



**CIVILITY PLEDGE**

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

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

**Board of Appeals Meeting**

700 Doug Davis Drive  
Hapeville, GA 30354

January 22, 2026 6:00 PM

**AGENDA**

**1. Call to Order**

**2. Roll Call**

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

**3. Election of Officers**

3.I.

- Election of Vice Chairman

3.II.

- Election of Chairman

**4. Approval of Minutes**

4.I. Minutes of November 20, 2025

**Documents:**

1. Minutes - 11-20-2025\_draft

**5. Public Hearing**

5.I. 3046 Gordon Circle Variance Request

**Background:**

Philip B. Belt, Jr. is requesting a variance to reduce the required setback, increase the allowable lot coverage from 40% to 45%, and grant relief from the Tree Conservation Ordinance for the property located at 3046 Gordon Circle (Parcel ID: 14 009900020506). The property is zoned R-1, One-Family Residential, and is subject to the zoning regulations outlined in Article 29 (Tree Conservation), Article 22.1 (Dimensional Requirements), and Section 93-22.1-1 (Chart of Dimensional Requirements) of the City of Hapeville Zoning Ordinance.

**Documents:**

1. Application - 3046 Gordon Circle\_Variance\_Redacted  
2. Plans - 3046 Gordon Circle\_Variance\_V2  
3. Planners Report - 3046 Gordon Circle\_Variance

5.II. 3165 Dogwood Drive Variance Request

**Background:**

Ehud (Udi) Goldstein is requesting a variance to increase the height of a fence, increase the allowable size of a sign and reduce the setback of a sign at 3165 Dogwood Drive, Parcel ID: 14-0099-0003-112-3. The property is zoned V, Village and is subject to the zoning regulations under Article 3.3 (Signs and Murals), Section 93-3.3-21 (Sign standards by sign district), Section 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), Section 93-2-7 (Vision clearance at corners), Section 93-3.3-8 (General sign regulations), and Section 93-3.3-11 (Prohibited signs) of the City of Hapeville Zoning Ordinance.

**Documents:**

1. Application - 3165 Dogwood Drive\_Variance\_Sign\_Redacted
2. Plans - 3165 Dogwood Drive\_Sign Variance
3. Planners Report - 3165 Dogwood Drive\_Fence and Sign Variance

**6. Next Meeting Date - February 26, 2026 at 6:00 PM**

**7. 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

November 20, 2025 6:00 PM

### MINUTES

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

#### 2. Roll Call

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

#### 3. Approval of Minutes

##### 3.I. Minutes of October 23, 2025

**MOTION ITEM:** Kate Rockett made a motion to approve the minutes of October 23, 2025, as submitted. The motion was seconded by Melanie Williams.

**MOTION CARRIED: 5-0.**

*Board Member Jason Morris entered the meeting during discussion of the following agenda item.*

**MOTION ITEM:** James Jordan made a motion to remove item 4.III. 438 Porsche Avenue. The motion was seconded by Jason Morris. **MOTION CARRIED: 6-0.**

#### 4. Public Hearing

##### 4.I. 3384 North Whitney Avenue

##### Variance Request

##### **Background:**

Bonnie Ochoa requested 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.

**Findings:**

City Planner, Dr. Lynn Patterson, stated the request is to allow for the installation of the front stoop onto a non-conforming single-family structure. The lot is 35’ wide. The 952-sf dwelling, built in the 1940’s, 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.

**Recommendation:**

The requested variance will allow for the installation of a front stoop on a single-family dwelling and will not impact the existing encroachment plane. There is no evidence of a detriment to the public good. The proposed variance is recommended for approval.

**Board Member Discussion:**

Board member James Jordan asked regarding the required setbacks in the front of the dwelling. Dr. Lynn Patterson stated the request is for the side setback not the front setback as the structure currently conforms to the required front setback.

Public Comment:

None.

*End of Public Comment.*

**MOTION ITEM: Kate Rockett made a motion to approve the variance requests to reduce the required side setback at 3384 North Whitney Avenue, as requested. The motion was seconded by James Jordan. MOTION CARRIED: 6-0.**

**4.II. 3388 North Whitney Avenue Variance Request**

**Background:**

Bonnie Ochoa requested 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.

**Findings:**

The request is to allow the expansion of a legal nonconforming single-family dwelling. The proposed expansion includes a rear addition and the replacement of a front porch within the required side setback.

The subject lot is 35 feet wide. The existing 952-square-foot single-family residence, originally constructed in the 1940s, currently encroaches approximately 3 feet, 6 inches into the required 5-foot south side setback.

The proposed expansion will align with the existing building plane and will not increase the degree of nonconformity beyond the current encroachment.

**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.

Public Comment

None.

*End of Public Comment.*

**MOTION ITEM: Meeghan Murray made a motion to approve the variance requests to reduce the required setback at 3388 North Whitney Avenue, as requested. The motion was seconded by James Jordan. MOTION CARRIED: 6-0.**

**4.IV. 3266 Dogwood Drive**

**Variance Request**

**Background:**

David Hewitt requested 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 exit 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.

The applicant briefly described the variance requests as they relate to the future redevelopment of the property, particularly the requested setback reduction and relief from landscaping requirements.

**Findings:**

Dr. Patterson stated that the request includes eight (8) variances for the commercial parcel located at 3266 Dogwood Drive, consisting of approximately 1.7 acres with an existing 8,689-square-foot building on site. The structure was originally constructed circa 1961, with two subsequent expansions in 1987 and 1988. The building was historically used as a grocery store and is now proposed for redevelopment into a series of retail and restaurant spaces.

The proposed uses are expected to generate significant parking demand during peak periods. As no on-street parking options are available, maximizing on-site parking will help reduce impacts on surrounding neighborhoods while supporting the proposed commercial uses.

The existing building currently encroaches into the required setback along the south property line, which is an existing legal nonconforming condition. However, because the structure is being modified and expanded, a variance is required. The adjacent property along this boundary is also zoned for commercial use.

With the exception of a small grassed area, the property already exceeds the maximum allowable 70 percent lot coverage. The proposed increase of approximately 1.1 percent impervious surface would allow for additional parking spaces necessary to support the redevelopment.

A City-installed sidewalk currently exists with parking immediately adjacent. Installation of the required five-foot planted buffer would necessitate removal of parking spaces essential to the proposed uses. Improvements along North Avenue, including street trees and clearly defined ingress and egress points along Dogwood Drive, will enhance circulation and safety.

The proposed parking layout maintains existing parking along the eastern boundary. A six-foot opaque fence is proposed to delineate the property and shield the side yard from parking activity. Staff recommends approval of the variance request and suggests the applicant offer to install a comparable landscape buffer on the adjacent property, subject to the neighboring property owner's consent.

Existing conditions include parking abutting property lines without a five-foot setback along Dogwood Drive and North Avenue, which abut the public right-of-way. Parking adjacent to the residential property will be screened by the proposed opaque fence. Requiring a five-foot setback in these areas would significantly impair the site's ability to meet parking needs.

The minimum required parking for the site is 44 spaces, including 2 accessible spaces. Parking lots with 75–100 spaces require 4 accessible spaces. The proposed plan includes 84 parking spaces with 3 accessible spaces, exceeding the minimum parking requirement under the original standards.

The redesigned parking lot includes parking lot trees; however, insufficient space exists along the eastern boundary adjacent to the residential property to accommodate the required tree placement. Given the presence of mature trees on the adjacent property, staff finds the intent of the ordinance is met.

**Recommendation:**

Staff recommends approval of the requested variances, with the following conditions:

The applicant shall offer landscaping improvements to the adjacent residential property owner, subject to the owner’s approval.

All parking lot lighting shall remain on site and shall not negatively impact adjacent properties.

*Board Member Chase Stell exited the meeting at 6:52 p.m. during the board discussion.*

**Board Discussion:**

Chairman Mike Simpson inquired about the potential impact of the proposed development on the existing business, Tia Rosie’s. The applicant stated that Tia Rosie’s will remain a tenant and continue as a partner as part of the proposed development.

Vice Chairman Jason Morris asked about a shared parking arrangement with Convo. The applicant explained that Convo generates a significant number of patrons during evening hours. He expressed concerns regarding liability associated with shared parking and noted that he has not yet spoken directly with the business owner. However, he stated that he is sympathetic to small businesses and plans to contact the owner.

Board Member Kate Rockett asked questions regarding the existing fence, including ownership of the fence and adjacent trees, and noted that the area is currently an eyesore. The applicant stated that he has spoken with the neighboring property owners and plans to continue working with them to improve the area. Ms. Rockett also asked whether the existing sheds would be removed, whether the applicant plans to rely solely on a dumpster, and whether the current tenant would remain. The applicant confirmed that the current tenant will remain and expressed hope that the business will continue to grow.

Board Member Melanie Williams noted that the business located across the street previously went through the approval process to utilize parking at 3266 Dogwood Drive. She stated that she would like to see a plan in place to ensure the existing business can continue to thrive.

Board Member James Jordan commented that the business across the street experiences high traffic and is frequently overrun with vehicles. He also noted that parking at Paper Plane is often congested, limiting access to nearby businesses. Mr. Jordan asked staff whether there are plans to address the existing parking issues in the area.

Dr. Patterson clarified that the rear fence straddles the property line and is located on both properties. Regarding Convo, Dr. Patterson stated that the business obtained an off-site parking agreement prior to occupying the property and has been notified that alternative parking will be required. Convo plans to approach neighboring properties regarding potential parking arrangements.

Vice Chairman Morris asked about the anticipated number of patrons for the proposed Italian restaurant. The applicant responded that the site will function as a multi-tenant space and emphasized the importance of providing adequate parking for all tenants.

Chairman Simpson asked about plans for the remaining tenant spaces. The applicant stated that potential uses include a sushi or Indian restaurant that would complement the planned mix of cuisines. The goal, he explained, is to attract quality tenants that enhance the area.

Board Member Kate Rockett asked about the project timeline. The applicant stated that the project is moving forward with design, including preparation of blueprints and solicitation of contractor bids.

Vice Chairman Morris asked whether “No Parking” signs could be installed in the area particularly on North Avenue. Dr. Patterson stated that she would discuss the matter with the Public Works Director and the Police Chief.

**Public Comments:**

Valerie Berry, 3280 North Whitney, commented on the existing businesses in the area and raised concerns regarding lighting issues and the lack of buffering along Dogwood Drive. She also asked about planned parking lot improvements.

Dr. Pizza of Pizza Clinic of Chiropractic, 3284 Dogwood Drive, commented on ongoing parking issues in the area, noting that patrons from neighboring restaurants frequently park on his property.

*End of public comments.*

**MOTION ITEM: James Jordan made a motion to deny the variance request for relief from tree conservation and replacement plan. The motion died for lack of a second.**

**MOTION ITEM: Jason Morris made a motion to approve the variance request to increase the maximum number of off-street parking spaces. The motion was seconded by Melanie Williams. Motion Carried: 4-1, James Jordan opposed.**

**MOTION ITEM: Jason Morris made a motion to withdraw his previous motion. Melanie Williams withdrew her second. Motion Withdrawn.**

**MOTION ITEM: Jason Morris made a motion to approve the requested 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", an increase the maximum lot coverage from 70 percent to 91 percent at 3266 Dogwood Drive, as requested. The motion was seconded by Meeghan Murray. Motion Carried: 4-1; James Jordan opposed.**

**5. Next Meeting Date – December 18, 2025, at 6:00 p.m.**

**6. Adjourn**

**MOTION ITEM: Kate Rockett made a motion to adjourn the meeting at 7:24 p.m. The motion was seconded by Meeghan Murray. MOTION CARRIED: 5-0.**

Respectfully submitted by,

\_\_\_\_\_  
Michael Simpson, Chairman

\_\_\_\_\_  
Adrienne Senter, Secretary

CITY OF HAPEVILLE  
ECONOMIC DEVELOPMENT DEPARTMENT

Date Received: 12/4/2005  
Application # 26-BOA-01-01  
Fees: \$350.00

**BOARD OF APPEALS APPLICATION**

Name of Applicant Philip B Belt Jr

Mailing Address 625 May Joe St, St Simons Island, GA 31522

Telephone [redacted] Mobile # same Email [redacted]

Property Owner (s) Philip B Belt Jr & Kim Childs Belt

Mailing Address same

Telephone \_\_\_\_\_ Mobile # \_\_\_\_\_ Email \_\_\_\_\_

Address/Location of Property: 3046 Gordon Circle, Hapeville, GA 30354

Parcel I.D. # (Information must be provided) 14-0099-002-050-6

Square foot of Property 10,650 Building Size 3416 SF Zoning R-1

Present Land Use Single-Family Residential

Variance Requested Setback relief from 15ft to 13ft. Exceed lot coverage from 40% to 45% allow tree planted in ROW

Application Code Section 93-22.1 Dimensional Requirements

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances. 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.

Philip B. Belt Jr  
Applicant's Signature

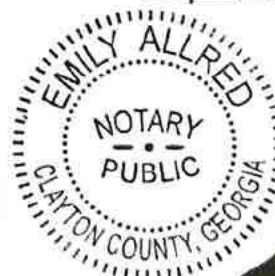
Date: 12/3/25

Sworn to and subscribed before me  
This 3rd day of December, 20 25.

Emily Allred

Notary Public

\*my commission expires  
10/17/2026\*



**BOARD OF APPEALS 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. (Please type or print legibly.)

*see attachment*

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

*see attachment*

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

*see attachment*

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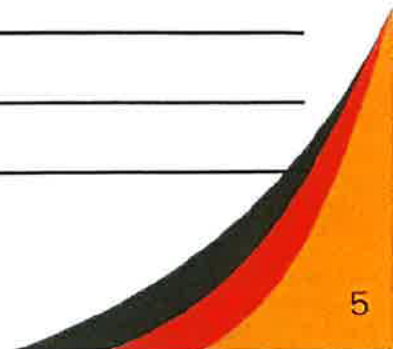
What, if any, detriment to the public good would the proposed project have if a variance was granted?

*see attachment*

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**BOARD OF APPEALS APPLICATION**

**AUTHORIZATION OF PROPERTY OWNER**

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

3046 Gordon Circle

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 Philip B. Belt Jr

Address of Applicant 625 May Jic St. St Simons Island GA, 31522

Telephone of Applicant [REDACTED]

Philip B. Belt Jr

Signature of Owner

Philip B. Belt Jr

Print Name of Owner

Personally Appeared Before Me

This 3rd day of December, 20 25.

Emily Allred

Notary Public

\* my commission expires 10/17/2026 \*



## **Attachment - 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 legal description for this corner lot has no metes and bounds and references a 1944 plat (Figure 1). Comparison of the plat to the GIS and tax assessment records (Figure 2) shows numerous inconsistencies to current road shapes and lot shapes/sizes. In particular on the plat, at least 11 corner lots have a large radius curve at the corner which results in an unusually large ROW. Although information on the 1944 plat leaves much to interpretation, a licensed surveyor can only rely on tracing the actual plat (Figure 3, original survey with previous house). For 3046 Gordon Circle, this results in a lot size that is 10% smaller than tax records and a shape that limits house placement.

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

Applying the 15 ft setback (as shown in Code of Ordinances 93-22.1. Dimensional Requirements) to the N Gordon Circle side of the planned structure has the south corner of the house almost touching the setback line. This prevents locating the rest of the house closer to that setback. This impacts several conditions on the other side of the house. 1) Five feet off the NW (left) property line is a 15 cliff or rock wall that appears at some time to have been cut into the rock (Figure 4). Our civil engineer has advised on minimum distance from the cliff/wall to the foundation. Although we have exceeded that number by a few feet, we would like to add even more distance for peace of mind. 2) There is an old 9"DBH Dogwood Tree and a Tallow tree that have CRZ's impacted. Relocating the house to the right would not only protect these two trees but allow inclusion of the Dogwood in the tree density calculation. 3) Related to lot size and not specific to setback, the 10% smaller lot size will require using pervious pavers for a portion of the driveway to meet the 40% lot coverage maximum. This will increase the cost and design complexity. 3) Related to lot shape and not specific to setback, our landscape architect recommends an overstory tree to be planted near the lot boundary near the peak of the corner curve. Although far enough from the house, it would be better located if it could be placed a few feet outside the lot boundary.

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

These conditions exist due to the large radius curve in the lot boundary shown on the original 1944 plat. This results in an unusually large ROW in the corner. At some point, Fulton County adopted a tax map that is more accurate to current conditions with ROW's more in line with current code.

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

The only detriment might be a slight exceedance in lot coverage by a few percent. However, this is more than offset by the large lawn area that exists in the corner ROW. The plan still fully meets existing codes for ROW and corner radii as shown in the Code of Ordinances 90-1-3, "General requirements and minimum standards of design". Positive benefits are a new single-level ranch-home similar in style to existing homes while saving two trees that might be at risk.

Figure 1



Figure 2

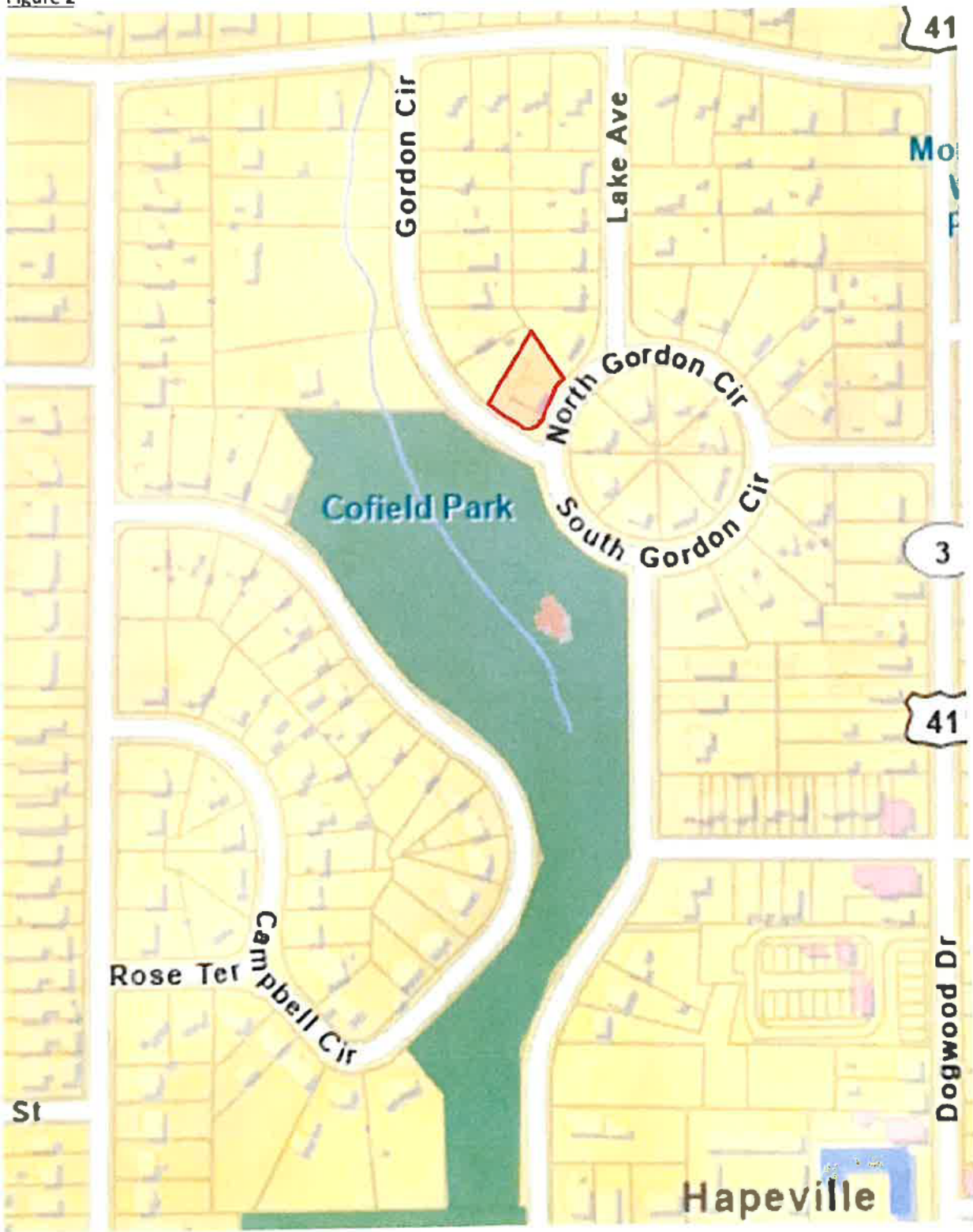
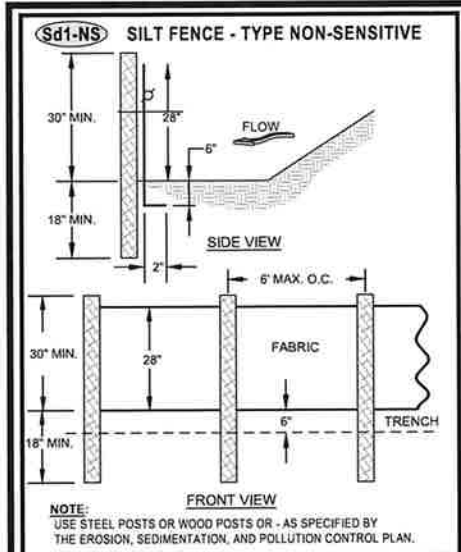




Figure 4





LOT COVERAGE CHART - IMPERMEABLE SURFACES

Impermeable Element	Impermeable Sq. Ft.
House Structure Footprint	3,416 Sq. Ft.
Impermeable Concrete	1,249 Sq. Ft.
Total:	4,665 Sq. Ft.

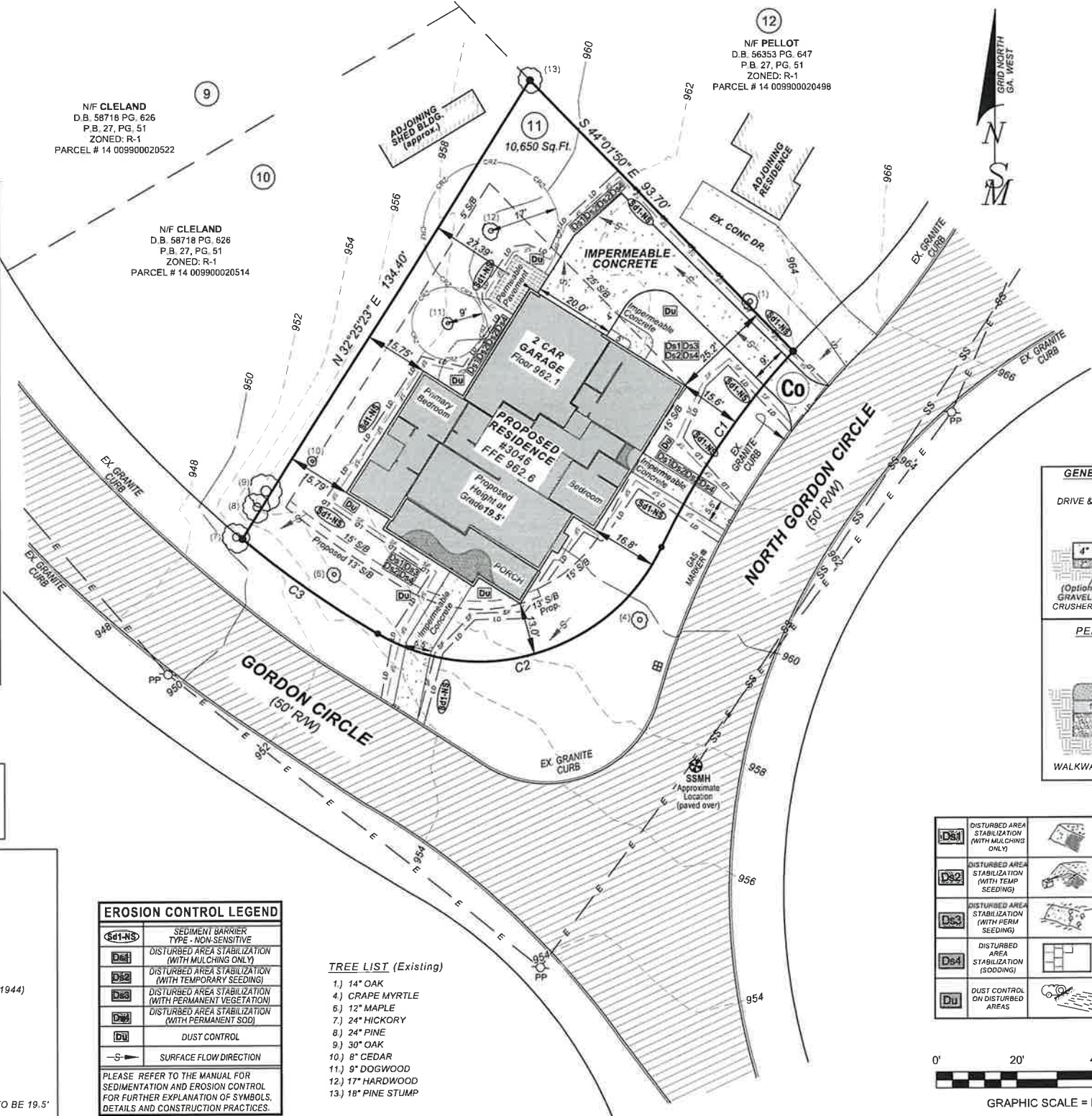
LOT COVERAGE CALCULATION

Impermeable Lot Coverage:	4,665 Sq. Ft.
Site Area:	10,650 Sq. Ft.
Proposed Percentage of Sq. Ft.:	43.8%

**RESIDENTIAL SITE PLAN**  
 PROJECT: BELT RESIDENCE  
 APPLICANTS NAME: PHILIP B. BELT, JR. AND KIM CHILDS BELT  
 NEW CONSTRUCTION - 3046 GORDON CIRCLE - HAPEVILLE, GA 30354

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	198.62'	57.80'	57.60'	N 34°19'05" E
C2	51.13'	85.03'	75.56'	N 73°34'37" E
C3	270.70'	36.55'	39.51'	S 54°39'29" E



**LEGEND**

PROPOSED (CO) **Co**

PROPOSED BUILDING: [Symbol]

PROPOSED PERMEABLE PAVING: [Symbol]

PROPOSED IMPERMEABLE PAVING: [Symbol]

SURFACE FLOW DIRECTION: -S-

SILT FENCE: SF SF

LIMITS OF DISTURBANCE: LD LD

EX. CONTOUR - 962 - - -

WM --- WATER METER

SSMH --- SANITARY SEWER MANHOLE

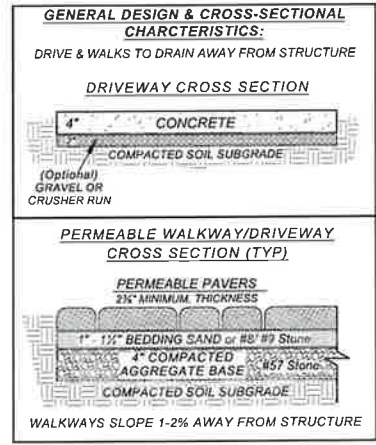
SS --- SANITARY SEWER LINE

PP --- EXISTING POWER POLE

EXISTING OVERHEAD POWER LINES: E E E

**24 HOUR CONTACT:**  
 SHANNON SHORT  
 shortconstructioninc@gmail.com  
 PHONE = (678) 776-3276

PROPOSED RESIDENCE  
 (3 BEDROOMS)  
 2,170 SQ. FT. = MAIN Conditioned Interior  
 665 SQ. FT. = GARAGE  
 352 SQ. FT. = PORCH



<b>D&amp;1</b>	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)	<b>D&amp;1</b>	ESTABLISHING TEMPORARY PROTECTION FOR DISTURBED AREAS WHERE SEEDINGS MAY NOT HAVE A SUITABLE GROWING SEASON TO PRODUCE AN EROSION RETARDING COVER
<b>D&amp;2</b>	DISTURBED AREA STABILIZATION (WITH TEMP. SEEDING)	<b>D&amp;2</b>	ESTABLISHING A TEMPORARY VEGETATIVE COVER WITH FAST GROWING SEEDINGS ON DISTURBED AREAS
<b>D&amp;3</b>	DISTURBED AREA STABILIZATION (WITH PERM. SEEDING)	<b>D&amp;3</b>	ESTABLISHING A PERMANENT VEGETATIVE COVER SUCH AS TREES, SHRUBS, VINES, GRASSES, OR LEGUMES ON DISTURBED AREAS
<b>D&amp;4</b>	DISTURBED AREA STABILIZATION (SODDING)	<b>D&amp;4</b>	A PERMANENT VEGETATIVE COVER USING SODS ON HIGHLY ERODABLE OR CRITICALLY ERODED LANDS
<b>Du</b>	DUST CONTROL ON DISTURBED AREAS	<b>Du</b>	CONTROLLING SURFACE AND AIR MOVEMENT OF DUST ON CONSTRUCTION SITE, ROADWAYS AND SIMILAR SITES



**FLOOD NOTE:**  
 AS PER OFFICIAL FLOOD INSURANCE MAP BY THE F.E.M.A., MAP PANEL 13121C0366F (Dated 09/18/2013) THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.

**GENERAL NOTES:**

**SITE AREA = 0.244 ACRES / 10,650 Sq. Ft.**  
**DISTURBED AREA = 0.156 Acres / 6,793 Sq. Ft.**

OWNER : PHILIP B. BELT, JR. AND KIM CHILDS BELT  
 PARCEL - 14 009900020508  
 LOT 11, BLOCK E, HAPPY HOMES, SUBDIVISION  
 ADDRESS = 3046 GORDON CIRCLE, HAPEVILLE, GA 30354

REFERENCE(S):  
 DEED BK 68787 PGS 601-603 (DATE : 03/27/2025)  
 FINAL S/D PLAT- HAPPY HOMES PB 27 PG 51 (DATE : 08/05/1944)

**ZONING = R-1 (CURRENT ZONING)**  
 FRONT SETBACK -- 15' (25' PER PLAT)  
 SIDE SETBACK -- 5'  
 REAR SETBACK -- 25'

SANITARY SEWER AND WATER PER CITY

- CONTOURS & PROPOSED GRADES ARE AT 2' INTERVALS.
- PROPOSED HEIGHT OF HOUSE STRUCTURE FROM GRADE, TO BE 19.5'

THIS REPRESENTS A SITE PLAN AND THEREFORE IS NOT FOR RECORDING.

**EROSION CONTROL LEGEND**

<b>Sd1-NS</b>	SEDIMENT BARRIER TYPE - NON-SENSITIVE
<b>D&amp;1</b>	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)
<b>D&amp;2</b>	DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)
<b>D&amp;3</b>	DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)
<b>D&amp;4</b>	DISTURBED AREA STABILIZATION (WITH PERMANENT SOD)
<b>Du</b>	DUST CONTROL
-S-	SURFACE FLOW DIRECTION

PLEASE REFER TO THE MANUAL FOR SEDIMENTATION AND EROSION CONTROL FOR FURTHER EXPLANATION OF SYMBOLS, DETAILS AND CONSTRUCTION PRACTICES.

- TREE LIST (Existing)**
- 1) 14" OAK
  - 4) CRAPE MYRTLE
  - 6) 12" MAPLE
  - 7) 24" HICKORY
  - 8) 24" PINE
  - 9) 30" OAK
  - 10) 8" CEDAR
  - 11) 9" DOGWOOD
  - 12) 17" HARDWOOD
  - 13) 18" PINE STUMP

**SIBLEY-MILLER SURVEYING & PLANNING INC.**  
 \*CIVIL ENGINEERING  
 \*TOPOGRAPHICAL SURVEYS  
 \*LAND DEVELOPMENT DESIGN  
 \*CONSTRUCTION LAYOUT  
 \*LAND PLANNING  
 \*LAND SURVEYING

212 WEST CAMPGROUND RD  
 MCDONOUGH, GA. 30253  
 PHONE: (770) 320-7555  
 FAX: (770) 320-7333  
 www.sibleysurveying.com

**SITE PLAN**

**SHORT CONSTRUCTION, LLC**  
 3046 GORDON CIRCLE, CITY OF HAPEVILLE  
 LOT 11, BLOCK E, HAPPY HOMES S/D  
 LAND LOT 99, 14th. DISTRICT  
 FULTON COUNTY, GEORGIA

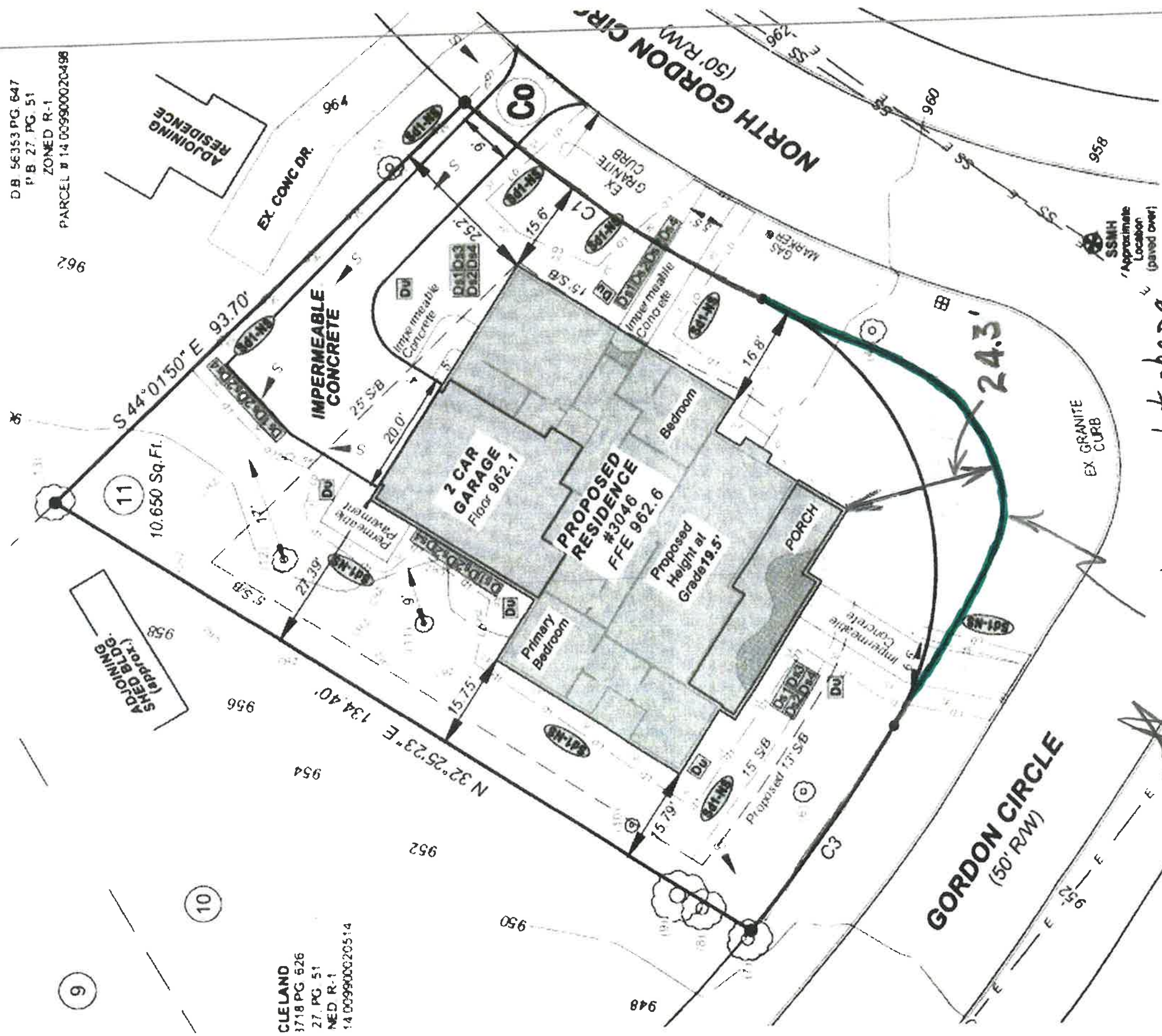


PROJECT #: **B25037**

**SITE PLAN**

DRAWN BY: JWS  
 SCALE: 1" = 20'  
 DATE: 01/05/2026  
 REVIEWED BY:  
 SHEET SIZE: 18" X 24"

3046 Gordon Circle Site Plan – Lot lines from trace of original plat with tax map overlay



DB 56353 PG. 647  
P.B. 27. PG. 51  
ZONED R-1  
PARCEL # 14 009900020498

CLELAND  
3718 PG 626  
27. PG. 51  
ZONED R-1  
14 009900020514

*Approx. tax map lot shape  
(house corner approx. 24' from "lot" line)*

**Comparison of lot coverage and distance from lot line (setback) using lot lines from the Plat trace (used for site plan) and lot shape from Fulton Co. tax map**

	Lot lines	
	Plat Trace	Tax Map (approximation)
Lot Area, Sq.Ft.	10650	11761
House footprint, Sq.Ft.	3416	same
Impermeable drive and walkways	1249	same
Total Impermeable area, Sq.Ft.	4665	same
Lot Coverage, %	43.8%	39.7%
Porch corner distance from lot line, Ft.	13	24



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

DATE: January 12, 2026  
TO: Adrienne Senter  
FROM: Lynn M. Patterson  
RE: Variance Application for 3046 Gordon Circle, Parcel ID 14 009900020506

**BACKGROUND**

The City of Hapeville has received a variance application from Philip Belt to (1) reduce the required setback, (2) increase the allowable lot coverage from 40% to 45%, and (3) grant relief from the Tree Conservation Ordinance for the property located at 3046 Gordon Circle (Parcel ID: 14 009900020506). The proposed development is a single-family dwelling on a corner lot.

The property is zoned R-1, One-Family Residential, and is subject to the zoning regulations outlined in Article 29 (Tree Conservation), Article 22.1 (Dimensional Requirements), and Section 93-22.1-1 (Chart of Dimensional Requirements) of the City of Hapeville Zoning Ordinance.

The request stems from the unique conditions associated with the recording of the metes and bounds of the property when it was originally platted in 1944 and subsequent documents. The right-of-way is extremely large, given the radius of the property line and subsequent road construction. Though the property appears much larger because of the significant right-of-way (grassed), discrepancies with metes and bounds suggest the property is actually smaller. The requested variances would allow the single-story single-family dwelling to be moved to the east, allowing for construction away from a rock wall. This would also minimize impact on the existing trees that would be affected by development of the property. The request for the increase in lot coverage is based on the corner lot and resultant driveway layout. The applicant is working with the City to determine if additional trees can be planted in the oversized right-of-way.

**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 property was platted c. 1944 with subsequent inconsistencies regarding the metes and bounds. The lot is a corner lot, but on a curved road, creating a large right of way and a small lot than would be typical for subdivisions. The property also has a topographic condition requiring a retaining wall. The buildable area, given the parameters for the side yard setback along the street side require the house to be pushed toward the property on the west side where there is a retaining wall. The ability to move the house further back toward the east side of the property would remove the impact on the retaining wall.*

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

*The purpose of this chapter and the setbacks provided are to set single-family dwellings back from the road/sidewalk a minimum of 15'. Given the extremely large right-of-way between the property line and the road, this creates an unnecessary hardship, as most property lines are located 25' from the center line. The 15' setback, in addition to the large right-of-way, reduces the buildable area for the property unnecessarily and creates a hardship. Furthermore, with the reduced buildable area, the proposed dwelling is situated close to the adjacent property - there is a retaining wall addressing the topographic changes on that end. Placing the house close to the retaining wall creates a hardship for construction, whereas allowing for a reduced side setback on the opposite property line adjacent to the street would allow the applicant to move the dwelling away from the retaining wall. As well, there is no anticipated need to ever widen the street. The sidewalk and any infrastructure could be accommodated in the existing right of way without any foreseeable need to acquire additional right of way from the owner. The reduction in the setback*

*and relocation of the house would reduce the impact on the existing trees. If possible, the applicant is proposing to plant tree(s) in the large right of way, if amenable to the City (confirming with Community Services). The corner lot also requires a wider driveway for turnaround, and additional lot coverage is requested to accommodate the driveway.*

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

*The conditions are peculiar to this property based upon its location on a curved corner lot, extensive right of way, topographic changes, and discrepancies with the plat and metes and bounds recording.*

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 development of a single-family dwelling consistent with the neighborhood aesthetic and character.*

#### **RECOMMENDATION**

The right-of-way for this residential street is extremely large and arguably “encroaches” on what would normally be private property. Given the likelihood that the street will not be expanded, perhaps a sidewalk would be installed at some point, or utilities may be installed; nothing precludes or necessitates the distance from the street that would apply in other cases. The requested variances are all impacted by the right-of-way condition. Staff recommends approval of the three variances.

Date Received: 11/3/2025  
Application # 25-BOA-12-12  
Fees: \$350-pd.

**BOARD OF APPEALS APPLICATION**

Name of Applicant Ehud (Udi) Goldstein

Mailing Address 2015 Parkhaven Ct.

Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]

Property Owner (s) IHD Investments Inc.

Mailing Address 2015 Parkhaven Ct. Roswell GA 30076

Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]

Address/Location of Property: 3165 Dogwood Drive, Hapeville GA 30354  
3165 Dogwood drive Hapeville GA 30383

Parcel I.D. # (Information must be provided) 14 009900031123

Square foot of Property 1.7 Acres Building Size 23 units at 2,200 sqft each Zoning V

Present Land Use Townhomes

Variance Requested Neighborhood sign to be 6 foot high, 5 foot distance from the road at the corner of sign, front fence to be 5 feet high

Application Code Section Sec. 93-3.3-21. - Sign standards by sign district

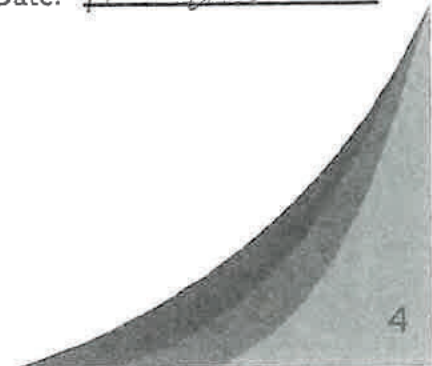
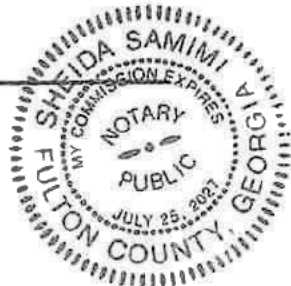
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances. 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: 11-1-25

Sworn to and subscribed before me  
This 1 day of Nov, 20 25.

Sheida Samimi  
Notary Public



## BOARD OF APPEALS 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. (Please type or print legibly.)

1. We have built a neighborhood sign at 6 feet tall based on article 3.3 from City of Hapeville dimensions table (attached). Apparently there is another section for limit of 4 feet high within city limits. Attached pictures of the sign. The property is on 3165 Dogwood drive, over a mile from the city center. We are asking for approval to

keep the height at 6 feet

2. The corner of the sign is 5 feet from the curb, instead of 6 feet. We are asking the corner to stay at 5 feet distance

3. Front fence is 5 feet tall instead of 4. Asking approval for 5 feet due to safety

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

The sign monument was built from bricks at high quality to match the homes based on one section of the articles and blends very well with the buildings and area.

Rebuilding it will incur a major expense

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

We have had many burglaries and vandalism cases (reported to police). All the HVAC's were stolen, we had squatters and damages of over \$50,000. The area is not very safe

5 feet tall fence is safer and harder to jump over than 4 feet tall, while still looks very good Asking to allow

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

The sign and monument were designed very well and look great on the road, making Dogwood drive look better. (this road has power lines hanging and some junk yard properties). The 5 feet fence provides better security overall to deter burglaries in the area

**BOARD OF APPEALS APPLICATION**

**AUTHORIZATION OF PROPERTY OWNER**

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

3165 Dogwood Drive

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 IHD Investments Inc.

Address of Applicant 2015 Parkhaven Ct. Roswell GA 30076

Telephone of Applicant [REDACTED]



Signature of Owner

Ehud Goldstein for IHD Investments Inc.

Print Name of Owner

Personally Appeared Before Me

This 4 day of Nov, 20 25.

Sheida Samimi

Notary Public



**Dear Members of Board of Appeals,**

We are the owners of the new construction project at 3165 Dogwood drive "Shirley Estates"

The project consists of three buildings for a total of 23 townhomes

We originally started right when Covid erupted and had to go through some challenges and hardships to demolish the run-down building that was there, develop the land and finish the construction

We have had some major criminal activity in the area for the past year. The HVAC units were stolen; we had break ins, vandalism and squatters in the front building. The police were called several times and were great in responding and patrolling the neighborhood and have also advised us to put up a fence and sign in the front to give it a more secure and safe look.

We have designed and built a very nice sign 4 feet tall monument to match the buildings and put up a nice aluminum fence.

Unfortunately, the city code in the one section says the sign can be up to 4 feet in city limits. (while another section of Article 3.3 in the table below allows 6 feet). We were not aware that this area down Dogwood is still City limits and built 6 feet high sign:

**Sec. 93-3.3-21. - Sign standards by sign district**

Neighborhood commercial						
	Pole sign/monument sign	Projecting sign	Wall sign	Window sign	Temporary sign	Awning sign
Maximum height	6 feet	Not above roofline				

For security and safety reasons, we put up a 5 feet tall aluminum fence with pillars, which is more expensive than the 4 feet fence that is listed at the height limit for the fence in the article.

Due to these circumstances and challenges, we ask that you approve the sign and fence with pillars that we have built as is. They are nicely designed with matching bricks and were expensive to build. In addition, they provide a better safety feeling and security for future residents and the surroundings.

Thank you in advance,

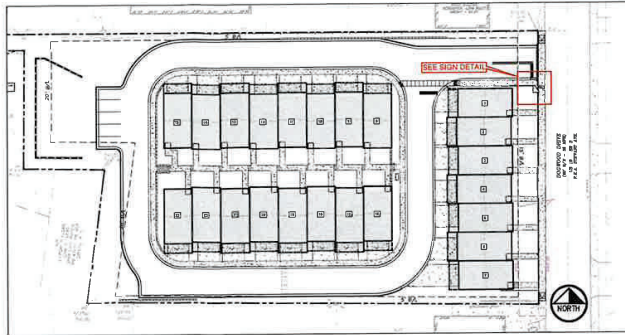
Udi Goldstein

IHD Investments Inc.

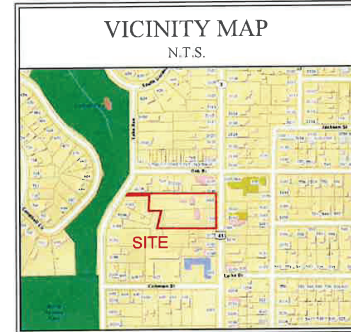
1



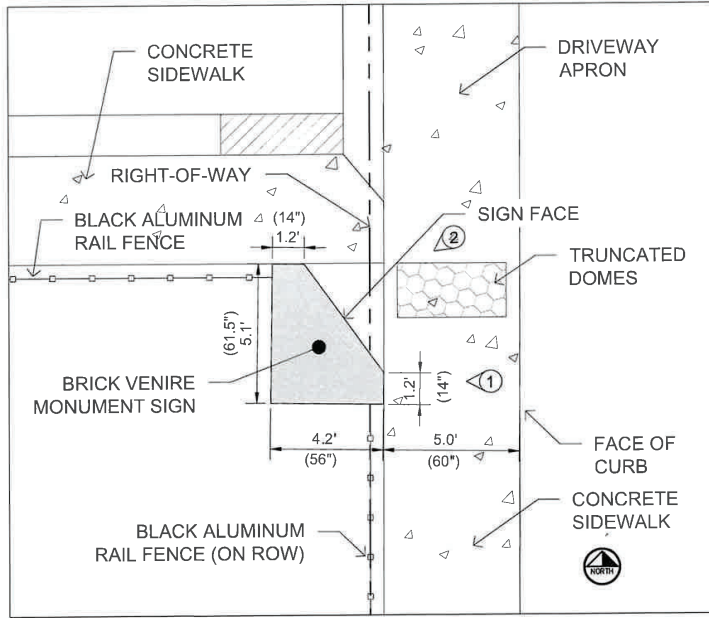
2



OVERALL SITE PLAN  
1"=40'



VICINITY MAP  
N.T.S.



SIGN DETAIL  
1"=2'

\*\*\*CAUTION\*\*\*  
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATION SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES BEFORE THE START OF THE WORK. ALL DAMAGE MUST BE REPAIRED BY THE CONTRACTOR AT HIS OWN RESPONSIBILITY.



Know what's below  
Call 811 or (800) 282-7411  
Before You Dig

24 HOUR CONTACT: UDI GOLDSTEIN (770) 318-1472



Project No. 75207  
Design By: VSD  
Drawn By: COR  
Checked By: VSD  
Date: 10/20/20  
Scale: AS SHOWN  
SHEET

Date	Revision

IHD Investments, Inc.  
2018 PARKWAYE COURT  
ROSWELL, GA 30076  
PHONE: (770) 318-1472

SIGN PLAN  
SHIRLEY ESTATES  
3165 DOGWOOD DR., 3167 DOGWOOD DR., 0 LAKE AVE  
LAND LOT 98, 14TH DISTRICT  
CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA

Drawing No.  
S-1

2027 - SHIRLEY ESTATES



**Brusson & Company**  
LANDSCAPE ARCHITECTS  
40 BROADWAY LANE  
ROSWELL, GA 30075  
770.854.1987

IHD INVESTMENTS  
2015 Parhaven Court  
Roswell, GA 30079  
(O) 770-318-1472

**SHIRLEY ESTATES**  
TREE CONSERVATION & REPLACEMENT PLANS

Prepared For:  
IHD INVESTMENTS  
3165 DOGWOOD DR & 3167 METROPOLITAN PKWY SW  
LL 99 - 14th DISTRICT  
CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA



THESE DRAWINGS AND SEAL INDICATE THE PREPARED BY HAS BEEN REVIEWED AND APPROVED BY ME AS A PROFESSIONAL LANDSCAPE ARCHITECT AND I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR ANY ERRORS OR OMISSIONS FROM THIS PLAN.

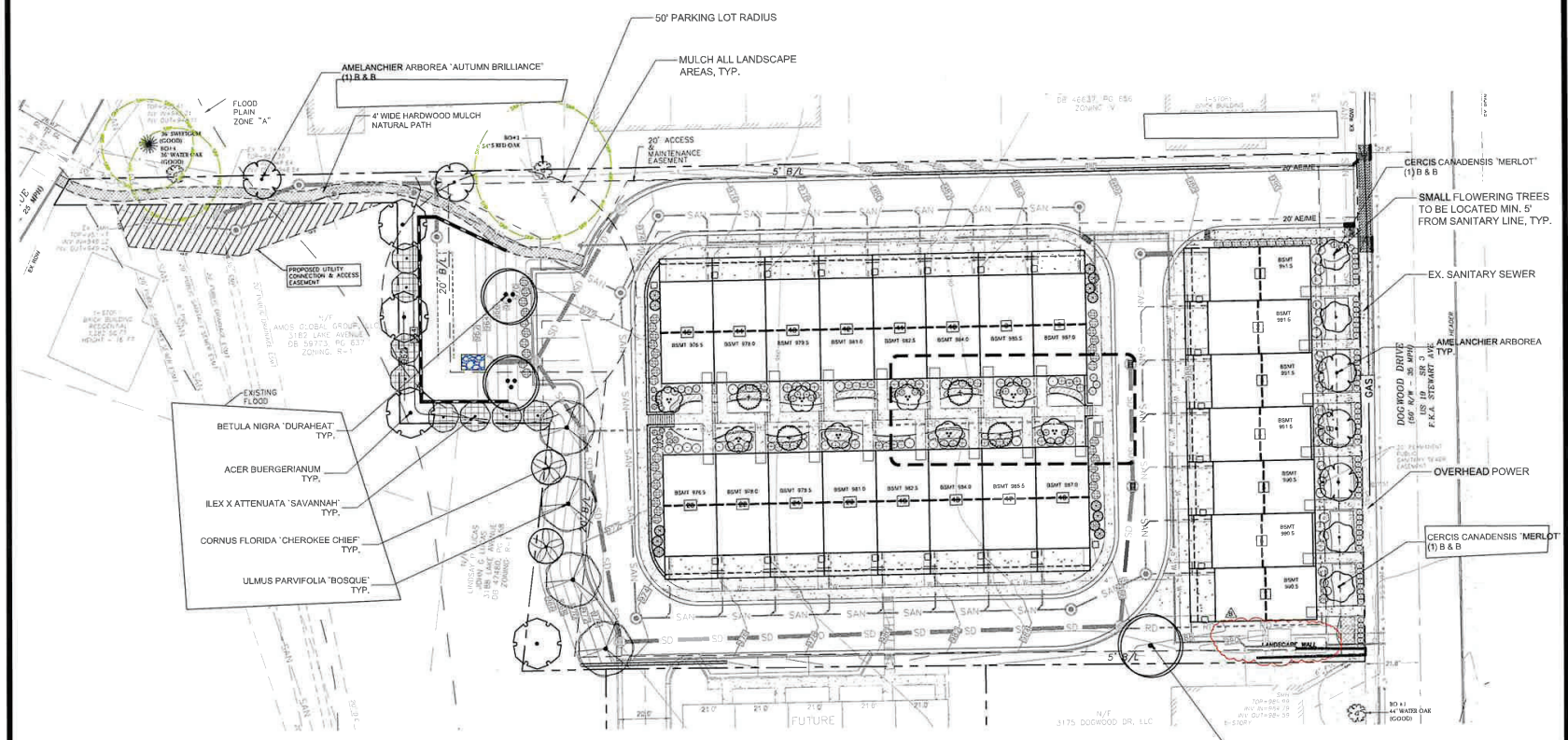
REVISIONS:

1/13/21	REV PLANS FOR COMMENTS
3/18/21	REV PLANS FOR CODE
4/16/21	REV PLANS FOR CODE

DRAWING TITLE:  
**TREE REPLACEMENT PLAN**

DATE	PROJECT #
11.01.20	20.071

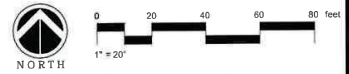
SHEET REF #  
**TRP-1**  
SHEET 2 OF 4



- BETULA NIGRA 'DURAHEAT' TYP.
- ACER BUERGERIANUM TYP.
- ILEX X ATTENUATA 'SAVANNAH' TYP.
- CORNUS FLORIDA 'CHEROKEE CHIEF' TYP.
- ULMUS PARVIFOLIA 'BOSQUE' TYP.

NOTES:  
-SEE SHEET TRP-2 FOR CHARTS AND DETAILS.

24 HOUR CONTACT:  
YANIV REGEV @ (678) 873-4172





Department of Planning & Zoning

### PLANNER'S REPORT

DATE: December 12, 2025  
TO: Adrienne Senter  
FROM: Lynn M. Patterson  
RE: Variance Application for 3165 Dogwood – Sign and fence variance

#### **BACKGROUND**

The City of Hapeville has received a variance application from Ehud (Udi) Goldstein for two variances: (1) to allow for a 6' sign 5' from the curb within 20' of the intersection of the driveway and within 6' of the curb and (2) to allow for a 5' tall fence in the front yard of the driveway/ supplemental area and within the vision triangle at 3165 Dogwood Drive. The property is the site of 23 townhomes.

The sign was installed prior to obtaining a permit. If the sign permit application had been submitted, it would have been denied for the location – averting the necessity to request a variance. Though fences do not require a permit, the fence was installed without consultation with the City or review of the Code by the applicant. The fence height would have been flagged as non-compliant.

Per a December site visit, the property currently has the following Code Violations:

- \* Parking spaces are not demarcated
- \* Not all trees and landscaping planted (only 4 trees planted)
- \* Retention pond in the back left corner not properly installed
- \* No sufficient lamp posts on the property
- \* Missing HVAC units
- Sign too tall and in vision triangle
- \* Fence too high at Dogwood Drive and too close to the street (in the vision triangle)
- \* Missing tile in front of doors
- \* Wrong doors (grids between glass)
- \* Not all back fence panels installed
- \* Overgrown grass/weeds/Kudzu
- \* Bent and misaligned metal fence panels
- \* Downspouts coming out on sidewalk
- \* Two units are rented out and not individually owned. There is also a now leasing sign (sign not compliant). The units were approved and permitted as 'fee simple' properties. A rental townhome project would not have been allowed.

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

**CODE**

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

**4) Fences and freestanding walls.**

a) *Height limitations.* Fences and freestanding walls (other than retaining walls) cannot be located within any public right-of-way, and must comply with the following height restrictions:

i) In the R-SF, R-1, R-2, R-3, R-4, R-5, and R-0 zoning districts, the following shall apply:

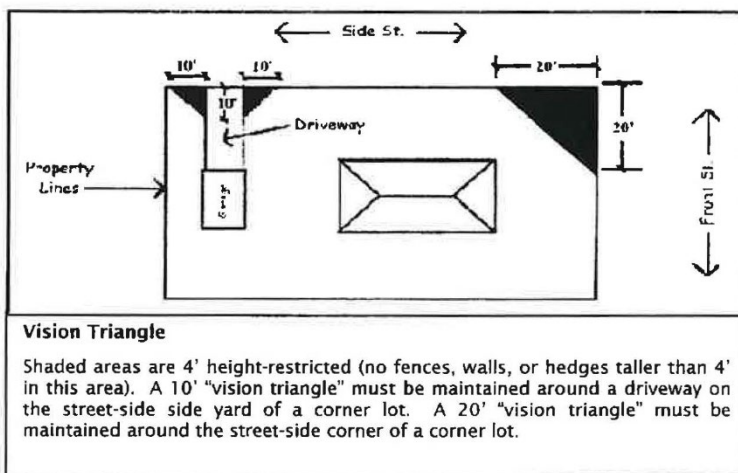
- (1) A fence in any front yard area shall not exceed four feet in height.
- (2) A fence in any side or rear yard area shall not exceed six feet in height, or eight feet in height on the property line that abuts an I-1, I-2, C-1, C-2 or C-T zoning district.

ii) In the C-R, V, and UV zoning districts, the following shall apply:

- (1) A fence in any front yard area shall not exceed four feet in height.**
- (2) A fence in any side or rear yard area shall not exceed six feet in height, or eight feet in height on the property line that abuts a residential or C-T zoning district.

**c) General fence regulations.**

v) In all zoning districts, fences or freestanding walls shall not obstruct visibility at street intersections (see [section 93-2-7](#) and vision triangle diagram).



**Sec. 93-2-7. - Vision clearance at corners.**

Within the city, no fence, building, sign, planting or other obstruction above a height of four feet shall be maintained within 20 feet of the intersection of the right-of-way of two streets or railroads, or of a street intersection with a railroad right-of-way, or of a private driveway intersection with the right-of-way of a street.

**Sec. 93-3.3-8. - General sign regulations.**

In addition to the limitations set forth in the other sections of this division, the following limitations shall apply to these specific types of signs:

(1) No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

**(2) No sign may interfere with vision clearance at corners (see [section 93-2-7](#)).**

**Sec. 93-3.3-11. - Prohibited signs.**

**(9) Any sign that obstructs the sight of motorists or pedestrians so as to create a traffic safety hazard.**

**Sec. 93-3.3-21. - Sign standards by sign district.**

Any sign not specifically allowed in a sign district under this section shall be prohibited in that district, except as otherwise provided for under this division. Size, height, setback, quantity, and type of sign shall be regulated under [sections 93-3.3-21](#) and [93-3.3-8](#) of this division. Unless otherwise stated, listed restrictions in the following subsections are per parcel or lot.

**(7) Neighborhood commercial.**

**3. Pole signs/Monument signs, which must be set back at least six feet from back of curb.**

**FINDINGS**

**Sec. 93-3.3-5. - Variances for signs in this division.**

(a) Variance. The board of appeals shall judge a request for a variance from the terms of this division based on the following criteria:

(1) All existing permitted signs and structures on the subject property are in conformance with this division; and

(2) The topography adjacent to the roadway is such that a sign conforming to the physical standards of this ordinance will not be visible to passing traffic in the same manner as signs of other similar establishments.

(b) Financial loss to the appellant is not sufficient grounds by itself to justify a variance.

(c) Peculiar conditions or circumstances that are the result of actions of the current or former owner of the property covered by the application cannot be considered as grounds to justify a variance.

(d) The authority to erect and maintain additional signs as may be permitted under any such variance shall terminate upon the subdivision of the lot for which such variance was granted. Any appeal of the decision of the board of appeals shall be taken to the county superior court by a petition for a writ of certiorari.

**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;

*There are no extraordinary or exceptional conditions for this property based upon the size, shape or topography. The sign and fence have been located adjacent to the driveway intersection.*

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

*The application of this chapter refers to safety issues regarding vision clearance at intersections and therefore would not create an unnecessary hardship. The 4' fence requirement is a design standard across the City. The variances are being requested because the sign and fence were installed without permits/approval and are not in compliance with the Code.*

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

*The safety concerns regarding visibility are standards across the City. The sign was installed prior to obtaining a permit. The permit application would have been denied for not meeting location requirements. Likewise, the 4' fence is not compliant and the applicant neither referred to the Code or verified height with City Staff. The units in this development are not currently occupied and unfortunately vacant units are more likely to attract crime (as the applicant indicates has occurred). Police has indicated that the Dogwood corridor does not experience any above normal criminal activity. Property crimes are minimal in this area as well across the City.*

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

*As the location and heights of the sign and fence are safety concerns, relief, if granted, would cause substantial detriment to the public good and impair the purpose and intent of the Code.*

### **RECOMMENDATION**

As the sign and fence create safety concerns and were installed without a permit (which would have identified non-compliance), the requested variances are not recommended for approval.

The applicant should also address all Code Violations as indicated above.