

MEMORANDUM

To: City Council

From: John Olson, AICP

Date: January 9, 2016

Subject: **SLUP 17-011:** Rhett Roberson, owner of 2347 Brookhurst Drive, Dunwoody, GA 30338, seeks a Special Land Use Permit from Chapter 27, Section 27-168(g)(1) to allow for a Type B Home Occupation for a physical therapy business. The tax parcel number is 18 354 03 005.



BACKGROUND

The subject site totals .34 acres and is located at the southwest corner of Huntington Circle and Brookhurst Drive. It is zoned R-85 (Single-Dwelling Residential-85) District and bordered by single-dwelling residential uses on all sides.

The applicant seeks a Special Land Use Permit to allow the operation of a type B home occupation within his primary residence, located at 2347 Brookhurst Drive. The business is intended to be a home-based physical therapy clinic providing outpatient physical therapy services. The applicant proposes to operate the business out of 500 square feet of basement space within the home. The house consists of 2,893 square feet of total floor area, so the devoted business space will account for approximately 17% of the floor area found in the home. Along the exterior, the space will have ADA compliant access through an existing doorway located on the side of the residence. Additionally, an ADA compliant restroom will be provided for the business. The owner, whom specializes in physical therapy, plans to

structure the business model to serve one client at a time for approximately one hour. Review of the submitted site plan confirms that there is available parking on the existing driveway. The applicant has noted that business hours are proposed from 3pm to 8pm Monday through Friday with weekend hours from 9am to 5pm as needed for clients. There will be no exterior modification to the site and character of the house and business signs are prohibited to be placed on the property. The owner has a practice off-site and teaches at Mercer University, so the home-based business will not be a full-time practice.

SURROUNDING LAND ANALYSIS

Direction	Zoning	Use	Current Land Use
N	R-100	Single-Family Residential	Residential
S	R-100	Single-Family Residential	Residential
E	R-100	Single-Family Residential	Residential
W	R-100	Single-Family Residential	Residential

Zoning Ordinance Analysis

Sec. 27-168. - Home occupations.

- (a) *Purpose.* The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.
- (b) *Type A and Type B home occupations.* Two types of home occupations are defined and regulated under this section: Type A and Type B.
 - (1) *Type A home occupations.* Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.
 - (2) *Type B home occupations.* Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.
- (g) *Use permits and supplemental regulations for Type B home occupations.*
 - (1) *Special land use permit approval required.* Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3, provided that teaching-related home occupations conducted entirely within the principal dwelling are not subject to the special land use permit procedures, but instead

require review and approval in accordance with the administrative permit procedures of article V, division 7.

ANALYSIS

Review and Approval Criteria

Chapter 27, Section 27-359 identifies the following criteria to be applied by the department of planning, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

1. Whether the proposed use is consistent with the policies of the comprehensive plan;
The site is located in the Suburban Neighborhood Character Area as identified in the Future Development Map. The use will be restricted to 500 square feet of space in the basement of the home and will not change the single-family character of the residence; therefore, it will have no impact on policies and terms of the Comprehensive Plan. The proposed activity is a home occupation and is allowed in residential neighborhoods with a SLUP.
2. Whether the proposed use complies with the requirements of this zoning ordinance;
All changes related to the use are part of the interior to the residence, so there will be no exterior site or building changes. Overall, the proposed use complies with the requirements of the zoning ordinance in regards to lot coverage, parking, and building setbacks. As previously noted, home occupations are permitted through the SLUP process and the use will comply with applicable restrictions.
3. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
The owner plans to use his garage for parking, so the site has adequate off-street parking on the driveway to support the proposed use. The business will only serve one client at a time for approximately one hour; therefore, it would be reasonable to expect a maximum of one to two cars in the driveway at a time. Overall, the site provides all required open space and meets all applicable requirements of the subject zoning district.
4. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
 - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
The proposed physical therapy business will operate in less than 500 square feet of basement area at the premises of 2347 Brookhurst Drive. Considering the size and type of use, it will not create noise, smoke, odor, dust, or vibration that will impact adjoining land uses.
 - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
The applicant plans to operate the use from 3pm to 8pm Monday through Friday with weekend hours from 9am to 5pm as needed for

clients. Because the business will be limited to one customer per one physical therapist, the hours of operation would not create adverse impacts upon any adjoining land use.

- c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
Staff has added a condition that states no appointments will overlap, so the nature of the use will not create adverse impacts on neighboring land uses.
 - d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
The business will limit clients to one customer per a one hour appointment. Because of the limited number of visits, it is not likely that this use will adversely impact the current traffic volumes or generate excessive traffic during hours of operation.
 - e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
The size, scale and massing is not relevant to this use as it is not changing the size, scale and massing of the existing house.
 - f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
The proposed use will have no impact on historic buildings, sites, districts, or archaeological resources.
5. Whether public services, public facilities and utilities—including motorized and non-motorized transportation facilities—are adequate to serve the proposed use;
The current and proposed public infrastructure is deemed adequate to serve the proposed use.
 6. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
The means of ingress and egress proposed are sufficient in terms of non-motorized and motorized traffic safety, traffic flow and control and emergency vehicle access.
 7. Whether adequate provision has been made for refuse and service areas; and
The waste will continue to be household in nature, so it would appear that adequate provisions for refuse and service areas are provided.
 8. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
There are no changes proposed to the exterior, so the proposed use will not create any shadow impact on any adjoining lots.

PLANNING COMMISSION RECOMMENDATION

At their December 13, 2016 meeting, the Planning Commission heard the applicant's request to allow for a Type B Home Occupation for a physical therapy business. After much discussion with the applicant and staff, the Commission recommended denial of the SLUP. The motion passed 3-0-2 with Commissioners Bill Grossman and Paul Player abstaining.

RECOMMENDATION

Based on the review criteria, staff has determined that the request meets the review and approval criteria necessary for the approval of the SLUP and recommends **approval** of the application for a SLUP to allow a type B home occupation to operate at 2347 Brookhurst Drive with the following conditions:

- Customers or clients may visit the site only from 3pm to 8pm Monday through Friday with weekend hours from 9am to 5pm as needed for clients;
- Customer appointments shall not overlap;
- Business may not have nonresident employees;
- No on-premises sales of goods may be conducted at the property;
- The driveway shall be available for customer parking; and
- The applicant shall submit building permits that validates ADA compliance.

Attachments

- Ordinance
- Planning Commission December 13, 2016 draft meeting minutes
- Site Plan, dated October 24, 2016
- Pictures
- Location Map, Zoning Districts Map
- Comprehensive Plan Excerpt
- Email Correspondence
- SLUP Application Packet

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2017-XX-XX

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING
MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 354 03 005
IN CONSIDERATION OF SPECIAL LAND USE PERMIT
SLUP 17-011 (2347 Brookhurst Drive)**

WHEREAS: Notice to the public regarding said modification to conditions of zoning has been duly published in The Dunwoody Crier, the Official News Organ of the City of Dunwoody, Georgia; and

WHEREAS, Applicant Rhett Robertson, owner of 2347 Brookhurst Drive, seeks a Special Land Use Permit from Chapter 27, Section 27-168(g)(1) to allow for a Type B Home Occupation for a physical therapy business; and

WHEREAS: the Subject Property consists of 0.34 acres and is located at the Southwest corner of Huntington Circle and Brookhurst Drive; and

WHEREAS: the Home Occupation is proposed to be a home-based physical therapy clinic providing outpatient physical therapy services in 500 square feet of basement space inside the home, in a nearly 3000 square foot home, comprising only 17% of the square footage of the house; and

WHEREAS: the Mayor and Council find that the use of the 500 square feet for this home occupation will not change the single family character of the residence and thus have no impact on the policies of the Comprehensive Plan for the Suburban Neighborhood Character Area, where the Subject Property is located.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby ordains and approves Special Land Use Permit 17-011 for this said property to allow for a Type B Home Occupation for an outpatient physical therapy clinic. The use shall be in substantial compliance with the following conditions:

- 1. Customers and clients may visit the site only from 3pm to 8pm on Monday through Friday with Weekend hours from 9am to 5pm as needed for clients.**
- 2. Customer appointments shall not overlap.**
- 3. Business may not have nonresident employees.**
- 4. No on-premises sales of goods may be conducted at the property.**
- 5. The driveway shall be available for customer parking.**
- 6. The applicant shall submit building permits that validates ADA compliance.**

SO ORDAINED AND EFFECTIVE ¹⁷ ₁₇ 's ____ day of _____, 2017.

#3.

Approved by:

Denis L. Shortal, Mayor

Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk

City Attorney

SEAL

**CITY OF DUNWOODY
DECEMBER 13, 2016
PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on December 13, 2016 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Paul Player, Chair
Bill Grossman, Commission Member
Richard Grove, Commission Member
Renate Herod, Commission Member
Thomas O'Brien, Commission Member

Also Present: Steve Foote, Community Development Director
John Olson, City Planner
Ronnie Kurtz, Planning Technician
Tammy Hiler, Development Coordinator

A. CALL TO ORDER

Paul Player called the meeting to order.

B. ROLL CALL

Kirk Anders, Bob Dallas, and Bill Grossman were absent.

C. MINUTES

1. Approval of Meeting Minutes from October 20, 2016 Planning Commission Meeting

Renate Herod motioned to approve. Thomas O'Brien seconded.

Passed For: 3 (Herod, O'Brien, Player); Against: 0; Abstain: 1 (Grove); Absent: 3 (Anders, Dallas, Grossman)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

Bill Grossman arrived before applications were heard.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. SLUP 17-011: Rhett Roberson, owner of 2347 Brookhurst Drive, Dunwoody, GA 30338, seeks a Special Land Use Permit from Chapter 27, Section 27-168(g)(1) to allow for a Type B Home Occupation for a physical therapy business. The tax parcel number is 18 354 03 005.

John Olson presented on behalf of staff. John recommended approval with staff conditions.

Spoke in Favor:

Rhett Roberson, applicant and owner of 2347 Brookhurst Drive, spoke in favor of the application. Rhett addressed concerns brought to him by neighbors prior to the meeting.

Tom Riesmeyer, 2348 Brookhurst Drive, spoke in favor of the application. Tom stated that, as the applicant's next door neighbor, he would be most impacted by a home occupation.

Connie Malko, 2339 Brookhurst Drive, spoke in favor of the application.

Adrienne Duncan, neighbor, spoke in favor of the application. She presented original research stating that there were over 400 home occupations in the City of Dunwoody and very few code complaints against any of them.

Sarah Sloan, 2340 Haverstraw Court, spoke in favor of the application.

Spoke in Opposition:

Leslie O'Callaghan, 4538 Kingsgate Drive, spoke in opposition. She presented a petition on behalf of Dunwoody North subdivision and entered it into the record.

Mary Alice Bancroft, 4431 Shelborne Drive, spoke in opposition to having any businesses in her neighborhood.

Amy Asher, 4466 Dunhaven Road, spoke in opposition to the application, and all home businesses in general.

Judy Hofer, 4607 Stonehenge Dr, spoke in opposition to the

application.

Zandro Zaragoza, 2479 Brookhurst Drive, spoke in opposition to the application.

Marilyn Radke, 2330 N Peachtree Ct, spoke in opposition to the application.

Begin Commission Discussion:

Bill Grossman asked questions of staff.

Thomas O'Brien asked questions of staff.

Richard Grove asked questions of staff.

Renate Herod asked questions of staff.

Renate Herod motioned to deny. Thomas O'Brien seconded.

Passed For: 3 (Grove, Herod, O'Brien); Against: 0; Abstain: 2 (Grossman, Player); Absent: 2 (Anders, Dallas)

2. Text Amendment to Chapter 27, Section 27-97, DVO, Dunwoody Village Overlay.

Steve Foote presented on behalf of staff. Steve recommended approval with staff conditions.

Mike Lowrey, 5335 Manhasset Cove, agent for Shoppes of Dunwoody, spoke in favor of the amendment. He stated that the compliance threshold as-is has prevented the owners from conducting any maintenance. He presented documentation to staff.

Robert Wittenstein, President of the Dunwoody Homeowners Association, spoke in opposition to the amendment. He stated that the text amendment would allow the Village to remain exactly as it appears today.

Begin Commission Discussion:

Richard Grove asked questions of staff.

Bill Grossman spoke in favor of addressing these compliance thresholds on a case-by-case basis.

Bill Grossman motioned to approve with the following conditions:

- 1) The changes to the text, summarized as follows by staff, shall be adopted:
 5. Adds definitions for "renovations" and "remodeling" activities.
 6. Specifies that calculation formulas do not include amounts invested for interior or exterior ADA and life safety improvements, or unpermitted work (painting, flooring replacement, etc.).
 7. Clarifies that calculations apply cumulatively over time and for all buildings on the site. Not to individual occurrences or structures.
 8. Adds a provision for the Community Development Director to determine appropriate site improvements for achieving 'partial' compliance without requiring a SLUP application.
- 2) The changes to the text, summarized as follows by staff, shall not be adopted:
 1. Relaxes the size of a building addition that can occur without triggering full compliance (increases cap from 10% to 25% of floor space). This would allow a former bank drive-through to be repurposed/enclosed for commercial use (such as dining area) without requiring full tear down or a SLUP application to avoid compliance.
 2. Increases the exterior construction/remodeling cap from 15% to 25% of property's assessed building tax valuation.
 3. Defines a new interior "renovation" threshold cap of 50% for 'partial' compliance and 75% for full compliance.
 4. Defines a new interior "remodeling" threshold cap of 35% for 'partial' compliance and 50% for full compliance.

Richard Grove seconded.

Passed For: 3 (Grossman, Grove, Player); Against: 2 (Herod, O'Brien); Abstain: 0; Absent: 2 (Anders, Dallas)

G. OTHER BUSINESS

Steve Foote introduced Tammy Hiler, future Planning Coordinator, to the Commission.

H. PUBLIC COMMENT

Adrienne Duncan spoke to the amount of Type B home occupations in the

City, per her research.

Mike Lowery stated that the Shoppes of Dunwoody is intended to be a community center.

I. COMMISSION COMMENT

Paul Player asked if staff had ever considered having a DeKalb County School Board member in the meetings. Steve Foote stated that School Board members are invited when necessary.

Bill Grossman expressed his desire to keep the 150-foot landscape buffer behind the Shoppes of Dunwoody.

J. ADJOURN

Thomas O'Brien motioned to Adjourn. Bill Grossman seconded.

Passed For: 5 (Herod, Grossman, Grove, O'Brien, Player); Against: 0; Abstain: 0; Absent: 2 (Anders, Dallas)

Approved by:

Chair

Attest:

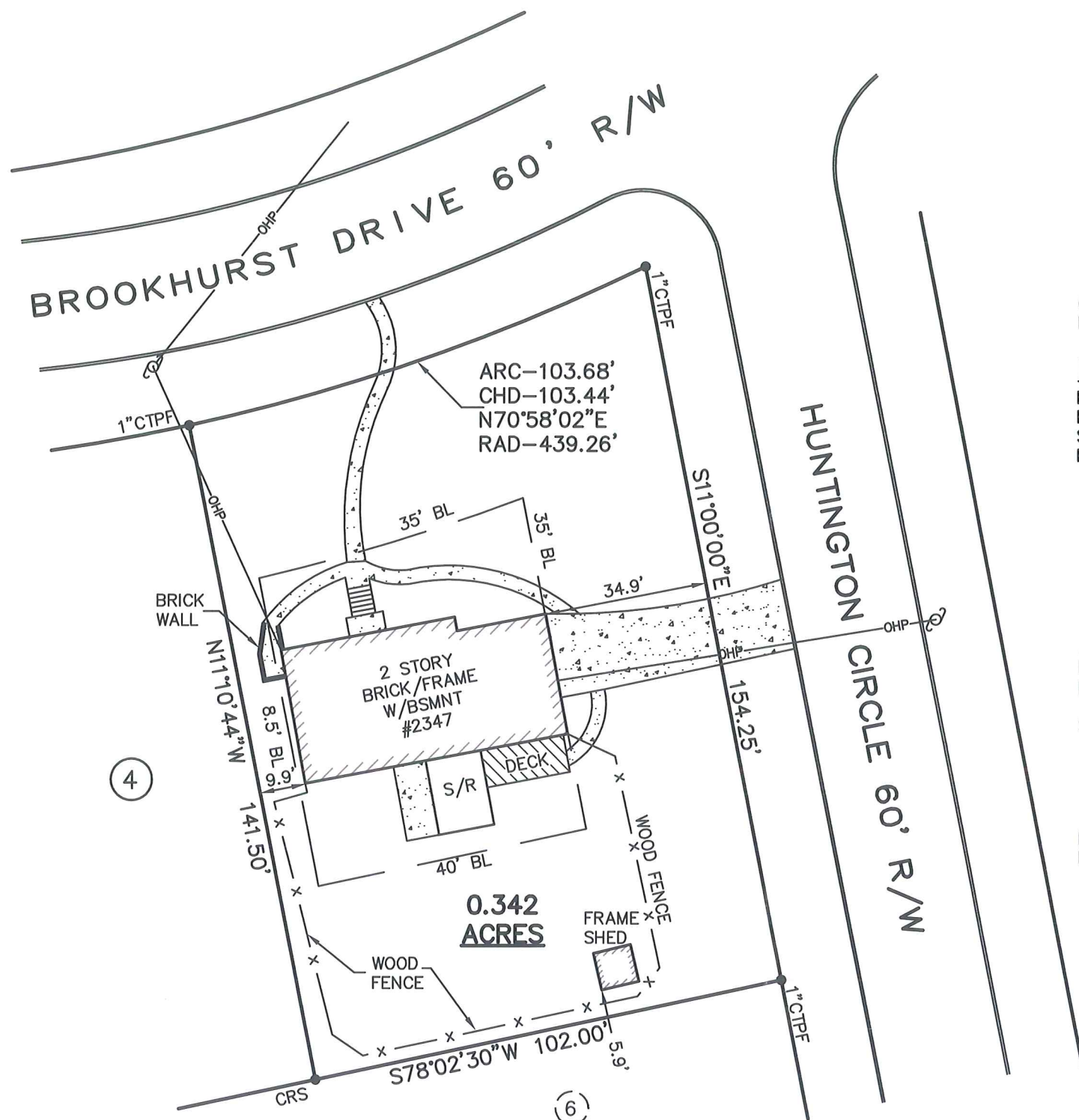
Secretary

RBF	REBAR FOUND (1/2" REBAR)
CRS	CAPPED REBAR SET (1/2" REBAR)
OTF	OPEN TOP FOUND
CTF	CRIMP TOP FOUND
☼	LIGHT POLE
BL	BUILDING LINE
C.L.F	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
TPED	PHONE PEDASTAL
CATV	CABLE BOX
WM	WATER METER
□PB	TRANSFORMER
(12.34'D)	DEED DISTANCE
12.34'(M)	MEASURED DISTANCE
SSE	SANITARY SEWER EASEMENT
DE	DRAINAGE EASEMENT
MH	MANHOLE
-OHP-	OVERHEAD POWER

HOUSE-1,593 SF
SUNROOM-192 SF
DECK-144 SF
PATIO-112 SF
SHED-65 SF
WALKS-511 SF
WALLS-14 SF
DRIVE-543 SF SF
TOTAL-3,174 SF

BASE BEARING ON WEST
P PER RECORDED PLAT
(ASSUMED)

NOTE: THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR OPINION. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.



DUNWOODY NORTH
UNIT 7 BLOCK "O"
PB. 38, PG. 18

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BY
LATITUDES AND DEPARTURES AND IS FOUND ACCURATE
TO WITHIN ONE FOOT IN 158,408 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000± FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

A NIKON - TOTAL STATION WAS USED TO OBTAIN THE
LINEAR AND ANGULAR MEASUREMENTS USED IN THE
PREPARATION OF THIS PLAT.

FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE OR STRUCTURE.

CERTIFICATION IS MADE TO PERSON(S) NAMED ON THIS
PLAT AND IS NOT TRANSFERABLE TO OTHERS.

BASED ON GRAPHIC DETERMINATION, THIS
PROPERTY DOES NOT LIE IN A FEMA/FIRM
SPECIAL FLOOD HAZARD AREA PER COMMUNITY
PANEL NO. 13089C0016J DATED 5/16/13

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH BY IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

MIN. LOT AREA: 12,000 SF
MIN LOT FRONTAGE: 85'

SETBACKS:

FRONT-35 FEET
SIDE -8.5 FEET
REAR -40 FEET

MAXIMUM BUILDING HEIGHT: 35 FEET
MAXIMUM COVERAGE: 40%

RECEIVED
11-01-16

50



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

SCI Development Services

ENGINEERS - SURVEYORS - LAND PLANNERS
2020 WESTSIDE COURT-STE E-SNELLVILLE GEORGIA 30078
(770) 736-7666 FAX (770) 736-4623
MAIL@SURVEYCONCEPTS.NET

PROJECT: 52792
DWG BY: DCP
CHKD BY: JAS
DATE: 10/24/16
SCALE: 1"=30'

SURVEY FOR:
RHETT A. ROBERSON

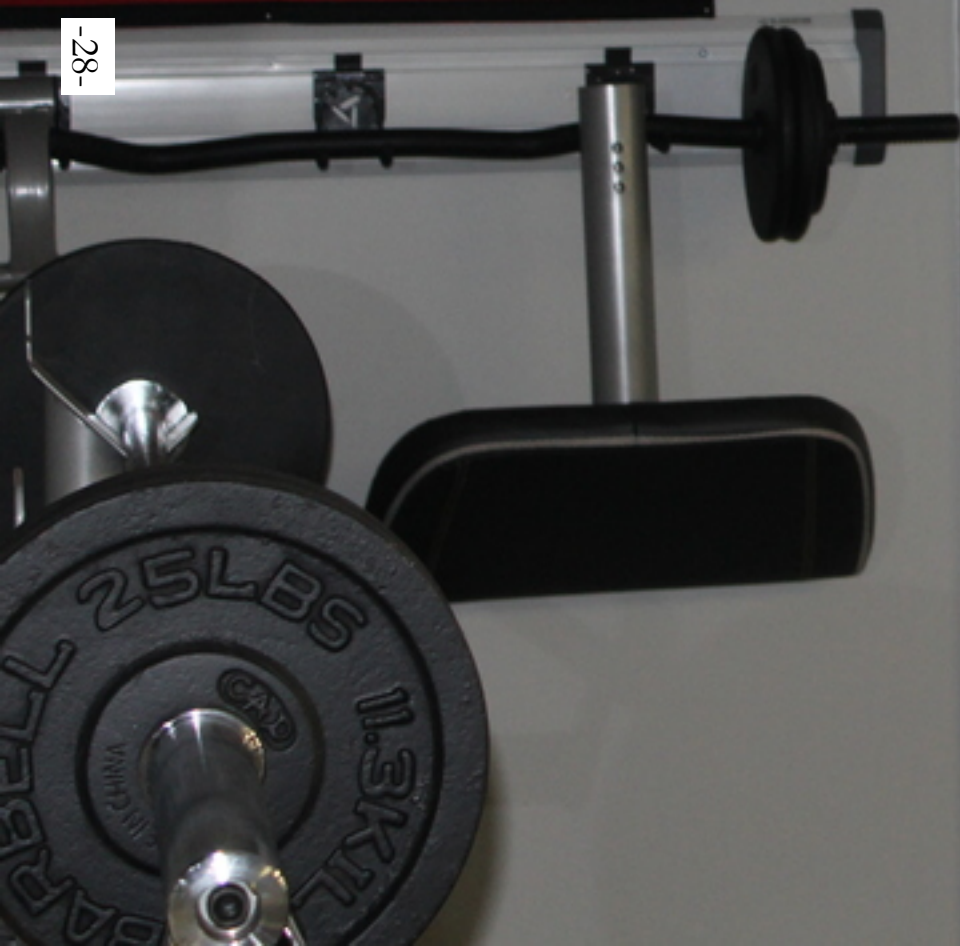
LOT 5 BLOCK 20th UNIT FIVE
SUBDIVISION: DUNWOODY NORTH
LAND LOT 354 18th DISTRICT
CITY OF DUNWOODY
DEKALB COUNTY, GEORGIA
REFERENCED IN PLAT BOOK 41, I



HAVEN PT



-28-



-29-



#3.





Dunwoody*
*Smart people - Smart city

Community Development

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

678-382-6800 ~ www.dunwoodyga.gov

2347 Brookhurst Drive

ZBA 17-011

Location Map

December 2016

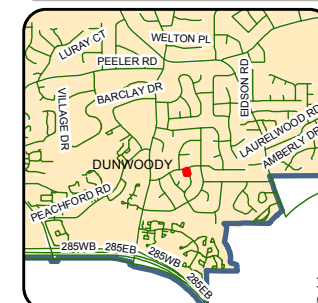
Legend

- Street Centerline
- Parcel



Scale:

1 in = 350 ft



Disclaimer: All data is provided as is, with all faults, without warranty of any kind, either expressed or implied. This map is the property of the City of Dunwoody, Georgia and its assigns. All rights reserved.



-32-

2347 Brookhurst Drive

ZBA 17-011

Aerial Map

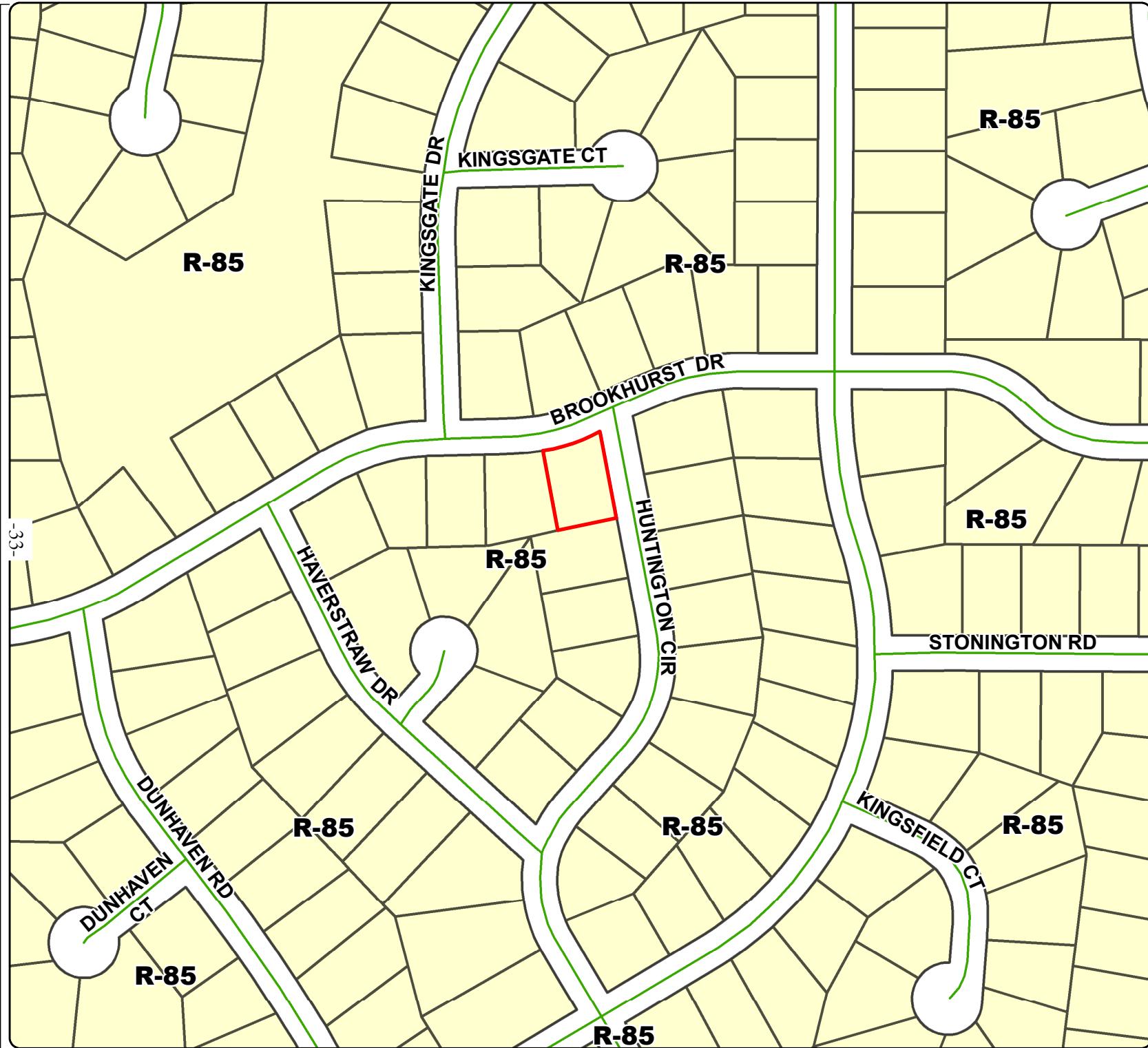
December 2016

Legend

- Street Centerline
- Parcel

Scale:
1 in = 74 ft





2347 Brookhurst Drive

ZBA 17-011

Zoning Map

December 2016

Legend

- Street Centerline
- Parcel
- Zoning District**
- Local Commercial (C-1)
- Local Commercial (C-1c)
- General Commercial (C-2)
- Commercial-Residential Mixed-Use (CR-1)
- Industrial (M)
- Neighborhood Shopping (NS)
- Office-Distribution (O-D)
- Office-Institution (O-I)
- Office-Institution-Transitional (O-I-T)
- Office-Institution (O-Ic)
- Office-Commercial Residential (OCR)
- Office-Commercial Residential (OCRc)
- Planned Development (PD)
- Residential (R)



Scale:
 1 in = 225 ft



SUBURBAN NEIGHBORHOOD

Vision/Intent

Stable, owner-occupied single-family residential area that is characterized by a traditional suburban pattern of development with accessible sidewalks, extensive landscaping, and access to parks and functional greenspace, places of worship and schools.

Future Development

Form: Traditional homes with quality design and long lasting building materials, such as stone or brick, streetscaping, and pedestrian and bicycle amenities.

Use (See Future Land Use Map): Single-family residential, public gathering spaces, places of worship, office, aging in place appropriate residential.

Action Items

- Encourage paths, connectivity, and sidewalks.
- Identify potential trail easements.

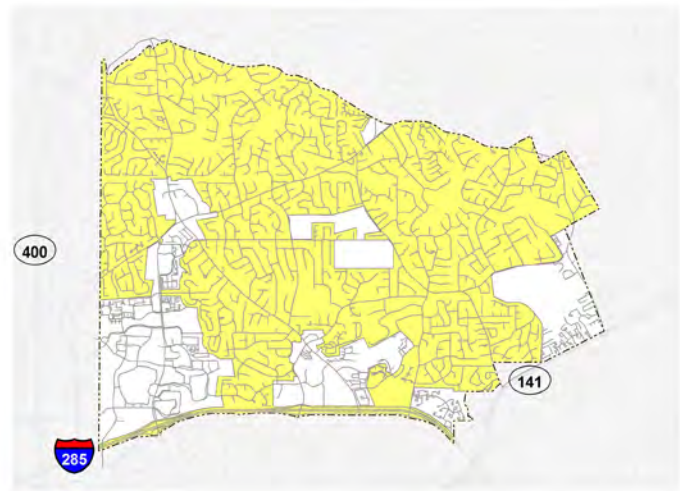


FIGURE 5: Suburban Neighborhood Character Area Map



▲ Playground in local park



▲ Single Family Home

SPECIAL LAND USE PERMIT APPLICATION

ZBA17-001



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

*** Applicant Information:**

Company Name:	Haven Physical Therapy, LLC		
Contact Name:	Rhett Roberson		
Address:	2347 Brookhurst Drive Dunwoody, GA 30338		
Phone:	706 255 1150	Fax:	
Email:	HavenPTLLC@gmail.com		
Pre-application conference date (required):	6-9-2016		

*** Owner Information:** ☒ Check here if same as applicant

Owner's Name:			
Owner's Address:			
Phone:		Fax:	
Email:			

*** Property Information:**

Property Address:	2347 Brookhurst Drive	Parcel ID:	18 354 03 005
Zoning Classification:			
Requested Use of the Property:	Home based business		

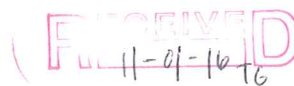
*** Applicant Affidavit:**

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.

Applicant's Name:	Rhett Roberson		
Applicant's Signature:		Date:	11/01/16

*** Notary:**

Sworn to and subscribed before me this		Day of		, 20	
Notary Public:					
Signature:					
My Commission Expires:					



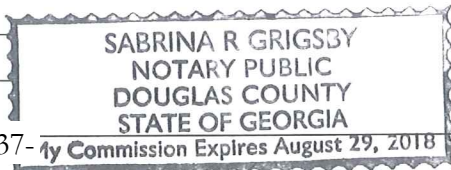
*** Owner Affidavit:**

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

Property Owner's Name:			
Property Owner's Signature:		Date:	

*** Notary:**

Sworn to and subscribed before me this	1st	Day of	November	, 20	16
Notary Public:	Sabrina R. Grigsby				
Signature:					
My Commission Expires:	Aug 29, 2018				



Additional Property Owner(s) Notarized Certification



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

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

*** Property Owner (If Applicable):**

Owner Name: <u>Rhett Robinson</u>	
Signature: <u>[Signature]</u>	Date: <u>11/01/16</u>
Address: <u>2347 Brookhurst Drive Dunwoody, GA 30338</u>	
Phone: <u>706 255 1150</u>	Fax: _____ Email: <u>haverptllc@gmail.com</u>
Sworn to and subscribed before me this _____ Day of _____, 20____	
Notary Public:	

*** Property Owner (If Applicable):**

Owner Name: _____	
Signature: _____	Date: _____
Address: _____	
Phone: _____	Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____	
Notary Public:	

*** Property Owner (If Applicable):**

Owner Name: _____	
Signature: _____	Date: _____
Address: _____	
Phone: _____	Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____	
Notary Public:	

Campaign Disclosure Ordinance



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

Campaign Disclosure Ordinance

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

GA Citation/Title

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

*38069 Code, 36-67A-3

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

36-67A-3 Disclosure of campaign contributions.

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

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.

Campaign Disclosure Statement



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

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

☐ YES ☒ NO

*** Applicant / Owner:**

Signature: *John A. Adams* Date: 11/01/16

Address: 2347 Brookhurst Drive Dunwoody, GA 30338

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

Date	Government Official	Official Position	Description	Amount

Haven Physical Therapy, LLC

Project Explanation Statement

Name/Address

Haven Physical Therapy, LLC (DBA: Haven PT)
2347 Brookhurst Drive Dunwoody, GA 30338

Explanation of Intent

The intent of this application is to attain an occupational tax certificate for the operation of a residential business in Dunwoody. Haven Physical Therapy, LLC is owned and operated by a sole proprietor who will be the primary physical therapist practicing on the premises of 2347 Brookhurst Drive. This business is intended to be a community based in-home physical therapy clinic providing outpatient physical therapy services. The business model is structured such that only one individual will be seen by one physical therapist at this location during the approved business hours.

Total Acreage of Project

The proposed space is less than 500 square feet located in the basement of a residence in the Dunwoody North subdivision. The total acreage of the property is indicated on the included property survey.

Total Number of Lots

One. Please refer to the survey for specifics of the lot.

Site Photos

Please reference included survey and photos.

Haven Physical Therapy, LLC

SLUP Application Criteria Response

- A. The proposed use is consistent with the policies of the comprehensive plan
- B. The proposed use complies with the requirements of this zoning ordinance
- C. The proposed site does provide adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district. There is off-street parking available on Brookhurst Drive and Huntington Circle with the better option being Huntington Circle due to minimal thru traffic. There is also adequate driveway parking available. There will only be a need for a singular dedicated parking space due to the nature of the business. The designated clinic space is sufficient for the requirements of physical therapy practice.
- D. The proposed use is compatible with adjacent properties and land uses as the space has a separate entry/exit door on the side of the residence that does not require interference with adjacent properties.
- E. The proposed use will not create adverse impacts on adjoining land use by reason of noise, smoke, odor, dust or vibration due to the nature of the business being conducted. There will be no production of these by-products.
- F. The proposed use will not create adverse impacts upon any adjoining land use by reason of hours of operation as the proposed hours will comply with the city of Dunwoody's regulations, including an 8:00 PM close of business.
- G. The proposed use will not create adverse impacts upon adjoining land use by reason of the manner of operation as all operation will be contained within the indoor proposal space.
- H. The proposed use will not create adverse impacts upon any adjoining land use by reason of the character of vehicles or volume of traffic generated by the proposed use as the character of the vehicles will be personal use motor vehicles driven by clients (non-commercial) and the impact on traffic will be negligible as the proposed business model is for a singular therapist (owner/applicant) to work with a singular client for sessions determined to be, on average, one hour. Given the proposed business hours, the proposed business will have negligible impact on these factors and adjoining land use.
- I. There will be no additional external structures built for this proposal as it is contained within a residential property that is the size, scale and structure similar to nearby lots and buildings.
- J. The proposed plan will not adversely affect historic buildings, sites, districts or archaeological resources as there are no such properties adjacent to the proposed site.
- K. Public services, public facilities and utilities including motorized and non-motorized transportation facilities are adequate to serve the proposed use. There is a MARTA bus stop within walking distance of the proposed site and public services and facilities are nearby.

- L. Adequate means of ingress and egress are accounted for at this property as the owner of the property is also the owner of the business/applicant for the SLUP and the residence has access for motorized and non-motorized transportation, including emergency vehicles.
- M. Adequate provision has been made for refuse and service as the residence within which the proposed site will be contained is serviced by Dekalb County Sanitation Department and the waste from the proposed business will be household in nature.
- N. The proposed site is within a residential building structure that is not being externally modified and will thus not create a negative shadow impact on any adjoining lot or building aside from that which has already been determined when the residence was constructed in 1968.

Haven Physical Therapy, LLC Letter from Engineer

#3.



Date: November 1, 2016

To: City of Dunwoody Community Development Department
41 Perimeter Center East
Suite 250
Dunwoody, Georgia 30346

Subject: SLUP Application
2347 Brookhurst Drive
Dunwoody, Georgia 30338

To Whom It May Concern:

We are providing this letter as a description for our Special Land Use Application for the property located at 2347 Brookhurst Drive in the City of Dunwoody, Georgia.

We are requesting a SLUP to allow Mr. Rhett Roberson's Physical Therapy business to be operated out of the basement in his primary residence at the said location.

Business hours will be from 3pm to 8pm Monday through Friday with weekend hours from 9am to 5pm as needed for clients.

The basement area will have exclusive ADA compliant access through an existing doorway located on the side of the residence and there will be an ADA compliant restroom provided. There are no proposed exterior modifications proposed. There are no exterior trash receptacles needed for this business.

The business model serves one Client at time for approximately an hour. The interior of the basement is finished with the necessary equipment to properly serve patients seeking physical therapy recovery. Parking for Clients is requested to be allowed on the street, but there is available capacity for parking in the existing driveway.

We have enclosed a recent as-built site survey for your review of existing structures, setbacks, and buffers. Adjacent property is congruent residential zoning.

Should you have any questions or concerns, feel free to reach us at the office at 404-285-1124.

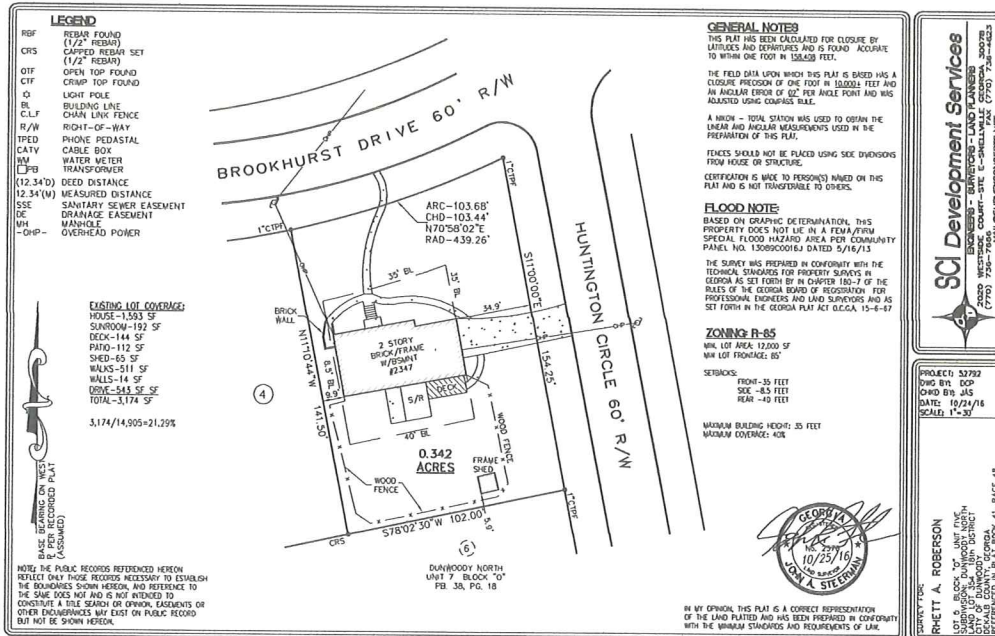
Sincerely,

A handwritten signature in blue ink, appearing to read 'Amanda K. Woodruff'. The signature is fluid and cursive.

Amanda K, Woodruff, P.E

3301 Stewart Lake Road, Monroe, GA 30655
Phone (404) 530-9218 / Fax (404) 530-9219

Haven Physical Therapy, LLC Site Plan/Survey



Haven Physical Therapy, LLC Letter to Neighbors

Dear Dunwoody North Resident,

My name is Rhett Roberson and I am a fellow Dunwoody North resident. I am a Doctor of Physical Therapy, board certified as an Orthopaedic Specialist and a professor in the Orthopaedic Physical Therapy Residency program at Mercer University.

You are receiving this letter because I have decided to pursue my own private practice as an orthopaedic and sports physical therapist. The name of my practice is Haven Physical Therapy, LLC. I have applied to the city of Dunwoody for an occupational tax certificate to work out of my residence. I have built out a clinic space with an external entry/exit door and all of the necessary equipment for patient care. My business model is structured so that I see patients one on one for an hour. I have chosen to pursue this as an adjunct to my full time clinic work and my teaching responsibilities at Mercer. My goal is to improve access to quality physical therapy services for the Dunwoody community.

The city requires that I notify my neighbors when pursuing a residential business so that you may come to the site to meet and discuss any questions or concerns that you may have regarding the practice. I have placed an ad with the Dunwoody Crier announcing said meeting, which I have included below. I hope that you will take the time to stop by so that I can answer any questions or just to say hello and check out the clinic. I look forward to meeting you if we have not already met and if you ever need a physical therapist you will know where to go!

Dunwoody Crier Advertisement

Haven Physical Therapy, LLC has applied for a Special Land Use Permit for an Occupational Tax Certificate. Haven PT will be holding a meeting on Thursday October 6, 2016 at 7:00 PM to 9:00 PM for neighborhood residents and community members to attend. This meeting is intended to introduce Haven PT to the community and answer any questions or address any concerns for residents. The meeting will be held at Haven PT located at 2347 Brookhurst Drive Dunwoody, GA 30338. This meeting is open to the public.

Rhett Roberson, PT, DPT, OCS, Cert. SMT
Doctor of Physical Therapy
Board Certified Orthopaedic Clinical Specialist
Certified Spinal Manipulation Therapist

Dunwoody Crier Ad

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Haven Physical Therapy, LLC Dunwoody Crier Ad

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Haven Physical Therapy, LLC

Summary of Neighborhood Communications

1. *Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified):*
I mailed written notice to all property owners within 1,000 feet as indicated. I have attached the letter that was delivered to the neighbors. I also ran an advertisement in the Dunwoody Crier as required, which is also attached.
2. *Meeting location, date and time:* Thursday, October 6th from 7:00 to 9:00 PM at Haven PT, LLC 2347 Brookhurst Drive Dunwoody, GA 30338.
3. *Who was involved in the discussions:* Rhett Roberson presented to the persons in attendance (see attached sign-in sheet)
4. *Suggestions and concerns raised by neighbors:*
 - a. Neighbor expressed concern of setting a 'precedent' of allowing businesses in the neighborhood.
 - b. Neighbor expressed concern that the business will increase traffic in the neighborhood
 - c. Neighbor expressed concern that the business will make more people aware that Brookhurst Drive can be used as a 'cut-through' road to Tilly Mill
 - d. Neighbor expressed concern of turning business into a 'bustling' practice with many patients each day
5. *What specific changes to the proposal were considered and/or made as a result of the meeting:*
The proposal for Haven PT was presented in detail to the attendees regarding the proposed business model and the potential impact on the neighborhood.
 - a. The precedent concern was discussed. There are currently businesses in the neighborhood that have previously been

approved by the City of Dunwoody so the precedent has already been set.

- b. It was clarified that the business proposal is for only one patient per hour for only a portion of the day, which will have negligible impact on traffic. Parking locations were discussed and clarified to be in areas that would not impede thru traffic.
- c. For the reasons mentioned above, exposure of Brookhurst Drive as a 'cut-through' Haven PT will also have a negligible impact.
- d. The business model was discussed in detail, which included reassuring the attendees that there is no intention to increase patient volume beyond that being proposed to the City. There will only be one therapist on site which limits significant patient volume



#3.



HAVEN PT

To Distinguished Members of the Dunwoody City Council,

I would like to take this opportunity to introduce myself. My name is Rhett Roberson and I have recently applied for a Special Land Use Permit (SLUP 17-011) at 2347 Brookhurst Drive in the Dunwoody North subdivision. I am sure that by now you all have received a number of emails/communications regarding this particular SLUP application either in opposition or in favor. The purpose of this communication is to provide you with a thorough understanding of my professional background, my business (Haven Physical Therapy, LLC) and my intent in applying for the SLUP. I want to ensure that the council is armed with as much accurate and factual information as possible as we prepare for the meeting on January 9th. Unfortunately, there has been quite a bit of inaccurate information disseminated to members of my subdivision, members of the planning commission, city council and the community at large by various parties so I would like to minimize the impact of this misinformation on this important decision that affects the future of my career and my family.

I would like to explain a bit about myself as a physical therapist so that you have an understanding of my background and what has transpired up to this point in my professional career. I am a graduate of the University of Georgia (Bachelors in Science Education 2005) and Georgia State University (Doctor of Physical Therapy 2009). Once I completed my doctoral work in physical therapy (PT) in 2009, I chose to pursue a residency program in orthopedic PT so that I could improve my skillset and further specialize in orthopedics. Upon completion of this residency program in 2011, I achieved a board certification in orthopedic PT. I am also in the process of completing my fellowship in orthopedic manual physical therapy.

I have worked in an outpatient orthopedic setting from the time that I graduated and I am currently the clinic director at a private practice orthopedic PT facility in Brookhaven. I work full time at this facility and I teach in the orthopedic PT residency program at Mercer University, as I have for several years now. In 2014 I started a professional development company (PTECS, Inc.) with a partner to improve clinical education and mentoring opportunities for emerging PTs. This is an endeavor that my partner and I pursue in our personal time as we both have multiple professional obligations. In addition to these employed positions, I hold several other volunteer positions within professional organizations. I have served as a board member for the Georgia Foundation for Physical Therapy for 7 years and I now serve as Vice President of this board. I am also one of 3 regional directors in the state for our professional association (Physical Therapy Association of Georgia). I am the Chair of the Private Practice Physical Therapy Network here in Georgia at present as well.

I have included this glimpse into my professional career to highlight the fact that I am very dedicated to my profession and to my patients. I have spent countless hours pursuing my education and continued professional growth so that I may serve as a vessel

HAVEN PT

to educate future PTs and to treat patients to the best of my ability. I plan to continue my current endeavors in addition to Haven Physical Therapy, LLC (Haven PT), which is why I have only listed limited hours in my application. My hope with Haven PT is that I will be able to serve the Dunwoody community by offering convenient and affordable PT with the quality of care that they deserve.

I have known for some time that I wanted to pursue my own private practice but it is quite challenging in my particular industry due to declining insurance reimbursement and large overhead costs for adequate community visibility. My wife and I chose to move to Dunwoody about a year and a half ago due to the sense of community and family that we felt here. We chose our house in part because we saw the potential in the home as a residence and a potential start-up business. I familiarized myself with the residential business application process prior to moving in to the neighborhood to ensure that we were making a right decision for our family. Beginning the process in my home would allow me to establish the business and my rapport in the community by minimizing these cost prohibitive realities. My hope is that upon establishing a patient case-load that is consistent at Haven PT, I would be able to transition into a brick and mortar location in the Dunwoody area with an established patient population and clinic reputation. This will minimize risk and maximize positive impact on the community. I have no ambitions of growing this business into a large-scale practice out of my home, but I would like the opportunity to get started here and set Haven PT up for a successful future in the community.

The proposed business model is to treat one patient per hour without exception. That allows me to maximize treatment times for my patients so that I ensure everyone receives the care and attention that they require. This also minimizes volume and vanquishes the need for administrative staff, which is intentional in order to keep the impact to the neighborhood at a minimum. The proposal is to allot time for appointments from 3:00-8:00 Monday-Friday and variable hours on Saturday and Sunday. The City Planning Department of Dunwoody has recommended the SLUP for approval based on my application and nearly 6 months of communication between the City and myself. They have recommended stipulations that are all perfectly achievable. One of those conditions is that patient parking will be in my driveway. I mention this condition specifically because much of the opposition against the SLUP approval has been regarding the impact of traffic and parking on the neighborhood. With only one patient per hour at a maximum of 5 per day traveling in and out of the neighborhood and parking in my personal driveway, I feel that the impact on the neighborhood will be negligible at best. There have also been concerns voiced that this SLUP should not be approved because it would set 'a precedent' in the neighborhood, which would allow for multiple businesses to become established in the neighborhood. There are currently 7 residential businesses on Brookhurst Drive alone so the 'precedent' already exists. Few of those opposed are aware that there are multiple home based businesses operating in the neighborhood at present and thus they have been unaffected by these businesses, evidenced by their 'setting of the precedent' position. It is my opinion that there has been

HAVEN PT

considerable opposition to this particular business application because following the application process as the city intended creates much more awareness than choosing to pursue a residential business without the city's approval. The process requires holding a meeting at my residence for neighbors to attend, informing them of the application via mail and of course following through with the planning committee and city council meetings which allow for adequate opportunities for residents to ask questions and voice concerns. I felt that it was necessary to proceed with the SLUP process as outlined by the city code because I have a professional license to uphold and I would like my patients to feel confident that the city has been made fully aware of the business and its intentions.

Unfortunately, the planning committee recommended the SLUP application for denial. If you have an opportunity to review the minutes, you will find that the minutes reflect that a reason for denial was provided. The member of the committee that initiated the motion for denial stated prior to doing so that she was 'split' but that she would motion to deny. She followed with her reasoning that the denial was based on the fact that the application was for a business in a residential area and her opinion was that residential areas should remain as such and not have an influx of businesses. I am of course paraphrasing here but the minutes should accurately reflect the reasoning provided for denial. The staff at the City of Dunwoody clearly outlined the SLUP process within the Type B residential business application as the most appropriate route for Haven PT per the city's code. If businesses were not allowed to be in residential areas then this application would be a moot point and would not exist within the city's own code. I appreciate the significant time that the city staff has dedicated to this application as I have invested a significant amount of my own time and money to follow the city's guidelines to the best of my ability.

In closing, the intent of this letter was to ensure that you are all well informed prior to the city council meeting. It was apparent at the planning committee meeting that there was not adequate information provided. I appreciate the opportunity to do my due diligence in allowing the city council to understand who the applicant is and what the intentions of the business are. I would appreciate your consideration and your support in my pursuit of this SLUP so that I may continue to have a positive impact on my community and my profession. Physical therapy is my passion and hope that it is evident in my patients' success stories and my students' achievements. Please allow me to continue doing what I love. Thank you for your time. I look forward to meeting you all on January 9.

Sincerely,

Rhett Roberson, PT, DPT, OCS, Cert. SMT