



Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

February 23, 2023 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

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

3. Election of Officers

- 3.I. Vice Chairman
- 3.II. Chairman

4. Approval of Minutes

- 4.I. Minutes of December 15, 2022

5. Public Hearing

- 5.I. 3166 Dogwood Drive Variance Request

Background:

Darrell Harris, on behalf of Blake Steward Law, requests variances to reduce the front yard setback, reduce the parking setback and reduce the landscaping requirements at 3166 Dogwood Drive, Parcel Identification Number 14-0094-0002-087-3. The property is zoned V, Village and is subject to the zoning regulations under Sections 93-22.1-1(Chart of dimensional requirements), 93-23-3 (Setbacks from property lines), 93-23-18(d)(a) (Perimeter landscape requirements), 93-29-4(2) (General plan requirements), 93-29-4(3) (General plan requirements), and 81-1-6(c)(8)(a) (Supplemental area and fence standards of the City of Hapeville Zoning Ordinance.

Applicant Comments:

Staff Comments:

Public Comments:

Documents:

- 1. Application - 3166 Dogwood Drive_Variance_Redacted
- 2. Plans - 3166 Dogwood Dr.
- 3. Planners Report 3166 Dogwood BOA
- 4. Legal Adv. - BOA_02-23-2023_3166 Dogwood Drive

6. Next Meeting Date - March 23, 2023 at 6:00 PM

7. Adjourn



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

Called Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

December 15, 2022 6:00 PM

MINUTES

1. Called to Order at 6:07 PM.

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of October 27, 2022

MOTION ITEM: Kelly Singleton made a motion to approve the minutes of October 27, 2022, as submitted. Richard Neal seconded the motion. Motion Carried: 3-0.

4. Public Hearing

4.I. 1001/1003 Virginia Avenue

Variance Request

Background:

Steve Morgan, on behalf of VC1, LLC, requested approval of an off-site parking arrangement at 1001/1003 Virginia Avenue, Parcel Identification Number 14 0127 LL0844. The property is zoned U-V, Urban Village and is subject to the zoning regulations under Section 93-23-12 (Location) of the City of Hapeville Zoning Ordinance.

The parking lot was originally approved for off-site parking for Delta Airlines for employees located at its 1025 Virginia Avenue location. The need for this parking has been reduced. The property owner, Jim Kegley/VC 1 LLC, wishes to enter into an agreement with Embassy Suites Hotel (Parcel ID 14 0127-LL0737) to allow for additional hotel guest parking in a portion of the lot. The hotel currently shares parking with the four office buildings located on the subject parcel. The parking lot will be separated by a fence and gated access will be provided to the hotel guests only within the southern portion of the parking lot (99 spaces). The northern section is still leased for Delta-related parking.

Recommendation:

Similar to other joint parking use requests, this joint parking agreement utilizes existing parking in the city to support existing businesses. The parking may be used for hotel guests but may NOT be used for airport parking. Airport parking is regulated by Sec. 93-3.2-6. - Special use permit criteria and standards (b) Airport Parking Facility Standards. Staff recommends approval of the request.

Public Comment:

None.

MOTION ITEM: Brittany Williams made a motion to approve the off-site parking arrangement request at 1001/1003 Virginia Avenue, as requested. Kelly Singleton seconded the motion. Motion carried: 3-0.

4.II. One Porsche Drive

Variance Request

Background:

Daniel Barcham of Porsche Cars North America requested a variance for relief from the Tree density requirements at One Porsche Drive, Parcel Identification Numbers 14 0096 LL0593 and 14 0096 LL0619. The properties are zoned B-P, Business Park and are subject to the zoning regulations under Section 93-29-5 (Tree density requirements) of the City of Hapeville Zoning Ordinance.

The Tree Conservation Ordinance requires 100" DBH per acre. The development site is approximately 30 acres which would require 3000" DBH across the site. As the performance track requires maximum visibility and limited adjacent plantings to avoid dangerous conditions for drivers. The proposed landscape plan concentrates tree plantings along the right of way / Porsche Avenue and includes 10 2.5" October Glory Maples, 3 2.5" Willow Oaks, 8 Green Giant Arborvitae (7-8'), 9 Crape Myrtle (7-8') with a variety of shrubs and perennials.

Mr. Barcham stated that the request is due to safety and security of the track and facility.

Recommendation

As currently being developed, the proposed landscape plan does not include trees around the track thereby avoiding hazards to the drivers and utilization of the track as intended. The B-P Business Park Zoning District does acknowledge consistency with regard to landscaping.

Staff recommends approval of the variance as long as the property is developed in this manner. Should the property be redeveloped for another purpose, the property should come into compliance with the tree ordinance.

Public Comments:

None.

MOTION ITEM: Richard Neal made a motion to grant the variance request for relief from the tree density requirements at One Porsche Drive, as requested. Brittany Williams seconded the motion. Motion Carried: 3-0.

5. New Business

5.I. 2023 Board of Appeals Meeting Schedule

MOTION ITEM: Kelly Singleton made a motion to approve the 2023 Board of Appeals meeting schedule, as submitted. Brittany Williams seconded the motion. Motion carried: 3-0.

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

7. Adjourn

MOTION ITEM: Brittany Williams made a motion to adjourn the meeting at 6:26 p.m. Kelly Singleton seconded the motion. Motion Carried: 3-0

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

23-BDA-01-02

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

Name of Applicant Darrell Harris for Blake-Stewart Law

Mailing Address 9630 Stillwater Drive, Villa Rica, Georgia

Telephone _____ Mobile # [REDACTED] Email darrell@dharrisconst.com

Property Owner (s) Jasmine Blake-Stewart

Mailing Address 4772 Albany Way, SW, Atlanta, GA 30331

Telephone _____ Mobile # [REDACTED]

Property Address/Location: 3166 Dogwood Drive

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009400020873

Square Foot of Property 11,257 Building Size 2,944 Zoning V Village

Present Land Use Vacant lot (formerly a used car lot).

Variance Requested See the attached page (Code Sections Cited).

Applicable Code Section See the attached page (Code Sections Cited).

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: 12/22/2022

Sworn to and subscribed before me

This 22nd day of December, 2022.

[Signature]
Notary Public

DIOR V HARRIS
Notary Public - State of Georgia
Douglas County
My Commission Expires Jun 10, 2025

**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 proposed site is relatively narrow in width and shallow in depth. The site has 90' of frontage, which meets the minimum lot frontage required. The site is 125' deep. Overall, the site is 11,257 SF. The proposed law office will have two-stories and 2,994 SF of gross floor area. The structure will meet all applicable and building code requirements. The proposed site design is the optimal use of the site, but will require relief in the form of variances for: (1) a reduction of the front yard building setback from 15' to 8'; (2) a reduction of the sideyard landscape setback from 5' to 1'; (3) an increase in the allowable lot coverage from 70% to 77%; (4) relief from the requirement to place trees in the landscape islands or relief from the requirement to have landscape islands at the end of parking rows; and, (5) a reduction of the requirement for a rear yard buffer of 20' to 15'. The site is designed with 15 parking spaces, sidewalks, driveway, and landscape areas. The size of the site will not allow the applicant to meet every applicable requirement for setbacks, buffers, and islands.

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

The strict application of the setback, lot coverage, and buffer requirements would render the site not useful for the applicant's intended purpose. The building footprint has been reduced to the minimum size to allow the owner to operate a viable law practice. The size and layout of the site and building provides the optimal opportunity to accommodate the number of attorneys, customers, and ordinary functions of a building intended to support the legal practice that the applicant has envisioned.

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

The relative small size and intended use of the site lends to the peculiar nature of the site. When the site is developed, as designed, it will meet the most critical standards for access, landscaping, ADA compliance, and convenience.

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

Granting the requested variances would not pose any harm to public health, safety, or the quality of life in the neighborhood. The proposed development will eliminate the blight that exists on the site and will be a positive contribution to the overall improvement in the neighborhood. The proposed project is an incremental step towards offsetting disinvestment, which has characterized the Dogwood corridor in the past.

Code Sections Cited

Section 93-22.1-1: (Front yard setback reduction from 15' to 8') (lot coverage increase from 70% to 77%)

Section 93-23-3 & Section 93-23-18(d)(a): (Side yard landscape setback reduction from 5' to 1')

Section 93-29-4(2): (Variance from requirement for tree placement in landscape islands)

Section-29-4(3): (Variance from requirement from (2) landscape islands to one 10'x18' island)

Section 81-1-6 (c)(8)(a): (Reduction of 20' landscape buffer to 15')

Project Summary for a Proposed Law Office at 3166 Dogwood Drive

The proposed project will be a two-story law office for Blake-Stewart Law. The site is in the Moreland Park neighborhood. The site fronts on Dogwood Drive, which contains a mix of different uses. The right side (south side) of the site abuts an undeveloped vacant lot, which lies in the floodplain, and likely to have no commercial value and limited use as a residential lot. The rear of the site (east side) abuts two parcels that are zoned residential – one parcel is undeveloped, and the other parcel has a residential dwelling. The left-side (north side) of the site is a commercial use. The proposed site is vacant and is the former home of a used-car lot. A small single-story structure, a concrete slab, and asphalt paving exists on the site and will be demolished to make way for the proposed new structure and site improvements.

Presently, the has no trees. The site does have one boundary tree along the southern property line, which will be evaluated by an Arborist to determine its relative viability. The applicant believes that the single adjacent boundary tree, which is covered by Kudzu, is in danger of falling onto the applicant's property and is deteriorating. The applicant has asked the adjacent resident if the replacement of the boundary tree would be permissible. The adjacent property owner has agreed that the distressed boundary tree can removed and replaced. A letter from the owner attesting to their consent to have the boundary tree removed and replaced will be provided. Per Section 93-29-5(b)(2), the required tree density is: $100'' \times .258 \text{ acres} = 25.8''$ DBH.

The site is currently zoned V (Village). Per Section 93-11.1-2 and Sec. 93-19-3(a)(1) f, a law office is a permitted use. The proposed site plan meets the minimum and does not exceed the maximum criteria for: (1) lot area and width, (2) distance between buildings, (3) height regulations, and (4) residential buffers. The site plan does not conform to the following criteria and the applicant is requesting relief for the following four exceptions:

- The applicant is requesting that the front **building setback** requirement of 15' be reduced to 8' to accommodate the proposed site plan. The reduction to 8' is necessary to satisfy the parking requirements of Section 93-22.1-1 (c), which is 15 spaces. In addition, the parking has been configured to preserve the 15' rear yard buffer requirement and allow for the rear yard to be used as a bio-retention area as the approach to stormwater management along the entire rear property line. The reduction of the front yard setback from 15' to 8' will promote and contribute to the walkability and connectivity of neighborhood. The scale of the building and proximity to the street aligns with the intent of Section 93-11.1.1.
- The applicant is requesting that the 5' **side yard landscape setback** from the property lines for parking and aisleways, as defined in Section 93-23-3 and Section 93-23-18(d)(a), be reduced to 1'. The proposed site plan shows the distance from the back of curb for the southern and northern property lines, respectively, ranging from 1'-2'. A reduction of the parking setback from 5' to 1' is necessary to accommodate the drive aisle along the southern property line and the parking along the northern property line. The reduction of the 5' setback requirement from 5' to 1' will not adversely impact the neighborhood character, adjacent uses, nor will the reduction jeopardize public health, safety, and welfare.

Project Summary for a Proposed Law Office at 3166 Dogwood Drive

- The applicant is requesting an increase in the maximum **lot coverage** percentage from the allowed 70% to 77% to accommodate the applicant's site plan as submitted. The site size is 11,257.68 sf. The site plan is designed with 8,679 sf of impervious area (paving, sidewalks, and building). The lot coverage is: $8,679/11,257.68 = 77.09\%$. Per Section 93-22.1-1, the maximum lot coverage is 70%. The increased in the lot coverage percentage will allow the applicant to provide the required number of parking spaces, adequate ingress/egress, and a building size that will provide the applicant with an office that has maximum utility, is economically feasible, and that conforms to the expressed intent of Village zoning.
- In order to meet the requirements of the 93-29-4, the applicant is also requesting a variance for the following for a reduction of the requirements in Section 93-29-4 (2) pertaining to the **placement of trees in islands** in the parking area, or; a reduction of the requirements in Section 93-29-4 (3) pertaining to the requirement to **place landscape islands at the ends of rows of parking** above 5 spaces, which necessitates a reduction in the required number of parking spaces from 15 to 13
- Per Section 81-1-6(c)(8)(a), a 20' landscape buffer is required "Where a development adjoins the neighborhood conservation area...(a) A minimum twenty (20) foot landscape buffer located within the development site along the boundary with the neighborhood conservation area." The applicant is asking that the **rear buffer** be reduced to 15' from 20' per Chapter 81 of the City of Hapeville's Architectural Design Standards.

The applicant believes that the above cited requests for variances will not present a burden to the neighborhood, endanger public health or safety, and that the development will enhance the quality of life in the community.

After Recording Return To:
Parkway Law Group
1755 North Brown
Suite 150
Lawrenceville, GA 30043

Order No.: 212308-S
Parcel ID : 14 009400020873

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this 12th day of November, 2021, between **Noor Malik a/k/a Malik Noor**, of the County of Fulton, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **JMBS Properties, LLC**, as party or parties of the second part, as joint tenants with survivorship and not as tenants in common, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 94 of the 14th District of Original Henry County, now Fulton County, being Lots 9, 10, and 11, Block 2, Forrest Hill Park, as shown on plat recorded at Plat Book 7, Pages 58 and 59, Fulton County, Georgia Records, which plat is incorporated herein and made a part hereof. Parcel ID- 14 0094 0002 087 3

Parcel No.: 14 009400020873

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

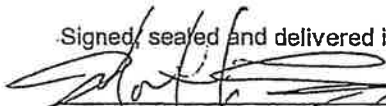
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

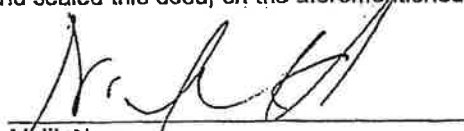
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, on the aforementioned date.

Signed, sealed and delivered in the presence of:


Unofficial Witness


Malik Noor

Notary Public

My Commission Expires: 1/22/2024

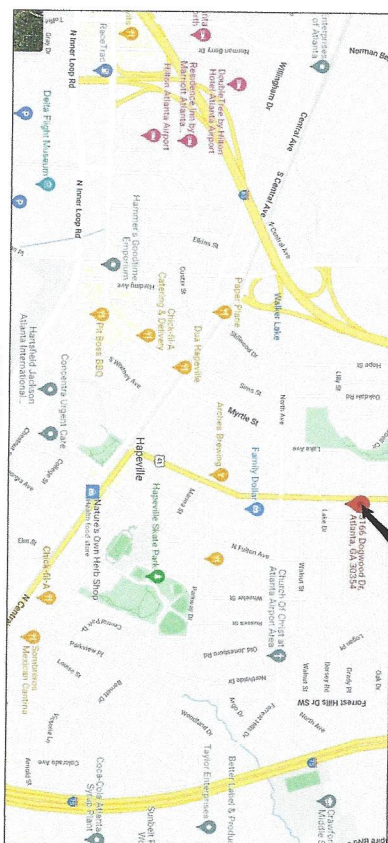


3166 METROPOLITAN PKWY. (A.K.A. DOGWOOD DRIVE)
HARLEVILLE, CONNECTICUT 06238

HAPEVILLE, GEORGIA 30354

ZONING CLASSIFICATION: V-VILLAGE
BUILDING SQUARE FOOTAGE: 2994 SQ.FT.
TOTAL SITE IMPERVIOUS AREA: 9679 SQ. FT
TOTAL SITE PERVIOUS AREA: 2579 SQ. FT.

SITE



VICINITY MAP

GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL AND LOCAL CODES.
2. ALL MATERIALS AND CONSTRUCTION METHODS TO BE IN ACCORDANCE WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS.
3. THERE MAY BE ADDITIONAL UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES RESPONSIBILITY FOR LOCATIONS SHOWN AND IT SHALL BE THE DUTY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE LIMITS OF CONTRACT AREA AND NOTIFY THE OWNER OF ANY DISCREPANCIES.
4. CONTRACTOR IS RESPONSIBLE FOR NOTIFICATION AND LIAISON WITH UTILITY COMPANIES IN THE PROCESS OF LOCATING, RELOCATION AND TIE-OUT TO PUBLIC UTILITIES.
5. ALL CONSTRUCTION MUST CONFORM TO CITY POLICY, STANDARDS AND SPECIFICATIONS.
6. IN THE CASE OF UNRESOLVED CONSTRUCTION COMPLAINTS OR DISCREPANCIES, THE CONTRACTOR SHALL BE REQUIRED TO BEGIN REMEDIATION IMMEDIATELY BEFORE PROCEEDING WITH FURTHER CONSTRUCTION OF THE PROJECT. AFTER THE REMEDIATION IS COMPLETE, THE CONTRACTOR SHALL ADVISE THE ENGINEER IN WRITING WITHIN 48 HOURS IF THE REVISION REQUIRES PRE-EMPTING. THE CONTRACTOR MUST ALLOW COORDINATION TIME AT NO COST TO THE OWNER OR ENGINEER.
6. IN THE CASE OF CONSTRUCTION CHANGES, THE CONTRACTOR IS TO NOTIFY THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION CHANGES. THE ENGINEER WILL THEN REQUEST A MEETING WITHIN 48 HOURS IF THE REVISION REQUIRES PRE-EMPTING. THE CONTRACTOR MUST ALLOW COORDINATION TIME FOR DESIGN AND CONVEYANCE AS REQUIRED.

SHEET INDEX CIVIL DRAWINGS:

- C0.0 COVER SHEET
- C0.1 EXISTING SITE CONDITIONS
- C0.2 OVERALL DEMOLITION AREA
- C1.0 SITE PLAN AND UTILITY PLAN
- C2.0 GRADING AND DRAINAGE PLAN
- C5.0 SITE CONSTRUCTION STANDARD DETAILS
- C5.1 SITE CONSTRUCTION STANDARD DETAILS
- C5.2 SITE CONSTRUCTION STANDARD DETAILS
- C5.5 SITE CONSTRUCTION STANDARD DETAILS
- C5.6 SITE CONSTRUCTION STANDARD DETAILS
- C6.0 ESPC PLAN GENERAL NOTES
- C6.1 ESPC PLAN
- C6.6 ESPC STRUCTURAL PRACTICES STANDARD DETAIL
- C6.8 ESPC STRUCTURAL PRACTICES STANDARD DETAIL
- C6.9 ESPC VEGETATIVE PRACTICES STANDARD DETAIL
- C6.10 ESPC VEGETATIVE PRACTICES STANDARD DETAIL
- L5.1 LANDSCAPE PLAN
- L5.2 LANDSCAPE (GREEN INFRASTRUCTURE) PLANT LIST



Project Team:
Owner - Name: JASMINE BLAKE STEWART
Address: 3166 DOWOOD DRIVE
Contact Person: DARRELL HARRIS, DEVELOPER Tel. #: 770-942-4680

Civil Engineer - Name: METROCORP DEVELOPMENT ENTERPRISES, INC.
Address: 3107 Main Street, Ste. No. 3 College Park, GA 30033
Contact Person: Herbert Humphrey, P.E.
Tel. #: 404-695-7802

 **Herbert Humphrey**
Level II Certified Design Professional
Certification Number: 00091238
Issued: 02/15/02 Expires: 02/15/04
Original Fee and Waiver
Cancellation Conversion



No.	Date	Revision/Issue	
			Designer:
			Technician:
			Checked by:

COVER SHEET

JASMINE BLAKE-STEWART
Office Building
3166 Dogwood Drive
a.k.a Metropolitan Pkwy
Hapeville, Ga. 30354

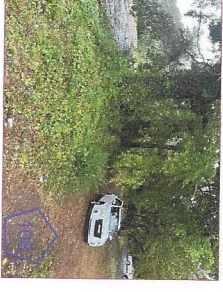
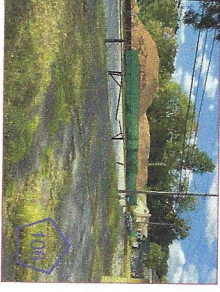
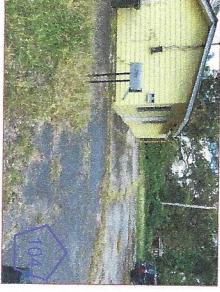


**METROCORP
DEVELOPMENT
ENTERPRISES, INC.**
8491 HOSPITAL DRIVE, STE. 101,
DOUGLASVILLE, GEORGIA 30135
(404) 695-7902 www.metrocorpde.com

Sheet	C1.1
Project No.: LDP316SMP	Date: 3/31/2016
AS NOTED	

CIVIL DRAWINGS RELEASED FOR PERMITTING ONLY

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Department of Planning & Zoning

PLANNER'S REPORT

DATE: February 16, 2023
 TO: Adrienne Senter
 FROM: Lynn M. Patterson
 RE: Variance Application for 3166 Dogwood Drive

BACKGROUND

The City of Hapeville has received a variance application from Darrell Harris on behalf of Blake-Stewart Law for seven (7) variances to the site of a proposed law office located at 3166 Dogwood Drive. The proposed project is a 2,944 SF commercial office building with parking to the rear. It is bound by commercial property to the north, a vacant lot to the south, and residential property to the east (rear). The property is zoned V, Village and is located in the Arts District Overlay.

The variances requested are:

- Reduced setback from 15' to 8', Sec. 93-22.1-1
- Increased lot coverage from 70% to 77%, Sec. 93-22.1-1
- Reduced side yard landscape / parking from 5' to 1', Sec. 93-23-3 & Section 93-23-18(d)(a):
- Relief from tree placement in landscape islands, Sec. 93-29-4(2)
- Reduction from 2 landscape islands to 1 landscape island, Sec. 29-4(3)
- Reduction of 20' landscape buffer to 15' landscape buffer. *This was granted by the Design Review Committee contingent upon approval of all other buffers.

CODE

Sec. 93-22.1-1 Dimensional Requirements

V, Village Zoning dimensional requirements for commercial projects are as follows:

Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
					Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
50	10,000	10,000	1,000	70	15	15	15	25		40	One parking space for every 200 square feet of enclosed commercial floor area.	1

Sec. 93-23-3. - Setbacks from property lines.

Off-street parking and loading spaces and their respective maneuvering areas shall be set back not less than five feet from all property lines, except where those spaces and areas for adjacent properties abut, or are in contiguous use, there need not be any setback.

Sec. 93-23-18. - Landscape requirements for vehicular use areas.

(d) Landscape requirements. All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:

(1) Tree requirements. Interior and exterior tree plantings are to be provided in accordance with chapter 93, article 29. Trees must be planted in interior portions of parking lots so that no parking space is more than 50 feet from a parking lot tree.

(2) Perimeter landscape requirements.

a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen in accordance with the buffer requirements of chapter 93, article 29 and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.

Sec. 93-29-4. - General plan requirements.

A tree conservation and replacement plan shall be submitted and approved as part of the pre-development site plans as required by the provisions of this article. No plans shall be accepted by city staff unless tree protection and/or tree replacement plans are included in the initial submittal. All commercial parcels and residential lots (if applicable) under development shall comply with street tree, parking lot tree and buffer tree requirements regardless of whether the 100 inches per acre has been met with existing trees. Street tree requirements are subject to the architectural design standards and the zoning categories identified within this chapter.

(1) Any areas with trees between the sidewalk and back of curb shall be designed so that required street trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three feet. Each street tree shall have a minimum area suitable for root growth of 200 square feet provided.

a. In addition to or in conjunction with the tree protection areas, each single-family residential lot 7,500 square feet or greater shall contain a minimum of two two-inch caliper overstory trees, at least one of which must be located in the front yard. Staff may allow an understory tree in the front yard if there are unforeseen constraints such as overhead powerlines.

b. In addition to or in conjunction with the tree protection areas, each single-family residential lot less than 7,500 square feet shall contain a minimum of two two-inch caliper trees (one overstory and one understory), at least one of which must be located in the front yard.

(2) Parking lot trees shall be provided in landscape islands in parking areas proposing ten or more spaces. Parking areas with fewer than five spaces and multi-level parking decks are exempt.

(3) A sufficient number of (minimum) three-inch caliper trees must be planted in interior portions of parking lots so that no parking space is more than 50 feet from a parking lot tree. Show a 50-foot radius dashed circle for each parking lot tree on tree replacement plan to verify graphically. Up to 20 percent of parking lot trees may be planted along the perimeter of the parking lot. Landscaped islands shall terminate each row of parking and all landscaped islands planted with trees shall provide a minimum of 200 square feet per tree. Light poles are

not permitted in parking lot islands, peninsulas and medians unless they are a minimum of 20 feet from any planted tree (see appendix B, attached to the ordinance from which this article derived, for typical details).

(4) All parking areas directly adjacent to public rights-of-way shall have a minimum of one row of shrubs to create a visual screen. The shrubs shall be installed at 24-inch height minimum and shall be maintained between 30- and 48-inch height. (See appendix B, attached to the ordinance from which this article derived, for typical detail.)

(5) The tree replacement plan shall be designed so that all parking lot trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three feet. Each parking lot tree shall have a minimum area suitable for root growth of 200 square feet provided, however, if this minimum square footage is not provided, subsurface soil cells shall be incorporated into the tree replacement plan. All applicable details to show an industry standard subsurface soil cell design shall be attached as part of the tree replacement plan. (See appendix C, attached to the ordinance from which this article derived.)

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 proposed project was design with a building square footage (2,944 sf) that requires 15 parking spaces which in turn impacts the site development, including the need to encroach in the side setback requirements for parking and landscaping.

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

There are existing conditions that are peculiar the property involved. The property is a simple rectangle located on a mixed use corridor in Hapeville.

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, as long as the rear landscape / screened buffer is designed, implemented and maintained to the Code standard so as to provide an adequate buffer for the adjacent residential uses and the impervious surface standards are met.

RECOMMENDATION

The proposed law office development project is consistent with permitted uses and desired vision for the development of the Dogwood Gateway Corridor.

The Planning Commission conditionally approved the site plan pending satisfaction of all outstanding items in the Planner's report and Engineer's reports and the following conditions:

- Must meet the impervious surface coverage of 70%. Applicant may consider reducing the parking by using pervious pavers.
- Applicant must provide landscape details for the side and rear buffers. **Note this landscaping plan has not been provided to the City for review as of the date of this report.**
- Recommend the Board of Appeals approve the following variances:
 - Front yard setback of less than 15'
 - Reduction of the required side buffer

The Design Review Committee approved the project with conditions and recommended the Board of Appeals approve the request for the reduced setback and required setback on southside of building

Reduced front setback. As the overall intent of the building to create a strong presence in the commercial Dogwood Corridor/Gateway is met with the project, the Planning Commission, Design Review Committee, and Planner recommend the reduced front setback to accommodate the required site elements.

Increased impervious surface. The Planning Commission required the impervious surface coverage not exceed 70% and recommended pervious pavers be installed for a section of the parking that would assist in meeting the impervious surface coverage. Details for this alternative have not been provided. The Planner's recommendation is consistent with the Planning Commission.

Reduced distance from property line to parking lot and reduction of landscape buffer from 5' to 1'.

The property to the north is a commercial use. The property to the south is vacant and a fence is proposed along the property line. This would serve as a buffer from the adjacent property. The Board may consider requiring installation of a similar screening/buffer for the northern property line where relief is being requested. Furthermore, the City is aware the current usage proposed is a law office which may not have intensive parking requirements, however, future use of the property cannot be determined and therefore the requirement for 1 parking space per 200 square feet is recommended to be upheld.

Relief from tree placement in landscape islands

The applicant has not provided a landscape plan to show where the required trees would be placed in lieu of the landscape islands. Should they be accommodated in another area of the site and given the relatively small nature of the parking lot, the spirit of the ordinance is considered addressed and the Planner recommends approval.

Reduction from 2 landscape islands to 1 landscape island

The applicant should provide the landscape plan documenting the size of the proposed single island and how it compares to the requirement of the 2 landscape islands. Per above, given the size of the parking lot, should the landscape island approximate the size of the 2 landscape islands, then the spirit of the ordinance is considered addressed and the Planner recommends approval.

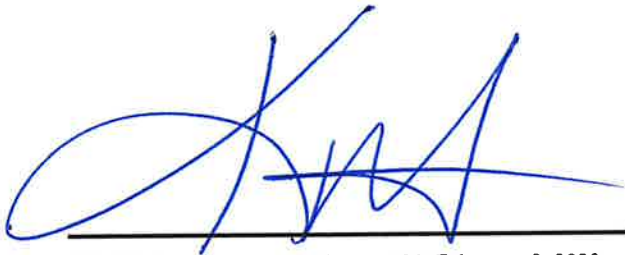


CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 02/09/2023.


_____

Subscribed and sworn to before me this February 9, 2023



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Board of Appeals on **Thursday, February 23, 2023 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will also be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following request:

Variance Requests:

Variance requests to reduce the front yard setback, reduce the parking setback and reduce the landscaping requirements at 3166 Dogwood Drive, Parcel Identification Number 14-0094-0002-087-3. The property is zoned V, Village and is subject to the zoning regulations under Sections 93-22.1-1 (Chart of dimensional requirements), 93-23-3 (Setbacks from property lines), 93-23-18(d)(a) (Perimeter landscape requirements), 93-29-4(2) (General plan requirements), 93-29-4(3) (General plan requirements), and 81-1-6(c)(8)(a) (Supplemental area and fence standards of the City of Hapeville Zoning Ordinance).

Applicant: Darrell Harris for Blake Steward Law

Off-site Parking Arrangement:

Request to allow an off-site parking arrangement at 3259 Dogwood Drive, Parcel Identification Number 14-0098-0016-004-8. The property is zoned V, Village and is subject to the zoning regulations under Section 93-23-12 (Location) of the City of Hapeville Zoning Ordinance.

Applicant: Lorreine Patterson

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the Planning and Economic Development Manager at asenter@hapeville.org or called in at 404-669-8269 no later than 5:00 p.m. on February 22, 2023. When emailing or verbally delivering your comment to the Planning and Economic Development Manager, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the Planning and Economic Development Manager will be read into the record. Citizens may not make comments on public hearing agenda items via livestream or video conference.
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