HUGH TULLY pools

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Letter of Intent

City of Brookhaven

Variance Application

Applicant: Hugh Tully, Tully Pools LLC

Homeowners: Jackson and Lauren Allen

Property:

1446 Wilford Dr.

Brookhaven, GA 30319

To reduce the stream buffer to 35' for impervious improvements and placement of flo wells. The reduction of the stream buffer from 75' to 50' for the construction of a swimming pool was previously approved under variance VAR22-00055. Specific impervious improvements seeking approval is for 89SF retaining wall of which 22SF was inadvertently built into the 50' city setback. We are also seeking approval to build three flo wells in the 50' city setback instead of the rain garden approved for permit BLR22-00503.

The exceptional conditions pertaining to this property are the size, shape, and grade of the lot. As stated in the BOA Public hearing 10/19/2022:

" The subject property is 10,912 square feet in size, maintains 90.00-feet of street frontage. The lot is trapezoidal, with a tapering western side boundary that narrows the lot to a width of 30-feet along the rear property line. The elevation contours as shown on the survey appear to resemble the topography of the lot in 2011 before the current house of constructed. Historic aerial photography reveals that the property's rear yard was regraded to the top of stream bank during construction of the house under DeKalb County. As such, the current elevation of the rear yard is relatively level. Because the stream buffers were so drastically disturbed a decade ago, it appears that the current proposal would have little to no effect on the current conditions of the stream."

The hardship faced by the property owners, if a rain garden is built per the site plan, is the potential safety hazard for their young children playing in the backyard given the size and shape of the lot. The

homeowners feel that the garden will take up a considerable part of their backyard behind the pool in an area where children and pets will be running and playing. There is no visibility of this area from the pool deck to the residence. The potential for the rain garden to hold water from heavy rain is a concern for pets, as well as the children tripping or falling into the garden as it is a drowning hazard that has no way to be monitored. There is also the potential liability of having guests visit to enjoy the backyard area that has been built to entertain family and friends with the rain garden directly in the pool.

If a variance is granted, the rain garden, shown as 185SF on the approved site plan, will be replaced with a flo well system including a 15x10x6 pit with 3 flo wells. The flo well calculations are shown as 3763SF. This will benefit the project by exceeding the wall treatment requirements and will not interfere with the current sheet flow drainage of the yard. The flow wells will be buried so will not impede children playing and allow the homeowners to enjoy their backyard space.

The site plan was created to show the considerations that are listed in Chapter 14. There are no other alternatives that will allow the family to have peace of mind about the safety of their children, pets, and visitors as well as being able to enjoy the backyard.

The retaining wall addition will add usable, safe yard space to the property and protect the pool and grading from erosion in the event of heavy rains and flooding. The retaining wall will not prevent or hinder stormwater management as it pertains to the stream. Besides the aesthetic, the wall also acts to terrace the rear yard and slow runoff.

The flo well variance will exceed the water treatment requirements of what the rain garden would provide. The flo wells are buried so that they don't impede the rear yard in any way. The retaining wall allows for terracing the rear yard making the space usable, slowing down the runoff, and controlling the potential for erosion and soil slippage. Note: With all the rain that we have had in the last few months, with the wall, there has been zero erosion and runoff.

Respectfully,

Hugh S. Tully

Hugh S. Tully, Applicant

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