



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
James Jordan
Meeghan Murray
Kate Rockett
Chase Stell
Melanie Williams

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

July 24, 2025 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

Michael Simpson, Chairman
Jason Morris, Vice Chairman
James Jordan
Meeghan Murray
Kate Rockett
Chase Stell
Melanie Williams

3. Approval of Minutes

3.1. Minutes of March 27, 2025

Documents:

1. Minutes - 03-27-2025_draft

4. New Business

4.1. 3538 South Fulton Avenue Variance Request

Background:

William Dellinger is requesting a variance to allow the placement of an accessory structure within the side yard at 3538 South Fulton Avenue, Hapeville, GA 30354 (Parcel ID: 14 0098 0020 041 4). The property is zoned U-V (Urban Village) and is subject to the zoning regulations under section 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, or outbuildings and fences) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 3538 South Fulton Avenue_Variance_Redacted
2. Plans - 3538 South Fulton Avenue_Variance
3. Planner's Report - 3538 South Fulton Avenue_Variance

4.II. 3396 - 3408 North Fulton Circle Variance Request

Background:

Jorge Vargas is requesting a variance to reduce the minimum street frontage for Lots 2 and 3, allow a reduction in the front setbacks for Lots 4, 5, and 6 and the rear setback for Lot 2 and allow a reduction in the minimum floor area for the properties located at 3396, 3400, 3404, 3406, and 3408 North Fulton Circle, Hapeville, Georgia 30354 (Parcel ID's: 14-0095-0009-012-3, 14-0095-0009-008-1, 14-0095-0009-014-9, 14-0095-0009-015-6, 14-0095-0009-016-4, 14-0095-0009-020-6, 14-0095-0009-017-2, 14-0095-0009-018-0, and 14-0095-0009-019-8). The properties are zoned R-SF (Residential Single Family) and are subject to the zoning regulations under Section 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - North Fulton Circle_Variences_Redacted
2. Plans - North Fulton Circle_Plat_Variences
3. Planner's Report - N Fulton Circle_Sudivision_Variences

5. **Next Meeting Date - August 28, 2025 at 6:00 PM**

6. **Adjourn**



Michael Simpson, Chairman
Jason Morris, V. Chairman
James Jordan
Meeghan Murray
Kate Rockett
Chase Stell
Melanie Williams

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

March 27, 2025 6:00 PM

MINUTES

1. Called to Order at 6:01 p.m.

2. Roll Call

Michael Simpson, Chairman
Jason Morris, Vice Chairman
James Jordan
Meeghan Murray
Kate Rockett
Chase Stell - Absent
Melanie Williams

3. Election of Officers

3.I. Election of Vice Chairman

MOTION ITEM: Melanie Williams made a motion to re-elect Jason Morris as Vice Chairman of the Board of Appeals. The motion was seconded by Meeghan Murray. **MOTION CARRIED: 5-0.**

3.II. Election of Chairman

MOTION ITEM: Jason Morris made a motion to re-elect Michael Simpson as Chairman of the Board of Appeals. The motion was seconded by Meeghan Murray. **MOTION CARRIED: 5-0.**

4. Approval of Minutes

4.I. Minutes of November 21, 2024

MOTION ITEM: Melanie Williams made a motion to approve the minutes of November 21, 2024, as submitted. The motion was seconded by Kate Rockett. **MOTION CARRIED: 5-0.**

5. Public Hearing

5.I. 3608 – 3622 Georgia Avenue & 3619-3637 Union Avenue Variance Request

Background:

Dan Gibbs of Atwell, LLC requested a variance to reduce the required setback for the buffer area at 3608-3622 Georgia Avenue & 3619-3637 Union Avenue, Parcel Identification Numbers 14-

0097-0008-011-4, 14-0097-0008-010-9, 14-0097-0008-009-8, 14-0097-0008-002-3, 14-0097-0008-003-1, 14-0097-008-010-6 and 14-0097-0008-004-9. The properties are zoned RMU, Residential mixed-use, and are subject to the zoning regulations under Section 93-11.5-6 (Area, placement, and buffering requirements) of the City of Hapeville Zoning Ordinance.

Findings:

The applicant is requesting the mail kiosk to encroach between 3’ and 5’ at different points into the required planted buffer area for the 23-townhome development. The owner wishes to provide an improved mail kiosk area which now has a shelter roof for rain protection for the residents of the community. The slightly larger size of the mail kiosk area will not fit in the original location without causing conflict with adjacent buildings, utilities and tree plantings. The new mail kiosk area is comprised of a concrete pad, mailboxes, and a roof structure. It is an open-air structure that is 10 feet wide, 7 1/2 feet deep, and eight feet tall. The footprint area is 75 square feet.

The owner wishes to change the location as was originally approved on the site development plans for the Townes at Asbury Pod D to the location shown on the proposed variance site plan. The new location will encroach approximately 4 feet on average into the southern, 15-foot planted zoning buffer. Approximately 42 square feet of the mail kiosk area will encroach into the 15-foot planted zoning buffer. There will be no reduction in the amount of previously proposed trees or shrubbery within the buffer.

A previous encroachment of the driveway into the 15’ required buffer for other areas of the site was approved by the Board of Appeals in 2022.

There is a single-family dwelling located adjacent to this side of the development. It is not clear from the proposed site plan where the adjacent single-family dwelling is located relative to the kiosk.

Recommendation:

It is recommended the applicant provide the distance between the property line and the adjacent single-family dwelling for the Board of Appeals to better comprehend the potential impact on the neighboring property.

The landscape buffer requirement for any other use than a single-family detached dwelling for properties within the RMU district is intended to provide significant relief to the adjacent neighbors from light, noise, odor, dust, unsightly appearances and intrusive activity. Thus, siting of a larger mail kiosk in the buffer zone requires a variance. By reviewing the distance and location of the mail kiosk, including the distance from the adjacent single-family dwelling, the Board of Appeals should consider whether the impact to the adjacent neighbors is a detriment.

Public Comment:

None.

Chairman Simpson inquired whether the location of the mail kiosk might create a traffic bottleneck or lead to any vehicle congestion. The applicant responded that the proposed location would not present any issues with vehicle stacking or traffic flow, as residents are expected to access the mail kiosk at various times throughout the day.

Board Member James Jordan asked about the overall purpose of the request. The applicant explained that the goal is to provide a covered area to protect residents from inclement weather while accessing the kiosk. They also noted that the original location was not an option due to the presence of underground utilities.

MOTION ITEM: Jason Morris made a motion to approve the variance requests to reduce the required setback for the buffer area to accommodate the installation of a mail kiosk at 3608-3622 and 3619-3637 Union Avenue, as requested. The motion was seconded by Melanie Williams. MOTION CARRIED: 5-0.

6. Next Meeting Date – March 27, 2025 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Meeghan Murray made a motion to adjourn the meeting at 6:19 p.m. The motion was seconded by Melanie Williams. MOTION CARRIED: 5-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

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

Name of Applicant William Dellinger
 Mailing Address 3538 South Fulton Ave 30354
 Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]
 Property Owner (s) Timothy Thomas
 Mailing Address 3538 South Fulton Ave 30354
 Telephone [REDACTED] Mobile # [REDACTED]
 Property Address/Location: 3538 South Fulton Ave 30354
 Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009800200414
 Square Foot of Property 15,000 Building Size 210 Zoning UV
 Present Land Use Residential parking pad
 Variance Requested Allowance for structure on side of house
 Applicable Code Section 93-2-5

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.

William Dellinger
 Applicant's signature
 Date: 5-16-2025

Sworn to and subscribed before me
 This 16th day of May, 2025.



Tracie Lynn Guest
 Tracie Lynn Guest 6/1/24

**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.

Our business offers a unique shopping experience to Hapeville and the surrounding communities. Our customers have shown an invested interest in experiencing an increase in our goods and services. The proposed expansion would offer a lush natural environment featuring the pergola focal. The product assortment would be an extension of our organic product lines featuring an outdoor flavor. The location to the side becomes a natural extension of our front showroom in a space that is currently a parking pad. This proposal is practical and would add an extra layer of beauty and interest to our current situation.

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

Originally, the Design Review committee had approved an adjoining expansion of our showroom within an area adjacent to our current proposal. The original project escalated in price to exceed our budget, so we developed the current proposal. The requested variance would allow the structure's adjacency to the current showroom. This project was created to increase our inventory, increasing sales and offering a unique outdoor experience for our customers.

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

As I mentioned above, the proposed location is a natural extension of our showroom, which is currently under-utilized as a residential parking pad. Location to the rear of the residence is simply not a possibility.

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

There would be no detriment.

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

AUTHORIZATION OF PROPERTY OWNER

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

3538 South Fulton Ave

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

William Dellinger

Address of Applicant

3538 South Fulton Ave Hapeville GA 30354

Telephone of Applicant

[REDACTED]

Timothy Thomas

Signature of Owner

Timothy Thomas

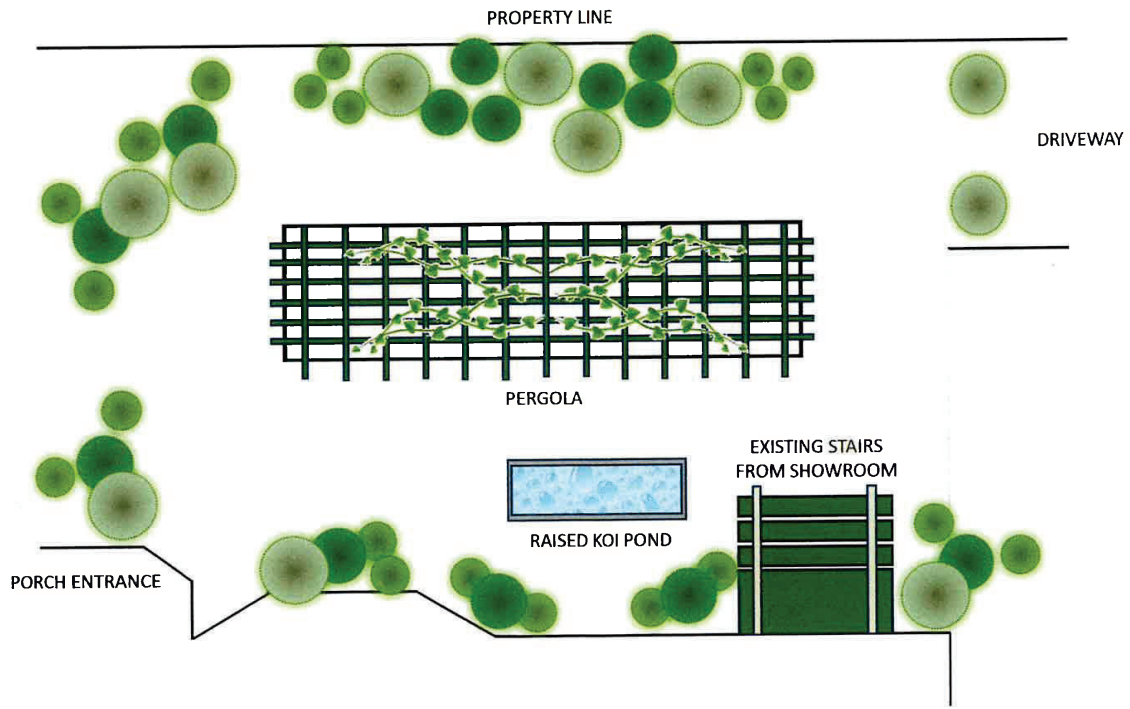
Print Name of Owner

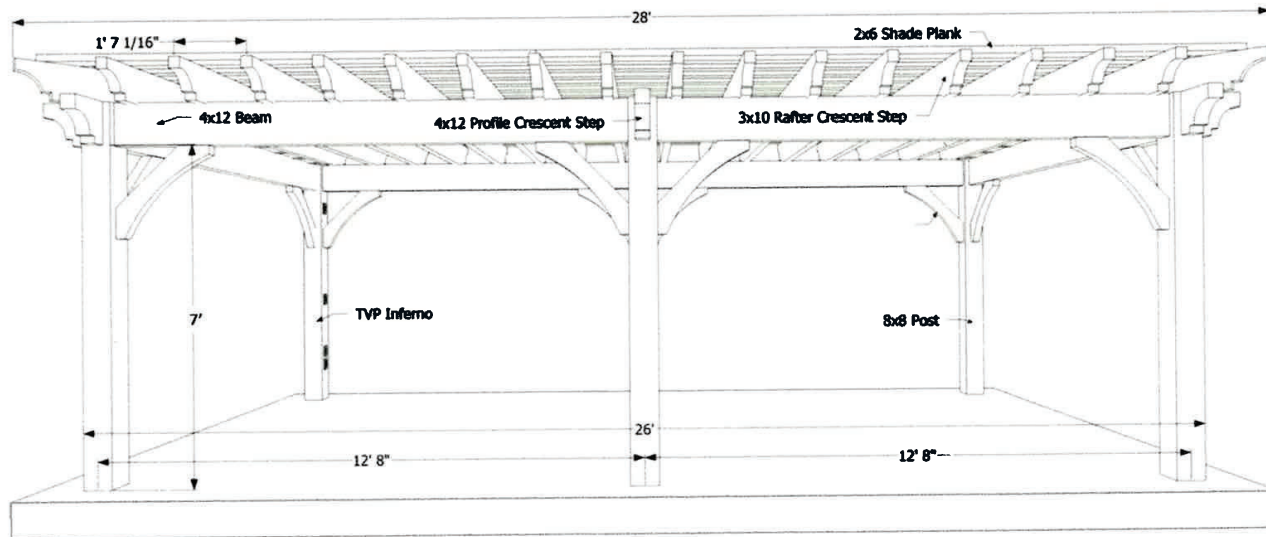


Personally appeared Before Me this 5th day of May, 2025

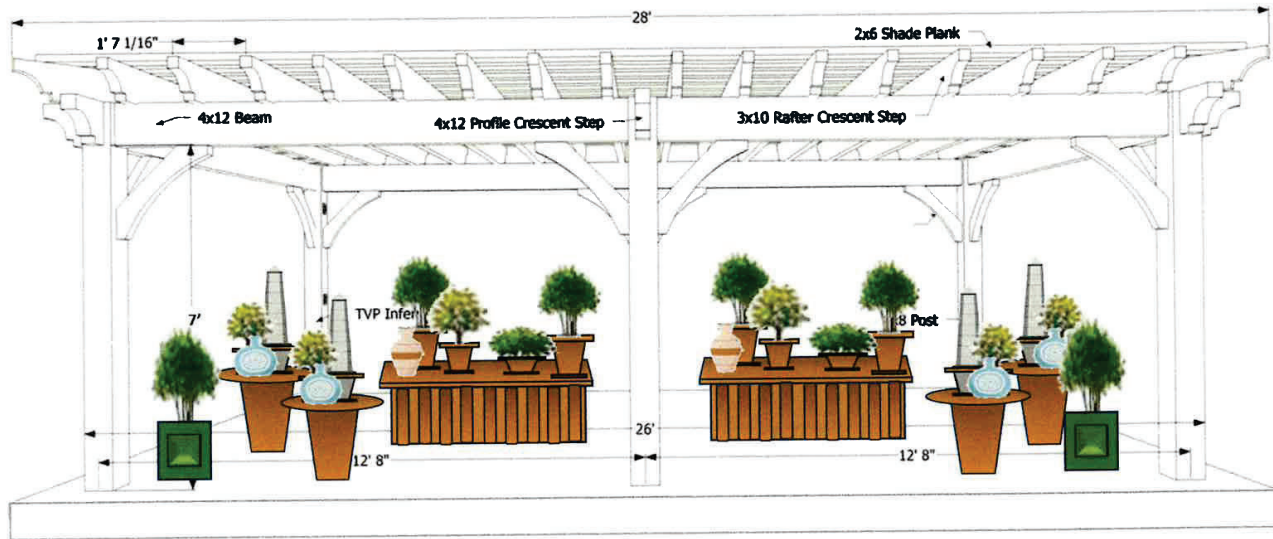
TracieLynn Guest
TracieLynn Guest

		
<p>FRONT VIEW 1</p>	<p>RIGHT SIDE VIEW 2</p>	<p>BACK SIDE VIEW 2</p>
		<p>ADDITION - STORAGE BUILDING 3330 SOUTH FLU TOW AVENUE, HARPEVILLE GA, 30334</p> <p>SCOPE OF WORK NEW CONSTRUCTION OF 454 SF ENCLOSED GLASS & WOOD STRUCTURE FOR STORAGE PURPOSE.</p> <p>owner : Tim Thomas phone : 404-435-3655 email : al@200a-dinc.com drawn by : [Signature]</p> <p>DATE: 6/26/25 A-3</p>
<p>RIGHT SIDE VIEW AREA FOR PROPOSED BUILDING 2</p>	<p>LEFT SIDE VIEW 5</p>	

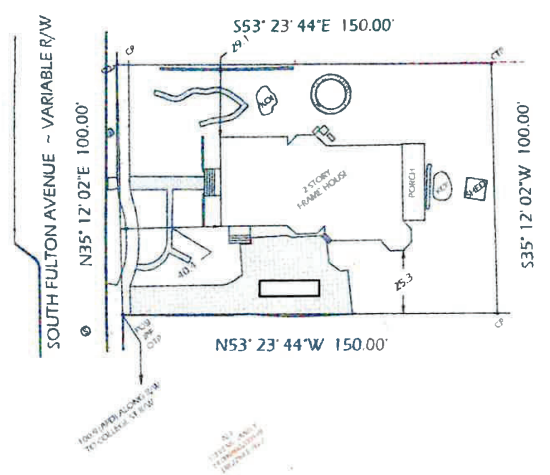
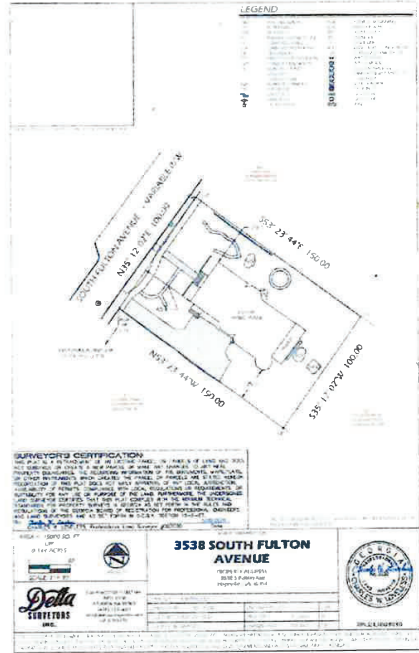




Notes:
Flooring features 8" concrete core with brick facing
Support beams embedded in concrete core
Polycarbonate shade planks complete roof structure
Pergola sits back 60' from sidewalk/ street
10' set back from Stevens' property line



Notes:
 Fixturing consists of barnwood farm tables, distressed wood antique tables and worn metal accents
 Inventory to include organic pots, natural wreaths, fountains, bird houses and wind chimes, all overflow from the main showroom
 All sales will be conducted in the showroom





Department of Planning & Zoning
PLANNER'S REPORT

DATE: July 17, 2025
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance application for 3538 South Fulton Avenue, Accessory Structure Side Yard Encroachment Parcel Identification Number 14 0098 0020 041 4.

BACKGROUND

The City of Hapeville has received a variance application from William Dellinger to allow for the placement of an accessory structure within the side yard setback on a property located at 3538 South Fulton Avenue-0008-002-3. The applicant desires to transition the current bricked parking pad into a formal garden that will serve as an outdoor sanctuary featuring an assortment of potted plants, planters and garden accessories. The property is currently used as a mixed-use commercial and residential property and the accessory structure, a pergola, would house these items as a showcase. Note – inventory storage is not allowed within the pergola. The applicant has noted that all selling would take place in the existing enclosed showroom. There is landscaping proposed in the 10' setback between the pergola and the adjacent property line.

There is a single-family dwelling located adjacent to this side of the property.

The property is zoned U-V (Urban Village) and A-D, (Arts District Overlay) and is subject to the zoning regulations under section 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, or outbuildings and fences) of the City of Hapeville Zoning Ordinance.

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

1) *Accessory uses.*

- a) Where allowed by Code, accessory structures may be used for storage.
- b) The presence of such facilities or equipment as utility services, utility meters, mailboxes, bathroom, or kitchen equipment in an accessory building or a portion of a principal dwelling shall be considered prima facie evidence that such accessory building or such portion of a principal dwelling is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located. See [section 93-2-26](#), accessory dwelling units (ADU).
- c) Temporary structures may only be used in conjunction with permitted construction work in any zoning district and shall be removed immediately upon the completion of construction.

Additional regulations regarding temporary structures are found in this chapter.

2) *Permanent accessory structures.*

- a) An accessory building or structure is a structure detached from the principal structure on a lot of 19 record, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings shall comply with the following standards and all other applicable regulations of this zoning ordinance and the architectural design standards. Where a conflict exists, the standards of this section shall control.

b) Accessory uses and structures in lots developed for commercial, industrial or mixed-uses shall comply with the following standards and all other applicable regulations of this zoning ordinance:

- i) Accessory buildings in commercial, industrial or mixed-use lots shall be permitted in C-1, C-2, V, U-V, RMU, I-1, and I-2 zoning districts.
- ii) The accessory use or structure shall contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served.
- iii) The accessory use or structure shall be subordinate in area, extent and purpose to the primary use or structure served.
- iv) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.
- v) Restrictions on the number, size and height.

- (1) There may not be more than two accessory structures on a commercial lot.
- (2) Accessory structures may not exceed ten percent of the primary structure floor area. The floor area or square footage of an accessory structure shall include all square footage (heated or otherwise) When more than one accessory building is erected, the "maximum accessory building size" controls the sum of the floor areas of those buildings.
- (3) Unless otherwise specified, accessory structures used solely for storage may not exceed 100 square feet.
- (4) Gazebos, arbors, fireplaces, and waste receptacle enclosures shall be exempt in calculating the maximum number of accessory structures on a lot. However, such structures shall be subject to the accessory structure setback standards.
- (5) No accessory structure shall exceed the height of the principal structure.

vi) Permitting.

- (1) No accessory building shall be erected or placed on a lot that does not contain a principal structure. Building permits may be issued for the principal structure and an accessory structure; however, a certificate of occupancy must be issued for the principal structure prior to issuance of a certificate of occupancy for an accessory structure.
- (2) All accessory structures in excess of 100 square feet or any accessory structures including mechanical, electrical or plumbing with construction require a building permit and certificate of occupancy.
- (3) All accessory structures must meet all applicable fire, building, and safety codes.

vii) Construction and design requirements.

- (1) All accessory structures must be placed on a permanent foundation. Structures not placed on a permanent foundation are considered temporary structures and are subject to regulations found in this chapter.
- (2) The accessory structure must complement the principal structure in terms of architectural design, materials, roof pitches, and other details. All accessory structures are required for review by the design review committee.
- (3) Where applicable, access to the second story of an accessory building must be located within the interior of the ground floor space.
- (4) Commercial outdoor cooking facilities are considered an accessory structure to the principal commercial structure. Commercial outdoor cooking facilities must be:
 - (a) Associated with a permitted, permanent food establishment;
 - (b) Be located within a permanent structure or surrounded by opaque stained or painted fencing or walls with overhead protection;

(c) Have floor surfaces that are smooth, easily cleanable and of durable construction; and

(d) Meet all fire, building, and health codes. Commercial outdoor cooking facilities may not exceed 20 percent of the square footage of the permanent food establishment.

(5) Placement.

(a) All accessory buildings and structures shall be located on the same lot as the principal structure to which they are accessory.

(b) Accessory buildings shall be allowed in rear yards only. An accessory building located within 20 feet of the principal structure shall comply with the setback requirements of the principal structure to which it is accessory. Accessory buildings located more than 20 feet from the principal structure may be placed five feet from a side or rear lot line unless otherwise directed by the fire marshal. In addition to these yard requirements, the horizontal separation of accessory buildings from the structure on the same lot and the horizontal separation from all structures on adjacent lots shall be at least ten feet.

(c) Accessory buildings on a corner lot shall comply with the setback for the principal structure. No accessory building on a corner lot that adjoins a residentially used or zoned lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.

(d) Accessory structures may not adversely affect nor reduce the number of parking spaces for the principal structure that are required by city ordinance or exceed impervious surface limits.

(e) Notwithstanding standards of this chapter to the contrary, nothing shall prohibit the re-construction of accessory buildings that are legal, nonconforming structures that have been in existence for a minimum of 20 years along the existing and established building line. All other standards of the chapter shall remain in effect.

APPEALS 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 applicant wishes to place the pergola in the side yard creating a garden-like atmosphere with a koi pond and landscaping in the parking area. Buffer landscaping will be installed between the pergola and the adjacent property. No information regarding the rear of the property has been provided to determine if the pergola could be located in that space. The property is rectangular in shape, flat, and typical of the zoning district with no extraordinary conditions pertaining to its size, shape or topography.

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

The kiosk is associated with the commercial section of the mixed-use dwelling and installation at the rear would impact the residential nature of the property.

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

The U-V and Arts Overlay Districts encourage mixed uses. The affected adjacent property is currently used as a single-family dwelling. The rear of the subject property has significant vegetation which buffer it from the adjacent townhome development.

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

The visual impact of the pergola and related activity could impact the adjacent property. The proposed landscaping and distance of the adjacent dwelling to the pergola may buffer any detrimental impact. The Board of Appeals should consider the level of detriment in their decision.

FINDINGS

The subject property is a mixed-use historical structure that has been converted to a combination residential and commercial use. The proposed pergola is intended as part of a garden including a koi pond and landscaping. It will showcase the commercial elements but is not a showroom nor will any commercial transactions take place in the pergola area. Residential applications allow for pergolas in the side yard, however, commercial and mixed-use properties do not. In the future, this property could be used for either commercial, mixed-use, or residential only. As the proposed structure is garden-like, staff recommends approval. Any other type of storage structure, such as a shed or garage would not be recommended.

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

Name of Applicant Jorge Vargas

Mailing Address 1392 Red Hill Rd, Marietta

Telephone _____ Mobile # [REDACTED] Email [REDACTED]

Property Owner (s) Jorge Vargas

Mailing Address 1392 Red Hill Rd, Marietta

Telephone [REDACTED] Mobile # _____

Property Address/Location: 3400 N Fulton Circle, Hapeville, GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0095-0009-018-0

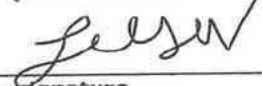
Square Foot of Property _____ Building Size _____ Zoning R-SF

Present Land Use Single Family

Variance Requested Variance 1 Sec. 93-22.1-1 Dimensional Requirements

Applicable Code Section CODESec. 93-22.1-1 Dimensional 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.



Applicant's Signature
Date: 07/12/2025

Sworn to and subscribed before me
This _____ day of _____, 20____.

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.

Variance 1 Sec. 93-22. 1-1 Dimensional Requirements

The lot frontage for 3408 (30') and 3406 (30.36') are less than the required 40'.

Variance 2 Sec. 93-22. 1-1 Dimensional Requirements

The square footage of the dwellings located at 3408 (799.4 SF) and 3406 (999.4 SF) North Fulton Circle are less than the minimum requirement of 1,000 SF.

Variance 3 Sec. 93-22. 1-1 Dimensional Requirements

3404 North Fulton Circle, 3400 North Fulton Circle, and 3396 North Fulton Circle encroach in the front setback. 3408 N Fulton encroaches in the rear setback.

These irregular shapes and configurations are the result of development that occurred in the early twentieth century, prior to the implementation of current zoning regulations.

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

Strictly applying current zoning standards (minimum 40' lot frontage, 1,000 sq ft dwelling size, and setback requirements) would result in an inability to legally subdivide the lots despite the fact that the properties are already developed with single-family homes.

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

These non-conforming conditions (substandard frontage, dwelling size, and setbacks) are specific to these properties due to how they were originally developed. The lots were created and built upon before current zoning standards existed.

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

None



AUTHORIZATION OF PROPERTY OWNER

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

3408 North Fulton Circle
Atlanta, 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 THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant: JORGE LUIS GOMEZ ECHEVERRIA

Address of Applicant: 3011 DOGWOOD DR. HAPEVILLE GA
30354

Telephone of Applicant: [REDACTED]

Signature of Owner

JORGE LUIS GOMEZ
Print Name of Owner

Personally Appeared Before Me this 30 day of December, 2024.

[Signature]
Notary Public



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

AUTHORIZATION OF PROPERTY OWNER

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

3404 North Fulton Circle

Atlanta, GA 30354

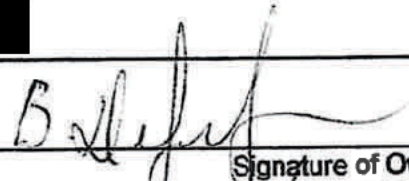
City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

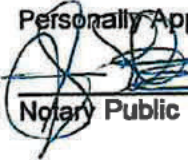
Name of Applicant: Brenda De La Torre

Address of Applicant: 3300 BENJAMIN R. MAYS DR SW
ATLANTA GA 30311

Telephone of Applicant: [REDACTED]


Signature of Owner
Brenda De La Torre
Print Name of Owner

Personally Appeared Before Me this 17 day of January 2025


Notary Public Sherrynda L. Patrick



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
SUBDIVISION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

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

3400 North Fulton Circle

Atlanta, 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 THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant: JORGE ESTEBAN VARGAS

Address of Applicant: 1392 RED HILL RD
MARIETTA, GA 30008

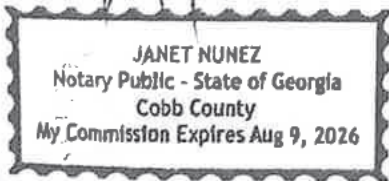
Telephone of Applicant: [REDACTED]

Jorge Esteban Vargas
Signature of Owner

JORGE ESTEBAN VARGAS
Print Name of Owner

Personally Appeared Before Me this 6th day of January, 2025.

[Signature]
Notary Public



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

AUTHORIZATION OF PROPERTY OWNER

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

Lot 7 - Parcel ID #14 009500090206

Atlanta, 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 THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant: Stream Funding Group LLC

Address of Applicant: 3300 BENJAMIN E MAYS DR SW
ATLANTA GA 30311

Telephone of Applicant: [REDACTED]




Signature of Owner

Brenda De La Torre

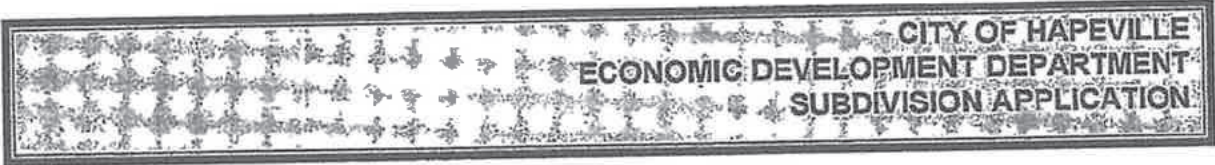
Print Name of Owner

Personally Appeared Before Me this 17 day of January, 2025



Notary Public Sherynda L. Patrick





AUTHORIZATION OF PROPERTY OWNER

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

3396 North Fulton Circle

Atlanta, 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 THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant:

JORGE LUIS GOMEZ FENEVERRIA

Address of Applicant:

3011 DOGWOOD DR HAPEVILLE GA
30354

Telephone of Applicant:

Signature of Owner

JORGE LUIS GOMEZ

Print Name of Owner

Personally Appeared Before Me this 30 day of December, 20 04

[Signature]
Notary Public



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

AUTHORIZATION OF PROPERTY OWNER

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

3410 North Fulton Creek

Atlanta, 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 THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant:

Dawit Makonnen

Address of Applicant:

3410 Fulton Ave

Telephone of Applicant



Dawit Makonnen

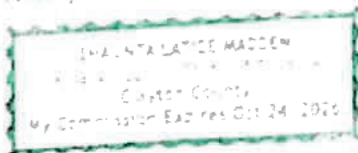
Signature of Owner

DAWIT MAKONNEN

Print Name of Owner

Personally Appeared Before Me this 3rd day of Dec., 2011

[Signature]
Notary Public



Final Plat Approval

This subdivision plat has been reviewed by the Planning Commission and the City Engineer and found to be in compliance with Zoning Ordinance, Conditions of Zoning Approval, City of Hapeville Development Regulations and Subdivision Regulations, as amended, and that it has been approved by all other affected City and County Departments, as appropriate. The Mayor and City Council hereby approve this Final Plat, subject to the provisions and requirements of the City's regulations and the provisions and requirements of the Development Performance and Maintenance Agreement executed for this development between the Owner and the City of Hapeville.

City Clerk - On Behalf of Mayor and Council Date
 Chairman, Planning Commission Date
 City Engineer Date

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

FLOOD ZONE NOTE:

A PORTION OF THIS PROPERTY SHOWN HEREON DOES NOT LIE IN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO THE F.I.R.M. NO 13121C0366 F AND NO. 13121C0367 F, DATED SEPTEMBER 18, 2013.

NOTES:

- ALL IRON PINS SET ARE 1/2" REBAR UNLESS OTHERWISE STATED. THE OWNER WILL BE RESPONSIBLE FOR REPLACING THE REBAR WITH A CONCRETE MONUMENT WHEREVER THE CITY OF HAPEVILLE REQUIRES IT.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS AN OPEN TRAVERSE AND HAD NO ADJUSTMENT.
- BEARING BASIS TAKEN FROM A GPS OBSERVATION USING THE LEICA SMARTNET NETWORK.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 44,990 FEET.
- EQUIPMENT USED IN THIS SURVEY WAS A SOKKIA IX AUTO TRACKING ROBOTIC TOTAL STATION, A CHAMPION GPS 180 AND A CHAMPION HC-3 DATA COLLECTOR.
- FIELD WORK COMPLETED ON APRIL 23, 2021.
- SETBACK SHOWN ARE FROM COUNTY RECORDS. DAVID GARRISON LAND SURVEYING IS NOT LIABLE FOR DISCREPANCIES.
- REFERENCED PROPERTY IS THE SAME AS THAT CERTAIN TRACT OF LAND RECORDED IN DEED BOOK 62888, PAGE 425, FULTON COUNTY, GEORGIA RECORDS.
- WATER METERS AND LINES SHOWN ARE EXISTING UTILITIES.
- SANITARY SEWER SYSTEM SHOWN ARE EXISTING UTILITIES.
- CONTOURS SHOWN ARE TAKEN FROM COUNTY RECORDS AND DOES NOT CONSTITUTE AS A TOPOGRAPHY SURVEY BY DAVID GARRISON LAND SURVEYING.
- SIDEWALKS SHOULD BE A MINIMUM WIDTH OF 5' AND 4" THICK CONCRETE.
- HANICAP CROSSING SHOULD INCLUDE ADA RAMPS PER US DOT AND DEPARTMENT OF JUSTICE STANDARDS.
- NO PARKING WILL BE ALLOWED ALONG THE STREET IN PORTIONS LESS THAN 30' WIDE.
- WHEN LOTS OR DWELLINGS ARE IMPROVED, GRAVEL DRIVEWAYS MUST BE REPLACED.
- NO GRADING/DIRT WORK ARE NEEDED.
- NO EXISTING TREES WILL BE REMOVED.
- PARCELS IN R-SF ZONING DISTRICTS MUST HAVE A MINIMUM OF 40' OF STREET FRONTAGE. LOTS NOT HAVING THIS MUST APPLY FOR A VARIANCE.
- PROPERTIES ARE CURRENTLY ZONED R-SF.

SUBDIVISION SURVEY FOR:

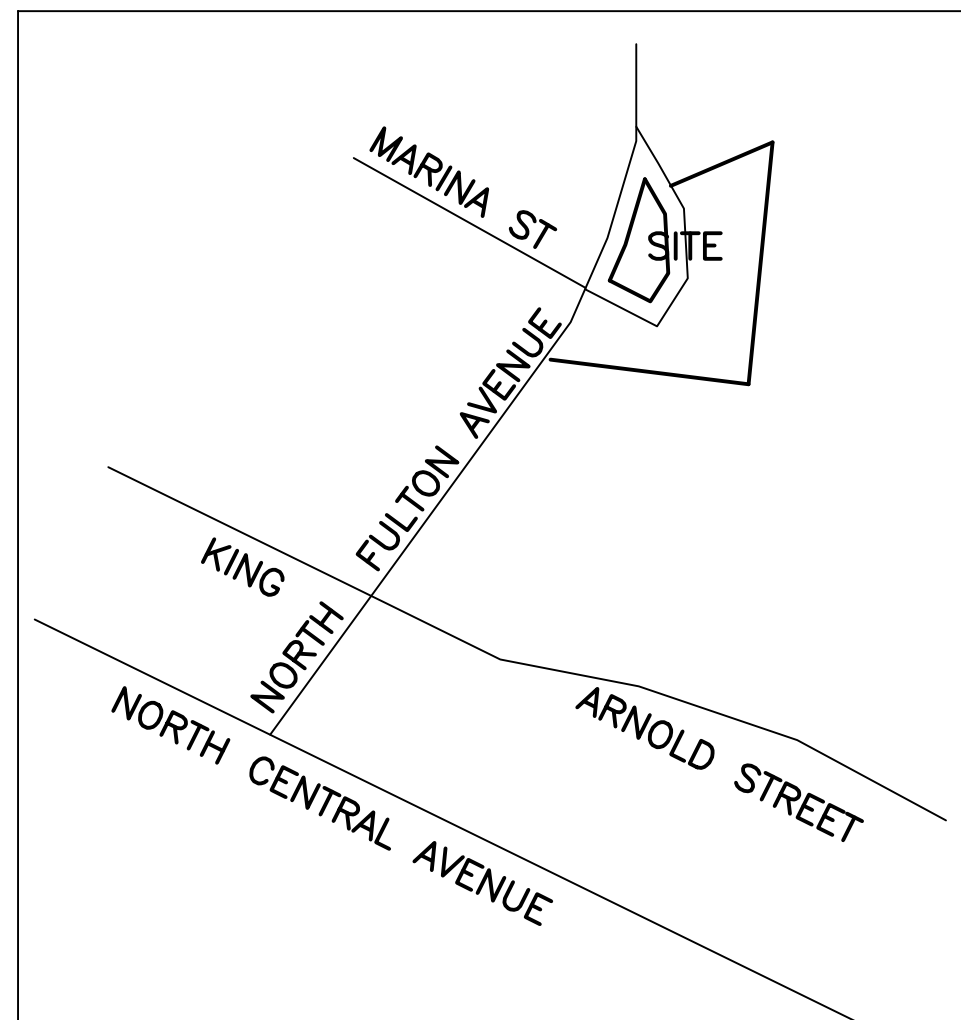
- Dawit Makonnen - Lot 1
- Jorge Luis Gomez Echeverria - Lot 2
- Emmanuel Christophe - Lot 3
- Brenda De La Torre - Lot 4
- Varinto Investments LLC - Lot 5
- Jorge Luis Gomez Echeverria - Lot 6
- Stream Funding Group LLC - Lot 7

NORTH FULTON CIRCLE SUBDIVISION

CITY OF HAPEVILLE
 DISTRICT 14, LAND LOT 95
 FULTON COUNTY, GEORGIA

DATE : MAY 19, 2025
 JOB NO. : 3410 NORTH FULTON AVE
 FILE NO : 3410 NORTH FULTON AVE FULL REV.

- LEGEND**
- CTF CRIMP TOP FOUND
 - OTP OPEN TOP PIPE
 - CMF CONCRETE MONUMENT FOUND
 - IPS IRON PIN SET
 - RBF REBAR FOUND
 - FIRE HYDRANT
 - UTILITY POLE
 - WATER METER
 - UTILITY POLE
 - GAS METER
 - RW RIGHT OF WAY
 - SW STORM WATER JUNCTION BOX
 - SS SANITARY SEWER MANHOLE
 - PINE TREE
 - HARDWOOD TREE
 - GRAPE MYRTLE



VICINITY MAP

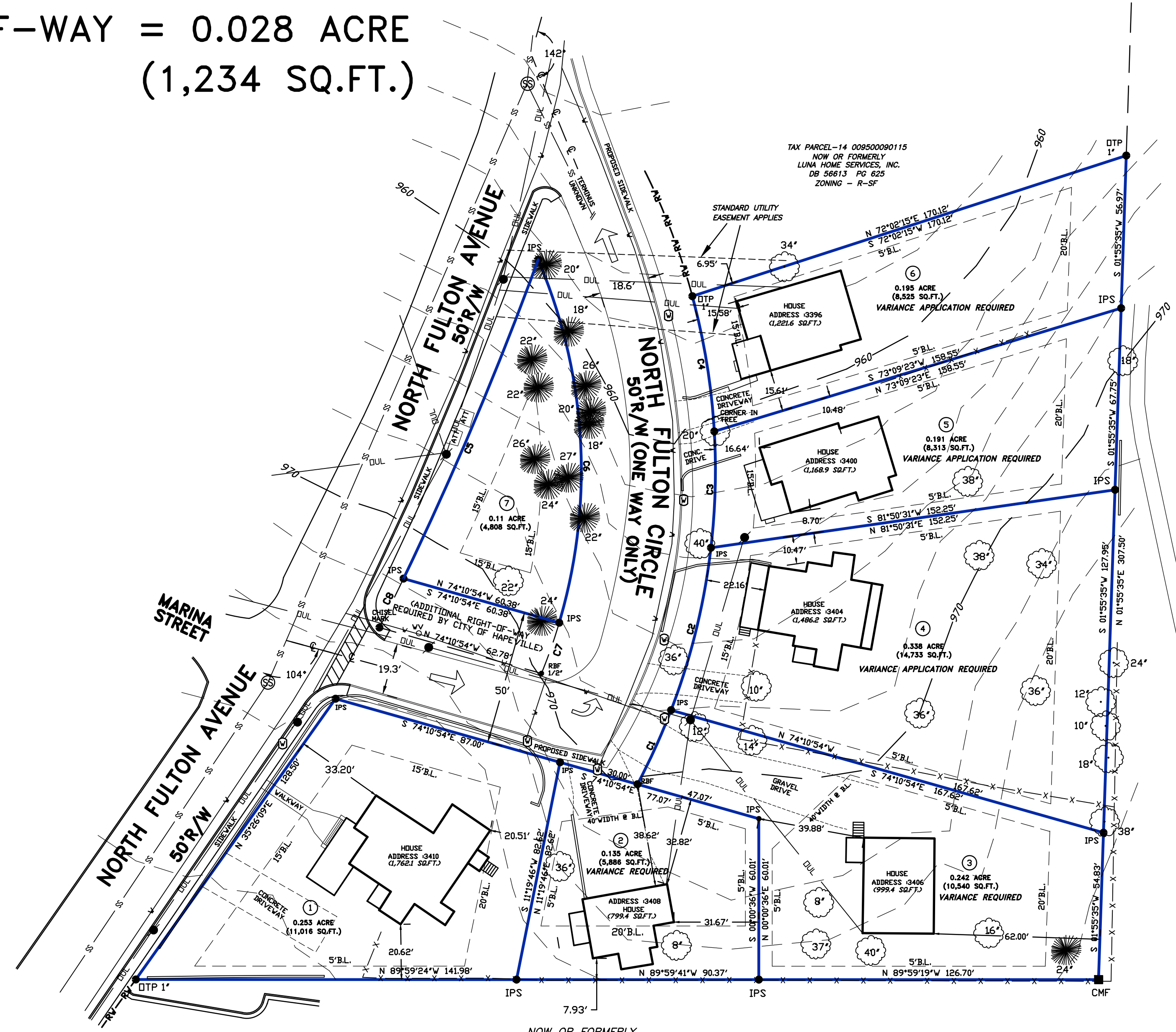
Owner's Acknowledgement and Dedication:

(STATE OF GEORGIA)
 (FULTON COUNTY)

The owner(s) of the land(s) shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and dedicates by this Declaration to the use of the public forever all streets, easements, sanitary sewers and appurtenances, potable water mains and appurtenances, storm drains and appurtenances, and other public facilities and appurtenances thereon shown.

Signature of Subdivider Date Signed
 Printed or Typed Name of Subdivider
 Signature of Owner Date Signed
 Printed or Typed Name of Owner
 Signature of Owner Date Signed
 Printed or Typed Name of Owner
 Signature of Owner Date Signed
 Printed or Typed Name of Owner
 Signature of Owner Date Signed
 Printed or Typed Name of Owner
 Signature of Owner Date Signed
 Printed or Typed Name of Owner
 Signature of Owner Date Signed
 Printed or Typed Name of Owner
 Signature of Owner Date Signed
 Printed or Typed Name of Owner

**TOTAL AREA = 1.464 ACRES
 (63,821 SQ.FT.)
 RIGHT-OF-WAY = 0.028 ACRE
 (1,234 SQ.FT.)**



NOW OR FORMERLY
 FULTON COUNTY BOARD OF EDUCATION
 DB 10043 PG 179
 ZONING - R-1

Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments and markers shown thereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this plat is based G.P.S. position location. This plat has been calculated for closure and is found to be accurate within one foot in 44,990 feet and the property shown contains a total of 1.35 acres. The equipment used to obtain the linear and angular measurements herein was (SEE NOTE 5).

By: *David L. Garrison*
 David L. Garrison Date 5/19/2025

Registered Georgia Land Surveyor No.2756 Date of Expiration 5/19/25

NUMBERED CURVE CALLS RIGHT-OF-WAY CHANGE:

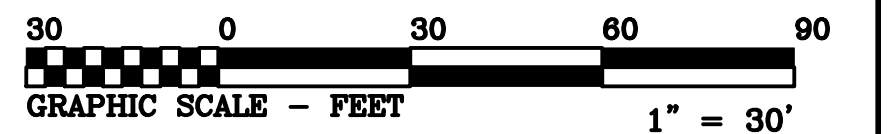
Curve	Radius	Length	Chord	Chord Bear.
C7	200.00'	20.05'	20.04'	S 19°22'03" W
C8	1325.00'	20.33'	20.33'	N 26°08'19" E

NUMBERED CURVE CALLS:

Curve	Radius	Length	Chord	Chord Bear.
C1	250.00'	30.36'	30.34'	N 24°25'39" E
C2	250.00'	62.54'	62.38'	N 13°47'08" E
C3	250.00'	43.45'	43.39'	N 01°38'09" E
C4	250.00'	51.16'	51.07'	N 09°11'58" W
C5	1325.00'	129.13'	129.08'	N 22°54'26" E
C6	200.00'	138.33'	135.59'	S 03°19'06" E

THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERK'S COOPERATIVE AUTHORITY.

David L. Garrison



DAVID L. GARRISON
 LAND SURVEYING
 969 HALE ROAD
 MAYSVILLE, GEORGIA 30558
 PH.(770)560-8031 EMAIL:DGARRISON1@AOL.COM

THIS PLAT IS A REVISION/UPDATE PER THE CITY OF HAPEVILLE FOR THE SURVEY RECORDED IN PLAT BOOK 440, PAGES 123-127
 THIS PLAT IS A REVISION/UPDATE PER THE CITY OF HAPEVILLE FOR THE SURVEY RECORDED IN PLAT BOOK 442, PAGE 71



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

DATE: July 17, 2025
 TO: Adrienne Senter
 FROM: Lynn M. Patterson
 RE: Variance Application for North Fulton Circle Subdivision

BACKGROUND

The City of Hapeville has received a variance application from Jorge Vargas on behalf of all impacted property owners to allow for the subdivision of two existing lot into seven parcels. The property is located at proposed Parcel IDs 14-0095-0009-012-3, 14-0095-0009-008-1, 14-0095-0009-014-9, 14-0095-0009-015-6, 14-0095-0009-016-4, 14-0095-0009-020-6, 14-0095-0009-017-2, 14-0095-0009-018-0, and 14-0095-0009-019-8. The properties are zoned R-SF, Single Family Residential.

The two subject properties have 3 single-family dwellings located on each lot. The properties were developed in the early twentieth century and do not conform to current standards. In order to allow for the legal subdivision of the two lots into seven individual lots, variances for lot frontage, minimum dwelling size, and setback encroachments are required. The Planning Commission reviewed the application and conditionally approved the plat subject to approval of the variances by the Board of Appeals.

Variance 1 Sec. 93-22.1-1 Dimensional Requirements

The lot frontage for 3408 (30') and 3406 (30.36') are less than the required 40'.

Variance 2 Sec. 93-22.1-1 Dimensional Requirements

The square footage of the dwellings located at 3408 (799.4 SF) and 3406 (999.4 SF) North Fulton Circle are less than the minimum 1,000 SF.

Variance 3 Sec. 93-22.1-1 Dimensional Requirements

3404 North Fulton Circle, 3400 North Fulton Circle, and 3396 North Fulton Circle encroach in the front setback. 3408 N Fulton encroaches in the rear setback.

CODE

Sec. 93-22.1-1 Dimensional Requirements

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

Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
					Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
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;

The developed properties are odd shaped and follow a curved public road.

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

The property was developed in the early twentieth century with three houses on each lot before zoning was instituted in Hapeville. The properties cannot be subdivided into logical parcels without variances to address nonconforming conditions.

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

As stated above, the existing logical lot configurations are non-conforming of the developed sites. 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 proper subdivision of the lots allowing for improvements of each lot and clear titles for sale.

RECOMMENDATION

The requested variances with regard to the Dimensional Requirements (Sec 93-22.1-1) are warranted as they are required for any development or clear title / legal sale of the individual properties. Staff recommends approval of the variances.