



FOR IMMEDIATE RELEASE

Brookhaven lifts stop work order

Brookhaven, GA, Dec. 5, 2013 – Brookhaven has lifted a stop work order on a home under construction at 2802 Ashford Road.

After receiving complaints from neighbors, Brookhaven city staff, the city attorney and outside lawyers, who specialize in land use, conducted a thorough review of the property's compliance with city setback and zoning regulations. They all determined that the house, as built, is in compliance with all legal setback and zoning regulations.

As a result, the city has lifted the stop work order. The Zoning Board of Appeals application has also since been withdrawn.

"The city has no legal recourse with this property because of the zoning map and ordinance that the Brookhaven City Council adopted from DeKalb County earlier this year," Brookhaven Mayor J. Max Davis said. "First and foremost, Brookhaven must follow the law. We also must abide by our charter, which states that we are a city manager form of government. As a result, city staff decided to lift the stop work order."

The home's retaining wall, which is included in the construction, was also in question. The city has determined that it is in violation and has ordered it to be torn down. The builder has agreed to construct a new wall in compliance with setback and height restrictions.

In an attempt to find a solution that benefits all parties, the city offered the builder remediation options, including sharing the cost of moving the entire house back from the street. However, the builder has declined these offers.

In response to neighbors' concerns, the city has taken the following proactive steps:

- A task force has been appointed to review building permit procedures for single family residences. This task force will examine all permit and inspection processes, and determine what changes need to be implemented. The task force is comprised of Mayor J. Max Davis, District 2 Councilman Jim Eyre, City Manager Marie Garrett and Community Development Director Susan Canon.
- The city is auditing all active permits to ensure they comply with Brookhaven zoning regulations.

"We value the community's participation and encourage residents to continue to share their concerns with us," Brookhaven District 2 Councilman Jim Eyre said.

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