

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

January 23, 2020 6:00 PM

Agenda

1. Welcome and Introduction
2. Election of Officers
 - 2.I. Election of Officers
3. Approval of Minutes
 - 3.I. Minutes of November 14, 2019
 1. MINUTES 11-14-2019 - Draft
4. New Business
 - 4.I. 3277-3275 Russell Street Variance Request
Background:

Wilbur Steve Lamb and Dorthy Jane Mann are requesting to reduce the front yard setback from 15' to 81" to allow for the construction of an access ramp at 3277-3275 Russell Street, Parcel Identification Number 14-0095-0010-075-7. The property is zoned R-O, One-Family Detached, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Staff Comment:

Applicant Comment:

Public Comment:

Documents:

1. Application - 3275 Russell Street, Variance Request_Redacted
2. Planners Report 3277-3275 Russell St Ramp BoA
3. Legal Adv. - 01-23-2020, Board of Appeals

4.II. 515 Walnut Street Variance Request

Background:

Gregory Evans is requesting to reduce the west setback from 15' to 13' at 515 Walnut Street, Parcel Identification Number 14 0094-0003-064-1. The property is zoned R-SF, Residential Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Staff Comment:

Applicant Comment:

Public Comment:

Documents:

1. Application - 515 Lake Avenue, Variance Request_Redacted
2. Planners Report 515 Walnut St BoA
3. Legal Adv. - 01-23-2020, Board of Appeals

4.III 3240 Lake Avenue Variance Request

Background:

Beatriz Arroyo is requesting to reduce the front yard and side yard setback at 3240 Lake Avenue, Parcel Identification Number 14-0099-0003-073-7. The property is zoned R-SF, Residential-Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Staff Comment:

Applicant Comment:

Public Comment:

Documents:

1. Application - 3240 Lake Avenue, Variance Request_Redacted
2. Planners Report 3240 Lake Ave BoA
3. Legal Adv. - 01-23-2020, Board of Appeals

4.IV 3409 North Fulton Avenue Variance Request

Background:

Aleksandr Holub is requesting to reduce the required minimum rear yard setback for an accessory structure located on a corner lot from 25' to 9' at 3409 North Fulton Avenue, Parcel Identification Number 14-0095-0004-004-5. The property is zoned R-SF, Residential-Single Family, and is subject to the zoning regulations under Section 93-2-5 of the City of Hapeville Zoning Ordinance.

Staff Comment:

Applicant Comment:

Public Comment:

Documents:

1. Application - 3409 N. Fulton Avenue, Variance Request_Redacted
2. Planners Report 3409 N. Fulton Ave BoA (002)
3. Legal Adv - 01-23-2020, 3409 North Fulton Avenue

4.V. Administrative Variance Text Amendment

Background:

Consideration of a text amendment to create Section 93-1-3.1 (Administrative Variances) for the purpose of allowing the City Planner to grant Administrative Variances.

Documents:

1. Planner's Report Text Amendment Administrative Variance Rev 1.9.20
5. Next Meeting Date
Thursday, February 27, 2020 at 6:00 p.m.
6. Adjourn

**Board of Appeals
700 Doug Davis Drive
Hapeville, Georgia 30354**

November 14, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Michael Simpson called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jan Bolien, Larry Martin, Billy Slocumb and John Stalvey. City Planner Michael Smith and Secretary Adrienne Senter were also present.

Board of Appeals members Gabriel Cojocarescu and Rod Mack were unable to attend the meeting.

MOTION ITEM: John Stalvey made a motion, Larry Martin seconded to amend the agenda to add agenda item 2, Minutes of September 26, 2019. Motion Carried: 4-0.

2. Minutes of September 26, 2019

MOTION ITEM: John Stalvey made a motion, Larry Martin seconded to approve the minutes of September 26, 2019 as submitted. Motion Carried: 4-0.

3. New Business

3.I. 3409 Estelle Street

Variance Request

Jake Rothschild sought approval of an off-site parking arrangement at 3409 Estelle Street, Parcel Identification Number 14 009800180061. The property is zoned U-V, Urban Village, and is subject to the zoning regulations under Section 93-23-12 of the City of Hapeville Zoning Ordinance.

Background

Mr. Rothschild submitted an application to allow a new project consisting of two new businesses at 3409 Estelle Street to meet its minimum parking requirements using a parking lot on an adjacent parcel. The new business will consist of an artist's retail market and a café. The second parcel is located at 3418 Dogwood Drive, directly southwest of the Applicant's parcel. 3418 Dogwood Drive is a large parcel with double frontage with multiple parking lots; the parking lot in question was designed to serve as the parking lot for the 3409 Estelle Street property and is immediately adjacent. The Applicant's parcel will have no on-site parking available, while the off -site parking lot will provide 30 spaces.

The proposed uses, a retail space and a restaurant, require 30 parking spaces. The proposed parking arrangement would satisfy the minimum parking requirements. The Applicant has permission from the owner of 3418 Dogwood Drive to use the parking lot. The property is currently zoned U-V, Urban Village and is in the A-D, Arts District Overlay.

Staff Recommendation

3409 Estelle Street is a narrow parcel almost exclusively occupied by an existing warehouse. The off-site parking lot in question was designed to serve as the parking lot for 3409 Estelle Street, but as it is on a separate parcel, the continued use of that parking lot by the applicant will nonetheless require the Board's consent. Any use in the warehouse will require an off-site parking arrangement to utilize their parking lot, as the size of the property itself is not sufficient to realistically provide a primary structure and parking lot.

Staff recommended approval of the parking arrangement.

Jan Bolien inquired regarding the exact location of the parking lot.

Mr. Smith stated the parking area is located adjacent to the existing building.

Public Comment:

Donna Ellington, 3424 Estelle Street, commented regarding the proposed parking plan, the nature of the business and the hours of operation.

End of Public Comment.

MOTION ITEM: Billy Slocumb made a motion, Jan Bolien seconded to approve the off-site parking arrangement at 3409 Estelle Street as requested. Motion Carried: 4-0.

3.II. 218 Maple Street

Variance Request

Anthony Uwechue requested to reduce the west side setback from 5' to 4.6' at 218 Maple Street, Parcel Identification Number 14 009400090959. 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.

Background

Anthony Uwechue submitted an application to allow for a reduction in the minimum west side yard setback from 5' to 4.6' for the property located at 218 Maple Street. The proposed project is a renovation and addition to an existing dwelling on-site. The existing dwelling sits in the setback on the west side by 0.4'. The addition will be within the required minimum setback and is otherwise compliant with zoning. However, as no non-conforming use may expand its building footprint in any way, the project cannot proceed without a variance.

Staff Recommendation:

The requested variance will allow for the renovation and expansion of the existing residence. There is no evidence of a detriment to public good. The proposed variance is recommended for approval.

Public Comment: None.

End of Public Comment.

MOTION ITEM: Larry Martin made a motion, John Stalvey seconded to approve the variance request to reduce the west side setback from 5' to 4.6' as requested. Motion Carried: 4-0.

3.III. 0 Porsche Avenue

Variance Request

Laurel David of Galloway Law Group and authorized representative of applicant Steven Ellis, PRO Building Systems, Inc. requested to increase the maximum width of 30' allowed for curb breaks to 36'; request to increase the maximum parking requirement of 110% to 180%; request to reduce the required percentage of compact spaces from 30% to 13% for the property located at 0 Porsche Avenue, Parcel Identification Number 14 0096LL0593. The property is zoned B-P, Business Park, and is subject to the zoning regulations under Sections, 93-23-2, 93-23-10 and 93-23-11 of the City of Hapeville Zoning Ordinance.

Background

Steven Ellis of PRO Building Systems, Inc. submitted an application request for three (3) variances for a new development along Porsche Avenue. The applicant is constructing a new specialty auto repair and service center for Porsche vehicles. It will be part of the greater Porsche North America corporate campus. The requested variances are:

1. to allow for an increase in the maximum parking limit from 110% (93 spaces) of the minimum parking requirement to 180% (132 spaces),
2. to expand the maximum curb cut width for driveways from 30' to 36', and
3. to reduce the minimum percentage of provided parking that must be compact sized from 30% (40 spaces) to 13% (18 spaces).

Staff Recommendations

Variance One

To allow for an increase in the maximum parking limit from 110% (93 spaces) of the minimum parking requirement to 180% (132 spaces).

The applicant has indicated the nature of this particular user (high end car service and intensive customer service) has a higher than normal staffing rate per thousand square feet as well as the provision of "loaner" cars to clients dropping their

automobiles for service. No repair or storage of junk vehicles outside the facility will occur in the parking lot. The application of parking space maximums to the property would not inherently create an unnecessary hardship. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter; rather, Porsche's proposed use is within the intent of the B-P district as it will contribute to the company's corporate campus concept and will attract visitors and future development to the City.

The variance is recommended for approval.

Variance Two

To expand the maximum curb cut width for driveways from 30' to 36'.

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter. The requested variance would allow the applicant to have left and right turn exit lanes as well as an entrance lane for the property, which could alleviate congestion within the lot. As a wider curb break would potentially create a hazard for pedestrians, the applicant has indicated a willingness to implement a treatment along the driveway to protect pedestrians.

The variance is recommended for approval with the condition that a stamped concrete walkway or similar measure be included for pedestrian safety at the break in the sidewalk.

Variance Three

To reduce the minimum percentage of provided parking that must be compact sized from 30% (40 spaces) to 13% (18 spaces).

The proposed use of the property is highly specialized and tailored to a particular shape and size of vehicle. The wider parking spaces reduce the potential for damage to cars in the parking lot. As the user services high end vehicles, this is particularly important. The application of the compact parking space minimum requirement to the property would not inherently create an unnecessary hardship. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

The variance is recommended for approval.

Public Comment: None.

End of Public Comment.

MOTION ITEM: John Stalvey made a motion, Larry Martin seconded to approve the variance request to allow for an increase in the maximum parking limit from 110% to 180% at 0 Porsche Avenue. Motion Carried: 4-0.

MOTION ITEM: Larry Martin made a motion, Billy Slocumb seconded to approve the variance request to expand the maximum curb cut width for driveways from 30' to 36' provided that the applicant install a stamped concrete walkway or similar measure be included for pedestrian safety at the break in the sidewalk at 0 Porsche Avenue. Motion Carried: 4-0.

MOTION ITEM: Jan Bolen made a motion, John Stalvey seconded to approve the variance request to reduce the minimum percentage of provided parking the must be compact sized from 30% to 13% at O Porsche Avenue.

3.IV. 2020 Board of Appeals Meeting Schedule

Consideration and action to approve the 2020 Board of Appeals meeting schedule.

MOTION ITEM: Jan Bolien made a motion, John Stalvey seconded to approve the 2020 Board of Appeals meeting scheduled as presented. Motion Carried: 4-0.

4. Next Meeting Date – Thursday, December 19, 2019

5. Adjourn

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

MOTION ITEM: Billy Slocumb made a motion, John Stalvey seconded to adjourn the meeting at 6:33 p.m. Motion Carried: 4-0.

Respectfully submitted by,

Mike Simpson, Chairman

Adrienne Senter, Secretary

2020-BOA-01-01

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

Name of Applicant Wilbur Steve Lamb & Dorthy Jane Mann

Mailing Address 3343 Northside Drive; Hapeville, GA 30354

Telephone 404-767-5091 Mobile # [REDACTED] Email [REDACTED]

Property Owner (s) Wilbur Steve Lamb & Dorthy Jane Mann

Mailing Address 3343 Northside Drive; Hapeville, GA 30354

Telephone 404-767-5091 Mobile # [REDACTED]

Property Address/Location: 3277/3275 Russell Street; Hapeville, GA 30354

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 14-0095-0010-075-7
0.2686 Acres

Square Foot of Property 11,700 sf Building Size 1578 Sq Ft Zoning R-2 Two Family Residential

Present Land Use Residential Housing

Variance Requested Reduce front setback from 15 feet to 81" to allow for construction of access ramp.

Applicable Code Section 17.20.050 Setback Requirements

Sec.81-1-7(h)3 Neighborhood Conservation Area Subarea E
Architectural Design Standards

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.

Wilbur Steve Lamb / Dorthy Jane Mann
Wilbur Steve Lamb / Dorthy Jane Mann

Date: 11-26-2019

Sworn to and subscribed before me

This 26th day of November, 2019

[Signature]
Stacy Irvine
Notary Public - Polk County Georgia
My Commission Expires: October 14, 2022



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.

Mrs. Dorothy Mann lives in the 3277 (left) side of the residence. She requires the use of a wheelchair or walker at all times. The existing walkway, steps, and railings were unsafe for use and required immediate replacement for her to be able to enter her home. Mrs. Mann is not able to climb stairs and therefore a wheelchair access ramp is required.

Option 1: Install ramp in rear of the home – To link the rear entry door to the paved driveway would require a winding ramp with a 60" drop in elevation. Ramp would be awkward and intrusive and take up an excessive part of the back yard. It would also require the installation of a walk thru chain link gate. In addition to the construction of the ramp, the existing front entry railings, concrete walkway, and stairs would still need to be replaced as they are broken, unlevel, and therefore unsafe for use.

Conclusion: Installation in the rear of the home would be impractical.

Option 2: Install ramp to side of the home – To link the front entry door to the paved driveway would require a ramp with a 64" drop in elevation. The existing topography of the property would require significant grading to the side embankment and rerouting of all underground utilities. In addition to the construction of the ramp, the front entry railings, existing concrete walkway, and stairs would still need to be replaced as they are broken, unlevel, and therefore unsafe for use.

Conclusion: Installation to the side of the home would be impractical.

Option 3: Install ramp to the front of the home – To link the front entry door to the paved front sidewalk in place of the existing concrete walkway and stairs would require a ramp with a 40" drop in elevation. No additional grading or underground utility work would be required. No additional concrete work would be required.

Conclusion: Installation to the front of the home is the only practical option.

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

As detailed in the options listed above, construction of a safe, functional, and non-intrusive wheelchair access ramp linking either the rear entry door or the front entry door to the paved driveway surface on the side of the house would require a very significant amount of additional work and cost. In addition, it would negatively affect the overall visual aesthetics of the house and the principle traditional design styles found in the community. A variance is required to construct the ramp linking the main front entry door to the sidewalk.

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

The existing embankment and overall topography of the property do not allow for practical installation of a wheelchair access ramp in either the rear or the side of the property in order to be compliant with existing codes.

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

There would be no detriment to the public good if the setback variance is granted. The wheelchair access ramp extends no further than the existing walkway and stairs. The ramp is constructed in styles traditional to the street and neighborhood.

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

AUTHORIZATION OF PROPERTY OWNER

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

3277/3275 Russell Street; 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 Wilbur Steve Lamb & Dorthy Jane Mann

Address of Applicant 3343 Northside Drive; Hapeville, GA 30354

Telephone of Applicant 404-767-5091 home / 4 [REDACTED]

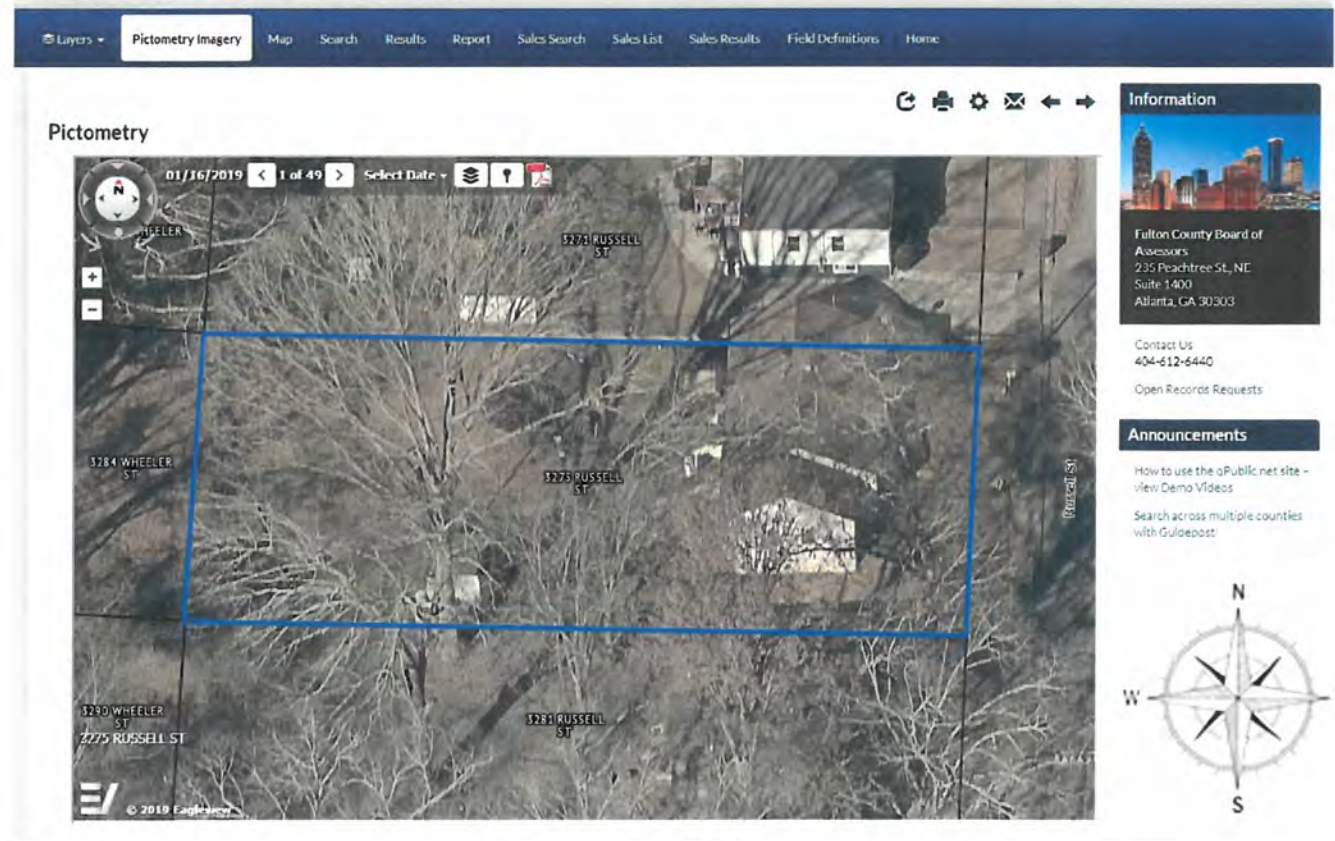
Wilbur Steve Lamb & Dorthy Jane Mann
Signature of Owner(s)

Wilbur Steve Lamb / Dorthy Jane Mann
Print Name of Owner(s)

Personally Appeared Before Me this 26th day of November, 2019.

[Signature]
Stacy Irvine
Notary Public - Polk County Georgia
My Commission Expires: October 14, 2022

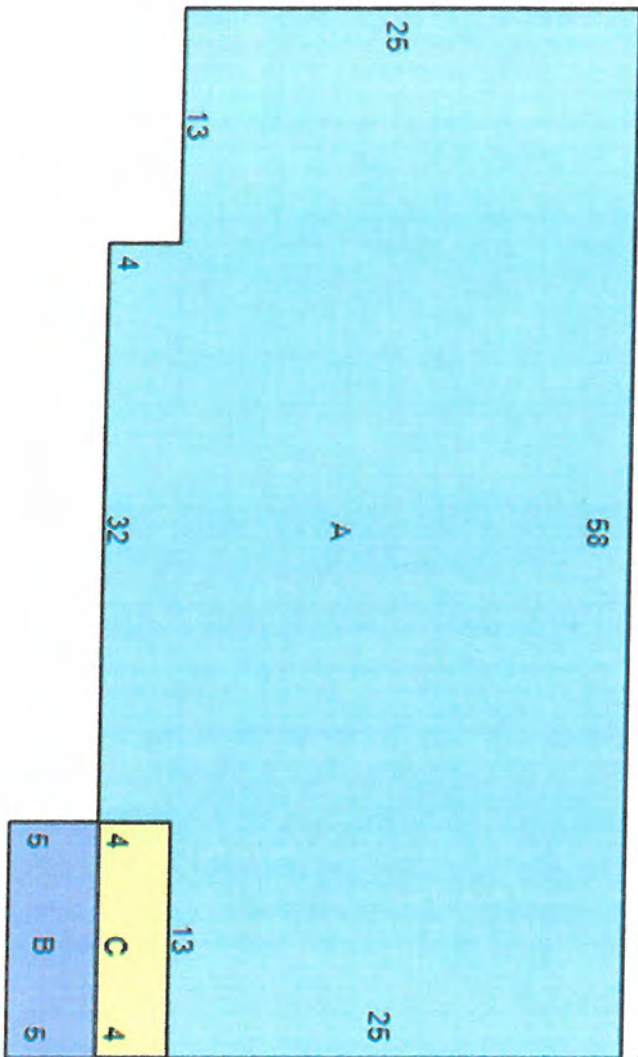




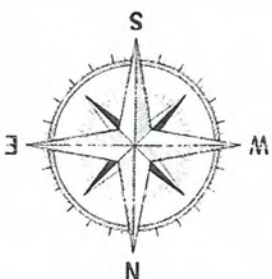
Metes and Bounds

Property is the 4th house on the left side from the top of the street. The southern end of the property begins at the concrete driveway and ends at cinder block wall separating the next property (#3271) on the northern end. Cinder blocks are on the 3277/3275 property. The back yard of the of the property is enclosed with a chain link fence that begins at the end of the concrete driveway and ends at the rear of the property. The sidewalk next to the street is part of the property and runs from the lower edge of driveway to upper side of cinderblocks.

Sketch currently provided by Fulton County via qPublic.net



Room Type	Area
A Base Area	1578
B CANPY CANOPY	65
C OFF OPEN FRAME PORCH	52

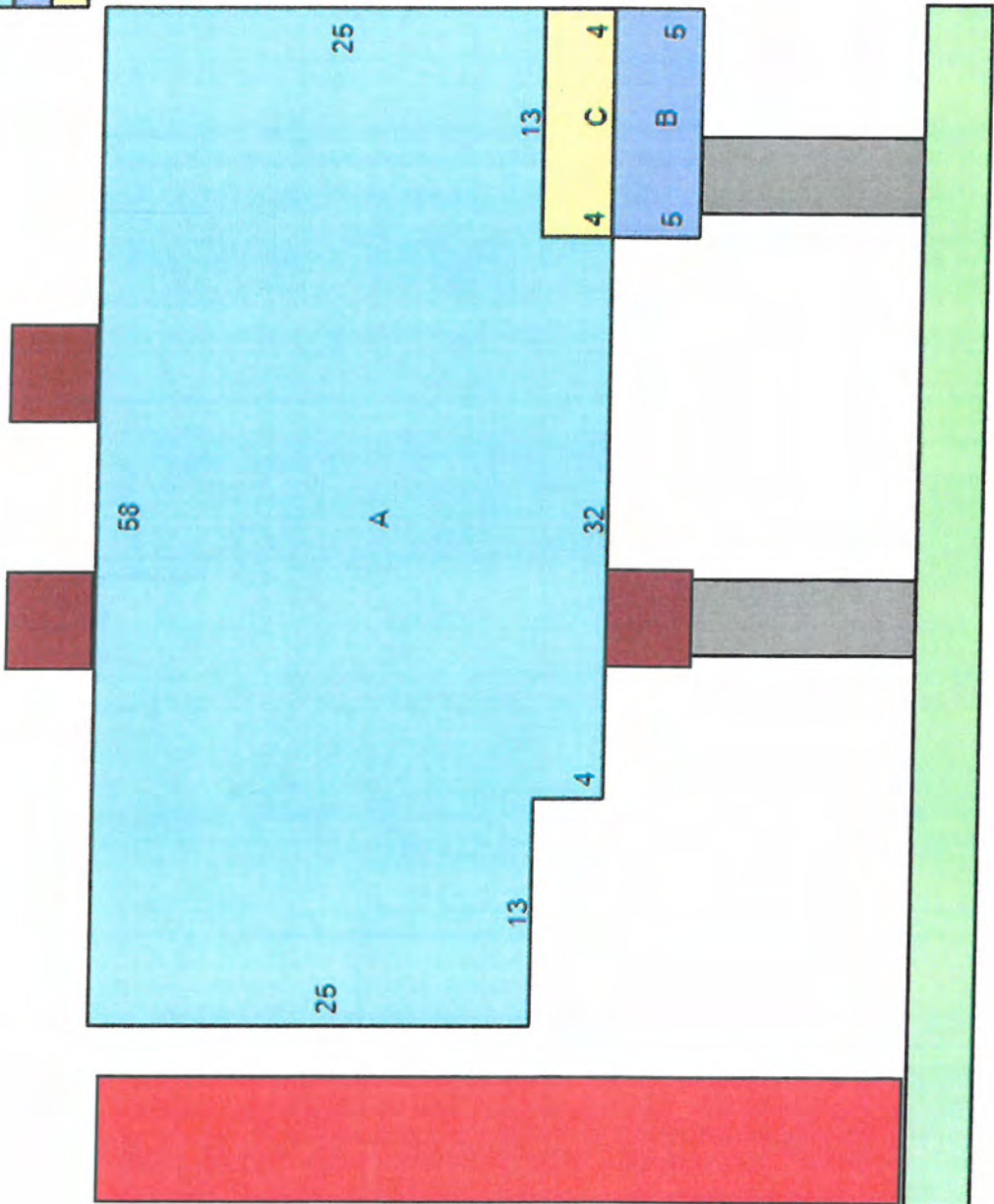
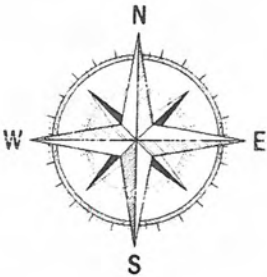


Existing
Storage
Shed

Actual Existing Conditions

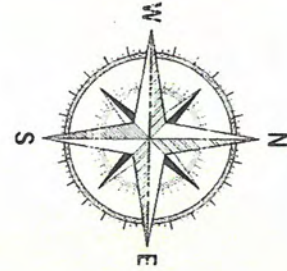
Room Type	Area
A Base Area	1578
B CANPY CANOPY	65
C OFP OPEN FRAME PORCH	52

- Concrete Porch and Stairs
- Concrete Walkway and Stairs
- Concrete Driveway
- Pedestrian Walkway



78'

Proposed Site Plan



Existing
Storage
Shed

150'

150'

Existing Concrete Driveway

3277 Russell Street
Hapeville, GA 30354

3275 Russell Street
Hapeville, GA 30354

58

A

25

25

13

13

4

32

4

4

C

5

B

5

Proposed Wooden
Wheelchair Access Ramp

Existing Concrete
Walkway & Steps

Pedestrian Walkway

78'

Russell Street



Before picture showing unlevel and cracked walkway



Before picture showing overall front of home



Before pictures of concrete walkway





Before pics showing steep embankment on side of home





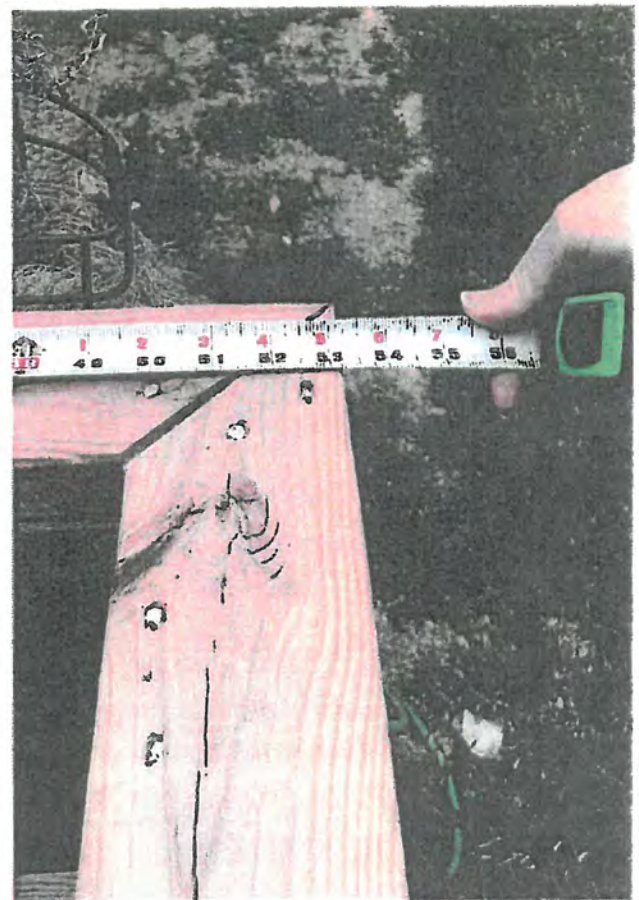
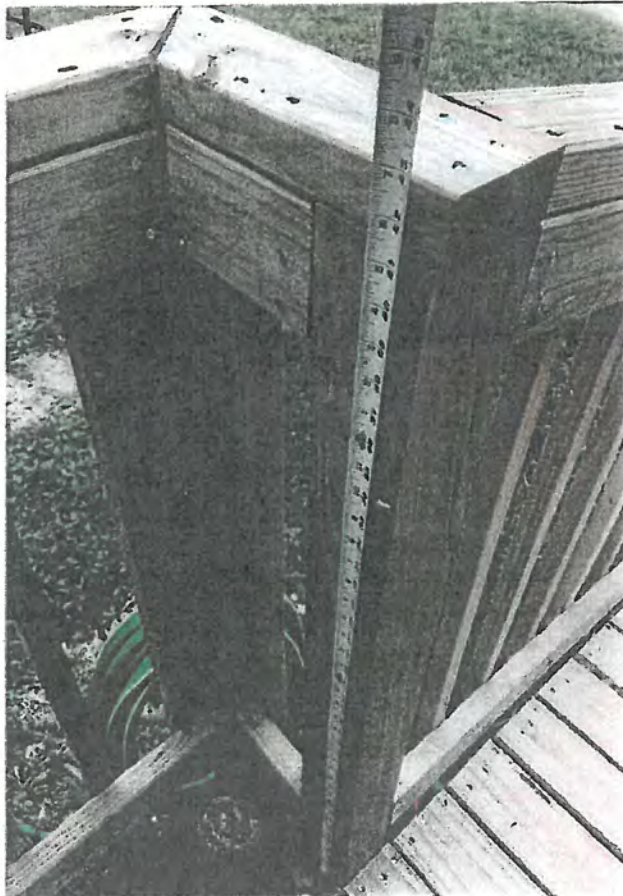


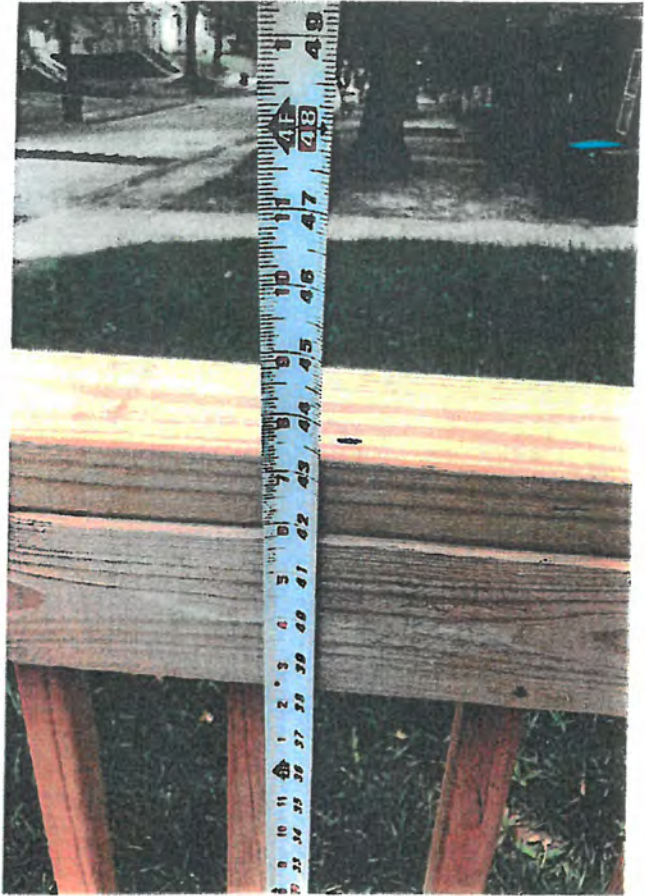
After Photos



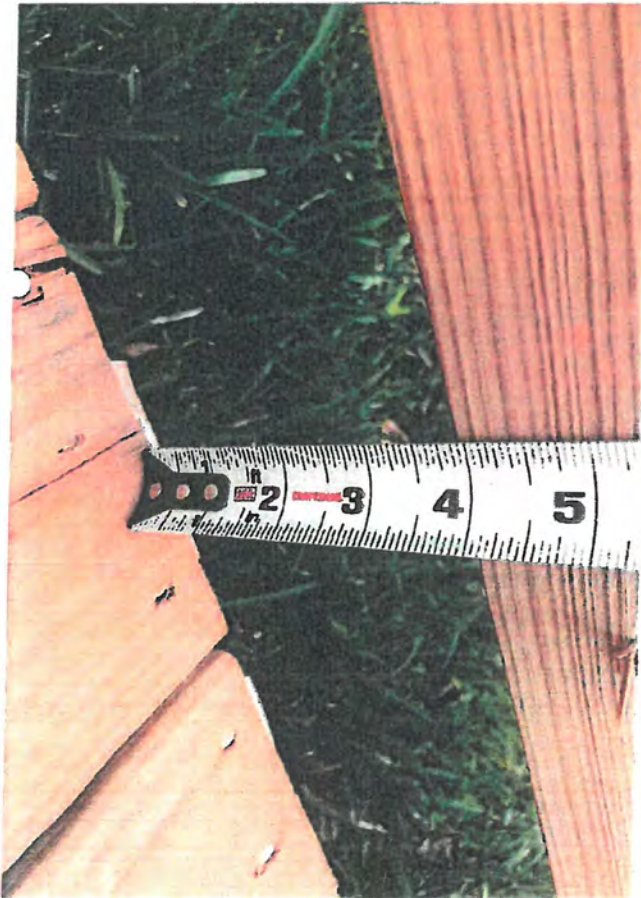


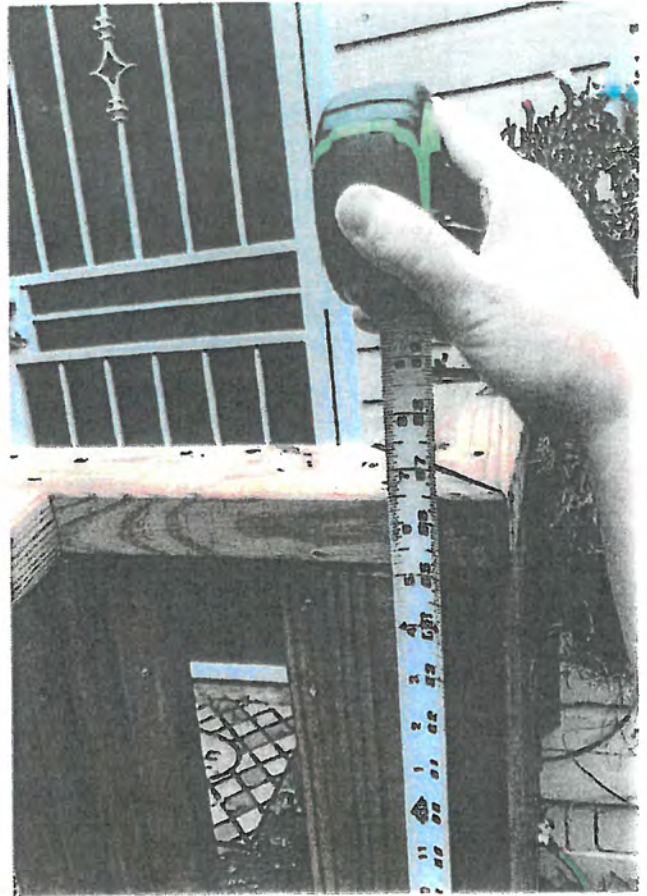
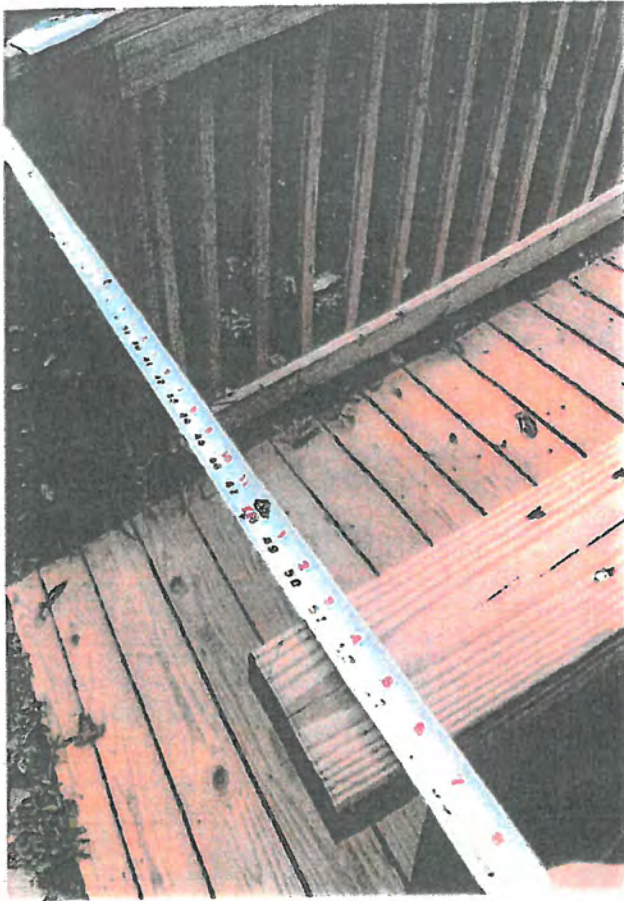
After Photos





After Photos





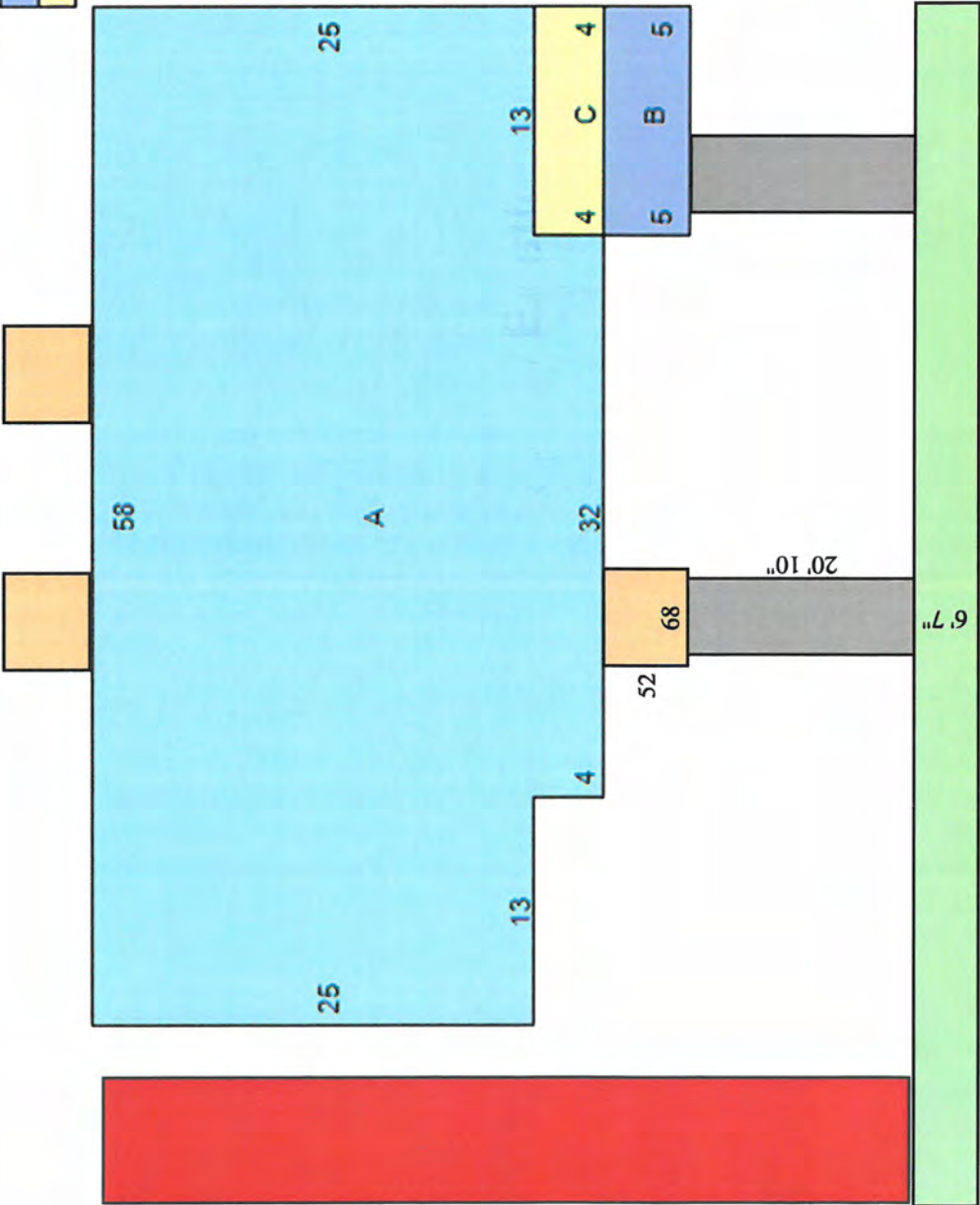
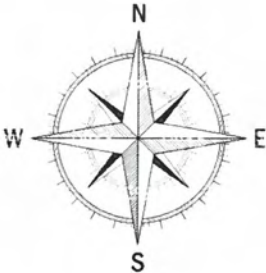
After Photos

Existing
Storage
Shed

Actual Existing Conditions

Room Type	Area
A Base Area	1578
B CANPY CANOPY	65
C OFF OPEN FRAME PORCH	52

- Concrete Porch and Stairs
- Concrete Walkway and Stairs
- Concrete Driveway
- Pedestrian Walkway



Summary

Parcel Number 14 009500100740
 Location Address 3271 RUSSELL ST
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.2686
 Homestead Y
 Exemptions HF01

[View Map](#)

Owner

Fragoso Manuel & Gloria
 3271 RUSSELL ST
 HAPEVILLE GA 30354

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	11,700	0.269	13,530

Total Acres:
 0.2686
 Total Land-Value:
 13,530

Residential Improvement Information

Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	AL/VINYL	Total Fixtures	10
Style	DUPLEX	Masonry Fireplaces	0
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1596	Pre Fab Fireplace	0
Basement	PART	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	4		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
12/29/1986	\$45,000		10533	00370	Unqualified	Not Typical of Market Conditions			10533 00370

Valuation

	2019	2018	2017	2016	2015	2014
LUC	102	102	102	102	102	102
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$28,600	\$13,500	\$8,500	\$8,500	\$8,500	\$8,500
+ Building Value	\$118,300	\$64,900	\$40,900	\$40,900	\$40,900	\$40,900
= Total Value	\$146,900	\$78,400	\$49,400	\$49,400	\$49,400	\$49,400
Assessed Value	\$58,760	\$31,360	\$19,760	\$19,760	\$19,760	\$19,760

2018 Assessment Notice

[2018 Assessment Notice](#)

Sketches

Summary

Parcel Number 14 009500100765
 Location Address 3281 RUSSELL ST
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.2686
 Homestead N
 Exemptions

[View Map](#)

Owner

Clayborne Sandra
 3281 3283 RUSSELL ST
 HAPEVILLE GA 30354

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	11,700	0.269	13,530

Total Acres:
 0.2686
 Total Land-Value:
 13,530

Residential Improvement Information

Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	ASBESTOS	Total Fixtures	10
Style	DUPLEX	Masonry Fireplaces	0
Year Built	1950	Heating Fuel Type	GAS
Res Sq Ft	1728	Pre Fab Fireplace	0
Basement	CRAWL	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	4		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
6/19/1997	\$52,000	WD	22851	00133	Unqualified	Pending Land Split	CLAYBORNE SANDRA	POLINSKY LEONARD	22851 00133
6/2/1983	\$31,500		08499	00114	Unqualified	Unvalidated/Deed Stamps			08499 00114

Valuation

	2019	2018	2017	2016	2015	2014
LUC	102	102	102	102	102	102
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$28,600	\$13,500	\$8,900	\$8,900	\$8,900	\$8,900
+ Building Value	\$132,500	\$72,700	\$45,800	\$45,800	\$45,800	\$45,800
= Total Value	\$161,100	\$86,200	\$54,700	\$54,700	\$54,700	\$54,700
Assessed Value	\$64,440	\$34,480	\$21,880	\$21,880	\$21,880	\$21,880

2018 Assessment Notice

[2018 Assessment Notice](#)

Sketches

Summary

Parcel Number 14 009500100708
 Location Address **3270 RUSSELL ST**
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.3302
 Homestead N
 Exemptions

[View Map](#)

Owner

Figueroa John Anthony &
 Ronald Edmond
 248 MT VIEW CLUBHOUSE RD
 BUCHANAN GA 30113

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	14,382	0.330	14,530

Total Acres:

0.3302

Total Land-Value:

14,530

Residential Improvement Information

Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	AL/VINYL	Total Fixtures	10
Style	DUPLEX	Masonry Fireplaces	0
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1596	Pre Fab Fireplace	0
Basement	CRAWL	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	4		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
1/30/2018	\$83,000		58436	0012	Unqualified	Remodeled/Changed After Sale	COSTNER RANDALL IRWIN &	JOHN ANTHONY FIGUEROA AND RONALD EDMOND	58436 0012
11/14/2017	\$0		58436	0010	Unqualified	Sale < = 1000	FIGUEROA JOHN ANTHONY &	FIGUEROA JOSEPH ANTHONY	58436 0010

Valuation

	2019	2018	2017	2016	2015	2014
LUC	102	102	102	102	102	102
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$14,500	\$14,500	\$9,600	\$9,600	\$9,600	\$9,600
+ Building Value	\$60,500	\$60,500	\$39,900	\$39,900	\$39,900	\$39,900
= Total Value	\$75,000	\$75,000	\$49,500	\$49,500	\$49,500	\$49,500
Assessed Value	\$30,000	\$30,000	\$19,800	\$19,800	\$19,800	\$19,800

2018 Assessment Notice

[2018 Assessment Notice](#)

Sketches

Summary

Parcel Number 14 009500100690
 Location Address 3278 RUSSELL ST
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.2455
 Homestead N
 Exemptions

[View Map](#)

Owner

Bierma James & Costner Randall
 P.O. BOX 53123
 ATLANTA GA 30355

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	10,695	0.246	13,160

Total Acres:

0.2455

Total Land-Value:

13,160

Residential Improvement Information

Card	1	Heating System	ELEC
Stories	1	Heat	NON CENTRAL
Exterior Wall	FRAME	Total Fixtures	9
Style	DUPLEX	Masonry Fireplaces	0
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1845	Pre Fab Fireplace	0
Basement	CRAWL	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C 1
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	FR
Additional Fixtures	3		

Accessory Information

Card 1

Description	Year Built	Area	Grade	Value
F/M UTIL	1994	192	C -AVERAGE	974

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
12/5/2008	\$40,000		47439	0071	Unqualified	Liquidation / Foreclosure	BIERMA JAMES & COSTNER RANDALL	DEUTSCHE BANK NATIONAL TRUST COMPANY AS	47439 0071
7/1/2008	\$116,019		47344	0440	Unqualified	Liquidation / Foreclosure	DEUTSCHE BANK NATIONAL TRUST COMPANY TR	DURDEN LISA A	47344 0440
6/22/2006	\$0	QC	42936	00695	Unqualified	Sale < = 1000	DURDEN LISA A &	NATIONAL CITY MORTGAGE	42936 00695
6/25/1999	\$0	QC	27108	00234	Unqualified	Related Individuals or Corporation	DURDEN LISA A &	DURDEN LISA A	27108 00234
10/23/1998	\$0	QC	26070	00341	Unqualified	Sale < = 1000	DURDEN LISA A	HUGHES KATHERINE	26070 00341
10/22/1998	\$64,900	LW	26070	00331	Unqualified	Unvalidated/Deed Stamps	DURDEN LISA A &	BANK OF NEW YORK THE	26070 00331
8/15/1979	\$26,850		07329	00308	Unqualified	Unvalidated/Deed Stamps			07329 00308

Summary

Parcel Number 14 009500100971
 Location Address **3280 WHEELER ST**
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.2686
 Homestead N
 Exemptions

[View Map](#)

Owner

Remeneski Living Trust The
 1415 HWY 85 N STE 310-337
 FAYETTEVILLE GA 30214 4035

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	11,700	0.269	13,530

Total Acres:
 0.2686
 Total Land-Value:
 13,530

Residential Improvement Information

Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	FRAME	Total Fixtures	10
Style	DUPLEX	Masonry Fireplaces	0
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1824	Pre Fab Fireplace	0
Basement	PART	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	4		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
2/20/2008	\$0		46383	0470	Unqualified	Deed of Gift	REMENESKI LIVING TRUST THE	REMENESKI VICTOR	46383 0470
2/25/2004	\$0	QC	37189	00480	Unqualified	Sale < = 1000	REMENESKI VICTOR	REMENESKI VICKI	37189 00480
8/10/1999	\$58,000	WD	27386	00109	Unqualified	Not Typical of Market Conditions	REMENESKI VICTOR J & VICKI	WIMBERLY TRUDY J	27386 00109

Valuation

	2019	2018	2017	2016	2015	2014
LUC	102	102	102	102	102	102
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$28,600	\$13,500	\$8,900	\$8,900	\$8,900	\$8,900
+ Building Value	\$141,500	\$77,600	\$48,900	\$48,900	\$48,900	\$48,900
= Total Value	\$170,100	\$91,100	\$57,800	\$57,800	\$57,800	\$57,800
Assessed Value	\$68,040	\$36,440	\$23,120	\$23,120	\$23,120	\$23,120

2018 Assessment Notice

[2018 Assessment Notice](#)

Summary

Parcel Number 14 009500100963
 Location Address 3284 WHEELER ST
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.2686
 Homestead N
 Exemptions

[View Map](#)

Owner

Three Two Eight Four Eight Six
 Wheeler Street Land Trust
 3588 HIGHWAY 138 SE PMB 219
 STOCKBRIDGE GA 30281 4171

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	11,700	0.269	13,530

Total Acres:

0.2686

Total Land-Value:

13,530

Residential Improvement Information

Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	ASBESTOS	Total Fixtures	10
Style	DUPLEX	Masonry Fireplaces	0
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1624	Pre Fab Fireplace	0
Basement	CRAWL	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	4		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
8/14/2018	\$0		59515	0619	Unqualified	Sale <= 1000	MJ RENTAL PROPERTIES LLC	JONES MATTHEW D & SUZANNE B	59515 0619
5/30/2018	\$120,000		58857	0020	Unqualified	Remodeled/Changed After Sale	JONES MATTHEW &	3284-3286 WHEELER STREET LAND AND TRUST	58857 0020
11/1/2005	\$0	WD	41311	00538	Unqualified	Sale <= 1000	THREE TWO EIGHT FOUR EIGHT SIX	ROWE LLOYD JOSEPH	41311 00538
5/25/1988	\$46,000		11572	00287	Qualified	Valid Sale			11572 00287

Valuation

	2019	2018	2017	2016	2015	2014
LUC	102	102	102	102	102	102
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$28,600	\$13,500	\$8,900	\$8,900	\$8,900	\$8,900
+ Building Value	\$116,900	\$64,100	\$40,400	\$40,400	\$40,400	\$40,400
= Total Value	\$145,500	\$77,600	\$49,300	\$49,300	\$49,300	\$49,300
Assessed Value	\$58,200	\$31,040	\$19,720	\$19,720	\$19,720	\$19,720

Summary

Parcel Number 14 009500100955
 Location Address 3290 WHEELER ST
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
 Zoning R2
 Acres 0.2686
 Homestead N
 Exemptions

[View Map](#)

Owner

Ivey Shirley S
 1274 E ROCK SPRINGS RD
 ATLANTA GA 30306

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	11,700	0.269	13,530

Total Acres:
 0.2686
 Total Land-Value:
 13,530

Residential Improvement Information

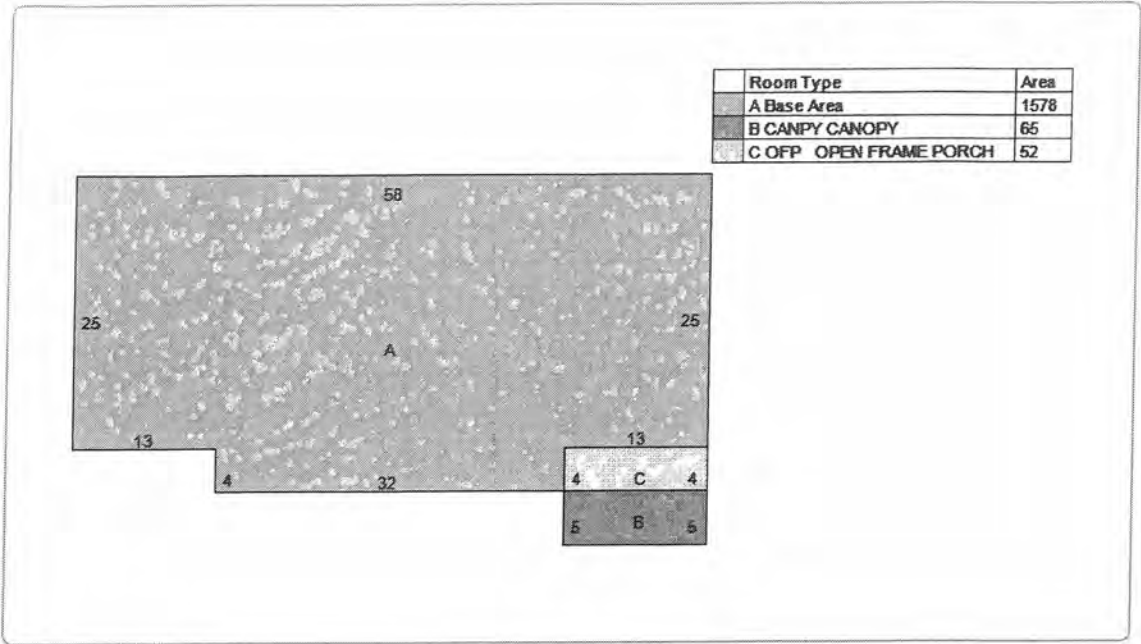
Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	FRAME	Total Fixtures	10
Style	DUPLEX	Masonry Fireplaces	2
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1632	Pre Fab Fireplace	0
Basement	CRAWL	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	4	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	4		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Grantee	Grantor	Recording
9/20/2018	\$105,000		59302	0591	Unqualified	Remodeled/Changed After Sale	QUEEN CAPITAL PROPERTIES LLC	IVEY WILLIAM J	59302 0591
9/20/2018	\$0		59302	0589	Unqualified	Sale < = 1000	IVEY WILLIAM J	FLORENCE CAROLE I	59302 0589
12/27/2002	\$75,000		33841	0397	Unqualified	Unvalidated/Deed Stamps	IVEY WILLIAM J	IVEY SHIRLEY S	33841 0397
5/24/1990	\$0	ED	13030	00127	Unqualified				13030 00127

Valuation

	2019	2018	2017	2016	2015	2014
LUC	102	102	102	102	102	102
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$13,500	\$13,500	\$8,900	\$8,900	\$8,900	\$8,900
+ Building Value	\$74,300	\$74,300	\$46,800	\$46,800	\$46,800	\$38,400
= Total Value	\$87,800	\$87,800	\$55,700	\$55,700	\$55,700	\$47,300
Assessed Value	\$35,120	\$35,120	\$22,280	\$22,280	\$22,280	\$18,920



Recent Sales In Area

Recent Sales in Area

Recent Sales in Neighborhood

No data available for the following modules: Commercial Improvement Information, Accessory Information, Sales.

The Fulton County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.
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Last Data Upload: 10/30/2019, 4:49:27 AM

Version 2.3.16

PARCEL
ALT ID 14-0095-0010-075-7
1162416

RESIDENTIAL / RURAL REVIEW DOCUMENT
FULTON, GA

CARD NO. 1 OF 1

MAP/ROUTE TAX DIST TAX YEAR
HAPEVILLE 30 2019

14 0095001007572019 PAGE: 1
CA320N

TIEBACK

TAX CODE ZONING R2 ADDRESS 3275 RUSSELL ST
NEIGHBORHOOD 1443
LAND USE CODE 101
LIVING UNITS 1
CLASS R3
BOOK/PAGE:

RESTRICTIONS OWNER INFORMATION
LAMB JOSEPH C JR

PROPERTY FACTORS
TOPO 1 / / LEVEL
UTILITY 1 / /
STR/RDS 1 / 6 /
FRT 9
LOC 6

PARKING TYPE 3 QUANTITY 2 SPOT LOC PROXIMITY 3
AVAIL ON AND OFF STRE / ADEQUATE / ON SITE

DATE 01/18/19 19 082840
01/16/07 07 012B

AMOUNT PURPOSE 6,000 MR
0 MR

NOTE CD: O/C
NOTE CD:

NOTES: AN 05 ZONING CORR
NOTES: BU ILT A DUPLEX

NOTES:
NOTES:

C A L P T A B L E
BASE INCR CHG
RATE /DECR RSN
2.35 :60
1.3050 :60

PRICE INFL-FAC 2
ADJ FACTOR (CA14) 1.3050

LAND DATA
TY LN CD AC/SQFT/UNIT
PE 1 1 11,700
S 1 1 11,700

PRIMARY SITE
LAND-VAL 28570

NOTES1
NOTES2
G.F.L.A. 1.578
GRADE FACTOR C+ 1.08
COST/DESIGN FACTOR
CDU
LEVEL

TYPE CLASS
VIEW RSN
COMPLEX NO:

MH substructure
MH Roof Structure

MISC IMPROV 1 100
TOTAL OBY & MISC IMPROV VALUE 100
GROSS BUILDING SUMMARY VALUE 0

MISC IMPROV 1 100
TOTAL OBY & MISC IMPROV VALUE 100
GROSS BUILDING SUMMARY VALUE 0

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TOTAL OBY & MISC IMPROV VALUE 100
GROSS BUILDING SUMMARY VALUE 0

MISC IMPROV 1 100
TOTAL OBY & MISC IMPROV VALUE 100
GROSS BUILDING SUMMARY VALUE 0

The Attached Pages Include Present Information on Adjacent Parcels To Include Zoning Classifications



Summary

Parcel Number 14 009500100757
 Location Address **3275 RUSSELL ST**
 HAPEVILLE
 Legal Description
 Property Class R3 - Residential Lots
 Neighborhood 1443
 Tax District 30
Zoning R2
 Acres 0.2686
 Homestead Y
 Exemptions HF01

[View Map](#)

Owner

Lamb Joseph C Jr
 3351 NORTHSIDE DR
 HAPEVILLE GA 30354

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
PRIMARY SITE	S	1	11,700	0.269	13,530

Total Acres:
 0.2686
 Total Land-Value:
 13,530

Residential Improvement Information

Card	1	Heating System	WARM AIR
Stories	1	Heat	CENTRAL WITH A/C
Exterior Wall	FRAME	Total Fixtures	9
Style	CONVENTIONAL	Masonry Fireplaces	0
Year Built	1945	Heating Fuel Type	GAS
Res Sq Ft	1578	Pre Fab Fireplace	0
Basement	CRAWL	Miscellaneous Feature	
Finished Bsmt Sqft	0	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0	Grade Factor	C+ 1.08
Bedrooms	3	Cost/Design Factor	0%
Attic	NONE	CDU	AV
Additional Fixtures	3		

Valuation

	2019	2018	2017	2016	2015	2014
LUC	101	101	101	101	101	101
Class	R3	R3	R3	R3	R3	R3
+ Land Value	\$28,600	\$13,500	\$8,900	\$8,900	\$8,900	\$8,900
+ Building Value	\$115,700	\$63,500	\$40,000	\$40,000	\$40,000	\$40,000
= Total Value	\$144,300	\$77,000	\$48,900	\$48,900	\$48,900	\$48,900
Assessed Value	\$57,720	\$30,800	\$19,560	\$19,560	\$19,560	\$19,560

2018 Assessment Notice

[2018 Assessment Notice](#)

Sketches



DATE: January 16, 2020
TO: Adrienne Senter
FROM: Michael Smith
RE: Variance Application for 3277/3275 Russell Street

BACKGROUND

The City of Hapeville has received a variance application from Wilbur Lamb and Dorthy Mann to reduce the minimum front setback to 0' for their duplex located at 3277/3275 Russell Street. Mr. Lamb has constructed a wooden wheelchair ramp extending from the southern entrance of the duplex directly to the sidewalk. The ramp is considered part of the primary structure and is therefore required to comply with setback requirements. The ramp was built over a previously existing concrete walkway with stairs, which the applicant argues was not suitable for Ms. Mann, who is disabled. The Design Review Committee approved the design of the ramp conditioned on Mr. Lamb obtaining the necessary Variance.

The property is currently zoned R-2, Two-Family Residential.

CODE

ARTICLE 8. - R-2 ZONE (TWO-FAMILY RESIDENTIAL)

Sec. 93-8-1. - Intent.

By virtue of its location within the comprehensive land development plan for the city, and because of the present extensive development within this zone in both one-family and two-family usage, and because of continued demand for additional housing at a cost most citizens of the city can afford, and because of the continued demand for additional residential property which provides a living environment suitable for family life, the R-2 zone is established in order to:

- (1) Protect the present development pattern.
- (2) Provide adequate minimum standards under which conversion from one-family to two-family usage may take place.
- (3) Provide additional property for residential development and redevelopment of one-family homes and two-family residences, while providing adequate minimum zoning standards for such usage.
- (4) Protect and promote a suitable environment for family life and encourage the discontinuance of existing incompatible uses.

- (5) Discourage any use which would generate other than normal residential traffic on minor streets.
- (6) Discourage any use which would create excessive requirements and costs for public services.

Sec. 93-22.1-1 Dimensional Requirements

R-2 Zoning dimensional requirements duplexes are as follows:

					Minimum Front Yard		Minimum		Maximum			
Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	8,500	4,250	1,400	60	15	15	10	20	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 shape and size of the lot would make most alternative ramp designs prohibitively expensive due to grade changes and construction costs, and, per the applicant, would require the rerouting of underground utilities.

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

Without a variance, the applicant would have continued difficulty accessing her home.

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

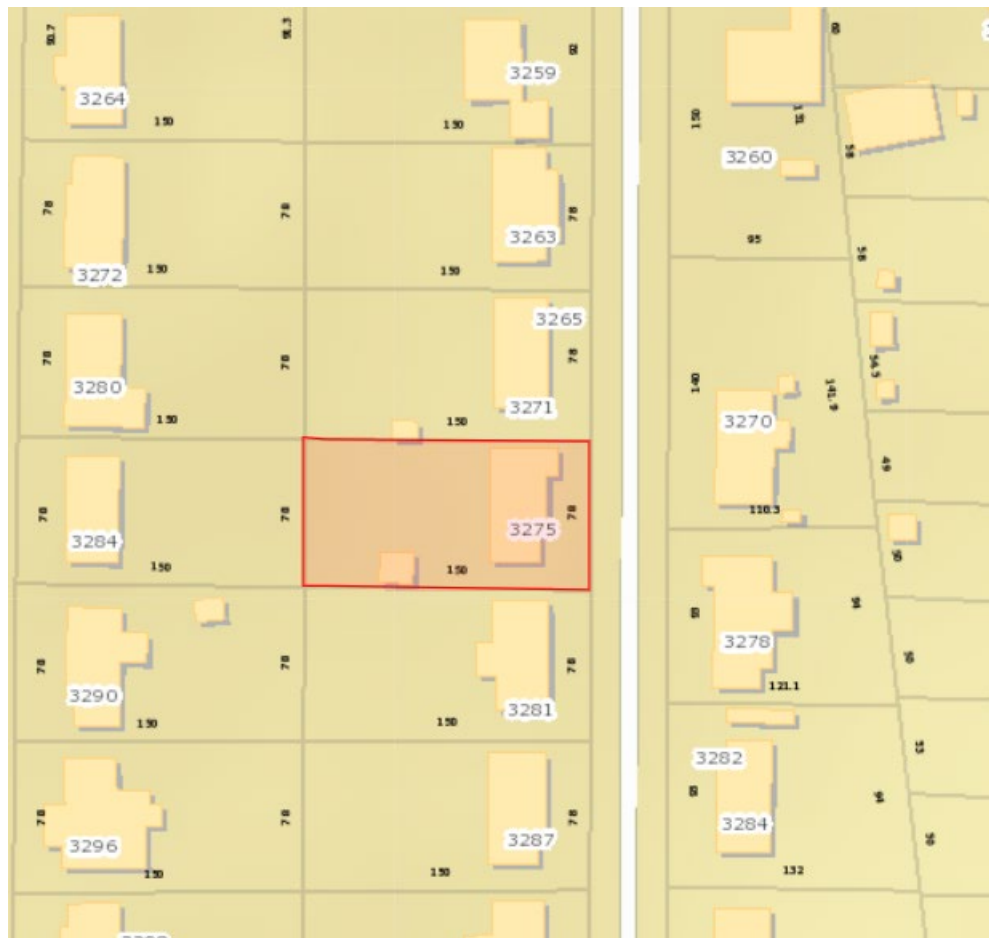
See comments pertaining to topography, above.

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. However, relief would impair the purpose and intent of this chapter to establish minimum zoning standards.

RECOMMENDATION

The ramp, while attached to the primary structure, is functionally the equivalent of a walkway connecting the dwelling to the street. The previously existing condition prevented reasonable use of the property for its current occupant; the ramp is providing a necessary service to a resident of the dwelling, who otherwise has difficulty accessing the property. Further, the Design Review Committee has approved the design of the ramp. Staff recommends approval of a conditional variance for the period that the house is owned by the current owner. Should the property be sold or rented, the ramp should be removed.

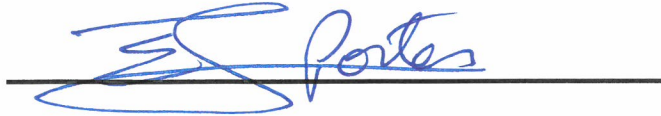
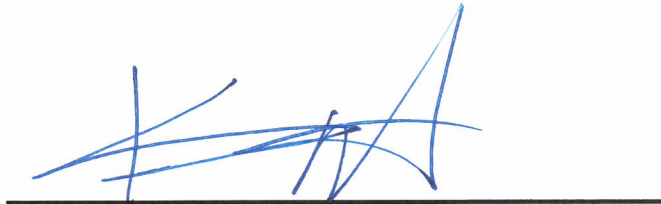


3277/3275 Russell Street

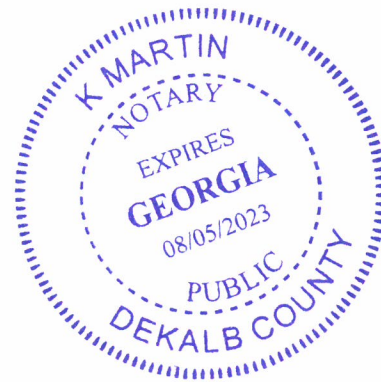
PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 01/07/2020.

A handwritten signature in blue ink, appearing to read "E. Porter", is written over a solid black horizontal line.A handwritten signature in blue ink, consisting of stylized, overlapping strokes, is written over a solid black horizontal line.

Subscribed and sworn to before me this January 7, 2020



**NOTICE
City of Hapeville
Board of Appeals Meeting**

There will be a Board of Appeals on Thursday, January 23, 2020 in the City of Hapeville Municipal Court Annex located at **700 Doug Davis Drive, Hapeville, Georgia 30354 at 6:00 PM** to consider the following requests:

Variance Request:

Variance request to reduce the front yard setback from 15' to 81" to allow for the construction of an access ramp at 3275 Russell Street, Parcel Identification Number 14-0095-0010-075-7. The property is zoned R-O, One-Family Detached, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Wilbur Steve Lamb and Dorothy Jane Mann

Variance Request:

Variance request to reduce the front yard and side yard setback at 3240 Lake Avenue, Parcel Identification Number 14-0099-0003-073-7. The property is zoned R-SF, Residential-Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Beatriz Arroyo

Variance Request:

Variance request to reduce the west setback from 15' to 13' at 515 Walnut Street, Parcel Identification Number 14 0094-0003-064-1. The property is zoned R-SF Residential Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Gregory Evans
#0000448299:01/07-1EP

2020-BDA-01-03

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

Name of Applicant Greg Evans

Mailing Address 732 Highland Ave

Telephone _____ Mobile # _____ Email _____

Property Owner (s) Greg Evans / G.D. Evans LLC

Mailing Address 732 Highland Ave NE

Telephone _____ Mobile # _____

Property Address/Location: 515 Walnut St Hapeville, Ga 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0094-0003-064-1

Square Foot of Property N/A Building Size N/A Zoning R-SF

Present Land Use R-SF / vacant lot

Variance Requested 15ft build line changed to 13ft

Applicable Code Section 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.

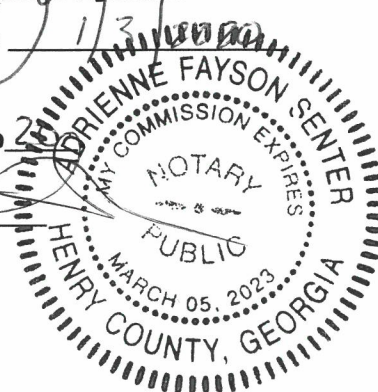
Applicant's signature _____

Date: 1/3/2020

Sworn to and subscribed before me

This 3rd day of January, 2020

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.

Because this is a corner lot we are required to have a 15 ft buildline on the westside. This would force us to reduce the home square footage below the 1600 sq ft minimum required for zoning R-SF. 310 Lake Drive's home is not built within that 15 ft build line + this variance will keep the development of the block uniform.

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

Maintaining the 15 ft setback on the westside of the home would require us to decrease the width of the home by two feet + would make the living areas, bedrooms + kitchen smaller than what is standard size in Hapeville new construction homes. This would push us to the required 1600 sq ft home for R-SF.

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

Because this lot is a corner lot we must include a 15 ft building setback on the westside of the home whereas on an interior lot that would not be a requirement. This adversely affects the size of the home.

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

None

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

AUTHORIZATION OF PROPERTY OWNER

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

515 Walnut 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

Gregory Evans

Address of Applicant

732 Highland Ave NE

Telephone of Applicant



Signature of Owner

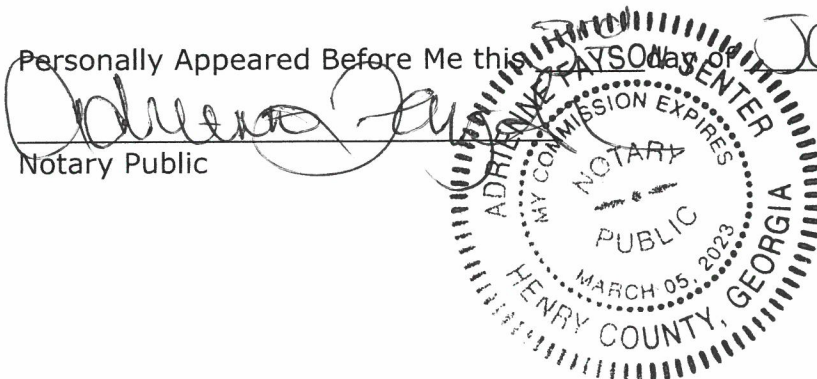
Gregory Evans

Print Name of Owner

Gregory Evans

Personally Appeared Before Me this 17th day of January, 2020.

Notary Public



Legal Description 515 Walnut Street

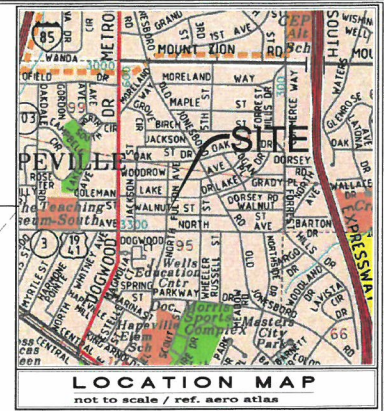
All that tract or parcel of Land Lying and being situated in Land lot 94 of the 14th District of Fulton County, Hapeville Georgia and being more particularly describe as follow:

Begin at a 1/2" REBAR FOUND at the intersection of the North right-of-way of Walnut Street (40' r/w) with the East right-of-way of North Fulton Avenue (40' r/w), thence continuing along the East right-of-way of North Fulton Avenue N00°44'26"E, a distance of 125.01 feet to a 1/2" REBAR FOUND; thence leaving said right-of-way of North Fulton Avenue S89°06'02"E, a distance of 49.96 feet to a 1" CRIMP TOP PIPE FOUND; thence S00°43'15"W, a distance of 125.01 to a 1/2" REBAR FOUND on the North right-of-way of Walnut Street; thence continuing along the North right-of-way of Walnut Street, N89°05'57"W, a distance of 50.00 feet to the **POINT OF BEGINNING**.

Said parcel or tract of land Containing 6,247.82 square feet or 0.1434 acres

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GEORGIA811
Utilities Protection Center, Inc.
1-800-282-7411
Know what's below.
Call before you dig.



Utilities:
Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants and his contractors or anyone else who relies upon this survey shall hereby expressly understand that the surveyor is not responsible for the correctness or sufficiency of this information.

Site Address:
515 WALNUT ST
HAPEVILLE, GA

Zoning: R-SF
Front Yard: 15'
Side Yard: 5'
Rear Yard: 15'

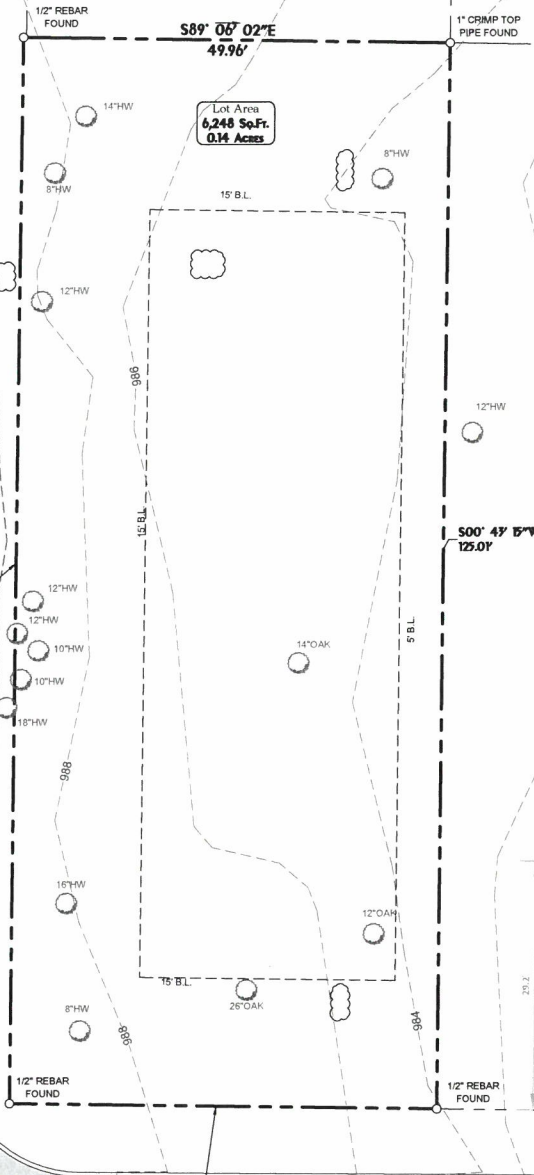
The surveyor in no way intends to interpret or make conclusions regarding the zoning designation shown hereon. This information is reported from public information obtained from FULTON County records on 10/7/2019.

Area Summary: 0.14 acres

Survey References:
SUBDIVISION PLAT
BOOK 423 PAGE 140

NORTH FULTON AVENUE
40' R/W
f.k.a. (LEE ST.)

N00° 44' 20"E
125.01'

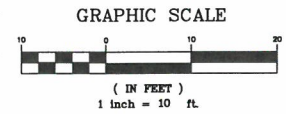
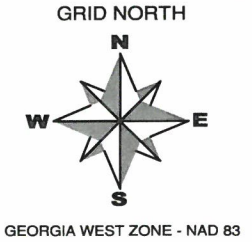


N89° 09' 57"W
50.00'

WALNUT STREET
40' R/W
f.k.a. (PINE ST.)

LEGEND

IPF	IRON PIN FOUND	—+—	PROPERTY LINE
IPS	1/2" REBAR SET	—+—	FENCE
CMP	CORROGATED METAL PIPE	—+—	TELEPHONE LINE
R/W	RIGHT OF WAY	—+—	GAS LINE
CL	CENTER LINE	—+—	WATER LINE
PL	PROPERTY LINE	—+—	SANITARY SEWER LINE
FES	FLARED END SECTION	—+—	POWER LINE
LLD	LAND LOT LINE	—+—	OPEN TOP PIPE
T.B.M.	TEMPORARY BENCHMARK	—+—	CRIMP TOP PIPE
IN	INVERT ELEVATION	—+—	REBAR
SM	SANITARY SEWER MANHOLE	—+—	YARD INLET
PO	POWER POLE	—+—	DRAIN INLET
FI	FIRE HYDRANT	—+—	SAW SEWER MANHOLE
IR	IRRIGATION CONTROL VALVE	—+—	CLEANOUT
TP	TRAVERSE POINT (600 HAIL)	—+—	WATER METER
DM	DRAINAGE MANHOLE	—+—	WATER VALVE
GV	GAS VALVE	—+—	GUY WIRE
B	BENCHMARK	—+—	AC
IPF	IRON PIN FOUND	—+—	AIR CONDITIONER
		—+—	NOW OR FORMERLY
		—+—	PERC. TEST (BORDHOLE)
		—+—	4-4 TRANSFORMER
		—+—	RRT
		—+—	RAIL ROAD THE WALL



- SURVEY NOTES:**
1. THE FIELD DATA FOR THIS SURVEY WAS OBTAINED WITH A LEICA TOTAL STATION 12 AND A 100 FOOT TAPE.
 2. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,838 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
 3. THIS PLAT OR MAP HAS BEEN CALCULATED FOR CLOSURE AND HAVE A CLOSURE PRECISION RATIO OF 1:93,617
 4. THE PROPERTY DEPICTED HEREON DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP.
 5. UNDERGROUND UTILITIES AS SHOWN BY THIS SURVEY ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
 6. THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE, THE UNDERSIGNED AND THIS FIRM MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.
 7. THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. THIS FIRM WILL NOT ACCEPT ANY RESPONSIBILITY OF LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON(S) NAMED IN THE TITLE BLOCK.

SURVEYORS CERTIFICATION

This plat is a replacement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in G.C.G.A. Section 15-6-67.

"Flood Hazard Statement"
By graphic plotting only. The property shown on this plat does not lie within a 100yr Flood Plain according to the flood insurance rate map (FIRM) map number 13121C0367F. Last revised September 16, 2013.

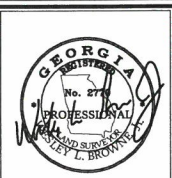
EXISTING SURVEY OF:

515 WALNUT ST

FOR:
GDK INVESTMENT

SHEET

1
of
4



DATE		DESCRIPTION	
REVISIONS			
SURVEY CREW	FIELD BK / PG	LL	DIST.
WB, JL	206/12	94	14th
COUNTY			
FULTON			
SCALE			
1"=10'			
FIELD WORK	DRAWN BY	CHECKED BY	APPROVED BY
10/7/2019	WB	WB	WB
			DATE
			October 7, 2019

W.L.B ASSOCIATES, INC.

WLB

349 CHERYL COURT
JONESBORO, GA 30238
(678) 743-4665
**LAND SURVEYORS • SITE PLANNING
LAND DEVELOPMENT**

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HAPEVILLE, GA

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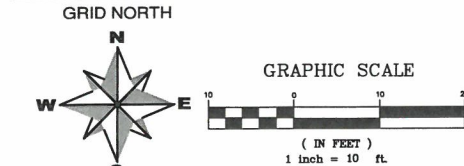
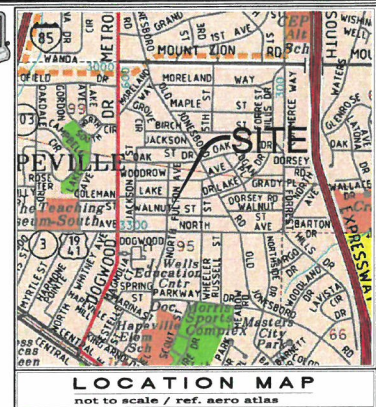
"Flood Hazard Statement".
By graphic plotting only. The property shown on this plat does not lie within a 100yr Flood Plain according to the flood insurance rate map (FIRM) map number 13121C0367F, Last revised September 18, 2013.

DIRT STATEMENT - CUT/FILL CALCULATIONS
CUT = 5 CY
FILL = 10 CY
NET FILL = 5 CY

LOT COVERAGE:
WALKWAY/DRIVE.....291 sq.ft.
PORCH.....199 sq.ft.
HOUSE.....1290 sq.ft.
DECK.....128 sq.ft.
TOTAL.....1908 sq.ft.

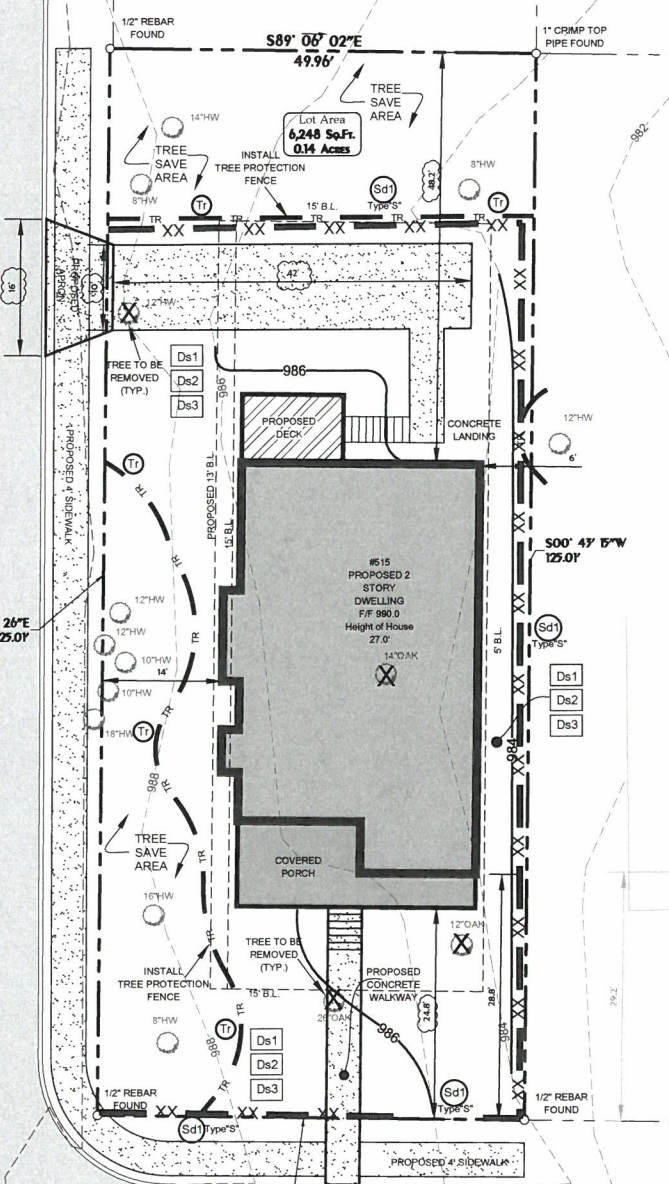
GEORGIA811
Utilities Protection Center, Inc.
1-800-282-7411
Know what's below.
Call before you dig.

Floor Area Ratio (FAR):
1st Floor.....1283 sf
2nd Floor.....606 sf
Total.....1889 sf
FAR 1889 / 6248 = 0.30



GEORGIA WEST ZONE - NAD 83

NORTH FULTON AVENUE
40' R/W
I.L.A. (LEE ST.)
N00° 44' 26"E
125.07'



WALNUT STREET
40' R/W
I.L.A. (PINE ST.)
N89° 09' 57"W
50.00'

- 1) Disturbed areas left side shall be stabilized with temporary vegetation after 14 days; after 30 days permanent vegetation shall be established.
- 2) Silt Fence - shall meet the requirements of Georgia Manual for Erosion & Sediment Control 2016 Edition (Sd1-S).
- 3) Maintenance Statement - Erosion control measures will be inspected at least weekly, after each rain and repaired by the general contractor.
- 4) Statement - Additional erosion and sediment control measures will be installed if deemed necessary by on-site inspection.
- 5) No graded slope shall exceed 2h:1v.
- 6) "The Escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to, or concurrent with, land-disturbing activities."
- 7) "Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."

EROSION AND SEDIMENT CONTROL NOTES:

"THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES."

"EROSION AND SEDIMENT CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE."

"DISTURBED AREAS LEFT SIDE SHALL BE STABILIZED WITH TEMPORARY VEGETATION AFTER 14 DAYS; AFTER 30 DAYS, PERMANENT VEGETATION SHALL BE ESTABLISHED."

"SILT FENCE SHALL MEET THE REQUIREMENTS OF GEORGIA MANUAL FOR EROSION & SEDIMENT CONTROL 2016 EDITION (Sd1-S)."

"EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES"

"EROSION CONTROL MEASURES WILL BE INSPECTED AT LEAST DAILY, AND AFTER EACH RAIN, AND REPAIRED BY THE CONTRACTOR"

(ADDITIONAL) GRADING AND DRAINAGE NOTES:

"ALL MATERIAL AND METHODS OF CONSTRUCTION MUST CONFORM TO CITY OF ATLANTA STANDARDS AND SPECIFICATIONS"

"PRIOR TO LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL SCHEDULE A PRECONSTRUCTION MEETING WITH THE AREA EROSION CONTROL INSPECTOR. CALL (404) 546-1301 TO CONTACT THE INSPECTOR"

"NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS"

"ALL EXISTING TREES ARE TO REMAIN AND SHALL BE PROTECTED UNLESS OTHERWISE NOTED. TREES TO BE REMOVED WILL BE FLAGGED OR MARKED WITH RED PAINT BY THE LANDSCAPE ARCHITECT PRIOR TO ANY CLEARING ACTIVITIES"

"THE CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS AND IMPROVEMENTS TO REMAIN TO EQUAL OR BETTER CONDITIONS THAN PRIOR TO COMMENCEMENT OF CONSTRUCTION"

"THE CONTRACTOR SHALL PROVIDE FOR ADEQUATE DRAINAGE OF THE SITE AND ADJOINING PROPERTIES AND ROADS DURING ALL PHASES OF CONSTRUCTION"

"ALL DRAINAGE STRUCTURES ARE TO BE CONSTRUCTED AS SHOWN ON THESE PLANS AND IN ACCORDANCE WITH THE CITY OF ATLANTA CONSTRUCTION STANDARDS. ELEVATIONS SHOWN ON DRAINAGE STRUCTURES ARE TO THE TOP OF STRUCTURE. PIPE LENGTHS SHOWN ARE APPROXIMATE DISTANCES FROM CENTER TO CENTER OF STRUCTURES AND SLOPES SHOWN ARE THEORETICAL SLOPES USING THESE LENGTHS"

"TOPSOIL, EQUIPMENT, AND MATERIALS SHALL BE STORED IN AREAS DESIGNATED BY THE OWNER"

"UNLESS OTHERWISE NOTED, CONSTRUCT NEW IMPROVEMENTS TO MATCH EXISTING ELEVATIONS OF EXISTING PAVEMENT, SIDEWALKS, AND FLOORS"

"SEE ARCHITECTURAL DRAWINGS FOR EXACT DIMENSIONS AND DETAILS OF THOSE RESPECTIVE AREAS"

"THE LOCATIONS OF EXISTING UTILITIES, SUCH AS WATER MAINS, SANITARY SEWERS, GAS LINES, ELECTRIC LINES, ETC., AS SHOWN ON THESE PLANS HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. HOWEVER, THE SURVEYOR, ENGINEER AND OWNER DO NOT ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL UTILITY COMPANIES SEVENTY - TWO HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND HAVE ALL UTILITIES LOCATED IN THE FIELD PRIOR TO ANY WORK. QUESTIONS CALL THE UTILITY PROTECTION SERVICE, (404) 491-0044"

SITE PLAN

515 WALNUT ST

FOR:
GDK INVESTMENT

SHEET
2
of
4

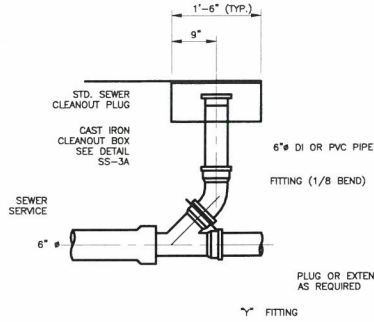
DATE	DESCRIPTION
SURVEY CREW FIELD BK / PG	LL DIST COUNTY SCALE
WB, JL 206/12 94 14th FULTON 1"=10'	
FIELD WORK 10/7/2019	DRAWN BY CHECKED BY APPROVED BY DATE
WB WB WB	WB WB WB October 7, 2019

W.L.B ASSOCIATES, INC.

WLB

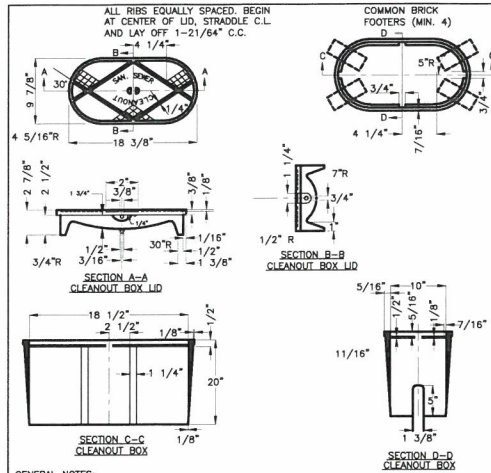
349 CHERYL COURT
JONESBORO, GA 30238
(678) 743-4665
**LAND SURVEYORS • SITE PLANNING
LAND DEVELOPMENT**

NOTE: TOP OF CLEANOUT BOX SHALL BE FLUSH WITH FINAL SURFACE IN SIDEWALKS AND PAVED AREAS



SERVICE CONNECTION CLEANOUT

REV. DATE: OCT. 2011
ORIG. DATE: NOV 2004
SCALE: N.T.S.
DETAIL NO. SS-G-SC004



STANDARD DETAILS
SANITARY CLEANOUT BOX

REV. DATE: OCT. 2011
ORIG. DATE: NOV 2004
SCALE: N.T.S.
DETAIL NO. SS-G-SC005

GENERAL NOTES:
1. UNLESS NOTED OTHERWISE, CAST IRON SHALL CONFORM TO A.S.T.M. SPECIFICATIONS A48 LATEST REVISION FOR CLASS 20 GREY IRON CASTINGS.
2. CASTINGS SHALL BE TRUE AND FREE OF HOLES. THEY SHALL BE CLEANED ACCORDING TO GOOD FOUNDRY PRACTICE, CHIPPED AND GROUNDED AS NEEDED TO REMOVE FINIS AND ROUGH PLACES.
3. FINISHED CASTINGS SHALL BE COATED INSIDE AND OUTSIDE WITH COAL TAR PITCH VARNISH AS INDICATED IN A.W.W.A. SPECIFICATIONS C110, LATEST REVISION. COATING MAY BE APPLIED COLD AND SHALL BE SMOOTH, GLOSSY, NOT BRITTLE WHEN COLD, NOT STICKY WHEN EXPOSED TO THE SUN, AND SHALL ADHERE TO THE METAL AT ALL TEMPERATURES.
4. WHEN COATING IS COMPLETE, LID SHALL FIT SNUGLY WITHOUT ROCKING.
THIS DETAIL WAS TAKEN FROM THE CITY OF ATLANTA'S WEBSITE. IT MAY HAVE BEEN MODIFIED AND SHOULD BE REVIEWED THOROUGHLY.

SEEDING SCHEDULE		DS2	DS3
SCHEDULE APPLICABLE FOR TEMPORARY AND PERMANENT GRASSING			
CONTRACTOR TO PROTECT ALL DISTURBED AREAS BY TEMPORARY RESEEDING UNTIL PERMANENT GROUND COVER IS ESTABLISHED (MAXIMUM OF TWO WEEKS AFTER DISTURBANCE).			
SOIL PREPARATION			
ADD TO SOIL: COMMERCIAL 16-20-10 FERTILIZER @ 650 LBS/AC OR AS SPECIFIED BY SOIL REPORTS AFTER SOIL pH ANALYSIS, LIME AS SPECIFIED ON pH LEVEL CHART.			
TO RAISE THE pH LEVEL			
THIS CHART INDICATES THE AMOUNT OF LIME TO ADD IN OUNCES PER SQUARE YARDS AND IN POUNDS PER 1000 SF.			
METER SANDY SOIL SANDY LOAM/LOESS LOAM HEAVY SOIL READING ADD LIME ADD LIME ADD LIME ADD LIME			
4.0 2.25 OZ 3.0 OZ	4.4 0.2 5.3 OZ		
1000 SF 24 LBS 19 LBS	28 LBS 33 LBS		
5.0 1.8 OZ 2.25 OZ	3.6 0.2 1.8 OZ		
1000 SF 11 LBS 14 LBS	28 LBS 33 LBS		
6.0 0.5 OZ 1.0 OZ	1.2 0.2 1.4 OZ		
1000 SF 3.5 LBS 6 LBS	8 LBS 9 LBS		
NOTE: NEUTRAL pH IS 7.0			
SEEDING RATES			
SEASON DATES TYPE OF GRASS RATE			
SUMMER MAY 15 - AUG 30 BERMUDA 100 LBS/AC			
COOL SEPT 1 - NOV 15 FESCUE 300 LBS/AC			
MAY 15 - MAY 15			
WINTER NOV 15 - MAR 15 ANNUAL RYE GRASS 300 LBS/AC			
COVER SEED AREA WITH LIGHT LAYER OF WHEAT STRAW MULCH			

GRADING PLAN

1. WATERS OF THE STATE DOES NOT EXIST WITHIN 200 FEET OF THIS SITE
2. NOTE: MAINTENANCE STATEMENT:
EROSION CONTROL MEASURES WILL BE INSPECTED AT LEAST WEEKLY AND AFTER EACH RAIN, AND REPAIRED BY THE GENERAL CONTRACTOR
3. (A) SEDIMENTATION/EROSION CONTROL DEVICES MUST BE CHECKED AFTER EACH STORM EVENT. EACH DEVICE IS TO BE MAINTAINED OR REPLACED IF SEDIMENT ACCUMULATION HAS REACHED ONE HALF THE CAPACITY OF THE DEVICE.
4. ADDITIONAL EROSION AND SEDIMENT CONTROL DEVICES TO BE USED AS REQUIRED BY CITY OF ATLANTA.
5. GRASSING TO BEGIN WITHIN 14 DAYS AFTER THE COMPLETION OF ANY LAND DISTURBING ACTIVITY, OR IF ACTIVITY IS DISCONTINUED FOR A PERIOD OF 14 DAYS OR LONGER. (A) DISTURBED AREAS LEFT IDLE TO 30 DAYS, AND NOT TO FINAL GRADE, WILL BE ESTABLISHED TO TEMPORARY VEGETATION (DS2) DISTURBED AREAS LEFT IDLE FOR 30 DAYS OR MORE WILL BE ESTABLISHED TO PERMANENT VEGETATION (DS3). ALL AREAS TO FINAL GRADE WILL BE ESTABLISHED TO PERMANENT VEGETATION WITHIN 14 DAYS.
6. DURING UNSUITABLE GROWING SEASONS, MUCH WILL BE USED AS A TEMPORARY COVER (DS1) ON SLOPES THAT ARE 3:1 OR STEEPER. MULCH MUST BE ANCHORED.

*ALL UNSUITABLE SOILS AND TOP SOILS WILL BE STOCKPILED ON-SITE AND SPREAD ON ALL PROPOSED SLOPES TO FACILITATE THE ESTABLISHMENT OF ALL GROUND COVER.

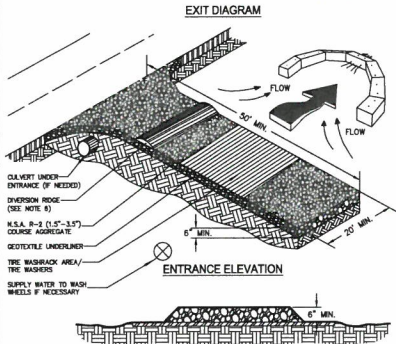
*ALL CUT AND FILL SLOPES MUST BE SURFACE ROUGHED AND VEGETATED WITHIN SEVEN (7) DAYS OF THEIR CONSTRUCTION

*CONTRACTOR TO ANTICIPATE THAT ONE GRASSING ATTEMPT OF THE DISTURBED AREAS WILL NOT BE ADEQUATE TO PROVIDE A SUFFICIENT STAND OF GROUND COVER. MULTIPLE ATTEMPTS AT GRASSING OF DISTURBED AREA SHOULD BE ANTICIPATED FOR THIS PROJECT. GRASSING PROCEDURES WILL BE CARRIED OUT ON REGULAR AND TIMELY INTERVALS UNTIL A GOOD AND COMPLETE STAND OF GROUND COVER HAS BEEN ESTABLISHED

ADDITIONAL NOTES:
1. NO GRADED SLOPE SHALL EXCEED 2:1 V:1 H SLOPE.
2. DIRT WILL BE STOCKPILED ON SITE.

CRUSHED STONE CONSTRUCTION EXIT

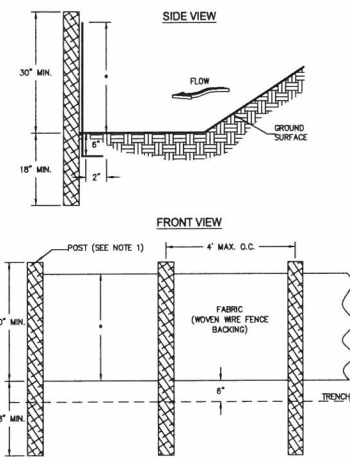
(Co)



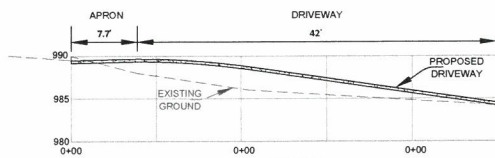
- NOTES:
1. AVOID LOCATING ON STEEP SLOPES OR AT CURVES ON PUBLIC ROADS.
 2. REMOVE ALL VEGETATION AND OTHER UNSUITABLE MATERIAL FROM THE FOUNDATION AREA, GRADE, AND CROWN FOR POSITIVE DRAINAGE.
 3. AGGREGATE SIZE SHALL BE IN ACCORDANCE WITH NATIONAL STONE ASSOCIATION R-2 (1.5"-3.5" STONE).
 4. GRAVEL PAD SHALL HAVE A MINIMUM THICKNESS OF 8".
 5. PAD WIDTH SHALL BE EQUAL FULL WIDTH AT ALL POINTS OF VEHICULAR EGRESS, BUT NO LESS THAN 20".
 6. A DIVERSION RIDGE SHOULD BE CONSTRUCTED WHEN GRADE TOWARD PAVED AREA IS GREATER THAN 2%.
7. INSTALL PIPE UNDER THE ENTRANCE IF NEEDED TO MAINTAIN DRAINAGE SLOPES.
 8. WHEN WASHING IS REQUIRED, IT SHOULD BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN (OVERT ALL SURFACE RUNOFF AND DRAINAGE FROM THE ENTRANCE TO A SEDIMENT CONTROL DEVICE).
 9. WASHRACKS AND/OR TIRE WASHERS MAY BE REQUIRED DEPENDING ON SCALE AND CIRCUMSTANCE. IF NECESSARY, WASHRACK DESIGN MAY CONSIST OF ANY MATERIAL SUITABLE FOR TRUCK TRAFFIC THAT REMOVE MUD AND DIRT.
 10. MAINTAIN AREA IN A WAY THAT PREVENTS TRACKING AND/OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.

SILT FENCE - TYPE SENSITIVE

(Sd1-S)



- NOTES:
1. USE STEEL POSTS OR AS SPECIFIED BY THE EROSION, SEDIMENTATION, AND POLLUTION CONTROL PLAN.
 2. HEIGHT (H) IS TO BE SHOWN ON THE EROSION, SEDIMENTATION, AND POLLUTION CONTROL PLAN.



DRIVEWAY / APRON SECTION

*THE LOCATIONS OF EXISTING UTILITIES, SUCH AS WATER MAINS, SANITARY SEWERS, GAS LINES, ELECTRIC LINES, ETC. AS SHOWN ON THESE PLANS HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. HOWEVER, THE SURVEYOR, ENGINEER AND OWNER DO NOT ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SHOWN. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO CONTACT ALL UTILITY COMPANIES SEVENTY-TWO HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND HAVE ALL UTILITIES LOCATED IN THE FIELD PRIOR TO ANY WORK. QUESTIONS CALL THE UTILITY PROTECTION SERVICE: (404) 491-0044.

SITE NOTES & DETAILS

515 WALNUT ST

FOR:

GDK INVESTMENT

W.L.B ASSOCIATES, INC.

WLB

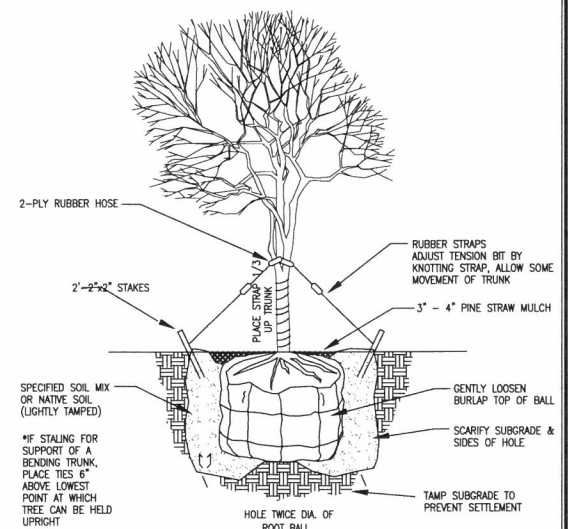
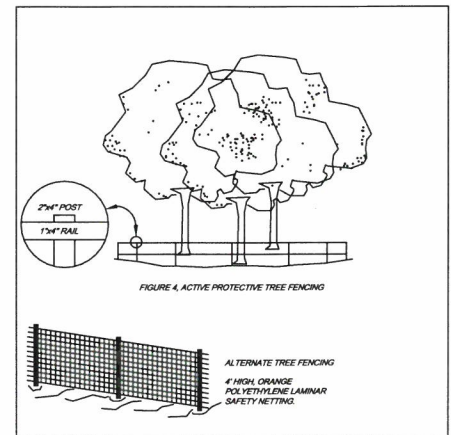
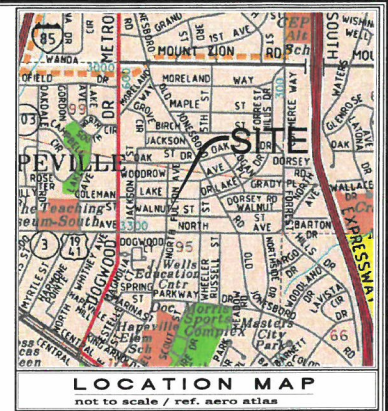
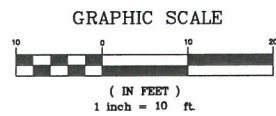
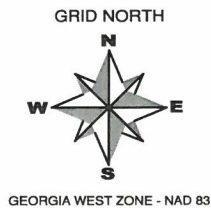
349 CHERYL COURT
JONESBORO, GA 30238

(678) 743-4665
LAND SURVEYORS • SITE PLANNING
LAND DEVELOPMENT

SHEET
3
of
4



DATE		DESCRIPTION	
SURVEY CREW FIELD BK / PG		REVISIONS	
WB, JL	206/12	LL	DIST.
		94	14th
FIELD WORK	DRAWN BY	CHECKED BY	APPROVED BY
10/7/2019	WB	WB	DATE
			October 7, 2019



TREE INSTALLATION DETAIL

LANDSCAPE PLAN

515 WALNUT ST

FOR:

GDK INVESTMENT

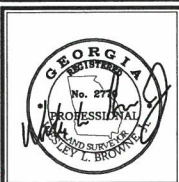
W.L.B ASSOCIATES, INC.

WLB

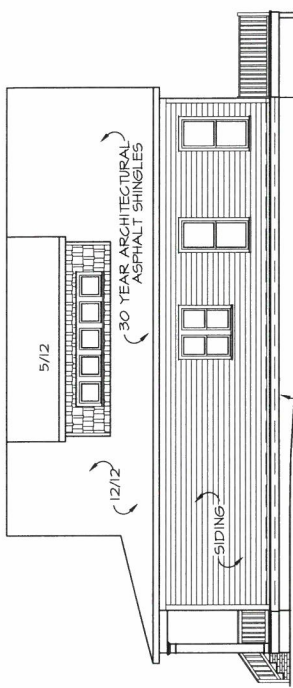
349 CHERYL COURT
JONESBORO, GA 30238
(678) 743-4665

LAND SURVEYORS • SITE PLANNING
LAND DEVELOPMENT

SHEET
4
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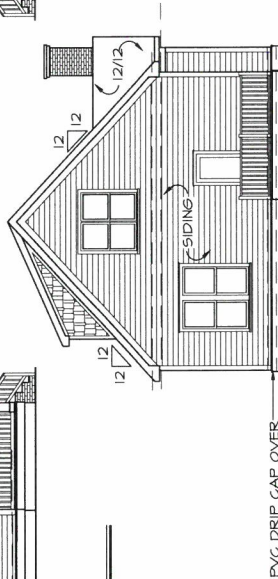


DATE	DESCRIPTION
SURVEY CREW FIELD BK / PG	LL DIST. COUNTY SCALE
WB, JL 206/12	94 14th FULTON 1\"/>



LEFT ELEVATION

SCALE: 1/8" = 1'-0"



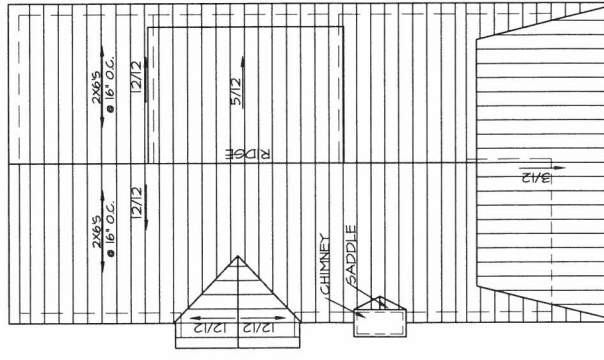
REAR ELEVATION

SCALE: 1/8" = 1'-0"

RIGHT ELEVATION

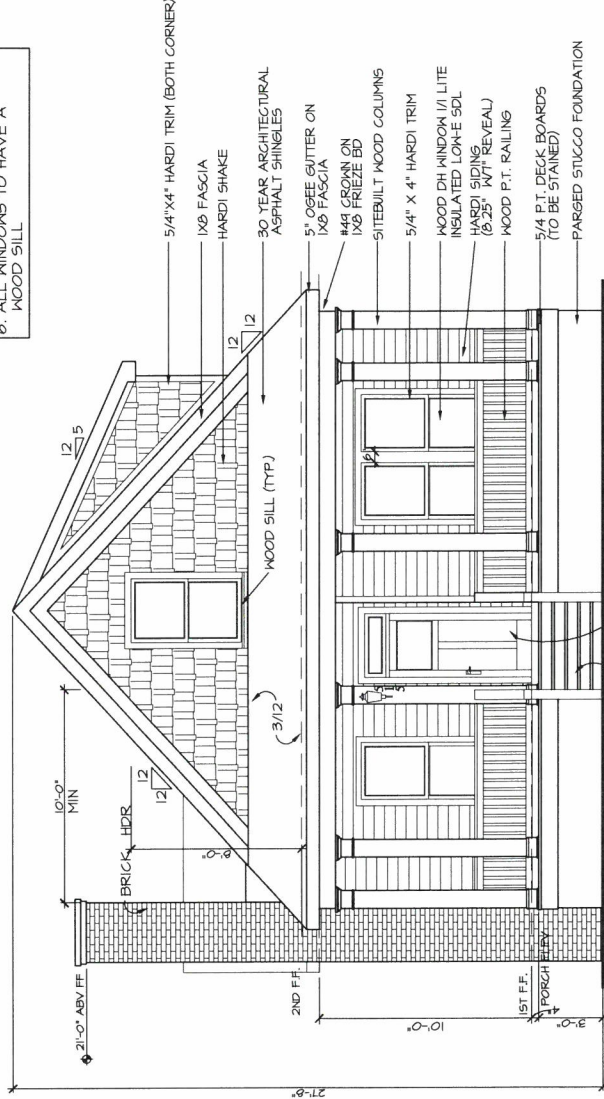
SCALE: 1/8" = 1'-0"

- NOTE:
1. ROOF SHINGLES TO BE 30 YEAR ARCHITECTURAL
 2. GUTTERS & DOWNSPOUTS TO BE GALVANIZED BAKED ENAMEL ALUMINUM
 3. ALL WINDOWS TO BE SGL. NON TINTED GLASS
 4. ALL WINDOWS PANES SHALL BE RECESSED MIN. 2"
 5. ALL DOUBLE WINDOWS TO HAVE A 6" MULL BETWEEN WINDOWS
 6. ALL WINDOWS TO HAVE A WOOD SILL



ROOF PLAN

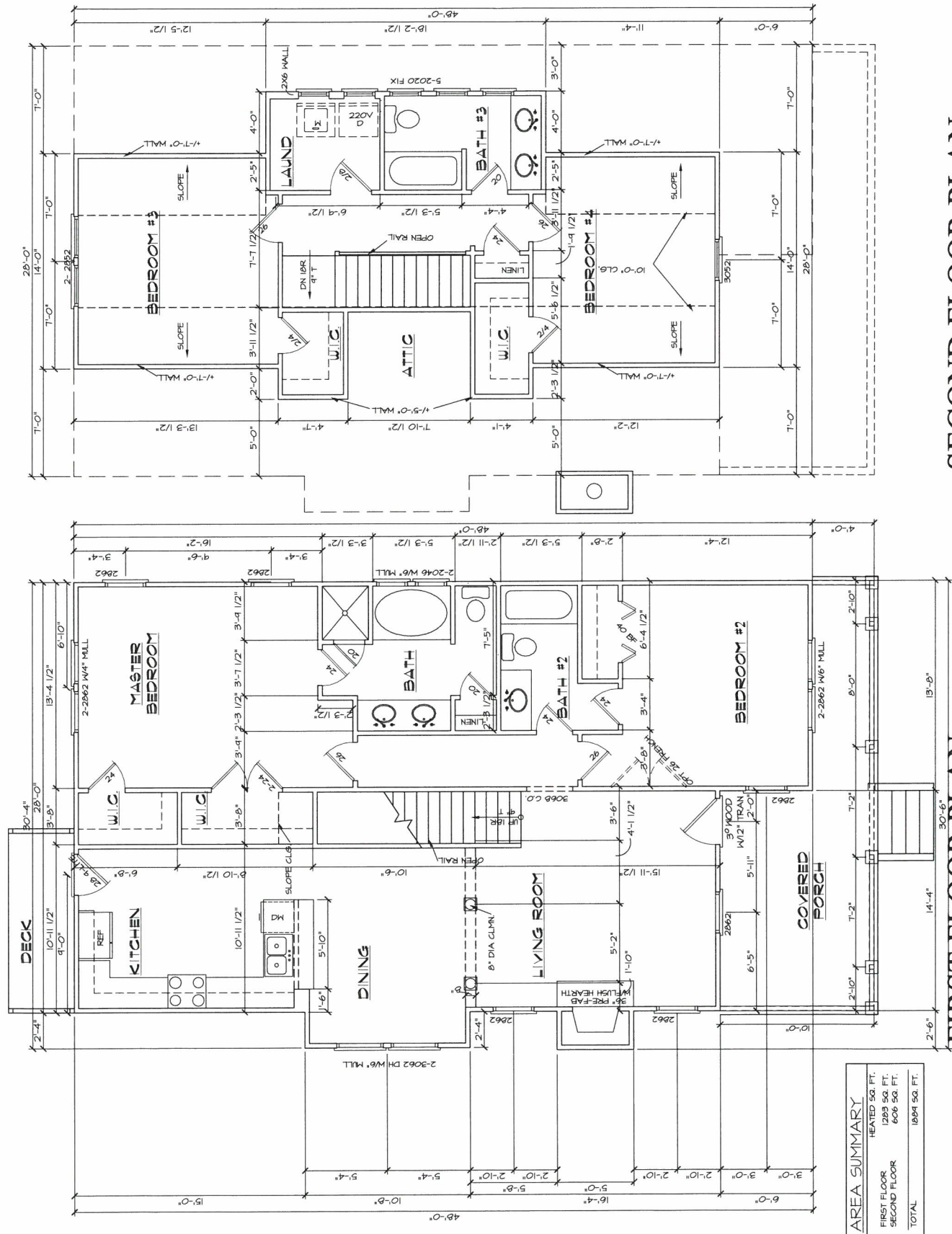
SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

TOTAL



AREA SUMMARY	
HEATED SQ. FT.	
FIRST FLOOR	1285 SQ. FT.
SECOND FLOOR	606 SQ. FT.
TOTAL	1891 SQ. FT.



DATE: January 16, 2020
TO: Adrienne Senter
FROM: Michael Smith
RE: Variance Application for 515 Walnut Street

BACKGROUND

The City of Hapeville has received a Variance application from Greg Evans to allow for a reduction in the minimum west front yard setback from 15' to 13' for the proposed single-family dwelling to be located at 515 Walnut Street. The lot is a corner lot, and as such is required to maintain the minimum front yard setback for all sides of the lot having street frontage.

The property is currently zoned R-SF, Residential Single-Family.

CODE

Sec. 93-2-8. - Frontage on corner lots and double frontage lots.

On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this chapter; except, however, on residentially zoned corner lots, the height limitation shall apply to the yard area of such lot which is defined as "rear yard" in section 93-1-2.

ARTICLE 11.3. - R-SF ZONE (RESIDENTIAL SINGLE-FAMILY)

Sec. 93-11.3-1. - Intent.

The R-SF zone is established in order to protect residential areas currently developed with one-family detached dwellings, and adjoining areas undeveloped, likely to be developed for residential purposes by allowing single-family homes and prohibiting other uses. The regulations of the R-SF zone are specifically intended to:

- (1) Ensure the best use of the land;
- (2) Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwellings;
- (3) Protect and promote a suitable environment for family life;

- (4) Discourage any use which would generate other than usual residential traffic on minor streets; and
- (5) Discourage any use which, because of its character or size, would create excessive requirements or costs for public service.

Sec. 93-22.1-1 Dimensional Requirements

R-SF Zoning dimensional requirements for single-family detached structures are as follows:

						Minimum Front Yard		Minimum		Maximum			
Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
40	4,000	4,000	3br/2bth	1,000	70	15	15	5	20	2½	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;

Other than being a corner lot, there are no extraordinary or exceptional conditions for this property based upon the size, shape or topography.

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

The minimum square footage for a dwelling in the R-SF zone is 1,000 square feet. The proposed dwelling would have 1,889 sq. ft. of living area. Reducing the width of the dwelling by 2' could still provide the required floor area. The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

The zoning requirement for a side setback equivalent to a front setback applies to all corner lots and is not unique to this property.

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. However, it would impair the intent of this chapter to ensure orderly future development in the district.

RECOMMENDATION

The applicant has not provided evidence of an unnecessary hardship based on the peculiar conditions of the lot. The lot is typical of corner lots in Hapeville and can reasonably accommodate a new single-family dwelling of at least 1,000 square feet of floor area within the minimum setbacks. Based upon these requirements for variance consideration, staff does not recommend approval of the variance.

Planning Commission met on January 14, 2020 and approved the site plan with a recommendation to the Board of Appeals to approve the variance.

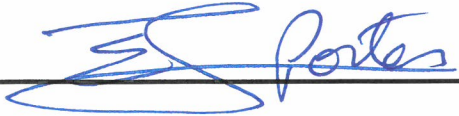


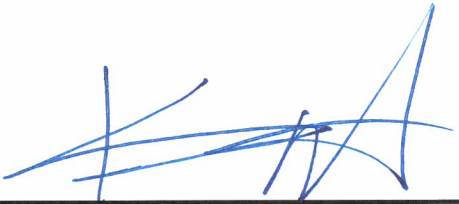
515 Walnut Street

PUBLISHER'S AFFIDAVIT

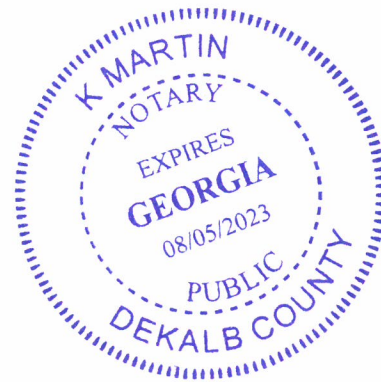
STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 01/07/2020.





Subscribed and sworn to before me this January 7, 2020



**NOTICE
City of Hapeville
Board of Appeals Meeting**

There will be a Board of Appeals on Thursday, January 23, 2020 in the City of Hapeville Municipal Court Annex located at **700 Doug Davis Drive, Hapeville, Georgia 30354 at 6:00 PM** to consider the following requests:

Variance Request:

Variance request to reduce the front yard setback from 15' to 81" to allow for the construction of an access ramp at 3275 Russell Street, Parcel Identification Number 14-0095-0010-075-7. The property is zoned R-O, One-Family Detached, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Wilbur Steve Lamb and Dorothy Jane Mann

Variance Request:

Variance request to reduce the front yard and side yard setback at 3240 Lake Avenue, Parcel Identification Number 14-0099-0003-073-7. The property is zoned R-SF, Residential-Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Beatriz Arroyo

Variance Request:

Variance request to reduce the west setback from 15' to 13' at 515 Walnut Street, Parcel Identification Number 14 0094-0003-064-1. The property is zoned R-SF Residential Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Gregory Evans
#0000448299:01/07-1EP

2020-BOA-DI-02

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

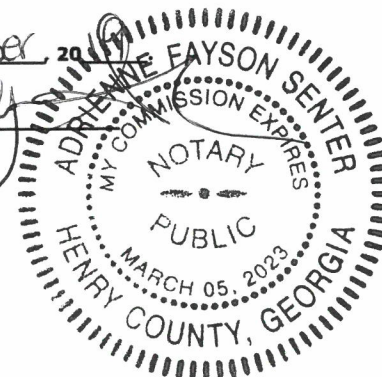
Name of Applicant A & B Home Improvement LLC
Mailing Address 2810 Players Dr Jonesboro Ga
Telephone _____ Mobile # _____ Email arroyo-betty@hotmail.com
Property Owner (s) A & B Home Improvement LLC
Mailing Address 2810 Players Dr Jonesboro Ga
Telephone _____ Mobile # _____
Property Address/Location: 3240 Lake Av
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 0099 000 30737
Square Foot of Property 19414 Building Size 1350 Zoning R-SF
Present Land Use R SF
Variance Requested ① side setback exist. structure ② use exist. structure as accessory structure
Applicable Code Section _____

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.

Beatriz Arroyo
Applicant's signature
Date: 12/11/19

Sworn to and subscribed before me

This 11th day of December, 2019
Adrianne G. Kelly
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 structure is existing, another structure was demolished
this lot is very deep, this structure is set back
from the street very far.

if this property could be used as an accessory
structure, a new single family home could be
built in front of it, this new construction
would provide setback consistent with the
adjoining homes

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

the cost would be too high to move structure

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

it may have been built before setback regulation

The existing structure was built at the rear of the lot, leaving the
front empty

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

none, the structure is in great condition

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

AUTHORIZATION OF PROPERTY OWNER

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

3240 Lake Ave

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

Address of Applicant

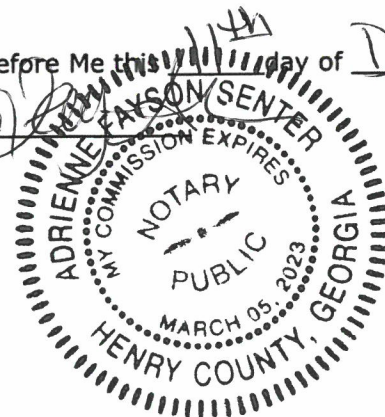
Telephone of Applicant

Beatriz Arroyo
Signature of Owner

BEATRIZ ARROYO
Print Name of Owner

Personally Appeared Before Me this 11th day of December, 2019.

Adrienne Kayson Senter
Notary Public





3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

LEGAL DESCRIPTION – 0.24 ACRES – Tract 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 99 of the 14th District, of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point (Iron Pin Found, ½ inch Open Top) located on the easterly right-of-way of Lake Avenue (apparent 50' R/W), said point being a distance of 100 feet along said easterly right-of-way of Lake Avenue from the northerly right-of-way of North Avenue (30' R/W), said point being the TRUE POINT OF BEGINNING;

THENCE, from said Point of Beginning thus established, proceed along said eastern right-of-way North 00°40'59" West a distance of 42.44 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence leaving said right-of-way, proceed South 88°57'44" East a distance of 243.81 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed South 00°43'21" West a distance of 42.20 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 89°30'25" West a distance of 120.89 feet to a point (Iron Pin Found, 1 inch Open Top); Thence proceed North 88°29'03" West a distance of 121.89 feet to a point, said point being the POINT OF BEGINNING.

Together with and subject to all covenants, easements, and restrictions of record.

Tract described herein containing 0.24 acres of land (10,414 Square feet), more or less, described as Tract 1 on a survey by Frontline Surveying & Mapping, Inc., job number 69232, dated 9/12/2019, last revised 12/05/2019.



Thomas E. Peay, Jr. Ga. RLS 2402
For the Firm of Frontline Surveying & Mapping, Inc.



3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

LEGAL DESCRIPTION – 0.24 ACRES – Tract 2

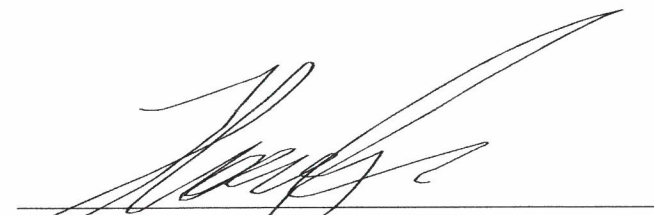
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 99 of the 14th District, of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point (Iron Pin Set, #4 Capped Re-Bar) located on the easterly right-of-way of Lake Avenue (apparent 50' R/W), said point being a distance of 142.44 feet along said easterly right-of-way of Lake Avenue from the northerly right-of-way of North Avenue (30' R/W), said point being the TRUE POINT OF BEGINNING;

THENCE, from said Point of Beginning thus established, proceed along said eastern right-of-way North 00°40'59" West a distance of 42.43 feet to a point (Iron Pin Found, ½ inch Open Top); Thence leaving said right-of-way, proceed South 89°01'07" East a distance of 244.85 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed South 00°43'21" West a distance of 42.74 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 88°57'44" West a distance of 243.81 feet to a point, said point being the POINT OF BEGINNING.

Together with and subject to all covenants, easements, and restrictions of record.

Tract described herein containing 0.24 acres of land (10,414 Square feet), more or less, described as Tract 2 on a survey by Frontline Surveying & Mapping, Inc., job number 69232, dated 9/12/2019, last revised 12/05/2019.



Thomas E. Peay, Jr. Ga. RLS 2402
For the Firm of Frontline Surveying & Mapping, Inc.



DATE: January 16, 2020
TO: Adrienne Senter
FROM: Michael Smith
RE: Variance Application for 3240 Lake Avenue

BACKGROUND

The City of Hapeville has received a variance application from A & B Home Improvement LLC to allow for a reduction in the minimum south side setback for accessory buildings from 5' to 0.84' for Tract 1 of the proposed subdivision of 3240 Lake Avenue. The applicant wishes to subdivide the lot into two parcels for the purpose of constructing two single-family dwellings. To subdivide, all properties must be compliant with setback requirements. Tract 1 contains an existing two-story accessory dwelling sitting within the setback for accessory buildings by 4.16', which is not compliant. The height and square footage of the dwelling have not been provided. The applicant wishes to keep the building at its current location and continue to use it as an accessory building, but it is unclear if it would continue to be used as a dwelling.

The property is currently zoned R-SF, Residential Single-Family.

CODE

Chapter 90 – SUBDIVISIONS

Sec. 90-1-3. - General requirements and minimum standards of design.

(i) *Zoning or other regulations.*

- (1) No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms to that ordinance.
- (2) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, the building code or other official regulations, the highest standard shall apply.

Chapter 93 – Zoning

ARTICLE 11.3. - R-SF ZONE (RESIDENTIAL SINGLE-FAMILY)

Sec. 93-11.3-1. - Intent.

The R-SF zone is established in order to protect residential areas currently developed with one-family detached dwellings, and adjoining areas undeveloped, likely to be developed for residential purposes by allowing single-family homes and prohibiting other uses. The regulations of the R-SF zone are specifically intended to:

- (1) Ensure the best use of the land;
- (2) Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwellings;
- (3) Protect and promote a suitable environment for family life;
- (4) Discourage any use which would generate other than usual residential traffic on minor streets; and
- (5) Discourage any use which, because of its character or size, would create excessive requirements or costs for public service.

ARTICLE 2. - GENERAL PROVISIONS

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

Special requirements for accessory buildings are as follows:

- (e) Except as herein provided, the minimum yard requirements of section 93-22.1-1 of this chapter also apply to accessory buildings. However, accessory buildings may be located in rear yards within five feet of a rear or side lot line. In addition to these yard requirements, the horizontal separation of accessory buildings from the dwelling on the same lot and the horizontal separation of accessory buildings from dwelling on adjacent lots shall comply with standards in Table C—Distance from dwelling for very large accessory buildings. All distances shall be measured from outside wall to outside wall.

Sec. 93-22.1-1 Dimensional Requirements

R-SF Zoning dimensional requirements for accessory structures to single-family detached uses 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		
							5	5	2	25		

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;

There are no extraordinary or exceptional conditions for this property based upon the size, shape or topography.

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

The applicant stated the cost to move the structure would be prohibitively expensive. Financial concerns alone cannot be considered an unnecessary hardship.

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

The responsibility to relocate or remove nonconforming structures when developing a parcel is not unique to this particular piece of property.

- 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 impair the intent of this chapter to "Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwellings." In addition, per Sec. 93-2-5, granting this variance would prevent the owner of 643 North Avenue to the south from constructing their own accessory structure within 9' of their rear property line.

RECOMMENDATION

This application is a subdivision application which would create two lots with one (accessory) structure non-conforming to a setback of less than 1 foot (.84'). The applicant has not demonstrated an unnecessary hardship imposed by the lot or the requirement to develop newly subdivided lots in accordance with the zoning code. Granting a variance would impair the intent of the R-SF zoning district to ensure new development is built to current standard. Removal of the structure would make constructing an accessory structure on an adjacent property at 643 North Avenue more feasible. Staff recommends against granting the variance.

Furthermore, the applicant has not provided enough information to determine if the dwelling can be used as an accessory structure for any new primary dwelling. The applicant must provide the size and height of the accessory building, the size of the proposed primary dwelling, the distance between the primary dwelling and the accessory structure, and, should the space continue to be used as a dwelling, all information required to determine compliance with Sec. 93-2-26 – Accessory dwelling units (ADU) – of the City's Zoning Code. **Granting a variance for the setback will not guarantee the dwelling will be viable as an accessory structure.**

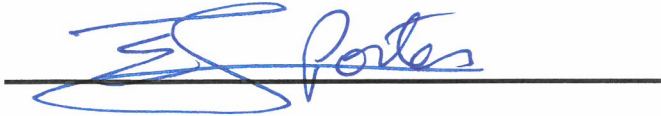
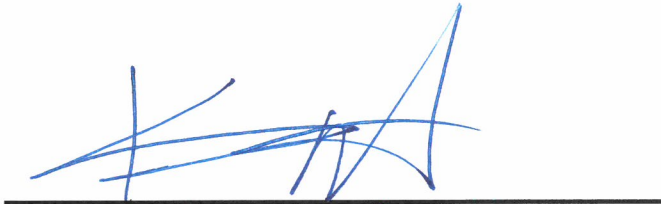


3240 Lake Avenue

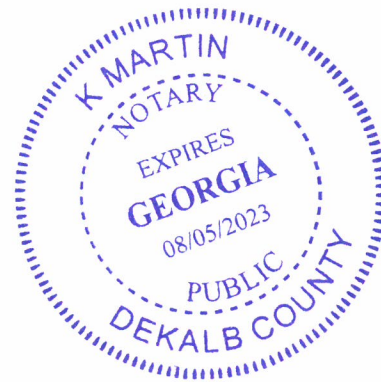
PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 01/07/2020.

A handwritten signature in blue ink, appearing to read "E. Porter", is written over a solid black horizontal line.A handwritten signature in blue ink, consisting of stylized, overlapping strokes, is written over a solid black horizontal line.

Subscribed and sworn to before me this January 7, 2020



**NOTICE
City of Hapeville
Board of Appeals Meeting**

There will be a Board of Appeals on Thursday, January 23, 2020 in the City of Hapeville Municipal Court Annex located at **700 Doug Davis Drive, Hapeville, Georgia 30354 at 6:00 PM** to consider the following requests:

Variance Request:

Variance request to reduce the front yard setback from 15' to 81" to allow for the construction of an access ramp at 3275 Russell Street, Parcel Identification Number 14-0095-0010-075-7. The property is zoned R-O, One-Family Detached, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Wilbur Steve Lamb and Dorothy Jane Mann

Variance Request:

Variance request to reduce the front yard and side yard setback at 3240 Lake Avenue, Parcel Identification Number 14-0099-0003-073-7. The property is zoned R-SF, Residential-Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Applicant: Beatriz Arroyo

Variance Request:

Variance request to reduce the west setback from 15' to 13' at 515 Walnut Street, Parcel Identification Number 14 0094-0003-064-1. The property is zoned R-SF Residential Single Family, and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

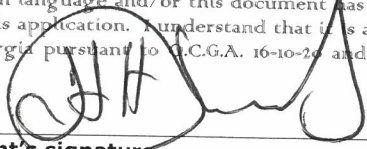
Applicant: Gregory Evans
#0000448299:01/07-1EP

2020-BOA-01-04

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

Name of Applicant Aleksandr Holub
Mailing Address 2210 Stoney Point Farms Rd Cumming GA 30041
Telephone [REDACTED] Mobile # [REDACTED] Email holubsasha@yahoo.com
Property Owner (s) Aleksandr Holub
Mailing Address 3408 N. Fulton Ave Hapeville GA 30354
Telephone [REDACTED] Mobile # [REDACTED]
Property Address/Location: 3408 N Fulton Ave Hapeville GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14009500040045
Square Foot of Property 0.2129 Building Size 27x25 Zoning R-SF
Present Land Use Residential
Variance Requested Setback on corner lot
Applicable Code Section 93-2-5

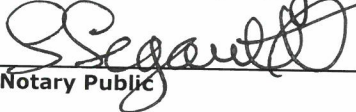
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application 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 to. 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: January 2, 2020

Sworn to and subscribed before me

This 2nd day of January, 2020.


Notary Public

L LEGAULT
NOTARY PUBLIC
Forsyth County
State of Georgia
My Comm. Expires June 20, 2022

**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.

Property size not big enough
to follow all construction requirements
It was built on location where
is the been old garage

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

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

It came to front yard on other
house but it's not close to house

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

No

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

AUTHORIZATION OF PROPERTY OWNER

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

3409 N Fulton Ave Hopeville 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

Aleksandr Holub

Address of Applicant

3409 N Fulton Ave Hopeville GA

Telephone of Applicant



Signature of Owner

Aleksandr Holub

Print Name of Owner

Personally Appeared Before Me this 2nd day of January, 2020.

Notary Public

L LEGAULT
NOTARY PUBLIC
Forsyth County
State of Georgia
My Comm. Expires June 20, 2022



**DEPARTMENT OF PLANNING AND ZONING
PLANNER'S REPORT**

DATE: December 9, 2019
TO: Tonya Hutson
FROM: Michael Smith
RE: **Design Review – 3409 North Fulton Avenue Garage ADU**

BACKGROUND

In 2015, Mr. Aleksandr Holub applied for the design review of a proposed garage and carport to be located at 3409 North Fulton Avenue. Bill Johnston, the city planner, raised numerous concerns regarding the application and proposed design. His report contained the following recommendations:

- A. The garage shall have a minimum height of 14 feet and shall not exceed the height of the dwelling.
- B. The shingle type shall be slate, cedar or asphalt and shall be 30-year shingles or better.
- C. The size and location of the garage shall be as proposed, but at a minimum in compliance with the zoning ordinance and the Architectural Design Standards.
- D. The garage must be reduced to a maximum of 600 square feet in compliance with *Sec. 93-2-5. - Accessory uses, yard requirements of accessory buildings, outbuildings, and fences.**

**Note the maximum accessory unit area subsection of Sec. 93-2-5 has been updated since the design was first reviewed. The new, more permissive standard shall be used in this review.*

The Design Review Committee approved the application conditioned on the applicant addressing these concerns.

In November of 2019, it was brought to the attention of the City's code enforcement department that the structure was being used as an accessory dwelling unit (ADU) without necessary permits or a certificate of occupancy from the City. Staff determined the structure had not been built in accordance with all of the Design Review Committee's conditions for approval and is therefore not compliant with zoning or the Architectural Design Standards.

Mr. Holub has submitted a new design review application reflecting the structure as-built. To avoid demolition of the structure and continue operating as an ADU, the structure must be brought into compliance with the Architectural Design Standards and the zoning code. The property is zoned R-0 – One-Family Residential – and is within the Neighborhood Conservation Area, Subarea E, of the Architectural Design Standards.

FINDINGS

ARCHITECTURAL DESIGN STANDARDS

Sec. 81-1-7. - Neighborhood conservation area.

(h) *Detached one-family dwellings/two-family dwellings.* In addition to the requirements of subsections (a) through (g), the following shall apply to detached one-family dwellings and two-family dwellings.

4. *Architectural style.* Architecture is one of the most critical components of place, and nowhere is this more evident than on building facades. The design and character of street-facing facades is a reflection of both buildings and their users, and must be carefully considered for its impact on the overall sense of place.

h. *Outbuildings.* In conventional development, outbuildings are often designed and located as an afterthought. Yet in traditional towns and cities, outbuildings serve to enrich the quality of design through their placement, design and use. In Hapeville, where outbuildings are provided on many residential lots, their design must be to the same high standards found in the community's neighborhoods.

The following standards shall apply to construction of new outbuildings in residential districts.

i. On lots with one street frontage, set outbuildings back at least 15 feet behind the front facade of the principal building.

- *Compliant.*

ii. On corner lots, outbuildings should be setback at least 15 feet behind the front facade of the principal building and with a setback greater than or equal to that of the facade along the side lot line.

- *Compliant.*

iii. Outbuilding may be linked to the principal building with covered walks, trellises or enclosed breezeway.

- *Not applicable.*

iv. Outbuildings shall be of compatible material and architectural style to the principal building.

- *The structure is finished with yellow wooden board and batten siding which does not match the red horizontal siding of the principal structure and is therefore not compliant.*
- *The roofing material was not provided in the submitted documentation. Roofing material must match that of the principal structure.*

v. Outbuildings shall have a minimum height of 14 feet and a maximum height of that of the principal building or 25 feet, whichever is less.

- *The outbuilding is 12'-6" high from grade at its highest point, which is 1'-6" below the minimum 14' height and is not compliant.*

vi. Outbuildings shall be set a minimum of ten feet from any other outbuilding on adjoining lots.

- *Compliant.*

ZONING CODE

The accessory structure as built, while not consistent with the conditionally approved plans, now complies with the size requirements of the zoning code for accessory buildings, which are reprinted below:

- (c) Accessory building or outbuilding shall be permitted at the owner's option according to the schedule presented in Table A—Accessory building allowance based on dwelling unit size, or Table B—Accessory building allowance based on lot size.

Table A—Accessory Building Allowance based on Dwelling Unit Size

Dwelling Unit Ground Floor Area in Square Feet	Accessory Building Size based on 40 Percent of Dwelling Unit Ground Floor Area
1,600	640

Table B—Accessory Building Allowance based on Lot Size

Lot Size in Square Feet	Accessory Building Size based on Variable Percentage of Lot Size
8,500	595
10,000	650

- *Per the Fulton County Tax Assessor, the primary dwelling has 1,600 square feet of living area and the lot is 9,275 square feet. The largest permitted accessory building for this property is 640 square feet. The current structure has an area of 437 square feet, which is compliant.*

However, the accessory structure as built is not in compliance with other site and design portions of the zoning code pertaining to accessory structures, which are reprinted below:

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

- (1) An accessory building or structure is a building detached from the principal dwelling on a lot of record, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings shall comply with the following standards and all other applicable regulations of this zoning ordinance and the architectural design standards. Where a conflict exists, the standards of this section shall control.

Special requirements for accessory buildings are as follows:

- (e) Exterior materials, roof pitches, and other design elements must comply with the city architectural design standards.
 - *The design of the accessory building does not comply with the Architectural Design Standards (see above).*
- (h) Accessory buildings, including detached garages, shall be permitted in an R-0, R-AD, R-1, R-2, R-3, R-4, R-5, R-I, R-SF, V, U-V, RMU or C-R Zone, subject to the following limitations:

Placement.

 - (c) *Setback on corner lot.* Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. No accessory building on a corner lot that adjoins a residentially used or zoned

lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.

- *The property is a corner lot. Accessory buildings on corner lots shall be located a minimum of 25' from the rear property line unless adjoining a neighboring parcel's rear yard. The structure is 9' from the rear property line, which adjoins a neighbor's supplemental area, and is not compliant.*

Architectural style and exterior finish.

- (a) *Compatibility with principal dwelling.* Accessory buildings shall be architecturally compatible with the principal dwelling on the lot. The exterior finish of all accessory buildings shall be identical to the exterior finish of the principal dwelling on the lot. In the case of brick dwellings, the exterior finish of the accessory building may be similar to the trim work or other siding materials of the dwelling. Exterior materials, roof pitches and other design elements shall comply with the architectural design standards.
- *The finish of the accessory building does not match that of the principal dwelling (See Architectural Design Standards above).*

Section 93-2-26. - Accessory Dwelling Units (ADU)

An Accessory Dwelling Unit is an accessory building occupied as a residence. Accessory buildings may be occupied as an ADU by another party so long as one of the dwelling units on the property is owner-occupied. The ADU may be occupied by the property owner or rented. The unit must be aesthetically similar to the primary structure. The primary use of the lot must remain single-family, and the lot may not be subdivided nor may the accessory unit be sold separately. In addition to all requirements for accessory structures, the following criteria apply to ADUs:

- a. The property must have an additional parking space beyond the given minimum parking requirements.
 - *The minimum parking requirement for the lot is two parking spaces. The applicant must furnish a third parking space to accommodate the accessory dwelling unit requirements per Code.*

RECOMMENDATIONS

The accessory dwelling has multiple site and design deficiencies that must be addressed to bring the structure into compliance and before a certificate of occupancy for the ADU can be provided by the City. The following items pertain to the Architectural Design Standards and must be resolved to the satisfaction of the Design Review Committee:

1. The structure is finished with yellow wooden board and batten siding which does not match the red horizontal siding of the principal structure and is not compliant.
2. The roofing material was not provided by the applicant. Roofing material must match that of the principal structure.
3. The outbuilding is 12'-6" high from grade at its highest point, which is 1'-6" below the minimum 14' height and is not compliant. The roof must be raised to at least 14'.

In addition, the property and structure violate portions of the City's zoning code. Any items that the applicant will not address must be presented to the Board of Appeals for them to consider approval of variances. The Board of Appeals is bound by hardships created by lot size, shape, and topography or other peculiar conditions. Financial hardships from actions taken by the applicant are not to be considered. The following are zoning code issues that must be addressed:

4. Accessory buildings on corner lots shall be located a minimum of 25' from the rear property line unless adjoining a neighboring parcel's rear yard. The structure is 9' from the rear property line, which adjoins a neighbor's supplemental area, and is not compliant.
5. The minimum parking requirement for the lot is two parking spaces. The applicant must furnish a third parking space to accommodate the accessory dwelling unit.

Should the applicant address the elements that are not compliant from the Architectural Design Standards to the satisfaction of the Design Review Committee, staff recommends approval conditioned on the applicant obtaining all necessary Variances from the Board of Appeals. Should the applicant not address the deficiencies to the satisfaction of the Design Review Committee, the accessory structure must be removed. Likewise, should the Board of Appeals not find in favor of the applicant for a property hardship, the structure must be removed.

CITY OF HAPEVILLE DESIGN REVIEW APPLICATION

SUBMITTAL DATE: November 22, 2019

NOTE: All applications must be typed or neatly printed. Applications or an authorized representative is required to personally appear at the Design Review Meeting to answer questions.

The Design Review Committee meets the third Wednesday of each month. Every attempt will be made to place your application for review on the next month's agenda following the submittal of a completed application with supporting documents; however, that may not always be possible. The City reserves the right to schedule applications as deemed necessary.

Applicant: Aleksander Holub Contact Number: [REDACTED]

Applicants Address: 3409 N Fulton Ave Hapeville

E-Mail Address: [REDACTED] Zoning Classification: MSF

Address of Proposed Work: 3409 North Fulton Avenue

Parcel ID# (INFORMATION MUST BE PROVIDED): 14009500040045

Property Owner: Aleksander Holub Contact Number: [REDACTED]

Project Description (including occupancy type): Construction of a
280-square foot accessory structure

Contractors Name: Aleksander Holub Contact Number: [REDACTED]

Contact Person: _____ Contact Number: _____

I hereby make application to the City of Hapeville, to the Design Review Committee 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 that 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 to. 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 violation thereof.

[REDACTED]
Applicants Signature

11.21.19
Date

Project Class (check one):

☒ Residential ☐ Commercial ☐ Mixed-Use Development

Project Type:

☐ New Commercial Construction ☐ Addition to Existing Commercial Building
☐ Addition to Existing Residential Structure ☒ Accessory Structure
☐ Site Plan, Grading & Landscaping ☐ New Single Family Residential Construction
☒ Other

Total Square Footage of proposed New Construction: 280

Total Square Footage of existing building: 1200

Estimated Cost of Construction: _____

List/Describe Building Materials on the exterior of the **existing** structure: _____

wood siding

List/Describe Building Materials **proposed** for the exterior facade of the new structure: _____

NOTICE

Please be advised that the Community Service Department is here to assist all applicants regarding application procedures, meeting schedules and necessary deadlines. The Community Service Department does **NOT** make any final decisions for the Design Review Committee, Sign Committee, Planning Commission, Board of Appeals or rezoning request to Mayor and Council.

A complete application must be submitted before the Community Service Department will accept an application and forward the same to the appropriate entity.

Building inspections issued by the City of Hapeville are contracted out to State of Georgia Certified Inspectors. These inspectors make the final decisions regarding building, electrical, plumbing and HVAC work completed in the City of Hapeville. The Hapeville Fire Marshal conducts inspections issued through the Community Services Department as needed. Both the Certified Inspectors and Fire Marshal make the final decisions before Certificates of Occupancy's are issued.

Please be advised that the Community Service Department shall not be responsible for your purchasing materials, equipment, items, signs, etc... before you receive final approval by any entity whose approval is required.

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.

(Please Print & Initial)

I Aleksandr Holub swear or affirm that before receipt of an application, I have received this notice and I read and write the English language or I have had someone read and explain this document to me.



DEPARTMENT OF PLANNING AND ZONING

DESIGN REVIEW APPLICATION INSTRUCTIONS AND ACKNOWLEDGEMENT

I, the undersigned, agree that with my signature and submission to the City of Hapeville, I have done the following:

A.P. Read the City of Hapeville's Architectural Design Guidelines and relevant Code sections for my proposed project. The Architectural Design Guidelines may be found here:
https://library.municode.com/ga/hapeville/codes/code_of_ordinances?nodeId=PTIICOOR_CH81ARDEST

A.H. Ensured that my proposed project meets all of the required criteria per the City of Hapeville Code of Ordinances.

A.H. Submitted my application materials in full by the published deadline for review by Staff prior to the Design Review Committee meeting.

A.H. Identified and explained all deficiencies or components of the proposed project that do not meet with the requirements set forth in the Code. This explanation should be submitted as a separate document in the application.

A.H. Understood that any deficiencies in the application must be resolved at least 10 days prior to the Design Review Committee meeting or the application may not be presented to the DRC for review.

A.H. Submitted architectural drawings and details for all projects unless allowed in writing by the Community Services or Planning & Zoning Department.

A.H. Agreed to submit any required revisions by the Design Review Committee with updated drawings to the Community Services Department for review prior to requesting any permits.

A.H. **Understood that builder must follow approved plan and that the Certificate of Occupancy will not be issued until a Design Inspection is performed and Architectural Design Standards are met.**

Habib Aliksanov

Printed Name

Signature

11.21.19

Date

Should you have any questions, please do not hesitate to contact the Community Services Department at 404-669-2120.

Thank you for interest and investment in the City of Hapeville.

Google Maps 3410 N Fulton Ave

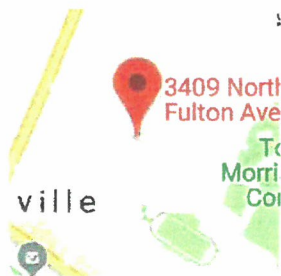


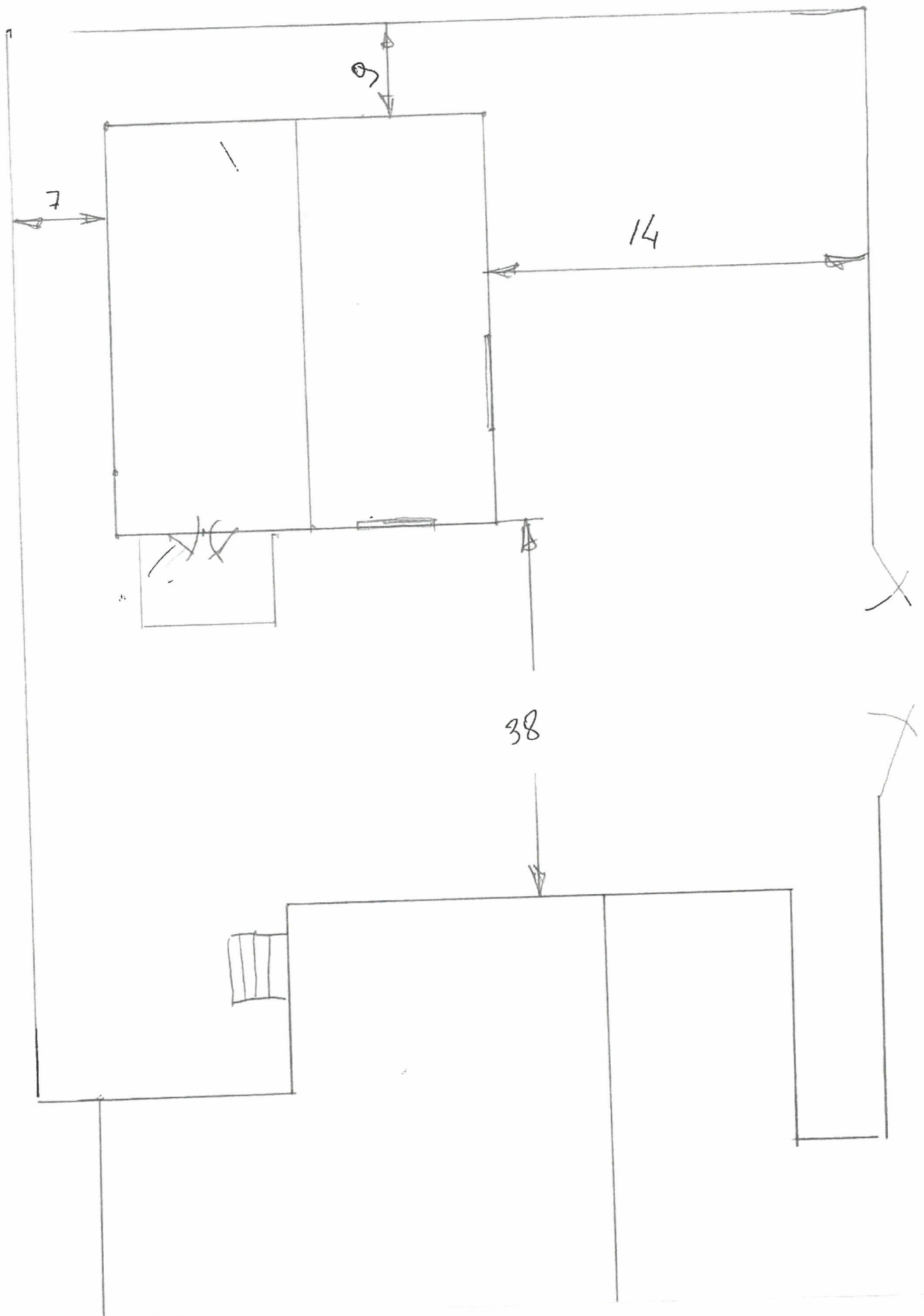
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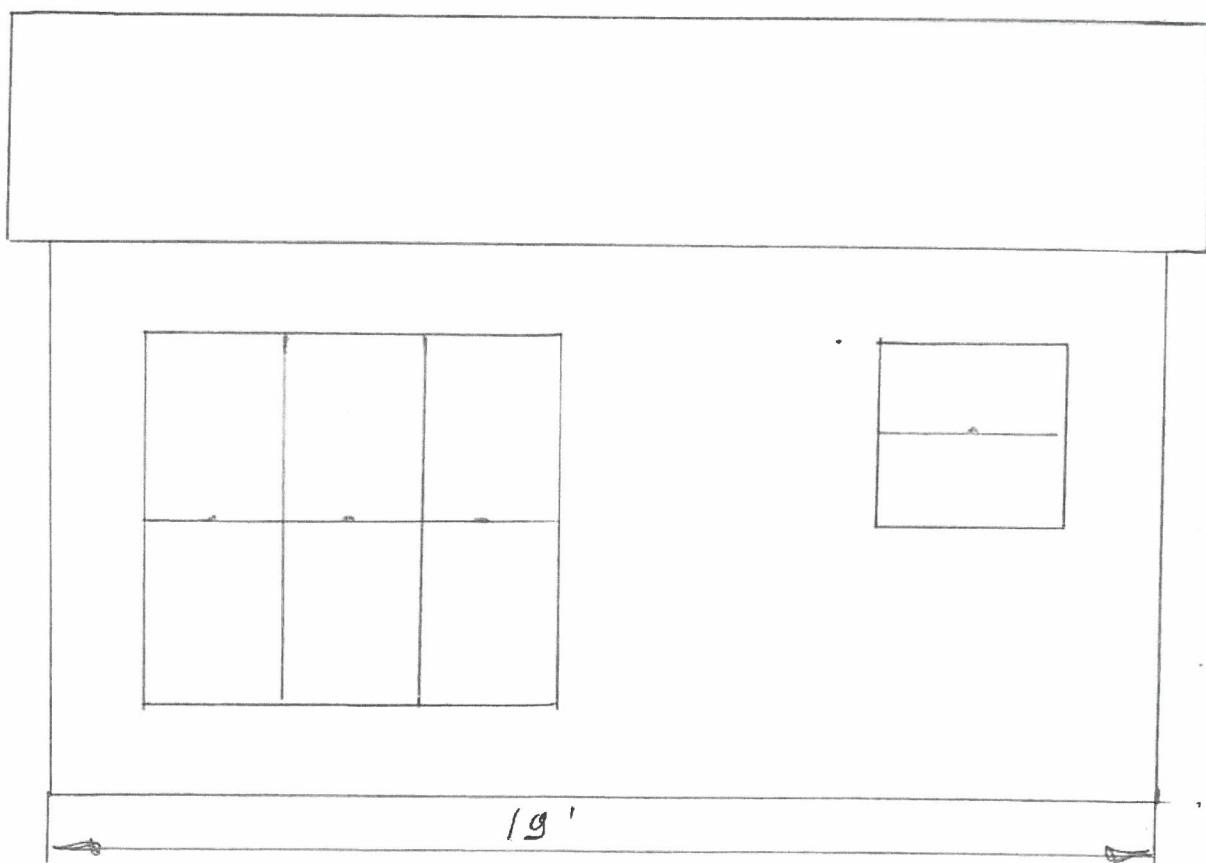
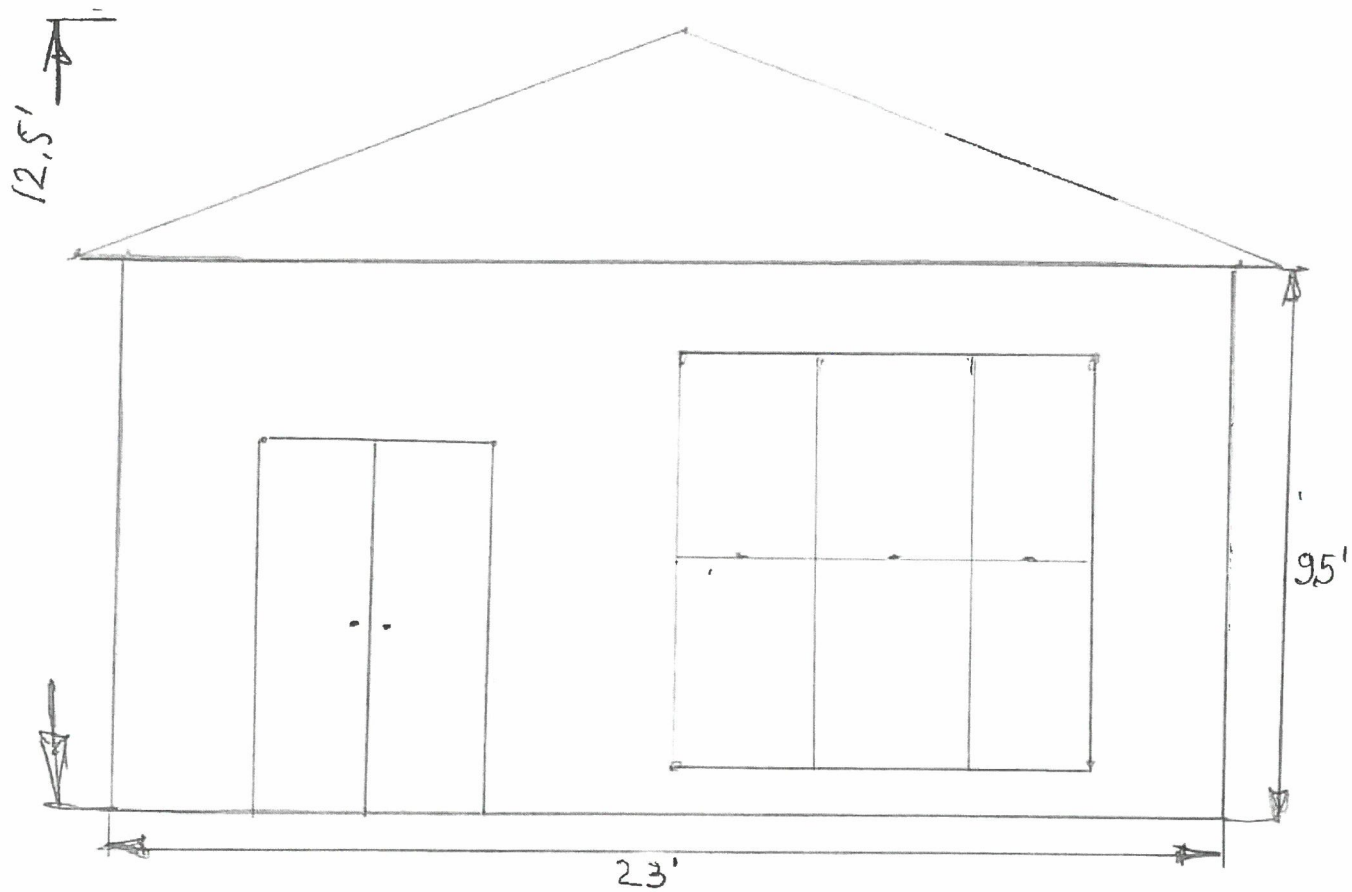
Hapeville, Georgia

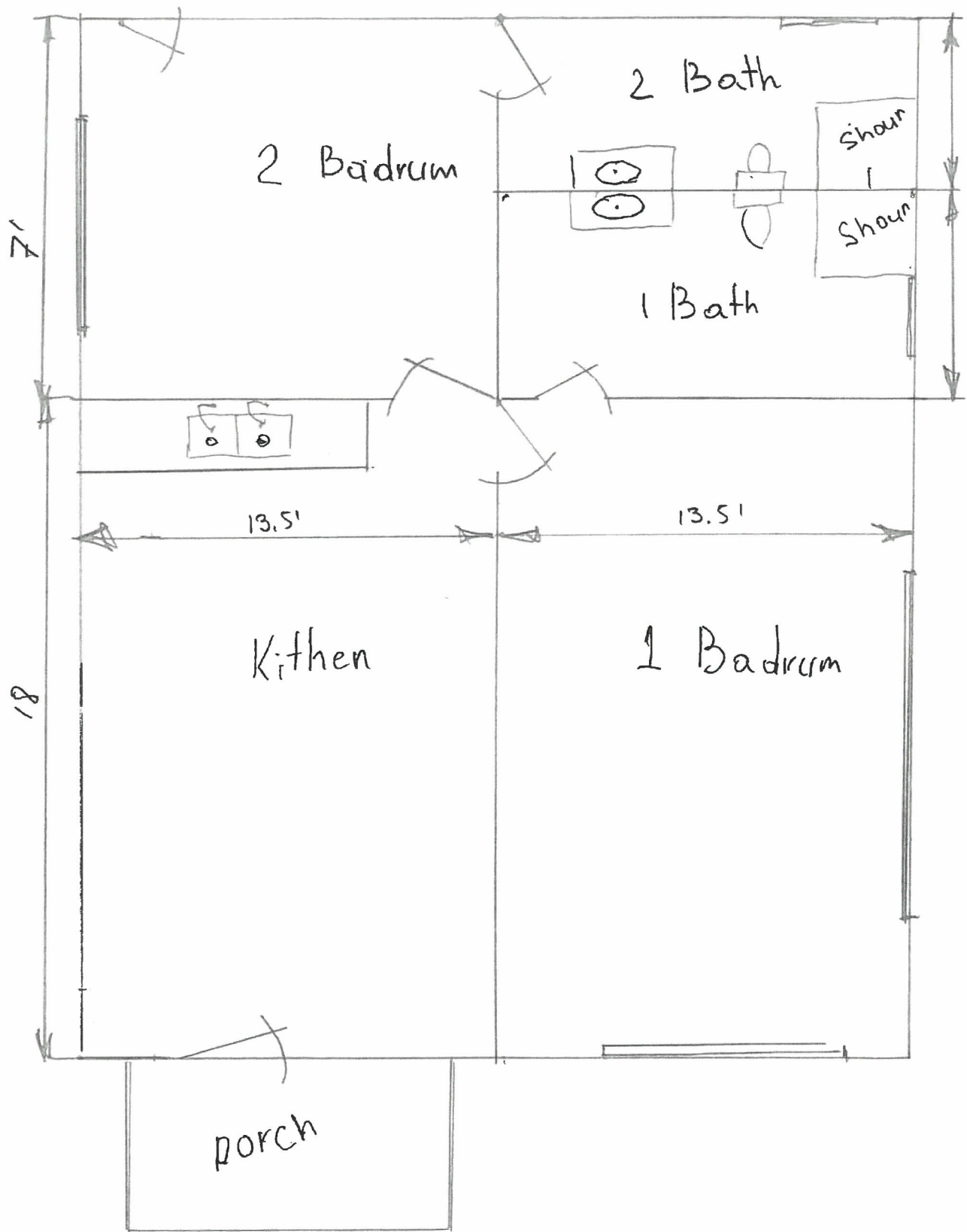
Google

Street View - Dec 2018

























DATE: January 6, 2020
TO: Adrienne Senter
FROM: Michael Smith
RE: Variance Application for 3409 North Fulton Avenue Accessory Structure

BACKGROUND

In 2014, Aliksandr Holub applied for the design review of a proposed garage and carport to be located at 3409 North Fulton Avenue. During his review in 2014, then city planner Bill Johnston raised numerous concerns regarding the application and proposed design. The Design Review Committee approved the plans on the condition that the deficiencies would be addressed prior to construction. However, the accessory structure as built does not reflect the conditions of the DRC and was therefore not constructed in compliance with the City of Hapeville's Zoning Code or Architectural Design Standards. Further, its current use as an accessory dwelling was never permitted. In order to comply with current regulations, Mr. Holub has been instructed to complete the following:

1. Bring the structure and site into compliance with the current Zoning Code and/or request and receive approvals for Variances from the Board of Appeals.
2. Bring the structure into compliance with the Architectural Design Standards based on updated plans approved by the Design Review Committee.
3. Apply for a certificate of occupancy to operate as an accessory dwelling unit.

The applicant met with the Design Review Committee on December 18, 2019 and has indicated his intent to bring the structure itself into compliance with the structural and design requirements of the Zoning code and the Architectural Design Standards with the exception of one condition related to the placement of the structure. Mr. Holub submitted a variance application to the City to reduce the rear yard setback for accessory buildings on corner lots from 25' to 9'. If the variance is not granted, the structure is non-compliant and will need to be removed.

The property is currently zoned R-SF, Residential Single-Family.

CODE

ARTICLE 11.3. - R-SF ZONE (RESIDENTIAL SINGLE-FAMILY)

Sec. 93-11.3-1. - Intent.

The R-SF zone is established in order to protect residential areas currently developed with one-family detached dwellings, and adjoining areas undeveloped, likely to be developed for residential purposes by

allowing single-family homes and prohibiting other uses. The regulations of the R-SF zone are specifically intended to:

- (1) Ensure the best use of the land;
- (2) Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwellings;
- (3) Protect and promote a suitable environment for family life;
- (4) Discourage any use which would generate other than usual residential traffic on minor streets; and
- (5) Discourage any use which, because of its character or size, would create excessive requirements or costs for public service.

ARTICLE 2. - GENERAL PROVISIONS

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

- (1) An accessory building or structure is a building detached from the principal dwelling on a lot of record, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings shall comply with the following standards and all other applicable regulations of this zoning ordinance and the architectural design standards. Where a conflict exists, the standards of this section shall control.

Special requirements for accessory buildings are as follows:

- (e) Except as herein provided, the minimum yard requirements of section 93-22.1-1 of this chapter also apply to accessory buildings. However, accessory buildings may be located in rear yards within five feet of a rear or side lot line. In addition to these yard requirements, the horizontal separation of accessory buildings from the dwelling on the same lot and the horizontal separation of accessory buildings from dwelling on adjacent lots shall comply with standards in Table C—Distance from dwelling for very large accessory buildings. All distances shall be measured from outside wall to outside wall.

Table C—Distance from Dwelling for Very Large Accessory Buildings

Percent of dwelling unit ground floor area	Distance from dwelling
40 percent	10 feet
50 percent	30 feet
60 percent	50 feet
70 percent	70 feet
80 percent	80 feet

90 percent	90 feet
100 percent	100 feet

- (g) Accessory buildings, including detached garages, shall be permitted in an R-0, R-AD, R-1, R-2, R-3, R-4, R-5, R-I, R-SF, V, U-V, RMU or C-R Zone, subject to the following limitations:

Placement.

- (c) *Setback on corner lot.* Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. ***No accessory building on a corner lot that adjoins a residentially used or zoned lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.***
- (d) *Distance from dwelling and other accessory buildings.* All accessory buildings must be located a minimum of ten feet from the principal dwelling and all other accessory buildings on the lot or on neighboring lots. This distance shall be measured from outside wall to outside wall.

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;

Per the applicant, the distance between the existing principal structure and the rear property line is approximately 66'. The structure itself is 23' long. Were the structure 25' away from the property line as required, there would be 18' of separation between the principal dwelling and the accessory structure, which is compliant.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

The structure has been built along the same plane as a previously existing structure on the property. In 2014, the applicant was granted approval by the city planner and the Design Review Committee to build the accessory structure at the same distance of 9' from the property line as the previous structure. The code was amended in 2015 to add the 25' corner lot setback requirement for

accessory buildings. While several structural details of the final construction differed from the approved plans and the Code, the placement of the structure relative to the property line was completed in compliance with the then approved plans.

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

Currently, the structure backs up to an extended front yard and driveway and is far removed from the adjacent dwelling. If the adjacent lot were ever redeveloped, the closest the new dwelling could be to the accessory structure would be 14', greater than the minimum distance between two buildings and the combined minimum setbacks for dwellings. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

RECOMMENDATION

The applicant has not demonstrated an inherent unnecessary hardship imposed by the conditions of the lot. However, the placement of the structure was done in accordance with the City's setback requirements at the time, which did not have any additional setback requirement for accessory buildings on corner lots. The structure was built along the same plane as a pre-existing structure, and had the applicant built the structure in accordance with the approved plans, would now be legal non-conforming. Relief would not cause substantial detriment to the public good or impair the purpose and intent of this chapter. Staff recommends approval of the Variance.



3409 North Fulton Avenue

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 01/07/2020.

A handwritten signature in blue ink, appearing to read "K. Martin", is written over a solid black horizontal line.A stylized handwritten signature in blue ink is written over a solid black horizontal line.

Subscribed and sworn to before me this January 7, 2020



**NOTICE
City of Hapeville
Board of Appeals Meeting**

There will be a Board of Appeals on Thursday, January 23, 2020 in the City of Hapeville Municipal Court Annex located at **700 Doug Davis Drive, Hapeville, Georgia 30354** at 6:00 PM to consider the following requests:

Variance Request:

Variance request to reduce the required minimum rear yard setback for an accessory structure located on a corner lot from 25' to 9' at 3409 North Fulton Avenue, Parcel Identification Number 14-0095-0004-004-5. The property is zoned R-SF, Residential-Single Family, and is subject to the zoning regulations under Section 93-2-5 of the City of Hapeville Zoning Ordinance.

Applicant: Alikssandr Holub

#0000448331:01/07-1EP



**Department of Planning and Zoning
Planner's Report**

DATE: January 9, 2020
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Administrative Variance**

BACKGROUND

Per Sec. 87-3-3(a), the City of Hapeville provides a process for applicants to obtain a variance from the provisions of the zoning chapter "as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of [the zoning] chapter will, in an individual case, result in unnecessary hardship." The power to grant a variance rests with the Board of Appeals, and in every case where a variance is requested, one must file a \$350 application and present the case before the Board at a monthly public meeting.

In some limited cases of minor or routine variances, staff recommends an administrative variance option which would provide applicants with a simpler route for review, evaluation and approval of a variance. The text amendment below would introduce the power for the City Planner to grant Administrative Variances of up to 20% of the stated dimensional requirements for a use or structure, or 10% of stated dimensional requirements for a sign. Such decisions shall follow a rigorous set of standards and any given decision will be given in the form of a detailed report explaining the Planner's rationale. Should an applicant disagree with the decision, they may appeal to the Board of Appeals in the standard manner for variance consideration.

CODE

ARTICLE 1

Create a new section:

Sec. 93-1-3.1 – Administrative Variances

The City Planner shall have the authority to provide variances in accordance with Sec. 87-3-3(a) without an official appeal to the Zoning Board of Appeals in accordance with the provisions of this section.

1. *Purpose.* For the purposes of this section, carrying out the strict letter of a provision of this Chapter may cause a practical difficulty and an administrative variance is permitted to alleviate these practical difficulties

2. *Standards.* To approve an application for an administrative variance, the City Planner shall make an affirmative finding that the following standards are met:
 - a. For variances to Article 3.3, Division 1 - *Signs*, the standards contained in [the sign ordinance variance section] shall apply.
 - b. For all other variances, the general variance standards contained in Sec. 87-3-3(a)(2). – *Variances* shall apply.
3. *Extent of variances.*
 - a. The Planner shall have the authority to approve an administrative variance for no more than twenty (20%) of the specified mathematical measurement of the Chart of Dimensional Requirements (Sec. 93-22.1-1) or of any measurements provided directly for any zoning district or overlay.
 - b. Administrative variances for signs and murals governed by Article 3.3 – Signs and Murals shall be for no more than 10% of any height, width, or area requirement. Variances shall not be granted for number or type of sign.
 - c. Use variances are not permissible under this code section.
4. *Procedures.*
 - a. An application for an administrative variance shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are addressed.
 - b. The City shall give at least 15 days' public notice of an application for an Appeal, during which time no decision shall be made on the application.
 - c. Within 30 days, the City Planner shall review the application and approve, approve with conditions or deny the application based upon the criteria of 93-1-3.1(2). A written decision including affirmative findings on the criteria above shall be provided to the applicant.
 - d. For any applications seeking a variance related to site plans, subdivisions or other matters reviewed by the Planning Commission, as part of the regular Planner's report, the City Planner shall present his/her recommendation to the Planning Commission regarding an administrative variance and reasons for approval or denial to the Commission. The Commission shall then make a recommendation to Staff regarding the variance and approve or deny the plan based upon the administrative variance sought. .
 - e. In all other cases, the City Planner shall present his/her decision regarding an administrative variance stating reasons for approval or denial directly to the applicant, which shall be considered the final decision.
5. *Limitations.*
 - a. An administrative variance shall become null and void unless a Certificate of Zoning Compliance and/or building permit is obtained and work is commenced within one year from the date of approval.
6. *Appeals.*
 - a. An appeal from any final decision of the City Planner as to any matter regarding an administrative variance may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board or commission of the city.