



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. New Business

5.I. 2022 Board of Appeals Meeting Schedule

Background:

Consideration and action to approve the 2022 Board of Appeals meeting schedule.

MOTION ITEM: John Stalvey made a motion, Rod Mack seconded to approve the 2022 Board of Appeals meeting schedule as presented. Motion Carried: 4-0.

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

7. 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