

P&Z 09-21-20



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September 18, 2020

To: Patrice Ruffin
Community Development Director
City of Brookhaven
Community Development Department
Variance Application

Re: Howard and Denise Roath House
3520 Inman Drive
Brookhaven, GA

Ms. Ruffin:

I am submitting this request for a Variance to the side property setback on behalf of Howard and Denise. The Roath's have purchased this home to be their retirement property. The interior of the house has a few levels that is not conducive to aging in place. They would like to infill the back left corner of the house footprint to provide a new master suite layout that provides them a bathroom and bedroom all on one level. However after receiving the survey, we found that the existing house encroaches on the side setback by. We are requesting a variance to reduce the left side setback from 10' to 8'-6" so that the house addition may encroach into the side setback the same as the existing house. The setback line is not parallel to the lines of the house, so the setback variance we are requesting varies from 12" to 18" max. In response to the City of Brookhaven "Review and Approval Criteria", I offer the following:

1. **"The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements"** This addition simply follows the same setback of the current side of the house. The maximum encroachment would be 1'-6". It does not encroach any more than it already does, so I do not see this as a detriment to public, health, safety or welfare.
2. **The variance request is based on conditions that are: (a) Unique to the subject property; (b) Not generally applicable to the other properties in the same zoning district; (c) Not the result of the subject property owner's or applicants actions;"**. Again, this is an existing condition that is original to the house and we are just extending it along the same line in order to "square" the house. The fact that the existing house was built at 8'-6" from the property line is unique.
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."** If the new construction was not granted a variance to match the

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existing line of the house, the homeowner would have to construct the house with a notch out of the corner, which would not be ideal for the interior layout having a notch in the new bedroom. The addition is not very wide and losing any interior space would not allow them to use their existing furnishings. Expanding more toward the back yard does not help this as they would just end up with a longer, skinnier room. Also, this is a very unique and special house and the desire is for this not to look like an addition to the original construction, but to blend with the original house in every way. An offset would make it obvious that this was an addition.

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.”*** We are asking for the minimum necessary simply to match what is existing. Not asking for any more than is already existing.
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.”*** If required to maintain a 10' setback, then my client would have to either build the new house with a notch out of the back corner and the addition would not be the size they were anticipating which may not allow the interior layout that they were planning.
6. ***“The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.”*** Again we are only trying to stay consistent with the existing conditions and do not believe that this request would even be noticeable. Because the structure is well within the setbacks on all other sides, and we are not asking for more of a setback than what is already existing, the request is well within the spirit and purpose of the ordinance in my opinion.

Thank you for your thoughtful consideration of our request. Please feel free to contact me if you have any additional questions.

Sincerely,

Kristen A. Ware, AIA