

Manget Way treatment home up for BZA vote

The legal saber-rattling over the attempt by Center for Discovery to convert a home on Manget Way in Dunwoody into a treatment center for girls with eating disorders ramped up in the last week. The city's Board of Zoning Appeals was scheduled to hear the appeal Tuesday of Manget Way residents to the city's granting of a zoning confirmation letter.

The neighbors again took their case to the Dunwoody Homeowners' Association Sunday night, emerging with a unanimous vote of the DHA board to see the appeal granted.

"We support the right of the neighbors to be heard in a public forum," the DHA said. "We believe in the rights of personal care homes to exist in residential neighborhoods and we welcome them. But we believe this facility is not a personal care home but a medical treatment facility. The DHA asks the Zoning Board of Appeals to sustain the homeowners' appeal."

A city official granted Center for Discovery a zoning confirmation letter in January to operate as a personal care home. But neighbors weren't aware of its potential use until they questioned a contractor beginning work on a sprinkler system without a permit.

Later, the former city manager Warren Hutmacher told the DHA the city's approval was taken without information on the number of medical personnel to work at the home.

CFD's local attorney, **Josh Belinfante**, served the city with notice last week that the company intended to sue based on several theories, including violations of the federal Fair Housing Act and interference with the company's vested right to use the property in a manner lawfully approved by the city in January.

Belinfante said that if CFD is denied the ability to use the property, damages will exceed the \$1.1 million purchase price of the home. at least \$100,000 for additional work scheduled to be done, attorney's fees and \$100,000 a month in lost revenues.

The notice of a potential suit calls Hutmacher's comments to the DHA a "misrepresentation." It also refers vaguely to Councilman Terry Nall's apparent collusion with parties who appealed the city's zoning confirmation letter.

The company will challenge the timeliness of the appeal. The Manget Way homeowners say the appeal could not have been filed in a timely manner because they had no knowledge of the proposed use or even the purchaser of the property.

At the DHA meeting, a homeowner, Mark Collins, called Center for Discovery's efforts "a complete

bastardization of R-100 zoning.”

He argued that in other states, the company’s operations are classified as medical treatment facilities, which cannot be placed in single-family residential zoning districts.

The DHA board also heard Sunday from an executive of Ashton Woods Homes. Mike Buhser explained its purchase of what is known locally as “the desert,” 35 undeveloped acres on Vermack Road zoned R-100.

“We’re following all the rules,” he said, “and are asking no zoning variances.”

The company plans to build no more than 50 homes on the property. He said he hoped construction on infrastructure would begin in 45 days. The price point of the homes is to be from the \$800,000 range to \$1 million.

The DHA leadership was shaken up Sunday with the resignations from the executive committee of Heyward Wescott and Bill Grossman. Each received state ethics training from the state for their roles on the city planning commission and decided they could no longer participate with the DHA in examining zoning requests beforehand.

They were replaced by Rick Calliahan and Lindsey Ballew.