

City of Brookhaven  
Community Development Department  
4362 Peachtree Road  
Brookhaven, GA 30319

Property Address:  
3856 Flowerland Drive,  
Brookhaven, GA 30319

**Subject: Letter of Intent for Zoning Variance**

Dear Zoning Committee,

I am writing this letter to request approval for a Zoning Variance to allow for a roof to be placed on an existing wood deck that extends from the rear of the principal dwelling. The wood deck was constructed prior to our purchasing this home. Considering the 40-foot rear setback line, the constructed deck extends from the home 1.5 feet into the 10-foot allowance of that same setback line requirement as stated below:

**Section 27-1336(c) (2)** "Porches, terraces, patios, steps, stoops and similar building fixtures may project into a front setback or rear setback for up to ten feet, and into a side setback to a point not closer than five feet to any side lot line."

The proposed roof would not extend greater than approximately 6 inches beyond the existing deck footprint, to account for gutters. The deck would remain open, not enclosed. The roof will not change the existing footprint of the foundation of the property.

The shape of the lot is unique in that, to our knowledge, it was created as a subdivided property decades ago. Our home was then built extremely close to the rear 40-foot setback line of this lot when the address was still part of unincorporated Dekalb County.

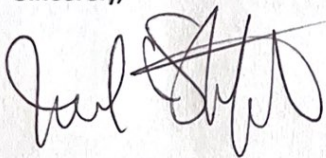
I submit below the following criteria for consideration of this variance request:

1. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the street and zoning district in which the subject property is located. The principal dwelling and deck are for private use only. It will both improve the property value and enhance an existing outdoor living space.
2. The variance is based on conditions that are unique to the subject property; due to the shape and limited length of this lot combined with the required rear setback of 40 feet. Also, the conditions of the lot and the placement of the dwelling is not the result of the current property owner's actions.

3. Regarding the required rear setback of 40 feet, the existing deck projects 1.5 feet into the 10-foot allowance of that 40-foot rear setback line, requiring this variance. A new roof, to comply with Section 27-1336(c) (2), would leave 1.5 feet of the existing deck exposed to water damage. This would also create an odd appearance which would be detrimental to the property value and not serve the intention of fully covering the deck.
4. Reconstructing the existing deck to conform to the required rear setback line would cause undue and unnecessary financial hardship and practical difficulty. The existing deck is structurally sound and compliments the primary dwelling footprint.
5. The requested variance is only asking for approximately 1.5 feet of rear setback line relief. It 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. The proposed variance will be consistent with the zoning of other properties in the community.
6. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated. Not granting the variance could stagnate said property's value when considering the rapid growth of new construction occurring on the same street location and neighborhood.
7. The requested variance would be consistent with the spirit of this chapter of the city of Brookhaven's comprehensive plan. The roof being built will be consistent with the new homes in the neighborhood. This proposed project will be of considerable value to the neighborhood.

Thank you for your consideration.

Sincerely,



Joseph Stafford  
3856 Flowerland Drive  
Brookhaven, GA 30319  
678-429-2748  
Property Owner