

Board of Appeals Meeting

Videoconference

Join from a PC, Mac, iPad, iPhone or Android device using this URL:

<https://zoom.us/j/346985747>

Webinar ID: 346 985 747

Or join by phone: 877 853 5247 (Toll Free)

April 23, 2020 6:00 PM

Agenda

1. Call to Order
2. Roll Call
 - Michael Simpson, Chairman
 - Jan Bolien, Vice Chairman
 - Gabriel Cojocarescu
 - Rod Mack
 - Larry Martin
 - William Slocumb
 - John Stalvey
3. Minutes of February 27, 2020
 - 3.I. Approval of Minutes
 - 1. MINUTES - 2-27-2020_draft
4. New Business
 - 4.I. 3272 North Whitney Avenue Variance Request
 - Background:

Mr. Alex Arias is requesting a variance to reduce the required minimum rear yard setback at 3272 North Whitney Avenue, Parcel Identification Number 14-0098-0016-001-4. The property is zoned R-1, One-Family Detached and is subject to the zoning regulations under 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Staff Comment
Applicant Comment
Public Comment

Documents:

1. Application - 3272 North Whitney Avenue, Setback_Redacted
2. Planner's Report 3272 N. Whitney Ave. BoA Rev. 4-17
3. LEGAL ADV 04-23-2020_BOA

4.II. 817 Custer Street Variance Request

Background:

Ardina T. Pierre is requesting a variance to reduce the required minimum rear yard and front yard setbacks at 817 Custer Street, Parcel Identification Number 14-0098-0000-020-4. The property is zoned V, Village and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Staff Comment

Applicant Comment

Public Comment

Documents:

1. Application - 817 Custer Street_variance request_Redacted
2. 817 Custer Street - Site Plan
3. Planner's Report 817 Custer St 0417
4. LEGAL ADV 04-23-2020_BOA
5. Next Meeting Date - Thursday, May 28, 2020 at 6:00 PM
6. Adjourn



Michael Simpson, Chairman
Jan Bolien, Vice Chairman
Gabriel Cojocarescu
Rod Mack
Larry Martin
Billy Slocumb
John Stalvey

**Board of Appeals Meeting
700 Doug Davis Drive Hapeville, GA 30354
February 27, 2020 at 6:00 PM**

MINUTES

1. Welcome and Introduction

Chairman Michael Simpson called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jan Bolien, Gabriel Cojocarescu, Rod Mack, Larry Martin and John Stalvey. City Planner Michael Smith and Secretary Adrienne Senter were also present.

Board of Appeals member Billy Slocumb was unable to attend the meeting.

2. Approval of Minutes

2.I. Approval of Minutes - January 23, 2020

MOTION ITEM: Jan Bolien made a motion, Gabriel Cojocarescu seconded to approve the minutes of January 23, 2020 as submitted. Motion Carried: 5-0.

Board of Appeals member Gabriel Cojocarescu recused himself from the following item as he is the adjacent property owner.

3. Old Business

3.I. 3240 Lake Avenue

Variance Request

Background

Beatriz Arroyo is requesting to reduce the south side setback from 5' to 0.84' for Tract 1 of the proposed subdivision of 3240 Lake Avenue, Parcel Identification Number 14-0099-0003-073-7. The property is zoned R-SF, Residential Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

This item was tabled at the January 23, 2020 Board of Appeals meeting to allow staff time to obtain additional information regarding the existing structure.

Staff Comment:

Staff reported that the existing property is vacant with the exception of a 1,200-sf, 2-unit apartment. Currently the structure is a nonconforming use and multifamily structures are not allowed under the R-SF zoning district.

The suitability of the building for use as an accessory structure depends on the existence of a primary use, and without any existing or proposed separate primary use, there are no applicable specific restrictions from which the applicant is seeking relief. Staff does not recommend granting the variance.

Applicant Comment:

The applicant stated that the request remains the same and she would like to move forward with subdividing the lot for the construction of two new homes.

Chairman Simpson asked if the existing structure remained on would she agree to make modifications to bring it into conformity. Ms. Arroyo stated that she could modify the building but not demolish it.

Public Comment:

None.

4. Next Meeting Date – March 26, 2020 at 6:00 p.m.

5. Adjourn

MOTION ITEM: John Stalvey made a motion, Gabriel Cojocarescu seconded to adjourn the meeting at 6:18 p.m. Motion Carried: 6-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

20-BOA-03-06

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

Name of Applicant Alex S. Arias

Mailing Address 3272 North Whitney Ave. Hapeville, GA

Telephone _____ Mobile # _____ Email _____

Property Owner (s) Alex S. Arias

Mailing Address 3272 W. Whitney Ave. Hapeville, GA 30354

Telephone _____ Mobile # _____

Property Address/Location: 3272 North Whitney Avenue

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14009800160014

Square Foot of Property 0.203 acres Building Size 1,190 Zoning R-1

Present Land Use Residential

Variance Requested Setback

Applicable Code Section Sec. 9B-22.1-1

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.

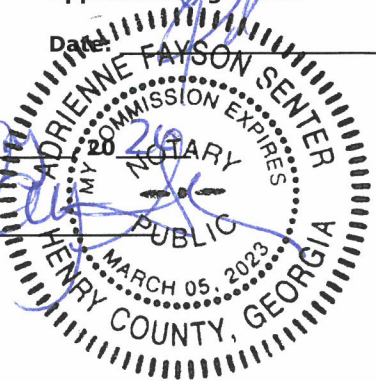
[Signature]
Applicant's signature

Date: _____

Sworn to and subscribed before me

This 12th day of February

[Signature]
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.

This particular property only has one door at the front, and for safety matters, it needed a second door. The drawing paper attached shows the size and the shape. They are according to the existent shape of the property. The house has the driveway on the side where I put the porch.

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

The ordinance to this particular piece of property would not create an unnecessary hardship because the house is already built out of the set back requirement as the survey shows. It justifies the proposed project because of the existing layout of the house.

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

The condition of this piece of property is peculiar because it is at the corner of the street. The house was built in the back corner of the property, leaving part of the house outside. That is where I built the porch to match the existing design.

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

If this variance was granted, it will not do any damage to the public, instead it will improve the property and the community.

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

AUTHORIZATION OF PROPERTY OWNER

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

3272 North Whitney Avenue

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.

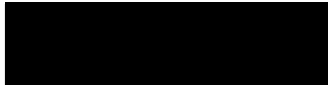
Name of Applicant

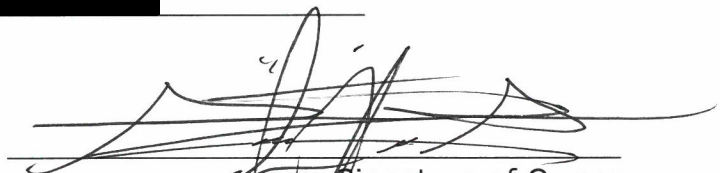
Alex S. Arias

Address of Applicant

3272 N. Whitney Ave.

Telephone of Applicant





Signature of Owner

Alex S. Arias

Print Name of Owner

Personally Appeared Before me this 24th day of February, 2020.

Adrienne P. Senter
Notary Public

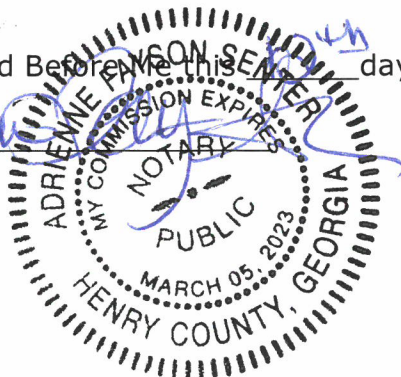


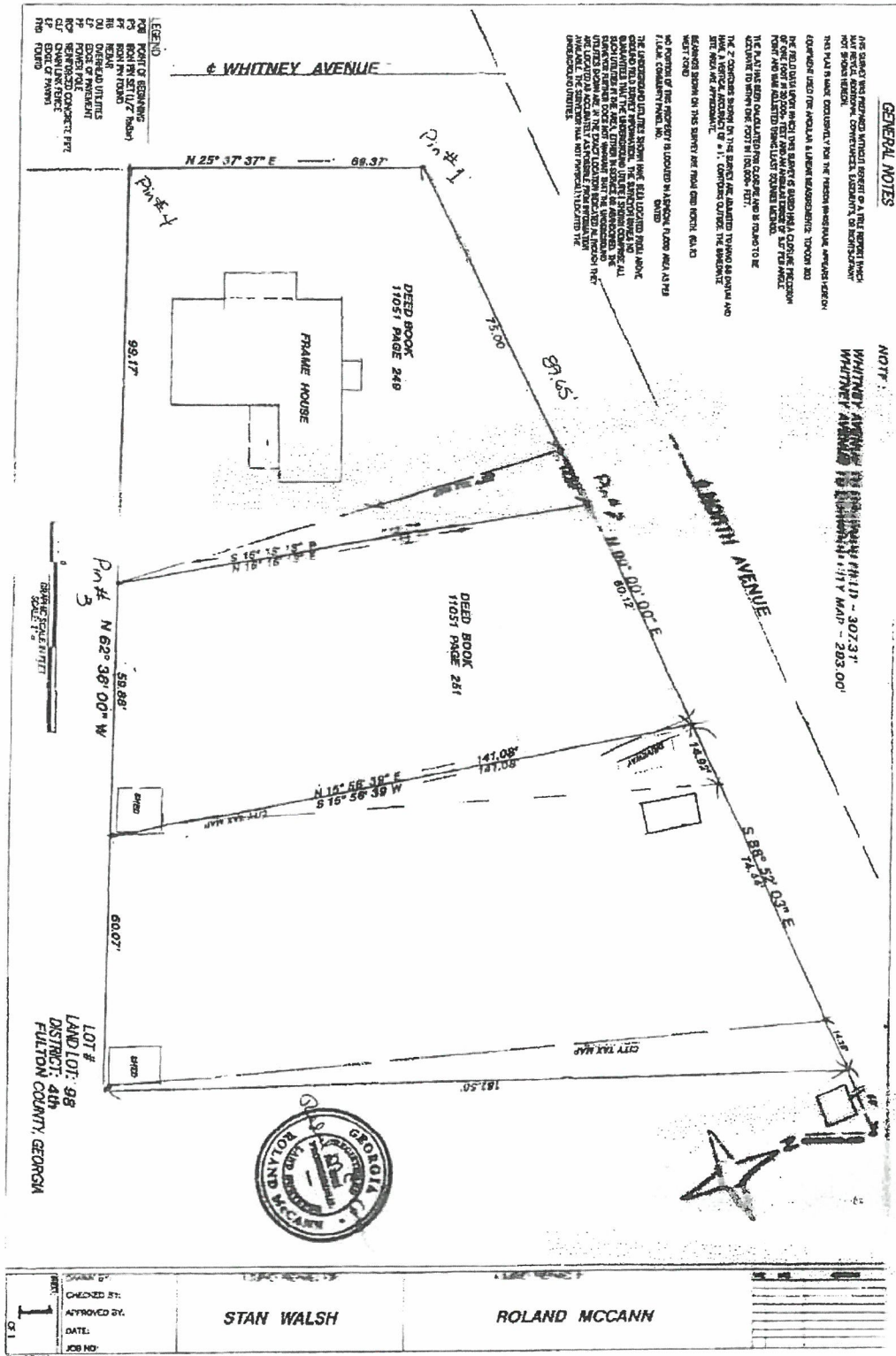
Exhibit A

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 pin located at the intersection of the southerly right of way line of North Avenue and the westerly right of way line of Whitney Avenue; run thence North 90 Degrees 00 Minutes 00 Seconds East along the southerly right of way line of North Avenue and following the curvature thereof a distance of 89.69 feet to a point; leaving the southerly right of way line of North Avenue, run thence South 16 Degrees 18 Minutes 18 Seconds West a distance of 112.71 feet to a point; run thence North 62 Degrees 36 Minutes 00 Seconds West a distance of 99.17 feet to a point on the westerly right of way line of Whitney Avenue; run thence North 25 Degrees 37 Minutes 37 Seconds East along the westerly right of way line of Whitney Avenue and following the curvature thereof a distance of 69.37 feet to a point and the TRUE POINT OF BEGINNING.

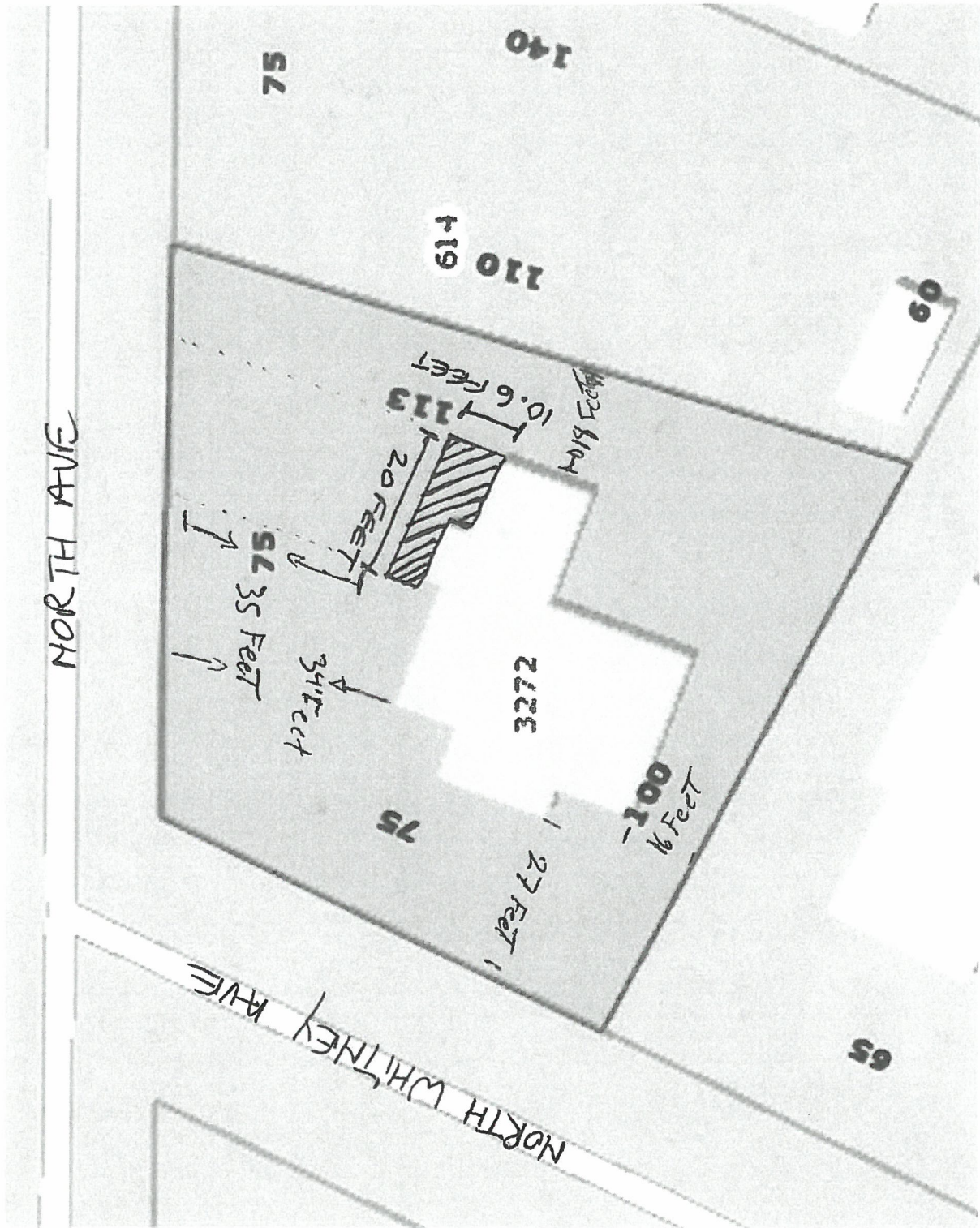
All as shown on a plat of survey prepared for Stan Walsh by Roland McCann (GRLS No. 1752) which survey is attached hereto as Exhibit "B" and made a part hereof by this reference.

Exhibit "B"



3272 NORTH WHITNEY AVE
HARPEVILLE GA 30354

PROPOSED SITE PLAN





Left Side Elevation
Prior to Addition

Left Side Elevation



↑
18'10"

↑
20'11"

→ 20' Feet ←

Front Porch Addition: 10'6 x 20'
212-sf

Front Elevation

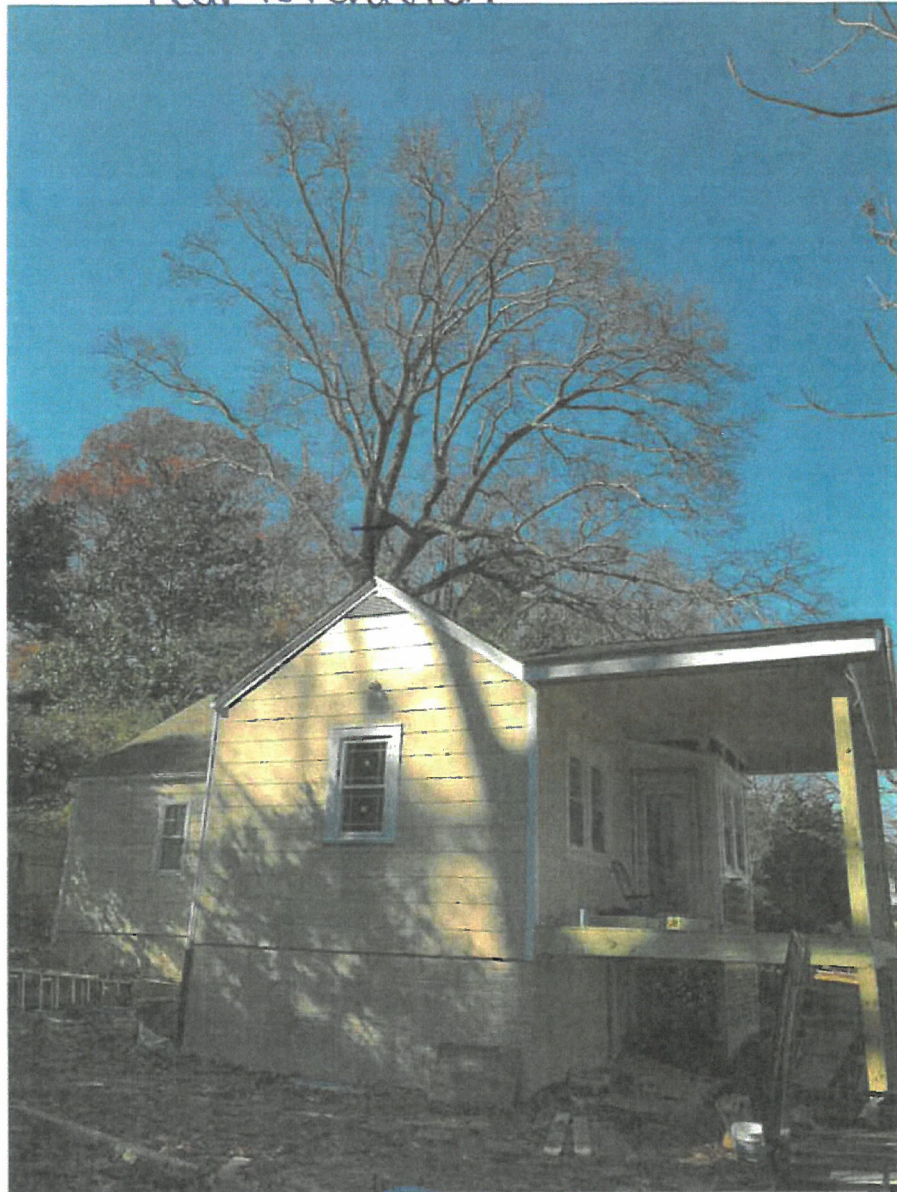


↑
10' 8"

↑
9' 5"

↑
9' 11"

Rear Elevation



↑
19' Feet

Rear Elevation

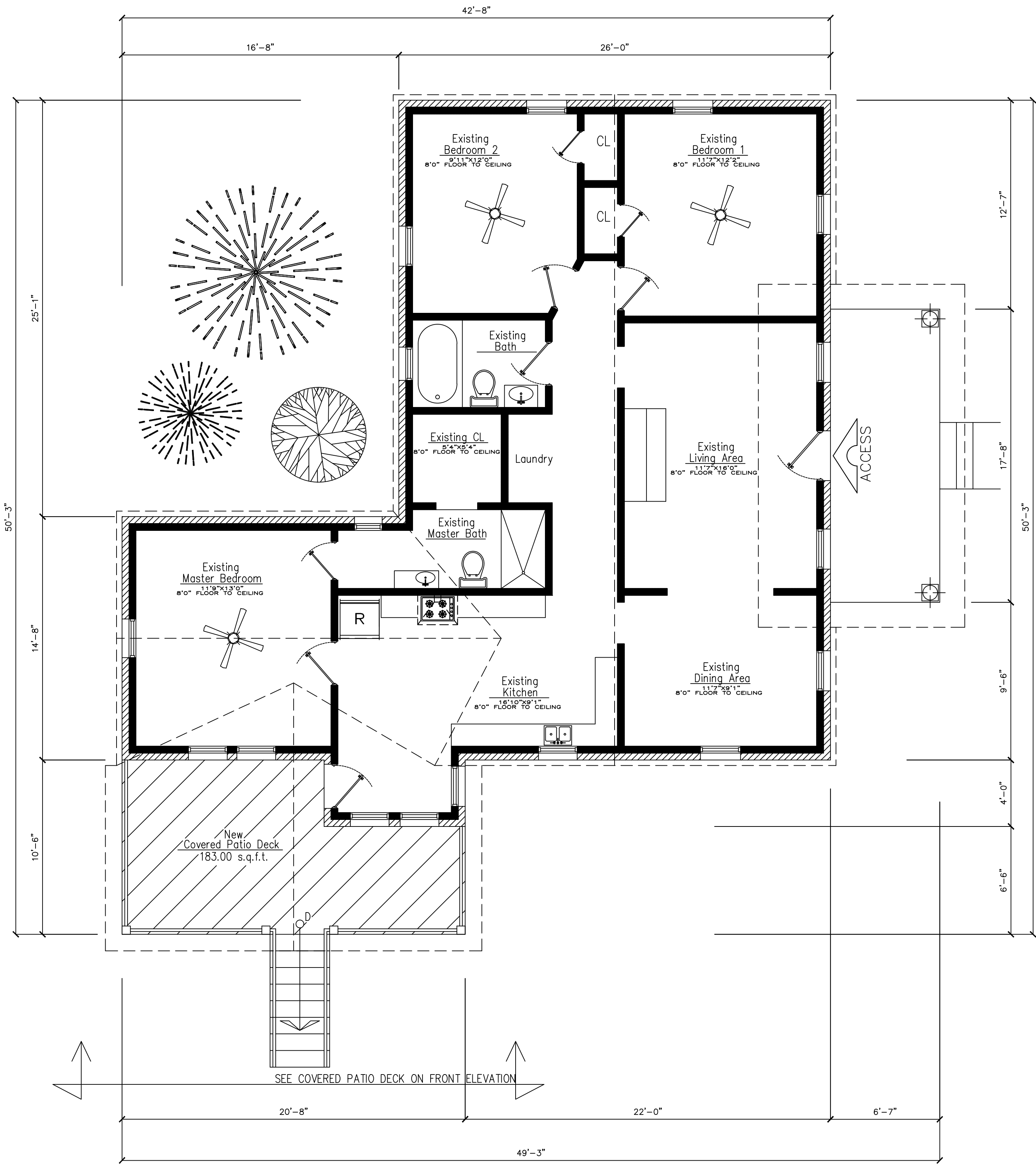


↑
13 Feet

Right Side Elevation

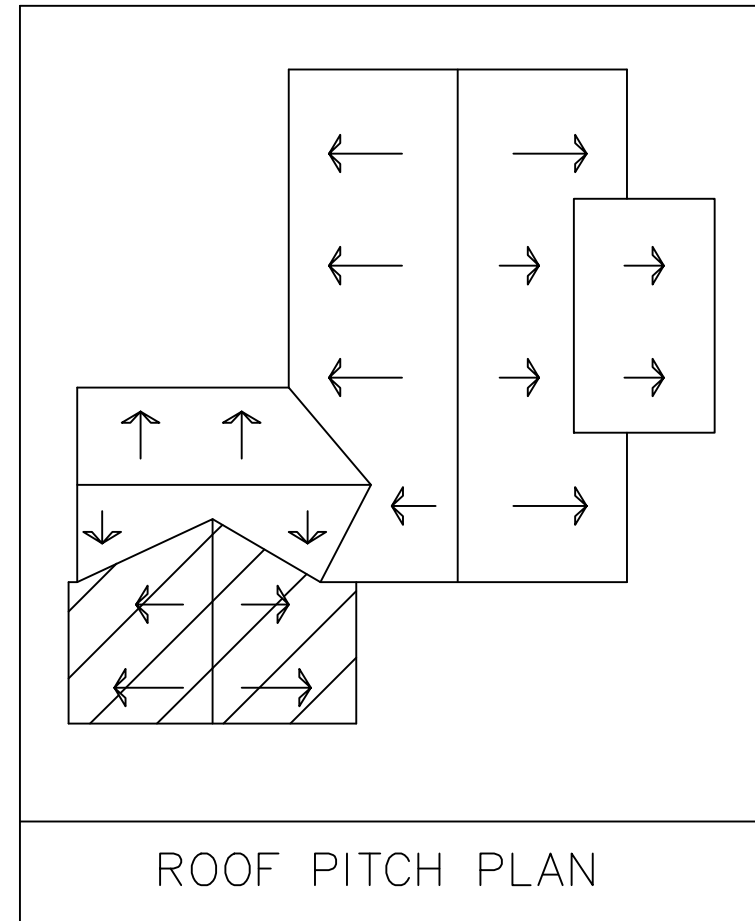


↑
19'



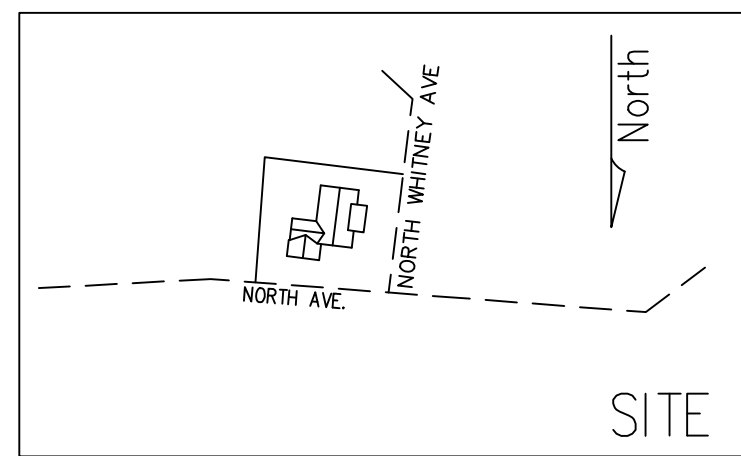
EXISTING FLOOR PLAN

SCALE: 1/4"

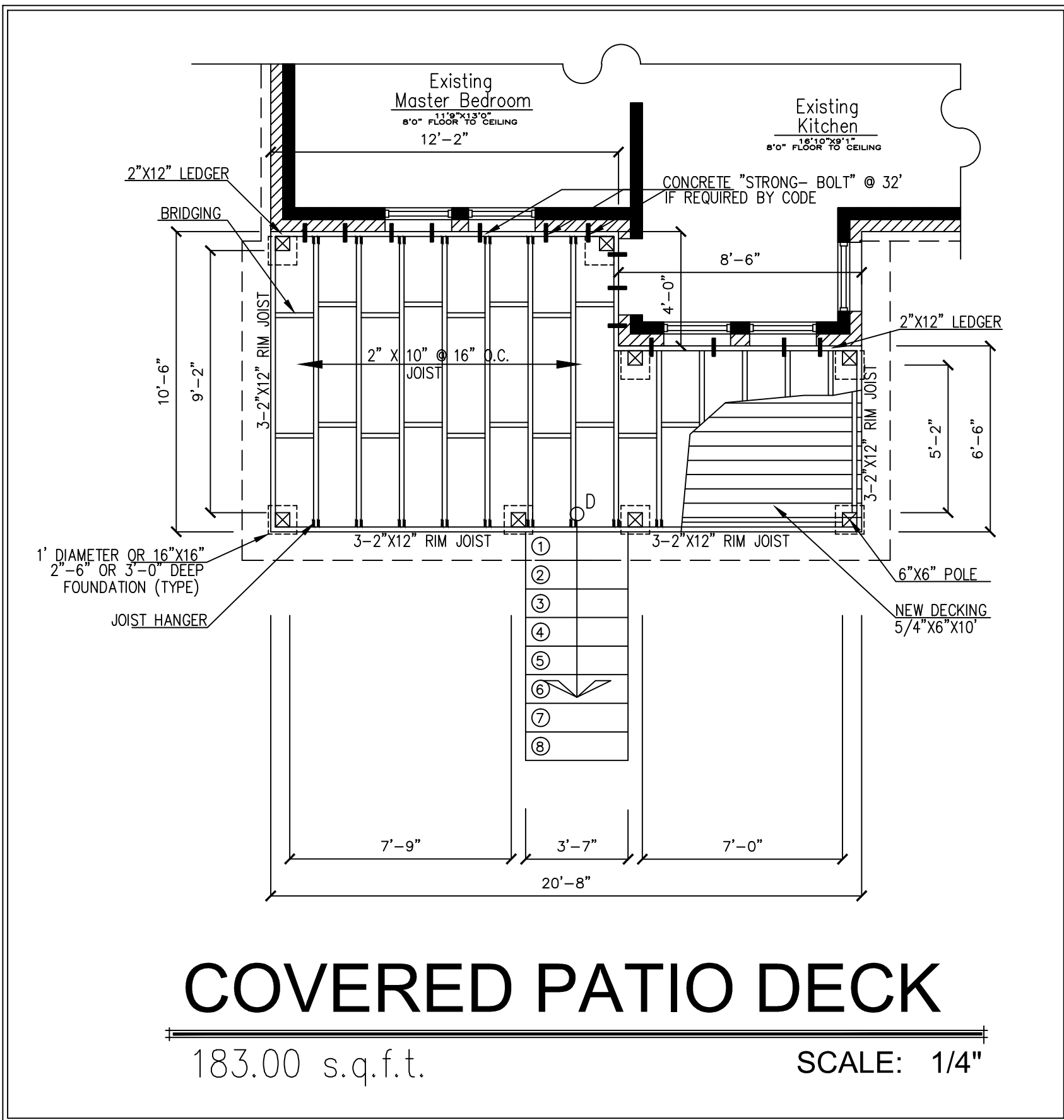


ROOF PITCH PLAN

AREA SCHEDULE		
	EXISTING 1-STORY HOUSE	1,311.95 s.q.f.t.
	NEW COVERED PATIO DECK	183.00 s.q.f.t.
	TOTAL AREA	1,494.95 s.q.f.t.



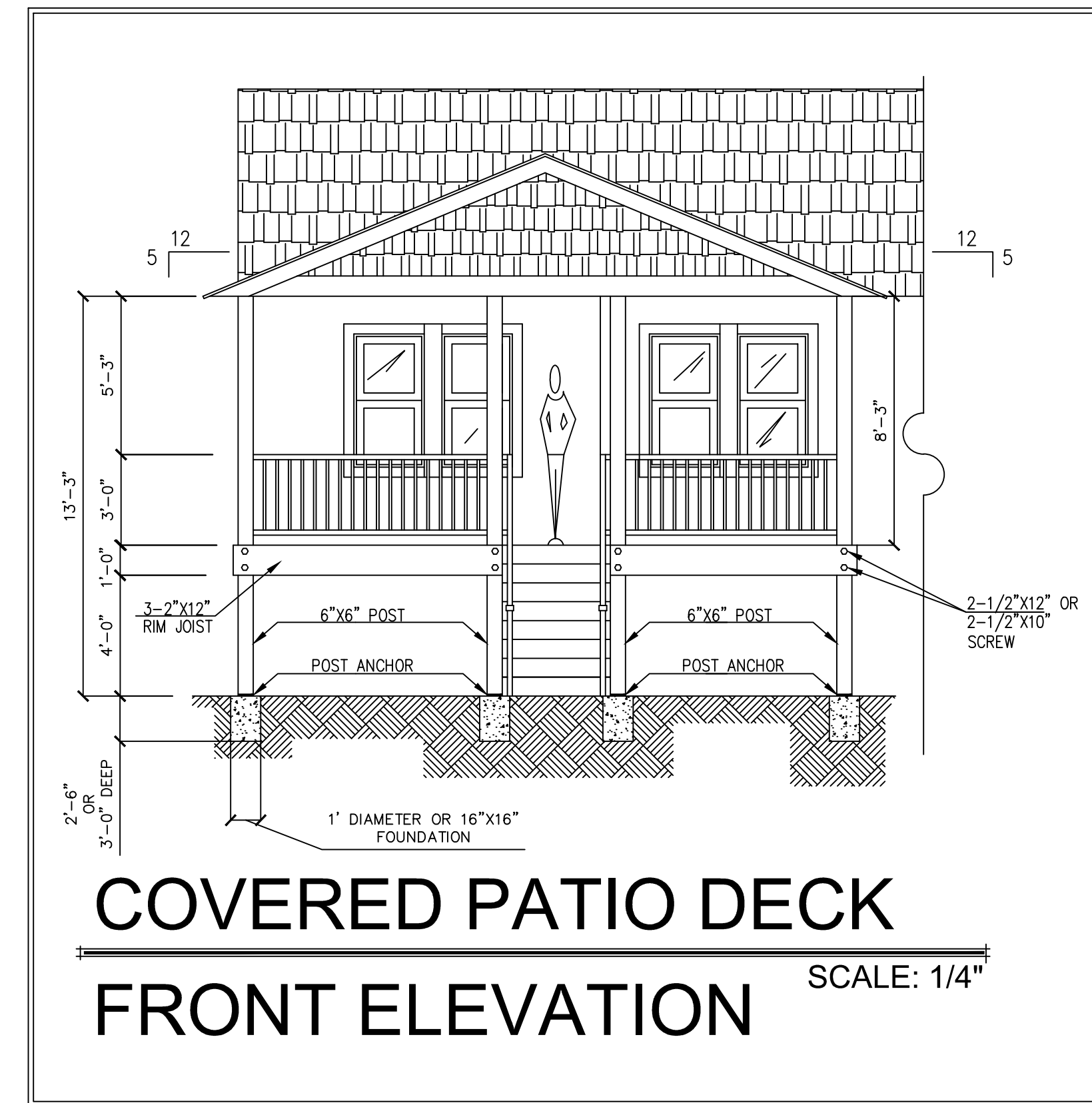
SITE



COVERED PATIO DECK

183.00 s.q.f.t.

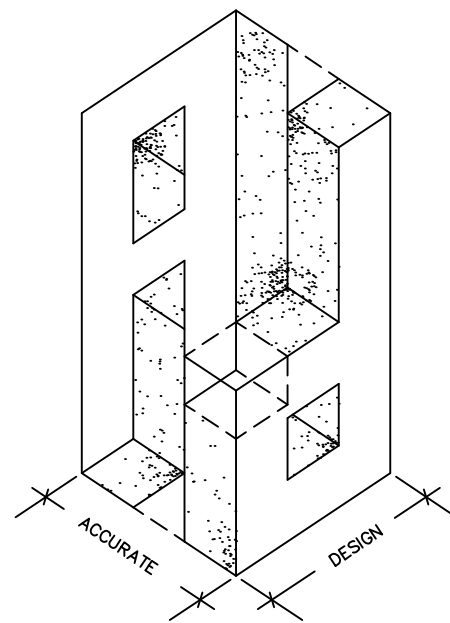
SCALE: 1/4"



COVERED PATIO DECK

FRONT ELEVATION

SCALE: 1/4"



DRAWN BY:
ACCURE|DES
CELL: 404.423.9070

DRAWING:

FLOOR PLAN

DRAWN BY:

ACCURE|DES
404-423-9070

PROJECT:

NEW COVERED PATIO DECK

OWNER:

ALEX J ARIAS

ADDRESS:

3272 NORTH WHITNEY AVE
HAPEVILLE GA 30354

SHEET NUMBER:

A-1

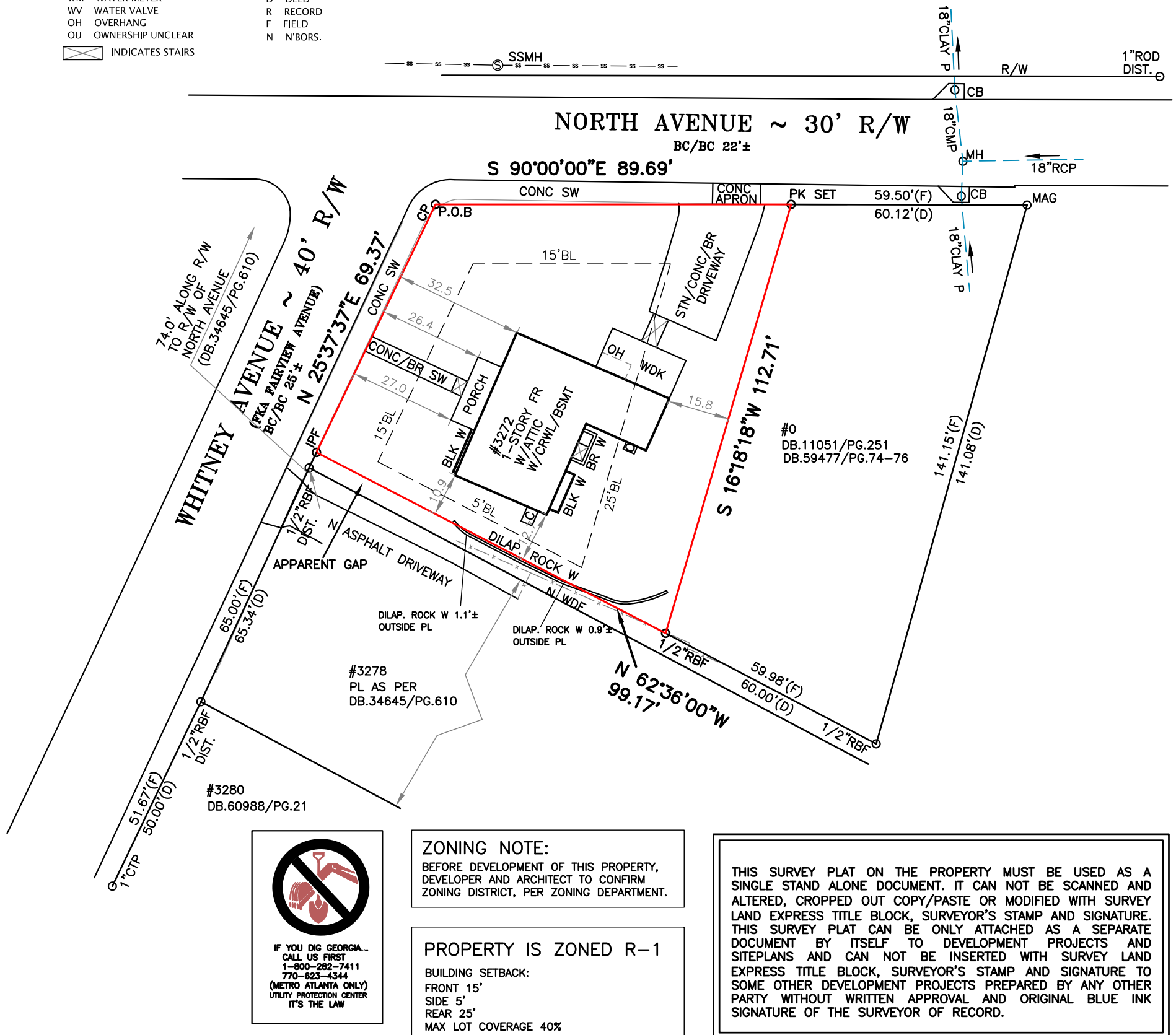
SCALE: 1/4"

ACCURE|DES IS NOT A LICENSED ARCHITECT

MAGNETIC

IFF IRON PIN FOUND
 IPS IRON PIN SET
 OTP OPEN TOP PIPE FOUND
 CTP CRIMP TOP PIPE FOUND
 RB REINFORCING BAR
 RBF REINFORCING BAR FOUND
 RBS REINFORCING BAR SET
 MAG MAGNETIC READING
 AIF ANGLE IRON FOUND
 CP CALCULATED POINT
 -X-X FENCE
 CLF CHAIN LINK FENCE
 WDF WOOD FENCE
 WRF WIRE FENCE
 IRF IRON FENCE
 FC FENCE CORNER
 WW WET WEATHER
 BL BUILDING LINE
 R/W RIGHT-OF-WAY
 PC PROPERTY CORNER
 PL PROPERTY LINE
 CL CENTER LINE
 CPT CARPORT
 SP SCREEN PORCH
 P PORCH
 FH FIRE HYDRANT
 CBX CABLE BOX
 BR BRICK
 FR FRAME
 WD WOOD
 SN SIGN
 P PLAT
 D DEED
 R RECORD
 F FIELD
 N N'BORS.

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.



0 30

SCALE 1" = 30'

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 0.5 SECONDS PER ANGLE POINT AND WAS OBTAINED USING THE LEAST SQUARES METHOD. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAN. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

**24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
SURVEYLANDEXPRESS.COM**

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.



Department of Planning & Zoning

PLANNER'S REPORT

DATE: April 16, 2020
TO: Adrienne Senter
FROM: Michael Smith
RE: Variance Application for 3272 North Whitney Avenue

BACKGROUND

The City of Hapeville has received a variance application from Alex Arias to allow for a reduction in the minimum east rear yard setback from 25' to 14' for the property at 3272 North Whitney Avenue. The applicant has already constructed a new side porch, which provides outdoor space for a new side door and is adjacent to the property's driveway. The porch is located within the rear setback by 10.6', which requires a Variance. The primary structure without the new porch was already 9.2' within the rear setback. To the best of Staff's knowledge, the structure likely lawfully erected in its current form more than 20 years ago, making it legal non-conforming. As such, a Variance is required for any new construction expanding the footprint of the building to take place.

The applicant received a conditional approval from the Design Review Committee on April 15, 2020. The property is currently zoned R-1, One-Family Detached.

CODE

ARTICLE 6. - R-1 ZONE (ONE-FAMILY RESIDENTIAL)

Sec. 93-6-1. - Intent.

By virtue of its location within the comprehensive land development plan for the city, the R-1 zone is established in order to protect residential areas now predominantly developed with one-family detached dwellings and a few adjoining areas likely to be developed for such purposes. Only a few additional and compatible uses are permitted. The regulations of this zone are intended to:

- (1) Protect the present predominantly one-family use of the land.
- (2) Encourage the discontinuance of existing incompatible uses, and insure the ultimate stabilization of the land in one-family usage.
- (3) Protect and promote a suitable environment for family life.
- (4) Discourage any use which would generate other than normal residential traffic on minor streets.
- (5) Discourage any use which, because of its character or size, would create excessive requirements and costs for public services.

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.

Sec. 93-22.1-1 Dimensional Requirements

R-1 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
50	6,750	6,750	1,000	40	15	15	5	25	2½	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;

The property is a corner lot that was previously developed, and a section of the house is already in the setback. Otherwise, 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 existing dwelling footprint sits within the side yard setback and therefore is non-conforming. A smaller variance to allow for a 15.8' setback would be required for any expansion of the house to occur, regardless of the placement. The applicant wished to install a second door for safety and convenience and providing any usable outdoor space for that second door beyond simple stairs

would require some kind of variance. However, the decision to install a second porch extending further into the setback was done as a matter of individual desire rather than necessity or hardship.

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

There are no conditions peculiar to the particular piece of property involved other than that the structure itself was already legal non-conforming.

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.

RECOMMENDATION

The applicant has not demonstrated any extraordinary or exceptional conditions that would create an unnecessary hardship should the Zoning chapter be applied as written. The applicant built the porch addition without consulting with the City, and an applicant cannot create their own unnecessary hardship. As the structure is legal non-conforming, a Variance for a 15.8' rear setback would be required for any expansion of the footprint of the building, which Staff would support. However, the Variance requested is to permit construction on the property further within the setback than the structure was already sitting, lowering the setback requirement to 14'. This was done as a matter of individual preference, not of necessity. As a hardship based on the property conditions has not been established by the applicant, staff cannot support this request for a variance.

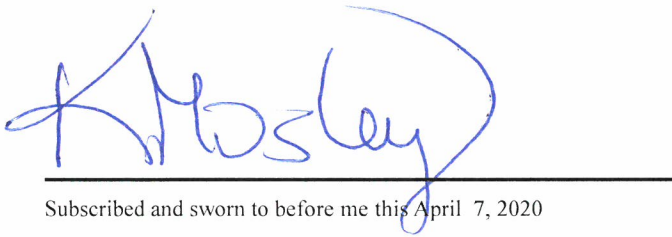
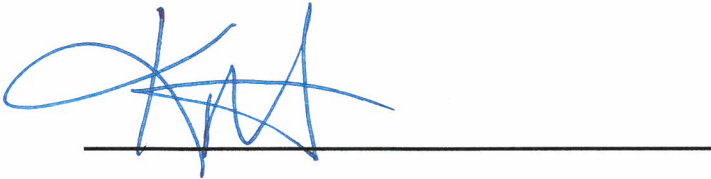


3272 N. Whitney Ave.

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: 04/07/2020.



Subscribed and sworn to before me this April 7, 2020



**NOTICE
City of Hapeville
Board of Appeals Meeting**

There will be a Board of Appeals on **Thursday, April 23, 2020 at 6:00 p.m.** via teleconference/videoconference per O.C.G.A. § 50-14-1(g) at <https://zoom.us/j/346985747> or by dialing 1-312-626-6799, Webinar ID: 346 985 747 to consider the following requests:

Variance Request:

Variance request to reduce the required minimum rear yard and front yard setbacks at 817 Custer Street, Parcel Identification Number 14-0098-0000-020-4. The property is zoned V, Village and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.
Applicant: Ardina T. Pierre

Variance Request:

Variance request to reduce the required minimum rear yard setback at 3272 North Whitney Avenue, Parcel Identification Number 14-0098-0016-001-4. The property is zoned R-1, One-Family Detached and is subject to the zoning regulations under 93-22.1-1 of the City of Hapeville Zoning Ordinance.
Applicant: Alex J. Arias

Please contact the Department of Planning and Zoning at (404) 669-8269 if you have any questions accessing the virtual meeting.
#0000466508:4/07-1AS

20-130A-03-05

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

Name of Applicant Ardina T. Pierre
Mailing Address P.O. Box 82727, Hapeville, GA, 30354
Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]
Property Owner (s) Ardina T. Pierre
Mailing Address P.O. Box 82727, Hapeville, GA, 30354
Telephone [REDACTED] Mobile # [REDACTED]
Property Address/Location: 817 Custer St., Hapeville, GA, 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0098-0000-020-4
Square Foot of Property 9097.86 Building Size 2,103 Zoning V
Present Land Use Residential Single Family
Variance Requested Variance over setbacks
Applicable Code Section 93-22.1-1

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: 2-11-2020

Sworn to and subscribed before me

This 11 day of Feb, 2020.

Takeila Jackson
Notary Public



4

**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 number (one) I reason is the lot size configuration does not do a lot for optimizing the floor plan.

I have a personal need to have my Master Bedroom on the main level.

And I have a nicely design home base plan to conform with the design - the current set-up will put me on undesirable circumstances.

The lot gets narrow as it goes back.
Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

This would deny me the ability to design a desirable floor plan.
An impose on me financially hardship, and cut back on the living space.

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

Because the lot configuration tapering off the front, and goes narrow in the back.

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

It would raise the property value on the street. It corner lot is the face of the city. And Virginia Park my house would be a future landmark high profile, and visibility from the street of South Central and Custer Street - which is building the image of the city and the community.

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

AUTHORIZATION OF PROPERTY OWNER

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

817 Custer St.
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 Ardina T. Pierre

Address of Applicant 817 Custer St. Hapeville GA 30354

Telephone of Applicant [REDACTED]



Signature of Owner

Ardina T. Pierre

Print Name of Owner

Personally Appeared Before Me this 11 day of Feb, 2020

Takeila Jackson
Notary Public





Call us at 1-800-913-2350

ENTER PLAN #

GO

SEARCH

STYLES

COLLECTIONS

SIGNATURE

SALE

BLOG

REGISTER

LOGIN

SAVED

CART



PLAN 929-1032

Signature plan by Donald A. Gardner Architects



© Donald A. Gardner, Inc.

Photographs may show modified designs.



EXAMPLES





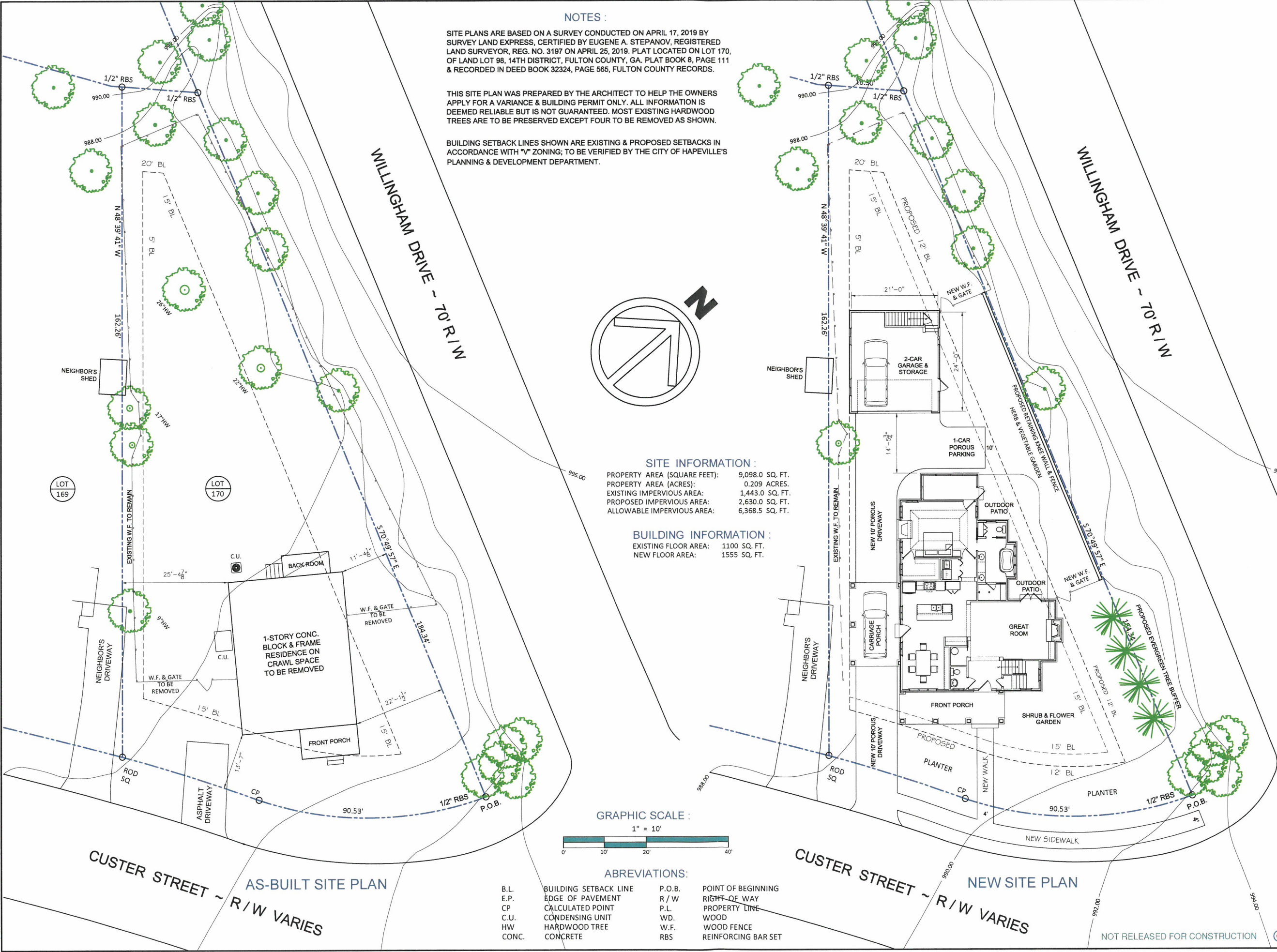






EXISTING





CLIENT:
**ARDINA PIERRE
RESIDENCE**
 817 Custer Street,
 Atlanta, Georgia
 30354-1903

 Received By:
 Mrs. Ardina Pierre

PROJECT :

**NEW
SINGLE FAMILY
RESIDENCE
TO REPLACE
AN EXISTING
RESIDENCE**

ARCHITECT :

SAMI

 SAMI FREIJI ARCHITECT
 NCARB LEED AP

 2844 Delcourt Drive,
 Decatur, GA
 30033-2440

 T/F: 404-728-8840
 C: 404-242-2142

This Drawing is the legal property of SAMI LLC. It is not to be reproduced or copied in whole or in part. It is to be used for the specific project/site identified herein. It is to be used in any other project. It must be returned at Architect's request.

This Drawing is a legitimate instrument of service to document to the owner, contractor and bid official the basic ingredients of the project identified herein.

This Drawing does not warrant the constructability or suitability for a particular purpose of the building. It is an organizing tool to guide the building team & to coordinate the various disciplines throughout the process and/or phases of constructing the building.

Contractor must verify all existing conditions onsite, conduct all necessary tests required by bid officials, not limited to soil bearing capacity, structural tests, hydrology studies, boundary & topographic surveys, before entering into any construction undertaking.

SUBMITTAL DATES :	DESCRIPTION :
JAN 12, 2020	INITIAL PROJECT SIGNING
MAR 08, 2020	DESIGN REVIEW MEETING
MAR 26, 2020	CITY REVIEW SUBMITTAL
APR 14, 2020	CITY REVIEW SUBMITTAL

**EXISTING & PROPOSED
SITE PLANS**

Project No: 2002

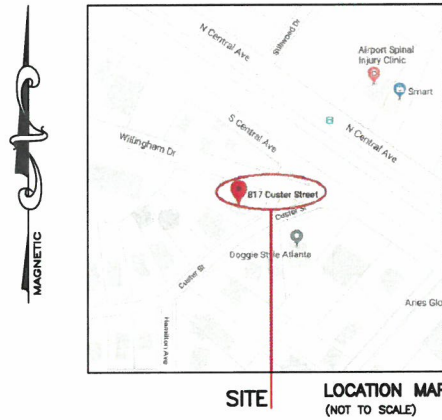
Date: APR 14, 2020

Drawn by: S.F.

Checked by: A.P.

Sheet No:

G-1



FLOOD NOTE:

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (S) (S NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL.

MAP ID: 1312100366F DATE: 09/18/2013

ZONE: X

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

ZONING NOTE:

BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT.

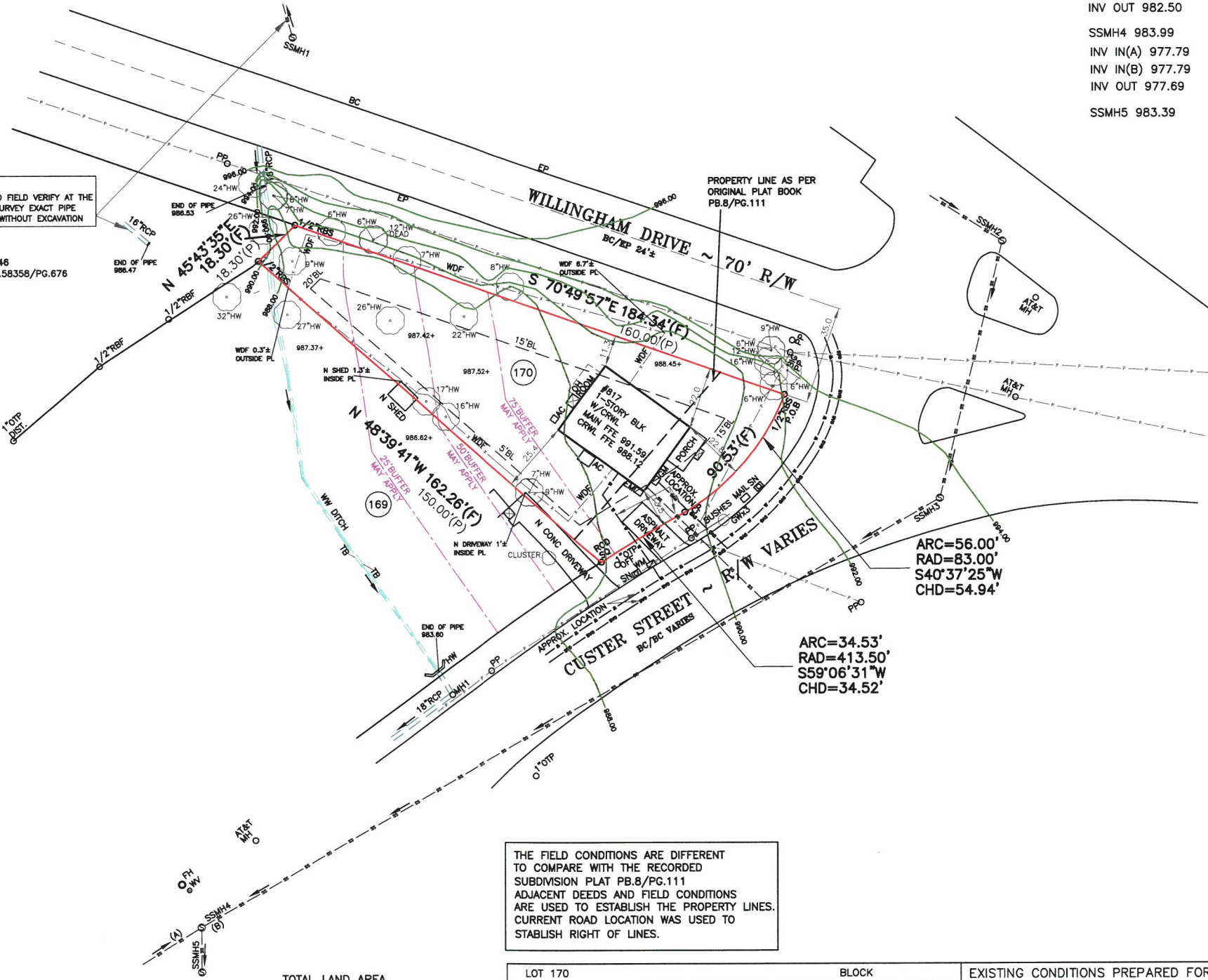
PROPERTY IS ZONED V

BUILDING SETBACK:
FRONT 15'
SIDE 5'
REAR 20'
MAX LOT COVERAGE 70%



NOTE A
UNABLE TO FIELD VERIFY AT THE
TIME OF SURVEY EXACT PIPE
LOCATION WITHOUT EXCAVATION

#846
DB.58358/PG.676



THE FIELD CONDITIONS ARE DIFFERENT
TO COMPARE WITH THE RECORDED
SUBDIVISION PLAT PB.8/PG.111
ADJACENT DEEDS AND FIELD CONDITIONS
ARE USED TO ESTABLISH THE PROPERTY LINES.
CURRENT ROAD LOCATION WAS USED TO
STABLISH RIGHT OF LINES.

TOTAL LAND AREA
9097.86 SF / 0.209 AC

ALLOWABLE LOT COVERAGE
6368.50 SF / 0.146 AC

EXISTING LOT COVERAGE
1261.03 SF / 0.028 AC

LOT 170	BLOCK	EXISTING CONDITIONS PREPARED FOR:	SHEET 1 OF 1
SUBDIVISION VIRGINIA PARK	UNIT	ARDINA PIERRE	
LAND LOT 98	14TH DISTRICT	SECTION	
FULTON COUNTY, GEORGIA	PB.8/PG.111	DB.32324/PG.565	
FIELD WORK DATE APR 17, 2019	PRINTED/SIGNED APR 25, 2019	PROPERTY ADDRESS: 817 CUSTER STREET HAPEVILLE, GA 30354	
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 17" x 22"		
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.			
AP COORD #20190783 DWG #20190783	SURVEY LAND EXPRESS, INC LAND SURVEYING SERVICES	24 LENOX POINTE ATLANTA, GA 30324 FAX 404-601-0941 TEL 404-252-5747 INFO@SURVEYLANDEXPRESS.COM	

OLD HOUSE FFE
MAIN 991.59

SSMH1 995.23
SSMH2 994.59
INV IN 983.99
INV OUT 983.89
SSMH3 993.60
INV IN 982.60
INV OUT 982.50
SSMH4 983.99
INV IN(A) 977.79
INV IN(B) 977.79
INV OUT 977.69
SSMH5 983.39

* LEGEND *

- APD AS PER DEED
- AE ACCESS EASEMENT
- APF AS PER FIELD
- AI ANGLE IRON FOUND
- AIF ANGLE IRON FOUND
- APP AS PER PLAT
- APR AS PER RECORD
- BC BACK OF CURB
- BLK BLOCK
- BL BUILDING LINE SETBACK
- BR BRICK
- CB CATCH BASIN
- CBX CABLE BOX
- CL CENTER LINE
- CLF CHAIN LINK FENCE
- CLM CADASTRAL MAP
- CMP CORRUGATED METAL PIPE
- C.O.A. CITY OF ATLANTA
- CO SAN. SEWER CLEANOUT
- CP CALCULATED POINT
- CPT CARPORT
- CTP CRIMP TOP PIPE FOUND
- D DEED
- DE DRAINAGE EASEMENT
- DI DRAINAGE INLET
- EB ELECTRIC POWER BOX
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- F FENCE CORNER
- FC FIRE HYDRANT
- FR FRAME
- GL GAS LINE
- GM GAS METER
- GV GAS VALVE
- GW GUY WIRE
- HDW HEAD WALL
- HW HARDWOOD TREE
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- IR IRON ROD FOUND
- IRF IRON FENCE
- IV IRRIGATION VALVE
- JB JUNCTION BOX
- LP LIGHT POLE
- LLL LAND LOT LINE
- MAG MAGNETIC READING
- MGN MAGNOLIA TREE
- MH MAN HOLE
- MTF METAL FENCE
- N N BORD
- OH OVERHANG
- OTI OPEN TOP PIPE FOUND
- OU OWNERSHIP UNCLER
- P PORCH
- PC PROPERTY CORNER
- PL PROPERTY LINE
- PN PINE TREE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PP POWER POLE
- PLW POWER LINE
- (P) PLAT
- R RECORD
- RBF REINFORCING BAR FOUND
- RBS REINFORCING BAR SET
- RCP REINFORCED CONC. PIPE
- R/W RIGHT-OF-WAY
- SH SANITARY SEWER LINE
- SSE SANITARY SEWER EASEMENT
- SP SCREENED PORCH
- TB TOP OF BANK
- TP TRAFFIC POLE
- UE UTILITY EASEMENT
- WD WOOD
- WDF WOOD FENCE
- WDK WOOD DECK
- WL WATER LINE
- WM WATER METER
- WW WIRE FENCE
- WV WATER VALVE
- WWF WET WEATHER
- YI YARD INLET
- X-X- FENCE
- INDICATES STAIRS
- TB IS TOP OF BANK
- EDGE OF WRESTED VEGETATION

* LINE INDICATORS *

- SS SS SS INDICATES SANITARY SEWER LINE
- P P P INDICATES POWER LINE
- W W W INDICATES WATER LINE
- G G G INDICATES GAS LINE
- F F F INDICATES FENCE LINE
- D D D INDICATES DRAINAGE LINE
- INDICATES EASEMENT

* SYMBOLS *

- ELECTRIC PANEL/METER
- WATER METER
- AIR CONDITIONER
- GAS METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- TRAFFIC/INFD SIGN
- GAS MARKER
- LAMP POST
- FIRE HYDRANT
- DRAINAGE INLET



Department of Planning & Zoning

PLANNER'S REPORT

DATE: April 16, 2020
TO: Adrienne Senter
FROM: Michael Smith
RE: Variance Application for 817 Custer Street

BACKGROUND

The City of Hapeville has received a variance application from Ardina Pierre to allow for a reduction in the minimum front yard setback from 15' to 12' for the property at 817 Custer Street. The lot is a corner lot, and the request applies to both street-facing setbacks. The applicant is proposing to construct a new 2,557 square foot two-story single-family dwelling with detached garage on the property. The proposed plans show the development encroaching in the setback in three places: the front porch, the north side great room, and the north side of the garage. The lot is irregularly shaped, narrowing considerably in the rear to the west.

The property is currently zoned V, Village, and is located within the A-D, Arts District overlay.

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. 93-2-8. - 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.

Sec. 93-22.1-1 Dimensional Requirements

V 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
50	4,000	4,000	1,000	70	15	15	5	20	2½	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;

The property is a corner lot, which requires the front setback distance to apply to any street-facing yards. Further, the lot has a triangular shape due to its presence at an irregularly shaped four-way intersection. The shape is atypical of most corner lots and reduces the amount of area that can be developed within the required setback.

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

*The application of this chapter to this particular piece of property **could** create an unnecessary hardship, as the lot does not have a shape conducive to all forms of development allowed by zoning while maintaining the required setbacks. However, the applicant has chosen a single-family dwelling design with a detached garage that does not attempt to optimally use the space provided. There is enough room on the lot for a narrower dwelling, albeit not one chosen by the applicant.*

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

The lot is unique in Hapeville due to its shape, and the conditions are peculiar to this particular intersection.

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.

RECOMMENDATION

The property is unusually shaped due to its location at a peculiar four-way intersection and narrows considerably near the rear. Such a shape could be considered grounds to grant a variance based on the size, shape, or topography of the lot preventing its use as permitted by zoning. However, the applicant has not exhausted all design options for a new single-family dwelling that could fit within the established setbacks, and has opted for a wider design that accommodates a master bedroom, great room, and two-car garage. Preference is not grounds for a variance alone, and staff cannot support approval of the variance request.

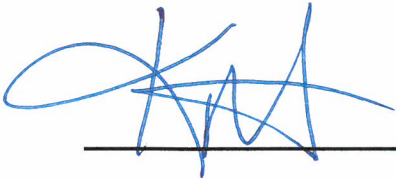


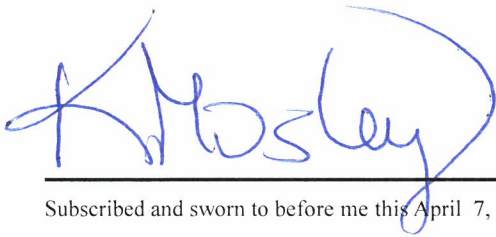
817 Custer Street

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: 04/07/2020.





Subscribed and sworn to before me this April 7, 2020



**NOTICE
City of Hapeville
Board of Appeals Meeting**

There will be a Board of Appeals on **Thursday, April 23, 2020 at 6:00 p.m.** via teleconference/videoconference per O.C.G.A. § 50-14-1(g) at <https://zoom.us/j/346985747> or by dialing 1-312-626-6799, Webinar ID: 346 985 747 to consider the following requests:

Variance Request:

Variance request to reduce the required minimum rear yard and front yard setbacks at 817 Custer Street, Parcel Identification Number 14-0098-0000-020-4. The property is zoned V, Village and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.
Applicant: Ardina T. Pierre

Variance Request:

Variance request to reduce the required minimum rear yard setback at 3272 North Whitney Avenue, Parcel Identification Number 14-0098-0016-001-4. The property is zoned R-1, One-Family Detached and is subject to the zoning regulations under 93-22.1-1 of the City of Hapeville Zoning Ordinance.
Applicant: Alex J. Arias

Please contact the Department of Planning and Zoning at (404) 669-8269 if you have any questions accessing the virtual meeting.
#0000466508:4/07-1AS