



Brookehaven Planning and Development
4362 Peachtree Road
Brookhaven, GA 30319

RE: Variance application for 2299 Matthews St, Brookhaven, GA 30319

Please see the following Letter of intent for the variance.

Applicant is requesting the rear building set back from 30' to 18' to allow for the rebuild of a new deck. Existing deck is 12' from the rear house with 4' set of stairs. The existing deck is 14' from the rear property line. Applicant is concerned about the safety of the deck and it needs to be rebuilt.

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.

The approval of this variance would not distract from the others use and enjoyment of adjoining and surrounding properties. The proposed encroachment of the deck into the rear yard is 4' less that the existing deck.

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.

The requested variance does not go beyond the minimum necessary to afford relief and doesn't grant special privilege. By code the deck needs to in place, but needs to be replaced due to safety. The homeowner have chosen to relocate the stairs to a side area and reduce the encroachment into the rear setback by 4'.

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.

The approval of this variance will be detrimental to the public welfare but actually improve the safety of the property by building a safer code compliant deck.



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.

Not being able to rebuild the deck would cause undue and unnecessary hardship due to safety and if the homeowners were required to make the deck less than 12' from the house they would be at a competitive disadvantage to the other homes in the area when trying to sell.

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

This variance application is consistent with the purpose of the chapter as this lot is especially shallow and homeowners have made concessions on the location of the stairs to reduce the setback requirements.