

ADMINISTRATIVE

CASE NUMBER

#M 91-031

RECORD OF PROCEEDINGS TO CHANGE CLASSIFICATION OF PROPERTY IN:

LAND LOT(S) 39

DISTRICT 17

LOCATED: HIGHPOINT ROAD

PRESENT ZONING CLASSIFICATION R-2

PROPOSED ZONING CLASSIFICATION _____

SEE ALSO: 491-20

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

Approved 8-7-91

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

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

HEARING SET FOR: _____

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

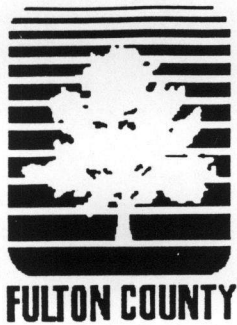
RECEIPT NUMBER: 3698 FEE DEPOSITED: 7-11-91

OFFICIAL ZONING MAP CHANGED: _____

FIELD MAP CHANGED: _____ MAPS CHANGED BY: _____

PROPOSED USE: TO MODIFY CONDITION 4.b

COMMENTS: _____



INTEROFFICE MEMORANDUM

TO: Wallace V. Linsey, Jr., Zoning Administrator
FROM: Nancy J. Leathers, Deputy Director, Planning and Economic Development
DATE: July 26, 1991
SUBJECT: Decision on Administrative Modification

Modification number: M91-031 NFC
Location: Highpoint Road
Zoning or Use Permit case number: U91-020 NFC
Condition(s) to be modified: 4(b)
Zoning District: R2 (Residential)

Planning staff has reviewed the proposed modification of Condition 4(b) with the Fulton County Traffic Engineer. **Condition 4(b)** requires that the applicant provide a 14.5 foot wide improvement along Highpoint Road. Pursuant to M91-030 NFC, the applicant is requesting a deletion of the 14.5 feet of improvements along Northland Drive through a Zoning Modification. According to the applicant, condition 4(b) places an unusual hardship on both the Academy and the neighborhood. Sidewalks and plantings proposed under Phase II were approved by all of the appropriate Fulton County Agencies and the Highpoint Civic Association in a letter dated May 24, 1991.

Per memo of the Fulton County Traffic Engineer dated July 24, 1991, there are no objections to the proposed deletion. Therefore, modification of condition 4(b) is **APPROVED.**

EXISTING CONDITION(S):

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 centerline of Northland Drive.
 - 14.5 feet from centerline of Highpoint Road.

REVISED CONDITION(S):

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 centerline of Northland Drive.

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cc: Abdul Akbar, Engineering Assistant III, Public Works
Nayef Haddad, Senior Traffic Engineer, Public Works
Camilla Johnson, Planner II, P&ED

File: U91-020 NFC

Applicant: C. Anthony Menefee
1389 Peachtree Street, NE
Atlanta, GA 30309



WOODLIEF, J D
Auto-Life-Health-Home and Business
2880 HOLCOMB BR RD BOX 15 SUITE D-30
ALPHARETTA, GA 30202 PHONE (404) 993-1401

August 24, 1993

Mr. Wallace Linsey Sr.
Zoning Administrator
Fulton County Zoning Department
141 Pryor Street, S.W.
Atlanta, Georgia 30303

RE: Riversong Subdivision Zoning Requirements

Dear Mr. Linsey:

I am a new resident in the Riversong Subdivision. The purchase of my home was done very quickly and needless to say I was quite surprised to find out about the dispute over the 10 foot zoning requirement between Riversong and Horseshoe Bend. This was a matter that was never mentioned to me during the negotiations or the closing of my home.

The fact that I has not informed is not of importance at this point. My only concern is to settle this matter so that I might be able to utilize all of the land that I purchased on August 11th, 1993. I will be required to pay taxes on land that I have no access to. The issue of liability is of great concern to me since I have been working in the insurance industry for fifteen years. The idea that I could be held liable for injuries that occur on my land that I have no access to, cannot monitor or care for is ridiculous, yet this would be the case.

This letter represents my support to Mr Bruce Meger who is petitioning the County to change the zoning requirements between our subdivision, Riversong, and Horseshoe Bend.

Cordially,

Kay Tarver Coco

ZONING DEPT.

Aug 26 12 02 PM '93

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July 11, 1991

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

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

To Whom It May Concern,

We are filing an "Administration Modification" for the above referenced "Use Permit" to seek relief from the Planning Staff's Recommended Condition 4b as it relates to requirements on Highpoint Road. 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.

We have the endorsement of Neyaf Haddad and Jeff Mueller of the Fulton County Traffic Engineering Department to retract the Condition 4b for the Highpoint Road area for the following reasons:

- 1) Severe economic hardship due to grading or retaining walls required to meet the intent of Condition 4b.
- 2) Altercation of sidewalks previously approved by the Fulton County Traffic Engineering Department would be required.
- 3) Removal of existing specimen trees and the effective buffer between the neighborhood would be required.

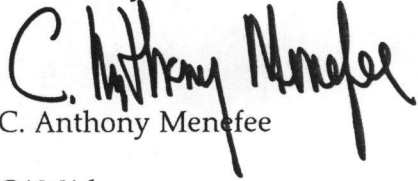
In summary, Condition 4b places an unusual hardship on both the Academy and the neighborhood. Our sidewalks and planting proposed under Phase II were approved by all of the appropriate Fulton County agencies and the Highpoint Civic Association. We are requesting the retraction of Condition 4b as it relates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

#M 91-031

Fulton County Zoning Department
July 11, 1991
Page 2

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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#M 91-031

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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#M 91-031

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 _____)

- 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 Weston
*OWNER OF PROPERTY (SIGNATURE)

Sworn to and subscribed before me this _____ 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 _____ day of _____ 19____

NOTARY PUBLIC

892-2890
PHONE NUMBER

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SIGNATURE OF ATTORNEY OR AGENT

CHECK ONE: [] ATTORNEY [] AGENT

ADDRESS

CITY & STATE ZIP CODE

#M 91-031
PHONE NUMBER