



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