



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
Kelly Esti
Richard Neal
Brittany Williams
Melanie Williams

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

September 28, 2023 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of August 24, 2023

Documents:

1. Minutes - August 24, 2023_draft

4. Public Hearing

4.I. 3034, 3038, and 3044 Springdale Road Variance Request

Background:

Lessard Design is requesting a variance to reduce the required setbacks at 3034, 3038, and 3044 Springdale Road, Parcel Identification Numbers 14-0099-0001-023-4, 14-0099-0001-088-7, 14-0099-0001-022-6. The properties are zoned V, Village and are subject to the zoning regulations under sections 93-11.5-6 (Area, placement, and buffering requirements) and 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 3034-3044 Springdale Road_Variance_Redacted
2. Plans - 3034-3044 Springdale Road_Variance
3. Planners Report-3034, 3038, and 3044 Springdale Road_Variance_Bump out
4. Legal Ad. - 09-28-2023_3034, 3038, 3044 Springdale_Setback

5. Next Meeting Date - October 26, 2023 at 6:00 PM

6. Adjourn



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

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

August 24, 2023 6:00 PM

MINUTES

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

2. Roll Call

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

3. Approval of Minutes

3.1. Minutes of May 25, 2023

MOTION ITEM: Richard Neal made a motion to approve the minutes of May 25, 2023, as submitted. Melanie Williams seconded the motion. Motion Carried: 4-0.

Board member Brittany Williams entered the meeting during discussion of the following item.

4. Public Hearing

4.1. 459 Oak Drive

Variance Request

Background:

Benedict Fons requested 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.

Findings:

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.

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).

Public Comment:

Kelly Force, the realtor for Mr. Benedict Fons, commented regarding the project.

MOTION ITEM: Jason Morris made a motion to grant variances to reduce the side setback, reduce the minimum floor area, and relief from the installation of concrete monuments and approval to install iron rods at 459 Oak Drive, as requested. Melanie Williams seconded the motion. Motion carried: 5-0.

5. Next Meeting Date – September 28, 2023, at 6:00 p.m.

6. Adjourn

MOTION ITEM: Brittany Williams made a motion to adjourn the meeting at 6:12 p.m. Richard Neal seconded the motion. Motion Carried: 5-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

23-BDA-19-08

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

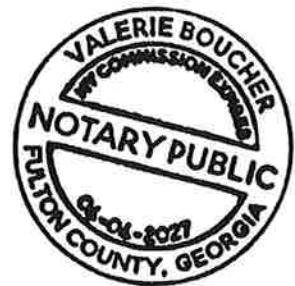
Name of Applicant Lessard Design
Mailing Address 8521 Leesburg Pkve, Suite 700, Vienna, Va 22182
Telephone [redacted] Mobile # [redacted] Email MNobleza@Lessarddesign.com
Property Owner (s) Bellwood Homes / Bellwood Investments
Mailing Address 736 Jefferson St. NW, Atlanta, Ga 30318
Telephone _____ Mobile # [redacted]
Property Address/Location: 3034, 3038, 3044 Springdale Rd, Hapeville, Ga 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009900010284 14 009900010887 14 009900010226
Square Foot of Property 159,374 Building Size _____ Zoning V, Village
Present Land Use Single Family Residential
Variance Requested Encroachment over setbacks for lots 51, 55, & 56.
Applicable Code Section SEC. 93-11.5-6 - Area, placement, and buffering requirements.

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.

[Signature]
Applicant's signature

Date: 8/10/23

Sworn to and subscribed before me
This 10th day of August, 2023.
Valerie Boucher
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.

Lot 51 – Due to this lots location it is considered to be a highly visible lot. It is on the corner of Springdale Road and Cofield Drive. It contains an element on the second floor of a bay window with a projection of two feet that encroach into the setback. We would like to maintain the character and presence of the second floor Bay window due to the very visible nature of the unit.

Lots 55 & 56 – We have already spoken to the fire Marshal, and they have approved the allowable distance of 20' to accommodate the 2' bay projections on both units.

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

If we had to change the units, we would either need to shift the buildings closer causing major resubmissions for our civil consultants, or change the look of the units.
The Units have already been approved by the board and have received positive responses.

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

The two buildings that have these bays are the most visible units on the site. Lots 51 is the most visible unit due to it being on the corner of Springdale Road and Cofield Drive.
The intent is to have these units to include these unique features.

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 if the variance was granted.

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

AUTHORIZATION OF PROPERTY OWNER

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

30388, 30444, 3034 Springdale Rd
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 Lessard Design

Address of Applicant 8521 Leesburg Pike, Suite 700, Vienna, Va 22182

Telephone of Applicant [REDACTED]

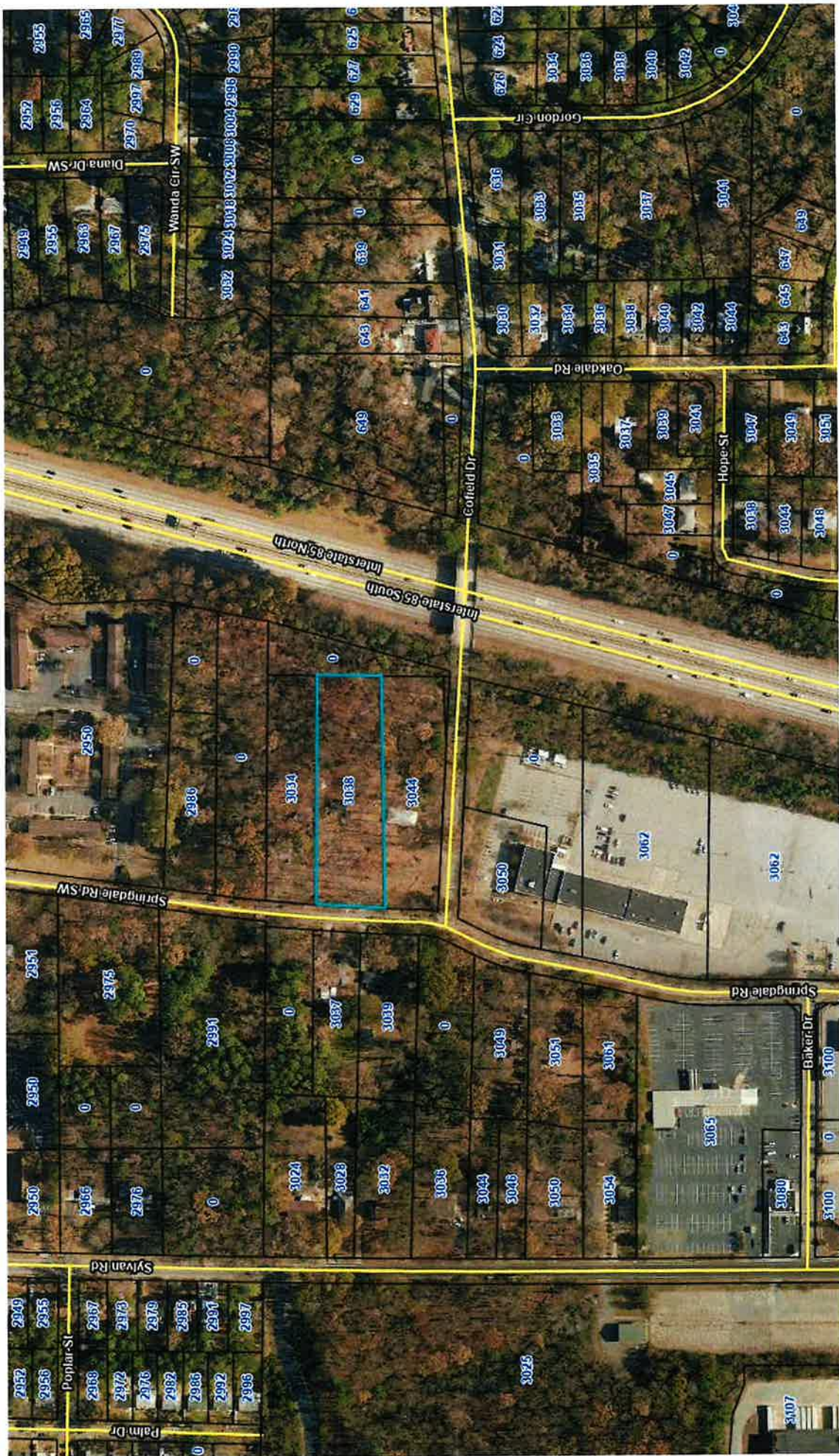
[Signature]
Signature of Owner

Lashawna Williams
Print Name of Owner

Personally Appeared Before Me this 10th day of August, 2023.

Valerie Boucher
Notary Public







- ### GRADING & DRAINAGE NOTES:
- SITE AREA: 3.88 ACRES
DISTURBED AREA: 3.74 ACRES
 - CRITICAL SPOT GRADES ARE TO PAVEMENT GRADE UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL CONSTRUCT ALL SIDEWALKS AND CROSSWALKS WITH A 2.0% MAXIMUM CROSS SLOPE AND A 5.0% MAXIMUM RUNNING SLOPE, UNLESS NOTED AS A RAMP. GRADES WITHIN ADA HANDICAP PARKING AREAS NOT TO EXCEED A 2% MAXIMUM SLOPE IN ANY DIRECTION.
 - ALL ROOF DRAIN PIPING SHALL BE PVC UNLESS OTHERWISE NOTED.
 - ALL ROOF DRAIN CLEANOUTS IN PAVED AREAS SHALL HAVE A BRASS CAP SET FLUSH WITH THE PROPOSED GRADE.
 - ALL PIPE LENGTHS SPECIFIED IN THESE PLANS ARE THE HORIZONTAL DISTANCE AND ARE SHOWN FOR REFERENCE ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE ACTUAL LENGTHS BASED ON PROPOSED PIPE SLOPE. PIPE LENGTHS IN PLANS ARE MEASURED FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE UNLESS OTHERWISE NOTED.
 - THIS PROJECT DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. "FLOOD HAZARD BOUNDARY MAP" COMMUNITY PANEL NUMBER 13121C0366F, DATED 09/18/2013.
 - UTILITIES MAY EXIST WHICH ARE NOT SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES HAVING UTILITIES WITHIN OR ADJACENT TO THE WORK AREA. THE CONTRACTOR SHALL HAVE THE UTILITIES FIELD LOCATED AND COORDINATE WITH THE UTILITY COMPANIES TO HAVE CONFLICTS RELOCATED WHEN NECESSARY OR ADAPTED FOR TIE-INS.
 - CONTRACTOR TO FIELD VERIFY EXISTING INVERT FOR SANITARY SEWER AND STORM DRAINAGE SERVICE CONNECTIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER OF DISCREPANCY PRIOR TO PROCEEDING.
 - NO GRADED SLOPE SHALL EXCEED 2H:1V
 - ALL WALLS GREATER THAN 30" IN HEIGHT SHALL BE DESIGNED AND PERMITTED BY AN ENGINEER LICENSED IN THE STATE OF GEORGIA.
 - ALL WALLS GREATER THAN 30" IN HEIGHT SHALL HAVE FALL PROTECTION THROUGH FENCING OR HANDRAIL AT A MINIMUM OF 42" TALL. REFERENCE LANDSCAPE PLANS FOR DETAILS.
 - THE INFILTRATION FOR THE STORMWATER SYSTEM IS BASED ON IN-SITU TESTING BY GEOTECHNICAL ENGINEER. THE SYSTEM IS BASED ON OBTAINING INFILTRATION RATES SIMILAR TO THE TESTED VALUES PRE-CONSTRUCTION. AS SUCH, THE AREAS WHERE STORMWATER IS DIRECTED TO INFILTRATE ARE TO REMAIN RESIDUAL SOILS AND COMPACTION IS TO BE LIMITED TO ENSURE THE SOIL CHARACTERISTICS CONTINUE TO FUNCTION AS TESTED PRE-CONSTRUCTION. IF THESE AREAS ARE DISTURBED, COMPACTED, OR FILLED, THE ENGINEER IS TO BE NOTIFIED AS ADDITIONAL TESTING AND COORDINATION WOULD BE REQUIRED TO ENSURE THE PREVIOUSLY RECORDED INFILTRATION RATES CAN BE ACHIEVED.

- ### GRADING LEGEND:
- | | |
|-----------|--------------------------------|
| 950 | EXISTING MAJOR CONTOUR |
| 948 | EXISTING MINOR CONTOUR |
| 945 | PROPOSED MAJOR CONTOUR |
| 944 | PROPOSED MINOR CONTOUR |
| 945.00 | PROPOSED SPOT GRADE |
| TG 945.00 | PROPOSED TOP GRADE AT WALL |
| BG 945.00 | PROPOSED BOTTOM GRADE AT WALL |
| TS 945.00 | PROPOSED TOP OF STAIR GRADE |
| BS 945.00 | PROPOSED BOTTOM OF STAIR GRADE |
| HP 945.00 | PROPOSED HIGH POINT GRADE |
| LP 945.00 | PROPOSED LOW POINT GRADE |
| TC 945.00 | PROPOSED TOP OF CURB GRADE |
| BC 945.00 | PROPOSED BOTTOM OF CURB GRADE |
| → | DRAINAGE FLOW ARROW |

- ### STORM DRAINAGE LEGEND:
- | | |
|------|--|
| JB | JUNCTION BOX |
| CI | HOODED GRATE CURB INLET (GDOT 1019A, TYPE E) |
| GI | GRATE INLET (GDOT 10191A, TYPE A) |
| SWCB | SINGLE WING CATCH BASIN (GDOT 1033D) |
| DWCB | DOUBLE WING CATCH BASIN (GDOT 1034D) |
| YD | YARD DRAIN (NDS CATCH BASIN OR COMPARABLE) |
| CO | CLEAN OUT |
| WQ | WATER QUALITY DEVICE |
| OCS | OUTLET CONTROL STRUCTURE (CAST-IN-PLACE) |
| TD | TRENCH DRAIN |
| — | PROPOSED ROOF DRAIN PIPE |
| — | PROPOSED STORM PIPE |

GEORGIA811
Utility Protection Center, Inc.
Know what's below.
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GRAPHIC SCALE IN FEET
0 10 20 40

PRELIMINARY: NOT FOR CONSTRUCTION

Kimley»Horn
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1200 PEACHTREE STREET, NE, SUITE 800
ATLANTA, GEORGIA 30309
PHONE: (404) 419-9700
WWW.KIMLEY-HORN.COM

BELWOOD HOMES
736 JEFFERSON STREET
ATLANTA, GA 30318
PHONE: 404.988.8990

1	DRC SUBMITTAL	05/17/2023	ATB	BY
No.	ISSUANCE AND REVISION DESCRIPTIONS	DATE		

BELLWOOD SPRINGDALE
3038 SPRINGDALE ROAD SW, Hapeville, GA 30354
LAND LOT 99, 14TH DISTRICT
PARCEL ID: 14-010000030452, 14-009900010234 & 14-009900010687

GEORGIA811
REGISTERED PROFESSIONAL ENGINEER
05/17/2023

GSWCC NO. (LEVEL II)	0000068765
DRAWN BY	ZF
DESIGNED BY	ATB
REVIEWED BY	BWS
DATE	05/17/2023
PROJECT NO.	013709001
TITLE	GRADING PLAN
SHEET NUMBER	C3-00



Department of Planning & Zoning
PLANNER'S REPORT

DATE: September 21, 2023
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 3034, 3038, 3044 Springdale Road
(Parcel Numbers 14 009900010887, 14 009900010234, 14 009900010226)

BACKGROUND

The City of Hapeville has received a variance application from the Lessard Design to reduce the setback for units/lots 51, 55 and 56 to allow for a second story bump out located at 3034, 3038, 3044 Springdale Road (Parcel Numbers 14 009900010887, 14 009900010234, 14 009900010226). The lots will be consolidated and 59 townhomes will be located on the site.

The properties are zoned V, Village and are subject to the zoning regulations under Section 93-11.5 of the City of Hapeville Zoning Ordinance.

Two of the units, lots 55 and 56 will have a separation of 24' on the first story with a 22' separation on the second story with the bump out. The second story encroachment on the corner is approximately 1'.

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.
- (3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.

(4) Distance between buildings. The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.

Sec. 93-2-8. - Frontage on corner lots and double frontage lots.

On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this chapter; except, however, on residentially zoned corner lots, the height limitation shall apply to the yard area of such lot which is defined as "rear yard" in section 93-1-2.

The applicant received approval for the Site Plan from the Planning Commission on May 9, 2023, and approval from the Design Review Committee on June 21, 2023. During a redesign, the addition of the second story bump outs as placed on the plan presented a reduction in the separation and an encroachment in the corner lot setback.

CODE

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

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

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

The property is located at the intersection of Cofield Drive and Springdale Road. The property is rectangular in shape. There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question.

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

The separation of 20' is related to both safety (fire distance) and aesthetics. The 1' reduction in separation does not create a negative aesthetic. The corner would be enhanced by the second story bump out.

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

This particular property is located on a corner lot adjacent to a commercial enterprise.

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

This particular property is isolated from other residential parts of the City. Across Cofield is a commercial operation (Hertz Corporation rental vehicle repair). Relief would not cause substantial detriment to the public.

RECOMMENDATION

Staff requested the applicant evaluate shifting 51-55 to the north 1' to stay about the setback, however, the applicant indicated the topography of the property would make that difficult.

There is no perceived issue with the second story encroachment in the setback or between the buildings. The aesthetics would be improved. Staff recommends granting the variance for the reduced setback and separation reduction as requested above.



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: 08/23/2023.





Subscribed and sworn to before me this August 23, 2023



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Board of Appeals on **Thursday, September 28, 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 Request:

Variance request to reduce the required setbacks at 3034, 3038, and 3044 Springdale Road, Parcel Identification Numbers 14-0099-0001-023-4, 14-0099-0001-088-7, 14-0099-0001-022-6. The properties are zoned V, Village and are subject to the zoning regulations under sections 93-11.5-6 (Area, placement, and buffering requirements) and 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.
Applicant: Lessard Design

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 September 27, 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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