



August 25, 2020

Dear Director Ruffin and Deputy Director Abaray,

This Variance Request is for the property located at 2741 Tryon Place on the southeast corner of Tryon Place and at the termination of Ashburn Ln in central portion of District Two. The site contains one single family home and consists of 0.63 acres bordered by a small creek on the western property line. A portion of the existing structure encroaches on stream buffer and abuts the rear building setback line. In addition, the site features many other unique characteristics as described in the written analysis. The Larsen family is seeking to add a screened porch constructed on piers to support their growing family while maintaining a reasonable and safe yard for their older children to play. In order to meet their needs, we are seeking a minor stream buffer variance to section 14-153(a)(2) to encroach upon the variance from the following sections of the Zoning Ordinance:

Part 1. Section 14-153(a)(2), Land development requirements.

“[...] An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. [...]”

We are requesting a variance to allow development within the additional setback due to unique site conditions and a limited ability to develop alternative designs that meet the existing residents need. We are proposing to construct the screened porch on piers to limit land disturbance and eliminate the need for heavy machinery within the buffer. Further, we propose the addition of water quality and quantity devices located outside of the buffer in order to treat 100% of the runoff from the additional impervious surface, the design of which is subject to the approval of the city. By utilizing best practices and substantially limiting land disturbance we believe that building into the additional setback in lieu of the rear yard will help preserve the environment and the quality of our stream water as well as ensure conformity with the existing urban form and development patterns on both the Tryon Place and Ashburn Lane corridors. The adjacent neighbors have voiced their support for the buffer variance. We are pleased to offer stream bank restoration for the stream bank on the property by planting additional foliage to help control erosion if deemed necessary and would maintain a double row of Type-C silt fence throughout construction.

The details required for this Variance Request are enclosed. We trust that the following information will be sufficient; however, if you have any additional suggestions require any

supplementary information please do not hesitate to reach out to us. Thank you for your time and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to be 'Darron Kusman', written over a horizontal line.

Darron Kusman
Director
Roma Ventures



Written Analysis: Variance Criteria

2741 Tryon Place, Brookhaven, Georgia

This Variance Request is to allow development within the 25' additional setback that lies beyond the 50' undisturbed natural vegetative buffer.

In response to the questions afforded by the Brookhaven Zoning Ordinances and the State of Georgia, please see below:

Part 1. To Allow development within the 25' additional setback that lies beyond the 50' undisturbed natural vegetative buffer.

“[...] An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. [...]”

Stream buffer variances are subject to distinct variance criteria pursuant to section 14-153(d)(2) of the zoning ordinance.

1. Review Criteria 1: The shape, size, topography, slope, soils, vegetation and other physical characteristics of the parcel;

***Explanation:** The parcel features many unique site characteristics which create a hardship for the owner. The lot is pie shaped with frontage on Tryon Place, however, Ashburn Ln also abruptly terminates directly into the center of the owner's backyard without any turnaround for incoming vehicles. If Ashburn Ln were to be reconstructed today it would not meet IFC standards or local ordinance. Further, the abrupt termination of Ashburn Ln creates a safety concern and the owner desires to place the porch far from Ashburn Ln to alleviate some of the risk. In addition to being pie shaped, the property is not very deep, with a corner of the home already abutting the rear setback line on the NE side of the property. This condition was created by the prior owner and not by any actions of the Larsen Family. The direction and location of the stream also significantly reduces the buildable footprint and a small portion of the structure currently sits within the 25 foot no impervious buffer. On the western property line the front of the home sits within 5' of the front yard setback, and the front sitting porch is located on the front yard setback line. There are also numerous boundary trees present on the northern half of the eastern property line which the owners would like to preserve for privacy. There is not an elevated flood risk at the proposed porch location. These significant constraints exist despite the site only having an existing impervious coverage ratio of 16.4% out of an allowable 35% for the district.*

Because of these unique characteristics we believe it is in the best interests of the city and the property owner to encroach on the additional stream setback rather than to adhere to the strictest interpretation of the ordinance. The existing site conditions create an exceptional hardship on the owner that was created through no actions of their own. Placing the porch in any other location would not be functional based on the existing layout, would not be safe due to the abrupt termination of Ashburn Ln, would not be aesthetically appealing and would not conform to the surrounding urban form and development patterns. The combination of these characteristics and the strict adherence to the zoning ordinance would create a direct, adverse, and material hardship on the Larsen family.

- 2. Review Criteria 2:** The locations of all streams on the parcel, including along parcel boundaries and within adjacent parcels;
Explanation: *The stream is located on the adjacent parcel to the southwest. The homeowner has stated that the stream has not approached the bank or flooded since they purchased the home in 2015. There is minimal flow associated with this channel and the “blue line” designation begins 9 parcels to the north. Prior to this the channel is simply considered a drainage ditch based on the available maps. There is not an enhanced flood risk at the front of the property where the porch is proposed, though there is a slightly elevated risk to the rear per GA DFIRM.*
- 3. Review Criteria 3:** The locations and extent of the proposed buffer or setback intrusion;
Explanation: *The maximum length of the proposed intrusion into the additional setback is 22 feet. The porch would encroach 453 square feet for a total of 16.4% impervious coverage on the site (35% allowed per district standards). It is important to note that there is no proposed encroachment into the 25’ state mandated buffer or the 50’ natural vegetative buffer. The entire encroachment occurs within the “additional buffer” in which pervious cover is typically allowed without the need to request a variance. Nonetheless, the applicant proposes to construct the porch on stilts and piers to minimize grading within the setback.*
- 4. Review Criteria 4:** Whether alternative designs are possible which require less intrusion or no intrusion;
Explanation: *As described in criteria one, locating the porch in any other location would not be functional based on the existing home and site layout, would not be safe due to the abrupt termination of Ashburn Ln, would not be aesthetically appealing to the neighboring properties, and would not conform to the surrounding urban form and development patterns. An alternative plan is enclosed; however, we do not believe it is functional due to the family’s needs, configuration of the home, other building setback lines, and the existing site conditions.*
- 5. Review Criteria 5:** The water-quality impacts of the proposed variance;
Explanation: *Any impacts to water quality will be mitigated through the installation of BMPs approved by the City of Brookhaven to mitigate 100% of the additional runoff created by the project. The applicant proposed the use of flow wells or an infiltration*

trench to meet water quality standards but is amenable to other devices as well. The construction methods have been designed to limit land disturbance and E&SC will be addressed through a double row of silt fence despite the only land disturbance being the installation of concrete pier footers and the water quality device.

- 6. Review Criteria 6:** Whether the proposed mitigation compensates for the lost buffer or setback functions and otherwise maintains the function of the required buffer or setback at the same site where the impact will occur and provides at least the same protection of the water as provided by the natural features to be disturbed or removed.

Explanation: *The proposed mitigation compensates for the lost buffer and maintains and enhances the water quality due to the installation of additional water quality devices. The area being impacted was graded in the past and is currently grassed. The installation of the porch will reduce the chances of runoff and leaves making their way into the stream channel. Throughout this project we will remain very cognizant of Brookhaven's development codes and environmental stewardship and will do all we can to maintain the environment and ensure there is no negative impact on the quality of the stream water.*

In closing, we believe that this project, if approved, will enhance and the long-term water quality by reducing sources of stream pollution and potential debris in the state waters while providing a safe and aesthetically pleasing area for the Larsen family to enjoy. Thank you once again for your time and consideration. As always, please don't hesitate to reach out with any questions, comments, or concerns.

Respectfully,



Darron Kusman
Director
Roma Ventures