



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