

2362 COLONIAL DRIVE – VARIANCE REQUEST

(Section 27-335 – R-75 Lot Width; Lot Area)

Request: Waive the minimum lot width of 75 feet and the minimum lot size of 10,000 square feet, and instead allow the historic lot dimensions, as shown on the attached site plan.

CASE #

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City of Brookhaven

Responses to Variance Criteria

Criteria #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 strict application of the code would deprive the property owner of rights and privileges enjoyed by other property owners in the R-75 district, because this part of town was developed prior to the adoption of the R-75 code, and as a result the vast majority of the lots do not meet the R-75 requirements. There are 27 other R-75 lots on the same block, and only 1 of them meets the R-75 requirements for lot width and area.

Criteria #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;

We propose to convert the site back into 2 lots, restoring the historic dimensions of each lot. If approved, each lot will have approx. 60 ft of street frontage, which is still wider than most lots on the same block. Likewise, the smaller of the two lots will be approx. 7,900 square feet, which is still larger than most lots on the same block.

Criteria #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 grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. It will benefit the area by bringing an irregular lot into compliance with the neighborhood's prevailing pattern. In addition, making the spacing of the buildings along the street more consistent will be an aesthetic improvement.

Criteria #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; and

The literal interpretation and strict application of the code would prevent the applicant from matching the prevailing pattern in the neighborhood. This would be an undue and unnecessary

hardship and not a casual inconvenience, because the majority of lots on the same block are 50 to 60 feet wide, whereas the current lot is over 120 feet wide. If approved, the 2 proposed lots will still be wider and larger than most other lots on the same block.

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

We believe the purpose of the lot width and lot area requirements is to prevent irregular lot sizes and widths that are at odds with the prevailing character of the neighborhood. The requested variance is consistent with this purpose.

The vision for the Brookhaven Heights-Brookhaven Fields Character Area is to “maintain, preserve, and enhance the existing single-family residential neighborhoods.” The Comprehensive Plan recommends that “residential infill development should only be permitted if it is appropriate within the context of the surrounding neighborhood.” As already discussed, the existing, merged lot is irregular for the neighborhood, and returning it to its original dimensions will make the neighborhood’s established layout more cohesive.

