

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

April 22, 2021 6:00 PM

Agenda

1. Call to Order
2. Roll Call
Michael Simpson, Chairman
John Stalvey, Vice Chairman
Rod Mack
Martha Revelo
William Slocumb
Melanie Williams
3. Approval of Minutes
3.1. Minutes of January 28, 2021
4. Public Hearing
4.1. 369 North Central Avenue, 377 North Central Avenue, 383 North Central Avenue, 397 North Central Avenue, 325 Sunset Avenue, 376 King Arnold Street, and 400 King Arnold Street - Variance Request

Background:

SCP Hapeville Owner, LLC is requesting a variance to reduce the ground floor finished floor to ceiling slab height from 18' to 14', increase the maximum onsite parking spaces from 310 spaces to 432 spaces, and reduce the off-street loading areas for the properties located at 369 North Central Avenue, 377 North Central Avenue, 383 North Central Avenue, 397 North Central Avenue, 325 Sunset Avenue, 376 King Arnold Street, and 400 King Arnold Street, Parcel Identification Numbers 14-0096-0006-012-5, 14-0096-0006-013-3, 14-0096-0006-005-9, 14-0096-0006-004-2, 14-0096-0006-003-4, 14-0096-0006-002-6, and 14-0096-0006-009-1. The properties are zoned U-V, Urban Village and are subject to the zoning regulations under Sections 93-11.2-12(3) (Commercial design ground floor requirements), 93-11.2-10(1) (Parking and curb cut requirements), and 93-23-14 (Size of off-street loading spaces) of the City of Hapeville Zoning Ordinance.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 397 N. Central Avenue_Variance Request
2. Plans - 397 N. Central Avenue_Variance Request
3. Planners Report 397 North Central Ave._Multi Family_Variance
4. LEGAL ADV - 04-22-2021_Board of Appeals Meeting_397 North Central Ave
5. Next Meeting Date - Thursday, May 27, 2021 at 6:00 PM

6. Adjourn



**Board of Appeals Meeting
700 Doug Davis Drive
Hapeville, GA 30354**

January 28, 2021 6:00 PM

Chairman, Michael Simpson
Vice Chairman, John Stalvey
Gabriel Cojocarescu
Rod Mack
Larry Martin
Martha Revelo
William Slocumb

MINUTES

1. Call to Order – Meeting called to order at 6:00 p.m.

2. Roll Call

Michael Simpson, Chairman
John Stalvey, Vice Chairman
Gabriel Cojocarescu
Rod Mack
Larry Martin
Martha Revelo
William Slocumb

3. Election of Officers

3.I. Vice Chairman

MOTION ITEM: Gabriel Cojocarescu made a motion, Rod Mack seconded to re-elect John Stalvey as Vice Chairman of the Board of Appeals. Motion Carried: 6-0.

3.II. Chairman

MOTION ITEM: John Stalvey made a motion, Larry Martin seconded to re-elect Michael Simpson as Chairman of the Board of Appeals. Motion Carried: 6-0.

4. Approval of Minutes

4.I. Minutes of December 17, 2020

MOTION ITEM: Gabriel Cojocarescu made a motion, Billy Slocumb seconded to approve the minutes of December 17, 2020 as submitted.

5. New Business

**5.I. Coast to Coast Tours, LLC/Willie B. Johnson, Jr. Administrative Appeal
Background:**

Willie B. Johnson of Coast-to-Coast Tours, LLC is requesting an Administrative Appeal for the planner's decision to deny an occupational tax permit for a transportation business to be located at 450 Porsche Avenue, Parcel Identification Number 14-0096-0005-012-6. The property is zoned U-V, Urban Village and is subject to the zoning regulations of 93-11.2-1 of the City of Hapeville Zoning Ordinance.

Staff Comment:

City Planner, Dr. Lynn Patterson, was sworn in by City Attorney, Brooke A. White.

Dr. Patterson stated per Section 87-3-3, the Board of Appeals shall have the following

powers and duties:

Sec. 87-3-3. – Powers and duties.

(a) *Generally*. The board of appeal shall have the following powers and duties:

- (1) *Administrative review*. To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination of the building official in the enforcement of this chapter.
- (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;
 - b. The application of this chapter to this particular piece of property would create an unnecessary hardship;
 - c. Such conditions are peculiar to the particular piece of property involved; and
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Dr. Patterson further stated that the City of Hapeville received an application to the Board of Appeals for the denial of the planner's decision that a proposed use was not permitted in the applicable zoning district. The applicant, Coast to Coast Tours LLC/Willie Johnson, Jr., applied for an occupational tax permit for a transportation business named Coast to Coast Tours LLC to be located at 450 Porsche Avenue. The application lists transporting passengers from given locations provided by the client as the daily functions. Other activities include administrative offices, bus parking, and maintenance. Also stated in the application regarding storage was a storage area in the office near the bays to be used for repairs. The occupational tax permit application lists the prior use of the building as truck maintenance (Sike Truck Maintenance [sic]).

The appeal application indicated the desired permitted use as a travel agency, bus parking, and minor repairs. The applicant stated the business will involve buses being parked at the location and that the buses will be used when charter services are requested by customers. The facility would be the main office for the business and only used to dispatch buses to the desired location for pickup.

The applicant claimed Truck Pro used this location to service trucks and attached a copy of an Occupational Tax Permit to expire March 2021. The application stated that parts storage would be located on the property.

Dr. Patterson stated the U-V Zoning District discourages land uses that are automobile or transportation related (Sec. 11.2.1.5). The U-V Zoning District expressly does not permit similar uses – auto related repair, etc. and the I-1 Industrial District is a district where similar uses are permitted – automobile servicing and repairing.

Dr. Patterson presented the following property and occupational tax permit history:

1. The property (450 Henry Ford Boulevard) was zoned Industrial until 2006 when the City Council rezoned the entire area to U-V, Urban Village, a mixed-use zoning designation. At that time, any existing use, including the Sikes Fleet Services heavy truck repair was considered non-conforming and subject to the Code (Sec. 93-3-2).
2. Sikes Fleet Services Inc. did not renew their occupational tax permit for heavy duty truck repair after 2014. The account was terminated March 2015. The non-conforming use of heavy-duty truck repair was considered abandoned as of September 2015 (Sec. 93-3-6.6).
3. In February 2015, Truck Pro LLC applied for an occupational tax permit for a business named Servus Fleet Management. The 2015 application states the type of business was Retail/Wholesale Heavy Duty Truck Parts and Accessories and confirms the primary function of the business as retail (see Application).
4. The City Planner's review (February 10, 2015) of the Servus Fleet Management occupational tax permit application stated the following: The property is zoned U-V, Urban Village. Sec. 93-11.2-3 reprinted below provides for retail sales as a permitted use in the U-V zone. The application states that the type of business proposed is retail and wholesale heavy duty truck parts and accessories with 7,264 square feet, indicating the business is a retail use as permitted in Sec. 93-11.2-3 permitted uses of the ordinance. However, parking of trucks and freight are not allowed in the ordinance. Such operations and storage are not permitted in the U-V zone and the use must be limited to retail management office only, with no trucks, freight or outdoor storage. The occupational tax permit application should be approved, subject to the activity on the premises being no trucks, no on-premises storage of building materials, freight or contractor tools and no outdoor storage allowed. Office Use. Only. (Bold in Planner's report)
5. The Occupational Tax Permit Billing Statement for Servus Fleet Management since 2015 listed the license type as "Auto Sales" not as "Truck Service" or "Heavy Duty Truck Repair". A similar Billing Statement has been sent every year with the renewal to Servus Fleet Management.
6. The City has researched and cannot locate nor reproduce the Occupational

Tax Permit Certificate issued with the term “Truck Service” in its records for Servus Fleet Management.

Furthermore, Dr. Patterson stated per Section 93-3-11, the unlawful use of any building or land existing at the time of the enactment of the chapter may be continued, although such use does not conform to the provisions of this chapter.

The duties of the Board of Appeals in an administrative appeal is to determine whether there was an error on any order, requirement, decision or determination of the building official in the enforcement of this chapter.

The Planner issued a denial for compliance with the City’s Zoning Ordinance for 450 Porsche as the proposed use of transportation and bus repair is not permitted in the U-V District and any prior use of the site for heavy duty truck repair had been abandoned in 2015 with the expiration of the Occupational Tax Permit under Sikes Fleet Maintenance. The 2015 approval of the occupational tax permit was clear that the approved use under Servus Fleet Management was office use only with no all trucks, no outdoor storage, no freight or contractor tools, etc.

In researching the Code, the history of the property, and the history of the occupational tax permits, the Planner believes there has been no error in the decision to deny compliance with the City’s Code of Ordinances.

Chairman Simpson asked how long the use was abandoned.

Dr. Patterson stated the use had been abandoned since September 2015.

Rod Mack asked for clarification regarding the printed Occupational Tax Permit that list the term “Truck Service”.

Dr. Patterson stated the license that the property owner produced list the term “Truck Service” however, the city’s printed license states “Auto Sales”. The City has researched and cannot locate nor reproduce the Occupational Tax Certificate issued with the term “Truck Service” in its records for Servus Fleet Management.

Martha Revelo asked Dr. Patterson to explain the purpose of the U-V Zoning District and if the property was aware of the zoning change in 2006.

Dr. Patterson stated all state and local codes were followed to comply with all legal notifications.

City Attorney, Brooke A. White, questioned Dr. Patterson regarding the authenticity of the Planner’s Report and instructed Secretary, Adrienne Senter, to add the following exhibits to the record.

1. 2015 Occupational Tax Certificate Application for Servus Fleet Management.

2. 2020 Occupational Tax Certificate Application for Coast to Coast Tours, LLC.
3. January 12, 2021 Planner's Report for the Occupational Tax Permit Denial at 450 Porsche Avenue.
4. 2020 Commercial Occupation Tax Permit for Servus Fleet Management.
5. Sec 93-3-2 (Nonconforming uses permitted) and Sec. 93-3-6. – Abandonment.
6. Sec. 93-11.2-1 (Intent), Sec. 93-11.2-3 (Permitted uses) and Sec. 93-16-3 (Permitted uses).
7. Article 3. – Board of Zoning Appeals

Applicant Comment:

Cinque Axam of Axam & Roberts Legal Group, spoke on behalf of Coast-to-Coast Tours, LLC and stated their client is seeking to relocate their business to 450 Porsche Avenue and asked the Board of Appeals to overturn the City Planner's denial of the occupational tax permit.

Keith McDowell, owner of Servus Fleet Management, commented regarding the sublease and occupational tax certificate issued to Truck Pro for Truck Service.

Carolyn Sikes, property owner of 450 Porsche Avenue, commented regarding the history of the property and stated she had no knowledge of the zoning changes that was made in 2015.

Willie Johnson, owner of Coast-to-Coast Tours, LLC, stated that he was unaware the property was not zoned for truck service/storage.

Public Comment:

Carolyn Sykes, 37 College Street, Newnan, GA 30263

End of Public Comments.

Gabriel Cojocarescu commented regarding the 2015 Citywide Rezoning Initiative and stated several public hearings and community meetings were held for public input.

Martha Revelo asked Mr. Johnson if he contacted the City to check the zoning prior to leasing the space.

Mr. Johnson stated that since the property was previously used for truck repair and storage that he believed the use was permissible.

There being no further discussion, the following action was taken:

MOTION ITEM: Larry Martin made a motion, John Stalvey seconded to uphold the City Planner's decision and deny the administrative appeal stating that no error was

made by the City Planner for denial of the occupational tax permit for Coast-to-Coast Tours, LLC at 450 Porsche Avenue. Motion Carried: 6-0.

6. Next Meeting Date - Thursday, February 25, 2021 at 6:00 p.m.

7. Adjourn

MOTION ITEM: John Stalvey made a motion, Larry Martin seconded to adjourn the meeting at 7:07 p.m. Motion Carried: 6-0.

Respectfully submitted by,

Chairman, Mike Simpson

Secretary, Adrienne Senter

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

Name of Applicant SCP Hapeville Owner, LLC

Mailing Address 3715 Northside PKWY NW, STE 1-310, Atlanta, GA 30327

Telephone 770-714-4592 Mobile # 770-714-4592 Email wcasaday@southcitypartners.com

Property Owner (s) Louis Levenson | Patricia L. Murray c/o Jay V. Dell, JR

Mailing Address 125 Broad Street SW, Atlanta, GA 30303 | 1040 Founders Row, Ste. B, Greensboro, GA 30642

Telephone 404-659-5000 | 706-453-4800 Mobile # N/A

Property Address/Location: 397 North Central Ave, Hapeville, GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009600060059, 14 009600060042, 14 009600060034, 14 009600060026, 14 009600060091, 14 009600060125, 14 009600060133

Square Foot of Property 354,969 Building Size 305,899 SF Zoning U-V Urban Village

Present Land Use Vacant Land & Commercial Use

Variance Requested GROUND FLOOR FINISHED FLOOR TO CEILING SLAB HEIGHT REDUCTION

Applicable Code Section SEC. 93-11.2-12(3)

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.

Applicant's signature

Date: 3/25/2021

Sworn to and subscribed before me

This 25th day of March, 2021

Ashley Fee
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.

There is approximately 15'-0" of topography change along this property from the plan Northwest corner to the plan Southeast. The residential portions of buildings 100 and 200 along North Central are forced to adjust to the floor elevation due to the parking lot grades on the opposite side of the building from, and the street grades along, North Central Ave. The civil engineering team has adjusted the grades in the internal parking area to meet the required accessible access to each building as well as two accessible means of entry/exit to each building. This accessible access has caused the building to have a split slab on grade, which in turn caused the reduced height of the ground floor spaces along North Central Avenue. We are seeking a variance to the 18'0" floor to ceiling clearance height requirement and instead ask for a 14'0" minimum floor to ceiling height.

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

The zoning presents a hardship for the project due to topographical challenges preventing accessibility requirements from being satisfied.

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

This site is constrained from a grading standpoint due to its frontage along 4 public streets. Those streets/sidewalks dictate finished floor elevations to meet accessibility requirements for the overall project.

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

We believe that the current design, which includes a 14'0" minimum floor to ceiling height, meets the intent of the current zoning and provides for an open retail experience as well as high quality commercial frontage. As such, we do not believe there is any detriment to the public good.

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

Name of Applicant SCP Hapeville Owner, LLC
Mailing Address 3715 Northside PKWY NW, STE 1-310, Atlanta, GA 30327
Telephone 770-714-4592 Mobile # 770-714-4592 Email wcasaday@southcitypartners.com
Property Owner (s) Louis Levenson | Patricia L. Murray c/o Jay V. Dell, JR
Mailing Address 125 Broad Street SW, Atlanta, GA 30303 | 1040 Founders Row, Ste. B, Greensboro, GA 30642
Telephone 404-659-5000 | 706-453-4800 Mobile # N/A
Property Address/Location: 397 North Central Ave, Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009600060059, 14 009600060042, 14 009600060034, 14 009600060026, 14 009600060091, 14 009600060125, 14 009600060133
Square Foot of Property 354,969 Building Size 305,899 SF Zoning U-V Urban Village
Present Land Use Vacant Land & Commercial Use
Variance Requested INCREASING PARKING SPACES ALLOWED ON-SITE
Applicable Code Section SEC 93-11.2-10(1)

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.

Applicant's signature

Date: 3/25/2021

Sworn to and subscribed before me

This 25th day of March, 20 21.

Ashley Fee
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.

The project currently contemplates 371 secured parking spaces within the site, 8 unsecured parking spaces within the site, 19 angled public parking spaces on LaVista Dr., 22 parallel parking spaces along King Arnold St., and 12 unsecured spaces near the commercial building, for a total of 432. This is in excess of than 10% greater than the 310 allowed by zoning, however we believe 432 is necessary to maintain a optimal project. The commercial building, based on standard commercial space per square foot requirements will desire approximately 100 spaces on its own. Due to the mixed-use nature of the project, some of this will be managed through cross parking arrangements, but we believe that 371 is an optimal amount internal to the site, as opposed to 310. Additionally, all spaces on-site are designed as compact spaces, reducing the total amount of impervious surfaces. We are seeking a variance to allow for a maximum of 435 parking spaces.

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

Restricting the amount of available parking will negatively impact the ability of the project to function as a mixed-use development.

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

As a mixed-use development spanning nearly a full block, with building frontage on all four streets, sloping grades throughout, the density planned on this property requires additional parking to function.

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

There is no public detriment. The majority of the parking requested is internal to the site and we are in fact adding public parking.

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

Name of Applicant SCP Hapeville Owner, LLC
Mailing Address 3715 Northside PKWY NW, STE 1-310, Atlanta, GA 30327
Telephone 770-714-4592 Mobile # 770-714-4592 Email wcasaday@southcitypartners.com
Property Owner (s) Louis Levenson | Patricia L. Murray c/o Jay V. Dell, JR
Mailing Address 125 Broad Street SW, Atlanta, GA 30303 | 1040 Founders Row, Ste. B, Greensboro, GA 30642
Telephone 404-659-5000 | 706-453-4800 Mobile # N/A
Property Address/Location: 397 North Central Ave, Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009600060059, 14 009600060042, 14 009600060034, 14 009600060026, 14 009600060091, 14 009600060125, 14 009600060133
Square Foot of Property 354,969 Building Size 305,899 Zoning U-V Urban Village
Present Land Use Vacant Land & Commercial Use
Variance Requested REDUCTION IN OFF-STREET LOADING AREAS
Applicable Code Section SEC. 93-23-14

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: 3/25/2021

Sworn to and subscribed before me

This 25th day of March, 2021.

[Signature]
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.

Code requires dedicated off-street loading spaces with minimum dimensions of 15 feet in height, 15 feet in width, and 60 feet in length. Mixed-use projects, however, handle loading zones in a manner distinct from general uses and our project contemplates all loading areas as highly coordinated temporary locations. As a result, all loading can take place internal to the site itself, without the need for dedicated loading areas, fully coordinated by on site management. The site contains adequate circulation and paved areas on site that would allow for this strategy. We are seeking a variance to allow for zero dedicated loading areas.

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

The code creates a hardship given the controlled nature of this project. Extensive sections of the parking area would need to be dedicated to a 15x15x60 foot area that would rarely, if ever, be used, creating an unnecessary hardship on the land use of the property.

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

This project is an entire city block with adequate on site circulation and internal loading.

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

There is no contemplated detriment to the public good as a result of this variance.

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

AUTHORIZATION OF PROPERTY OWNER

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

377, 383, 397 N Central Ave,
325 Sunset Ave, 3394 LaVista Drive, 376
and 400 King Arnold Street
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 SCP Hapeville Owner, LLC

Address of Applicant 3715 Northside PKWY NW, STE 1-310, Atlanta, GA 30339

Telephone of Applicant 770-714-4592



Signature of Owner
Louis Levenson

Print Name of Owner

Personally Appeared Before Me this 23 day of March, 2021.


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:

369 North Central Avenue

325 Sunset Avenue

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 SCP Hapeville Owner, LLC

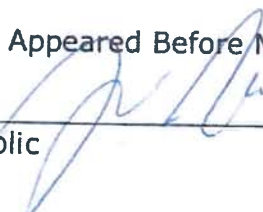
Address of Applicant 3715 Northside PKWY NW, STE 1-310, Atlanta, GA 30339

Telephone of Applicant 770-714-4592


Signature of Owner

Patricia Murray
Print Name of Owner

Personally Appeared Before Me this 23 day of March, 2021.


Notary Public



Legal Description - SCP Hapeville

Tract 1

All that tract or parcel of land lying and being in Land Lot 96 & 65 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northeasterly Right of Way of North Central Avenue, also known as U.S. Highway 41 and State Route 3 (Variable R/W) and the southeasterly Right of Way of Lavista Drive, formerly known as Rosser Street (40' R/W); from point thus established and running along the southeasterly Right of Way of Lavista Drive North 33° 36' 50" East a distance of 260.64 feet to a 1/2" rebar found; thence North 33° 39' 22" East a distance of 159.18 feet to an iron pin set at the intersection of the southeasterly Right of Way of Lavista Drive (40' R/W) and the southwesterly Right of Way of King Arnold Street (50' R/W) thence running along the southwesterly Right of Way of King Arnold Street the following courses: South 74° 04' 34" East a distance of 210.34 feet to an iron pin set; thence South 74° 05' 24" East a distance of 230.57 feet to a 1/2" rebar found; thence South 74° 57' 23" East a distance of 166.44 feet to a nail found at the northerly most mitered intersection of the southwesterly Right of Way of King Arnold Street (50' R/W) and the westerly Right of Way of Sunset Avenue (50' R/W); thence running along said miter South 36° 51' 04" East a distance of 39.33 feet to an iron pin set; thence running along the westerly Right of Way of Sunset Avenue South 01° 28' 33" West a distance of 365.81 feet to an iron pin found; thence leaving said Right of Way North 77° 51' 05" West a distance of 193.16 feet to a 5/8" rebar found; thence South 01° 59' 48" West a distance of 198.77 feet to an iron pin set on the aforementioned northeasterly Right of Way of North Central Avenue (Variable R/W); thence running along said Right of Way the following courses: North 70° 23' 38" West a distance of 140.08 feet to a Right of Way monument found; thence South 24° 02' 31" West a distance of 1.17 feet to an iron pin set; thence North 66° 38' 21" West a distance of 21.18 feet to an iron pin set; thence leaving said Right of Way North 02° 05' 39" East a distance of 195.82 feet to a 1/2" rebar found; thence North 88° 15' 55" West a distance of 87.01 feet to a point; thence South 04° 18' 38" West a distance of 150.04 feet to a magnetic nail found on the aforementioned northeasterly Right of Way of North Central Avenue (Variable R/W); thence running along said Right of Way the following courses: North 56° 50' 17" West a distance of 200.81 feet to a magnetic nail found; thence North 55° 06' 39" West a distance of 82.77 feet to an iron pin set; thence North 55° 03' 13" West a distance of 191.14 feet to the TRUE POINT OF BEGINNING. Said tract contains 8.149 Acres (354,970 Square Feet).

Tract 2

All that tract or parcel of land lying and being in Land Lot 96 & 65 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the westerly Right of Way of Sunset Avenue (50' R/W) and the northeasterly Right of Way of King Arnold Street (50' R/W); from point thus established and running along the northeasterly Right of Way of King Arnold Street North 74° 08' 39" West a distance of 194.57 feet to a 1/2" rebar found; thence North 74° 08' 39" West a distance of 238.49 feet to a 3/4" open top pipe found; thence leaving said Right of Way North 11° 39' 45" East a distance of 81.83 feet to a 1/2" rebar found on the southerly Right of Way of Arnold Street, unopened Road; thence running along said Right of Way South 88° 58' 44" East a distance of 217.91 feet to an iron pin set; thence South 88° 58' 42" East a distance of 189.84 feet to an iron pin set at the intersection of the southerly Right of Way of Arnold Street and the westerly Right of Way of Sunset Avenue (50' R/W); thence running along the westerly Right of Way of Sunset Avenue South 02° 17' 23" West a distance of 191.35 feet to the TRUE POINT OF BEGINNING. Said tract contains 1.301 Acres (56,674 Square Feet).

ARCHITECT
The Preston Partnership, LLC
115 Perimeter Center Place, Suite 1000
Atlanta, Georgia 30336
Contact: Jim Fredrickson
Tel. 770.481.5119

CLIENT
South City Partners
3715 Northside Parkway, Suite 1-310
Atlanta, Georgia 30327
Contact: David Bivens
Tel. 404.400.1322

CIVIL ENGINEER
Kimley-Horn
817 West Peachtree Street NW, Suite 601
Atlanta, Georgia 30308
Contact: Connor Galloway
Tel. 404.419.8700

STRUCTURAL ENGINEER
Ellinwood + Machado Consulting Engineers
800 Lambert Drive, Suite H
Atlanta, Georgia 30324
Contact: Brad Ellinwood
Tel. 404.262.0800

MEP ENGINEER
ENGR3
100 North Point Center East, Suite 200
Alpharetta, Georgia 30022
Contact: Trey Long
Tel. 404.860.1283

SEAL

PROJECT
Hapeville Multifamily
397, 383, 377, 369, 400 N CENTRAL AVE, 376 KING
ARNOLD ST, 325 SUNSET AVE
HAPEVILLE, GA 30354
FOR: South City Partners



DATE
03-17-2021

JOB NUMBER
2006301

SHEET TITLE
ARCHITECTURAL SITE PLAN

SHEET NUMBER
1

COMMENTS

PROJECT DATA

TOTAL SITE ACERAGE: 8.15 ACRES (354,969 SF)
TOTAL NUMBER OF BUILDINGS: 7 (INCLUDING CARRIAGE UNITS)
TOTAL NUMBER OF UNITS: 285 UNITS
TOTAL GROSS SF: 305,899 SF
TOTAL NET RENTABLE SF: 259,899 SF
CURRENT ZONING: U-V (URBAN VILLAGE)
PERMITTED USES: PROFESSIONAL OFFICES
RESIDENTIAL - CONDITIONAL USE IN U-V ZONE
LIMIT 40 UNITS / ACRE
285 UNITS / 8.15 ACRES = 35 UNITS / ACRE
RESIDENTIAL DENSITY:
BUILD-TO-LINE: 0-15 FEET FROM PROPERTY LINE
HEIGHT REGULATIONS: 24' MINIMUM, 64' MAXIMUM, (4) STORIES MAXIMUM
SIDEWALK REQUIREMENTS: 5' LANDSCAPE STRIP MEASURED FROM THE BACK OF CURB
STREET TREES PLANTED AT 50' ON CENTER
SIDEWALKS UNOBSTRUCTED TO 8' CLEAR HEIGHT
10' WIDE ALONG NORTH CENTRAL AVENUE, 6' AT ALL OTHER STREETS

PARKING SCHEDULE		
SECURITY	PARKING TYPE	COUNT
SECURED	Parking - 9'-0" x 18'-0"	357
SECURED	Parking - HC 9'-0" x 18'-0"	14
UNSECURED	Parking - 9'-0" x 18'-0"	6
UNSECURED	Parking - 12'-0" x 26'-0" - Angled	19
UNSECURED	Parking - 22'-0" x 9'-0" - Parallel	22
UNSECURED	Parking - HC 9'-0" x 18'-0"	2
UNSECURED PARKING EASEMENT	Parking - 9'-0" x 18'-0"	12

371 SECURED PARKING SPACES
11 TUCK UNDER PARKING SPACES
382 SECURED PARKING SPACES TOTAL
PARKING SPACE RATIO
RATIO PER UNITS: 382 SP/ 285 UNITS
1.34 SP/ UNIT
RATIO PER BEDS: 382 SP/ 368 BEDS
1.03 SP/ BEDS
PAVED SURFACE AREA FOR PARKING SPACES AND CIRCULATION: 136,631 SF

BUILDING DATA

BLDG TYPE A					
BLDG 1	4 STORIES	63,880 GSF	54,402 NRSF	58 UNITS	FLOOR AREA RATIO 85%
BLDG 2	4 STORIES	63,880 GSF	54,248 NRSF	59 UNITS	FLOOR AREA RATIO 85%
BLDG 5	4 STORIES	63,880 GSF	54,364 NRSF	64 UNITS	FLOOR AREA RATIO 85%
BLDG TYPE B					
BLDG 3	3 STORIES	49,629 GSF	41,689 NRSF	47 UNITS	FLOOR AREA RATIO 84%
BLDG 4	4 STORIES	56,226 GSF	46,796 NRSF	53 UNITS	FLOOR AREA RATIO 83%
BLDG TYPE C					
BLDG 6	2 STORIES	4,202 GSF	4,200 NRSF	2 UNITS	FLOOR AREA RATIO 100%
BLDG 7	2 STORIES	4,202 GSF	4,200 NRSF	2 UNITS	FLOOR AREA RATIO 100%
		305,899 GSF	259,899 NRSF	285 UNITS	FLOOR AREA RATIO 85%

BLDG TYPE B (BLDG 4)
RESIDENTIAL (R-2)
CONST. TYPE V-A
FULLY SPRINKLERED NFPA 13R
3 STORIES + BASEMENT
"BUILDING HEIGHT: 47'-5"
16,543 GROSS SF x 3 STORY + 6,597 SF BASEMENT
= **56,226 SF TOTAL GROSS SF**
64 UNITS
54,364 NET RENTABLE SF
FLOOR AREA RATIO =
54,364 NET RENTABLE SF/ 56,226 GROSS SF= 83%

*NOTE: HEIGHT MEASURED FROM THE BASE OF THE FOUNDATION AT GRADE TO THE PEAK OF THE TALLEST ROOFLINE.

BLDG TYPE A (BLDG 5)
RESIDENTIAL (R-2)
CONST. TYPE V-A
FULLY SPRINKLERED NFPA 13R
4 STORIES
"BUILDING HEIGHT: 45'-10"
15,970 GROSS SF x 4 STORIES =
63,880 TOTAL GROSS SF
64 UNITS
54,364 NET RENTABLE SF
FLOOR AREA RATIO =
54,364 NET RENTABLE SF/ 63,880 GROSS SF= 85%

*NOTE: HEIGHT MEASURED FROM THE BASE OF THE FOUNDATION AT GRADE TO THE PEAK OF THE TALLEST ROOFLINE.

BLDG TYPE B (BLDG 3)
RESIDENTIAL (R-2)
CONST. TYPE V-A
FULLY SPRINKLERED NFPA 13R
3 STORIES
"BUILDING HEIGHT: 43'-7"
16,543 GROSS SF x 3 STORIES =
49,629 TOTAL GROSS SF
47 UNITS
41,689 NET RENTABLE SF
FLOOR AREA RATIO =
41,689 NET RENTABLE SF/ 49,629 GROSS SF= 84%

BLDG TYPE C (BLDG 6)
RESIDENTIAL (R-2), UTILITY (S-2)
CONST. TYPE V-B
NON-SPRINKLERED
2 STORIES
"BUILDING HEIGHT: 26'-0"
2,101 GROSS SF x 2 STORIES =
4,202 TOTAL GROSS SF
2 UNITS/ 5 TUCK UNDER GARAGES
2,099 NET RENTABLE SF + 2,101 SF (GARAGES)
4,200 TOTAL NET RENTABLE SF
FLOOR AREA RATIO =
4,200 NET RENTABLE SF/ 4,202 GROSS SF= 100%

*NOTE: HEIGHT MEASURED FROM THE BASE OF THE FOUNDATION AT GRADE TO THE PEAK OF THE TALLEST ROOFLINE.

*NOTE: HEIGHT MEASURED FROM THE BASE OF THE FOUNDATION AT GRADE TO THE PEAK OF THE TALLEST ROOFLINE.

(6) TUCK UNDER GARAGES
2,101 SF (LVL 01)

BLDG TYPE C (BLDG 7)
RESIDENTIAL (R-2), STORAGE (S-2)
CONST. TYPE V-B
NON-SPRINKLERED
2 STORIES
BUILDING HEIGHT: 26'-0"
2,101 GROSS SF x 2 STORIES =
4,202 TOTAL GROSS SF
2 UNITS/ 6 TUCK UNDER GARAGES
2,099 NET RENTABLE SF + 2,101 SF (GARAGES)
4,200 TOTAL NET RENTABLE SF
FLOOR AREA RATIO =
4,200 NET RENTABLE SF/ 4,202 GROSS SF= 100%

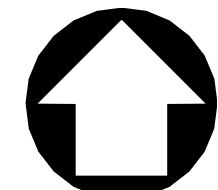
BLDG A (200)
TRANSFORMER
BLDG C (700)
TRANSFORMER
19 ANGLED PARKING SPACES

BLDG TYPE A (BLDG 200)
RESIDENTIAL (R-2), MERCANTILE (M)
CONST. TYPE V-A
FULLY SPRINKLERED NFPA 13 & 13R
4 STORIES
"BUILDING HEIGHT: 52' AVERAGE
15,970 GROSS SF x 4 STORIES =
63,880 TOTAL GROSS SF
59 UNITS
49,704 NET RENTABLE SF (UNITS) + 4,544SF RETAIL
= **54,248 TOTAL NET RENTABLE**
FLOOR AREA RATIO =
54,248 NET RENTABLE SF/ 63,880 GROSS SF= 85%

*NOTE: HEIGHT MEASURED FROM THE BASE OF THE FOUNDATION AT GRADE TO THE PEAK OF THE TALLEST ROOFLINE.

BLDG TYPE A (BLDG 100)
RESIDENTIAL (R-2), ASSEMBLY (A-3), BUSINESS (B)
CONST. TYPE V-A
FULLY SPRINKLERED NFPA 13 & 13R
4 STORIES
"BUILDING HEIGHT: 51'-5"
15,970 GROSS SF x 4 STORIES =
63,880 TOTAL GROSS SF
58 UNITS
48,516 NET RENTABLE SF (UNITS) + 5,886 SF AMENITY
= **54,402 TOTAL NET RENTABLE**
FLOOR AREA RATIO =
54,402 NET RENTABLE SF/ 63,880 GROSS SF= 85%

*NOTE: HEIGHT MEASURED FROM THE BASE OF THE FOUNDATION AT GRADE TO THE PEAK OF THE TALLEST ROOFLINE.

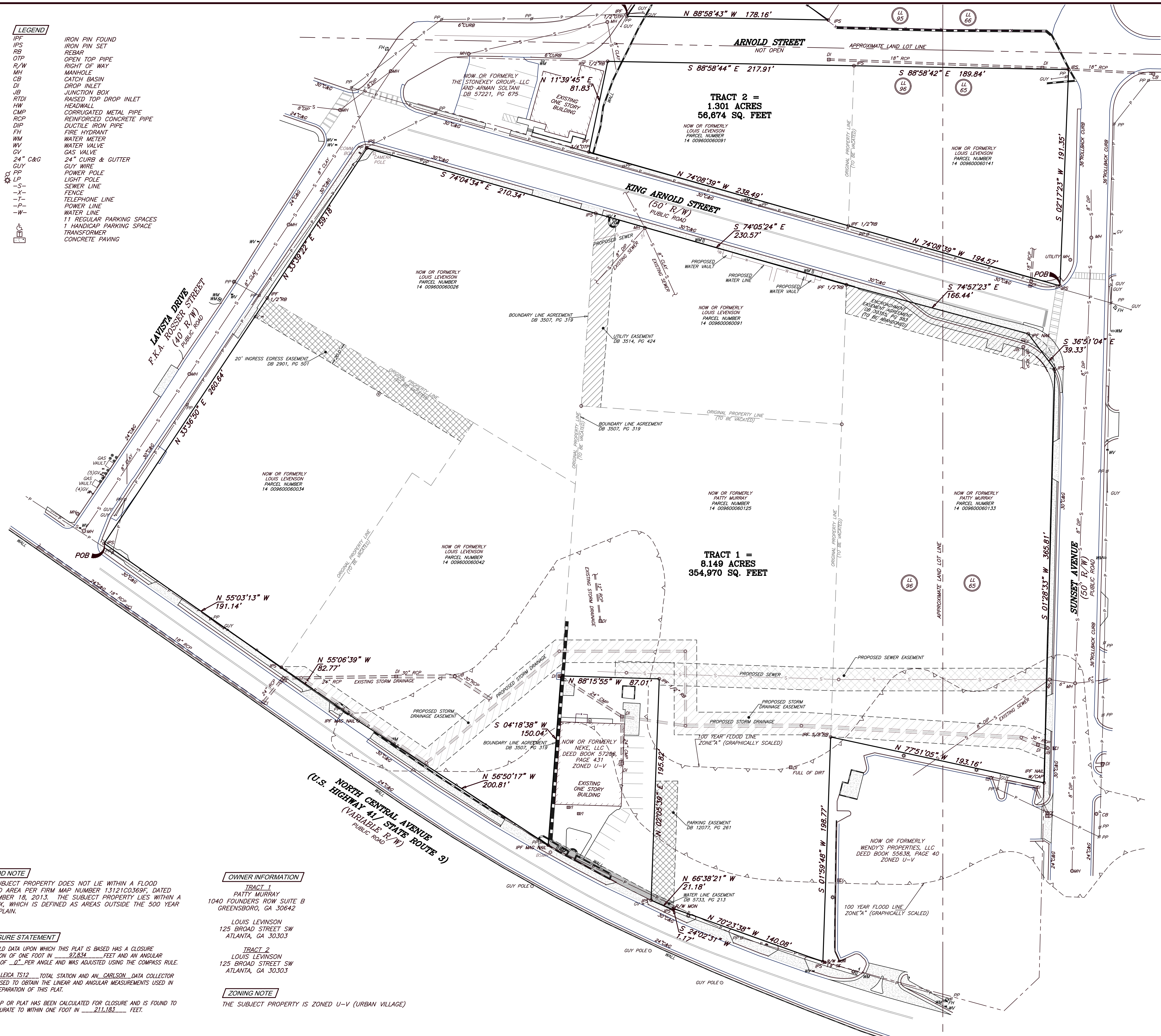


1 **ARCHITECTURAL SITE PLAN**
0' 20' 40' 80' 160'
SCALE: 1" = 40'-0"



LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- RB REBAR
- OTF OPEN TOP PIPE
- R/W RIGHT OF WAY
- MH MANHOLE
- CB CATCH BASIN
- DI DROP INLET
- JB JUNCTION BOX
- RTDI RAISED TOP DROP INLET
- HW HEADWALL
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- DIP DUCTILE IRON PIPE
- FH FIRE HYDRANT
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- 24" C&G 24" CURB & GUTTER
- GUY GUY WIRE
- PP POWER POLE
- LP LIGHT POLE
- S- SEWER LINE
- X- TELEPHONE LINE
- P- POWER LINE
- W- WATER LINE
- 11 REGULAR PARKING SPACES
- 1 HANDICAP PARKING SPACE
- TRANSFORMER
- CONCRETE PAVING



VICINITY MAP

TSS
TECHNICAL SURVEY SERVICES
Land Surveys

1641 Autumn Blvd, SW
Conyers, Georgia 30012
(770) 922-6391 Office
www.tss-atl.com

Date	
Revision	
No	

Field Date:12/03/2020

Plat Date: 02/03/2021

Scale: 1" =40'

PRELIMINARY PLAT
FOR
SCP ACQUISITIONS, LLC
OF
HAPEVILLE MIXED USE
LAND LOT 96 & 65 14th DISTRICT
CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA

1

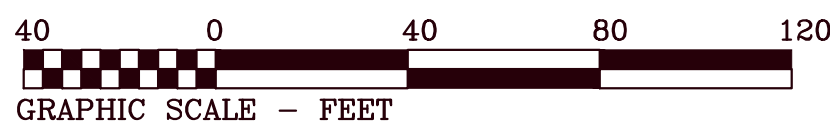
SHEET 1 OF 1

JOB #: 2020-738

CRD: HAPEVILLE

DWG: HAPEVILLE

LSV: LOT COMBINATION



FLOOD NOTE

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRM MAP NUMBER 13121C0369F, DATED SEPTEMBER 18, 2013. THE SUBJECT PROPERTY LIES WITHIN A ZONE X, WHICH IS DEFINED AS AREAS OUTSIDE THE 500 YEAR FLOODPLAIN.

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 82,834 FEET AND AN ANGULAR ERROR OF 0.2 PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.
A LEICA TS12 TOTAL STATION AND AN CARLSON DATA COLLECTOR WERE USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 211,183 FEET.

OWNER INFORMATION

TRACT 1
PATTY MURRAY
1040 FOUNDERS ROW SUITE B
GREENSBORO, GA 30642



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

DATE: April 19, 2021
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for North Central Multi-Family (Parcel IDs 14 009600060059, 14 009600060042, 14 009600060034, 14 009600060026, 14 009600060091, 4 009600060125, 14 009600060133)

BACKGROUND

The City of Hapeville has received a variance application from SCP Hapeville Owner, LLC (Will Casaday) to allow for the following conditions:

1. Ground Floor Ceiling Height (Sec. 93-11.2-12(3))
The Applicant wishes to reduce the required ceiling height from 18' to a minimum of 14'.
2. Onsite Parking (Sec. 93-11.2-0(1))
The Applicant wishes to increase the on-site parking from 310 spaces to 435 spaces, including on-site and on-street parking.
3. Off-Street Loading Areas (Sec. 93-23-14).
The Applicant wishes to reduce the number of on-site loading spaces to zero (0).

The applicant is developing the property as a mixed-use multi-family and commercial development.

The applicant received conditional approval for the Site Plan from the Planning Commission on March 9, 2021 and a recommendation to grant the requested variances.

The property is currently zoned U-V , Urban Village.

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 slope of the site changes 15' across the site (from the northwest to the southwest). To accommodate parking and accessibility with the change in grade, the buildings along North Central have a split slab on grade which affects the ceiling clearance height.

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

As there are few efficient transit opportunities, the limited parking may discourage the commercial and retail components of the property to come to fruition.

The required dedicated loading spaces for the square footage is not necessary given the types of uses for the property. Residential moving trucks can be scheduled with the administrative offices and a section of the internal parking cordoned off for such events. The limited square footage for the retail component will not necessitate dedicated loading spaces nor will the future commercial building given the request for additional parking.

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

The ceiling height requirement is a limitation based upon the existing topography.

The property in question encompasses almost an entire city block and can accommodate the needs of the loading spaces and the multiple uses (commercial and residential) within the site thereby, not adversely affecting surrounding properties.

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

Relief would not cause substantial detriment to the public. Staff worked diligently with the Applicant to identify solutions to minimize any negative impacts while accomplishing the intent of the development of the site.

RECOMMENDATION

Planning Commission and staff recommendation is to grant the three variances requested above.

NOTICE

City of Hapeville

A Public Hearing will be held by the City of Hapeville Board of Appeals on Thursday, April 22, 2021 at 6:00 p.m. at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. All attendees will be required to wear a face covering and practice social distancing in accordance with the requirements set forth by state law and public health regulations. The meeting will also be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following request:

Variance Requests:

Variance request to reduce the setback along the front property line, reduce the setback along the east property line, and reduce the parking requirement for the property located at 748 Virginia Avenue, Parcel Identification Number 14-0098-0006-001-6. The property is zoned V, Village and is subject to the zoning regulations under Sections 93-11.1-6 (Area, placement, and buffering requirements) and 93-22.1-1 (Chart of dimensional requirements) of the City of Hapeville Zoning Ordinance.

Applicant: Hapeville Development Authority

Variance Requests:

Variance request to reduce the ground floor finished floor to ceiling slab height from 18' to 14', increase the maximum onsite parking spaces from 310 spaces to 432 spaces, and reduce the off-street loading areas for the properties located at 369 North Central Avenue, 377 North Central Avenue, 383 North Central Avenue, 397 North Central Avenue, 325 Sunset Avenue, 376 King Arnold Street, and C400 King Arnold Street, Parcel Identification Numbers 14-0096-0006-012-5, 14-0096-0006-013-3, 14-0096-0006-005-9, 14-0096-0006-004-2, 14-0096-0006-003-4, 14-0096-0006-002-6, and 14-0096-0006-009-1. The properties are zoned U-V, Urban Village and are subject to the zoning regulations under Sections 93-11.2-12(3) (Commercial design ground floor requirements), 93-11.2-10(1) (Parking and curb cut requirements), and 93-23-14 (Size of off-street loading spaces) of the City of Hapeville Zoning Ordinance.

Applicant: SCP Hapeville Owner, LLC

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the Planning and Economic Development Manager at asenter@hapeville.org or called in at 404-669-8269 no later than 5:00 p.m. on April 21, 2021. When emailing or verbally delivering your comment to the Planning and Economic Development Manager, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the Planning and Economic Development Manager will be read into the record. Citizens may not make comments on public hearing agenda items via livestream or video conference.