

## EXHIBIT A

### LETTER OF INTENT, CONCURRENT VARIANCE JUSTIFICATION, and CONSTITUTIONAL NOTICE of EAH INVESTMENTS



EAH Investments (the “Applicant”) is requesting a zoning change of the 16.69 acres at and near the intersection of Etris Road and Kent Road in Roswell Georgia from FCA-AG-1 to R-3A. The intended use is for a neighborhood consisting of 46 single-family detached residential lots. The application is consistent with the City of Roswell’s Comprehensive Plan because the property is located in the Suburban Residential area and is also consistent with the density and use of nearby properties.

The Applicant submits the following Variance Applications:

- Variance 1: Section 5.8.2: Minimum Side setback reduce from 10’ to 7.5’
- Variance 2: Section 5.8.2: Minimum lot width reduce from 80’ to 60’
- Variance 3: Section 5.8.2: Minimum landscaped open space reduce from 25% to 15%
- Variance 4: Section 5.8.2: Maximum lot coverage increase from 25% to 30%

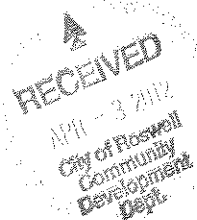
The Variance Application is justified and supported by several existing conditions. First, a literal interpretation of the ordinance would effectively deprive Applicant of rights commonly enjoyed by other properties because it bears no relationship to the public health, safety and welfare. Similarly situated properties in the district have comparable density and side yard setbacks. Second, the approval of the Application would not confer any special privileges that are denied to other properties. In fact, the City of Roswell recently approved similar variances for the property located at 350 and 370 Rucker Road. The proposed use is consistent with the City of Roswell Comprehensive Plan and the Application is consistent with the Suburban Residential characteristics. Third, the single-family detached use is in harmony with the purpose and intent of the ordinance. The approval of the Application will not be injurious to the neighborhood or to the general area. Finally, the approval of the Application will not permit a use of the land, building or structures which is not permitted by right in the district because the Applications will allow for single-family detached residential lots similar to the nearby properties.

The portions of the City of Roswell Zoning Ordinance that refuse to grant and fail to approve the rezoning application and any of Variances 1-4 as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the City of Roswell Zoning Ordinance to the Property that refuse to grant and fail to approve the rezoning application and any of Variances 1-4 as requested by the Applicant is unconstitutional, illegal, null and void because such an application constitutes a taking of the Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of the rezoning application and any of these Variances would constitute an arbitrary and capricious act by the City of Roswell City Council without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Roswell City Council to grant and fail to approve the rezoning application and any or any portion of said Variances 1-4 as it relates to the Property would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any change in the designation of the Property by



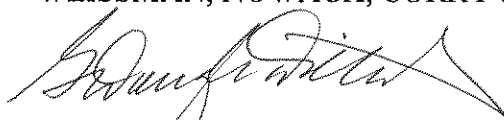
the City of Roswell Zoning Ordinance that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

You are hereby notified pursuant to O.C.G.A. §36-11-1 of Applicant's intention to seek damages, including diminution of the value of the Property, attorneys' fees, and costs and expenses of litigation, from the City of Roswell incurred as a result of any of the unconstitutional acts as hereinbefore set forth.

Accordingly, the Applicant respectfully requests that the rezoning application and variances be granted as requested.

Sincerely,

WEISSMAN, NOWACK, CURRY & WILCO, PC



G. Douglas Dillard

