



John Park, Mayor

Michael Diaz, District 1
Jennifer Owens, District 2
Madeleine Simmons, District 3
John Funny, Mayor Pro Tempore and District 4

CEO'S Office

August 21, 2024

AUG 26 2024

Via Email Delivery and
Federal Express Overnight Delivery

Date Received

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030
CEOMichaelThurmond@dekalbcountyga.gov

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Decatur, GA 30030
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district7@dekalbcountyga.gov

Diijon DaCosta, Sr.
DeKalb County Board of Education
1701 Mountain Industrial Boulevard
Stone Mountain, GA 30083
Diijon_DaCosta@dekalbschoolsga.org

Re: Annexation of Unincorporated Land by Petition
Pursuant to Article 2 of Chapter 36 of Title 36 of the
Official Code of Georgia

Dear Mr. Thurmond, DeKalb Commissioners and Mr. DaCosta:

Please allow this correspondence to serve as official notice from the City of Brookhaven, to the extent such notice is required, that the City has received an application for annexation from the property owners and electors of a portion of unincorporated DeKalb County immediately adjacent to the City of Brookhaven. The territories to be annexed are shown in the attachments hereto.

The City of Brookhaven intends to hold the public hearing required by O.C.G.A. § 36-36-36 on November 6, 2024 at 7:00 pm before the Brookhaven Planning Commission and on August 19, 2024 at 6:30 pm before the Brookhaven City Council.

The email transmission of this correspondence will include a link to the PDF document containing the application and the data upon which the annexation application is based. Please advise if this form of transmission is insufficient in your judgment.

Thank you for your attention to this matter. If you require any additional information, please do not hesitate to contact me.

Sincerely yours,


By CMS with express permission.

Mayor John Park

Cc: Vivian Ernstes, County Attorney
Laura Johnson, Deputy County Attorney
Mary Margaret Oliver, District 82 Representative
Elena Parent, District 42 Senator
Deirdre P. Pierce, DeKalb County Board of Education Vice Chair
Anna Hill, DeKalb County Board of Education
Whitney McGinniss, DeKalb County Board of Education
Allyson Gevertz, DeKalb County Board of Education
Vickie B. Turner, DeKalb County Board of Education
Joyce Morley, DeKalb County Board of Education
Tracie Sanchez, Region 3 Administrator, Department of Community Affairs
Christian Sigman, City Manager
Jeremy Berry, City Attorney
Robert L. Ashe III, Bondurant Mixson & Elmore, LLP
Jennifer Peterson, Bondurant Mixson & Elmore, LLP
Patrice Ruffin, Assistant City Manager
DeKalb GIS

Application for Annexation

Letter of Intent – By 100 Percent Method



Date

To the City Council of the City of Brookhaven, Georgia:

We, the owners of all real property of the territory described herein, respectfully request that the City Council accept our application to annex this territory into the City of Brookhaven, Georgia, and extend the city boundaries to include the same.

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Brookhaven, Georgia, and the description of such territory is attached.

Our application for annexation will be based on the 100 Percent Method and we have collected the signatures of 100% of the owners or legal representatives of all the land outlined in the attached description.

100 PERCENT METHOD

Application for Annexation



PROPERTY OWNER SIGNATURES TO REQUEST ANNEXATION INTO THE CITY OF BROOKHAVEN

Property Address: 1481 Lavista Road

Parcel ID: 18 108 06 006

Owner(s) of Record: ArcOne Construction Company

OWNER SIGNATURE

I attest that I am the owner or authorized representative on file of the property listed above. Circle: YES or NO

Yes, I request annexation into the City of Brookhaven for the Parcel/Property listed above.

No, I do not request annexation into the City of Brookhaven for the Parcel/Property listed above.

Name: ArcOne Construction Company

Relationship to Owner: (circle)

Self or Authorized Representative

Signature: By: [Signature]

Date: 7/31/24

CO-OWNER SIGNATURE

I attest that I am the co-owner or authorized representative on file of the property listed above. Circle: YES or NO

Yes, I request annexation into the City of Brookhaven for the Parcel/Property listed above.

No, I do not request annexation into the City of Brookhaven for the parcel/property listed above.

Name: _____

Relationship to Owner: (circle)

Self or Authorized Representative

Signature: _____

Date: _____

Sworn to and subscribed before me this <u>31st</u> day of <u>July</u> , 20 <u>24</u>	
Notary Public Name: <u>Batoya Clements</u>	Stamp:
Notary Public Signature: <u>[Signature]</u>	



Application for Annexation

Name of Person Initiating Application: ArcOne Construction Company c/o Battle Law, P.C.
Address: 3562 Habersham at Northlake **City:** Tucker **State:** GA **Zip Code:** 30084
Phone: 404-601-7616 **Email:** mlb@battlelawpc.com

Type of Annexation (check one):

100 % Method

Total Number of Parcels to be Annexed: 1
Total Acreage of Parcels to be Annexed: +/- 0.62

60 % Method

Proposed Number of Parcels to be annexed: _____
Proposed Acreage of Parcels to be Annexed: _____

Number of Owners of Parcels to be Annexed: _____	Number of Owner Signatures Collected: _____	% Collected: _____
Number of Electors of Parcels to be Annexed: _____	Number of Electors Signatures Collected: _____	% Collected: _____

Required Application Documents

100% Method	60% Method
<input checked="" type="checkbox"/> Annexation Letter of Intent	<input type="checkbox"/> Annexation Letter of Intent
<input checked="" type="checkbox"/> Notarized Signature Forms Signed by 100% of all Owners	<input type="checkbox"/> Notarized Signature Forms Signed by Owners of 60% of land area and 60% of all Electors
<input checked="" type="checkbox"/> Completed Application	<input type="checkbox"/> Completed Application
<input checked="" type="checkbox"/> List of Parcels to be Annexed including their Zoning	<input type="checkbox"/> Lists for Parcels to be Annexed Including:
<input checked="" type="checkbox"/> Legal Description	<input type="checkbox"/> Parcels and Parcel Zoning
<input checked="" type="checkbox"/> Parcel Map/Survey	<input type="checkbox"/> Acreage of Each Parcel
	<input type="checkbox"/> Owners and Electors of Each Parcel
	<input type="checkbox"/> Legal Description
	<input type="checkbox"/> Parcel Map/Survey

City of Brookhaven

Received by PZ 08-01-24

Parcel ID	Address	Acreage	Existing Zoning	Owner	Date of Signature
18 108 06 006	1481 LaVista Road	0.62	R-75	ArcOne Construction Company	7/31/2024

All that tract or parcel of land being in Land Lot 108 of the 18th district of DeKalb County, Georgia and being more particularly described as follows:

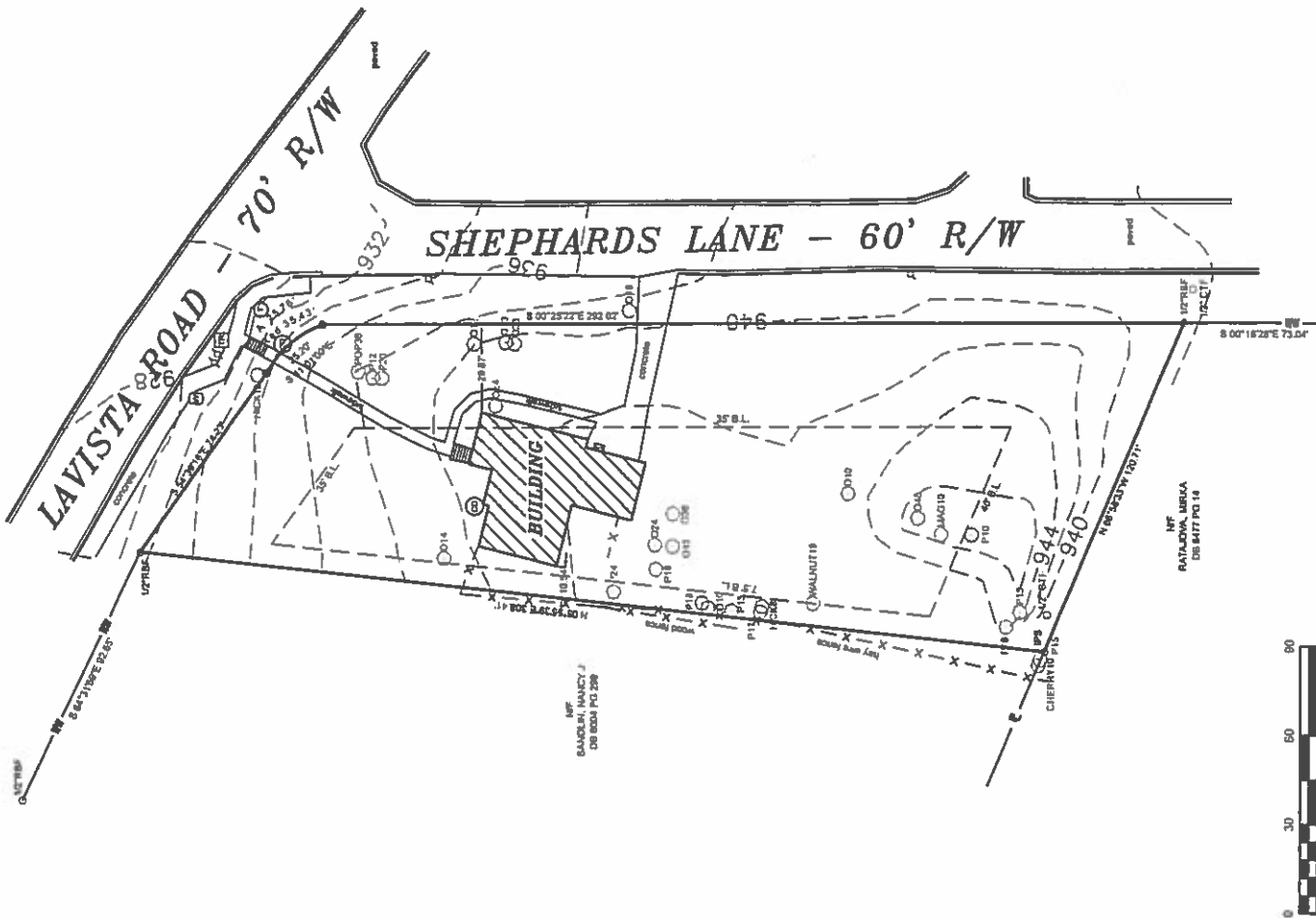
Beginning At The Point Of Intersection Of The Southerly Right-Of-Way Of Lavista Road (60' Right-Of-Way) and The Westerly Right-Of-Way Of Shephards Lane (40' Right-Of-Way); Thence Following The Right-Of-Way Of Shephards Lane With A Curve Turning To The Right With An Arc Length Of 26.52', With A Radius Of 30.00', With A Chord Bearing Of South 29°01'21" East, With A Chord Length Of 25.67', To A Point; Thence South 00°32'22" East A Distance Of 287.50 Feet To A Point; Thence Leaving Said Right-Of-Way North 65°49'26" West A Distance Of 120.70 Feet To A Point; Thence North 03°52'49" East A Distance Of 308.40 Feet To A Point Along The Right-Of-Way Of Lavita Road; Thence Following Said Right-Of-Way South 57°30'19" East A Distance Of 87.83 Feet To A Point; Which Is The Point Of Beginning,
Having An Area Of 30387.55 Square Feet, 0.698 Acres

LEGEND

- RE=REBAR FOUND
- OT=OPEN TOP PIPE FOUND
- AF=ADJ. OR FORMERLY
- PL=PROPERTY LINE
- DR=DRIVEWAY
- DR=DRIVEWAY
- PO=PAGE
- CO=CONCRETE
- =POWER POLE
- =TELEPHONE MANHOLE
- =TRAFFIC BOX
- =CLEAN OUT
- =TREE
- =METER IN INCHES
- =TYPE
- =PINE
- =MID-MAGNOLIA
- =HICK-HICKORY
- =OAK
- =POP-POPULAR

18 108 06 006
1481 LAVISTA ROAD
ATLANTA, GA 30324
29238.77 S.F.
0.67 Acres
ZONING R-76

- NOTES**
1. ALL IRON PINS SET ARE 1/2" REBAR UNLESS STATED OTHERWISE.
 2. ALL REBAR MARKS ESTABLISHED WITH GPS USING A NETWORK ADJUSTED REAL TIME KINEMATIC RECEIVER.
 3. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF ±3.0 FEET.
 4. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS BALANCED.
 5. SURVEYING EQUIPMENT USED IN THIS SURVEY WAS A GARMIN SURVEYOR 4 DATA COLLECTOR AND A TOPCON OPT 3000LV TOTAL STATION.
 6. FIELD NOTES COMPLETE ON MARCH 18, 2018.
 7. THIS PLAN IS SUBJECT TO ANY LOCAL ORDINANCES, REGULATIONS AND STATUTES OF THE STATE OF GEORGIA AND ANY OTHER APPLICABLE LAWS.
 8. ATTACHMENTS ARE FROM COUNTY CODE INFORMATION: GARMON LAND SURVEYING, LLC IS NOT LIABLE FOR ANY DISCREPANCIES.



City of Decatur

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

SURVEYOR'S CERTIFICATION

This plat is a representation of an existing parcel or parcels of land and does not constitute or create a new parcel or make any changes to any real property boundaries. The recording information of the parcel or parcels are stated herein. RECORDED INFORMATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL ORDINANCES, REGULATIONS AND STATUTES OF THE STATE OF GEORGIA OR ANY OTHER APPLICABLE LAWS IS THE RESPONSIBILITY OF THE LAND SURVEYOR. THE SURVEYOR'S CERTIFICATION FOR ANY USE OR PURPOSE OF THE LAND, INCLUDING THE PROPOSED USE, shall be subject to the minimum technical standards for property surveys in Georgia as set forth in the Professional Land Surveyors Act of 1987, Chapter 13-8-87, O.C.G. Section 13-8-87.

UPDATED 3/21/2018
 SURVEY FOR:

ERNEST WILLIAMS	
GARMON LAND SURVEYING	1729 National Street, Suite 206A 678-726-7382 ernestwilliamsurveying.com
DATE: 5/24/2018	JOB NO.: 2018-149
DISTRICT: 18	DISTRICT: 1481 LAVISTA RD
SECTION: 18	
SCALE: 1"=30'	

Land Use Petition Application

All applications and plans must be submitted through the Project Portal
<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



Land Use Petition Application

PROPERTY		
Site Address(es): 1481 Lavista Road	Parcel #: 18 108 06 006	Zip:
Project Name (If applicable):		

TYPE OF REQUEST (Select all applicable)			
<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Special Land Use Permit	<input checked="" type="checkbox"/> Concurrent Variances	<input type="checkbox"/> Modification of Conditions
Current Zoning	R-75	Proposed Zoning	RS-60
Current Use	Abandoned Residential	Proposed Use	Three single-family detached homes

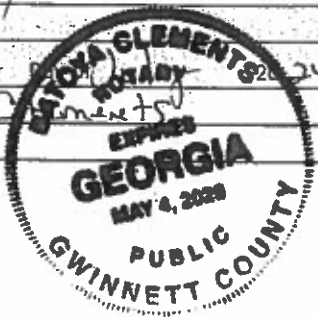
OWNER INFORMATION	
Name:	ArcOne Construction Company
Address:	5555 Glenridge Connector, Atlanta, GA. 30342
Email:	Phone:

APPLICANT	
Name:	ArcOne Construction Company c/o Battle Law, P.C.
Address:	3562 Habersham at Northlake Bldg. J. Ste. 100
Email:	mlb@battlelawpc.com
Phone:	404-601-7616

AFFIDAVIT
 To the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.

Applicant's Name:	ArcOne Construction Company	
Applicant's Signature:	By: <i>[Signature]</i>	Date: 7/31/24

NOTARY	
Sworn to and subscribed before me this:	31 st
Notary Public:	Bataya Clements
Signature:	Date: 7/31/2024



Land Use Petition Application

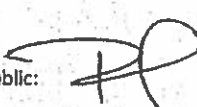
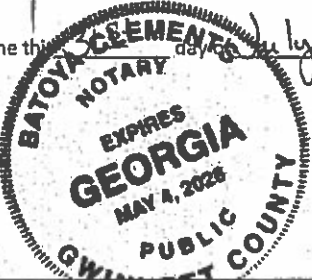
All applications and plans must be submitted through the Project Portal
<https://Cityworks.BrookhavenGA.gov/ProjectPortal>



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner

Name:	ArcOne Construction Company		
Address:	5555 Glenridge Connector	City, State:	Atlanta, GA. Zip: 30342
Signature:	By:	Date:	7/31/24
Sworn to and subscribed before me this <u>31</u> day of <u>July</u> , 20 <u>24</u>			
Notary Public:	 		

Additional Property Owner (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Additional Property Owner (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Land Use Petition Application

All applications and plans must be submitted through the Project Portal
<https://Cityworks.BrookhavenGA.gov/ProjectPortal>




Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Yes

No

Applicant/Property Owner			
Name:	ArcOne Construction Company		
Address:	5555 Glenridge Connector	City, State: Atlanta, GA.	Zip: 30342
Signature:	By: 	Date:	7/31/24

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount

STATEMENT OF INTENT

and

Other Material Required by
City of Brookhaven Zoning Ordinance
For
A Annexation, Rezoning, and Concurrent Variances to Allow for
Three (3) Single-Family Detached Homes

of

**ArcOne Construction Company
c/o Battle Law, P.C.**

for

**+/-0.67 Acres of Land
Being 1481 Lavista Road
DeKalb County, Georgia and
Parcel Nos. 18 108 06 006**

Submitted for the Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. LETTER OF INTENT

ArcOne Construction Company (the "Applicant") is seeking to develop on +/- 0.67 acres of land being tax parcel number. 18 108 06 006 having frontage on 1481 Lavista Road (the "Subject Property") with three (3) single-family detached homes. The Applicant is seeking an annexation into the City of Brookhaven, a rezoning from R-75 in unincorporated DeKalb County to RS-60 in the City of Brookhaven, and concurrent variances from Section 27-67 of the Zoning Ordinance to increase the maximum lot coverage permitted in the RS-60 zoning district from thirty-five percent (35%) to forty percent (40%) and to decrease the required front and rear setbacks from thirty (30) feet to twenty (20) feet and from forty (40) feet to thirty (30) feet respectively.

This document serves as a statement of intent, analysis of the criteria under the City of Brookhaven Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. CITY OF BROOKHAVEN REZONING CRITERIA

The following review and approval criteria shall be used in reviewing and taking action on zoning map amendments:

1. *Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;*

The zoning proposal is in conformity with the policy and intent of the comprehensive plan.

2. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;*

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Subject Property is surrounded by single-family detached homes except for across Sheperd Lane where there is a medical office. The zoning proposal will allow for three single-family detached homes which is a use that will blend right in with the surrounding residential.

3. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

The Subject Property does not have a reasonable economic use as currently zoned.

4. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

5. *Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;*

The Applicant is not aware of other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal.

6. *Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;*

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not located in a historic district. Furthermore, the Applicant is not aware of any historical buildings or archaeological resources on the Subject Property.

7. *Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and*

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning proposal calls for three (3) single-family detached homes at the corner of a residential street and an arterial street. Furthermore, the site plan included with this application mitigates the number of driveways onto Sheperd Lane by proposing a shared driveway for two of the proposed homes.

8. *Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Area Study, and any Overlay District.*

The aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, and the Character Area Study. The Subject Property is not in any overlay district.

III. CITY OF BROOKHAVEN VARIANCE CRITERIA

1. *The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;*

The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements. On the contrary, the Applicant requests the variances to redevelop the Subject Property in a nature similar to the pattern of development along Sheperd Lane.

2. *The variance request is based on conditions that are:*
 - a. *Unique to the subject property;*
 - b. *Not generally applicable to other properties in the same zoning district;*

c. Not the result of the subject property owner's or applicant's actions;

The variance request is based on the size, shape, and topography of the Subject Property. The Subject Property is +/- 0.67 acres and is long and narrow. The Subject Property measures only 120 feet wide at its widest point and narrows to only 90 feet wide at its northern point. The Subject Property slopes downward towards Lavista Road from south to north. Once the zoning setbacks are applied to the Subject Property the developable envelope could not accommodate any reasonable home. Even the existing home on the Subject Property does not satisfy the required setback requirements.

The size, shape, and topography of the Subject Property are unique to the Subject Property and are not generally applicable to other properties zoned similarly. The other residentially-zoned properties along Sheperd Lane are slightly larger than the Subject Property but even those do not satisfy the applicable zoning requirements.

3. Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;

Strict application of the zoning requirements would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners. The setback and lot coverage requirements combine to completely bar development of the Subject Property. Developing just one home would still require setback variances and even then the Applicant would have to build a home much smaller than other homes on Sheperd Lane.

4. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;

The variances requested do not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties.

5. The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and

The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship as distinguished from a mere inconvenience. The literal interpretation and strict application of the applicable provisions would prevent the property owner from building anything on the Subject Property.

6. The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

The requested variance would be consistent with the spirit and purpose of this zoning ordinance and comprehensive plan. The requested variances do not seek to change the use of the Subject Property. Rather, the variances requested seek only to relieve the property owner of the undue hardship imposed by the size, shape, and topography of the Subject Property.

IV. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for an annexation, rezoning, and concurrent variances to allow for three (3) single-family detached homes be approved. The Applicant welcomes any questions and feedback from the planning staff.

V. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of Brookhaven Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Brookhaven Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Brookhaven Mayor and City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the

Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Annexation, Rezoning, and Concurrent Variances of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or Annexation, Rezoning, and Concurrent Variances in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or Annexation, Rezoning, and Concurrent Variances in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant

City of Brookhaven
 Received by
 PZ 08-01-24

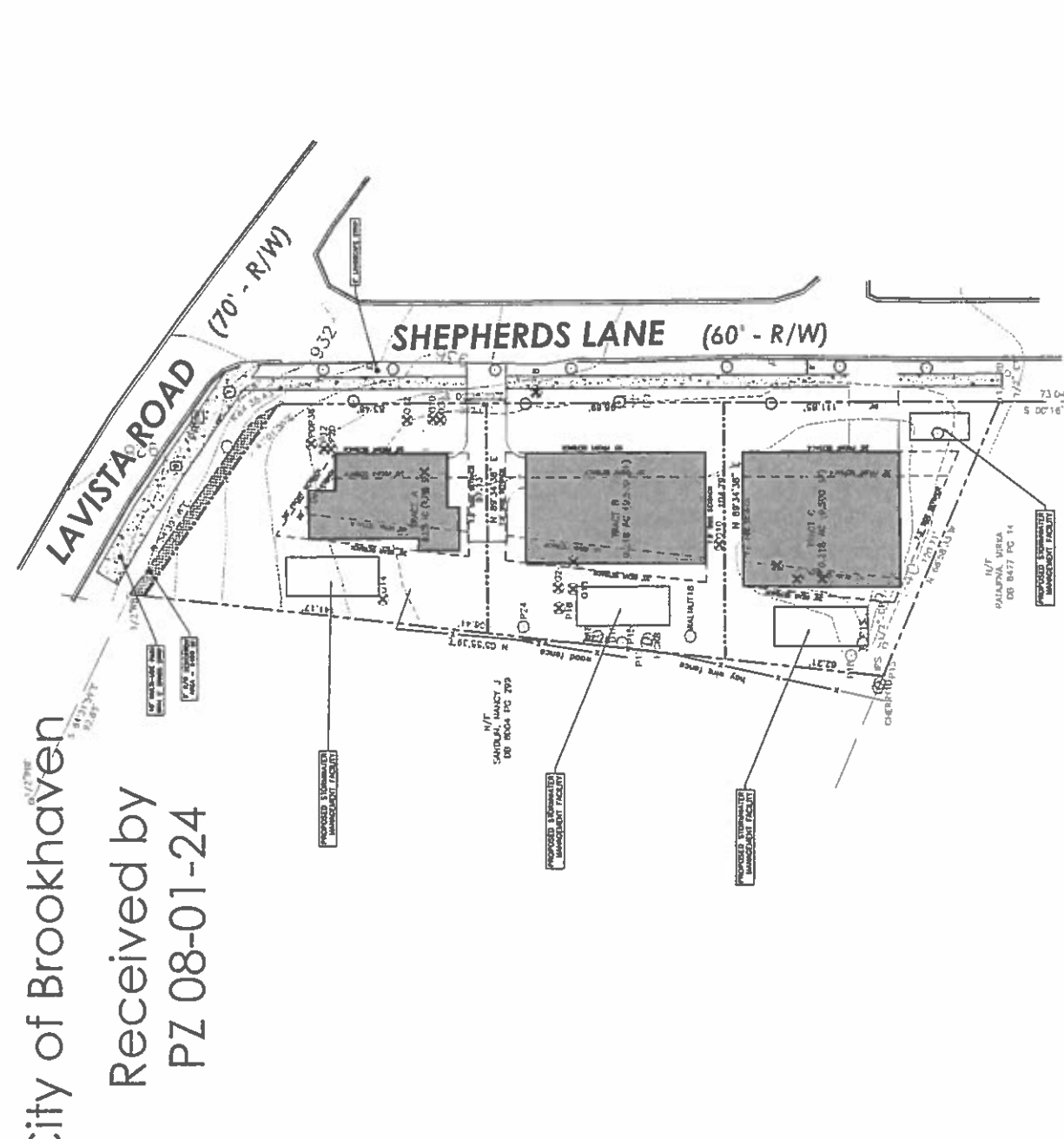
FLOOD ZONE NOTE:
 ALL LOTS WITHIN THE SUBDIVISION ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE INDICATED BY THE BROWN FLOOD.

DESIGNING NOTE:
 THE DESIGNING ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SUBDIVISION AND HAS DETERMINED THAT THE SUBDIVISION IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE INDICATED BY THE BROWN FLOOD.

UTILITY NOTE:
 ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE DESIGNING ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SUBDIVISION AND HAS DETERMINED THAT THE SUBDIVISION IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE INDICATED BY THE BROWN FLOOD.

STORMWATER MANAGEMENT:
 STORMWATER MANAGEMENT IS PROVIDED ON A LOT-BY-LOT BASIS. THE DESIGNING ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SUBDIVISION AND HAS DETERMINED THAT THE SUBDIVISION IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE INDICATED BY THE BROWN FLOOD.

LOT NUMBER	AREA (SQ. FT.)	PERCENTAGE COVERED	PERCENTAGE OPEN SPACE
1	1,000	100%	0%
2	1,000	100%	0%
3	1,000	100%	0%
4	1,000	100%	0%
5	1,000	100%	0%
6	1,000	100%	0%
7	1,000	100%	0%
8	1,000	100%	0%
9	1,000	100%	0%
10	1,000	100%	0%
11	1,000	100%	0%
12	1,000	100%	0%
13	1,000	100%	0%
14	1,000	100%	0%
15	1,000	100%	0%
16	1,000	100%	0%
17	1,000	100%	0%
18	1,000	100%	0%
19	1,000	100%	0%
20	1,000	100%	0%
21	1,000	100%	0%
22	1,000	100%	0%
23	1,000	100%	0%
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25	1,000	100%	0%
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41	1,000	100%	0%
42	1,000	100%	0%
43	1,000	100%	0%
44	1,000	100%	0%
45	1,000	100%	0%
46	1,000	100%	0%
47	1,000	100%	0%
48	1,000	100%	0%
49	1,000	100%	0%
50	1,000	100%	0%



STORMWATER MANAGEMENT FACILITY:
 STORMWATER MANAGEMENT FACILITY IS PROVIDED ON A LOT-BY-LOT BASIS. THE DESIGNING ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SUBDIVISION AND HAS DETERMINED THAT THE SUBDIVISION IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE INDICATED BY THE BROWN FLOOD.

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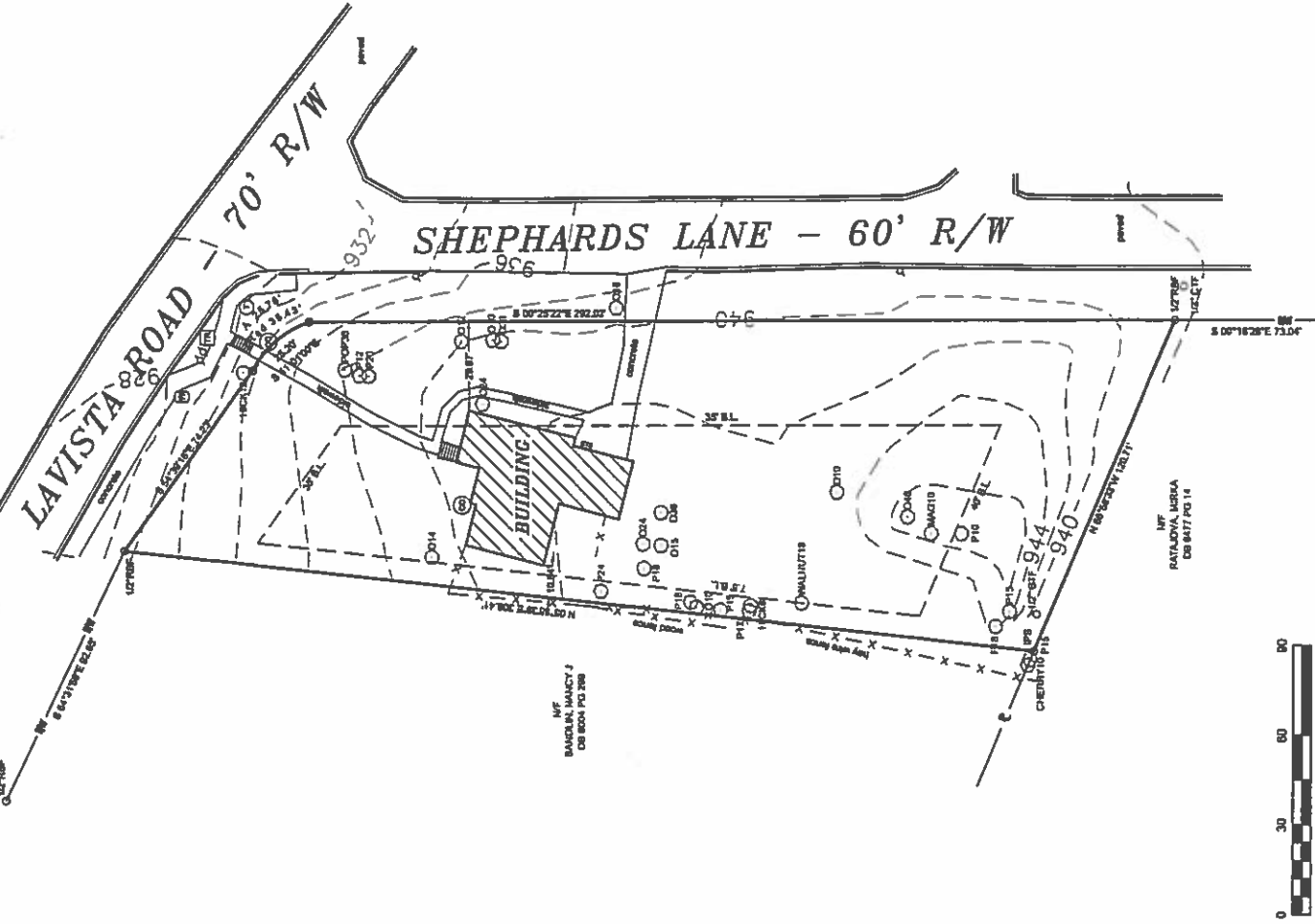
City of Brookhaven Received by PZ 08-01-24

LEGEND

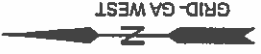
- REF=REMAIN FOUND
- DTF=DOWN TOP PIPE FOUND
- MF=MANHOLE OR TOWER
- PL=PROPERTY LINE
- PT=PROPERTY TOWER
- DM=DIAMETER
- PG=PAVE
- COM=CONCRETE
- P=POWER POLE
- T=TELEPHONE MANHOLE
- TR=TRAFFIC BOX
- C=CLEAN OUT
- F=TREE
- D=DIAMETER IN INCHES
- T=TYPE
- P=PIPE
- MAG=MAGNOLIA
- HCK=HICKORY
- O=OAK
- POP=POPULAR

18 108 06 006
 1481 LAVISTA ROAD
 ATLANTA, GA 30324
 29238.77 S.F.
 0.67 Acres
 ZONING R-75

- NOTES**
1. ALL IRON PINS SET ARE 1/2" NEAR UNLESS STATED OTHERWISE.
 2. ALL PINS AND READINGS OBTAINED WITH GPS USING A NETWORK ADJUSTED AREA TIME TRANSFORMED COVER.
 3. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS RELATIVE POSITIONAL ACCURACY OF ~3.00 FEET.
 4. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS GUARANTEED TO CLOSE TO WITHIN 0.01 FEET.
 5. EQUIPMENT USED IN THIS SURVEY WAS A GARMIN SURVEYOR 4 DATA COLLECTOR AND A TOPCON GPT 3000 W TOTAL STATION.
 6. FIELD WORK COMPLETED ON MARCH 14, 2018.
 7. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE INFORMATION GANNON LAND SURVEYING, LLC IS NOT LIABLE FOR ANY DISCREPANCIES.



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.



SURVEYORS CERTIFICATION:

This plat is a representation of an existing parcel or parcels of land and does not establish or create a new parcel or make any changes to any real property boundaries. The recording information on this plat is for informational purposes only and does not constitute a warranty of any kind or persons who relied thereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS, AND THE OBLIGATION TO USE ON PURPOSE OF THE LAND, THE OBLIGATION TO MEET local surveying practices and the plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Land Surveyors and its sub-committee O.C.G.A. Section 14-4-47.

UPDATED 5/21/2024	
SURVEY FOR: ERNEST WILLIAMS	
LAND LOT: 108	DATE: 5/21/2018
DISTRICT: 19	SCALE: 1"=20'
COUNTY: DEKALB	JOB NO.: 618-726-7582
DRAWING NAME: 1481 LAVISTA RD	gis@ernestwilliams.com

GARMON LAND SURVEYING
 1970 Railroad Street, Shalston, Ga 30446
 618-726-7582

City of Brookhaven

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Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

COMMUNITY MEETING TO
DISCUSS THE ANNEXATION,
REZONING, AND VARIANCES OF
1481 LAVISTA ROAD FROM R75
TO RS60 IN BROOKHAVEN TO
ALLOW FOR THREE HOUSES

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join". To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact

Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

Project Title: 1481 Lavista Road

When: 8/30/2024

Time: 6:30 PM Eastern (US and Canada)

Register in advance for this meeting:
<https://otago.zoom.us/join>

Meeting ID: TBD

Password: TBD

PROPOSED LOCATION(S):

Parcel Number - 18 108 06 006

City of Brookhaven



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

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PLEASE
PLACE
STAMP
HERE

«Name»

«Address»

«City», «State» «Zip»

MIRANDA BREANA LAUREN DE SOUSA	1152 SHEPHERDS LN NE	ATLANTA GA 30324
ONEILL JOHN M	1413 WOODLAND HILLS DR NE	ATLANTA GA 30324
CONNER JENNIFER	1129 VISTA TRL NE	ATLANTA GA 30324
SHERWIN GREGORY MARC	1132 VISTA TRL SE	ATLANTA GA 30324
BRAUN MITCHELL	1144 COUNTRY LN	ATLANTA GA 30324
EPPLER CAROLYN POUND	1154 COUNTRY LN NE	ATLANTA GA 30324
LAVISTA PROPERTIES DEVELOPMENT LLC	1825 DEER	LAWRENCEVILLE GA 30043
SIMPLY UNIQUE MANAGEMENT AND	1439 LAVISTA RD	ATLANTA GA 30324
WHITE CHRISTOPHER BRIAN	1215 VISTA TRL NE	ATLANTA GA 30324
DRAPPO JUDY	382 MANCINI CT	HENDERSON NV 89014
SANDLIN NANCY J	1477 LAVISTA RD NE	ATLANTA GA 30324
HONER KATHLEEN ANN	1441 WOODLAND HILLS DR	ATLANTA GA 30324
DENNIS ANNE H	5834 ASHRIDGE CT	SMOKE RISE GA 30087
HARRELL YADOR JOSEPH	1444 LAVISTA RD NE	ATLANTA GA 30324
NEW WEALTH MGMT LLC	2500 DALLAS HWY SW # 202 133	MARIETTA GA 30064
OWENS JOSEPH T	1484 LAVISTA RD NE	ATLANTA GA 30324
RA CUSTOM DESIGN INC	2451 CUMBERLAND PKWY # 3946	ATLANTA GA 30339
SUMPTER JOSEPH	1225 BERNADETTE LN NE	ATLANTA GA 30329
ASHER DAVID	1201 BERNADETTE LN NE	ATLANTA GA 30329
PAPADOPOULOS NICKO	1240 VISTA VALLEY DR	ATLANTA GA 30329
TURNER JOHNNY FRANK JR	1252 VISTA VALLEY DR NE	ATLANTA GA 30329
JACOBSON SCOTT WAYNE	1862 BERKELEY MEWS NE	ATLANTA GA 30329
KING CHARLES W	1281 BEECH HAVEN RD NE	ATLANTA GA 30324
RUDOLPH RICHARD P	1200 FRANKLIN CIR NE	ATLANTA GA 30324
BAVERMAN ALAN J	6220 RIVERWOOD DR NW	ATLANTA GA 30328
MEYER SALLY ANN	1121 FRANKLIN CIR NE	ATLANTA GA 30324
BEARDEN JUSTIN	1317 ATTERBERRY PL	DECATUR GA 30033
HABAS JANET A	PO BOX 191025	ATLANTA GA 31119
ESTEY BRADLEY R	1405 WOODLAND HILLS DR	ATLANTA GA 30324
VAZQUEZ CARLOS	1140 VISTA TRL NE	ATLANTA GA 30324
BOYLAN TREVOR P	1165 SHEPHERDS LN NE	ATLANTA GA 30324
JENKINS KATHERINE EMMA	1153 SHEPHERDS LN NE	ATLANTA GA 30324
PLUNKETT PATRICK	1170 VISTA TRL NE	ATLANTA GA 30324
ALLEN VICKY E	1184 VISTA TRL NE	ATLANTA GA 30324
SPOON ALEXANDER	1128 COUNTRY LN NE	ATLANTA GA 30324
1138 COUNTRY LANE LLC	401 WILLOW OAK DR	ROANOKE VA 24014
CLARK CRAIG S	1429 LAVISTA RD NE	ATLANTA GA 30324
EDWARDS DAVID M	1413 LAVISTA ROAD NORTHEAST	ATLANTA GA 30324
A AND A SE BROTHERS INC	8548 W FLYNN LN	GLENDALE AZ 85305
STEVEN JOHN	1191 VISTA TRL NE	ATLANTA GA 30324
MCLEOD MICHAEL	1137 COUNTRY LN NE	ATLANTA GA 30324
SMITH ALICE GUTHRIE J	1123 COUNTRY LN NE	ATLANTA GA 30324
LIM SOKHON	1429 WOODLAND HILLS DR NE	ATLANTA GA 30324
LAM QUIMIN	1421 WOODLAND HILLS DR NE	ATLANTA GA 30324
SPARKS STEVEN	1211 BEECH HAVEN RD NE	ATLANTA GA 30324
GIGNILLIAT ROSEMARY B	1259 BROOK FOREST DR NE	ATLANTA GA 30324
GALLOWAY TREPINA	1255 BEECH HAVEN RD NE	ATLANTA GA 30324
PARKEY MATTHEW DALE	600 BONAVENTURE AVE NE UNIT 4	ATLANTA GA 30306
PALMER BRIAN M	1254 WILD CREEK TRL	ATLANTA GA 30324
JONES RICHARD E	1249 BERNADETTE LN NE	ATLANTA GA 30329

REVOCABLE TRUST AGRMT OF ANN ALMOND POPE	1233 BERNADETTE LN NE	ATLANTA GA 30329
CANNADY MATTHEW SHANE	1214 BERNADETTE LN NE	ATLANTA GA 30324
GILORTIZ DANIEL ESTEBAN	1240 BERNADETTE LN NE	ATLANTA GA 30329
WILDCLIFF ESTATES HOMEOWNERS	1218 WILDCLIFF PKWY	BROOKHAVEN GA 30329
BOEMKER JAMES	1156 FRANKLIN CIR NE	ATLANTA GA 30324
SIEDENTOPF WALTER CLYDE	1152 FRANKLIN CIR NE	ATLANTA GA 30324
HALE ELIZABETH A	1201 FRANKLIN CIR NE	ATLANTA GA 30324
FRANCIS THOMAS J	1986 WESTMINSTER WAY NE	ATLANTA GA 30307
MORGAN MAIDA N	1149 VISTA TRL NE	ATLANTA GA 30324
SILVA ADBIEL J JR	1129 SHEPHERDS LN NE	ATLANTA GA 30324
LAURENZO JENNIFER	1113 SHEPHERDS LN NE	ATLANTA GA 30324
FLORENCE ANTHONY	1432 WOODLAND HILLS DR NE	ATLANTA GA 30324
SHERRILL SUE ELIZABETH	1436 WOODLAND HILLS DR NE	ATLANTA GA 30324
COPLEY KYNDAL	1444 WOODLAND HILLS DR NE	ATLANTA GA 30324
BENUCCI LORENZO	1404 WOODLAND HILLS DR NE	ATLANTA GA 30324
BERRY LAURIE J	1408 WOODLAND HILLS DR NE	ATLANTA GA 30324
TRINH TOAN Q	3141 BARKLEY SQUARE DR	DULUTH GA 30097
RATAJOVA MIRKA	314 WOODLEY RD	SAVANNAH GA 31419
CAMPBELL JENNIFER	1269 BEECH HAVEN RD NE	ATLANTA GA 30324
GRAVES STEVEN R	1261 BEECH HAVEN RD NE	ATLANTA GA 30324
PETERSON ERIN K	1460 LAVISTA RD	ATLANTA GA 30324
WANG CHARLES CHI-HUA	1468 LAVISTA RD	ATLANTA GA 30324
KRANZ LANE	1303 BROOK FOREST DR NE	ATLANTA GA 30324
DEW BRIAN JACKSON	1210 BEECH HAVEN RD NE	ATLANTA GA 30324
SHEALY NANETTE L	1232 BEECH HAVEN RD	ATLANTA GA 30324
PHILLIPS JAY SCOTT	1220 VISTA VALLEY DR NE	ATLANTA GA 30329
ROSDICK ANN	1226 VISTA VALLEY DR NE	ATLANTA GA 30329
BERNAVISTA VENTURE LLC	3400 W HOSPITAL AVE # 204	CHAMBLEE GA 30341
BERNAVISTA VENTURE LLC	3400 W HOSPITAL AVE # 204	CHAMBLEE GA 30341
SMITH C DOUGLAS	1194 FRANKLIN CIR	ATLANTA GA 30324
BRACEWELL JOHN B	1104 FRANKLIN CIR NE	ATLANTA GA 30324
CHANDLER FREDRICK NICHOLAS	1095 BOULEVARD DR SE	ATLANTA GA 30317
LOWERY WILLIAM CHARLES	1122 SHEPHERDS LN NE	ATLANTA GA 30324
SANDERSON MARTHA	1140 SHEPHERDS LN NE	ATLANTA GA 30324
AUSTIN BRIAN	1148 VISTA TRL NE	ATLANTA GA 30324
CHAVEZ RAFAEL	1159 SHEPHERDS LN NE	ATLANTA GA 30324
NARDONE ALEXANDER R	1164 VISTA TRL NE	ATLANTA GA 30324
WARNOCK BRYAN	1178 VISTA TRL NE	ATLANTA GA 30324
BALLINGER ZACHARIAH	1124 COUNTRY LN NE	ATLANTA GA 30324
ORY RANDOLPH K	1134 COUNTRY LN NE	ATLANTA GA 30324
CM COCHRAN PROPERTIES LLC	832 GLENDALE TER NE	ATLANTA GA 30308
REESMAN DAVID PHILIP	1197 VISTA TRL	ATLANTA GA 30324
JONES KAREN MARIE	1185 VISTA TRL	ATLANTA GA 30324
CHERMAK KAREN	1145 COUNTRY LN NE	ATLANTA GA 30324
O CONNOR LEIGHANNE	1131 COUNTRY LN NE	ATLANTA GA 30324
WALTERS ALEXANDER	1117 COUNTRY LN NE	ATLANTA GA 30324
FROST NAN E	1433 WOODLAND HILLS DR NE	ATLANTA GA 30324
PATRICIA M BILLINGS LIVING TRT	1425 WOODLAND HILLS DR	ATLANTA GA 30324
WARD KIMBERLY A	1217 BEECH HAVEN RD NE	ATLANTA GA 30324
COX WILLIAM EUGENE	1265 BROOK FOREST DR NE	ATLANTA GA 30324

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LOPEZ FELIX ROBERTO	4875 TANNERS SPRING DR	ALPHARETTA GA 30022
DOWIS WILLIAM	1236 WILD CREEK TRL NE	ATLANTA GA 30324
BALSHAN ALON	1248 WILD CREEK TRL NE	ATLANTA GA 30324
BALES RAYMOND V III	1261 BERNADETTE LN NE	ATLANTA GA 30329
GIANNAKOPOULOS THOMAS P	1241 BERNADETTE LN NE	ATLANTA GA 30329
ELKAN MARY S	1248 BERNADETTE LN NE	ATLANTA GA 30329
BOND KYLE B	PSC 461 BOX 400	DPO AP 96521
SMITH C DOUGLAS	1194 FRANKLIN CIR NE	ATLANTA GA 30324
GRIFFITH REBA P	1118 FRANKLIN CIR NE	ATLANTA GA 30324
VANCE NADEZDA	1189 FRANKLIN CIR NE	ATLANTA GA 30324
LUNDY JENNIFER C	1102 SHEPARDS LN NE	ATLANTA GA 30324
DAGOSTINO SHELDON	1409 WOODLAND HILLS DR NE	ATLANTA GA 30324
BICK STEVEN	5155 MEADOWLAKE DR	ATLANTA GA 30338
EDWARDS KRISTINA	1139 SHEPHERDS LN NE	ATLANTA GA 30324
NAKASONE NANA	1103 SHEPHERDS LN NE	ATLANTA GA 30324
MISIUNAS MARK	1092 BRIAR VISTA TER NE	ATLANTA GA 30324
WINGFIELD REBECCA	1152 VISTA TRL NE	ATLANTA GA 30324
BERNSTEIN CATHERINE	1428 WOODLAND HILLS DR NE	ATLANTA GA 30324
SONG PETER	1825 DEERBROOK RUN DR	LAWRENCEVILLE GA 30043
DAIGNEAULT STEVE	1400 WOODLAND HILLS DR NE	ATLANTA GA 30324
AYNSLEY FEY RAYE	1155 COUNTRY LN NE	ATLANTA GA 30324
HENRY CHARLES ROBERT	1437 WOODLAND HILLS DR NE	ATLANTA GA 30324
NAULT ALFRED J III	1449 WOODLAND HILLS DR NE	ATLANTA GA 30324
EGUIARTE LUIS J PEREZ	1247 BEECH HAVEN RD NE	ATLANTA GA 30324
PARK DOO	1452 LAVISTA RD NE	ATLANTA GA 30324
KIM JANICE	1480 LAVISTA RD NE	ATLANTA GA 30324
ALDREDGE ROBERT L	1297 BROOK FOREST DR NE	ATLANTA GA 30324
RIGBY LEE A REVOCABLE TRUST	1240 BEECH HAVEN RD NE	ATLANTA GA 30324
ASHER DAVID	1215 BERNADETTE LN NE	ATLANTA GA 30329
NAYANI SHAILA	1232 VISTA VALLEY DR NE	ATLANTA GA 30329
BERNAVISTA VENTURE LLC	3400 W HOSPITAL AVE # 204	CHAMBLEE GA 30341
EATON ANNETTE	1162 FRANKLIN CIR NE	ATLANTA GA 30324
ROYALL JOHN M III	1146 FRANKLIN CIR NE	ATLANTA GA 30324
MORGAN MAIDA N	1143 VISTA TRL NE	ATLANTA GA 30324
RAMAMOORTHY RAVI	1139 VISTA TRL NE	ATLANTA GA 30324
GREER WILLIAM HALLIBURTON III	3772 TULIP TREE RD NE	MARIETTA GA 30066
CONTE RONALD T	1117 SHEPHERDS LN NE	ATLANTA GA 30324
STAMPFER SAMUEL D	1106 BRIAR VISTA TER NE	ATLANTA GA 30324
MEALY NATHAN	1440 WOODLAND HILLS DR NE	ATLANTA GA 30324
KELLUM JOE D REVOCABLE TRUST	1460 WOODLAND HILLS DR NE	ATLANTA GA 30324
NAVARRO MANUEL	1412 WOODLAND HILLS DR NE	ATLANTA GA 30324
LEON OBMARA	2007 PACES PARK DR BLDG 132	DECATUR GA 30033
TUACHI ABRAHAM	1172 SHEPHERDS LN NE	ATLANTA GA 30324
ARC ONE CONSTRUCTION COMPANY	2300 HOLCOMB BRIDGE RD STE 103-124	ROSWELL GA 30076
HARTMAN LEAH P	1179 SHEPHERDS LN NE	ATLANTA GA 30324
BILBAO MARCOS JOSE	225 WATER OAK LN	MATTHEWS NC 28104
KALANGES CHARLES MATTHEWS	1470 LAVISTA ROAD NORTHEAST	ATLANTA GA 30324
NGUYEN VU HA	1472 LAVISTA RD NE	ATLANTA GA 30324
GARDNER BRETT D	5348 VEGAS DR BOX 65	LAS VEGAS NV 89108
CAMPBELL DANIEL	1224 BEECH HAVEN RD NE	ATLANTA GA 30324

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JOHNSTON JAMES W	1552 LAVISTA RD NE	ATLANTA GA 30329
HUGHES MICHAEL GENE	1564 LAVISTA RD NE	ATLANTA GA 30329
CLARK GEOFFREY	1182 FRANKLIN CIR NE	ATLANTA GA 30324
RIEDEL REGINA	15 KINGSTONE RD	AVONDALE ESTATES GA 30002
JOHNSON CHRISTOPHER L	1125 FRANKLIN CIR NE	ATLANTA GA 30324
MASON ALEXANDER HOLDINGS LLC	375 ROCKBRIDGE RD NW	LILBURN GA 30047
GIAMBRONE JOSEPH PAUL	1158 SHEPHERDS LN NE	ATLANTA GA 30324
WALSH LEIGH D	1135 VISTA TRL NE	ATLANTA GA 30324
ROTHSTEIN ALFRED L	1197 LANIER BLVD NE	ATLANTA GA 30306
DISS ELLEN M	1102 BRIAR VISTA TER NE	ATLANTA GA 30324
BOWEN KELLEY GREY	1114 COUNTRY LN NE	ATLANTA GA 30324
FOREHAND MORGAN E	1148 COUNTRY LN NE	ATLANTA GA 30324
LAVISTA PROPERTIES DEVELOPMENT LLC	1825 DEER	LAWRENCEVILLE GA 30043
LOZANO ADRIANA MARIA	1171 VISTA TRL NE	ATLANTA GA 30324
PATEL ARPAN	1177 COUNTRY LN NE	ATLANTA GA 30324
MGIBB REAL ESTATE LLC	1827 CASTLEBERRY LN NE	BUFORD GA 30518
APATOV NANCY JEANNE	1453 WOODLAND HILLS DR NE	ATLANTA GA 30324
SCHLOSSBERG NATHAN	1417 WOODLAND HILLS DR	ATLANTA GA 30324
1489 LAVISTA LLC	1215 CLIFTON RD NE	ATLANTA GA 30307
ROMER YAMILA	1233 BEECH HAVEN RD NE	ATLANTA GA 30324
GG SELLS ATLANTA INC	8380 LEJARDIN BLVD	FAIRBURN GA 30213
TURNER JR JAMES MICHAEL	1474 LAVISTA RD NE	ATLANTA GA 30324
EID GEORGE M	1488 LAVISTA RD NE	ATLANTA GA 30324
BOSTON CLARENCE	1254 BROOK FOREST DR NE	ATLANTA GA 30324
ALEXANDER ROXANNE A	1279 BROOK FOREST DR NE	ATLANTA GA 30324
KAY DONALD COFFIN IRREVOCABLE TRUST	1542 LAVISTA RD NE	ATLANTA GA 30329
HOOVER RICHARD	1246 VISTA VALLEY DR NE	ATLANTA GA 30329
OCEAN SLOAN SQUARE LLC	1025 KANE CONCOURSE 215	BAY HARBOR ISLAND FL 33154
CANNADY MATTHEW S	1214 BERNADETTE LN NE	ATLANTA GA 30329
KIRBY KIRSTEN CECILE GUSSACK	1188 FRANKLIN CIR NE	ATLANTA GA 30324
SUMMERS JULIE D	2055 21ST ST SE APT J	HICKORY NC 28602
LEOPOLD JONATHAN JR	1136 FRANKLIN CIR	ATLANTA GA 30324
LAFEVERS A L	1124 FRANKLIN CIR NE	ATLANTA GA 30324
GAVRON MARK W	215 WOODCREST DR	ATHENS GA 30606
HENNING ANDREW ALAN	1195 FRANKLIN CIR NE	ATLANTA GA 30324
PAHL CHRISTOPHER A	PO BOX 13607	ATLANTA GA 30324
HOLLEY ROBERT C	2220 SPRING CREEK RD	DECATUR GA 30033
FRANCIS THOMAS J	1986 WESTMINSTER WAY NE	ATLANTA GA 30307
DASHER JORDAN TILLMAN	1145 SHEPHERDS LN NE	ATLANTA GA 30324
SILVA A J JR	1129 SHEPHERDS LN NE	ATLANTA GA 30324
TUACHI JACOB	1107 SHEPHERDS LN NE	ATLANTA GA 30324
WILLIAMS JAMES J	1096 BRIAR VISTA TER NE	ATLANTA GA 30324
MILLS ERIN	1158 VISTA TRL NE	ATLANTA GA 30324
OWENS DANIEL MARK	1108 COUNTRY LN NE	ATLANTA GA 30324
MCMAMARA WILLIAM ANTHONY	1120 COUNTRY LN NE	ATLANTA GA 30324
BEASLEY BLAKE	1452 WOODLAND HILLS DR NE	ATLANTA GA 30324
NEVILLE HARRY	1400 MONROE DR NE	ATLANTA GA 30324
ROBERTSON TERESA B	1165 VISTA TRL NE	ATLANTA GA 30324
GARCIA OFELIA RAMIREZ	1161 COUNTRY LN	ATLANTA GA 30324
WILLS VERA PATE	1149 COUNTRY LN NE	ATLANTA GA 30324

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ROBINSON DORIS
BAYLESS PROPERTIES LLC
ROSENTHAL JORGE
WILSON MARION REVOCABLE TRUST
KOCH TROY MICHAEL
DEKALB COUNTY
WILSON GEORGE L JR
MCCOLLUM LINDA L
ZIZNEWSKI DANIEL S
GRESCH ERIC
BERNAVISTA VENTURE LLC

1445 WOODLAND HILLS DR
1338 BEECH VALLEY RD NE
1241 BEECH HAVEN RD NE
1225 BEECH HAVEN RD NE
1289 BROOK FOREST DR NE
1300 COMMERCE DR
1246 BEECH HAVEN RD NE
1276 BERNADETTE LN NE
1273 BERNADETTE LN NE
1224 BERNADETTE LN NE
3400 W HOSPITAL AVE # 204

ATLANTA GA 30324
ATLANTA GA 30306
ATLANTA GA 30324
ATLANTA GA 30324
ATLANTA GA 30324
DECATUR GA 30030
ATLANTA GA 30324
ATLANTA GA 30329
ATLANTA GA 30329
ATLANTA GA 30329
CHAMBLEE GA 30341

Land Use Petition Application

ENVIRONMENTAL SITE ANALYSIS

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 - 3:

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.

The Applicant proposes an annexation, rezoning, and concurrent variances to allow for three (3) single-family detached homes. The Subject Property is currently developed with one (1) single-family detached home and has some trees and grass.

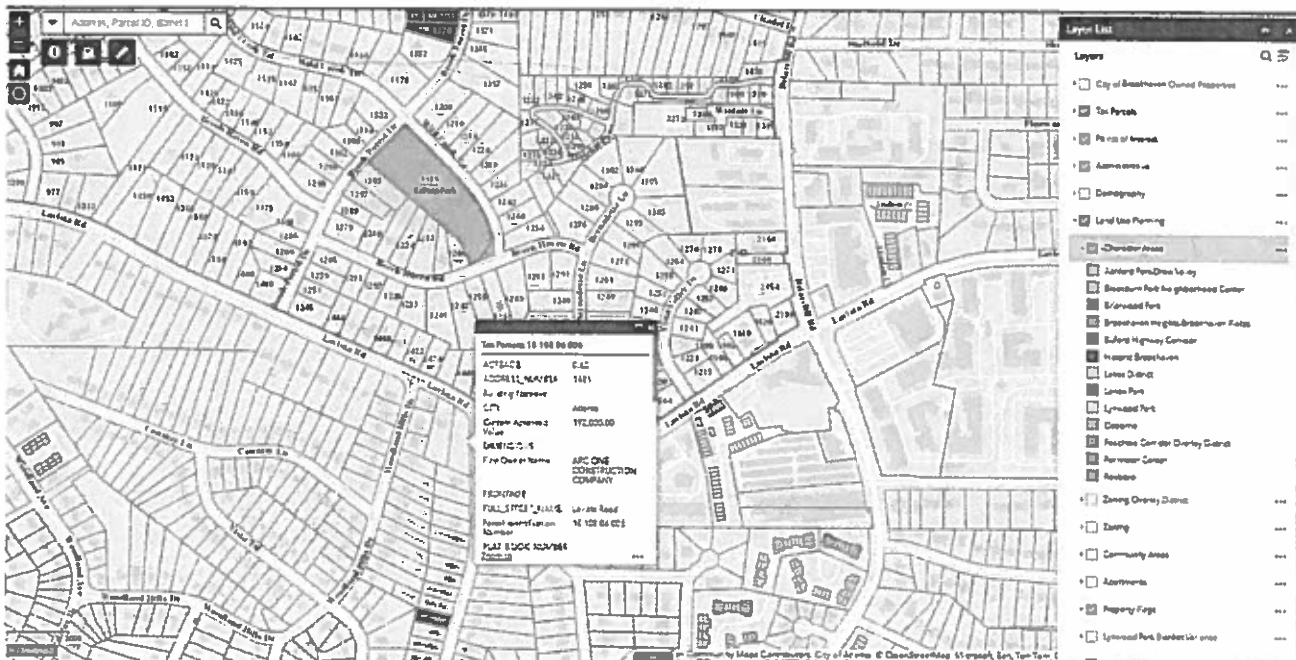
- b. Describe adjacent properties. Include a site plan that depicts the proposed project.

Adjacent properties are developed with single-family detached homes. A site plan has been attached to this applicant depicting the proposed project.

- c. Describe how the project conforms to the Comprehensive Land Use Plan.

The project allows for the City to expand its borders.

- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.



- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

No land use suggestion applies to the Subject Property yet. According to the City's map, the properties to the north do not yet have a Character Area assigned. However, the Subject Property is adjacent to the City's border

Land Use Petition Application

to the north.

2. Environmental Impacts of The Proposed Project

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands – There are no wetlands on the Subject Property according to submitted survey.
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain – There is no floodplain on the Subject Property according to the FEMA National Flood Hazard Layer.
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
- c. Streams/stream buffers – There are no streams or stream buffers on the Subject Property according to a field observation via survey.
 - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation – There are no slopes exceeding 25% over a 10-foot rise in elevation according to the survey.
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation – The Subject Property has trees, grass, and some miscellaneous greenery.
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish) – There is no wildlife on the Subject Property according to field observation.
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites – There are no archaeological/historical sites on the Subject Property.
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division • Field observation and verification



Land Use Petition Application

3. Project Implementation Measures

Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are no environmentally sensitive areas on the Subject Property. However, the Applicant will abide by all City of Brookhaven requirements in the event some areas are discovered.

- b. Protection of water quality

The Applicant proposes stormwater management on the included site plan to protect water quality.

- c. Minimization of negative impacts on existing infrastructure

The Applicant proposes to minimize the number of driveways accessing Sheperd Lane and proposes zero curb cuts on Lavista Road.

- d. Minimization on archeological/historically significant areas

There are no archeological/historically significant areas on or near the Subject Property. However, should some be discovered, the Applicant will abide by all City of Brookhaven regulations regarding archeological/historically significant areas.

- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses

There are no environmentally stressed communities on or near the Subject Property. However, the Applicant will abide by all City of Brookhaven regulations should some be discovered.

- f. Creation and preservation of green space and open space

The Applicant proposes lot sizes in excess of the minimum required under RS-60 in the City of Brookhaven. This will allow for ample yards for the future residents.

- g. Protection of citizens from the negative impacts of noise and lighting

The proposed single-family detached homes will not contribute to noise or lighting any more than the existing single-family homes surrounding the Subject Property. Furthermore, the Applicant will allow for adequate buffering between the new homes and existing homes to mitigate the effects regardless.

- h. Protection of parks and recreational green space

There are no parks or recreational green spaces on or near the Subject Property.



Land Use Petition Application

i. Minimization of impacts to wildlife habitats

There are no wildlife habitats on the Subject Property. However, the Applicant will abide by all City of Brookhaven regulations pertaining to wildlife habitats should some be discovered.

All that tract or parcel of land being in Land Lot 108 of the 18th district of DeKalb County, Georgia and being more particularly described as follows:

Beginning At The Point Of Intersection Of The Southerly Right-Of-Way Of Lavista Road (60' Right-Of-Way) and The Westerly Right-Of-Way Of Shephards Lane (40' Right-Of-Way); Thence Following The Right-Of-Way Of Shephards Lane With A Curve Turning To The Right With An Arc Length Of 26.52', With A Radius Of 30.00', With A Chord Bearing Of South 29°01'21" East, With A Chord Length Of 25.67', To A Point; Thence South 00°32'22" East A Distance Of 287.50 Feet To A Point; Thence Leaving Said Right-Of-Way North 65°49'26" West A Distance Of 120.70 Feet To A Point; Thence North 03°52'49" East A Distance Of 308.40 Feet To A Point Along The Right-Of-Way Of Lavita Road; Thence Following Said Right-Of-Way South 57°30'19" East A Distance Of 87.83 Feet To A Point; Which Is The Point Of Beginning, Having An Area Of 30387.55 Square Feet, 0.698 Acres

