City of Dunwoody Zoning Board of Appeals
Thursday, November 5, 2009 – 7:00 PM
41 Perimeter Center East, Dunwoody GA

Call to Order / Reading of Preamble/ Roll Call:
The meeting was called to order and the Preamble was read by Rick Otness, Chair of the ZBA. All members were present.

Approval of Meeting Minutes:
Ms. Penn motioned to approve the September 3, 2009 meeting minutes. Mr. McCahan seconded the motion. A vote was called, and the motion carried unanimously (7-0).

New Business:

ZBA09-102: William and Kelly Blake of 1463 Kings Down Circle, Dunwoody, GA 30338, request the following: Variance from Chapter 27, Article 4, Section 4-54(a) to permit a fence in excess of four (4) feet in the front yard of a residential district. The subject property is located at 1463 Kings Down Circle. The tax parcel number is 18 351 05 018. Kelly Blake and William Blake spoke in favor of the variance. Bob Bema spoke in favor of the variance. William Blake's mother spoke in favor of the variance. Rolf Masecar spoke in favor of the variance. Mr. McCahan motioned to approve the variance to maintain the existing fence and not alter it. Mr. Godshall seconded the motion. A vote was called, and the motion carried unanimously (7-0).

ZBA09-103: C.W. Lichirie, of 5258 Happy Hollow Road, Dunwoody, GA 30360, requests the following: Variances from Chapter 27, Article 2, Section 2C-4, and Article 4, Section 4-1(c) and 4-1(j), to permit multiple accessory structures in a residential district. The subject property is located at 5258 Happy Hollow Road. The tax parcel number is 06 310 02 002. Mr. Lichirie spoke in favor of the variances. John Head spoke in favor of the variances. Frank Hughes, Sheila Hayes, Joe DeCarlo and Brian Feinberg spoke against the variances. Members of the Board discussed the variances. Ms. Penn motioned to deny all three variance requests, to demand that the temporary structures be removed, and the open storage be abated. Mr. Bastien seconded the motion. A vote was called, and the motion failed (3-4), with Mr. Godshall, Ms. Mitchell, Mr. Otness, and Mr. Tuttle voting against the motion. There was further discussion among the board members regarding these matters. Mr. Godshall motioned to recall and vote on the previous question and its conditions. Ms. Penn seconded the motion. A vote was called, and the motion passed unanimously (7-0).

Items for discussion not otherwise addressed by this agenda:
Civil Action File No. 09-CV-9909-7: Certification of Payment of Cost; and
Civil Action File No. 09-CV-9909-7: Certification of Posting of Bond.
Ms. Mitchell motioned to approve both certifications. Mr. McCahan seconded the motion. A vote was called, and the motion passed unanimously (7-0).

Adjourn:
There being no further business the meeting was adjourned.

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