

August 21, 2025

Zoning Board of Appeals  
City of Dallas  
129 E. Memorial Dr.  
Dallas, GA 30132

**LETTER OF INTENT: Variance Request for 21.00 acres**

Honorable Zoning Board of Appeals Members.

On behalf of, HRV DEVCO, LLC and Bryan Ponder (the “Applicant”), please accept this Letter of Intent to request a variance to remove the requirement of a swimming pool as a mandatory 1<sup>st</sup> amenity for 21.00-acres of land, being Tax Parcel 137.4.4.031.000 (the “Subject Property”) for the development of a +/- (47) lot single-family residential community. The Subject Property is currently undeveloped and zoned R-2.

The Applicant is requesting a *variance to code section 7.16.2.a to remove the requirement of a swimming pool as a mandatory 1<sup>st</sup> amenity*. The project, which is adjacent to a phase of the Silver Comet Crossing subdivision, is uniquely situated adjacent to existing homeowners who would not be part of the new homeowners' association (HOA). The inclusion of a pool would create a significant and undeniable point of contention. The pool, a highly visible and desirable amenity, would exist in close proximity to residents who would not have the legal right to use it, but would likely attempt to do so. This situation creates a foreseeable practical difficulty for the HOA, requiring it to enforce access restrictions and manage conflicts, thereby diverting resources and creating a stressful, adversarial environment that undermines the peace and general welfare of the entire community.

Furthermore, requiring a pool for this phase creates an undue financial hardship on the future residents. The annual cost for the pool amenity is around \$513 per resident, whereas the expected annual dues for the proposed community without a pool are expected to be in the \$400 range. A community of this size would struggle to meet the significant annual costs of adding the additional \$513 in maintaining a swimming pool plus any additional special assessments. This financial burden potentially make the homes less attractive and affordable. Without the financial viability to consistently maintain the pool, it potentially could fall into disrepair, transforming a supposed asset into a significant public safety and liability risk for all residents.

In lieu of the swimming pool requirement, the applicant proposes to install three alternative amenities: two tot lots (playgrounds) and two picnic areas, including picnic tables and a BBQ grill/pit area, from the list of Allowable and Mandatory Recreational Amenities. Additionally, walking trails will be installed throughout providing a connection to the adjacent Silver Comet Trail.

Granting this variance would not change the essential character of the neighborhood. The surrounding developments, including the existing Silver Comet Crossing community, do not have a pool amenity, and this project is a natural extension of that existing neighborhood. By installing these alternative amenities, a granted variance would be consistent with the intent of section 7.16 by still including sufficient amenities for the community's enjoyment without unnecessary burdens. The variance would serve the greater good by fostering a cohesive community and preventing future conflicts.

If approved, a tentative schedule for the project would be as follows:

1. Development Start – March 2026
2. Final Plat – March 2027
3. Construction Complete – March 2029

Sincerely,



Bryan Ponder

Division President

Union Main Homes