



#### **CIVILITY PLEDGE**

*The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.*

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

### **Board of Appeals Meeting**

700 Doug Davis Drive  
Hapeville, GA 30354

April 27, 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. Approval of Minutes**

3.I. Minutes of March 23, 2023

**Documents:**

1. Minutes - 03-23-2023\_draft

**4. Public Hearing**

4.I. 3400 North Whitney Avenue Variance Request

**Background:**

Arthur Baker is requesting a variance to increase the allowable square footage of an accessory structure at 3400 North Whitney Avenue, Parcel Identification Number 14-0098-001-7002-1. The property is zoned R-1, One-Family Residential and is subject to the zoning regulations under section 93-2-5 (Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences) of the City of Hapeville Zoning Ordinance.

**Documents:**

1. Application - 3400 N. Whitney Ave.\_Variance\_Redacted
2. Plans - 3400 North Whitney Ave.\_Variance
3. Planner's Report -3400 N. Whitney Ave.\_ ADU

4.II. 3259 Dogwood Drive Off-Site Parking Arrangement

**Background:**

Lorrene Patterson is requesting 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.

**Documents:**

1. Application - 3259 Dogwood Drive\_Offsite Parking\_Redacted
2. Plans - 3259 Dogwood Drive\_Parking Arrangement
3. Planner's Report - 3259 Dogwood BoA Parking

**5. Next Meeting Date - May 25, 2023 at 6:00 PM**

**6. Adjourn**



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

## Board of Appeals Meeting

700 Doug Davis Drive  
Hapeville, Georgia 30354

March 23, 2023 6:00 PM

### MINUTES

#### 1. Called to Order at 6:02 p.m.

#### 2. Roll Call

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

#### 3. Approval of Minutes

##### 3.1. Minutes of February 23, 2023

**MOTION ITEM:** Jason Morris made a motion to approve the minutes of February 23, 2023, as submitted. Melanie Williams seconded the motion. Motion Carried: 4-0.

#### 5. Public Hearing

##### 5.1. 3166 Dogwood Drive

##### Variance Request

##### Background:

Darrell Harris, on behalf of Blake Steward Law, requested variances to reduce the front yard setback, reduce the side yard parking, 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. *This item was tabled at the February 23, 2023 meeting.*

##### Findings:

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
- 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)

As the following variances are not required or no longer required, Mr. Harris verbally requested to withdraw the subsequent requests:

- Relief from tree placement in landscape islands, Sec. 93-29-4(2)
- Reduction of 20' landscape buffer to 15' landscape buffer. \*This was granted by the Design Review Committee contingent upon approval of all other buffers.
- Increased lot coverage from 70% to 77%, Sec. 93-22.1-1. The lot coverage was reduced with the proposal of the pervious pavers for the rear parking row.

### **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%. The 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. The Planner recommends approval of the variance with the use of silva cells for the plantings required as shown to guide the root system.

**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. This is shown in the landscape plan. Variance is no longer required.

**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 landscape plan shows a fence and Alabama Crimson to buffer the side property line. The variance for the parking from 5' to 1' and the reduction in the landscape buffer is recommended with the installation and maintenance of all elements of the submitted landscape plan.

**Relief from tree placement in landscape islands.** The landscape plan shows tree placement in the one landscape island and along the buffer, including trees. The variance is no longer required.

**Reduction from 2 landscape islands to 1 landscape island less than 200 square feet.** The intent of the landscape islands is to break up parking lots and allow for required landscaping. The landscaping, including the required trees shown on the plan, including the silva cells to guide the root systems achieves this intent. The variance is recommended for approval with installation and maintenance of all elements of the landscape plan.

In addition, the applicant must submit a lighting plan for final approval.

Public Comment:

Miguel Mayo, 3176 Dogwood Drive, supported the requested variances.

**MOTION ITEM: Jason Morris made a motion to grant variances to reduced setback from 15' to 8', reduced side yard landscape/parking from 5' to 1', relief from tree placement in landscape islands, reduction from 2 landscape islands to 1 landscape island at 3166 Dogwood Drive, as requested. Kelly Singleton seconded the motion. Motion carried: 4-0.**

**6. Next Meeting Date – April 27, 2023, at 6:00 p.m.**

**7. Adjourn**

**MOTION ITEM: Melanie Williams made a motion to adjourn the meeting at 6:19 p.m. Kelly Singleton seconded the motion. Motion Carried: 4-0.**

Respectfully submitted by,

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Michael Simpson, Chairman

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Adrienne Senter, Secretary

23-BDA-04-03

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

Name of Applicant Arthur Baker

Mailing Address 1639 Temple Ave College Park GA 30337

Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]

Property Owner (s) Arthur Baker

Mailing Address 1639 Temple Ave

Telephone [REDACTED] Mobile # [REDACTED]

Property Address/Location: 3400 N Whitney

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 0098001 70021

Square Foot of Property 960 Building Size 20x24 Zoning R1

Present Land Use ADU

Variance Requested A variance for an existing non-conforming structure that exceeds square footage limit

Applicable Code Section Sec 93-2-5 Placement (f).

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.

Arthur Baker  
Applicant's signature

Date: 3/22/26

Sworn to and subscribed before me

This 22 day of March, 2023.

Ralph Gourdin  
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.

My property exists with a non-conforming structure in the rear. This structure has been in existence for over 20 years.

I would like to have the structure permitted as an ADU however the primary residence is under 2000 sq ft which would justify an ADU of 640 sq ft.

Since the structure is a non-conforming pre-existing structure, I am requesting a variance.

The square footage of the structure is 960 sq ft which is 480 sq ft for 1st floor and 480 sq ft for second floor.

The second floor is the conditioned living space with bedroom, living room, bathroom and kitchen, while the first floor will be used for laundry and storage space.

The structure is position within the setbacks and is over 20 feet from the primary structure.

The structure is architecturally similiar to the primary residence and has been conditionally approved by the DRC.

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

The application of the ordnance would cause a reduction to the square footage of this space that has been in existence over 20 years, therefore creating a hardship for the applicant.

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

The non-conforming structure has 480 sq ft of space on the 1st floor and 480 sq ft on the second floor that was pre-existing therefore a variance is requested because of this peculiar situation.

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 permitted. The structure is in the rear of the property.

The property is surrounded by vacant land to the left and rear and mixed used commercial to the right.

This variance wouldn't have any negative effect on public safety, it isn't injurious to the use or enjoyment of other properties. It beautifies the neighborhood, is subordinate to primary residence and contributes to comfort and use.

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

**AUTHORIZATION OF PROPERTY OWNER**

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

3400 N Whitney

**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

Arthur Baker

Address of Applicant

1639 Temple Ave College Park Ga 30337

Telephone of Applicant

[REDACTED]

Arthur Baker

Signature of Owner

Arthur Baker

Print Name of Owner

Personally Appeared Before Me this

22 day of March, 2023

Arthur Baker  
Notary Public



## Exhibit A

### Legal Description

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ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 98 OF THE 14TH DISTRICT OF FULTON COUNTY GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF WHITNEY AVENUE 198.3 FEET NORTHEAST FROM INTERSECTION OF SOUTHEAST SIDE OF WHITNEY AVENUE WITH NORTHEAST SIDE OF NORTH CENTRAL AVENUE; THENCE NORTHEAST ALONG THE SOUTHEAST SIDE OF WHITNEY AVENUE, 123.3 FEET; THENCE SOUTHEAST 178 FEET; THENCE SOUTHWEST 138.5 FEET; THENCE NORTHWEST 160 FEET TO THE SOUTHEAST SIDE OF WHITNEY AVENUE AND THE POINT OF BEGINNING.

Being Improved property more commonly known as 3400 N. Whitney Avenue, Hapeville, GA 30354; and being the same property conveyed via deed recorded in Deed Book 22313 Page 29 Georgia - Global County Records,

Tax ID: 14-0098-0017-002-1



| REVISIONS | DATE |
|-----------|------|
|           |      |
|           |      |
|           |      |
|           |      |
|           |      |

DESIGNER: RODERICK CLOUD 1110 CASCADE CIR. ATL. GA. 30311, 404 994-9397. EMAIL: RODERICKCLOUD@GMAIL.COM

REVISED SCOPE OF WORK

- SITE WORK ADD NEW CONC. RETAINING WALL  
1/2 PRIVACY FENCE.
- ACCESSORY STRUCTURE REMODEL INTERIORS.  
ADD FRONT PORCH BALCONY, SIDE ENTRY BALCONY.

BUILDING SIZE GROUND LEVEL 480  
MAIN LEVEL 480  
PORCH 120 BALCONY 80

SURVEYORS NOTES:

3. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN COVERED OVER THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ASIDE LOCATIONS STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM THE LOCATION OF THE ABOVE SHOWN UTILITIES. THERE MAY BE IN COUNTRIES, NO EXCAVATION WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE SURED UTILITIES BEFORE EXCAVATION ARE BEGUN. THEREFORE, THE SURVEYOR ASSUMES NO LIABILITY FOR MATERIAL INFORMATION.
4. SURVEYOR HAS MADE NO INVESTIGATION OR SEARCH FOR RECORDS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, EASEMENTS, OR OTHER FACTS THAT A CURRENT TITLE SEARCH MAY REVEAL.
5. THIS PLOT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR PERSONS OF ENTITY NAMED HEREON. THIS PLOT DOES NOT COVER ANY UNPAID PERSONS, PERSONS, OR ENTITY WITHOUT THE EXPRESS REVISION OF THE SURVEYOR. MAKING SUCH PERSONS, PERSONS OR ENTITY.
6. SEARCHES SHOWN WERE COMPLETED FROM RECORDS TURNED FROM A SINGLE COUNTY CLERK'S OFFICE.
7. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
8. ALL REBARS SET AREA 1/2" REBARS UNLESS OTHERWISE NOTED.
9. THE EXISTENCE, SIZE AND LOCATION OF SURROUNDING PLOTS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL SURVEYING AUTHORITY, CITY, OR COUNTY.
10. 1 FEET CONTOUR INTERVAL.

## 18 CENTS

LEGEND

|        |                     |
|--------|---------------------|
| P.O.B. | POINT OF BEGINNING  |
| P.O.R. | POINT OF REFERENCE  |
| O.H.P. | OVERHEAD POWER LINE |
| P.P.   | POWER POLE          |
| L.L.L. | LAND LOT LINE       |
| I.R.F. | 1/2" IRON PIN FOUND |
| I.P.S. | 1/2" IRON PIN SET   |
| O.F.   | OPEN TOP FOUND      |
| T.L.P. | TRAFFIC LIGHT POLE  |
| C.L.   | CENTER LINE         |
| W.N.   | LOT NUMBER          |
| W.M.   | WATER METER         |
| E.M.   | ELECTRIC METER      |
| T/B    | TELEPHONE BOX       |
| C/B    | CABLE BOX           |
| G.W.   | GAZE WETTER         |
| C.T.F. | CRIMP TOP FOUND     |
| T.P.   | TRAFFIC LIGHT POLE  |
| A.P.   | ANGLE IRON POLE     |
| C.R.   | CONCRETE POINT      |

## FLOOD STATEMENT

INSTRUMENT USED:  
NIKON DTM-520 TOTAL STATION

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-87



**VICINITY MAP**  
MIS

TOTAL LOT AREAS  
LOT AREA TRACT 1  
11,248.86 sq. ft.  
0.258 acres

LOT AREA TRACT 2  
9,921. sq.ft.  
0.227 acres

TOTAL LOT AREA  
21,166 sq.ft.  
0.485 acres

ZONED R-1  
FRONT YARD 15 FEET  
SIDE YARD 5 FEET  
REAR YARD 25 FEET  
MINIMUM LOT FRONTAGE 50 FEET  
MINIMUM LOT AREA 6,500 SQ/FT  
MAXIMUM LOT COVERAGE 40%

**CONTRACTOR/DEVELOPMENT**  
ARTHUR L. BAKER JR.  
ARTISTRY PROPERTIES  
CELL 678-799-2396

SUBDIVISION PLAT FOR:  
ARTHUR L. BAKER JR.  
3400 NORTH WHITNEY AVE.  
HAPEVILLE GA. 30354  
PARCEL ID 14 0098001/0021  
LL 92 14TH DISTRICT  
FULTON COUNTY GEORGIA  
SCALE 1" = 20' DATE SURVEY PLAT 7/02/21  
REVISED SEPTEMBER 2, 2021

**HURD PRINCE & ASSOCIATES, INC.**  
 \*Consulting Planners & Surveyors\*  
 110 MLK SR HERITAGE TRAIL  
 STOCKBRIDGE, GEORGIA 30231-3424  
 Phone (678)-782-7737 CELL (404) 372-7304

SHEET 2 OF 2                      JOB #27416

RELEASED FOR CONSTRUCTION

3400 YEN TING AVE.

|        |          |
|--------|----------|
| Date   | 7/20/20  |
| Status | AS NOTED |
| Drawn  | RDC      |
| Job    |          |
| Tool   | 1        |
| Lot    | Shimizu  |

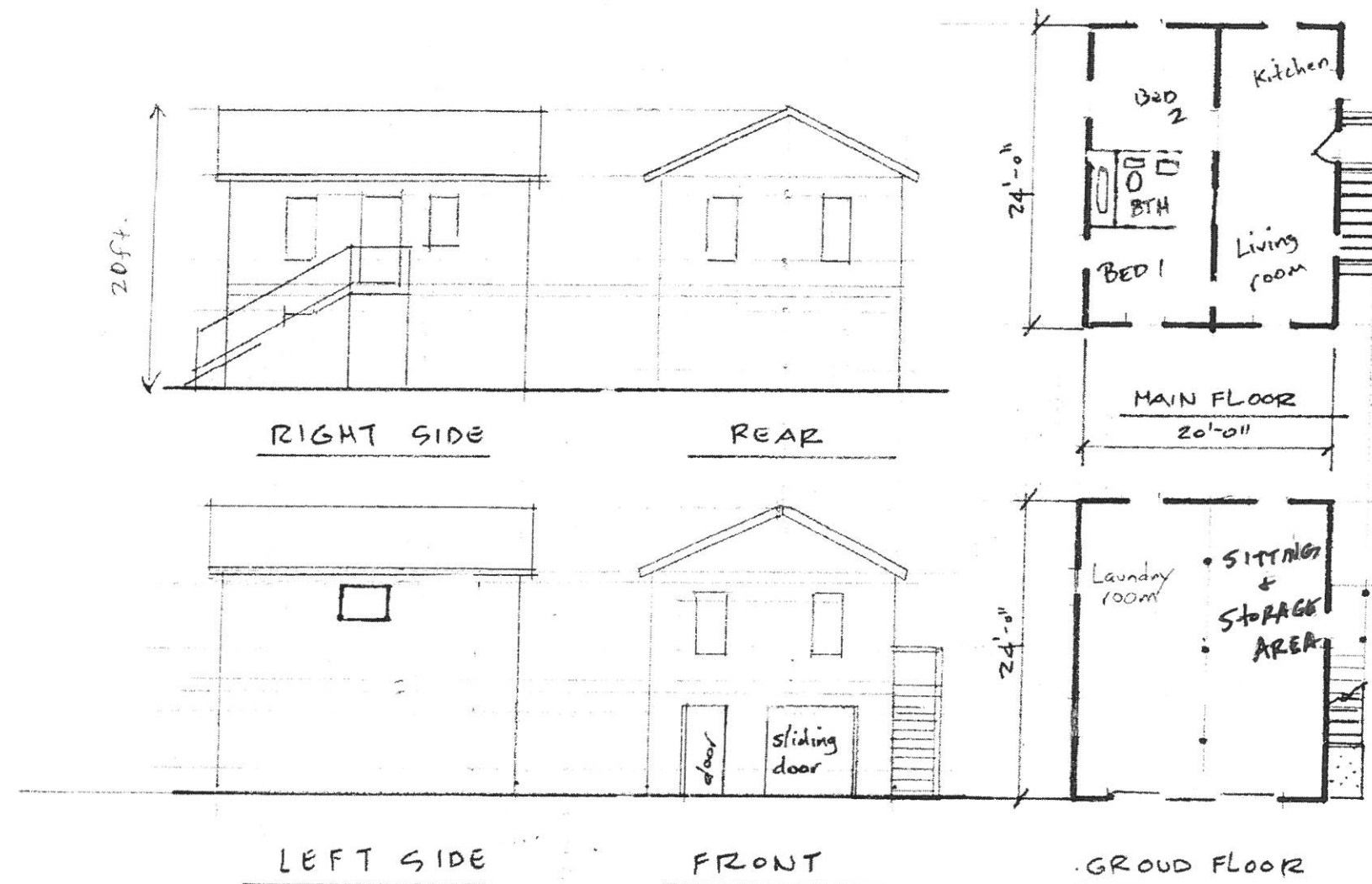
Page 10 of 25

# 3400 N WHITNEY AVE. ACCESSORY STRUCTURE

PORCH ADDITION, INTERIOR RENOVATION.

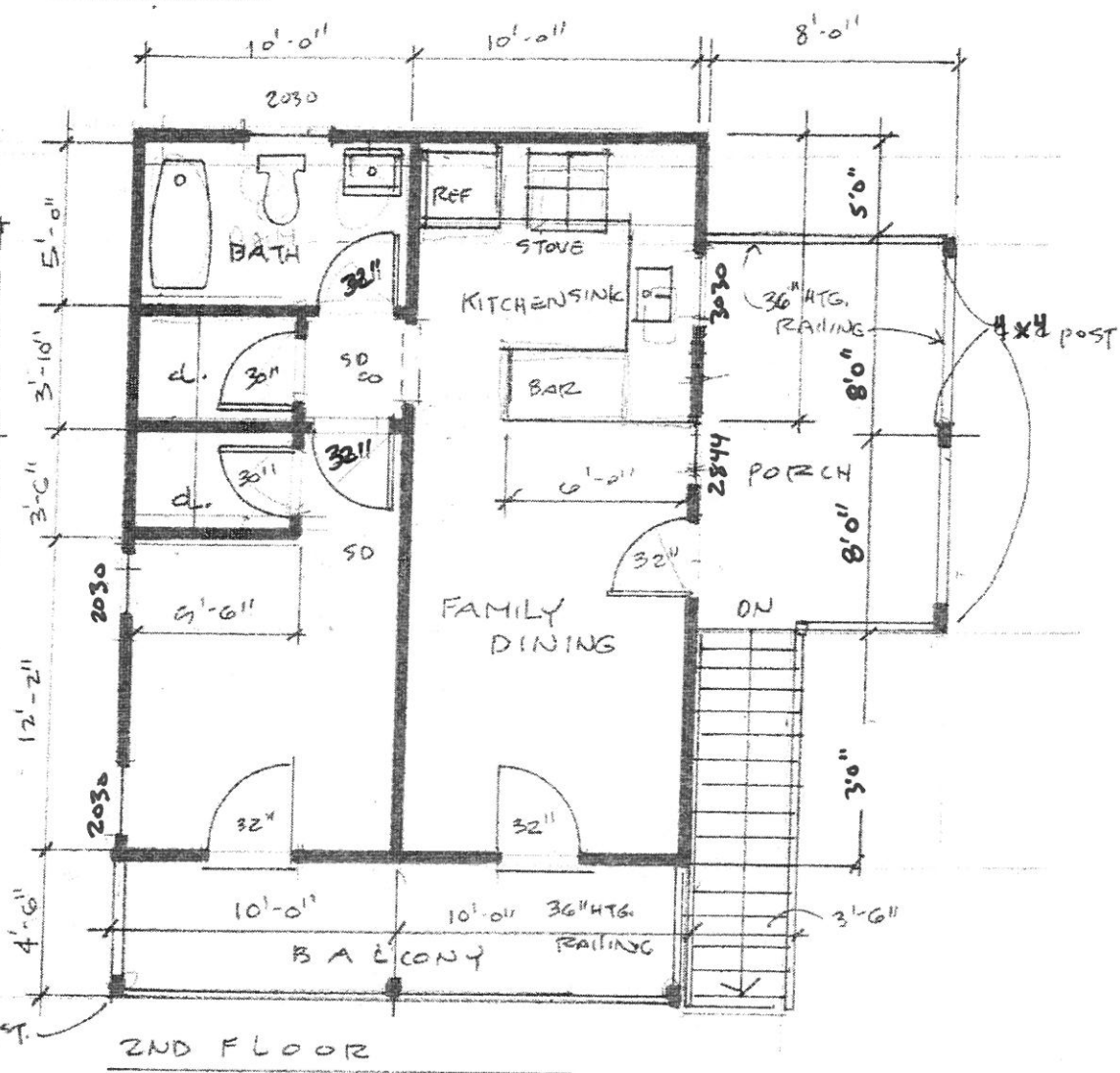
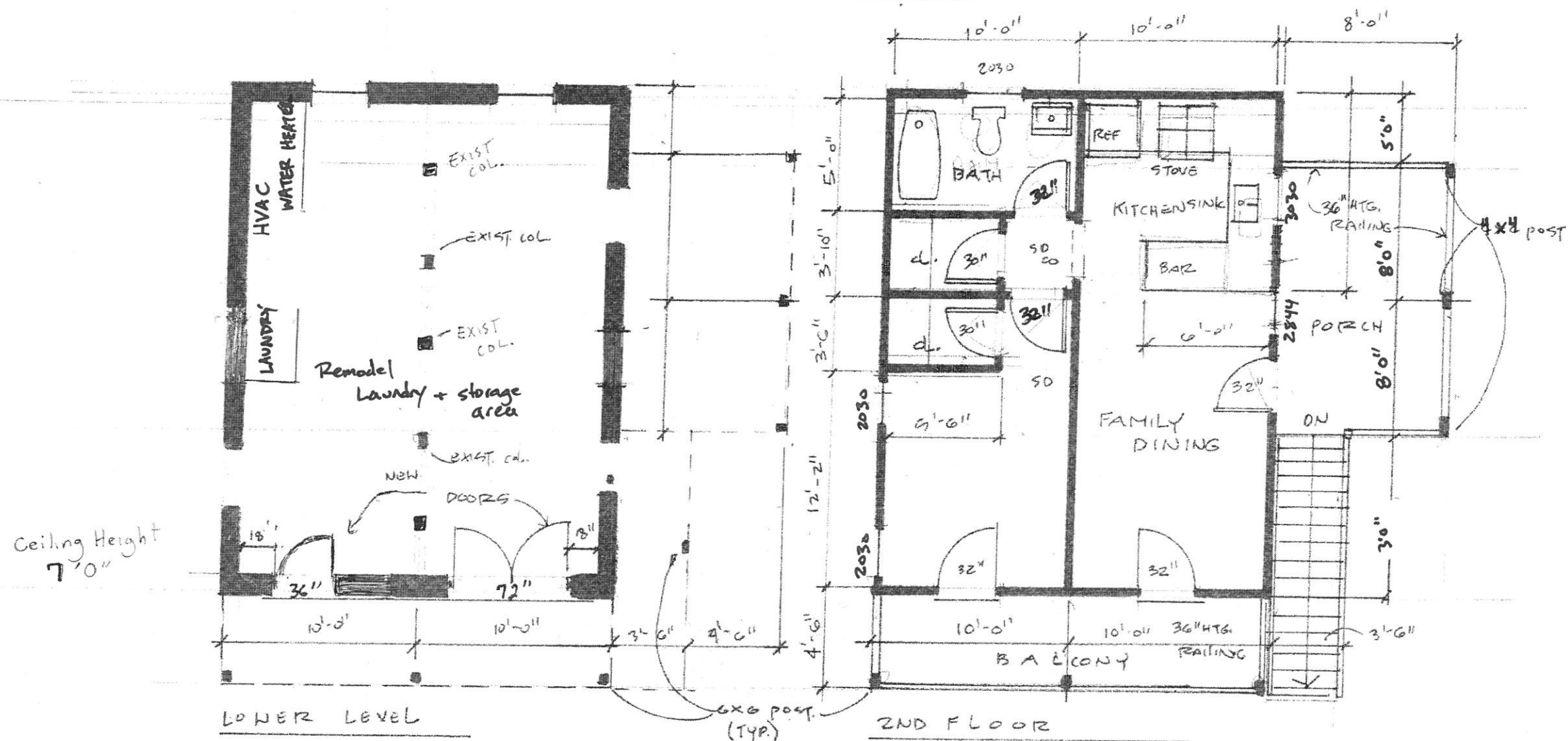
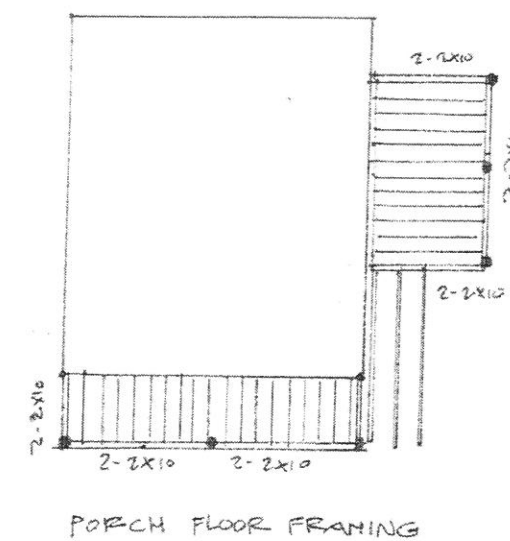
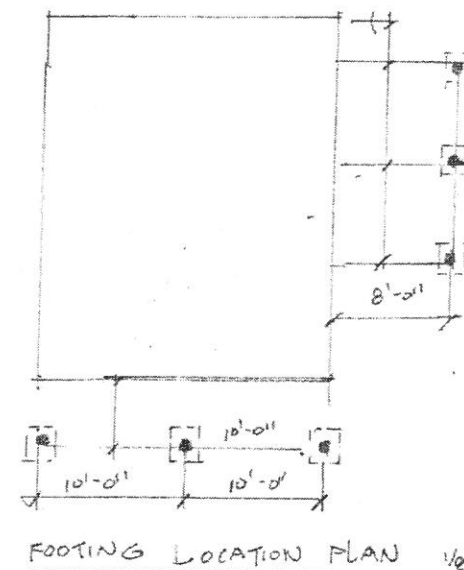
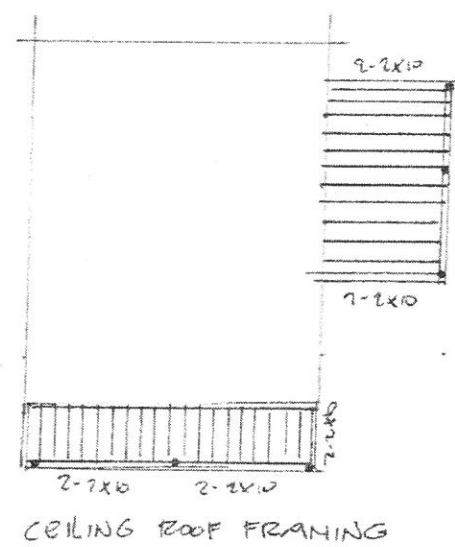
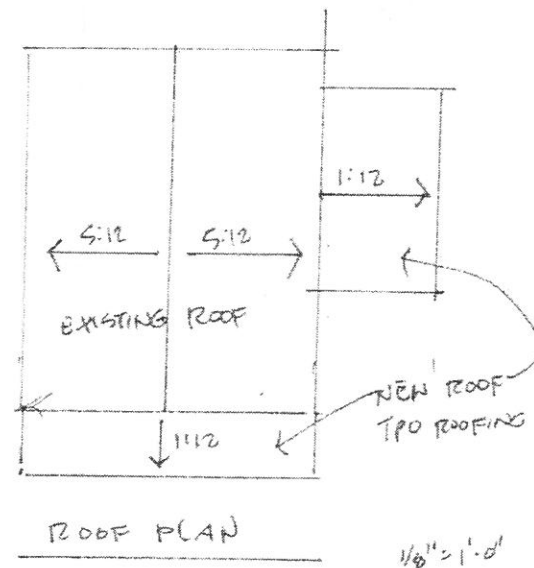
## BUILDING SIZE

|              |        |
|--------------|--------|
| GROUND FLOOR | 480 SF |
| MAIN LEVEL.  | 480 SF |
| porch        | 120 SF |
| BALONY.      | 80 SF  |

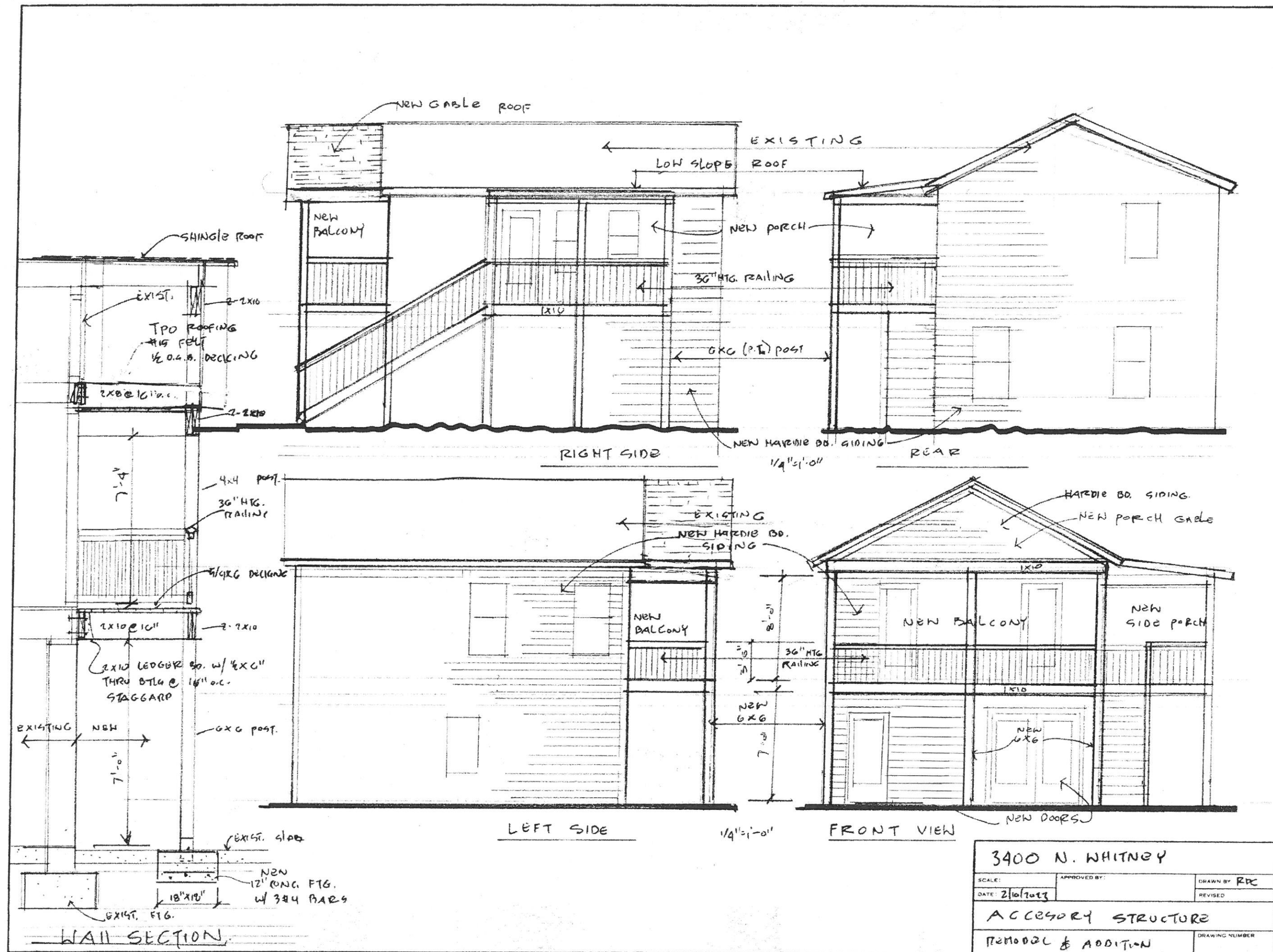


### EXISTING PLAN

|                     |              |                |
|---------------------|--------------|----------------|
| SCALE:              | APPROVED BY: | DRAWN BY: ERG  |
| DATE:               |              | REVISED        |
| 3400 N. WHITNEY AVE |              |                |
| ACCESSORY BLDG.     |              | DRAWING NUMBER |



|                           |              |                |
|---------------------------|--------------|----------------|
| 3400 N. WHITNEY AVE       |              |                |
| SCALE: 1/4" = 1'-0"       | APPROVED BY: | DRAWN BY: RGC  |
| DATE: 2/5/2025            |              | REVISED:       |
| ACCESSORY STRUCTURE       |              |                |
| RELEASED FOR CONSTRUCTION |              | DRAWING NUMBER |





## Department of Planning & Zoning

### PLANNER'S REPORT

DATE: April 20, 2023  
TO: Adrienne Senter  
FROM: Lynn Patterson  
RE: Variance Application for 3400 N Whitney Parcel ID 14 009800170021

#### **BACKGROUND**

The City of Hapeville has received a variance application from Arthur Baker to allow for a covered balcony with an extended gable roofline (90SF) and the replacement of a landing/stairs with an expanded side porch now covered with a shed roof (128SF) to be added to an existing 2 story 960 sf accessory structure. The existing accessory building is considered non-conforming as it has been in existence for over 20 years. The lot size is 11.245 SF, the primary dwelling size is 1,989 SF.

The applicant received conditional approval from the Design Review Committee in March 2023.

The property is currently zoned R-1, One Family Residential.

#### **CODE**

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

(b) Accessory building or outbuilding shall be permitted at the owner's option according to the schedule presented in Table A—Accessory building allowance based on dwelling unit size, or Table B—Accessory building allowance based on lot size.

Table B—Accessory Building Allowance based on Lot Size

| Ground Floor Area Size in Square Feet | Accessory Building Size based on Variable Percentage of Lot Size |
|---------------------------------------|------------------------------------------------------------------|
| 1,600                                 | 640                                                              |

#### **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;

*This property has been developed with a non conforming accessory structure for over 20 years. The new owner is renovating the primary dwelling and the accessory structure to be used as an ADU. The expansion of the roofline for the balcony and side porches increased the non-conforming condition as the accessory structure already exceeded the allowable square footage.*

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

*The additional balcony or expanded covered side porch necessitated this variance. There would be no hardship should the balcony not have been added or the side porch not been extended and covered.*

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

*The accessory structure was developed over 20 years ago and had been used as an accessory dwelling.*

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

*There is no evidence substantial detriment to the public good would be caused with the granting of this variance.*

### **RECOMMENDATION**

As this was an existing non-conforming structure, the Design Review Committee recommended the variance be approved for the 960 SF plus balcony and extended side porch accessory structure/ADU.

23-BOA-01-01

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

Name of Applicant Lorraine Patterson  
Mailing Address 5720 Partin lane  
Telephone [REDACTED] Mobile # [REDACTED] Email Convoat1@gmail.com  
Property Owner (s) Stanley V Hardy  
Mailing Address 1818 Stoney Creek Dr. 30316  
Telephone [REDACTED] Mobile # [REDACTED]  
Property Address/Location: 3259 Dogwood dr. 30354  
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0098-0016-004-8  
Square Foot of Property 2941 Building Size [REDACTED] Zoning V  
Present Land Use Restaurant  
Variance Requested Parking  
Applicable Code Section 93-23-12

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 to. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]  
Applicant's signature

Date: 12-1-22

Sworn to and subscribed before me

This December 1st, 2022.



**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.

Based on the size of the lot the building on has 10 parking spaces. In order to run an effective business additional parking is needed.

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

If my business isn't able to obtain additional parking spaces for customer this could cause a lack of customer the could eventually result in my business shutting down.

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

If I'm not able to obtain parking my customer will be limited.

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

Convo will bring a new and modern style to the area with it unique design hopefully bringing the value in the area up.

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

**AUTHORIZATION OF PROPERTY OWNER**

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

3259 Dogwood Dr. 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

Stanley Hardy

Address of Applicant

1818 Stony Creek Dr. 30316

Telephone of Applicant

[REDACTED]

Stanley Hardy  
Signature of Owner

Stanley Hardy  
Print Name of Owner

Personally Appeared Before Me this 1 day of December, 2022

Cheris R  
Notary Public



# PARKING AGREEMENT

BETWEEN

[Convo Tapas Lounge]  
3259 Dogwood Dr. 30354

AND

[The Green Bug Store]  
3273 Dogwood Dr. Hapeville 30354

## Parties

This PARKING AGREEMENT ("Agreement"), is made and entered into,  
between [Convo Tapas Lounge] 3259 Dogwood Drive [The Green Bug Store]  
3273 Dogwood Drive Hapeville 30354

Tenant, who conducts business of the lot located at 3273 Dogwood Dr. 30354  
("Property"), agrees to allow the Business located at 3259 Dogwood Dr. to utilize there  
parking for their customers when needed.

### • PROPERTY DESCRIPTION

The property can fit 7 cars and has sufficient space for motorcycles, bicycles,  
and scooters.

### • USE OF THE PROPERTY

The Tenant shall utilize the Property only for commercial use related to the  
pursued business functions.

Name printed Catherine Green

Date 12/19/2022

Signature



# PARKING AGREEMENT

**BETWEEN**

**[Convo Tapas Lounge]  
3259 Dogwood Dr. 30354**

**AND**

**[Super A Mart]  
3266 Dogwood Dr. Hapeville 30354**

## **Parties**

This PARKING AGREEMENT ("Agreement"), is made and entered into,  
between **[Convo Tapas Lounge] 3259 Dogwood Drive [Super A Mart]**  
3266 Dogwood Drive Hapeville 30354

Tenant, who conducts business at lot located at 3266 Dogwood Dr. 30354  
("Property"), agrees to allow the Business located at 3259 Dogwood Dr. to  
utilize extra parking in front and in back these space are currently not utilized  
during or after business hours

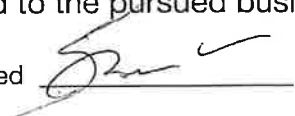
### **• PROPERTY DESCRIPTION**

The property has sufficient parking in front of mart and in the back of  
lot that isn't utilized during business hours and has sufficient space for  
motorcycles, bicycles, and scooters. Business hours 8am-10pm

### **• USE OF THE PROPERTY**

Convo Tapas Lounge will utilize the Property only for commercial use  
related to the pursued business functions.

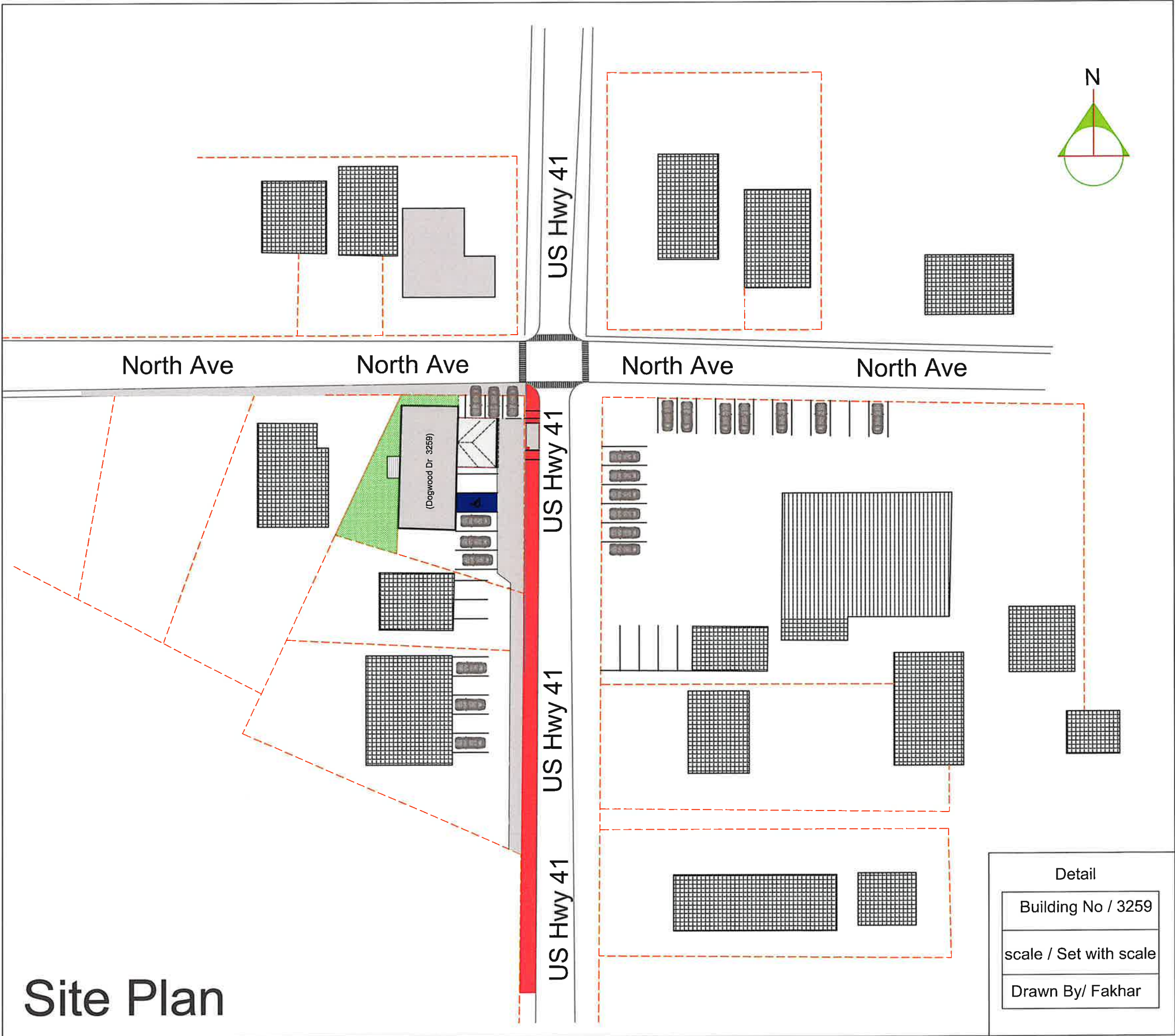
Name printed



Date

3-3-23

**Signature**



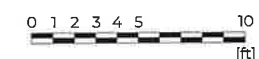
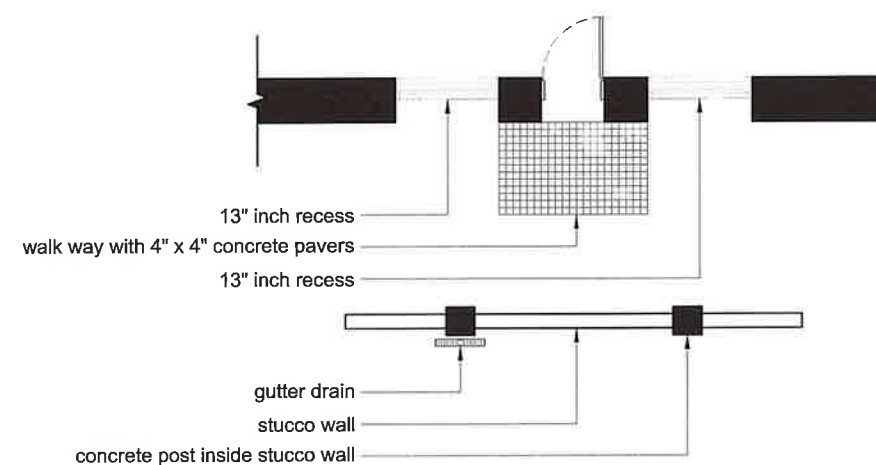
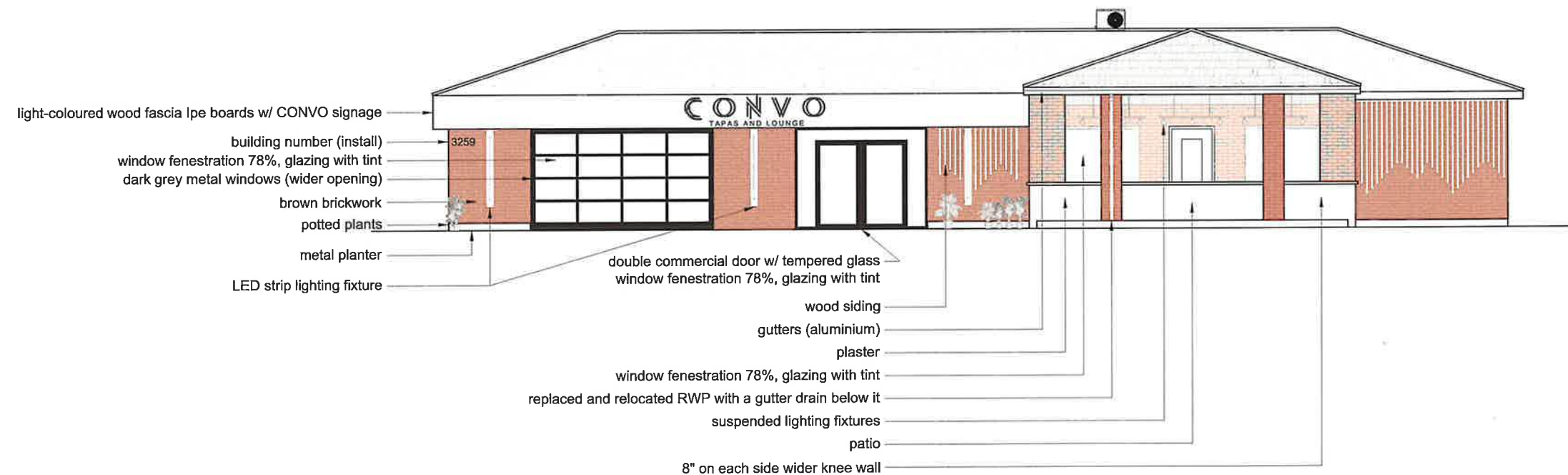
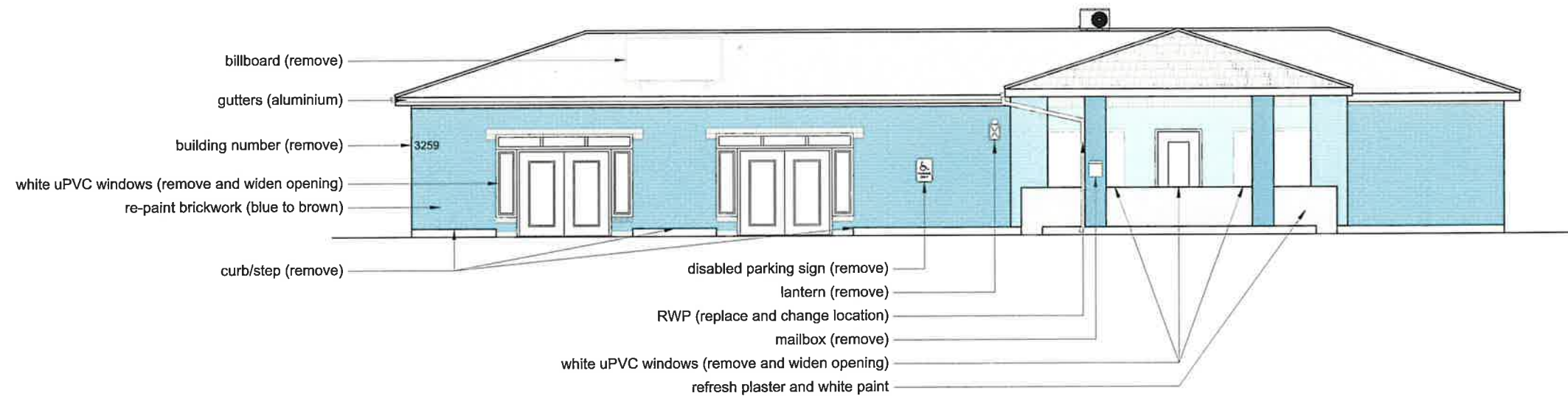
## CONVO Front Elevation

Existing (top)  
Proposed (center)  
Patio Plan (bottom)

Index: 02  
Date: 03.04.2023  
Scale: 1/8" = 1'0" / Sheet B

Drawn by:  
Nikolai Vladimirov  
Client:  
Jacquez @ CONVO  
Address:  
XXX

Notes:





Department of Planning & Zoning  
PLANNER'S REPORT

DATE: April 20, 2023  
TO: Adrienne Senter  
FROM: Lynn Patterson  
RE: Variance Application for 3259 Dogwood Drive – Off-Site Parking Arrangement

**BACKGROUND**

The City of Hapeville has received an application from Lorreine Patterson (Convo Tapas Lounge) for a shared parking agreement with the adjoining property 3273 Dogwood Drive (Green Bugs) and 3266 Dogwood Drive (Super A Mart) to meet the parking requirements for a restaurant to be located at 3259 Dogwood Drive. The property is currently zoned V, Village and is in the A-D, Arts District overlay.

Per the Applicant's occupational tax permit submittal, the square footage of the building is 2,268 SF not including the outdoor dining space. The Tax Assessor's office and a previous occupational tax application list the square footage as 2,868. Required parking for the building is 12 spaces for 2,268 SF or **15 spaces for 2,868 SF**.

The applicant is showing 6 parking space on-site. The business will have 20 employees. Operating hours are listed as 11 AM – 11 PM Monday through Friday, 11 AM – 1 AM Saturday and Sunday 11 AM – midnight.

The Applicant is seeking a shared parking arrangement with the adjacent property, 3273 Dogwood Drive, to utilize its 7\* parking spaces and an undetermined number of parking spaces at 3266 Dogwood and has included two agreements with this application. The hours of operation were not provided for The Green Bug Store, 7 parking spaces were indicated on the agreement but no site plan has been provided. An aerial photo shows 4 parking spaces. Super A Mart business hours are listed as 8am to 10pm. The number of parking spaces has not been listed nor can be determined from the aerial photo.

\*The attached agreement from Green Bugs (3273 Dogwood Drive) indicates 7 parking spaces, the occupational tax permit application for The Green Bugs indicated 5 parking spaces, an aerial photo shows 4 parking spaces.

**CODE**

**ARTICLE 11.1. - V ZONE (VILLAGE)**

**Sec. 93-11.1-1. - Intent.**

The V district is established in order to:

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

**Sec. 93-11.1-2. - Permitted uses.**

The following are permitted within the V zone:

- (1) Any use permitted in the D-D zone;

**ARTICLE 19. - D-D ZONE (DOWNTOWN DEVELOPMENT)****Sec. 93-19-3. - Uses; permitted and nonpermitted.**

- (a) *Permitted uses.*

(7) Restaurants or carry-out restaurants but not including drive-through/drive-in restaurants. Such restaurants shall be allowed to operate no more than six billiard tables upon the premises.

**ARTICLE 22.1. - DIMENSIONAL REQUIREMENTS****Parking Requirements**

- c. One parking space for every 200 square feet of enclosed commercial floor area.

**ARTICLE 23. - OFF-STREET PARKING AND LOADING****Sec. 93-23-12. - Location.**

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway. If the property providing the additional parking contains more than ten parking spaces, the parking area of that property shall be brought into compliance with the requirements of section 93-23-18 and chapter 93, article 29.

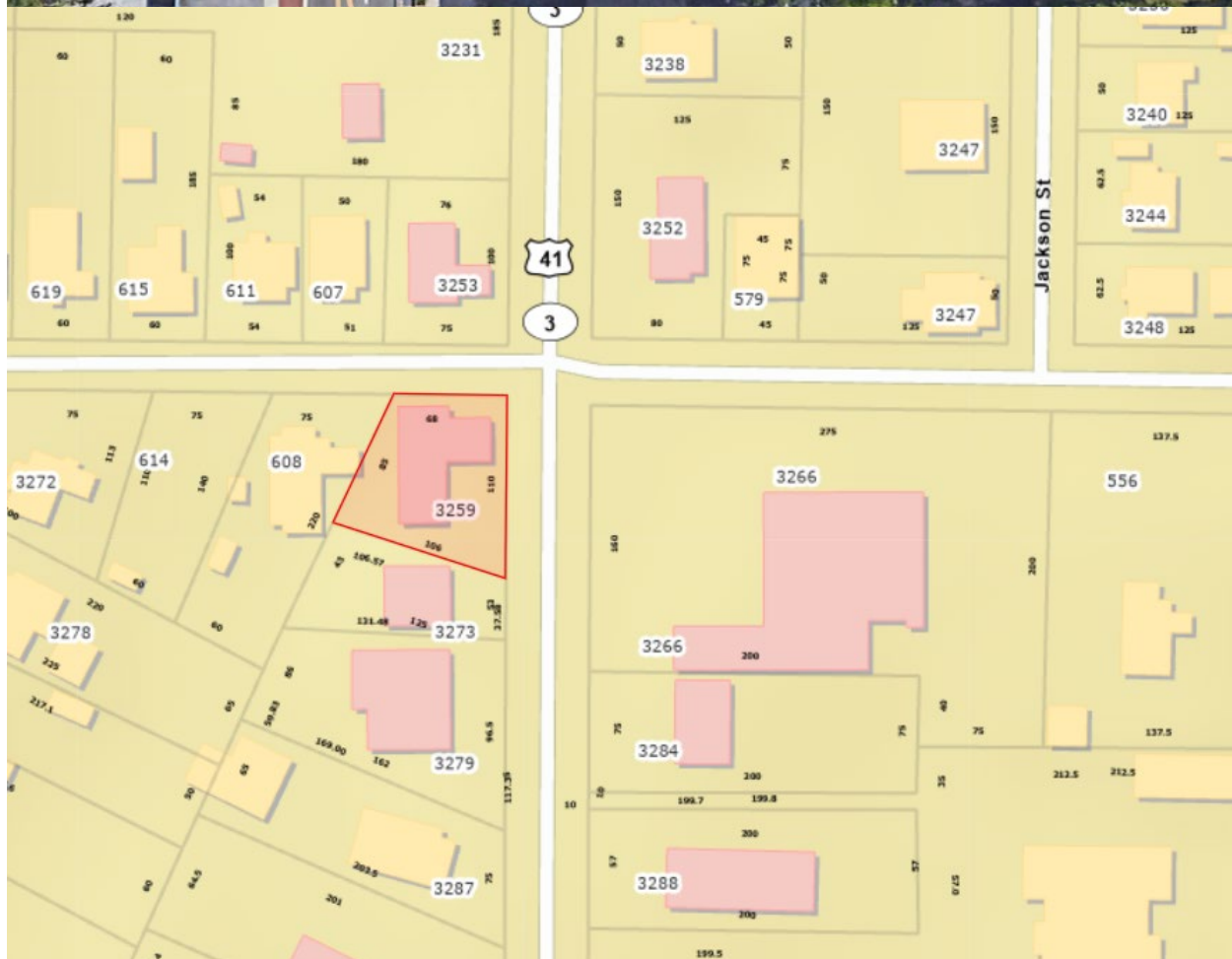
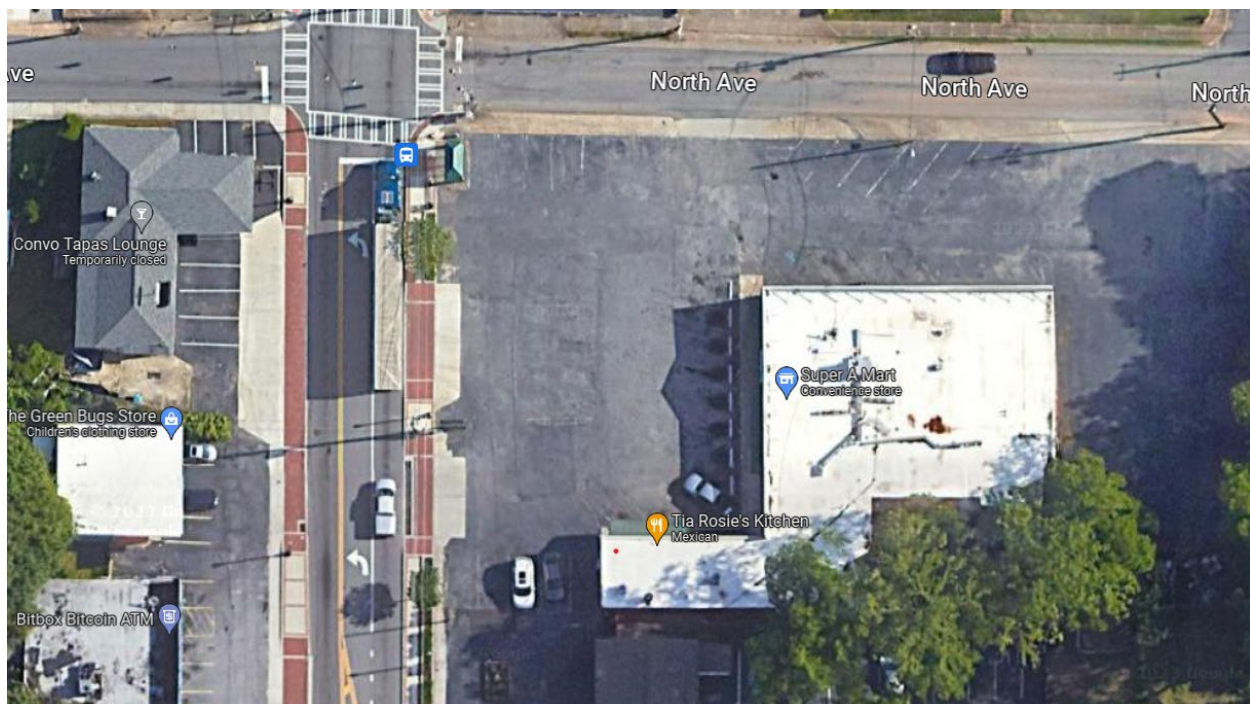
**Sec. 93-23-13. - Joint use of required off-street parking spaces.**

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the periods of usage of that structure will not be simultaneous with each other, as determined by the board of appeals.

**FINDINGS**

The Code requires that joint use of parking may not occur during the periods of usage for the granting property. 3273 Dogwood / Green Bugs has not provided operating hours. The building located at 3273 Dogwood is estimated at 1,050 SF and would require 6 parking spaces per Code. There are no excess spaces during business hours for shared usage. A previous report (January 2023) requested a site plan showing demarcated spaces for 3273 Dogwood and business hours. Neither have been provided. **The agreement between the Green Bug Store and the applicant is not compliant with Code.**

The property located at 3266 Dogwood / Super A Mart is approximately 9,170 SF (per Tax Assessor) and requires 46 parking spaces per Code. The number of parking spaces has not been provided. Business hours for Super A Mart are 8am to 10pm. Business hours for Convo Tapas Lounge are 11am to 11pm (1am on Saturday, 12am on Sunday). **The applicant should provide the number of total parking spaces at 3266 Dogwood Drive to determine the number available during overlapping business hours. Once this information is provided, the application may be considered for compliance with Code.**



Project Location – 3259 Dogwood Drive