

City of Brookhaven
4362 Peachtree Rd
Brookhaven, GA 30319
Attn: Brookhaven Zoning Board and Commissioners
RE: 1040 Standard Dr



1) Request for a Lot Merger Waiver Variance Request on 1040 Standard Dr

We would like to request a Lot Merger Waiver Variance to revert 1040 Standard Dr to its originally platted configuration of two 50' wide lots (Exhibit A). As shown on Exhibit B, almost every property in this neighborhood is 50' wide. When Mr. Downing purchased the property in 2014, he mis-understood the zoning rules. He incorrectly assumed that the lots could be legally re-platted into the original 2 lots without requiring a zoning variance or re-zoning. If granted the variance, the newly subdivided lots would each be over 15k square feet, larger than most of the surrounding properties. We do not anticipate any further variance requests as it relates to these properties. The new Buyer intends to build two ~34' wide single family homes on the two properties in keeping with the architectural style of other new homes in the neighborhood.

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 owner of rights and privileges enjoyed by other property owners in the same zoning district;

The strict application of the requirements would deprive the owner of the ability to build one home per 50' of frontage on Standard Dr as was granted to nearly every other property owner in the neighborhood.

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;

The requested variance is the minimum necessary to afford relief and is consistent with the privileges granted to nearly every other property owner on the street.

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;

The grant of the variance will not harm any neighboring properties. The applicant requests to build a beautiful new home that will enhance the neighborhood.

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 of the applicant or his assigns;

The strict application of the zoning code would cause significant and unnecessary financial hardship on the owner by denying him the same privileges granted to nearly every property owner on Standard Dr and surrounding streets.

The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Brookhaven Comprehensive Plan text;

The variance provisions exist to allow relief to property owners, such as Mr. Downing, that face undue hardship if the literal interpretation of the zoning rules are applied. Approval of the variance is consistent with the spirit and purpose of the Comprehensive Plan.

Thank you for your consideration.

Best Regards,
Jamie Simpson

