

Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
Nicholas N. Kemper
Shane M. Lanham
Austen T. Mabe

Jeffrey R. Mahaffey
Steven A. Pickens
Catherine V. Schutz
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**COMBINED LETTER OF INTENT FOR
VARIANCE APPLICATIONS OF ASHTON ATLANTA RESIDENTIAL, LLC**

Mahaffey Pickens Tucker, LLP submits this letter of intent and the attached variance applications (together the "Applications") on behalf of Ashton Atlanta Residential, LLC, a subsidiary of the property owner, GG Cooper Springs Limited Partnership (together, the "Applicant"), relative to an approximately 20.159-acre tract of land located on the southerly side of Atlanta Highway (US Route 78) at its intersection with Cooper Springs Road (the "Property"). The Applicant submits the Applications in order to clarify required development standards and permit the completion of the Cooper Springs subdivision.

Specifically, the Applicant is requesting the approval of two variances from the Snellville Zoning Ordinance of 2001 (the "Zoning Ordinance"): (i) to modify the requirements of Section 9.5A(5)(a)(6) relative to porch design and (ii) to modify the requirements of Section 9.5A(5)(b)(4) to relative to the spacing requirement for street lamps.

The Property was apparently rezoned in 2004 from HSB to PRC to allow a Planned Residential Conservation subdivision with a maximum of 161 townhomes. While the PRC zoning classification accommodates townhomes as an allowed use, a strict interpretation of the Zoning Ordinance prohibits their actual development due to requirements which are either impossible to comply with or so unwieldy they render townhome development impracticable. Specifically, §9.5A(5)(a)(6) requires a front porch with a minimum area of 72 square feet.

However, this requirement is essentially impossible to comply with because the townhome units are 24 feet wide and include garages and driveways. Requiring a 72 square foot garage would require the porch to be built all the way out to the curb on top of the sidewalk. Additionally, a strict interpretation of §9.5A(5)(b)(4) would require a street lamp in the front yard of every lot. While this may make sense in some dingle-family detached applications, it makes no sense in the context of a 24-foot wide townhomes community. The street lamps would dominate the streetscape rather than accentuating it and would cause a major financial burden to the homeowners association who would be required to maintain them. Moreover, the 24-foot wide townhome lots also must accommodate driveways, sidewalks, and street trees and requiring a lamp in every lot would further clutter the front yards of homes and deteriorate from the aesthetics of the community.

The requested variances from the terms of the Zoning Ordinance would not be contrary to the public interest. Rather, approval of the variances would allow the completion of an attractive residential community. Owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance to the Property would result in unnecessary hardship on the Applicant and Property owner by completely frustrating development of the Property. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district. A literal interpretation of Zoning Ordinance would deprive the Applicant and Owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance. The Cooper Springs development currently has 13 townhome units which were previously developed without 72-square foot porches and street lamps in every lot. The special conditions and

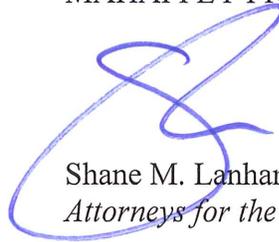
circumstances do not result from the actions of the applicant. Granting the variance or waiver requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Snellville Planning & Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of these Applications.

This 3rd day of February, 2020.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for the Applicant