



Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

April 28, 2022 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

Michael Simpson, Chairman
Jason Morris
Richard Neal
Kelly Singleton
Brittany Williams
Melanie Williams

3. Election of Officer

3.I. Election of Vice Chairman

4. Approval of Minutes

4.I. Minutes of February 24, 2022

5. New Business

5.I. 601 Coleman Street Variance Request

Background:

Stacyann Wint-Barnes is requesting a variance to reduce the required number of parking spaces for the property located at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and the property is subject to the zoning regulations under Article 3.2 (Conditional uses), Section 93-28-7.5 (Residential uses) and Article 22.1 (Dimensional requirements), Section 93-22.1-1 (Chart of Dimensional Requirements) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 601 Coleman Street_Variance_Redacted
2. Plans - 601 Coleman Street
3. Planner's Report - 601 Coleman Street_Variance

5.II. Willingham Dr., Colville Ave., S. Central Ave. Variance Request

Background:

CML Village Walk LLC is requesting a variance to reduce the required 15-foot landscaped buffer between the residential and nonresidential uses for the property located at the corner of Willingham Drive, Colville Avenue and South Central Avenue, Parcel Identification Number 14-0127-0002-042-9. The property is zoned V, Village and is subject to the zoning regulations under Article 11.1 (Village Zone), Section 93-11.1-6 (Area, placement, and buffering requirements) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - Willingham, Coleville, S. Central Ave. Townhomes_Variance_Redacted
2. Plans - Willingham Dr., Colville Ave., S. Central Ave._Variance
3. Planner's Report - Willingham Drive_Variance

5.III. 3347 Myrtle Street Variance Request

Background:

Don May is requesting a variance to reduce the side setback for an accessory structure and the maximum number of accessory structures for the property located at 3347 Myrtle Street, Parcel Identification Number 14-0098-0013-007-4. The property is zoned R-1, One Family Residential and is subject to the regulations under Article 2 (General provisions), Section 93-2-5 (Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences) and Article 22.1 (Dimensional requirements), Section 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 3347 Myrtle Street_Variance_Redacted
2. Plans - 3347 Myrtle Street_Variance
3. Planner's Report - 3347 Myrtle Street_Variance

5.IV. 325 Sunset Ave., 376 King Arnold St., 3394 LaVista Dr Variance Request

Background:

Alex Popham of Epic Development is requesting a variance to reduce the P-D (Planned Unit Development) minimum 2-acre land assemblage requirement to 1.47 acres for the properties located at 325 Sunset Avenue, 376 King Arnold Street, and 3394 LaVista Drive, Parcel Identification Numbers 14-0096-0006-014-1, 14-0096-0006-009-1 and 14-0066-0001-007-6. The properties are zoned R-1, One Family Residential and U-V, Urban Village and are subject to the regulations under Article 21 (Planned Unit Development), Section 93-21-5 (Application review) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 325 Sunset, 376 King Arnold, 3394 LaVista_Variance_Redacted
2. Plans - 325 Sunset Avenue_Variance
3. Planner's Report - King Arnold Sunset Lavista_Variance

6. **Next Meeting Date - May 26, 2022 at 6:00 PM**

7. **Adjourn**



Michael Simpson, Chairman
John Stalvey, Vice Chairman
Jason Morris
Richard Neal
Charlotte Rentz
Melanie Williams

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354
February 24, 2022 6:00 PM

MINUTES

1. Called to Order at 6:01 PM.

2. Roll Call

Michael Simpson, Chairman
John Stalvey, Vice Chairman
Jason Morris
Richard Neal
Charlotte Rentz
Melanie Williams - Teleconference

3. Approval of Minutes

3.I. Minutes of January 27, 2022

MOTION ITEM: John Stalvey made a motion, Jason Morris seconded to approve the minutes of January 27, 2022, as submitted. Motion Carried: 5-0.

4. Public Hearing

4.I. 3636-3654 Union Ave., 511-579 Chestnut Street (Pod F) Variance Request

Background:

Tiffany Hogan representative of D.R. Horton, Inc. requested a variance to reduce the required 15' buffer at 3636 Union Avenue, 0 Union Avenue, 3644 Union Avenue, 3650 Union Avenue, 3654 Union Avenue, 579 Chestnut Street, 0 Chestnut Street, 573 Chestnut Street, 511 or 573 Chestnut Street, 569 Chestnut Street, 567 Chestnut Street, 565 Chestnut Street, Parcel Identification Numbers 14- 0096-0002-026-9, 14-0096-0002-025-1, 14-0096-0002-024-4, 14-0096-0002-023-6, 14-0096- 0002-022-8, 14-0096-0002-032-7, 14-0096-0002-020-2, 14-0096-0002-016-0, 14-0096-0002- 015-2, 14-0096-0002-045-5, 14-0096-0002-013-7, 14-0096-0002-012-9. The properties are zoned RMU, Residential Single Family and are subject to the zoning regulations under 93-11.5.6 of the City of Hapeville Zoning Ordinance. *This item was tabled at the January 27, 2022 meeting.*

Staff Comments:

The properties are subject to the RMU, Residential Mixed Use, Section 93-11.5-6 – Area, placement, and buffering requirements, a landscape buffer is required between a non-single

family detached use and a residential zone. This buffer is intended to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. The proposed development has sited the driveway within the buffer zone and did not accommodate the minimum 15' landscape buffer.

APPEALS CODE

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The applicant wishes to site 14 townhomes on the property. There is nothing extraordinary or exception regarding the size, shape, or topography of the subject property. The property does narrow slightly, however, the encroachment exists along the entire west edge of the property.

b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

If the adjacent properties were commercial, this requirement would not be required, however, the impacted properties are historical, residential single-family dwellings. The application of this chapter does not create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved; and
RMU requires buffers between all other uses than a single family detached dwelling. The RMU district is both a commercial and a residential district.

*The Fire Marshal has required a 26' mountable surface
The distance from the encroachment to the property line should be provided.
The distance from the encroachment to the neighboring dwellings should be provided.
Details regarding alternate but equivalent screening should be presented.*

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

The visual and auditory impact of the townhomes and related activity may be considered a detriment to the adjacent properties. The Board of Appeals should consider the level of detriment in their decision.

The landscape buffer requirement for any other use than a single family detached dwelling for properties within the RMU district is intended to provide significant relief to the adjacent neighbors from light, noise, odor, dust, unsightly appearances and intrusive activity. There are a mix of commercial and residential uses in the district. The siting of 30 townhomes maximizes the site from a development perspective but creates the need for a variance. The wider driveway surrounding the townhomes is required by the fire marshal to accommodate the fire department equipment. The Board of Appeals should consider the impact to the adjacent neighbors and any alternate mitigation offered that might serve a similar purpose. The proposed development has sited the driveway within the buffer zone and did not accommodate the minimum 15' landscaped buffer.

Recommendation:

As the applicant has not provided justification based upon the Code requirements to support a variance for the increased square footage for both signs, Staff cannot recommend approval of the variance request.

Applicant Comments:

Ms. Hogan stated the location of the buffer encroachment will be closer to the residential street and not the existing residential properties. Three units were removed to lessen the encroachment. The shape of the property impedes the ability to develop the property. A fence will be installed along with mature evergreen and landscaping to block any potential glaring of lights.

John Stalvey inquired if people would park along the curved area near the street. Ms. Hogan stated no parking would be permitted along that area.

Charlotte Rentz asked if the applicant had spoken to the adjacent property owners. Ms. Hogan stated efforts had been made to contact the property owner directly adjacent to the area.

Richard Neal asked if the applicant had considered an alternate plan. Ms. Hogan stated to meet the greenspace requirements; three additional units would have to be removed, which would create an unpleasing design.

Public Comments: None.

MOTION ITEM: Jason Morris made a motion, Charlotte Rentz seconded to approve the variance request at 3636-3654 Union Avenue, 511-579 Chestnut Street (Pod F) as requested. Motion Carried: 5-0.

The Board of Appeals denied the variance request for 609-627 College Street on January 27, 2022. The Board made the following motion to remove agenda item 5.I.

MOTION ITEM: Jason Morris made a motion, John Stalvey seconded to strike item 5.I, 609-627 College Street (Pod B) from the agenda. Motion Carried: 5-0.

5.II. 3608-3622 Georgia Ave., 3619-3637 Union Ave. (Pod D) Variance Request

D. R. Horton, Inc. requested a variance to reduce the required 15' buffer at 3608 Georgia Avenue, 3614 Georgia Avenue, 3618 Georgia Avenue, 3622 Georgia Avenue, 3637 Union Avenue, 3627 Union Avenue, 3618 Union Avenue, Parcel Identification Numbers 14-0097-0008-011-4, 14-0097-0008-010-6, 14-0097-0008-009-8, 14-0097-0008-008-0, 14-0097-0008-0004-9, 14-0097-0008-003-1, 14-0097-0008-002-3. The properties are zoned RMU, Residential Single Family and are subject to the zoning regulations under 93-11.5.6 of the City of Hapeville Zoning Ordinance.

The applicant submitted a request to withdraw the variance request for 3608-3622 Georgia Avenue and 3619-3637 Union Avenue.

No action taken.

6. Next Meeting Date – March 24, 2022 at 6:00 p.m.

7. Adjourn

MOTION ITEM: John Stalvey made a motion, Melanie Williams seconded to adjourn the meeting at 6:25 p.m. Motion Carried: 5-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

22-BOA-04-07

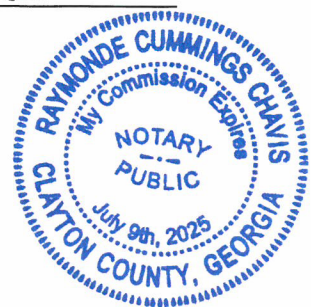
**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant Stacyann Wint-Barnes
Mailing Address 601 Coleman St Hapeville, Ga 30354
Telephone _____ Mobile # [REDACTED] Email ntelegentt@djwnational
Property Owner (s) Dr Donavan Christie
Mailing Address 4514 Chamblee Dunwoody Rd St 328 Atlanta, Ga 30338
Telephone 678 205 2040 Mobile # _____
Property Address/Location: 601 Coleman St Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 0099 00031206 ; P0005459641
Square Foot of Property 7500 ^{outbuilding} Building Size 12000 Zoning CR
Present Land Use 316
Variance Requested Parking variance
Applicable Code Section 93 -11. 1-5

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

Stacyann Wint-Barnes
Applicant's signature
Date: 3/9/22

Sworn to and subscribed before me
This 9th day of March, 2022.
Raymonde Cummings Chavis
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

I would like to seek variance for the property due to the fact the residents in question will not be driving. The amount of current parking space already there would be sufficient in regards to my current Special use Permit for Personal Care Home at said address of 601 Coleman St.

Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

The application to particular piece of property doesn't create any unnecessary hardship

Explain how these conditions are peculiar to the particular piece of property involved.

These conditions are peculiar in the sense adequate parking is required per resident. However, intended residents don't have vehicle and parking space will mainly be used by staff.

What, if any, detriment to the public good would the proposed project have if a variance was granted?

There shouldn't be any detriment to the public with proposed project should variance was granted

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

601 Coleman St
Hapeville, GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant Stacyann Wint-Barnes

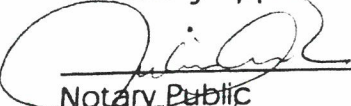
Address of Applicant 601 Coleman St Hapeville, GA 30354

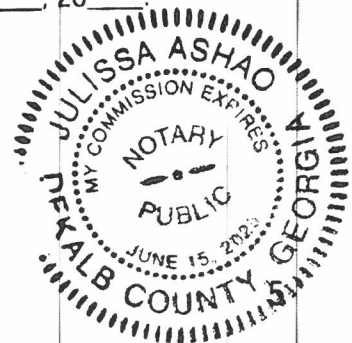
Telephone of Applicant [REDACTED]

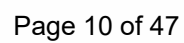

Signature of Owner

Donovan Christie, MD
Print Name of Owner

Personally Appeared Before Me this 02 day of February, 20 22.


Notary Public
Julissa Ashao
Exp 6/15/2025







Department of Planning & Zoning

PLANNER'S REPORT

DATE: April 21, 2022
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 601 Coleman Street, 14 009900031206

BACKGROUND

The City of Hapeville has received a variance application from Stacyann Wint-Barnes to reduce the number of parking spaces required for a personal care home from one per unit or 23 (as show on the site plan). The special use permit application indicated there will be 14 spaces including 2 handicapped spaces (which must be clearly demarcated).

The applicant has indicated that the intended residents of the personal care home will not have vehicles and parking will be used mainly by staff (10 expected) and presumably visitors.

The property is zoned V, Village, and is within the A-D, Arts District Overlay.

CODE

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

ARTICLE 3.2. - CONDITIONAL USES

ARTICLE 28. - A-D ZONE (ARTS DISTRICT OVERLAY)

Sec. 93-28-7.5. - Residential uses.

The maximum number of dwelling units in a single building shall not be limited, provided that no development shall exceed 50 units. The parking requirement for such uses shall be one space for each dwelling

unit. No minimum lot area shall apply in the arts district overlay provided all other development standards of this article are met.

FINDINGS

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The property is located in a valley with little opportunity to expand the parking lot.

b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

The property has been developed as a nursing home for over 20 years. Any expansion of the parking lot would be difficult given the topography and limited space.

c. Such conditions are peculiar to the particular piece of property involved; and

The variance is for the parking associated with the special use permit of a personal care home only. Any other use and parking requirement would have to be met or require a variance.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Relief, if granted, would not cause substantial detriment to the public good.

RECOMMENDATION

Staff recommends approval of the variance.

22-BOA-0409

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant CML Village Walk LLC

Mailing Address 3715 Northside Pkwy Bldg/Ste 400 100 Atlanta GA 30327

Telephone _____ Mobile # _____ Email miller.lowry@millerlowry.com

Property Owner (s) CML Village Walk LLC

Mailing Address 3715 Northside Pkwy Bldg/Ste 400 100 Atlanta GA 30327

Telephone _____ Mobile # _____

Property Address/Location: Corner of Willingham Drive, Colville Avenue & S. Central Avenue

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 012700020429

Square Foot of Property 3.576 Building Size N/A Zoning V (Village)
acres

Present Land Use Residential Townhomes & Commercial Space

Variance Requested variance/waiver to remove 15' landscape buffer between commercial & residential

Applicable Code Section _____

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 3/13/22

Sworn to and subscribed before me

This 23 day of March, 2022.

[Signature]
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

Applicant is seeking a waiver to remove the required 15' landscape buffer between residential & commercial.

Due to the specifics of this application, we are not asking for a deviation from the previously approved plan rather addressing a technicality as it relates to subdividing the plat.

Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

If the waiver is not granted, applicant would have to get a condominium plat and that is not the most feasible direction for the community as a whole.

Explain how these conditions are peculiar to the particular piece of property involved.

Our plan does not deviate from the design intent previously approved and under development.

What, if any, detriment to the public good would the proposed project have if a variance was granted?

No detriment to the public, residents and or tenants of the development. This is merely a technicality on the recorded plat and the manner we draft our HOA documents.

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

Corner of Willingham Drive, Colville Avenue & S. Central Avenue

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A VARIANCE FOR THE PROPERTY.

Name of Applicant CML Village Walk, LLC

Address of Applicant 3715 Northside Pkwy Bldg/Ste 400 100 Atlanta GA 30327

Telephone of Applicant [REDACTED]



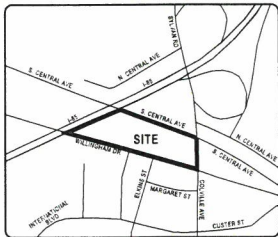
Signature of Owner

Killer Lamy, CML Village Walk LLC

Print Name of Owner

Personally Appeared Before Me this 23rd day of March, 2022.

Notary Public



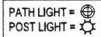
Location Map

Site Address: 3.376 ACRES
 TOTAL DISTURBED AREA: 2.84 ACRES
 SITE ADDRESS: WILLINGHAM DRIVE AND COULVILLE AVENUE, FULTON COUNTY, GA 30304
 ZONING: V-1 (VILLAGE DISTRICT)
 BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY LOWERY & ASSOCIATES, DATED 4th OF APRIL, 2018.

A PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD ZONE AS SHOWN ON THE FIRM PANEL NUMBER 131710004R-F DATED SEPTEMBER 18, 2013, FOR FULTON COUNTY AND INCORPORATED HEREIN. THERE ARE NO WATERBODIES OF THE STATE OF GEORGIA OR WETLANDS WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE STATE WATER BUFFERS ARE SHOWN ON THE SITE PLANS. THERE ARE NO PROPOSED IMPACTS TO ANY STATE WATER BUFFERS.

TO THE BEST OF OUR KNOWLEDGE, NO HISTORICAL, ARCHITECTURAL, OR ARCHAEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS.

SITE LIGHTING LEGEND:



LOT COVERAGE:

BUILDING AREA = 36,210 SF
 PARKING AREA = 2,500 SF
 DRIVEWAY AREA = 31,020 SF
 TOTAL LOT COVERAGE = 69,730 SF / 141,790 SF = 49.2%

FLOOR AREA RATIO:

TOWNHOME UNIT (2800 SF) X 25 = 70,000 SF
 TOTAL FLOOR AREA = 72,750 SF / 141,790 SF = 0.51

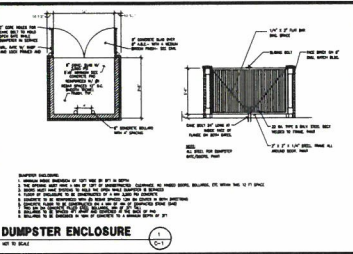
ZONING DIALOG BOX - V (VILLAGE DISTRICT)

CATEGORY	REQUIREMENT	PROVIDED
PERMITTED USES	SINGLE FAMILY ATTACHED DWELLING, COMMERCIAL/RETAIL	SINGLE FAMILY ATTACHED DWELLING, COMMERCIAL/RETAIL
LOT FRONTAGE	50' (MIN) FRONTAGE	LOT FRONTAGE PROVIDED = 140'
FRONT YARD AREA	15' (MIN) FRONT YARD SET BACK	15' SETBACK PROVIDED ON CENTRAL AVE, COULVILLE AVE, AND WILLINGHAM DR.
SIDE AND REAR YARDS	15' (MIN) SIDE/REAR YARD SET BACK FOR STREETS ADJACENT TO STREET OR ALLEY	15' (MIN) SIDE/REAR YARD SET BACK PROVIDED
DISTANCE BETWEEN BUILDINGS	20' MIN DISTANCE BETWEEN BUILDINGS, PLUS 4' ADDITIONAL FEET FOR EVERY STORY (OR FRACTION THEREOF), THAT EXCEEDS 2 STORIES	PROVIDED DISTANCE BETWEEN BUILDINGS: - BETWEEN UNITS 4 AND 5 = 11.0' - BETWEEN UNITS 8 AND 9 = 10.0' - BETWEEN UNITS 12 AND 14 = 10.0' - BETWEEN UNITS 17 AND 18 = 10.0' - BETWEEN UNITS 21 AND 22 = 4.0' VARIANCE GRANTED FOR REDUCTION FROM 20' TO 10' FOR SITE
HEIGHT REGULATIONS	2.5 STORIES, OR 35' IN HEIGHT	PROVIDED HEIGHT NOT TO EXCEED 2.5 STORIES, OR 35' IN HEIGHT
RESIDENTIAL BUFFER	15' LANDSCAPED BUFFER ALONG THE RESIDENTIAL AND NON-RESIDENTIAL SIDES OF THE BUFFER	15' LANDSCAPED BUFFER PROVIDED
FENCING	2 SPACES REQUIRED / PER UNIT	2 SPACES PROVIDED / PER UNIT
NON-RESIDENTIAL - TOTAL SPACES/50'	ONE PARKING SPACE PER 500 SQ FT OF ENCLOSED COMMERCIAL FLOOR AREA. PROPOSED ESTIMATED COMMERCIAL FLOOR AREA = 2,500 SQ FT / 500 = 5.0' = 14' REQUIRED SPACES	12 SET STREET PARKING SPACES PROVIDED IN FRONT OF AND ADJACENT TO THE COMMERCIAL BUILDING 4 ON STREET PARKING ALONG WILLINGHAM DRIVE
OFF-STREET PARKING	NON-RESIDENTIAL OFF-STREET PARKING SPACES, PER ARTS DISTRICT (SEC 83-28-10.314)	15 TOTAL OFF-STREET PARKING SPACES PROVIDED: - PARALLEL PARKING SPACES: 8 QTY / 508' - ARTS DISTRICT PARKING: 7 QTY / 424' - ADA ACCESSIBLE: 1 QTY / 88'
ADA ACCESSIBLE	ADA ACCESSIBLE TOTAL SPACES BETWEEN 20-50 REQUIRE 3 ADA ACCESSIBLE, SO TOTAL PROVIDED SPACES = 3 REQUIRED ADA	ADA ACCESSIBLE: 1 QTY PROVIDED

APPLICANT / DEVELOPER

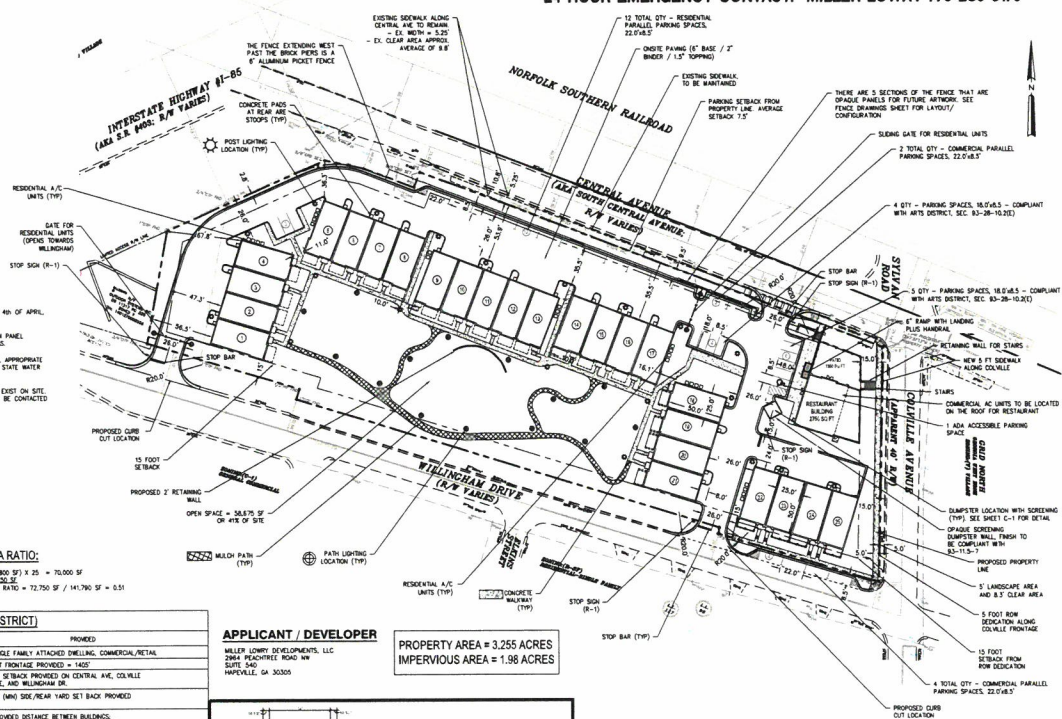
MILLER LOWRY DEVELOPMENTS, LLC
 5001 PINEHURST ROAD NW
 SUITE 540
 HAVENHILL, GA 30305

PROPERTY AREA = 3.255 ACRES
 IMPERVIOUS AREA = 1.98 ACRES



DUMPSTER ENCLOSURE

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9179



VILLAGE DISTRICT REQUIREMENTS:

- PARKING SPACE DIMENSIONS: 8.5' X 18', PER SECTION 83-28-10.3(5)
- LOADING AREA REQUIREMENTS: NO LOADING SPACE REQUIREMENT SHALL APPLY TO THE ARTS DISTRICT OVERLAY. SHORT TERM LOADING AREAS OF THE BUSINESS CAN BE MET IN THE VEHICLE PARKING AREA (PER SECTION 83-28-10.3(3))

THE ENTITY RESPONSIBLE FOR OPERATION AND MAINTENANCE OF COMMON USE AREAS, UTILITIES, AND SITE IMPROVEMENTS IS THE HOA.

THIS PROJECT WILL BE FEE SIMPLE TOWNHOMES. INDIVIDUALS WILL OWN TOWNHOME AND AREA OUTSIDE OF THE WALLS WILL BE COMMON AREA. CITY APPROVAL OF THE FINAL PLAT SHOULD BE OBTAINED AFTER FOUNDATIONS ARE CONSTRUCTED AND PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY FOR ANY UNITS.

Prepared By:
 CRESCENT VIEW
 ENGINEERING, LLC
 1111 N. HAVENHILL RD.
 SUITE 100
 HAVENHILL, GA 30305
 www.crescentviewengineering.com

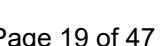
Prepared For:
 Miller Lowry Developments, LLC
 5001 PINEHURST ROAD NW
 SUITE 540
 HAVENHILL, GA 30305

Site Plan

DATE	BY	REVISION
10/10/2018	ML	1.00
10/10/2018	ML	1.01
10/10/2018	ML	1.02
10/10/2018	ML	1.03
10/10/2018	ML	1.04
10/10/2018	ML	1.05
10/10/2018	ML	1.06
10/10/2018	ML	1.07
10/10/2018	ML	1.08
10/10/2018	ML	1.09
10/10/2018	ML	1.10
10/10/2018	ML	1.11
10/10/2018	ML	1.12
10/10/2018	ML	1.13
10/10/2018	ML	1.14
10/10/2018	ML	1.15
10/10/2018	ML	1.16
10/10/2018	ML	1.17
10/10/2018	ML	1.18
10/10/2018	ML	1.19
10/10/2018	ML	1.20

Consolidated Plan Set For
 Village Walk at Havenhill
 Land Lots 88 & 127, 14th District
 City of Havenhill, Fulton County, Georgia

Sheet No.
C-1





Department of Planning & Zoning

PLANNER'S REPORT

DATE: April 21, 2022
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for Village Walk, 14 012700020429

BACKGROUND

The City of Hapeville has received a variance application from CML Village Walk LLC to waive the requirement for a 15' landscape buffer between residential and commercial development at the Village Walk development (Parcel 14 012700020429). The property is being developed as a mixed use commercial and residential (townhomes) project. The project was initially proposed as one parcel but the developers have since requested that the commercial piece be subdivided separating the residential section. A 15' landscape buffer is required between residential and commercial developments per Code.

The property is zoned V, Village.

CODE

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.
- (3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.
- (4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.
- (5) *Height regulations.* No building or structure shall exceed 2½ stories or a 35 feet in height, provided the planning commission may allow a development with greater height, if it finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods;
 - b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods;
 - c. The proposed development is designed to facilitate the objectives and strategies of the master plan;
 - d. Meets approval from the fire department and FAA.
- (6) ***Residential buffer.*** New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e. commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs in compliance with the buffer requirements of chapter 93, article 29 to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

FINDINGS

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

There are no extraordinary or exceptional conditions for this property based upon the size, shape or topography.

b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

The property was originally designed and approved as one mixed use parcel with the intent to create a seamless flow between residential and commercial similar to the downtown area. The requirement of the landscape buffer would require redesign of the entire project.

c. Such conditions are peculiar to the particular piece of property involved; and

As stated above, the condition is particular to the development as proposed and previously approved. The only change is the division of the parcel into with probably two separate ownership entities.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Relief, if granted, would not cause substantial detriment to the public good given the intent of the entire project.

RECOMMENDATION

Staff recommends approval of the variance.

22-BOA-04-10

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant Don May
Mailing Address 3312 Myrtle St, Hapeville GA 30354
Telephone [REDACTED] Mobile # same Email donmay2098@gmail.com
Property Owner (s) Don & Cynthia May
Mailing Address 1327 Angel Falls Ln, Atlanta GA 30311
Telephone [REDACTED] Mobile #
Property Address/Location: 3347 Myrtle St, Hapeville GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009800130074
Square Foot of Property 9,991 sf Building Size 1,480 sf Zoning R-1
Present Land Use Single Family Residential
Variance Requested to allow 2 existing accessory structures to remain.
Applicable Code Section Sections 93-2-5, and Sec. 93-22.1-1

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 4-8-2022

Sworn to and subscribed before me

This 8 day of April, 2022.

[Signature]
Notary Public

FELISHA L HOLDER
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Jan. 27, 2023

4

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

The property was purchased with the 2 accessory buildings in place. The reason the variance is being requested is for approval to split the property into 2 distinct parcels. The accessory buildings are behind the existing house and if approved would not be disturbed. None of the structures encroach on the minimum setbacks of the newly split property.

Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

The hardship created would require demolishing one or both of the accessory buildings to comply with code. It would be costly and unnecessary to complete as a requirement to split the lot into two parcels. Furthermore, the buildings are for storage only and are not used as dwelling units under any circumstances.

Explain how these conditions are peculiar to the particular piece of property involved.

There is nothing peculiar related to the actions of the owner with regard to the need for the variance. This variance application is being made by the owner to comply with the city of Hapeville's lot subdivision submission.

What, if any, detriment to the public good would the proposed project have if a variance was granted?

There would be no detriment to the public good if the variance is granted. The accessory structures have existed for many years behind the property and do not pose any visual or functional encumbrances to the public.

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

3347 Myrtle ST, Hapeville GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A VARIANCE FOR THE PROPERTY.

Name of Applicant

Don May

Address of Applicant

3312 Myrtle St, Hapeville GA 30354

Telephone of Applicant

[REDACTED]

Don May Cynthia C. May
Signature of Owner

Don May and Cynthia May

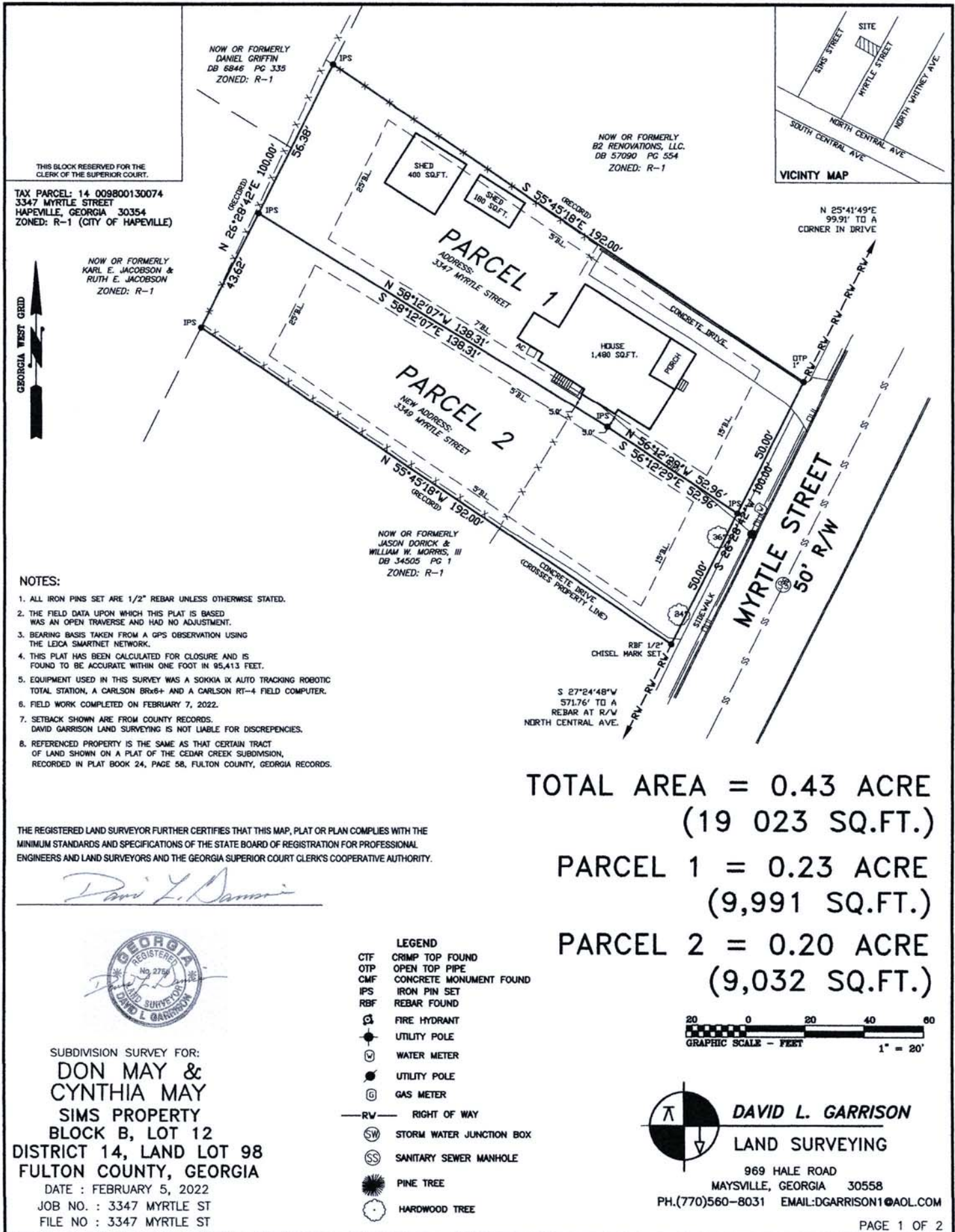
Print Name of Owner

Personally Appeared Before Me this 8th day of April, 2022.

Felisha L. Holder
Notary Public

FELISHA L HOLDER
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Jan. 27, 2023

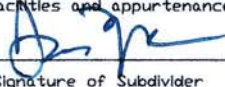
6



Owner's Acknowledgement and Dedication:

(STATE OF GEORGIA)
(FULTON COUNTY)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and dedicates by this Declaration to the use of the public forever all streets, easements, sanitary sewers and appurtenances, potable water mains and appurtenances, storm drains and appurtenances, and other public facilities and appurtenances thereon shown.



Signature of Subdivider

4-8-2022

Date Signed

Don May

Printed or Typed Name of Subdivider

Don May

Cynthia C. May

Signature of Owner

4-8-2022

Date Signed

Don May & Cynthia May

Printed or Typed Name of Owner

Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments and markers shown thereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this plat is based has a closure precision of one foot in 57,421 feet and an angular error of 02' per angle point, and was adjusted using the compass rule. This plat has been calculated for closure and is found to be accurate within one foot in 101,103 feet and the property shown contains a total of 0.28 acres. The equipment used to obtain the linear and angular measurements herein was (SEE NOTE 5).



By: David L. Garrison

Date 2/14/2022

Registered Georgia Land Surveyor No.2756

Date of Expiration 12/31/22

Final Plat Approval:

This subdivision plat has been reviewed by the Planning Commission and the City Engineer and found to be in compliance with Zoning Ordinance, Conditions of Zoning Approval, City of Hapeville Development Regulations and Subdivision Regulations, as amended, and that it has been approved by all other affected City and County Departments, as appropriate. The Mayor and City Council hereby approve this Final Plat, subject to the provisions and requirements of the City's regulations and the provisions and requirements of the Development Performance and Maintenance Agreement executed for this development between the Owner and the City of Hapeville.

City Clerk On Behalf of Mayor and Council

Date

Chairman, Planning Commission

Date

City Engineer

Date

SUBDIVISION SURVEY FOR:

DON MAY &
CYNTHIA MAY

SIMS PROPERTY

BLOCK B, LOT 12

DISTRICT 14, LAND LOT 98

FULTON COUNTY, GEORGIA

DATE : FEBRUARY 5, 2022

JOB NO. : 3347 MYRTLE ST

FILE NO : 3347 MYRTLE ST



DAVID L. GARRISON

LAND SURVEYING

969 HALE ROAD

MAYSVILLE, GEORGIA 30558

PH.(770)560-8031 EMAIL:DGARRISON1@AOL.COM

Shed view from street





Department of Planning & Zoning

PLANNER'S REPORT

DATE: April 21, 2022
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 3347 Myrtle Street

BACKGROUND

The City of Hapeville has received a variance application from Don May to allow for two accessory buildings and for the accessory buildings to encroach in the side setback at 3347 Myrtle Street. The property is being subdivided from one parcel into two. The application for the subdivision was approved by the Planning Commission on April 12, 2022, however, there are two accessory structures on the property (400 SF and 180 SF) both of which encroach in the side setback (required 5' and are at approximately 3'). Both the encroachment and the number of structures are not compliant with Code.

During the subdivision review, the Planning Commission issued a recommendation to the Board of Appeals that one of the structures be allowed to remain and the encroachment be granted, but that the second structure be removed. The property is zoned R-1, One Family Residential.

CODE

ARTICLE 2. - GENERAL PROVISIONS

(g) Accessory buildings, including detached garages, shall be permitted in an R-0, R-AD, R-1, R-2, R-3, R-4, R-5, R-I, R-SF, V, U-V, RMU or C-R Zone, subject to the following limitations:

Placement.

- (a) Located on a lot with a principal dwelling. An accessory building shall be located on the same lot as the principal dwelling to which it is accessory.
- (b) Setback dependent on distance from dwelling. Accessory buildings shall be allowed in rear yards only. An accessory building located within 20 feet of the principal dwelling shall comply with the setback requirements of the principal dwelling to which it is accessory. Accessory buildings located more than 20 feet from the principal dwelling may be placed five feet from a side or rear lot line.
- (c) Setback on corner lot. Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. No accessory building on a corner lot that adjoins a residentially used or zoned lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.

- (d) Distance from dwelling and other accessory buildings. All accessory buildings must be located a minimum of ten feet from the principal dwelling and all other accessory buildings on the lot or on neighboring lots. This distance shall be measured from outside wall to outside wall.
- (e) Ordinance setbacks otherwise remain in effect. Except as herein provided, the minimum setback requirements of section 93-22.1-1 of this chapter also apply to accessory buildings.
- (f)

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

Table D—Maximum Number of Accessory Buildings

Lot size	Maximum number of accessory buildings
Up to one-half acre	1
Up to one acre	2
Over one acre	3

Sec. 93-22.1-1 Dimensional Requirements

R-1 Zoning dimensional requirements for single-family detached structures are as follows:

					Minimum Front Yard		Minimum		Maximum			
Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/D U Square Feet	Floor Area/D U Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
50	6,750	6,750	1,000	40	15	15	5	25	2½	35	2 DU	1

FINDINGS

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

There are no extraordinary or exceptional conditions for this property based upon the size, shape or topography.

b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

The application of this chapter does not create an unnecessary hardship. The two existing structures are not legal non-conforming as they are both located within the setback (5') that has been in effect since at least 1981. The cost for demolition of an illegal non conforming structure is not considered a hardship.

c. Such conditions are peculiar to the particular piece of property involved; and

The property is undergoing a subdivision to create two smaller lots. When zoning related changes are made a property and there are illegal non-conforming conditions, the conditions must be rectified or a variance must be provided.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

The encroachment of the illegal non conforming accessory structures into the setback and the number of accessory structures in excess of those allowed may adversely affect the neighboring properties (1) any adjacent property owner would be required to create place their accessory structure further than the allowable 5' setback and (2) the number of accessory structures per lot may not be replicated elsewhere in the City given the size of the lot.

RECOMMENDATION

Planning Commission and Staff do not recommend the second accessory structure be allowed to remain.

Planning Commission and Staff recommend a variance for one of the accessory structures to encroach in the setback.

22-BDA-04-08

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant Alex Popham
Mailing Address 430 Plasters Ave NE, Suite 100, Atlanta, GA 30324
Telephone 404-500-6017 Mobile # [REDACTED] Email alex@epicdevelopment.com
Property Owner (s) SCP Hapeville TH Owners LLC
Mailing Address _____
Telephone _____ Mobile # _____
Property Address/Location: 325 Sunset, 376 King Arnold, 3394 LaVista, Hapeville GA
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-009600060141, 14-009600060091, 14-006600010076
Square Foot of Property 105,851 Building Size N/A Zoning UV and R1
Present Land Use Vacant land
Variance Requested Reduction of PUD Requirement of 2 Acres to 1.47 Acres
Applicable Code Section Section 93-21-5.13

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

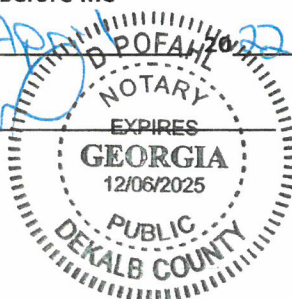
[Signature]
Applicant's signature

Date: _____

Sworn to and subscribed before me

This 5 day of April, 2022

[Signature]
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

Property has an irregular shape making it difficult to layout the proposed single family detached improvements in a manner consistent with the projects overall concept.

In addition, the City of Hapeville desires to control the development on the portion of the property the applicant is buying from the City. This can only be accomplished thru PD zoning. The PD Zoning requires a minimum of 2 acres and the site is slightly smaller.

Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

The applicant desires to develop detached single family housing on land being acquired from the City. The City can only limit the site to single family detached thru a PD zoning. PD zoning requires a minimum of 2 acres.

Explain how these conditions are peculiar to the particular piece of property involved.

A portion of the site is presently owned by the City. The City and neighborhood desire a single family detached development. The only way to accomplish this is PD zoning.

What, if any, detriment to the public good would the proposed project have if a variance was granted?

None. The applicant is developing less units than are allowed using a townhome style project. The lower density in a detached development is the optimum transition from the multi-family to the north and existing detached single family housing to the south.

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

376 King Arnold Street &

325 Sunset Ave

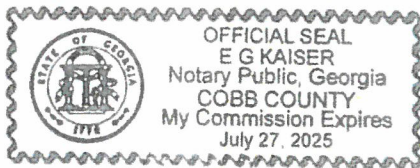
City of Hapeville, County of Fulton, State of Georgia

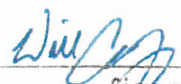
WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant Alex Popham

Address of Applicant
430 Plasters Ave NE, STE 100, Atlanta, GA 30324

Telephone of Applicant




Signature of Owner

SCP Hapeville TH Owner, LLC
Print Name of Owner

Personally Appeared Before Me this 8 day of March, 2022.

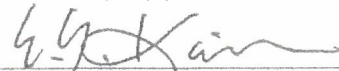

Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF THE LAND

Tract 2:

All that tract or parcel of land lying and being in Land Lot 96 & 65 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the westerly Right of Way of Sunset Avenue (50' R/W) and the northeasterly Right of Way of King Arnold Street (50' R/W); from point thus established and running along the northeasterly Right of Way of King Arnold Street North 74° 08' 39" West a distance of 194.57 feet to a 1/2" rebar found; thence North 74° 08' 39" West a distance of 238.49 feet to a 3/4" open top pipe found; thence leaving said Right of Way North 11° 39' 45" East a distance of 81.83 feet to a 1/2" rebar found on the southerly Right of Way of Arnold Street, unopened Road; thence running along said Right of Way South 88° 58' 44" East a distance of 217.91 feet to an iron pin set; thence South 88° 58' 42" East a distance of 189.84 feet to an iron pin set at the intersection of the southerly Right of Way of Arnold Street and the westerly Right of Way of Sunset Avenue (50' R/W); thence running along the westerly Right of Way of Sunset Avenue South 02° 17' 23" West a distance of 191.35 feet to the TRUE POINT OF BEGINNING. Said tract contains 1.301 Acres (56,674 Square Feet).

Tract 3:

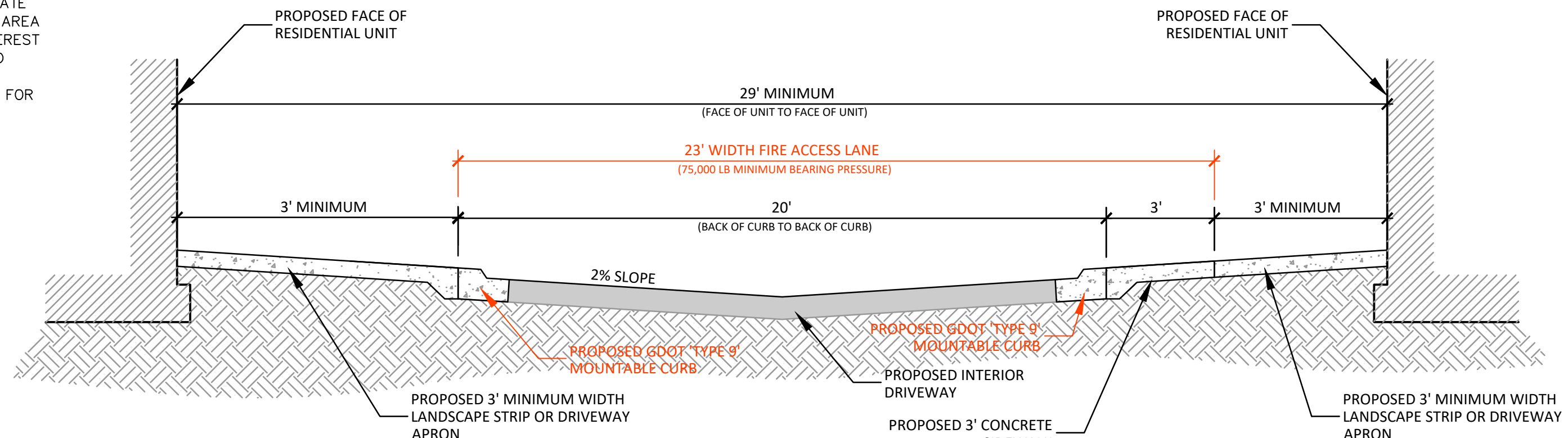
All that tract or parcel of land lying and being in Land Lot 95 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" open top pipe at the intersection of the northerly Right of Way of Arnold Street (not open) and the easterly Right of Way of Lavista Drive formerly known as Homestead Avenue (30' R/W); thence running along said easterly Right of Way of Lavista Drive North 33° 50' 06" East a distance of 99.87 feet to a 1/2" rebar found; thence leaving said Right of Way South 54° 53' 42" East a distance of 149.77 feet to an iron pin set; on the aforementioned northerly Right of Way of Arnold Street (not open); thence running along said Right of Way North 88° 58' 43" West a distance of 178.16 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.172 Acres (7,477 Square Feet).

SHADED AREAS REPRESENT DRIVEWAY TO BE INSTALLED UNDER THE PROPOSED CONDITIONS.

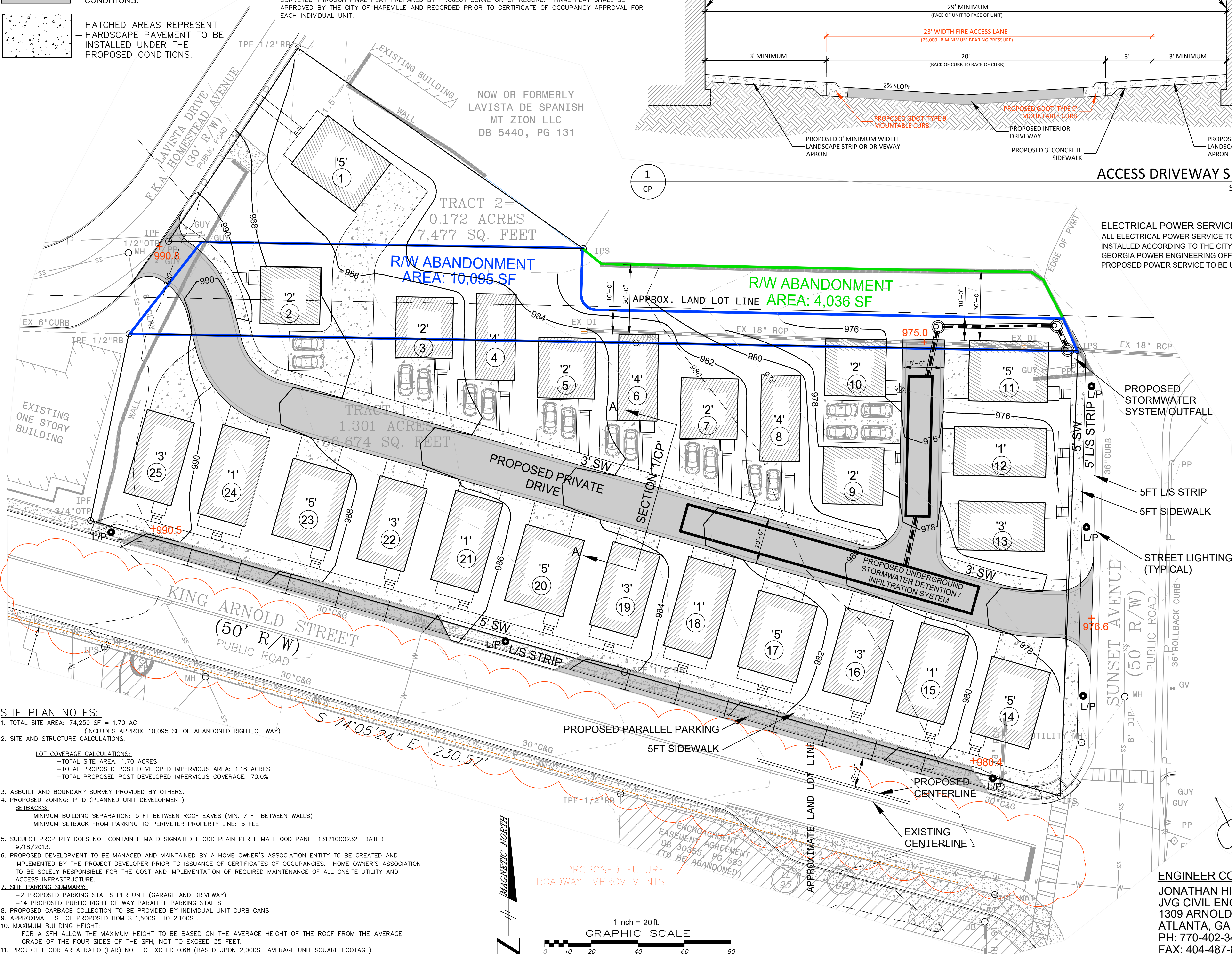
HATCHED AREAS REPRESENT HARDSCAPE PAVEMENT TO BE INSTALLED UNDER THE PROPOSED CONDITIONS.

PROPERTY OWNERSHIP DESCRIPTION:
INDIVIDUAL LOTS TO BE FEE SIMPLE - INDIVIDUAL LOTS, WHICH IS THE LAND AREA UNDER THE FOUNDATION, WILL CONFORM TO THE BASIC SITE PLAN CONFIGURATION, BUT MAY BE MODIFIED SLIGHTLY TO ACCOMMODATE SUBSTITUTED HOME PLANS. IN ADDITION TO THE LOT EACH OWNER WILL HAVE USE OF LIMITED COMMON AREA FOR SIDE YARD, DRIVEWAY, WALKS, ETC. THAT PRIMARILY SERVE AN INDIVIDUAL PROPERTY, PLUS AN INTEREST IN THE GENERAL COMMON AREAS AND AMENITIES. FEE SIMPLE PROPERTY AREAS WILL BE RECORDED AND CONVEYED THROUGH FINAL PLAT PREPARED BY PROJECT SURVEYOR OF RECORD. FINAL PLAT SHALL BE APPROVED BY THE CITY OF HAPEVILLE AND RECORDED PRIOR TO CERTIFICATE OF OCCUPANCY APPROVAL FOR EACH INDIVIDUAL UNIT.



ACCESS DRIVEWAY SECTION A-A
SCALE: NTS

ELECTRICAL POWER SERVICE NOTE:
ALL ELECTRICAL POWER SERVICE TO BE DESIGNED AND INSTALLED ACCORDING TO THE CITY OF HAPEVILLE AND GEORGIA POWER ENGINEERING OFFICE REQUIREMENTS. ALL PROPOSED POWER SERVICE TO BE UNDERGROUND.



SITE PLAN NOTES:

1. TOTAL SITE AREA: 74,259 SF = 1.70 AC (INCLUDES APPROX. 10,095 SF OF ABANDONED RIGHT OF WAY)
2. SITE AND STRUCTURE CALCULATIONS:

LOT COVERAGE CALCULATIONS:

- TOTAL SITE AREA: 1.70 ACRES
- TOTAL PROPOSED POST DEVELOPED IMPERVIOUS AREA: 1.18 ACRES
- TOTAL PROPOSED POST DEVELOPED IMPERVIOUS COVERAGE: 70.0%

3. ASBUILT AND BOUNDARY SURVEY PROVIDED BY OTHERS.
4. PROPOSED ZONING: P-D (PLANNED UNIT DEVELOPMENT)

SETBACKS:

- MINIMUM BUILDING SEPARATION: 5 FT BETWEEN ROOF EAVES (MIN. 7 FT BETWEEN WALLS)
- MINIMUM SETBACK FROM PARKING TO PERIMETER PROPERTY LINE: 5 FEET

5. SUBJECT PROPERTY DOES NOT CONTAIN FEMA DESIGNATED FLOOD PLAIN PER FEMA FLOOD PANEL 13121C00232F DATED 9/18/2013.
6. PROPOSED DEVELOPMENT TO BE MANAGED AND MAINTAINED BY A HOME OWNER'S ASSOCIATION ENTITY TO BE CREATED AND IMPLEMENTED BY THE PROJECT DEVELOPER PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCIES. HOME OWNER'S ASSOCIATION TO BE SOLELY RESPONSIBLE FOR THE COST AND IMPLEMENTATION OF REQUIRED MAINTENANCE OF ALL ON-SITE UTILITY AND ACCESS INFRASTRUCTURE.

7. SITE PARKING SUMMARY:

- 2 PROPOSED PARKING STALLS PER UNIT (GARAGE AND DRIVEWAY)
- 14 PROPOSED PUBLIC RIGHT OF WAY PARALLEL PARKING STALLS

8. PROPOSED GARBAGE COLLECTION TO BE PROVIDED BY INDIVIDUAL UNIT CURB CANS

9. APPROXIMATE SF OF PROPOSED HOMES 1,600SF TO 2,100SF.

10. MAXIMUM BUILDING HEIGHT:

FOR A SFH ALLOW THE MAXIMUM HEIGHT TO BE BASED ON THE AVERAGE HEIGHT OF THE ROOF FROM THE AVERAGE GRADE OF THE FOUR SIDES OF THE SFH, NOT TO EXCEED 35 FEET.

11. PROJECT FLOOR AREA RATIO (FAR) NOT TO EXCEED 0.68 (BASED UPON 2,000SF AVERAGE UNIT SQUARE FOOTAGE).

SITE PLAN

FOR THE

THE VILLAGE AT HAPEVILLE

325 SUNSET AVENUE (ET AL)

PARCEL ID'S: 14 009600060141, 14 009600060091, 14 006600010076

LAND LOT 96, 14TH DISTRICT,

THE CITY OF HAPEVILLE, FULTON COUNTY, GA

1	ISSUED FOR REVIEW	3/13/22
2	REVISED TRACT DESIGNATIONS	4/7/22
No.	Revision/Issue	Date

JVG
Civil Engineering

1309 Arnold Avenue
Atlanta, GA 30324
770-402-3471

OWNER/DEVELOPER:

EPIC DEVELOPMENT ATLANTA LLC
430 PLASTERS AVENUE
ATLANTA, GEORGIA 30324

CONTACT:

770-228-2000
ALEX@EPICDEVELOPMENT.COM

211118

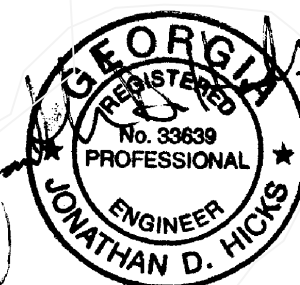
11/18/2021

1"=20'

CP

ENGINEER CONTACT:

JONATHAN HICKS, P.E.
JVG CIVIL ENGINEERING, INC.
1309 ARNOLD AVENUE, NE
ATLANTA, GA 30324
PH: 770-402-3471
FAX: 404-487-8982



RECORDATION AREA

ALTA COMMITMENT FOR TITLE INSURANCE

COMMENTS CONCERNING EXCEPTIONS FROM CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NUMBER: 2021.10.030, EFFECTIVE DATE OCTOBER 8, 2021.

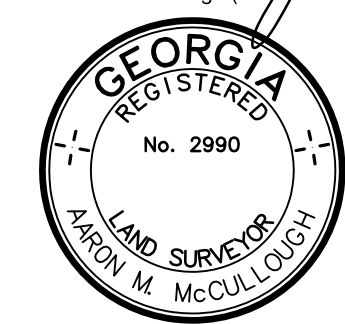
All those matters as shown on those certain plats filed and recorded in Fulton County, Georgia, records in (a) Plat Book 9, page 194; and (b) Plat Book 406, page 68; (Affects subject property, blanket in nature)

Right of Flight Agreement Consent Agreement to City of Atlanta, dated February 4, 1988, filed and recorded February 1988, in Deed Book 11342, page 259, aforesaid records, (Affects subject property, blanket in nature)

Right of Flight Agreement to City of Atlanta, dated February 9, 1988, filed and recorded February 1988, in Deed Book 11342, page 260, aforesaid records, (Affects subject property, blanket in nature)

As required by subsection (d) of O.C.G.A. Section 15-6-67 this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Aaron M. McCullough (Ga. L.S.# 2990) 2/24/22
DATE



PLEASE NOTE

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

AARON M. MCCULLOUGH, L.S.
GA REGISTRATION NO. 2990
6554 E. CHURCH STREET
DOUGLASVILLE, GA 30134

STATE OF GEORGIA
CERTIFICATE OF AUTHORIZATION
FOR LAND SURVEYING
HUGHES-RAY COMPANY, INC.
LSFH 000462 EXPIRES 06/30/22

LEGEND

●	----- CALCULATED POINT	⬮	----- FLARED END SECTION
○	----- IRON PIN FOUND	⊗	----- WATER METER
○	----- IRON PIN SET (1/2" REBAR)	⊕	----- WATER VALVE
□	----- R/W MONUMENT	⊖	----- FIRE HYDRANT
P/L	----- PROPERTY LINE	○	----- SANITARY SEWER MANHOLE
R/W	----- RIGHT-OF-WAY	○	----- CLEANOUT
N/F	----- NOW OR FORMERLY	○	----- GREASE TRAP
B/L	----- BUILDING LINE	⊗	----- GAS METER
OTF	----- OPEN TOP PIPE	⊕	----- POWER METER
○	----- DOUBLE WING CATCH BASIN	⊖	----- GAS VALVE
⬮	----- HEADWALL	⊗	----- POWER POLE
⊗	----- JUNCTION BOX	⬮	----- GUY ANCHOR
⊕	----- DROP INLET	⬮	----- TRAFFIC SIGNAL POLE
⊖	----- CORRUGATED METAL PIPE	⬮	----- BOLLARD
RCP	----- REINFORCED CONCRETE PIPE	⬮	----- IRRIGATION CONTROL VALVE
⊗	----- LIGHT POLE (1 LAMP)	⬮	----- FIBER OPTIC MARKER
⊗	----- LIGHT POLE (2 LAMPS)	⬮	----- FIRE DEPT. CONNECTION
⊗	----- LIGHT POLE (3 LAMPS)	⬮	----- CONCRETE
⊗	----- LIGHT POLE (4 LAMPS)		
---	----- BOUNDARY LINE		
---	----- FENCE		
---	----- GAS LINE		
---	----- UNDERGROUND POWER LINE		
---	----- OVERHEAD POWER LINE		
---	----- SANITARY SEWER LINE		
---	----- STORM DRAIN LINE		
---	----- WATER LINE		

RECORD DESCRIPTION

PARCEL ONE:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 96 & 65 OF THE 14TH DISTRICT, CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIN SET AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF SUNSET AVENUE (50' R/W) AND THE NORTHEASTERLY RIGHT OF WAY OF KING ARNOLD STREET (6' R/W); FROM POINT THUS ESTABLISHED AND RUNNING ALONG THE NORTHEASTERLY RIGHT OF WAY OF KING ARNOLD STREET NORTH 74°08'39" WEST A DISTANCE OF 194.57 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 74°08'39" WEST A DISTANCE OF 238.49 FEET TO A 3/4" OPEN TOP PIPE FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 11°39'45" EAST A DISTANCE OF 81.83 FEET TO A 1/2" REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY OF ARNOLD STREET; UNOPENED ROAD; THENCE RUNNING ALONG SAID RIGHT OF WAY SOUTH 88°58'44" EAST A DISTANCE OF 217.91 FEET TO AN IRON PIN SET; THENCE SOUTH 88°58'42" EAST A DISTANCE OF 189.84 FEET TO AN IRON PIN SET AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF ARNOLD STREET AND THE WESTERLY RIGHT OF WAY OF SUNSET AVENUE (50' R/W); THENCE RUNNING ALONG THE WESTERLY RIGHT OF WAY OF SUNSET AVENUE SOUTH 02°17'23" WEST A DISTANCE OF 191.35 FEET TO THE TRUE POINT OF BEGINNING.
(7,477 SQUARE FEET).

NOTE: THE "TRACT DESCRIPTION" AND THE "RECORD DESCRIPTION" DESCRIBE THE SAME PROPERTY

RECORD DESCRIPTION

PARCEL TWO:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 95 OF THE 14TH DISTRICT, CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2" OPEN TOP PIPE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF ARNOLD STREET (NOT OPEN) AND THE EASTERLY RIGHT OF WAY OF LAVISTA DRIVE FORMERLY KNOWN AS HOMESTEAD AVENUE (30' R/W); THENCE RUNNING ALONG SAID EASTERLY RIGHT OF WAY OF LAVISTA DRIVE NORTH 33°50'06" EAST A DISTANCE OF 99.97 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY SOUTH 54°53'42" EAST A DISTANCE OF 149.77 FEET TO AN IRON PIN SET; ON THE AFOREMENTIONED NORTHERLY RIGHT OF WAY OF ARNOLD STREET (NOT OPEN); THENCE RUNNING ALONG SAID RIGHT OF WAY NORTH 88°58'43" WEST A DISTANCE OF 178.16 FEET TO THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINS 0.172 ACRES (7,477 SQUARE FEET).

NOTE: THE "TRACT DESCRIPTION" AND THE "RECORD DESCRIPTION" DESCRIBE THE SAME PROPERTY

TRACT DESCRIPTION

TRACT 1
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 65 & 96 OF THE 14TH DISTRICT, CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF KING ARNOLD STREET (50' PUBLIC R/W) AND THE WESTERLY RIGHT-OF-WAY OF SUNSET AVENUE (50' PUBLIC R/W); SAID POINT BEING THE POINT OF BEGINNING.
THENCE, FROM THE POINT OF BEGINNING, ALONG SAID RIGHT-OF-WAY, NORTH 74 DEGREES 10 MINUTES 25 SECONDS WEST, 238.49 FEET TO A 3/4" OPEN TOP PIPE;
THENCE, LEAVING SAID RIGHT-OF-WAY, NORTH 11 DEGREES 39 MINUTES 58 SECONDS EAST, 81.86 FEET TO A 1/2" REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF ARNOLD STREET (UNOPENED ROAD);
THENCE, ALONG SAID RIGHT-OF-WAY, SOUTH 88 DEGREES 00 MINUTES 03 SECONDS EAST, 217.91 FEET TO A POINT;
THENCE, SOUTH 89 DEGREES 00 MINUTES 28 SECONDS EAST, 189.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SUNSET AVENUE;
THENCE, ALONG SAID RIGHT-OF-WAY, SOUTH 02 DEGREES 15 MINUTES 37 SECONDS WEST, 191.35 FEET TO THE POINT OF BEGINNING;
SAID TRACT OR PARCEL CONTAINING 1.30 ACRES, MORE OR LESS

TRACT DESCRIPTION

TRACT 2
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 95 OF THE 14TH DISTRICT, CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 1/2" REBAR AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF ARNOLD STREET (UNOPENED ROAD) AND THE EASTERLY RIGHT-OF-WAY OF LAVISTA DRIVE (30' PUBLIC R/W); SAID POINT BEING THE POINT OF BEGINNING.
THENCE, FROM THE POINT OF BEGINNING, ALONG SAID RIGHT-OF-WAY, NORTH 33 DEGREES 49 MINUTES 58 SECONDS EAST, 99.94 FEET TO A 1/2" REBAR;
THENCE, LEAVING SAID RIGHT-OF-WAY, SOUTH 54 DEGREES 53 MINUTES 42 SECONDS EAST, 149.77 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ARNOLD STREET;
THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 88 DEGREES 00 MINUTES 23 SECONDS WEST, 178.15 FEET TO THE POINT OF BEGINNING;
SAID TRACT OR PARCEL CONTAINING 0.17 ACRES OR 7,475.03 SQUARE FEET, MORE OR LESS.

TRACT 1 AREA
1.30 ACRES

TRACT 2 AREA
0.17 ACRES
7,475 SQ. FT.

LOCATION MAP

SITE NARRATIVE

AREA SUMMARY:

TRACT 1 AREA: 1.30 ACRES

BUILDING HEIGHT RESTRICTION:

MINIMUM BUILDING HEIGHT: 24'
MAXIMUM BUILDING HEIGHT: 64'

ZONING & SETBACKS:

TRACT 1
CURRENT ZONING: U-V URBAN VILLAGE
ZONING RESTRICTIONS ARE TAKEN FROM THE CITY OF HAPEVILLE ZONING CODE.
SETBACKS = FRONT - 0'
SIDE - 0'
REAR - 0'

NO ZONING REPORT PROVIDED

SITE NARRATIVE

AREA SUMMARY:

TRACT 2 AREA: 0.17 ACRES

BUILDING HEIGHT RESTRICTION:

MAXIMUM BUILDING HEIGHT: 2 1/2 STORY/35'

ZONING & SETBACKS:

TRACT 2
CURRENT ZONING: R-1 ONE FAMILY DETACHED
ZONING RESTRICTIONS ARE TAKEN FROM THE CITY OF HAPEVILLE ZONING CODE.
MAX BUILDING COVERAGE: 40%
MINIMUM LOT FRONTAGE: 50'
MINIMUM LOT AREA: 6,750 SQ. FT.
SETBACKS = FRONT - 15'
SIDE - 5'
REAR - 25'

NO ZONING REPORT PROVIDED

GENERAL NOTES

- FLOOD STATEMENT: AS PER OFFICIAL F.I.R.M 13121C0368F DATED SEPTEMBER 18, 2013 & 13121C0367F DATED SEPTEMBER 18, 2013 THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.
- ZONING AND SETBACK INFORMATION IS TAKEN FROM CITY OF HAPEVILLE ZONING CODE.
- THE RECORDED EASEMENTS SHOWN HEREON ARE BASED UPON INFORMATION CONTAINED IN COMMITMENT FROM CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER: 2021.10.030, EFFECTIVE DATE OCTOBER 8, 2021. HUGHES-RAY COMPANY, INC. AND THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HERETO DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY ARE SHOWN HEREON.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ARE BASED UPON ABOVE GROUND APURTENANCES AND THE DEVELOPMENT PLANS FOR THIS SITE. VERIFICATION OF UNDERGROUND UTILITIES SHOULD BE MADE PRIOR TO ANY CONSTRUCTION.
- ADDRESS: PARCEL 1: 3394 LA VISTA DRIVE, HAPEVILLE, GEORGIA 30354
PARCEL 2: 325 SUNSET AVENUE AND 376 KING ARNOLD STREET, HAPEVILLE, GEORGIA 30354
- SUBJECT PROPERTY REFERENCES
A. BASED UPON INFORMATION CONTAINED IN COMMITMENT FROM CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER: 2021.10.030, EFFECTIVE DATE OCTOBER 8, 2021.
- THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
- THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.

ALTA CERTIFICATION

TO: SCP HAPEVILLE TH OWNER, LLC, THE MAYNARD LAW FIRM, LLC AND CHICAGO TITLE INSURANCE COMPANY;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-5, 6(a) and (b), 7(a), (b) and (c), 8, 9, 13, 14, 16, 17, and 18 of Table A thereof. The fieldwork was completed on 2/22/22.

DATE: 2/24/22

Aaron M. McCullough, L.S. No. 2990
HUGHES-RAY COMPANY, INC.
6554 E. Church Street
Douglasville, Georgia 30134



30 0 30 60
SCALE: 1" = 30'

ALTA

PREPARED BY:
HRC
HRC ENGINEERS
ENGINEERS | SURVEYORS | LANDSCAPE ARCHITECTS
6554 EAST CHURCH STREET
DOUGLASVILLE, GEORGIA 30134
p 770.942.0196
f 770.942.0152
www.hrcengineers.com

ALTA/NSPS LAND TITLE SURVEY FOR
SCP HAPEVILLE TH OWNER, LLC, THE MAYNARD LAW FIRM, LLC AND CHICAGO TITLE INSURANCE COMPANY

LOCATED IN LAND LOTS 65, 66, 95 & 96
14TH DISTRICT, CITY OF HAPEVILLE
FULTON COUNTY, GEORGIA

DATE: 24 FEBRUARY 2022

NO. DATE REVISION DESCRIPTION

DRAWING NO. H22122

DRAWN BY: WAS

CHECKED BY: AMM

JOB NO.: H22122

SCALE: 1"=30'

THIS DRAWING IS COPYRIGHTED.
THE ORIGINAL DRAWING WAS PRODUCED AND IS ON RECORD IN THE OFFICES OF THIS FIRM.
ANY UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THIS DRAWING, IN PART OR WHOLE, IS HEREBY PROHIBITED.

25 Proposed Homes Hapeville, GA



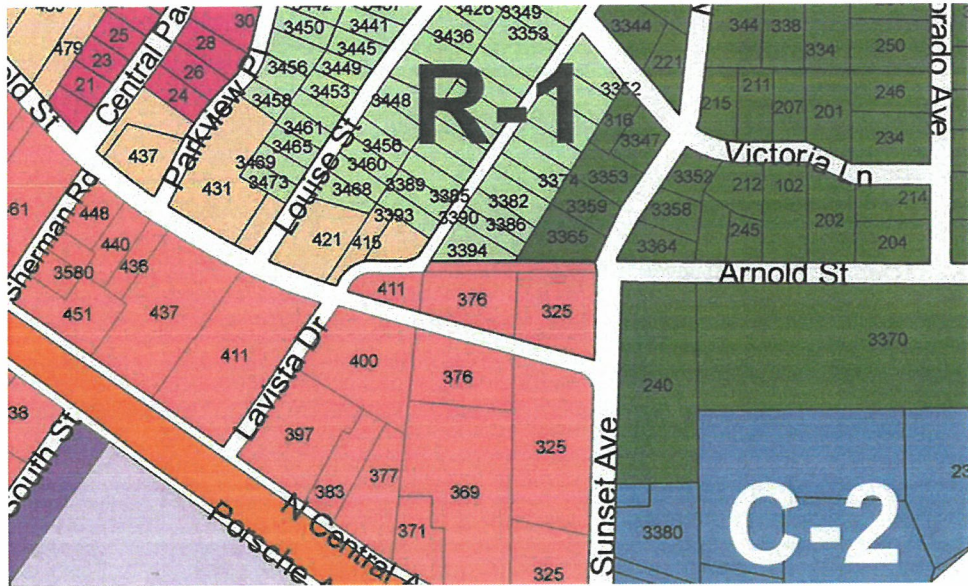
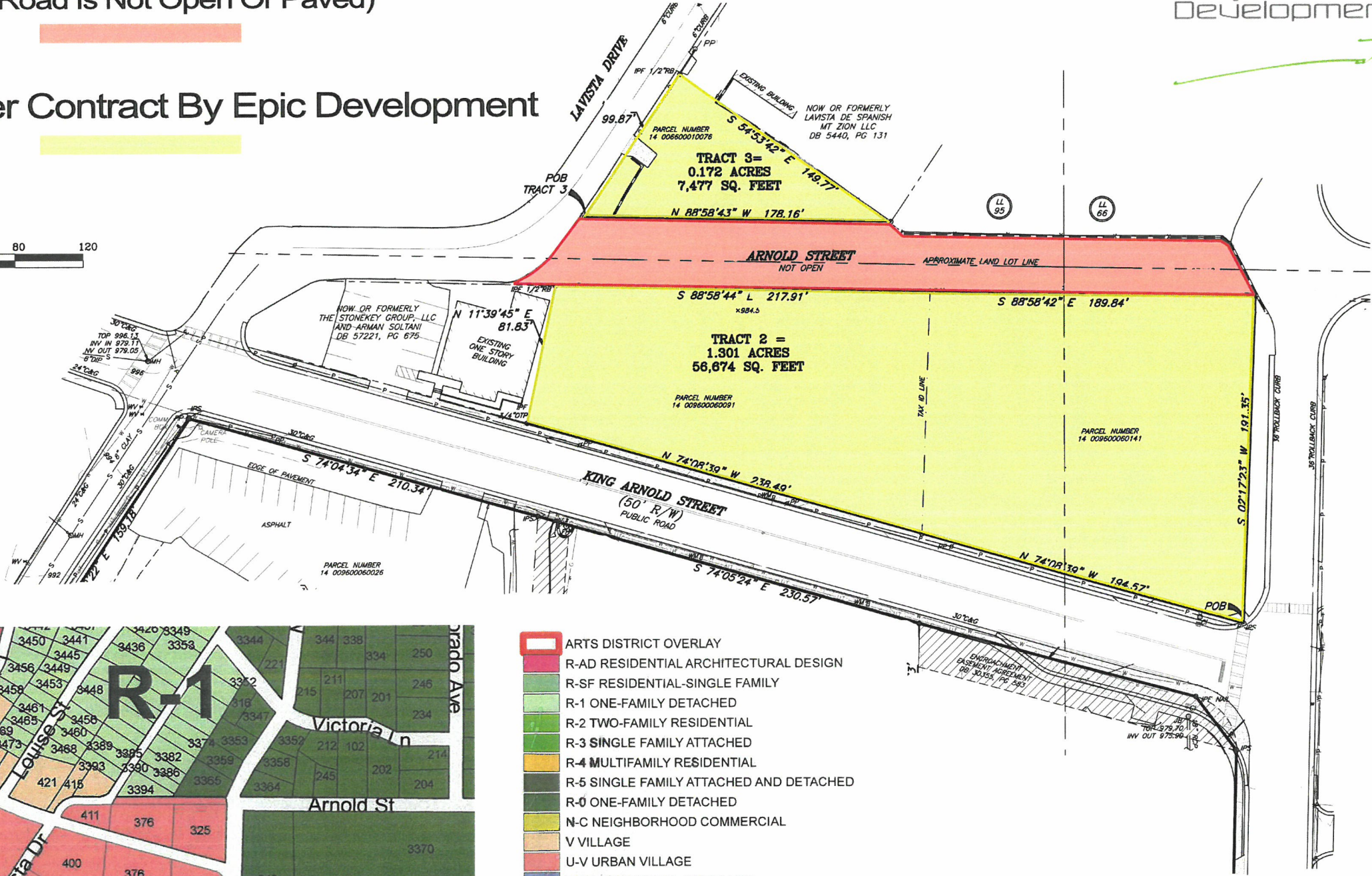
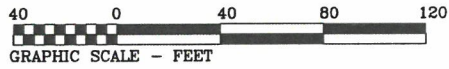
Location Map

Proposed Arnold Street Abandonment
(Road Is Not Open Or Paved)

Lots Under Contract By Epic Development



DRIVEN BY DESIGN....



- ARTS DISTRICT OVERLAY
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
- R-SF RESIDENTIAL-SINGLE FAMILY
- R-1 ONE-FAMILY DETACHED
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 SINGLE FAMILY ATTACHED
- R-4 MULTIFAMILY RESIDENTIAL
- R-5 SINGLE FAMILY ATTACHED AND DETACHED
- R-0 ONE-FAMILY DETACHED
- N-C NEIGHBORHOOD COMMERCIAL
- V VILLAGE
- U-V URBAN VILLAGE
- RMU RESIDENTIAL MIXED USE
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-T COMMERCIAL TRANSPORTATION
- B-P BUSINESS PARK
- P-D PLANNED UNIT DEVELOPMENT
- I-1 LIGHT INDUSTRIAL

Aerial View



Sunset View



King Arnold View



La Vista View





Department of Planning & Zoning

PLANNER'S REPORT

DATE: April 21, 2022
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 14-009600060141, 14-009600060091, 14-006600010076,
325 Sunset, 376 King Arnold, 3394 Lavista

BACKGROUND

The City of Hapeville has received a variance application from Alex Popham to allow for the rezoning of two lots smaller than 2 acres from U-V (Urban Village) and R-1 (One Family Residential) to P-D, Planned Unit Development. These lots are identified as 14-009600060141, 14-009600060091, and 14-006600010076.

The aforementioned properties are proposed for eventual consolidation and combined with an abandoned right of way/street (Arnold Street) for the development of a 25 single family dwelling development to serve as a transition from the higher density multi-family development to the south to the lower density single family neighborhood to the north.

The desire for the rezoning is twofold – (1) to ensure the proposed site plan is carried out should the right of way be abandoned, and (2) to accommodate the single family neighborhood design not achievable with the existing U-V and R-1 zoning districts. Should the Mayor & Council not approve the rezoning with the proposed site plan, the variance would be nullified. Should the developer abandon the project, the rezoning would be nullified.

CODE

ARTICLE 21. - P-D ZONE (PLANNED UNIT DEVELOPMENT)

Sec. 93-21-1. - Intent.

The purpose of this district is to provide flexibility in the development of certain types of intense land uses, and to insure that these developments will be in harmony with the character of the area, provisions are hereby made for planned unit developments.

Sec. 93-21-2. - Permitted uses.

The planned unit development (P-D) district recognizes and allows mixed uses. Mixed uses that are in the same structure are permitted. P-D district uses are regulated hereinbelow and as the same are submitted and approved in a planned unit development application. No nonpermitted use shall be approved in a plan. Other permitted uses include:

- (1) Commercial parking lots and parking garages are accepted where such facilities are parking decks which: do not exceed 40 feet in height, are placed to the rear or at the interior of all developments, conceal automobiles from visibility at the public right-of-way, have the appearance of a horizontally storied building, contain continuous, street fronting, ground level office, retail, hospitality uses, restaurants and/or residential uses on at least two facades, underground parking is allowed when possible; and
- (2) Attached noncommercial parking designed and utilized specifically for the use of a facility containing a permitted use operation on the same lot is allowed. The standards for noncommercial parking shall be as follows:
 - a. Noncommercial parking areas shall be placed to the rear or at the interior of all commercial developments and are prohibited from being placed in front of buildings, between the building and public right-of-way in new developments.
 - b. A continuous landscape buffer, a minimum of ten feet in width, shall be required between the parking area and the right-of-way for new and existing parking areas. The landscape buffer must be provided when repairs are made to parking areas.
 - c. Underground parking is allowed when possible. Aboveground parking decks shall conceal automobiles from visibility at the public right-of-way and shall have the appearance of a horizontally storied building.

Sec. 93-21-3. - Nonpermitted uses.

The following uses are not allowed in a P-D zone:

- (1) Cellular telephone or other communications towers;
- (2) Undertaking; and
- (3) All uses allowed in I-1 and I-2 zones except:
 - a. Film developing;
 - b. Dry cleaners; and
 - c. Printing shops.

Sec. 93-21-4. - Application procedure.

Application for approval of a planned unit development shall be made with the office of the building official. The building official will forward the application to the design review committee (DRC). A preapplication conference will be scheduled with the applicant and the DRC. Upon completion of this process, a final application with plan may proceed forward. The terms "application" and "plan" are used synonymously in this article.

Sec. 93-21-5. - Application review.

- (a) In reviewing the application, the DRC will establish that the following development criteria (as applicable) have been met:
 - (1) The P-D application contains specific plans and designs including property boundaries, grading, building locations, location and size of all sewer, water and storage drainage lines, right-of-way and easements both existing and proposed, square footage of all buildings, height of all buildings, land uses of all buildings, architectural style and facade treatment of buildings, location and size of all parking spaces, loading areas, driveways, walkways, curb cuts, landscaping, open space, recreational areas and facilities.
 - (2) Existing developments will not be adversely affected by and will be protected from noise, light, odor, glare, dust and fumes.

- (3) Residential uses within the development will not be adversely affected by and will be protected from noise, light, odor, glare, dust, and fumes.
 - (4) Planted buffers, solid walls and setbacks provide sufficient separation between different types of land use, such as between attached and detached residential developments, or residential and commercial facilities to guarantee compatibility of the mixed land uses.
 - (5) Accessory uses and their required parking do not occupy more than 30 percent of the land area of the property, nor more than 25 percent of the total floor area of the combined floor area of all buildings.
 - (6) All buildings maintain a compatible architectural style.
 - (7) Any traffic generated by such a use will not present problems of safety or unduly impede normal traffic movement on adjacent streets.
 - (8) Landscaping, screening, open space, building location, parking and loading areas, services areas, lighting and signs and overall layout is adequate and appropriate and has a reasonable spatial and functional relationship within each development and to exterior structures, spaces and circulation elements.
 - (9) The vehicular circulation system is so located and designed as to provide an efficient, safe and convenient transportation system and accommodates various transportation modes.
 - (10) The pedestrian circulation system is so located and designed as to provide safe, pleasing and efficient movement, convenient linkages among land uses and facilities and generally encourages pedestrian travel.
 - (11) Reservation of greenspace shall be a minimum of ten percent per plan.
 - (12) The establishment of all uses at the requested locations are in accordance with the aforementioned intent section in establishing this zone and meets all applicable requirements of this chapter.
 - (13) The minimum land assemblage requirements of two acres of contiguous land are met and that such land is under a single ownership.**
- (b) Once an application is determined to meet the criteria listed above the application shall be treated like a request for rezoning pursuant to article 25 of this chapter.

Sec. 93-21-6. - Dimensional chart applicability.

Section 93-22.1-1, chart of dimensional requirements, shall not apply to this article. Dimensional requirements applicable to the P-D district shall be generated by the application, as approved in the plan.

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The parcels (approximately 1.4 acres) are currently non-contiguous because of the intervening Arnold Street right of way. Once the right of way is acquired, the consolidated acreage will be approximately 1.7 acres.

- b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

The 2 acre limit would not allow for the rezoning to a desired rezoning by the City Staff, Development Boards (Planning Commission and Design Review Committee) and potentially Mayor & Council. Note: the application has not been brought before the Mayor & Council for a public hearing as it is not viable without the variance approval.

- c. Such conditions are peculiar to the particular piece of property involved; and

The City's desire for the property to be developed with adequate buffering and to limit the potential density (e.g., by right townhomes) would require the P-D zoning.

- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter as P-D rezonings require a specific site plan presented during the rezoning that must be implemented for the development to occur.

RECOMMENDATION

Planning Commission and Staff recommend the approval of the conditional variance to allow less than two acre minimum for a P-D Rezoning request for the aforementioned properties.