

## September 2017 Board Meeting

Kevin sent the following report. Ruth Skogstad attended Brookhaven ZBA meeting.

***The August, 2017 meeting of the Brookhaven ZBA had 4 agenda items, and each involved properties in Historic Brookhaven. The HBNA Board did not oppose any of the variance applications, but we thought an HBNA Board member should attend the ZBA meeting nonetheless. Kevin Quirk was out of town on the night of the ZBA meeting, so Ruth Skogstad attended. The agenda items and results were as follows:***

1. ***1076 Brookhaven Square. Approved as applied.***
2. ***4080 East Brookhaven Drive. Approved for 37% lot coverage, as opposed to the 38% requested.***
3. ***4006 East Brookhaven Drive. 60-day deferral per homeowner's request.***

***4060 East Brookhaven Drive. 60-day deferral.***

## August 2017 Board Meeting

Kevin will represent the neighborhood at The City of Brookhaven at the three zoning hearings re East Brookhaven and Mabry Road properties on August 16.

## July 2017 Board Meeting

There are regularly scheduled meetings to evaluate current overlay guidelines for Brookhaven. Overlay does not dictate zoning but height, materials, streetscape, etc. Note variance request at 4060 East Brookhaven Drive.

## June 2017 Board Meeting

Initial meetings to rewrite current City of Brookhaven Overlay guidelines are in progress. Future meeting notifications will be sent to HBNA members. City of Brookhaven also reviewing character study and zoning code. Kevin plans for more timely ways to receive updates from zoning department (re zoning requests). Court of Appeals ruled in favor of the Porter family re Hastings property.

## May 2017 Board Meeting

Kevin Quirk noted Brookhaven Overlay Meeting set for May 18. Concerns are residential buffer to HBNA neighborhood, height of structures, and transition from commercial to residential neighborhood.

#### April 2017 Board Meeting

No updates currently.

#### March 2017 Board Meeting

No report.

#### February 2017 Board Meeting

Porter Hastings zoning application is a 6 month hold. The Marta development is tabled for the immediate future. Currently, there is a five story building for mixed use approved on Dresden Drive.

#### January 2017 Board Meeting

Kevin discussed Brookhaven MARTA multiuse project. The HBNA continues to talk about more attendance and involvement in Brookhaven zoning discussion. Meeting scheduled at COB for January 24, at 7 pm. Issues of most interest are traffic, more owner involvement, security, and a COB presence in development. Note BPCA website and COB website for information. Fulton County, Bob Connelly, notes that properties at Roxboro and Peachtree are currently for sale and may be redeveloped.

#### December 2016 Board Meeting

Kevin Quirk: Bob and Kevin discussed Hastings Porter property and Marta project. The Hastings project is still in appeal.

Bob met with The City of Brookhaven regarding the Marta project. Concerns expressed by citizens include types of housing (such as affordable housing for seniors), rental vs owner occupied units, security, crime, traffic, density and number of housing units, green space and civic presence. Thirty six conditions have been requested by surrounding neighborhood organizations. The board feels HBNA needs to stay more informed. In the January Board meeting, it is requested we set up a committee to be more involved and educated. City Council, City of Brookhaven, meets January 24, regarding zoning and concerns re Marta project.

#### November 2016 Board Meeting

Kevin Quirk, Dekalb Zoning Chairman, spoke to update neighbors on Porter Hastings property and development. The zoning request by the Porter family is currently in the Court of Appeals.

## October 2016 Board Meeting

Zoning, Kevin Quirk, reports, Hastings-Porter property is still in appeal due to zoning issues. Current head of ZBA for COB is Jed Beardsley. The construction at 2743 Mabry Road receives no objection by the HBNA Board (for zoning variance). Letter sent to ZBA for COB from zoning committee.

Bob Connelly reports, update from resident's construction at Club Drive and East Brookhaven Drive. No violations re construction and near completion.

Mike Elliot and others reported on Marta development. Mike Elliot encouraged all to review information on COB website re Marta development and attend Marta meetings posted. Mike also sent the board "31 Questions re the Marta Brookhaven development". (Notify a board member for a copy of the email.) Other issues such as sewer capacity, bonds, green space, etc., continue to be discussed by COB and developers. Board members (Blake Dexter, Kevin Quirk, Mike Elliot) plan to meet to discuss impact on the HBNA neighbors. Then contact COB for help with traffic issues, such as cut through traffic (especially at East Brookhaven, Brookhaven, West Brookhaven, and adjoining corridors).

## September 2016 Board Meeting

Zoning, Kevin Quirk, reports that some neighbors request move involvement from the HBNA Board members concerning the Hastings project. Bob Connelly reported, JLB would like HBNA to facilitate a meeting between the Concerned Neighbors and realtors. Ideally, the board prefers for the two parties to negotiate with the Concerned Neighbors and their attorney.

Blake Dexter and Carole Simpson report, attending a recent character sketch meeting re the Brookhaven Marta development. Currently, plans call for a 120 foot building for housing. Other housing proposed as well. Marta development traffic issues for the neighborhood continue to be an issue for HBNA residents. Board members noted security issues at Lindbergh Marta development; so we should be concerned. The board asked that Mike Elliot, Blake Dexter and Kevin Quirk to meet with our Marta representative, Joel Putterman.

## August 2016 Board Meeting

Currently, \$11,000. is requested from Concerned Neighbors to help pay legal expenses. Three thousand dollars was granted.

Board reviewed all funds spent to date. Criteria for all spending was reviewed. Discussion of request by neighbors took place. Approved motion to fund an additional \$3,000. to neighbors. (Total funds spent : \$41,375. by HBN; plus approximately \$25,000. by Concerned Neighbors; plus other donors gave \$24,000.)

### July 2016 Board Meeting

No meeting was held.

### June 2016 Board Meeting

Dekalb zoning; no update on Hastings property. Court decision within the month. Email update requested by board ( re Hastings) to neighbors when available. Weiland is currently being bought out. May effect contact for town houses at Club, Peachtree and Bellaire.

### May 2016 Board Meeting

Kevin discussed garage rebuild at 2043 Mabry Road. The project violates a stream buffer. A garage previously stood in the foot print. Neighbors have mixed feelings and the HBNA Board is currently neutral re the variance request. Note staff opinion on the COB website. Kevin also discussed the Porter property where Hastings nursery operated. Discussion took place with Ben Song of the COB, Bob Connelly, and Kevin Quirk to support a compromise and protection of the R 100 buffer. The goal of meeting was to give HBNA direction on the issues in the future. The past HBNA position statement had been given to other legal parties by concerned neighbors. May hearing planned (May 25). No resolution to current law suit filed by Porter family.

### April 2016 Board Meeting

Discussed Hastings Porter development and role with City of Brookhaven, developers and concerned neighbors. Board discussed support of R 100 buffer, underground retention, lower height and no open porches on back of structure. Primary support is protection of R 100 buffer. Board discussed best audience to defend our position. A motion was made and approved to contact Ben Song at the City of Brookhaven to plan our strategy and clarify our role. It was stated, with no discussion with the City of Brookhaven we have forfeited our previous work. Kevin also asked to keep all neighbors updated on the date of April 27, hearing and future court dates in Dekalb County court. Comments were make re progress of Bellaire Peachtree development and concerns such as drainage and development.

### March 2016 Board Meeting

No report

## February 2016 Board Meeting

Dekalb County, Kevin Quirk:

Kevin reports, the Porter family is suing ZBA and City of Brookhaven for requested zoning on Hastings property. April court date is set. Family wants open retention pond, no R 100 buffer, 272 units, balconies, parking deck, etc. Negotiation is encouraged by board to last compromise by Carl Westmoreland's office in 2014 or early 2015. Primary request by concerned neighbors is protection of R 100 buffer and reasonable height for units. Plan is to ask all parties to negotiate before court date including attorneys and concerned adjacent neighbors.

Kevin gave an update on Mabry Road setback and East Brookhaven setback requests. Meeting scheduled to discuss East Brookhaven at Club Drive construction compliance.

## January 2016 Board Meeting

Kevin discussed, set back request and hearing for 2651 Mabry Road. Kevin plans to attend the upcoming hearing for HBNA to protect the 66 foot set back guideline currently in place.

Porter –Hastings property updated by Kevin. JLB, developers, no longer have the property under contract. The Porter family is currently suing for the denial of the land disturbance permit from the City of Brookhaven.

## December 2015 Board Meeting

Budget

\$20K- retainer to atty for any HBNA legal work with JLB.

\$2000 initial replenishment

\$1969 Law firm bill, pending

\$511 court reporter bill, pending

Kevin made motion to “pay Final bills” of \$2531 (by HBNA).

Motion approved.

JLB- Settlement Discussions are not now involving the neighborhood association.

Intervention currently focuses with Concerned Neighbors, approximately 4-6 homeowners on Brookhaven Drive.

Kevin Quirk updated HBNA on Mabry Rd Zoning Request, set back variance.

HBNA committee has not yet determined the amount of setback to recommend.

House next door is guide with a 66' set back.

Hearing is Wednesday, 12/17. Zoning committee is meeting to establish a recommendation.

HBNA will communicate to attorney of homeowner and or homeowner.

Zoning, Dekalb County, City of Brookhaven

Note that the City of Brookhaven –begins a zoning code rewrite. Steering Committee meets 12/18/15.

Goal-review or restructure all zoning ordinances of City of Brookhaven.

#### November 2015 Board Meeting

Kevin Quirk presented the City of Brookhaven zoning update. As the lawsuit progresses on the “Hastings” property, HBNA has signed a waiver to allow the “concerned neighbors” who are party to the lawsuit to move forward with the attorney that we have both used. Kevin also announced that COB has hired a consultant to do a year-long study of the zoning process in the COB. To that end, the COB has appointed a 12 member citizen committee to work with the consultant and Kevin has been asked to serve on this committee.

#### October 2015 Board Meeting

No report

#### September 2015 Board Meeting

##### Zoning, Dekalb County, Kevin Quirk

Kevin confirmed that on August 19, the land disturbance request by JLB Partners to the COB was denied. Kevin stated that he met with our attorney to form a HBNA position statement regarding the development. Jill Arnold, attorney, is assisting with the position statement. HBNA Zoning has requested to meet with JLB but no response, thus far. September 18, 2015, is the deadline for JLB to file objection to the Superior Court of Georgia. Kevin will update HBNA after the September 18, deadline.

#### August 2015 Board Meeting

Kevin Quirk updated HBNA Board on the current status for the Porter –Hastings property. Developer, JLB, filed a request for a land disturbance permit which was denied by the City of Brookhaven. The denial will be challenged by request of JLB on August 19, 2015, at the COB. If denial upheld, JLB may choose to appeal to Superior Court. Kevin discussed efforts for resolution by encouraging the developer to come to the table with HBNA. Hopefully, JLB may be willing to discuss the issues for concession. JLB has a set position with density and R-100 parcel. The main issues are density and preservation of R-100 parcel.

HBNA’s legal representation, (Doug Dillard), costs were reviewed. June bill was \$2274. ; July bill \$5362. Bob Connelly suggested that HBNA draw up concessions. Kevin feels we need a unified settlement position with consideration of interested parties. Kevin states, the HBNA Dekalb Zoning Committee will establish a written position.

#### July 2015 Board Meeting

Kevin Quirk reported that JLB's request for a land disturbance permit has been denied thus far. JLB will appeal the denial in August. If denied in August, JLB may take their appeal to Dekalb Superior Court. Kevin Quirk, Lisa Martinez and Tim Morrison plan to meet with HBNA zoning attorneys on July 10. The two issues are the division of labor between the City of Brookhaven and HBNA and to arrange a meeting with the developers. The engagement letter with the attorneys was discussed. It is noted that the four most effected neighbors are also named in the attorney's engagement letter. Kevin Quirk will update the HBNA Board before the next board meeting.

Mabry Development, Brookhaven Walk Subdivision , Bob Connelly

Allen McCraw, developer, met with Bob Connelly and neighbors. Concerns are curb cut, trees slated to be cleared, orientation of homes, and drainage. Follow up requested of Bob. No agreement with builder or developer reported.

#### June 2015 Board Meeting

Lisa called meeting to order and began an update of Porter property with Tim Morrison and the HBNA Board as well as Kevin Quirk. Current developers, JLB, withdrew their request for 272 apts. and rezoning of R-100 on May 6, 2015 (without prejudice) but JLB and the Porter family requested a land disturbance permit on May 7. Stephen Rothman is the lead attorney, currently. Current plan utilizes the R-100. The current attorneys for development feel the overlay trumps the current zoning. June 19 is the drop dead date with the City of Brookhaven.

This week, Tim is meeting with Doug Dillard to settle current debt and possibly renegotiate engagement with Doug Dillard. Tim and neighbors request that HBNA take the lead with the next phase of the legal zoning request. Tim asks that we notify Ben Song (City of Brookhaven) of HBNA position, in writing, as soon as possible. City has not stated their position. Although Bates M. and part of the City of Brookhaven staff have promised to support the HBNA position statement. Adjoining property owners have filed for protection. Tim Morrison states, he plans to attend the upcoming overlay meeting on June 16 or 17, at the City of Brookhaven and request protection of the adjoining R-100 and possible amendment to the overlay. Tim requests HBNA champions the effort with neighboring neighborhood associations. Lisa agrees the issue is a community wide issue not just a concerned neighbor or an adjoining neighbor issue. Next steps include 1) Meeting with Doug Dillard and HBNA Board 2) Kevin Quirk, HBNA Dekalb County zoning chair, to write Ben Song for R-100 protection 3) Continue discussion and follow through. A motion was made and board agreed to meet with Mr. Dillard. Meeting will be planned this week with Mr. Dillard.

Mabry Lane development discussed regarding trees and new home sites.

#### May 2015 Board Meeting

Mike Elliot announced he was resigning as Chair of the Zoning Committee.

Discussion took place regarding two residential developments on Mabry Road. The primary concern is 3015 and 3035 Mabry Road. Neighbors including Katharine Robey and Mike Elliot have brought this development to board attention. The development will have smallest lots allowed by zoning and involve loss of trees. The density of the lots may not seem in character to those in Historic Brookhaven. The zoning committee representative, Bob Connelly, volunteered to contact the developer to ask questions re the trees, size of house on lot, and character of development. Brookhaven Forest off of Mabry Road was also discussed re lot size, density and character. Mike Elliot, developer, discussed the development and gave board members information and brochures re the development. Bob Connelly will contact the developer to clarify the details of the development and to request an informational meeting.

Fulton County Zoning was discussed. NPU meeting updates were requested. NPU meetings are held last and first Tuesdays at Saint Phillip's Cathedral. Several board members reported interest in Fulton County zoning and perhaps attending as an observer. Bob Connelly reported, three issues currently 1) Angelo Court, side yard variance 2) proposed home at Stovall and Vermont by John Willis Custom Homes requests a variance 3) and an East Brookhaven variance. Bob was asked to give information on proposed new homes near Carter and Club Drive. Bob has no report, thus far. Bob stressed involvement of immediate neighbors in all zoning requests before taking a position.

Discussion took place on the possible conflicts of interest while serving on the HBNA Board.

#### April 2015 Board Meeting

Anne Culberson and Carole Simpson discussed the Porter Hastings development proposed by JLB. Since the last board meeting the neighbors and JLB have met. On March 12, Concerned Neighbors, Board members (Carole Simpson, Lisa Martinez, Bob Connelly, Lauren Jackson, Anne Culberson), Mr. Dillard, Mr. Westmoreland, JLB representative and their agents met to discuss a possible compromise on issues re the development of apartments fronting Peachtree Road, behind a R-100 lot that joins homes on Brookhaven Drive. A Town Hall Meeting was held on March 26, for JLB and interested neighbors. Bob Connelly noted that JLB has not answered all the important questions re the development. But that JLB has made compromises that should be recognized. Mike Elliot and Bob stated that Concerned Neighbors may push too far and lose ground when JLB presents to the City of Brookhaven. R-100 buffer continues to be the biggest issue for the neighbors. The buffer may need to be disturbed due to need for drainage improvements. Bob reports that a fence could go up around the R-100 during construction. Lisa expressed concerns that if the R-100 buffer is rezoned or not protected, it will set a standard for the zoning of other buffers in the Peachtree corridor. Due to limited time of Board meeting an email summary of the Concerned Neighbors' current concerns with the development were emailed to those present. The summary of their concerns are conditions to protect the R-100 (including the treatment of the R-100), density calculation of the building, height calculation of



the structure, a more detailed description of the exterior appearance of the building, description and details of building footprint, information re the segregated respective acreage of the R-100 and C-1 component of the property, details re the height of the building (specific considerations re points of measure, land elevations, etc.), details re size and design of roof, information re fire truck turn around in R-100, information re the actual building proposed for this site in a rendering, construction material, traffic issues, and exact number and sizes of apartments has not been provided. Many of the neighbor concerns are unknowns (due to lack of specifics given). The Concerned Neighbors report can be provided by Anne or Carole per request.

Kevin Quirk will write an introduction to the HBNA position statement. The statement is currently posted to the HBNA website. Majority of HBNA members feel that the HBNA position statement should be sent out to neighbors by email prior to our annual neighborhood meeting, April 20, 2015. Zoning Committee plans to meet next week if committee agrees that there is need.

Next planning commission hearing for Porter property is May 6, 2015. City Council will hear the zoning request on May 26, 2015.

### March 2015 Board Meeting

It was reported, on March 10, Mike Elliott met with the zoning committee to review zoning issues. Issues discussed were HBNA position statement for Porter/Hastings property, deferral re zoning hearing, and communication with Concerned Neighbors, HBNA and JLB.

Porter/ Hastings Property, Carole Simpson, Anne Culberson

Carole Simpson reported, meetings have taken place with JLB and HBNA zoning point persons and/ or neighborhood point persons. Last week, JLB, Zoning Committee, JLB realtors and neighborhood point persons met at Capital City Country Club. JLB described their current proposed plan. A follow up meeting is scheduled with JLB on Thursday, March 12, 9-10 am, at Carl Westmoreland's office, Morris & Manning, (3343 Peachtree Road, 16<sup>th</sup> floor); all board members were invited. A Town Hall meeting is scheduled later in March. Neighborhood and JLB are invited to the Town Hall meeting.

Issues of concern discussed in board meeting are protection of R-100, the calculation of the R-100 for increased density, average size of apartments, and height. With point of measure and addition of hip roof height is not lower. Also, placement of balconies, drainage, and acceptable uses of R-100 are a concern. The concern of too many apartments in a 3 miles radius is noted, in discussion. Other developments at the Marta station, Ogelthorpe, Dresden Drive, and nearby on Peachtree Road gave a possible estimate of 1700 apartments in the near future.

Currently, all requested deferrals by JLB have been granted by the City of Brookhaven with no objection by HBNA or the neighborhood.

Kevin Quirk stated, our position statement 1) gives guidelines for HBNA's monetary contribution, 2) is more vague than Concerned Neighbor's position 3) supports the R-100 buffer and the protection of R-100 4) HBNA does not note support of owner occupied units 5) supports underground detention for water 6) no support of traffic, light or sound issues. The

HBNA position statement was supported by the board by a 9 to 5 vote. It was proposed that the position statement be given a written introduction. Kevin Quirk was asked to write introduction. After introduction is complete, it is proposed to distribute to the neighbors.

## February 2015 Board Meeting

Introduction of Concerned Neighborhood Group, Tim Morrison and John Gipson. Tim Morrison provided an informative history of the HBNA, Dekalb County and Brookhaven zoning concerns. Tim focused on the Porter/Hastings Property. He emphasized that The Concerned Neighbors are not interested in opposing or fighting the Dekalb County Overlay Plan. Two objectives guide the neighbors approach to current rezoning requests: 1) Work with the applicant to change the current design proposal to be congruent with the overlay goals of Historic Brookhaven 2) Respond specifically to the City of Brookhaven's request to provide criteria that the neighbors can support. Mr. Morrison stated, the neighbors want to work with the developer, the city, and HBNA for a plan acceptable to Historic Brookhaven. Tim Morrison urges HBNA and The Concerned Neighbors work in unity.

John Gipson offered some insight about other development concepts. John's concept includes office and retail. He would be open to presenting concept to JLB.

Other issues discussed

Possible land lease by owners

Sub area zoning

JLB's request to change R-100 and C-1 zoning on the property

JLB's density and height requests

Huff report or study of area near Brookhaven Drive and Peachtree Road

The role of the HBNA Board continues to be financial support as well as communication with the city and our greater neighborhood.

Tim Morrison and John Gipson reviewed expenses incurred, thus far. They requested funds to bring their balance sheet to \$10,000.

Financial review was given by Tim Morrison.

\$13,700 raised to date, before HBNA approved amount of \$7,000 on February 11, 2015.

Expenses include Huff report, design consultation and attorney fees but HBNA chooses support for attorney fees only. Thus far, expenses total \$10,700.

An Account will be set up as a DBA bank account for the neighbors. Brian is willing to set up and to be accountable.

Gay Colyer gave support for Kevin Quirk's draft of HBNA statement of support for neighbors on the Hastings development. Kevin will revise statement to include guideline of circumstances and postpone publishing board position until the three party meeting. Then Lisa Martinez stated, we had agreed on prioritized criteria but requested a revision to state top 3 criteria at the top and add lesser priorities at the bottom. Lisa noted, we want to state this is not an overlay challenge.

Carole Simpson emphasized that no independent communication take place concerning the Hastings Porter property. The designated zoning point persons only represent HBNA.

## January 2015 Board Meeting

### Zoning Board of Appeals, 14-67, 15 Brookhaven Drive

At the Brookhaven Zoning Board of Appeals, Owners of 15 Brookhaven Drive requested and were granted a deferral of one month, until the January 21, ZBA meeting. The ZBA application included 1) reduction of the average front yard setback, 2) reduce the side yard setback, reduce the required 10 feet to 4 feet to construct a single family detached dwelling 3) Reduce the required 10 foot accessory structure setback to 2 feet to maintain an existing detached garage. Bob Connelly will report on the matter at the next HBNA meeting.

### Porter Hastings Property Zoning Issues

The zoning matter is deferred until the February City of Brookhaven Planning Commission meeting.

The board approved the Concerned Neighbors Development Criteria document. Some members of the HBNA Board would like to prioritize the development criteria. It is agreed that a letter be sent to the neighbors stressing that HBNA will focus their support on several key issues such as the R-100 Buffer and responsible development with a reasonable transition to Historic Brookhaven. Kevin Quirk questioned the desired development criteria item to change the subarea zoning from 1 to 2. Kevin will prepare a letter for presentation to the board to give the Concerned Neighbors. The HBNA Board has offered support and given the Concerned Neighbors \$3,000., to date.

Some board members request details of the legal agreement with Doug Dillard. The neighbors have engaged Doug Dillard, attorney, who plans to meet with the attorney for JLB, the developer. In early January, part of the zoning committee met with Mr. Dillard and other Concerned Neighbors to discuss the priorities of the Acceptable and Desirable Development Criteria.

It is suggested that HBNA have a Town Hall informational meeting in February for our neighborhood.

Long term, the Board agreed to look at the other parcels on the Peachtree corridor adjacent to Historic Brookhaven.

Mike Elliot, Dekalb County zoning chair, reports that the developer, JLB, is conducting a traffic study to evaluate the impact of the project on the surrounding streets.

## December 2014 Board Meeting

Dekalb zoning issues were reported by Michael Elliot. Active issues include 15 Brookhaven Drive (14-67). Multiple requests include 1) front yard setback from 112.9 feet to 70 feet 2) Reduce side yard set -back from 10 feet to 4 feet 3) Reduce the required 10 foot Accessory Structure Setback to 2 feet to maintain the existing detached garage

HBNA discussed opposition to the front yard setback only, listed as #1 above.

Next hearing for the variances is on December 17, 2014, at the City of Brookhaven, ZBA. A motion passed for a letter to be compiled and read at the next zoning hearing (opposing the front yard setback request). Two Board members had met with homeowner's builder. There were no suggestions or proposals from the homeowners or the builder reported to resolve the setback request. Lisa Martinez had also met with the property owners.

Dunkin Donuts (Peachtree and Brookhaven Drive) requests a variance for site coverage to allow a small addition to their existing detached storage unit. There were no questions and no opposition voiced at the meeting.

Hastings/Kauffman Tire/Porter Property (Colonial Drive and Peachtree Road) rezoning requests were heard at the November Planning Commission meeting, City of Brookhaven. It is recommended by the Planning Commission that the City of Brookhaven defer the matter for two months until February. Meetings with some HBNA board members, Bates Mattison, and adjoining neighbors have been held. Brookhaven residents, legal advisors, and land use planners are compiling a position statement. The statement would describe their desired criteria for development of this property. The statement was requested by the HBNA board at the December meeting but was not complete. A motion was made and vote (5 for, 6 against) to give to the legal fund (without a position statement from the Concerned Neighbors).

After board discussion two documents were requested 1) position statement 2) parameters for legal assistance with engaged attorney, Doug Dillard. Timothy Morrison is the Concerned Neighbors point person for the attorney, Doug Dillard. Topics of discussion re the property were described (R-100 rezoning, tree canopy or buffer, density, rights of property owners, traffic issues, development ownership and property maintenance). The board requested the neighbor's position statement be received by the board prior to granting legal funding of \$3,000-\$5,000. Carole Simpson and Anne Culberson are the point persons for the HBNA board members on the proposed development. They will meet with the Concerned Neighbors and obtain statements or documents.

November 2014 Board Meeting

Melissa Bryson reported the following:

- ***Hastings Property:*** Hastings / Kauffman Tire – Porter family – Colonial Drive & Peachtree Rd  
The HBNA zoning committee held a community information meeting Monday, November 10th at 7 pm at St. James United Methodist Church. The purpose of this meeting was to discuss the proposed requested zoning, the preliminary project plans, the existing zoning conditions, and seek input / comment from interested residents, in particular adjacent residents, for a community position on this matter. It is expected that a zoning request for this project will be heard at the December Planning Commission meeting. HBNA Zoning Committee still discussing strategy and not ready to make a recommendation to the board.
- ***New zoning ordinance change – Concurrent Variance Authority***  
This matter was voted down by the City Council in spite of a Planning Commission recommendation for approval. Comments from Mayor Davis imply that this matter would be revisited again.
- ***Brookhaven MARTA Development – proposed city working group***

City Councilmember Bates Mattison has requested that Joel Putterman, a resident of Historic Brookhaven and President of BPCA serve on a MARTA development community working group. Residents of Brookhaven Heights, Brookhaven Fields and Ashford Park are also being asked to serve on this working group. This working group will also include all City Council Members and Mayor J. Max Davis. The purpose of this working group is to represent the City of Brookhaven in evaluating development proposals for the Brookhaven MARTA site.

- ***Zoning Board of Appeals Matter 14-67: 15 Brookhaven Drive***  
Multiple Requests: 1) Reduce the Average Front Yard Setback from 112.9 Feet to 70 Feet; and 2) Reduce the Side Yard Setback from 10 Feet to 4 Feet to Construct a Single-Family Detached Dwelling; 3) Reduce the Required 10 Foot Accessory Structure Setback to 2 Feet to Maintain an Existing Detached Garage. This matter will be heard at the November 19th ZBA meeting. At this time plans are not available for review.
- ***Front yard set back requirements – Change of Zoning Ordinance***  
The matter has not been recently heard / discussed by the city officials. We are monitoring for public hearing / discussion on city meeting agendas. Will draft & send letter of opposition

There was discussion about the status of the former Nuts and Berries property. The property was reportedly sold to South African investors. No further information available at this time.

Melissa Bryson expressed concern about serving on the zoning committee. She stated she was resigning from the board.

October 2014 Board Meeting

Mike Elliot reported the following:

- ***Concurrent Variances***  
Lisa presented letter to city council of Brookhaven opposing concurrent variances. Bates Mattison has indicated he is in favor of the proposal but will vote with his constituents. COB is in favor of variances the neighborhood is opposed. Bates is for variances. Our feedback is known as public comment. Cathy Boston would like us to write a letter to each city councilman. Suggestion is to send neighborhood email and for residents to send their own letters. Mike Elliot is updating a letter from HBNA Board with renewed emphasis.

Melissa Bryson suggested we work with other neighborhood organizations within our councilman's district to understand if they are for or against the concurrent variances and if the majority are against, make a case to Councilman Mattison to oppose based on his constituents.

Cathy Boston made the following motion: To 1. Send letter from HBNA Board with renewed emphasis. 2. Send email for residents to send letter to council. The motion was approved unanimously.

Melissa Bryson reported the following:

- ***Hastings Property:***  
Met with Carl Westmoreland, Jack Honderd of BPCA, Hudson Hawk of developer JLB, and Lisa Martinez went through development. It is in the process of rezoning, proposed building will have apartments on top. Elle development on Pharr road is similar to what they are proposing. Melissa is going to take pictures. Some positives are: Apparently Overlay compliant, they are not developing vertically in nearly all of the current R-100 zoned property at the rear, there is access to an existing light to allow for right and left turns which should minimize cutting through the neighborhood. Retail in control by Porter family (property owners). Apparently overlay compliant. Property includes three separate parcels, two zoned C-1 and one zoned R100. Includes park, fire lane, water (dry) detention pond in the R-100 parcel. Developer open to landscaping funds to residents behind apartment complex. Retail is approximately 17,500 square feet with possibility of 3 restaurants. Most retail parking on street level in a deck, separate from residential. The builder sent letters to neighbors within 500 feet yesterday. Meeting is on 10/22 at CCC for public forum. Meeting with neighbors to be held next week and with zoning committee to determine next steps.

Mike Elliot reported the following:

- ***Wieland Development at Peachtree Road between Club and Bellaire Drive***  
The letter approved by the board was sent. There was much discussion regarding the timeliness of the letter being sent and the process that was followed by the board. Lisa Martinez went over calendar of events regarding the Wieland Development letter. Carol Simpson voiced her displeasure in how the situation was handled.
- ***Comprehensive Plan***  
Carl Westmoreland is helping with changes to some of the language.

Lisa Martinez made a motion to approve changes in comprehensive plan. The motion was approved unanimously.

October 2014 General Meeting

Melissa Bryson gave an update on zoning issues in DeKalb County as follows:

***Former Hastings Site (Porter Square):***

- Expanded to include the Kauffman Tire site as well as the former Hastings site.
- First draft plan is:
  - Ground floor retail of approx. 17,600sf with 5 stories of high-end apartments above in the front
  - 5 stories of apartments in the back (total of 272 apartments)
  - Right in / Right out in existing curb cut to access ground floor retail
  - Signalized access with the Colonial/Peachtree light for left and right turns
  - Apparently overlay compliant within the new zoning classification

- Water detention, green fire lane, park and buffer in the R-100 parcel
- Building in back approximately 80' to roof and 55-60' to top balcony
- Concerns over height, traffic, noise and water
- Adjacent neighbors are engaged in the process
- Current zoning does not allow residential so re-zoning will be required from two C-1 parcels and an R-100 parcel to PC-2

HBNA member comments/questions included:

- Q: What happened to the bank plan? A: The developer proposing that project couldn't make it work with the overlay and the existing easement for the Kaufman tire site.
- Q: Who are the Porters? A: The family consists of heirs to the property who mostly live out of state.
- Comment: Need to fight the zoning variance for property owners across the back or there will be a huge building visible from the golf course.
- Q: What is the time frame for the approval process? A: Depends on when the request is filed. HBNA will send out an update via email but it will either be heard in the November or December Planning Commission meeting.

### **Zoning – Fulton/DeKalb**

Mike Elliot gave an update on zoning issues as follows:

#### ***Property at Peachtree Rd/Bellaire.***

- Approximately 2.8 acre parcel, 2 acres in Brookhaven and .8 acres in Atlanta.
- Permits for an initial proposal for a six story 176 unit apartment building were applied for and denied by DeKalb County.
- The current plan is for a much smaller number of townhomes (24). There has been a significant improvement to the development from the neighborhood's perspective but we are trying to achieve more. Specifically a more robust greenscape plan and ideally a design which is more historic in nature and more congruent to the neighborhood.

Mike Elliot noted his work on the neighborhood monuments, discussed their funding and noted they were designed to be able to house the Closed Circuit Security Cameras if we purchase them.

Melissa Bryson gave an update on property developed within the neighborhood as follows:

#### ***Brookhaven Forest (Mabry Rod North of Brookhaven Lane):***

- New 4 lot subdivision of 3.4 acre property into two .55 acre lots, one .61 acre lot and one 1 acre lot on a newly created cul-de-sac.
- Plan complies with existing zoning and stream buffer requirements.
- Developers have stated they plan to stay involved throughout the project to regulate tree plan and design guidelines.
- Melissa Bryson and Mike Elliot are developers of the project.

September 2014 Board Meeting

There was no report.

**Subsequent to the meeting, the following issue arose...**

On September 22<sup>nd</sup> the zoning committee recommended HNBA send letters to John Wieland Homes (JW Homes), City of Brookhaven and the architectural firm of Tunnell Spangler Walsh concerning the Wieland Development at Peachtree Road between Club and Bellaire Drive. The zoning committee has monitored this development for many months and has been in constant communication with the adjacent neighbors, the JW Homes personnel and has made continual updates to the HBNA board. At the zoning committee's last meeting with Jeff Kingsfield of JW Homes, Jeff was found to not be cooperative and did not appear to be interested in hearing any HBNA suggestions and concerns. The zoning committee remains concerned with the density of this project, the landscaping and the architectural design. Therefore three letters have been prepared from HBNA to formally address those concerns with the appropriate parties. The following motion was made via email to the HBNA board for approval of the letters. "The HBNA board approves the letters to JW Homes, COB and the architectural firm of Tunnel Spangler Walsh". The motion passed.

The following voted "YES": Anne Culberson, Gay Colyer, Bob Connelly, Frank Clementi, Tom Hicks, Mark Roberts, Cathy Boston, Hope Bawcom, Tim Gartland, Brian Ruediger, Ruth Skogstad, Bridget O'Donnell, Wade McKenzie.

August 2014 Board Meeting

Mike Elliot reported the following items:

- **Walgreens – Colonial Drive and Peachtree Rd.** – Walgreens got all their requested variances (they must consolidate curb cuts on Peachtree). Mike is reviewing their plans.
- **Hastings / Kauffman Tire – Porter family – Colonial Drive and Peachtree Rd**
  - Nothing new to report.

July 2014 Board Meeting

Mike Elliot reported the following items:

- **Tomlinson property – Peachtree Road between Club and Bellaire Dr - FOLLOW UP**
  - After obtaining approval for the Peachtree Rd access, John Wieland Communities purchased the property and the demolition of structures has begun / completed. Lot clearance will likely continue. Several HBNA zoning members continue to be concerned with issues that Wieland did not address – off street / guest parking; internal and external landscaping; townhome elevations – design to reflect the HB location; desired neighborhood related improvements (monuments on Bellaire; CATV and power to monuments; landscaping of Club Dr. intersection triangles) and access to Club Drive and the Peachtree Road traffic signal. A meeting with Wieland has been requested. Contact has been made to



city of Atlanta planning re: rezoning Atlanta parcel to allow townhomes and project access to Club Drive.

- **Walgreens – Colonial Drive and Peachtree Rd.** – In their May meeting the Brookhaven Zoning Board of Appeals voted to hold this matter over for an additional 60 days (to July) for more time for the applicant and adjoining property owners to meet to seek to consolidate and share curb cuts and arrange for inter-parcel circulation. Since that meeting, Walgreens developer and Subway property owner (with their attorneys) have met, with BPCA representatives and legal counsel participating, to discuss / seek progress. We do not know the results or outcome of those meetings. The HBNA zoning committee recommends continued enforcement of Overlay Ordinance.
- **Hastings / Kauffman Tire – Porter family – Colonial Drive and Peachtree Rd**  
– Nothing to report except for rumors. Whole Foods will not be the anchor for the ground floor retail. The ground floor retail has to be finalized before multifamily above ground floor can be finalized. Only then will zoning / permitting requirements being checked / confirmed before filing for change of zoning / any necessary variances. Project reported to be a single story retail base along the entire Peachtree Rd frontage with 4 stories of multifamily apartments on top. Surface level parking behind retail with one level below grade. Access only at Colonial traffic light. It is thought that a significant buffer zone between the development and adjoining residential promised.
- **Front yard setback requirements – Change of Zoning Ordinance** – the matter has not been heard / discussed by the city officials. Monitoring for public hearing / discussion on city meeting agendas. Will draft and send letter of opposition when exact hearing dates are scheduled.
- **New zoning ordinance change – Concurrent Variance Authority** – being discussed within city – proposed change of city code to allow City Council to grant variances when approving zoning actions. Right now a change of zoning may create a condition which would require a variance and the only option is to go through the ZBA. Too hard / complicated to type out and explain

June 2014 Board Meeting

Mike Elliot reported:

- Tomlinson property at Bellaire/Club project by John Wieland Homes received approval for a curb cut on Peachtree pending GDOT approval.
- Walgreens (which was denied variances in 2007 and 2009) has a new developer (John Gipson, Brookhaven resident) and has applied for a 9 variances. One of the variances is for a curb cut on Peachtree Road. The Zoning Board deferred the hearing for 60 days so the developer could work with the neighbors on access issues.
- Nothing new to report on Bellaire property.
- A hearing on the Shell property was deferred 30 days.

Mike Elliot discussed in detail a proposed change to the zoning setback rules from the City of Brookhaven. He distributed a sketch which demonstrated in general how the new proposal would

affect the current setback rules. This is difficult to describe here but essentially, the Mayor has proposed eliminating the average front yard setback method for permitting new homes. If this were the case, new homes could be built up to the current set back line. There are many examples of how this would be detrimental to the adjoining property owners and create a very erratic and nonconforming look to a residential street.

After much discussion it was clear the HBNA board did not support this change in setback rules.

Bob Connelly made a motion for HBNA to draft a letter to the City of Brookhaven opposing this setback rule change. The motion passed unanimously.

#### May 2014 Board Meeting

Mike Elliot reported:

- Tomlinson property at Bellaire/Club project by John Wieland Homes is requesting a curb cut on Peachtree.
- Walgreens (which was denied variances in 2007 and 2009) has a new developer (John Gibson, Brookhaven resident) and has applied for a 9 variances. One of the variances is for a curb cut on Peachtree Road. Zoning Committee is waiting on a staff opinion before responding with an HBNA opinion.
- Discussion on the issue of the house on Club/E. Brookhaven Dr. corner being an eye sore and causing neighborhood concerns.

#### April 2014 General Membership Meeting

Melissa Bryson gave an update on zoning issues in DeKalb County as follows:

##### ***Porter Development - Former Hastings & current Kauffman Tire Site:***

- JLB Partners is the developer
  - Also doing Sandy Springs Gateway mixed use project
- Ground floor retail
  - Undetermined size or tenants but seeking a high end organic grocer and high-end restaurant
- Structured Parking behind and below grade
- Five stories high-end apartments above
  - Will be convertible to condominiums
- Rezoning needed – public notice & Planning Commission hearings required

##### ***Tomlinson Property at Peachtree Rd (Bellaire and Club).***

- John Wieland Communities current developer
- Proposed: 24 townhomes on Brookhaven side & 1 single family home on Atlanta side
- One entrance on Peachtree for townhomes



***Walgreen's Site (Colonial & Peachtree Rd):***

- The Gibson Company is the developer
- Walgreen's store on ground floor with two stories of office space above, decked parking
- Multiple variances were requested from ZBA - deferred from March to May
- ZBA instructed 3 adjoining parcel owners to work together on inter-parcel auto circulation & consolidating / reducing curb cuts on Peachtree to improve traffic flow

***Other:***

City of Brookhaven discussing modification of the 'average setback' requirements currently required in some residential zoning. HBNA will report if any proposed changes are considered that would impact Historic Brookhaven.

**March 2014 Board Meeting**

Mike Elliot reported:

- Tomlinson property at Bellaire/Club was being explored as a townhome project by John Wieland Homes (single family on the Fulton county portion). The builder has discussed building condos as an alternative but that doesn't seem to be their first choice.
- Still awaiting detailed plans for the Hastings/Kaufman property. It is understood they would like to do ground floor retail at Peachtree with 4 story apartments behind, parking in the rear and underground. It is overlay compliant but not currently zoned residential. They want to meet with neighborhood representatives then go to neighbors.
- Walgreens (which was denied variances in 2007 and 2009) has a new developer (John Gibson, Brookhaven resident) and has applied for a 9 variances. One of the variances is for a curb cut on Peachtree Road.

Mike Elliot made a motion that HBNA send a letter of recommendation to the Zoning Board Authority (ZBA) to support the overlay requirements and to allow for a 2<sup>nd</sup> curb cut on Peachtree Road. The motion passed unanimously.

After the board meeting a motion was made via board email to rescind the letter and remain silent on this issue. The motion passed as follows:

**Yes:** Bob C., Melissa B., Cathy B., Bridgett O., Gay C., Anne C., Mike E., Sam L., Mark R., Susy S., Brian R.

**No:** 0,

**Abstain:** Frank C., Wade M., Tom H., Maribett V., Tim G.

**Not Voting:** Ruth S., Hope B., Carole S., and Lisa M.

## February 2014 Board Meeting

The following update was given by Melissa Bryson:

- Hastings/Porter Site – we know now the developer will be JLB who has done really high end apartments in the past. The site might be 4 stories of apartments with ground floor retail and two levels of parking deck below grade. Melissa spoke with the broker for the property to help him understand the concerns from the adjacent neighbors gathered at a previous meeting with them. At this point the development does plan to leave a very significant buffer in the back, probably 150+ feet. They are working with the city now. They will have to go for a zoning change since it is zoned C-1 so this is still months away. Melissa encouraged broker to meet with HBNA and residents sooner rather than later to get ahead of any misconceptions. The development will encompass both the old Hastings site and Kauffman tire.
- Bellaire – Carol Simpson indicated they were meeting with John Weiland representatives this afternoon.
- Walgreens – Melissa indicated the zoning committee was meeting with the developer tomorrow to understand changes to plan and informed the board the site burned yesterday.
- Dresden at Apple Valley – Frank Clementi indicated that a long planned site will be developed with first story retail and 4 story of office above.
- Peachtree at Kendrick – Melissa updated the board on zoning change request that has been deferred for 90 days to allow owner to work with neighbors on potential solutions.

## January 2014 Board Meeting

Bridget O'Donnell reported that most DeKalb issues which were largely unchanged from the time of the general meeting. She noted the following:

- Walgreens is looking for a variance (curb cut) and has submitted drawings to the city.
- Kroger – no significant changes other than they agreed to eliminate on traffic island. HBNA has exhausted all efforts available to influence the Kroger plans.

## December 2013 Board Meeting

Mike Elliot reported that the variance for the Bellaire property had been turned down by the zoning board of appeals. The property is apparently under contract.

Melissa Bryson reported on other DeKalb issues which were largely unchanged from the time of the general meeting.

November General Meeting

*(Noted that Jed Beardsley and Hope Bawcom excused themselves from the meeting prior to this portion.)*

Melissa Bryson gave an update on zoning issues in DeKalb County as follows:

***Former Hastings Site:***

- Potentially will be expanded to include the Kauffman Tire site as well
- Plans have not been shared in detail, general plan is:
  - Ground floor retail
  - 4+ stories of high-end apartments above
- Current zoning does not allow residential so re-zoning will be required

***Electronic Billboard:***

- Meetings with Brookhaven Mayor and City Manager have been taking place
- Group is interested in raising money in an effort to hire legal counsel and have it removed (If interested in helping contact Mike Elliott.)
- City of Brookhaven cannot do much since sign was erected before city was in place

***Walgreen's Site:***

- Walgreen's purchased property at corner of Colonial and Peachtree in 2008.
- Walgreen's, DeKalb and now City of Brookhaven have debated development plans ever since
- New development plans have been shared and include 2 story office above expanded Walgreen's store
- Mostly compliant with the Overlay (see illustration below)



## October Board Meeting

### **Zoning-DeKalb**

Mike reported that Wieland Homes is coming in with a proposal for the Tomlinson site. They are setting up a meeting with neighbors and HBNA.

Frank reported that Mark Miller, a developer wants to get HBNA by in for a retail/office/condo complex along Peachtree Road. He wants to buy Walgreens and U-Haul sites. Frank referred him to Mike and the zoning committee. Mark Miller apparently is trying to go directly to the board and circumvent the committee.

Mike noted that the foundations have been poured for the monuments and they should start building vertically this Saturday. Mike will call neighbors at the corner of Mabry to give them an update.

Mike gave an update on the charrette. More information can be found on the neighborhood website. Mark and Maribett have worked on the website and constant contact systems to enable better communication of charrette information to the neighborhood.

Lisa and Frank met with Kroger execs (Bruce Lucia and Bob Smith) to express concerns from a customer as well as neighborhood perspective. Specific issues are safety in the parking lot, entry and egress, removal of Brewster's ice cream, etc. Kroger mentioned they expected up to 50% increase in sales from the renovation. It was again suggested that feedback regarding these items from residents as shoppers of Kroger may get the attention of Kroger if residents were to email their concerns to Kroger directly.

## September Board Meeting

Mike E. reported the site line issues for the Rockhaven area monuments should be resolved. The site for the E. Brookhaven monuments are still being worked out. SunTrust declined funding, Mellow Mushroom, Dunkin Donuts and Hudson Grille may contribute.

Mike E. reported that the "charrette" for the MARTA property is still being scheduled.

Kroger met with DOT, DeKalb County and City of Brookhaven re: several issues with their remodel plan. Lisa and Frank plan to meet with Kroger execs to express concerns from a customer as well as neighborhood perspective. It was again suggested that any feedback regarding these items from residents as shoppers of Kroger may get the attention of Kroger if residents were to email their concerns to Kroger directly. Kroger's position has been that they are doing a remodel already approved by DeKalb and therefore do not need to make major changes.

## August Board Meeting

Mike E. gave an update on Walgreen's plan for Peachtree Rd. and Colonial. Current plan from Gipson Co. is not fully compliant with overlay but is improved from the 1<sup>st</sup> design. Representatives from Walgreens have requested a meeting with our zoning committee and that is pending scheduling. Lisa M. suggested that meeting occur before the next board meeting if possible.

Hastings site still pending and Melissa B. is the committee lead on that for us.

MARTA is conducting an intense working design/visioning session for the property at the Brookhaven station. The National Board of Realtors, MARTA, City of Brookhaven, and adjacent neighborhood association presidents are included. The series of meetings should begin in October with a goal of coming up with a development plan. There is a preview of the existing preliminary plan on the MARTA Brookhaven website, which shows mixed use, multi-story development.

Kroger is meeting with DOT, DeKalb County and City of Brookhaven re: 1) number of trees on plan versus approvals, 2) street scape – DeKalb hasn't enforced push back of sidewalks back to create a tree buffer to street. 3) Center entrance – plan had landscaped island and there is concern it would hamper ingress/egress and they are looking for DOT input. It was suggested that any feedback regarding these items (and even the loss of Brusters Ice Cream) from residents as shoppers of Kroger may get the attention of Kroger if residents were to email their concerns to Kroger directly.

## July Board Meeting

Mike Elliot stated that a committee meeting was held and the consensus was that no fund raising efforts to pay for legal fees would occur until there was a zoning or development challenge that called for it. New development plans for the Hastings property are being drawn up and the broker indicated their intent to conform to the Brookhaven Overlay and to share the plans with the neighborhood early, before seeking permits or approvals. The latest plans for the Cherokee Plaza parking lot and frontage of the Kroger project have been provided to the community. Kroger did not work with the local neighborhoods to improve landscaping and the Peachtree Road frontage as they had promised, and action is being taken to obtain better landscaping and an Overlay compliant street scape.

The City of Brookhaven City Council added the following verbiage to the Overlay guidelines..."Conflict means there are competing regulations or provisions. In the absence of a provision in the Overlay district, the regulations of the underlying zoning shall apply".

## June Board Meeting

Bob Connelly reported that the Overlook project has been deferred by the city planning comm. for six months. There has been no communication from the developer but the neighbors are prodding them for alternative suggestions. The overlay has been updated by the city of Brookhaven (the density of the underlying zoning now drives zoning rules in the overlay).

Regarding the attorney bill for work done on behalf of HBNA in opposition to the Overlook project, it was noted that adjacent neighbors had indicated they intended to raise approximately \$7,000 toward the legal bills. While some of the attorney's fees were incurred from direct talks with surrounding neighbors it was concluded that this direct communication was beneficial to the process.

ADDENDUM (based on email thread dated 7/9/13)

Bob Connelly stated, "It is my recollection from discussions with Walt Moeling and Rick Asbill that while they are not eager to spend \$\$ unless needed; they do understand the direct effect of this project on them and are willing to step up as needed. No definite plan has yet been established but the consensus among the Bellaire neighbors that I have heard is that while they are most affected by this project, there should be a central clearing mechanism (HBNA) to collect and disburse funds for this application and others to follow."

#### April Board Meeting

Frank Clementi noted that we need to manage the legal expense going toward individual homeowner calls to the attorney working on the Bellaire development project as they are likely being billed in :15min increments. A motion was made to cap DeKalb zoning expenses at \$6,000. Any further disbursements need to be presented to the Board by Mike Elliot for approval. The motion was approved by unanimous vote of the board.

Mike Elliot gave the DeKalb zoning report beginning with a recap of the Zoning Committee meeting held on April 10<sup>th</sup>. Mike also reported on a meeting held on April 12<sup>th</sup> with the representatives of the Bellaire property owners. HBNA members present discussed the issues they have with the proposal (too big, etc.). Mike said the owners didn't appear to want to litigate for years and that there were conversations indicating that perhaps the project could be revised to townhomes.

Mike said the next priority after the Bellaire project would be the Hastings property. Kathy Zickert is the attorney for the family. There is a 90 day moratorium by the City of Brookhaven which started around April 3<sup>rd</sup>.

The next meeting of the DeKalb Zoning committee is to be determined.

#### March Board Meeting



Mike Elliot gave the DeKalb zoning report and proposed budget. (Hope Bawcom excused herself from the room during DeKalb and Fulton zoning and budget discussions.) Mike discussed the Brookhaven Peachtree Community Alliance (BCPA) and its role in representing the residents of Historic Brookhaven as well as surrounding neighborhoods in zoning matters impacting those communities. HBNA has historically provided financial support for BPCA for outreach and hiring counsel to represent the neighborhoods in zoning issues. Other neighborhoods contributing to BPCA are: Brookhaven Heights, Brookhaven Fields as well as individual donors. Mike noted a number of projects that HBNA has successfully coordinated efforts with BPCA on recently: Kroger Expansion, Savi Market, Vet Clinic, Hines Apartments, Wood partners Alta Apartments, McDonalds renovation, Town Brookhaven.

Mike made a motion to approve a budget of \$15,500 for DeKalb zoning (An additional \$2.5K on top of the previously approved \$2.5K [total \$5K] for BPCA legal fund for the Overlook Apartments opposition, \$10K in reserve for opposition to the Bellaire project and \$500 annual membership fee to BPCA). There was discussion on the motion and Anne Culberson suggested adding another \$20,000 to the budget request. It was discussed that if money is reserved for a specific committee and is unspent the board can vote to use the money elsewhere. Discussion concluded and the motion made by Mike passed with 8 yes, 2 No (Anne Culberson, Gay Colyer), 3 Abstain (Frank Clementi, Lisa Martinez, Hope Bawcom).

Mike Elliot gave an update on the Bellaire Drive development. (Hope Bawcom excused herself from the room during this discussion.) The neighborhood's position was well laid out and well received at a recent meeting with representatives from the City of Brookhaven including Mayor J. Max Davis and Council Member Bates Mattison. Next step is the public hearing next week. There will be 4 or 5 emails sent out before then to remind members to attend the meeting and write letters/emails. ~80 emails have been sent in to date and will be included in the attorney presentation. Cathy Boston is doing a paper mailing with help from Anne Culberson and Gay Colyer. Costs for the mailing are to be reimbursed by HBNA. There was discussion of providing stickers for residents to wear at the hearing.

## February Board Meeting

Lisa Martinez reported that the zoning update for DeKalb relative to the Bellaire/Club Drive proposed development is the same as the most recent email from HBNA. The proposed Zoning Board of Appeals application has been transferred to the new City of Brookhaven. Brookhaven's Zoning Board of Appeals members were approved by the City Commission on Tuesday, February 12th. Hope Bawcom and Jed Beardsley are now members of the City of Brookhaven's Zoning Board of Appeals.

## January Board Meeting

Mike Elliott presented a Zoning Committee report for DeKalb County, relative to the Bellaire/Club Drive proposed development. The property owners have hired Kathy Zickert, a well-known zoning attorney, and have filed an appeal of the determination of the ordinance.

(Their intent is to build their original plan.) The appeal will be heard on February (13<sup>th</sup>?) at a public hearing. These are usually scheduled at 1:30pm.

A motion was made for HBNA to (1) draft a letter supporting the determination (opposing the appeal), objecting to the variance, with language to be recommended by the HBNA's zoning attorney and (2) for HBNA to communicate time and date of the zoning meeting to the neighborhood and (3) encourage neighbors to write similar letters in support of the determination and to attend the hearing. The motion passed unanimously.

#### December Board Meeting

Mike Elliott reported on the proposed development at Bellaire/Club. DeKalb County rejected the zoning application after strong opposition from residents and after concluding the plan did not comply with the county's current zoning plan. It is understood that the property owner and the developer are now renegotiating the transaction.