



Michael Simpson, Chairman
Jan Bolien, Vice Chairman
Gabriel Cojocarescu
Rod Mack
Larry Martin
Billy Slocumb
John Stalvey

Board of Appeals Meeting

Videoconference

URL: <https://zoom.us/j/346985747> Webinar ID: 346 985 747

April 23, 2020 6:00 PM

MINUTES

1. Call to Order

The meeting was called to order at 6:05 p.m.

2. Roll Call

Michael Simpson, Chairman
Jan Bolien, Vice Chairman
Gabriel Cojocarescu
Rod Mack
Larry Martin
William Slocumb
John Stalvey

3. Minutes of February 27, 2020

3.I. Approval of Minutes

MOTION ITEM: John Stalvey made a motion, Rod Mack seconded to table the minutes of February 27, 2020 pending revisions. Motion Carried: 6-0.

MOTION ITEM: Rod Mack made a motion, John Stalvey seconded to waive public comments. Motion Carried: 6-0.

4. New Business

4.I. 3272 North Whitney Avenue Variance Request

Background:

Mr. Alex Arias requested a variance to reduce the required minimum east rear yard setback from 25' to 14' for the property located at 3272 North Whitney Avenue, Parcel Identification Number 14-0098-0016-001-4. The property is zoned R-1, One-Family Detached and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Planner's Report:

The applicant has already constructed a new side porch, which provides outdoor space for a new side door and is adjacent to the property's driveway. The porch is located within the rear setback by 10.6', which requires a Variance. The primary structure without the new porch was already 9.2' within the rear setback. To the best of Staff's

knowledge, the structure likely lawfully erected in its current form more than 20 years ago, making it legal non-conforming. As such, a Variance is required for any new construction expanding the footprint of the building to take place.

Recommendation: The applicant has not demonstrated any extraordinary or exceptional conditions that would create an unnecessary hardship should the Zoning chapter be applied as written. The applicant built the porch addition without consulting with the City, and an applicant cannot create their own unnecessary hardship. As the structure is legal non-conforming, a Variance for a 15.8' rear setback would be required for any expansion of the footprint of the building, which Staff would support. However, the Variance requested is to permit construction on the property further within the setback than the structure was already sitting, lowering the setback requirement to 14'. This was done as a matter of individual preference, not of necessity. As a hardship based on the property conditions has not been established by the applicant, staff cannot support this request for a variance.

Larry Martin inquired regarding the location of the side porch as it relates to the setback and encroachment.

John Stalvey inquired regarding the ownership of the property. Mr. Arias stated he is the owner of the property.

Public Comment: None.

MOTION ITEM: Gabriel Cojocarescu made a motion, Jan Bolien seconded to approve the variance request at 3272 North Whitney Avenue as requested.

Motion Carried: 6-0.

4.II. 817 Custer Street Variance Request

Background:

Ardina T. Pierre requested a variance to reduce the minimum front yard setback from 15' to 12' for the property located at 817 Custer Street, Parcel Identification Number 14-0098-0000-020-4. The property is zoned V, Village and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Planner's Report:

The lot is a corner lot, and the request applies to both street-facing setbacks. The applicant is proposing to construct a new 2,557 square foot two-story single-family dwelling with a detached garage on the property. The proposed plans show the development encroaching in the setback in three places: the front porch, the north side great room, and the north side of the garage. The lot is irregularly shaped, narrowing considerably in the rear to the west.

Recommendation: The property is unusually shaped due to its location at a peculiar four-way intersection and narrows considerably near the rear. Such a shape could be considered grounds to grant a variance based on the size, shape, or topography of the lot preventing its use as permitted by zoning. However, the applicant has not exhausted all design options for a new single-family dwelling that could fit within the established setbacks, and has opted for a wider design that accommodates a master bedroom, great room, and two-car garage. Preference is not grounds for a variance alone, and staff cannot support approval of the variance request.

Jan Bolien asked if staff had any recommendations that would allow the home to fit within the setbacks. City Planner Michael Smith there are single-family dwelling designs that can fit within the required setbacks.

Michael Simpson confirmed that the plan indicated three (3) trees would be removed.

John Stalvey stated the packet included pictures of existing homes within the area and if those were intended to provide a sample design. Michael Smith stated he believed the applicant intended to provide those as sample designs.

Lynn Patterson, City Planner, stated staff has worked with the applicant and realize the lot is unusually shaped but there are some minor tweaks that can be made to meet the setback requirements.

Public Comment: None.

MOTION ITEM: Larry Martin made a motion, John Stalvey seconded to deny the variance request for 817 Custer Street. Motion Carried: 6-0.

5. Next Meeting Date – Thursday, May 28, 2020 at 6:00 PM

6. Adjourn

MOTION ITEM: John Stalvey made a motion, William Slocumb seconded to adjourn the meeting at 7:03 p.m.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary