our attention that one of the homes in our neighborhood has been sold for the purpose of razing the existing home and erecting TWO large homes on the original platted lot. We are very concerned that this could set a negative precedent in our neighborhood. We chose this particular neighborhood FOR it's large private lots. There are many other subdivisions in the town with smaller lots that people could take advantage of.

We are pleading with the City Planners that you deny the application to build more than one home on each of the lots in Dunwoody Club Forest Subdivision. This is nothing less than builder "greed" at the expense of local citizens.

Please let us know if you are in agreement with preserving the "forest" of Dunwoody Club Forest.

Sincerely,

Robert and Tricia Loesel

Rebecca Keefer

From: Terry Nall
Sent: Thursday, January 02, 2014 10:00 PM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: Subdivision Concerns

FYI

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

From: rwgoodwin2003@comcast.net [rwgoodwin2003@comcast.net]
Sent: Thursday, January 02, 2014 8:11 PM
To: Terry Nall
Subject: Fwd: Subdivision Concerns

Terry, This is the problem that I mentioned to you on 12/24. If you have any suggestions or ideas about trying to defeat this action please let me know. I am extremely concerned about the groundwater table and how it will be affected by these huge homes. The current house on the property, as well as my own which is right next door, have had water infiltration problems. Thanks for all that you do, Ellie Goodwin

From: "DCFN HOA President" <president@dcfn.org>
To: "Ellie Goodwin" <rwgoodwin2003@comcast.net>
Sent: Thursday, January 2, 2014 12:15:51 PM
Subject: Subdivision Concerns

Good day neighbors,

I have had several calls and emails over the past week concerning a home that sold just over two weeks ago. 5258 Vernon Lake Drive was sold to a Dunwoody resident, Jim Milam. Currently Mr. Milam has filed to be able to subdivide the current property into two lots and with Dunwoody Contractor, Howard Levy, build two 4,000 sq. ft. homes with three car garages and full basements. (To see a new home similar in size to the two proposed to-be built, you can go look at the new home at the end of Houghton Court North.)

Concerns have been raised over setting precedence in the neighborhood as it pertains to having investors buy properties within our neighborhood, subdividing the larger lots, and building multiple larger homes on the new smaller lots.

I have been asked to whom correspondence should be directed to if someone would like to express concern and opposition to the city approving the request to subdivide. There are several people you can email:

- Rebecca Keefer and Kevin McOmber who works in the city planning office:
rebecca.keefer@dunwoodyga.gov<<mailto:rebecca.keefer@dunwoodyga.gov>>,
kevin.mcomber@dunwoodyga.gov<<mailto:kevin.mcomber@dunwoodyga.gov>>,
kmcomber@clarkpatterson.com<<mailto:mcomber@clarkpatterson.com>>

· Mayor and City Council Members:

Mike.Davis@dunwoodyga.gov<mailto:Mike.Davis@dunwoodyga.gov>,
Denis.Shortal@dunwoodyga.gov<mailto:Denis.Shortal@dunwoodyga.gov>,
John.Heneghan@dunwoodyga.gov<mailto:John.Heneghan@dunwoodyga.gov>,
Douglas.Thompson@dunwoodyga.gov<mailto:Douglas.Thompson@dunwoodyga.gov>,
Lynn.Deutsch@dunwoodyga.gov<mailto:Lynn.Deutsch@dunwoodyga.gov>,
Terry.Nall@dunwoodyga.gov<mailto:Terry.Nall@dunwoodyga.gov>,
Jritiche@bellsouth.net<mailto:Jritiche@bellsouth.net>

I would also like to share that the DCFN Board has officially taken a position against subdividing the lot. While we are generally supportive of renovation and new homes being built on existing lots to maintain and improve the value of the neighborhood, we do believe that by allowing the subdivision of lots in our neighborhood the character of Dunwoody Club Forest is compromised and value is potentially reduced. We believe that among the many things that make DCF attractive to live in; our larger lots, setbacks, lower impervious coverage of lots, and mature foliage make us unique and add to the desirability of our community.

The city will make a decision on whether or not to subdivide the lot on the 8th of January, 2014. It is incredibly important that anyone who wishes to express their opposition to the subdividing do so quickly. If the lot subdivision is approved, we will have 30 days to appeal the decision. Emails from individuals are best. We have also been told reasons that support concern over potential negative effect on the character of the neighborhood and any other factually based arguments are important to include.

An example of an argument shared by a neighbor, is that because DCF was built as a subdivision with an approved neighborhood plat – when we bought our homes in the neighborhood – we bought not only our own lot, but into the approved neighborhood plat too. Thus making it illegal to subdivide lots within the approved neighborhood plat.

We hope this email is helpful for those of you who have expressed concern. If you have any questions, please do not hesitate to contact me.

Thank you and a very happy New Year to you and your families.

Sincerely,

Erika Harris
President of DCFN, Inc.

Rebecca Keefer

From: Terry Nall
Sent: Thursday, January 02, 2014 10:01 PM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: Subdivision property VLD

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

From: Carol [claybrull@gmail.com]
Sent: Thursday, January 02, 2014 9:10 PM
To: Terry Nall
Subject: Subdivision property VLD

Dear Councilor Nall

I wish to voice my deep concerns and disapproval of the proposed division of the property at 5258 Vernon Lake Drive. I have been a homeowner on that street since 1980. I have seen trees felled on many properties near the Vernon Lake Drive entrance to Dunwoody Club Forest which has left the neighborhood less attractive and in my opinion has decreased the property value. I feel this plan for higher density will further decrease the attractiveness and value of the neighborhood significantly. The home adjacent to mine (5221 Vernon Lake Drive) was torn down and replaced several years ago with a house that enhanced the neighborhood and fit in comfortably with the existing homes. I would prefer to see the same treatment of this property.

I request that the subdivision of the lot at 5258 Vernon Lake Drive be denied.

Yours truly,

Carol Brull

5229 Vernon Lake Drive

Sent from my iPhone

Rebecca Keefer

From: theseegars@comcast.net
Sent: Thursday, January 02, 2014 10:27 PM
To: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net; Rebecca Keefer; Kevin McOmber; Kevin McOmber
Cc: tom.taylor@house.ga.gov; Fran.Millar@senate.ga.gov
Subject: Subdividing 5258 Vernon Lake Drive Dunwoody Club Forest

To:
Mayor Mike Davis
Dunwoody City Council Members
Dunwoody City Planning Office

Cc:
Senator Fran Millar
Representative Tom Taylor

Re: Subdividing 5258 Vernon Lake Drive

All,

My wife and I are 13-year residents of Dunwoody Club Forest and wish to express our concern over a request to subdivide 5258 Vernon Lake Drive into two lots. We are opposed to this both as homeowners and residents of Dunwoody.

As residents of Dunwoody, we are opposed to increasing the density of our city through changing the character of existing neighborhoods. City residential growth should be accomplished by developing / redeveloping entire areas, not one lot at a time impacting mature neighborhoods.

As residents of Dunwoody Club Forest, we are opposed to this zoning variance for several specific reasons:

1. A zoning variance would change the character of the neighborhood – replacing larger lots, setbacks, mature foliage with the opposite – and impact the property values and desirability of our neighborhood.
2. DCF was built as a subdivision with an approved neighborhood plat. When we bought our home, we bought not only our own lot but also bought into the approved neighborhood plat. I believe it is illegal to subdivide lots within the approved neighborhood plat.
3. Approving one zoning variance will indicate that some or all mature lots in Dunwoody can be subdivided, doubling the density and eventually eliminating our mature neighborhoods that are a draw for many who move here.

Maintaining the property values and character of Dunwoody is a key component of your responsibility in Dunwoody's government. Remodeling or rebuilding older homes in the character of the neighborhoods are great ways to maintain property values and neighborhood desirability. Allowing mature home sites to be subdivided is not.

I hope that you will vote against and/or not support this request. Vote to maintain the character of Dunwoody's mature neighborhoods.

Sincerely,

Pam and Joe Seegars

1719 Durrett Cove

Rebecca Keefer

From: Elva <e_rosner@bellsouth.net>
Sent: Thursday, January 02, 2014 10:33 PM
To: DCFN HOA President
Cc: Rebecca Keefer; Mike Davis
Subject: Re: Subdivision Concern

To Whom it may concern,

Let it be known that Norman and Elva Rosner residing at 5631 Trowbridge Way, Dunwoody, GA, are against the subdivision of the two acres in question for the reasons stated by DCFN Board.

Elva and Norman Rosner
Dunwoody Club Forrest
Sent from my iPad

On Jan 2, 2014, at 12:15 PM, "DCFN HOA President" <president@dcfn.org> wrote:

Good day neighbors,

I have had several calls and emails over the past week concerning a home that sold just over two weeks ago. Lake Drive was sold to a Dunwoody resident, Jim Milam. Currently Mr. Milam has filed to be able to subdivide property into two lots and with Dunwoody Contractor, Howard Levy, build two 4,000 sq. ft. homes with three and full basements. (To see a new home similar in size to the two proposed to-be built, you can go look at the end of Houghton Court North.)

Concerns have been raised over setting precedence in the neighborhood as it pertains to having investors buy within our neighborhood, subdividing the larger lots, and building multiple larger homes on the new smaller

I have been asked to whom correspondence should be directed to if someone would like to express concern to the city approving the request to subdivide. There are several people you can email:

· Rebecca Keefer and Kevin McOmber who works in the city planning office: rebecca.keeper@dunwoodyga.gov, kevin.mcomber@dunwoodyga.gov, kmcomber@clarkpatterson.com

· Mayor and City Council Members:

Mike.Davis@dunwoodyga.gov, Denis.Shortal@dunwoodyga.gov, John.Heneghan@dunwoodyga.gov,
Douglas.Thompson@dunwoodyga.gov, Lynn.Deutsch@dunwoodyga.gov, Terry.Nall@dunwoodyga.gov,
Jritiche@bellsouth.net

I would also like to share that the DCFN Board has officially taken a position against subdividing the lot. While generally supportive of renovation and new homes being built on existing lots to maintain and improve the neighborhood, we do believe that by allowing the subdivision of lots in our neighborhood the character of Dunwoody Forest is compromised and value is potentially reduced. We believe that among the many things that make Dunwoody to live in; our larger lots, setbacks, lower impervious coverage of lots, and mature foliage make us unique and

desirability of our community.

The city will make a decision on whether or not to subdivide the lot on the 8th of January, 2014. It is incredible that anyone who wishes to express their opposition to the subdividing do so quickly. If the lot subdivision is approved, you will have 30 days to appeal the decision. Emails from individuals are best. We have also been told reasons that concern over potential negative effect on the character of the neighborhood and any other factually based arguments are important to include.

An example of an argument shared by a neighbor, is that because DCF was built as a subdivision with an approved neighborhood plat – when we bought our homes in the neighborhood – we bought not only our own lot, but the approved neighborhood plat too. Thus making it illegal to subdivide lots within the approved neighborhood plat.

We hope this email is helpful for those of you who have expressed concern. If you have any questions, please hesitate to contact me.

Thank you and a very happy New Year to you and your families.

Sincerely,

Erika Harris
President of DCFN, Inc.

Rebecca Keefer

From: Penny <pennysully@gmail.com>
Sent: Thursday, January 02, 2014 11:16 PM
To: Rebecca Keefer; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Dunwoody Club Variance Request

To The Dunwoody Mayor and City Commissioners,

I recently learned that an individual purchased a home in Dunwoody Club Forest at 5258 Vernon Lake Drive and plans to subdivide the current lot into two lots containing two homes. When we bought our home we understood we bought into a subdivision that had an approved neighborhood plat making it illegal to subdivide lots.

I am concerned a precedent would be set resulting in investors buying properties and further deteriorating our neighborhood by building multiple homes on smaller lots. We believe that among many things that makes Dunwoody Club Forest attractive to live in is larger lots, setbacks, lower impervious coverage of lots and mature foliage makes us unique and adds to the desirability of our community.

Please make the right decision by "REJECTING" this application. This will preserve the integrity of our subdivision and unique lifestyle we all enjoy as part of the "City of Dunwoody".

Daniel and Mary Sullivan

Rebecca Keefer

From: Griffith, Greta <ggriffith@hunton.com>
Sent: Friday, January 03, 2014 12:06 PM
To: Rebecca Keefer
Subject: RE: Vernon Lake Subdivide

Hello again. Hope you are well and had wonderful holidays. In follow-up to the below email correspondence we had before Christmas, below please find my more formal objection to the subdivision on Vernon Lake. I am sure this is obvious, but just to cover off, although I am sending this (and the other emails) from my work address, I am writing to you purely in my individual capacity (and not in any way for the firm nor in my capacity as a lawyer). Also, for clarity, I am not a real estate lawyer (so I am writing simply as a concerned citizen and am not an expert). With those preliminaries, please see below. Thanks again for your time and consideration. G.

It appears to me that Article 11 regarding subdivisions is applicable here and this is a "minor" subdivision. Even though this is a "minor" subdivision, I believe the general provisions still apply (as do the requirements of Articles 14 and 15 and certain portions of the plat review procedure – 16-13.20 (with respect to which review I defer to you and the city)).

I don't see any provisions anywhere wherein the city, its community development manager or its manager etc. are required to approve a subdivision. It appears discretionary -- to be reviewed and approved or rejected in accordance with the overall policies and purposes of the regulations. The purposes specifically include (see 16-11.10-B), among many others, (i) to "protect and provide for the . . . general welfare of the citizens of the city", (ii) to "protect and conserve the value of the land and the economic stability of all communities in the city", (iii) to "preserve the integrity, stability and beauty of the city and the value of the land" and (iv) "to preserve the natural beauty, environment and topography of the city and to ensure appropriate development with regard to these natural features".

I submit that even a "minor" subdivision has a notice and comment requirement so that the city may ascertain whether the subdivision in question satisfies the all of the policies and purposes (in addition to otherwise fully complying with the requirements of the regs and the comprehensive plan etc.). Otherwise, the notice and comment provisions would have no purpose (and that result turns the regs on their head and is not in accordance with my understanding of general rules of construction and interpretation). This is made clear in, among other places, Section 16-14.10-B 3. (as I read these regs, sections 14 and 15 apply even to "minor" subdivisions) wherein it states "the community development director may not recommend approval for a sketch plat or parts thereof if the community development director determines that . . . the proposed subdivision is not in the best interest of the public health, safety and general welfare of the city" (there are also certain provisions of 2. immediately above the quoted language which may be applicable and not be satisfied in my opinion). The public comments give you a chance to know whether these are satisfied from the perspective of those who have to live with and near the proposed subdivision (minor or otherwise).

With that background, it is my opinion that this subdivision is not in the best interests of the city, my neighbors, me or our subdivision (meaning Dunwoody Club Forest). As you know, we recently purchased our house and a major factor in that decision was the established nature of the neighborhood including importantly the large lots and low density. A subdivision of one of those lots of this nature (so close to our house too) will add additional density we were specifically trying to avoid and will significantly change the look and feel of our neighborhood (I believe much to our detriment and to the detriment of the community as a whole). I am very concerned about my property value and additional congestion as well (Vernon Lake is already quite a busy street). Just to be clear, a tear down and rebuild of one new house on the same lot (assuming done in accordance with all the rules and regs etc.) really doesn't trouble me. My objection is to changing the nature of the community into which I just invested quite a bit of money and really love (as it is).

Please keep me posted. Thanks for your time.



Greta T. Griffith
Partner
ggriffith@hunton.com

Hunton & Williams LLP
Bank of America Plaza, Suite 4100
600 Peachtree Street, N.E.
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From: Rebecca Keefer [mailto:rebecca.keefer@dunwoodyga.gov]
Sent: Friday, December 20, 2013 4:40 PM
To: Griffith, Greta
Subject: RE: Vernon Lake Subdivide

I certainly understand your frustration, and I know the pains of moving! As far as additional objections, I definitely encourage you to submit any of your objections. While the code narrowly defines the basis for decision in this case, your commentary, especially in reference to the code is important to the process.

Thanks,
Rebecca



Rebecca Keefer
City Planner/Director of Sustainability
City of Dunwoody
41 Perimeter Center East, Suite 250, Dunwoody, GA 30346
(678) 382-6811 direct
(770) 396-4828 fax

From: Griffith, Greta [mailto:ggriffith@hunton.com]
Sent: Thursday, December 19, 2013 4:06 PM
To: Rebecca Keefer
Subject: RE: Vernon Lake Subdivide

Thanks again. I really do appreciate your continued assistance/engagement on these matters. Would it make any difference if I re-sent my objection taking these ordinances specifically into consideration (for example, the "policies" at the outset seem to override everything and include considerations which I think would be applicable here – also why would even "minor subdivisions" allow for community input if that input couldn't be taken into consideration etc.)? Let me know. If it is better for me to just let the process run, feel free to tell me that too. I think particularly because I just spent SO much time and effort moving (it is not fun to move!) it is bothering me that the street in the development where I hope to be forever is potentially changing significantly (to me, anyway). Thanks for your patience. G.

Bio vCard



Greta T. Griffith
Partner
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From: Rebecca Keefer [<mailto:rebecca.keefer@dunwoodyga.gov>]

Sent: Thursday, December 19, 2013 2:24 PM

To: Griffith, Greta

Subject: RE: Vernon Lake Subdivide

Yes, click on this link and download the ordinances on the right, under the red menu bar--
<http://library.municode.com/index.aspx?clientId=14784&stateId=10&stateName=Georgia>

Thanks,
Rebecca



Rebecca Keefer

City Planner/Director of Sustainability

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6811 direct
(770) 396-4828 fax

From: Griffith, Greta [<mailto:ggriffith@hunton.com>]
Sent: Thursday, December 19, 2013 1:58 PM
To: Rebecca Keefer
Subject: RE: Vernon Lake Subdivide

Thanks. Just for my own better understanding is the ordinance to which you refer published somewhere? I was just wondering. G.

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Greta T. Griffith
Partner
ggriffith@hunton.com

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From: Rebecca Keefer [<mailto:rebecca.keefer@dunwoodyga.gov>]
Sent: Thursday, December 19, 2013 12:39 PM
To: Griffith, Greta
Cc: Dave Griffith
Subject: RE: Vernon Lake Subdivide

Thanks, Greta. I have pushed the decision deadline until January 8, whereby between now and then, staff will be reviewing the proposed subdivision against the ordinance and may require multiple resubmittals based on those reviews. I wanted to clarify, though, that this process is not for a rezoning, rather a lot subdivision. Since it is already zoned for the district they intend to develop, they are bound by the administrative process and compliance with all applicable regulations. Please feel free to contact me as you have questions between now and then, and I'll include your objection in the file. The applicant asked that I pass along his information in case anyone wanted to get in touch with him: Jim Milam (404-502-0090).

Thanks,
Rebecca



Rebecca Keefer

City Planner/Director of Sustainability

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6811 direct

(770) 396-4828 fax

From: Griffith, Greta [<mailto:ggriffith@hunton.com>]

Sent: Thursday, December 19, 2013 11:41 AM

To: Rebecca Keefer

Cc: Dave Griffith

Subject: Vernon Lake Subdivide

Hello. Thanks again for your time this morning.

In follow-up to our conversation, I would just like to formalize our objection to the subdivision of the property on Vernon Lake. We recently moved to Dunwoody Club Forest and one of the big reasons we chose Dunwoody Club Forest was because it was an established neighborhood with large lots and space between the houses (low density). Permitting the subdivision of the property on Vernon Lake would significantly alter that low density level (potentially lowering property values, setting precedent for this to occur elsewhere in the development and generally just altering the quiet enjoyment of the neighborhood for those of us who hope to live there for many years to come). At the very least, it seems to me there should be more time for the consideration of these matters (as far as I know the house was still for sale last week and I just noticed the re-zoning sign this morning) – having all of this occur in just a few weeks around the holidays seems to be rushing matters that could be very important to the neighborhood and our street, in particular.

We would appreciate anything you could do to either reject the request for the subdivision of this property or to, at the very least, allow additional time for input (and perhaps a hearing?) to allow the neighbors and others who are interested to voice their opinions.

Please keep us posted as to how this matter proceeds (and feel free to reach out if there is anything else you might need from me).

Thanks in advance for your consideration (and happy holidays!). G.

Bio vCard



Greta T. Griffith

Partner

ggriffith@hunton.com

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Rebecca Keefer

From: tedwardsje@aol.com
Sent: Friday, January 03, 2014 3:18 PM
To: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net; Kevin McOmber; Rebecca Keefer
Subject: Proposed subdivision

As long term residents of Dunwoody and Dunwoody Club Forest we use Vernon Lakes Drive everyday and are very familiar with the location of the proposed subdivision. My wife and I are VERY much opposed to the proposed subdivision on Vernon Lakes Drive. If necessary, we would support a lawsuit to block the proposed subdivision.

The Edwards

Rebecca Keefer

From: tedwardsje@aol.com
Sent: Friday, January 03, 2014 3:03 PM
To: Rebecca Keefer
Subject: proposed subdivision

My wife and I are long term residents of Dunwoody and vigorously OPPOSE the proposed subdivision Vernon Lake Drive.
The Edwards

MEMORANDUM

To: Mayor and City Council

From: Kevin McOmber—Interim Community Development Director
Rebecca Keefer—City Planner

Date: January 3, 2014

Subject: Lot subdivision request for 5258 Vernon Lake Drive



ITEM DESCRIPTION

The subject property is located at the corner of Dunridge Court and Vernon Lake Drive, north of its intersection with Mount Vernon Road. It is zoned R-100 (Single-Family Residential District). **The applicant's request is to** revise the final plat for the Dunwoody Club Forest subdivision to split the subject property into two lots. The applicant intends to construct a single-family dwelling on each of the newly created lots, which will occur during a subsequent land disturbance/building permit process.

The subject property measures a total of 103.97 feet along Dunridge Court and 283.64 feet along Vernon Lake Drive. The area of the lot totals approximately 0.897 acres (39,043 square feet). Subject to change during the review process, the lots are proposed to be 16,669.2 and 22,373.8 square feet once divided.

BACKGROUND

The process by which the applicant is seeking the subdivision is outlined in Chapter 16, Section 16-13.20-Q, **"Revised Final Plat (Plat Amendments)**". The following definitions, as defined by the Land Development Ordinance, are provided for clarity in the description of the subject subdivision process:

Subdivision means any division or re-division of a lot, tract or parcel, regardless of its existing and future use, into 2 or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

Lot means a designated parcel, tract or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

In summary, any revisions to previously recorded final plats due to “some error, required adjustment or *desired adjustment*,” require that an applicant comply with the procedures in Section 16-13.20-Q. The requested action is considered a major change to the original final plat **because it is characterized as follows:** “changing or moving lot lines, *increasing or decreasing the number of lots*, changing the location of any public facilities or utilities, and revising protective covenants applying to the property.” A major change shall be processed in the same way as a new final plat, per Section 16-13.20-Q(d).

The final plat review process requires that the applicant submit paperwork and requisite information for staff to determine whether the proposed subdivision complies with “all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.” **The compliance review** is an administrative process performed by the **City’s Planning, Engineering, GIS, and Public Works divisions and**, ultimately, signed off by the City Manager and Community Development Director. The decision-making process is binary whether the proposed subdivision complies with the regulations or not. If it does comply, then staff is required to approve the request, as it is a by-right request—in other words, there are no discretionary zoning actions to be performed by the legislative body (i.e. rezonings).

Subsequent to the land subdivision process, an applicant still needs to pursue the land development and building permit processes and must comply with codes for those administrative requests as well, including contextual setbacks, building height, maximum lot coverage, tree protection, drainage, access management, etc.

ANALYSIS

While there are a number of considerations comprising the review of a land subdivision, the following standards prescribe the prospect of lot subdivision related to the subject parcel:

The Original Subdivision Plat

The original subdivision plat containing the subject property was originally recorded in 1969 and has received subsequent revisions. Staff has reviewed the provisions of the plat, including the stated protective covenants. **Although a protective covenant is stated that “no lot shall be subdivided...”** covenants are unenforceable by the City of Dunwoody for two reasons: 1) Covenants are privately enforced; and 2) the covenants set forth on the original plat, by their own terms, expired in 1993.

Lot Comparison within Neighborhood

Dunwoody Club Forest contains a total of 508 individual lots, with an average size of 24,742.5 square feet. The subject property is located approximately one-quarter of a mile from the Vernon Lake Drive entrance to the neighborhood and comprised of 39,043 square feet. Subject to change during the review process, it is proposed for the site to be subdivided into two lots—one encompassing 16,669.2 square feet and the other 22,373.8 square feet.

Currently, the neighborhood contains 15 lots smaller than the proposed 16,669.2 square foot lot. Seven of the lots are undeveloped; however, of the eight lots containing single-family dwellings, the average size of the properties is 15,799.65 square feet, with the largest property containing 16,596.96 square feet. The median size of these smaller lot properties is 15,750.05 square feet, which is located closer to the Forest Springs Drive entrance than the subject property is to the Vernon Lake Drive entrance. Thus, the smaller of the proposed subdivided lots will not be an outlier in the neighborhood composition, but instead included in the 72.24 percent of properties that are smaller than the average size as well as within the 25 percent of total lots that are less than 20,000 square feet.

The larger of the two proposed lots will also not be an anomaly in the neighborhood. While there are 224 lots larger than the proposed 22,373.8 square foot lot, almost 56 percent of the neighborhood is smaller in size, and the subject property is larger than the entire neighborhood's median lot size of 21,909.78 square feet. The median lot size is smaller than the average for the neighborhood because there is the presence of outlying properties that are very large or very small compared to the greater majority, which skews the data. Analyzing the lot size from smallest to largest results in an average difference from one lot to the next of almost 20 square feet, whereas the three largest outliers show a difference between 25,000 and 200,000 square feet.

Conditions of the Ordinances

A review of all the Ordinances related to subdivisions is conducted by the applicable divisions in the City. As such, there is no precedent set by approving such a subdivision—either the minimum standards are met or they are not. An analysis of the properties has been conducted within Dunwoody Club Forest, and fewer than five lots of the total 508 lots would meet even two of the numerous requirements. Some of the primary guiding provisions for subdivision feasibility are outlined below:

Section 27-4.30-B. Single-Dwelling Districts

	Regulation	R-100
L1	Minimum Lot Area (sq. ft.)	15,000
L2	Minimum Lot Frontage (ft.) [2]	100
	Maximum Density (dwelling units per acre)	NA
	Minimum Building/Structure Setbacks (ft.) [4]	
S1	Street, Front and Side	35[5]*
S2	Side, Interior	10
S3	Side, Interior (accessory buildings/structures)	10
S4	Rear	40
S5	Rear (accessory buildings/structures)	10
C	Maximum Lot Coverage (%)	
	Lot area = 43,560 sq. ft. or more	25
	Lot area = 30,000 to 43,559 sq. ft.	30
	Lot area = 20,000 to 29,999 sq. ft.	35
	Lot area = 19,999 sq. ft. or less	40
	Maximum Building Height (ft.)	
	Principal Building	35
	Accessory Buildings/Structures	20

- [1] Detached houses in RA-5 and RA-8 districts are subject to the lot and building regulations of the R-50 district.
- [2] Minimum lot frontage on cul-de-sac lots is 35 feet. Minimum lot width at the required street setback must equal the required minimum frontage requirement for non-cul-de-sac lot (e.g., 100 feet in R-100).
- [3] Minimum lot frontage applies to attached house projects, not individual dwelling units within the project.

- [4] Corner lots are subject to street setbacks along all street frontages and to interior side setbacks along all other lot lines.
- [5] Add 5 feet for minimum setbacks from arterial streets.
- [6] Street-facing garage facades must be setback at least 20 feet from back of curb or back of sidewalk, whichever is greater.
- [7] Interior side setback applies only to end units in attached house projects. No interior side setback required for units in attached projects with common or abutting walls. See also the attached house building separation requirements of Sec.

*See contextual street setbacks

Section 27-9.170-B. Contextual Street Setbacks

In summary, the proposed lot is required to comply with new provisions adopted in October 2013 that take contextual characteristics into account. The setback requirements along the street are different than those indicated above. Instead, the proposed house along the Dunridge Court frontage shall be sited within a range of the adjacent two homes along Dunridge Court. While the applicant has not submitted those measurements yet, the setback along Dunridge will be a range of approximately 50-60' from the property line. The street setbacks along Vernon Lake Drive will be a range from approximately 35-50'. In speaking with the applicant, they plan to site the façades as close to the shorter portions of these ranges to benefit from the buildable area; however, the applicant also indicated that in light of the more restrictive contextual setbacks, the housing footprints will probably have to be smaller than previously contemplated. These provisions seek to implement a portion of the purpose statement for **Residential Districts that are established "to accommodate infill development that is in keeping with character of existing neighborhoods."**

Section 27-9.170-A. Building Height

The contextual requirements for building height also seek to maintain the character of existing neighborhoods by placing a maximum differential of finished floor elevation from the existing to the proposed house(s).

While this information is subject to change until a permit is issued, the applicant has indicated the height of the structures will be approximately 27 feet from the finished floor elevation (first floor) to the top of the roof. The daylight basement will be constructed primarily underground—even the exposed portion, of which, would not be included in the height calculation, by definition.

Neighborhood Communications

Staff has reviewed all neighborhood communications to determine if any information has been brought forward to support or oppose the request to subdivide through the means outlined in the ordinance. To this point, there have not been any objections submitted that **indicate the request is in violation of any "city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws,"** but staff continues to diligently review and respond to such comments, concerns, and inquiries.

ACTION

Staff has made comments on the first round of review which are attached. The earliest a final decision can be made pursuant to advertising deadlines is January 10, 2014.

In order to make informed policy decisions related to future subdivisions, staff is conducting further analyses to inform Council on applicable characteristics of R-100 lots throughout the City. Any policy changes would necessitate amendments to the Zoning or Land Development Codes and would not apply to the subject property.

Attachments

- Site Location Map
- Application packet (measurements subject to change based on staff comments and desired minor modifications in the plans by the applicant prior to approval)
- Original final plat for Dunwoody Club Forest
- Final plat process requirements
- Residential infill requirements
- Version 1 comments from staff

Rebecca Keefer

From: Penny <pennysully@gmail.com>
Sent: Friday, January 03, 2014 6:11 PM
To: Rebecca Keefer
Subject: Re: Dunwoody Club Variance Request

Dear Rebecca,

Thank you for your response. We are concerned that there is no public hearing for us to better understand how this process works and who else in Dunwoody Club Forest or a similar subdivision could be effected. It seems there are changes that can be made in Dunwoody that effect a citizens life, property value, or desirability of a subdivision without citizens understanding how the decision was made or having the opportunity to express their point of view. When we first saw the sign posted by your office there was a date of February 10 for the decision and then a neighbor told us it had changed to January 10. We were surprised because the date on the sign is difficult to read unless you stop the car and look for a change. This doesn't seem like a good process to notify homeowners. There has been several existing homes in the neighborhood torn down & a new one built in its place. I think this is progress but to change the look of a subdivision when the lot looks to small to have two homes I'm dead against this type of approval. This was the type of issue we had with Dekalb County and I hope this isn't the type of City that condones builders greed to make a fast buck versus maintaining the integrity the City of Dunwoody has worked so hard to preserve. I know your job isn't easy but lets all remember why we became a city & what has made Dunwoody an excellent city to live in. You can reach me at 404-849-3271 if you have any questions or suggestions. Thanks

Daniel Sullivan

On Jan 3, 2014, at 2:53 PM, Rebecca Keefer <rebecca.keefe@dunwoodyga.gov> wrote:

> Hi Penny,

>

> The City is considering all public comment at this time while concurrently conducting a review of the proposed application to determine if it meets the requirements all applicable regulations. We will also be preparing information so you and your neighbors may better understand the process and review the statutes by which these applications are measured. This application is not a request for variance, rather it is a process to subdivide the property. If you have any further questions, please don't hesitate to ask.

>

> Thanks,

> Rebecca

>

>

>

> Rebecca Keefer

> City Planner/Director of Sustainability City of Dunwoody

> 41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

> (678) 382-6811 direct

> (770) 396-4828 fax

>

> -----Original Message-----

> From: Penny [<mailto:pennysully@gmail.com>]

> Sent: Thursday, January 02, 2014 11:16 PM

> To: Rebecca Keefer; Kevin McOmber; Mike Davis; Denis Shortal; John

> Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall;

> Jritiche@bellsouth.net

> Subject: Dunwoody Club Variance Request

>

> To The Dunwoody Mayor and City Commissioners,

>

> I recently learned that an individual purchased a home in Dunwoody Club Forest at 5258 Vernon Lake Drive and plans to subdivide the current lot into two lots containing two homes. When we bought our home we understood we bought into a subdivision that had an approved neighborhood plat making it illegal to subdivide lots.

>

> I am concerned a precedent would be set resulting in investors buying properties and further deteriorating our neighborhood by building multiple homes on smaller lots. We believe that among many things that makes Dunwoody Club Forest attractive to live in is larger lots, setbacks, lower impervious coverage of lots and mature foliage makes us unique and adds to the desirability of our community.

>

> Please make the right decision by "REJECTING" this application. This will preserve the integrity of our subdivision and unique lifestyle we all enjoy as part of the "City of Dunwoody".

>

> Daniel and Mary Sullivan

Rebecca Keefer

From: Jeannie Culver <jeannieculver6@gmail.com>
Sent: Friday, January 03, 2014 8:44 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Against lot division in Dunwoody Club Forest

I am writing to say that I am against subdividing lots in Dunwoody Club Forest. We chose this neighborhood for its established feel, mature trees and large lots. To begin subdividing lots will change the feel of the neighborhood and affect the value of our homes. I am in favor of allowing complete renovations but do not think that tearing down one house to build 2 is consistent with the plan for this neighborhood.

Thank you,

Jeannie Culver
5210 Forest Springs Dr.
Dunwoody, GA 30338

Rebecca Keefer

From: Geoffrey Nixon <gnixon@hotmail.com>
Sent: Friday, January 03, 2014 9:55 PM
To: Mike Davis; Jritiche@bellsouth.net; Terry Nall; Denis Shortal;
John.Heeghan@dunwoodyga.gov; Douglas Thompson; Lynn Deutsch
Cc: president@dcfn.org; Jim Ebersole; Rebecca Keefer; Kevin McOmber
Subject: 5258 Vernon Lake Drive

Ladies and Gentlemen,

Please do not approve the subdividing of this lot to allow for two homes being built. We have lived in Dunwoody Club Forest for almost thirty years and one of the reasons we have not left is the special character of this subdivision. It makes no sense to allow this "community changing" action to take place. There are plenty of homesites available in the area for Mr Milan and Mr Levy to build houses.

Protect our community. That is why you were elected.

Jane and Geoffrey Nixon
5410 Forest Springs Drive
Dunwoody, Georgia 30338

Sent from my iPad

Rebecca Keefer

From: matnik97@comcast.net
Sent: Saturday, January 04, 2014 2:38 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Subdividing property 5258 Vernon Lake Drive

To Dunwoody represenatives and neighbors:

I am sending this e-mail to express my concern and disapproval for the proposal to subdivide a recent property purchased by an investor in Dunwoody Club Forest: property address 5258 Vernon Lake Drive. The current proposal is that the investor intends to take this single lot and subdivide it into two lots and then build and squeeze in two, 4,000 square foot homes that each have 3 car garages. I am a resident of this neighborhood and have significant concerns if this gets approved. Below are my main concerns that I would like to share:

My own house on the same size lot, is just slightly smaller than one of the houses being proposed. By squishing two houses on a sigle lot, each of which is bigger than a standard house in our neighborhood, will result in 2 cluster- homes. There will be little left for actual yard space. Some of the most attractive features of our neighborhood, and of virtually many of the Dunwoody neighborhoods, is the size of our lots, mature foliage and natural landscaping and the whole concept that while we enjoy our neighbors, we don't necesssarily want them within arm's reach of our house.

The investor claims that each house will be valued at \$900,000. Looking at the most recent comps in the neighborhood for new-builds, this price range is comparable to **single** houses that have been built on single lots. Building a similar size house on a lot that is half the size would command lower value, therefore miminizing the property value.

Finally, and appealing to all of us fellow Dunwoody residents, the biggest concern is the precedent this will set, not only for Dunwoody Club Forest, but for all of the great Dunwoody neighborhoods. I am supportive of the new, beautiful single houses on single lots that have been built in my neighborhood and the value that this does bring to increasing property values. However, as citizens, we also need to protect the "blueprint" of our Dunwoody neighborhoods so that we maintain our identity, rather than become a feeding ground for investors & builders to come in and redefine our neighboorhoods, just to make a profit. As we don't have an "HOA" that many of the new suburban neighborhoods have, we rely on and put our confidence in you, our represenatives, to maintain the integrity of our neighborhoods and communitites.

I ask that you take these concerns into consideration on the decision date, which was last posted as 1/10/14. Thank you for taking the time to read this e-mail and for all the work you all do to for our city, our community and our neighborhoods.

Nicole Nelson
Dunwoody Club Forest Resident

Rebecca Keefer

From: Steve Morgan <morg5623@comcast.net>
Sent: Sunday, January 05, 2014 9:34 AM
To: Rebecca Keefer
Subject: zoning application for 5258 Vernon Lake Drive

Dear Rebecca,

My wife and I wish to register our concerns regarding the application to subdivide a lot in the Dunwoody Club Forest subdivision. DCF was built as a subdivision with an approved neighborhood plat – when we bought our homes in the neighborhood – we bought not only our own lot, but into the approved neighborhood plat too. Thus making it illegal to subdivide lots within the approved neighborhood plat. Please consider this important fact when considering the application.

Thanks for your hard work for the City of Dunwoody.

Steve and Caron Morgan
5623 Trowbridge Way
Dunwoody, Ga 30338

Sent from my iMac at home.
H: 770-396-0093
C: 404-918-3325

Rebecca Keefer

From: Marie Drake <mariedrake@bellsouth.net>
Sent: Sunday, January 05, 2014 8:40 PM
To: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritich@bellsouth.net; Rebecca Keefer; Kevin McOmber; Kevin McOmber; president@dcfn.org
Subject: Citizen Complaint
Attachments: DCF-Vernon Lake Dispute.docx

Dears Sirs and Mesdames,
Attached is a letter in regard to the rezoning of the property at 5258 Vernon Lake Drive, Dunwoody, Georgia.
Thank you for your attention to this matter.
Marie and Richard Drake
5439 Hallford Drive
Dunwoody, Georgia 30338

January 5, 2014

TO:

Dunwoody City Mayor and Council

Dunwoody City Planning Department

President, Dunwoody Club Forest Neighbors, Inc.

Subject: Rezoning request for 5258 Vernon Lake Drive, Dunwoody, Georgia.

We are residents of the Dunwoody Club Forest Neighborhood, and are concerned about the proposed development of the property at 5258 Vernon Lake Drive.

As property owners, we inquired about the rezoning effort of the purchaser, who we've been told is Mr. Jim Milam. His interests appear to be to subdivide the property into two small lots, which would be substandard for the neighborhood, and build very large homes on them. His personal interest in immediate financial gain and not having any concern for the possible long term loss of neighborhood values does not coincide with the interests of neighbors. The consensus of our governing board and many residents is to maintain the residential integrity that was established when the subdivision was initially developed. The proximity of the proposed homes would not be compatible with the plan of Dunwoody Club Forest, and would resemble a 'cluster home' appearance and ruin the aesthetic appearance of our existing properties.

We built our home here in Dunwoody Club Forest in 1979 with full consideration of architectural and building materials existing in the neighborhood. Within the following 35 years we have seen major renovations, expansions, and modifications, all generally compatible with and enhancing the value of homes here. And we are among those residents who feel our envious location is under attack by covetous entrepreneurs to take advantage and cause possible property depredation which is a threat to our home values.

Therefore, we are against the subdividing of the Parcel 17, Section III (Dunwoody Club Forest No. 5), Land Lot 374, of District 18, as well as any potential applications for future requests to subdivide any existing lots and/or parcels within Dunwoody Club Forest.

Marie and Richard Drake

5439 Hallford Drive

Dunwoody, Georgia 30338

mariedrake@bellsouth.net

770-394-5439

Rebecca Keefer

From: Terry Nall
Sent: Sunday, January 05, 2014 9:25 PM
To: Warren Hutmacher; Rebecca Keefer
Subject: FW: DCF 5258 Vernon Lake Drive Case 2013-8423

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

From: Jim Ebersole [1747eber@comcast.net]
Sent: Sunday, January 05, 2014 9:16 PM
To: Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: president@dcfn.org
Subject: DCF 5258 Vernon Lake Drive Case 2013-8423

Ladies and Gentlemen:

We rise in opposition to Case 2013-8423 - 5258 Vernon Lake Drive (Dunwoody Club Forest Subdivision), Dunwoody, GA.

We have been residents of Dunwoody since 1979 and residents of Dunwoody Club Forest (DCF) for the past 27 years (1747 Wilder Court). After living in Dunwoody for seven years, we decided in 1986 to relocate to DCF, a mature (including trees) and fully built-out subdivision with a recorded plat that we did not think would be easily changed. We knew exactly the type of subdivision in which we were making an investment.

While we recognize that "lot variances" are requested and approved, splitting a larger recorded lot into two smaller lots is not a variance. Also, subdividing a lot into two lots does not qualify as "infill development". This case is not merely an administrative change. (Could two lots be split into four lots, or subdivide a cul-de-sac with 12,000 sf lots, and so forth.) We are not opposed to major renovations to an existing house or a "teardown" new home provided the house meets the appropriate building requirements/codes.

Changing the rules or lot sizes in any subdivision with a recorded plat at the county record office is not appropriate or right and not merely an administrative function. The requested change to this property will make it significantly different from the other lots and will change the character of Dunwoody Club Forest particularly as more zoning changes are requested. Some changes may be necessary to correct the problems caused by the existing zoning, regulation, and codes. The neighborhood property owners should have substantial input.

We have not found any neighbors who are in favor of the requested change. We suspect other Dunwoody subdivisions would strongly object to this change taking place in their subdivision. This will be a never-ending problem for our entire city if it is not corrected now. We never suspected there would be the necessity to take action to oppose a lot size change within our subdivision.

Having lived in Dunwoody a long time, we watched the constant battles with the DeKalb County Zoning Board when it did not appear DeKalb County was listening to the Dunwoody residents (residential example - Manhasset Place adjacent to DCF). We spent years building this community and the subdivisions and defending against higher density development. One of the primary reasons the citizens formed a new government (city of Dunwoody) was because the

previous government (DeKalb County) did not respect the Dunwoody community concerns regarding zoning issues. It will be disappointing if the new city of Dunwoody government does not listen and respond positively to its citizens regarding this issue. Please do not allow this case to set a precedent.

Best Regards,

Jim and Sandra Ebersole

Rebecca Keefer

From: Kate Rickell <krickell@hotmail.com>
Sent: Sunday, January 05, 2014 9:48 PM
To: Rebecca Keefer; Kevin McOmber; k; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Subject: Dunwoody Club Forest: 5258 Vernon Lake Drive Sub-Plat

Dear Sirs/Madams,

I am excited about renovation and new homes being built on existing lots in the neighborhood, but allowing the subdivision of lots in our neighborhood compromises the character of Dunwoody Club Forest. Please help us preserve our home values. Do not approve the lot division of 5258 Vernon Lake Drive.

Regards,
Kate Rickell
5610 Ball Mill Rd
Dunwoody Club Forest



Post a Comment On: Dunwoody Talk Blog

"Save Dunwoody Needed to Assist Dunwoody Club Forest Homeowners?"

2 Comments - Show Original Post

Collapse comments

1 – 2 of 2

Bill Grossman said...

This teardown and replacement is expected to not need any variances or rezoning, so no public hearings. The recent code re-write made variances difficult to qualify for in situations like this. They cannot build on top of the pipeline easement, just landscaping on top of the easement. The house to be torn down sold for around 400K and the two replacements should each sell for twice that. There are smaller existing lots now in DCF than the two conforming lots that will be created. The developer does not have the room to put in the two 4000 sq. ft. homes originally planned and is working now to see what will fit the allowable building area. Expect front setback of 35' on the cul-de-sac and 50' on the other. No word yet on what exterior finish materials will be used. City staff is aware of the community interest in this redevelopment; but with no public hearings to slow down the process we might see ground disturbance within a month.

January 3, 2014 at 11:41 AM

Ken Thompson said...

Your numbers make it a bit clearer there should be no alarm at what the developer proposes. Interesting to note that as it is today the current property is 50% larger (1.5 times the size) of the largest adjacent lot (assuming the Kerry figures for those) while after the split this now larger adjacent lot would only be 30% larger than the subdivided lot owned by the developer.

I don't frequent that neighborhood but if that *cul de sac* is like mine then two homes on this outsized lot will look no more cramped than the homes on the pie shaped lots in "bag end".

I DO love the satire in your post.

January 3, 2014 at 12:58 PM

Leave your comment

Rebecca Keefer

From: Haq Arif - Lonza Atlanta <arif.haq@lonza.com>
Sent: Monday, January 06, 2014 9:29 AM
To: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Nancy Anderson
Subject: FW: Subdivision Concerns

Dear all,

I am a resident of Dunwoody Club Forest and wish to express my strong objection to the proposed subdivision of the lot at 5258 Vernon Lake Drive. The character of the DCF neighborhood is largely defined by the size of the individual lots and the generous setbacks both from the street and between houses. To allow this proposed subdivision would set a bad precedent allowing future purchasers to seek subdivision of other DCF lots. Eventually, such subdivisions will significantly erode the character of the neighborhood. Further, it will dissuade future purchasers who would rightfully lack confidence that the character of the neighborhood will be maintained over time.

I encourage you to exercise your discretion in this matter so as to preserve the character of the DCF neighborhood.

Regards,
Arif S. Haq
5518 Trowbridge Dr.
Dunwoody GA 30338

From: Nancy Anderson [mailto:nl_anderson@comcast.net]
Sent: Sunday, January 05, 2014 3:45 PM
To: Haq Arif - Atlanta
Subject: Fwd: Subdivision Concerns

Sent from my iPhone

Begin forwarded message:

From: "DCFN HOA President" <president@dcfn.org>
Date: January 2, 2014 at 12:15:44 PM EST
To: "Nancy Anderson" <nl_anderson@comcast.net>
Subject: Subdivision Concerns

Good day neighbors,

I have had several calls and emails over the past week concerning a home that sold just over two weeks ago. Lake Drive was sold to a Dunwoody resident, Jim Milam. Currently Mr. Milam has filed to be able to subdivide property into two lots and with Dunwoody Contractor, Howard Levy, build two 4,000 sq. ft. homes with three and full basements. (To see a new home similar in size to the two proposed to-be built, you can go look at the

the end of Houghton Court North.)

Concerns have been raised over setting precedence in the neighborhood as it pertains to having investors buy within our neighborhood, subdividing the larger lots, and building multiple larger homes on the new smaller

I have been asked to whom correspondence should be directed to if someone would like to express concern a to the city approving the request to subdivide. There are several people you can email:

- Rebecca Keefer and Kevin McOmber who works in the city planning office:
- Mayor and City Council Members:

Mike.Davis@dunwoodyga.gov, Denis.Shortal@dunwoodyga.gov, John.Heneghan@dunwoodyga.gov,
Douglas.Thompson@dunwoodyga.gov, Lynn.Deutsch@dunwoodyga.gov, Terry.Nall@dunwoodyga.gov,
Jritiche@bellsouth.net

I would also like to share that the DCFN Board has officially taken a position against subdividing the lot. WI generally supportive of renovation and new homes being built on existing lots to maintain and improve the v neighborhood, we do believe that by allowing the subdivision of lots in our neighborhood the character of Dn Forest is compromised and value is potentially reduced. We believe that among the many things that make D to live in; our larger lots, setbacks, lower impervious coverage of lots, and inature foliage make us unique an desirability of our community.

The city will make a decision on whether or not to subdivide the lot on the 8th of January, 2014. It is incredil that anyone who wishes to express their opposition to the subdividing do so quickly. If the lot subdivision is will have 30 days to appeal the decision. Emails from individuals are best. We have also been told reasons th concern over potential negative effect on the character of the neighborhood and any other factually based arg important to include.

An example of an argument shared by a neighbor, is that because DCF was built as a subdivision with an app neighborhood plat – when we bought our homes in the neighborhood – we bought not only our own lot, but i approved neighborhood plat too. Thus making it illegal to subdivide lots within the approved neighborhood i

We hope this email if helpful for those of you who have expressed concern. If you have any questions, pleasr hesitate to contact me.

Thank you and a very happy New Year to you and your families.

Sincerely,

Erika Harris
President of DCFN, Inc.

Rebecca Keefer

From: Kevin McOmber
Sent: Monday, January 06, 2014 11:14 AM
To: Rebecca Keefer
Subject: FW: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Rebecca,

It does not appear you were copied on this one.

Kevin

From: Rob Augustine [mailto:rja@rjalaw.com]
Sent: Monday, January 06, 2014 10:27 AM
To: Kevin McOmber
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Terry Nall; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'
Subject: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Dear Mr. McOmber,

Your response to the concerns of the Dunwoody Club Forest Neighborhood is unfortunately just what we've come to expect from a government staff divorced from the reality of the concerns and desires of existing homeowners in Dunwoody. I concur with Ms. Harris's response to you that she sent earlier. In addition, please seriously note the following additional comments:

First of all, the City is apparently addressing this as merely a technical issue – if the exact technical details fit, then we will approve this subdivision application. The staff and you have paid no heed to the portion of the zoning ordinance that says the subdivision, if done at all, must be done “in a manner compatible with existing development.” Those of us who have lived here for many years, and newcomers as well, have relied upon and continue to rely upon the existing platting and already constructed development in our highly desirable neighborhoods. That the City staff pays no heed whatsoever to making sure there is compatibility with existing development is truly very, very troubling. This is evidence of a lack of concern and an overwhelming failure of sensibility on the staff's part. Applying technical details to subvert long-standing communities is not what we want from our City's staff.

As I said in a previous email, these lots in Dunwoody Club Forest were platted and approved. These plats specifically state they are not to be further subdivided. In my view the existing approved plat should control here – regardless of any City interpretation about the stated “restrictive covenants.” Indeed, anyone with common sense and an appreciation for the existing residential development in Dunwoody would readily recognize that further subdividing any lots whatsoever in a well-established neighborhood is absolutely not “compatible with existing development.”

Second, as a matter of public policy the City of Dunwoody should recognize the effort here by developers to take advantage of a technical interpretation of the zoning ordinance that our less than attentive City staff is apparently ready to utilize to carve up our existing, platted, well-designed, laid out, and already developed subdivisions and homes

throughout Dunwoody. The very act of further subdivision is totally abhorrent to the principles upon which the City of Dunwoody should be operating. The City should be utilizing policies from the staff on up that preserve and protect the existing layouts of already approved communities throughout Dunwoody. Your application of the zoning ordinance as evidenced in your email is, frankly, ridiculous. Your statement that it is "a non-discretionary decision" shows the utter failure of staff to look at the exact wording of the zoning ordinance and to determine that in any event further subdividing these existing lots cannot ever be "compatible with existing development."

Your statements that we can avail ourselves of an appeal process and that the elected City officials have been briefed is, to me, quite simply offensive. We want the City staff to do its job. We want the City to utilize the existing ordinance to make the correct decision here. We can read the ordinance and we know what it says. We need you to read it and apply it in a manner consistent with the ongoing policy of the City of Dunwoody in order to protect our neighborhoods from further subdividing them. We did not buy our homes to be in a more crowded and less desirable neighborhood that is contrary to the previously approved plat layout.

I cannot over state how disappointing and upsetting it is for our own City staff to come up with the conclusions you have apparently already reached and which are so detrimental to existing homeowners.

Sincerely yours,

Robert J. Augustine
5491 Stapleton Drive
Dunwoody, GA 30338
678-819-0070

Dear Ms. Harris,

The Dunwoody Community Development Department has completed their review of the proposed subdivision of land at 5258 Vernon Lake Drive. Review comments were issued to the applicant in accordance with the current regulations the City has in place at this time. One of the review comments requires revisions to establish a contextual setback that is consistent with the existing homes in Dunwoody Club Forest. If this and the other review comments are appropriately addressed, the final subdivision plat is likely to be approved. This is a non-discretionary decision, as we are required to follow the rules on this decision.

After reading the numerous messages expressing concern over this development, we understand that some people will be disappointed with the pending decision. As such, there are two additional considerations worth sharing:

1. An appeal process does exist and the pending staff decision may be appealed to the City Council.
2. The Mayor and City Council have been briefed on the status of the current subdivision rules and a review of potential changes are being considered.

Please let us know if you have any questions. Thank you.

Kevin

Dunwoody
✧ Smart people – Smart city

Kevin J. McOmber, PE
Interim Director of Community Development
City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346
(678) 382-6800 office
(770) 396-4828 fax

Rebecca Keefer

From: Terry Nall
Sent: Monday, January 06, 2014 11:58 AM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: Rob Augustine
Sent: Monday, January 06, 2014 4:18:21 PM
To: Terry Nall
Cc: erikaleighh@gmail.com; hwescott@gmail.com; Mike Davis; Denis Shortal; John Heneghan; Lynn Deutsch; Jim Riticher; Douglas Thompson
Subject: FW: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Dear Terry,

I think that you and staff are totally missing the point here. The ordinance is not something just to be applied over technically and non-discretionarily when it comes to existing development and existing homes.

You have to look at the existing layout, the existing plat, the existing status of the lots in the neighborhood --- and make sure the request is compatible with existing development.

I submit to you that any further subdivision in an existing community like this is not compatible. I just don't know why you and city staff all have taken the path you have.

Can you guys get beyond the hyper-technical here? You really need to.

The staff should deny this requested subdivision as "not compatible" at all. It should not be this difficult. Hiding behind "non-discretionary" is not acceptable.

Thanks, Rob

From: Rob Augustine [mailto:rja@rjalaw.com]
Sent: Monday, January 06, 2014 10:27 AM
To: Kevin McOmber (Kevin.McOmber@dunwoodyga.gov)
Cc: 'president@dcfn.org'; 'CBertschi@kilpatricktownsend.com'; 'iwillretire@att.net'; 'Bertschik@bellsouth.net'; 'janarnette33@yahoo.com'; 'lauramccoy7@gmail.com'; 'pjschmid@bellsouth.net'; 'kathybrainard@bellsouth.net'; 'marystewz@gmail.com'; 'moesadler@hotmail.com'; 'kimpbrooks@gmail.com'; 'wk.parker@comcast.net'; 'tomchrisman1@aol.com'; 'jwhagh@att.net'; 'rja@rjalaw.com'; 'findcarney@gmail.com'; 'jimpattymckay@gmail.com'; 'Warren Hutmacher'; 'Terry Nall'; 'Lynn Deutsch'; 'Mike Davis'; 'Douglas Thompson'; 'Jim Riticher'; 'John Heneghan'; 'Denis Shortal'; 'Kevin McOmber'; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy';

'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'

Subject: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

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Second, as a matter of public policy the City of Dunwoody should recognize the effort here by developers to take advantage of a technical interpretation of the zoning ordinance that our less than attentive City staff is apparently ready to utilize to carve up our existing, platted, well-designed, laid out, and already developed subdivisions and homes throughout Dunwoody. The very act of further subdivision is totally abhorrent to the principles upon which the City of Dunwoody should be operating. The City should be utilizing policies from the staff on up that preserve and protect the existing layouts of already approved communities throughout Dunwoody. Your application of the zoning ordinance as evidenced in your email is, frankly, ridiculous. Your statement that it is “a non-discretionary decision” shows the utter failure of staff to look at the exact wording of the zoning ordinance and to determine that in any event further subdividing these existing lots cannot ever be “compatible with existing development.”

Your statements that we can avail ourselves of an appeal process and that the elected City officials have been briefed is, to me, quite simply offensive. We want the City staff to do its job. We want the City to utilize the existing ordinance to make the correct decision here. We can read the ordinance and we know what it says. We need you to read it and apply it in a manner consistent with the ongoing policy of the City of Dunwoody in order to protect our neighborhoods from further subdividing them. We did not buy our homes to be in a more crowded and less desirable neighborhood that is contrary to the previously approved plat layout.

I cannot over state how disappointing and upsetting it is for our own City staff to come up with the conclusions you have apparently already reached and which are so detrimental to existing homeowners.

Sincerely yours,

Robert J. Augustine
5491 Stapleton Drive
Dunwoody, GA 30338

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After reading the numerous messages expressing concern over this development, we understand that some people will be disappointed with the pending decision. As such, there are two additional considerations worth sharing:

1. An appeal process does exist and the pending staff decision may be appealed to the City Council.
2. The Mayor and City Council have been briefed on the status of the current subdivision rules and a review of potential changes are being considered.

Please let us know if you have any questions. Thank you.

Kevin



Kevin J. McOmber, PE

Interim Director of Community Development

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6800 office

(770) 396-4828 fax

CITY OF DUNWOODY
(678) 382-6700

REC#: 00062413 1/06/2014 1:14 PM
OPER: TB TERM: 009
REF#: KB
PAID BY:

TRAN: 110.0000 OPEN RECORDS REQUEST
JULIA PARSONS
Other Charges For S 1.40CR

TENDERED: 1.40 CASH
APPLIED: 1.40-

CHANGE: 0.00

Julia Parsons

INFORMATION
For Dunwoody
CLUB FOREST
SUBDIVISION
VERMACK RD
TRACT

Rebecca Keefer

From: Terry Nall
Sent: Monday, January 06, 2014 1:29 PM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: 5258 Vernon Lake Drive

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: Rob Augustine
Sent: Monday, January 06, 2014 5:49:11 PM
To: Terry Nall
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Terry Nall; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'
Subject: FW: 5258 Vernon Lake Drive

Dear Terry,

I was forwarded a copy of your email that you sent to some of my neighbors in Dunwoody Club Forest yesterday. I know you and I discussed this for some time last week. Apparently, my points then did not achieve any change of mind on your part. I know you have this kind of "locked in" view and your idea that this is non-discretionary, and that this is going to move forward in your view to approval by staff and even by city council.

I cannot, however, accept your position. I've stated several reasons why in previous emails to you and in response to Mr. McOmber this morning as well. I wanted here to respond to your email specifically and to point out certain items that you should reconsider.

It is very important for you and staff to quit taking the hyper-technical route on this subdivision application. Your first paragraph below talks about a high bar for actual construction of homes on this subdivided lot. But you again miss the point ---- we are talking about the first step here – subdividing. If the lot is subdivided in Dunwoody Club Forest, then city staff goes to the next step to look at the footprint for building. Really that part is not a "high bar" at all. Once you get to the building part, the City has already failed by allowing the lot to be subdivided in the first place.

So I find no comfort in your first paragraph at all. I think you are just plain wrong in that view.

Second, you state that it is a non-discretionary decision; yet the ordinance itself that is being applied requires some discretionary determination as to compatibility with the existing neighborhood. For the subdivision

application, this includes lot size and layout. Again, if you approve this subdivision, you will not have this type of discretion to apply to the actual construction later. So long as the actual construction fits the lot lines, setbacks, etc. the builder can build whatever he wants. It is, therefore, critical that this subdivision not be approved in the first place. You have in the language of the zoning ordinance a discretionary decision here – based on compatibility with existing layout, plat, homes, etc. Now is the time for city staff to exercise its discretion --- not later. It will be too late once the lot is subdivided.

Third, you state that this is an older plat. Well that is all the more reason to pay attention to it. So many of us have relied upon it. We bought homes and lots based on this exact layout. You cannot destroy the existing plat by now further subdividing lots on that plat.

For you to say the old plat approvals were not ‘site-plan specific’ is ludicrous. The whole Dunwoody Club Forest subdivision is site plan specific based on filed plats. The original intent was that no lots would be further subdivided. This is stated on the plat itself. So, you should quit using arguments in favor of this request and try using some arguments to find that it is not appropriate – it is not compatible, it violates the recorded plat, it is not desirable as a policy matter, it destroys vested rights of existing homeowners who expect their subdivision to not be carved up, etc.

I take no comfort in your “high bar” statements. This subdivision should not be allowed. Period. Whether there is one lot or 9 lots in Dunwoody Club Forest is not relevant. Subdivisions throughout Dunwoody should not be carved up. There are plenty of reasons to deny this request. Staff should have been more circumspect and attentive from the beginning, instead of just being technical and allowing this to move forward as if it were just a “minor” thing. I note now that this particular application has been changed from a “minor” to a “major” subdivision. Staff should have indicated from the very start that this was a request that was not “compatible with the existing” homes and lots. They should not have allowed this to proceed.

Finally, you mention that the covenants stated on the plat have expired. That is not relevant for several reasons. One is that the public policy of the City of Dunwoody is to protect existing subdivisions and to not allow unneeded, unnecessary, and unacceptable further subdivision of developed neighborhoods that are based upon an approved plat. Regardless of the covenants, the plat still exists. The plat is filed of record. It sets up the boundaries of every lot in the entire subdivision of Dunwoody Club Forest. It should not just be disregarded. Nothing can be done that violates the plat and lot lines without obtaining permission.

At the time this plat was filed the existing law was that restrictive covenants would expire. The fact that the covenants expire does not mean the entire plat disappears. The plat still defines the boundaries for everyone else who owns a home in this subdivision and who bought in reliance on the plat.

Further, the state law was changed in 1993 to provide that covenants just like these would be automatically extended. Our legislature knew of the concerns of homeowners throughout the state that their subdivisions should not be carved up later on by developers. They knew everyone relied upon the filed plats. So the fact that these covenants say they expired is merely a statement of the law at the time the covenants were filed. That law was changed in 1993. As a matter of policy the City should give effect to current subdivision plats for the benefit of its current citizens and homeowners.

I really do not believe it is that difficult to find a number of reasons for City Staff to deny this subdivision request. The fact that you continue to take the opposite view, as you did in our conversation last week, is troubling.

Much is at stake for us in Dunwoody Club Forest and in the City. We ask that you reconsider the technical arguments you are making and recognize that there are other points to consider here which serve to protect the overall community.

Thanks for your consideration,

Rob Augustine

Thanks very much for writing us.

Please know City Council members are very aware of this subdivide request. Under current law, this particular subdivide request is subject to an administrative decision and the city does not have any discretion in carrying out the law. However, current law also provides a high bar for the applicant to meet in order to not only subdivide, but actually build a conforming structure within minimum and maximum standards for the zoning classification. City staff knows of our concern and is working to strictly uphold the law and to ensure the statutory high bar is followed.

Because this is an administrative decision and not a re-zoning action, City Council will not hear this request unless the staff decision is appealed. Even then, our statutory involvement is not for a discretionary review, but to ensure the law was followed in processing the subdivide request.

From our review of the plat, we see it is an older plat and was filed in DeKalb prior to a time when plat approvals were "site-plan-specific." This means the property owner has the legal right to subdivide, but does have to meet the statutory high bar I mentioned above. A review of the oversized lots in DCF revealed there is only about 9 lots of the 500+ that could consider a subdivide of a single lot into two. Also, the original plat's private covenants had an expiration date of 1993.

We are committed to protecting the neighborhood to the fullest extent of law and will do everything in our power to do so. Thanks again for writing. Thanks also for your work with GLASS. Your op-ed piece in the AJC was very well done!

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

Rebecca Keefer

From: Sue Cunnold <scunnold@bellsouth.net>
Sent: Monday, January 06, 2014 2:09 PM
To: Mike Davis; Rebecca Keefer; Kevin McOmber
Subject: Dunwoody Club Forest- 5258 Vernon Lake Dr.

Dear Mr. Mayor and the members of Dunwoody City Council,

I have seen the yard sign at 5258 Vernon Lake Dr. in the subdivision of Dunwoody Club Forest where I have resided since 1979.

I understand that the property has been sold and the new owner intends to tear down the existing house and subdivide the property into two lots.

Please do not let this happen. When we bought our home 34 years ago we bought with the understanding that the lots here were sufficiently large to allow for privacy between homes and plenty of yard space for children to play and thrive. If the lots in our subdivision are allowed to be subdivided we will become more like cluster homes or town homes or condos. Once it happens to one lot here it will set a precedent for those who will want to do the same another time. Dunwoody Club Forest is a gracious, beautiful neighborhood where homeowners take pride in keeping up their properties.

Subdividing the lots into smaller properties will surely devalue the properties for the rest of us.

Please vote against allowing the property at 5258 to be subdivided.

Thank you.

Sue Cunnold

1898 Stapleton Ct.

Dunwoody Club Forest

Rebecca Keefer

From: Kevin McOmber
Sent: Monday, January 06, 2014 3:31 PM
To: Erika Harris
Cc: Rebecca Keefer
Subject: RE: 5258 Vernon Lake Drive

Hello Erika,

Thank you for the response. A final decision can't be made until the applicant has addressed the review comments they were issued. Would you be interested in attending a meeting where we can show you the full background on our analysis and discuss options?

Kevin

From: Erika Harris [mailto:erikaleighh@gmail.com]
Sent: Saturday, January 04, 2014 12:02 AM
To: Kevin McOmber
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Terry Nall; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; Ed Heys; Timothy Minton; Sherry Murphy; Lynn Hassett; Chris Evans; Kate Rickell; Heyward Wescott; Stacey Harris
Subject: Re: 5258 Vernon Lake Drive

Mr. McOmber, Mayor Davis, and Council Members,

Kevin - Thank you so much for keeping myself, and our neighbors up to date on this issue. I appreciate that your hands are tied here and that the rules are what they are. I would like to ask a few questions/raise a few points of concern though.

It is no surprise that I am greatly concerned over this situation. I am the HOA president to a 500 home neighborhood, and through this responsibility comes the need and desire to represent the collective interests of my neighbors and work to protect the integrity of our neighborhood. This situation challenges my duty - as it feels we are being "hung out to dry", in a manner of speaking. Despite being a fully built out and mature neighborhood - it feels as if we are being told we have little to no say over the now new development of our collective neighborhood plat.

Along with a significant number of our neighbors reaching out to myself to express concern, I also understand the previous home owner is quite upset that this is even happening, as she sold her home assuming it was to be moved into - not torn down and the lot subdivided. Had the purchaser been honest about their intentions with the property, she would not have sold to them - as the respect for our neighborhood character runs deep in Dunwoody Club Forest.

A few points for clarification:

1) I thought the decision was set for January 10th? It sounds as if the decision was made?

2) Sec. 27-182. Purpose and intent.

The purpose and intent of the city council in establishing the R-100 (Single-Family Residential) District is as follows:

(1)

To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;

(2)

To provide for infill development in neighborhoods having 15,000-square-foot lots in a manner compatible with existing development;

In regards to number one:

To divide the lots as proposed would in one case barely meet the 15,000 foot requirement and create a lot that is out of character for the neighborhood. It becomes the "sore thumb" if you will of the neighborhood - causing a direct negative impact on the surrounding homes. Subdividing this property moves in the opposite direction of protecting our neighborhood. The only thing I see being protected here is the pocketbook of the new owner of 5258 Vernon Lake Drive, and the contractor who has proposed to build two 4,000 square foot homes on the lot to resell for \$900K each.

In regards to number two:

Can you explain infill development? My read on this would be for land that has a large acreage that is undeveloped and has a purpose to be subdivided (in order to build out an area to make it look complete/finished) I do not see how subdividing this lot meets this criterion?

3) "The Mayor and City Council have been briefed on the status of the current subdivision rules and a review of potential changes are being considered."

Would you please elaborate on this? I am not sure what you mean by potential changes being considered.

While I am aware that our neighborhood possessed covenants that expired in 1993, the heart of those covenants still holds strong in Dunwoody Club Forest. The neighbors who have lived here for decades and the neighbors who are new(er) to Dunwoody Club Forest all moved into this mature and fully built out neighborhood for a reason: We placed a significant value on the lot sizes, the set backs, the homogeneous character of the homes.

If this moves though then more developers will begin to scout our neighborhood, swooping in to buy up our lots (with disingenuous purpose) and dividing them into smaller lots - not to improve the neighborhood - but to make a dollar at the cost of the character of our neighborhood and the rights of the neighbors who have bought into DCF.

The DCF Board is taking this matter very seriously. We will be meeting in the next week. We will have representation from the DHA, we will reach out to our Dunwoody District Two City Council members and ask that they attend, and will be discussing retaining a lawyer in order to help ensure that our neighborhood is fully versed in our rights and how we can work to protect our neighborhood from these situations now and in the future.

Thank you for your time and consideration. I look forward to your thoughts.

Sincerely,
Erika Harris
President of DCFN, Inc.

On Fri, Jan 3, 2014 at 6:34 PM, Kevin McOmber <KMcOmber@clarkpatterson.com> wrote:

Dear Ms. Harris,

The Dunwoody Community Development Department has completed their review of the proposed subdivision of land at 5258 Vernon Lake Drive. Review comments were issued to the applicant in accordance with the current regulations the City has in place at this time. One of the review comments requires revisions to establish a contextual setback that is consistent with the existing homes in Dunwoody Club Forest. If this and the other review comments are appropriately addressed, the final subdivision plat is likely to be approved. This is a non-discretionary decision, as we are required to follow the rules on this decision.

After reading the numerous messages expressing concern over this development, we understand that some people will be disappointed with the pending decision. As such, there are two additional considerations worth sharing:

1. An appeal process does exist and the pending staff decision may be appealed to the City Council.
2. The Mayor and City Council have been briefed on the status of the current subdivision rules and a review of potential changes are being considered.

Please let us know if you have any questions. Thank you.

Kevin



Kevin J. McOmber, PE

Interim Director of Community Development

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6800 office

(770) 396-4828 fax

Rebecca Keefer

From: Terry Nall
Sent: Monday, January 06, 2014 3:36 PM
To: Warren Hutmacher; Rebecca Keefer
Subject: FW: Fwd: Water drainage from sub-division of 5258 Vernon Lake Drive
Attachments: 6_2896_a4e0b158HPSC0768-2.pdf

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: rwgoodwin2003@comcast.net
Sent: Monday, January 06, 2014 8:31:44 PM
To: Terry Nall
Cc: Kevin McOmber
Subject: Fwd: Water drainage from sub-division of 5258 Vernon Lake Drive

To Whom This May Concern:

The proposed sub-division of the lot at 5258 Vernon Lake Drive and the subsequent construction of two oversized, speculative homes on minimum size lots will have a severe and negative impact on my home, and all of Dunwoody Club Forest.

I am requesting that you consider any legal way to assist me in dealing with this surprise plan to construct two gigantic homes that would tower over my home on Dunridge Court, and dump ground-water run-off onto my property. The plan would have two extremely large homes constructed for speculative sale, each on a minimum size lot; and is totally out of character with our existing Dunwoody Club Forest community.

I reside at 1759 Dunridge Court, adjacent to 5258 Vernon Lake Drive, and physically my home and property is at a lower elevation. If the planned subdivision and construction of two such large homes is allowed, the ground water run-off will flood my home and property. I am not a builder/developer but as I read the notes on the attached plan it appears as if the new owner ("in consideration of the approval of the sub-division - and other valuable considerations"), will have the rights to control all water run-off, and

wants to release 'The City of Dunwoody' from all liability for his actions related to water run-off, sewers, etc. Terry, this is very scary for me and everyone living on Dunridge Court.

I am a tax-paying, original resident of 'The City of Dunwoody', and I am asking for the consideration from my city to halt this pending "Cancer of Speculative Construction" that is aimed directly at me, and all residents of Dunwoody Club Forest...

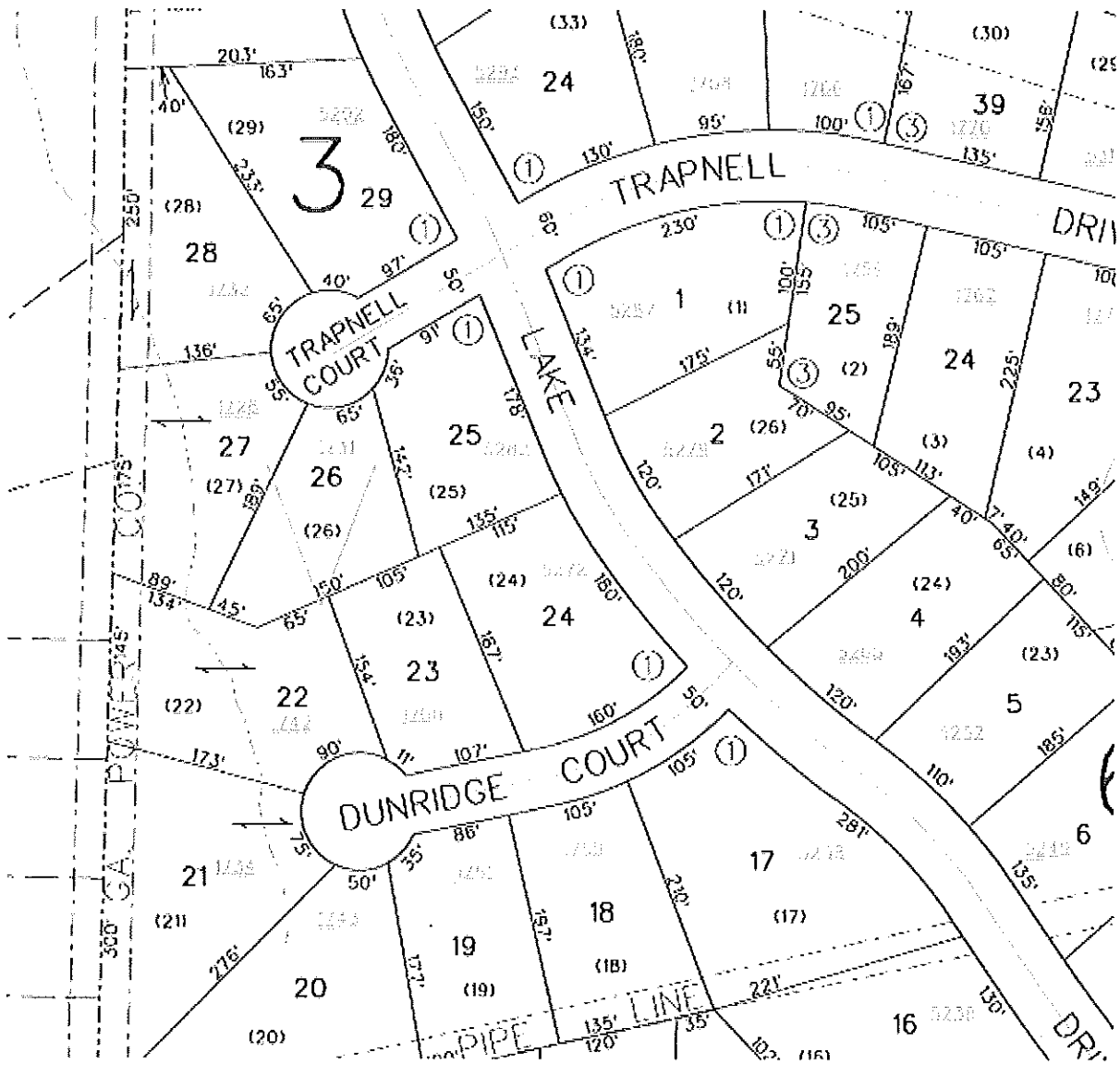
Sincerely, Eleanor L. Goodwin

Rebecca Keefer

From: lenparsons@bellsouth.net
Sent: Monday, January 06, 2014 3:37 PM
To: Christie Berkowitz; Rebecca Keefer; Kevin McOmber
Cc: Jritiche@bellsouth.net; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall
Subject: Replating of 5258 Vernon Lake Drive 2013-8428

Dear All,

We oppose the replating of 5258 Vernon Lake Drive (2013-8428) from one lot into two. One of the characteristics of Dunwoody Club Forest that attracted to us to buy in the subdivision is its large lots. We were pleased that a restriction accompanied our deed stating only one house per lot. Dividing one lot into two violates to spirit of our neighborhood social contract. Moreover we are concerned about the impact of this precedent. On this section of Vernon Lake alone, there are five additional contiguous corner lots to 5258: 5272, 5282, 5292, 5293, and 5287. Unofficial mini-subdivisions could sprout throughout Dunwoody Club Forest. Since we live at 1732 Trapnell Court and abut one of the Vernon Lake corner lots and are diagonally across from another, this replating is not an abstract issue for us. We wish to retain the current look of our neighborhood.



Sincerely,

Julia and Leonard Parsons
770-394-6824

Rebecca Keefer

From: Erika Harris <erikaleighh@gmail.com>
Sent: Monday, January 06, 2014 3:44 PM
To: Kevin McOmber
Cc: Rebecca Keefer
Subject: Re: 5258 Vernon Lake Drive

Absolutely. The more I know and can understand the better. I'd also like my board members to be able to attend as well. We have a special called board meeting tonight. Are there any dates/times I may share with them?

Thank you.

Sincerely,
Erika Harris

Sent from Erika's iPhone
Please forgive the autocorrects :-)

On Jan 6, 2014, at 3:30 PM, Kevin McOmber <Kevin.McOmber@dunwoodyga.gov> wrote:

Hello Erika,

Thank you for the response. A final decision can't be made until the applicant has addressed the review comments they were issued. Would you be interested in attending a meeting where we can show you the full background on our analysis and discuss options?

Kevin

From: Erika Harris [<mailto:erikaleighh@gmail.com>]
Sent: Saturday, January 04, 2014 12:02 AM
To: Kevin McOmber
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Terry Nall; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; Ed Heys; Timothy Minton; Sherry Murphy; Lynn Hassett; Chris Evans; Kate Rickell; Heyward Wescott; Stacey Harris
Subject: Re: 5258 Vernon Lake Drive

Mr. McOmber, Mayor Davis, and Council Members,

Kevin - Thank you so much for keeping myself, and our neighbors up to date on this issue. I appreciate that your hands are tied here and that the rules are what they are. I would like to ask a few questions/raise a few points of concern though.

It is no surprise that I am greatly concerned over this situation. I am the HOA president to a 500 home neighborhood, and through this responsibility comes the need and desire to represent the collective interests of my neighbors and work to protect the integrity of our neighborhood. This situation challenges my duty - as it feels we are being "hung out to dry", in

Rebecca Keefer

From: Terry Nall
Sent: Monday, January 06, 2014 5:16 PM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: Subdivision Concerns

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: Frank Huang
Sent: Monday, January 06, 2014 9:50:16 PM
To: Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: DCFN HOA President
Subject: Subdivision Concerns

Dear Honorable Public Servants,

I was recently notified by Ms. Erika Harris, the president of our neighborhood association, of a disturbing development in our subdivision. It appears that Mr. Jim Milam of 5258 Vernon Lake Drive is applying to subdivide purchased land on which to squeeze in multiple newly constructed homes. I would like to express my sincere disapproval and disappointment in this revelation and briefly explain why.

My wife and I purchased our home a little over a year ago. What struck us about Dunwoody Club Forest and ultimately was the reason why we purchased in the neighborhood was how large and spacious the lots were compared to nearby (and usually newer) construction. For example, the adjacent Oxford Chase community fits two 3,000+ sqft homes in roughly the same size lot as what we have for just one home. It is my personal opinion that allowing Mr. Milam to proceed with construction will not only tarnish what makes the neighborhood distinctive, but also potentially lower nearby property values. In my home town of Orlando, FL, I saw similar thinking in construction lead to exactly the results I just described, when new construction ruined the character and aggregate property values of a beautiful, century-old neighborhood.

Further, by allowing this type of construction proceed, I fear it sets a dangerous precedence for other owners and especially outside investors to take advantage of our neighborhood for the sole purpose of short-term financial gain while actual residents suffer long-term consequences.

I appreciate your time in reading this email and hope you will seriously consider it along with I'm sure the many other correspondences you've received from similarly anxious and disappointed residents. If you have any questions or comments, please feel free to contact me at this email address.

Thanks in advance and God bless,

Frank Huang

5275 Trowbridge Dr
Dunwoody, GA 30338

Rebecca Keefer

From: Eileen Young Caldwell <eileen.caldwell@gmail.com>
Sent: Tuesday, January 07, 2014 6:48 AM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: Clay Caldwell
Subject: 5258 Vernon Lake Drive

I am writing about the possible subdivide of the property in my neighborhood at the above address.

I currently own a property (also a corner lot) in DCF at 5566 Trowbridge Drive. I am greatly opposed to this subdivide for the following reasons:

1. It is going to erode the character of our neighborhood.
2. Plats should stay as originally designed and approved by the county.
3. The proposed homes are going to overcrowd the lot and create a very viable eye sore in our neighborhood.

Please take my opinion into account when reaching your decision as you all get to go back to your neighborhoods and I will be living with your decisions.

Best, EYC

--

Eileen Young Caldwell
404.313.9155 cell

Rebecca Keefer

From: Terry Nall
Sent: Tuesday, January 07, 2014 10:36 AM
To: Rebecca Keefer
Subject: FW: 5258 Vernon Lake Drive

To keep you in the loop.

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: Rob Augustine
Sent: Tuesday, January 07, 2014 3:26:53 PM
To: Terry Nall
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrism1@aol.com; jwhagh@att.net; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'; 'Jim Ebersole'; tomchrism1@aol.com; 'Andrew Carney'
Subject: RE: 5258 Vernon Lake Drive

Thank you for your response, Terry.

I too want the law to be upheld, just as you do. Although we apparently have a different view of what that law is.

My problem with this subdivision matter is that Ms. Keefer, when we first talked with her, and from the sign that was posted on the property, treated this as a minor, routine administrative matter. This seems to be the City's position on this looking at other more recent correspondence from Mr. McOmber as well.

The point I am trying to make is that this is anything but a routine matter. The very language of the zoning code calls for the requirement that any lot subdivision be compatible with existing development. Here we have a long-standing, well established community of nice homes built per a plat, all well designed, and specifically laid out per that recorded plat. It is a significant deficiency of the City staff that they interpreted this current lot subdivision application as a minor matter; that they felt it was administrative and non-discretionary; and that they proceeded to even entertain such a request in the first place. In earlier emails, I have pointed out in much more detail why the staff should not have allowed this.

It is my view that any subdivision under these circumstances is "not compatible with existing development." We do not need or even want "infill" development involving the further subdivision of lots in Dunwoody Club Forest. I believe we do not need infill development involving further

subdivision of existing lots in any established, fully functional neighborhood in the City of Dunwoody. Further subdividing lots in these established communities is perhaps the worst thing I have ever seen happen in all the years I have lived in Dunwoody. We cannot allow developers to come in and carve up our community. We cannot allow one lot to become two; or two to become three; or whatever configuration the developer types want to foist upon us citizens to crowd in more homes to line their pockets!

For the City staff to interpret the existing zoning code to routinely, and as a minor matter, allow such subdivision is completely unacceptable to me. I am sure this cannot be the policy or the intent of the City Council. It is certainly not the intent of the majority of citizens in Dunwoody who live in and have purchased homes in existing neighborhoods, all well-established pursuant to a plat.

It is time to put a stop to this. Now, for this application and in the future. We need a City staff who is fully cognizant of what the citizens want. We need a City staff that is aware of the long history of this community and its efforts to foster and maintain healthy, vibrant established neighborhoods. We obviously also need a zoning code that recognizes this fact and that is written in such a manner that the City staff cannot just treat requests such as this as routine or minor. They are not and never will be minor or routine.

I call upon you and City Council to immediately work toward declaring a moratorium on all such re-subdivision requests. I request that efforts be undertaken immediately to redraft the zoning code so that all such re-subdivision requests can no longer be treated as minor or routine or non-discretionary. The City code must be revised to protect our neighborhoods.

The Citizens of Dunwoody are entitled to the preservation of their existing communities free of the developer seeking to make more money by carving up communities and squeezing in more houses on more lots that were never intended to be re-subdivided in the first place -- from the day the original subdivision plat was filed establishing that subdivision. We need to have our communities protected and preserved. The existing situation is intolerable and unacceptable.

Thank you for your attention, involvement, and consideration of these requests,

Rob

-----Original Message-----

From: Terry Nall [<mailto:Terry.Nall@dunwoodyga.gov>]

Sent: Monday, January 06, 2014 8:29 PM

To: Rob Augustine

Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrismann@aol.com; jwhagh@att.net; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'; Terry Nall

Subject: RE: 5258 Vernon Lake Drive

Rob,

Rebecca Keefer

From: Angela Gunter <angie@gunter.com>
Sent: Tuesday, January 07, 2014 1:08 PM
To: Rebecca Keefer; Kevin McOmber; Mike Davis; Denis Shortal; John Heneghan; Douglas Thompson; Lynn Deutsch; Terry Nall; Jritiche@bellsouth.net
Cc: 'DCFN HOA President'
Subject: Concerning the Proposed Subdivision of 5258 Vernon Lake Drive

I am writing to express my family's concern over the proposed subdivision of 5258 Vernon Lake Drive in the Dunwoody Club Forest subdivision. My family and I are new residents of Dunwoody, and my husband and I specifically chose this neighborhood because of its larger lot sizes and setbacks. The attractive character of the Dunwoody Club Forest area is threatened by the possibility of subdividing lots to accommodate a new vision of McMansion style homes on mini lots. I understand a vote will be held tomorrow concerning this matter. I hope that the many voices of opposition to this proposed subdivision have been heard, and that the potential investment opportunity of one community stakeholder does not overshadow the long-term concerns of the remaining community stakeholders in the subdivision.

With Kind Regards,
Brian & Angela Gunter
1899 Stapleton Ct.
Dunwoody, GA 30338

Rebecca Keefer

From: Veronica Pinell-McNamara <pinellmcnamara@gmail.com>
Sent: Tuesday, January 07, 2014 1:19 PM
To: Rebecca Keefer
Subject: 5258 Vernon Lake Drive

Dear Ms. Keefer:

As I mentioned over the phone, I am very concerned with the proposal to split the lot at 5258 Vernon Lake Drive which is next door to me. I understand that your decision rests on a 0.344 acres and min width requirements and that you are likely to approve their request, however, that does not take into consideration the character and appeal of DCF. Our lots are bigger and have a lot more room between houses than the 20 feet min required. In addition, it is my understanding that the adjacent neighbor has issues with both where the flags were placed, which might affect the calculation of acreage, as well as risk to the flood-plain and there may be environmental issues with constructing two homes where only one home currently stands. I hope these issues are fully considered before making this decision.

Sincerely,

Veronica Pinell-McNamara

Rebecca Keefer

From: drew fischer <drew.fischer@att.net>
Sent: Tuesday, January 07, 2014 1:20 PM
To: Rebecca Keefer
Subject: Strong opposition to subdivide lots in Dunwoody Club Forest

I am writing as a resident of Dunwoody Club Forest and strongly oppose the request by Jim Milam and Howard Levy to subdivide a recently purchased lot in our subdivision. The residents of Dunwoody Club Forest should not be hurt monetarily by decreased property values due to the division of individual lots. The current residents purchased into a subdivision with a filed an approved neighborhood plat by the county and expect the plat to be honored and enforced.

Thank you,

Drew Fischer
1734 Ball Mill Court
Dunwoody, GA 30338

Rebecca Keefer

From: Kevin McOmber <KMcOmber@ClarkPatterson.com>
Sent: Tuesday, January 07, 2014 2:56 PM
To: Rob Augustine
Cc: Warren Hutmacher; Rebecca Keefer; Terry Nall; Lynn Deutsch; Mike Davis; John Heneghan; Denis Shortal; Douglas Thompson; Jim Riticher; Kevin McOmber
Subject: RE: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Rob,

The City Attorney is not available on Friday morning. We have, however, set up a meeting for 2pm tomorrow at Dunwoody City Hall. Erika Harris is planning to attend and is bringing a board member. I hope you can join us.

Kevin

From: Rob Augustine [mailto:rja@rjalaw.com]
Sent: Monday, January 06, 2014 3:46 PM
To: 'Kevin McOmber'
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; findcarney@gmail.com; jimpattymckay@gmail.com; 'Warren Hutmacher'; 'Terry Nall'; 'Lynn Deutsch'; 'Mike Davis'; 'Douglas Thompson'; 'Jim Riticher'; 'John Heneghan'; 'Denis Shortal'; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'
Subject: RE: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Thanks Kevin.

We will always take a look at situations and are happy to meet with you and the City's legal counsel. I do, however, stand by my earlier correspondence and request that the City's legal counsel, and staff as well, review those points that I raised and the standards that may be applied in even considering a potential request for subdividing existing lots in established subdivisions. It is my opinion that a strong case can be made for the City to deny this subdivision application, once those standards and others that City legal counsel may know are applied to this particular application. As I stated, the City's own zoning ordinance requires a non-discretionary decision as to compatibility with the existing homes and lots.

Regardless of whatever previous efforts the City has engaged in, we simply do not agree with the City's position in first treating this as a "minor" subdivision, then a "major" subdivision, and in stating that this is only a non-discretionary, administrative decision.

In my view, as well as, I am sure, the view of nearly all of my fellow property owners in Dunwoody Club Forest, we cannot accept this subdivision of an existing lot in Dunwoody Club Forest. I have already stated several reasons for our position in earlier correspondence.

I do note that the decision date for this application is stated on the posted sign as January 10, 2014. We ask that you keep us apprised of the status of this matter. From your letter this morning we understand that the City has asked for additional details from the applicant. We would like to be provided the exact letter or other documents evidencing the City's request. We would like to be provided with any response, plat amendment, or other item that the applicant may make in this matter. We would like to be provided with any other documents

evidencing the analysis of this application, discussions or emails with the applicant, among staff, and other parties pertinent to this application. We would like to know the exact timeline City staff is following here.

Thank you for your time in reviewing this important matter,

Rob

From: Kevin McOmber [<mailto:Kevin.McOmber@dunwoodyga.gov>]
Sent: Monday, January 06, 2014 2:54 PM
To: Rob Augustine
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Terry Nall; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'
Subject: RE: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Rob,

Thank you for speaking with me via telephone this afternoon. The message from you and dozens of others from within the Dunwoody Club Forest development have been clear and have been heard. Per our discussion, I am working on setting up a meeting with our legal and planning staff so we may show you the detailed effort that went into researching this project. We will get back with you shortly on a day and time that works.

Kevin



Kevin J. McOmber, PE

Interim Director of Community Development

City of Dunwoody

41 Perimeter Center East, Suite 250, Dunwoody, GA 30346

(678) 382-6800 office

(770) 396-4828 fax

From: Rob Augustine [<mailto:rja@rjalaw.com>]
Sent: Monday, January 06, 2014 10:27 AM
To: Kevin McOmber
Cc: president@dcfn.org; CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; rja@rjalaw.com; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Terry Nall; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'
Subject: Response to Your Email dated January 3, 2014 to Ms. Harris with copies to the above parties

Dear Mr. McOmber,

Rebecca Keefer

From: ADrost711@aol.com
Sent: Tuesday, January 07, 2014 3:16 PM
To: Rebecca Keefer; Kevin McOmber; Kevin McOmber
Subject: Lot Subdivision request for 5258 Vernon Lake Drive

Hello Rebecca and Kevin,

I would like to address my "opposition" to the subdividing of the lot referenced below. My name is Adam Drost and I am a 29 year resident/home owner in Dunwoody. My children and grandchildren also live in Dunwoody, so I have a 3 generational interest in development in Dunwoody.

I certainly support the purchase, improvement and renovation of homes in Dunwoody, but the subdivision of residential lots to change the character of the street, neighboring homes and neighborhoods of our community is unacceptable and wrong. The desire and quick profit motive of one person/developer/investor as opposed to the interest of thousands of home owners is why we have our current (soon new) zoning in place. This request for subdividing of a current lot is not in the best interest of our community. This type of precedent could lead to denser family population in already over crowded schools. In this instance, the developer/investor does not really care about impact on our community or impact on our schools or impact on neighbors. Otherwise, this request would never have been made.

Thank you for your time,

Adam Drost

Lot in Question: 5258 Vernon Lake Drive was sold to a Dunwoody resident, Jim Milam. Currently Mr. Milam has filed to be able to subdivide the current property into two lots and with Dunwoody Contractor, Howard Levy, build two 4,000 sq. ft. homes with three car garages and full basements.

Rebecca Keefer

From: Terry Nall
Sent: Thursday, January 09, 2014 1:30 PM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Cc: Terry Nall
Subject: FW: Fwd: Contextual approval

Does the below email I received mean staff approved the Vernon Lake Dr. subdivide request?

Will Council be notified?

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: rwgoodwin2003@comcast.net
Sent: Thursday, January 09, 2014 5:39:17 PM
To: Erika Harris
Cc: Terry Nall
Subject: Fwd: Contextual approval

From: rwgoodwin2003@comcast.net
To: "Warren Hutmacher" <Warren.Hutmacher@dunwoodyga.gov>
Sent: Thursday, January 9, 2014 12:37:28 PM
Subject: Contextual approval

Dear Sir, My name is Eleanor Goodwin and I live at 1759 Dunridge Court. I find it difficult to believe that the proposed sub-division of the lot immediately adjacent to mine "conforms to the existing neighborhood's surrounding properties." Each and every one of us bought into this original subdivision with the understanding that requirements were for one home per half acre. All homes had to have side-facing or rear facing garages. Whether or not those covenants have expired, I assure you that all of us expect the city of Dunwoody to protect us from oversized houses on undersized lots. Can you imagine that the original developer of this section of DFS would not have put two homes on the lot if it conformed to the zoning ordinance at the time? Your decision, if it stands, will not "preserve the character of existing residential" properties. (quotes from Dunwoody Comprehensive Plan).

From the web site concerning change in land use: "Construction and development can change natural drainage paths and create brand new flood risks. New buildings, driveways, parking lots and roads mean less land to absorb excess precipitation which results in more susceptibility to flooding. New development can change flood risk by how an area is able to handle runoff." Since

1978, my late husband and I have dealt with excess runoff on our property in order to protect our home. As a widow, I am terrified by the consequences of more than doubling the land use next door. Neighbors adjacent to the property in question have voiced their concern as well. We enjoy the beauty and serenity of living in our section of DCF with its one home/one lot "covenant."

Please try to stop this doubling of trouble on Vernon Lake Drive. Sincerely, Eleanor L. Goodwin

Rebecca Keefer

From: Ted Kennedy <tmkjr@bellsouth.net>
Sent: Friday, January 10, 2014 11:50 AM
To: Rebecca Keefer
Subject: Dunwoody Club Forest

I am opposed to cramming houses on lot's in Dunwoody Club Forest. If present zoning laws allow for buildings that lower the property value in subdivisions, then your overall tax revenue will decrease. The citizens in Dunwoody Club Forest are opposed to the plan to build two houses on the lot on Vernon Lake Drive. I would hope the politicians who will consider this project know of the anger that will result should they overlook the feeling of the residents. I would suggest that the City of Dunwoody look for "improvements" in our city, e.g., the paving of our terrible streets and the horrible traffic throughout the city. I am not sure that the city planners know what kind of city we want to be. We need some leadership in our town.

Ted Kennedy
1868 Stapleton Court
Dunwoody, Ga 30338

Rebecca Keefer

From: Terry Nall
Sent: Monday, January 13, 2014 6:14 AM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: 5258 Vernon Lake Drive

As FYI.

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

From: rja@rjalaw.com [rja@rjalaw.com]
Sent: Sunday, January 12, 2014 11:31 PM
To: Terry Nall
Cc: Jan Arnette; president@dcfn.org; Lynn Deutsch; Mike Davis; Douglas Thompson; Jim Riticher; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'; Terry Nall; Rob Augustine
Subject: RE: 5258 Vernon Lake Drive

I did some further research this weekend and found this very interesting provision from the Sandy Springs subdivision code. Here's my comment ----

Reviewed the Sandy Springs subdivision code. You cannot even get a building permit in a residential subdivision unless it is approved by the Mayor and City Council. Certainly something to look at and how this provision is utilized. Here's my comment:

I note that the Sandy Spring's code requires approval by the Mayor and City Council for any building permit in a residential subdivision. I'm not aware of exactly how Sandy Springs implements this requirement. But clearly, there is more than just administrative type approval for any type of construction in a residential subdivision. Here's the code section:

Section 2.7 of the Sandy Springs Subdivision Code

"In residential subdivisions, building permits may be issued on the basis of any approved minor plat only after the approval of the Director and the Mayor and City Council's confirmation."

This is certainly an interesting requirement and needs more research as to how Sandy Springs applies this. We definitely need to have a protective approval like this or some variation for our existing Dunwoody subdivisions.

Thank you for your attention, Rob

Dunwoody Club Forest resident opposes dividing traditional lots

Overview: Almost all subdivisions in Dunwoody were developed from the early '70s to the '90s. Our subdivisions were designed, platted, and built using nice plans that provided open space, pleasant street layouts, corner lots, and overall design that we have enjoyed for decades. Our subdivisions were built based on plats that exceeded typical R-100 zoning. In addition, when our first subdivisions were platted, they had covenants on the filed plat prohibiting re-subdivision of any lots.

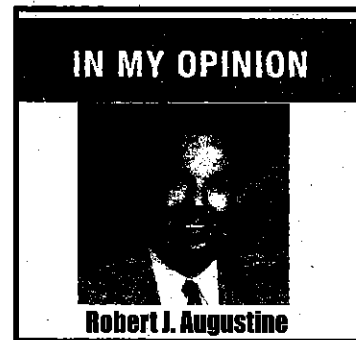
At the time the state law said these covenants automatically expired after twenty years. Once expired, the only protection our subdivisions have are the codes enacted by the local government. Unfortunately, our current city codes do not provide for a detailed, public review of re-subdivision requests. Thus, any single lots, or any combination of lots, in an existing subdivision, can be re-subdivided. The entire plat for our nice communities can be amended and lots re-developed under basic R-100 zoning.

This, in effect, eliminates existing lot lines and means more homes may be inserted into our communities. The nice lot layouts we now enjoy will be

changed. This should not be the case. We need to revise our city codes to keep our nicely developed subdivisions intact. To do otherwise will forever alter how we now live in Dunwoody.

The Basic Problem: Initially, our subdivisions had covenants that prohibited further re-subdivision. State law then said these covenants expired after 20 years. There was no renewal provision. In 1993, the State legislature saw the problem this created for maintaining nice subdivisions and keeping them from being re-subdivided. A new law was passed that said such covenants could automatically renew every 20 years. Thus keeping all covenants including "no re-subdivision" intact. However, this law does not apply to subdivisions in Dunwoody, as they pre-date the 1993 law. To keep our subdivisions similar to their current layout, and to prevent re-subdivision, it is necessary to have a zoning code that recognizes the value of our subdivisions as they are built and protects them with specific code provisions so they are not summarily re-subdivided. We do not have this.

The City Code. Our current city code does not protect us. Nor did the prior DeKalb code



upon which it is based. In fact, re-subdivision of lots is presently considered merely administrative and handled by staff. The city code does require notice to the community by posting a sign. But this is no comfort at all as there is no public input, and re-subdivision can occur so long as the technical aspects of R-100 zoning are met. While the current code has a standard "compatible with existing development," it is meaningless because it is applied to mean compatible with R-100, rather than compatible with the existing plat and long-time layout upon which the subdivision was built. Under this current city code, any subdivision in Dunwoody can be re-subdivided.

The Importance of this for all of Dunwoody: Every resident in Dunwoody expects their current subdivision layout will

be preserved. There is no reason for these communities to be re-subdivided with more houses squeezed in for higher densities. This was never the original intent — no one wanted any re-subdivision as it destroys our nicely designed communities. If re-subdivision occurs, our communities will never be the same. As the economy improves, there are many opportunities throughout Dunwoody to assemble existing lots, re-subdivide them, and build higher density housing mixed into our platted communities. One house lots will become two lots and houses; multi-lots and houses will be inserted. Your subdivision will change forever. This will be a disaster.

Short-Term Solution: We immediately need city council to implement a moratorium on any re-subdivisions within previously platted subdivisions. The moratorium will recognize the problem created by the current code and provide for time to develop ordinances to protect existing subdivisions.

Long-Term Solution: We can study how to handle re-subdivision requests. Other places have protected existing subdivisions with various ordinances. An easy step is to move a re-sub-

division request from just a staff function to a public hearing process with the final decision by our elected officials. Another way is to define standards to apply before platted subdivisions are disrupted by re-subdivision. For example, the "compatible with existing development" language could be expanded. Criteria set out in a revised code would state existing lot layouts remain desirable and detailed standards written for a re-subdivide request. Another solution may be to implement overlay districts for our subdivisions to be sure they remain as desirable as they are today. There are many ways to make this work well and to preserve our subdivisions.

The Goal: Our existing communities must be maintained and not be subject to continuous, unneeded, infill "re-subdivision." We like our Dunwoody subdivisions. Many of us have lived in them for decades. We need a standard that says only in very exceptional instances will our communities be "re-subdivided." Long-time residents, and newcomers alike, must depend on revised city ordinances to keep our current subdivisions intact. Nothing less will be acceptable.

Rebecca Keefer

From: Terry Nall
Sent: Thursday, January 16, 2014 4:35 PM
To: Warren Hutmacher; Kevin McOmber; Rebecca Keefer
Subject: FW: For all of Dunwoody...

Terry Nall
Dunwoody City Council Member (At Large)
Cell: (404) 915-6693
Email: Terry.Nall@DunwoodyGA.gov

-- Sent from my mobile phone. Please excuse any misspellings.

From: jwhagh
Sent: Thursday, January 16, 2014 9:32:52 PM
To: Jim Riticher
Cc: CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; findcarney@gmail.com; jimpattymckay@gmail.com; Warren Hutmacher; Lynn Deutsch; Mike Davis; Douglas Thompson; John Heneghan; Denis Shortal; Kevin McOmber; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'; 'Jim Ebersole'; tomchrisman1@aol.com; 'Andrew Carney'; president@dcfn.org; 'Rob Augustine'; Terry Nall
Subject: For all of Dunwoody...

Hello Jim: (You are my City of Dunwoody Councilman; I will take the liberty of addressing you as "Jim".)

My wife and I have resided in Dunwoody Club Forest since IBM moved us here in 1970. We supported the founding of the City of Dunwoody. We voted for your style leadership in the recent election, and we are pleased with the outcome... Well done! Even now we take comfort in your words posted beneath your city of Dunwoody photograph. (i.e.) *"...maintain and improve the high-quality suburban community that brought us together as neighbors, with a focus on infrastructure maintenance and enhancement, resident-first policies..."*

Your words ring true for the controlled and planned forward progress we need for our City. However, today Dunwoody is under attack from a developer-driven, speculative, uncontrolled, quick profit, real estate deal to re-subdivide the lot at 5258 Vernon Lake Drive in Dunwoody Club Forest. This insidious plan to re-subdivide and build speculative 'monster-size' homes on minimum-size lots is the real estate equivalent of a 'cancer.' Once re-subdivision is allowed to proceed in its present uncontrolled fashion - the infrastructure of Dunwoody will be changed forever from 'resident-first policies' to "profit-driven"; regardless of the impact to our City of Dunwoody.

Jim, all of us living in Dunwoody Club Forest need your help now! Stop the planning and development process until we understand the full impact of this developer-driven rush for re-subdivision, and thoroughly consider the long term impact on Dunwoody...

J.W. (Bill) Hackaday
1751 Dunridge Ct.
Dunwoody, GA 30338-3501
770/394.4443

I am using the Free version of SPAMfighter.
SPAMfighter has removed 317 of my spam emails to date.

Do you have a slow PC? Try a free scan!

Rebecca Keefer

From: Bill Grossman <bill.grossman@comcast.net>
Sent: Tuesday, January 21, 2014 12:12 PM
To: Rebecca Keefer
Subject: FW: Infill Development and Re-subdivision within existing Dunwoody Communities
Attachments: measuring scale report 12082004.pdf

I found the attached report interesting. Take a look at it when you get a chance.

Bill

-----Original Message-----

From: Rob Augustine [mailto:rja@rjalaw.com]
Sent: Tuesday, January 21, 2014 11:45 AM
To: CBertschi@kilpatricktownsend.com; iwillretire@att.net; Bertschik@bellsouth.net; janarnette33@yahoo.com; lauramccoy7@gmail.com; pjschmid@bellsouth.net; kathybrainard@bellsouth.net; marystewz@gmail.com; moesadler@hotmail.com; kimpbrooks@gmail.com; wk.parker@comcast.net; tomchrisman1@aol.com; jwhagh@att.net; findcarney@gmail.com; jimpattymckay@gmail.com; 'Warren Hutmacher'; Terry Nall; 'Lynn Deutsch'; 'Mike Davis'; president@dcfn.org; 'Douglas Thompson'; 'Jim Riticher'; 'John Heneghan'; 'Denis Shortal'; 'Kevin McOmber'; 'Ed Heys'; 'Timothy Minton'; 'Sherry Murphy'; 'Lynn Hassett'; 'Chris Evans'; 'Kate Rickell'; 'Heyward Wescott'; 'Stacey Harris'; Bill Grossman
Cc: French, Steven P
Subject: Infill Development and Re-subdivision within existing Dunwoody Communities

Good morning,

In an effort to evaluate the possible solutions to infill and re-subdivision in existing neighborhoods, I reached out to my old friend Steve French.

Steve helped us with our Future of Dunwoody Plan back in 1995 and in other matters. He has done some work in this specific area already as Professor and now Dean of the School of Architecture at Georgia Tech.

Steve sent me his report from 2004, which is attached. I believe this report offers some important guidance to the City in this area. Obviously more research is needed to try to determine both the criteria and the methodology for appropriately handling infill and re-subdivision. Clearly, providing a discretionary, public review process is an important step here. In addition, we need to develop appropriate criteria for evaluating these type requests and making decisions about them.

I send this report along with the hope that it will provide some guidance in this effort. I note that the City of East Point adopted standards on this subject as did other cities mentioned in the report. I know from discussing this with Bill Grossman and Robert Wittenstein (on the rezoning sounding board) that their main focus was on the limitation of variance requests for any subdivided lot and for some size standards for replacement houses. Both did agree that perhaps more could be done here.

It certainly appears that amending the current City of Dunwoody subdivision/zoning ordinance would be most desirable. And at least we have some indications of the terms and conditions that might be utilized to implement such a change. In the interim, I remain hopeful that the City will place a temporary moratorium on future re-subdivision requests.

Sincerely yours,

Rob

LEGEND

IPF = IRON PIN FOUND
 IPS = IRON PIN SET
 BL = BUILDING LINE
 CL = CENTERLINE
 PL = PROPERTY LINE
 LLL = LAND LOT LINE
 R/W = RIGHT OF WAY
 MH = MANHOLE
 WM = WATER METER
 DE = DRAINAGE EASEMENT
 SSE = SANITARY SEWER EASEMENT
 CB = CATCH BASIN
 CD = CROSS DRAIN
 HW = HEAD WALL

LINE	ARC	RADIUS	CHORD BEARING	CHORD
C1	103.37'	343.31'	N71°20'12"E	102.48'
C2	85.86'	746.20'	S36°14'27"E	85.81'
C3	182.78'	542.96'	S28°23'30"E	181.92'

LINE	BEARING	DISTANCE
LI	S37°38'50"E	12.86'

This plat has been submitted to and accepted by the Community Development Director of the City of Dunwoody, Georgia, and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Dated this _____ day of _____

By: _____
 Community Development Director.

This revised plat has been submitted to the city manager of the City of Dunwoody, Georgia, and has been approved as required by state law and municipal codes as meeting all conditions precedent to recording in the county superior court. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day of _____

By: _____
 City Manager as designee of the City of Dunwoody

Surveyor's acknowledgement.

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.


 William P. Greham 2880
 Ga. R.L.S. No.

Owner's acknowledgement.

I, _____, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to property shown hereon and agrees that the City of Dunwoody shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives structures, streets, culverts, curbs or sidewalks, the changing of course of streams or rivers, flooding from natural creeks or rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

All single-family residential lots on this plat are included in a special taxing district for funding the maintenance of stormwater detention facilities required because of this development. All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

In witness whereof, I hereunto set my hand this _____ day of _____

Owner

Witness: _____
 Notary Public.

Owner
 James M. Burkhalter
 5253 Vernon Lake Drive
 Dunwoody, GA 30338
 770.717.1094

Developer
 James L. Milam
 1995 Woodland Way
 Dunwoody, GA 30338
 404-502-0090

GENERAL NOTES

A TOPCON GTS-2B TOTAL STATION AND HP-486X(TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

PROTECTIVE COVENANTS (ORIGINAL FINAL PLAT)

LOTS SHOWN ON THIS PLAT ARE SOLD SUBJECT TO THE FOLLOWING RESTRICTIONS WHICH ARE COVENANTS RUNNING WITH THE LAND AND MAY BE ENFORCED BY THE OWNER OF ANY LOT SHOWN ON THIS PLAT AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL 1993.

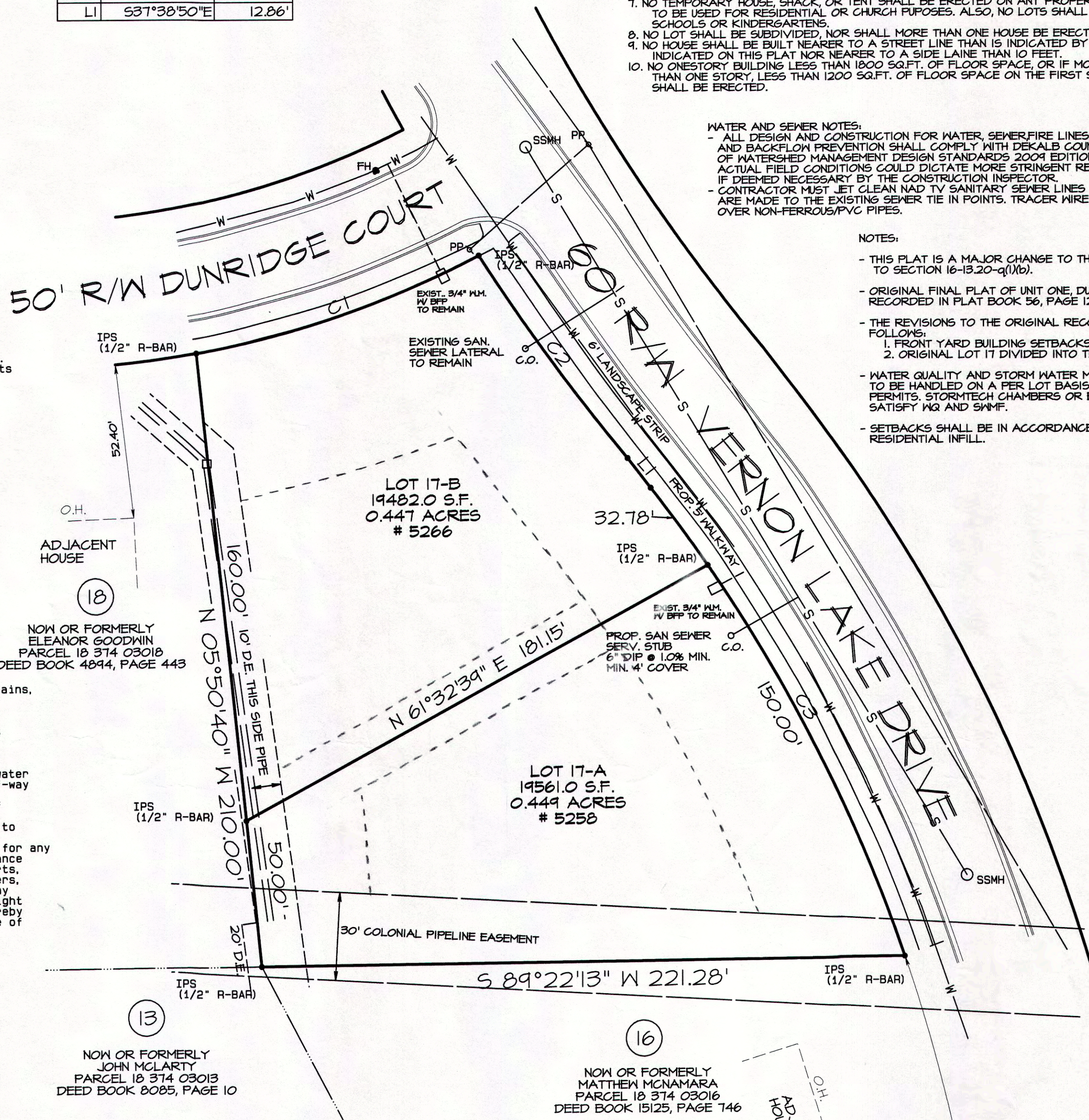
1. DEVELOPER RESERVES THE RIGHT TO APPROVE ALL HOUSE PLANS.
2. ALL RECESSED GARBAGE CANS.
3. NO EXPOSED CLOTHES LINE.
4. NO FENCES IN FRONT OF BUILDING LINE.
5. ALL CARPORTS TO ENTER FROM SIDE OR REAR.
6. SAID PROPERTY SHALL BE USED FOR SINGLE FAMILY RESIDENCE PURPOSES ONLY.
7. NO TEMPORARY HOUSE, SHACK, OR TENT SHALL BE ERECTED ON ANY PROPERTY TO BE USED FOR RESIDENTIAL OR CHURCH PURPOSES. ALSO, NO LOTS SHALL BE USED FOR SCHOOLS OR KINDERGARTENS.
8. NO LOT SHALL BE SUBDIVIDED, NOR SHALL MORE THAN ONE HOUSE BE ERECTED ON ANY LOT.
9. NO HOUSE SHALL BE BUILT NEARER TO A STREET LINE THAN IS INDICATED BY THE BUILDING LINES INDICATED ON THIS PLAT NOR NEARER TO A SIDE LAINE THAN 10 FEET.
10. NO ONE-STORY BUILDING LESS THAN 1800 SQ.FT. OF FLOOR SPACE, OR IF MORE THAN ONE STORY, LESS THAN 1200 SQ.FT. OF FLOOR SPACE ON THE FIRST STORY SHALL BE ERECTED.

WATER AND SEWER NOTES:

- ALL DESIGN AND CONSTRUCTION FOR WATER, SEWER, FIRE LINES, LIFT STATIONS AND BACKFLOW PREVENTION SHALL COMPLY WITH DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT DESIGN STANDARDS 2004 EDITION, VERSION 1.0. ACTUAL FIELD CONDITIONS COULD DICTATE MORE STRINGENT REQUIREMENTS IF DEEMED NECESSARY BY THE CONSTRUCTION INSPECTOR.
- CONTRACTOR MUST LET CLEAN NAD TV SANITARY SEWER LINES AFTER CONNECTIONS ARE MADE TO THE EXISTING SEWER TIE IN POINTS. TRACER WIRE TO BE INSTALLED OVER NON-FERROUS/PVC PIPES.

NOTES:

- THIS PLAT IS A MAJOR CHANGE TO THE FINAL PLAT PURSUANT TO SECTION 16-13.20-q(1)(b).
- ORIGINAL FINAL PLAT OF UNIT ONE, DUNWOODY CLUB FOREST, RECORDED IN PLAT BOOK 56, PAGE 120.
- THE REVISIONS TO THE ORIGINAL RECORDED FINAL PLAT ARE AS FOLLOWS:
 1. FRONT YARD BUILDING SETBACKS.
 2. ORIGINAL LOT 17 DIVIDED INTO TWO LOTS.
- WATER QUALITY AND STORM WATER MANAGEMENT FACILITIES ARE TO BE HANDLED ON A PER LOT BASIS UPON OBTAINING BUILDING PERMITS. STORMTECH CHAMBERS OR EQUIVALENT WILL BE USED TO SATISFY WQ AND SWMP.
- SETBACKS SHALL BE IN ACCORDANCE WITH SECTION 27-4. 170-B (24, AND 5), RESIDENTIAL INFILL.



G R E S H A M

PLANNING & DEVELOPMENT, INC.

P.O. BOX 2886

CLARKESVILLE, GEORGIA 30633

706-784-9844

FAX 706-784-7148

FINAL PLAT FOR:

DUNWOODY CLUB FOREST
 LOTS 17 - A and 17 - B

LAND LOT 374 of the 18th DISTRICT
 CITY OF DUNWOODY
 DEKALB COUNTY, GEORGIA

REVISIONS

DESCRIPTION

DATE

NO.



DATE	12-11-2013
SCALE	1" = 30'
JOB NO.	131211-10
SHEET	1 OF 1
DRAWN	RLS
CHECKED	SDE

CITY OF DUNWOODY
(678) 382-6700



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

REC#: 00064675 2/20/2014 2:30 PM
OPER: JH TERM: 009
REF#: KB
PAID BY:

Invoice

TRAN: 110.0000 OPEN RECORDS REQUEST
ED HEYS
Other Charges For S 4.00CR

Date: 2/20/14

TENDERED: 4.00 CASH
APPLIED: 4.00-

CHANGE: 0.00

Minor Subdivision Plat (5258 Vernon Lake Drive)

WWW.DUNWOODYGA.GOV

Edward S. Heys

5287 Vernon Lake Drive

Dunwoody, GA 30338

Home (770) 396-7143

Fax (770) 396-3232

Cell (404) 697-3084

5258 Vernon Lake Drive-Minor Subdivision-Version 1 Comments

Planning (Denied w/Comments)

Rebecca Keefer Rebecca.keefer@dunwoodyga.gov 678-382-6811

- Disclosure statement to be notarized (to be provided to potential purchasers)-- this was originally submitted but not notarized
- The Code has been renumbered since your last submittal, so please update those sections as follows:
 - note 1: change 16-13.20 to 16-207
 - note 5: no need to change because I've requested that it be replaced with the statement below
 - Include a note that reads, "Regulations of the Zoning Ordinance (e.g.: setbacks) are subject to change based on subsequent amendments to that ordinance." Remove the fifth note.

Engineering (Approved w/Comments)

James Bassett james.bassett@dunwoodyga.gov 678-382-6806

- Hold c.o's for sidewalk and water quality certification.

Public Works (Approved w/ Comments)

Michael Smith Michael.smith@dunwoodyga.gov 678-382-6852

- Remove last paragraph of Owner's Acknowledgement beginning: "All single-family residential lots....".
- Stormwater easement should be recorded with final plat.

GIS (Denied w/Comments)

Sherri Schreiner sherri.schreiner@dunwoodyga.gov 678-382-6811

- Current property owner address is incorrect, please correct
- 5258 Vernon lake Drive not 5253 Vernon Lake Drive (which doesn't exist)
- Please update addresses for lots to reflect assigned addresses:

Lot 17-B 5266 Vernon Lake Drive

Lot 17-A 5256 Vernon Lake Drive

- Provide recorded digitized site plan to the Dunwoody GIS department at the time of Final Plat. Must be in AutoCad format in Georgia State Plane.

CITY OF DUNWOODY
(678) 382-6700

INVOICE

DATE: APRIL 21, 2014

REC#: 00068090 4/21/2014 2:29 PM
OPER: JH TERM: 009
REF#: JH
PAID BY:

TRAN: 110.0000 OPEN RECORDS REQUEST
ED HEYS
Other Charges For S 3.00CR

TENDERED: 3.00 CASH
APPLIED: 3.00-

CHANGE: 0.00

DESCRIPTION	UNIT PRICE	TOTAL
nal plat	\$1.00	\$3.00

WWW.DUNWOODYGA.GOV

Make all checks payable to City of Dunwoody
If you have any questions concerning this invoice, contact Christie Berkowitz, 678-382-6810.

THANK YOU FOR YOUR BUSINESS!

Recording Stamp

PERMANENT DRAINAGE AND MAINTENANCE EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of March, 2014. By and Between James M. Burkhalter (hereinafter referred to collectively as "Owner"), and the CITY OF DUNWOODY, GEORGIA.

WHEREAS, Owner holds title to certain real property located at (hereinafter referred to as the "Property"):

Mailing Address: 5258 Vernon Lake Drive, Dunwoody, GA 30338

Legal Address: Tax Parcel: 18 374 03 017
Land Lot(s): 374, 18th District
DeKalb County, City of Dunwoody, Georgia
Deed Book 24186, page 380,
DeKalb County, Georgia Records.

WHEREAS, the City of Dunwoody has determined that a Permanent Drainage and Maintenance Easement area defined and delineated by the highlighted area on the attached Exhibit "A" is necessary for the division of the existing lot. Based upon the proposed construction the City of Dunwoody has agreed to accept maintenance responsibility for the stormwater infrastructure upon the terms and conditions set forth herein below.

NOW, THEREFORE, for and in consideration of One dollar (\$1.00) and other valuable consideration in hand paid by each party to the other, it is HEREBY AGREED as follows:

1. The City of Dunwoody agrees to maintain the stormwater infrastructure located within the Stormwater Drainage Easement Area, as defined and delineated by the highlighted area on the attached Exhibit "A", in a structurally sound condition so that it satisfies the stormwater management function to protect the public health, safety, and welfare. The City of Dunwoody, however, has no obligation to otherwise maintain portions of the stormwater drainage easement area that do not include the stormwater infrastructure, including, without limitation, driveways, landscaping, walls, patios, and fences.
2. The City of Dunwoody, or its agents, shall return all portions of the property affected by use of the Permanent easement to a condition reasonably comparable to the condition existing prior to the City of Dunwoody's activity under the easement agreement.
3. During and throughout the term hereof, the Owner hereby agrees to provide prompt notice to the City of Dunwoody of any maintenance issues regarding the Stormwater Infrastructure.
4. The Owner hereby grants to the City of Dunwoody a permanent stormwater drainage easement over and under that certain portion of the Property identified as the Permanent Stormwater Drainage and Maintenance Easement Area for the purposes of inspection, maintenance, and improvements to the stormwater infrastructure.
5. The Owner hereby grants the City of Dunwoody the right of entry in and upon the Property as necessary for the purpose of accessing the Permanent Stormwater Drainage and Maintenance

Recording Stamp

Easement Area to perform any required maintenance or improvements.

6. The Owner is prohibited from the following:
 - a. Importation of fill or debris into the easement area;
 - b. Any modifications to the structure(s) or any action which increases the volume of stormwater entering into the storm drain infrastructure without the City of Dunwoody's approval.
 - c. Erecting or maintaining any building or structure of any nature whatsoever;
 - d. Installing any trees, which would obstruct the City of Dunwoody's ability to maintain the stormwater infrastructure or impair the stormwater infrastructure;
 - e. Performing any action violating a State or Federal Law or Local ordinance with respect to the detention facility or stormwater infrastructure.
7. The Owner understands and agrees that the City of Dunwoody has the right to remove any tree(s), landscaping, vegetation, or structures which obstruct access within the easement area or which impair or damage the stormwater infrastructure.
8. The Owner agrees that the City of Dunwoody can assign its rights and responsibilities under this agreement.
9. The Owner understands and agrees that this easement is contingent on a land disturbance permit being issued, bids within the City of Dunwoody's budget for this project, and Final Approval by the City Council of the City of Dunwoody.
10. The Owner understands that this agreement will be Recorded at the Dekalb County, Georgia Records.
11. All notices provided for or permitted to be given pursuant to this Agreement must be in writing and shall be deemed to have been properly given or served by deposit in the United States mail. The parties designate the following addresses as the respective places for giving such notice:

For the City of Dunwoody:
City of Dunwoody
Attn: City Manager
41 Perimeter Center East, Suite 250
Dunwoody, Georgia 30346

For the Owner:
James M. Burkhalter
P.O. Box 46552
Lawrenceville, GA 30042

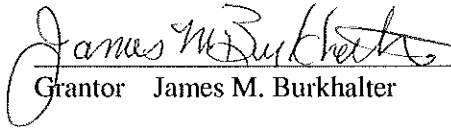
12. This agreement shall be binding upon and endure to the benefit of the parties hereto and their respective executors, administrators, heirs, successors and successors-in-title, whether voluntary by action of the parties or involuntary by operation of law. IT IS HEREBY STIPULATED AND AGREED that this Agreement constitutes a covenant running with the land herein described.

Recording Stamp

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed under seal as of the date of acceptance by Owner.

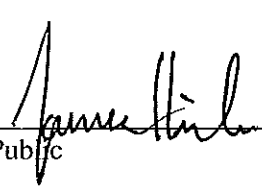
OWNER(S):

Unofficial Witness



Grantor James M. Burkhalter

(Seal)



Notary Public
(Seal)

CITY OF DUNWOODY:

CITY OF DUNWOODY, GEORGIA

By: _____
Mayor

Notary Public

Attest:

Approved as to Form:

City Clerk

Office of the City Attorney

Recording Stamp

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 374 of the 18th District, Dekalb County, Georgia and being designated as a 10 foot drainage easement located on Lot 17 of Dunwoody Club Forest Subdivision, Block M, Unit One as per plat of survey recorded in Plat Book 58, page 154, Dekalb County, Georgia records and being more particularly described as follows:

Beginning at a point located at the southwesterly rear corner of Lots 17, said point being the common corner of Lots 17, 18, 16, 13 of said Block and Unit of said subdivision, Dekalb County, Georgia records; thence along the line dividing Lots 17 and 18 of said subdivision, North 05 degrees 50 minutes 40 seconds West a distance of 186.69 feet to a point; thence South 48 degrees 39 minutes 08 seconds East a distance of 13.64 feet to a point; thence South 07 degrees 44 minutes 07 seconds East a distance of 178.16 feet to a point on the line dividing Lots 17 and 16 of said subdivision; thence along said line South 89 degrees 22 minutes 13 seconds West a distance of 15.21 feet to a point and the point of beginning.

LEGEND

IPF = IRON PIN FOUND
 IPS = IRON PIN SET
 BL = BUILDING LINE
 CL = CENTERLINE
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 LLL = LAND LOT LINE
 R/W = RIGHT OF WAY
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 SSE = SANITARY SEWER EASEMENT
 CB = CATCH BASIN
 CD = CROSS DRAIN
 HW = HEAD WALL

CURVE DATA

LINE	ARC	RADIUS	CHORD BEARING	CHORD
C1	103.37'	343.31'	N71°20'12"E	102.48'
C2	85.86'	746.20'	S36°14'21"E	85.81'
C3	182.78'	542.46'	S28°23'30"E	181.42'

BOUNDARY LINE DATA

LINE	BEARING	DISTANCE
L1	S37°38'50"E	12.86'

DRAINAGE EASEMENT

LINE	BEARING	DISTANCE
E1	S48°34'08"E	13.64'
E2	S07°44'01"E	178.16'
E3	S84°22'13"W	15.21'
E4	S05°50'40"E	186.64'

PROTECTIVE COVENANTS (ORIGINAL FINAL PLAT)

LOTS SHOWN ON THIS PLAT ARE SOLD SUBJECT TO THE FOLLOWING RESTRICTIONS WHICH ARE COVENANTS RUNNING WITH THE LAND AND MAY BE ENFORCED BY THE OWNER OF ANY LOT SHOWN ON THIS PLAT AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL 1993.

1. DEVELOPER RESERVES THE RIGHT TO APPROVE ALL HOUSE PLANS.
2. ALL RECESSED GARBAGE CANS.
3. NO EXPOSED CLOTHES LINE.
4. NO FENCES IN FRONT OF BUILDING LINE.
5. ALL GARAGES TO ENTER FROM SIDE OR REAR.
6. SAID PROPERTY SHALL BE USED FOR SINGLE FAMILY RESIDENCE PURPOSES ONLY.
7. NO TEMPORARY HOUSE, SHACK, OR TENT SHALL BE ERECTED ON ANY PROPERTY TO BE USED FOR RESIDENTIAL OR CHURCH PURPOSES. ALSO, NO LOTS SHALL BE USED FOR SCHOOLS OR KINDERGARTENS.
8. NO LOT SHALL BE SUBDIVIDED, NOR SHALL MORE THAN ONE HOUSE BE ERECTED ON ANY LOT.
9. NO HOUSE SHALL BE BUILT NEARER TO A STREET LINE THAN IS INDICATED BY THE BUILDING LINES INDICATED ON THIS PLAT NOR NEARER TO A SIDE LAINE THAN 10 FEET.
10. NO ONE-STORY BUILDING LESS THAN 1800 SQ.FT. OF FLOOR SPACE, OR IF MORE THAN ONE STORY, LESS THAN 1200 SQ.FT. OF FLOOR SPACE ON THE FIRST STORY SHALL BE ERECTED.

WATER AND SEWER NOTES:

- ALL DESIGN AND CONSTRUCTION FOR WATER, SEWER, FIRE LINES, LIFT STATIONS AND BACKFLOW PREVENTION SHALL COMPLY WITH DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT DESIGN STANDARDS 2004 EDITION, VERSION 1.0. ACTUAL FIELD CONDITIONS COULD DICTATE MORE STRINGENT REQUIREMENTS IF DEEMED NECESSARY BY THE CONSTRUCTION INSPECTOR.
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 2. ORIGINAL LOT IT DIVIDED INTO TWO LOTS.
- WATER QUALITY AND STORM WATER MANAGEMENT FACILITIES ARE TO BE HANDLED ON A PER LOT BASIS UPON OBTAINING BUILDING PERMITS. STORMTECH CHAMBERS OR EQUIVALENT WILL BE USED TO SATISFY HQ AND SWF.
- REGULATIONS OF THE ZONING ORDINANCE (E.G. SETBACKS) ARE SUBJECT TO CHANGE BASED ON SUBSEQUENT AMENDMENTS TO THE ORDINANCE.
- HOLD C.O.'S FOR SIDEWALK AND WATER QUALITY CERTIFICATION.

This plat has been submitted to and accepted by the Community Development Director of the City of Dunwoody, Georgia and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Dated this _____ day of _____,

By: _____
 Community Development Director.

This revised plat has been submitted to the city manager of the City of Dunwoody, Georgia, and has been approved as required by state law and municipal codes as meeting all conditions precedent to recording in the county superior court. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day of _____,

By: _____
 City Manager as designee of the City of Dunwoody

Surveyor's acknowledgement.

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

 2880
 William P. Greaves Ga. R.L.S. No.

Owner's acknowledgement.

I, _____ the owner of the land shown on this plat and whose name is subscribed hereto, acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places shown hereon for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streets. And further the owner warrants that he owns fee simple title to property shown hereon and agrees that the City of Dunwoody shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives structures, streets, culverts, curbs or sidewalks, the changing of course of streams or rivers, flooding from natural creeks or rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

In witness whereof, I hereunto set my hand this _____ day of _____,

Owner _____

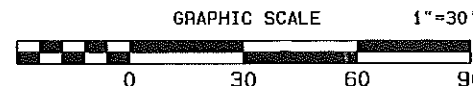
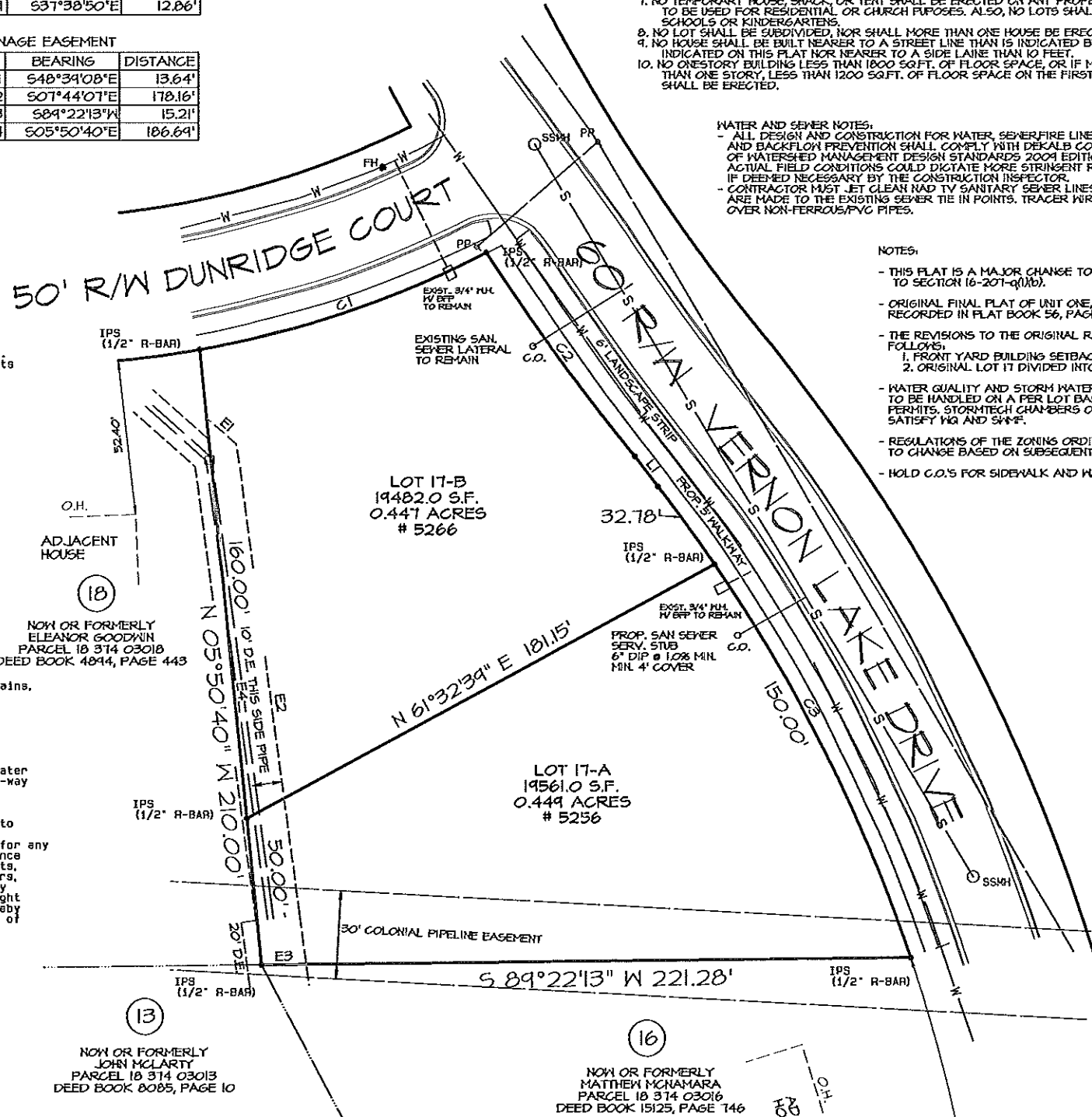
Witness: _____
 Notary Public.

Owner
 James M. Burkhalter
 5256 Vernon Lake Drive
 Dunwoody, GA 30338
 770.717.1044

Developer
 James L. Millam
 1445 Woodland Way
 Dunwoody, GA 30338
 404-502-0090

GENERAL NOTES

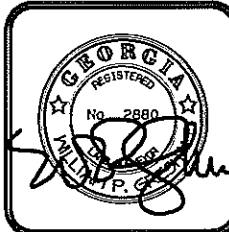
A TOPCON 6T5-2B TOTAL STATION AND HP-48SX(TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.



G R E S H A M
 PLANNING & DEVELOPMENT, INC.
 P.O. BOX 2886
 CLARKSVILLE, GEORGIA 30633
 706-784-9844
 FAX 706-784-7148

FINAL PLAT FOR:
DUNWOODY CLUB FOREST
LOTS 17 - A and 17 - B
 LAND LOT 374 of the 18th DISTRICT
 CITY OF DUNWOODY
 DEKALB COUNTY, GEORGIA

NO.	DATE	DESCRIPTION



DATE 12-11-2013
 SCALE 1" = 30'
 JOB NO. 131211-10
 SHEET 1 OF 1
 DRAWN RLS CHECKED SDE

Recording Stamp

PERMANENT DRAINAGE AND MAINTENANCE EASEMENT AGREEMENT

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WHEREAS, Owner holds title to certain real property located at (hereinafter referred to as the "Property"):

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Legal Address: Tax Parcel: 18 374 03 017
Land Lot(s): 374, 18th District
DeKalb County, City of Dunwoody, Georgia
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WHEREAS, the City of Dunwoody has determined that a Permanent Drainage and Maintenance Easement area defined and delineated by the highlighted area on the attached Exhibit "A" is necessary for the division of the existing lot. Based upon the proposed construction the City of Dunwoody has agreed to accept maintenance responsibility for the stormwater infrastructure upon the terms and conditions set forth herein below.

NOW, THEREFORE, for and in consideration of One dollar (\$1.00) and other valuable consideration in hand paid by each party to the other, it is HEREBY AGREED as follows:

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4. The Owner hereby grants to the City of Dunwoody a permanent stormwater drainage easement over and under that certain portion of the Property identified as the Permanent Stormwater Drainage and Maintenance Easement Area for the purposes of inspection, maintenance, and improvements to the stormwater infrastructure.
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Recording Stamp

Easement Area to perform any required maintenance or improvements.

6. The Owner is prohibited from the following:
 - a. Importation of fill or debris into the easement area;
 - b. Any modifications to the structure(s) or any action which increases the volume of stormwater entering into the storm drain infrastructure without the City of Dunwoody's approval.
 - c. Erecting or maintaining any building or structure of any nature whatsoever;
 - d. Installing any trees, which would obstruct the City of Dunwoody's ability to maintain the stormwater infrastructure or impair the stormwater infrastructure;
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For the City of Dunwoody: City of Dunwoody Attn: City Manager 41 Perimeter Center East, Suite 250 Dunwoody, Georgia 30346	For the Owner: James M. Burkhalter P.O. Box 46552 Lawrenceville, GA 30042
--	---
12. This agreement shall be binding upon and endure to the benefit of the parties hereto and their respective executors, administrators, heirs, successors and successors-in-title, whether voluntary by action of the parties or involuntary by operation of law. IT IS HEREBY STIPULATED AND AGREED that this Agreement constitutes a covenant running with the land herein described.

Recording Stamp

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed under seal as of the date of acceptance by Owner.

OWNER(S):

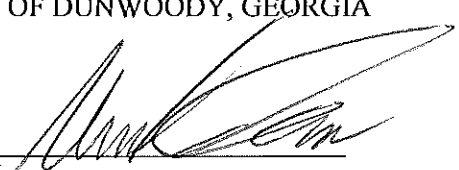
Unofficial Witness

Grantor James M. Burkhalter (Seal)

Notary Public
(Seal)

CITY OF DUNWOODY:

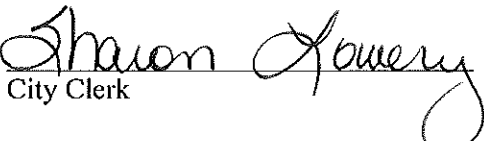
CITY OF DUNWOODY, GEORGIA

By: 
Mayor

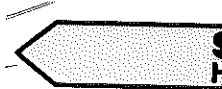
Notary Public

Attest:

Approved as to Form:


City Clerk

Office of the City Attorney



Recording Stamp

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 374 of the 18th District, Dekalb County, Georgia and being designated as a 10 foot drainage easement located on Lot 17 of Dunwoody Club Forest Subdivision, Block M, Unit One as per plat of survey recorded in Plat Book 58, page 154, Dekalb County, Georgia records and being more particularly described as follows:

Beginning at a point located at the southwesterly rear corner of Lots 17, said point being the common corner of Lots 17, 18, 16, 13 of said Block and Unit of said subdivision, Dekalb County, Georgia records; thence along the line dividing Lots 17 and 18 of said subdivision, North 05 degrees 50 minutes 40 seconds West a distance of 186.69 feet to a point; thence South 48 degrees 39 minutes 08 seconds East a distance of 13.64 feet to a point; thence South 07 degrees 44 minutes 07 seconds East a distance of 178.16 feet to a point on the line dividing Lots 17 and 16 of said subdivision; thence along said line South 89 degrees 22 minutes 13 seconds West a distance of 15.21 feet to a point and the point of beginning.

LEGEND

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CURVE DATA

LINE	ARC	RADIUS	CHORD BEARING	CHORD
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C2	85.86'	746.20'	S36°14'21"E	85.81'
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LINE	BEARING	DISTANCE
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LINE	BEARING	DISTANCE
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PROTECTIVE COVENANTS (ORIGINAL FINAL PLAT)

LOTS SHOWN ON THIS PLAT ARE SOLD SUBJECT TO THE FOLLOWING RESTRICTIONS WHICH ARE COVENANTS RUNNING WITH THE LAND AND MAY BE ENFORCED BY THE OWNER OF ANY LOT SHOWN ON THIS PLAT AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL 1993.

1. DEVELOPER RESERVES THE RIGHT TO APPROVE ALL HOUSE PLANS.
2. ALL RECESSED GARBAGE CANS.
3. NO EXPOSED CLOTHES LINE.
4. NO FENCES IN FRONT OF BUILDING LINE.
5. ALL GARAGES TO ENTER FROM SIDE OR REAR.
6. SAID PROPERTY SHALL BE USED FOR SINGLE FAMILY RESIDENCE PURPOSES ONLY.
7. NO TEMPORARY HOUSE, SHACK, OR TENT SHALL BE ERECTED ON ANY PROPERTY TO BE USED FOR RESIDENTIAL OR CHURCH PURPOSES. ALSO, NO LOTS SHALL BE USED FOR SCHOOLS OR KINDERGARTENS.
8. NO LOT SHALL BE SUBDIVIDED, NOR SHALL MORE THAN ONE HOUSE BE ERECTED ON ANY LOT.
9. NO HOUSE SHALL BE BUILT NEARER TO A STREET LINE THAN IS INDICATED BY THE BUILDING LINES INDICATED ON THIS PLAT NOR NEARER TO A SIDE LAINE THAN 10 FEET.
10. NO ONE-STORY BUILDING LESS THAN 1800 SQ.FT. OF FLOOR SPACE, OR IF MORE THAN ONE STORY, LESS THAN 1200 SQ.FT. OF FLOOR SPACE ON THE FIRST STORY SHALL BE ERECTED.

WATER AND SEWER NOTES:

- ALL DESIGN AND CONSTRUCTION FOR WATER, SEWER, FIRE LINES, LIFT STATIONS AND BACKFLOW PREVENTION SHALL COMPLY WITH DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT DESIGN STANDARDS 2004 EDITION, VERSION 1.0. ACTUAL FIELD CONDITIONS COULD DICTATE MORE STRINGENT REQUIREMENTS IF DEEMED NECESSARY BY THE CONSTRUCTION INSPECTOR.
- CONTRACTOR MUST LET CLEAN NAD TV SANITARY SEWER LINES AFTER CONNECTIONS ARE MADE TO THE EXISTING SEWER TIE IN POINTS. TRACER WIRE TO BE INSTALLED OVER NON-FERROUS/PVC PIPES.

NOTES:

- THIS PLAT IS A MAJOR CHANGE TO THE FINAL PLAT PURSUANT TO SECTION 16-201-q(1)(b).
- ORIGINAL FINAL PLAT OF UNIT ONE, DUNWOODY CLUB FOREST, RECORDED IN PLAT BOOK 56, PAGE 120.
- THE REVISIONS TO THE ORIGINAL RECORDED FINAL PLAT ARE AS FOLLOWS:
 1. FRONT YARD BUILDING SETBACKS.
 2. ORIGINAL LOT IT DIVIDED INTO TWO LOTS.
- WATER QUALITY AND STORM WATER MANAGEMENT FACILITIES ARE TO BE HANDLED ON A PER LOT BASIS UPON OBTAINING BUILDING PERMITS. STORMTECH CHAMBERS OR EQUIVALENT WILL BE USED TO SATISFY HQ AND SWF.
- REGULATIONS OF THE ZONING ORDINANCE (E.G. SETBACKS) ARE SUBJECT TO CHANGE BASED ON SUBSEQUENT AMENDMENTS TO THE ORDINANCE.
- HOLD C.O.'S FOR SIDEWALK AND WATER QUALITY CERTIFICATION.

This plat has been submitted to and accepted by the Community Development Director of the City of Dunwoody, Georgia and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Dated this _____ day of _____,

By: _____
 Community Development Director.

This revised plat has been submitted to the city manager of the City of Dunwoody, Georgia, and has been approved as required by state law and municipal codes as meeting all conditions precedent to recording in the county superior court. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day of _____,

By: _____
 City Manager as designee of the City of Dunwoody

Surveyor's acknowledgement.

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

 2880
 William P. Greaves Ga. R.L.S. No.

Owner's acknowledgement.

I, _____ the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places shown hereon for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streets. And further the owner warrants that he owns fee simple title to property shown hereon and agrees that the City of Dunwoody shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives structures, streets, culverts, curbs or sidewalks, the changing of course of streams or rivers, flooding from natural creeks or rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

In witness whereof, I hereunto set my hand this _____ day of _____,

Owner _____

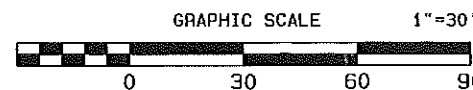
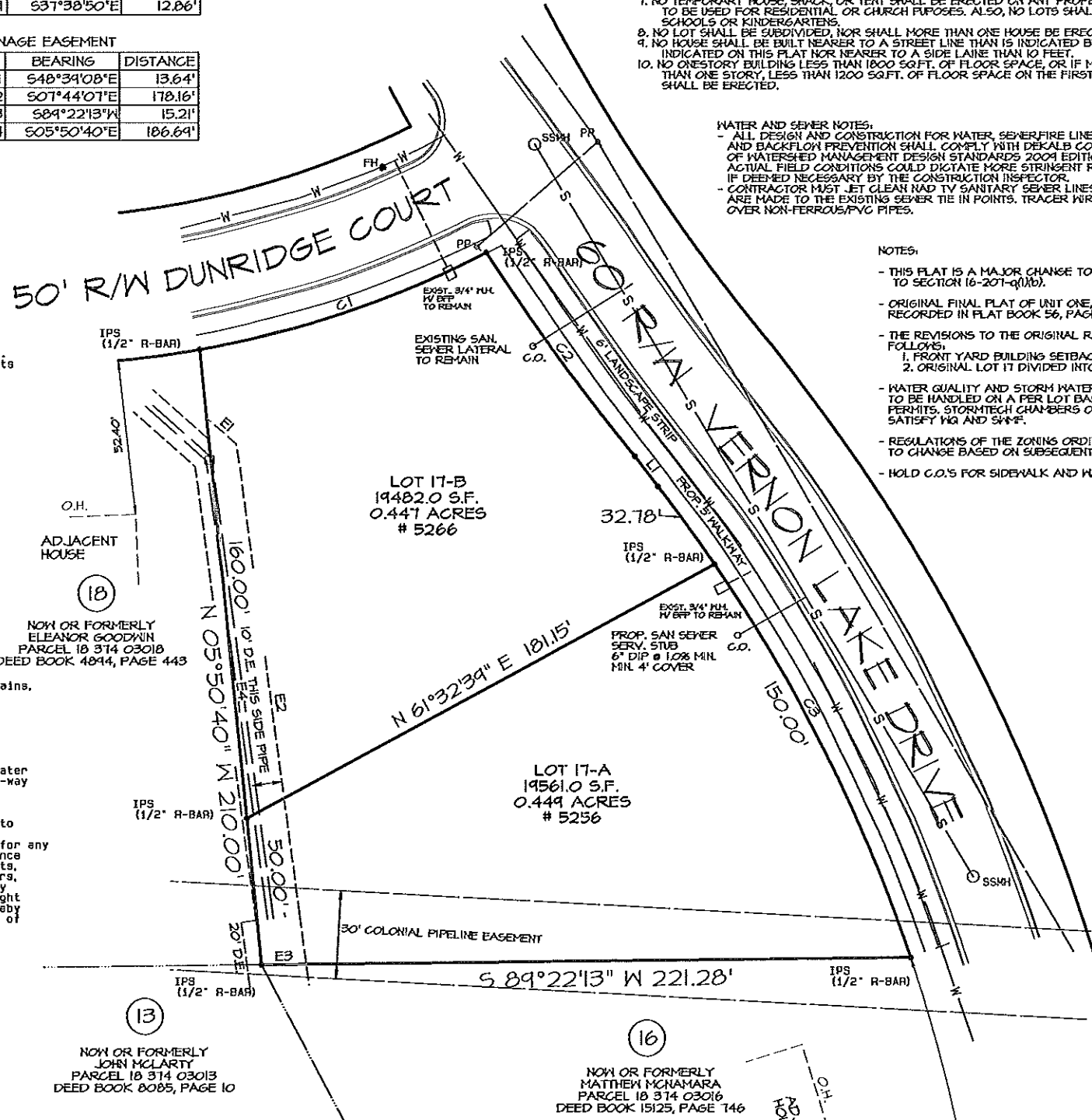
Witness: _____
 Notary Public.

Owner
 James M. Burkhalter
 5256 Vernon Lake Drive
 Dunwoody, GA 30338
 770.717.1044

Developer
 James L. Millam
 1445 Woodland Way
 Dunwoody, GA 30338
 404-502-0090

GENERAL NOTES

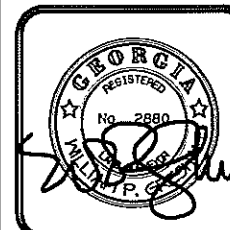
A TOPCON 6T5-2B TOTAL STATION AND HP-48SX(TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.



G R E S H A M
 PLANNING & DEVELOPMENT, INC.
 P.O. BOX 2886
 CLARKSVILLE, GEORGIA 30633
 706-784-9844
 FAX 706-784-7148

FINAL PLAT FOR:
DUNWOODY CLUB FOREST
LOTS 17 - A and 17 - B
 LAND LOT 374 of the 18th DISTRICT
 CITY OF DUNWOODY
 DEKALB COUNTY, GEORGIA

NO.	DATE	DESCRIPTION



DATE	12-11-2013
SCALE	1" = 30'
JOB NO.	131211-10
SHEET	1 OF 1
DRAWN	RLS
CHECKED	SDE

LEGEND

IPF = IRON PIN FOUND
 IPS = IRON PIN SET
 BL = BUILDING LINE
 CL = CENTER LINE
 PL = PROPERTY LINE
 LLL = LAND LOT LINE
 R/W = RIGHT OF WAY
 MH = MANHOLE
 WM = WATER METER
 DE = DRAINAGE EASEMENT
 SSE = SANITARY SEWER EASEMENT
 CB = CATCH BASIN
 CD = CROSS DRAIN
 HM = HEAD WALL

CURVE DATA

LINE	ARC	RADIUS	CHORD BEARING	CHORD
G1	103.31'	343.31'	N1°20'12"E	102.90'
G2	85.86'	746.20'	S36°14'21"E	85.81'
G3	182.78'	542.96'	S29°23'30"E	181.92'

BOUNDARY LINE DATA

LINE	BEARING	DISTANCE
L1	S37°50'50"E	12.50'

DRAINAGE EASEMENT

LINE	BEARING	DISTANCE
E1	S48°39'01"E	13.64'
E2	S07°44'01"E	170.10'
E3	S04°22'13"E	15.21'
E4	S05°50'40"E	180.61'

This plat has been submitted to and accepted by the Community Development Director of the City of Dunwoody, Georgia and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

Dated this 22 day of May, 2014
 By: Steve Tate
 Community Development Director

This revised plat has been submitted to the city manager of the City of Dunwoody, Georgia, and has been approved as required by state law and municipal code as meeting all conditions precedent to recording in the county superior court. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this 22 day of May, 2014
 By: Steve Tate
 City Manager as designee of the City of Dunwoody

Surveyor's acknowledgement.

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

William P. Erickson
 Esq., N.E.S. No.

Owner's acknowledgement.

I, James M. Burkhalter, the owner of the land shown on this plat and whose name is subscribed hereon, acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places shown hereon for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon, on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown, and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to property shown hereon and agrees that the City of Dunwoody shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of course of streams or rivers, flooding from natural creeks or rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these presents.

In witness whereof, I hereunto set my hand this

22 day of May, 2014

James M. Burkhalter

Owner

Witness: Notary Public

Notary Public

Owner
 James M. Burkhalter
 2250 Vernon Lake Drive
 Dunwoody, GA 30338
 770-717-0644

Developer
 James L. Milam
 1945 Woodland Way
 Dunwoody, GA 30338
 404-502-0040

GENERAL NOTES

A TOPCON GTS-28 TOTAL STATION AND HP-466X(TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 100,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDED 1" IN 100,000'.
 NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

PROTECTIVE COVENANTS (ORIGINAL FINAL PLAT)

LOTS SHOWN ON THIS PLAT ARE SOLD SUBJECT TO THE FOLLOWING RESTRICTIONS WHICH ARE COVENANTS RUNNING WITH THE LAND AND MAY BE ENFORCED BY THE OWNER OF ANY LOT SHOWN ON THIS PLAT AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL 1945.

1. DEVELOPER RESERVED THE RIGHT TO APPROVE ALL HOUSE PLANS.
2. ALL NECESSARY EASEMENTS SHALL BE SHOWN ON THIS PLAT.
3. NO EXPOSED CLOTHES LINE.
4. NO FENCES IN FRONT OF BUILDING LINE.
5. ALL GARAGES TO BE BUILT FROM SIDE OR REAR.
6. NO TEMPORARY HOUSE, RANGAR, OR TENT SHALL BE ERECTED ON ANY PROPERTY.
7. NO TEMPORARY HOUSE, RANGAR, OR TENT SHALL BE ERECTED ON ANY PROPERTY FOR SCHOOLS OR KINDERGARTENING.
8. NO LOT SHALL BE ADDITIONAL MORE SMALL HOUSE THAN ONE HOUSE BE ERECTED ON ANY LOT.
9. NO HOUSE SHALL BE BUILT NEARER TO A STREET LINE THAN IS INDICATED BY THE BUILDING LINES INDICATED ON THIS PLAT NOR NEARER TO A SIDE LANE THAN 10 FEET.
10. NO ONE-STORY BUILDING LESS THAN 1000 SQ. FT. OF FLOOR SPACE ON IF MORE THAN ONE STORY, LESS THAN 1000 SQ. FT. OF FLOOR SPACE ON THE FIRST STORY SHALL BE ERECTED.

WATER AND SEWER NOTES

- ALL DESIGN AND CONSTRUCTION FOR WATER, SEWER, FIRE LINES, LIFT STATIONS, AND DRAINAGE PREVENTION SHALL COMPLY WITH DUNWOODY COUNTY DEPARTMENT OF WATER-SEWER MANAGEMENT DESIGN STANDARDS 2008 EDITION, VERSION 1.0. ACTUAL FIELD CONDITIONS COULD REQUIRE MORE STRINGENT REQUIREMENTS. IF DETERMINED NECESSARY BY THE CONSTRUCTION INSPECTOR.
 - CONTRACTOR MUST SET CLEAN AND TYPICAL SANITARY SEWER LINES AFTER CONNECTIONS ARE MADE TO THE EXISTING SEWER TIE IN POINTS. TRACER WIRE TO BE INSTALLED OVER NON-FERROUS PIPES.

NOTES

1. THIS PLAT IS A MAJOR CHANGE TO THE FINAL PLAT PURSUANT TO SECTION 10-207-2(b).
2. ORIGINAL FINAL PLAT OF UNIT ONE, DUNWOODY CLUB FOREST, RECORDED IN PLAT BOOK 50, PAGE 120.
3. THE REVISIONS TO THE ORIGINAL RECORDED FINAL PLAT ARE AS FOLLOWS:
 1. FRONT YARD BUILDING SETBACKS.
 2. ORIGINAL LOT 17 DIVIDED INTO TWO LOTS.
 3. WATER QUALITY AND STORM WATER MANAGEMENT FACILITIES ARE TO BE HANDLED ON A PER LOT BASIS UPON OBTAINING BUILDING PERMITS. DRAINAGE CHANGES OR EQUIVALENT WILL BE USED TO SATISFY MD AND SMM.
 4. REGULATIONS OF THE ZONING ORDINANCE (E.G. SETBACKS) ARE SUBJECT TO CHANGE BASED ON SUBSEQUENT AMENDMENTS TO THE ORDINANCE.
 5. HOLD C.O.'S FOR SIDEWALK AND WATER QUALITY CERTIFICATION.

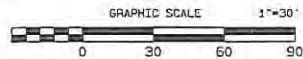
GRESHAM
 PLANNING & DEVELOPMENT, INC.
 P.O. BOX 2289
 CLARKESVILLE, GEORGIA 30603
 706-764-6944
 FAX 706-764-7450

FINAL PLAT FOR:
 DUNWOODY CLUB FOREST
 LOTS 17 - A and 17 - B
 LAND LOT 314 OF THE 18th DISTRICT
 CITY OF DUNWOODY
 DEKALB COUNTY, GEORGIA

NO.	DATE	DESCRIPTION



DATE	12-11-2013
SCALE	1" = 30'
JOB NO.	1311-10
SHEET	1 OF 1
DATE	12-11-2013
BY	RLS
CHECKED	SDC



APPROVED FINAL PLAT-COPY