

David & Brooke Diaz
2473 Wawona Drive NE
Brookhaven, GA 30319

April 24, 2024

BY EMAIL & SUBMISSION INTO PROJECT PORTAL

City of Brookhaven
4362 Peachtree Road
Brookhaven, GA 30319

Attn: Drew Murray, AICP | Senior Planner

Email: Drew.Murray@BrookhavenGA.gov

Samantha Trust, AICP | Planner II

Email: Samantha.Trust@BrookhavenGA.gov

Re: **Letter of Intent** – Front & Rear Setback Variances for new construction at [2473 Wawona Drive](#)

Dear City of Brookhaven, Members of the Board of Zoning Appeals,

We have been proud members of the Brookhaven community for the past six years and have cherished every moment of living in this city. Our 1,247 square foot ranch home has been our beloved residence since 2018. However, as our family grows, we have made the decision to establish our roots in Brookhaven on Wawona Drive by building a new home on our approximately 0.35-acre lot.

- A. We are writing to request three variances from the setback requirements in the zoning ordinance for our planned new home construction project: (i) reduce front setback from 87.2' (average) to 53', (ii) reduce side accessory structure setback from 10' to 7.5', and (iii) reduce rear accessory structure setback from 10' to 1'.
 - a. Firstly, we are seeking a reduction in the front setback. Currently, the average front yard setback for residential infill is determined by calculating the [as-built average setback](#) of our two neighbors' homes, one of which is 89.5' from the road and the other which is 85.0'. This results in a required setback of approximately 87.2' from the street for our new project. This would necessitate starting the home over 20 feet further back from the current as-built condition of our ranch home. This setback requirement would significantly diminish the usable acreage of the property, specifically the backyard where we intend to build a pool and a garage with a finished room over it, similar to the plan presented to Samantha Trust via email on 4/24/24. Granting this variance would enable us to create a home that meets our family's needs without causing any adverse effects on the surrounding community. Please note that per the variance site plan dated 4/23/24 included in this variance application, the house setback of 53' will clear the structural root plate of the 54" tree in the front yard. We plan to keep that tree as part of our new home, so this site

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plan and the variance we're requesting will not cause any harm to the tree and will not require any tree removal on the property.

- B. Secondly, we are requesting a reduction in the current rear and side accessory structure setback requirement of 10'. As evident from our builder/architect's websites, we are planning to design and build a unique, luxury home where the garage and parking are positioned at the rear of the property. Following discussions with Sam Trust since October 2023, we aim to introduce a new design to the neighborhood where most homes have garages in the front facing the street. We had a constructive conversation with Sam again in February 2024, and we are eager to bring a beautiful home to Brookhaven that we believe will enhance the aesthetic of the street and neighborhood. Additionally, this design choice will limit parking directly off the street, which can sometimes make our neighborhood's streets feel congested. Since our garage will be at the back of the lot, we are seeking a decrease of the rear setback from 10 feet to 1.0 feet. Additionally, for the garage/FROG accessory structure to sit flush with the house, we are requesting a reduction in the side accessory structure setback from 10' to 7.5'. The requested variance does not exceed the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations placed on other properties. Additionally, similar variances have been granted on comparably positioned lots or conditions, indicating that this variance is not inconsistent and does not confer any special privileges due to the conditions presented.

We are requesting this variance based on the following parameters:

1. The grant of the variance will not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements. We are not proposing any changes that would have impact on the safety or welfare of our neighbors or the public at large. In fact, the proposed new construction project will improve the property and the neighborhood by making it more attractive and functional. Additionally, the current ranch home we live in is already set forward ~25' further towards the road than the two neighboring homes. We are only seeking a minor variance to move the house slightly further closer to the road, and the existing sight line will only have a minor impact, mitigating safety concerns. Please note there are other houses on the same street that are closer to the road than what we are proposing.
2. The variance request is based on conditions that are unique to the subject property (subject is already closer to the road than the adjacent homes factored into the calculation), not generally applicable to other properties in the same zoning district, and not the result of the subject property owner's or applicant's actions. Our property has unique conditions, including its size and shape, that make it difficult to comply with the strict setback requirements. These conditions are not shared by other properties in our zoning district, and they are not the result of any actions that we have taken.
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

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owners. If we were to comply with the strict setback requirements, we would be unable to enjoy the same rights and privileges resulting in unfair and unequal treatment.

4. The requested variance does not exceed 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 only requesting a minimal reduction in the setback requirement to accommodate our new home construction plans. This variance does not create a special privilege that is inconsistent with the limitations placed on other similarly situated properties.
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. Additionally, the application of the ordinance would greatly reduce the building envelope. Compliance with the strict setback requirements would cause undue hardship and practical difficulty for us and our family. It would make it impossible to create a home that meets our needs and requirements.
6. The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan. As previously mentioned, our home is already significantly closer to the road than the neighboring properties, so the minor additional variance meets the intent of the ordinance because the character of the road would not be impacted since we are essentially maintaining the existing setback. Our proposed project is consistent with the goals and objectives of the zoning ordinance and the comprehensive plan. It will improve the property and the neighborhood and make it a more attractive and functional place to live.

We appreciate your consideration of our request for variances from the setback requirements. We believe that granting this variance would allow us to create a home that meets the needs of our family while also improving the property and the neighborhood. Thank you for your time and attention to this matter.

David & Brooke Diaz

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Exhibit A: Project Team

Builder: Ladisic Fine Homes (Website: <https://ladisicfinehomes.com/>)

Architect: Castro Design Studio (Website: <https://www.castrodesign.com/>)

Engineer: Alpha Land Services (Website: <https://www.alphalandservices.com/>)

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Exhibit B: Site Photos

