

**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

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John Park, Mayor

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Jeremy Berry, City Attorney

Attest:

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Sandra Bryant, City Clerk

SEAL