



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

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

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

November 20, 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.I. Minutes of October 23, 2025

Documents:

1. Minutes - 10-23-2025_draft

4. Public Hearing

4.I. 3384 North Whitney Avenue Variance Request

Background:

Bonnie Ochoa is requesting a variance to decrease the required setback at 3384 North Whitney Avenue, Parcel Identification Number 14-0098-0017-035-1. The property is zoned R-1 (One-family residential) and is subject to the zoning regulations under Article 22.1 (Dimensional requirements, Section 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

Applicant Comments
Staff Comments
Public Comments

Documents:

1. Application - 3384 North Whitney Avenue_Variences_Redacted
2. Plans - 3384 North Whitney Avenue_Variance
3. Planners Report - 3384 North Whitney Avenue_Variance

4.II. 3388 North Whitney Avenue Variance Request

Background:

Bonnie Ochoa is requesting a variance to decrease the required setback at 3388 North Whitney Avenue, Parcel Identification Number 14-0098-0017-036-9. The property is zoned R-1 (One-family residential) and is subject to the zoning regulations under Article 22.1 (Dimensional requirements, Section 93-22.1-1 (Chart of dimensional requirements) of the

City of Hapeville Zoning Ordinance.

Applicant Comments
Staff Comments
Public Comments

Documents:

1. Application - 3388 North Whitney Avenue_Variences_Redacted
2. Plans - 3388 North Whitney Avenue_Variance
3. Planners Report - 3388 North Whitney Avenue_Variance

4.III. 438 Porsche Avenue Variance Request

Background:

Nishant Suthar is requesting a variance to increase the maximum number of off-street parking spaces from 110 percent to 225 percent, increase the build to line from 15' to 63', decrease the minimum building height from 24'to 21'4", relief from the distance between two driveways, off-street maneuvering areas, and relief from the off-street parking and loading requirements at 438 Porsche Avenue, Parcel Identification Number 14-0096-0005-019-1. The property is zoned U-V (Urban Village) and is subject to the zoning regulations under Article 11.2. – U-V Zone (Urban Village), Article 23 (Off-street parking and loading), Section 93-23-2(c) (Entrance and exit points), Section 93-11.2-10 (5) (Parking and curb cut requirements), 93-11.2-7(3) (Area, placement, and buffering requirements), and Section 93-11.2-7(7) (Area, placement, and buffering requirements) of the City of Hapeville Zoning Ordinance.

Applicant Comments
Staff Comments
Public Comments

Documents:

1. Application - 438 Porsche Avenue_Variences_Redacted
2. Plans - 438 Porsche Avenue_Variences
3. Planners Report - 438 Porsche Avenue_Variences

4.IV. 3266 Dogwood Drive Variance Request

Background:

David Hewitt is requesting variances to increase the maximum number of off-street parking spaces, relief from tree conservation and replacement plan, reduce the side yard setback from 15' to 4'11", increase the maximum lot coverage from 70 percent to 91 percent, and relief from the tree replacement standards at 3266 Dogwood Drive, Parcel Identification Number 14-0095-0006-049-8. The property is zoned V (Village) and is subject to the zoning regulations under Article 23 (Off-Street parking and loading), Section 93-23-10 (Off - street parking requirements according to district and uses), Division 2 (Requirements), Section 93-29-4 (General Plan Requirements), Section 93-29-4 (3) (General Plan Requirements), Section 93-29-4(4) (General plan requirements), Section 93-29-9 (1)(1/2) (Tree replacement standards), Article 22 (Exceptions and Modifications), Section 93-22-1 (Lot of record), Section 93-23-2 (Entrance and exist points), 93-23-3 (Setbacks from property lines), Section 93-23-11 (Size of off-street parking spaces, including parking spaces for compact automobiles, and parking spaces for automobiles of the physically handicapped), and 93-23-18 (Landscape requirements for vehicular use areas) of the City of Hapeville Zoning Ordinance.

Applicant Comments
Staff Comments
Public Comments

Documents:

1. Application - 3266 Dogwood Drive_Variences_Redacted

2. Plans - 3266 Dogwood Drive_Variances
3. Planners Report - 3266 Dogwood Drive_Variances

5. Next Meeting Date - Thursday, December 18, 2025 at 6:00PM

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

October 23, 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 (absent)

3. Approval of Minutes

3.1. Minutes of August 28, 2025

MOTION ITEM: Jason Morris made a motion to approve the minutes of August 28, 2025, as submitted. The motion was seconded by Kate Rockett. MOTION CARRIED: 3-0.

Board Member James Jordan entered the meeting during discussion of the following agenda item.

4. Public Hearing

4.1. 801 North Central Avenue

Variance Request

Background:

Matt Vyverberg and Scott Hudson of NCV BCDC Hapeville, LLC requested a variance to increase the maximum front yard fence height at 801 North Central Avenue, Parcel Identification Number 14-0098-0011-019-1. The property is zoned V, Village and is subject to the zoning regulations under Section 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences) of the City of Hapeville

Findings:

The request is for an increase in fence height to 6'-0" height for two select sections along Sims Street and Stillwood Drive to protect the alley pedestrian entry.

Recommendation:

Staff recommendation is to grant the variance for the increase in the fence height as requested.

Board Member Discussion:

Board Member Kate Rockett asked for clarification on the proposed area and whether individuals would be able to access the property at the 4-foot fence section. Mr. Vyverberg explained that an additional 6-foot recessed fence is installed to enhance security and prevent access to the property.

Board Member Meeghan Murray inquired about the fence materials and whether the top of the fence would include spikes. The applicant confirmed that the fence will be constructed of iron with spikes along the top.

Chairman Michael Simpson asked for confirmation that the spacing between each iron post is 4 inches, and the applicant confirmed.

Public Comment:

None.

End of Public Comment.

MOTION ITEM: Jason Morris made a motion to approve the variance requests to increase the maximum front yard fence height to 6’0” at 801 North Central Avenue, as requested. MOTION CARRIED: 4-0.

4.II. 846 South Central Avenue Variance Request

Background:

Abdulsattar Khan requested a variance to reduce the required off-street parking space requirements at 846 South Central Avenue, Parcel Identification Number 14-0098-0008-008-9. The property is zoned V, Village and is subject to the zoning regulations under Section 93-22.1-1 (Chart of dimensional requirements) and 93-23-10 (Off-street parking requirements according to district and uses) of the City of Hapeville Zoning Ordinance.

The applicant stated that the prospective tenant is ATL Glass – Mold & Design and noted that five parking spaces are available at the front of the building.

Findings:

City Planner Dr. Lynn Patterson stated that the request is to allow for an unspecified reduction in the required parking for 846 South Central Avenue (Parcel ID 14 009800080089). The property contains a 3,600-square-foot building. Per Code Section 93-

22.1, parking is required at a ratio of one space per 200 square feet, resulting in a total of 18 required parking spaces.

Dr. Patterson noted that there is some parking available in the supplemental area; however, it is not clearly demarcated. It is estimated that the front area of the property may accommodate four to five spaces. A driveway extends to the rear of the building, but based on a previous site visit with the owner, the distance between the rear of the building and the back property line is approximately 23 feet, which is insufficient to accommodate additional commercial parking beyond one or two spaces.

The nearest public parking spaces are located along South Central Avenue to the east, approximately 660 to 1,030 feet away, and are shared with other nearby businesses. While there is a private parking lot adjacent to the property, the hours of operation are similar, and there have been ongoing disputes between the two property owners regarding patrons of 816 South Central parking at 846 South Central.

The subject property is zoned V, Village District, with an A-D Arts District Overlay. Although a potential use was mentioned at the end of the variance summary, no specific details regarding the proposed use, timing, or customer traffic were provided with the initial application.

Recommendation:

Dr. Patterson explained that, following discussions with the applicant and his realtors, the Board of Appeals may consider a reduction in the required parking; however, additional details about the proposed use are necessary to inform the decision. For instance, any use with a high volume of customer visits—such as a restaurant—would far exceed the available on-site parking capacity.

The applicant should submit a dimensioned site plan showing the layout of all proposed parking spaces, driveways, and turnaround areas.

Given the limited public parking in the vicinity, staff does not recommend a blanket reduction in parking requirements. Instead, staff recommends one of two approaches:

Limit customer-accessible square footage to match the available parking (e.g., approximately 1,000 SF), given the narrow rear driveway; or

Approve a reduced parking requirement for a specific low-impact use that demonstrates a limited parking demand consistent with on-site capacity.

The applicant should provide detailed information regarding the proposed use, including hours of operation, number of employees, capacity, and activities, to ensure parking needs can be reasonably met. Any change in use or expansion of activities would be considered a

violation of the approved variance and would require further Board of Appeals review and approval.

Board Member Discussion:

Dr. Patterson noted that the space behind the building is very narrow, and staff would need exact parking space dimensions to determine whether vehicles could safely turn around. She also raised concerns about impervious surface limitations (restricted to 70%) and stormwater runoff. The lack of sufficient parking could also lead to patrons parking on adjacent properties and interfering with neighboring operations.

Dr. Patterson stated to the Board that conditions could be applied per the City Attorney's guidance and asked the applicant to provide information regarding class times, number of students, and whether they had contacted the neighboring Bug Busters (864 S. Central Avenue) property owner for potential shared parking.

Board Member Meeghan Murray asked about the slope at the rear of the property and potential access. Dr. Patterson stated that the topography does not allow for rear entry.

Board Member Kate Rockett stated that all property improvements should be completed prior to tenant occupancy. The applicant expressed reluctance to make the investment without certainty that the space can be leased.

Board Member Jason Morris inquired about the need for a dumpster or waste management plan, and staff confirmed that this should be considered.

Board Member Meeghan Murray asked about the class size and required space. The applicant responded that the business would have small class sizes and low traffic, though an exact number was not provided.

Board Member James Jordan commented that the area already lacks public parking availability and that any proposed business should be limited to a low-traffic use that could be successful within those constraints.

Public Comment

David Hewitt, owner of Paper Plane Restaurant (816 South Central Avenue), spoke in support of small businesses and expressed empathy for the applicant's parking challenges. However, he also shared concerns regarding parking impacts on adjacent properties.

End of Public Comment

Board Member Jason Morris suggested that the application be tabled to allow the applicant time to provide additional information.

Board Member Kate Rockett encouraged the owner to seek a tenant or business type that would be more suitable for the site's limitations.

Dr. Patterson reiterated that the Board must decide whether to approve the reduction, request more information, condition the variance to the proposed tenant, or deny the request.

MOTION ITEM: James Jordan made a motion to deny the request to reduce the parking requirement 846 South Central Avenue. The motion was seconded by Kate Rockett. MOTION CARRIED: 3-0-1; Micheal Simpson recused himself.

5. New Business

5.1. 2026 Board of Appeals Meeting Schedule

Background

Consideration and action to approve the 2026 Board of Appeals meeting schedule.

MOTION ITEM: Meeghan Murray made a motion to approve the 2026 Board of Appeals meeting schedule, as submitted. The motion was seconded by James Jordan. MOTION CARRIED: 4-0.

6. Next Meeting Date – November 20, 2025 at 6:00 p.m.

7. Adjourn

MOTION ITEM: James Jordan made a motion to adjourn the meeting at 6:50 p.m. The motion was seconded by Kate Rockett. MOTION CARRIED: 4-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

25-BOA-11-08

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

Name of Applicant Bonnie Ochoa
 Mailing Address 5517 Big A Rd. Douglasville GA 30135
 Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]
 Property Owner (s) Bonnie Ochoa
 Mailing Address 5517 Big A Rd. Douglasville GA 30135
 Telephone [REDACTED] Mobile # [REDACTED]
 Property Address/Location: 3388 / 3384 North Whitney Ave.
 Parcel I.D. # (INFORMATION MUST BE PROVIDED): 3388-14-0098-0017-035-1
3384-6302 3384-1179
 Square Foot of Property 3388-672 Building Size 3388-1338 Zoning R
 Present Land Use Residential Property (s)
 Variance Requested Improvements to property located w/in the setback.
 Applicable Code Section _____

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.

Bonnie C Ochoa
 Applicant's signature
 Date: 9/19/25

Sworn to and subscribed before me
 This 19th day of September, 2025.
Adrienne Fayson
 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 property is located within the setback, so that improvements that were in existence and needing repair require a variance to complete said improvements.

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

There would be no improvements or maintenance possible.

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

The property was this way when we purchased it; i.e. located in the setback.

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

There will be no detriment to the public good if a variance is granted.

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

AUTHORIZATION OF PROPERTY OWNER

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

3388 / 3384 North Whitney Avenue in Hapeville Georgia.

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

Bonnie Ochoa

Address of Applicant

5517 Big A Rd. Douglasville GA 30135

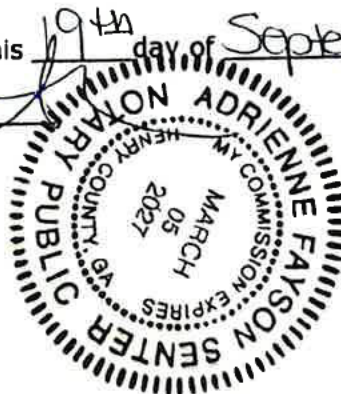
Telephone of Applicant

[REDACTED]

Bonnie Ochoa
Signature of Owner

Bonnie Ochoa
Print Name of Owner

Personally Appeared Before Me this 19th day of September, 2025
[Signature]
Notary Public



Prepared by, record and return to:
Weissman, Nowack, Curry, & Wilco, P.C.
300 Village Green Circle
Smyrna, Georgia 30080
File Number: 02S-0301

W

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made this December 31, 2002, between Rachael R. Hunter of the County of Fulton, and the State of Georgia as party or parties of the first part, hereinafter called Grantor, and Bonnie C. Langer, as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, liened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 98, 14th District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the east side of Whitney Avenue 300 feet north of the intersection of Central Avenue with the east side of Whitney Avenue; thence running north along the east side of Whitney Avenue; 40 feet; thence east 184 feet; thence south 40 feet; thence west 184 feet to the east side of Whitney Avenue and the point of beginning, being improved property with a residence thereon known as 3388 N. Whitney Avenue according to the present system of numbering houses in Hapeville, Georgia.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees forever IN FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.

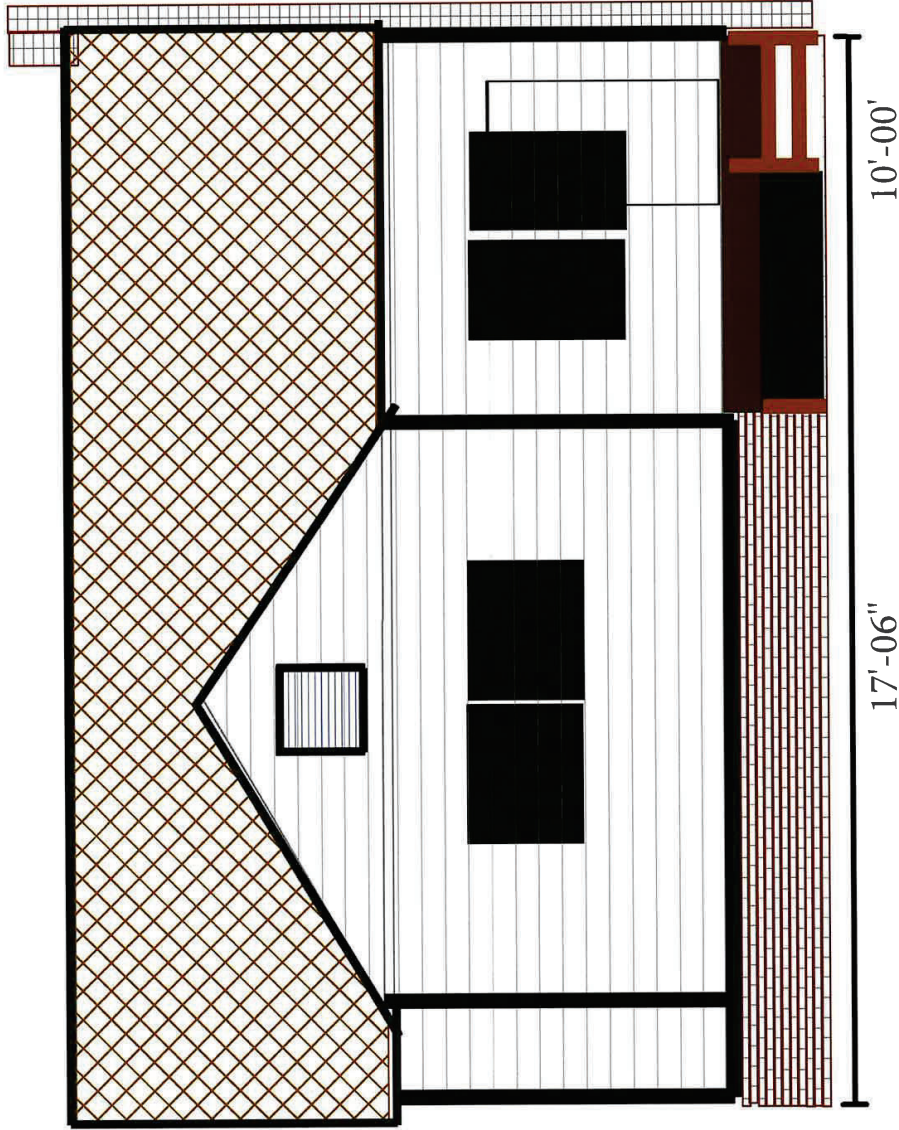
Signed, sealed and delivered
in the presence of:

Murphy C. J...
Unofficial Witness
Rodney B. Glass
Notary Public

Rachael R. Hunter
Rachael R. Hunter

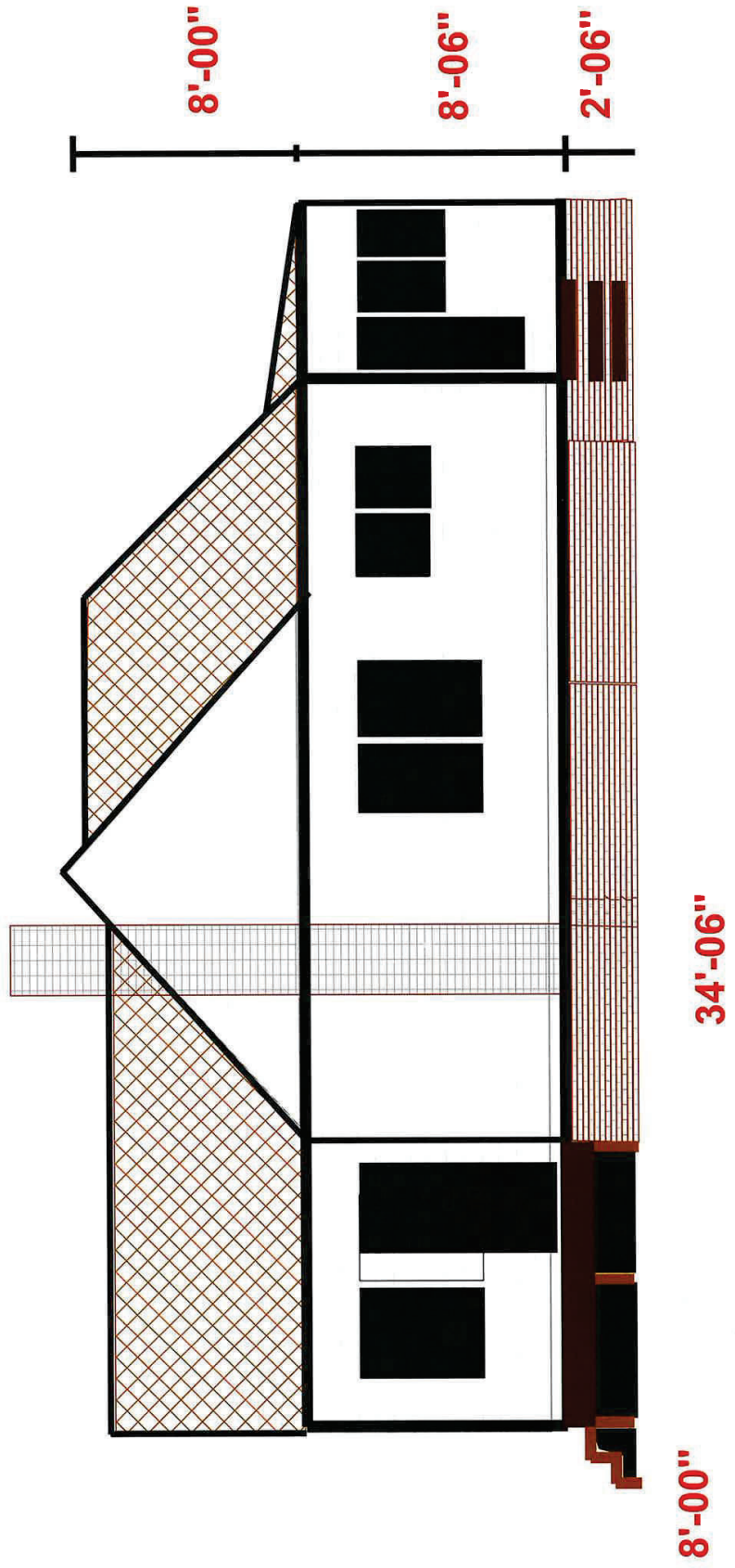


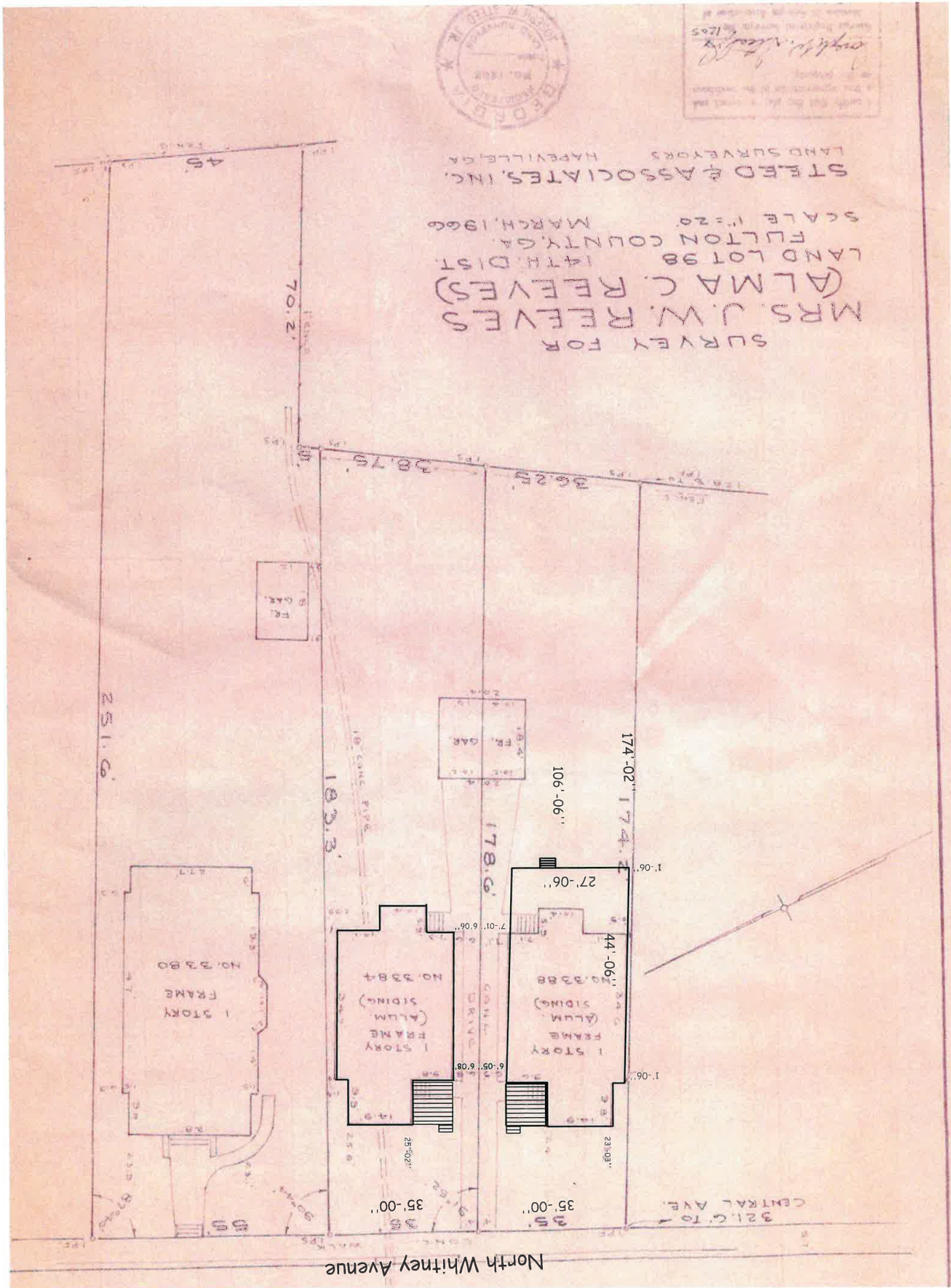




3384 Westside Elevation Front view









**Department of Planning & Zoning
PLANNER'S REPORT**

DATE: November 10, 2025
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 3384 N Whitney Avenue, Parcel ID 14 00980070351

BACKGROUND

The City of Hapeville has received a variance application from Bonnie Ochoa to allow for the installation of a front stoop onto a non-conforming single-family structure located at 3384 N Whitney Drive, Hapeville, Ga 30354. The lot is 35' wide. The property is zoned R-1, One Family Residential and is subject to the zoning regulations under section 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

The 952 sf single-family dwelling, built in the 1940s, currently encroaches into the 5' side setback with a measurement of 1.4' from the property line. The property shares a driveway with the adjacent 3388 North Whitney Drive, which is the only access to the property and has been maintained as a shared driveway since at least 1966. The proposed project is the installation of a front wooden stoop /deck on the south front side of the dwelling in the front yard. The proposed deck does not encroach into the setback of the existing dwelling.

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. 93-22.1-1 Dimensional Requirements

R-1 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		
50	6,750	6,750	1,000	40	15	15	5	25	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 house was built in the 1940s prior to the establishment of the City's Zoning Ordinance. The property is unremarkable in terms of 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 (built in 1940) sits within the side yard setback and therefore is non-conforming. The proposed front deck follows the existing plane (along the side of the house that is adjacent to the driveway). While the proposed front stoop does not encroach into the side setback, the expansion of the use requires a variance for the dimensional requirements..

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

As stated above, the existing dwelling is a non-conforming condition of the developed site. The proposed stoop does not encroach into the setback.

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

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Code. Rather, it allows for the improvement of an existing single-family dwelling.

25-BOA-11-09

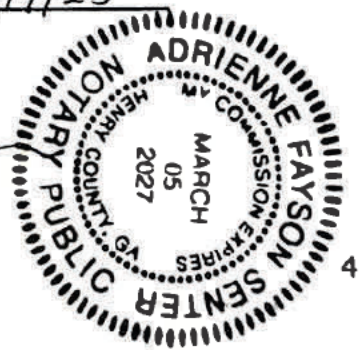
**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant Bonnie Ochoa
 Mailing Address 5517 Big A Rd. Douglasville GA 30135
 Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]
 Property Owner (s) Bonnie Ochoa
 Mailing Address 5517 Big A Rd. Douglasville GA 30135
 Telephone [REDACTED] Mobile # [REDACTED]
 Property Address/Location: 3388 / 3384 North Whitney Ave.
 Parcel I.D. # (INFORMATION MUST BE PROVIDED): 3388-14-0098-0017-035-1
3384-6302 3384-1179
 Square Foot of Property 3388-612 Building Size 3388-1338 Zoning R
 Present Land Use Residential Property (s)
 Variance Requested Improvements to property located within the setback.
 Applicable Code Section _____

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 to. 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.

Bonnie C Ochoa
 Applicant's signature
 Date: 9/19/25

Sworn to and subscribed before me
 This 19th day of September, 2025.
Adrienne Fayson
 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 property is located within the setback, so that
improvements that were in existence and needing repair
require a variance to demolish said improvements.

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

There would be no improvements or maintenance possible.

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

The property was this way when we purchased it, i.e.
located in the setback.

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

There will be no detriment to the public good if a
variance is granted.

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

AUTHORIZATION OF PROPERTY OWNER

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

3388 / 3384 North Whitney Avenue in Hapeville Georgia.

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

Bonnie Ochoa

Address of Applicant

5517 Big A Rd. Douglasville GA 30135

Telephone of Applicant

[REDACTED]

Bonnie Ochoa
Signature of Owner

Bonnie Ochoa
Print Name of Owner

Personally Appeared Before Me this 19th day of September, 2025
[Signature]
Notary Public



Prepared by, record and return to:
Weissman, Nowack, Curry, & Wilco, P.C.
300 Village Green Circle
Smyrna, Georgia 30080
File Number: 02S-0301

W

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made this **December 31, 2002**, between **Rachael R. Hunter** of the County of **Fulton**, and the State of **Georgia** as party or parties of the first part, hereinafter called Grantor, and **Bonnie C. Langer**, as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS** in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, liened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 98, 14th District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the east side of Whitney Avenue 300 feet north of the intersection of Central Avenue with the east side of Whitney Avenue; thence running north along the east side of Whitney Avenue; 40 feet; thence east 184 feet; thence south 40 feet; thence west 184 feet to the east side of Whitney Avenue and the point of beginning, being improved property with a residence thereon known as 3388 N. Whitney Avenue according to the present system of numbering houses in Hapeville, Georgia.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees forever **IN FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.

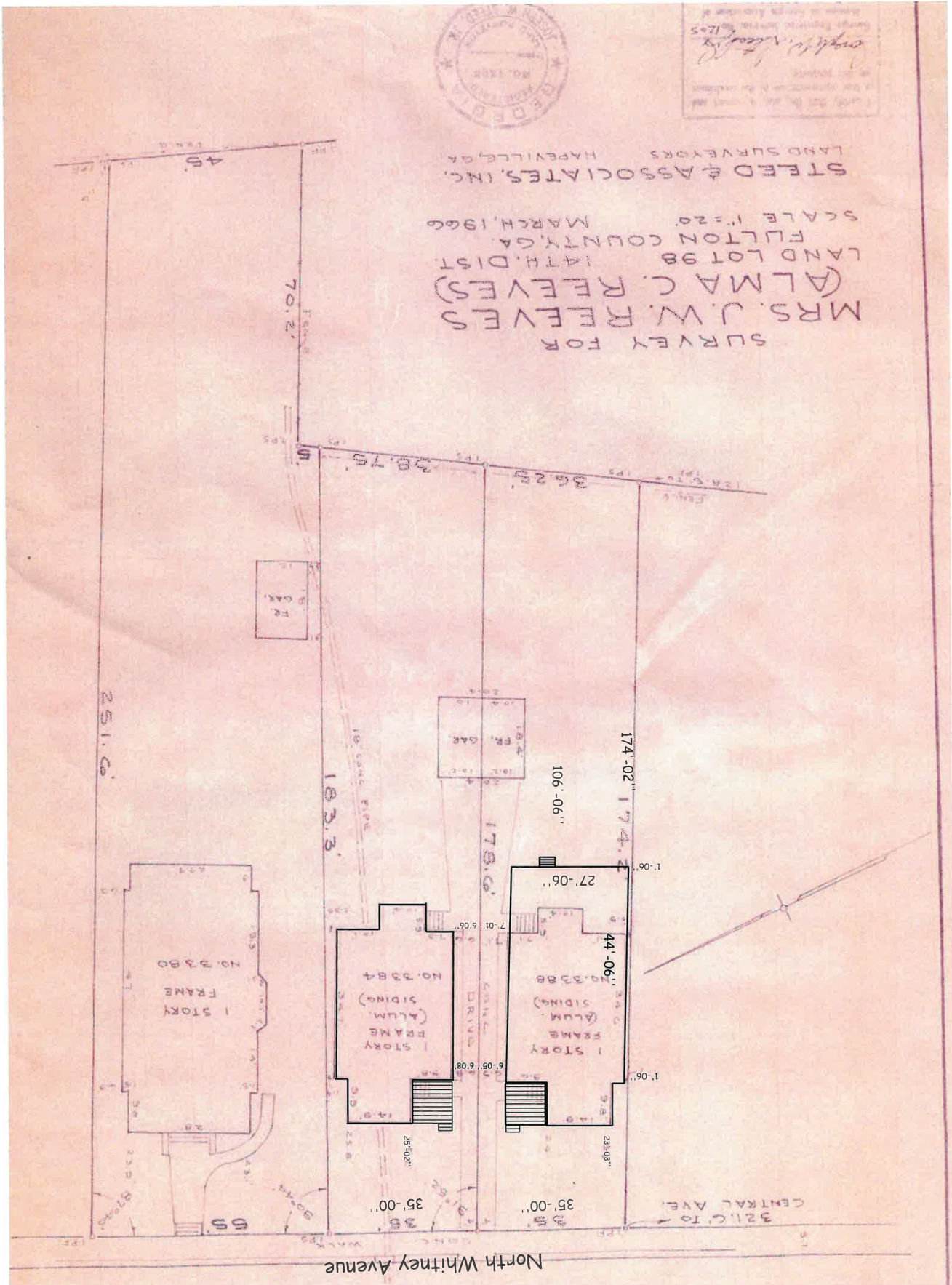
Signed, sealed and delivered
In the presence of:

Manuel C. Jahn
Unofficial Witness

Rodney B. Glass
Notary Public

Rachael R. Hunter
Rachael R. Hunter











**Department of Planning & Zoning
PLANNER'S REPORT**

DATE: November 10, 2025
TO: Adrienne Senter
FROM: Lynn M. Patterson
RE: Variance Application for 3388 N Whitney Avenue, Parcel ID 14 00980070369

BACKGROUND

The City of Hapeville has received a variance application from Bonnie Ochoa to allow for the expansion of a non-conforming single-family structure located at 3388 N Whitney Drive, Hapeville, Ga 30354. The expansion includes a rear addition and a front porch replacement within the side setback. The lot is 35' wide. The property is zoned R-1, One Family Residential and is subject to the zoning regulations under section 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

The 952 sf single-family dwelling currently, built in the 1940s, encroaches into the 5' south side setback by approximately 3'6" on the neighboring property. The proposed expansion is along the same plane as the existing dwelling.

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. 93-22.1-1 Dimensional Requirements

R-1 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		
50	6,750	6,750	1,000	40	15	15	5	25	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 house was built in 1940 prior to the establishment of the City’s Zoning Ordinance. The property is unremarkable in terms of 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 (built in 1940) sits within the side yard setback and therefore is non-conforming. The proposed addition follows the existing plane. While the expansion could not be added without a variance, there is no hardship created by the 5’ side setback or the 35’ wide lot.

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

As stated above, the existing dwelling is a non-conforming condition of the developed site. The lot is 35’ wide which is narrower than the required 50’.

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

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Code. Rather, it allows for the improvement of an existing single-family dwelling.

RECOMMENDATION

The requested variance will allow for an expansion of an existing single-family dwelling along the existing building plane. As this dwelling was built in the 1940s which was prior to the existing zoning regulations

(likely 1981) and the proposed expansion is consistent with the character of the existing dwelling, there is no evidence of a detriment to the public good. The proposed variance is recommended for approval.



3388 N Whitney Drive

**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.

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

AUTHORIZATION OF PROPERTY OWNER

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

438 Porsche 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

Nishant Suthar

Address of Applicant

233 Ashleigh Walk Pkwy, Suwanee, GA 30024

Telephone of Applicant

[REDACTED]

Tommy Hughes Jr

Signature of Owner

Tommy Hughes Jr

Print Name of Owner

Personally Appeared Before Me this 1 day of Oct., 2025

Eradda
Notary Public





September 30, 2025

Ms. Adrienne Senter
Planning & Economic Development Director
City of Hapeville
3468 North Fulton Avenue
Hapeville, GA 30354

RE: Letter of Intent

Dear Ms. Senter:

The purpose of this letter is to request the City of Hapeville of Board of Appeals approve variances to Chapter 93, Article 11.2 and Article 23 of the City of Hapeville Code of Ordinance for the proposed redevelopment of the existing building on the ±0.48-acres parcel located at 438 Porsche Ave, being Tax Parcel 14 009600050191, in the City of Hapeville, Fulton County, Georgia.

There are four (4) variances that require Board of Appeals approval. The applicable code sections, code requirements, and request are outlined in the Variance Table attached as Exhibit A.

This project proposes to renovate the interior and exterior of the existing ±2,500 square foot building located on the subject property to be a ±1,600 square foot Dunkin' restaurant with drive through and a ±900 square foot tenant space along with the associated infrastructure to provide vehicular access, utilities, landscaping, and other minor site improvements to serve the property. The site improvements will consist of adding landscaping and a sidewalk along the Porsche Ave frontage, seal coating and restriping the parking lot, adding a dumpster enclosure, adding a drive through lane along with ordering equipment, improvement of the rear drive onto South Street to server an exit only driveway for the drive through lane, and add landscaping and trees along the Porsche Ave frontage and rear property line.

The most significant hardship to the project is the application of the current City Codes to the redevelopment of an existing property and building that were constructed in the 1960's. The proposed improvements will bring the site very close to full compliance with the City Codes and Urban Village Overlay requirements; however, existing conditions prevent full compliance with all of the code requirements. The literal interpretation and application of the provisions of the City Codes, that relief has been requested from in Variances 1, 2, 3, and 4, will deprive the owner of the ability to construct the proposed improvements to meet the national brand standards of Dunkin' and will deprive the land owner of the highest and best use of the subject property. The Dunkin' brand standards have been created, tested, and updated over years of operation and the owner/operator of the store is required to utilize the brand standards.

The variances are listed individually below and summarized in the Variance Table (Exhibit A), Site Plan (Exhibit B) and Building Elevations (Exhibit C).

Variance 1

Request an increase of maximum number of off-street automobile parking spaces 110% of the code requirement to 225% of the code requirement. The code requirement for the proposed redevelopment is 8 spaces. The proposed redevelopment will reduce the number spaces from the 23 existing spaces to 18 spaces to sever to Dunkin' and tenant space. The Dunkin's restaurant will have a minimum of 4 employees working on each shift and 8 parking spaces will not be enough to service the property.

Variance 2

Request an increase of the Build to Line from the 15 feet maximum allowed by Section 93-11.2-7(3) be increased to 63 feet to match the distance of the existing building to the right of way allowing the owner to renovate the existing building in its current location.

Variance 3

Request a decrease of the minimum building height of 24 feet, required by Section 93-11.2-7(3), to 21 feet 4 inches allowing the owner to meet Dunkin's national brand standards.

Variance 4

Request relief from the rear alley or rear drive requirement for commercial loading and service areas required by Section 93-11.2-10(5) to allow loading space to be placed on the side of the building. The current location of the building on the site does not facilitate delivery trucks using the rear drive for deliveries.

As required by the City Code the variance criteria in Section 87-3-3 for Variances 1, 2, 3, & 4 are answered below.

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
The small ±0.48-acre size and the condition of renovating a building and redeveloping a site that were constructed in the 1960's are the extraordinary and exceptional conditions of the subject property that support the approval of the requested variances, which if granted will allow the owner to obtain highest and best use of the subject property.
- (b) The application of this chapter to this particular piece of property would create an unnecessary hardship;
The literal interpretation and application of the provisions of this City Codes that relief has been requested from, will create an unnecessary hardship of trying to conform an existing property and building that were constructed in the 1960's to the current City Codes. The proposed improvements will bring the site very close to full compliance with the City Codes and Urban Village Overlay requirements and only require relief from a few of the current regulations.
- (c) Such conditions are peculiar to the particular piece of property involved;
The special conditions and circumstances that exist are peculiar to the building and site due to the owner redeveloping and renovating a 60+ year old building while trying to meet the Dunkin' national brand standards and complying with the current City Codes. These conditions and circumstances are not applicable other lands in the district that are being developed for the first time or fully demolished and redeveloped.
- (d) That the special conditions and circumstances do not result from the actions of the appellant Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.
The special conditions and circumstances supporting the granting of the requested variances do not result from the actions of the owner, but from the application of updated codes to a previously develop property. The proposed improvements will bring the site very close to full compliance with the City Codes; however, existing conditions prevent full compliance with all of the code without granting of some relief. If granted, the relief will allow the redevelopment of the property in a fashion that will be in harmony with the City's Zoning Ordinance and the intent of the Urban Village Overlay and will not cause and detriment to the public good.

Ms. Adrienne Senter
Planning & Economic Development Director
September 30, 2025
Page 3

Attached with this letter are the variance application, property owner authorization, survey, legal description, site plan, landscape plan, and building elevations. The fee will be sent to your attention separately.

Thank you for consideration of this request and please do not hesitate to contact our office at (678)432-5720, if you require additional information or have any questions.

Sincerely,



Brent H. Moye, P.E.
President
Land Engineering And Development

Attachments

Exhibit A

Variance Table

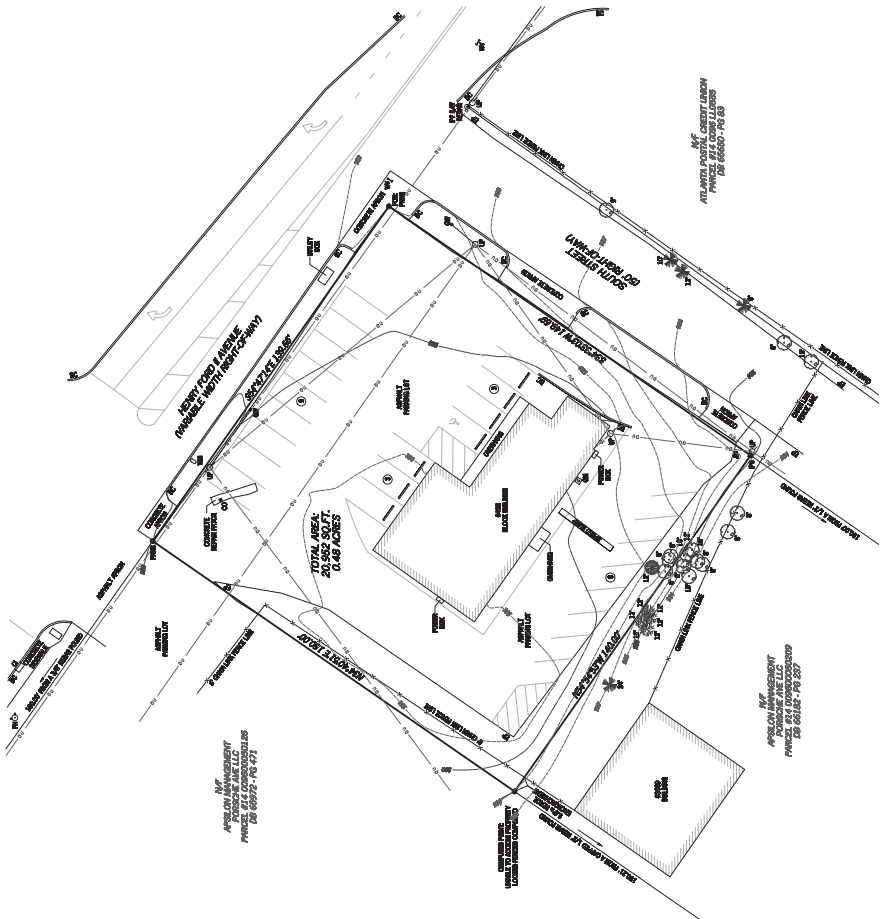
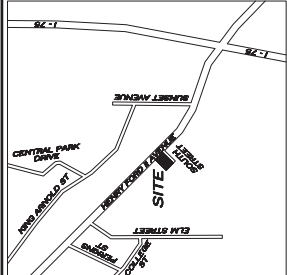
Variance	Code Section	Code Requirement	Requested Variance	Action Required
V 1	93-23-10	The maximum number of off-street automobile parking spaces shall be 110 percent of the requirement for uses proposed at the time of development approval.	Request an increase of parking allowance to 225% of the code required 8 spaces. Proposed site plan will reduce the number spaces from 23 existing spaces ot 18 spaces.	Board of Appeals
V 2	93-11.2-7(3)	The minimum build-to line shall be zero feet and the maximum shall be 15 feet	Request that the Build to Line be increased to 63 feet to match the distance of the existing building to the right of way.	Board of Appeals
V 3	93-11.2-7(7)	No Building or structure shall be less than 24 feet in height or exceed four stories or a 64 feet height. Rear alleys or rear drives shall be provided to access attached single-family garages, detached single-family dwelling garages, and commercial loading and service areas.	Request the minimum building height be reduced from 24 feet to 21'-4"	Board of Appeals
V 4	93-11.2-10(5)		Request relief from the rear alley or rear drive requirement to allow loading space to be placed on the side of the building.	Board of Zoning Appeals

HILTON LAND SURVEYING
 165 PINEWOOD DRIVE
 SENOLA, GA 30276
 HILTONS.COM
 (4) STEVEN.HILTON@HILTONS.COM
 DEPT. 27-17 PROJ. 22-28

BOUNDARY RETRACEMENT SURVEY FOR:
438 HENRY FORD II AVENUE
 CITY OF HAPPEVILLE
 FULTON COUNTY, GA
 LAND LOT 96
 14TH DISTRICT



BOUNDARY RETRACEMENT	
DATE	
REVISIONS	
NO.	
1 of 1	



THIS PLAN IS THE PROPERTY OF HILTON SURVEYING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HILTON SURVEYING, INC. THE USER OF THIS PLAN AGREES TO HOLD HILTON SURVEYING, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN AGREES TO HOLD HILTON SURVEYING, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN.

DATE: SEPTEMBER 18, 2024

REVISIONS FOR CLIENT'S SUPERVISOR COURT
 DATE: _____

SUBJECT PROPERTY
 OWNER: TUMBLEBELL #80 THRU ASSOCIATION
 ADDRESS: 438 HENRY FORD II AVENUE, HAPPEVILLE, GA 30254
 TOTAL AREA: 2.06 ACRES
 PARCEL #4 0000000101
 REFERENCE: DEED BOOK 6642 - PAGE 57
 FOR THE CITY OF HAPPEVILLE, FULTON COUNTY, GA
 DATE: SEPTEMBER 18, 2024
 PROJECT: 23 REGULAR SURVEY / UNDEVELOPED SITE

- ZONING INFORMATION**
 BY ZONING DISTRICT (MUNICIPALITY)
 -MINIMUM LOT WIDTH AT FRONT SETBACK LINE: 30 FEET
 -MINIMUM LOT DEPTH: 50 FEET
 -MINIMUM FRONT YARD SETBACK: 0 FEET
 -MINIMUM SIDE YARD SETBACK: 0 FEET
 -MINIMUM REAR YARD SETBACK: 0 FEET

GENERAL NOTES

THIS SURVEY IS THE RESULT OF A RECONSTRUCTION OF THE ORIGINAL SURVEY AND IS NOT A RE-SURVEY OF THE PROPERTY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED ON HAS A RELATIVE
 LATITUDE ACCURACY OF ONE PART IN ONE HUNDRED THOUSAND (1:100,000).
 THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY.

THE PLAN HAS BEEN CALCULATED FOR CLIMATE AND IS FOUND TO BE
 ACCURATE TO WITHIN ONE FOOT IN 10,000 FEET.

THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY.

THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A PREVIOUS SURVEY.

SYMBOLS	SEE PLAN
BY = 0 - AS SHOWN	SEE PLAN
BY = 1 - CORNER 1/2" REBAR TO BE SET	SEE PLAN
BY = 2 - 4" REBAR	SEE PLAN
BY = 3 - 6" REBAR	SEE PLAN
BY = 4 - 8" REBAR	SEE PLAN
BY = 5 - 10" REBAR	SEE PLAN
BY = 6 - 12" REBAR	SEE PLAN
BY = 7 - 14" REBAR	SEE PLAN
BY = 8 - 16" REBAR	SEE PLAN
BY = 9 - 18" REBAR	SEE PLAN
BY = 10 - 20" REBAR	SEE PLAN
BY = 11 - 22" REBAR	SEE PLAN
BY = 12 - 24" REBAR	SEE PLAN
BY = 13 - 26" REBAR	SEE PLAN
BY = 14 - 28" REBAR	SEE PLAN
BY = 15 - 30" REBAR	SEE PLAN
BY = 16 - 32" REBAR	SEE PLAN
BY = 17 - 34" REBAR	SEE PLAN
BY = 18 - 36" REBAR	SEE PLAN
BY = 19 - 38" REBAR	SEE PLAN
BY = 20 - 40" REBAR	SEE PLAN
BY = 21 - 42" REBAR	SEE PLAN
BY = 22 - 44" REBAR	SEE PLAN
BY = 23 - 46" REBAR	SEE PLAN
BY = 24 - 48" REBAR	SEE PLAN
BY = 25 - 50" REBAR	SEE PLAN
BY = 26 - 52" REBAR	SEE PLAN
BY = 27 - 54" REBAR	SEE PLAN
BY = 28 - 56" REBAR	SEE PLAN
BY = 29 - 58" REBAR	SEE PLAN
BY = 30 - 60" REBAR	SEE PLAN
BY = 31 - 62" REBAR	SEE PLAN
BY = 32 - 64" REBAR	SEE PLAN
BY = 33 - 66" REBAR	SEE PLAN
BY = 34 - 68" REBAR	SEE PLAN
BY = 35 - 70" REBAR	SEE PLAN
BY = 36 - 72" REBAR	SEE PLAN
BY = 37 - 74" REBAR	SEE PLAN
BY = 38 - 76" REBAR	SEE PLAN
BY = 39 - 78" REBAR	SEE PLAN
BY = 40 - 80" REBAR	SEE PLAN
BY = 41 - 82" REBAR	SEE PLAN
BY = 42 - 84" REBAR	SEE PLAN
BY = 43 - 86" REBAR	SEE PLAN
BY = 44 - 88" REBAR	SEE PLAN
BY = 45 - 90" REBAR	SEE PLAN
BY = 46 - 92" REBAR	SEE PLAN
BY = 47 - 94" REBAR	SEE PLAN
BY = 48 - 96" REBAR	SEE PLAN
BY = 49 - 98" REBAR	SEE PLAN
BY = 50 - 100" REBAR	SEE PLAN

438 HENRY FORD II AVENUE, HAPEVILLE, GA 30354
PARCEL #14 009600050191

All that tract or parcel of land lying and being in Land Lot 96, 14th District, City of Hapeville, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a parker kalon nail set at the intersection of the southwesterly right-of-way line of Henry Ford II Avenue (having a variable width right-of-way) with the northwesterly right-of-way line of South Street (having a 50-foot right-of-way); Thence leaving said right-of-way intersection and running along said northwesterly right-of-way line of South Street, South 34°33'03" West, 149.69 feet to a capped ½-inch rebar set; Thence leaving said northwesterly right-of-way line of South Street and running, North 54°54'53" West, 140.00 feet to a point; Thence, North 34°40'51" East, 150.00 feet to a parker kalon nail set along said southwesterly right-of-way line of Henry Ford II Avenue; Thence along said southwesterly right-of-way line of Henry Ford II Avenue and running, South 54°47'14" East, 139.66 feet to a parker kalon nail set and being the **true POINT OF BEGINNING**.

Said tract contains **0.48 acres**, more or less, as shown in a survey prepared for 438 HENRY FORD II AVENUE by Hilton Land Surveying, dated September 29, 2025.



LEAD
 1515 BENTLEY BLVD, SUITE 200
 FARMINGTON, GA 30204
 P: 770-427-4272
 F: 770-427-4272

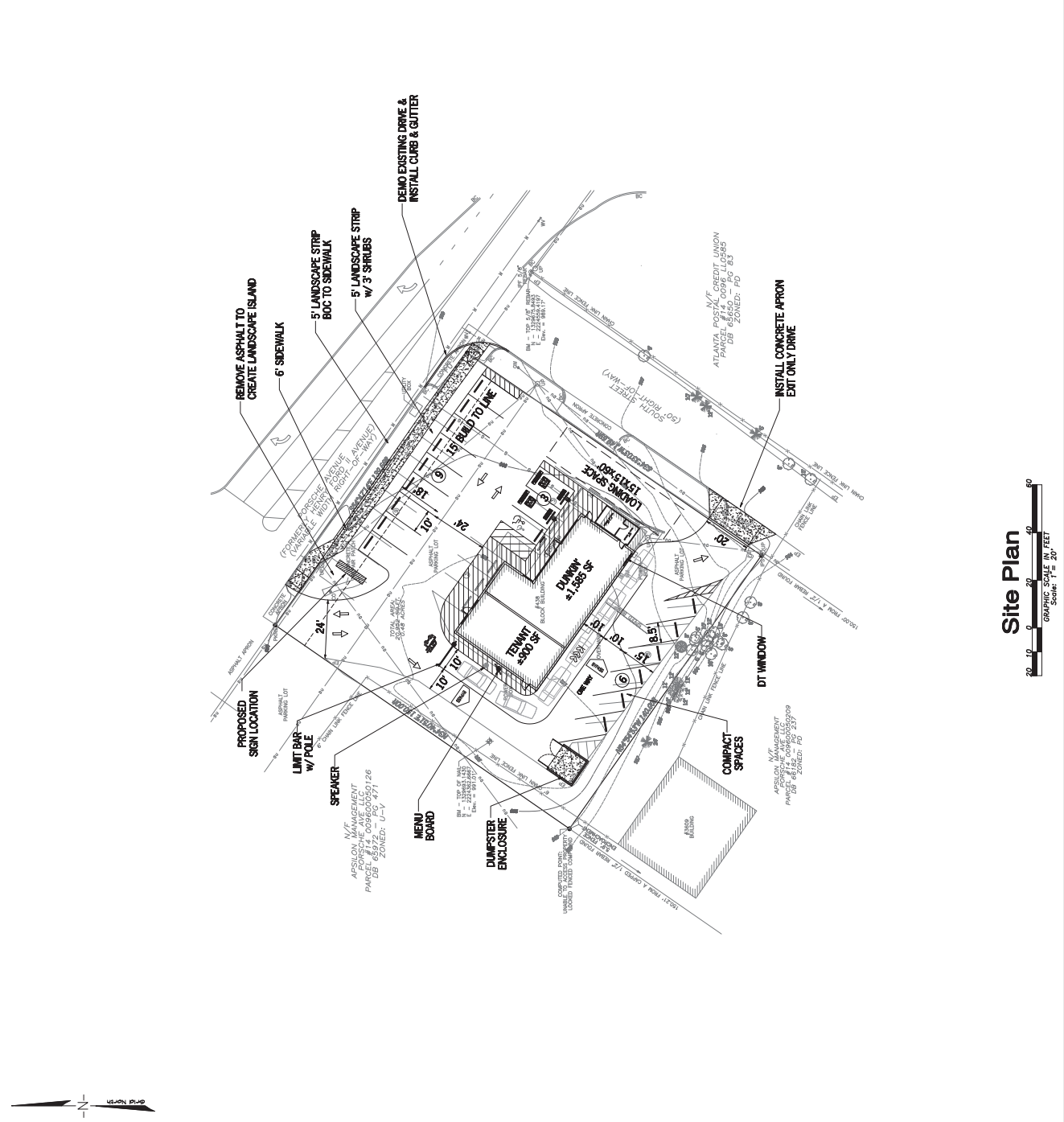
DUNKIN' HAVENVILLE
 Site Plan Prepared For:

JVS Development, LLC
 5479 CHAMBLEE DUNWOODY RD.,
 DUNWOODY, GA 30338

DATE: SEP 30, 2023
 LAND LOT: 98
 DIST: 14th
 SECTION: N/A
 CITY: HAVENVILLE
 COUNTY: FULTON
 STATE: GEORGIA
 JOB NUMBER: 2023-023

1
 1 OF 1 SHEETS
 © 2023 JVS DEVELOPMENT

Project: JVS Development, LLC - 5479 Chamblee Dunwoody Rd. - 14th Dist - 98th Land Lot - 14th Section - N/A - City of Marietta, Georgia
 Date: 09/30/2023
 Scale: 1" = 20'



PROJECT NARRATIVE
 THE SCOPE OF THIS PROJECT IS TO REMOVE THE EXISTING BUILDING INTERIORS & EXTERIORS, AND REBUILD THE BUILDING WITH A NEW INTERIOR AND EXTERIOR DESIGN. THE PROJECT WILL BE A 15,000 SF RESTAURANT AND CONVENIENCE STORE. THE PROJECT WILL BE A 15,000 SF RESTAURANT AND CONVENIENCE STORE. THE PROJECT WILL BE A 15,000 SF RESTAURANT AND CONVENIENCE STORE.

SITE INFORMATION
 OWNER: JVS DEVELOPMENT, LLC, 5479 CHAMBLEE DUNWOODY RD., DUNWOODY, GA 30338
 ARCHITECT: JVS DEVELOPMENT, LLC, 5479 CHAMBLEE DUNWOODY RD., DUNWOODY, GA 30338
 ENGINEER: JVS DEVELOPMENT, LLC, 5479 CHAMBLEE DUNWOODY RD., DUNWOODY, GA 30338
 LANDSCAPE ARCHITECT: JVS DEVELOPMENT, LLC, 5479 CHAMBLEE DUNWOODY RD., DUNWOODY, GA 30338
 SITE ADDRESS: 438 FORNICE AVE, HAVENVILLE, GA 30226
 TAX PARCEL ID: 14 089000091
 SITE AREA: 5.64 ACRES (OTHER 5.4)
 SITE ZONING: U-1 (URBAN VILLAGE)
 SETBACKS: 30' (FRONT), 10' (SIDE), 15' (REAR)
 BUILT TO LAND: 15' (VARIANCE REQUESTED FOR 45' TO MATCH EX. BUILDING)
 LOT FRONTAGE: 128.84' FORNICE AVE
 LOT AREA: 6.64 ACRES
 BUILDINGS: 2,490 S.F. EXISTING
 2,490 S.F. RESTAURANT (PRO)
 5,000 S.F. VARIANT SPACE
 FLOOR AREA: 2,490 S.F. RESTAURANT (PRO)
 5,000 S.F. VARIANT SPACE
 1,000 S.F. VARIANT SPACE
 BALDING HEIGHT: EXISTING = 17'-0" (VARIANCE REQUESTED FOR REDUCTION)
 PROPOSED = 21'-0"
 IMPROVISED AREA: 2,538 S.F. PROPOSED (NEW)
 2,538 S.F. PROPOSED (NEW)

PARKING CALCULATIONS
 USAGE: RESTAURANT 1,000 SF
 DUNKIN' 1,588 SF
 RETAIL 500 SF
 TERRACE 500 SF
 TOTAL PARKING AREA: 3,588 SF
 REQUIRED: 18 SPACES (VARIANCE REQUESTED)
 PROVIDED: 1 ADA SPACES
 1 COMPACT SPACES (NEW)

GENERAL NOTES
 1. SITE AREA: 5.64 AC
 2. NO PORTION OF THIS SITE IS TO BE USED AS A SPECIAL FLOOD AREA PER FEMA FIRM
 3. THE PROJECT WILL BE A 15,000 SF RESTAURANT AND CONVENIENCE STORE.
 4. THESE ARE STATE WALKERS OR WHEELCHAIR WITHIN 200' OF THE PROJECT SITE.
 SEE MASTER DEVELOPMENT PLAN FOR LOCALIZATION.
 5. CONSULT WITH THE CITY OF MARIETTA FOR ANY SPECIAL REQUIREMENTS.
 6. CONSULT WITH THE CITY OF MARIETTA FOR ANY SPECIAL REQUIREMENTS.
 7. CONSULT WITH THE CITY OF MARIETTA FOR ANY SPECIAL REQUIREMENTS.
 8. CONSULT WITH THE CITY OF MARIETTA FOR ANY SPECIAL REQUIREMENTS.
 9. CONSULT WITH THE CITY OF MARIETTA FOR ANY SPECIAL REQUIREMENTS.
 10. CONSULT WITH THE CITY OF MARIETTA FOR ANY SPECIAL REQUIREMENTS.

WARE+ASSOCIATES
 GLENRIDGE 400
 5825 GLENRIDGE DRIVE
 BUILDING 3, SUITE 3-285
 FAYETTEVILLE, GA 30226
 PHONE: 770.424.3032
 WWW.WAREASSOC.COM



PROJECT:
DUNKIN'

PC #
 DUNKIN REMODEL
 438 HENRY FORD AVE II
 HAPEVILLE, GA

A NEXT GEN
 STORE

NO.	DATE	REVISION/DESCRIPTION
1	09.20.23	TO DOWNS

SHEET TITLE:
**EXTERIOR
 ELEVATIONS/COLOR**

SCALE:
 AS NOTED

DRAWN BY:
 KAW

CHECKED BY:
 DSW

PROJECT NO.:
 252.133

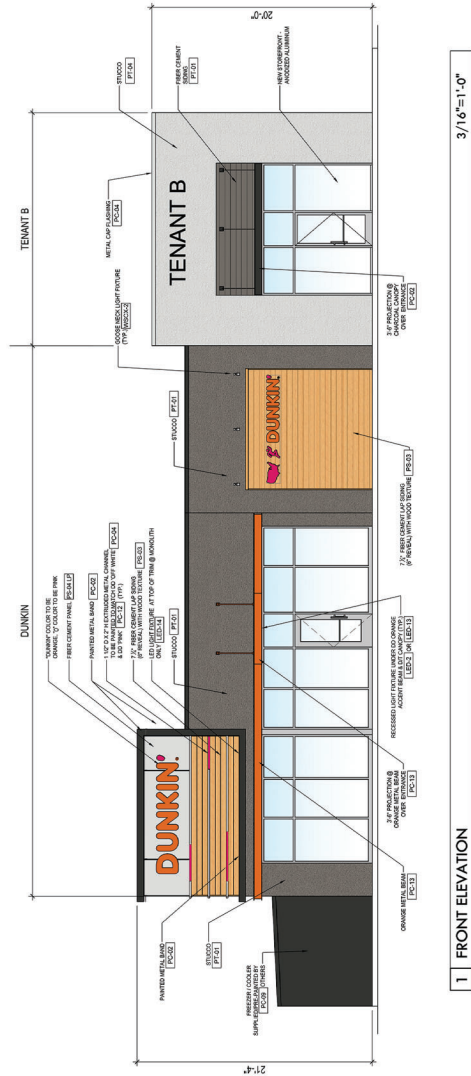
THIS DRAWING AND ALL REPRODUCTIONS
 THEREOF ARE THE PROPERTY OF WARE+ASSOCIATES, INC. AND MAY BE USED OR
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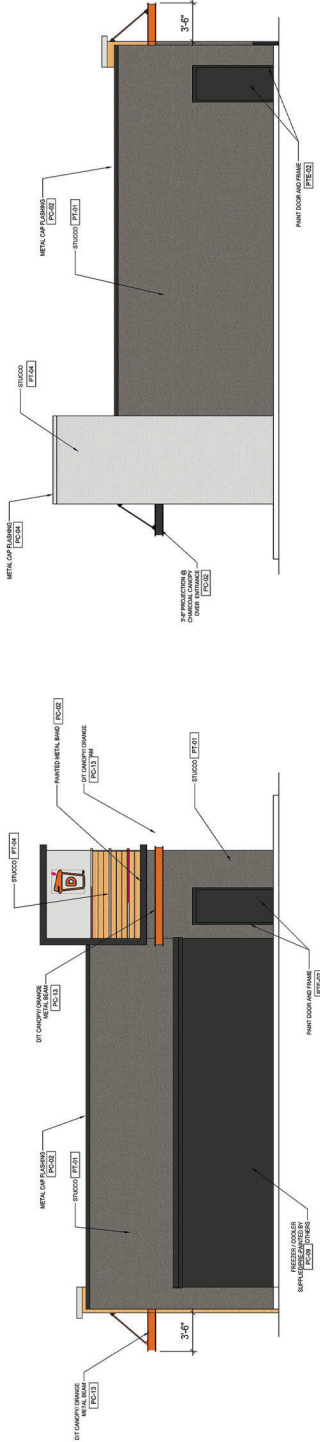
SHEET NO.:

A-2.0C

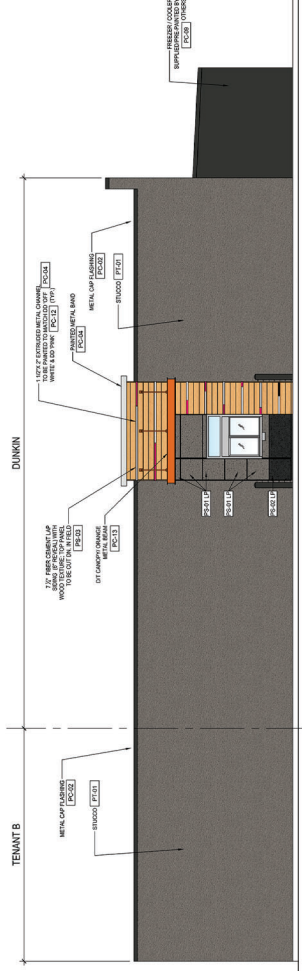
04292024



1 FRONT ELEVATION 3/16"=1'-0"



2 LEFT SIDE ELEVATION 3/16"=1'-0"



3 RIGHT SIDE ELEVATION 3/16"=1'-0"

4 REAR ELEVATION 3/16"=1'-0"



5 EXISTING BUILDING



PLANNER'S REPORT

DATE: November 12, 2025
 TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Variance Application for 438 Porsche Avenue Parcel ID 14 009600050191

BACKGROUND

The City of Hapeville has received a Variance application from Nishant Suthar for four (4) variances for the commercial parcel located at 438 Porsche Avenue Parcel ID 14 009600050191. The parcel is 20,952 SF and has an existing 2,500 SF building located on the site. The property was developed c. 1966. It has served as a bus station and most recently as a commercial space for a medical supply / services company. The property is being redeveloped into two retail spaces, including a Dunkin' and an unspecified retail tenant. The subject tract is located within the U-V, Urban Village Zoning District.

Sec. 93-22.1-1. - Chart of dimensional requirements U-V, Urban Village Zoning

Development Type	Lot Frontage (FT)	Min. Lot Area (SF)	Lot Area/ DU (SF)	Floor Area/ DU (SF)	Max. Lot Coverage (%)	Minor Col.	Maj. Arterial	Minimum			Maximum		Max. Unit/ Bldg. Lot
								Side	Rear	Stories	Feet	Min. Parking Spaces	
Nonresidential	20	2,000			90	0/15	0/15	0	0	4	8	64 g.	d, e, l, j, k

d. One parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One off-street loading space for every 10,000 square feet of building.

e. One parking space for every three seats in an auditorium, church, theater, or similar establishment.

g. Buildings over four stories or 64 feet in height must be approved by the planning commission and the fire chief to insurance that fire safety standards are met. One off-street loading space for every 10,000 square feet of building.

i. Three parking spaces for every 1,000 square feet of enclosed commercial/office floor area.

j. One parking space for every three seats in an auditorium, church, theater, or similar establishment.

k. Three parking spaces for every 1,000 square feet of enclosed restaurant floor area; and three parking spaces for every 1,000 square feet of unenclosed restaurant floor area when such floor area exceeds 300 square feet.

PROPOSED VARIANCES

1. **Increase the maximum number of off-street parking spaces from 9 spaces (110%) to 18 spaces (225%)**

Sec. 93-23-10. - Off-street parking requirements according to district and uses.

At the time of the erection of any building or structure hereinafter listed, or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area, seats, beds, members or employees, there shall be provided for such new construction, enlargement or increased capacity only, off-street automobile parking space and off-street loading spaces in accordance with the minimum requirements established for each zone. The maximum number of off-street automobile parking spaces shall be 110 percent of the requirement for uses proposed at the time of development approval.

The proposed retail and restaurant uses will create significant parking demands during peak times. The existing parking lot includes 23 spaces and this will be reduced to 18 spaces with the circulation configuration. The new parking will still exceed the maximum of 9 spaces (110%).

Staff supports the requested variance to increase parking maximums.

2. **Increase the build-to-line from 15' to 63'.**

Sec. 93-22.1-1. - Chart of dimensional requirements

See table above.

Sec. 93-11.2-7. - Area, placement, and buffering requirements.

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

(3) Build-to line. The minimum build-to line shall be zero feet and the maximum shall be 15 feet, provided that the maximum build-to line may be increased as determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such increase, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares, the relationship to existing and proposed parks and plazas, the location of existing mature trees, and supplemental area of adjacent structures. Where the built-to line is modified to provide parks and plazas, said facilities shall be directly accessible to the public during normal city park hours.

The existing building is located 63' from the front property line. A variance is required for the nonconforming condition with the development of the property.

Staff recommends approval of the variance.

3. *Decrease the minimum height from 24' to 21'4"*

Sec. 93-11.2-7. - Area, placement, and buffering requirements.

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

Height regulations. No building or structure shall be less than 24 feet in height or exceed four stories or a 64 feet in height, provided the city planning commission may allow a development with greater height via site plan approval, if it finds that:

- a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
- b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods.
- c. The proposed development is designed to facilitate the objectives and strategies of an officially adopted master plan, an LCI Study or the current comprehensive plan.
- d. The proposed development meets approval from the fire department and FAA.
- e. The proposed development meets the sprinkling standards set forth by the fire department. It shall meet the requirements as set forth in NFPA (13)(D), standard for the installation of sprinkler systems in one-family or two-family dwellings and NFPA (13)(R) for residential occupancies up to and including four stories in height. All others shall be required to meet NFPA (13) standard for the installation of sprinklers.

The existing building is one story and less than 24'. The improvements to the building include design elements that will be 21' 4" and 20' on either end of the existing structure. The Code allows Planning Commission to increase the proposed height but does not address a lower height standard, therefore it is being brought to the Board of Appeals.

Staff recommends approval of the variance if the existing building does not meet Code.

4. **Allow for the placement of the off-street parking and loading space to be placed on the side of the building (rear placement is required in Code).**

Sec. 93-11.2-10. - Parking and curb cut requirements.

In addition to the requirements of article 23, off-street parking and loading, the following requirements shall apply within the U-V district:

- (5) Rear alleys or rear drives shall be provided to access attached single-family garages, detached single-family dwelling garages, and commercial loading and service areas.

The lot is shallow at the rear given the 63' setback. The rear of the building will also house the drive-through (if approved by Council) and additional parking. There is not sufficient room at the rear for a loading space. The loading space will be utilized during non-business hours and may be utilized for circulation (overflow) during peak hours.

Staff recommends approval of the variance.

CODE

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

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and

substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

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

The property is 20,952 SF and has been developed since the 1960s with nonconforming conditions. It does not have either extraordinary or exceptional conditions related to size, shape, or topography, but rather because of the existing developed conditions of the site. The building has been located further back on the site than would be permitted under current code conditions.

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

As the property has been developed, the existing configurations create limitations for the full application of the aforementioned Code regulations. The application of this chapter does create a hardship in some cases for renovation of this site.

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

The property involved has existing site conditions which can accommodate desired uses, including necessary parking, but only with the proposed variances.

- 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 detriment to the public good. It would allow for this property to be placed back into use.

RECOMMENDATION

Per above, Staff recommends approval of the proposed variances.



Project Location –3266 Dogwood Drive

25-BoA-11-10

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

Name of Applicant David Hewitt

Mailing Address 1610 Mercer Ave. Collex Park GA 30337

Telephone [redacted] Mobile # [redacted] Email [redacted]

Property Owner (s) Hapeville Development authority

Mailing Address 3468 North Tullon Ave. Hapeville. GA 30354

Telephone [redacted] Mobile # 951eed@hapeville.org

Property Address/Location: 3266 Dogwood Dr. Hapeville GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14009500060498

Square Foot of Property 107 acres Building Size 8689 Zoning ✓

Present Land Use Retail / Restaurant

Variance Requested Setbacks, Entrance/Exit points, Parking, landscape, etc.

Applicable Code Section 93-23-2, 93-23-3, 93-23-11, 93-23.18, 93-23-10, 93-29-4, 93-29-4(3), 93-22-1, 93-29-9(1)(1/2), 93-29-4(4)

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 9/30/2025

Sworn to and subscribed before me
This 30th day of September 2025
[Signature]
Notary Public



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

AUTHORIZATION OF PROPERTY OWNER

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

3266 Dogwood Drive, Hapeville, Georgia 30354

Parcel Identification Number: 14 009500060498

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

David and Sujaree Hewitt/Dogwood Walk LLC

Address of Applicant

1610 Mercer Avenue, College Park, Georgia 30337

Telephone of Applicant

[REDACTED]



Signature of Owner

James Newton, Chairman of Hapeville Development Authority

Print Name of Owner

Personally Appeared Before Me this 9 day of October, 2025.


Notary Public



VARIANCE REQUESTED:

1. Maximum Number of Off-street Parking spaces

Applicable Code Section: 93-23-10

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 Dogwood/North Ave. corridor is underdeveloped, with several dilapidated and vacant properties. The Dogwood Walk vision redevelops the long-abandoned former Super A-Mart into an active multi-tenant site supporting up to four restaurant/retail/flex tenants. This adaptive-reuse program—transitioning from a single grocery tenant to multiple food- and customer-serving uses—creates legitimately higher parking demand than typical commercial uses in the area and warrants flexibility to ensure successful activation of the site.

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

Strictly limiting available parking would directly constrain restaurant/retail operations, undermining the project's viability and the shared public/private goal of revitalizing the corridor. Imposed caps would likely force renegotiation of property contract and could render the redevelopment financially and operationally infeasible.

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

This property is being purpose-designed to serve the local community with restaurant- and retail-forward tenants, rather than extending airport parking or pursuing industrial uses such as the nearby car lots. That tenant mix—centered on dine-in and frequent customer turnover—makes on-site parking intensity uniquely important.

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

The proposed variance is net positive to the community allowing for more patrons, restaurant vitality, and customer convenience - especially during busy lunch and dinner times.

VARIANCE REQUESTED:

2. (CONFIRMATION) That existing canopy shade can be credited toward the requirement of 50ft tree radius coverage for patron parking

Applicable Code Section: 93-29-4(3)

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 request may not be needed; however, we seek confirmation that existing mature tree canopy may be credited toward the required 50-ft radius coverage for proposed parking areas or consequently be waived. As an adaptive-reuse site with a legacy building footprint, established drive aisles, and constrained planting zones, the property already benefits from canopy coverage over the back lot parking and per the site plan, be accommodated with the additional planned trees to be planted. Recognizing this existing canopy allows the redevelopment to maintain shade, preserve existing trees, and support necessary vehicle circulation, without reducing parking spaces, circulation, or other net-negative alternatives.

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

If existing tree canopies could NOT be leveraged; then proposed parking spaces would need to be reduced / traded for additional tree planting. Restricting available parking usage would directly constrain the proposed restaurant and retail usage of the property and challenge the shared vision of the property development — resulting in having to renegotiate contract terms or make the project unviable to develop.

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

The development is looking to serve the local community with dense restaurant/retail friendly tenants and create a more community friendly offering in comparison to the vacant or more industrial uses nearby.

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

The proposed variance is net positive to the community allowing for more patrons, restaurant vitality, and customer convenience without diminishing tree coverage or public welfare.

VARIANCE REQUESTED:

3. Reduce side yard setback from 15' to 4' 11"

Applicable Code Section: 93-29-4(3)

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.

An existing legacy building and an active restaurant tenant (Tia Rosie's) occupy the structure formerly built as Super A-Mart. The current building wall was constructed within the side-yard setback and has long functioned as a lawful nonconforming condition. To align the recorded standard with on-the-ground reality, we propose updating the side-yard setback from 15' to 4' 11" to reflect the existing building line. The adaptive-reuse nature, historic siting, and fixed structural grid create conditions that cannot be reasonably altered without disproportionate impact.

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

Requiring compliance with the required 15' side-yard setback would necessitate partial demolition of load-bearing walls, interruption of an operating business, loss of leasable area, utility relocations, and substantial reconstruction—costs and disruptions that would likely terminate the corridor revitalization vision. It could also trigger cascading code and life-safety implications (temporary closure, egress reconfiguration, and ADA and fire-separation redesign).

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

The peculiarity arises from the original supermarket-era footprint, structural bay spacing, and long-standing building placement relative to the property line. These legacy constraints—combined with the ongoing tenant operation—distinguish this parcel from vacant or greenfield sites where setback violations can be more flexibly accommodated.

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

None, this is an existing building in and close proximity is to a neighboring commercial property / no residential residents to disturb.

VARIANCE REQUESTED:

4. Increase maximum lot coverage

Applicable Code Section: 93-22-1

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.

We are proposing to raise maximum lot coverage to 91% — a 1.1% increase from the current existing conditions of 89.9% and 20% beyond the current threshold of 70%.

The proposed site plan provides a near equivalent ratio, while providing a more effective distribution of green space - allowing for better customer parking, and potential increase of green space enjoyment for future tenant business(es) and their patrons.

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

New adherence to the 70% coverage mark would require substantial removal of existing hardscape and parking, jeopardizing project feasibility and the intended mix of restaurant/retail uses. It would also constrain the ability to provide covered patio areas that are essential for outdoor dining, weather protection, and year-round patronage—key drivers of economic vitality for this corridor.

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

These conditions arise from the unique adaptive reuse of the abandoned Super A-Mart facility. The inherited building massing, fixed structural grid, and established circulation patterns distinguish this parcel from greenfield sites and make a strict reduction in coverage impractical without disproportionate operational and development impacts.

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

If approved, this variance would improve site conditions and development vitality by providing more potential for covered restaurant patio space, and better curb appeal via distributed green space through property instead of the current condition with majority of green space consolidated in the back corner (both invisible and inaccessible to patrons).

VARIANCE REQUESTED:

5. Omit requirement for planted buffer along North Property line whereby nearby lot is an incompatible use.

Applicable Code Section: 93-29-9(l) (1/2)

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.

A substantial natural buffer already exists between the north property line and the adjacent residence, including mature/landmark trees on the neighboring parcel that provide effective screening and shade. Given the inherited site geometry and operational constraints of this adaptive-reuse project, we propose installing a 6-foot fence (painted or stained) along the north edge but no additional planted buffer. Crediting the existing abutting off-site canopy avoids redundant plantings that would constrict drive aisles and loading while still achieving the ordinance's screening intent.

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

Having to add a landscape buffer to the existing buffer would consequently reduce/replace one or both of the proposed site plan affordances:

1. Proposed site plan includes a 30' turning radius — important affordance for patron vehicles accessing parking in the back, and/or having to turn around in the instance the back parking lot is full. The 30' radius is also important for truck deliveries which is a high-frequency activity for a restaurant and many flex or retail establishments.
2. A continuous sidewalk/service path along the back of the building that facilitates access to a future northeast patio area and provides hand-truck/delivery routing. These reductions would impair daily operations and diminish the viability of restaurant/flex tenants.

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

This site's legacy building placement, narrow drive aisles, and established service patterns—combined with an existing off-site tree line—create a unique context where additional on-site buffering would conflict with essential circulation and loading needs. The condition differs from greenfield parcels that can readily allocate depth for both buffers and drive aisles without compromising operations.

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

None anticipated. The existing trees and the proposed 6-foot fence continue to provide visual screening, noise attenuation, and privacy for the neighboring residence while preserving safe circulation, delivery access, and urgent maneuvering. The outcome maintains neighborhood compatibility, avoids unnecessary disturbance to established tree canopy, and supports a more functional, active commercial site—yielding a net community benefit.

VARIANCE REQUESTED:

6. Omit overarching requirement for ALL parking areas directly adjacent to public rights-of-to have a minimum of one row of shrubs to create a visual screen. The shrubs that will be installed will have the required 24-inch height

Applicable Code Section: 93-29-4(4)

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.

We propose installing shrubs (24-inch height at maturity) along the northeast corner where feasible (roughly a 10-ft row), however, the legacy parking-field layout, shallow frontage depth, and existing public sidewalk leave insufficient on-site width to add a continuous shrub row without removing either stalls or the pedestrian path. As an adaptive-reuse site with fixed curb cuts, utility constraints, and established drive aisles, we propose to credit the existing sidewalk condition and to plant additional street/parking-lot trees along North Ave to improve curb appeal, provide parking shade, and heat-island reduction while preserving viable pedestrian access.

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

Complying points to a path of eliminating a full row of parking or removing/relocating the public sidewalk along North Ave. Either action would reduce critical stall count, disrupt ADA routes, potentially impair sight triangles at driveways, and introduce utility conflicts—undermining restaurant/retail viability and the corridor’s revitalization goals. The proposed trees provide a superior streetscape outcome without resulting operational and customer access burdens.

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

The peculiarity stems from the inherited supermarket-era frontage where parking stalls, drive aisles, and the public sidewalk were built immediately adjacent to the right-of-way. This shallow frontage and fixed building placement differ from greenfield sites that can allocate a dedicated landscape strip. Preserving the existing sidewalk and parking while enhancing canopy trees is the most practical way to meet the ordinance’s screening intent on this parcel.

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

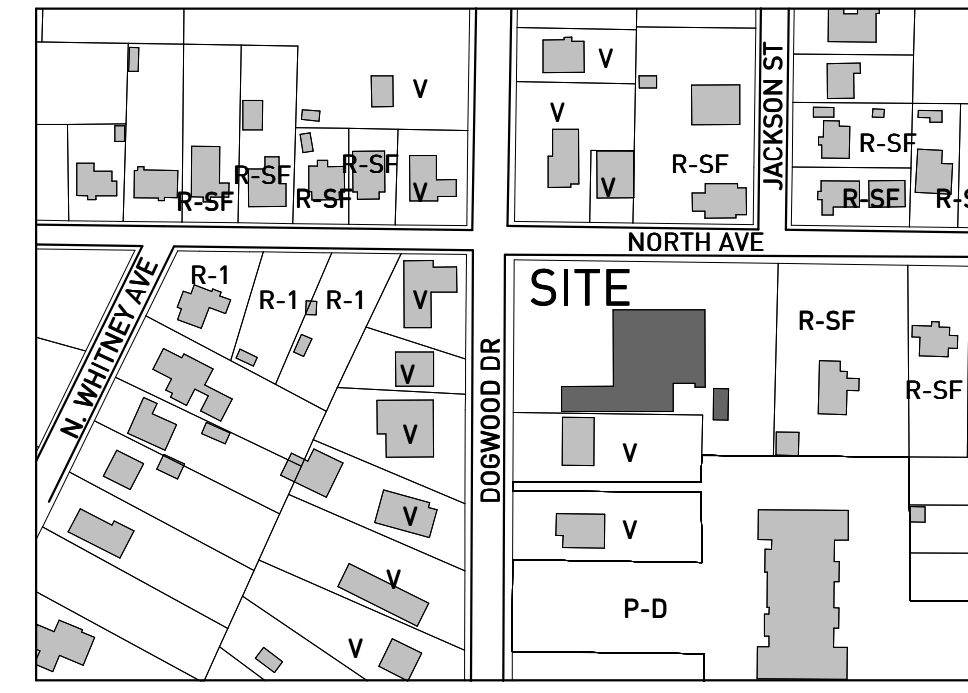
None anticipated. The plan maintains a shrub row where feasible, adds new trees for shade and visual relief, preserves pedestrian connectivity, and retains safe vehicular circulation. These measures improve curb appeal, comfort, and safety for patrons and neighbors, yielding a net public benefit without foreseeable negative impacts.

DESCRIPTION OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 95 OF THE 14TH DISTRICT OF FULTON COUNTY, IN THE CITY OF HAPEVILLE, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF NORTH AVENUE (A 40 FOOT RIGHT OF WAY WITH THE EASTERLY RIGHT OF WAY OF DOGWOOD DRIVE, FORMERLY STEWART AVENUE (A 50 FOOT RIGHT OF WAY), THENCE FOLLOWING SAID EASTERLY RIGHT OF WAY OF DOGWOOD DRIVE SOUTH 00 DEGREES 40 MINUTES 02 SECONDS WEST A DISTANCE OF 158.94 FEET TO A THREE-QUARTER INCH CRIMP TOP PIN FOUND; THENCE LEAVING SAID RIGHT OF WAY SOUTH 88 DEGREES 59 MINUTES 01 SECONDS EAST A DISTANCE OF 199.76 FEET TO A THREE-QUARTER INCH CRIMP TOP PIN FOUND; THENCE SOUTH 00 DEGREES 50 MINUTES 42 SECONDS WEST A DISTANCE OF 39.99 FEET TO A ONE-HALF INCH REBAR FOUND; THENCE SOUTH 88 DEGREES 20 MINUTES 54 SECONDS EAST A DISTANCE OF 75.38 FEET TO A THREE-QUARTER INCH OPEN-TOP PIN FOUND; THENCE NORTH 00 DEGREES 23 MINUTES 54 SECONDS EAST A DISTANCE OF 199.86 FEET TO A ONE-HALF INCH REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY OF NORTH AVENUE (A 40 FOOT RIGHT OF WAY); THENCE FOLLOWING SAID SOUTHERLY RIGHT OF WAY NORTH 89 DEGREES 00 MINUTES 05 SECONDS WEST A DISTANCE OF 274.07 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING A TOTAL OF 1.07 ACRES AS SHOWN ON SURVEY FOR Z&R GROUP, INC., BRANCH BANKING & TRUST COMPANY AND CHICAGO TITLE INSURANCE COMPANY BY SCANLON ENGINEERING



2 KEY PLAN
V-1.1 1" = 200'-0"

SITE PLAN GENERAL NOTES

- BUILDING FOOTPRINT
- PROPERTY LINE
- SETBACK LINE
- WATER CONNECTION - SEE CIVIL
- SEWER/GREASE CONNECTION - SEE CIVIL
- CONCRETE SIDEWALK - SEE CIVIL
- ASPHALT PARKING - SEE CIVIL
- PERVIOUS PAVERS OR OTHER MATERIAL
- PLANTING AREA - SEE LANDSCAPE PLAN
- CRZ EXISTING TREE
- 50 FT RADIUS @ PARKING LOT TREE

ZONING INFORMATION

ADDRESS: 3266 DOGWOOD DR
HAPEVILLE, GA 30354

LOT SIZE: 46,633 SF / 1.071 AC

ZONING: V - VILLAGE ARTS DISTRICT OVERLAY

PROPOSED USE: RESTAURANT, RETAIL, FLEX

FAR: 0.19

EXISTING FOOTPRINT: 9,343 SF
PROPOSED FOOTPRINT: 8,689 SF

BUILDING HEIGHT EXISTING: 20'-6" (35 FT MAX)
BUILDING HEIGHT PROPOSED: 25'-0" (35 FT MAX)

LOT COVERAGE EXISTING: 89.9% (41,919 SF / 46,633 SF)
LOT COVERAGE PROPOSED: 91% (70% MAX) Sec. 93-22-1.1 (42,440 SF / 46,633 SF)

BUILDING COVERAGE: 18.6% (8,689 SF / 46,633 SF)

PARKING COVERAGE: 62.3% (29,048 SF / 46,633 SF)

LOADING AND DRIVE COVERAGE: 1.9% (896 SF / 46,633 SF)

USOS IMPERVIOUS: 6.1% (2,871 SF / 46,633 SF)
USOS PERVIOUS: 4.5% (2,102 SF / 46,633 SF)

SIDE YARD SETBACK: 4'-11" (15 FT MIN) Sec. 93-22-1.1
FRONT YARD SETBACK: 54'-1" FT (15 FT MIN) DOGWOOD
REAR YARD SETBACK: 49'-2" FT (15 FT MIN) N. AVE
73'-11" (25 FT MIN)

REQUIRED PARKING: 1 PER 200 SF of commercial Sec. 93-22-1.1(c)

TOTAL SPACES: 44
REGULAR SPACES: 42
ADA SPACES: 2

PROPOSED PARKING: **TOTAL SPACES: 84**
REGULAR SPACES 18ft x 8.5ft: 53
COMPACT ANGLED 15ft x 8.5ft: 25
ADA SPACES: 3
OPTIONAL OVERFLOW: 3

FENESTRATION % OF LENGTH: REQUIRED: 75%
N AVE: EXIST: 10%
PROPOSED: 25% (CLR GLASS)
DOGWOOD: EXIST: 30%
PROPOSED: 45% (CLR GLASS)

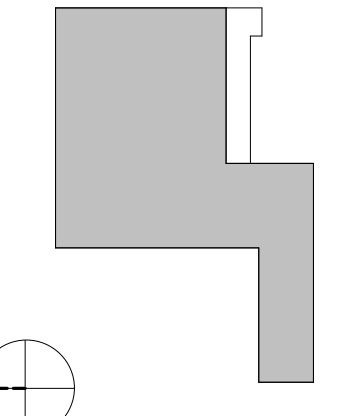


Source Urbanism, LLC
P.O. Box 1154,
Stone Mountain, Georgia 30086
T. 770 330 8325
audrey.plummer@sourceurbanism.com



DOGWOOD WALK
3266 DOGWOOD DRIVE
HAPEVILLE, GA 30354

KEY PLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number		100.2024.04
Date		09/29/2025
Drawn	ALP	
Checked	RDR	

SHEET TITLE

SITE PLAN

SHEET NUMBER

V-1.1

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DEMO EXISTING 4FT WOOD FENCE AND INSTALL NEW 6FT TALL WOOD FENCE, PAINTED OR STAINED

STREET TREE 40FT OC*
Sec. 81-1-6 (a)(1)(b)
The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas. Street trees shall be planted on average 30 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall comply with the requirements of chapter 93, article 29, and shall be limited up to a minimum height of seven feet and shall be of an appropriate street tree species found in appendix A, attached to the ordinance from which chapter 93, article 29 was derived.

* Requires DRC approval

PROPOSED WIDER SIDEWALK*
Sec. 81-1-6 (a)
10ft Sidewalk w/ 8ft clear walking area

* Requires DRC approval

Sec. 93-23-11
Angle of 30 degrees to 60 degrees:
Full size 9' x 18'
Compact 8.5 x 15'

93-29-4(3)
A sufficient number of [minimum] three-inch caliper trees must be planted in interior portions of parking lots so that no parking space is more than 50 feet from a parking lot tree. Show a 50-foot radius dashed circle for each parking lot tree on tree replacement plan to verify graphically. Up to 20 percent of parking lot trees may be planted along the perimeter of the parking lot. Landscaped islands shall terminate each row of parking and all landscaped islands planted with trees shall provide a minimum of 200 square feet per tree. Light poles are not permitted in parking lot islands, peninsulas and medians unless they are a minimum of 20 feet from any planted tree

Sec. 81-1-6.(l)
d. Service areas and dumpsters:
a. Shall be in the rear or side yard of the development, and
b. Shall be screened from the public right-of-way to a height of eight (8) feet with an opaque material on all sides, consistent with a primary building material. Acceptable materials for screening shall include painted wood or those found in Section 93-2-5.

Sec. 93-28-10.2 (e)
The parking space standard in the arts district overlay shall be eight and one-half feet by 18 feet. No loading space requirement shall apply to the arts district overlay. In most instances, the short term loading needs of the business can be met in the vehicle parking area.

Sec. 93-23-11 (b)
There shall be adequate interior passageways, drives and maneuver areas, as determined by the building official, to accommodate each space and to connect each space with a public street.

VARIANCE REQUEST

93-23-10. Maximum number of off-street parking spaces is 110% of the requirement for commercial use.

REQUEST: Allow additional parking spaces up to 84 spaces.

93-29-4(3) All parking spaces must be within a 50ft radius of a parking lot tree.

REQUEST/CONFIRMATION: Allow existing trees and neighboring trees to count towards the 50ft tree coverage as applicable.

93-22-1-1 Sideyard setback is to be 15ft min.

REQUEST: The existing building side yard setback is 4'-11". Allow for a 4'-11" sideyard setback along full extent of eastern property line.

93-22-1-1 Max lot coverage is 70%.

REQUEST: The existing building site has a 89.9% lot coverage. We are proposing a 91% lot coverage.

93-29-9(1)(2) Requires an opaque, planted buffer along a property line for the purpose of screening where property abuts an incompatible use.

REQUEST: A green buffer with landmark trees already exists between the north property line and the adjacent residential property. Due to existing site constraints—including the need to maximize the turnaround radius and allow for vendor and service access to building via sidewalk and back parking lot—we will install a 6ft tall fence but no additional green buffer.

93-29-4(4) All parking areas directly adjacent to public rights-of-way shall have a minimum of one row of shrubs to create a visual screen. The shrubs shall be installed at 24-inch height minimum and shall be maintained between 30- and 48-inch height

REQUEST: Due to existing site constraints—including the existing building footprint and narrow parking lot width—along with the proposed sidewalk/landscape design, shrubs will only be installed along 10 ft of the parking lot.

TREE NOTES

Sec. 93-29-4.(2) Parking lot trees shall be provided in landscape islands in parking areas proposing ten or more spaces. Parking areas with fewer than five spaces and multi-level parking decks are exempt.

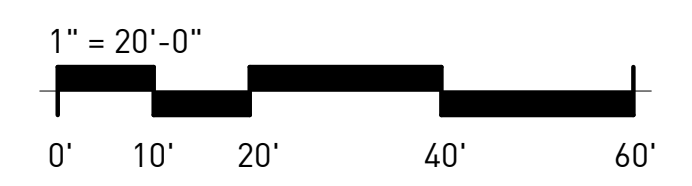
REQ. TREE DENSITY: 1.071 ac X 100 in = 107.1 inches req. sec 93-29-5

EXISTING TREES*
*CRZ and root plates of all existing trees are currently impacted by existing asphalt paving.

#	DIAM	SPECIES	TYPE	REMARKS
1	36"	HARDWOOD	Landmark	Conc will be cleared from around root plates.
2	18"	HARDWOOD	--	--
3	24"	HARDWOOD	--	--
4	28"	HARDWOOD	Landmark	--
5	6"	HARDWOOD	Boundary Tree	CRZ is currently impacted by existing asphalt.
6	6"	HARDWOOD	Boundary Tree	--
7	6"	HARDWOOD	Boundary Tree	--
8	30"	HARDWOOD	Boundary Tree	--
9	40"	HARDWOOD	Boundary Tree	--
10	26"	HARDWOOD	Boundary Tree	--
11	37"	HARDWOOD	Boundary Tree	--
12	40"	HARDWOOD	Boundary Tree	--
13	48"	HARDWOOD	Boundary Tree	--
14	54"	HARDWOOD	Boundary Tree	--

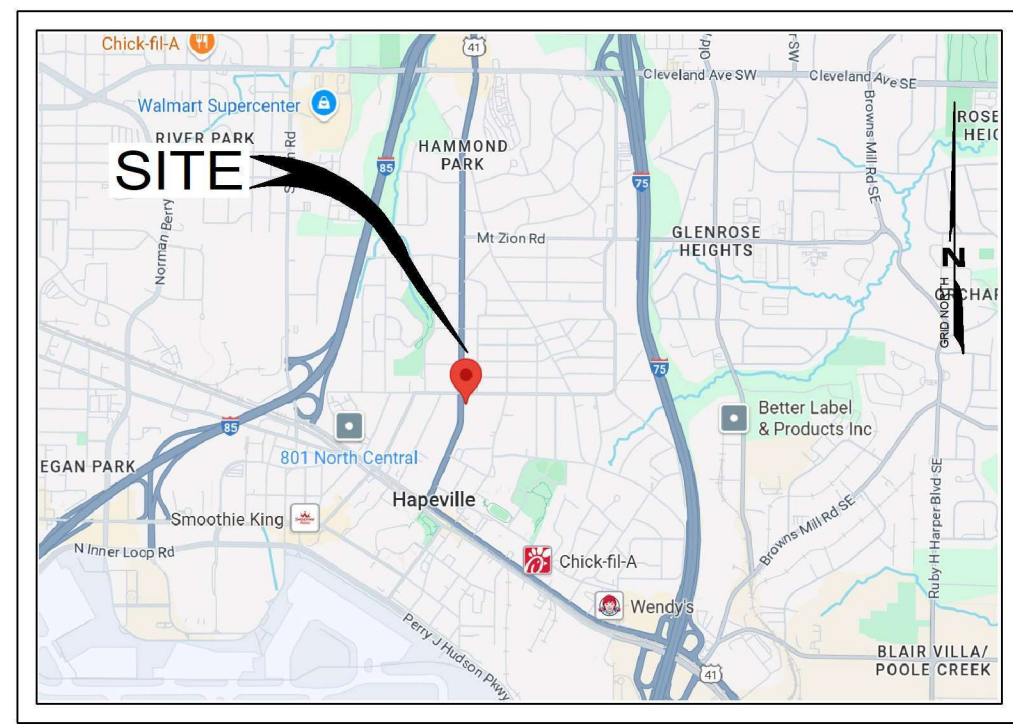
REPLACEMENT TREES

CNT	CALIPER	SPECIES	TYPE	REMARKS
5	3"	TBD	Street tree	
4	3"	TBD	Parking lot tree	



9/30/2025 11:55:50 AM Autodesk Docs // 100.2025.02_3266_Dogwood Dr // 100.2025.02_3266_Dogwood Drive.rvt

BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT



VICINITY MAP (NOT TO SCALE)

SURVEYOR'S NOTES

- 1. THIS SURVEY, PREPARED FOR CLIENT AS SHOWN ON THIS PLAT, REPRESENTS A SPECIFIC SCOPE OF SERVICES...
2. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECTIFICATION...
3. THE FIELD MEASUREMENTS FOR THE ESTABLISHMENT OF PROJECT CONTROL WAS BASED ON A GNSS SURVEY WITH A EGPS 20T GNSS RECEIVER...
4. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A RELATIVE POSITIONAL PRECISION OF 2 CM (0.07 FEET) PLUS 50 PARTS PER MILLION...
5. THIS PLAT HAS A CLOSURE PRECISION OF ONE FOOT IN 143972 FEET...
6. UTILITIES DESIGNATED BY CDH SOLUTIONS ON 7-31-2025...
7. LAST FIELD DATE: 8/1/2025...
8. THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEY IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

VESTING PARCEL NUMBER

14 009500060498

FEE AREA

1.071 ACRES (46633 SQ.FT.), MORE OR LESS

ZONING

V-VILLAGE

SURVEYOR'S REFERENCES

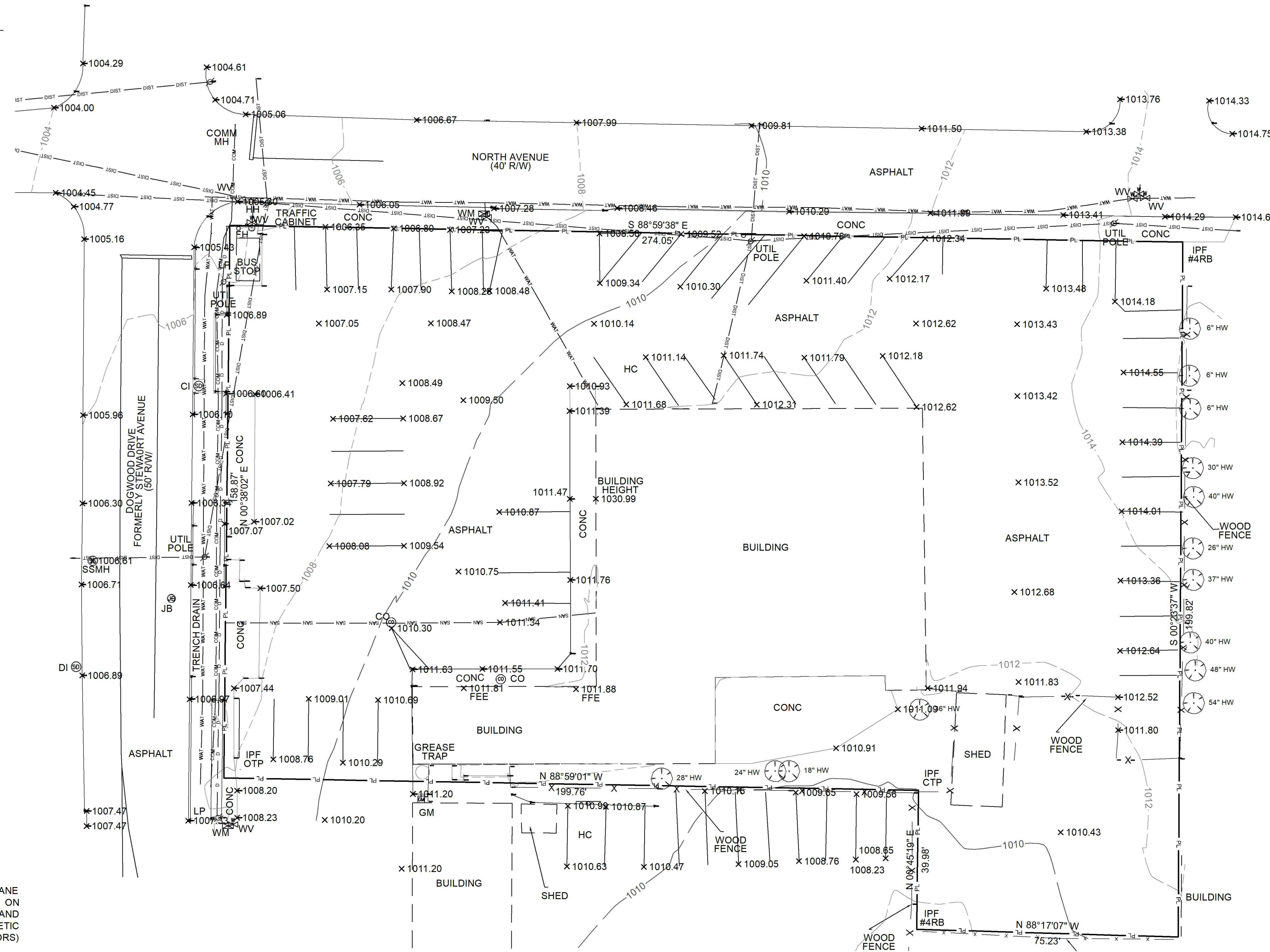
- 1. DEED BOOK 61182, PAGE 342

SURVEY DATA:

- 1. HORIZONTAL DATUM - BASED UPON THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM, NAD83 (2011), IN FEET. BEARINGS ARE BASED ON SAID COORDINATE SYSTEM AND ESTABLISHED BY GPS OBSERVATIONS AND OBSERVATIONS OF SELECTED STATIONS IN THE NATIONAL GEODETIC SURVEY CONTINUOUSLY OPERATING REFERENCE STATION (NGS CORS) NETWORK.
2. VERTICAL DATUM - NAVD88, IN FEET, ELEVATIONS OBTAINED VIA GNSS DETERMINED FROM GEOID18
3. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SURVEYED UNLESS OTHERWISE NOTED.

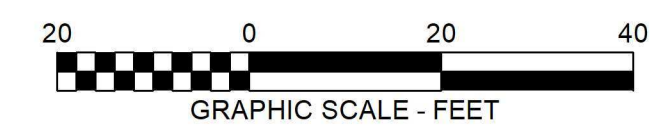
FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS NOT LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NUMBER: 13121C0368F WITH AN EFFECTIVE DATE OF 09-18-2013.



ABBREVIATION LEGEND table listing symbols for Delta Angle, Chord Bearing and Distance, Crimped Top Pipe, Arc Length, Land Lot Line, etc.

SYMBOL LEGEND table listing symbols for Bench Mark, Monument Found, Concrete Monument Found, Monument Set, etc.



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

CERTIFICATION: THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES...

NORTH SURVEYING AND MAPPING, LLC. SCOTT C. NORTH, GEORGIA REGISTERED LAND SURVEYOR, STATE OF GEORGIA LICENSE NO. 3176. DATE 08/03/2025.



BOUNDARY AND TOPOGRAPHIC SURVEY OF PID 14009500060498 3266 DOGWOOD DRIVE, HAPEVILLE FULTON COUNTY, GEORGIA 30354 FOR CENTRAL PROPERTY HOLDINGS, LLC

PROJECT NAME: 3266 DOGWOOD DRIVE PROJECT #: 2500130 DATE: 06/24/2025 SCALE: 1" = 20' SURVEYOR: SCOTT NORTH TECHNICIAN: KENNETH AYDELL CREW CHIEF: SCOTT NORTH FIELD BOOK: 25-00

1071 DEAN DRIVE NW ATLANTA GEORGIA 30318 404-203-1147 GEORGIA COA: LCF001411





PLANNER'S REPORT

DATE: November 2, 2025
 TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Variance Application for 3266 Dogwood Drive Parcel ID 14 009500060498

BACKGROUND

The City of Hapeville has received a Variance application from David Hewitt for eight (8) variances for the commercial parcel located at 3266 Dogwood Drive, Parcel ID 14 009500060498. The parcel is 1.7 acres and has an existing 8,689 SF building located on the site. The property was developed originally c. 1961 and had two expansions in approximately 1987 and 1988. The building had been used as a grocery store and is being redeveloped as a series of retail/restaurant spaces. The subject tract is located within the V, Village Zoning District, and the A-D Arts District Overlay.

**Sec. 93-22.1-1. - Chart of dimensional requirements
 V, Village Zoning**

Development Type	Lot Frontage (FT)	Min. Lot Area (SF)	Lot Area/ DU (SF)	Floor Area/ DU (SF)	Max. Lot Coverage (%)	Minor Col.	Maj. Arterial	Minimum			Maximum		Max. Unit/ Bldg. Lot
								Side	Rear	Stories	Feet	Min. Parking Spaces	
Nonresidential	50	10,000	10,000	1,000	70	15	15	15	25		40 b.	c, d. e.	

- c. One parking space for every 200 square feet of enclosed commercial floor area.
- d. One parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One off-street loading space for every 10,000 square feet of building.
- e. One parking space for every three seats in an auditorium, church, theater, or similar establishment.

PROPOSED VARIANCES

1. An increase in the maximum number of parking spaces from 110% to 190% of the required number of spaces (44 required, 84 proposed)

Sec. 93-23-10. - Off-street parking requirements according to district and uses.

At the time of the erection of any building or structure hereinafter listed, or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area, seats, beds, members or employees, there shall be provided for such new construction, enlargement or increased capacity only, off-street automobile parking space and off-street loading spaces in accordance with the minimum requirements established for each zone. The maximum number of off-street automobile parking spaces shall be 110 percent of the requirement for uses proposed at the time of development approval.

The proposed retail and restaurant uses will create significant parking demands during peak times. As there are no on-street parking options, maximizing parking will reduce impact on the surrounding neighborhoods and support the proposed retail and restaurant uses.

Staff supports the requested variance to increase parking maximums.

2. Reduce the side yard setback from 15' to 4' 11".

Sec. 93-22.1-1. - Chart of dimensional requirements

See above Dimensional Table.

Originally built in 1961 and then expanded in 1987 and 1988, the existing building encroaches in the setback on the south property line. This is an existing condition and considered nonconforming; however, as the building is being modified and expanded, the encroachment requires a variance. The adjacent property along this side property line is commercial.

Staff supports the requested variance to decrease the side setback.

3. Increase the allowable maximum lot coverage from 70% to 91%

Sec. 93-22.1-1. - Chart of dimensional requirements

See above Dimensional Table.

With the exception of a small grassed area, the property's lot coverage already exceeds the allowable maximum of 70%. The proposed increase of 1.1% of impervious surface allows for additional parking spaces.

Staff supports the requested variance to increase the maximum lot coverage to 91% (from an existing condition of 89.9%).

4. Waive the requirement for landscaping adjacent to the public right of way between the parking and street.

Sec. 93-23-2. - Entrance and exit points

(f) Suitable provisions, including a five-foot-wide planted buffer strip between the right-of-way and parking area shall be made to prevent entrance or exit from other than at designated entrance or exit points.

Sec. 93-23-18. - Landscape requirements for vehicular use areas.

(2) Perimeter landscape requirements.

a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen in accordance with the buffer requirements of chapter 93, article 29 and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.

b. Where other provisions of this chapter required a six-foot screening wall of masonry construction, such screening wall may totally or in part be substituted with a natural landscape screen and or earth berm upon approval of the planning commission. Such natural screening shall be at least three feet in height at time of planting and maintained at a height of five feet with a visibility obstruction of at least 75 percent.

1. i. When abutting a public street right-of-way, landscaped areas along a public street shall have a minimum dimension of five feet and a minimum average dimension often feet from the right-of-way line to the vehicular use area.

ii. In addition, the requirements of section 93-2-7 shall be met.

There is an existing City installed sidewalk with existing parking immediately adjacent. The installation of the 5' planted buffer would necessitate the removal of the row of parking spaces which are needed for the retail and restaurant uses. The improvement of the sidewalk along North Avenue including the installation of street trees and the clearly designated ingress/egress areas along Dogwood Drive send clearer indications for entry ad exist points.

Staff supports the requested variance to waive the requirements for landscaping adjacent to the right way.

5. Waive the requirement for the planted landscape buffer between the parking and the adjacent residential property.

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

(6) Residential buffer. New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e. commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs in compliance with the buffer requirements of chapter 93, article 29 to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

Sec. 93-29-9. - Tree replacement standards.

(l) Buffer planting standards are as follows:

(1) An opaque buffer is a designated area along a property line that is required to be planted for the purpose of screening. Buffers may be required as a condition of zoning or in areas where incompatible land uses exist (i.e. commercial adjacent to residential).

(2) The opaque buffer shall consist of evergreen plant materials that must form an 80 percent visual barrier within two years and a 100 percent visual barrier within five years. Trees must be minimum six feet height at installation, and shrubs must be minimum 24-inch height at installation.

- a. Existing buffer to remain undisturbed: sparsely vegetated or previously disturbed portions of this undisturbed, existing buffer must be replanted to comply with the definition above;
- b. Buffer width 20 feet or less: this buffer shall consist of a minimum of one row of evergreen trees and one row of evergreen shrubs (see appendix B, attached to the ordinance from which this article derived);
- c. Buffer width 21 to 35 feet: this buffer shall consist of a minimum of two rows of evergreen trees and one row of evergreen shrubs (see appendix B, attached to the ordinance from which this article derived);
- d. Buffer width over 35 feet: this buffer design shall be subject to approval by the city. Evergreen trees planted within buffer areas may be counted for inches per acre credit.

The proposed parking lot maintains the existing parking along the eastern boundary. A 6’ opaque fence will be installed to delineate the property and shield the side yard from parking. Staff recommends the variance request and also suggests the applicant offer to plant a similar landscape buffer on the adjacent property should that be amenable to the adjacent property owner.

6. Waive the requirement for parking to be set back 5’ from property lines.

Sec. 93-23-3. - Setbacks from property lines.

Off-street parking and loading spaces and their respective maneuvering areas shall be set back not less than five feet from all property lines, except where those spaces and areas for adjacent properties abut, or are in contiguous use, there need not be any setback.

There is an existing condition where parking already abuts the property lines without a five-foot setback – two of the property lines abut the right of way on Dogwood Drive and North Avenue and the existing parking that abuts the residential property will have an opaque fence separating the uses. Adjusting the setback to 5’ from the property line would impair the property’s ability to accommodate needed parking.

Staff supports the variance to waive this requirement for the setback of parking along the right of way.

7. Allow for a reduction in the number of accessible spaces from 4 to 3.

Sec. 93-23-11. - Size of off-street parking spaces, including parking spaces for compact automobiles, and parking spaces for automobiles of the physically handicapped.

(c) In addition to the above-stated requirements, parking space for automobiles of the physically handicapped shall be provided in accordance with the following standards.

Total Spaces and Lot	Required No. of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
75 to 100	4

The required parking is 44 spaces with 2 accessible spaces. For parking lots with 75 to 100 spaces, 4 accessible spaces would be required. This plan proposes 84 parking spaces and 3 accessible spaces, which is more than the required minimum per original standards.

Staff supports the request for the reduction of 1 accessible space, given the size of the building and Code requirements based upon the building size and accompanying parking requirements.

8. Waive the requirement for parking lot trees on the eastern parking spaces

Sec. 93-29-4. - General plan requirements.

A tree conservation and replacement plan shall be submitted and approved as part of the pre-development site plans as required by the provisions of this article. No plans shall be accepted by city staff unless tree protection and/or tree replacement plans are included in the initial submittal. All commercial parcels and residential lots (if applicable) under development shall comply with street tree, parking lot tree and buffer tree requirements regardless of whether the 100 inches per acre has been met with existing trees. Street tree requirements are subject to the architectural design standards and the zoning categories identified within this chapter.

(3) A sufficient number of (minimum) three-inch caliper trees must be planted in interior portions of parking lots so that no parking space is more than 50 feet from a parking lot tree. Show a 50-foot radius dashed circle for each parking lot tree on tree replacement plan to verify graphically. Up to 20 percent of parking lot trees may be planted along the perimeter of the parking lot. Landscaped islands shall terminate each row of parking and all landscaped islands planted with trees shall provide a minimum of 200 square feet per tree. Light poles are not permitted in parking lot islands, peninsulas and medians unless they are a minimum of 20 feet from any planted tree (see appendix B, attached to the ordinance from which this article derived, for typical details).

(4) All parking areas directly adjacent to public rights-of-way shall have a minimum of one row of shrubs to create a visual screen. The shrubs shall be installed at 24-inch height minimum and shall be maintained between 30- and 48-inch height. (See appendix B, attached to the ordinance from which this article derived, for typical detail.)

The redesigned parking lot will include the installation of parking lot trees, however, the row on the eastern boundary adjacent to the residential property does not have sufficient space to accommodate the required parking lot trees. As there are trees located on the adjacent property, the intent of the Code is met.

Staff recommends approval of the variance.

CODE

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

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

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

The property is 1.1 acres and has been developed since the 1960s with nonconforming conditions. It does not have either extraordinary or exceptional conditions related to size, shape, or topography, but rather because of the existing developed conditions of the site.

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

As the property has been developed, the existing configurations create limitations for the full application of the aforementioned Code regulations. The proposed renovations of the site with uses recommended in the City's Comprehensive Plan create an opportunity for desired revitalization of this property, however, the application of this chapter does create a hardship in some cases for adaptive reuse of the site.

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

The property involved has existing site conditions which can accommodate desired uses, including necessary parking, but only with the proposed variances.

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 detriment to the public good. It would allow for this property to be placed back into use, including uses outlined in the Comprehensive Plan and Livable Communities Initiative Plan developed in 2017. The revitalization of this corner with the proposed improvements would serve local residents and minimize impacts by allowing for ample parking.

RECOMMENDATION

Per above, Staff recommends approval of the proposed variances with the recommendation that the applicant offer landscaping to the adjacent residential property owner. All parking lot lighting must remain on the property and not negatively impact the adjacent property owner.



Project Location –3266 Dogwood Drive