

**AN ORDINANCE TO AMEND THE CITY OF BROOKHAVEN ZONING CLASSIFICATION
AND MAP FOR ZONING CONDITIONS OF LAND LOT 240, DISTRICT 18 IN
CONSIDERATION OF REZONING CASE LUP24-00005 WITH CONCURRENT
VARIANCE CV24-00011 (1282 WILDCLIFF PARKWAY)**

- WHEREAS,** Paul Neveux & David Cheung, seek to modify the conditions of the existing Land Use Petition CZ81-073; and
- WHEREAS,** Paul Neveux & David Cheung, seek a concurrent variance from Section 27-68 to reduce the rear yard setback
- WHEREAS,** The property consisting of 0.122 acres of land is zoned RSA-8 (Single-Dwelling Attached – 8 UPA); and
- WHEREAS,** The proposed Land Use Permit would be consistent with the policy and intent of the City of Brookhaven 2044 Comprehensive Plan, subject to mitigating conditions as indicated below; and
- WHEREAS,** Notice to the public regarding said rezoning has been duly published in the DeKalb Champion, the Official News Organ of the City of Brookhaven; and
- WHEREAS,** A public hearing was held by the Mayor and City Council of the City of Brookhaven as required by the Zoning Procedures Act.

NOW THEREFORE, The Mayor and City Council of the City of Brookhaven hereby **ORDAINS AND APPROVES** the modifications of rezoning case CZ81-073 to allow for encroachment into the 20-foot transitional buffer on the subject property known as 1282 Wildcliff Parkway with concurrent variance CV24-00011 from Section 27-68 to reduce the rear yard setback from 25-feet to 23.29-feet, subject to the following conditions:

1. To the owner's agreement to restrict the To the owner's agreement to provide the following development standards:
 - a. Allow for encroachment into the 20-foot undisturbed buffer area for the area of encroachment only shown on the site plan stamped dated July 3, 2024, submitted to the Community Development Department.
 - b. Reduce the rear yard setback from 25-feet to 23.29-feet for the area of encroachment only shown on the plat stamped dated July 3, 2024, submitted to the Community Development Department (CV24-00011).

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2024.

Approved by:

Approved as to Form and Content

John Park, Mayor

Jeremy Berry, City Attorney

Attest:

Sandra Bryant, City Clerk

SEAL