

**Letter of Intent for Zoning Variances
Sec. 27-266. - Lot width; lot area; setbacks.**



August 18, 2017

Property owners:

Patrick and Kayla Hentze
4220 Regency Park Court
Brookhaven, GA 30341

To the City of Brookhaven:

This variance application is requesting a reduction in the rear setback from 30.0' to 11.5' for the kitchen/breakfast room and a reduction in the side setback from 7.5' to 5.0' for the front porch. We would like to convert an existing deck on the rear of the house to a kitchen/breakfast room and add a front porch.

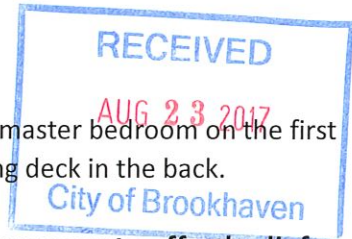
The main reason why we are seeking this variance approval is for noise reduction.

The location of our home is adjacent to the busy and very noisy Chamblee Dunwoody Road. We have a two-story brick house with bedrooms on the second floor, and our master bedroom faces Chamblee Dunwoody Road. There is no noise barrier on the second floor, thus our bedroom is very noisy especially around 5:00am when people are traveling to work. We tried to mitigate the noise in the bedroom with the double pane windows and noise proof curtains without success. However, the noise is minimal on the first floor because sound barriers such as trees, bushes, and fencing that aid in buffering the noise level. An approval for this addition will allow us to convert the existing kitchen and dining area (on first floor) into a quieter master bedroom.

Letter of Intent for Zoning Variances (Chapter 27): Please describe your situation, and how your variance request is a result of all of the following conditions:

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;**

This unusual L shaped and small size lot (0.165 acre) and the position of the home will not allow us to build the proposed addition without this variance approval (see survey drawings). According to Sec. 27-266. - Lot width; lot area; setbacks, the 30.0' required rear setback is inside the current structure. Also, the required side set back is 7.5'; however, the actual measurement at one corner of the house is 6.9'. We purchased the house not knowing how much the noise from Chamblee Dunwoody Road would penetrate to our master bedroom. Without the



variance authorization, this creates hardship for us to have a quiet master bedroom on the first floor if we cannot build the kitchen/breakfast room over the existing deck in the back.

- 2. 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 properties in the zoning district in which the subject property is located;**
Based on the current position of the house on the lot, any improvement to the property would require a variance approval. The addition will extend no further from the house than the existing deck. The rear of our lot borders an office building property, which has wooded buffer space (see photos). The proposed kitchen/breakfast that will replace the existing deck will not encroach a neighboring residential building or property. Our two adjacent neighbors have given us written approval for the project. The variance approval is necessary to improve our property as well as resolving the noise issue.

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;**
By permitting this variance, it will not be materially detrimental to the public welfare or injurious to the property or improvements. Fencing and foliage on the side and rear of the property will minimize the visibility of the proposed project.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; not merely impose a casual/discretionary inconvenience up the applicant or his assigns;**
The L shaped lot imposes limitations on the use of this property due to the existing setback violation accepted in 1999 by DeKalb County. By requiring us to comply with the literal interpretation of the requirements in Chapter 27, would create an undue and unnecessary hardship. It is to our benefit and future owners to gain this authorization to remodel in an effort to lessen the noise from the busy street of Chamblee Dunwoody Road. In the past months, we worked with several reputable home improvement General Contractors to design the addition to our home (see photos of our vision for the project).

- 5. The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Brookhaven Comprehensive Plan text**
In our opinion, this proposal is consistent with the spirit and the City of Brookhaven Comprehensive Plan text. The modifications will only enhance the property value in the years to come, our neighborhood, and the quality of our lives.

Thank you for your consideration of this variance application.

Sincerely,

Kayla and Patrick Hentze