



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

July 24, 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 (absent)
Meeghan Murray
Kate Rockett
Chase Stell
Melanie Williams (absent)

3. Approval of Minutes

3.1. Minutes of March 27, 2025

MOTION ITEM: Chase Stell made a motion to approve the minutes of March 27, 2025, as submitted. The motion was seconded by Jason Morris. MOTION CARRIED: 4-0.

4. Public Hearing

4.1. 3538 South Fulton Avenue

Variance Request

Background:

William Dellinger requested 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.

Findings:

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.

Recommendation:

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.

Public Comment:

Melvin Traynum, a resident of 3550 Atlanta Avenue, spoke in support of the request.

End of Public Comment.

William Dellinger and Tim Thomas explained that with the change of location, an outdoor expansion area is necessary. The proposed area will include a pergola with enhanced landscaping to both beautify the site and provide a buffer for the adjacent property. Additional improvements will feature rear-yard vegetation, a fish pond, and a well-manicured gathering space.

Board Member Kate Rockett inquired about additional lighting. The applicant confirmed that professional lighting will be installed.

MOTION ITEM: Chase Stell made a motion to approve the variance requests to allow placement of an accessory structure within the side yard at 3538 South Fulton Avenue, as requested. The motion was seconded by Kate Rockett. MOTION CARRIED: 4-0.

4.II. 3396 – 3408 North Fulton Avenue Variance Request

Background:

Jorge Vargas requested variances 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.

Findings:

The two subject properties have three (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.

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 recommended approval of the variances.

Public Comment:

Jack Snyder, 3309 North Fulton Avenue, spoke with questions regarding the widening and paving of the existing street, the replacement of parking signs, the reconstruction of a previously removed block wall, and the status of the trees located at the front of the property.

End of Public Comments.

MOTION ITEM: Chase Stell made a motion to approve the variance requests 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, as requested. The motion was seconded by Meeghan Murray. Motion Carried: 4-0.

5. Next Meeting Date – August 28, 2025 at 6:00 p.m.

6. Adjourn

MOTION ITEM: Jason Morris made a motion to adjourn the meeting at 6:32 p.m. The motion was seconded by Kate Rockett. MOTION CARRIED: 4-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary