

Proposed Development of 1795 Colt Drive and 1807 Colt Drive

The developer's plan

- 1) Split one lot 1795 Colt Drive zoned R-100 into 2 lots AND
- 2) Combine the land with the lot next door 1807 Colt Drive; then
- 3) Re-configure the new lots with significant boundary changes and variances for the sole purpose of building of 3 homes on 2 lots.

This approval of this action may set a dangerous precedent.

The plan circumvents the intent of R-100 zoning ordinances to make changes without a public hearing.

This same action could be repeated by developers in other parts of Dunwoody Forest or countywide.

Irregular Lot Shape

Significant changes were made to the lot size, shape and boundaries. The result is non-conforming lots. See the lot plan. The approval of this plan sets a precedent and may result in future problems.

Variances

Multiple Variances for lot dimensions and setbacks were approved to produce significant changes to the lots. The result is in effect changes the intent of R-100 zoning without a public hearing.

Zoning ordinances are designed to promote consistent development, prevent irregular or improper building plans and protect resident's property rights and property value.

History of Activity

- 1) On 10/19/2005, the developers obtained the consent of the former property owners, and petitioned Dekalb County to divide the lot at 1795 Colt Drive into two lots. The property sale was conditional on dividing the lot to build 2 houses.
- 2) The Developer creates his own problems. 1795 Colt Drive was one R-100 lot.
- 3) The highly irregular lot division was approved by a former Dekalb official in 12/2005 during his last week of employment.
- 4) In 3/06 the Director of Dekalb County Planning admitted the lot division was a mistake and should not have been approved. He clearly states that permits will not be issued to build two homes on 1795 Colt Dr.
- 5) Planning Director, stressed the fact that the owner has created his own hardship by dividing the lot, as a result, special consideration; variances or relief should not be granted or approved according to Dekalb Zoning Regulations Section 27-916.
- 6) In 9/06, Dekalb Permits Dept. issues the developer two building permits for the lot.
- 7) In 1/12/07 the Director issues a stop work order for the improper lot division.
- 8) On 2/1/07 the Directory approves a new lot division plan which now affects two lots (1795 Colt and 1807 Colt) (See the lot plan)
- 9) In 2/07 and 3/07 Dekalb Commissioners Elaine Boyer and Kathie Gannon challenge the lot division plan and ask for legal justification. Stop work order is put in place.
- 10) Director of Planning and Development states he believe the lot division is legal. Commissioners Boyer and Gannon do not agree but their process does not give them the option to overrule.
- 11) On 3/23/07 Planning Director lifts stop work order.
- 12) On 3/26/07 With no other option available, an appeal is filed with the Zoning Board of Appeals (ZBOA) for resolution of the matter. The appeal is scheduled to be heard on 5/9/07.

Summary

The appeal requests the Dekalb Zoning Board of Appeals (ZBOA) to interpret the Zoning Ordinances of Dekalb County and make a binding decision on the legality of the lot division, boundary changes and set backs.

If the appeal is upheld, it is likely ZBOA decision/remedy will be to nullify the lot division plan and restore both lots (1795 Colt and 1807 Colt) to their original state. As a result only one house could be built on the corner of Colt Drive and Remington Rd.

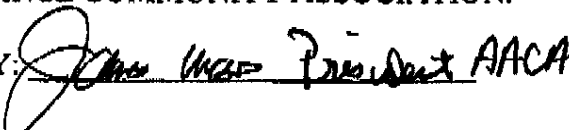
The Ashford Alliance Community Association represents 65 neighborhoods and thousands of residents and voters in Northern DeKalb County, Commission District 1, Super District 6, in the area north and east of Brookhaven, north of Windsor Parkway and Peachtree Industrial Blvd., West of the City of Chamblee, South of Interstate 285 and west of Peachtree Dunwoody Road.

The Ashford Alliance Community Association recognizes the significant interests of its members in protecting their property values, the character of the area, and the quality of life in this community. Through the exercise of their police powers, DeKalb County provides substantive and procedural legal requirements in the regulation of land use through the exercise and implementation of the Subdivision Ordinance and the Zoning Ordinance, as well as many other DeKalb County development regulations in order to protect these interests. The residents in DeKalb County and in the Ashford Alliance Community Association boundaries rely on the County to exercise these powers in a manner consistent with the provisions of the Subdivision and Zoning Ordinance in order to protect their property interest and the overall public health, safety and welfare.

The AACA and its members' interest are threatened if development is approved that is clearly inconsistent with the historic implementation and interpretation of the Zoning and Subdivision Ordinances. It is detrimental to the interest of the property owners and an entire neighborhood where a lot is reconfigured so that it is effectively rezoned without public input or a public hearing. Further, the community, property values and the delivery of public services is threatened when three lots are created which clearly violate the standards of the Zoning and Subdivision Ordinances and result in obscure, irregularly shaped lot lines as is proposed by Renaissance Residential in their attempted subdivision of 1795 and 1807 Colt Drive in Dunwoody Forest Subdivisions.

The Ashford Alliance Community Association members support the residents in Dunwoody Forest Subdivision in their Appeal of the Administrative Decision to Lift A Stop Work Order and respectfully request: (1) that the Zoning Board of Appeals recognize the residents' interest in protecting their neighborhood; (2) re-instate the Stop Work Order issued for violation of the subdivision and zoning ordinance, and (3) revoke the Subdivision and Building Permit Approvals for the properties at 1795 and 1807 Colt Drive, in Dunwoody Forest Subdivision until they comply with the standards of the Zoning and Subdivision Ordinances.

AS VOTED ON BY MEMBERS AT THE APRIL 19, 2007 GENERAL MEETING OF THE ASHFORD ALLIANCE COMMUNITY ASSOCIATION.

BY:  President AACA

The Ashford Alliance Community Association (AACA) is a not-for-profit corporation registered in the state of Georgia. The AACA is governed by a nine-member Board of Directors, which is elected directly by our Membership.

The Ashford Alliance lies wholly inside DeKalb County. There are more than sixty-five (65) discrete neighborhood units within the boundaries of the AACA. Many thousands of registered voters and concerned citizens live in this residential district.

More information may be obtained by visiting www.AshfordAlliance.org or contacting the Board through the AACA Communications Committee Chair - Collette McDonald. ColletteMcDonald@collettemcdonald.com
