

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

October 28, 2021 6:00 PM

Agenda

1. Call to Order

2. Roll Call

Michael Simpson, Chairman
John Stalvey, Vice Chairman
Rod Mack
Jason Morris
William Slocumb
Melanie Williams

3. Approval of Minutes

- 3.I. Minutes of September 23, 2021
1. Minutes - 9-23-2021_draft

4. Public Hearing

- 4.I. 3400 North Whitney Avenue Variance Request
Background:

Arthur Baker of Artistry Properties, LLC is requesting a variance to reduce the rear yard setback for an accessory structure at 3400 North Whitney Avenue, Parcel Identification Number 14-0098-0017-002-1. 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.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 3400 North Whitney Avenue_variance request_Redacted
2. Plans - 3400 North Whitney Avenue_final plat
3. Planner's Report 3400 N Whitney Ave._Variance

5. Next Meeting Date - November 18, 2021 at 6PM

6. Adjourn



Michael Simpson, Chairman
John Stalvey, Vice Chairman
Rod Mack
Jason Morris
William Slocumb
Melanie Williams

Board of Appeals Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354
September 23, 2021 6:00 PM

MINUTES

1. Called to Order at 6:00 PM.

2. Roll Call

Michael Simpson, Chairman
John Stalvey, V. Chairman
Rod Mack
Jason Morris
William Slocumb – absent
Melanie Williams – teleconference

3. Approval of Minutes

3.I. Minutes of May 27, 2021

MOTION ITEM: Rod Mack made a motion, John Stalvey seconded to approve the minutes of May 27, 2021 as submitted. Motion Carried: 4-0.

4. Public Hearing

4.I. 300 Porsche Avenue

Variance Requests

Background:

Bobby Szach authorized representative for Daniel Barcham of Porsche Cars North America, Inc. submitted a variance requests to (1) to increase the driveway width, (2) allow temporary parking between the building and the front property line, (3) obtain temporary relief from the landscape requirements for vehicular use areas during site construction, and (4) allow the installation of a chain link fence along the public right-of-way for the property located at One Porsche Drive, Parcel Identification Numbers 14-0096-LL0593 and 14-0096-LL0619. The properties are zoned B-P, Business Park, and are subject to the zoning regulations under Sections 93-23-2(a), 93-18-5(2)(b), 93- 23-18, and 93-2-5(4)(b).

Mr. Barcham stated the site work would be completed in two (2) phases. The requests will be temporary while the parking deck and restoration facility are under construction.

Recommendation:

The Planning Commission and staff recommendation is to grant the four variances as requested.

Public Comments: None.

MOTION ITEM: John Stalvey made a motion, Jason Morris seconded to approve the variance request as submitted. Motion Carried: 4-0.

5. New Business

5.I. Meeting Rules and Procedures

Text Amendment

Consideration of an Ordinance to amend Chapter 2 (Administration), Article 2 (Mayor and Council), Section 2-2-5 (Rules and procedures of Mayor and Council) to provide for appropriate rules and procedures for the City Council meetings.

Background:

Historically, only individuals present at the City Council, Planning Commission Meetings and the Board of Appeals were allowed to make public comments during the meetings and public hearings. During the height of the pandemic, the Mayor & Council allowed for public comments shared via email or phone message to the City Clerk. The Mayor & Council have proposed that public comments continue to be allowed via these media. The proposed text amendment regarding Zoning Hearings is attached.

Recommendation

Staff recommended approval of the text amendment to allow for a variety of public input options throughout the planning processes in the City of Hapeville.

MOTION ITEM: John Stalvey made a motion, Rod Mack seconded to recommend the Mayor and Council approve the text amendment as submitted. Motion Carried: 4-0.

5. Next Meeting Date – October 28, 2021 at 6 PM

6. Adjourn

MOTION ITEM: John Stalvey made a motion, Melanie Williams seconded to adjourn the meeting at 6:12 p.m. Motion Carried: 4-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

21-BOA-10-05

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

Name of Applicant Artistry Properties LLC
Mailing Address 1639 Temple Ave College Park GA 30337
Telephone _____ Mobile # [REDACTED] Email artistryproperties@gmail.com
Property Owner (s) Artistry Properties LLC
Mailing Address 1639 Temple Ave College Park GA 30337
Telephone _____ Mobile # [REDACTED]
Property Address/Location: 3400 N. Whitney Hapeville, GA
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009800170021
Square Foot of Property 21,166 ^{main house - 1413 sq ft} Building Size garage 1039 Zoning R1
Present Land Use Single Family Residential
Variance Requested To allow current 4 ft set back at rear of property back side of garage. To allow for dividing lot.
Applicable Code Section Sec 90-1-2 (or) Sec 93-22.1-1

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.

[Signature]

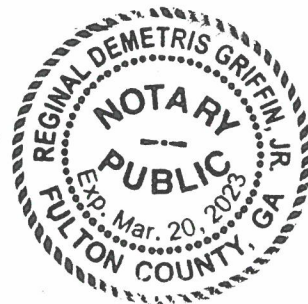
Applicant's signature

Date: 9/9/21

Sworn to and subscribed before me

This 9 day of September, 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.

This property was built with the back of the garage 4 feet away from the rear property line prior to setback requirements. I am seeking to subdivide the lot. All other setbacks can be adhered to and the lot has enough square footage to be divided while adhering to county/city codes

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

If the current setback zoning is maintained then it would create an unnecessary hardship to subdivide the existing lot. There will not be any violation to setbacks to the side of the property

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

This condition is peculiar to this property because this is how it was allowed to be built prior to zoning regulations

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

There would not be any detriment to the public good if this allowed a 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:

3400 N Whitney
Hapeville

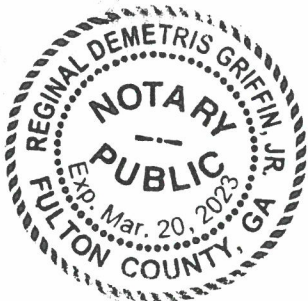
City of Hapeville, County of Fulton, State of Georgia

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 Artistry Properties LLC

Address of Applicant 1639 Temple Ave College Park GA 30337

Telephone of Applicant



AB

Signature of Owner

ANTHIA BAKER

Print Name of Owner

Personally Appeared Before Me this 9 day of September, 2021.

[Signature]
Notary Public

Exhibit A

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 98 OF THE 14TH DISTRICT OF FULTON COUNTY GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF WHITNEY AVENUE 198.3 FEET NORTHEAST FROM INTERSECTION OF SOUTHEAST SIDE OF WHITNEY AVENUE WITH NORTHEAST SIDE OF NORTH CENTRAL AVENUE; THENCE NORTHEAST ALONG THE SOUTHEAST SIDE OF WHITNEY AVENUE, 123.3 FEET; THENCE SOUTHEAST 178 FEET; THENCE SOUTHWEST 138.5 FEET; THENCE NORTHWEST 160 FEET TO THE SOUTHEAST SIDE OF WHITNEY AVENUE AND THE POINT OF BEGINNING.

Being improved property more commonly known as 3400 N. Whitney Avenue, Hapeville, GA 30354; and being the same property conveyed via deed recorded in Deed Book 22313 Page 29 Georgia - Global County Records,

Tax ID: 14-0098-0017-002-1



SURVEYORS NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATION WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES, BEFORE EXCAVATION ARE BEGUN, CALL THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENT OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
4. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
5. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
6. ALL REBARS SET ARA 1/2" REBARS UNLESS OTHERWISE NOTED.
7. THE EXISTENCE, SIZE AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.
8. 2 FEET CONTOUR INTERVAL

FLOOD STATEMENT

NO PORTION OF THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY "F.I.A. OFFICIAL FLOOD HAZARD MAP PANEL # 13121C366F DATE 9/18/13

INSTRUMENT USED:

NIKON DTM-520 TOTAL STATION

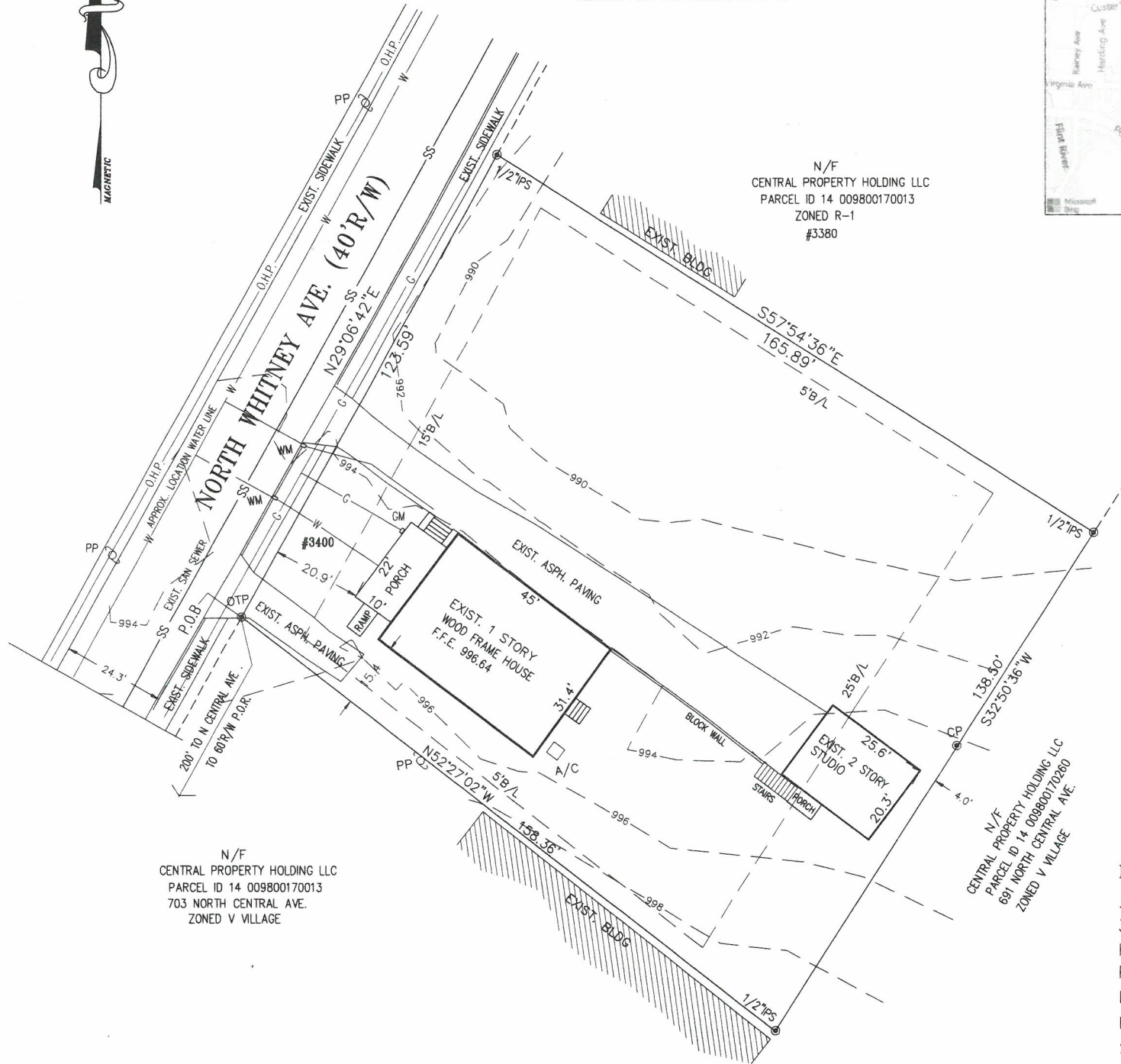
LEGEND

- P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
O.H.P. OVERHEAD POWER LINE
P.P. POWER POLE
L.L.L. LAND LOT LINE
I.P.F. 1/2" IRON PIN FOUND
I.P.S. 1/2" IRON PIN SET
OTF OPEN TOP FOUND
T.L.P. TRAFFIC LIGHT POLE
C.L. CENTER LINE
⊗ LOT NUMBER
W.M. WATER METER
GUY WIRE
EM ELECTRIC METER
T/B TELEPHONE BOX
C/B CABLE BOX
G.M. GAS METER
CTF CRIMP TOP FOUND
TLP TRAFFIC LIGHT POLE
AIF ANGLE IRON FOUND
CP COMPUTER POINT

NOTE:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,580 FEET AND AN ANGULAR ERROR OF 00 00'06"PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1: 193,383 FEET

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION: THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" THEIR LOCATION ,SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN:



THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67



VICINITY MAP
N.T.S.

LOT AREA

21,166. sq.ft.
0.485 acres

ZONED R-1

FRONT YARD 15 FEET
SIDE YARD 5 FEET
REAR YARD 25 FEET
MINIMUM LOT FRONTAGE 50 FEET
MINIMUM LOT AREA 6,500 SQ/FT
MAXIMUM LOT COVERAGE 40%

CONTRACTOR/DEVELOPMENT

ARTHUR BAKER
ARTISTRY PROPERTIES
CELL 678-799-2396

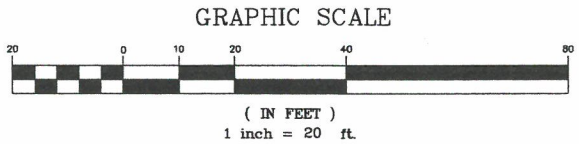
BOUNDARY SURVEY FOR:

ARTHUR BAKER

3400 NORTH WHITNEY AVE.
HAPEVILLE GA. 30354
PARCEL ID 14 009800170021
LL 98 14TH DISTRICT
FULTON COUNTY GEORGIA
SCALE 1"= 20' DATE SURVEY PLAT 7/02/21
REVISED SEPTEMBER 2, 2021

HURD PRINCE & ASSOCIATES, INC.

Consulting Planners & Surveyors
110 MLK SR HERITAGE TRAIL
STOCKBRIDGE, GEORGIA 30281-3424
Phone (678)-782-7737 CELL (404) 372-7304





Department of Planning & Zoning

PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 3400 N Whitney Avenue
DATE: October 18, 2021

BACKGROUND

The City of Hapeville has received a Variance Application from Artistry Properties, LLC, owner and applicant, to allow for a reduced rear yard setback (4') for accessory buildings for the purpose of subdividing a parcel (Parcel ID 14 009800170021) into two tracts at 3400 North Whitney Ave. The property is currently zoned R-1, One Family Residential.

The variance application requests a relief from the 5 foot rear setback requirement for accessory structures as the existing accessory structure is located 4' from the rear property line. The reduced setback would enable the property to be redeveloped. Currently, properties with non-conforming conditions may not expand existing building footprints. This would limit the property's potential for redevelopment.

The Planning Commission approved the subdivision plat (10/12/21) contingent upon the variance granted by the Board of Appeals.

CODE

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. - Chart of dimensional requirements

Dimensional Requirements for **R-1 Zoning** are as follows:

Development Type	Lot Frontage (Feet)	Min. Lot Area Square Feet	Min. Lot Area/DU Square Feet	Floor Area/DU Sq/ Ft	Max Lot Coverage	Min. Front Minor Coll	Min. Setback Front Major Arterial	Min Setback Side	Min. Parking Spaces	Max. Unit per Bldg Lot
Single-family Detached	50	6,750	6,750	1,000	40	15	15	5	2DU	1
Accessory Structure(s)								5	2DU	

REVIEW

Sec. 87-3-3. - Powers and duties, subsection (a) establishes the authority of the Board of Appeals to hear and decide variance applications: "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. These factors are listed below with an assessment of compliance of the application:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
We can find no extraordinary condition related to size, shape or topography associated with the property that would prevent compliance with the five (5)-foot setback established in the Ordinance.
- The application of this chapter to this particular piece of property would create an unnecessary hardship;
This is an existing condition. The accessory structure would need to be demolished or relocated to meet the standards. A hardship exists in that the owner is not permitted to add on to his or her home without a variance for the side setback. The enforcement of this code effectively limited the owners of such homes from ever being able to increase the size of their homes.
- Such conditions are peculiar to the particular piece of property involved; and the historic placement of the dwelling on the lot is "peculiar" to this piece of property.
The placement of the accessory structure on the property may have been typical of the time for development.
- Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.
Understanding that the neighborhood is stable and viable and has not suffered in any appreciable way from this existing nonconforming rear yard condition suggests that allowing for a reduced rear setback would not have any substantive negative impact nor set a new precedent.

