



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