

ZONING  
CASE NUMBER  
#M 91-030

RECORD OF PROCEEDINGS TO CHANGE CLASSIFICATION OF PROPERTY IN:

LAND LOT(S) 39

DISTRICT 17

LOCATED: HIGHPOINT ROAD

SEE ALSO: 491-20

PRESENT ZONING CLASSIFICATION R-2

PROPOSED ZONING CLASSIFICATION \_\_\_\_\_



NAME(S) OF PROPERTY OWNER(S): KATHERINE & JACOB GREENFIELD HEBREW  
ACADEMY OF ATLANTA, INC.

*Held 8-7-91*  
*Approved 9-4-91*

NAME(S) OF PETITIONER(S): C. ANTHONY MENEFFEE

MAILING ADDRESSES: SEE APPLICATION FOR ADDRESS OF OWNER(S)  
AND PETITIONER(S)

HEARING SET FOR: AUGUST 7, 1991

PROPOSAL FILED: 7-11-91 AMOUNT OF FEE: \$300.00

RECEIPT NUMBER: 3697 FEE DEPOSITED: 7-11-91

OFFICIAL ZONING MAP CHANGED: \_\_\_\_\_

FIELD MAP CHANGED: \_\_\_\_\_ MAPS CHANGED BY: \_\_\_\_\_

PROPOSED USE: TO MODIFY CONDITION 4.6

COMMENTS: \_\_\_\_\_

#2

91-RM-316 ZONING MODIFICATION - #M91-030 NFC, NORTHLAND DRIVE  
(HELD)

Ms. Avarita Hanson, Clerk, presented the following memorandum:

To: Avarita L. Hanson, Clerk to the Fulton County  
Commissioner

From: Nancy Leathers, Deputy Director, P&ED

Date: August 1, 1991

Subject: Zoning Modifications, August 7, 1991 Board of  
Commission Meeting

The attached report contains the Planning Staff's recommendations for the Request(s) to Modify Zoning Conditions which have been submitted for your consideration, pursuant to the authority contained in Section 22.10.6, Public Hearing, of Article XXII, APPEALS, of the Fulton County Zoning Resolution.

Petition No.

Related File

Location

Staff's Recommendation

M91-030 NFC

Northland Drive

DEFERRAL

U91-020 NFC

There was no one present in opposition to this Zoning Modification.

Ms. Christine Godfrey, P&ED said that this was a request to delete the road improvements along Northland Drive for the Hebrew Academy. She stated that the Staff is asking that the Board defer this case for 30 days.

C. Anthony Menefee, 986 Drewry Street - "I am here representing the Greenfield Hebrew Academy. We are currently seeking relief from the widening for a number of reasons, one of which is that we are currently seeking this use permit to build a minor addition to the Academy to address some academic programs. These additions do not increase in ... or traffic burden. The first addition is a 1,100 square foot cafeteria expansion, costing approximately \$58,000. The recommended road improvements without earth work would cost between \$34,000 and \$37,000. The neighborhood does not endorse these road widening requirements because they would affectively destroy the vegetation and natural berms that screen the school from the neighborhood and protect the neighborhood

character. We have also designed sidewalks that have been reviewed and approved by the Highpoint Civic Association and Fulton County. Thank you."

**Pam Clemmons, 4870 Northland Drive** - "I represent the Highpoint Civic Association. I just want to enter into the records, seventeen letters from adjacent neighbors in support of this modification."

**Chairman Lomax** - "Now, wait, you have to explain that to me."

**Ms. Clemmons** - "They do not want the widening of Northland Drive."

**Chairman Lomax** - "You don't mind what the Hebrew Academy is doing, but you don't want these road improvements at the same time?"

**Ms. Clemmons** - "We don't want the road improvements at the same time and we want our sidewalk agreement to stand."

A motion to hold Modification #M91-030 NFC for 30 days was made by Commissioner Lowe, seconded by Chairman Lomax and carried by a vote of 6-0-0. Commissioner Boxill did not vote.



## INTEROFFICE MEMORANDUM

**To:** Avarita L. Hanson, Clerk to the Commission  
**From:** Nancy Leathers, Acting Director, P&ED *NL*  
**Date:** August 30, 1991  
**Subject:** Deferred Zoning Modification M91-030 NFC (U91-020 NFC),  
Northland Drive, Hebrew Academy

The above-referenced Zoning Modification was held by the Board of Commissioners at their August 7, 1991 meeting in order to allow the staff, applicant and the neighborhood an opportunity to reach a solution to the request.

This request is to delete the requirement to improve Northland Drive a total of 14.5 feet from the centerline to the back of curb. Staff has met with the applicant and representatives of the neighborhood on several occasions. A portion of the road frontage along Northland Drive involves a natural earthen berm which provides an effective screen of the existing Hebrew Academy building. If the road improvement were required along that portion, the berm would have to be taken down in order to accommodate the required grades for the roadway and sidewalks. Therefore, the neighborhood opposes the widening of Northland Drive in the area which would remove the berm.

The Fulton County Traffic Engineer has suggested several cross sections for the required widening, one of which would involve the relocation of the centerline of the roadway. The neighborhood is also in opposition to this as it would involve the removal of several trees on the east side of Northland Drive.

Conceptual cost estimates for the proposed construction were submitted by the RBA Engineering Group listing three options with the high cost estimate of \$69,843.00 and a low cost estimate of \$41,139.00. After review of the proposed cost estimates, The Hebrew Academy requests that the Board approves the following: (1) postponement of cost of construction until phase 2 (chapel); (2) submittal of a \$20,000 letter of credit to be called upon within three years; (3) construction work performed by the Fulton County Department of Public Works.

According to the Traffic Engineer, the required 14.5 foot section from centerline is a standard 2-lane road section required for all rezonings/use permit applications on this roadway. To delete the requirement or delay its construction would set a precedent for future road improvements in the area. Therefore, staff recommends that the applicant be required to provide 14.5 feet of improvement from the existing centerline or a relocated center line. Therefore, staff recommends APPROVAL CONDITIONAL of the applicant's request.

**RECOMMENDED CONDITION:**

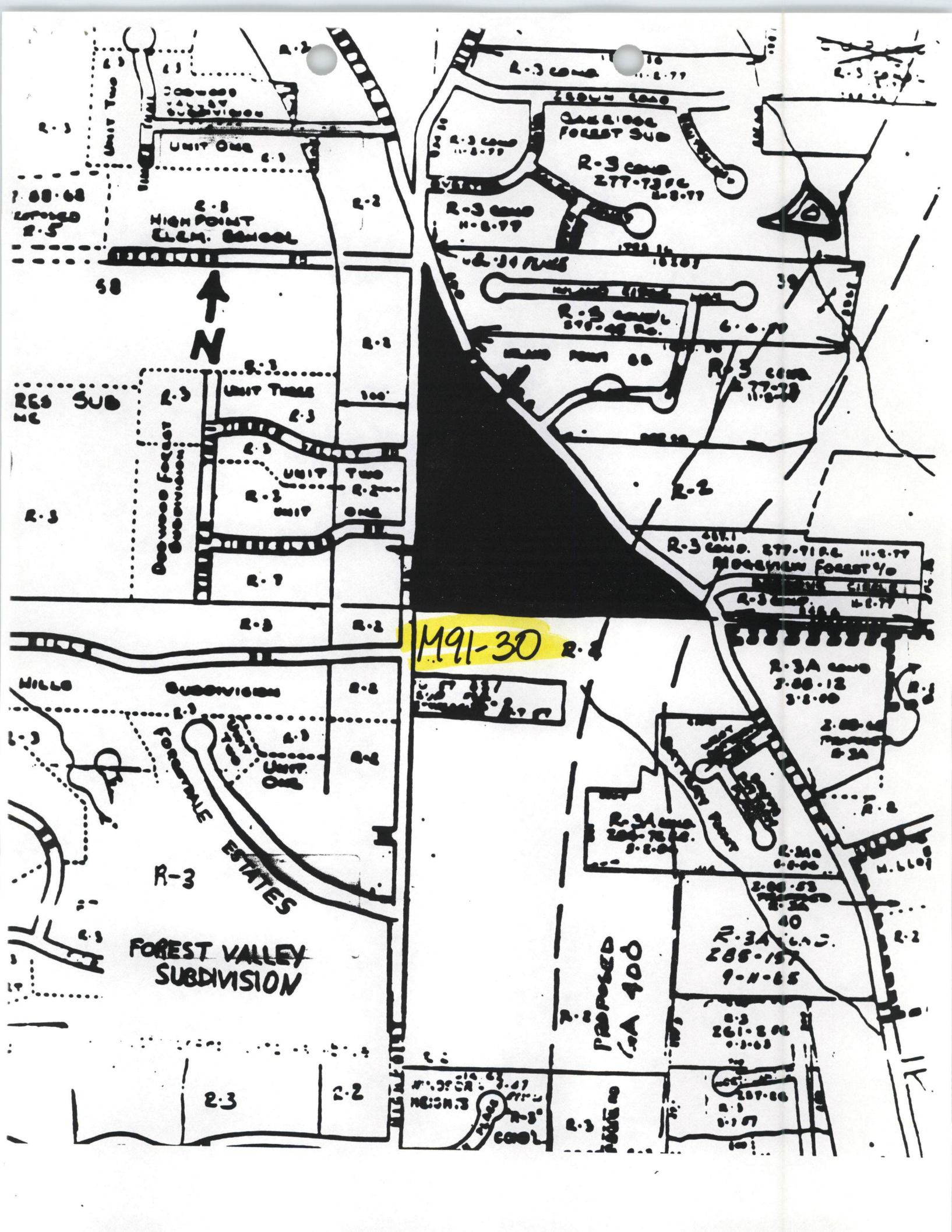
4. To the owner's agreement to abide by the following requirements, dedications and improvements:

b. ~~Improve the following roadway along the entire property frontage from the center of road to back of curb as follows:~~

~~14.5 feet from the existing centerline of Northland Drive or a relocated centerline of Northland Drive, subject to the approval of the Fulton County Traffic Engineer.~~

f:\zm\m91-030.def

cc: Board of Commissioners  
Wallace Linsey, Zoning Administrator  
Bill Wood, Deputy Director, Public Works  
Nayef Haddad, Senior Traffic Engineer  
Abdul Akbar, Acting Planner II  
Tom Ulbricht, Assistant Director, P&ED  
Mary Louise Upshaw, Senior Planner  
Christine Godfrey, Senior Planner  
Camilla Johnson Moore, Planner II  
File: U91-020 NFC  
Applicant:



M91-30

FOREST VALLEY SUBDIVISION

R-3

HIGH POINT ELEM. SCHOOL



Deerwood Forest Subdivision

PROPOSED GA 400

R-3A zoning  
288-157  
9-11-85

R-3 zoning  
261-806  
6-1-88

R-3 zoning  
287-88  
5-1-87

R-3A zoning  
2-88-12  
3-8-88

R-3A zoning  
2-88-66  
2-28-88

R-3A zoning  
284-766  
3-8-88

R-3A zoning  
2-88-53  
2-28-88

R-3A zoning  
288-157  
9-11-85

R-3 zoning  
261-806  
6-1-88

R-3 zoning  
287-88  
5-1-87

R-3 zoning  
287-88  
5-1-87

R-3 zoning  
287-88  
5-1-87

R-3 zoning  
287-88  
5-1-87



INTER-OFFICE MEMORANDUM

To: Wallace Linsey, Sr., Zoning Administrator

From: Donna Black, Senior Arborist *DB*

Date: July 23, 1991

Subject: M91-0030, C. Anthony Menefee, Greenfield Hebrew Academy

*u91-20*

*File M-91-30*

*2/7/92*

The subject modification requests relief from road improvement requirements. Paragraph 5 of Mr. Menefee's letter of intent dated July 11, 1991, accurately describes the potential loss of an important natural resource on this parcel. As he states, the present vegetation and grade provide an exceptional buffer between the school and the surrounding residential areas. Any modification or compromise of this requirement which provided protection for the area in question would be recommended for approval.

If you need additional information, please contact me at 7545.

cc: Nancy Leathers, Deputy Director, Planning and Economic Development

RECEIVED  
ZONING DEPT.  
Jul 24 3 00 PM '91

July 11, 1991

Fulton County Zoning Department  
141 Pryor Street, Suite 8001  
Atlanta, Georgia 30303

RE: Greenfield Hebrew Academy Expansion Phases III and IV  
Zoning Modification for Use Permit U91-20  
**LETTER OF INTENT**  
Job No. 90018-402G

RECEIVED  
ZONING DEPT.  
JUL 11 3 23 PM '91

To Whom It May Concern,

We are filing a "Zoning Modification" for the above referenced "Use Permit" to seek relief from the Planning Staff's Recommended Condition 4b. This condition requires road improvements on both Highpoint Road and Northland Drive adjacent to the subject property. These improvements would include curb and gutter and road widening to accommodate a 14.5 feet width from centerline of road to back of curb.

For the following reasons, we are requesting the repeal of Condition 4b:

- 1) Our planned construction in Phase III and IV in no way alters the character, use, or enrollment of the school and has no impact on traffic. Under Phase III we plan to construct a 1,125 square foot Multi-Purpose room addition. We would like to begin this construction immediately to accommodate programs planned for the coming school year. Under Phase IV we plan to construct a 4,500 square foot chapel. As part of the religious program required for sixths through eighth grade students. Due to budget constraints, the chapel will be constructed at a later date.
- 2) The construction cost of our proposed addition in Phase III is \$58,000.00; however, the cost of road improvements could exceed 200 to 300% of the cost of our addition due to the considerable grading required to alter the existing terrain.
- 3) Under Phase II construction, we worked with the Fulton County Traffic Engineering department, the Fulton County Arborist, and the Highpoint Civic Association to design sidewalks in conjunction with existing vegetation to achieve the optimum buffer between the school and neighborhood. The Academy also made a commitment to the Highpoint Civic Association to supplement existing vegetation with additional planting to improve the buffer areas. Condition 4b nullifies all of our efforts with respect other sidewalks and buffers. The above work represents a three month delay in our building program and an additional design cost of \$5,000 - \$6,000.00.

1389 Peachtree Street NE

Atlanta, Georgia 30309 • 3035

404 • 892 • 2890

**#M 91-030**

Fulton County Zoning Department  
July 11, 1991  
Page 2

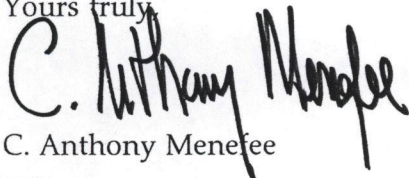
Ms. Pam Clemmons of the Highpoint Civic Association voiced her opinion against Condition 4b at the Planning Commission's hearing on May 21, 1991. She noted that the Civic Association does not endorse plans to alter the previously approved sidewalks and buffers.

In reviewing Condition 4b at a meeting on July 8, 1991 with Mr. Neyaf Haddad, Ms. Donna Black, the county arborist, noted that the road improvements would effectively destroy all existing buffers that screen the school from the neighborhood and preserve the residential character of this area. These buffers include mature specimen trees and natural earth berms that provide screening in all seasons.

In summary, Condition 4b places an unusual hardship on both the Academy and the neighborhood. Our sidewalks and planting proposed under phase II were approved by all of the appropriate Fulton County agencies and the Highpoint Civic Association. We are requesting the retraction of Condition 4b to maintain the character and intent that both the Academy and neighborhood worked together to achieve.

Thank you for your attention to this matter.

Yours truly,



C. Anthony Menefee

CAM/eb

cc: Ms. Colleen Weston  
Mr. Wayne Lazarus  
Mr. Eliot Arnovitz  
Mr. Stanley Daniels

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JUL 11 3 24 PM '91

#M 91-030

Commencing at a point, located at the intersection of the eastern right-of-way of Highpoint Road and the western right-of-way of Northland Drive; said point being the POINT OF BEGINNING.

Thence continuing from the POINT OF BEGINNING N 88° 55' 38" E a distance of 9.50 feet, to a point; thence traveling along on arc subtended by a chord having a direction of S 55° 02' 47" E and a distance of 34.36 feet to a point; said arc having a radius of 29.21 feet and an arc length of 36.74 feet. Thence running S 19° 01' 10" E a distance of 58.64 feet, to a point; thence running S 19° 52' 00" E a distance of 107.11 feet, to a point; thence running S 20° 16' 22" E a distance of 114.69 feet, to a point; thence running S 21° 40' 48" E, a distance of 110.51 feet, to a point; thence traveling along an arc subtended by a chord having a direction of S 34° 18' 05" E and a distance of 141.91 feet to a point; said arc having a radius of 324.73 feet and an arc length of 143.07 feet. Thence running S 46° 55' 23" E a distance of 81.40 feet, to a point; thence traveling along an arc subtended by a chord having a direction of S 42° 30' 16" E and a distance of 156.22 feet to a point. Said arc having a radius of 1013.92 feet and an arc length of 156.38 feet. Thence running S 38° 05' 10" E a distance of 241.73 feet, to a point; thence running S 37° 34' 44" E a distance of 226.65 feet, to a point; thence traveling along an arc subtended by a chord having a direction of S 40° 27' 11" E to a point. Said arc having a radius of 2009.41 feet and an arc length of 201.59 feet. Thence traveling along an arc subtended by a chord having a direction of S 45° 27' 20.7" E and a distance of 14.99 feet, to a point. Said arc having a radius of 712.86 feet and an arc length of 15.00 feet. Thence running S 29° 34' 34.3" W, a distance of 330.63 feet, to a point; thence running N 87° 08' 45" W a distance of 768.39 feet, to a point; thence running N 03° 24' 49" E a distance of 1465.78 feet, to a point. Said point being the POINT OF BEGINNING.

Said tract containing 735,101.528 square feet or 16.875 acres in Land Lot 39, 17th district, Fulton County, Georgia.

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JUL 11 3 21 PM '91

#M 91-030



APPLICATION FOR ADMINISTRATIVE/ZONING MODIFICATION

The undersigned, having an interest in the property herein described respectfully request:

- [ ] A. AN ADMINISTRATIVE MODIFICATION
[ ] B. A ZONING MODIFICATION. (If "A" was denied, list previous case number: #M 91-30)

- 1) State the name of the person in the Current Section of Planning & Economic Development, that has determined the type of Modification you should file. CHRISTINE GOOFREY
2) Identify the specific condition(s) being addressed in the application as provided by a Current Planner. Give condition number(s) and letter(s) (i.e. 2-b, 2-e). 4b
3) Case file number of the Rezoning or Use Permit to which this application pertains. U91-20. Current zoning
4) Legal Description of Property for which the Modification is requested. Please attach one of the following:
\* Metes and Bounds Legal Description
\* If property is a recorded subdivision, a copy of the deed or survey is acceptable.

NOTICE:

Paragraph I and/or II below MUST be signed and notarized when application is submitted. If paragraph I is signed and notarized, applicant need only to sign paragraph II as "Applicant" and notarization is not necessary.

I. Owner\* states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification. (\*Owner name and address must appear in paragraph I.)

KATHERINE AND JACOB GREENFIELD
HEBREW ACADEMY OF ATLANTA INC
TYPE OR PRINT OWNER'S NAME

5200 NORTHLAND DR
ADDRESS
ATLANTA, GA 30342
CITY & STATE ZIP CODE

Colleen G. Weston
\*OWNER OF PROPERTY (SIGNATURE)
Colleen G. Weston

Sworn to and subscribed before me this 11 day of July 1991

[Signature]
NOTARY PUBLIC

Notary Public, DeKalb County, Georgia
My Commission Expires October 18, 1994

843.9900
PHONE NUMBER

II. Applicant\* states under oath that: (1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the owner (attach copy of Power-of-Attorney letter and type name above as "Owner"); or (2) Applicant has an option to purchase said property conditioned upon the property being granted a modification (attach copy of contract and type name of owner above as "Owner"); or (3) Applicant has an estate for years which permits the applicant to apply for a modification (attach a copy of lease and type name of owner above as "Owner")

C. Anthony Menefee
APPLICANT (SIGNATURE)

C. ANTHONY MENEFFEE
TYPE/PRINT NAME OF APPLICANT

1389 PEACHTREE ST NE
ADDRESS
ATLANTA, GA 30309
CITY & STATE ZIP CODE

Sworn to and subscribed before me this 11 day of July 1991

[Signature]
NOTARY PUBLIC

892.2890
PHONE NUMBER

SIGNATURE OF ATTORNEY OR AGENT

ADDRESS

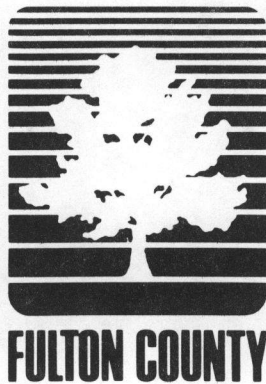
CITY & STATE ZIP CODE

CHECK ONE: [ ] ATTORNEY [ ] AGENT

#M 91-030

PHONE NUMBER

ZONING DEPARTMENT  
141 Pryor Street, S.W.  
Suite 8071  
Atlanta, Georgia 30303  
Telephone: (404) 730-7800



WALLACE V. LINSEY, SR.  
ZONING ADMINISTRATOR

July 19, 1991

RE: "SEE BELOW"

TO: ADJACENT PROPERTY OWNERS

YOU ARE HEREBY ADVISED THAT THE ABOVE NAMED ZONING MODIFICATION HAS BEEN SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF COMMISSIONERS, AUGUST 7, 1991 AT 10:00 A.M., IN THE ASSEMBLY HALL, FULTON COUNTY GOVERNMENT CENTER, 141 PRYOR STREET, S.W., ATLANTA, GEORGIA.

#M91-30 FC HIGHPOINT ROAD

APPLICATION OF KATHERINE & JACOB GREENFIELD HEBREW ACADEMY OF ATLANTA, INC., BY COLLEEN G. WESTON, BY C. ANTHONY MENEFEE, SEEKS A MODIFICATION OF SPECIAL USE CASE #U91-20 F.C. AS FOLLOWS:

1) TO MODIFY CONDITION 4.B.

PROPERTY HAVING A FRONTAGE OF 1465.78 FEET ALONG THE EASTERLY SIDE OF HIGHPOINT ROAD, BEGINNING AT THE INTERSECTION OF THE EASTERLY SIDE OF HIGHPOINT ROAD WITH THE SOUTHWESTERLY SIDE OF NORTHLAND DRIVE, AND RUNNING SOUTHERLY; ALSO HAVING A FRONTAGE OF 1503.01 FEET ALONG THE SOUTHWESTERLY SIDE OF NORTHLAND DRIVE, AND CONTAINING 16.875 ACRES, AND BEING IN LAND LOT 39 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA.

=====

THE BOARD OF COMMISSIONERS ADVISES YOU, IN THE EVENT YOU DESIRE TO BE HEARD, TO APPEAR AT THE ABOVE NAMED TIME AND PLACE.

VERY TRULY YOURS,

*by Sherry Davis*

FULTON COUNTY ZONING DEPARTMENT  
WALLACE V. LINSEY, SR.  
ZONING ADMINISTRATOR