

## LETTER OF INTENT

Dear City of Brookhaven:

We are writing this letter to request approval for a Zoning Variance to increase the impervious lot coverage from 35% to 38.6% (3.6% increase) at 1255 Star Drive NE, Brookhaven Ga 30319. The variance request is to construct a concrete in-ground swimming pool (14'x30' Rectangle (420 sf) and pool equipment pad (21 sf) and retaining wall only, The current lot size is 9,326 sf, existing impervious at 32.8% with a maximum 35% impervious ratio per the zoning of the lot. The Below are justifications for approval variance from the zoning.

The property to the south at 1259 Star Drive received a variance to increase the impervious ratio from 35% - 39.1%. November 2019 by Artisan Pools.

The location of the proposed swimming pool and amenities will be in rear yard directly behind the footprint of the house. There is no other location on the site to build the swimming pool and amenities. Noise and light would be non-obtrusive and concentration of persons would be non-visible to Dresden Drive.

The subject property is a result of the following conditions:

1.) The requested variance by reason of exceptional narrowness, shallowness or shape of a specific lot or by reason of exceptional topographic conditions deprives the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The lot does NOT meet the minimum square footage. The lot is 674 sf less than the minimum 10,000 sf and 435 sf less than the 3500 sf impervious max for a R75 zoning. The proposed pool, wall and equipment is 608 sf which is only 173 (1.8%) over the 3500 sf . It and does not have any issues of shape or topography.

2) 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 properties in the zoning district in which the subject property is located;

Other properties in the same zoning district have been granted variances for similar impervious zoning variances.

3) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;

The use is within the building setbacks and for private use only. It will improve the property and its value by creating a functional recreation and gathering space. It cannot be located elsewhere on site.

4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; not merely impose a casual/discretionary inconvenience up the applicant or his assigns; and

Not granting the variance would be unfair to the property owners due to similar and greater impervious variances have been granted.

5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Brookhaven Comprehensive Plan text.

With your approval, the owners of the property will be able to enjoy their home and recreational space that would be consistent in the residential zoning, other approved variance applicants and Comprehensive plan.

With the facts above, we request your approval for the Variance to the Zoning for Impervious ratio increase.

Thank you,

James Hill & Danielle Reier  
1255 Star Drive