

Attn:  
City of Brookhaven  
Community Development Department  
4362 Peachtree Road Brookhaven, GA 30319

**Re: Letter of Intent for Zoning Variance**

To whom it may concern,

The project consists of two parcels located at **2798 Drew Valley Road NE and 2799 Drew Valley Road NE located in Brookhaven, GA 30319.**

The property at #2798 is 1.47 acres, zoned RM-18, which allows for the construction of 26 units and requires that 15% of the 1.47 acres be programmed as open space to meet the requirements of Article V, Division 2, Sec 27-390, Open Space. The equates to 9,687 SF of open space required.

The property at #2799 is 1.00 acres, zoned RM-18, which allows for the construction of 18 units and requires that 15% of the 1.00 acres be programmed as open space to meet the requirements of Article V, Division 2, Sec 27-390, Open Space. The equates to 4,356 SF of open space required.

Due to the fact that the two parcels are 1.0 acre or larger, the ordinance prescribes that the Open Space provided shall be provided using the Plaza (Table 5.3), Pocket Park (table 5.4), and Park (Table 5.5) Open Space types criteria. The criteria include dimensional requirements for the minimum dimensions (60'-to-80' minimum) and for the minimum perimeter length abutting streets and buildings (see tables referenced).

This requirement is problematic due to the shapes of the two lots. The lot at #2798 is triangular, has only one street frontage, and includes a 20' transitional yard that cannot be used to meet Open Space requirements. The lot at #2799 is a long and narrow rectangular lot (roughly 5:1 in length:depth), has one street frontage, and has a 30' rear yard setback that dictates the location of the units and the drives.

As a result, the Open Space is not able to reasonably comply with the minimum dimension and minimum dimensional lengths without using exaggerated, narrow, triangular segments necessary to comply with the Plaza (Table 5.3), Pocket Park (table 5.4), and Park (Table 5.5) dimensional requirements.

This variance requests to waive the Open Space requirement that restricts the use of the Amenity Space (Table 5.2) open space type for sites 1.0 acre or greater. The Amenity Space Open Space type does not carry the same dimensional requirements for the minimum dimensions and the minimum perimeter length.

The project still proposes to provide the required 15% Open Space for each parcel, but would do so using the minimum criteria of Amenity Space (Table 5.2). The result will be a more reasonably configured and contiguous open space without using exaggerated, narrow, triangular segments.

The granting of the variance does not exceed the minimum necessary to afford relief, and would not materially be detrimental or injurious to the public welfare, property, or zoning district since the 15% Open Space is being provided. The literal interpretation of the minimum dimension and perimeter requirements would cause an undue hardship since the open space would be less efficiently programmed and less usable than if the variance were granted. The spirit of the Article V, Division 2, Sec 27-390, Open Space would still be achieved if the variance were granted since the project proposes to provide the same 15% Open Space required.

Sincerely,

Paul Flippo, PE  
05.29.2024

