

Board of Appeals Meeting
Thursday, November 17, 2016
6:00 PM

1. Welcome And Introduction
2. Public Comment
3. Public Comment
4. Minutes - September 22, 2016
5. Election Of Officer - Vice Chairman
6. Old Business
 - 6.I. 915 Custer Street - Variance Request
This item was tabled on September 22, 2016
7. New Business
 - 7.I. 3118 Sylvan Road Variance Request

Documents:

[PLANNERS REPORT - 3118 SYLVAN RD., SPACEMAX VARIANCE.PDF](#)
[3118 SYLVAN ROAD, SPACEMAX VARIANCE APPLICATION.PDF](#)

8. Open Discussion
9. Adjourn



Department of Planning & Zoning

MEMORANDUM

TO: Billy Slocumb, Board of Appeals Chairman
 FROM: Bill Johnston, City Planner
 SUBJECT: **Variance to reduce perimeter landscaped area at 3118 Sylvan Road**
 DATE: Tuesday, 1 November 2016

FINDINGS

Mr. Mitchell Taylor, Project Manager for CK Spacemax Hapeville LLC, has applied for a variance to allow a reduction in the perimeter landscaped area at 3118 Sylvan Road. The property is zoned C-2, General Commercial and is being developed in a self storage use. The variance would allow a minor reduction in the width of the required perimeter landscaping as stated below:

Location	Reduction in Landscaped Area
188 feet along the north property line	From 5 feet to 4 foot 10 inches
67 feet along the east property line	From 5 feet to 4 foot
85.5 feet along the south property line	From 5 feet to 4 foot

This property was previously developed as a hotel and remained vacant for decades. One factor driving the need for the variance is the requirement for fire apparatus access to a turnaround at the rear of the site. Such access was not present on the property in the past and has rendered the property “tight” in accommodating this access. The topography of the site virtually precludes such access from Springdale Road given the respective grades involved. This condition resulted in the desired fire access being met by a wide driveway through the entire property. While financial considerations, in this case the cost of a second wall on the property, are not ordinarily a justification for a variance, this does constitute evidence of the relative lack of space on the site to accommodate fire apparatus access.

Sec. 93-23-18. *Landscape requirements for vehicular use areas* establishes the following standard for perimeter landscaping: “Landscape requirements. All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:

(1) Perimeter landscape requirements.

a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet.”

Billy Slocumb, Board of Appeals Chairman

Variance to reduce perimeter landscaped area at 3118 Sylvan Road

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Site Context

The property is located in a commercial district of the city. The northern property boundary abuts a minor segment of a commercial parking lot and an airport parking lot, the eastern boundary abuts I-85, the southern boundary abuts an interstate ramp and the western boundary abuts a bus sales and service business. The sole residential lot in the vicinity at 3102 Springdale Road is not adjacent to the 3118 Sylvan Road property and is buffered from the property by a substantial tree canopy.

CONCLUSIONS

Sec. 87-3-3. - *Powers and duties*, subsection (a) establishes the authority of the Board of Appeals to hear and decide variance applications: "To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done." Variances may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that each of specified factors exist. These factors are listed below with an assessment of compliance of the application:

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

The extraordinary condition is, in part, the need to accommodate a substantial access drive in terms of width and a very large turnaround at the rear of the property. This requirement has made what would otherwise be a site in compliance with Sec. 93-23-18. *Landscape requirements for vehicular use areas* a challenge in achieving full compliance. In addition, the topography of the site renders alternative emergency access via Springdale Road impractical. Site topography also created the need for a wall at the rear of the site and along the northern boundary to accommodate fire apparatus access.

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

The minor deviation from the 5-foot standard of Sec. 93-23-18, a reduction to 4-foot 10 inches along the majority of the perimeter of the paved area, indicates that the hardship would be unnecessary. In addition, the abutting properties are occupied by commercial parking lots. The 2-inch reduction will hardly be noticed by the affected owners. The other two perimeter landscaped areas face the Interstate within which is established a broad landscaped area abutting this property.

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

The need for emergency vehicle access traversing the entire property may be unique in Hapeville. The location abutting the Interstate is peculiar to a small number of properties in Hapeville. Finally, the topography of the site, driving the need for two retaining walls to accommodate the construction, is peculiar to this property.

Billy Slocumb, Board of Appeals Chairman

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

Given the uses the abutting properties, two of the three boundaries abut I-85 with the third abutting a commercial parking lots, the proposed variance will not cause substantial detriment to the public good or impair the purposes of the Ordinance. The bus sales property abutting to the west will not be affected by the reduction in the landscaped area. In addition, the reduction itself, two inches along 188 linear feet and one foot along 152.5 linear feet of the property that runs along Interstate 85, is a very minor deviation from the 5-foot standard. The natural area along that eastern and southern boundary means that a one-foot reduction in landscaping will hardly be noticed. As proposed, the minor deviation from the standards of Sec. 93-23-18 will not cause substantial detriment to the public good or impair the purposes of the Ordinance.

RECOMMENDATION

Based on the above findings and conclusions, approval of the variance that would allow a reduction in the perimeter landscaped area as indicated is appropriate.

c: Jan Bolien
Rod Mack
Gabriel Cojocarescu
Jeremy Hardy
Larry Martin
Adrienne Senter, Board of Appeals Secretary

Attachment: Location Map
Google Image

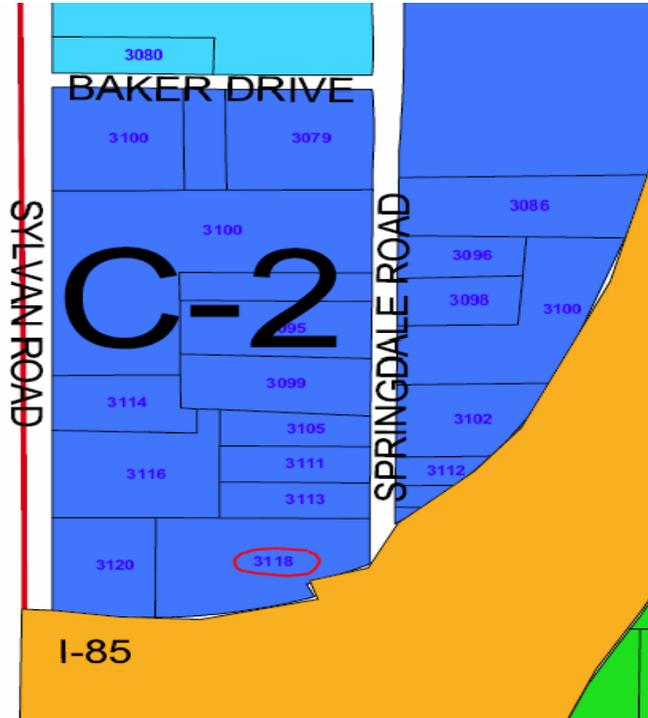
Billy Slocumb, Board of Appeals Chairman

Variance to reduce perimeter landscaped area at 3118 Sylvan Road

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LOCATION MAP



GOOGLE IMAGE





BOARD OF APPEALS APPLICATION

REQUEST FOR VARIANCE

Community Service Department

3474 North Fulton Avenue

Hapeville, Georgia 30354

Phone - 404.669.2120 Fax - 404.669.2119



Submittal Checklist for

VARIANCE APPLICATION

- Submit complete **APPLICATION** with notarized signatures.
- Submit notarized **AUTHORIZATION(S) OF PROPERTY OWNER (S)**.
- Submit **AUTHORIZATION OF ATTORNEY**, if an attorney is filing the application on behalf of a property owner.
- Submit a **WRITTEN SUMMARY** of the necessity for this action.
- Submit a copy of a **SURVEY PLAT** of the property to be considered.
- Submit a written **LEGAL DESCRIPTION** in metes and bounds.
- Submit a **SITE PLAN** drawn to scale depicting the proposed use of the property including:
 - A correct scale and north arrow;
 - The proposed land use and building outline as it would appear should the zoning map amendment application be approved;
 - The present zoning classification of all adjacent parcels;
 - The gross square footage of all proposed buildings
 - The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
 - The location of required off-street parking and loading spaces, including number of spaces and driveway dimensions
 - Required yard setbacks appropriately dimensioned;
 - The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required
 - Other information as requested by staff
- File application with the City of Hapeville Community Service Department
- Applicant must submit 12 copies of all requested information and documentation
- Pay application fee. (**\$350.00, add \$50.00 for each additional Variance in the application**) Make check payable to the City of Hapeville
- The Planning and Zoning Department will not accept an incomplete application
- Submittal of partial or incomplete applications will not be considered for placement on the Board of Appeals agenda until the application is accepted as complete and the appropriate fee paid.

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
VARIANCE APPLICATION**

POWERS AND DUTIES OF THE BOARD OF APPEALS TO HEAR VARIANCES

The Board of Appeals is authorized by code to hear those variances from the provisions of the ordinance 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 the chapter shall be observed, public safety and welfare secured and substantial justice done.

A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- b) The application of the ordinance to this particular piece of property would create an unnecessary hardship;
- c) Such conditions are peculiar to the particular piece of property involved;
- d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

A variance may not be granted for a use of land or building. Specifically, the board of appeals shall not have authority to permit by variance in any district a use of land or building not otherwise permitted in the district.

Further, the board of appeals shall not have authority to permit by variance an increase in the density on any lots as permitted in the district regulations.

Peculiar conditions or circumstances, which are the result of actions of the owner of property covered by the application, cannot be considered as grounds justifying a variance.

Financial loss to the applicant is not sufficient grounds by itself to justify a variance.

The Board of Appeals will hold a hearing after giving the public notice thereof. At the hearing, any party may appear in person, or by agent or attorney.

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant CK SPACE MAX HAPEVILLE, LLC

Mailing Address 300 GALLERIA PARKWAY SE, SUITE 200, ATLANTA GA 30339

Telephone 770.859.1223 Mobile# 770.364.3953

Email mitchell.taylor@childressklein.com

Property Owner (s) same as applicant information

Mailing Address "

Telephone _____ Mobile # _____

Address/Location of Property: 3118 SYLVAN ROAD, HAPEVILLE GA 30354

Parcel ID #: 14.0099.0064.120.5

Square Foot of Property 60,579 Building Size 72,030 Zoning C-2

Present Land Use SELF STORAGE

Variance Requested REDUCTION IN LANDSCAPE STRIP
 a) 188' along north property line, from 5' to 4'-10"
 b) 67' along east property line, from 5' to 4'
 c) 85.5' along south property line, from 5' to 4'

Applicable Code Section _____

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered 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. § 10-20 and I may be prosecuted for a violation thereof.

Mitchell Taylor
 Applicant's signature
 Date: 10/24/16

Sworn to and subscribed before me
 This 24 day of October, 2016.

Carolyn Sarrio
 Notary Public



**CITY OF HAPEVILLE
COMMUNITY SERVICE 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 EXTRAORDINARY CONDITIONS ASSOCIATED WITH THIS PROPERTY THAT CONTRIBUTE TO NEED, AND QUALIFICATION, FOR VARIANCE INCLUDE:

- 1) PUBLIC SAFETY REQUIREMENT FOR 20' DRIVE LANE AND 70' DIA. TURNAROUND.
THIS DISCRETIONARY COMMENT DURING ZONING WAS PUT FORTH BY FIRE MARSHAL AND ACCEPTED BY DEVELOPER DURING CONCEPT PLANNING.
- 2) TOPOGRAPHY OF SITE. TOPOGRAPHY PRECLUDES CONNECTION OF SYLVAN ROAD R.O.W. TO SPRINGDALE R.O.W., THUS REQUIRING A SIGNIFICANT TURNAROUND FOR FIRE EQUIPMENT. THIS WALL IS UP TO 18' IN HEIGHT.
- 3) CONSTRUCTION OF SITE WALL. COST AND FEASIBILITY OF WALL LED TO A MODULAR BLOCK SOLUTION WITH A 1" OFFSET / ROW OF BLOCK. THIS "BATTER" OR LAYBACK INCREASED WIDTH, OR FOOTPRINT OF WALL AT MAX HEIGHT TO 31" (12" CAP + 19" BATTER)

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

IT WOULD CREATE A REQUIREMENT FOR AN EXPENSIVE, ALTERNATE WALL DESIGN THAT WOULD NOT LOOK AS GOOD TO THE PUBLIC.

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

THE CONDITIONS AND RESULTING HARDSHIP DESCRIBED ABOVE ARE UNIQUE TO THIS PROPERTY.

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

WE DO NOT SEE ANY DETRIMENT TO THE PUBLIC GOOD IN THAT PLANTING CAN STILL BE FACILITATED. ONLY 16.8% OF TOTAL BUFFER IS AFFECTED BY MORE THAN 2". PROPOSED REVISION TO CURB AT TURNAROUND WOULD INCREASE PLANTED AREA BY 38 SF

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
VARIANCE APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

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

3118 Sylvan Road
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
CK Spacemax Hapeville, LLC

Address of Applicant
300 Galleria Parkway SE, Suite 200, Atlanta, GA 30339

Telephone of Applicant
770-859-1223 (Mitchell Taylor - Project Mgr)

CK Spacemax Hapeville, LLC
By: Childress Klein Properties, Inc, its Manager
[Signature]
Signature of Owner

Gordon A. Buchmiller, Jr
Vice President Print Name of Owner

Personally Appeared Before Me this 24 day of October, 2016.

Carolyn Sarrido
Notary Public



**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
VARIANCE APPLICATION**

Date

AUTHORIZATION OF ATTORNEY

THIS SERVES TO CERTIFY THAT AS AN ATTORNEY-AT-LAW, I HAVE BEEN AUTHORIZED BY THE OWNER(S) TO FILE THE ATTACHED APPLICATION FOR VARIANCE OF THE PROPERTY LOCATED AT:

City of Hapeville, County of Fulton, State of Georgia

Name of Attorney

Bar No.

Address

Telephone

N/A

