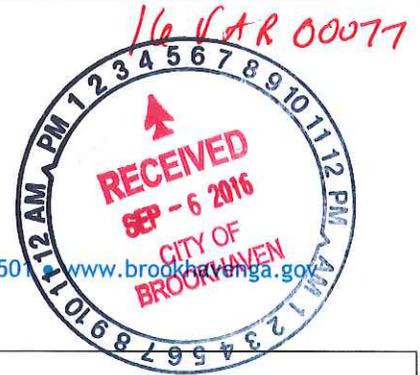




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### Variance Application

Type	Type of Request: <input checked="" type="checkbox"/> Zoning/Special Exception <input type="checkbox"/> Sign <input type="checkbox"/> Stream Buffer <input type="checkbox"/> Other <input type="checkbox"/> Administrative (Zoning/Special Exception or Stream Buffer)			
	Applicable Zoning/Sign Code Section:			
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements
	<input type="checkbox"/> Setback	(See Chart to the Right)		Front
	<input type="checkbox"/> Sign			Side
<input type="checkbox"/> # Parking Spaces			Rear	
<input checked="" type="checkbox"/> Other	Lot Coverage 35%	39.1%	Other	
Project	Name of Project/Subdivision: <u>Ashford Park</u>		Present Zoning: <u>R-7S</u>	
	Property Address/Location: <u>2622 Winding Lane</u>			
	District: <u>18</u>	Land Lot: <u>242</u>	Block: <u>34</u>	
	Property ID: <u>18 242 11 030</u>			
Is this development and/or request seeking any incentives or tax abatement through the City of Brookhaven or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Owner Information	Name: <u>Neville Allison</u>			
	Address: <u>2622 Winding Lane Brookhaven, GA 30319</u>			
	Phone: <u>678-223-8978</u>	Fax:		
	Cell: <u>Same</u>	Email: <u>nallison@theardentcompanies.com</u>		
Applicant	Name: <u>Neville Allison (represented by Dan Webb with Smith, Gambrell, &amp; Russell)</u>			
	Address: <u>2622 Winding Lane Brookham GA</u>			
	Phone: <u>678-223-8978</u>	Fax:		
	Cell:	Email: <u>nallison@theardentcompanies.com</u>		
Affidavit	To the best of my knowledge, this variance 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: <u>Neville Allison</u>			
	Applicant's Signature: <u>[Signature]</u>		Date: <u>9/1/16</u>	
Notary	Sworn to and subscribed before me this <u>1</u> Day of <u>Sept.</u> 20 <u>16</u>			
	Notary Public: <u>[Signature]</u>			
	Signature: <u>Carmen Roberts</u>			
	Date: <u>9/1/16</u>			
Office Use	Application Received By:		Project Title:	
	Project Number:			
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 per 500 feet per frontage) <input type="checkbox"/> Legal Fee (\$20)			
	Fee: \$	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC	Date:	
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date:		





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## Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), 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	Signature: 		Date: 9-1-16
	Address: 2622 Winding Lane		City, State: Brookham GA
	Phone: 678-223-8978		
	Sworn to and subscribed before me this 1 day of Sept., 20 16		
	Notary Public:  Carmen Roberts		
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		



## Campaign Disclosure Ordinance



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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?

Applicant / Owner	Signature: <i>[Handwritten Signature]</i>
	Address: <i>2622 Winding Lane</i>
	Date: <i>9-1-16.</i>

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

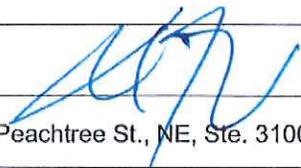
Date	Government Official	Official Position	Description	Amount



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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

<b>Applicant / Owner</b>	Signature: 	Dennis J. Webb, Jr.
	Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309	
	Date: 9-8-16	

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

Date	Government Official	Official Position	Description	Amount



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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

<b>Applicant / Owner</b>	Signature: 	Kathryn M. Zickert
	Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309	
	Date: 9-8-14	

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

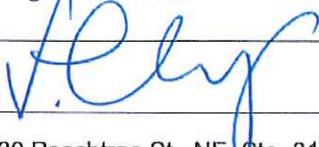
Date	Government Official	Official Position	Description	Amount



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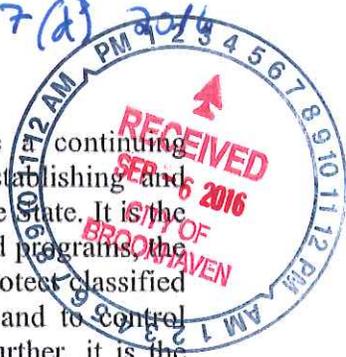
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

YES  NO

<b>Applicant / Owner</b>	Signature: 	Vickie B. Chung
	Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309	
	Date: 9-8-16	

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

Date	Government Official	Official Position	Description	Amount



§ 143-214.7. Stormwater runoff rules and programs.

(a) Policy, Purpose and Intent. – The Commission shall undertake continuing planning process to develop and adopt a statewide plan with regard to establishing and enforcing stormwater rules for the purpose of protecting the surface waters of the State. It is the purpose and intent of this section that, in developing stormwater runoff rules and programs, the Commission may utilize stormwater rules established by the Commission to protect classified shellfish waters, water supply watersheds, and outstanding resource waters; and to control stormwater runoff disposal in coastal counties and other nonpoint sources. Further, it is the intent of this section that the Commission phase in the stormwater rules on a priority basis for all sources of pollution to the water. The plan shall be applied evenhandedly throughout the State to address the State's water quality needs. The Commission shall continually monitor water quality in the State and shall revise stormwater runoff rules as necessary to protect water quality. As necessary, the stormwater rules shall be modified to comply with federal regulations.

(a1) Definitions. – The following definitions apply in this section:

- (1) Development. – Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil. When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law.
- (2) Redevelopment. – Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control to that of the previous development.

(b) The Commission shall implement stormwater runoff rules and programs for point and nonpoint sources on a phased-in statewide basis. The Commission shall consider standards and best management practices for the protection of the State's water resources in the following order of priority:

- (1) Classified shellfish waters.
- (2) Water supply watersheds.
- (3) Outstanding resource waters.
- (4) High quality waters.
- (5) All other waters of the State to the extent that the Commission finds control of stormwater is needed to meet the purposes of this Article.

(b1) The Commission shall develop model practices for incorporation of stormwater capture and reuse into stormwater management programs and shall make information on those model practices available to State agencies and local governments.

(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour). For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

- (1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.
- (2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and G.S. 143-214.7 to protect classified shellfish waters, outstanding resource waters, and high-quality waters provided the stormwater runoff from the development is collected and treated from the entire impervious area and discharged so that it passes through the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
- (3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries.

(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls.

(c) The Commission shall develop model stormwater management programs that may be implemented by State agencies and units of local government. Model stormwater management programs shall be developed to protect existing water uses and assure compliance with water quality standards and classifications. A State agency or unit of local government may submit to the Commission for its approval a stormwater control program for implementation within its jurisdiction. To this end, State agencies may adopt rules, and units of local government are authorized to adopt ordinances and regulations necessary to establish and enforce stormwater control programs. Units of local government are authorized to create or designate agencies or subdivisions to administer and enforce the programs. Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program.

(c1) Any land-use restriction providing for the maintenance of stormwater best management practices or site consistency with approved stormwater project plans filed pursuant to a rule of the Commission, local ordinance, or permit approved by the Commission shall be enforced by any owner of the land on which the best management practice or project is located, any adjacent property owners, any downstream property owners who would be injured by failure to enforce the land-use restriction, any local government having jurisdiction over any part of the land on which the best management practice or project is located, or the Department through the remedies provided by any provision of law that is implemented or enforced by the Department or by means of a civil action, without first having exhausted any available administrative remedies. A land-use restriction providing for the maintenance of stormwater best management practices or site consistency with approved stormwater project plans filed pursuant to a rule of the Commission, local ordinance, or permit approved by the Commission shall not be declared unenforceable due to lack of privity of estate or contract, due to lack of benefit to particular land, or due to lack of any property interest in particular land. Any person who owns or leases a property subject to a land-use restriction under this section shall abide by the land-use restriction.

(c2) The Department shall transfer a permit issued under this section for a stormwater management system from the declarant of a condominium or a planned community to the unit owners association, owners association, or other management entity identified in the condominium or planned community's declaration upon request of a permittee if the Department finds that (i) common areas related to the operation and maintenance of the stormwater management system have been conveyed to the unit owners association or owners association in accordance with the declaration; (ii) the declarant has conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant; and (iii) the stormwater management system is in substantial compliance with the stormwater permit issued to the permittee by the Department. In support of a request made pursuant to this subsection, a permittee shall submit documentation to the Department sufficient to demonstrate that ownership of the common area related to the operation and maintenance of the stormwater management system has been conveyed from the declarant to the association and that the declarant has conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant. For purposes of this subsection, declarant of a condominium shall have the same meaning as provided in Chapter 47C of the General Statutes, and declarant of a planned community shall have the same meaning as provided in Chapter 47F of the General Statutes.

(c3) In accordance with the Federal Aviation Administration August 28, 2007, Advisory Circular No. 150/5200-33B (Hazardous Wildlife Attractants on or Near Airports), the Department shall not require the use of stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this section at public airports that support commercial air carriers or general aviation services. Development projects located within five statute miles from the farthest edge of an airport air operations area, as that term is defined in 14 C.F.R. § 153.3 (July 2011 Edition), shall not be required to use stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this section. Existing stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this section located at public airports or that are within five statute miles from the farthest edge of an airport operations area may be replaced with alternative measures included in the Division of Water Resources' Best Management Practice Manual chapter on airports. In order to be approved by the Department, alternative measures or management designs that are not expressly included in the Division of Water Resources' Best Management Practice Manual shall provide for equal or better stormwater control based on the pre- and post-development hydrograph. Any replacement of existing stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water shall be considered a minor modification to the State general stormwater permit.

(c4) The Department shall deem runways, taxiways, and any other areas that provide for overland stormwater flow that promote infiltration and treatment of stormwater into grassed buffers, shoulders, and grass swales permitted pursuant to the State post-construction stormwater requirements.

(c5) The Department may transfer a permit issued pursuant to this section without the consent of the permit holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection:

- (1) The Department may transfer a permit if all of the following conditions are met:
  - a. The successor-owner of the property submits to the Department a written request for the transfer of the permit.
  - b. The Department finds all of the following:
    1. The permit holder is one of the following:

- I. A natural person who is deceased.
  - II. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
  - III. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
  - IV. A person who has sold the property on which the permitted activity is occurring or will occur.
- 2. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
  - 3. The successor-owner is the sole claimant of the right to engage in the permitted activity.
  - 4. There will be no substantial change in the permitted activity.
- (2) The permit holder shall comply with all terms and conditions of the permit until such time as the permit is transferred.
  - (3) The successor-owner shall comply with all terms and conditions of the permit once the permit has been transferred.
  - (4) Notwithstanding changes to law made after the original issuance of the permit, the Department may not impose new or different terms and conditions in the permit without the prior express consent of the successor-owner.

(d) The Commission shall review each stormwater management program submitted by a State agency or unit of local government and shall notify the State agency or unit of local government that submitted the program that the program has been approved, approved with modifications, or disapproved. The Commission shall approve a program only if it finds that the standards of the program equal those of the model program adopted by the Commission pursuant to this section.

(d1) Repealed by Session Laws 2013-265, s. 19, effective July 17, 2013.

(d2) Repealed by Session Laws 2008-198, s. 8(a), effective August 8, 2008.

(e) On or before October 1 of each year, the Commission shall report to the Environmental Review Commission on the implementation of this section, including the status of any stormwater control programs administered by State agencies and units of local government. The status report shall include information on any integration of stormwater capture and reuse into stormwater control programs administered by State agencies and units of local government. (1989, c. 447, s. 2; 1995, c. 507, s. 27.8(q); 1997-458, s. 7.1; 2004-124, s. 6.29(a); 2006-246, s. 16(b); 2007-323, s. 6.22(a); 2008-198, s. 8(a); 2011-256, s. 1; 2011-394, s. 6; 2012-200, ss. 1, 6; 2013-121, s. 1; 2013-265, s. 19; 2013-413, ss. 51(a), 57(h); 2014-90, s. 2; 2014-115, s. 17; 2014-120, s. 45(a); 2015-149, s. 1(a); 2015-286, s. 4.20(b).)

DEED BOOK 25582 Pg 187  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

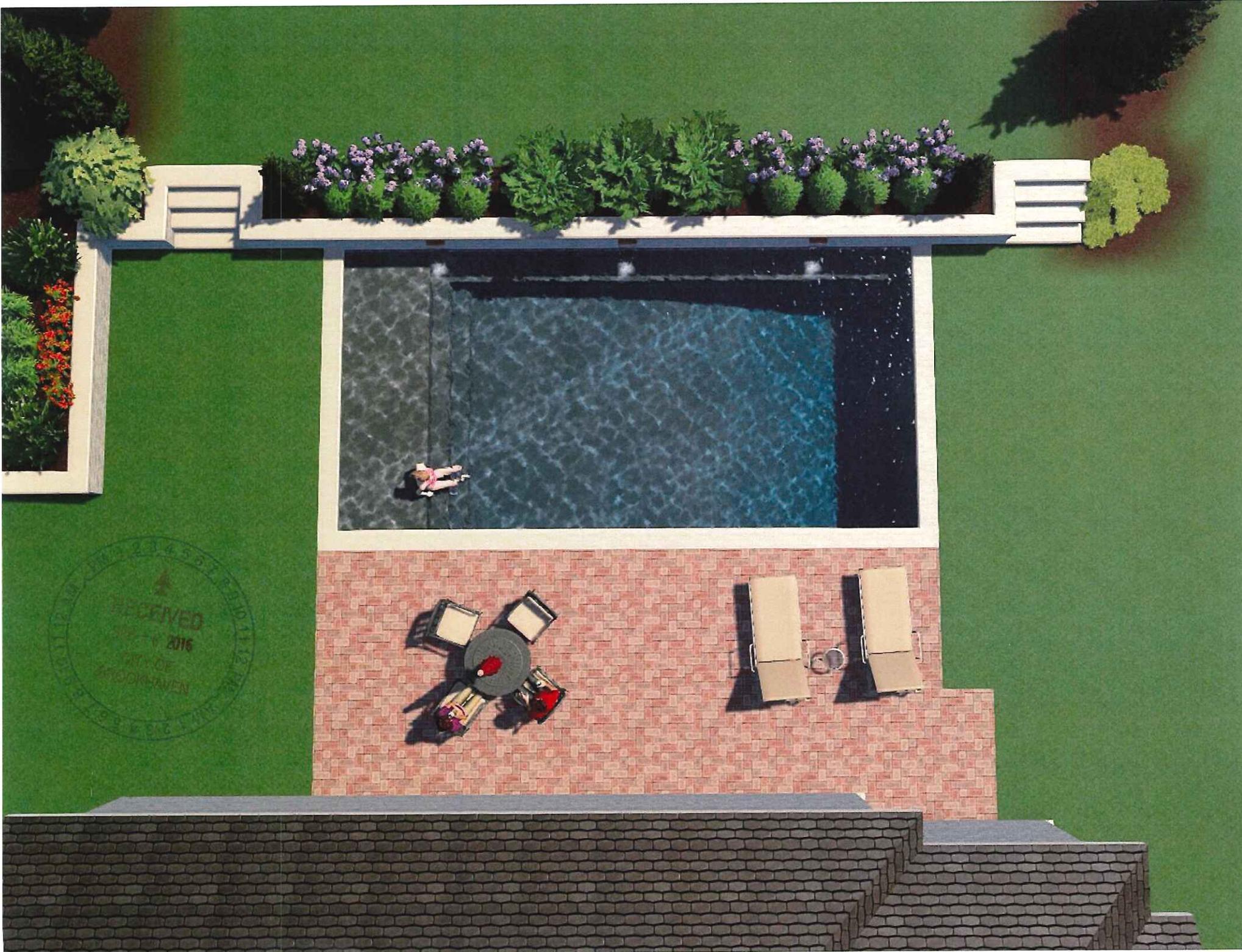
Issuing Office File No.: 16B0180

**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 242 of the 18th District of DeKalb County, Georgia, being Lot 36 in Block 34, Plat 10, Ashford Park Subdivision, as per plat by Gordon Nalley, revised October 16, 1952, recorded in Plat Book 19, Page 167 of DeKalb County Records, and being more fully described as follows:

Beginning at a point marked by an iron pin on the Southwest side of Winding Lane, 80 feet Southeast, as measured along the Southwest side of Winding Lane, from the corner formed by the intersection of the Southwest side of Winding Lane and the Southeast side of Redding Way; running thence Southwest along the Southeast side of Lot 35 of said block 205.8 feet to an iron pin (recorded plat shows this distance to be 206.5 feet); thence Southeast 70 feet to an iron pin; thence Northeast along the Northwest side of Lot 37 of said block, 210.8 feet (recorded plat shows this distance to be 211.5 feet) to an iron pin on the Southwest side of Winding Lane; thence Northwest along the Southwest side of Winding Lane, 70 feet to the point of beginning; and being Improved property located at and known as No. 2622 Winding Lane (formerly No. 3888 Winding Lane), according to the present system of numbering houses in DeKalb County, Georgia.





RECEIVED  
JUL 14 2016  
CITY OF  
BROOKHAVEN



RECEIVED  
JUL 14 2016  
OFFICE  
SUNSHINE AVENUE  
1 2 3 4 5 6 7 8 9 10 11 12 PM



RECEIVED  
SEP - 6 2016  
CITY OF  
BROOKHAVEN