



ZONING BOARD OF APPEALS

**July 02, 2026
6:00 PM**

CITY OF DUNWOODY
DUNWOODY HALL
4800 ASHFORD DUNWOODY ROAD
DUNWOODY, GA 30338

AGENDA

The Zoom link (for viewing purposes only) for this meeting is here: <https://dunwoodyga.gov.zoom.us/j/81130094308>.

CALL TO ORDER

ROLL CALL

MINUTES

- 1 Approval of the May 7, 2026 Zoning Board of Appeals Meeting Minutes

ORGANIZATIONAL AND PROCEDURAL ITEMS

UNFINISHED BUSINESS

- 2 ZBA 26-07: Aaron and Shawnee Estes, homeowners at 4661 Buckline Circle, Dunwoody, GA, 30338, request two variances: one variance from Chapter 27, Section 269 to allow a retaining wall to encroach into the rear setback and one variance from Chapter 27, Section 267 to allow a combined fence and retaining wall project to be 12 feet tall (WITHDRAWN).

NEW BUSINESS

- 3 ZBA 26-11: Eyal Livnat, property owner at 1414 Nerine Circle, Dunwoody, GA, 30338, requests a special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range.
- 4 ZBA 26-12: Liel Manoah, property owner at 1412 Nerine Circle,

Dunwoody, GA, 30338, requests a special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range.

- 5 ZBA 26-13: William Brackbill, on behalf of the property owners at 4600 Brierwood Place, Dunwoody, GA, 30360, requests one special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range and one variance from Chapter 16, Section 78 to allow a driveway to encroach into the 75-foot stream buffer.
- 6 ZBA 26-14: Jim Milam, property owner at 1348 Nerine Circle, Dunwoody, GA, 30338, requests one special exception from Chapter 27, Section 147: one to allow a new home to encroach into the contextual street setback range and two variances: one from Chapter 27, Section 270 to allow a wing wall to encroach into the side setback and one from Chapter 16, Section 78 to allow encroachment into the 75-foot stream buffer for storm water management improvements.
- 7 ZBA 26-15: Jim Milam, property owner at 1340 Nerine Circle, Dunwoody, GA, 30338, requests two special exceptions from Chapter 27, Section 147: one to allow a new home to encroach into the contextual street setback range and one to allow front door threshold elevation above contextual requirements and one variance from Chapter 27, Section 270 to allow a wing wall to encroach into the side setback.

OTHER BUSINESS

PUBLIC COMMENT

BOARD COMMENT

ADJOURN

May 07, 2026

Zoning Board of Appeals MINUTES

The Zoning Board of Appeals of the City of Dunwoody held a Meeting on May 07, 2026 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, Dunwoody Hall, 4800 Ashford Dunwoody Road, Dunwoody, Georgia 30338. Present for the meeting were the following:

Voting Members: Ellen Etheridge, Chair
 Ardy Bastien, Board Member
 Ryan Esslinger, Board Member
 Erika Harris, Board Member
 Joe Tuttle, Board Member

Also Present: Paul Leonhardt, Planning and Zoning Manager
 Madalyn Smith, Senior Planner

CALL TO ORDER

ROLL CALL

MINUTES

1 Approval of the April 9, 2026 Zoning Board of Appeals Meeting Minutes

Ardy Bastien moved to approve the April 9, 2026 Zoning Board of Appeals Meeting Minutes, Joe Tuttle seconded, and the motion passed.

Passed: For: 5 (Bastien, Etheridge, Etheridge, Harris, Tuttle);

Against: 0;

Abstain: 0;

Absent: 2 (Schwartz, Targovnik).

ORGANIZATIONAL AND PROCEDURAL ITEMS

UNFINISHED BUSINESS

2 ZBA 26-07: Aaron and Shawnee Estes, homeowners at 4661 Buckline Circle, Dunwoody, GA, 30338, request two variances: one variance from Chapter 27, Section 269 to allow a retaining wall to encroach into the rear setback and one variance from Chapter 27, Section 267 to allow a 6-foot-tall fence in the street yard of a corner lot and to allow a combined fence and retaining wall project to be 12 feet tall.

Paul Leonhardt presented on behalf of staff.

Aaron Estes, the homeowner, spoke in favor of the project.

Adam Mayer, homeowner at 4618 Buckline Circle, spoke in favor of the project.

Randall Klebs, homeowner in the North Springs subdivision, spoke in opposition to the project citing concerns about impacts the watershed.

Steven deGroot, homeowner at 1583 Buckline Crossing, spoke in opposition to the project citing his issues with the height of the fence and neighborhood opposition to the request.

Cathy Harrison, 4653 Buckline Circle, spoke in opposition to the project citing her issues with the height of the fence and water run-off concerns.

Ellen Etheridge noted that the 10 minute public comment limit had been reached for the opposition.

Ryan Esslinger motioned to extend the public comment period by five minutes for both support and opposition. Erika Harris seconded, motion passed.

Passed: For: 5 (Bastien, Etheridge, Etheridge, Harris, Tuttle);
Against: 0;
Abstain: 0;
Absent: 2 (Schwartz, Targovnik).

Mike Roberts, homeowner at 4912 Buckline Crossing, spoke in opposition to the project citing the code violations, concerns about the impact to trees, and with the proximity of the retaining wall to the property line stating it leaves no room for maintenance.

Aaron Estes, homeowner, spoke in favor of his project and noted his willingness to answer the Board's questions.

The Board discussed water run-off, combined fence and wall height, privacy concerns, proximity of the wall to the property line, and the zoning approval criteria.

The Board asked questions about code regulations, code enforcement processes, tree removal and tree disturbance, retaining wall

maintenance, clarification on the fence height, distance of the retaining wall to the property line, and the variance process.

Erika Harris moved to defer consideration of case ZBA 26-07 for two months to the regularly scheduled July 2026 Zoning Board of Appeals Meeting, Joe Tuttle seconded. The Board discussed withdrawing the motion or amending it to approve the street yard fence and deferral of the remaining two. The motion was withdrawn by Erika Harris following discussion.

Ryan Esslinger motioned to approve the variance request from Sec. 27-267 to allow a 6-foot tall fence in the street yard of a corner lot and motioned to defer consideration of the variance requests from Sec. 26-267, to allow a combined fence and retaining wall to be 12 feet tall, and 27-269, to allow a retaining wall in the rear yard setback, to the regularly scheduled July 2026 Zoning Board of Appeals Meeting; Erika Harris seconded, and the motion passed.

Passed: For: 5 (Bastien, Etheridge, Etheridge, Harris, Tuttle);
Against: 0;
Abstain: 0;
Absent: 2 (Schwartz, Targovnik).

NEW BUSINESS

- 3 ZBA 26-09: William Brackbill, on behalf of the property owner at 2628 Amberly Drive, Dunwoody, GA, 30360, requests one special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range and one variance from Chapter 27, Section 58 to allow a new home to encroach into the rear setback.

Madalyn Smith presented on behalf of staff.

William Brackbill, property owner, spoke in favor of the project.

Joe Masters, 2620 Amberly Drive, spoke in opposition to the project stating that the home is too large and out of character with the neighborhood.

Bill Siggelkow, 2578 Binghampton Drive, spoke in opposition to the project stating that the home is too large and out of character with the neighborhood.

The Board discussed infill projects in Dunwoody, neighborhood character, and the R-85 zoning regulations.

The Board had questions about the infill regulations, the buildable area, and building height.

Joe Tuttle motioned to approve case ZBA 26-09 subject to staff's recommended conditions, Erika Harris seconded, and the motion passed.

Passed: For: 5 (Bastien, Etheridge, Etheridge, Harris, Tuttle);
 Against: 0;
 Abstain: 0;
 Absent: 2 (Schwartz, Targovnik).

OTHER BUSINESS

PUBLIC COMMENT

BOARD COMMENT

ADJOURN

Approved By: _____, Chair

Attest: _____, Secretary

MEMORANDUM

To: Zoning Board of Appeals

From: Allegra DeNooyer, Planner II

Date: July 2, 2026

Subject: ZBA 26-07 – 4661 Buckline Circle, Parcel ID # 18 351 01 134

REQUEST

Aaron and Shawnee Estes, homeowners at 4661 Buckline Circle, Dunwoody, GA, 30338, request two variances: one variance from Chapter 27, Section 269 to allow a retaining wall to encroach into the rear setback and one variance from Chapter 27, Section 267 to allow a combined fence and retaining wall project to be 12 feet tall.

APPLICANT

Property Owners:
 Aaron and Shawnee Estes

ZONING BOARD OF APPEALS, 4.9.2026

At the April 9, 2026 Zoning Board of Appeals meeting, staff recommended deferral of ZBA 26-07 in order to allow the Board to review the variance case in its entirety. The original variance application was missing a variance request, which was advertised for the May 7, 2026 ZBA meeting. The Board accepted the recommendation and the case was deferred.

ZONING BOARD OF APPEALS, 5.7.2026

At the May 7, 2026 Zoning Board of Appeals meeting, the Board approved the request for a variance from Chapter 27, Section 267 to allow a 6-foot-tall fence in the street yard of a corner lot. The Board deferred the requests for a variance from Chapter 27, Section 269 to allow a retaining wall to encroach into the rear setback and a variance from Chapter 27, Section 267 to allow a combined fence and retaining wall project to be 12 feet tall to the July 2, 2026 ZBA meeting.

UPDATE, 6.24.2026

On June 24, 2026, the applicant withdrew their application for the two remaining variance requests. Therefore, the case will not be heard at the July 2, 2026 ZBA meeting.

MEMORANDUM

To: Zoning Board of Appeals

From: Allegra DeNooyer, Planner II

Date: July 2, 2026

Subject: ZBA 26-11 – 1414 Nerine Circle, Parcel ID # 18 363 07 018

REQUEST

Eyal Livnat, on behalf of the property owner at 1414 Nerine Circle, Dunwoody, GA, 30338, requests a special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range.

APPLICANT

Property Owner: Epic Dunwoody LLC	Petitioner: Eyal Livnat
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BACKGROUND & PROPOSED DEVELOPMENT

The subject lot, 1414 Nerine Circle, is zoned Single-dwelling Residential-100 (R-100) and abuts R-100 on all sides. The subject lot is 0.47 acres and was previously developed with a single-family house that has been demolished. In 2025, 1416 Nerine Circle received a special exception (ZBA 25-13) to allow relief from contextual lot characteristic requirements, including lot area and width, for a two-lot subdivision. The lot was subsequently subdivided into 1414 Nerine Circle and 1412 Nerine Circle.

Aerial image:

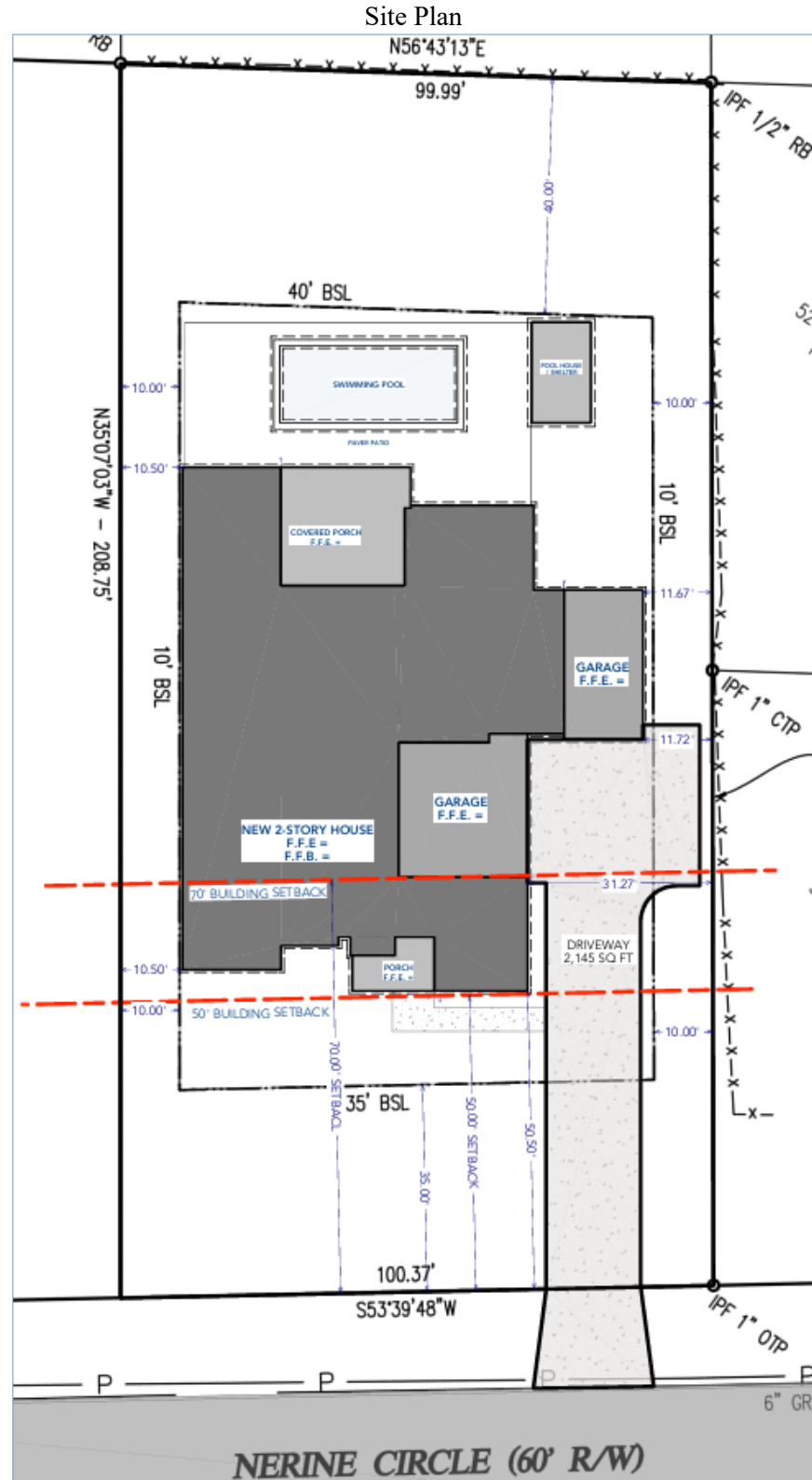


Zoning map:



The applicant proposes to build one new home on each of the two lots. The residential infill regulations dictate that the street setback façade of the new house must be located at approximately 70 feet (the

range of street setbacks observed by the two neighboring properties). The street setback for the new house will be 50 feet, prompting a contextual street setback special exception request.



Proposed Elevations



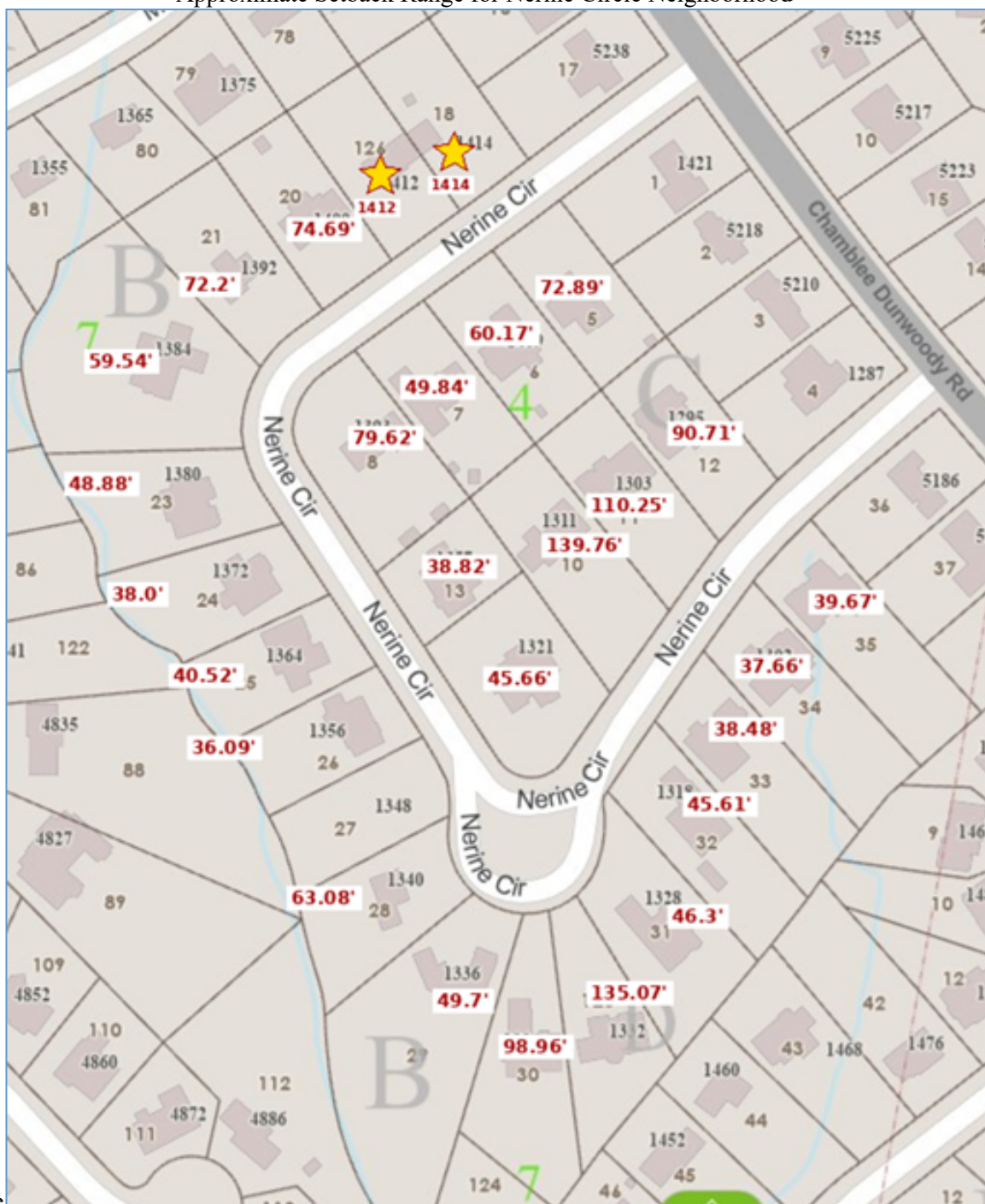
REVIEW AND APPROVAL CRITERIA – SPECIAL EXCEPTION

Chapter 27, §27-421 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special exception:

- (1) The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested special exception does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
- (3) The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.

The contextual street setback regulations were created to ensure that new properties are not out of character with their surrounding neighborhood. However, the regulations are not written to consider the nuance of the particular situation of every property in Dunwoody. The contextual street setback standards are intended to be calculated by the four adjacent properties, two to the left and two to the right. Due to the orientation of the house to the right, the subject property's contextual street setbacks are calculated by only two properties, which penalizes the subject property further.

Both adjacent houses that provide the contextual street setback standards for the subject property are located significantly further back than the R-100 minimum street setback requirements. At ~70 feet each, the existing street setbacks for two adjacent dwellings at 1400 Nerine Circle and 1392 Nerine Circle are much larger than the 35-foot street setback dictated by the R-100 zoning regulations. Within this subdivision, typical street setbacks range from ~38 feet to ~70 feet. With a street setback of 50 feet, the new home will not appear out of scale for this subdivision and the proposed encroachment does not go beyond the minimum necessary to afford relief.



DeKalb County does not provide sewer service to the house on Nerine Circle. As part of the construction process, the applicant must install an on-site septic system. In order to meet DeKalb County requirements, there must be sufficient space on the property to install both a primary absorption field and a required replacement field. There will be a 450-foot septic field in the rear yard and a 350-foot septic field in the front yard, significantly constraining the buildable area for the new home. Moving the house further back would create practical difficulty by either making rear yard amenities infeasible or reducing the area available for the septic field beyond the minimum required.

Site Plan with Septic Fields (Subject Property on the Right)



The applicant had conversations with the neighbor to the rear. The neighbor supports moving the house forward to increase the distance to the house and pool area. In addition, the increased distance will allow the applicant to provide trees to create a visual buffer.

Without accounting for the mismatch between the contextual street setbacks and the R-100 street setback regulations, the strict application of the contextual street setback regulations would present design constraints for new construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the request meets the spirit and intent of the zoning ordinance.

COMMENTS FROM OTHER PARTIES

Correspondence Received: One letter in support, included in the application packet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

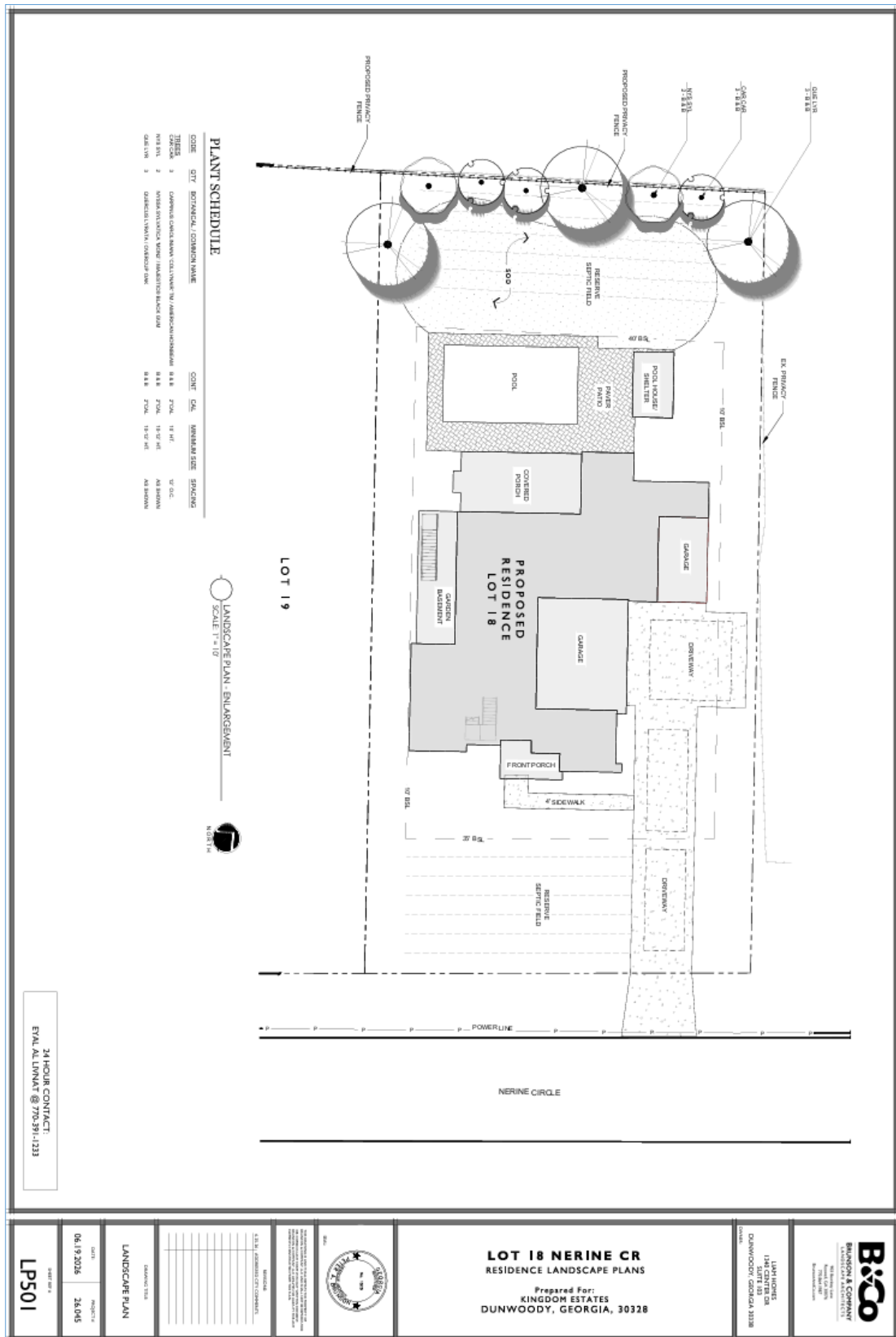
Based on the above analysis and findings staff has determined that the requested special exception does meet the requirements of Chapter 27, §27-421; therefore, staff recommends APPROVAL of the request to allow a new home to encroach into the contextual street setback range with the following conditions:

1. Construction must be in substantial compliance with the submitted site plan, prepared by the applicant and submitted 6.11.2026 (See Appendix A).
2. The applicant shall install landscaping in substantial compliance with the submitted landscape plan, prepared by Brunson & Company Landscape Architects and dated 6.19.2026 (See Appendix B).
3. If construction has not commenced within two years of the granting of this variance, approval shall be void.

ATTACHMENTS

- Appendix A, Site Plan, prepared by the applicant and submitted 6.11.2026
- Appendix B, Landscape Plan, prepared by Brunson & Company Landscape Architects and dated 6.19.2026
- Appendix C, Site Photos
- Variance Application

Appendix B, Landscape Plan



Appendix C, Site Photos



The existing conditions of the site.



VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _

Type: _____

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: Sec. 27-58 Lot and Building Regulations, Sec 27-147 Residential Infill

Nature of Request: Variance to reduce the required contextual front yard setback from 70 feet to 50 feet for 1414 Nerine Circle

Project:

Name of Project / Subdivision: Pine Forest Subdivision- Unit 2

Zoning: R-100

Property Address / Location: 1414 Nerine Circle, Dunwoody, GA 30338

District: 18th District

Land Lot: 363

Block: B

Property ID: 1836307018

Owner Information:

Owner's Name: Epic Dunwoody LLC

Owner's Address: 4243 Dunwoody Club Dr, Suite 200, Atlanta, GA 30350

Phone: _

Fax: _

Email: _____

Applicant Information: ☐ Check here if same as Property Owner

Contact Name: Eyal Livnat

Address: 4243 Dunwoody Club Drive Suite 200 Atlanta, GA 30350

Phone: _

Fax: _

Email: _____

Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: Eyal Livnat

Applicant's Signature: _____

Date: MAY-1-2026

Notary:

Sworn to and subscribed before me this 1st Day of may, 2026

Notary Public: Stephanie Suzanne Grant

Signature: _____

My Commission Expires: 11-9-27

Office Use:

☐ Application Fee Paid ☐ Public Notice Fee Paid (\$450) Fee: \$

Payment: ☐ Cash ☐ Check ☐ CC Date: _

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _





Property Owner(s) Notarized Affidavit

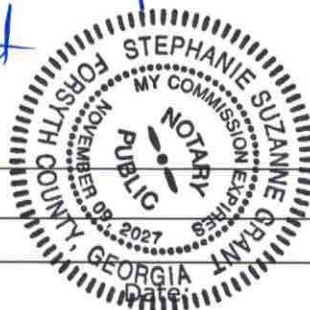
Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

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 for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable):

Owner Name: Epic Dunwoody LLC	
Signature: 	Date: 5/31/26
Address: 4243 Dunwoody Club Dr, Suite 200, Atlanta, GA 30350	
Phone: 	Fax: 
Email: 	
Sworn to and subscribed before me this 3rd Day of May, 2026	
Notary Public: 	



Property Owner (If Applicable):

Owner Name: _____	
Signature: _____	
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

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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: <i>eyal livnat</i>	Date: 5/1/2026
Address: 4243 Dunwoody Club Dr, Suite 200, Atlanta, GA 30350	

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

Date	Government Official	Official Position	Description	Amount



Exhibit A



STATEMENT OF INTENT.

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE EXISTING PARCEL BACK TO THE ORIGINAL LOTS OF RECORD.

THIS BOX RESERVED FOR THE CLERK OF THE SUPERIOR COURT

COMMUNITY DEVELOPMENT

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE COMMUNITY DEVELOPMENT DIRECTOR 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 5th DAY OF JANUARY 2026

By: [Signature]
COMMUNITY DEVELOPMENT DIRECTOR AS DESIGNEE OF THE GOVERNING AUTHORITY

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.

R.L.S. NO. 3077

OWNER'S ACKNOWLEDGEMENT

I, DEWEY MICHAEL ENGLAND, EXECUTOR FOR NANCY WHITE ENGLAND, THE OWNER OF THE IMPACTED LOTS SHOWN ON THIS PLAT AND AUTHORIZED TO SIGN ON BEHALF 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 WATER MAINS AND SANITARY SEWER LINES SHOWN HEREON IN FEE SIMPLE TO DEKALB COUNTY. 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.

AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE IMPACTED LOTS AND AUTHORIZED TO SIGN ON BEHALF 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 COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND 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 HAVE HEREUNTO SET MY HAND THIS 30th DAY OF

December 2025

(SEAL)

(OWNER) Dewey Michael England Executor for Nancy White England

WITNESS: Kami Russell

KERRIE L. SMITH
Notary Public - Seal
DeKalb County - State of Georgia
Commission Number NP0729482
My Commission Expires October 20, 2028

NOTARY PUBLIC Kerrie L. Smith

RESERVED FOR CITY USE

ZONING NOTES:

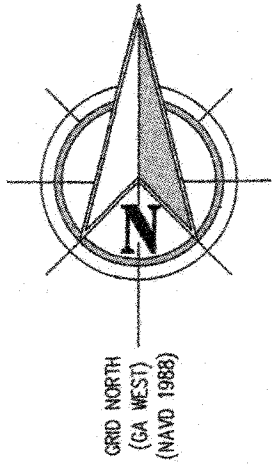
1. LOTS ARE ZONED R-100 (CITY OF DUNWOODY)
2. MINIMUM DIMENSIONAL REQUIREMENTS PER ZONING
 - 2.1. LOT AREA: 15,000 SQ. FT.
 - 2.2. LOT WIDTH, STREET FRONTAGE: 100 FT
 - 2.3. LOT WIDTH AT SETBACK: 100 FT
 - 2.4. LOT COVERAGE: (MAX %) 35%
3. SETBACK REQUIREMENTS
 - 3.1. FRONT (THOROUGHFARES): 35 FT
 - 3.2. FRONT (ARTERIALS): 40 FT
 - 3.3. SIDE (INTERIOR): 10 FT
 - 3.4. SIDE (PUBLIC STREET): 35 FT
 - 3.5. REAR: 40 FT
4. MAXIMUM BUILDING HEIGHT
 - 4.1. MAIN BUILDING: 35 FT
 - 4.2. ACCESSORY STRUCTURE: 20 FT

SITE DATA:

1. SITE ZONING: R-100
2. SITE AREA: 41,811 Sq.Ft. OR 0.96 ACRES
3. TOTAL NUMBER OF LOTS: 2
4. LOTS TO BE SERVICED BY AN ONSITE SEWERAGE DISPOSAL SYSTEM (SEPTIC TANK/LEACH FIELD)
5. PUBLIC WATER SERVICE PROVIDED BY DEKALB COUNTY.
6. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. INSURANCE RATE MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 130B9C0005K, DATED AUGUST 18, 2019.

SURVEY NOTES:

SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 3288 PG 225
PROPERTY OWNER AT TIME OF SURVEY: NANCY ENGLAND
PARCEL NUMBER: 18-363-07-018
CALCULATED PLAT CLOSURE: 1 FOOT IN 146,357.55 FEET



LEGEND	
BSL	BUILDING SETBACK LINE
DE	DRAINAGE EASEMENT (STORM)
SSE	SANITARY SEWER EASEMENT
EOP	EDGE OF PAVEMENT (CURB)
R/W	RIGHT OF WAY
S/W	SIDEWALK
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
FFE	FINISHED FLOOR ELEVATION
PAD	PAD ELEVATION
GFE	GARAGE FLOOR ELEVATION
WL	GARAGE WEATHER LIP ELEV.
MFPE	MIN. FINISHED FLOOR ELEVATION
PO	POWER POLE
IR	IRON REBAR SET
IRF	IRON PIN FOUND
B	BOLLARD
OP	OVERHEAD POWER
FH	FIRE HYDRANT
WM	WATER METER
GV	GAS VALVE
GM	GAS METER
LP	LIGHT POLE
CP	CONCRETE PAD
TM	TELEPHONE MARKER
ACU	AIR CONDITIONER UNIT
MB	MAIL BOX
CO	CLEAN OUT
SM	SANITARY SEWER MANHOLE
LWB	LEFT WING CATCH BASIN
RWB	RIGHT WING CATCH BASIN
DBWB	DOUBLE WING CATCH BASIN
DI	DROP INLET
H	HEADWALL

SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

[Signature]
12-26-2025

R.L.S. NO. 3077

SCALE: 1"=20'		GRAPHIC SCALE - IN FEET		CLIENT: NANCY ENGLAND	
DESIGNED BY: P. BANDI	SHEET NUMBER: 1 of 1	FILE NAME: NERINE CIRCLE (1416) - LOT DIVISION_R1_V2		DATE: 12-26-2025	JOB NUMBER: FP-230
Copyright-2023 These drawings and their reproductions are the property of the surveyor and may not be reproduced, published, or used in any way without the written permission of this surveyor.					
LOT DIVISION PLAT FOR:					
PINE FOREST SUBDIVISION UNIT TWO					
LOTS 18 & 19 - BLOCK "B"					
LAND LOT 363 - 18TH DISTRICT					
CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA					
REVISIONS					
1					
2					
3					
4					
5					
KEYSTONE LAND SURVEYING, INC. 282 WEST CROGAN STREET LAWRENCEVILLE, GEORGIA 30046 770.545.8700 www.keystonelandsurveying.com		 FOR KEYSTONE LAND SURVEYING, INC. www.keystonelandsurveying.com			

Site Photos





HOUSE #1 SCHEMTIC EXTERIOR

This detailed floor plan illustrates a large, multi-level residential property. The layout includes a variety of rooms and outdoor spaces, each with its dimensions specified.

Outdoor Spaces:

- POOL:** 30'-0" X 13'-0"
- PATIO:** 58'-8" X 24'-6"
- PORCH:** 18'-6" X 19'-7"
- PORCH:** 13'-9" X 8'-8"
- PORCH:** 5'-9" X 2'-8"

Interior Rooms:

- MASTER BEDROOM:** 15'-0" X 19'-0"
- FAMILY ROOM:** 18'-10" X 24'-11"
- DINING ROOM:** 20'-0" X 14'-0"
- KITCHEN:** 14'-6" X 25'-1"
- PANTRY:** 4'-5" X 7'-5"
- CATERING PANTRY:** 11'-3" X 9'-9"
- MUD RM:** 6'-3" X 12'-5"
- 1 CAR GARAGE:** 12'-6" X 23'-10"
- 2 CAR GARAGE:** 23'-11" X 24'-11"
- FOYER:** 9'-6" X 13'-9"
- OFFICE:** 13'-11" X 15'-9"
- GUEST SUITE:** 15'-2" X 18'-10"
- GUEST BATH:** 8'-6" X 7'-0"
- POWDER RM:** 7'-5" X 5'-5"
- BAR/LOUNGE:** 9'-3" X 8'-0"
- W.C.:** 6'-2" X 7'-3"
- SAUNA:** 4'-3" X 6'-2"
- SHOWER:** 8'-0" X 8'-0"
- SHOWER:** 5'-0" X 8'-0"

Other Features:

- POOL HOUSE:** 9'-0" X 16'-0"
- OPEN BELOW:** 9'-4" X 18'-10"
- F.P.:** (Fireplace)
- UP/DOWN:** (Staircase directions)





SEAL:

THIS DRAWING IS AND SHALL REMAIN THE PROPERTY OF
BRUNSON & COMPANY, LLC AND SHALL NOT BE REPRODUCED
OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT
BRUNSON & COMPANY, LLC ASSUMES NO LIABILITY FOR ANY
ELEMENTS CONSTRUCTED FROM THIS PLAN.

REVISIONS:

6-25-26 | ADDRESSED CITY COMMENTS.

DRAWING TITLE:

LANDSCAPE PLAN

DATE:

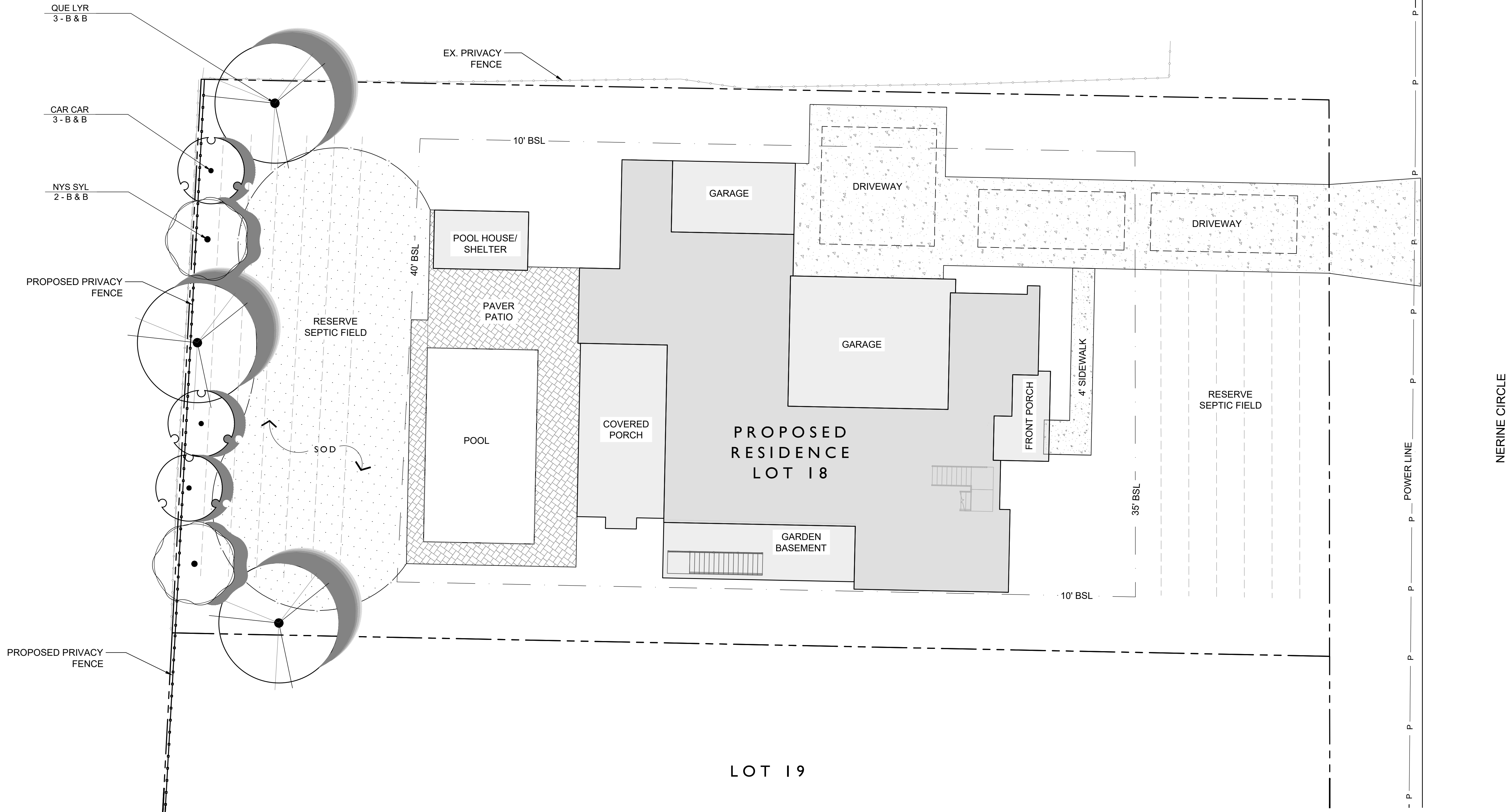
06.19.2026

PROJECT #

26.045

SHEET REF #

LP501



PLANT SCHEDULE

CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	MINIMUM SIZE	SPACING
TREES						
CAR CAR	3	CARPINUS CAROLINIANA 'COLLYNAIR' TM / AMERICAN HORNBEAM	B & B	2" CAL	10' HT.	12' O.C.
NYS SYL	2	NYSSA SYLVATICA 'MONZ' / MAJESTIC® BLACK GUM	B & B	2" CAL	10-12' HT.	AS SHOWN
QUE LYR	3	QUERCUS LYRATA / OVERCUP OAK	B & B	2" CAL	10-12' HT.	AS SHOWN

24 HOUR CONTACT:
EYAL AL LIVNAT @ 770-391-1233

1414 Nerine Circle Hardship Letter

Owner: Epic Dunwoody LLC

TO: City of Dunwoody Zoning Board of Appeals (ZBA)

RE: Letter of Intent – 1414 Nerine Circle

Dear Members of the City of Dunwoody Zoning Board of Appeals:

Thank you for taking the time to review our request regarding the property located at 1414 Nerine Circle.

We are seeking approval for a reduction of the contextual front setback from 70 feet to 50 feet. Our goal is to build a home that fits naturally within the neighborhood while also addressing the unique physical limitations of the property.

After working closely with our engineers, surveyors, and the DeKalb County Health Department, we have found that the combination of septic system requirements and lot constraints creates challenges that make the 70-foot setback difficult to accommodate without significantly impacting the viability of the site.

Septic System and Site Constraints

Unlike many nearby properties that are connected to public sewer, this property must rely on an on-site septic system.

The DeKalb County Health Department has reviewed and approved a septic layout for the property. In order to meet county requirements, sufficient area must be reserved for both the primary absorption field and the required replacement field.

Our engineering team explored multiple alternatives, including relocating portions of the system to the side yards. Due to required setbacks and site limitations, those alternatives were not feasible. As a result, the septic system must be located primarily within the rear portion of the lot.

Reducing the front setback to 50 feet provides the space necessary to accommodate these county-mandated requirements while maintaining a functional home design and preserving the approved septic layout.

Consistency with the Neighborhood

We also believe that the requested setback is consistent with the established character of Nerine Circle.

A review of nearby homes shows that many existing residences are located at setbacks of approximately 50 feet or less. The requested setback would therefore place the home in line with a substantial portion of the surrounding streetscape and maintain the overall appearance of the neighborhood.

Most importantly, we have spoken directly with the adjoining property owner, who supports the proposed placement of the home. We have also worked cooperatively with neighboring property owners to address privacy concerns and have agreed to install a privacy fence along the rear property line.

Our Request

We are simply requesting the minimum relief necessary to allow a reasonable and environmentally compliant use of the property. The proposed 50-foot setback will enable us to satisfy county septic requirements, respect neighboring properties, and construct a home that is compatible with the character of the community.

We appreciate the Board's consideration of our request and respectfully ask for your approval of the variance.

Thank you for your time and service to the City of Dunwoody.

Sincerely,

Eyal Livnat

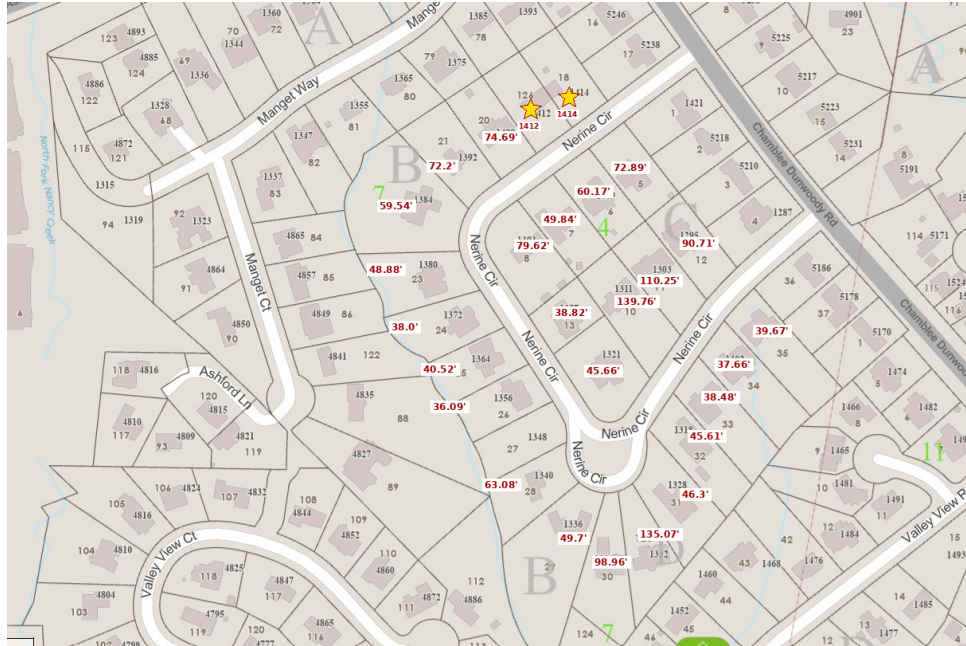
Epic Dunwoody LLC

Nerine Circle Neighborhood

Front Setback Analysis

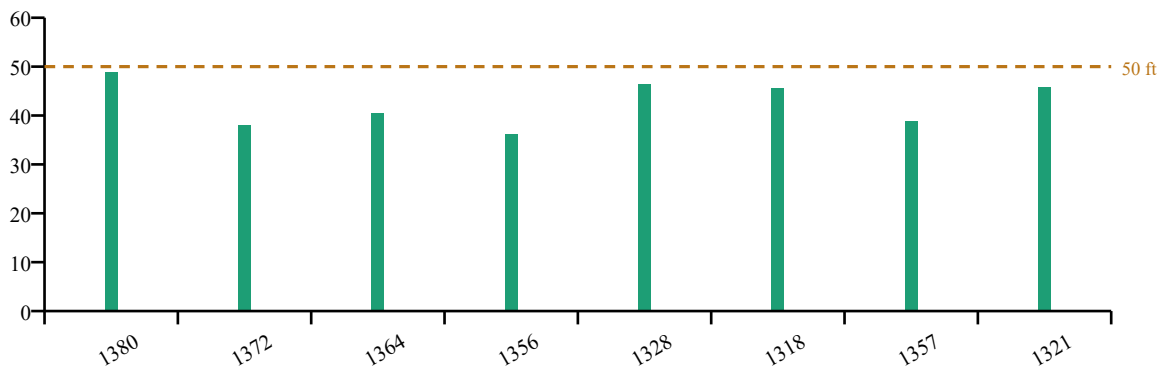
Neighborhood avg setback	Median setback	Lots ≤ 50 ft	Avg — built after 2010
64.5 ft	49.8 ft	52% (13 of 25)	42.5 ft
all 25 lots	middle value	of all lots	8 lots — NEW CONSTRUCTION

Neighborhood Map — Front Setback Measurements



Stars indicate subject properties 1412 and 1414 Nerine Circle. Red labels = measured front setback (ft) for each visible parcel.

Front Setback — Homes Built After 2010



Dashed line = 50 ft reference. All 8 homes built after 2010 fall below the 50 ft threshold.

All Lots — Complete Front Setback Data

#	Address	Year Built	Setback (ft)	vs. 50 ft threshold
1	1400 Nerine Cir	1955	74.7'	> 50 ft
2	1392 Nerine Cir	1955	72.2'	> 50 ft
3	1384 Nerine Cir	1955	59.5'	> 50 ft
4	1380 Nerine Cir	2014	48.9'	≤ 50 ft
5	1372 Nerine Cir	2022	38.0'	≤ 50 ft
6	1364 Nerine Cir	2015	40.5'	≤ 50 ft
7	1356 Nerine Cir	2014	36.1'	≤ 50 ft
8	1340 Nerine Cir	1963	63.1'	> 50 ft
9	1328 Nerine Cir	2022	46.3'	≤ 50 ft
10	1318 Nerine Cir	2015	45.6'	≤ 50 ft
11	1310 Nerine Cir	1957	38.5'	≤ 50 ft
12	1302 Nerine Cir	2006	37.7'	≤ 50 ft
13	1294 Nerine Cir	1958	39.7'	≤ 50 ft
14	1417 Nerine Cir	2005	72.9'	> 50 ft
15	1409 Nerine Cir	2006	60.2'	> 50 ft
16	1401 Nerine Cir	1960	49.8'	≤ 50 ft
17	1393 Nerine Cir	1955	79.6'	> 50 ft
18	1357 Nerine Cir	2017	38.8'	≤ 50 ft
19	1321 Nerine Cir	2016	45.7'	≤ 50 ft
20	1311 Nerine Cir	1956	139.8'	> 50 ft
21	1303 Nerine Cir	1955	110.2'	> 50 ft
22	1295 Nerine Cir	1956	90.7'	> 50 ft
23	1336 Nerine Cir	2006	49.7'	≤ 50 ft
24	1334 Nerine Cir	2007	99.0'	> 50 ft
25	1332 Nerine Cir	2006	135.1'	> 50 ft

Bold blue year = built after 2010. Amber = setback ≤ 50 ft.



REF: ZBA-26-11 and 26-12 Variances

From K Cunningham [REDACTED]
Date Wed 6/10/2026 11:49 AM
To Allegra DeNooyer <Allegra.DeNooyer@dunwoodyga.gov>

Warning: Unusual sender [REDACTED]

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

From Jenice & Kevin Cunningham @ 1400 Nerine Circle

Dear Allegra;

We have met with the lot owner/builder for 1412 & 1414 Nerine Circle (Mr. Livnat) and he shared with us the latest information about his goals for building on these lots and the upcoming variance request.

We understand Mr. Livnat is asking for a reduction in front setback to 50 feet so he can optimize the required septic & house footprint on each lot.

We (the Cunninghams) have no objection to this variance and hope the variance's approval will result in the best use of these properties for both the owner and the neighborhood .

Please let us know if you need any addtl. info or inputs from us. We're sending this email now in case we can't make the July 2 variance meeting.

Thanks!

Jenice & Kevin Cunningham (1400 Ner. Cir.)

MEMORANDUM

To: Zoning Board of Appeals

From: Allegra DeNooyer, Planner II

Date: July 2, 2026

Subject: ZBA 26-12 – 1412 Nerine Circle, Parcel ID # 18 363 07 126

REQUEST

Liel Manoah, on behalf of the property owner at 1412 Nerine Circle, Dunwoody, GA, 30338, requests a special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range.

APPLICANT

Property Owner: Kingdom at Nerine LLC	Petitioner: Liel Manoah
--	----------------------------

BACKGROUND & PROPOSED DEVELOPMENT

The subject lot, 1412 Nerine Circle, is zoned Single-dwelling Residential-100 (R-100) and abuts R-100 on all sides. The subject lot is 0.49 acres and was previously developed with a single-family house that has been demolished. In 2025, 1416 Nerine Circle received a special exception (ZBA 25-13) to allow relief from contextual lot characteristic requirements, including lot area and width, for a two-lot subdivision. The lot was subsequently subdivided into 1414 Nerine Circle and 1412 Nerine Circle.

Aerial image:

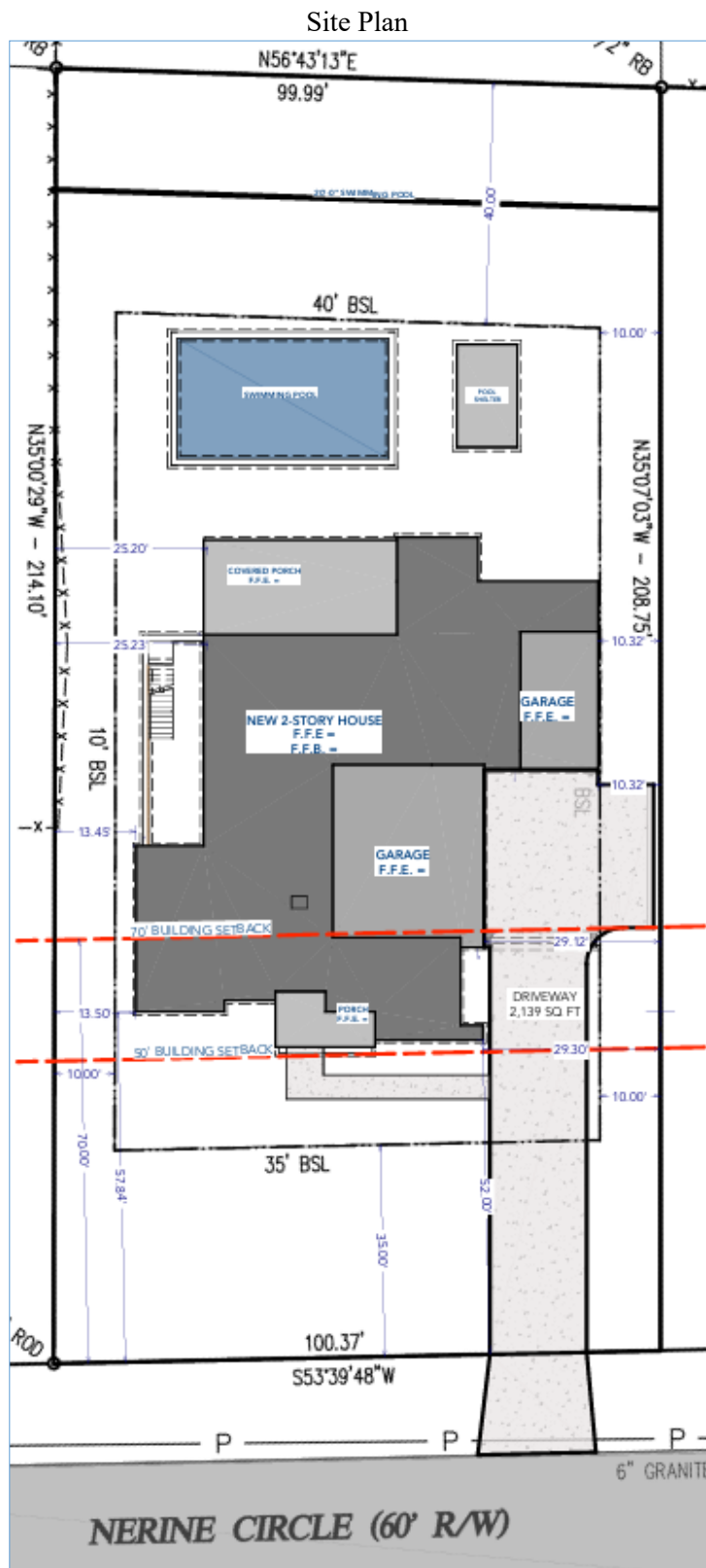


Zoning map:



The applicant proposes to build one new home on each of the two lots. The residential infill regulations dictate that the street setback façade of the new house must be located at approximately 70 feet (the

range of street setbacks observed by the two neighboring properties). The street setback for the new house will be 50 feet, prompting a contextual street setback special exception request.



Proposed Elevations



REVIEW AND APPROVAL CRITERIA – SPECIAL EXCEPTION

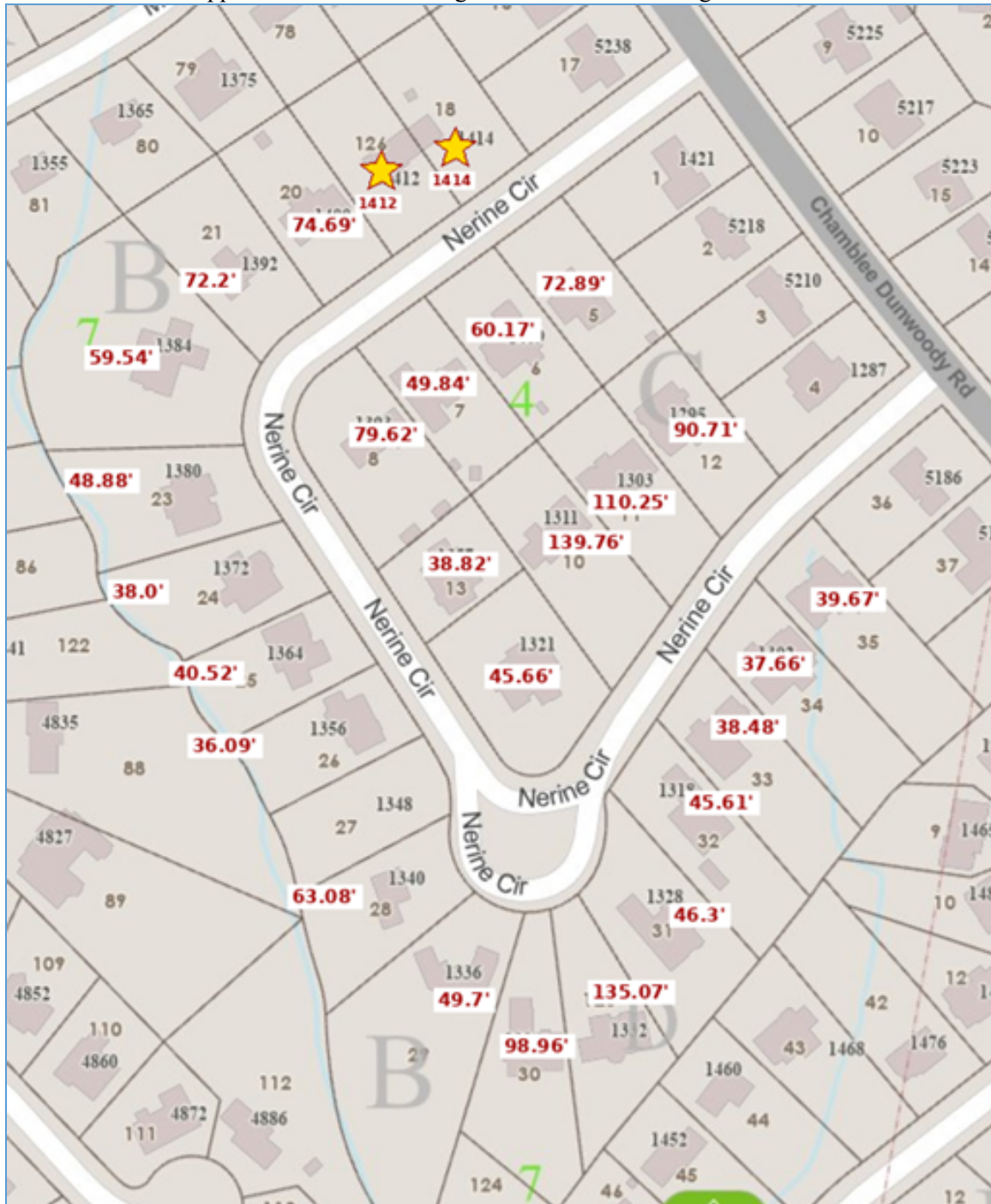
Chapter 27, §27-421 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special exception:

- (1) The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested special exception does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
- (3) The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.

The contextual street setback regulations were created to ensure that new properties are not out of character with their surrounding neighborhood. However, the regulations are not written to consider the nuance of the particular situation of every property in Dunwoody. The contextual street setback standards are intended to be calculated by the four adjacent properties, two to the left and two to the right. Due to the orientation of the house to the right, the subject property's contextual street setbacks are calculated by only two properties, which penalizes the subject property further.

Both adjacent houses that provide the contextual street setback standards for the subject property are located significantly further back than the R-100 minimum street setback requirements. At ~70 feet each, the existing street setbacks for two adjacent dwellings at 1400 Nerine Circle and 1392 Nerine Circle are much larger than the 35-foot street setback dictated by the R-100 zoning regulations. Within this subdivision, typical street setbacks range from ~38 feet to ~70 feet. With a street setback of 50 feet, the new home will not appear out of scale for this subdivision and the proposed encroachment does not go beyond the minimum necessary to afford relief.

Approximate Setback Range for Nerine Circle Neighborhood



DeKalb County does not provide sewer service to the house on Nerine Circle. As part of the construction process, the applicant must install an on-site septic system. In order to meet DeKalb County requirements, there must be sufficient space on the property to install both a primary absorption field and a required replacement field. There will be a 450-foot septic field in the rear yard and a 350-foot septic field in the front yard, significantly constraining the buildable area for the new home. Moving the house further back would create practical difficulty by either making rear yard amenities infeasible or reducing the area available for the septic field beyond the minimum required.

Site Plan with Septic Fields (Subject Property on the Right)



The applicant had conversations with the neighbor to the rear. The neighbor supports moving the house forward to increase the distance to the house and pool area. In addition, the increased distance will allow the applicant to provide trees to create a visual buffer.

Without accounting for the mismatch between the contextual street setbacks and the R-100 street setback regulations, the strict application of the contextual street setback regulations would prevent new construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the request meets the spirit and intent of the zoning ordinance.

COMMENTS FROM OTHER PARTIES

Correspondence Received: One letter in support, included in the application packet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

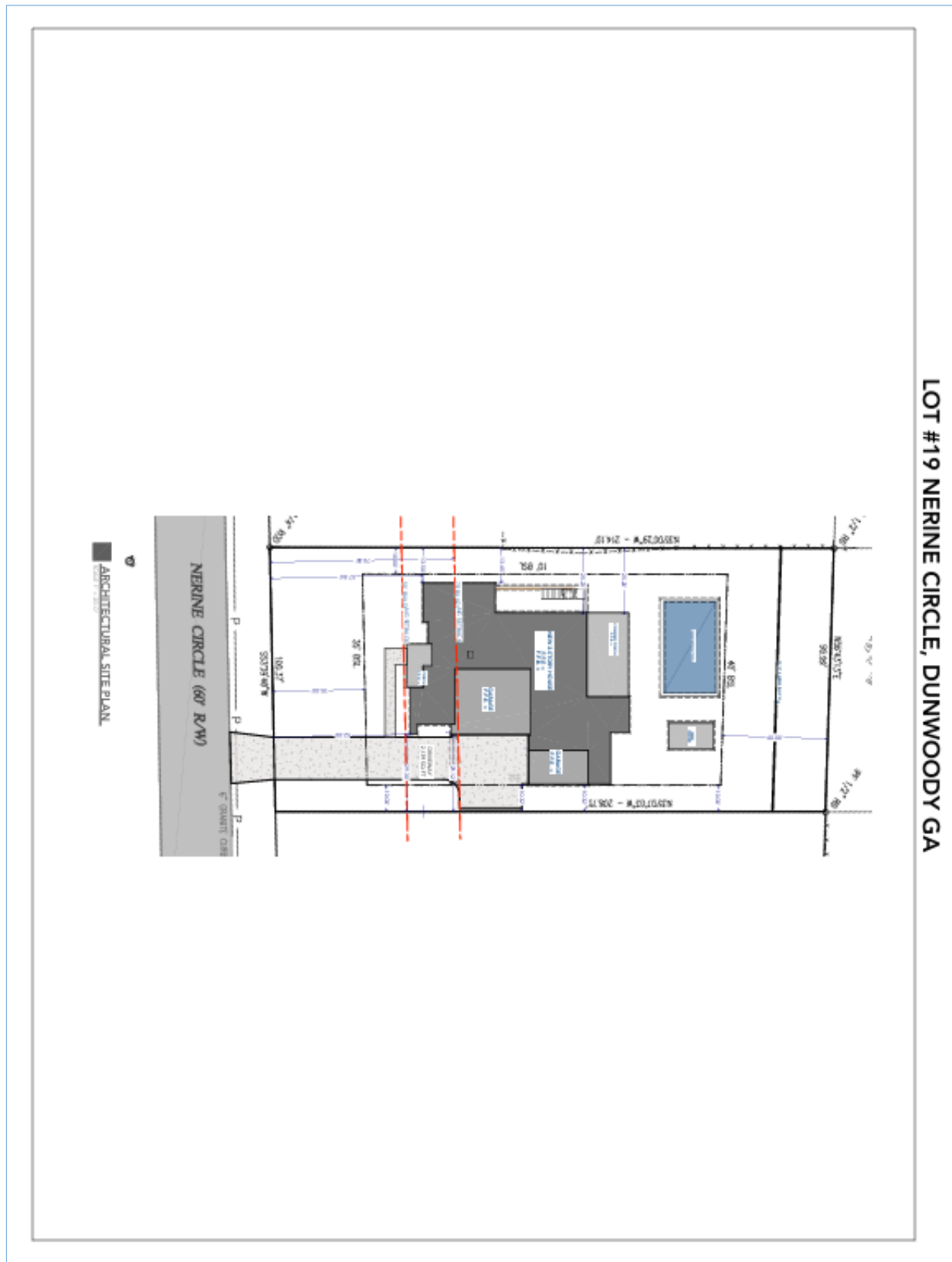
Based on the above analysis and findings staff has determined that the requested special exception does meet the requirements of Chapter 27, §27-421; therefore, staff recommends APPROVAL of the request to allow a new home to encroach into the contextual street setback range with the following conditions:

1. Construction must be in substantial compliance with the submitted site plan, prepared by the applicant and submitted 6.11.2026 (See Appendix A).
2. The applicant shall install landscaping in substantial compliance with the submitted landscape plan, prepared by Brunson & Company Landscape Architects and dated 6.19.2026 (See Appendix B).
3. If construction has not commenced within two years of the granting of this variance, approval shall be void.

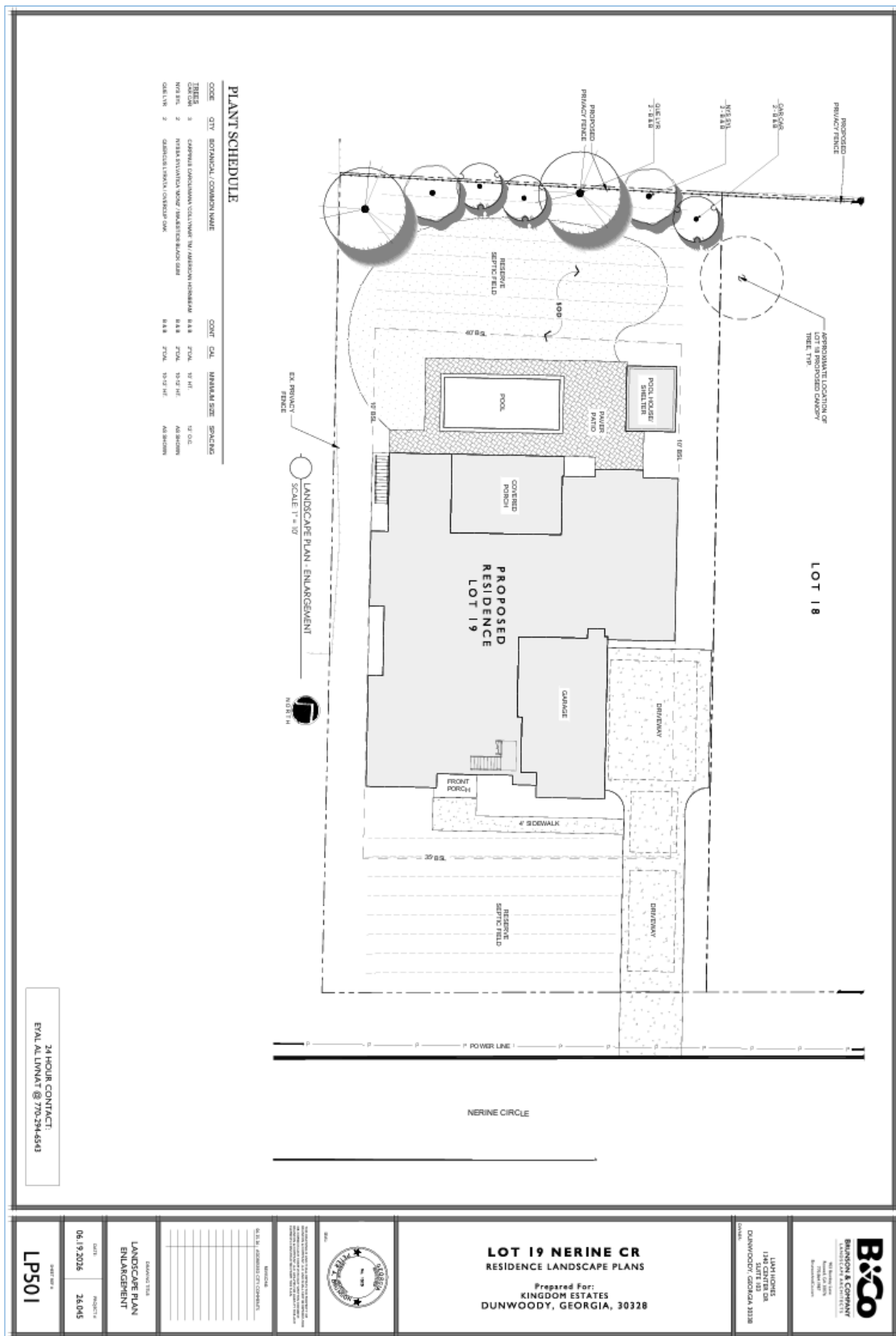
ATTACHMENTS

- Appendix A, Site Plan, prepared by the applicant and submitted 6.11.2026
- Appendix B, Landscape Plan, prepared by Brunson & Company Landscape Architects and dated 6.19.2026
- Appendix C, Site Photos
- Variance Application

Appendix A, Site Plan



Appendix B, Landscape Plan



Appendix C, Site Photos



The existing conditions of the site.



VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _____

Type: _____

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: Sec. 27-58 Lot and Building Regulations Sec 27-147 Residential Infill

Nature of Request: Variance to reduce the required contextual front yard setback from 70 feet to 50 feet for 1412 Nerine Circle

Project:

Name of Project / Subdivision: Pine Forest Subdivision- Unit 2 Zoning: R-10 0

Property Address / Location: 1412 Nerine Circle, Dunwoody, GA 30338

District: 18th District Land Lot: 363 Block: B Property ID: 1836307126

Owner Information:

Owner's Name: Kingdom at Nerine LLC

Owner's Address: 4243 Dunwoody Club Dr. Suite 200. Atlanta. GA 30350

Phone: _____ Fax: _____ Email: _____

Applicant Information: ☐ Check here if same as Property Owner

Contact Name: Liel Manoah

Address: 4243 Dunwoody Club Drive Suite 200 Atlanta. GA 30350

Phone: _____ Fax: _____ Email: _____

Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: Liel Manoah

Applicant's Signature: _____ Date: 5-1-26

Notary:

Sworn to and subscribed before me this 1st Day of may, 2026

Notary Public: Stephanie Suzanne Grant

Signature: _____

My Commission Expires: 11-9-27

Office Use:

☐ Application Fee Paid ☐ Public Notice Fee Paid (\$450) Fee: \$ _____

Payment: ☐ Cash ☐ Check ☐ CC Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _____





Property Owner(s) Notarized Affidavit

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

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 for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable):

Owner Name: <u>Kingdom at Nerine LLC</u>	
Signature: <u>[Signature]</u>	Date: <u>5-1-26</u>
Address: <u>4243 Dunwoody Club Dr, Suite 200, Atlanta, GA 30350</u>	
Phone: <u>[Redacted]</u>	Fax: <u>[Redacted]</u> Email: <u>[Redacted]</u>
Sworn to and subscribed before me this <u>1st</u> Day of <u>may</u> , 20 <u>26</u>	
Notary Public: <u>[Signature]</u> <u>Stephanie Suzanne Grant</u>	



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

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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: 	Date: <u>5-1-26</u>
Address: 4243 Dunwoody Club Dr, Suite 200, Atlanta, GA 30350	

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

Date	Government Official	Official Position	Description	Amount

Exhibit A





STATEMENT OF INTENT.

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE EXISTING PARCEL BACK TO THE ORIGINAL LOTS OF RECORD.

THIS BOX RESERVED FOR THE CLERK OF THE SUPERIOR COURT

COMMUNITY DEVELOPMENT

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE COMMUNITY DEVELOPMENT DIRECTOR 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 5th DAY OF JANUARY 2026

By: [Signature]
COMMUNITY DEVELOPMENT DIRECTOR AS DESIGNEE OF THE GOVERNING AUTHORITY

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.

[Signature] 12-26-2025
R.L.S. NO. 3077

OWNER'S ACKNOWLEDGEMENT

I, DEWEY MICHAEL ENGLAND, EXECUTOR FOR NANCY WHITE ENGLAND, THE OWNER OF THE IMPACTED LOTS SHOWN ON THIS PLAT AND AUTHORIZED TO SIGN ON BEHALF 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 WATER MAINS AND SANITARY SEWER LINES SHOWN HEREON IN FEE SIMPLE TO DEKALB COUNTY. 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.

AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE IMPACTED LOTS AND AUTHORIZED TO SIGN ON BEHALF 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 COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND 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 HAVE HEREUNTO SET MY HAND THIS 30th DAY OF December 2025

(SEAL)

(OWNER) Dewey Michael England Executor for Nancy White England

WITNESS: Kami Russell

KERRIE L. SMITH
Notary Public - Seal
Morton County - State of Indiana
Commission Number NP0729482
My Commission Expires October 20, 2028

NOTARY PUBLIC Kim L. Smith

RESERVED FOR CITY USE

ZONING NOTES:

1. LOTS ARE ZONED R-100 (CITY OF DUNWOODY)

2. MINIMUM DIMENSIONAL REQUIREMENTS PER ZONING

2.1. LOT AREA: 15,000 SQ. FT.

2.2. LOT WIDTH, STREET FRONTAGE: 100 FT

2.3. LOT WIDTH AT SETBACK: 100 FT

2.4. LOT COVERAGE: (MAX %) 35%

3. SETBACK REQUIREMENTS

3.1. FRONT (THOROUGHFARES): 35 FT

3.2. FRONT (ARTERIALS): 40 FT

3.3. SIDE (INTERIOR): 10 FT

3.4. SIDE (PUBLIC STREET): 35 FT

3.5. REAR: 40 FT

4. MAXIMUM BUILDING HEIGHT

4.1. MAIN BUILDING: 35 FT

4.2. ACCESSORY STRUCTURE: 20 FT

SITE DATA:

1. SITE ZONING: R-100

2. SITE AREA: 41,811 Sq.Ft. OR 0.96 ACRES

3. TOTAL NUMBER OF LOTS: 2

4. LOTS TO BE SERVICED BY AN ONSITE SEWERAGE DISPOSAL SYSTEM (SEPTIC TANK/LEACH FIELD)

5. PUBLIC WATER SERVICE PROVIDED BY DEKALB COUNTY.

6. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. INSURANCE RATE MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 130B9C0005K, DATED AUGUST 18, 2019.

SURVEY NOTES:

SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 3288 PG 225

PROPERTY OWNER AT TIME OF SURVEY: NANCY ENGLAND

PARCEL NUMBER: 18-363-07-018

CALCULATED PLAT CLOSURE: 1 FOOT IN 146,357.55 FEET



LEGEND

BSL BUILDING SETBACK LINE
DE DRAINAGE EASEMENT (STORM)
SSE SANITARY SEWER EASEMENT
EOP EDGE OF PAVEMENT (CURB)
R/W RIGHT OF WAY
S/W SIDEWALK
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
FFE FINISHED FLOOR ELEVATION
PAD PAD ELEVATION
GFE GARAGE FLOOR ELEVATION
WL GARAGE WEATHER LIP ELEV.
MFFE MIN. FINISHED FLOOR ELEVATION
POWER POLE
IRON REBAR SET
IRON PIN FOUND
BOLLARD
OVERHEAD POWER
FIRE HYDRANT
WATER METER
WATER VALVE
GAS VALVE
GAS METER
LIGHT POLE
CONCRETE PAD
TELEPHONE MARKER
AIR CONDITIONER UNIT
MAIL BOX
CLEAN OUT
SANITARY SEWER MANHOLE
LEFT WING CATCH BASIN
RIGHT WING CATCH BASIN
DOUBLE WING CATCH BASIN
DROP INLET
HEADWALL

0 10 20 40 60

GRAPHIC SCALE - IN FEET

DESIGNED BY: P. BANDI

SHEET NUMBER: 1 of 1

FILE NAME: NERINE CIRCLE (1416) - LOT DIVISION_R1_V2

CLIENT: NANCY ENGLAND

DATE: 12-26-2025

JOB NUMBER: FP-230

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KEYSTONE LAND SURVEYING, INC.
282 WEST CROGAN STREET
LAWRENCEVILLE, GEORGIA 30046
770.545.8700
www.keystonelandsurveying.com

LOT DIVISION PLAT FOR:
PINE FOREST SUBDIVISION
UNIT TWO
LOTS 18 & 19 - BLOCK "B"
LAND LOT 363 - 18TH DISTRICT
CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA
REVISIONS

12-26-2025
No. 3077
PATRICK F. CALEY
REGISTERED LAND SURVEYOR
FOR
KEYSTONE LAND SURVEYING, INC.
www.keystonelandsurveying.com

Site Photos





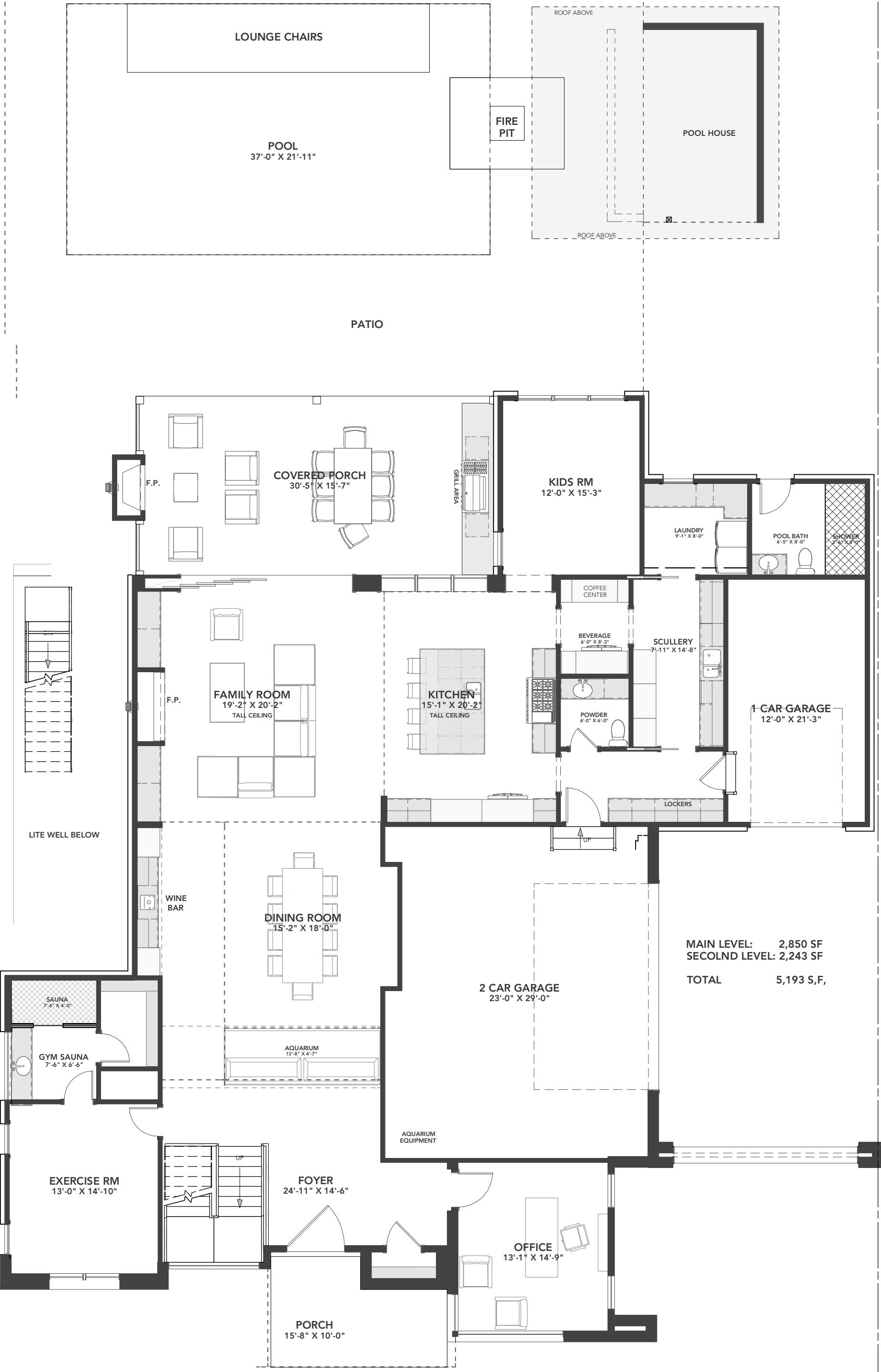
LOT #19 NERINE CIRCLE DUNWOODY GA





MAIN LEVEL: 2,703 SF
SECOLND LEVEL: 2,243 SF
TOTAL 4,946 S,F,

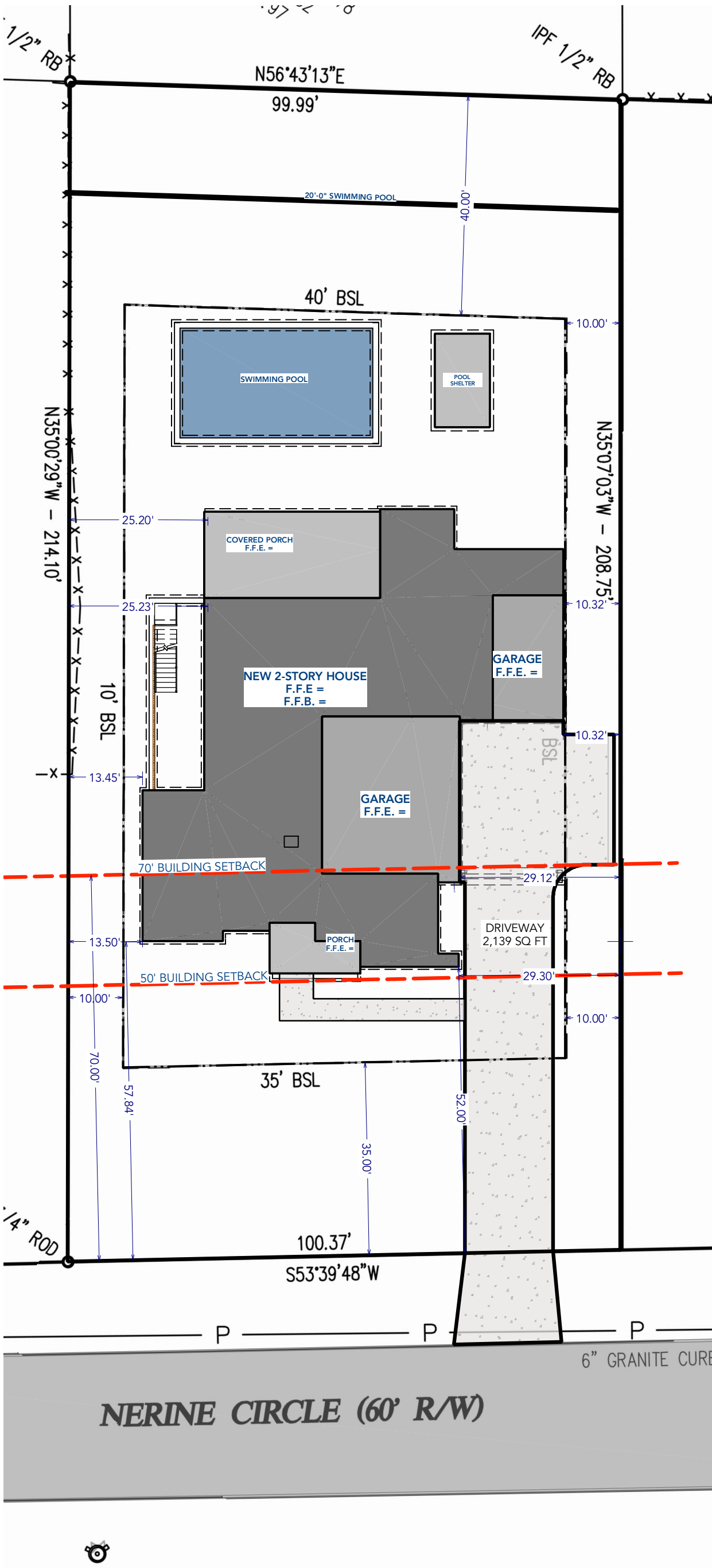
SECOND LEVEL FLOOR PLAN
SCALE 3/32" = 1'-0"



MAIN LEVEL: 2,850 SF
SECOLND LEVEL: 2,243 SF
TOTAL 5,193 S,F,

MAIN LEVEL FLOOR PLAN
SCALE 3/32" = 1'-0"

LOT #19 NERINE CIRCLE, DUNWOODY GA



ARCHITECTURAL SITE PLAN
SCALE 1" = 20'-0"





SEAL:

THIS DRAWING IS AND SHALL REMAIN THE PROPERTY OF
BRUNSON & COMPANY, LLC AND SHALL NOT BE REPRODUCED
OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT.
BRUNSON & COMPANY, LLC ASSUMES NO LIABILITY FOR ANY
ELEMENTS CONSTRUCTED FROM THIS PLAN.

REVISIONS:

06-25-26	ADDRESSED CITY COMMENTS.

DRAWING TITLE:

**LANDSCAPE PLAN
ENLARGEMENT**

DATE:

06.19.2026

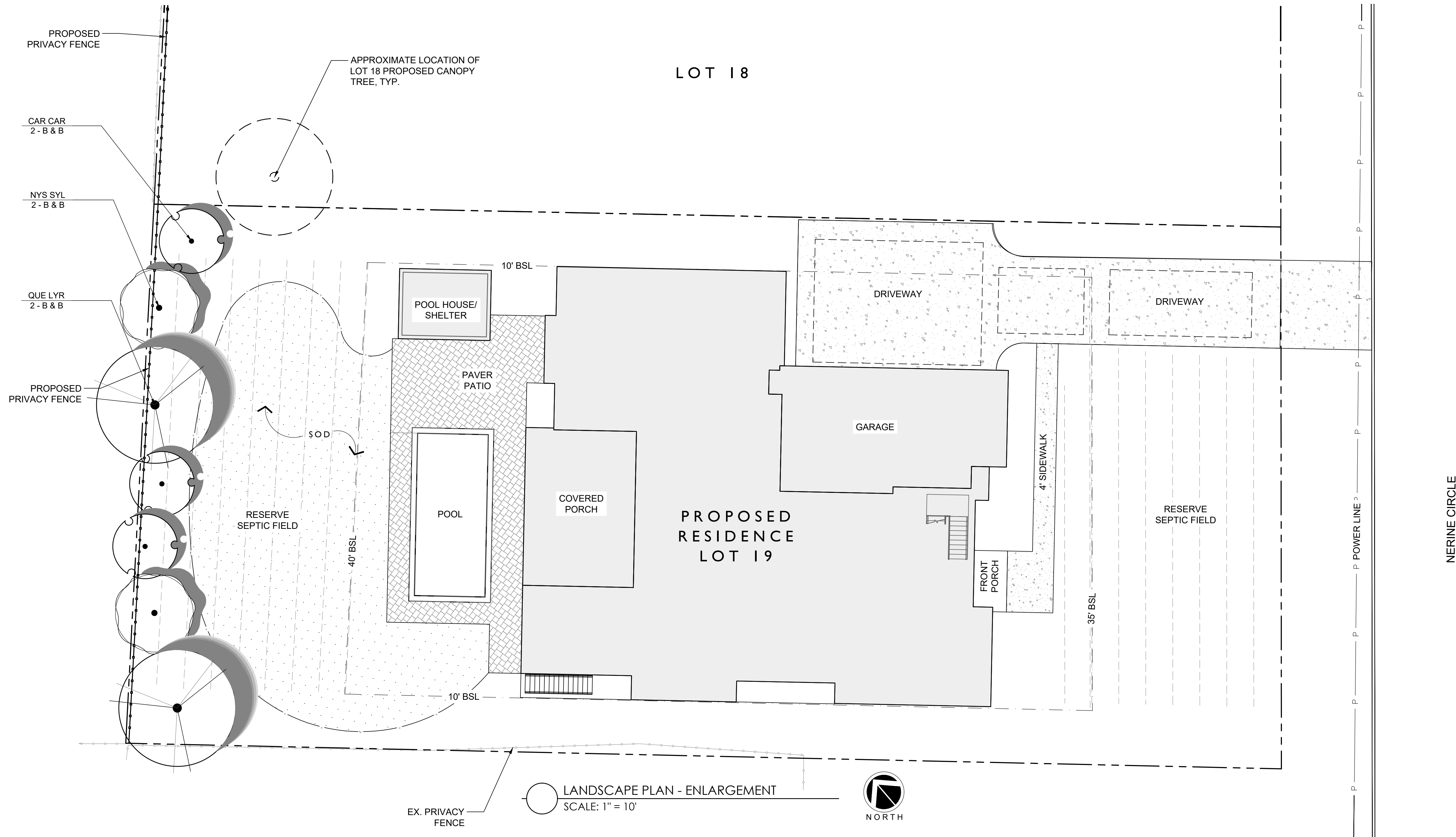
PROJECT #

26.045

SHEET REF #

LP501

24 HOUR CONTACT:
EYAL AL LIVNAT @ 770-294-6543



PLANT SCHEDULE

CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	MINIMUM SIZE	SPACING
TREES						
CAR CAR	3	CARPINUS CAROLINIANA 'COLLYNAIR' TM / AMERICAN HORNBEAM	B & B	2" CAL	10' HT.	12' O.C.
NYS SYL	2	NYSSA SYLVATICA 'MON2' / MAJESTIC® BLACK GUM	B & B	2" CAL	10-12' HT.	AS SHOWN
QUE LYR	2	QUERCUS LYRATA / OVERCUP OAK	B & B	2" CAL	10-12' HT.	AS SHOWN

1412 Nerine Circle Hardship Letter

Kingdom at Nerine LLC

TO:

City of Dunwoody Zoning Board of Appeals (ZBA)

RE: Letter of Intent – 1412 Nerine Circle

Dear Members of the City of Dunwoody Zoning Board of Appeals:

Thank you for taking the time to review our request regarding the property located at 1412 Nerine Circle.

We are seeking approval for a reduction of the contextual front setback from 70 feet to 50 feet. Our goal is to build a home that fits naturally within the neighborhood while also addressing the unique physical limitations of the property.

After working closely with our engineers, surveyors, and the DeKalb County Health Department, we have found that the combination of septic system requirements and lot constraints creates challenges that make the 70-foot setback difficult to accommodate without significantly impacting the viability of the site.

Septic System and Site Constraints

Unlike many nearby properties that are connected to public sewer, this property must rely on an on-site septic system.

The DeKalb County Health Department has reviewed and approved a septic layout for the property. In order to meet county requirements, sufficient area must be reserved for both the primary absorption field and the required replacement field.

Our engineering team explored multiple alternatives, including relocating portions of the system to the side yards. Due to required setbacks and site limitations, those alternatives were not feasible. As a result, the septic system must be located primarily within the rear portion of the lot.

Reducing the front setback to 50 feet provides the space necessary to accommodate these county-mandated requirements while maintaining a functional home design and preserving the approved septic layout.

Consistency with the Neighborhood

We also believe that the requested setback is consistent with the established character of Nerine Circle.

A review of nearby homes shows that many existing residences are located at setbacks of approximately 50 feet or less. The requested setback would therefore place the home in line with a substantial portion of the surrounding streetscape and maintain the overall appearance of the neighborhood.

Most importantly, we have spoken directly with the adjoining property owner, who supports the proposed placement of the home. We have also worked cooperatively with neighboring property owners to address privacy concerns and have agreed to install a privacy fence along the rear property line.

Our Request

We are simply requesting the minimum relief necessary to allow a reasonable and environmentally compliant use of the property. The proposed 50-foot setback will enable us to satisfy county septic requirements, respect neighboring properties, and construct a home that is compatible with the character of the community.

We appreciate the Board's consideration of our request and respectfully ask for your approval of the variance.

Thank you for your time and service to the City of Dunwoody.

Sincerely,

Liel Manoah

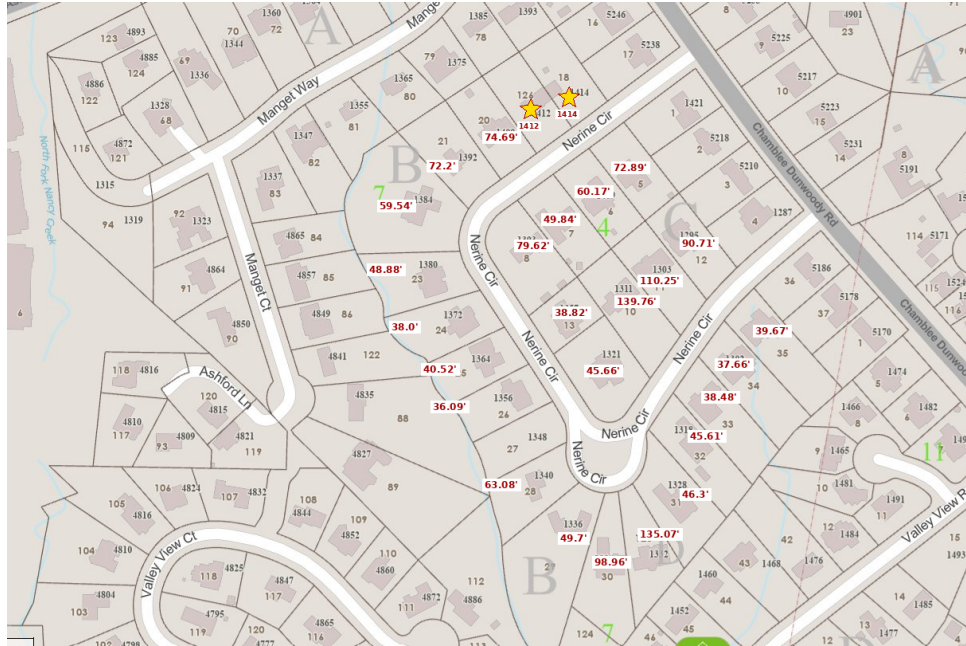
Kingdom at Nerine LLC

Nerine Circle Neighborhood

Front Setback Analysis

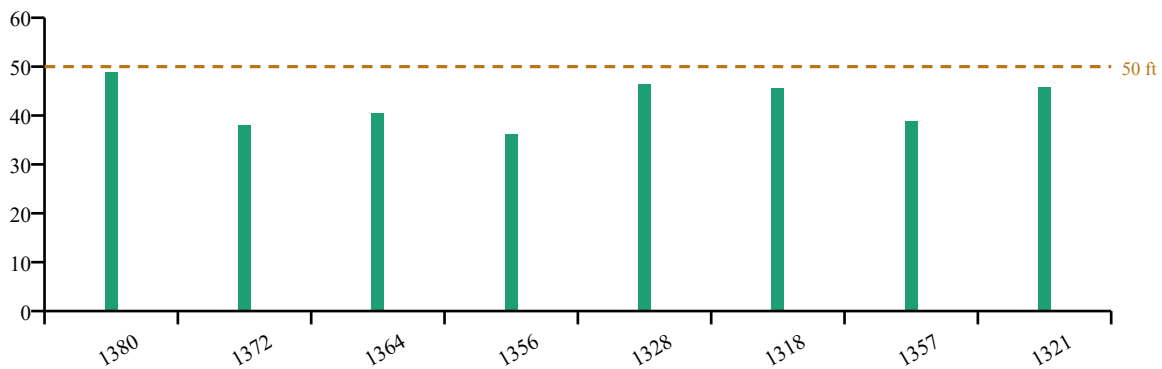
Neighborhood avg setback	Median setback	Lots ≤ 50 ft	Avg — built after 2010
64.5 ft	49.8 ft	52% (13 of 25)	42.5 ft
all 25 lots	middle value	of all lots	8 lots — NEW CONSTRUCTION

Neighborhood Map — Front Setback Measurements



Stars indicate subject properties 1412 and 1414 Nerine Circle. Red labels = measured front setback (ft) for each visible parcel.

Front Setback — Homes Built After 2010



Dashed line = 50 ft reference. All 8 homes built after 2010 fall below the 50 ft threshold.

All Lots — Complete Front Setback Data

#	Address	Year Built	Setback (ft)	vs. 50 ft threshold
1	1400 Nerine Cir	1955	74.7'	> 50 ft
2	1392 Nerine Cir	1955	72.2'	> 50 ft
3	1384 Nerine Cir	1955	59.5'	> 50 ft
4	1380 Nerine Cir	2014	48.9'	≤ 50 ft
5	1372 Nerine Cir	2022	38.0'	≤ 50 ft
6	1364 Nerine Cir	2015	40.5'	≤ 50 ft
7	1356 Nerine Cir	2014	36.1'	≤ 50 ft
8	1340 Nerine Cir	1963	63.1'	> 50 ft
9	1328 Nerine Cir	2022	46.3'	≤ 50 ft
10	1318 Nerine Cir	2015	45.6'	≤ 50 ft
11	1310 Nerine Cir	1957	38.5'	≤ 50 ft
12	1302 Nerine Cir	2006	37.7'	≤ 50 ft
13	1294 Nerine Cir	1958	39.7'	≤ 50 ft
14	1417 Nerine Cir	2005	72.9'	> 50 ft
15	1409 Nerine Cir	2006	60.2'	> 50 ft
16	1401 Nerine Cir	1960	49.8'	≤ 50 ft
17	1393 Nerine Cir	1955	79.6'	> 50 ft
18	1357 Nerine Cir	2017	38.8'	≤ 50 ft
19	1321 Nerine Cir	2016	45.7'	≤ 50 ft
20	1311 Nerine Cir	1956	139.8'	> 50 ft
21	1303 Nerine Cir	1955	110.2'	> 50 ft
22	1295 Nerine Cir	1956	90.7'	> 50 ft
23	1336 Nerine Cir	2006	49.7'	≤ 50 ft
24	1334 Nerine Cir	2007	99.0'	> 50 ft
25	1332 Nerine Cir	2006	135.1'	> 50 ft

Bold blue year = built after 2010. Amber = setback ≤ 50 ft.



REF: ZBA-26-11 and 26-12 Variances

From K Cunningham [REDACTED]
Date Wed 6/10/2026 11:49 AM
To Allegra DeNooyer <Allegra.DeNooyer@dunwoodyga.gov>

Warning: Unusual sender [REDACTED]

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

From Jenice & Kevin Cunningham @ 1400 Nerine Circle

Dear Allegra;

We have met with the lot owner/builder for 1412 & 1414 Nerine Circle (Mr. Livnat) and he shared with us the latest information about his goals for building on these lots and the upcoming variance request.

We understand Mr. Livnat is asking for a reduction in front setback to 50 feet so he can optimize the required septic & house footprint on each lot.

We (the Cunninghams) have no objection to this variance and hope the variance's approval will result in the best use of these properties for both the owner and the neighborhood .

Please let us know if you need any addtl. info or inputs from us. We're sending this email now in case we can't make the July 2 variance meeting.

Thanks!

Jenice & Kevin Cunningham (1400 Ner. Cir.)

MEMORANDUM

To: Zoning Board of Appeals

From: Allegra DeNooyer, Planner II

Date: July 2, 2026

Subject: ZBA 26-13 – 4600 Brierwood Pl, Parcel ID # 18 355 02 099

REQUEST

William Brackbill, on behalf of the property owners at 4600 Brierwood Place, Dunwoody, GA, 30360, requests one special exception from Chapter 27, Section 147 to allow a new home to encroach into the contextual street setback range and one variance from Chapter 16, Section 78 to allow a driveway to encroach into the 75-foot stream buffer.

APPLICANT

Property Owner: Jason and Amanda Harvey	Petitioner: William Brackbill
--	----------------------------------

BACKGROUND & PROPOSED DEVELOPMENT

The subject lot, 4600 Brierwood Place, is zoned Single-dwelling Residential-85 (R-85) and abuts R-50 to the north and R-85 to the east, south, and west. The subject lot is 0.33 acres and is undeveloped and heavily wooded.

Aerial image:



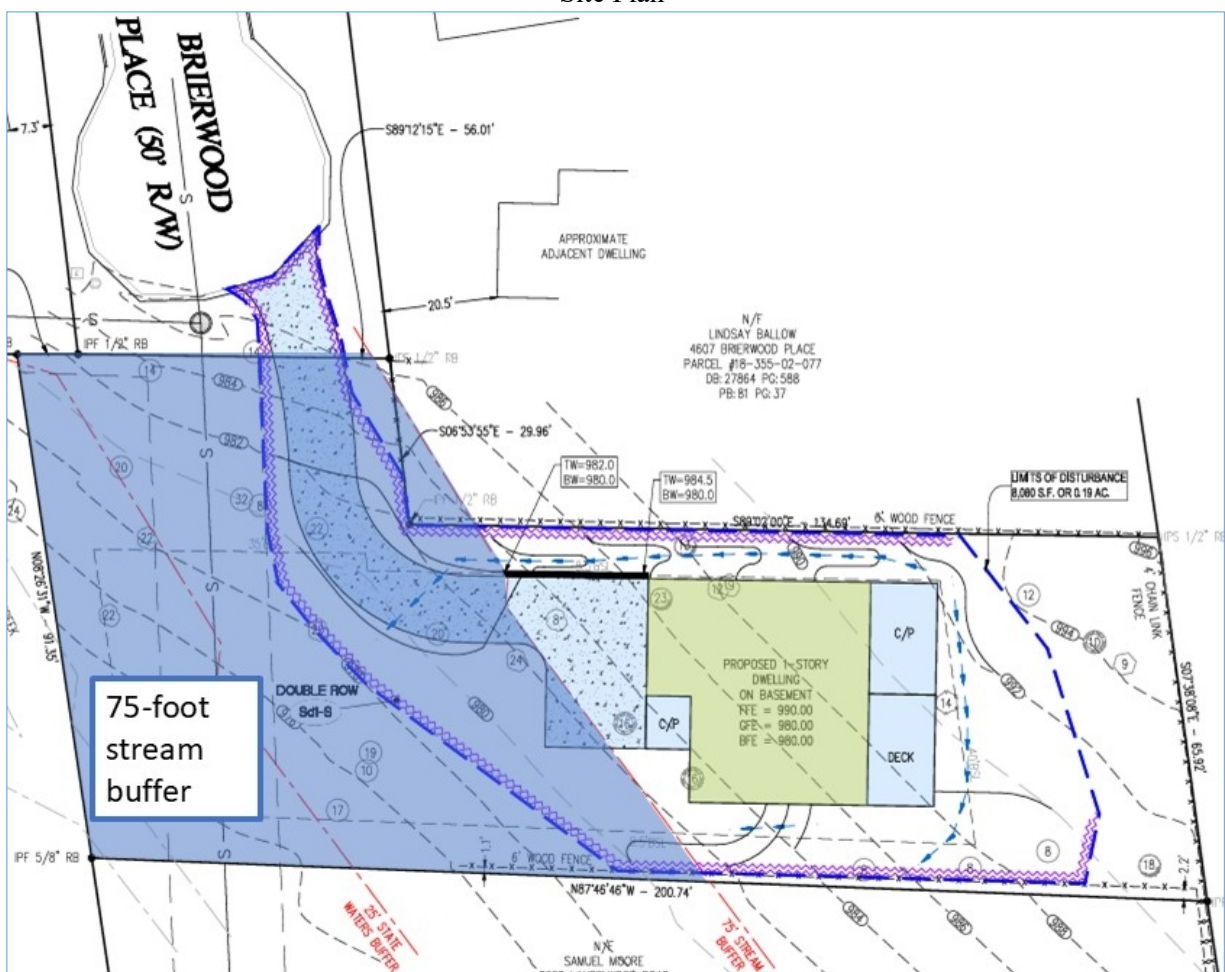
Zoning map:



A stream crosses the property at the southwest corner and the western half of the property has a 25-foot state buffer and 75-foot stream buffer.

The applicant proposes to build a new home. The residential infill regulations dictate that the street setback façade of the new house must be located between the range of street setbacks observed by the two neighboring properties on both sides of the subject lot, which is ~7.3 feet to ~20.5 feet. The applicant proposes a 35-foot street setback, prompting a contextual street setback special exception. In order to access the property and new home, the applicant proposes to construct a driveway, which will encroach into the 75-foot stream buffer – prompting a stream buffer variance request.

Site Plan



Proposed Elevations



REVIEW AND APPROVAL CRITERIA – SPECIAL EXCEPTION

Chapter 27, §27-421 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special exception:

- (1) The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested special exception does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
- (3) The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.

The contextual street setback regulations were created to ensure that new properties are not out of character with their surrounding neighborhood. However, the regulations are not written to consider the nuance of the particular situation of every property in Dunwoody. The subject property is zoned R-85, which has 35-foot street setbacks. However, the four properties used to calculate the contextual street setback range are zoned R-50, which has 5-foot street setbacks. The contextual street setback range (~7.3 feet to ~20.5 feet) is thus based on properties where the houses are built much closer to the street than the R-85 minimum street setback requirements.

If the subject property were to comply with the contextual street setback regulations, the new home would need to be constructed in the 75-foot stream buffer. This would cause significantly more stream buffer encroachment than the applicant's current site plan, which only encroaches into the 75-foot stream buffer to install the driveway, not the house. Staff strongly supports keeping the house out of the 75-foot stream buffer, which necessitates building it further back than the contextual street setback range.

With a street setback of 35feet, the proposed encroachment does not go beyond the minimum necessary to afford relief – the proposed street setback will conform to the typical R-85 street setback regulations. Without accounting for the mismatch between the contextual street setbacks and the R-85 street setback regulations, the strict application of the contextual street setback regulations would prevent new construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the request meets the spirit and intent of the zoning ordinance.

REVIEW AND APPROVAL CRITERIA – STREAM BUFFER VARIANCE

Chapter 16, §16-32 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a steam buffer variance:

- (1) The request, while not strictly meeting the requirements of this chapter, will be, in the judgment of the zoning board of appeals, at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the zoning board of appeals must examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
 - a. Stream bank or soil stabilization;
 - b. Trapping of sediment in surface runoff;
 - c. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;

- d. Terrestrial habitat, food chain, and migration corridor;
- e. Buffering of flood flows;
- f. Infiltration of surface runoff;
- g. Noise and visual buffers;
- h. Downstream water quality; and
- i. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

(2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

(3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.

(4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

(5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.

The applicant proposes to encroach into the 75-foot stream buffer in order to construct a driveway. The entire western half of the subject property is located within the 75-foot stream buffer, severely limiting opportunities for developing the property without buffer encroachment. There is no way to access the property without encroaching into the 75-foot stream buffer, and thus no opportunity for any development under any design configuration unless a variance is granted. The variance request appears to be the minimum necessary to afford relief – the applicant has designed the site plan to minimize buffer encroachment by locating the house entirely outside of the 75-foot stream buffer.

Other properties along Brierwood Place are also subject to the 75-foot stream buffer, but none are as burdened as the subject property in terms of entirely preventing access to the property. While the applicant is proposing to remove trees in the 75-foot stream buffer as part of the construction process, the proposed limits of disturbance minimize this impact. Additionally, the area closest to the stream will remain heavily wooded, mitigating potential negative impacts on natural resources and the environment. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the strict application of the stream buffer regulations would cause an extreme hardship by preventing reasonable use of the property.

COMMENTS FROM OTHER PARTIES

Correspondence Received: Seven emails in opposition, included in the public comment packet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Based on the above analysis and findings staff has determined that the requested special exception and variance do meet the requirements of Chapter 27, §27-421 and Chapter 16, §16-32; therefore, staff recommends APPROVAL of the requests to allow a new home to encroach into the contextual street setback range and to allow a driveway to encroach into the 75-foot stream buffer with the following conditions:

1. Construction must be in substantial compliance with the submitted site plan, prepared by Keystone Land Surveying, Inc and dated 4.14.2026 (See Appendix A).

- | | |
|----|--|
| 2. | The limits of disturbance shall be no closer to the stream than what is shown on the submitted site plan, prepared by Keystone Land Surveying, Inc and dated 4.14.2026 (See Appendix A). |
| 3. | The applicant shall plant two canopy trees in the front yard between the driveway and the stream. |
| 4. | If construction has not commenced within two years of the granting of this variance, approval shall be void. |

ATTACHMENTS
• Appendix A, Site Plan, prepared by Keystone Land Surveying, Inc and dated 4.14.2026 • Appendix B, Site Photos • Public Comment Packet • Variance Application

Appendix B, Site Photos



The existing conditions of the site.



The location of the proposed house.

VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _____

Type: _____

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-147

Nature of Request: this lot is subject to a stream buffer, no way to meet contractual setbacks

Project:

Name of Project / Subdivision: _____

Zoning: R85

Property Address / Location: 4600 Briarwood Place

District: 18

Land Lot: 358

Block: 20

Property ID: 1835502099

Owner Information:

Owner's Name: Jason + Amanda Harvey

Owner's Address: 4600 Briarwood Place, Atlanta GA 30360

Phone: _____ Fax: _____

Email: _____

Applicant Information: ☐ Check here if same as Property Owner

Contact Name: William Brackbill

Address: 4763 Buford Hwy Suite 200, Chamblee, GA 30341

Phone: _____ Fax: _____

Email: _____

Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: _____

Applicant's Signature: _____

Date: _____

Notary:

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

Notary Public: _____

Signature: _____

My Commission Expires: _____

Office Use:

☐ Application Fee Paid ☐ Public Notice Fee Paid (\$450) Fee: \$_____

Payment: ☐ Cash ☐ Check ☐ CC Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _____

ADDITIONAL VARIANCES

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Type:

Type of Request: ☒ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: 16-78, 79

Nature of Request: the portion of lot not in stream buffer for the building site can only be accessed by crossing the city 75' buffer. 0. + light grading to build the house.

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____



Property Owner(s) Notarized Affidavit

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

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 for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

FOR USE OUTSIDE U.A.E

Property Owner (If Applicable):

Owner Name: Jason Harvey
Signature: [Signature] Date: April 30, 2026
Address: 4600 Brierwood Pl, Atlanta, GA 30360
Phone: [Redacted] Fax: [Redacted] Email: [Redacted]
Sworn to and subscribed before me this 30th Day of April
Notary Public:



NOTARIO LAWYERS AND LEGAL CONSULTANTS FZE
Signed and witnessed; His/Her Identity has been
duly confirmed and Identified by passport.

Signer's Name: Jason Harvey

Signed on (Date): 30 APR 2026

While the signature is witnessed, we disclaim any
responsibility for its content

Property Owner (If Applicable):

Owner Name: Amanda Harvey
Signature: [Signature] Date: April 30, 2026
Address: 4600 Brierwood Pl, Atlanta, GA 30360
Phone: [Redacted] Fax: [Redacted] Email: [Redacted]
Sworn to and subscribed before me this 30th Day of April
Notary Public:



NOTARIO LAWYERS AND LEGAL CONSULTANTS FZE
Signed and witnessed; His/Her Identity has been
duly confirmed and Identified by passport.

Signer's Name: Amanda Harvey

Signed on (Date): 30 APR 2026

While the signature is witnessed, we disclaim any
responsibility for its content

Property Owner (If Applicable):

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

M.A Gudaro
Managing Director / Consultant
NOTARIO LAWYERS AND LEGAL CONSULTANTS FZE
License No. 4416969.01 Tel: +971 52 4841 790
Email: info@notariolawyersuae.com
notariolawyersuae.com, United Arab Emirates

Page 9 of 11

[Signature]

Packet page:...



Campaign Disclosure Ordinance

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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: 	Date: <u>April 30, 2026</u>
Address: <u>4600 Brierwood Pl, Atlanta, GA 30360</u>	

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

Date	Government Official	Official Position	Description	Amount

NOTARIO LAWYERS AND LEGAL CONSULTANTS FZE
Signed and witnessed; His/Her identity has been duly confirmed and Identified by passport.

Signer's Name: Jason Harvey

Signed on (Date): 30 APR 2026

While the signature is witnessed, we disclaim any responsibility for its content

NOTARIO LAWYERS AND LEGAL CONSULTANTS FZE
Signed and witnessed; His/Her identity has been duly confirmed and Identified by passport.

Signer's Name: Amanda Harvey

Signed on (Date): 30 APR 2026

While the signature is witnessed, we disclaim any responsibility for its content

FOR USE OUTSIDE U.A.E



M.A Gudaro
Managing Director / Consultant
NOTARIO LAWYERS AND LEGAL CONSULTANTS FZE
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Email: info@notariolawyersuae.com
notariolawyersuae.com, United Arab Emirates

Enclosure

Campaign Disclosure Statement

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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:

William Brackbill

Signature:

WM

Date: *5-4-2026*

Address:

4763 Buford Hwy Suite 200 Chamblee GA 30341

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

Date	Government Official	Official Position	Description	Amount

FIELD DATA:

DATE OF FIELD SURVEY 3-31-26

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.009 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION AND RTK GPS
GPS RECEIVER: TRIMBLE R12i,
SN: 6340F00404 ROVER
6340F00685 BASE
NETWORK: TRIMBLE VRS NOW RTK GNSS

TOTAL AREA: 14,595 SQ FT, 0.335 ACRES

CALCULATED PLAT CLOSURE: 1 FOOT IN 190,843 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT
PROPERTY: DB 28612 PG 761
PROPERTY OWNER AT TIME OF SURVEY:
JASON HARVEY
PARCEL NUMBER: 18-355-02-099

REFERENCE: PLAT BOOK 81 PG 37

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0017K EFFECTIVE DATE 08-15-2019

HORIZONTAL & VERTICAL DATUM:
HORIZONTAL: NORTH AMERICAN DATUM OF 1983 (2011) GEORGIA STATE PLANE, WEST ZONE.
VERTICAL: NORTH AMERICAN VERTICAL DATUM OF 1988. ORTHOMETRIC HEIGHTS WERE COMPUTED USING GEOID 18.
UNIT OF MEASUREMENT IS U.S. SURVEY FOOT.
DISTANCES SHOWN ARE HORIZONTAL AT GROUND LEVEL.
THE DATUM FOR THIS SURVEY IS FROM TRIMBLE VRSNOW NETWORK

CITY OF DUNWOODY ZONING

PROPERTY ZONED: R-85

MINIMUM YAARD SETBACKS:
FRONT = 35 FEET
SIDE = 8.5 FEET
REAR = 40 FEET



TREE LEGEND	
X = DIAMETER IN INCHES	
	EXISTING TREE TO BE REMOVED
	HATCHING OVER TREE = LANDMARK TREE
	CREPE MYRTLE
	DOGWOOD
	HARDWOOD
	HICKORY
	MAGNOLIA
	MAPLE
	OAK
	PECAN
	PINE
	POPLAR
	SWEETGUM

LEGEND	
	BSL BUILDING SETBACK LINE
	DE DRAINAGE EASEMENT (STORM)
	SSE SANITARY SEWER EASEMENT
	EOP EDGE OF PAVEMENT (CURB)
	R/W RIGHT OF WAY
	S/W SIDEWALK
	POB POINT OF BEGINNING
	POC POINT OF COMMENCEMENT
	FFE FINISHED FLOOR ELEVATION
	PAD PAD ELEVATION
	GFE GARAGE FLOOR ELEVATION
	WL GARAGE WEATHER LIP ELEV.
	MFFE MIN. FINISHED FLOOR ELEVATION
	PROPOSED FLOW ARROW / SWALE
	PROPOSED SILT FENCE
	POWER POLE
	1/2" IRON REBAR SET
	IRON PIN FOUND
	BOLLARD
	OVERHEAD POWER
	FIRE HYDRANT
	WATER METER
	WATER VALVE
	GAS VALVE
	GAS METER
	LIGHT POLE
	CONCRETE PAD
	TELEPHONE MARKER
	AIR CONDITIONER UNIT
	MAIL BOX
	CLEAN OUT
	SANITARY SEWER MANHOLE
	LEFT WING CATCH BASIN
	RIGHT WING CATCH BASIN
	DOUBLE WING CATCH BASIN
	DROP INLET
	HEADWALL

SCALE: 1"=20'		GRAPHIC SCALE - IN FEET	
DESIGNED BY: P. BANDI		SHEET NUMBER: 1 of 1	
FILE NAME: 4600 BRIERWOOD PLACE_RSSP_R0V1		VARIANCE EXHIBIT FOR: TAX PARCEL ID# 18-355-02-099 4600 BRIERWOOD PLACE LAND LOT 355 - 18TH DISTRICT CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA REVISIONS	
Copyright-2023 These drawings and their reproductions are the property of the surveyor and may not be reproduced, published, or used in any way without the written permission of this surveyor.			
KEYSTONE LAND SURVEYING, INC. 262 WEST CROGAN STREET LAWRENCEVILLE, GEORGIA 30046 770.545.8700 www.keystonelandsurveying.com			
1		2	
3		4	
5			

CLIENT: JASON HARVEY	
DATE: 04-14-2026	JOB NUMBER: SDB-3852
CSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION #0000058820 EXP. 08/12/2027 04-14-2026 FOR KEYSTONE LAND SURVEYING, INC. www.keystonelandsurveying.com	

Letter of Intent for Variance 58-78,79

The subject lot i was created in 1986, the 75' City stream buffer did not exist. The 25' State Buffer will not be impacted by this proposed development.

This request is to allow a driveway to be built in the stream buffer to and for temporary encroachment during construction in the steam buffer as indicated on the proposed site plan.

1. The request, while not strictly meeting the requirements of this chapter, we be, in the judgement of the zoning board of appeals, at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgement, the zoning board appeals must examine whether the request will be a least as protective of the natural resources and the environment with regard to the following factors.
 - A. Stream bank or soil stabilization,
 - B. Trapping of sediment in surface runoff,
 - C. Removal of nutrients heavy metals, pesticides and other pollutants from surface runoff,
 - D. Terrestrial habitat, food chain and migration corridor,
 - E. Buffering of flood flows,
 - F, Infililtraion of surface run-off,
 - G, Noise and visual buffers,
 - H. Downstream water quality and
 - I . Impact on threatened and endangered species, as those species are designated by law or federal or State regulation.

A. The stream bank will not be disturbed and runoff from this house will not destabilize the bank. The state 25' buffer will not be disturbed and during construction

B. Required sediment controls will be in place until the site is stablized.

C. There will be 50-75' of preserved vegetation as well as flow wells to filter the gutter water.

D. With 50'-75' of undisturbed buffer, the migration corridor along the stream should not be impacted.

E. The variance will not allow for crossing the stream. Flows of water will not be impacted. The stream is not in a flood plain and is a minor stream.

F. The driveway will be concrete and should not generate pollutants. But there will still be 50-75 of natural filtration before the stream

G. There is no noise or visual buffer at the end of this cul-de-sac, no nearby streets with heavy traffic.

H. Downstream water quality will not be impacted as the site will be 100% stabilized after construction and during construction sediment controls will be in place.

I. Outside of the 25' State buffer, there are no Federal or State laws. This projected will not impact the 25' State buffer/

2. By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or the applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

Without the variance, there is no way to connect a driveway to the house.

3. The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with limitations upon properties that are similarly situated.

The proposed site plan shows the minimum impact necessary to build the house and driveway.

4. The grant of variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

The grant of variance will result in an improvement to the area. Right now the subject property is an unkept overgrown mess.

- 5 The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.

In 1986, when this lot was created, there was not a 75' stream buffer. The only buffer was a 25' state buffer. The strict application of the stream buffer would render this lot unbuildable.

Letter of Intent for Variance 27-147

The subject lot is zoned R-85 and when it was created in 1986, contextual setbacks were not yet implemented.

This request is to eliminate the need to comply with the contextual setback ordinance and approve the setback location of the home as indicated on the proposed site plan

1. The grant of the variance will not be detrimental to the public health, safety, or welfare, or injurious to property or improvement. The 75' stream Buffer did not exist in 1986 when this lot was created. It would be possible to move the home closer to compliance with the contextual setback but the stream buffer prevent this home from being any closer to the street.
2. The variance request is based on conditions that 1) are unique to the subject property and 2) are not generally applicable to other properties in the same zoning district and 3) were not created by the owner or the applicant. The subject property is a lot of record since 1986, prior to contextual setbacks. The shape of this lot, the stream and stream buffers prevent meeting the contextual setback ordinance requirements.
3. Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of the zoning ordinance would deprive the property owner of the right and privileges enjoyed by other similarly situated property owners. Several of the homes at the end of Brierwood Place are actually built in the 75' stream buffer. By placing my house back out of the stream buffer, I am not enjoying the same benefits these owners had and and subject to more restrictions.
4. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege, inconsistent with the limitations upon other similarly situated properties. Waiving the contextual setback requirement is the only possible relief.
5. The literal interpretation and strict application of the applicable provisions or requirements of the zoning ordinance would cause undue hardship or practical difficulty as distinguished from a mere inconvenience. A literal interpretation would render this lot unusable, and the current owner and previous owners have paid property taxes on this lot since 1986.

6. The requested variance would be consistent with the spirit and purpose of the zoning ordinance and the comprehensive plan. The variance would be consistent as the plan allows for variance for non-conforming infill lots.

Letter of Intent for Variance 27-147



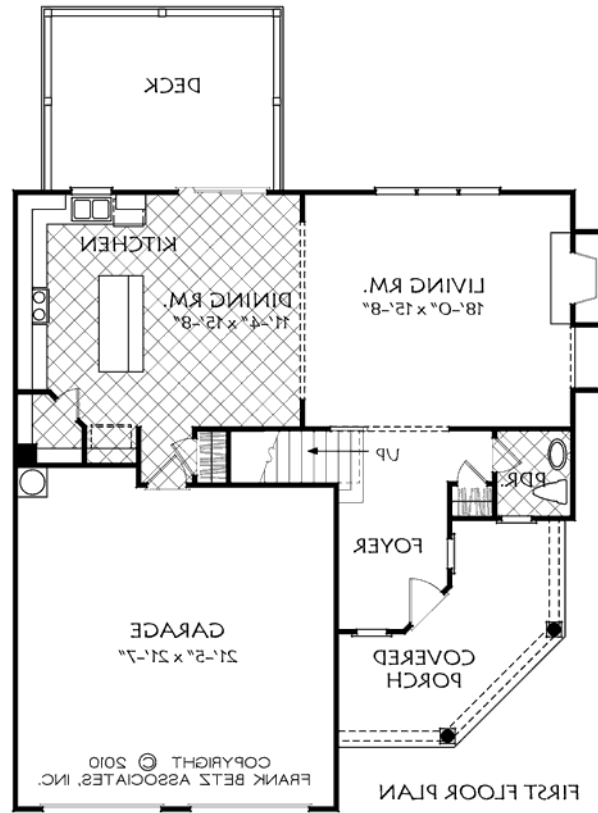


888.717.3003



FRANK BETZ
ASSOCIATES

BURNT HICKORY (REVERSE)

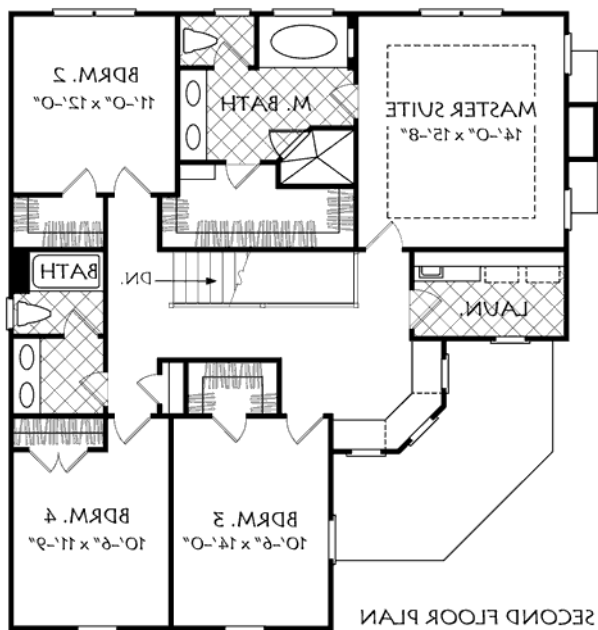


Square Footage

Total	2146
First Floor	854
Second Floor	1292

Dimensions

Width	40' - 0"
Depth	42' - 0"
Height	30' - 0"



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.

City of Dunwoody
Community Development Department
Case No ZBA 26-13 Hearing July 2, 2026

To the Members of the Board,

I am writing to express my strong opposition to the proposed plan to build on the lot located at the end of the street on Brierwood Place in Dunwoody, GA 30360. The plan requests an exception to the existing ordinance that prohibits construction within 75 feet of stream. I urge the Board to deny this request, as the consequences of approving it would be significant and harmful to our neighborhood.

One of the most pressing concerns is the existing drainage issue on our street, particularly affecting the last few homes on the block, including my own at 4616 Brierwood Place. During rainfall, water flows heavily down the street and directly into the drainage system put in place when the neighborhood was originally planned and developed. The vacant lot currently serves as a critical relief point, allowing water to flow into the stream. Building on this lot would disrupt this drainage pattern and increase the risk of flooding for multiple homes. The heavy water flow also runs over into my driveway and floods my backyard behind the garage. Additionally, runoff from higher elevations near Briers North flows toward the back of my property.

Construction activity would also create severe access challenges. Our neighborhood consists of two cul-de-sacs with only one entrance and exit. Heavy equipment and construction vehicles could easily block the roadway, preventing residents from reaching their homes and potentially delaying emergency services. We have already experienced this vulnerability when a void was discovered under the street earlier this year, rendering the road undrivable for several days. A long-term construction project would create far greater hardship and could potentially cause structural damage to our homes.

Environmental impacts must also be considered. Numerous mature trees would need to be removed, disrupting the natural habitat of deer, otters, rabbits, squirrels, chipmunks, birds and other wildlife that rely on the natural habitat. This area serves as an important green corridor, and development would force these animals out of their habitat.

For these reasons, I respectfully request that the Board deny the proposed construction. I also encourage the City of Dunwoody to consider purchasing this property and designating it as protected green space to preserve the character and enhance the natural beauty of the Briers North neighborhood and protect our valued wildlife.

Thank you for your attention and consideration.

Sincerely,

Christine Bupp
4616 Brierwood Pl.
Dunwoody, GA 30360
[REDACTED]



RE: Opposition to Requested Variances for Proposed Construction Adjacent to Stream

From Richard McLeod <Richard.McLeod@dunwoodyga.gov>
Date Mon 6/22/2026 8:11 AM
To Hailey Laflamme <[REDACTED]>
Cc Paul Leonhardt <Paul.Leonhardt@dunwoodyga.gov>; Allegra DeNooyer
 <Allegra.DeNooyer@dunwoodyga.gov>

Ms. LaFlamme,

Thank you for your note on the variance case. It will be included with all the material to the Zoning Board of Appeals.

Best,



Richard McLeod, MPA
 Director of Community Development
City of Dunwoody
 4800 Ashford Dunwoody Road
 Dunwoody, Georgia 30338
P 678.382.6802
richard.mcleod@dunwoodyga.gov

From: Hailey Laflamme [REDACTED]
Sent: Sunday, June 21, 2026 7:52 PM
To: Richard McLeod <Richard.McLeod@dunwoodyga.gov>
Subject: Opposition to Requested Variances for Proposed Construction Adjacent to Stream

Warning: Unusual sender [REDACTED]

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Richard,

I am writing to express my strong opposition to the requested variances for the proposed construction on the property adjacent to my home.

When I purchased my property (4610) four months ago, I was informed that the neighboring lot next to my house was not buildable because of its proximity to the stream and the associated

Packet page:...

environmental limitations. In fact, I was offered the opportunity to purchase that lot and chose not to because I understood that development would not be feasible. Based on that understanding, I purchased my home with the expectation that the wooded area and stream buffer would remain intact.

Since moving into my home, I have firsthand experienced the significant amount of moisture and drainage challenges associated with living next to this stream. I am currently investing in landscaping improvements to help direct water safely toward the stream and prevent water intrusion into my home. I have also obtained videos from neighbors showing severe storm events during which the stream expanded dramatically. Those videos demonstrate the substantial force and volume of water that this area experiences during heavy rainfall.

My greatest concern is that disturbing this wooded area and introducing fill dirt, grading, construction activity, and impervious surfaces could impede the natural flow of water, create a damming effect, and redirect water onto neighboring properties, including mine. I fear this could increase flooding risks and potentially place homes that are currently outside of flood zones into danger.

This concern is not hypothetical. I personally experienced a similar situation during my childhood, where development near a stream altered drainage patterns and ultimately resulted in flooding of our family home. I understand all too well the devastating consequences of underestimating the power of water. Water always follows the path of least resistance, and seemingly minor changes to drainage patterns can have long-term consequences for surrounding homeowners.

In addition, mature trees and natural vegetation currently help absorb rainfall, stabilize the soil, and slow runoff into the stream. Removing these trees and disturbing the ground could significantly increase stormwater runoff, erosion, and downstream impacts to neighboring properties.

Construction activity on this narrow cul-de-sac also raises concerns regarding emergency vehicle access, infrastructure damage, and disruption to the wildlife and natural environment that depend on this stream corridor.

I respectfully ask that these variances be denied until a thorough and independent evaluation can demonstrate, beyond any doubt, that the proposed development will not adversely affect neighboring properties, drainage patterns, stream buffers, flood risks, or the safety and welfare of existing residents.

Should these variances nevertheless be approved, I respectfully request that the applicant be required to provide a comprehensive stormwater and drainage plan prepared by a qualified engineer, along

with written assurances and enforceable conditions demonstrating how neighboring properties will be protected from increased flooding, erosion, water intrusion, or changes to existing drainage patterns. I further request that any engineering studies, reports, and mitigation measures be made part of the public record so that affected homeowners have transparency and accountability regarding future impacts.

Having purchased my home with the understanding that it was not located within a flood zone, I believe existing homeowners deserve reasonable protections to ensure that new development does not create flood risks that did not previously exist.

I respectfully request that this correspondence, along with the attached photographs and videos documenting existing drainage conditions and historical storm events, be entered into the official record for consideration.

Thank you for your time and careful consideration of the long-term consequences this development may have on surrounding homeowners, public safety, and the environment.

Sincerely,

Hailey Laflamme



Ref: ZBA 26-13 4600 Brierwood Place, July 2, 2026 hearing, Opposition to variance approvals

From Valerie W. Gold [REDACTED]
Date Sun 6/21/2026 8:14 PM
To Paul Leonhardt <Paul.Leonhardt@dunwoodyga.gov>
Cc Richard McLeod <Richard.McLeod@dunwoodyga.gov>

Warning: Unusual sender [REDACTED]

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

To: Director of Planning & Zoning
 Paul Leonhardt

I am opposed to 4600 Brierwood Place variance approvals for the following reasons:

Ref: Sec. 16-78

Only ten minutes into the very frequent substantial rainfalls (as an 11 year resident of 4611 Brierwood Place) I have seen the excessive amount of rainwater that comes down the hill along Brierwood Place, co-joined at the top of the hill with the additional Briers North Drive run -off. It is an extraordinary torrential amount of rain that comes flowing down the street continuing down into the wooded lot 4600 Brierwood Place and over an embankment into the creek in question. The amount of rainwater that accumulates in less than 10 minutes, is several inches high even before it goes over the embankment into the creek. That creek in question overflows to approximately 40 to 50 ft. wide. The stable land material and developed trees, shrubbery and corresponding root systems on the 4600 lot are able to absorb a good amount of that water as the residual flows down into the creek and connecting water systems. Maintaining control over flooding is always precarious at best. However, this system, as originated in 1989, has served well for the community. Any altering or adding of cement structures (70 plus feet of driveway cement) along with removal of trees, vegetation, root systems and corresponding stabilizing soil will disrupt a system that has allowed the exceptional amount of rainwater flowing downhill Briers North Dr. and Brierwood Place to move through this community having a place to go before continuing into other connected water systems. This undeveloped lot does not in any way entitle an owner or builder to build, encroaching into the 75 ft stream buffer, if doing so is inappropriate and in opposition to the current Dunwoody environmental protections that are in place for good longstanding reasons.

Ref. Sec. 26-13

This neighborhood in 1989 was developed and built with a specific architectural character and streetscape consistency. The proposal to build a one-story home with a long 70 foot curving driveway through wooded land to reach the front of the house is significantly distant from the street curb. The consistency and design of this subdivision comprising primarily three-story homes

reflecting a Victorian character where the main entrance way faces the street and is a consistent distance from the street.

The proposed applicant's house plan is not only inconsistent with the design of the neighborhood but also poses a significant difficulty for fire trucks to get access to this very narrow small area at the end of Brierwood Place. There is need to have access to the water at the street in case of fire or other Public Safety circumstances. Removal of a section of mature trees will expose a large paved area at the street rather than the consistent streetscape that originally was intended.

Thank you for your time and attention.

Valerie W. Gold
4611 Brierwood Place
Dunwoody, Ga. 30360

6/22/2026

Attention of: Dunwoody Zoning Board of Appeals

Ellen Etheridge, Chair, Ryan Esslinger, Vice-Chair, Ardy Bastien, Erika Harris, Ryan Schwartz, Tara Targovnik, Joe Tuttle

Reference: Request for Variances for 4600 Brierwood Place

Dear Board Members,

I live at 2559 Briers North Drive, adjacent to Brierwood Place. Both streets are part of the Briers North subdivision. I am writing to express concerns regarding the variance request for 4600 Brierwood Place, particularly related to drainage, stormwater detention, and the street-end impact of an odd contextual setback.

The variance request (Letter of Intent for Variance, page 2, paragraph E) characterizes the stream as a “minor stream.” This is inaccurate. It serves as a **major stormwater conveyance for Andover, Briers North Drive, Brierwood Place, and Madison East.**

During heavy rainfall, the stream quickly becomes a large, fast-moving creek, frequently overtopping its shallow banks and flooding adjacent flat areas.

This behavior is due to natural detention between Brierwood Place and Laurelwood Road, where the creek has a gentle downward grade terminated by an outlet flow restriction at Laurelwood.

Upstream of 4600 Brierwood Place, the **inflows** include:

- A **large open channel** at the end of Brierwood Place, serving that entire street
- A **60-inch stormwater pipe** serving Briers North Drive and Andover Drive
- A **36-inch stormwater** pipe serving Madison East subdivision

In contrast, **downstream outflow** is constrained by a **42-inch pipe** at Laurelwood Road. When inflows during heavy rainfall exceed this 42” capacity, significant stormwater is detained within the 75-foot buffer. Markups on the attached topographic map illustrate this critical detention area for Briers North (Figure 1). It mostly aligns with the 75’ buffer (Figure 2), so **protecting the buffer also preserves detention capacity.**

Given the increasing frequency of severe rainfall events, allowing a driveway within the 75-foot buffer would reduce this critical detention capacity and move in the wrong direction for Briers North.

I also wish to avoid any precedent for additional driveway construction in this 75' buffer between Brierwood Place and Laurelwood Road. While the property at 2608 Laurelwood Road has a driveway in the buffer, it has existed for decades. I would support its replacement, if necessary, but not its expansion, re-grading, retaining walls, or new construction such as that proposed at 4600 Brierwood Place, for the same stormwater-related reasons.

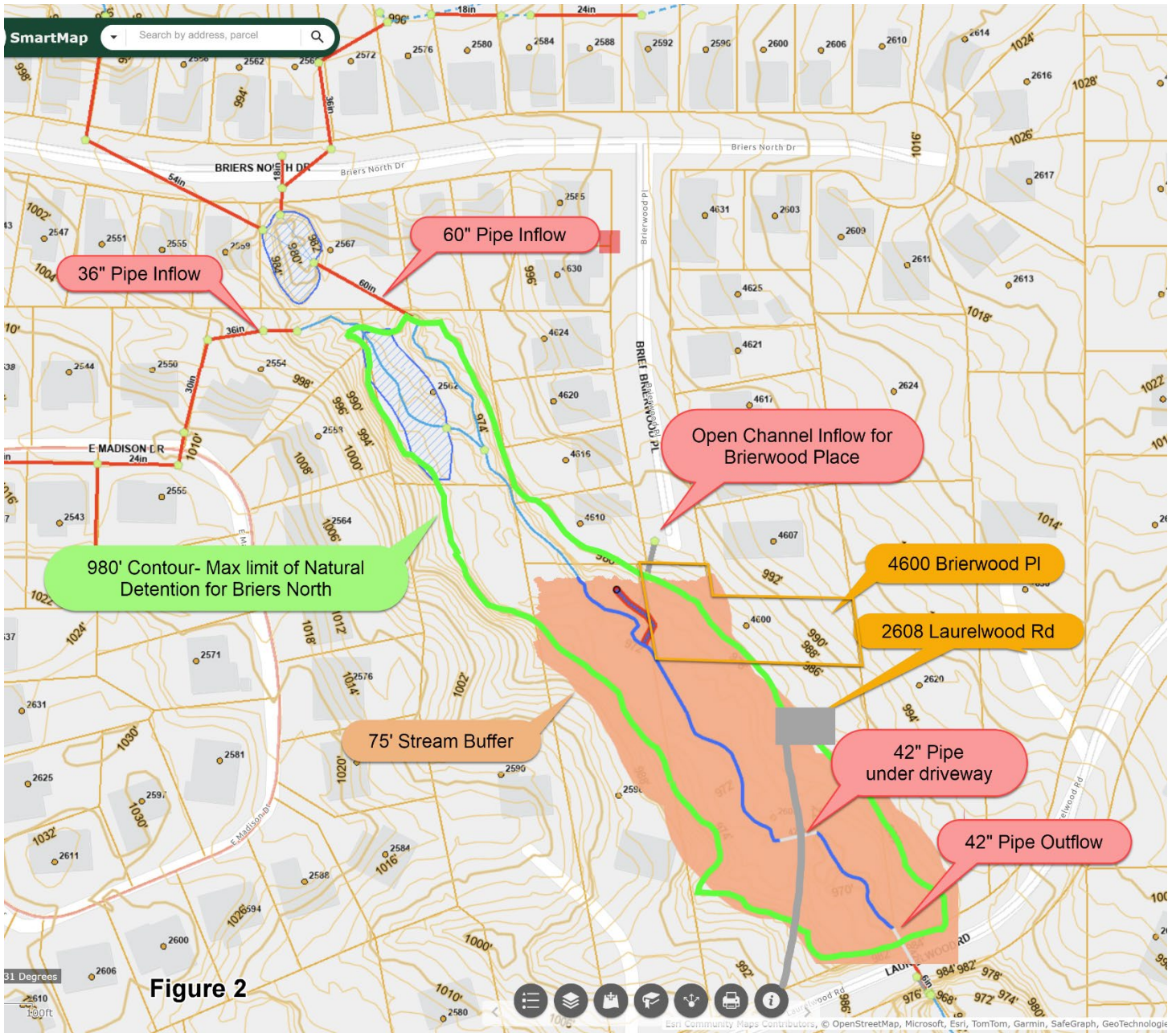
Finally, in combination, the two requested variances would **negatively affect the character of Brierwood Place**. The current rounded street terminus would be replaced by an off-center, left-shifted entrance, adjacent to an exposed stormwater ravine on the right side of the remaining terminus frontage. This would create an unbalanced and visually discordant streetscape.

For these reasons, I respectfully request that the Board deny the variance requests.

Sincerely,

Frank O'Neill
2559 Briers North Dr.





6/22/2026

ZBA Board Members,

I am Lindsay Ballow and I live at 4607 Brierwood Place for approximately 6 years. This letter serves as my statement of opposition to the variances requested in ZBA 26-13, 4600 Brierwood Place. My opposition concerns as summarized below:

1st Variance – 75 foot Stream Buffer for Driveway

- Most of the proposed driveway will be within the 75 stream buffer. Driveway will be concrete, and will run approximately 40 feet from the cul-de-sac, then curve right for an additional 30 feet and end with a concrete slab for a turnaround.
 - Being concrete this will increase the runoff both in speed and volume and will concentrate the stormwater flowing towards the stream
 - Removal of the trees to build the driveway will increase the runoff volume and concentrate the stormwater
- The stream was called a ‘minor stream’ in the application and stated that it is not in a floodplain
 - It would qualify as a ‘minor stream’ only when storms are not present
 - During hard rain the stream will breach its bank and cause flooding. The flood zone has been as wide as 40-50 feet as documented in the video sent to City Planners and in the attached photo.
- The 75’ stream buffer has been in place in Dunwoody since 2008 and has served the residents well
- Current environmental protections such as the stream buffer make development inappropriate
- Dunwoody has come a long way since we have become a city to increase the standards within the city limits, upholding our ordinances is important to keep these standards high throughout Dunwoody

2nd Variance - Contextual Setback

- Briers North neighborhood has been in existence since the late 1980’s
- The home will be at the end of a long curving driveway and will not be consistent with the look and feel of the neighborhood
- The proposed placement would substantially alter the well established character of the neighborhood

- The impact of the tree removal will be considerable, adding to the water runoff issues caused by the of construction of the driveway

2 Photos below

Floodplaincrossing 4600 Brierwood Place



Stormwater runoff from street into the lot of 4600 Brierwood



Included with this letter is a video that shows the extent of the flooding that takes place when strong rains occur. The stream exceeds the banks roughly 40 feet showing the flooding that occurs where the stream goes through the lot of 4600 Brierwood Pl.

When deliberating on this matter please take in consideration the impact this construction will have on the entire Briars North neighborhood, one of the most unique and 'almost historic' neighborhoods in the area.

For the many reasons above I request that the Dunwoody ZBA deny the variances as requested.

Lindsay Ballow
4607 Brierwood Place
Dunwoody, GA 30360

6/24/2026

Attention of: Dunwoody Zoning Board of Appeals

Ellen Etheridge, Chair, Ryan Esslinger, Vice-Chair, Ardy Bastien, Erika Harris, Ryan Schwartz, Tara Targovnik, Joe Tuttle

Reference: Request for Variances for 4600 Brierwood Place

To the Members of the Zoning Board of Appeals,

I am writing in opposition to the variance requests associated with 4600 Brierwood Place.

I am one of the owners of 4611 Brierwood Place. My connection to this neighborhood spans nearly four decades. My family was among the original homeowners in this section of the neighborhood. My father worked with the builder during the construction of our home, and we moved into the neighborhood in 1989. Although I lived elsewhere for a period after college, I returned following the loss of my mother and have lived down the street for the past eighteen years. I care deeply about this neighborhood, its character, and the people who live here.

My opposition is not based on a desire to prevent all development of this lot. Rather, it is based on concerns that the applicant has not demonstrated that the requested variances can be granted without negatively impacting neighboring properties, the stream corridor, and the established character of the neighborhood.

The most significant concern is stormwater management and the condition of the creek that runs behind the cul-de-sac.

Over the years, I have personally witnessed the effects of heavy rainfall on this area. My family's home experienced repeated basement flooding during major rain events. The water intrusion was severe enough that a previously finished basement ultimately had to be gutted because of extensive black mold. Even after waterproofing measures were completed, a dehumidifier remains necessary to control moisture levels. I am also familiar with the long history of flooding experienced at nearby homes, including 4607 Brierwood Place, as I have known several of that home's owners, and I know that neighboring properties continue to experience water issues during significant storms.

While the stream may appear relatively minor during dry weather, that does not reflect its behavior during major rain events. I have seen videos showing the creek swell dramatically during heavy downpours, expanding approximately 40 to 50 feet in width. This demonstrates that the stream corridor serves an important stormwater management and

flood-buffering function for both our neighborhood and surrounding areas during significant rain events.

I am also concerned about the broader implications of granting a variance for permanent driveway construction within the City's 75-foot stream buffer. The stream buffer ordinance exists to protect waterways, absorb stormwater, reduce flooding impacts, and protect neighboring properties. While each variance request must be evaluated on its own merits, approving encroachment into the buffer under circumstances where the environmental impacts have not been fully demonstrated may weaken the protections the ordinance was intended to provide.

The applicant states that stream flows will not be impacted, that runoff will not destabilize the stream bank, and that downstream water quality will not be affected. However, the application does not appear to provide supporting engineering studies, hydrologic analyses, or other technical evidence demonstrating how those conclusions were reached.

I am particularly concerned about the proposed encroachment into the City stream buffer and the addition of impervious surface associated with the driveway and home. Regardless of whether the driveway itself is a source of pollutants, impervious surfaces reduce infiltration and increase the volume and velocity of stormwater runoff. Given the existing flooding history in this area, I do not believe it has been demonstrated that additional runoff can be introduced without consequences to neighboring properties or the stream corridor.

The application also repeatedly characterizes the stream as "minor" and asserts that water flows will not be impacted. However, the experiences of residents who have lived here for decades suggest that the stream plays a significant role during storm events. I respectfully submit that the Board should carefully consider the stream's behavior during major rain events rather than relying solely on observations made during dry conditions.

I am also concerned that the requested contextual setback variance would undermine the purpose of the ordinance. The homes on Brierwood Place were designed with a consistent relationship to the street that contributes to the neighborhood's character and appearance. The proposed site plan places the home substantially farther back than neighboring homes and requires a long driveway that extends deep into the lot before turning sharply toward the proposed residence. As a result, the visual experience at the end of the cul-de-sac would be significantly altered.

The applicant argues that the lot's constraints make compliance difficult. However, the fact that compliance is difficult does not necessarily mean that the purposes of the ordinance should be set aside. Contextual setback requirements exist to preserve the established

streetscape and neighborhood character. In my view, the proposed development would be inconsistent with those goals.

I am additionally concerned about the extent of site disturbance and tree removal required to accommodate the proposed development. Because the home would be located far back on the lot and largely hidden from the street, it is unclear what the long-term visual impact of the cleared area will be once construction is complete. Mature trees and vegetation currently contribute to the character of the area and provide environmental benefits that should not be overlooked.

I understand that there may be additional analysis regarding this application in the staff report, which I look forward to reviewing. If additional information becomes available before the hearing, I look forward to considering it and discussing it during my remarks at the public hearing.

Based on the information currently available, I do not believe the applicant has met the burden of demonstrating that the requested variances will be at least as protective of neighboring properties, environmental resources, and the public welfare as required by the City's ordinances. For these reasons, I respectfully request that the requested variances be denied.

Thank you for your consideration.

Sincerely,

Samantha Gold

Owner, 4611 Brierwood Place

July 2, 2026

4600 Brierwood Place Dunwoody, GA 30360

Variance And Special Exception Application -ZBA 26-13

- Environmental Impact

1. Request tree canopy protection to include trees at the entrance to property from the Brierwood Place cul-de-sac.
2. Request planting of trees that have been removed.
3. Request measures to protect the creek from run off as a result of any tree removal and disruption of the grade on the building site.

Note: Wildlife live in and around the trees to include owls and deer and fish and beaver all live in the creek. Significant runoff from rain has been observed entering the stream from neighboring properties creating a significant overflow of the stream.

- Sound Buffer Impact

1. Request planting of trees removed to maintain sound buffer protection from road and vehicle noise emanating from Peachtree Road (Peachtree Industrial Blvd).

Note: Two trees recently removed from the creek boundary located on a property on Laurelwood Rd have disrupted some of the barrier, further removal will have a profound impact.

- Visual Impact

1. Request that any disruption in the aesthetic to the Briers North neighborhood on Brierwood Place be mitigated with the planting of trees and shrubs.

MEMORANDUM

To: Zoning Board of Appeals

From: Allegra DeNooyer, Planner II

Date: July 2, 2026

Subject: ZBA 26-14 – 1348 Nerine Circle, Parcel ID # 18 363 07 027

REQUEST

Jim Milam, property owner at 1348 Nerine Circle, Dunwoody, GA, 30338, requests one special exception from Chapter 27, Section 147: one to allow a new home to encroach into the contextual street setback range and two variances: one from Chapter 27, Section 270 to allow a wing wall to encroach into the side setback and one from Chapter 16, Section 78 to allow encroachment into the 75-foot stream buffer for storm water management improvements.

APPLICANT

Property Owner:
 Jim Milam

APPLICATION UPDATE, 6.23.2026

When the variance application was originally submitted, it included a request for a special exception from Chapter 27, Section 147 to allow front door threshold elevation above contextual requirements. The residential infill regulations dictate that the front door threshold elevation may not be more than two feet higher than the average elevation of the existing natural grade at the front building line, which is 1024.2 feet. The Community Development Director is authorized to approve a three foot increase in the front door threshold elevation because of exceptional topography – the applicant was originally requesting an additional three feet to reach a maximum front door threshold elevation of 1030. On June 23, the applicant withdrew that piece of the request – the maximum front door threshold elevation will be 1027.2 feet and thus does not require a special exception.

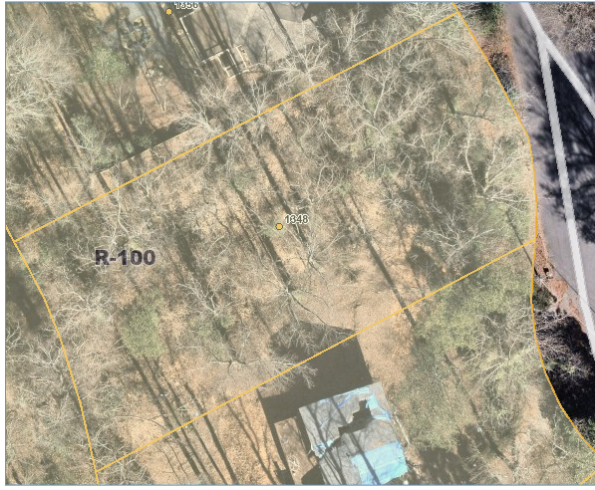
BACKGROUND & PROPOSED DEVELOPMENT

The subject lot, 1348 Nerine Circle, is zoned Single-dwelling Residential-100 (R-100) and abuts R-100 on all sides. The subject lot is 0.46 acres and is undeveloped. A stream runs along the western property line and the western half of the property has a 25-foot state buffer and 75-foot stream buffer. The property slopes down approximately 40 feet from the front property line to the rear property line.

Aerial image:



Zoning map:



The applicant proposes to build a new home on the lot. In order to do so, the applicant requests one special exception and two variances.

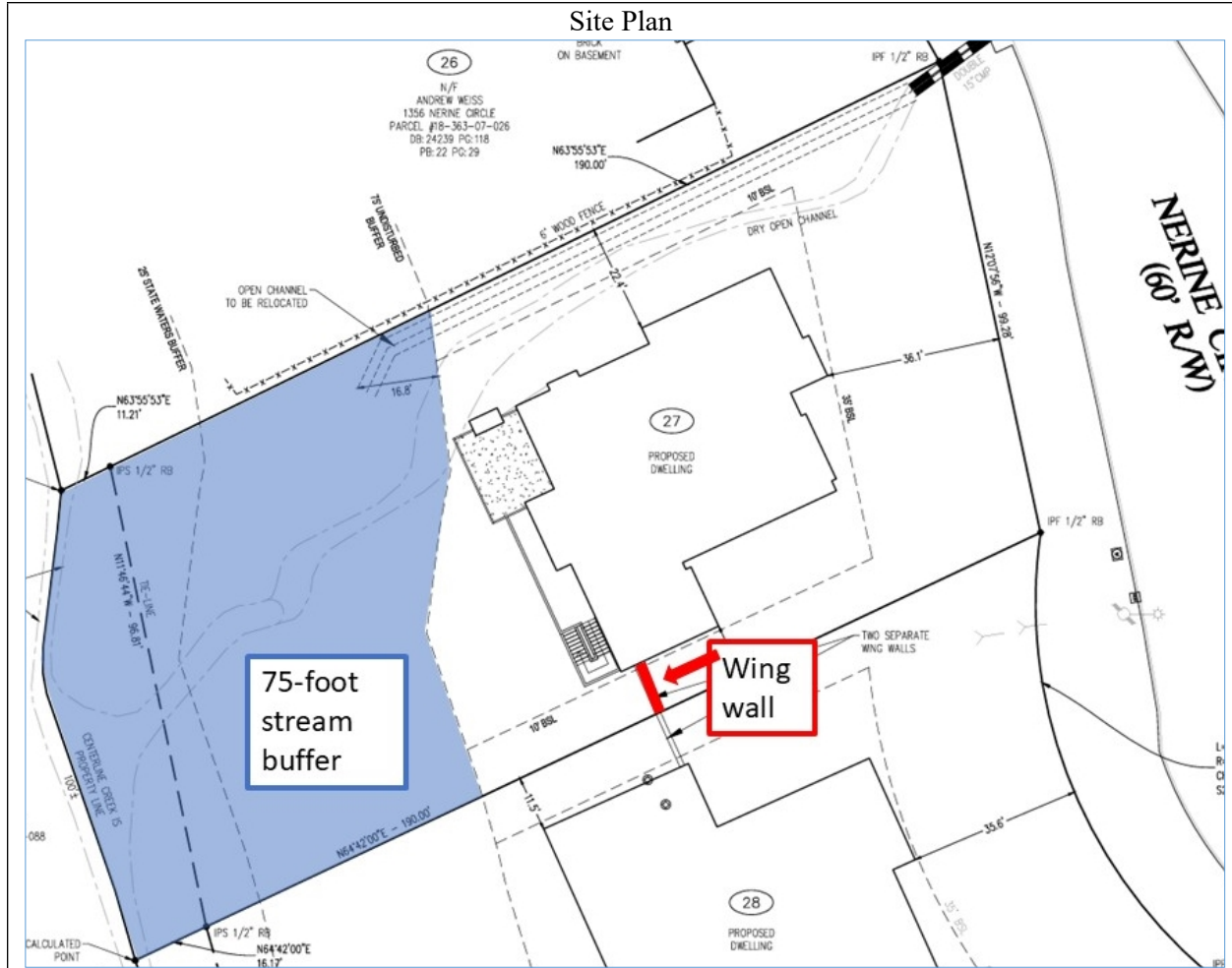
The residential infill regulations dictate that the front façade of the new house must be located within the range of street setbacks observed by the two neighboring properties on both sides of the subject lot, which is ~43 feet to ~95 feet. The applicant proposes to build the house closer to the street, at a 35-foot street setback, prompting a contextual street setback special exception request.

The applicant proposes to construct a wing wall extending from the foundation to the southern property line in order to contain backfill. Wing walls cannot encroach into the side setback, prompting a zoning variance request.

A stormwater catch basin is located at the northeast corner of the property, producing outflow that flows to the rear property line. The applicant proposes to create an open ditch along the northern property line to control and manage the stormwater runoff. A portion of the ditch will encroach into the 75-foot stream buffer, prompting a stream buffer variance request.

Proposed Elevations





REVIEW AND APPROVAL CRITERIA – CONTEXTUAL STREET SETBACK SPECIAL EXCEPTION

Chapter 27, §27-421 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special exception:

- (1) The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested special exception does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
- (3) The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.

The contextual street setback regulations were created to ensure that new properties are not out of character with their surrounding neighborhood. However, the regulations are not written to consider the nuance of the particular situation of every property in Dunwoody. The adjacent properties that provide the contextual street setback standards for the subject property are located further back than the R-100 minimum 35-foot street setback requirements, ranging from 43 feet to 95 feet. Within this subdivision, typical street setbacks range from ~38 feet to ~70 feet. With a street setback of 35 feet, the new home will not appear out of scale for this subdivision and the proposed encroachment does not constitute a

grant of special privilege – the proposed street setback will conform to the typical R-100 street setback regulations.

Without accounting for the unique conditions of the property, the strict application of the contextual street setback regulations could prevent new construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the request to allow a new home to encroach into the contextual street setback range meets the spirit and intent of the zoning ordinance.

REVIEW AND APPROVAL CRITERIA – ZONING VARIANCE

Chapter 27, §27-397 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

- (1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
- (2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;
- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;
- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

The subject property slopes down approximately 40 feet from the front property line to the rear property line, presenting unique topographical challenges to new construction. In order to construct the new house, a large amount of backfill will be needed and will require support. The house will have a side entry garage, necessitating the wing wall in order to create a flat turnaround space and to facilitate the transition down to the walk-out basement. The side setback variance request for the wing wall thus appears to be the minimum necessary to afford relief. The project would not constitute a grant of special privilege – the wing wall is considered a relatively minor improvement. Without accounting for the unique conditions of the site, the strict application of the setback requirements would prevent new construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the request meets the spirit and intent of the zoning ordinance.

REVIEW AND APPROVAL CRITERIA – STREAM BUFFER VARIANCE

Chapter 16, §16-32 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a stream buffer variance:

(1) The request, while not strictly meeting the requirements of this chapter, will be, in the judgment of the zoning board of appeals, at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the zoning board of appeals must examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:

- a. Stream bank or soil stabilization;
- b. Trapping of sediment in surface runoff;
- c. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
- d. Terrestrial habitat, food chain, and migration corridor;
- e. Buffering of flood flows;
- f. Infiltration of surface runoff;
- g. Noise and visual buffers;
- h. Downstream water quality; and
- i. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

(2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

(3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.

(4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

(5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.

The applicant proposes to encroach into the 75-foot stream buffer in order to construct an open ditch along the northern property line to control and manage stormwater runoff. The open ditch is necessitated by an existing stormwater outlet located at the northeast corner of the property, which produces outflow that flows towards the stream along the rear property line. The stormwater runoff has caused severe erosion on the property – the applicant therefore proposes to backfill the eroded channel and create a new open ditch. The new ditch will have features such as landscaping fabric and large rocks to prevent erosion and slow down the runoff, which is an improvement for the protection of natural resources and the environment.

The stream buffer covers almost half of the subject property, limiting opportunities for developing the property without buffer encroachment. The proposed open ditch encroachment appears to be the minimum necessary to afford relief – it will encroach into the buffer by a maximum of 25 feet. The proposed ditch will not increase stormwater runoff – it will merely reroute the current runoff in a more controlled, managed solution. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the strict application of the stream buffer regulations would cause an extreme hardship by preventing reasonable use of the property.

COMMENTS FROM OTHER PARTIES

Correspondence Received: None.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Based on the above analysis and findings staff has determined that the requested special exception and variances do meet the requirements of Chapter 27, §27-421, Chapter 27, §27-397, and Chapter 16, §16-32; therefore, staff recommends APPROVAL of the requests to allow a new home to encroach into the contextual street setback range, to allow a wing wall to encroach into the side setback, and to allow encroachment into the 75-foot stream buffer for storm water management with the following conditions:

1. Construction must be in substantial compliance with the submitted site plan, prepared by Keystone Land Surveying, Inc and dated 5.5.2026 (See Appendix A).
2. If construction has not commenced within two years of the granting of this variance, approval shall be void.

ATTACHMENTS

- Appendix A, Site Plan, prepared by Keystone Land Surveying, Inc and dated 5.5.2026
- Appendix B, Site Photos
- Variance Application

Appendix B, Site Photos



The existing conditions of the site.

VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _____

Type: _____

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-147 (2) (a)

Nature of Request: Decrease contextual street setback

Project:

Name of Project / Subdivision: Pine Forest Subdivision

Zoning: R-100

Property Address / Location: 1348 Nerine Circle

District: 18

Land Lot: 363

Block: B

Property ID: Lot 27

Owner Information:

Owner's Name: James Milam / Manget Property Development, LLC

Owner's Address: 3537 Dunwoody Club Dr., Atlanta, GA 30350

Phone: _____ Fax: _____

Email: _____

Applicant Information: ☒ Check here if same as Property Owner

Contact Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: James Milam

Applicant's Signature: James Milam

Date: 5-26-2026

Notary:

Sworn to and subscribed before me this 27th

Day of May, 2026

Notary Public: Charles Brewer

Signature: Charles Brewer

My Commission Expires: 06/26/2026

CHARLES BREWER
Notary Public - State of Georgia
DeKalb County
My Commission Expires Jun 26, 2026

Office Use:

☐ Application Fee Paid ☐ Public Notice Fee Paid (\$450) Fee: \$

Payment: ☐ Cash ☐ Check ☐ CC Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _____

ADDITIONAL VARIANCES

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-147 (1) (a)

Nature of Request: Increase front door threshold elevation above contextual requirements

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-270 (3)

Nature of Request: Allow wing wall to project into side setback

Type:

Type of Request: ☒ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: 16-78

Nature of Request: Allow encroachment into the 75' stream buffer for storm water discharge from street.

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Campaign Disclosure Ordinance

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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?

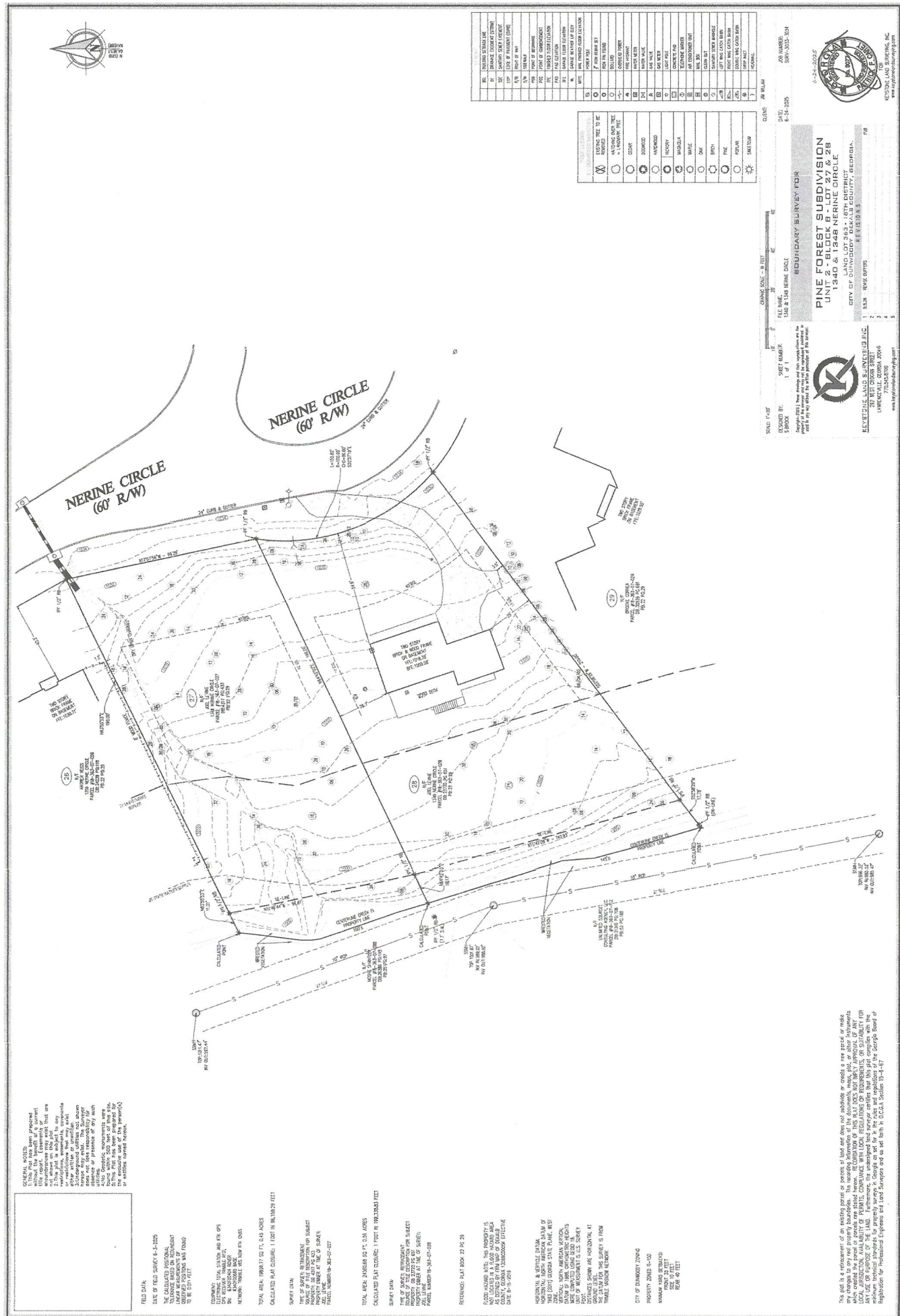
☐ YES ☒ NO

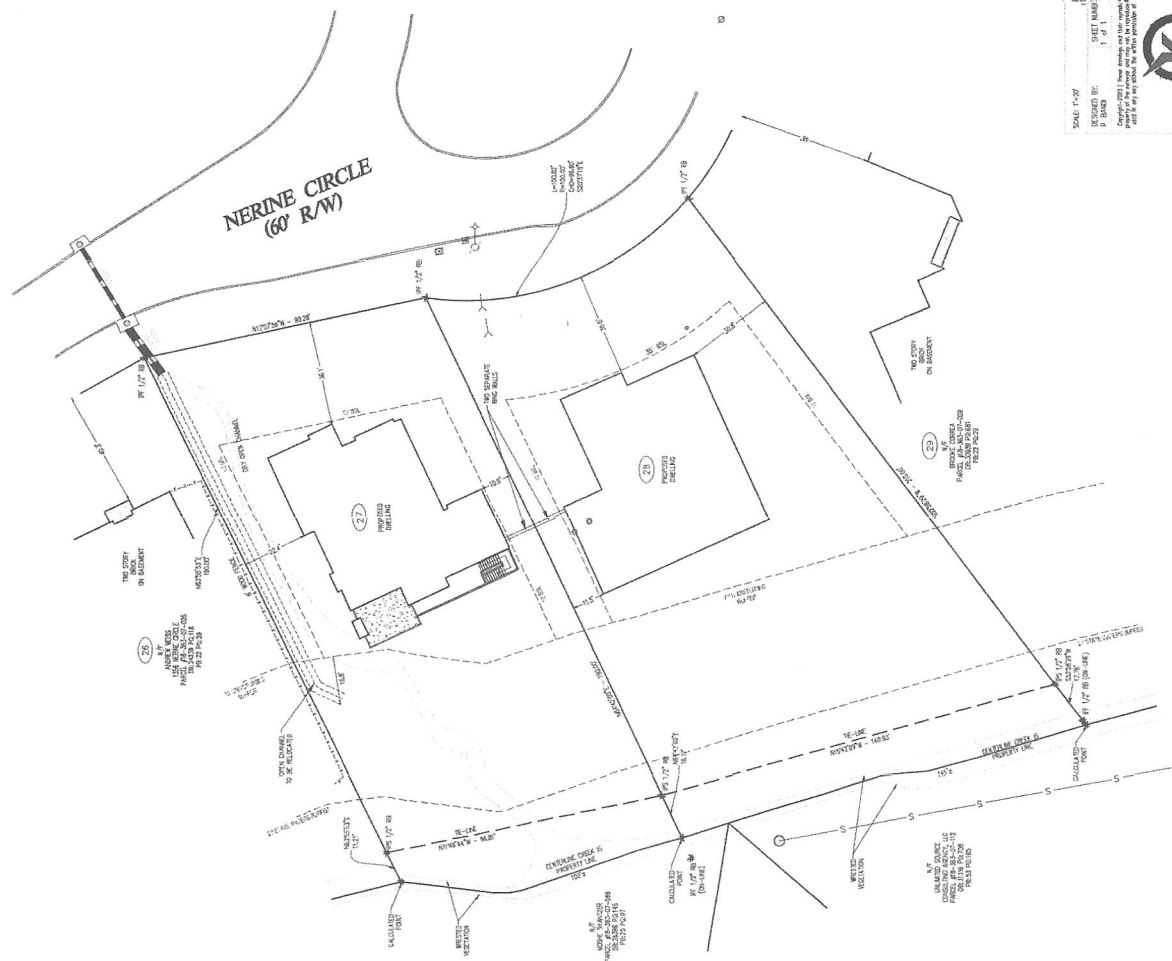
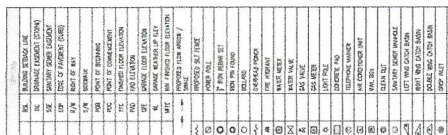
Applicant / Owner:

Signature: <i>Jim Milam (For Manget Prop. Dev.)</i>	Date: <i>5-4-2026</i>
Address: <i>3537 Dunwoody Club Dr., Atlanta, GA 30350</i>	

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

Date	Government Official	Official Position	Description	Amount



[illegible]

Journal of Interpersonal Violence 28(10) 1991-2007

[illegible]

CLIENT: JIM WILM
 DATE: 05-05-2008
 JOB NUMBER:
 DESIGN PROFESSIONAL CERTIFICATION #660005980
 EXPIRATION DATE: 05-05-2016
 EXPIRATION LEVEL: 1

 KESTINE LAND SURVEYING, INC.
 www.kestine-landsurvey.com
 FOR

May 4, 2026

Variance Request

Letter of Intent

RE: 1340 and 1348 Nerine Circle

Overview

I am the owner of 1340 and 1348 Nerine Circle; they are two separately platted lots. 1340 had an older house on it that was recently demolished. 1348 is vacant and was never built on. I intend to build two new houses on the property.

The property is very challenging because of the topography and a stream buffer in the back. Almost immediately off the curb, the property slopes down steeply about 15'.

Here's the street view of the property:



Here's a view from the middle of the property looking back toward the street. You can see the steep slope:



Variance Requests

Because of the difficult topography and the limitations with the 75' stream buffer, I am requesting a variance from four requirements of the City Municode.

(1) Decrease in Street Setback – 27-147 (2)(a) Residential Infill

I am requesting that the street setback for the two lots be decreased by six feet (6') to allow for a slightly larger buildable area to accommodate the house plans I intend to use, and to require less backfill in the front yards due to the difficult topography.

The infill section of the Code states that the street setback will be determined by the position of the two houses to the right of the subject property, and the two houses to the left of the property. Of

those four houses, the house that is closest to the front property line is at 1356 Nerine Circle. That house is 43' from the front property line. So based on the Infill requirements, the street setback on my two lots would be 43'. I am requesting that the setback be reduced to 35' to allow the new houses to be slightly closer to the street. It should be noted that this neighborhood is zoned R-100, which sets the street setback of 35'. Therefore, I am not requesting a reduction that exceeds the general zoning requirement.

(2) Increase in Front Door Threshold Elevation – 27-147 (1)(a) Residential Infill

I am requesting that the front door elevation for lot 1348 be increased about three feet (3') to provide more consistency with the houses immediately to the right and left of my two lots. Here's the calculations as required by the Infill section of the Code:

1348 Nerine Circle – Vacant Lot (To be built on first):

Ave. elevation of existing natural grade at building line:

$$(1026.3 + 1018.1) / 2 = 1022.2'$$

Add 2' (27-147 (1) (a)) and add 3' special topo request (27-147 (1) (d))

$$1022.2' + 2' + 3' = 1027.2'$$

1340 Nerine Circle – Threshold Averaging:

$$1348 \text{ Nerine } (1027.2') + 1336 \text{ Nerine } (1029.5') / 2 = 1028.35'$$

Add 3' special topo request (27-147 (1) (d))

$$1028.35' + 3' = 1031.35'$$

The house to the right at 1356 Nerine has a front door elevation of 1030.71'. The house to the left at 1336 Nerine has a front door elevation of 1029.5'. I am requesting that both of my houses be assigned a maximum front door threshold elevation of 1030.0'. This will provide excellent elevation consistency along this part of the street, which is the intent of the Residential Infill section of the Code.

(3) Wing Wall Encroachment into the Side Setback – 27-270 (3)

I am requesting that a wing wall for each house be allowed to project into the side setback extending to the side property line.

Because of the steep slope from the street, a large amount of backfill will be needed in front of the houses. This fill will need support between the two houses. For each house, a wing wall will be attached to the foundation and extend to the side property line. Although these walls will meet to contain the backfill, they will be separate and will be built at different times. Here's a sketch showing the wing wall of one of the houses:



The two wing walls are shown on the conceptual plan submitted with this variance application. A 36" high railing will be added on top of the wall for safety as required by the Code.

(4) Encroachment into the 75' Stream Buffer – 16-78

A stormwater catch basin is located at the street at the northwest corner of lot 1348. This structure was installed when the subdivision was established in the 1950's. The outflow from this structure goes across the property, flowing down to the stream at the back of the property.

Over 70 plus years, this runoff has caused severe erosion on the property. Here's two pictures showing the erosion in two different places:





This erosion cannot continue because it will only get worse, and it will affect the foundation of the house to be built on this lot.

The solution is to backfill this eroded channel and create a new open ditch through which the runoff will flow. The new ditch will have features (landscaping fabric, large rocks, etc.) to prevent erosion in the future.

To direct this runoff away from the back of the house so no damage is done to the foundation, the ditch to be created may need to extend into the stream buffer. I will limit the distance into the buffer to 25'. The path of the new ditch is shown on the conceptual plan submitted.

I implement any measures the City recommends or requires to ensure the buffer is minimally impacted.

It should be noted that there will be no increase in runoff from the street; this is simply a re-routing of the current volume of water. And this may actually improve the condition of the stream buffer because the runoff will be more controlled and the existing channel that is so deep and damaged will no longer carry the flow of water.

Thank you for your consideration,

A handwritten signature in cursive script that reads "James Milam".

James Milam

MEMORANDUM

To: Zoning Board of Appeals

From: Allegra DeNooyer, Planner II

Date: July 2, 2026

Subject: ZBA 26-15 – 1340 Nerine Circle, Parcel ID # 18 363 07 028

REQUEST

Jim Milam, property owner at 1340 Nerine Circle, Dunwoody, GA, 30338, requests two special exceptions from Chapter 27, Section 147: one to allow a new home to encroach into the contextual street setback range and one to allow front door threshold elevation above contextual requirements and one variance from Chapter 27, Section 270 to allow a wing wall to encroach into the side setback.

APPLICANT

Property Owner:
Jim Milam

BACKGROUND & PROPOSED DEVELOPMENT

The subject lot, 1340 Nerine Circle, is zoned Single-dwelling Residential-100 (R-100) and abuts R-100 on all sides. The subject lot is 0.56 acres and was previously developed with a two-story single-family home that was recently demolished.

Aerial image:



Zoning map:



A stream runs along the western property line and the western half of the property has a 25-foot state buffer and 75-foot stream buffer. The property slopes down approximately 40 feet from the front property line to the rear property line.

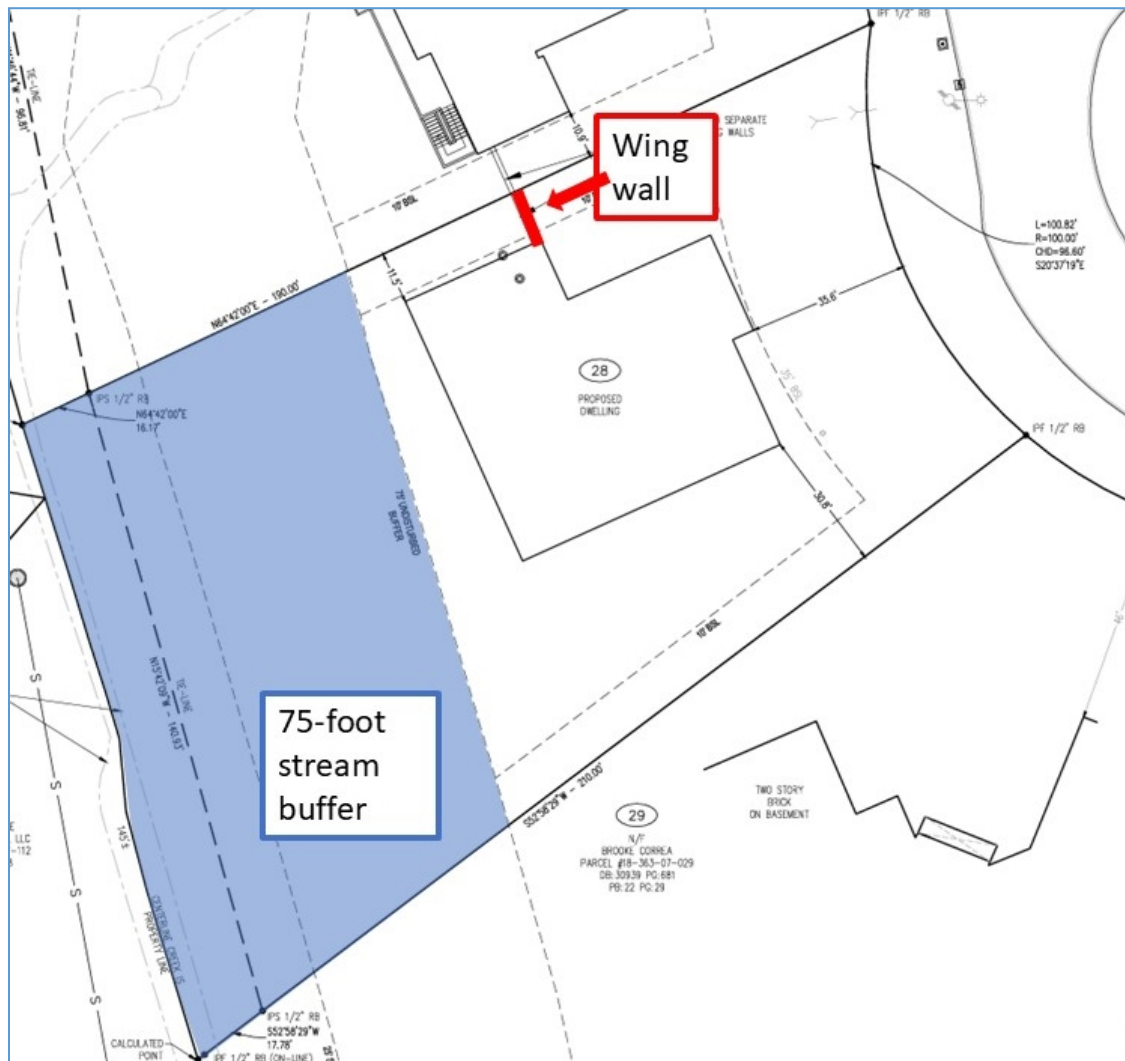
The applicant proposes to build a new home on the lot. In order to do so, the applicant requests two special exceptions and one variance.

The residential infill regulations dictate that the front façade of the new house must be located between the range of street setbacks observed by the two neighboring properties on both sides of the subject lot, which is ~43 feet to ~95 feet. The applicant proposes to build the house closer to the street, at a 35-foot street setback, prompting a contextual street setback special exception request.

The residential infill regulations also dictate that the front door threshold elevation may not be more than two feet higher than the front door threshold elevation of the residential structure that existed on the lot prior to demolition. The previous home had a front door threshold elevation of 1018 – the applicant is requesting a maximum front door threshold elevation of 1030, prompting a front door threshold elevation special exception request.

The applicant proposes to construct a wing wall extending from the foundation to the southern property line in order to contain backfill. Wing walls cannot encroach into the side setback, prompting a zoning variance request.

Site Plan



Proposed Elevations



REVIEW AND APPROVAL CRITERIA – CONTEXTUAL STREET SETBACK AND FRONT DOOR THRESHOLD ELEVATION SPECIAL EXCEPTIONS

Chapter 27, §27-421 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special exception:

- (1) The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
- (2) The requested special exception does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
- (3) The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.

The contextual street setback regulations were created to ensure that new properties are not out of character with their surrounding neighborhood. However, the regulations are not written to consider the nuance of the particular situation of every property in Dunwoody. The adjacent properties that provide the contextual street setback standards for the subject property are located further back than the R-100 minimum 35-foot street setback requirements, ranging from 43 feet to 95 feet. Within this subdivision, typical street setbacks range from ~38 feet to ~70 feet. With a street setback of 35 feet, the new home will not appear out of scale for this subdivision and the proposed encroachment does not constitute a grant of special privilege – the proposed street setback will conform to the typical R-100 street setback regulations.

The property's buildable area is limited by the 75-foot stream buffer, which covers almost half of the property. The previous house was located at a 54-foot street setback, set down at the low portion of the property. The location of the new home is pushed forward in order to prevent encroachment into the

stream buffer and to facilitate construction due to the steep grade on the property. Staff thus finds that the request does not go beyond the minimum necessary to afford relief.

The front door threshold elevation regulations were written to ensure that new properties are at consistent elevations with their surrounding neighborhood. The applicant requests that the new house on the subject property be allowed a front door threshold elevation of 1030 feet. This is in line with surrounding properties – 1356 Nerine Circle and 1336 Nerine Circle have front door threshold elevations of 1030.71 feet and 1029.5 feet respectively. The front door threshold elevation request thus does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties and the new home will not appear out of scale for this subdivision.

Without accounting for the unique conditions of the property, the strict application of the contextual street setback regulations and the front door threshold elevation regulations could prevent new construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the requests to allow a new home to encroach into the contextual street setback range and to allow front door threshold elevation above contextual requirements meet the spirit and intent of the zoning ordinance.

REVIEW AND APPROVAL CRITERIA – ZONING VARIANCE

Chapter 27, §27-397 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

- (1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
- (2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;
- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;
- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

The subject property slopes down approximately 40 feet from the front property line to the rear property line, presenting unique topographical challenges to new construction. In order to construct the new house, a large amount of backfill will be needed and will require support. The house will have a side entry garage, necessitating the wing wall in order to create a flat turnaround space and to facilitate the transition down to the walk-out basement. The side setback variance request for the wing wall thus appears to be the minimum necessary to afford relief. The project would not constitute a grant of special privilege – the wing wall is considered a relatively minor improvement. Without accounting for the unique conditions of the site, the strict application of the setback requirements would prevent new

construction, which staff considers a practical difficulty. Overall, staff finds that the project would not be detrimental to the public health, safety, or welfare and that the request meets the spirit and intent of the zoning ordinance.

COMMENTS FROM OTHER PARTIES

Correspondence Received: None.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

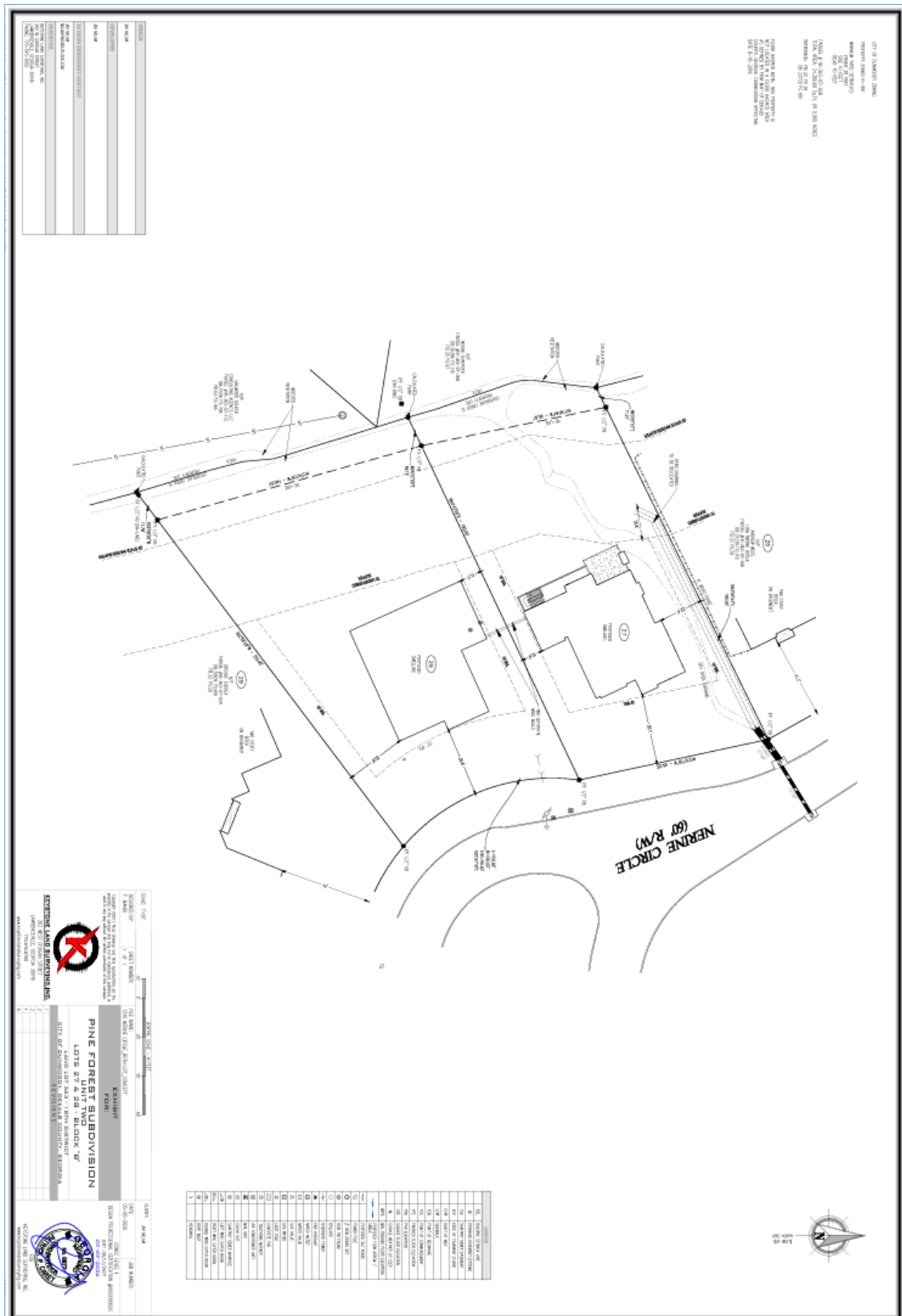
Based on the above analysis and findings staff has determined that the requested special exceptions and variance do meet the requirements of Chapter 27, §27-421 and Chapter 27, §27-397; therefore, staff recommends APPROVAL of the requests to allow a new home to encroach into the contextual street setback range, to allow front door threshold elevation above contextual requirements, and to allow a wing wall to encroach into the side setback with the following conditions:

1. Construction must be in substantial compliance with the submitted site plan, prepared by Keystone Land Surveying, Inc and dated 5.5.2026 (See Appendix A).
2. If construction has not commenced within two years of the granting of this variance, approval shall be void.

ATTACHMENTS

- Appendix A, Site Plan, prepared by Keystone Land Surveying, Inc and dated 5.5.2026
- Appendix B, Site Photos
- Variance Application

Appendix A, Site Plan



Appendix B, Site Photos



The existing conditions of the site.

VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _____

Type: _____

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-147 (2) (a)

Nature of Request: Decrease contextual street setback

Project:

Name of Project / Subdivision: Pine Forest Subdivision

Zoning: R-100

Property Address / Location: 1340 Nerine Circle

District: 18

Land Lot: 363

Block: B

Property ID: Lot 28

Owner Information:

Owner's Name: James Milam / Manget Property Development LLC

Owner's Address: 3537 Dunwoody Club Dr., Atlanta, GA 30350

Phone: _____ Fax: _____

Email: _____

Applicant Information: ☒ Check here if same as Property Owner

Contact Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: James Milam

Applicant's Signature: [Signature]

Date: 5-26-2026

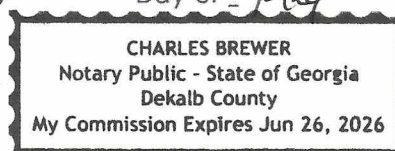
Notary:

Sworn to and subscribed before me this 27th Day of May, 2026

Notary Public: Charles Brewer

Signature: [Signature]

My Commission Expires: 06/26/26



Office Use:

☐ Application Fee Paid ☐ Public Notice Fee Paid (\$450) Fee: \$

Payment: ☐ Cash ☐ Check ☐ CC Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _____

ADDITIONAL VARIANCES

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-147 (1)(a)

Nature of Request: Increase front door threshold elevation above contextual requirements

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☒ Chapter 27-Zoning

Code section from which variance is sought: 27-270 (3)

Nature of Request: Allow wing wall to project into side setback

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Campaign Disclosure Ordinance

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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

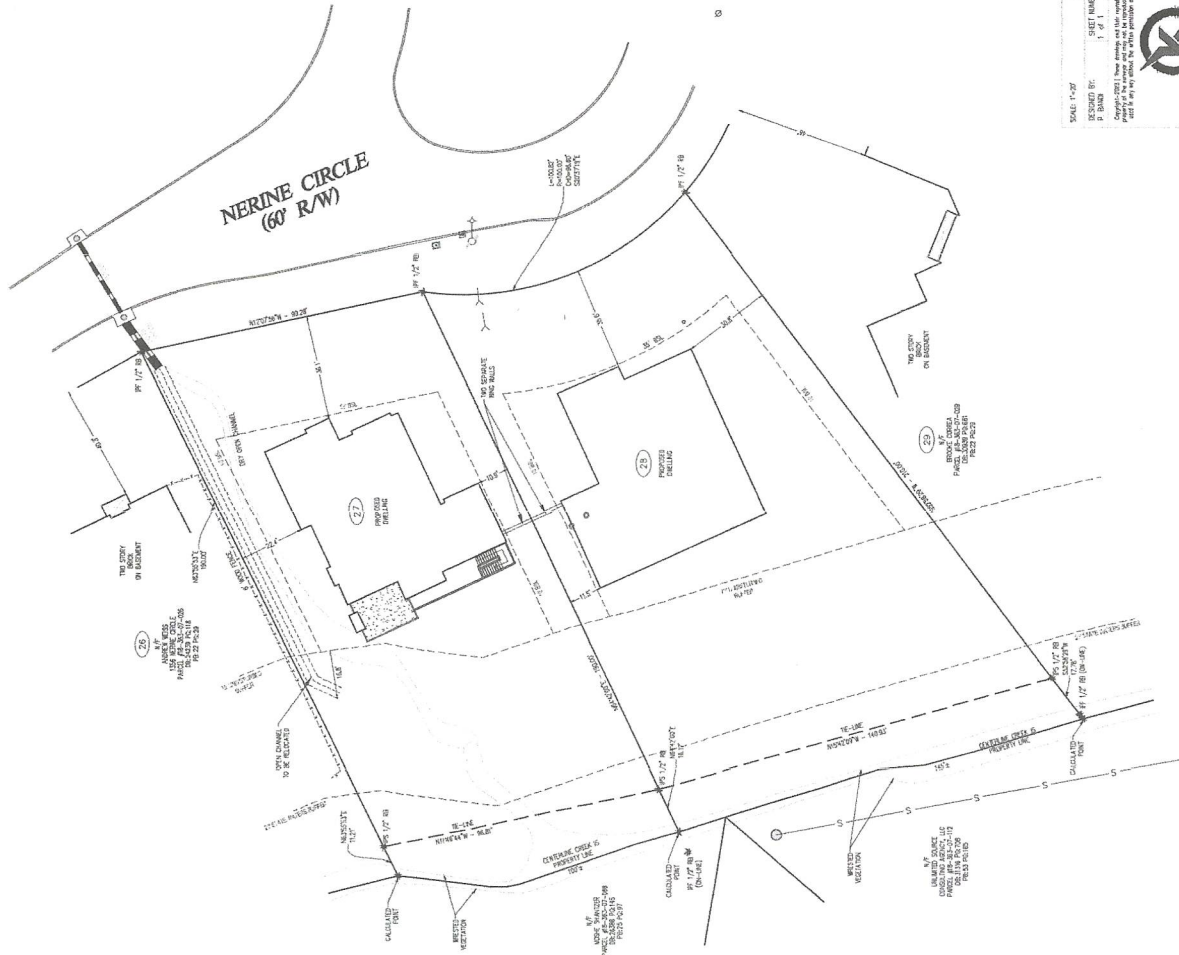
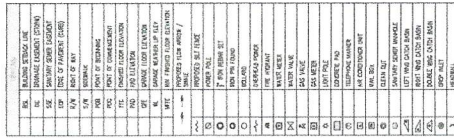
Applicant / Owner:

Signature: <i>Jim Milam (For Manget Prop. Dev.)</i>	Date: <i>5-4-2026</i>
Address: <i>3537 Dunwoody Club Dr., Atlanta, GA 30350</i>	

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

Date	Government Official	Official Position	Description	Amount



[illegible]

— Nuala Punt, *Coal/ILS Division*, NC Resident/Veritas Corp., 1240 & 1246, Site Plan/1040 N. Main, Suite 101, Concord, NC

Packet page:...

May 4, 2026

Variance Request

Letter of Intent

RE: 1340 and 1348 Nerine Circle

Overview

I am the owner of 1340 and 1348 Nerine Circle; they are two separately platted lots. 1340 had an older house on it that was recently demolished. 1348 is vacant and was never built on. I intend to build two new houses on the property.

The property is very challenging because of the topography and a stream buffer in the back. Almost immediately off the curb, the property slopes down steeply about 15'.

Here's the street view of the property:



Here's a view from the middle of the property looking back toward the street. You can see the steep slope:



Variance Requests

Because of the difficult topography and the limitations with the 75' stream buffer, I am requesting a variance from four requirements of the City Municode.

(1) Decrease in Street Setback – 27-147 (2)(a) Residential Infill

I am requesting that the street setback for the two lots be decreased by six feet (6') to allow for a slightly larger buildable area to accommodate the house plans I intend to use, and to require less backfill in the front yards due to the difficult topography.

The infill section of the Code states that the street setback will be determined by the position of the two houses to the right of the subject property, and the two houses to the left of the property. Of

those four houses, the house that is closest to the front property line is at 1356 Nerine Circle. That house is 43' from the front property line. So based on the Infill requirements, the street setback on my two lots would be 43'. I am requesting that the setback be reduced to 35' to allow the new houses to be slightly closer to the street. It should be noted that this neighborhood is zoned R-100, which sets the street setback of 35'. Therefore, I am not requesting a reduction that exceeds the general zoning requirement.

(2) Increase in Front Door Threshold Elevation – 27-147 (1)(a) Residential Infill

I am requesting that the front door elevation for lot 1348 be increased about three feet (3') to provide more consistency with the houses immediately to the right and left of my two lots. Here's the calculations as required by the Infill section of the Code:

1348 Nerine Circle – Vacant Lot (To be built on first):

Ave. elevation of existing natural grade at building line:

$$(1026.3 + 1018.1) / 2 = 1022.2'$$

Add 2' (27-147 (1) (a)) and add 3' special topo request (27-147 (1) (d))

$$1022.2' + 2' + 3' = 1027.2'$$

1340 Nerine Circle – Threshold Averaging:

$$1348 \text{ Nerine } (1027.2') + 1336 \text{ Nerine } (1029.5') / 2 = 1028.35'$$

Add 3' special topo request (27-147 (1) (d))

$$1028.35' + 3' = 1031.35'$$

The house to the right at 1356 Nerine has a front door elevation of 1030.71'. The house to the left at 1336 Nerine has a front door elevation of 1029.5'. I am requesting that both of my houses be assigned a maximum front door threshold elevation of 1030.0'. This will provide excellent elevation consistency along this part of the street, which is the intent of the Residential Infill section of the Code.

(3) Wing Wall Encroachment into the Side Setback – 27-270 (3)

I am requesting that a wing wall for each house be allowed to project into the side setback extending to the side property line.

Because of the steep slope from the street, a large amount of backfill will be needed in front of the houses. This fill will need support between the two houses. For each house, a wing wall will be attached to the foundation and extend to the side property line. Although these walls will meet to contain the backfill, they will be separate and will be built at different times. Here's a sketch showing the wing wall of one of the houses:



The two wing walls are shown on the conceptual plan submitted with this variance application. A 36" high railing will be added on top of the wall for safety as required by the Code.

(4) Encroachment into the 75' Stream Buffer – 16-78

A stormwater catch basin is located at the street at the northwest corner of lot 1348. This structure was installed when the subdivision was established in the 1950's. The outflow from this structure goes across the property, flowing down to the stream at the back of the property.

Over 70 plus years, this runoff has caused severe erosion on the property. Here's two pictures showing the erosion in two different places:





This erosion cannot continue because it will only get worse, and it will affect the foundation of the house to be built on this lot.

The solution is to backfill this eroded channel and create a new open ditch through which the runoff will flow. The new ditch will have features (landscaping fabric, large rocks, etc.) to prevent erosion in the future.

To direct this runoff away from the back of the house so no damage is done to the foundation, the ditch to be created may need to extend into the stream buffer. I will limit the distance into the buffer to 25'. The path of the new ditch is shown on the conceptual plan submitted.

I implement any measures the City recommends or requires to ensure the buffer is minimally impacted.

It should be noted that there will be no increase in runoff from the street; this is simply a re-routing of the current volume of water. And this may actually improve the condition of the stream buffer because the runoff will be more controlled and the existing channel that is so deep and damaged will no longer carry the flow of water.

Thank you for your consideration,

A handwritten signature in cursive script that reads "James Milam".

James Milam