



BOARD OF APPEALS

700 Doug Davis Drive
Hapeville, GA 30354

January 27, 2022 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

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

3. Election of Officers

- 3.I. Election of Chairman
Election of Vice Chairman

4. Minutes of December 16, 2021

- 4.I. Approval of Minutes
1. Minutes - 12-16-2021_draft

5. Public Hearing

- 5.I. 816 South Central Avenue Variance Request

Background:

David Hewitt is requesting approval of a variance to increase the square footage of two wall signs at 816 South Central Avenue, Parcel Identification Numbers 14 0098 0008 034 5. The property is zoned V, Village and is subject to the zoning regulations under Section 93-3.3-17 (Sign standards by sign district) of the City of Hapeville Zoning Ordinance.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 816 S. Central Avenue_Sign Variance_Redacted
2. Plans - 816 S. Central Avenue_Variance
3. Planners Report 816 S Central Ave Board of Appeals Sign SF increase

- 5.II. 781-819 North Central Avenue Variance Request

Background:

North & Central Venture Partners, LLC is requesting a variance to reduce the right of way setback on Stillwood Drive from 15' to 10' for the properties located at 781 North Central Avenue, 789 North Central Avenue, 0 North Central Avenue, 803 North Central Avenue, 809 North Central Avenue, 813 North Central Avenue and 819 North Central Avenue, Parcel Identification Numbers 14-0098-0011-011-8, 14-0098-0011-012-6, 14-0098-0011-013-4, 14-

0098-0011-014-2, 14-0098-0011-015-9, 14-0098-0011-018-3. The properties are zoned V, Village and are subject to the zoning regulations under Sections 93-22.1-1 and 93-11.5 of the City of Hapeville Zoning Ordinance.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 781-819 N. Central Avenue_Variance
2. Plans - 781-819 N. Central Avenue - Site PlanV2
3. Planners Report 781 to 819 N Central Board of Appeals

5.III. 609-627 College Street (Pod B) Variance Request

Background:

D.R. Horton, Inc. is requesting a variance to reduce the required 15' buffer at 627 College Street, 609 College Street, 613 College Street, and 623 College Street, Parcel Identification Numbers 14-0098-0020-036-4, 14-0098-0020-037-2, 14-0098-0020-038-0, 14-0098-0020-052-1. The properties are zoned RMU, Residential Mixed Use and are subject to the zoning regulations under 93-11.5.6 of the City of Hapeville Zoning Ordinance.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 609-627 College Street (Pod B) - Variance_Redacted
2. Plans - 609-627 College Street (Pod B) - Variance
3. Planners Report DR Horton 15' buffer reduction POD B BOA Revised

5.IV. 3608-3622 Georgia Ave., 3619- 3637 Union Ave (Pod D) Variance Request

Background:

D. R. Horton, Inc. is requesting a variance to reduce the required 15' buffer at 3608 Georgia Avenue, 3614 Georgia Avenue, 3618 Georgia Avenue, 3622 Georgia Avenue, 3637 Union Avenue, 3627 Union Avenue, 3618 Union Avenue, Parcel Identification Numbers 14-0097-0008-011-4, 14-0097-0008-010-6, 14-0097-0008-009-8, 14-0097-0008-008-0, 14-0097-0008-0004-9, 14-0097-0008-003-1, 14-0097-0008-002-3. The properties are zoned RMU, Residential Single Family and are subject to the zoning regulations under 93-11.5.6 of the City of Hapeville Zoning Ordinance.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 3608-3614 Georgia, 3619-3637 Union Avenue_Variance_Redacted
2. Plans - 3608-3622 Georgia, 3619-3637 Union Ave._Variance
3. Planners Report DR Horton 15' buffer reduction POD D BOA

5.V. 3636-3654 Union Ave., 511-579 Chestnut Street (Pod F) Variance Request

Background:

D.R. Horton, Inc. is requesting a variance to reduce the required 15' buffer at 3636 Union Avenue, 0 Union Avenue, 3644 Union Avenue, 3650 Union Avenue, 3654 Union Avenue, 579 Chestnut Street, 0 Chestnut Street, 573 Chestnut Street, 511 or 573 Chestnut Street, 569 Chestnut Street, 567 Chestnut Street, 565 Chestnut Street, Parcel Identification Numbers 14-0096-0002-026-9, 14-0096-0002-025-1, 14-0096-0002-024-4, 14-0096-0002-023-6, 14-0096-0002-022-8, 14-0096-0002-032-7, 14-0096-0002-020-2, 14-0096-0002-016-0, 14-0096-0002-015-2, 14-0096-0002-045-5, 14-0096-0002-013-7, 14-0096-0002-012-9. The properties are zoned RMU, Residential Single Family and are subject to the zoning regulations under 93-

11.5.6 of the City of Hapeville Zoning Ordinance.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 3636-3654 Union Ave., 511-579 Chestnut St._Buffer Variance_Redacted
2. Plans - 3636-3654 Union, 511-579 Chestnut St - Variance
3. Planners Report DR Horton 15' buffer reduction POD F BOA (002)

6. Next Meeting Date - February 24, 2022 at 6PM

7. Adjourn



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

Board of Appeals Meeting

**700 Doug Davis Drive
Hapeville, Georgia 30354
December 16, 2021 6:00 PM**

MINUTES

1. Called to Order at 6:00 PM.

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of October 28, 2021

MOTION ITEM: John Stalvey made a motion, Jason Morris seconded to approve the minutes of October 28, 2021, as submitted. Motion Carried: 4-0.

4. Public Hearing

4.I. 551 Woodrow Avenue

Variance Requests

Background:

Garrett Coley requested a variance to reduce the west side yard setback from 5' to 3.6' for the property located at 551 Woodrow Avenue, Parcel Identification Number 14-0094-0002-033-7. 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.

The proposed project is a renovation and addition to an existing dwelling. The existing dwelling sits in the setback on the west side by approximately 1.4'. The addition will be within the required minimum setback and is otherwise compliant with zoning. However, as no nonconforming use may expand its building footprint in any way, the project cannot proceed without a variance.

Recommendation:

The Planning Commission and staff recommendation is to grant the variance, as requested.

Public Comments: None.

MOTION ITEM: Rod Mack made a motion, Melanie Williams seconded to approve the variance request for 551 Woodrow Avenue, as requested. Motion Carried: 4-0.

4.II. 400 Porsche Avenue

Variance Requests

Background:

Jesse Treuden on behalf of APORT, LLC requested a variance to allow parking between the building and the front property line at 400 Porsche Avenue, Parcel Identification Number 14 0096 LL0585. The property is zoned B-P, Business Park and is subject to the zoning regulations under Section 93-18-5 (2) b of the City of Hapeville Zoning Ordinance.

The property is being developed as a commercial and retail financial institution including drive through and customer access to the retail portion of the financial institution. The majority of parking is placed behind the building.

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;

Shape: The property is a “flag lot” with a narrow neck opening to Porsche Drive. The building has been placed approximately 400’ from the front property line. There will be a long driveway, landscaping and other properties between the parking and the front property line.

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

The use of the property includes a retail operation for which the user desires to have customers easily access. The depth of the lot minimizes the visibility of cars parked from the street which is the intent of the ordinance. The prominence of the building, given its scale and location meet the intent. The application of this chapter would not allow for any greater visibility of the building, but would rather create a hardship for retail customers who would experience difficulty identifying and accessing the retail component.

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

The conditions requested are particular to this property given its shape and depth from the front property line.

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

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

RECOMMENDATION

Planning Commission and staff recommendation is to grant the variance, as requested.

Public Comment: None.

MOTION ITEM: Jason Morris made a motion, John Stalvey seconded to grant the variance requests for 400 Porsche Avenue, as requested. Motion Carried: 4-0.

4.III. 3602 S. Fulton Ave., 647-651 Chestnut St., 3617-3633 Georgia Ave. Variance Request Background:

D.R. Horton, Inc. requested a variance to reduce the required open space from 20 percent to 13.8 percent at 3602 S. Fulton Avenue, 647 Chestnut Street, 651 Chestnut Street, 3633 Georgia Avenue, 3627 Georgia Avenue and 3617 Georgia Avenue, Parcel Identification Numbers 14-0098-0021-048-8, 14-0098-0021-047-0, 14-0098-0021-052-0, 14-0098-0021-051-2, 14-0098-0021-049-6, 14-0098-0021-050-4. The properties are zoned RMU, Residential Mixed Use and are subject to the zoning regulations under Section 93-11.5-10 of the City of Hapeville Zoning Ordinance.

The applicant requested to withdraw the application.

No further action taken.

5. Next Meeting Date – January 27, 2022 at 6 PM

6. Adjourn

MOTION ITEM: Melanie Williams made a motion, John Stalvey seconded to adjourn the meeting at 6:15 p.m. Motion Carried: 4-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

22-BOA-01-03

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

Name of Applicant David Hewitt
Mailing Address 816 S. Central Ave. Hapeville, GA 30354
Telephone 404-630-2068 Mobile # _____ Email [REDACTED]
Property Owner (s) David Hewitt
Mailing Address 1294 Hosea L. Williams Atlanta, GA 30317
Telephone 404-630-2068 Mobile # _____
Property Address/Location: 816 S. Central Ave. Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009800080345
Square Foot of Property _____ Building Size 2-story Zoning Village
Present Land Use Mixed use / Restaurant
Variance Requested Signage
Applicable Code Section 93 3.3

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered 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. 16-10-10 and I may be prosecuted for a violation thereof.

David Hewitt
Applicant's signature

Date: Jan 4th 2022

Sworn to and subscribed before me

This 4th day of Jan, 20 22.

[Signature]
Notary Public



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

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

SEE ATTACHED SUPPORTING DOCUMENT

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.

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

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

AUTHORIZATION OF PROPERTY OWNER

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

816 S. Central Ave. 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

David Hewitt

Address of Applicant

1294 Hosea L. Williams Atlanta, GA 30317

Telephone of Applicant

404-630-2068



Signature of Owner

David Hewitt

Print Name of Owner

Personally Appeared Before Me this 4th day of Jan, 2022.

Notary Public



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 mixed use / restaurant concept sits on a triangular lot (The only such lot I'm aware of in Hapeville) which gives it good visibility as a structure but less to the walls that the signs are to be applied.

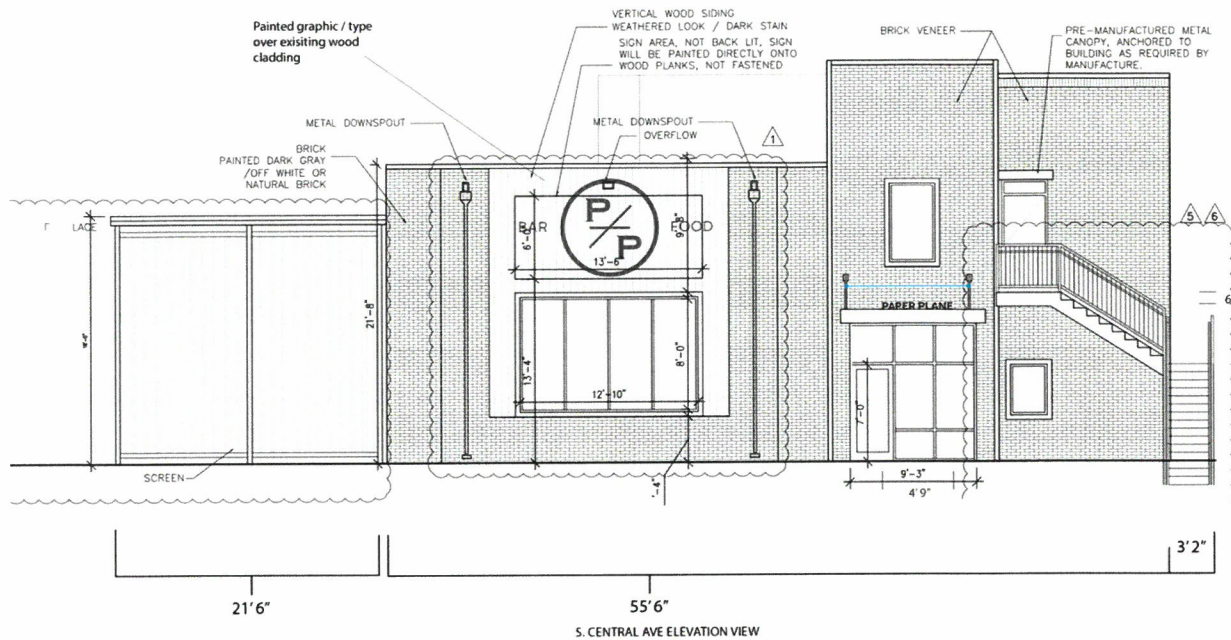
The intended use of the development is for mixed-use (ie. dine-in, take-out, and private event)

S. Central Ave: This facade is tall and the sign 'canvas' is aesthetically vertical in nature. The "Paper plane" mark is proportionately square to work that allows it to harmonize with the tall vertical nature of the building however consequently challenged by a square footage method of calculation that favors logo-type marks that are long in width and short in height.

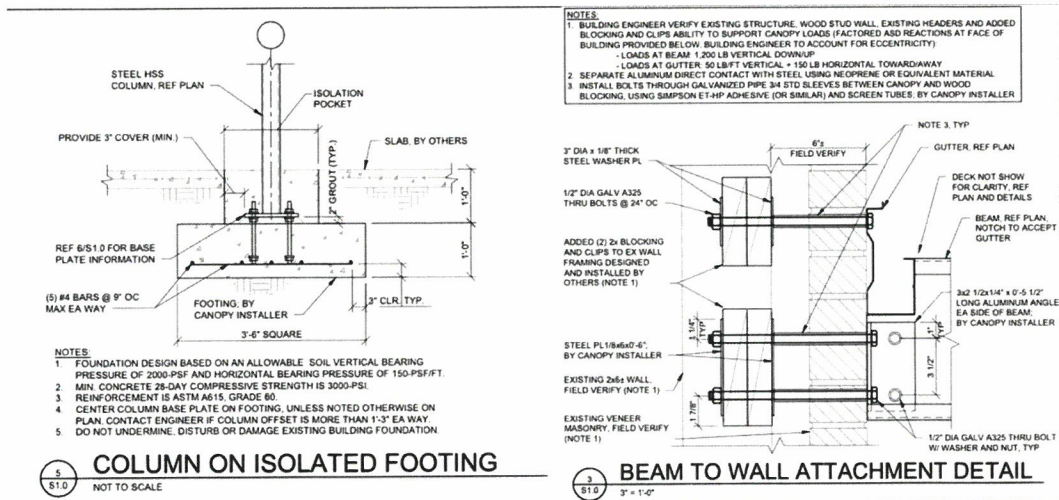
The building design was styled to embrace the industrial heritage of the former gas station and railroad tracks while bringing a sense of craftsmanship to the space (and food). The design for the signage is meant to evoke an industrial artisan feel and purposely avoided a mass commercial approach (straight line backlite bubble letters).



The original design for the signage included the slatted walls from the two adjoining canopies, however those dimensions (ie. 77' linear ft vs. 55' 6" for S. Central Ave sign façade) are not currently being considered into the calculation for the available square footage of sign space, hence the sign permit rejection for S. Central Ave. and Willingham Drive facades.



Important to note, the canopies are permanent extensions of the building (not a makeshift or separate structure) and two are structurally tied to the brick walls, and framing with their own 3x3' concrete footings. See below engineering detail on structural footings and attachment to brick building and framing.



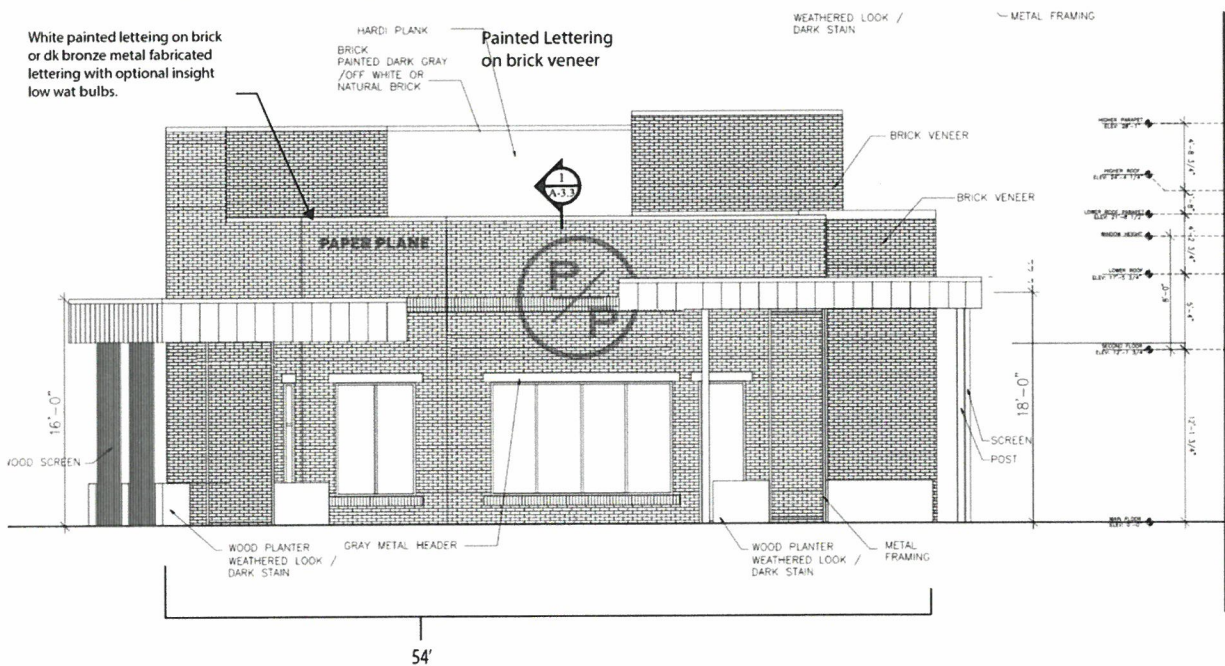
Note, The S. Central Ave facade sign design has been included in the plans dated Oct 2020.

1. Visually, a smaller logo would 'float' on the wall instead of being tied to the wood cladding as intended (S. Central Ave View). In essence, it would look like a mistake and not in proportion to either street level views.
2. Without the words 'Bar or Food' as descriptors, it becomes difficult to communicate the establishment is a restaurant or pub style eatery.
3. Also, the sized down version would not line up to the gooseneck lights already installed.
4. The existing roof scupper provides an additional challenge as it cuts off / obscures any lettering that would overlay it. (size down the logo and it gets covered up, size and move it down and it is no longer in the light and clearly positioned too low)
5. Considerable effort to redesign the mark / application with low confidence of the outcome meeting a professional design standard.



In the below Willingham Dr. View, the main design challenge is presented by the intersection of the two canopy roofs. There is also an angular kant to the building that breaks the plane of the sign. The center point is visually above the main glass window grouping. Going any smaller with the mark makes it less legible and can collide with the two existing light sconces protruding from the wall. Visually the white on beige (low contrast) visually offsets the size along with the airiness of the mark. The P/P mark is meant to compliment the name and be treated more as a 'water mark'. If sq. footage remains an issue perhaps it be received by the committee as a mural noting logos and graphic marks can be included in the definition of a mural per the ordinance.

Ref: section 3.3 Definitions: Mural. A large picture or image which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

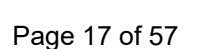


Explain how these conditions are peculiar to the particular piece of property involved.

It's a one of a kind lot with a unique nod to a former gas station that could not be salvaged due to its condition and lack of structural integrity. The canopies help retain some of the original gas station however provide its own challenge with logo placement and visibility, especially set on a triangular lot (angular approach and view to Willingham roadside). The business is multi-concept (2 menus plus event/rental space) so signage is increasingly important for guest navigation and recognition especially with four main entryways across three sides of the building and parking on three sides. In all proposed recommendations the design meets the spirit of the sign ordinances while keeping in character of the building design and purpose. Such ordinances can not account for artistic nuance while dealing with challenging site conditions hence my respectful request for a sign variance.

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

None.





Department of Planning & Zoning
PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 816 S Central Ave
DATE: January 18, 2022

BACKGROUND

The City of Hapeville has received a variance application from David Hewitt to allow an increase in the allowable sign area for two wall signs at 816 S Central Avenue. By Code, wall signs are restricted to 1 SF/LF of building façade with a maximum width of 50% of the façade width.

Wall Sign 1

The east facing façade is shown as 54' wide. The east facing wall sign including all elements is proposed at 72 SF (96" x 108"). This exceeds the allowable 54 SF per Code by 33.3%. The width of all sign elements is 260" or 21.6', is allowable.

Wall Sign 2

The north facing façade is shown as 55' 6". The north facing wall sign is shown in the application as including all elements to be 59.31 SF (90" x 90" + 23" x 7" + 40" x 7"). This exceeds the allowable 55.5 SF per Code by 6%. The wide of all sign elements is 19.67', which is allowable.

The property is currently zoned V, Village, and is subject to the Neighborhood Sign District.

RELEVANT CODE

ARTICLE 3.3. - SIGNS AND MURALS

Sec. 93-3.3-1. - Statement of purpose and intent.

(a) This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in the city are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
- (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
- (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
- (4) To regulate the installation and placement of signs in order to provide safe operating conditions for pedestrians and motorists by eliminating unsafe, cluttered, distracting, or illegal signs.

- (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area.
- (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.

(b) It is the intent of this division to:

- (1) Provide functional flexibility, encourage variety and relate signage to basic principles of good design.
- (2) Balance the rights of individuals to convey messages through signs and the right of the public to be protected against the unrestricted proliferation of signs by regulating signs on the basis of such factors as design, height, spacing, and location, but not on the basis of the content of any message conveyed thereby.
- (3) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
- (4) Promote economic development.
- (5) Ensure the fair and consistent enforcement of sign regulations.

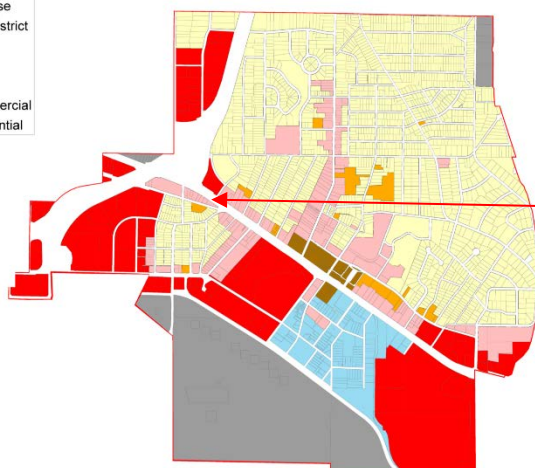
Sec. 93-3.3-2. - Definitions.

Primary facade. The exterior wall of the building most nearly parallel to widest street on which the building fronts.

Secondary facade. Any exterior wall of a building that is most nearly parallel to an adjoining street that is not the primary facade. A secondary facade may also be to the rear of the primary facade and may adjoin a parking lot rather than a street. The end elevation of a building shall also be considered a secondary facade.

Sec. 93-3.3-2-1. - Sign district map.

City of Hapeville Sign Ordinance: Sign District Map
December 2019



Subject Property, 816 S Central



Sec. 93-3.3-4. - Permit application submission, requirements, decision, and appeal.

(d)Appeal. An applicant who is dissatisfied by a decision of the city planner on the application for a sign permit has the right to appeal that decision. Any such appeal shall occur under the following procedures:

(1)The applicant shall deliver a written notice of appeal to the city planner within 14 calendar days of his or her receipt of the notice of the decision. In the event that that no appeal is made within the 14-day period, the decision of the city planner shall become final. In the event that an appeal is filed, the city planner shall promptly transmit to the board of appeals all documents constituting the record upon which the decision appealed from was made.

(2)The board of appeals shall:

- a.Hold a hearing on any timely filed appeal no more than 30 days after the notice of appeal was received; and
- b.Make its final determination of the appeal not more than 30 days after the date of such hearing.

The review by the board of appeals shall be limited to a determination of whether or not the decision of the city planner was clearly erroneous.

Sec. 93-3.3-5. - Variances for signs in this division.

(a) Variance. The board of appeals shall judge a request for a variance from the terms of this division based on the following criteria:

- (1) All existing permitted signs and structures on the subject property are in conformance with this division; and**
- (2) The topography adjacent to the roadway is such that a sign conforming to the physical standards of this ordinance will not be visible to passing traffic in the same manner as signs of other similar establishments.**

(b) Financial loss to the appellant is not sufficient grounds by itself to justify a variance.

(c) Peculiar conditions or circumstances that are the result of actions of the current or former owner of the property covered by the application cannot be considered as grounds to justify a variance.

(d) The authority to erect and maintain additional signs as may be permitted under any such variance shall terminate upon the subdivision of the lot for which such variance was granted. Any appeal of the decision of the board of appeals shall be taken to the county superior court by a petition for a writ of certiorari.

Sec. 93-3.3-17. - Sign standards by sign district.

(7) Neighborhood commercial.

a. Permitted sign types and regulations for signs in the neighborhood commercial sign district include:

6. Wall signs.

b. Other than window signs, the total number of signs in this district shall not exceed two signs of any allowed type for the primary facade and one sign of any allowed type for each secondary facade.

c. The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.

Neighborhood commercial			
	Pole sign/monument sign	Projecting sign	Wall sign
Maximum height	6 feet	Not above roofline	
Maximum width	4 feet	4 feet	50% of façade width
Maximum area	20 square feet	10 square feet	1 SF/LF of building or tenant façade
Maximum	1	1/ primary	1/ primary
Number		facade; 1/ secondary facade	facade; 1/ secondary facade

FINDINGS

There are two methods in which the applicant may request a decision from the Board of Appeals. The first is a claim that the planner was in error in determining conformity with the Code (Sec. 93-3.3-4). In the variance application, the applicant has proposed the larger sign stating that “the original design for the signage included the slatted walls from the two adjoining canopies”. This proposed inclusion of the vertical slats would only apply to the north facing façade and does not impact the excess square footage for the east facing façade. The planner’s decision regarding the width is that the vertical decorative elements from the canopies are not considered part of the façade (an exterior wall of the building). The applicant did not appeal the Planner’s decision.

The applicant is requesting a variance instead. This appeal falls under section 93-3.3-5 whereas the board of appeals shall judge a request for a variance from the terms of this division based on the following criteria (planner’s evaluation in italics):

- (1) All existing permitted signs and structures on the subject property are in conformance with this division;

There are no permitted signs currently on the subject property.

- (2) The topography adjacent to the roadway is such that a sign conforming to the physical standards of this ordinance will not be visible to passing traffic in the same manner as signs of other similar establishments.

The applicant provided a number of arguments to support the variance request in the variance application, but has not established that the increased size is required for visibility because of topography. Topography is defined as the surface configuration of a place or region, including elevations and positions of the physical features. The applicant has not demonstrated nor can the planner identify any significant elevation changes that would impact a sign’s visibility to passing traffic. The rationale presented in the application in support of the variance mainly centers on the proportionality and style.

RECOMMENDATION

As the applicant has not provided justification based upon the Code requirements to support a variance for the increased square footage for both signs, Staff cannot recommend approval of the variance request.

22-BOA-01-06

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

Name of Applicant North & Central Venture Partners, LLC
Mailing Address 1954 Airport Road, Suite 242, Chamblee, GA 30341
Telephone 470-486-7996 Mobile # NA Email scott@harrisonatl.com
Property Owner (s) W.E. Norton Sr.
Mailing Address 790 South Central Avenue, Hapeville, GA 30354
Telephone _____ Mobile # _____
Property Address/Location: 781- 819 North Central Avenue, Hapeville (see attached)
Parcel I.D. # (INFORMATION MUST BE PROVIDED): See attached
Square Foot of Property 171,694 Building Size 110,000 Zoning V (village)
Present Land Use Residential & Office
Variance Requested Reduction of building height & Reduction of R.O.W. setback *MV*
Applicable Code Section Section 93-11.5 - Height Regulations
Section 93-11.2 & 3 - Front Yard/Side Yard (setback) *MV*

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.

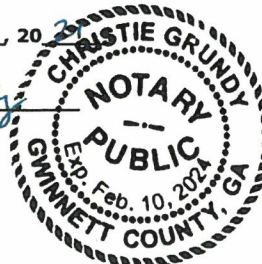
Applicant's signature

Date: 10/14/21

Sworn to and subscribed before me

This 14th day of October, 2021

Christie Grundy
Notary Public



The following are the addresses and parcels included for the proposed development at 781-819 North Central Avenue.

14-009800110118 – 781 North Central Avenue
14-009800110126 – 789 North Central Avenue
14-009800110134 – 0 North Central Avenue (no address provided)
14-009800110142 – 803 North Central Avenue
14-009800110159 – 809 North Central Avenue
14-009800110183 – 813-819 North Central Avenue

**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.

Building Height

Allowed – 35' from front slab and 2 ½ stories

Proposed – 44' from front slab and 3 stories

There are a variety of extraordinary and exceptional conditions that dictate an increase in building height. First, the significant grade change from North to South prevents the development of the northern section of the property due to drainage complications, alley maximum slopes for fire-truck access, accessibility requirements, and sewer inverts.

Additionally, this slope in conjunction with the irregular shape of the site creates poor layouts for a courtyard-oriented townhome development in keeping with master plan design standards desirable to the Hapeville community and City.

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

The application of this ordinance and related constraints would require townhome sizes to be significantly reduced and, in certain locations, homes would be unable to meet the 1,000 square foot minimum size without reduction of the allowable density. Likewise, these townhomes would not meet the community's needs for 3 and 4 bedrooms homes. Finally, given the commercial nature of North Central Avenue and the minimal site adjacencies to single-family residential, a three level townhome is in keeping with the North Central Commercial/Mixed-Use Corridor and the design objectives of the Hapeville community.

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

These conditions are peculiar to this property given the lack of proximity of single family neighborhoods along North Central Avenue corridor and the City's design goals coupled with Commercial/Mixed-Use district objectives.

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

We understand there to be no detriment to the public good if the variance was granted. Additionally, This proposed height change would not have an adverse impact upon adjacent neighborhoods.

**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.

Setback reduction on Stillwood Drive

Required Setback – 15'-0" from ROW

Proposed Setback – 10'-0" from ROW

There are a variety of extraordinary and exceptional conditions that necessitate a reduction in the ROW along Stillwood Drive. Due to the significant grade change from North to South and a floodplain area, the development is constrained to the southern portion of the property significantly reducing the developable area. The excessive topography at the Northern end of the property is also detrimental to accessibility requirements, maximum slope requirements for fire-truck access, and sewer inverts. Additionally, the slope in conjunction with the irregular shape of the site creates compromised layouts for a courtyard-oriented townhome development in keeping with the master plan design standards desirable to the Hapeville community and City.

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

The 15'-0" setback along with site hardships listed above would be a detriment to maximizing the amount of visitor and resident parking spaces desired by the City and neighborhood. This parking is important to alleviate on-street parking overflow along Sims Street and Stillwood Drive. Additionally, the façade design incorporates multiple setbacks and porches within the townhome façade groupings to create the dynamic and authentic aesthetic desired by the City. Allowing for a reduced setback will provide the necessary dimensions to accommodate this treatment and enhance the street/building relationship.

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

These conditions are peculiar to this property given the street and ROW adjacency along three sides (North Central, Sims Street and Stillwood Drive) rather than one or two frontages with many properties of similar size. Unlike rear and side yard setbacks, the zoning standards for the front setbacks have more stringent requirements for grade relationships that must be upheld and take additional space to execute successfully. Three ROW frontages combined with significant topography and a floodplain constraint are unique to this property.

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

We understand there to be no detriment to the public good if the variance was granted. Additionally, this proposed ROW reduction would not have an adverse impact upon adjacent neighborhoods.

Note the existing curb locations will remain along Stillwood Avenue. These curbs relate to the original 40'-0" ROW. The expanded 50'-0" ROW coupled with a 15'-0" setback will create a curb to building setback wider than typically found.

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

AUTHORIZATION OF PROPERTY OWNER

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

781-819 North Central Avenue

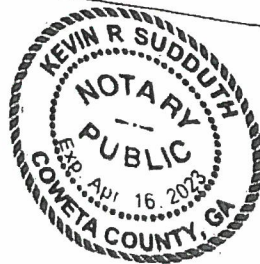
City of Hapeville, County of Fulton, State of Georgia

**WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE
APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF
A VARIANCE FOR THE PROPERTY.**

Name of Applicant

Address of Applicant

Telephone of Applicant



[Handwritten Signature]

Signature of Owner

W. E. HORTON, SR.

Print Name of Owner

Personally Appeared Before Me this 19TH day of OCTOBER, 2021

Kenneth Suleg
Notary Public

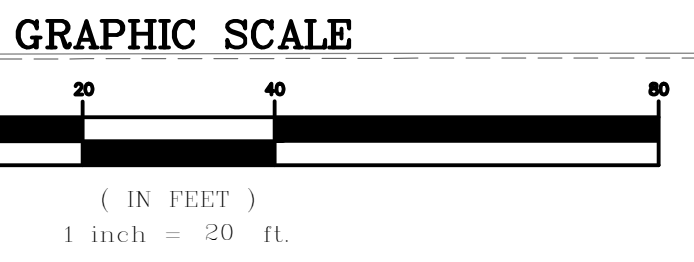
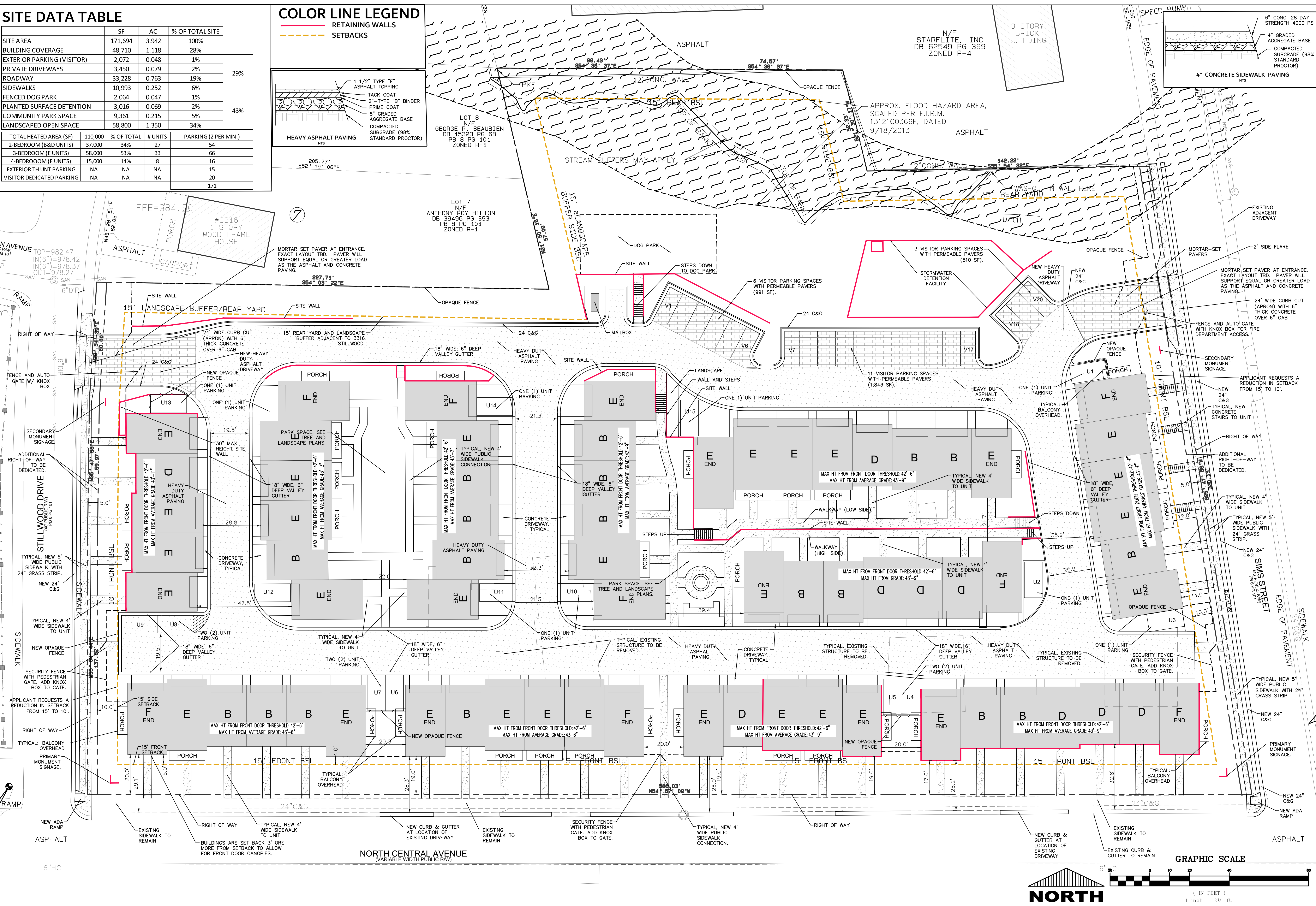
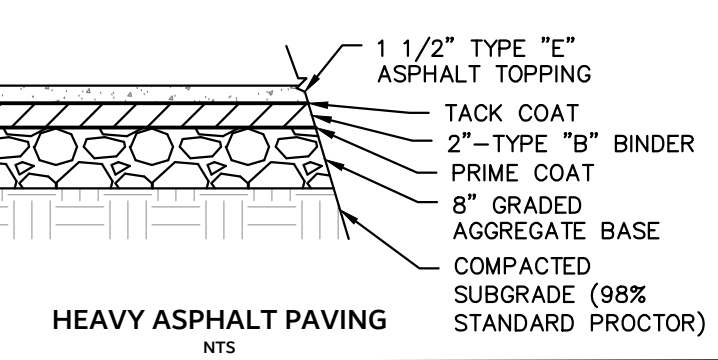
SITE DATA TABLE

	SF	AC	% OF TOTAL SITE
SITE AREA	171,694	3.942	100%
BUILDING COVERAGE	48,710	1.118	28%
EXTERIOR PARKING (VISITOR)	2,072	0.048	1%
PRIVATE DRIVEWAYS	3,450	0.079	2%
ROADWAY	33,228	0.763	19%
SIDEWALKS	10,993	0.252	6%
FENCED DOG PARK	2,064	0.047	1%
PLANTED SURFACE DETENTION	3,016	0.069	2%
COMMUNITY PARK SPACE	9,361	0.215	5%
LANDSCAPED OPEN SPACE	58,800	1.350	34%

TOTAL HEATED AREA (SF)	110,000	% OF TOTAL	# UNITS	PARKING (2 PER MIN.)
2-BEDROOM (B&D UNITS)	37,000	34%	27	54
3-BEDROOM (E UNITS)	58,000	53%	33	66
4-BEDROOM (F UNITS)	15,000	14%	8	16
EXTERIOR TH UNIT PARKING	NA	NA	NA	15
VISITOR DEDICATED PARKING	NA	NA	NA	20
				171

COLOR LINE LEGEND

RETAINING WALLS
SETBACKS



NORTH

STIPULATION FOR USE AND REUSE
THIS DRAWING IS THE PROPERTY OF FLIPPO CIVIL DESIGN, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF FLIPPO CIVIL DESIGN, INC. ANY REUSE OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF FLIPPO CIVIL DESIGN, INC. SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO FLIPPO CIVIL DESIGN, INC.

OWNER INFO
NORTH & CENTRAL VENTURE PARTNERS, LLC
1000 AIRPORT RD, SUITE 240
CHAMBLEE, GA 30341
SCOTT HARRISON
SCOTT@HARRISONATL.COM
404.293.9940

SEAL

CIVIL ENG./APPLICANT

FLIPPO CIVIL DESIGN
PAUL FLIPPO, P.E.
ATLANTA, GEORGIA 30309
C-404.293.9940
E-PAUL@FLIPPOCIVIL.COM

NORTH CENTRAL TOWNHOMES
781-819 NORTH CENTRAL AVENUE
LAND LOT 98, 14th DISTRICT
FULTON COUNTY, GA

MARK	DESCRIPTION	DATE
1	PLANNING	10/11/2021
2	COMMISSION	10/20/2021
3	DR. CIRCUMITAL	12/06/2021
4	REVISION	
5		

SITE PLAN

NOT RELEASED FOR CONSTRUCTION

C-01

SITE DATA TABLE

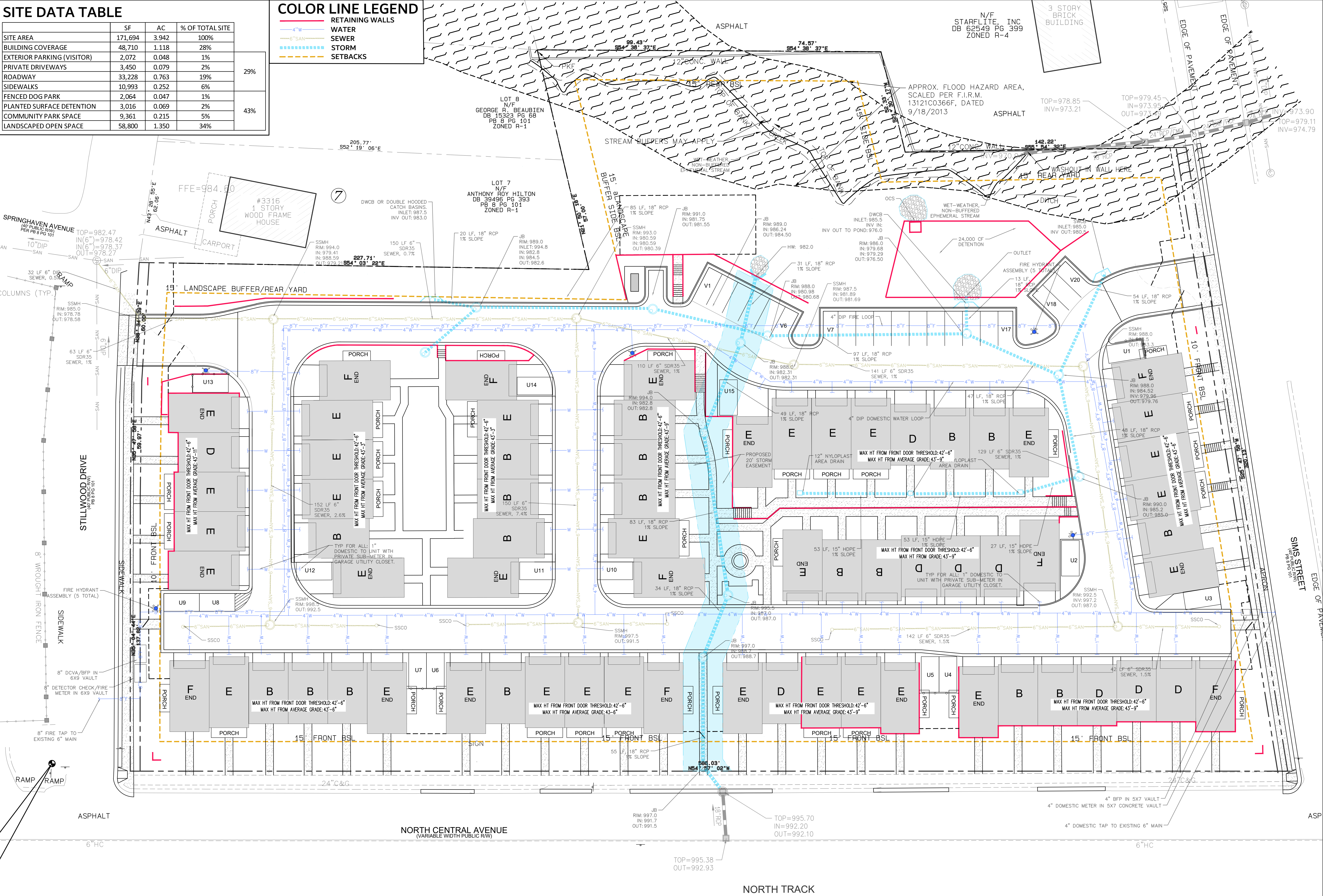
	SF	AC	% OF TOTAL SITE
SITE AREA	171,694	3.942	100%
BUILDING COVERAGE	48,710	1.118	28%
EXTERIOR PARKING (VISITOR)	2,072	0.048	1%
PRIVATE DRIVEWAYS	3,450	0.079	2%
ROADWAY	33,228	0.763	19%
SIDEWALKS	10,993	0.252	6%
FENCED DOG PARK	2,064	0.047	1%
PLANTED SURFACE DETENTION	3,016	0.069	2%
COMMUNITY PARK SPACE	9,361	0.215	5%
LANDSCAPED OPEN SPACE	58,800	1.350	34%

29%

43%

COLOR LINE LEGEND

- RETAINING WALLS
- WATER
- SEWER
- STORM
- SETBACKS



STIPULATION FOR USE AND REUSE

OWNERS INFO

SEAL

CIVIL ENG./APPLICANT

FLIPPO CIVIL DESIGN

NORTH CENTRAL TOWNHOMES

781-819 NORTH CENTRAL AVENUE

LAND LOT 98, 14TH DISTRICT

FULTON COUNTY, GA

MARK	DATE	DESCRIPTION
1	10/11/2021	PLANNING
2	10/20/2021	COMMISSION
3	12/06/2021	DRG. SUBMITAL
4		REVISION
5		

STORMWATER AND UTILITY PLAN

NOT RELEASED FOR CONSTRUCTION

C-03

SITE DATA TABLE

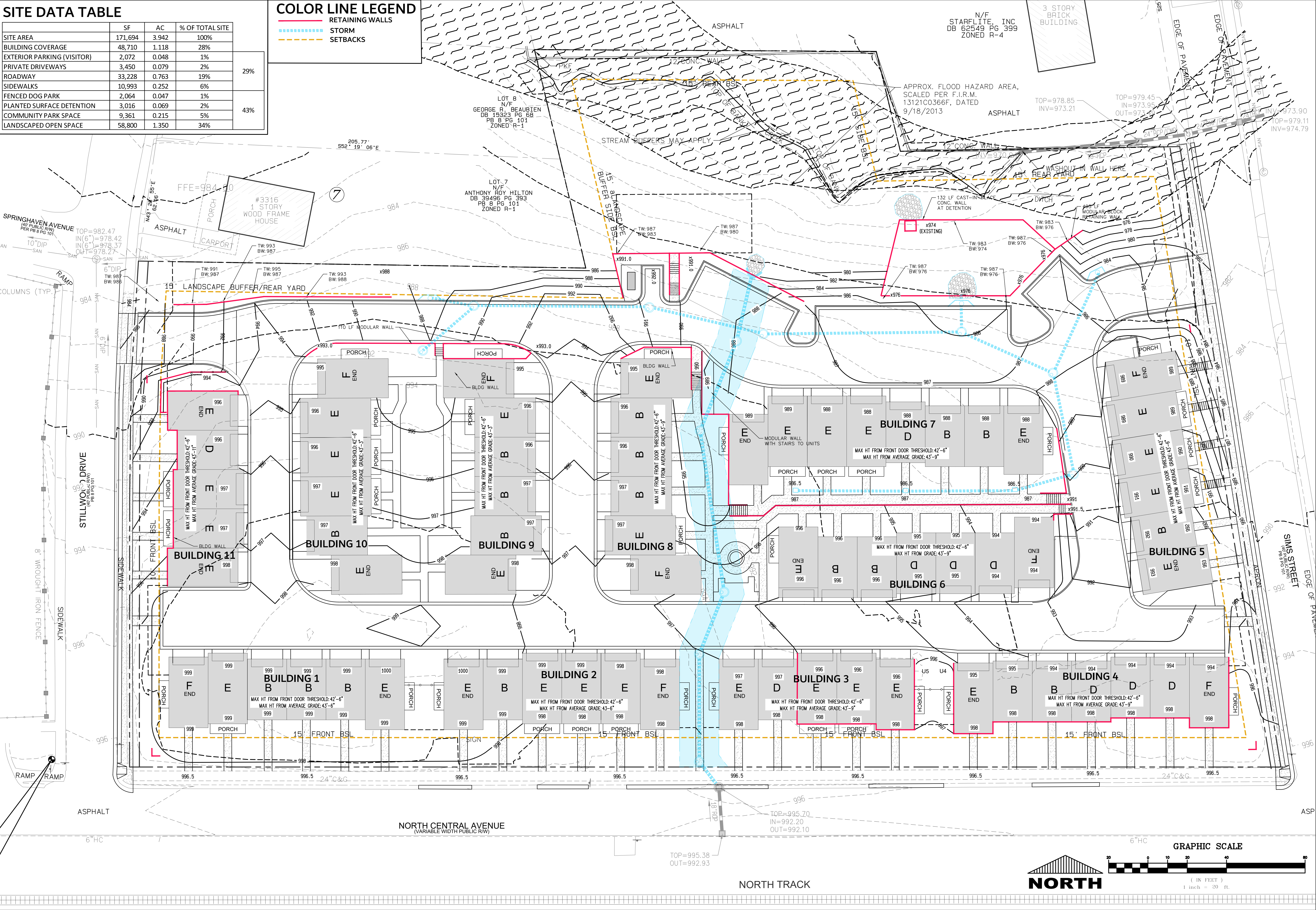
	SF	AC	% OF TOTAL SITE
SITE AREA	171,694	3.942	100%
BUILDING COVERAGE	48,710	1.118	28%
EXTERIOR PARKING (VISITOR)	2,072	0.048	1%
PRIVATE DRIVEWAYS	3,450	0.079	2%
ROADWAY	33,228	0.763	19%
SIDEWALKS	10,993	0.252	6%
FENCED DOG PARK	2,064	0.047	1%
PLANTED SURFACE DETENTION	3,016	0.069	2%
COMMUNITY PARK SPACE	9,361	0.215	5%
LANDSCAPED OPEN SPACE	58,800	1.350	34%

29%

43%

COLOR LINE LEGEND

- RETAINING WALLS
- STORM
- SETBACKS



STIPULATION FOR USE AND REUSE
THIS DRAWING IS THE PROPERTY OF FLIPPO CIVIL DESIGN, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF FLIPPO CIVIL DESIGN, INC. ANY REUSE OF THIS DRAWING FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF FLIPPO CIVIL DESIGN, INC. SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO FLIPPO CIVIL DESIGN, INC.

OWNER INFO
NORTH & CENTRAL VENTURE PARTNERS, LLC
1554 AIRPORT RD. SUITE 240
CHAMBLEE, GA 30341
SCOTT HARRISON
SCOTT@HARRISONATL.COM
404.293.7999

SEAL



CIVIL ENG./APPLICANT

FLIPPO
CIVIL DESIGN
PAUL FLIPPO
1554 AIRPORT RD. SUITE 240
CHAMBLEE, GA 30341
C-404,293,3940
E-PAUL@FLIPPOCIVIL.COM

NORTH CENTRAL TOWNHOMES
781-819 NORTH CENTRAL AVENUE
LAND LOT 98, 14th DISTRICT
FULTON COUNTY, GA

MARK	DATE	DESCRIPTION
INITIAL	10/11/2021	PLANNING
1	10/20/2021	COMMISSION
2	12/06/2021	DRG. UMBITAL
3		REVISION
4		
5		

GRADING PLAN

NOT RELEASED FOR CONSTRUCTION

C-02



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

DATE: January 19, 2022
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 781-819 N Central Avenue
(Parcel Numbers 14-0098-0011-011-8, 14-0098-0011-012-6, 14-0098-0011-013-4, 14-0098-0011-014-2, 14-0098-0011-015-9, 14-0098-0011-018-3)

BACKGROUND

The City of Hapeville has received a variance application from the North & Central Venture Partners, LLC to reduce the right of way setback on Stillwood Drive from 15' to 10' for the properties located at 781 North Central Avenue, 789 North Central Avenue, 0 North Central Avenue, 803 North Central Avenue, 809 North Central Avenue, 813 North Central Avenue and 819 North Central Avenue, Parcel Identification Numbers 14-0098-0011-011-8, 14-0098-0011-012-6, 14-0098-0011-013-4, 14-0098-0011-014-2, 14-0098-0011-015-9, 14-0098-0011-018-3.

The properties are zoned V, Village and are subject to the zoning regulations under Section 93-11.5 of the City of Hapeville Zoning Ordinance.

During the lot consolidation process, the City required an additional 5' right of way along Stillwood Drive be dedicated to the City in conformance with the desire to achieve a 50' right of way on Stillwood Drive per Subdivision Standards Sec. 90-1-3. - General requirements and minimum standards of design.

The project is a 68 unit townhome development along North Central Avenue comprising a portion of the western gateway of the LCI Plan (2017).

The applicant received conditional approval for the Site Plan from the Planning Commission on January 11, 2022 and conditional approval from the Design Review Committee on January 19, 2022 with a recommendation to grant the requested variances as the City has created the hardship.

CODE

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed,

public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The property is located at the intersection of North Central, Stillwood Drive, and Sims Street. The property is roughly rectangular in shape with a sizable portion on the north side of the site which includes a significant topographical drop, a wet weather ephemeral stream, and a flood hazard area. This area is unbuildable.

The City has required an additional 5' of right away along Stillwood Drive to meet the 50' right of way standard for minor and collector streets. This City requirement has reduced a portion of the buildable lot.

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

As the City requirement reduces the buildable area, the application of this chapter creates an unnecessary hardship to the developer.

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

This particular property, because of its topographical and ephemeral stream conditions and the desire by the City to secure additional right of way along Stillwood to potentially accommodate a widening of Stillwood at North Central at some point is peculiar 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 would not cause substantial detriment to the public.

RECOMMENDATION

The Planning Commission and staff recommendation is to grant the variance for the reduced setback requested above.

PODB

22-BDA-01-04

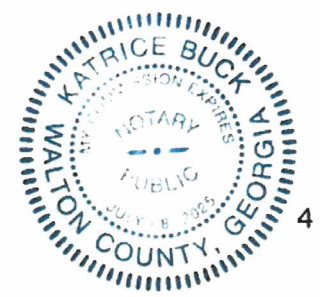
**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant D.R. Horton, Inc.
Mailing Address 1371 Dogwood Drive, Conyers, GA 30012
Telephone _____ Mobile # [REDACTED] Email tdhogan@drhorton.com
Property Owner (s) CML Hapeville LLC
Mailing Address 3 Northside Pky, NW, Bldg. 400-100, Atlanta, GA 30327
Telephone 404-846-4010 Mobile # _____
Property Address/Location: 627 College, 609 College, 613 College, 623 College
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14009800200364, 14009800200372, 14009800200380, 14009800200521
Square Foot of Property 44,362 Building Size _____ Zoning RMU
Present Land Use Single Family Homes
Variance Requested Applicant requests 1,447 SF for a transitional buffer variance as required for properties abutting properties zoned for single family use.
Applicable Code Section Sec. 93-11.5.6

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature
Date: 12/16/2021

Sworn to and subscribed before me
This 16th day of December, 2021
[Signature]
Notary Public



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

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

The property line that is adjacent to the existing single family residential properties gets wider on the subject property side towards the rear of the subject property.

This therefore increases the need for the variance as the property narrows in order to provide the buffer as required by ordinance.

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

The application of the ordinance to this piece of property would create an unnecessary hardship. The developer would have to decrease the number of units and adjust the location of the planned driveway.

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

The property line of this location is peculiar in that it changes as the property gets deeper.

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

There will be no detriment to the public good if this variance is granted. As a way to further provide screening for adjacent property owners applicant agrees to landscape the area with a vegetative buffer.

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

AUTHORIZATION OF PROPERTY OWNER

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

609, 613, 623, and 627 College St., Hapeville, GA

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

D.R. Horton, Inc.,-Tiffany Hogan

Address of Applicant

1371 Dogwood Drive, SW, Conyers, GA 30012

Telephone of Applicant

[REDACTED]

Signature of Owner

CML Hapeville LLC
Print Name of Owner

Personally Appeared Before Me this 20th day of December, 2021.

Regina F. Hodges
Notary Public

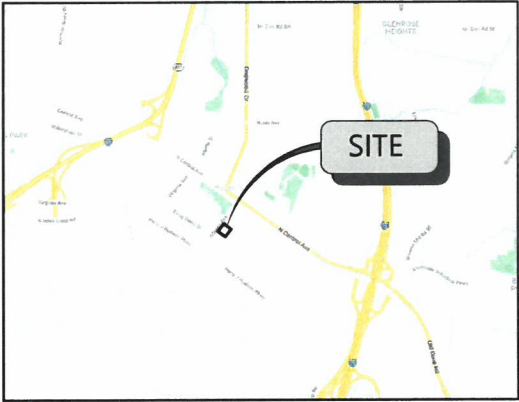
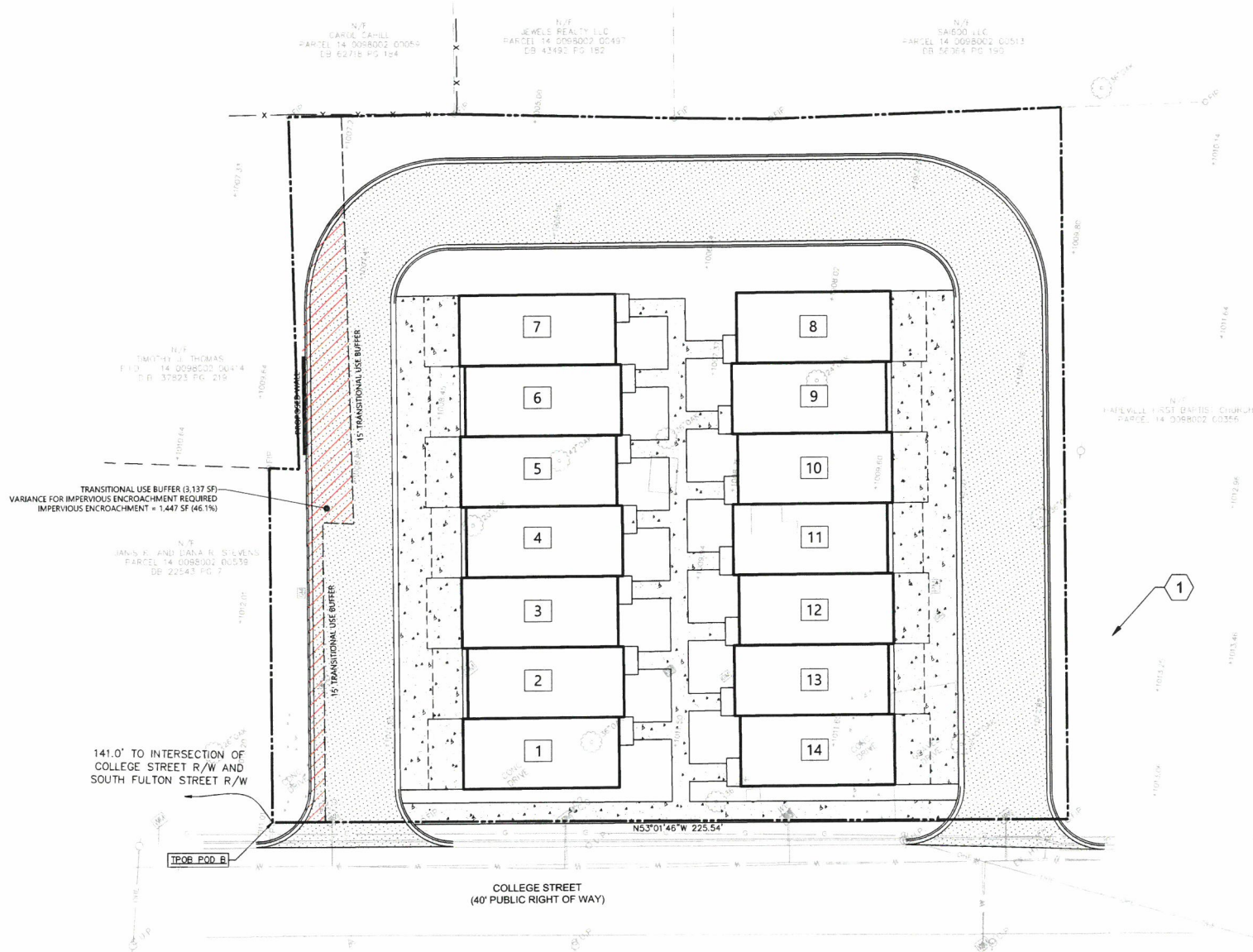


POD B

All that tract or parcel of land lying and being in the City of Hapeville, Land Lot 98 of the 14th District of Fulton County, Georgia, containing 44362 square feet (1.018 acre), more or less, and being more particularly described as follows:

Commencing at the intersection of the northern right-of-way of College Street and the eastern right-of-way of South Fulton Street; thence 141.00 feet along the right-of-way of College Street to an iron pin, being the TRUE POINT OF BEGINNING; thence leaving said right-of-way North 36 degrees 38 minutes 18 seconds East, 100.50 feet to an iron pin; thence South 50 degrees 54 minutes 22 seconds East, 8.40 feet to a point; thence North 35 degrees 32 minutes 01 seconds East, 100.00 feet to an iron pin; thence South 53 degrees 36 minutes 58 seconds East, 47.10 feet to an iron pin; thence South 51 degrees 44 minutes 52 seconds East, 62.03 feet to an iron pin; thence South 52 degrees 20 minutes 55 seconds East, 27.54 feet to an iron pin; thence South 55 degrees 02 minutes 28 seconds East, 32.31 feet to a point; thence South 55 degrees 02 minutes 28 seconds East, 49.84 feet to a point; thence South 36 degrees 32 minutes 54 seconds West, 201.81 feet to a point on the northern right-of-way of College Street; thence along said right-of-way North 53 degrees 01 minutes 46 seconds West, 225.54 feet to the TRUE POINT OF BEGINNING.

Said property being a combination of Fulton County Georgia Parcels 14 0098002 00521, 14 0098002 00380, 14 0098002 00372, 14 0098002 00364, as shown on a plat of survey by Atwell, LLC, dated 10/12/2021, and certified by John Mark Dunlap, Georgia RLS #3142.



VICINITY MAP
NTS

SITE LEGEND	
EXISTING PROPERTY LINE	PARKING SPACE COUNT
EXISTING RIGHT-OF-WAY	SIGN
EXISTING SETBACK LINE	LIGHT POLE
PROPOSED RIGHT-OF-WAY	GROUP OF FOUR GUARD POSTS
PROPOSED SETBACK LINE	DUMPSTER PAD
100 YEAR FLOOD PLAIN	TRANSFORMER PAD
18" CURB AND GUTTER	PROPOSED SIGNAL
24" CURB AND GUTTER	GRATE INLET
PROPOSED RETAINING WALL	STORM MANHOLE
CROSS WALK	DOUBLE WING CATCH BASIN
STOP BAR (PAVEMENT MARKING)	SINGLE WING CATCH BASIN
TRAFFIC FLOW ARROW (PAVEMENT MARKING)	AREA INLET
"YIELD" (PAVEMENT MARKING)	OUTLET CONTROL STRUCTURE
DIRECTIONAL ARROWS (PAVEMENT MARKING)	HEADWALL
"ONLY DIRECTIONAL ARROWS" (PAVEMENT MARKING)	SANITARY SEWER MANHOLE
HANDICAP STALL	CONCRETE
CONCRETE WHEEL STOP	STANDARD DUTY PAVING
A.D.A. STD HANDICAP RAMP	HEAVY DUTY PAVING
	OVERLAY EXISTING PAVEMENT

SITE DATA

POD B	1.01 AC
POD B OPEN SPACE REQU	N/A
POD B DENSITY	14 UN (14 UN/AC)
PRODUCT TYPE	20'W X 54'D (TOWNHOME)

NOTE:
1. ALL UNITS WILL UTILIZE ROLL OUT TRASH BINS.
2. PROPOSED DEVELOPMENT WILL UTILIZE A CENTRAL MAIL KIOSK.

ZONING CLASSIFICATION

JURISDICTION:	CITY OF HAPEVILLE
ZONING:	RMU (MIXED USE)
ADJACENT ZONING:	RMU (MIXED USE)

BUILDING REQUIREMENTS

FRONT	0' MIN / 15' MAX
SIDE	0'
REAR	0'
MAX BUILDING HT	3-STORIES / 45 FT
PROPOSED BUILDING SIZE	20'W X 54'D (TOWNHOME)

PARKING SUMMARY

PARKING REQUIREMENTS	1 SP / UN
----------------------	-----------

GENERAL SITE NOTES

- THE PROJECT IS FOR PROPOSED IN-ILL DEVELOPMENT OF RESIDENTIAL TOWNHOMES WITHIN HAPEVILLE. THE DEVELOPER HAS A LETTER OF INTENT TO PURCHASE A TOTAL OF APPROXIMATELY 8.3 ACRES TO BE BROKEN UP INTO PODS A THROUGH F FOR DEVELOPMENT. DESIGN FOR THE SUBJECT PROPERTIES WOULD OCCUR LATE 2021 AND EARLY 2022, WITH ANTICIPATED CONSTRUCTION LATER IN 2022.
- EACH UNIT WILL HAVE INDIVIDUAL GARBAGE ASSOCIATED WITH IT.
- STORMWATER MANAGEMENT WILL BE PROVIDED FOR EACH POD IN ACCORDANCE WITH THE GEORGIA STORMWATER MANUAL GUIDELINES AND WILL BE CONTAINED VIA UNDERGROUND STORAGE.



Call before you dig.
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY AND HAVE NOT BEEN INDENTIFICATION VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND ASSUME TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PREPARE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXEMPTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OR PERSONS INJURED BY THE WORK OR ANY NEARBY STRUCTURES OF OR ANY OTHER PERSONS.

COPYRIGHT © 2021 ATWELL LLC NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF ATWELL LLC.

24 HOUR EMERGENCY CONTACT
JASON BRAGA
470-771-0829



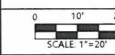
ATWELL
866.850.4200 www.atwell-group.com
1255 LAKES LANE, SUITE 120
LAWRENCEVILLE, GA 30043
CERTIFICATE OF AUTHORIZATION
GA RF008684

LL 98, 14TH DISTRICT
COLLEGE STREET
HAPEVILLE
FULTON COUNTY, GA

D.R. HORTON
HAPEVILLE TOWN HOMES POD B
SITE DEVELOPMENT PLANS
SITE PLAN

DATE 2021-10-07

REVISIONS



DRAWN BY: KT
CHECKED BY: DW
PROJECT MANAGER: TS
JOB # 21002729
FILE CODE: CSP
SHEET NO. C-3.0



Department of Planning & Zoning
PLANNER'S REPORT

DATE: January 19, 2022
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance application for 627 College Street, 609 College Street, 613 College Street,
and 623 College Street,
Parcel Identification Numbers 14-0098-0020-036-4, 14-0098-0020-037-2, 14-0098-
0020-038-0, 14-0098-0020-052-1

BACKGROUND

The City of Hapeville has received a variance application from DR Horton Inc to allow for a reduction in the required 15' buffer for a 14 unit townhome development to be located at 627 College Street, 609 College Street, 613 College Street, and 623 College Street, Parcel Identification Numbers 14-0098-0020-036-4, 14-0098-0020-037-2, 14-0098-0020-038-0, 14-0098-0020-052-1.

The properties are zoned RMU, Residential Mixed Use. Per Sec. 93-11.5-6. - Area, placement, and buffering requirements, a landscaped buffer is required between a non-single family detached use and a residential zone. This buffer is intended to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. The proposed development has sited the driveway within the buffer zone and did not accommodate the minimum 15' landscaped buffer,

Sec. 93-11.5-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

(9) Residential buffer. Where any use other than a single-family detached use in this district adjoins a residential zone, all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the RMU zone along the district line. Said buffer shall comply with the buffer requirements of chapter 93, article 29. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

APPEALS CODE**Sec. 87-3-3. - Powers and duties.**

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The applicant wishes to site 14 townhomes on the property. There is nothing extraordinary or exception regarding the size, shape, or topography of the subject property. The property does narrow slightly, however, the encroachment exists along the entire west edge of the property.

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

If the adjacent properties were commercial, this requirement would not be required, however, the impacted properties are historical, residential single family dwellings. The application of this chapter does not create an unnecessary hardship.

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

RMU requires buffers between all other uses than a single family detached dwelling. The RMU district is both a commercial and a residential district.

The Fire Marshal has required a 26' mountable surface

The distance from the encroachment to the property line should be provided.

The distance from the encroachment to the neighboring dwellings should be provided.

Details regarding alternate but equivalent screening should be presented.

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

The visual and auditory impact of the townhomes and related activity may be considered a detriment to the adjacent properties. The Board of Appeals should consider the level of detriment in their decision.

FINDINGS

The landscape buffer requirement for any other use than a single family detached dwelling for properties within the RMU district is intended to provide significant relief to the adjacent neighbors from light, noise, odor, dust, unsightly appearances and intrusive activity. There are a mix of commercial and residential uses in the district. The siting of 14 townhomes maximizes the site from a development perspective, but creates the need for a variance. The wider driveway surrounding the townhomes is required by the fire marshal to accommodate the fire department equipment. The Board of Appeals should consider the impact to the adjacent neighbors and any alternate mitigation offered that might serve a similar purpose.

PDD D

22-BOA-DI-07

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

Name of Applicant D.R. Horton, Inc.

Mailing Address 1371 Dogwood Drive, Conyers, GA 30012

Telephone _____ Mobile # _____ Email tdhogan@drhorton.com

Property Owner (s) CML Hapeville LLC

Mailing Address 3 Northside Pky, NW, Bldg. 400-100, Atlanta, GA 30327

Telephone 404-846-4010 Mobile # _____

Property Address/Location: 3608 Georgia Ave., 3614 Georgia Ave., 3619 Union Ave., 3627 Union Ave., 3637 Union Ave.

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14009800200364, 14009800200372, 14009800200380, 14009800200521

Square Foot of Property 55,283 Building Size _____ Zoning RMU

Present Land Use Raw Land

Variance Requested Applicant requests 2,431 SF for a transitional buffer variance as required for properties abutting properties zoned for single family use.

Applicable Code Section Sec. 93-11.5.6

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. 16-10-10 and I may be prosecuted for a violation thereof.

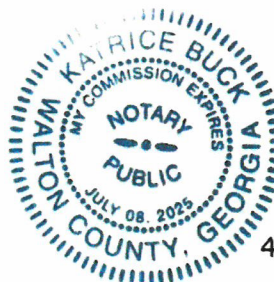
Applicant's signature _____

Date: 12/16/2021

Sworn to and subscribed before me

This 16th day of December, 2021.

Notary Public



POD D - Address and Parcel ID

- 3608 Georgia Ave - 14 009700080114
- 3614 Georgia Ave - 14 009700080106
- 3618 Georgia Ave - 14 009700080098
- 3622 Georgia Ave - 14 009700080080
- 3637 Union Ave - 14 009700080049
- 3627 Union Ave - 14 009700080031
- 3619 Union Ave - 14 009700080023

**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.

Pod D is a part of an assemblage of pods creating a townhome community. As designed, the community abuts property that is zoned for single family residential. The development has sidewalks that allow for connectivity not only through the pod, but also connectivity to areas of the Hapeville Community. Applicant will plant a landscaped vegetative buffer to screen the side unit from the single family property.

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

The application of the ordinance to this piece of property would create an unnecessary hardship. The developer would have to decrease the number of units and adjust the location of the sidewalks.

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

These conditions are not peculiar to the particular piece of property involved.

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

There will be no detriment to the public good if this variance is granted. As a way to further provide screening for adjacent property owners applicant agrees to landscape the area with a vegetative buffer.

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

AUTHORIZATION OF PROPERTY OWNER

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

609, 613, 623, and 627 College St., 3608 Georgia Ave., 3614 Georgia Ave., 3619 Union Ave., 3627 Union Ave., 3637 Union Ave.

567, 569, 511, 579 Chestnut St., 3650, 3644, 3636 Union Ave., and all parcels located within Pods B, D, and F of the Townhome Development.

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

D.R. Horton, Inc.,-Tiffany Hogan

Address of Applicant

1371 Dogwood Drive, SW, Conyers, GA 30012

Telephone of Applicant

[REDACTED]

[Signature]

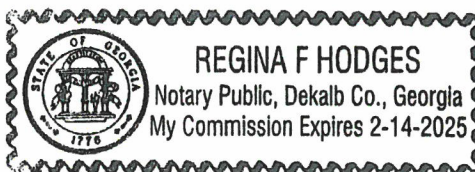
Signature of Owner

CML Hapeville LLC

Print Name of Owner

Personally Appeared Before Me this 20th day of December, 2021.

Regina F Hodges
Notary Public

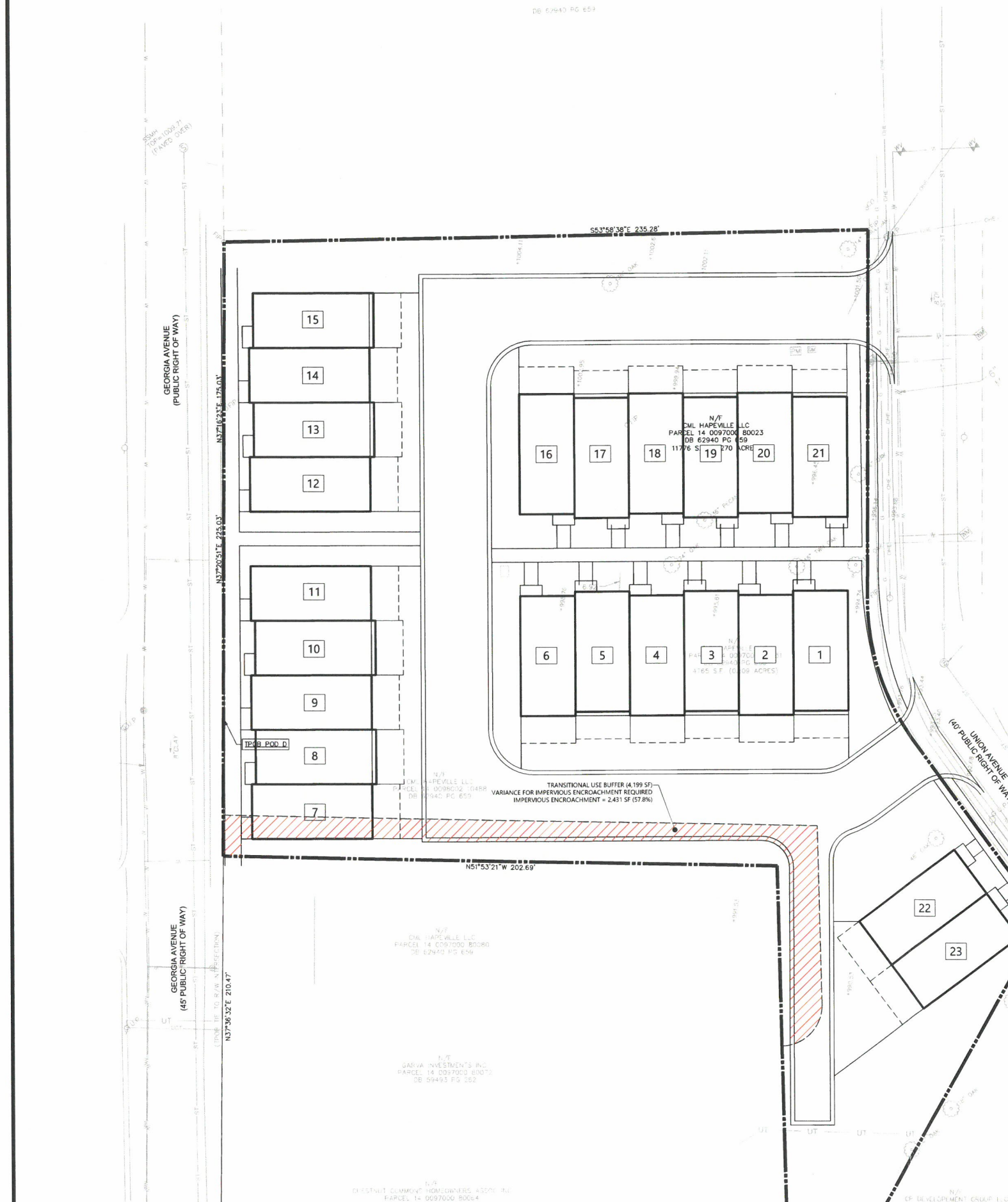


POD D

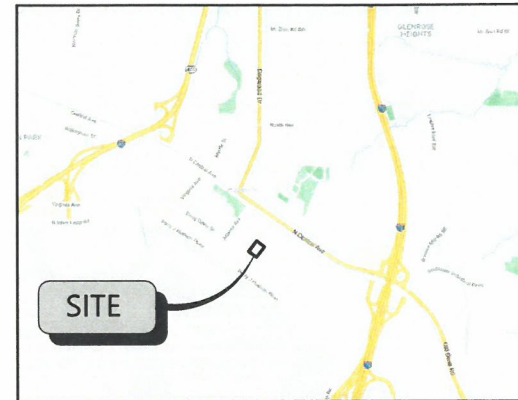
All that tract or parcel of land lying and being in the City of Hapeville, Land Lot 97 of the 14th District of Fulton County, Georgia, containing 55283 square feet (1.269 acres), more or less, and being more particularly described as follows:

Commencing at the intersection of the northern right-of-way of Chestnut Street and the southeastern right-of-way of Georgia Avenue; thence North 37 degrees 36 minutes 32 seconds East, 210.47 along the right-of-way of Georgia Avenue to the TRUE POINT OF BEGINNING; thence continuing along said right-of-way North 37 degrees 16 minutes 23 seconds East, 175.03 feet to an iron pin; thence leaving said right-of-way South 53 degrees 58 minutes 38 seconds East, 235.28 feet to a 1" rod on the western right-of-way of Union Avenue; thence along said right-of-way South 37 degrees 16 minutes 09 seconds West, 135.04 feet to an iron pin; thence 51.77 feet along an arc of a curve to the left, said curve having a radius of 87.26 feet, a chord bearing of South 20 degrees 16 minutes 20 seconds West, and a chord distance of 51.02 feet to a point; thence 3.90 feet along an arc of a curve to the left, said curve having a radius of 87.26 feet, a chord bearing of South 01 degrees 59 minutes 37 seconds West, and a chord distance of 3.90 feet to a point; thence South 00 degrees 42 minutes 45 seconds West, 81.10 feet to a point; thence leaving the right-of-way of Union Avenue South 66 degrees 20 minutes 23 seconds West, 151.86 feet to an iron pin on the northern right-of-way of Chestnut Street; thence along said right-of-way North 54 degrees 10 minutes 12 seconds West, 20.16 feet to a point; thence leaving said right-of-way North 35 degrees 36 minutes 57 seconds East, 202.27 feet to a point; thence North 51 degrees 53 minutes 21 seconds West, 58.81 feet to a point; thence North 51 degrees 53 minutes 21 seconds West, 142.14 feet to the TRUE POINT OF BEGINNING.

Said property being a combination of Fulton County Georgia Parcels 14 0097000 80114, 14 0097000 80109, 14 0097000 80023, 14 0097000 80098, 14 0097000 80031, and 14 0097000 80049, as shown on a plat of survey by Atwell, LLC, dated 10/12/2021, and certified by John Mark Dunlap, Georgia RLS #3142.



KEY NOTES	
1	2" CURB & GUTTER. SEE SHEET ##### FOR DETAIL.
2	2" WHITE STOP BAR. SEE SHEET ##### FOR DETAIL.
3	CONCRETE PAVEMENT. SEE SHEET ##### FOR PAVEMENT SPECIFICATION.
4	STANDARD DUTY ASPHALT. SEE SHEET ##### FOR PAVEMENT SPECIFICATIONS
5	CONCRETE SIDEWALK. SEE DETAIL SHEET ##### FOR DETAIL.
6	CONCRETE WHEEL STOP. SEE DETAIL SHEET CXX.
7	TAPER CURBING FROM 6" TO 0" OVER 5'
8	"TYPE A" CURB RAMP. SEE SHEET CXX FOR DETAILS
9	"TYPE D" CURB RAMP. SEE SHEET CXX FOR DETAILS
10	STOP SIGN (R1-1). SEE DETAIL SHEET CXX
11	LANDSCAPE AREA. SEE SHEET L-1 FOR FURTHER DETAIL.
12	DIRECTIONAL ARROWS. SEE DETAIL SHEET CXX
13	CROSSWALK...
14	50'x10' LOADING ZONE (500SF MINIMUM AREA)
15	PROPOSED DUMPSTER ENCLOSURE WITH CONCRETE APRON. SEE ARCHITECTURAL PLANS FOR DETAILS
16	PAVEMENT OVERLAY...
17	"TYPE B" CURB RAMP WITH DETECTABLE WARNING STAMP.
18	4" WIDE SINGLE SOLID WHITE LINE (SSWL)
19	4" WIDE DOUBLE SOLID YELLOW LINE (DSYL)
20	CONCRETE TRANSFORMER PAD PER UTILITY OWNER REQUIREMENT.
23	CONCRETE BOLLARDS. SEE DETAIL SHEET CXX.



VICINITY MAP

SITE LEGEND

	EXISTING PROPERTY LINE		PARKING SPACE COUNT
	EXISTING RIGHT-OF-WAY		SIGN
	EXISTING SETBACK LINE		LIGHT POLE
	PROPOSED RIGHT-OF-WAY		GROUP OF FOUR GUARD POSTS
	PROPOSED SETBACK LINE		DUMPSTER PAD
	100 YEAR FLOOD PLAIN		TRANSFORMER PAD
	18" CURB AND GUTTER		PROPOSED SIGNAL
	24" CURB AND GUTTER		GRATE INLET
	PROPOSED RETAINING WALL		STORM MANHOLE
	CROSS WALK		DOUBLE WING CATCH BASIN
	STOP BAR (PAVEMENT MARKING)		SINGLE WING CATCH BASIN
	TRAFFIC FLOW ARROW (PAVEMENT MARKING)		AREA INLET
	"YIELD" (PAVEMENT MARKING)		OUTLET CONTROL STRUCTURE
	DIRECTIONAL ARROWS (PAVEMENT MARKING)		HEADWALL
	"ONLY" DIRECTIONAL ARROWS (PAVEMENT MARKING)		SANITARY SEWER MANHOLE
	HANDICAP STALL		CONCRETE
	CONCRETE WHEEL STOP		STANDARD DUTY PAVING
	A.D.A. STD HANDICAP RAMP		HEAVY DUTY PAVING
			OVERLAY EXISTING PAVEMENT

SITE DATA	
POD D	1.26 AC
POD D OPEN SPACE REQ	N/A
POD D DENSITY:	23 UPH (14.9 UN/AC)
PRODUCT TYPE	20'W X 54'D (TOWNHOME)
NOTE:	
1. ALL UNITS WILL UTILIZE ROLL OUT TRASH BINS.	
2. PROPOSED DEVELOPMENT WILL HAVE A CENTRAL MAIL KIOSK.	
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF HAPEVILLE
ZONING:	RMU (MIXED USE)
ADJACENT ZONING:	RMU (MIXED USE)
BUILDING REQUIREMENTS	
FRONT SIDE	0' MIN / 15' MAX
REAR SIDE	0'
MAX BUILDING HT	3-STORIES / 45 FT
PROPOSED BUILDING SIZE	20'W X 54'D (TOWNHOME)
PARKING SUMMARY	
PARKING REQUIREMENTS	
1 SP / UN	

GENERAL SITE NOTES

1. THE PROJECT IS FOR PROPOSED INFILL DEVELOPMENT OF RESIDENTIAL TOWNHOMES WITHIN HAVELUE. THE DEVELOPER HAS A LETTER OF INTENT TO PURCHASE A TOTAL OF APPROXIMATELY 8.3 ACRES TO BE BROKEN UP INTO PODS A THROUGH F FOR DEVELOPMENT. DESIGN FOR THE SUBJECT PROPERTIES WOULD OCCUR LATE 2021 AND EARLY 2022, WITH ANTICIPATED CONSTRUCTION LATER IN 2022.
2. EACH UNIT WILL HAVE INDIVIDUAL GARAGE ASSOCIATED WITH IT.
3. STORMWATER MANAGEMENT WILL BE PROVIDED FOR EACH POD IN ACCORDANCE WITH THE GEORGIA STORMWATER MANUAL GUIDELINES AND WILL BE CONTAINED VIA MICROBIAL FILTERS.

GEORGIA811
www.Georgia811.com

Know what's below.
Call before you dig.



811

Know what's below.

Call before you dig.

The locations of buried underground utilities are shown in an approximation on the map. They have not been independently verified by the owner or representative of the contractor. It is the responsibility of the contractor to determine the exact location of all existing utilities before commencing work, and agrees to be fully responsible for any and all damages which might occur as a result of underground utility damage. CONTRACTOR PRESERVE ANY AND ALL EXISTING UTILITIES.

NOTICE

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE OWNER DOES NOT HAVE ANY LIABILITY EXPECTED TO ASSURE ANY RESPONSIBILITY FOR SAFETY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK OF ANY NEARBY STRUCTURES, OR ANY OTHER ADJACENT PROPERTY.

NO REPRODUCTION SHALL BE MADE WITHOUT PRIOR WRITTEN CONSENT OF ALLIANCE LLC.

**24 HOUR
EMERGENCY CONTACT**

JASON BRAGA
707-471-0629

ATWELL
866.850.4200 www.atwell-group.com
1255 LAKES PKWY, BUILDING 100, SUITE 120
LAWRENCEVILLE, GA 30043
866.850.4200
CERTIFICATE OF AUTHORIZATION

LL 98, 14TH DISTRICT
UNION AVE
HAPEVILLE
FULTON COUNTY GA

D.R. HORTON
HAPEVILLE TOWN HOMES POD D
SITE DEVELOPMENT PLANS
SITE PLAN

DATE 2021-10-07

REVISIONS

DRAWN BY: KT
CHECKED BY: DW
PROJECT MANAGER: TS
JOB # 21002729
FILE CODE: CSP
SHEET NO. C-30



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

DATE: January 19, 2022
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance application for 3608 Georgia Avenue, 3614 Georgia Avenue, 3618 Georgia Avenue, 3622 Georgia Avenue, 3637 Union Avenue, 3627 Union Avenue, 3618 Union Avenue
Parcel Identification Numbers 14-0097-0008-011-4, 14-0097-0008-010-6, 14-0097-0008-009-8, 14-0097-0008-008-0, 14-0097-0008-0004-9, 14-0097-0008-003-1, 14-0097-0008-002-3

BACKGROUND

The City of Hapeville has received a variance application from DR Horton Inc to allow for a reduction in the required 15' buffer for a 23 unit townhome development to be located at 3608 Georgia Avenue, 3614 Georgia Avenue, 3618 Georgia Avenue, 3622 Georgia Avenue, 3637 Union Avenue, 3627 Union Avenue, 3618 Union Avenue, Parcel Identification Numbers 14-0097-0008-011-4, 14-0097-0008-010-6, 14-0097-0008-009-8, 14-0097-0008-008-0, 14-0097-0008-0004-9, 14-0097-0008-003-1, 14-0097-0008-002-3.

The properties are zoned RMU, Residential Mixed Use. Per Sec. 93-11.5-6. - Area, placement, and buffering requirements, a landscaped buffer is required between a non-single family detached use and a residential zone. This buffer is intended to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. The proposed development has sited the driveway within the buffer zone and did not accommodate the minimum 15' landscaped buffer,

Sec. 93-11.5-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

(9) Residential buffer. Where any use other than a single-family detached use in this district adjoins a residential zone, all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the RMU zone along the district line. Said buffer shall comply with the buffer requirements of chapter 93, article 29. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.

c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

APPEALS CODE

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The applicant wishes to site 23 townhomes on the property. The assemblage has an odd shape enfronting Georgia Avenue and Union Avenue (see site plan) with a jog along Union Avenue. There are no known or provided extraordinary or exceptional conditions regarding the size or topography of the subject property.

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

If the adjacent properties were commercial, this requirement would not be required, however, the impacted properties are residential single family dwellings. The application of this chapter does not create an unnecessary hardship.

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

The proposed development includes two townhomes whose access drive encroaches at the rear of the adjacent property and a townhome (#7) and driveway which encroach along the northern property line.

RMU requires buffers between all other uses than a single family detached dwelling. The RMU district is both a commercial and a residential district.

The Fire Marshal has required a 26' mountable surface

The distance from the encroachment to the property line should be provided.

The distance from the encroachment to the neighboring dwellings should be provided.

Details regarding alternate but equivalent screening should be presented.

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

The visual and auditory impact of the townhomes and related activity may be considered a detriment to the adjacent properties. The Board of Appeals should consider the level of detriment in their decision.

FINDINGS

The landscape buffer requirement for any other use than a single family detached dwelling for properties within the RMU district is intended to provide significant relief to the adjacent neighbors from light, noise, odor, dust, unsightly appearances and intrusive activity. There are a mix of commercial and residential uses in the district. The siting of 23 townhomes maximizes the site from a development perspective, but creates the need for a variance. The placement of the 2 units along Union require the driveway which encroaches in the rear and Unit 7 actually encroaches in the required landscape buffer. The wider driveway surrounding the townhomes is required by the fire marshal to accommodate the fire department equipment. By reviewing the distance and location of the single family dwellings relative to the encroachment, the Board of Appeals should consider the impact to the adjacent neighbors and any alternate mitigation offered and/or removal of Unit 7 at a minimum that might serve a similar purpose.

PDF

22-BOA-01-05

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

Name of Applicant D.R. Horton, Inc.

Mailing Address 1371 Dogwood Drive, Conyers, GA 30012

Telephone _____ Mobile # _____ Email tdhogan@drhorton.com

Property Owner (s) CML Hapeville LLC

Mailing Address 3 Northside Pky, NW, Bldg. 400-100, Atlanta, GA 30327

Telephone 404-846-4010 Mobile # _____

Property Address/Location: 567, 569, 511, 579 Chestnut St., 3650, 3644, 3636 Union Ave., 3654 Union

Parcel I.D. # (INFORMATION MUST BE PROVIDED) 14009600020269, 14009600020251, 14009600020244, 14009600020236, 14009600020228, 14009600020202, 14009600020327, 14009600020160, 14009600020152, 14009600020145, 14009600020137, 14009600020095

Square Foot of Property 55,283 Building Size _____ Zoning RMU

Present Land Use Raw Land

Variance Requested Applicant requests 932 SF and 281 SF for a transitional buffer variance as required for properties abutting properties zoned for single family use.

Applicable Code Section Sec. 93-11.5.6

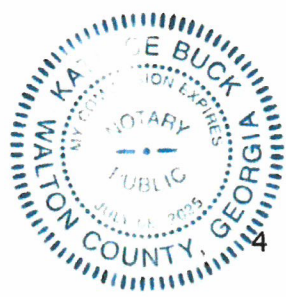
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application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

[Signature]
Applicant's signature

Date: 12/16/2021

Sworn to and subscribed before me
This 16th day of December, 2021.

[Signature]
Notary Public



POD F - Address and Parcel ID

- 3636 Union Ave - 14 009600020269
- 0 Union Ave - 14 009600020251
- 3644 Union Ave - 14 009600020244
- 3650 Union Ave - 14 009600020236
- 3654 Union Ave - 14 009600020228
- 579 Chestnut Street - 14 009600020327
- 0 Chestnut Street - 14 009600020202
- 573 Chestnut Street - 14 009600020160
- 511 AKA 573 Chestnut Street - 14 009600020152
- 569 Chestnut Street - 14 009600020145
- 567 Chestnut Street - 14 009600020137
- 565 Chestnut Street - 14 009600020129

**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.

Pod F is a part of an assemblage of pods creating a townhome community. As designed, the community abuts property that is zoned for single family residential. The development has sidewalks that allow for connectivity not only through the pod, but also connectivity to areas of the Hapeville Community. Applicant will plant a landscaped vegetative buffer to screen the side unit from the single family property.

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

The application of the ordinance to this piece of property would create an unnecessary hardship. The developer would have to decrease the number of units and adjust the location of the sidewalks.

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

These conditions are not peculiar to the particular piece of property involved.

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

There will be no detriment to the public good if this variance is granted. As a way to further provide screening for adjacent property owners applicant agrees to landscape the area with a vegetative buffer.

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

AUTHORIZATION OF PROPERTY OWNER

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

609, 613, 623, and 627 College St., 3608 Georgia Ave., 3614 Georgia Ave., 3619 Union Ave., 3627 Union Ave., 3637 Union Ave.

567, 569, 511, 579 Chestnut St., 3650, 3644, 3636 Union Ave., and all parcels located within Pods B, D, and F of the Townhome Development.

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

D.R. Horton, Inc.,-Tiffany Hogan

Address of Applicant

1371 Dogwood Drive, SW, Conyers, GA 30012

Telephone of Applicant

[REDACTED]

[Signature]

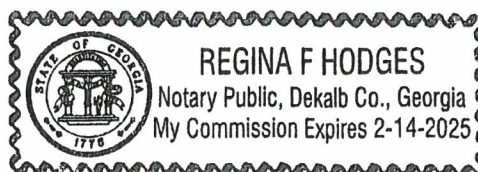
Signature of Owner

CMC Hapeville LLC

Print Name of Owner

Personally Appeared Before Me this 20th day of December, 2021.

Regina F. Hodges
Notary Public



POD F

All that tract or parcel of land lying and being in the City of Hapeville, Land Lot 96 of the 14th District of Fulton County, Georgia, containing 96535 square feet (2.216 acres), more or less, and being more particularly described as follows:

Commencing at the intersection of the northern right-of-way of Chestnut Street and the western right-of-way of Elm Street; thence along the right-of-way of Chestnut Street North 87 degrees 58 minutes 40 seconds West, 135.00 feet to a point; thence North 87 degrees 58 minutes 40 seconds West, 10.01 feet to a point; thence North 87 degrees 58 minutes 40 seconds West, 51.30 feet to the TRUE POINT OF BEGINNING; thence continuing along the right-of-way of Chestnut Street North 87 degrees 58 minutes 40 seconds West, 265.15 feet to a point; thence North 01 degrees 22 minutes 18 seconds East, 100.45 feet to a point; thence South 87 degrees 35 minutes 07 seconds East, 65.00 feet to a 1/2" open top pipe; thence North 00 degrees 52 minutes 17 seconds East, 49.90 feet to a point; thence North 87 degrees 33 minutes 06 seconds West, 201.58 feet to an iron pin; thence North 01 degrees 17 minutes 27 seconds East, 250.41 feet to a 1/2" open top pipe; thence South 87 degrees 25 minutes 21 seconds East, 199.76 feet to a point; thence South 00 degrees 52 minutes 17 seconds West, 200.00 feet to a point; thence South 87 degrees 52 minutes 53 seconds East, 199.15 feet to a capped rebar; thence South 00 degrees 49 minutes 46 seconds West, 199.59 feet to the TRUE POINT OF BEGINNING.

Said property being a combination of Fulton County Georgia Parcels 14 0096000 20269, 14 0096000 20251, 14 0096000 20244, 14 0096000 20236, 14 0096000 20228, 14 0096000 20160, 14 0096000 20152, 14 0096000 20145, 14 0096000 20137, 14 0096000 20202, 14 0096000 20327, as shown on a plat of survey by Atwell, LLC, dated 10/12/2021, and certified by John Mark Dunlap, Georgia RLS #3142.



Department of Planning & Zoning
PLANNER'S REPORT

DATE: January 19, 2022
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance application for 3636 Union Avenue, 0 Union Avenue, 3644 Union Avenue, 3650 Union Avenue, 3654 Union Avenue, 579 Chestnut Street, 0 Chestnut Street, 573 Chestnut Street, 511 or 573 Chestnut Street, 569 Chestnut Street, 567 Chestnut Street, 565 Chestnut Street
Parcel Identification Numbers 14-0096-0002-026-9, 14-0096-0002-025-1, 14-0096-0002-024-4, 14-0096-0002-023-6, 14-0096-0002-022-8, 14-0096-0002-032-7, 14-0096-0002-020-2, 14-0096-0002-016-0, 14-0096-0002-015-2, 14-0096-0002-045-5, 14-0096-0002-013-7, 14-0096-0002-012-9

BACKGROUND

The City of Hapeville has received a variance application from DR Horton Inc to allow for a reduction in the required 15' buffer for a 32 unit townhome development to be located at 3636 Union Avenue, 0 Union Avenue, 3644 Union Avenue, 3650 Union Avenue, 3654 Union Avenue, 579 Chestnut Street, 0 Chestnut Street, 573 Chestnut Street, 511 or 573 Chestnut Street, 569 Chestnut Street, 567 Chestnut Street, 565 Chestnut Street, Parcel Identification Numbers 14-0096-0002-026-9, 14-0096-0002-025-1, 14-0096-0002-024-4, 14-0096-0002-023-6, 14-0096-0002-022-8, 14-0096-0002-032-7, 14-0096-0002-020-2, 14-0096-0002-016-0, 14-0096-0002-015-2, 14-0096-0002-045-5, 14-0096-0002-013-7, 14-0096-0002-012-9.

The properties are zoned RMU, Residential Mixed Use. Per Sec. 93-11.5-6. - Area, placement, and buffering requirements, a landscaped buffer is required between a non-single family detached use and a residential zone. This buffer is intended to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. The proposed development has sited the driveway within the buffer zone and did not accommodate the minimum 15' landscaped buffer,

Sec. 93-11.5-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

(9) Residential buffer. Where any use other than a single-family detached use in this district adjoins a residential zone, all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the RMU zone along the district line. Said buffer shall comply with the buffer requirements of chapter 93, article 29. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and

provide an attractive boundary that encourages continued investment in the adjacent residential zones.

b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.

c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

APPEALS CODE

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The applicant wishes to site 32 townhomes on the property. The assemblage has an odd shape enfronting Chestnut Street and Union Avenue (see site plan). There are no known or provided extraordinary or exceptional conditions regarding the size or topography of the subject property.

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

If the adjacent properties were commercial, this requirement would not be required, however, the impacted properties are residential single family dwellings. The application of this chapter does not create an unnecessary hardship.

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

The proposed development includes two townhomes (#1 and #10) that encroach in the landscape buffer along the northern end of the property and a minor encroachment at the west edge / rear of the adjacent single family dwelling,

RMU requires buffers between all other uses than a single family detached dwelling. The RMU district is both a commercial and a residential district.

The Fire Marshal has required a 26' mountable surface

The distance from the encroachment to the property line should be provided.

The distance from the encroachment to the neighboring dwellings should be provided.

Details regarding alternate but equivalent screening should be presented.

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

The visual and auditory impact of the townhomes and related activity may be considered a detriment to the adjacent properties. The Board of Appeals should consider the level of detriment in their decision.

FINDINGS

The landscape buffer requirement for any other use than a single family detached dwelling for properties within the RMU district is intended to provide significant relief to the adjacent neighbors from light, noise, odor, dust, unsightly appearances and intrusive activity. There are a mix of commercial and residential uses in the district. The siting of 32 townhomes maximizes the site from a development perspective, but creates the need for a variance. The placement of the 2 units along the northern property line actually encroach in the required landscape buffer. The driveway creates a minor encroachment to the rear of a very deep lot (Parcel 14-0096-0002-0210). The wider driveway surrounding the townhomes is required by the fire marshal to accommodate the fire department equipment. By reviewing the distance and location of the single family dwellings relative to the encroachment, the Board of Appeals should consider the impact to the adjacent neighbors and any alternate mitigation offered and/or removal of Units 1 and 10 at a minimum that might serve a similar purpose.