



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, V. Chairman
Richard Neal
Kelly Singleton
Brittany Williams
Melanie Williams

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

August 24, 2023 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of May 25, 2023

Documents:

1. Minutes - May 25, 2023_draft

4. Public Hearing

4.I. 459 Oak Drive Variance Request

Background:

Benedict Fons is requesting variances to reduce the side setback, reduce the minimum floor area, and relief from the installation of concrete monuments at 459 Oak Drive, Parcel Identification Number 14-0094-0008-010-9. The property is zoned R-SF, Residential Single-Family and is subject to the zoning regulations under Sections 93-22.1-1 (Chart of dimensional requirements), 90-1-4 (Development prerequisite to final approval) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 459 Oak Drive_Variance_Redacted
2. Plans - 459 Oak Drive_Variance
3. Planner's Report - 459 Oak Drive BOA Subdivision 2023

5. Next Meeting Date - September 28, 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**

May 25, 2023 6:00 PM

MINUTES

1. Called to Order at 6:00 p.m.

2. Roll Call

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

3. Approval of Minutes

3.1. Minutes of April 27, 2023

MOTION ITEM: Kelly Singleton made a motion to approve the minutes of April 27, 2023, as submitted. Brittany Williams seconded the motion. Motion Carried: 5-0.

4. Public Hearing

4.1. 522 Oak Drive

Variance Request

Background:

Beaty Capital Group requested a variance to reduce the setback at 522 Oak Drive, Parcel Identification Number 14-0094-0005-011-0. The property is zoned R-SF, Residential Single-Family and is subject to the zoning regulations under Section 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

Findings:

According to the provided survey, single-family dwelling encroaches into the 15' front setback by an indeterminate amount. The site plan (not overlaid onto the survey) shows the structure encroaches into the 5' setback by 1' 4" with further encroachment (dimension not provided) from new construction to a rear addition. The proposed project is a rear addition (shown on the site plan) to accommodate a master bathroom and kitchen. A variance is required as per Code a non-conforming use may not expand its building footprint in any way.

Recommendation

The requested variance will allow for the addition of a rear addition (master bathroom and kitchen) on an existing wall plane. There is no evidence of a detriment to the public good. The proposed variance is recommended for approval.

Public Comment:

None.

MOTION ITEM: Kelly Singleton made a motion to grant the variance to reduce the setback at 522 Oak Drive, as requested. Melanie Williams seconded the motion. Motion carried: 5-0.

4.II. 3558 Elm Street

Variance Request

Background:

Phil Carson of MCRT Investments, LLC requested variances to increase the maximum parking allowance from 110% to 120% of the required parking and reduce the full-size parking stall minimum width from 10' to 9' at 3558-3668 Elm St. (Parcel ID's: 14-0096- 0005-002-7, 14-0096-0005- 003-5, 14-0096-0005-023-3, 14-0096-0005-002-7, 14-0096-0005-006-8, 14-0096-0005-007-6, 14-0096-0005-017-5, 14-0096-0005-022-5), 522-530 Porsche Ave. (Henry Ford II Ave.), (Parcel ID's: 14-0095-0001-009-7 and 14-0095-0001- 028-7), 543-573 College St. (Parcel ID's: 14-0095-0001-031-1, 14-0095-0001-015-4, 14-0095-0001-014-7, 14-0095-0001-013-9, 14-0095-0001-012-1) 3560 and 3572 Perkins St., 0 Perkins St. (Parcel ID's: 14-0095-0001-011-3, 14-0095-0001-018-8, 14-0095-0001-033-4). The properties are zoned RMU, Residential Mixed Use and are subject to the zoning regulations under Section 93-23-10 (Off-street parking requirements according to district and uses) and 93-23-11 (Size of off-street parking spaces, including parking spaces for compact automobiles, and parking spaces for automobiles of the physically handicapped) of the City of Hapeville Zoning Ordinance.

Findings:

The proposed project is a mixed-use, multi-family and retail development with 302 apartments and 7,629 SF of retail sited on 8.31 acres along Elm Avenue and Porsche Drive/South Central. There will be six (6) residential buildings and one (1) mixed use building and a clubhouse. The site includes a large pool, and greenspace.

The parcels are zoned RMU, Residential Mixed Use.

Code requirements are 1 parking space per residential unit and 3 spaces per thousand for commercial/retail space. The provided on-site residential parking totals 338 spaces (332 allowed maximum). This exceeds the allowed 110% maximum by 6 spaces (Sec 93-23-10).

The plan shows the minimum of 30% of parking spaces as compact (9' x 15'). The applicant is also requesting that 70% of the parking spaces be sized 9' x 18' instead of 10' x 18' (full size).

Recommendation:

Variance 1: Additional parking above 110% minimum. Parking in the RMU district is limited to 1 parking space per multi-family dwelling unit. The request is to increase this to 1.2 spaces per unit. While there is shared parking with the retail, the additional 6 spaces (over the 110% maximum) will minimize competition for the residential and retail users. Other communities such as Chamblee (1.5 spaces per unit) and East Point (1.75 spaces per unit) have more generous allowances. The variance is recommended to support the mixed-use concept.

Variance 2: Reduction in width of parking spaces. Parking spaces in East Point and Chamblee minimums measure 120 SF for compact (8' x 15') and 153 SF for Full size (8.5 x 18).

The variances requested are minimal and reflect the complexity of ensuring adequate parking for retail and residential uses while meeting the intent of the zoning code. The Planning Commission and Staff both recommended approval of the variances.

Public Comment:

None.

MOTION ITEM: Richard Neal made a motion to approve the variances to increase the maximum parking allowance from 110% to 120% of the required parking and reduce the full-size parking stall minimum width from 10' to 9' at 3558-3668 Elm St., 522-530 Porsche Ave. (Henry Ford II Ave.), 543-573 College St., 3560 and 3572 Perkins St., 0 Perkins St. Jason Morris seconded the motion. Motion carried: 5-0.

6. Next Meeting Date –June 22, 2023, at 6:00 p.m.

7. Adjourn

MOTION ITEM: Melanie Williams made a motion to adjourn the meeting at 6:13 p.m. Brittany Williams seconded the motion. Motion Carried: 5-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

23-BoA-08-07

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

Name of Applicant Benedict Fons
Mailing Address 1347 Hearst Drive NE, Brookhaven, GA 30319
Telephone [REDACTED] File # [REDACTED] Email [REDACTED]
Property Owner (s) Benedict Fons and JoAnn Fons
Mailing Address 1347 Hearst Drive NE, Brookhaven, GA 30319
Telephone [REDACTED] Mobile # [REDACTED]
Property Address/Location: 459 Oak Drive, Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0094-0008-010-9
Square Foot of Property 8,352^{92 sq ft} Building Size 192 acres Zoning R-SF
459-870 sq ft / 461-840 sq ft
Present Land Use Residential
Variance Requested set backs, size of lots, the square footage of the houses, and the marker monuments
Applicable Code Section 93-22.1-1 and 90-1-4

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.

Benedict Fons
Applicant's signature

Date: 7/25/2023

Sworn to and subscribed before me

This 25 day of July, 2023.

Adrienne Fayson Senter
Notary Public



Applicant	Benedict Fons		
Mailing address	1347 Hearst Drive NE, Brookhaven, GA 30319		
Telephone	██████████	Home	
	██████████	Mobile	
E-mail	████████████████████		
Prop. Owners	Benedict Fons JoAnn Fons		
Mailing address	1347 Hearst Drive NE, Brookhaven, GA 30319		
Telephone	██████████	Home	
	██████████	Mobile	
Prop address	459 Oak Drive, Hapeville GA 30354		
Parcel ID #	14-0094-0008-010-9		
Square Ft of prop	Total land area	8,352.92 sq ft	-- 0.192 acres
	proposed 459	4,181.58 sq ft	-- 0.096 acres
	proposed 461	4,171.34 sq ft	-- 0.096 acres
Bidg size	459	-- 870 sq ft	
	461	-- 840 sq ft	
Zoning	Residential-Single family		
Present land use	Residential		
Variance requested:	set backs size of lots the square footage of the houses the marker monuments		
Applicable code section	???		

**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.

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

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

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

July 24, 2023

Written Summary:

459 Oak Drive is a lot or parcel which contains (2) two separate houses, known as 459 and 461 Oak Drive.

461 Oak Drive is a newly renovated (2) bed room (1) bath house about ready for sale.

459 Oak Drive is in need of upgrading; a (3) bed room ((1) bath house requiring both interior and exterior renovation; after which it too will be sold.

I am requesting variances for: the set backs, the size of lot, the square footage of the houses, and the marker monuments to enable selling these properties. They were built some eighty or one hundred years ago under different circumstances and codes. 461 Oak, when sold, will provide the necessary funds for the upgrades to 459, so that too can be sold. With the improvements these properties will add aesthetic appeal and increase the neighborhood property values.

Unnecessary hardships:

Without the variances, I will be unable to sell 461, which in turn precludes making any improvements to 459 as well as its saleability

Peculiar to property

The uniqueness or peculiarity of parcel # 14-0094-0008-010-9, current 459, is it contains two houses which share a common driveway directly between the houses. The driveway will remain a jointly owned/shared with a cross easement providing ingress, egress, etc. to the parking in the rear of the respective houses.

Detriment to public good:

No detriment whatsoever, in fact it will be an improvement.

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

AUTHORIZATION OF PROPERTY OWNER

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

459 Oak Dr, Hapeville, GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A VARIANCE FOR THE PROPERTY.

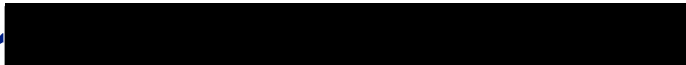
Name of Applicant

Benedict Fons

Address of Applicant

1347 Hearst Dr. NE
Brookhaven, GA 30319

Telephone of Applicant



Benedict Fons

Signature of Owner

Benedict Fons

Print Name of Owner

Personally Appeared Before Me this

25th day of July, 2023

Notary Public





**DEPARTMENT OF PLANNING & ZONING
PLANNER'S REPORT**

DATE: August 10, 2023
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 459 Oak Drive, Parcel ID 14-0094-0008-0109

BACKGROUND

The City of Hapeville has received a variance application from Benedict Fons to allow for the subdivision of an existing lot into two parcels. The property currently has two single family dwellings built (c.1920) on the one lot. The property is located at 459 Oak Drive (461 Oak Drive), Parcel ID 14-0094-0008-0109. The property is zoned R-SF, Single Family Residential. The dwellings share a common driveway.

The proposed lot square footages are 4,181 SF (459) and 4,171 (461) which are compliant with Code.

Variance 1 Sec. 93-22.1-1 Dimensional Requirements

The lot frontage of each proposed lot is 33.33', less than the required 40'.

Variance 2 Sec. 93-22.1-1 Dimensional Requirements

The square footage of the dwellings are 870 SF (459) and 840 SF (461), less than the minimum 1,000 SF.

Variance 3 Sec. 93-22.1-1 Dimensional Requirements

Both dwellings encroach in the 5' building setback along both the original property line (459) and the proposed property line (461) splitting the two lots.

Variance 4 Sec. 90-1-4. - Development prerequisite to final approval.

The applicant is also requesting a variance from installing a concrete monument

CODE

Sec. 90-1-4. - Development prerequisite to final approval.

(a) Required improvements. Every subdivision developer shall be required to grade and improve streets and alleys, install curbs and sidewalks, monuments, sewers, stormwater inlets and water mains in accordance with specifications established by the city.

(1) Monuments.

a. Concrete monuments three inches in diameter or square, 18 inches long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other lot corners shall be marked with an iron rod with a minimum cross section of 0.2 inches, 18 inches long, and driven so as to be flush with the finished grade.

Sec. 93-22.1-1 Dimensional Requirements

R-SF Zoning dimensional requirements for single-family detached structures are as follows:

					Minimum Front Yard		Minimum		Maximum			
Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
40	4,000	4,000	1,000	70	15	15	5	20	2 ½	35	2 DU	1

FINDINGS**Sec. 87-3-3. - Powers and duties.**

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

Not applicable

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

The property was developed circa 1920 with two houses on presumably one lot, before zoning was instituted in Hapeville. No improvements can be made to the property as it is non conforming.

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

As stated above, the existing dwelling is a non-conforming condition of the developed site. One of the existing houses (459) already encroaches on the side lot line setback. The only way to subdivide the lot and bring the properties into conformance is to provide variances as described above.

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 or impair the purpose and intent of the Code. Rather, it allows for the improvement of one of the existing single-family dwelling and reduces the number of buildings on each lot to one as required by Code.

RECOMMENDATION

The requested variances with regard to the Dimensional Requirements (Sec 93-22.1-1) are warranted as they are required for any development of the properties, including the sale of one and also bring the properties into compliance. The variance for the concrete monument may be approved with a substitute of an iron rod to be installed as State regulations require durable survey monuments. (Rule 180-7-.05 Monuments).



459 Oak Drive