



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

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

June 23, 2022 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

3.1. Minutes of April 28, 2022

4. Public Hearing:

4.1. 791 Oak Street Variance Requests

Background:

Daniel Hunt is requesting a variance to allow the use of a temporary storage trailer at 791 Oak Street, Parcel Identification Number 14-0097-0009-006-3. The property is zoned RMU, Residential Mixed Use and is subject to the zoning regulation under Article 2 (General Provisions), Section 93-2-5 (Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences) of the City of Hapeville Zoning Ordinance.

Applicant Comment
Staff Comment
Public Comment

Documents:

1. Application - 791 Oak Street_Variance_Redacted
2. Plans - 791 Oak Street_Variance
3. Planners Report BOA 791 Oak

4.II. 3473 Harding Avenue Variance Requests

Background:

Cortney Newmans requested a variance to allow for relief from Section 93-29-13 (Tree preservation trust fund) for the property located at 3473 Harding Avenue, Parcel Identification Number 14-0098-0002-007-7. The property is zoned U-V, Urban Village and is subject to the zoning regulations under Section 93-29-13 of the City of Hapeville Zoning Ordinance.

Applicant Comment

Staff Comment

Public Comment

Documents:

1. Application - 3473 Harding Avenue_Variance_Redacted
2. Plans - 3473 Harding Avenue_Variance
3. Planners Report BOA 3473 Harding

5. Next Meeting Date - July 28, 2022 at 6:00 PM

6. Adjourn



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

Board of Appeals Meeting

**700 Doug Davis Drive
Hapeville, Georgia 30354
April 28, 2022 6:00 PM**

MINUTES

1. Called to Order at 6:01 PM.

2. Roll Call

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

3. Election of Officers

3.1 Election of Vice Chairman

MOTION ITEM: Melanie Williams made a motion, Richard Neal seconded to elect Jason Morris as Vice Chairman of the Board of Appeals. Motion Carried: 4-0.

4. Approval of Minutes

4.1. Minutes of February 24, 2022

MOTION ITEM: Melanie Williams made a motion, Jason Morris seconded to approve the minutes of February 24, 2022, as submitted. Motion Carried: 4-0.

5. Public Hearing

5.1. 601 Coleman Street

Variance Request

Background:

Stacyann Wint-Barnes requested 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.

Findings:

The variance request is to reduce the number of parking spaces required for a personal care home from one per unit or 23 spaces to 14 spaces. 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 and visitors.

Recommendation:

Staff recommended approval of the variance.

Applicant Comments:

Ms. Wint-Barnes stated the residents will not utilize vehicles. The parking will be used for visitors and deliveries.

Public Comment: None.

MOTION ITEM: Melanie Williams made a motion, Richard Neal seconded to reduce the required number of parking spaces for a personal care home at 601 Coleman Street.

Motion Carried: 4-0.

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

Variance Request

Background:

CML Village Walk LLC requested 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.

Findings:

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 the residential and commercial developments per Code.

Recommendation:

Staff recommends approval of the variance.

Public Comment: None.

MOTION ITEM: Jason Morris made a motion, Melanie Williams seconded to approve the variance request to reduce the 15' landscape buffer between residential and commercial development for the property located at Willingham Drive, Colville Avenue, and South Central Avenue, as requested. Motion Carried: 4-0.

5.III. 3347 Myrtle Street

Variance Request

Background:

Don May requested 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.

Findings:

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.

Staff 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 into the setback.

Public Comment:

Jamieson Comer, 3317 Myrtle Street, expressed support of the variance request.

David Hofius, 3317 Myrtle Street, expressed support of the variance request.

Greg Morgan, 3302 Myrtle Street, expressed support of the variance request.

End of Public Comment.

MOTION ITEM: Jason Morris made a motion, Melanie Williams seconded to approve the variance request to increase the maximum number of accessory structures from one (1) to two (2) and reduce the side setback for an accessory structure at 3347 Myrtle Street, as requested. Motion Carried: 4-0

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

Variance Request

Background:

Alex Popham of Epic Development requested 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.

Findings:

The properties are proposed for 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 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) 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.

Recommendation:

Staff recommended approval of the variance.

Public Comment: None.

Motion Item: Melanie Williams made a motion, Jason Morris seconded to grant the variance request 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 as requested. Motion Carried: 4-0.

6. Next Meeting Date – May 26, 2022 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Brittany Williams made a motion, Richard Neal seconded to adjourn the meeting at 6:53 p.m. Motion Carried: 4-0

Respectfully submitted by,

Michael Simpson, Chairman

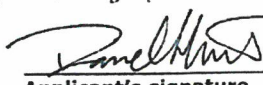
Adrienne Senter, Secretary

22-BDA-06-11

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

Name of Applicant Daniel Hunt
Mailing Address 2727 Paces Ferry Rd SE Building 2 Suite 1600, Atlanta, GA 30339
Telephone _____ Mobile # _____ Email whunt@mccarthy.com
Property Owner (s) Northside Hospital
Mailing Address 975 Johnson Ferry Road Suite 220 Atlanta, GA 30342
Telephone _____ Mobile # _____
Property Address/Location: 791 Oak St, Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009700090063
Square Foot of Property 60,113 Building Size 13,200 Zoning RMU
Present Land Use Medical Office Building
Variance Requested Temporary Storage Trailer
Applicable Code Section 93-25

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.


Applicant's signature
Date: 5/5/22

Sworn to and subscribed before me
This 5 day of may, 2022.

Notary 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:

791 Oak Street, Hapeville GA

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

Daniel Hunt | Senior Project Engineer | McCarthy Building Companies, Inc.

Address of Applicant

2727 Paces Ferry Road SE, Building Two - Suite 1600 Atlanta, GA 30339

Telephone of Applicant

██████████



Signature of Owner

RYAN VOYLES

Print Name of Owner

Personally Appeared Before Me this _____ day of _____, 20____.

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.

We are completing a renovation and addition for Northside Hospital at 791 Oak Street. We will need to have our temporary storage onsite for the entirety of the project.

This project is scheduled to be completed in January 2023. This storage container will house miscellaneous tools that will be used throughout the duration of the project.

The property will be secured by a temporary fence and privacy screen for the duration of the project. We are asking for permission to keep this storage trailer onsite for duration of the project.

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

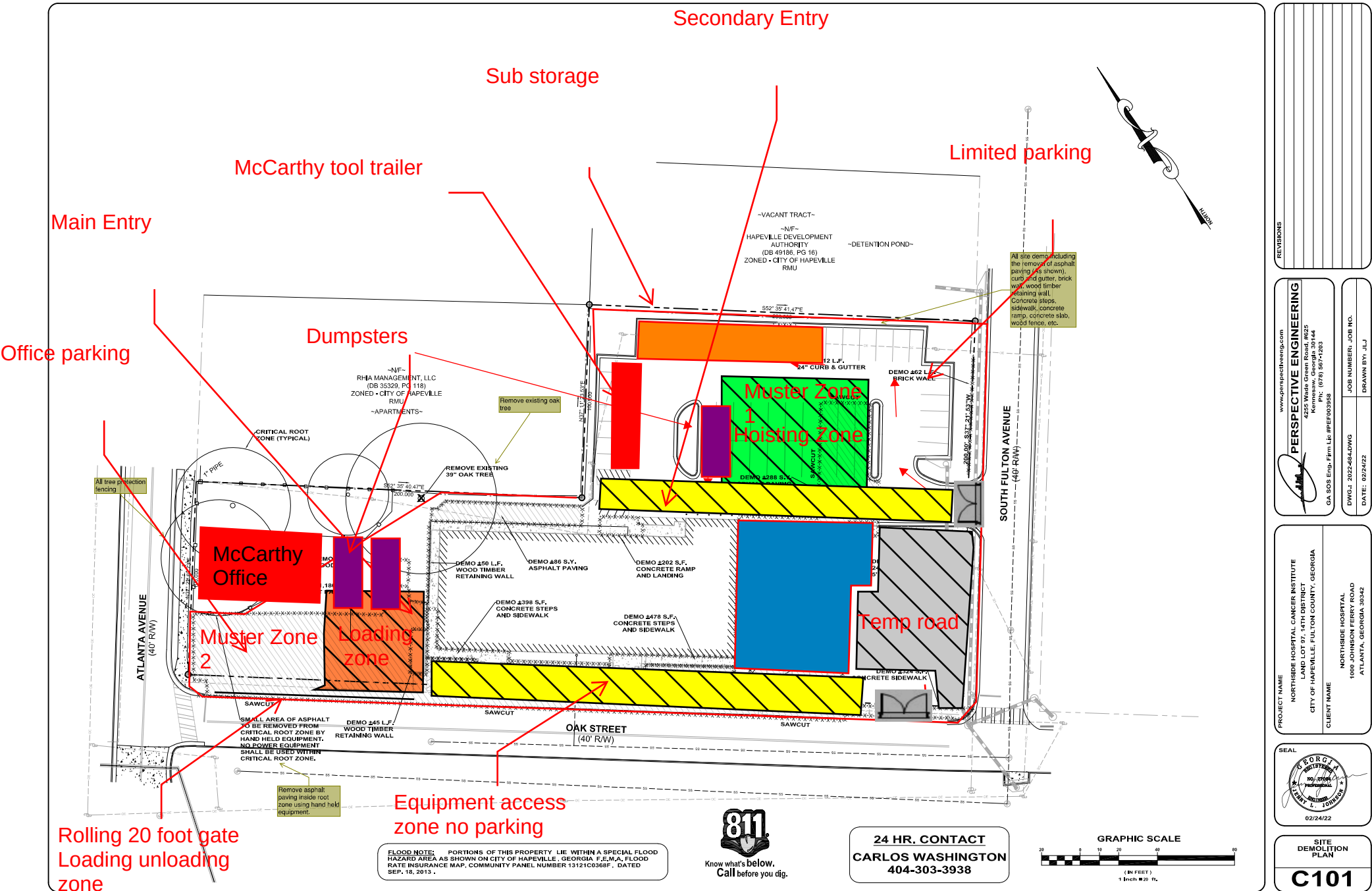
Since we will be working on this project for the remainder of the year, we would prefer to not have to renew our temporary storage permit monthly if possible.

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

As this is a commercial construction project we will have an active construction site for a much longer period of time than most residential projects.

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 this variance is granted.





Northside Hospital Rad Onc Hapeville



Legend

- McCarthy Office
- Temp. Toilets
- Temp. Hand Wash
- Dumpsters
- Trade Partner
- Gates
- McCarthy Storage
- Fence

Image Landsat / Copernicus



Department of Planning & Zoning

PLANNER'S REPORT

DATE: June 14, 2022
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 791 Oak Street, 14 009700090063

BACKGROUND

The City of Hapeville has received a variance application from Daniel Hunt to allow for a temporary storage trailer for the duration of the renovation and construction of an addition to 791 Oak Street. The property will be secured by a temporary fence and privacy screen for the duration of the project.

The property is zoned RMU, Residential Mixed Use.

CODE

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

(7) Temporary storage structures and uses. Enclosed portable storage units and structures intended only for temporary storage may be used following the receipt of a building permit, payment of the required fee, where applicable, and subject to the following provisions:

- a) The building permit submittal package must contain a site plan designating the proposed location of the temporary storage structure on the lot.
- b) Temporary storage structures and portable storage units shall not be placed on any street or alley right-of-way or public property. These structures must be placed on the lot in which the use is intended.

1) Duration.

- (a) Within all zoning districts, enclosed portable storage units and structures intended only for storage may be used for temporary storage of items related to the primary use located on the property for a period not to exceed 30 days. This period of time may be extended to 45 days upon request to and written approval of the community services director. Registration shall be required for each such use of any temporary storage structures.
- (b) Where practical, such structures shall not be located within front yard areas.
- (c) No portable storage units shall be used to store any chemical, hazardous, flammable or combustible materials.

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;

Not applicable.

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

The property is undergoing a significant renovation and expansion. An onsite construction trailer is requested for the duration of construction. Without a variance, the applicant would have to reapply every 45 days or would not be able to store required equipment onsite.

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

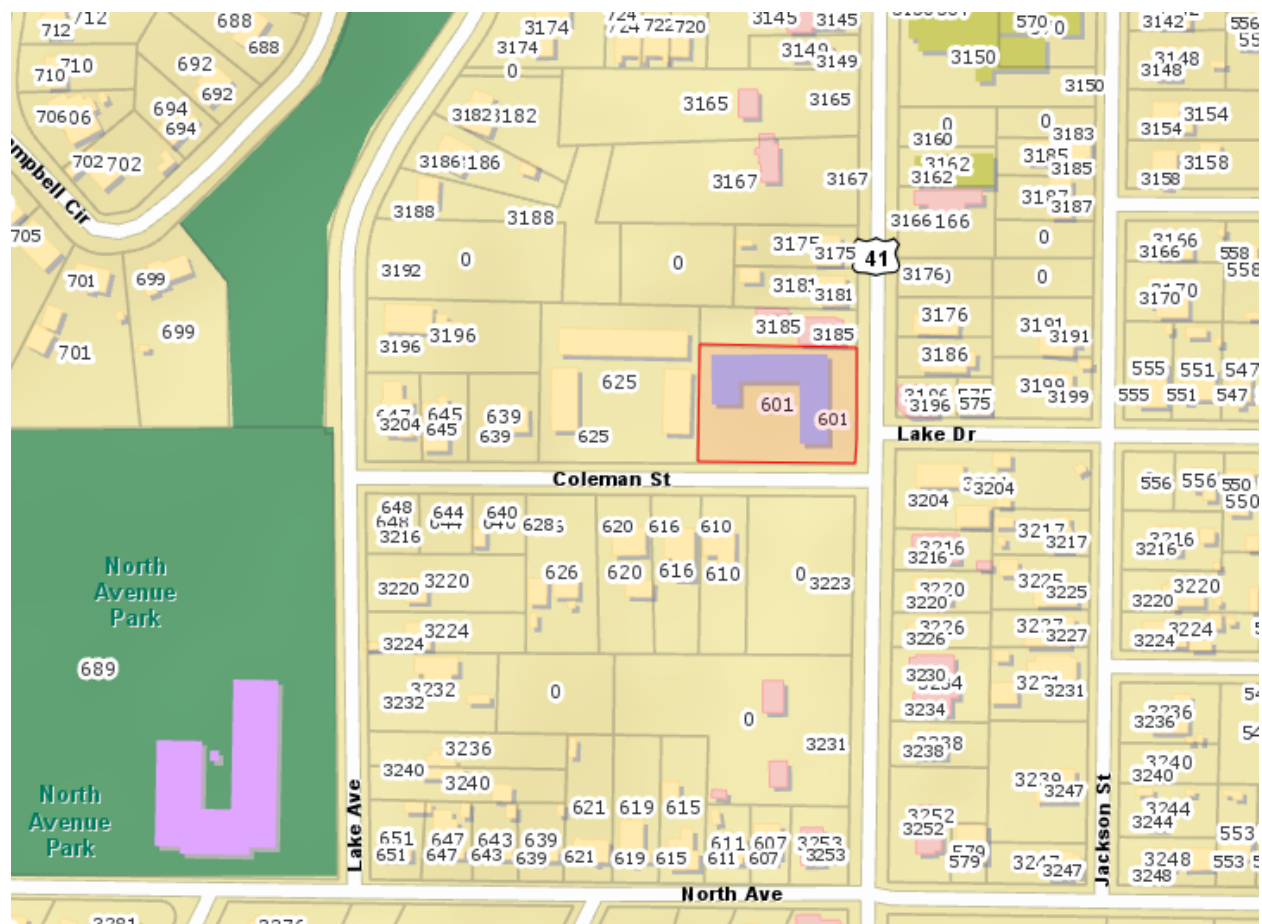
The variance requested to extend the construction storage is for the duration of the construction period only.

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.



601 Coleman Street

22-BOA-06-12

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

Name of Applicant CORTNEY NEWMANS
Mailing Address 850 BETHEL CHURCH RD SE, SILVER CREEK, GA 30173
Telephone 706-237-7426 Mobile # [REDACTED] Email MARCIE@HARVESTHOMEBUILDING.COM
Property Owner (s) SAH REAL ESTATE HOLDINGS, LLC
Mailing Address 830 GLENWOOD AVE SE, ATLANTA, GA 30316
Telephone [REDACTED] Mobile # [REDACTED]
Property Address/Location: 3473 HARDING AVE, HAPEVILLE, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14009800020077
Square Foot of Property 7569 Building Size 3992(TOTAL Zoning UV
Present Land Use VACANT LOT
Variance Requested TREE VARIANCE
Applicable Code Section SECTION 93-2-14 - TREE CONSERVATION ORDINANCE

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.

Applicant's Signature [Signature]

Date: 5/26/2022

Sworn to and subscribed before me

This 26th day of May, 2022

Linda B. Morgan
Notary Public

LINDA B MORGAN
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMM EXPIRES
9/2/2024

**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 3473 Harding St. property is a narrow property with Only 50 feet of frontage.

Centered along this frontage is a 35 inch Pin Oak.

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

The tree conservation ordinance requires a 35 foot radius critical root zone be protected for this tree.

There is no way to protect the critical root zone of this tree and have access to the property.

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

These conditions are particular to this property because of the central location of the tree.

If the tree were to one side or the other, access could've been placed on the opposite side.

There is no way around the root zone into the property.

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

If a variance is granted, there will be no detriment to the public good.

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

AUTHORIZATION OF PROPERTY OWNER

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

3473 HARDING AVE, HAPEVILLE, GA 30354

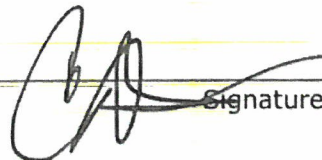
City of Hapeville, County of Fulton, State of Georgia

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
CORTNEY NEWMANS

Address of Applicant
850 BETHEL CHURCH RD SE, SILVER CREEK, GA 30173

Telephone of Applicant
706-237-7426

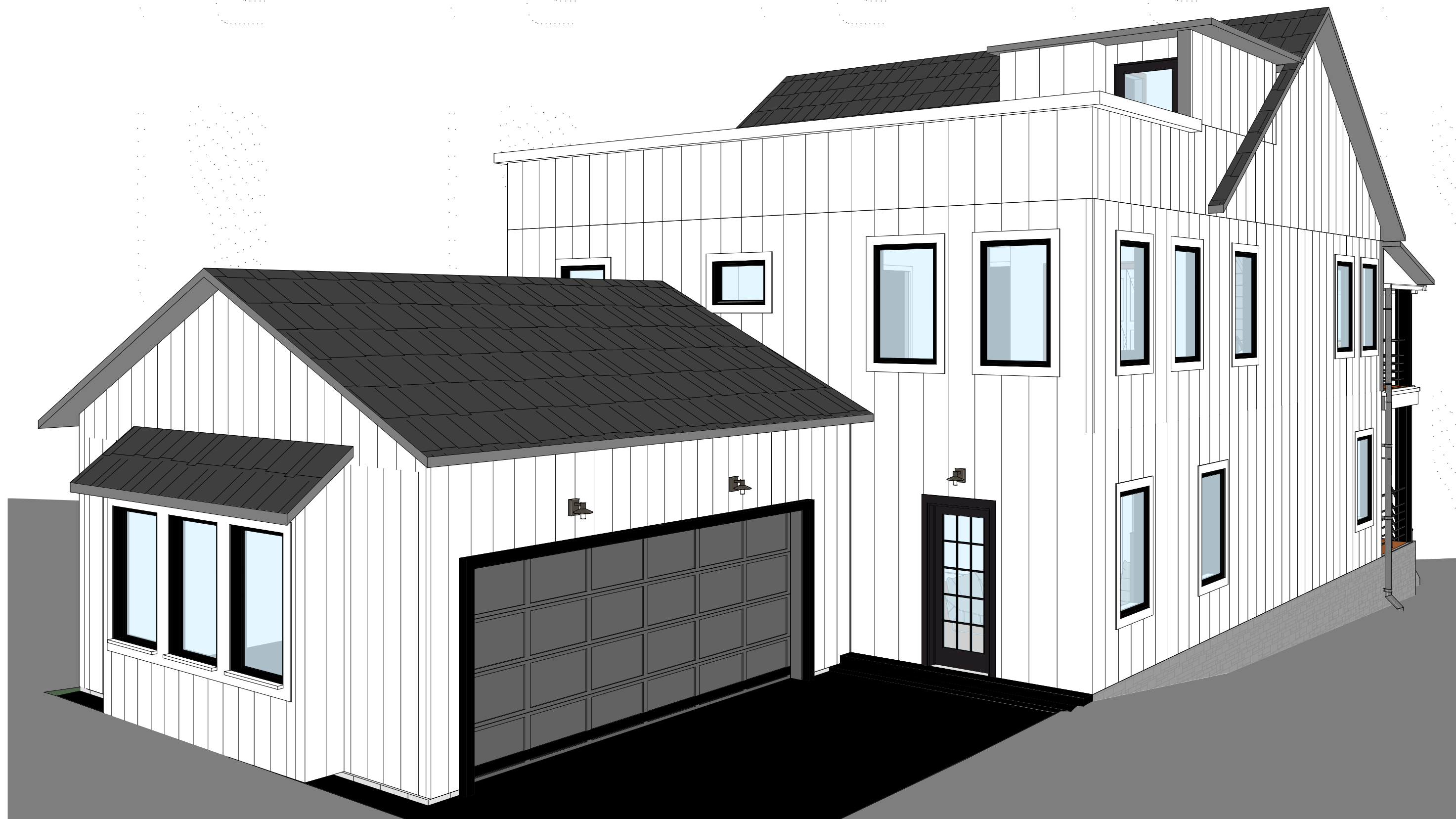
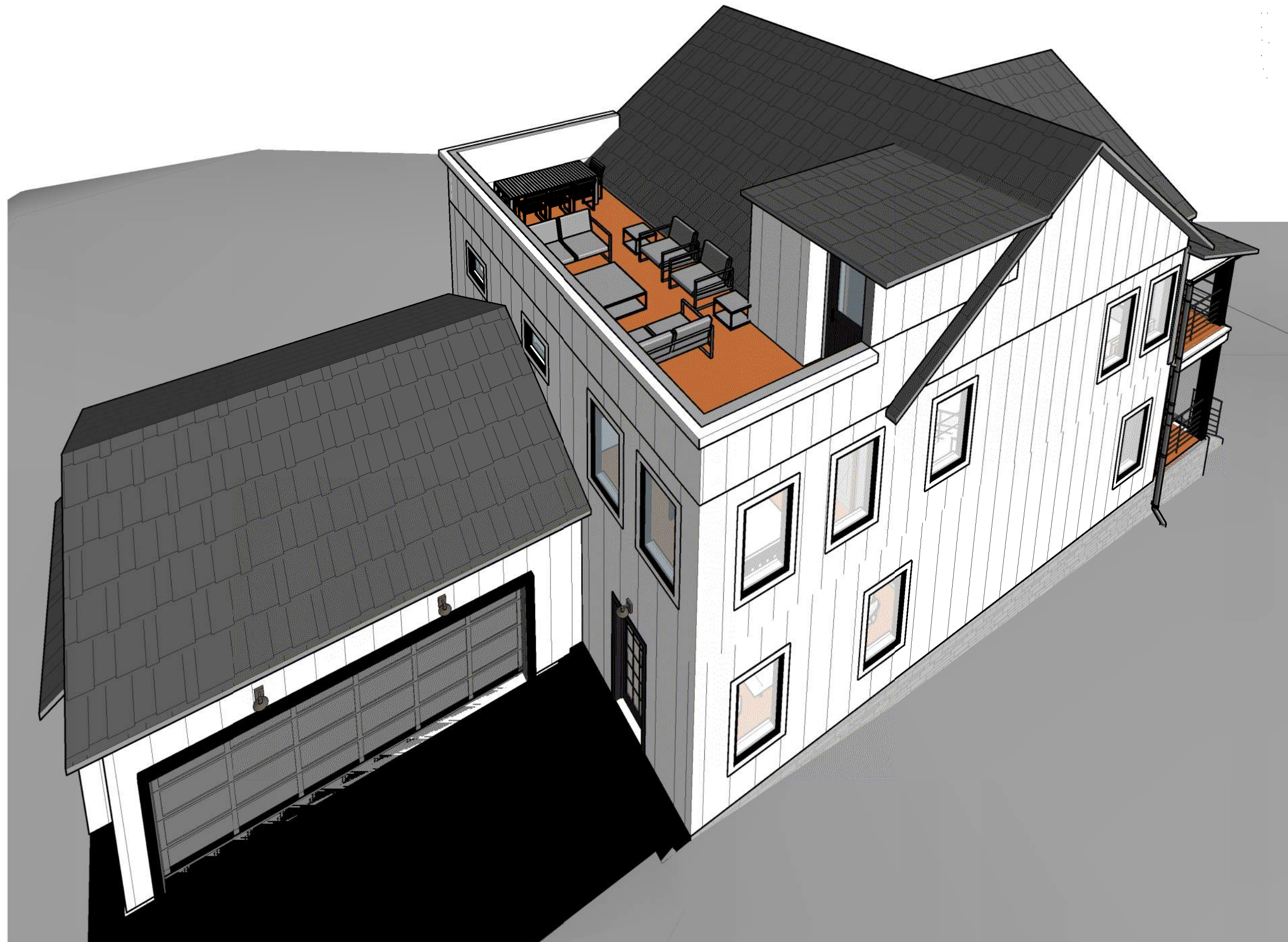

Signature of Owner

CORTNEY NEWMANS
Print Name of Owner

Personally Appeared Before Me this 20th day of May, 2022.


Notary Public

LINDA B MORGAN
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMM EXPIRES 9/2/2024



HARDING AVE PROJECT

SCOPE OF WORK

THE SCOPE OF WORK FOR THIS PERMIT IS TO BUILD A 2 LEVEL SINGLE FAMILY DWELLING WITH A ROOFTOP TERRACE ON A VACANT LOT IN HAPEVILLE, GA. PERMIT IS TO CONSTRUCT THIS WOOD FRAMED SINGLE FAMILY HOME WITH AN ATTACHED GARAGE, FRONT PORCH AND BALCONY ABOVE. THE TOTAL SQUARE FOOTAGE OF HEATED SPACE IS 2608, GARAGE IS 519, ROOF TERRACE IS 353 AND FRONT PORCH AND BALCONY TOTAL TO 512.

HEIGHT: 34'-6" (FROM LOWEST CRAWLSPACE POINT)
HEATED AREA: 2608 SF
UNHEATED AREA: 1384 SF

GENERAL NOTES

THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THIS IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN. IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISE OVER THE INTENT OF THE PLANS OR NOTES, CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

PLEASE SEE ADDITIONAL NOTES CALLED OUT ON OTHER SHEETS.

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH OWNER'S AND/OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE ON THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE OWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ENCLOSED DRAWINGS. MORGAN DESIGN STUDIO IS NOT RESPONSIBLE FOR ERRORS ONCE CONSTRUCTION HAS BEGUN. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND BE SOLELY RESPONSIBLE THEREAFTER.

BUILDING PERFORMANCE

N/A

HEAT LOSS CALCULATIONS SHALL COMPLY WITH THE REQUIREMENTS OF REGIONAL AND LOCAL CODES. SEE CALCULATIONS, PORCHES, DECKS, FOUNDATION, FIREPLACE ENCLOSURES, AND GARAGE AREAS NOT INCLUDED IN LIVING AREA. ALL EXHAUST FANS TO BE VENTED DIRECTLY TO THE EXTERIOR. ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

STRUCTURAL ENGINEER: N/A
BUILDER: N/A
DESIGNER: MORGAN DESIGN STUDIO

APPLICABLE CODES

2012 INTERNATIONAL BUILDING CODE W/ GEORGIA AMENDMENTS (2014) (2015)
2012 INTERNATIONAL FIRE CODE W/ GEORGIA AMENDMENTS (2014) (2015)
2012 INTERNATIONAL RESIDENTIAL CODE W/ GEORGIA AMENDMENTS (2014) (2015)
2012 INTERNATIONAL PLUMBING CODE W/ GEORGIA AMENDMENTS (2014) (2015)
2012 INTERNATIONAL MECHANICAL CODE W/ GEORGIA AMENDMENTS (2014) (2015)
2012 INTERNATIONAL FUEL CODE W/ GEORGIA AMENDMENTS (2014) (2015)
2014 NATIONAL ELECTRICAL CODE W/ NO GEORGIA AMENDMENTS
2009 INTERNATIONAL ENERGY CONSERVATION CODE W/ GEORGIA AMENDMENTS (2011)(2012)

SHEET INDEX

A101 - TITLE PAGE
A104 - ARBORIST REPORT & SITE PHOTOS
C1 - SITE, UTILITY & LANDSCAPE PLAN
C2 - GRADING, EROSION CONTROL PLAN
C3 - SURVEY NOTES & DETAILS
A108 - FOUNDATION & FIRST FLOOR PLAN
A109 - SECOND FLOOR & ROOF PLAN
A110 - ELEVATIONS
A111 - ELEVATIONS
A113 - SECTIONS
A117 - WINDOW & DOOR SCHEDULE



www.morgandesignstudios.com

Morgan Design Studio, LLC

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawings. Morgan Design Studio is not responsible for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

[illegible]

NEWMANS MANAGEMENT
GROUP

3473 HARDING
AVE, ATLANTA, GA 30354

HARDING AVE PROJECT

TITLE

Project Number	2022-01
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Date	03/08/2022
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Drawn By EAM

Checked By	EAM
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A101

Scale

DEVELOPMENT SCHEDULE						
		APPROX. STARTING DATE: 6-21-22				
		APPROX. COMPLETION DATE: 9-21-22				
ITEM	DESCRIPTION	MONTHS OF ACTIVITY				
		1	2	3	4	5
1	SILT BARRIER INSTALLATION					
2	CLEARING AND GRUBBING					
3	RETAINING WALL					
4	GRADING					
5						
6	UTILITIES					
7	TEMPORARY GRASSING					
8	BUILDING					
9	CURB AND GUTTERS					
10	SIDEWALKS					
11	BASE AND PAVING					
12	FINAL GRASSING & REMOVAL OF TEMPORARY STRUCTURES					
13	MAINTENANCE OF EROSION CONTROL STRUCTURES					

GRASSING SCHEDULE				
SPECIES	RATE/ACRE	PLANTING DATES	FERTILIZER	AVAILABLE WATER/ACRE
PERFORICA (UNSCAPED)	75 LBS.	1/1 - 12/1	6-12-12	5000 LBS.
LOUSEGRASS	4 LBS.	5/1 - 6/1	6-12-12	5000 LBS.
TALL FESCUE GRASS	50 LBS.	8/1 - 10/1	6-12-12	5000 LBS.
COMMON BERMUDA (GRASS UNPLANTED)	40 LBS.	11/1 - 1/1	6-12-12	5000 LBS.
COMMON BERMUDA (GRASS PLANTED)	20 LBS.	5/1 - 7/1	6-12-12	5000 LBS.
PERFORICA (LITE GRASS) (USE ONLY)	100 LBS.	8/1 - 1/15	5/1 - 5/30	5000 LBS.
TYPE GRASS (FOR TEMPORARY USE ONLY)	168 LBS.	8/1 - 12/1	10-10-10	5000 LBS.
SLIPPERGRASS (FOR TEMPORARY USE ONLY)	60 LBS.	4/1 - 8/1	10-10-10	5000 LBS.

SITE PLAN INFORMATION PROVIDED FOR PERMITTING PROCESS ONLY, NO OTHER INTENDED USE

"NO WATERS OF THE STATE WITHIN 200 FEET OF PROJECT SITE."

"NO INERT OR BURY PITS ON SITE"

TREES TO BE DESTROYED OR REMOVED.

"THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES".

"EROSION AND SEDIMENT CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE".

"EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AT LEAST WEEKLY, AFTER EACH RAIN, AND REPAIRED AS NECESSARY".

"DISTURBED AREAS LEFT IDLE SHALL BE STABILIZED WITH TEMPORARY VEGETATION AFTER 14 DAYS AFTER 30 DAYS, PERMANENT VEGETATION SHALL BE ESTABLISHED".

"SILT FENCE SHALL BE TYPE C AS PER THE MANUAL FOR SEDIMENT & EROSION CONTROL IN GEORGIA, AND BE WIRE REINFORCED".

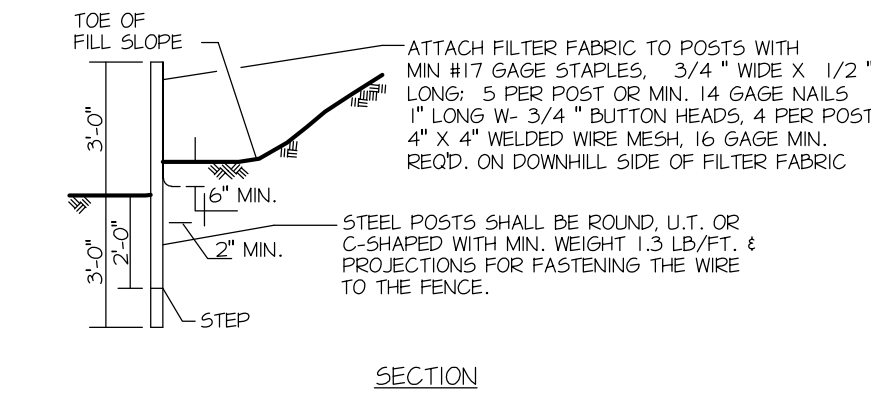
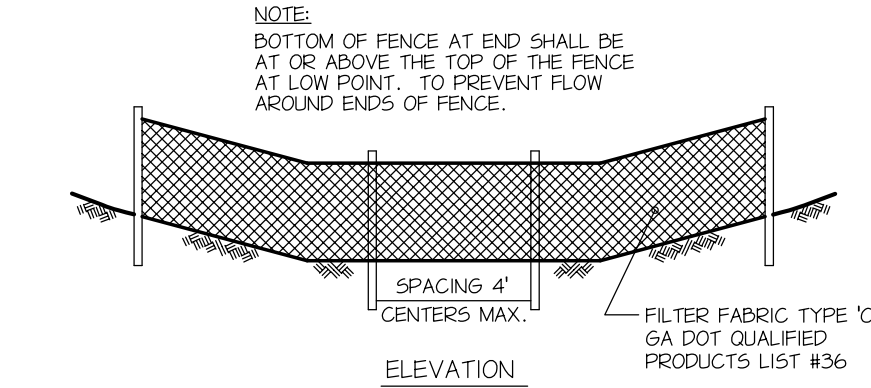
"ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IF DETERMINED NECESSARY BY ON-SITE INSPECTION".

GC TO VERIFY ALL ELEVATIONS IN FIELD.

"NO WATERS OF THE STATE WITHIN 200 FEET OF PROJECT SITE."

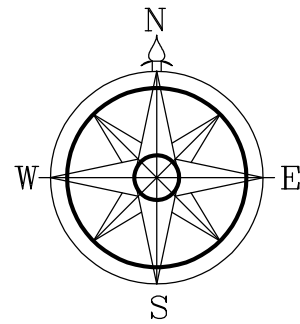
"NO INERT OR BURY PITS ON SITE"

LEVEL 11 CERTIFIED DESIGN PROFESSIONAL
TONY DAWSON
CERTIFICATION NUMBER 0000039605
ISSUED: 3/9/2007 EXPIRES: 3/9/2022



NOTE: SILT FENCE TO MEET REQUIREMENTS OF SECTION 171, GEORGIA D.O.T. SPECS, LATEST EDITION

SEDIMENT CONTROL FENCE TYPE "C" SILT FENCE N.T.S.

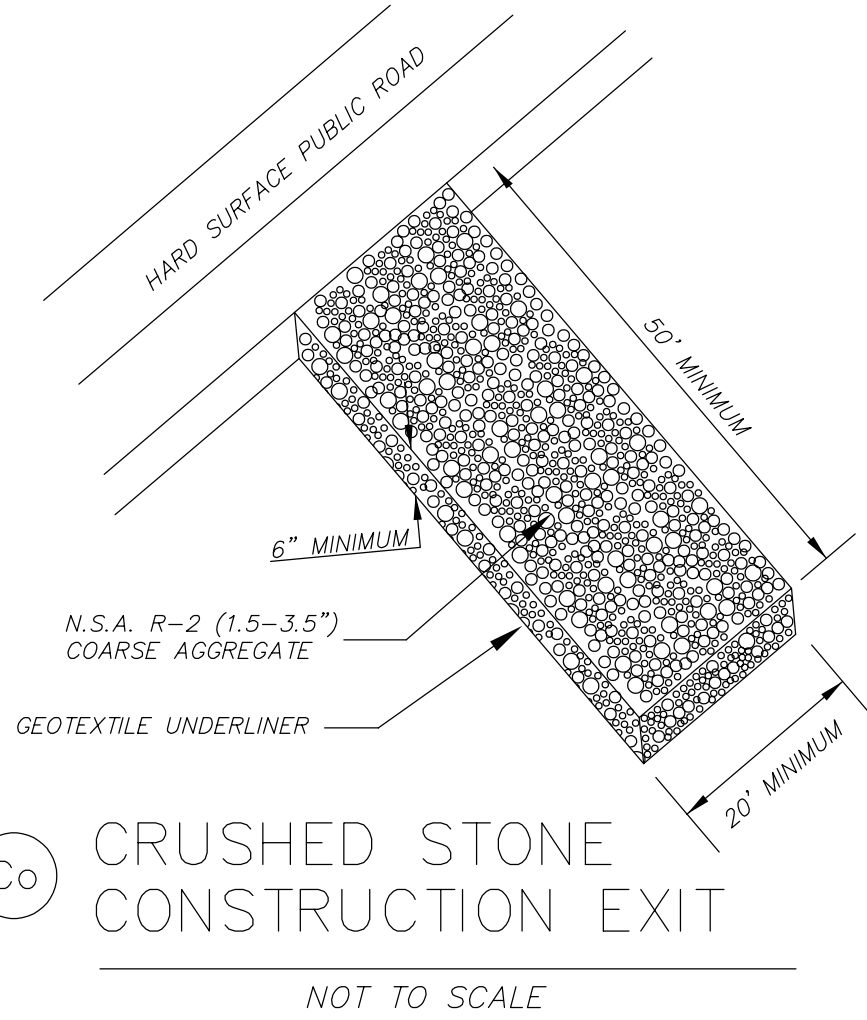


"NO WATERS OF THE STATE WITHIN 200 FEET OF PROJECT SITE."

"NO INERT OR BURY PITS ON SITE"

SEDIMENT CONTROL PRACTICES			
CODE	PRACTICE	DETAIL	DESCRIPTION
Sd1	SEDIMENT BARRIERS		A BARRIER TO PREVENT SEDIMENT FROM LEAVING THE PROJECT SITE. IT MAY BE A BARRIER OF STONE OR HAY, OR A BARRIER OF A BARRIER FENCE TO BARRIER AND BARRIER.
Ds1	DISPERSED AREA		DISPERSED AREA WITH TEMPORARY VEGETATION.
Ds2	DISPERSED AREA		DISPERSED AREA WITH PERMANENT VEGETATION COVER SUCH AS TREES, SHRUBS, LUSH GRASS, OR A BARRIER FENCE TO BARRIER AND BARRIER.
Co	CONSTRUCTION EXIT		A CLOSURE POINT AND LOCATED AT THE CONSTRUCTION SITE THAT TO PREVENT ALLOWS FOR BARRIER FENCE FROM TRUCK TRAILER PROTECTING PUBLIC STREETS.

GC TO PRESERVE AND PROTECT ANY USEABLE EX. UTILITIES



0.08 ACRES DISTURBED

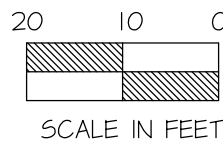
SITE INFO
0.17 ACRES, 7,569 SF
ZONED UV

TOTAL HOUSE SF = 3,992 SF
FAR = 3,992/7,569 = 0.527

PROP. HOUSE BASE SF = 1,332 SF
PROP. GARAGE SF = 519 SF
PROP. PORCH SF = 256 SF
PROP. SW SF = 100 SF
PROP. DRIVE SF = 1,022 SF

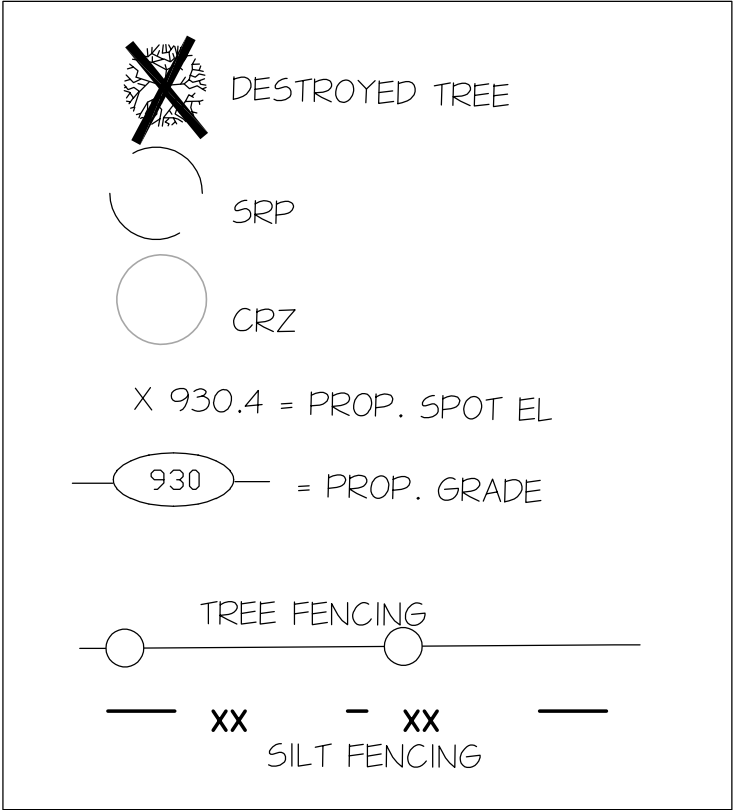
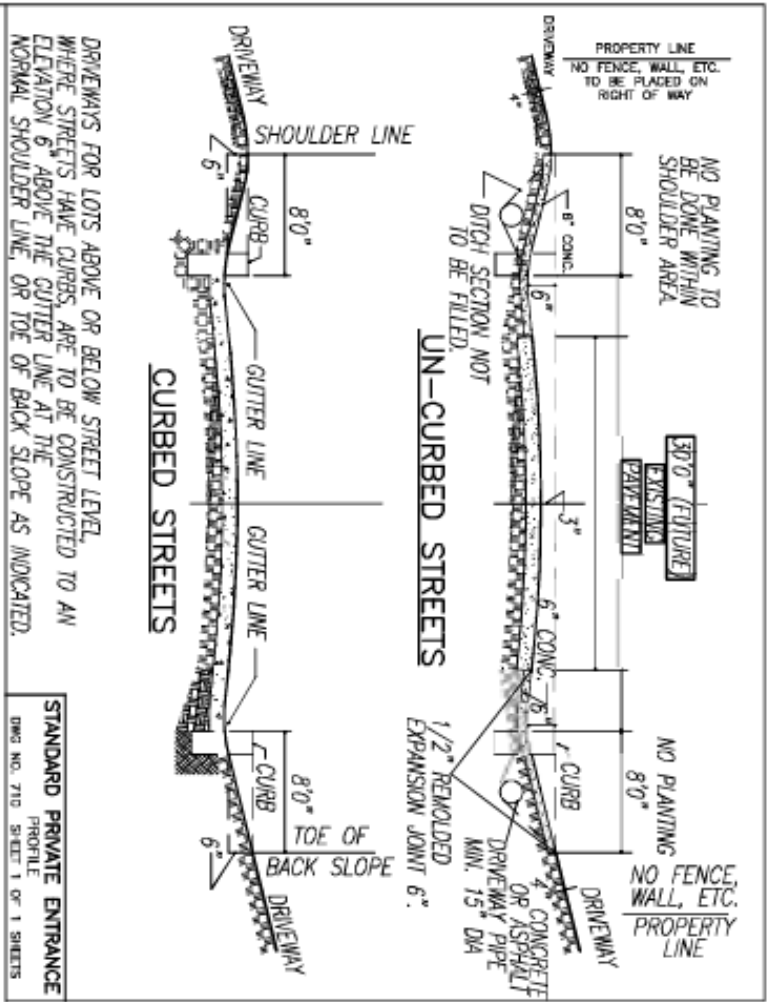
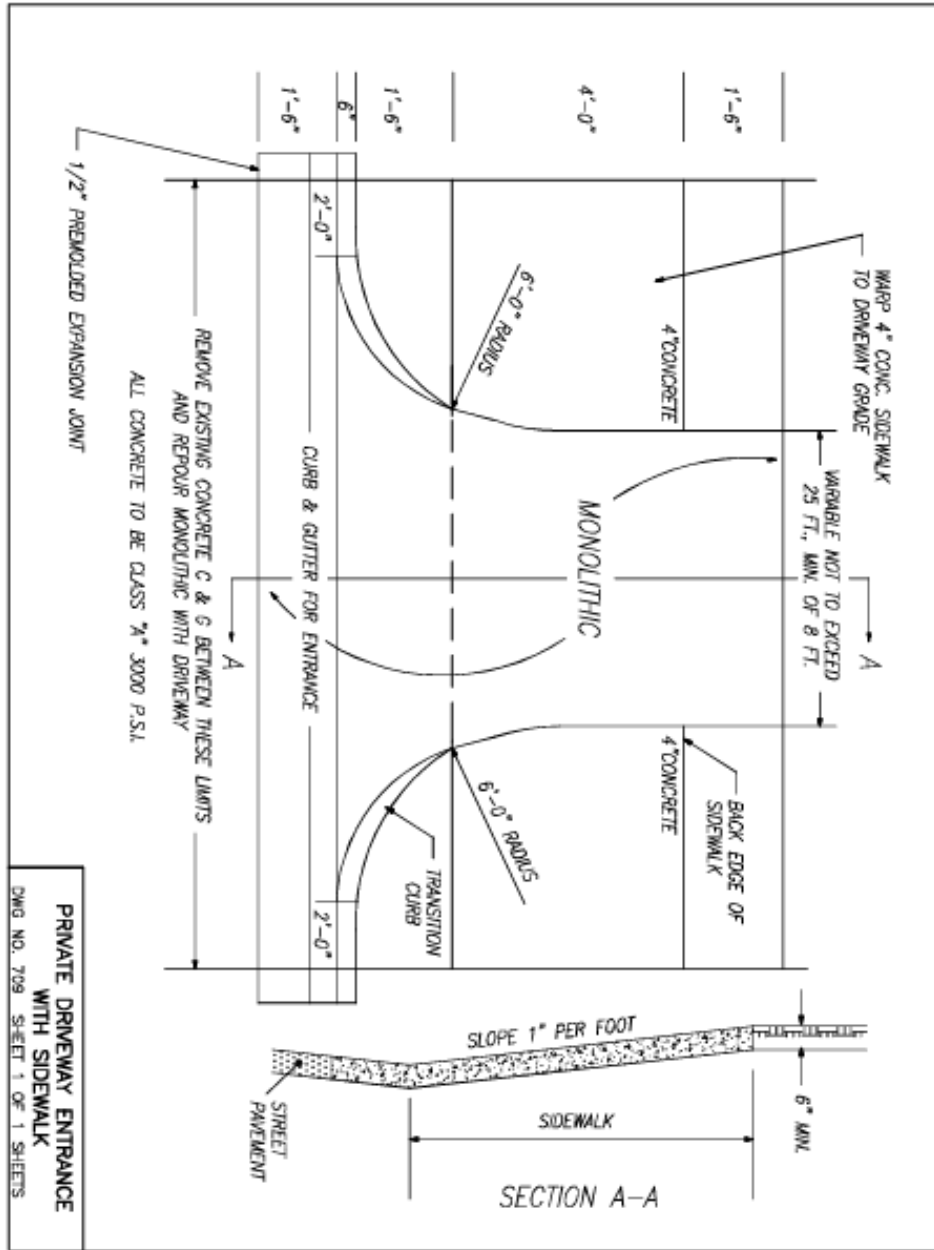
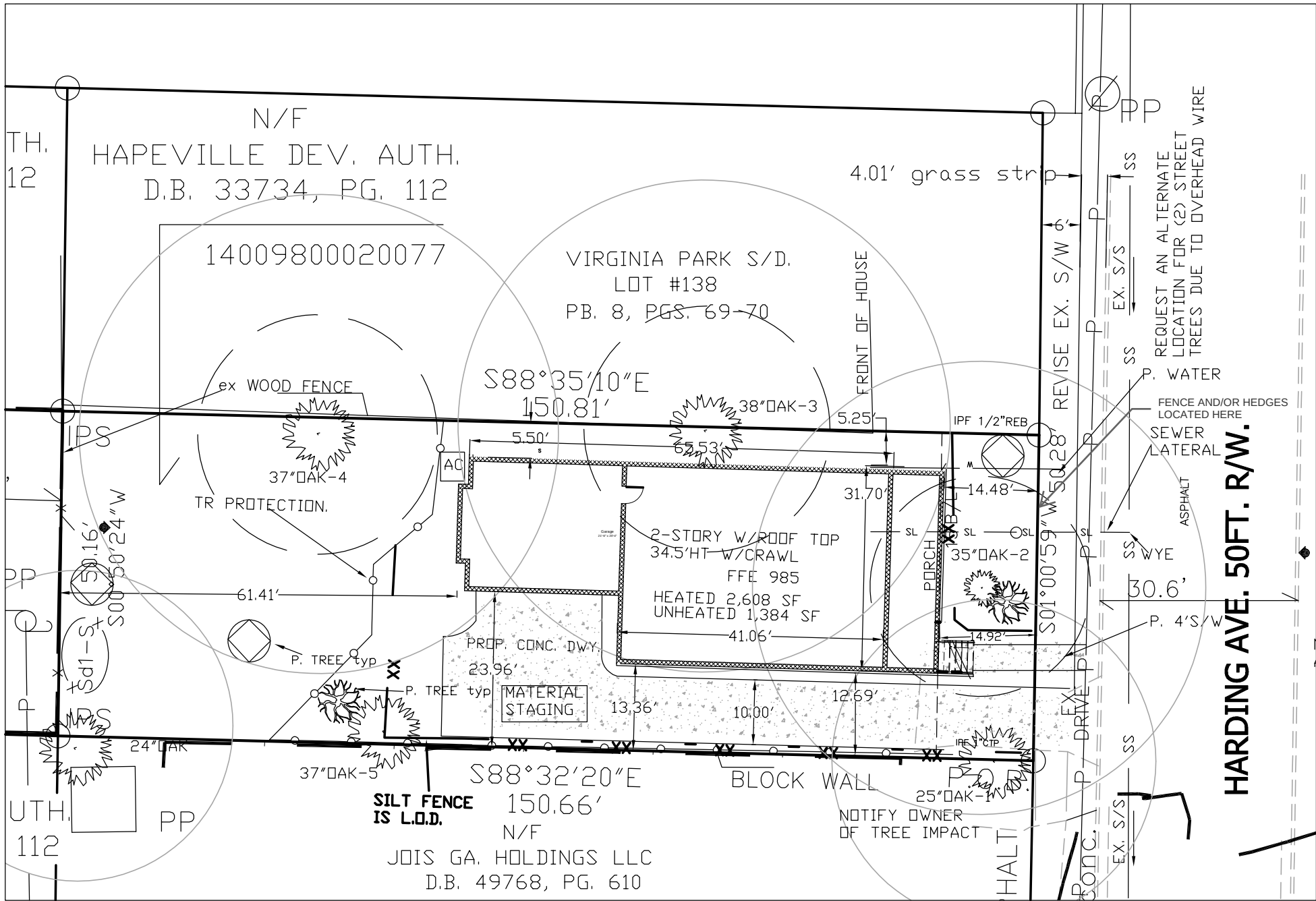
TOTAL COVERAGE SF. = 3,755.5 SF
49.6% LOT COVERAGE = 3,755.5/7,569 SF

LEVEL 11 CERTIFIED DESIGN PROFESSIONAL
TONY DAWSON
CERTIFICATION NUMBER 0000039605
ISSUED: 3/9/2007 EXPIRES: 3/9/2025



24HR CONTACT/DEVELOPER
OWNER
CORTNEY NEWMAN
3473 HARDING AVE
HAPEVILLE, GA 30354

TYPE "S" SILT FENCE



SITE, UTILITY & LANDSCAPE PLAN

FOR 3473 HARDING AVE

LOCATED AT
3473 HARDING AVE
LAND LOT 98 14TH DISTRICT
HAPEVILLE, GA

SITE PLAN
CI

DAWSON ENGINEERING CONSULTANT, LLC
3487 CARLISLE COURT, SE
CONYERS, GEORGIA 30013
PH: 678-485-9610
EMAIL: Tony@dawsonec.com



DATE	REVISION	JOB NO.	DATE
4-7-22	1	21128CP	4-19-21
3-2-22	2		
11-23-21	3		
8-3-21	4		

MOVED HOUSE/ADJUSTED S/W

REVISED PER COMMENTS

REVISED LANDSCAPING

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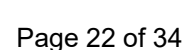
TD

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TD





<u>OVERSTORY TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>ROOT/CONTAINER</u>	<u>CALIPER</u>	<u>HEIGHT</u>	<u>SPREAD</u>	<u>SPACING</u>	<u>REMARKS</u>
	5	ACER RUBRUM	RED MAPLE	FG/BB	4" CAL	16' MIN		AS SHOWN	ALL DECIDUOUS TREES (DOES NOT INCLUDE MULTI-TRUCK TREES TO HAVE STRAIGHT, SINGLE LEADER, HEALTH, GOOD FORM

A variance is requested for the recompense on Landmark Tree #2 since it is in the center of the lot which is the only ingress.

- \$7,000

\$14,400 TOTAL
with Tree #2 Variance

THE INCHES PER ACRE SHOWN ON THE TREE PRESERVATION AND/OR REPLACEMENT PLAN(S) MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. CONTACT THE CITY OF HAPEVILLE AT 404-869-2120 TO ARRANGE A SITE INSPECTION.

- ALL TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO START OF ANY LAND DISTURBING ACTIVITY AND SHALL BE MAINTAINED UNTIL FINAL LANDSCAPING IS INSTALLED AND CERTIFICATE OF OCCUPANCY IS ISSUED. CONTACT THE CITY OF HAPEVILLE FOR AN INSPECTION.
- THE SITE CONTRACTOR SHALL COORDINATE SERVICE ROUTING OF ALL GAS, TELEPHONE, AND ELECTRICAL LINES WITH THE APPROPRIATE UTILITY COMPANY. ALL CONSTRUCTION MUST COMPLY WITH EACH UTILITY'S STANDARDS AND SPECIFICATIONS AND NOT INTERFERE WITH TREE PLANTING SITES OR EXISTING TREES TO BE PRESERVED.
- TREE PROTECTION AND REPLACEMENT SHALL BE ENFORCED ACCORDING TO THE CITY OF HAPEVILLE STANDARDS. ANY FIELD ADJUSTMENTS TO TREE PROTECTION DEVICE TYPES OR LOCATIONS OR SUBSTITUTIONS OF PLANT MATERIALS SHOWN ON THE APPROVED PLANS ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY.
- ALL BUFFERS SHALL BE REPLANTED TO BUFFER STANDARDS WHERE SPARSELY VEGETATED OR WHEN DISTURBED. REPLANTINGS ARE SUBJECT TO CITY OF HAPEVILLE APPROVAL.
- A MAINTENANCE INSPECTION OF TREES WILL BE PERFORMED AFTER ONE (1) FULL GROWING SEASON FROM THE DATE OF THE FINAL CONSTRUCTION INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR ORDINANCE COMPLIANCE.
- LABEL AT LEAST ONE TREE OF EACH VARIETY WITH A SECURELY ATTACHED WATER-PROOF TAG BEARING LEGIBLE DESIGNATION OF BOTANICAL AND COMMON NAME.

- HARDING AVE WILL BE UTILIZING HAND WATERING AS THE IRRIGATION METHOD. TWO (2) HOSE BIBS HAVE BEEN LOCATED AT THE FRONT AND REAR OF THE PROPERTY.



24HR CONTACT/ DEVELOPER OWNER
CORTNEY NEWMANS
3473 HARDING AVE
HAPEVILLE, GA 30354

[illegible]

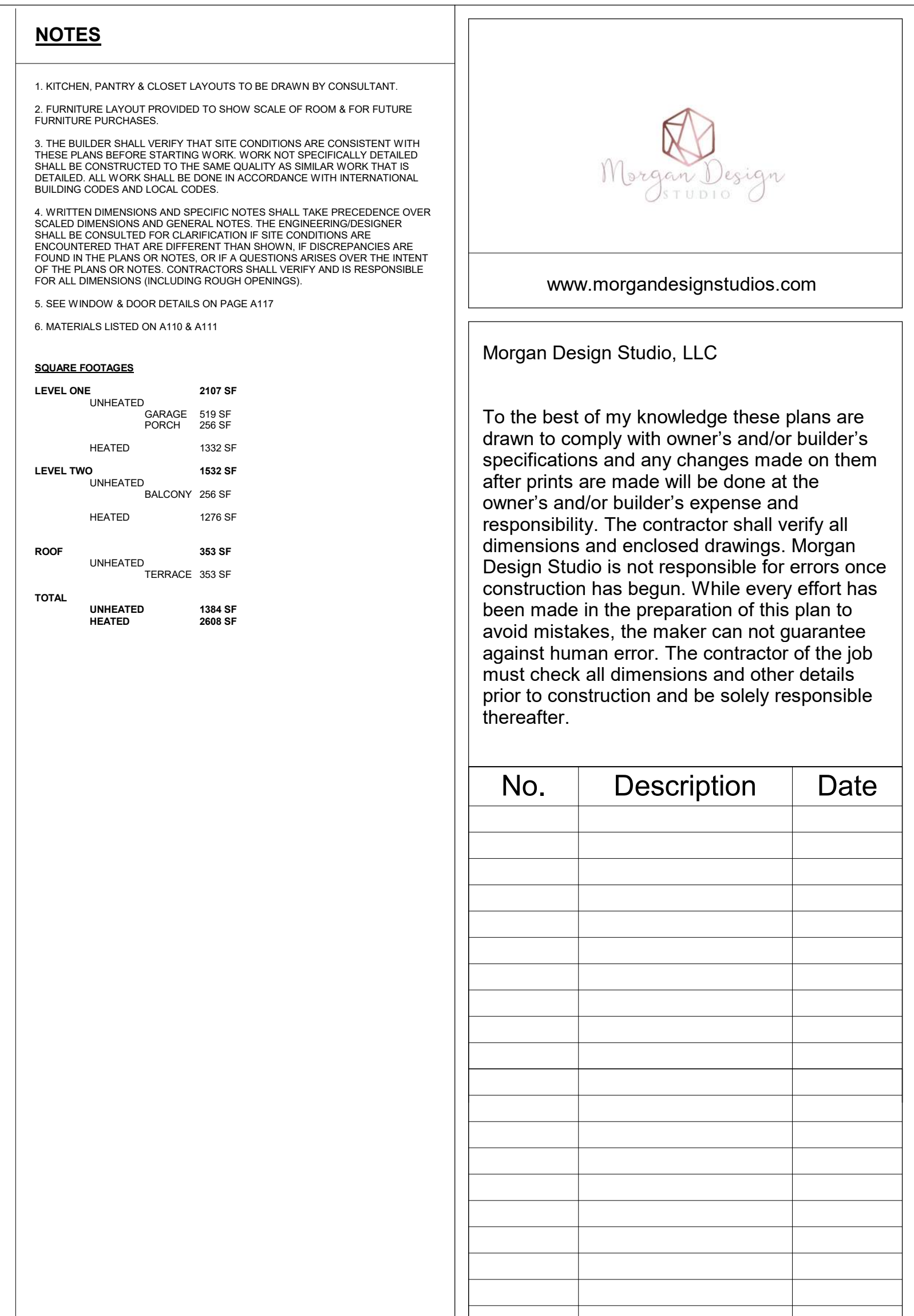
#10 Public Square Bowman, Georgia 30624
Office: 706-246-0015 Cell: 706-340-6565
 landsara@mac.com

**LAND LOT 98 14th DISTRICT
HAPEVILLE, GEORGIA**

Project Number	2022-01
Date	04/09/2022
Drawn By	JT
Checked By	Checker

L - 2

Scale



21' - 1 1/2"

SLAB

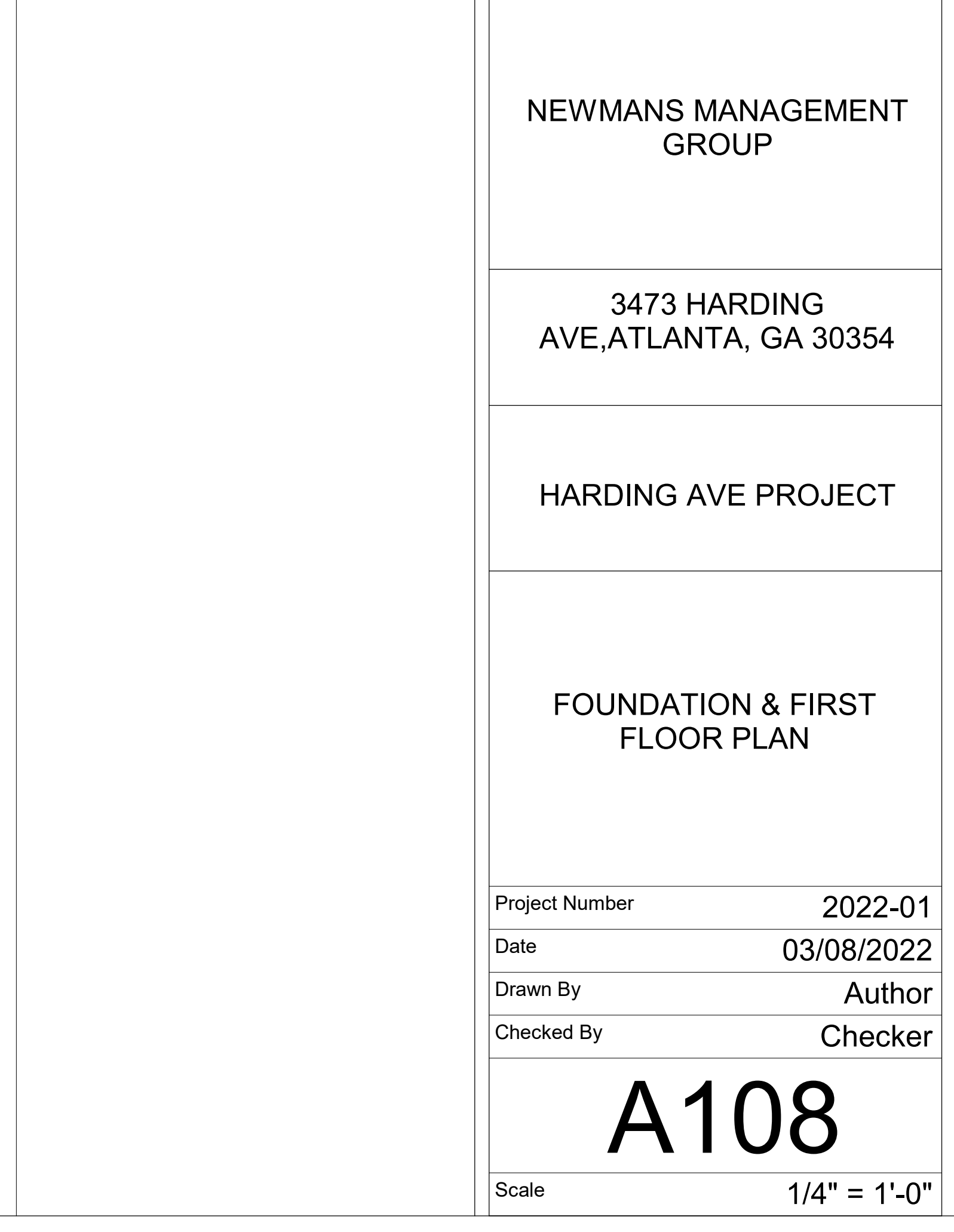
23' - 10 25/32"

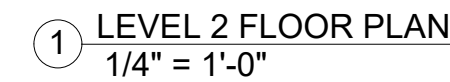
1

2

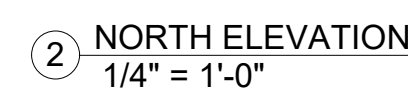
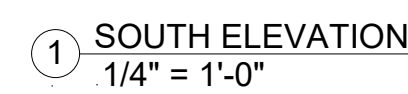
A113

1 CRAWL SPACE
1/4" = 1'-0"

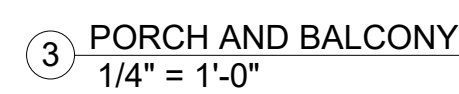


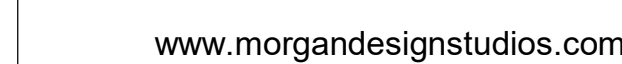


Scale $1/4" = 1'-0"$



③ PORCH AND BALCONY
1/4" = 1'-0"





Morgan Design Studio, LLC

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawings. Morgan Design Studio is not responsible for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

[illegible]

NEWMANS MANAGEMENT
GROUP

3473 HARDING
AVE, ATLANTA, GA 30354

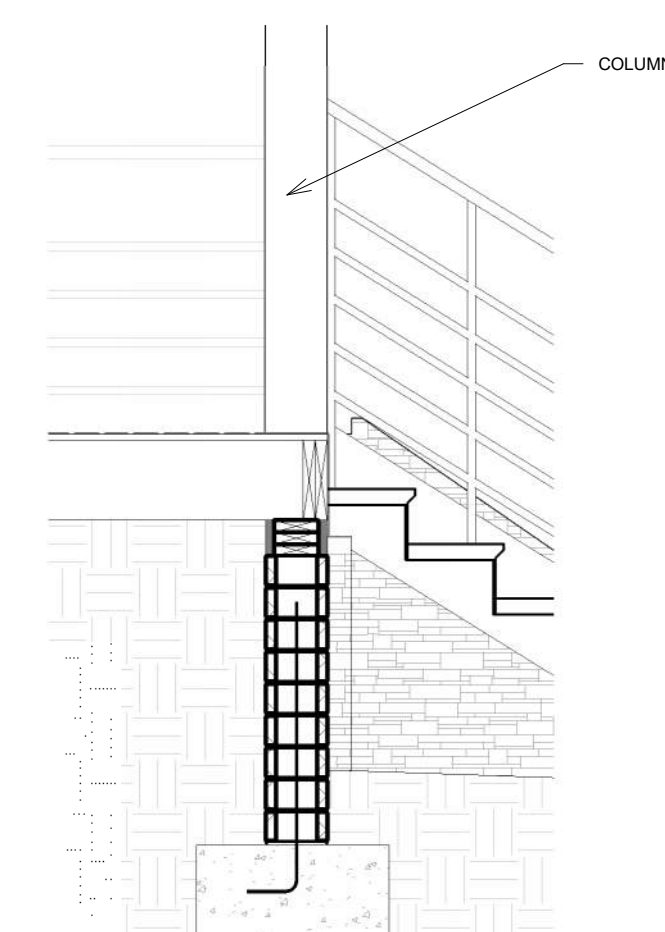
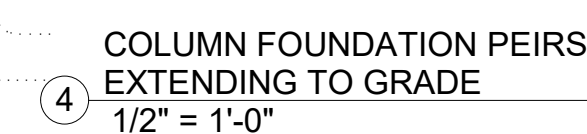
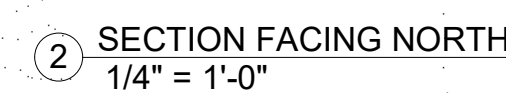
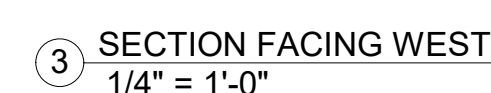
HARDING AVE PROJECT

SECTIONS

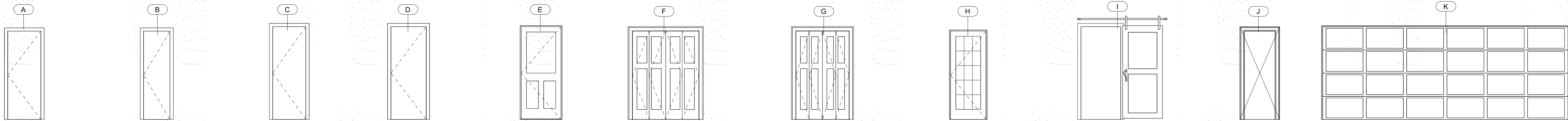
Project Number	2022-01
Date	03/08/2022
Drawn By	Author
Checked By	Checker

A113

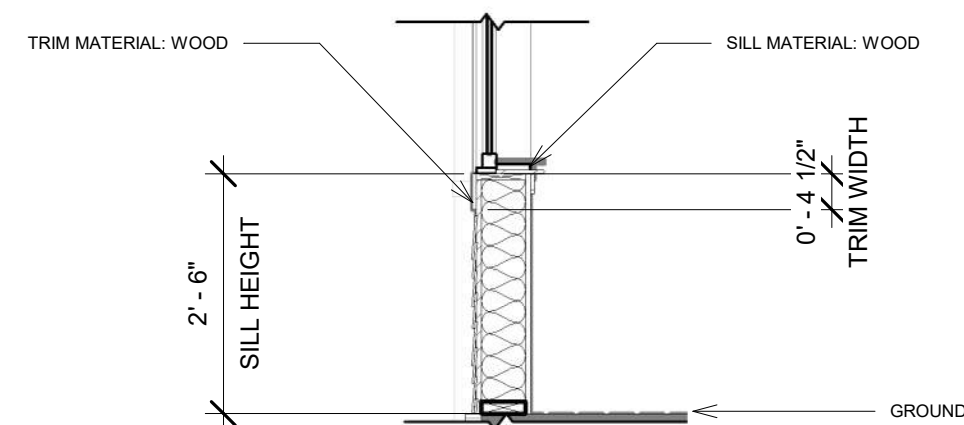
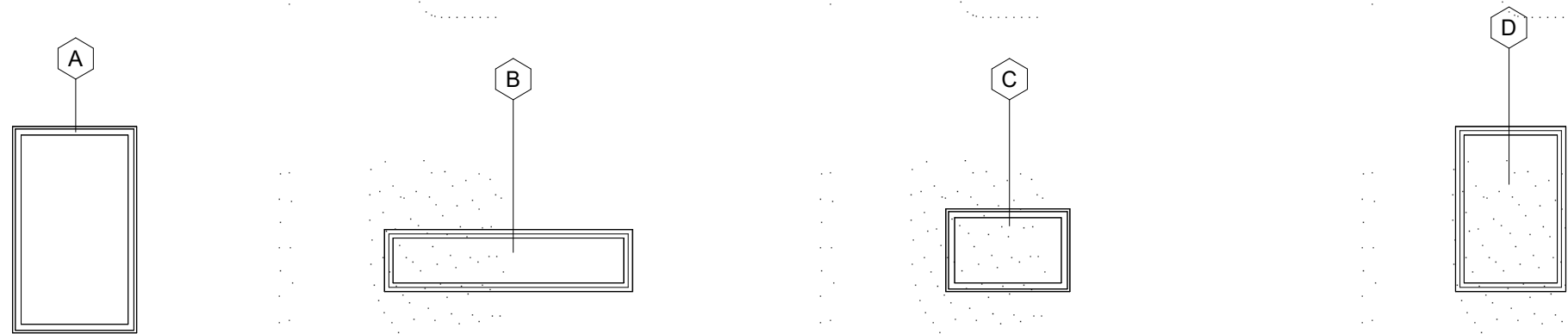
Scale	As indicated
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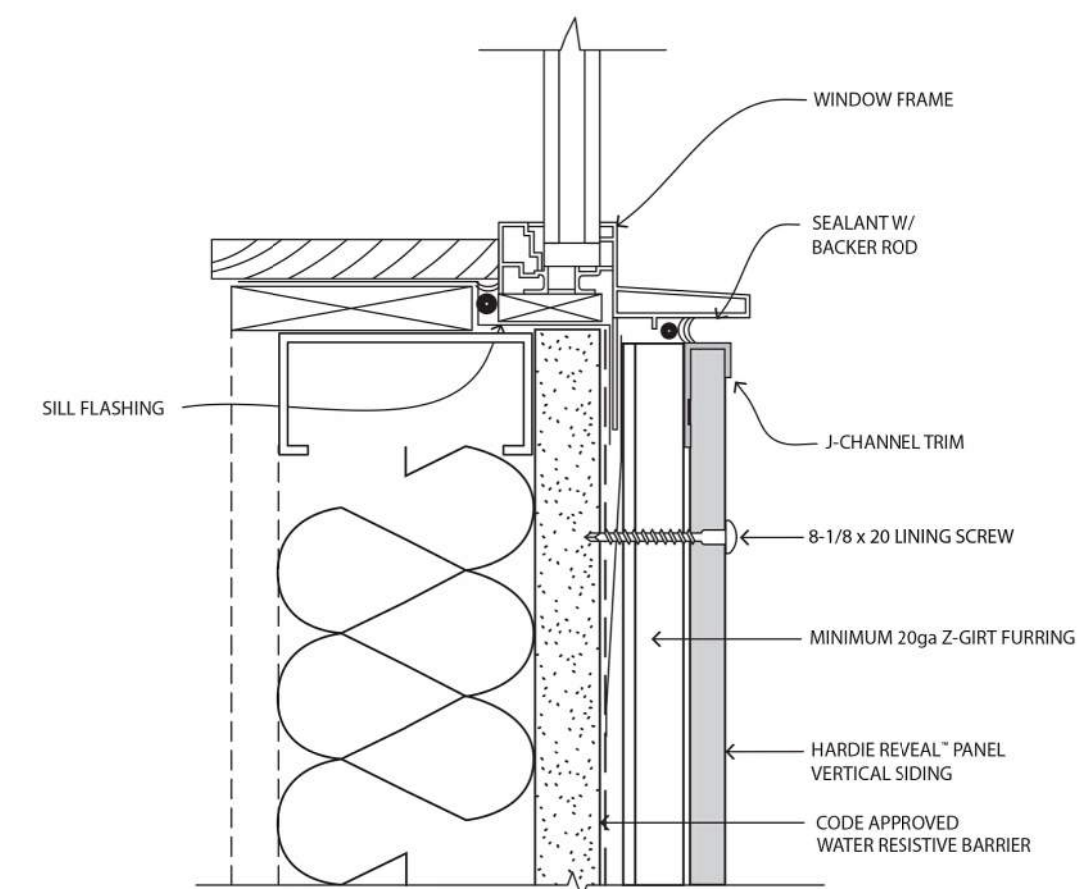
Door Schedule				
TYPE MARK	HEIGHT	WIDTH	TYPE	MATERIAL/COLOR
A	6' - 8"	2' - 6"	BATHROOM	WOOD/WHITE
B	6' - 8"	2' - 0"	CLOSET	WOOD/WHITE
C	7' - 0"	2' - 6"	BEDROOM	WOOD/WHITE
D	7' - 0"	2' - 8"	LAUNDRY/MECH	WOOD/WHITE
E	7' - 0"	3' - 0"	EXTERIOR DOOR MAIN	WOOD/BLACK
F	6' - 7"	5' - 0"	BIFOLD CLOSET	WOOD/WHITE
G	6' - 8"	4' - 0"	SMALL BIFOLD CLOSET	WOOD/WHITE
H	6' - 8"	2' - 8"	EXTERIOR DOOR SEC	WOOD/BLACK
I	7' - 0"	3' - 0"	SLIDING BARN DOOR	WOOD/WHITE
J	0' - 0"	0' - 0"	DOOR OPENING W/TRIM	WOOD/WHITE
K	7' - 0"	18' - 6"	GARAGE DOOR 2	STEEL/BLACK



Window Schedule			
Type Mark	Height	Width	Material/Color
A	5' - 0"	3' - 0"	CASMENT WINDOW/VINYL/BLACK
B	1' - 6"	6' - 0"	CASMENT WINDOW/VINYL/BLACK
C	2' - 0"	3' - 0"	CASMENT WINDOW/VINYL/BLACK
D	4' - 0"	2' - 8"	CASMENT WINDOW/VINYL/BLACK



⑤ 1 WINDOW SECTION DETAIL
1/2" = 1'-0"



WINDOW SILL DETAIL



www.morgandesignstudios.com

Morgan Design Studio, LLC

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[illegible]

NEWMANS MANAGEMENT
GROUP

3473 HARDING
AVE, ATLANTA, GA 30354

HARDING AVE PROJECT

WINDOW & DOOR SCHEDULE

Project Number	2022-01
Date	03/08/2022
Drawn By	Author
Checked By	Checker

A117

Scale	As indicated
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Department of Planning & Zoning

PLANNER'S REPORT

DATE: June 14, 2022
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 3473 Harding Ave, Parcel ID 14 009800020077

BACKGROUND

The City of Hapeville has received a variance application from Cortney Newmans to allow for relief in the recompense requirements for a 35" Pin Oak. The applicant is developing the property for a single family home. There are three landmark trees all in good condition located on the lot that will be impacted because of the development (37" Southern Red Oak, to remain but impacted 15.6%, 38" White Oak 100% and to be removed, and 35" Pin Oak 100%, to be removed). As the 35" Pin Oak is located in the center of the supplemental area close to the street, the critical root zone of the tree extends along almost the entire frontage (50'). The recompense required for the Pin Oak is \$7,000. The other two landmark trees have been accounted for with recompense of \$14,100. The overall tree density will be 57" DBH (17" DBH required). The applicant is requesting relief for the recompense for the Pin Oak as its location renders the site undevelopable without impacting the critical root zone.

The applicant received approval for the Site Plan from the Planning Commission on April 12, 2022.

The property is currently zoned U-V, Urban Village.

CODE

ARTICLE 29. - TREE CONSERVATION

DIVISION 1. - PURPOSE, DEFINITIONS, APPLICABILITY

Sec. 93-29-1. - Purpose.

The purpose of this article is to firmly establish the value of trees to the community and to promote the health, safety, and general welfare of the public by recognizing the standards within this article. Tree canopy preservation and tree replacement will be promoted as an integral part of the land development and construction process in the city. Specific benefits to our citizens attributed to trees include:

- (1) Trees facilitate a harmonious community and help to conserve natural resources as well as provide wildlife habitats.
- (2) Trees provide a more attractive place to live and enhance the aesthetic character of the community.

- (3) Trees mitigate harmful vehicle emissions by reducing carbon dioxide levels.
- (4) Trees are recognized for their importance in the production of oxygen, shading and cooling, noise and wind reduction, prevention of soil erosion, dust filtration and fostering improved air quality.
- (5) Trees contribute to the economic value of real property.
- (6) Trees help reduce the glare of motor vehicle lights and enhance the appearance of open automobile parking areas and lands used for commercial, public/institutional, office, industrial, and residential purposes.
- (7) Trees can enhance the natural functions of streams and related buffers.

Sec. 93-29-2. - Definitions.

Landmark tree means any tree as defined within section 93-29-7.

Root plate means the area of the root zone comprised of pedestal roots, the zone of rapid taper and roots under compression, the directional radius of which based upon the tree trunk diameter at four and one half feet above the ground. The root plate will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one-half times the number of inches of the trunk diameter. (Failure of the tree could result if roots in this area are damage or destroyed. Example: the root plate radius of a 20-inch diameter tree is 10 feet.)

Sec. 93-29-7. - Preservation, replacement and removal of landmark trees.

A landmark tree is any tree which qualifies for special consideration for preservation due to its size, type and condition. The following criteria are used by the city to identify landmark trees. Both the size and condition criteria must be met for a tree to qualify.

(1) Minimum size criteria:

- a. 27-inch caliper at DBH: Oak, Beech, Ash, Blackgum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood.
- b. 30-inch caliper at DBH: Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine.
- c. Ten-inch caliper at DBH: American Holly, Dogwood, Redbud or another genus as determined by the city arborist such as Bigleaf Magnolia.

(2) Condition criteria:

- a. Life expectancy greater than 15 years;
- b. Relatively sound and solid trunk with no extensive decay or significant structural deficiencies;
- c. No more than two major and several minor dead limbs (excluding pine for minor limbs); and
- d. A radial trunk dieback of no more than 20 percent or a canopy dieback of no more than 30 percent.

- (3) Small trees can be classified as landmark if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small trees may also qualify as landmark if used in a landscape as a focal point of the design. In order to claim this credit, the applicant must submit a letter from a certified arborist stating that the tree(s) meet these qualifications pursuant to subsection (5) of this section.
- (4) An arborist report for each landmark tree that is shown to be impacted by a proposed development requiring an LDP must be submitted to the city to determine whether that tree meets the condition criteria for landmark status. The report must be prepared and signed by a certified arborist or a registered forester. The report must contain the following information: (i) site plan showing an accurate surveyed location of the tree; (ii) identification/verification of the tree's size, genus and species; (iii) description of the surrounding site conditions; (iv) detailed description of the tree's condition; and (v) digital photographs to illustrate any defects which would disqualify the tree from landmark status. The final determination of landmark tree status will be made by city staff after reviewing the report.
 - a. If a landmark tree is proposed for removal without an associated LDP either by a single-family homeowner or a business, a plan or written documentation indicating the reason for removal must be submitted to the city. The final approval for removal will be made by city staff on a case by case basis.
 - b. The removal of any landmark tree impacted by a proposed development must be mitigated by replacing the removed landmark tree with minimum four-inch caliper trees of comparable species on an inch for inch replacement basis.

 Example: 32" Oak would require replanting eight four-inch caliper trees $[32 / 4 = 8]$. These recompense trees are in addition to the minimum 100 inches per acre for a particular site.
 - c. Any person who removes a landmark tree in violation of this article shall be assessed a fine pursuant to subsection (5) of this section. Regarding landmark trees removed after being designated for preservation on an approved plan, the removed tree must also be replaced on an inch-for-inch basis x 2 with tree species with potential for comparable size and quality, regardless of the 100 inches per acre requirement. If a tree is removed without approval and there is no evidence of its condition, size alone will be the determining factor for replacement. Regarding landmark trees removed on a residential lot that is not currently being developed, the fine shall be paid as referenced, however there shall be no requirement for replacement of the landmark tree.
- (5) In order to encourage the preservation of landmark trees and the incorporation of these trees into the design of new development projects, the following incentive is offered.
 - a. Preserved landmark trees with undisturbed CRZ will receive 1.5 x inches DBH $[30" \text{ oak} \times 1.5 = 45"]$.

Under no circumstance will this incentive allow the requirements of this article to be reduced administratively.

Sec. 93-29-13. - Tree preservation trust fund.

This article hereby establishes the city tree bank. The tree bank will be used exclusively to purchase, install, and maintain trees throughout the city's public areas, including parks, green spaces, right-of-way, and government building sites and, at the direction of the community services director to improve the city's parks and/or green spaces.

- (1) Occasionally a project site does not have the capacity or will not bear the required 100 inches per acre of trees. If a property owner or developer cannot meet the minimum site density requirement for tree replacement and/or landmark tree recompense, and with planning commission approval, a mitigation fee for each tree required by this article but not planted will be paid to the tree bank. A schedule of mitigation fees is presented below:

Replacement	Mitigation fee
Non-recompense (inches per acre)	\$150.00 per inch
Non-recompense (inches per acre) outside the buildable area	\$175.00 per inch
<u>Recompense (landmark tree inches)</u>	<u>\$200.00 per inch</u>

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 three landmark trees (35" Pin Oak, 38" White Oak, and 37" Southern Red Oak) in good condition on the property. The 35" Pin Oak is located at the front center of the property and impacts access to the site given the 50' Road Frontage.

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

The critical root zone of the tree covers almost the entirety of front of the property rendering no possibility for the property to be developed without paying full recompense for the landmark tree (planting 35" of replacement trees or paying 35\$200 = \$7,000 to the Tree Bank). The applicant has already allotted for recompense for the two trees on the middle and rear of the lot. For a single family lot of .17 acres this is an extraordinary hardship.*

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

The location of the tree covering the entire width of the property restricting access is specific to this parcel.

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

The applicant is exceeding the required tree density with 57" DBH and paying recompense for the other two landmark trees. Relief, if granted in this case, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

RECOMMENDATION

Application of the Tree Conservation Ordinance in full to this property given the location of the landmark tree on the property creates an extraordinary hardship for the development of a property this size (.17 acres, single family dwelling). Recompense measures through replacement trees have been undertaken for two of the other landmark trees that will be removed (37" Oak and 38" Oak). As the property could not be developed without invoking the recompile section of the Code for the landmark trees, Staff recommendation is to grant a variance to provide relief for the required recompile.