

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

April 25, 2019 6:00PM

AGENDA

1. Welcome And Introduction

2. Minutes Of March 25, 2019

3. New Business

3.I. 325 Sunset Avenue Variance Request

Phil Ellen on behalf of Georgia Communities, Inc. is requesting a variance to allow an off-site parking arrangement at 325 Sunset Avenue, Parcel Identification Number 14 009600060133. The property is zoned U-V, Urban Village and is subject to the zoning regulations under Section 93-23-12 of the City of Hapeville Zoning Ordinance.

- Public Comment

Documents:

[325 SUNSET AVENUE - VARIANCE APPLICATION.PDF](#)
[PLANNERS REPORT 325 SUNSET AVE BOARD OF APPEALS.PDF](#)

3.II. Willingham Drive At Colville Avenue Variance Request

Miller Lowry of Miller Lowry Developments is requesting variances to waive the sidewalk requirement along Willingham Drive, decrease the distance between buildings, decrease the off-street parking requirement, and reduce the building height requirement at South Central Avenue and Willingham Drive, east of I-85, on land lots 89 & 127, Parcel Identification Numbers 14 012700020429 and 14 012700020379. The properties are zoned V, Village and are subject to the zoning regulations under Sections 93-11.1-6, 93-23-10 and 93-22.1-1 of the City of Hapeville Zoning Ordinance.

- Public Comment

Documents:

[WILLINGHAM AT COLVILLE - VILLAGE WALK VARIANCE APPLICATION \(REDACTED\).PDF](#)
[PLANNERS REPORT WILLINGHAM COLVILLE TOWNHOMES BOARD OF APPEALS.PDF](#)

4. Next Meeting Date - Thursday, May 23, 2019

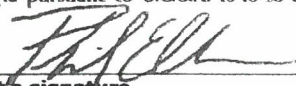
5. Adjourn

19-BOA-04-03

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

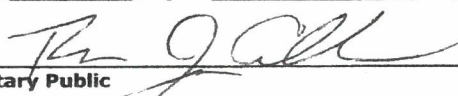
Name of Applicant Georgia Communities, Inc.
Mailing Address 745 Ponce de Leon Terrace
Telephone 256-490-4866 Mobile # same Email phil@geoegiacommunities.org
Property Owner (s) Patricia Murray
Mailing Address 2911 Veazey Road, Greensboro, GA 30642
Telephone _____ Mobile # 404-580-3096
Property Address/Location: 369 North Central Avenue
Parcel I.D. # (INFORMATION MUST BE PROVIDED): ~~1400900000125~~ 14009600060125
Square Foot of Property 205 Acres Building Size _____ Zoning Urban Village
Present Land Use Undeveloped Land
Variance Requested Parking
Applicable Code Section Sec 93-23-12

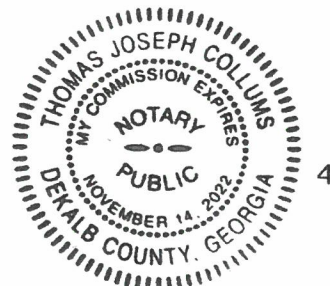
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application 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: 3-20-2019

Sworn to and subscribed before me

This 20th day of March, 2019.


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 parcel to be developed for senior independent living (325 Sunset Avenue) is not sufficiently sized to accommodate the 74 off-street parking spaces required. The current owner of 325 Sunset Avenue also owns the adjacent parcel (369 N. Central Avenue) and has authorized the development and use of parking on this adjacent parcel, as shown in the attached site plan. Section 93-23-12 of the city's Code of Ordinances allows the following: "If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway."

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

The parcel being developed for senior housing will only accommodate 34 parking spaces to serve 74 units. Without the city's approval to utilize the Code's adjacent parcel provision, the proposed project will not be able to move forward.

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

The proposed parcel is ideal for senior housing, with convenient access to amenities like the Hapeville Senior Center as well as on-site access to the MARTA bus route on King Arnold Street. The site is slightly undersized, but the unique situation of the adjacent parcel also being owned by the seller allows us to propose a parking solution that meets the city's objectives and will best serve future senior residents.

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

We believe approval of this request would only promote the public good, as there is an urgent need for independent senior housing in the community. The scale and use of the proposed development is also consistent with the city's vision for its gateway nodes as established in the Comprehensive Plan Update / LCI Study.

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

AUTHORIZATION OF PROPERTY OWNER

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

369 North Central Avenue

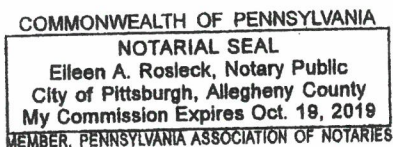
City of Hapeville, County of Fulton, State of Georgia

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
Georgia Communities, Inc.

Address of Applicant
745 Ponce de Leon Terrace , Atlanta, GA 30306

Telephone of Applicant
256-490-4866



Patricia Hurd fna Patricia Murray
Signature of Owner

Patricia Hurd fna Patricia Murray
Print Name of Owner

Personally Appeared Before Me this 22 day of March, 2019.

Eileen A. Rosleck
Notary Public

Commonwealth of Pennsylvania
County of Allegheny

Deed Book 58163 Pg 482

with O.C.G.A. § 44-14-162.2 was sent no later than 30 days before the date of the proposed foreclosure; and

WHEREAS, said sale was made for the purpose of paying the indebtedness due to Lender secured by the Security Deed and the expenses of the sale that were due and payable because of the Borrower's default.

NOW THEREFORE, Lender, as attorney in fact for Borrower, acting under and by virtue of the power of sale contained in the Security Deed, for and in consideration of Three Hundred Eighty Thousand Eight Hundred Twenty Nine and 84/100s (\$380,829.84) Dollars paid for said real property by virtue of the public sale aforesaid, and in consideration of the facts hereinbefore recited, has bargained, sold and conveyed and does hereby bargain, sale and convey unto said Grantee, their heirs and assigns, the following described property, to-wit:

ALL that tract or parcel of land lying and being in Land Lot 96 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found on the Northeasterly side of North Central Avenue, said pin located 579.48 feet Southeasterly from the corner formed by the intersection of the Northeasterly side of North Central Avenue with the East side of LaVista Drive, as measured along the Northeasterly side of North Central Avenue; running thence North 01 degree 14 minutes 08 seconds East, 195.87 feet to an iron pin found; thence South 89 degrees 28 minutes 04 seconds West, 87.05 feet to an iron pin found; thence North 03 degrees 26 minutes 22 seconds East, 240.01 feet to an iron pin set; thence South 86 degrees 49 minutes 50 seconds East, 230.82 feet to an iron pin set; thence South 01 degree 07 minutes 43 seconds West, 475.56 feet to an iron pin found on the Northeasterly side of North Central Avenue; thence Northwesterly along the Northeasterly side of North Central Avenue, 140.17 feet to a point; thence Southwesterly along North Central Avenue, 1.3 feet to a point; thence Northwesterly along the Northeasterly side of North Central Avenue, 21.18 feet to an iron pin found and the point of beginning; being improved property known as **369 North Central Avenue, Hapeville, GA 30354**

TO HAVE AND TO HOLD, the said described property unto Grantee, its heirs and assigns in **FEE SIMPLE**.

It is the purpose and intent of this instrument to convey all of the right, title, equity and interest of the Borrower, their legal representatives, heirs and assigns, and all persons whomsoever claiming under them in and to said real property to Grantee.

[Signature On Next Page]

- 2 -

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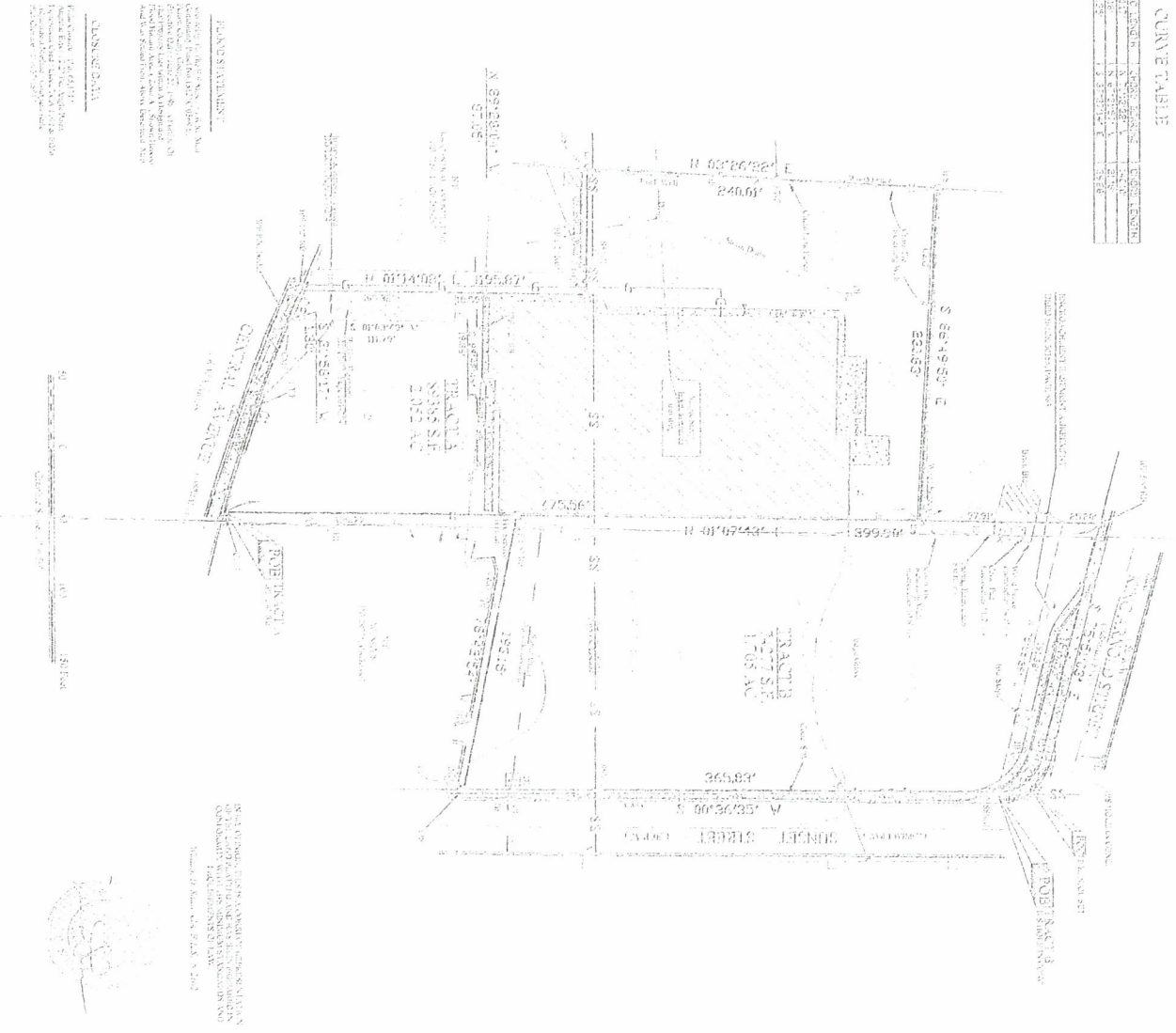


CURVE TABLE

Station	Curve Length	Curve Radius	Curve Degree	Curve Type
1+00.00	100.00	1000.00	1.00	Horizontal
1+100.00	100.00	1000.00	1.00	Horizontal
1+200.00	100.00	1000.00	1.00	Horizontal
1+300.00	100.00	1000.00	1.00	Horizontal
1+400.00	100.00	1000.00	1.00	Horizontal
1+500.00	100.00	1000.00	1.00	Horizontal
1+600.00	100.00	1000.00	1.00	Horizontal
1+700.00	100.00	1000.00	1.00	Horizontal
1+800.00	100.00	1000.00	1.00	Horizontal
1+900.00	100.00	1000.00	1.00	Horizontal
2+000.00	100.00	1000.00	1.00	Horizontal

NOTES:

1. All curves are horizontal unless otherwise noted.
2. All curves are 100' long unless otherwise noted.
3. All curves are 1000' radius unless otherwise noted.
4. All curves are 1.00 degree unless otherwise noted.
5. All curves are horizontal unless otherwise noted.
6. All curves are 100' long unless otherwise noted.
7. All curves are 1000' radius unless otherwise noted.
8. All curves are 1.00 degree unless otherwise noted.
9. All curves are horizontal unless otherwise noted.
10. All curves are 100' long unless otherwise noted.
11. All curves are 1000' radius unless otherwise noted.
12. All curves are 1.00 degree unless otherwise noted.
13. All curves are horizontal unless otherwise noted.
14. All curves are 100' long unless otherwise noted.
15. All curves are 1000' radius unless otherwise noted.
16. All curves are 1.00 degree unless otherwise noted.
17. All curves are horizontal unless otherwise noted.
18. All curves are 100' long unless otherwise noted.
19. All curves are 1000' radius unless otherwise noted.
20. All curves are 1.00 degree unless otherwise noted.



REVISIONS:

NO.	REVISION	DATE
1	Revised Issue	10/26/2009

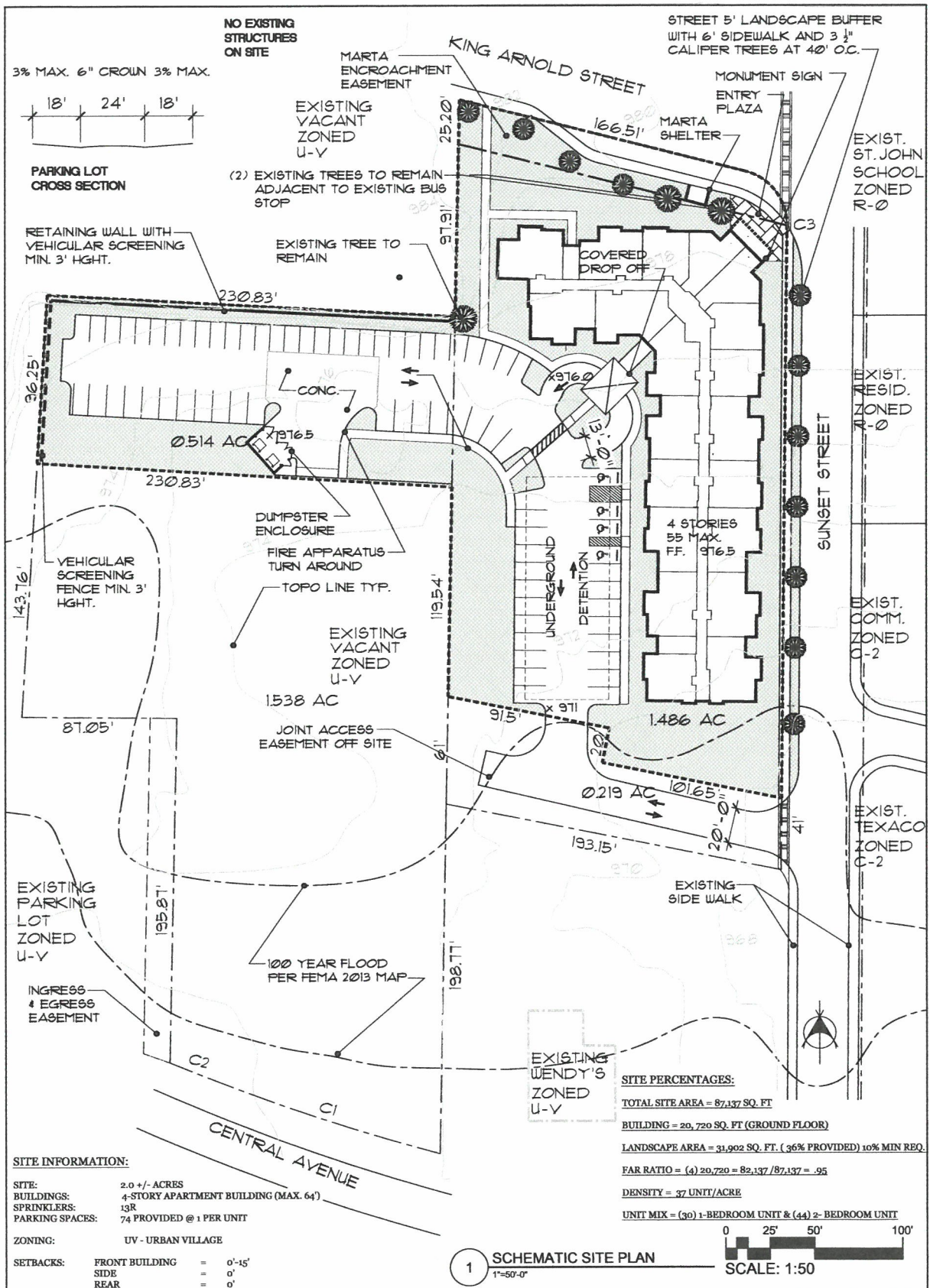
PROJECT INFORMATION:

PROJECT NO: 200706187
 DATE: 01/14/08
 SCALE: 1"=50'
 SHEET: 1 OF 1

DESIGNER:
 P. A. MURRAY

APPROVED BY:
 P. A. MURRAY

DATE: 10/26/2009



MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800

HAPEVILLE STATION - **GEORGIA COMMUNITIES, INC.**
 HAPEVILLE, GA APPLICANT

PROJECT 24710-001	DATE 3/1/10	DESIGNED BY 7	CHECKED BY PLP
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PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 325 Sunset Avenue
DATE: April 17, 2019

BACKGROUND

The City of Hapeville has received a variance application from Georgia Communities, Inc. to allow a new development at 325 Sunset Avenue to meet its minimum parking requirements using a parking lot on an adjacent parcel. The second parcel is located at 369 North Central Avenue, directly west of the Applicant's parcel. The long-term plan is to acquire the adjacent parcel and replat it as one parcel to accommodate the proposed use – a senior independent living facility using Low Income Housing Tax Credits (LIHTC). The application for the LIHTC program is May 23rd and the replatting would not take place until after the project were approved. However, the LIHTC program requires that all zoning conditions are met prior to submittal.

Combined, the on-site and off-site parking would be sufficient to meet the development's minimum parking requirements. Both lots are owned by the same owner, and the Applicant has been granted permission to use space from both lots. The property is currently zoned U-V, Urban Village.

CODE

Sec. 93-11.2-1. - Intent.

The U-V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promote neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses that are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops, antique shops, new apparel shops and banks; and
- (8) Encourage intensified mixed-use with commercial uses on the ground floor and dwellings above.

Sec. 93-22.1-1. - Chart of dimensional requirements.

Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit/Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
Multifamily	20	2,000		1br/1bth	600	90	0/15	0/15	0	0	4 g.	64 g.	1 DU	

Sec. 93-23-12. - Location.

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway.

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

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

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

The size of the parcel is not large enough to accommodate the building as designed while providing adequate parking. The high density of the project is an attempt to benefit as many low-income senior residents as possible utilizing Low Income Housing Tax Credits. The required parking can be easily provided by the adjacent parcel per the requirements of section 93-23-12 of the code.

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

The development will contain 74 units. The size of the parcel can only accommodate 34 parking spaces, less than half of the 74 required. Maintaining the proposed density of dwellings is not possible without a variance. The density is an essential component of the stated goal of the project, which is to provide affordable housing to a significant number of low-income seniors.

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

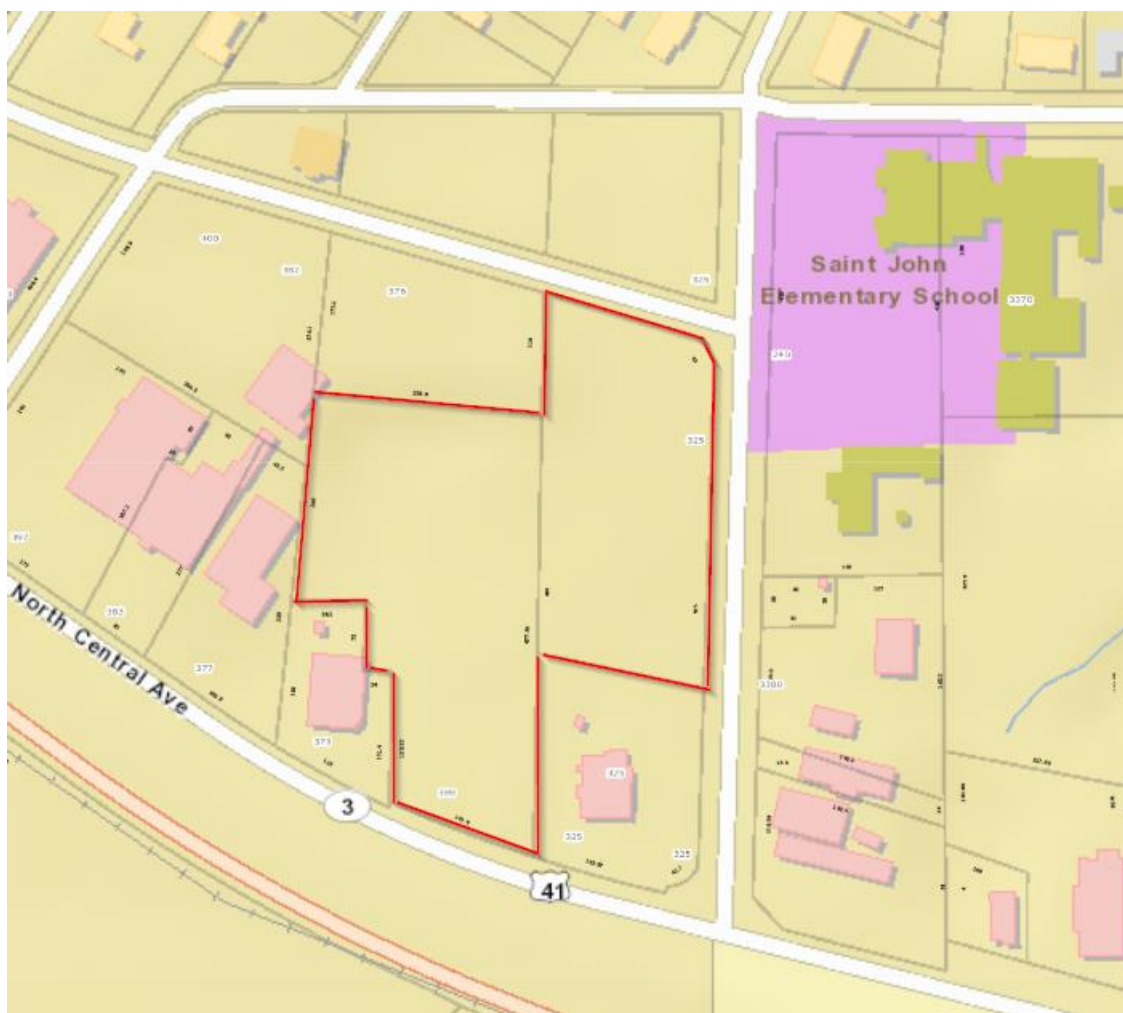
The proposed property location was chosen due to its proximity to the Hapeville Senior Center and a MARTA bus stop. Developing on another parcel with adequate room for parking would require the project to pick another potentially less desirable parcel for the residents of the development. Further, the use of the adjacent parcel to provide the required parking would be seamless, as the design of the new parking lot extends through both parcels.

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

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Code. Rather, it would enable an affordable multiple unit senior living facility of reasonable density to be developed in a mixed-use, walkable district. This is in line with the stated intent of the U-V district of creating a walkable neighborhood with a variety of uses. The Planning Commission and Mayor & Council have granted the development a Conditional Use Permit, signaling their support of the project.

RECOMMENDATION

The code specifically allows the Board of Appeals to grant developers permission to utilize parking in adjacent parcels to meet parking requirements if that parking is within 400 feet of the development. The proposed parking lot is continuous across the two parcels and is compliant with that requirement. The requested variance will allow for the development of an affordable senior living facility in a mixed-use neighborhood, which is compliant with the intent of the U-V zone. There is no evidence of a detriment to public good. The proposed variance is recommended for approval.



Project Location - 325 Sunset Avenue

19-BDA-04-04

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

Name of Applicant M.M. Lowry Developments

Mailing Address 2964 Peachtree Rd. NW Suite 540 Atlanta, GA 30305

Telephone 770-903-4422 Mobile # [REDACTED] Email rob.1525@mellowry.com

Property Owner (s) Development Authority of Hapeville

Mailing Address 3468 North Fulton Ave. Hartsfield Int'l. Airport Hapeville, GA 30354

Telephone N/A Mobile # N/A

Property Address/Location: Situated between Central, Colville Avenue & Wingham Dr.

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14012700020429
141,788 SF 14012700020379

Square Foot of Property _____ Building Size 63,762 SF Zoning Village
LT H's & Commercial

Present Land Use Raw land

4 total → Variance Requested Waving sidewalk along Wingham, decrease required distance from buildings, decrease commercial parking spaces, decrease height of commercial buildings

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. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature] MCD
Applicant's signature

Date: 3/27/19

Sworn to and subscribed before me

This 27 day of MARCH, 2019.

[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 narrative.

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:

Parcel 14012100020421

Parcel 14012700020319

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 mmr Lowry Developments

Address of Applicant 2964 Peachtree Rd. NW, Suite 540 Atlanta, GA 30305

Telephone of Applicant 770-903-4422

Katrina Bradbury
Signature of Owner

Katrina T. Bradbury
Print Name of Owner

Personally Appeared Before Me this 27 day of MARCH, 2019.

Paul M. Newman
Notary Public



All that parcel of land lying in and being located in Land Lot 98 and 127 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a 1/2 inch capped rebar set at the southwest quadrant of the intersection of Central Ave and Colville Ave, said capped rebar being the true point of beginning (POB).

Thence leaving said POB, S 01° 12' 25.9" W for a distance of 215.6095 feet to a point on a line.

Thence, N 73° 02' 33.1" W for a distance of 153.8800 feet to a point on a line.

Thence, N 08° 10' 44.9" E for a distance of 5.7000 feet to a point on a line.

Thence, N 72° 56' 24.1" W for a distance of 406.1516 feet to a point on a line.

Thence, N 17° 16' 55.5" E for a distance of 10.0437 feet to a point on a line.

Thence, N 73° 14' 01.5" W for a distance of 94.5067 feet to a point on a line.

Thence, N 72° 45' 36.0" W for a distance of 49.9771 feet to a point on a line.

Thence, N 10° 05' 03.5" E for a distance of 104.7466 feet to a point on a line.

Thence, N 65° 51' 37.7" E for a distance of 59.9364 feet to a point on a line.

Thence, N 65° 53' 01.3" E for a distance of 97.4780 feet to a point on a line.

Thence, S 78° 08' 45.4" E for a distance of 36.0818 feet to a point on a line.

Thence, S 69° 13' 19.6" E for a distance of 50.0000 feet to a point on a line.

Thence, N 20° 46' 40.4" E for a distance of 15.0000 feet to a point on a line.

Thence, S 69° 45' 39.2" E for a distance of 77.7820 feet to a point on a line.

Thence, S 68° 50' 14.8" E for a distance of 49.8439 feet to a point on a line.

Thence, S 68° 57' 42.6" E for a distance of 200.3277 feet to a point on a line.

Thence, S 68° 48' 41.0" E for a distance of 49.9678 feet to a point on a line.

Thence S 69° 16' 47.1" E a distance of 77.0059 feet to a 1/2 inch rebar set, said rebar being the true point of beginning.

Said parcel of land contains 3.255 acres (141,786.66 square feet).



2964 Peachtree Rd. NW
Suite 540
Atlanta, GA 30305

March 20, 2019

Economic Development Department
3468 North Fulton Avenue
Hapeville, GA 30354

To whom it may concern,

Miller Lowry Developments respectfully requests your positive consideration for the attached Board of Appeals Variance Application. Our intent is to develop “The Village Walk at Hapeville”, a new +/- 3.25 acre mixed-use community, located at the gateway to Hapeville. The specific property is nestled between Central Avenue, Colville Avenue, and Willingham Dr. just east of I-85. Our proposed site plan includes 20 townhomes and approximately 7,132 sf of boutique commercial space, with the townhomes being no taller than 2.5 stories each.

Since our original submittal to staff on 12.11.18 for site plan approval, Miller Lowry Developments has made significant changes to the site plan design and architecture to address staff's comments, and or concerns, along with designing a site that works well with the City's current characteristics. Much thought has been put into the plan in making the project an extension of the commercial developments to the east of the site across from Colville Avenue, while also making the residential portion of the site an extension of the residential neighborhoods south of the site across Willingham Dr.

Each townhome will have a 2 car garage accessed by a rear drive aisle and all front entry facades will face a Village Green that preserves many of the existing trees on site. The intent of the Village Green concept is to conserve the openness of the site, by not overwhelming the site from a density perspective. Additional amenities to the residents will be a pervious walking path around the Green and a common area firepit, not to mention the walkable retail options nearby.

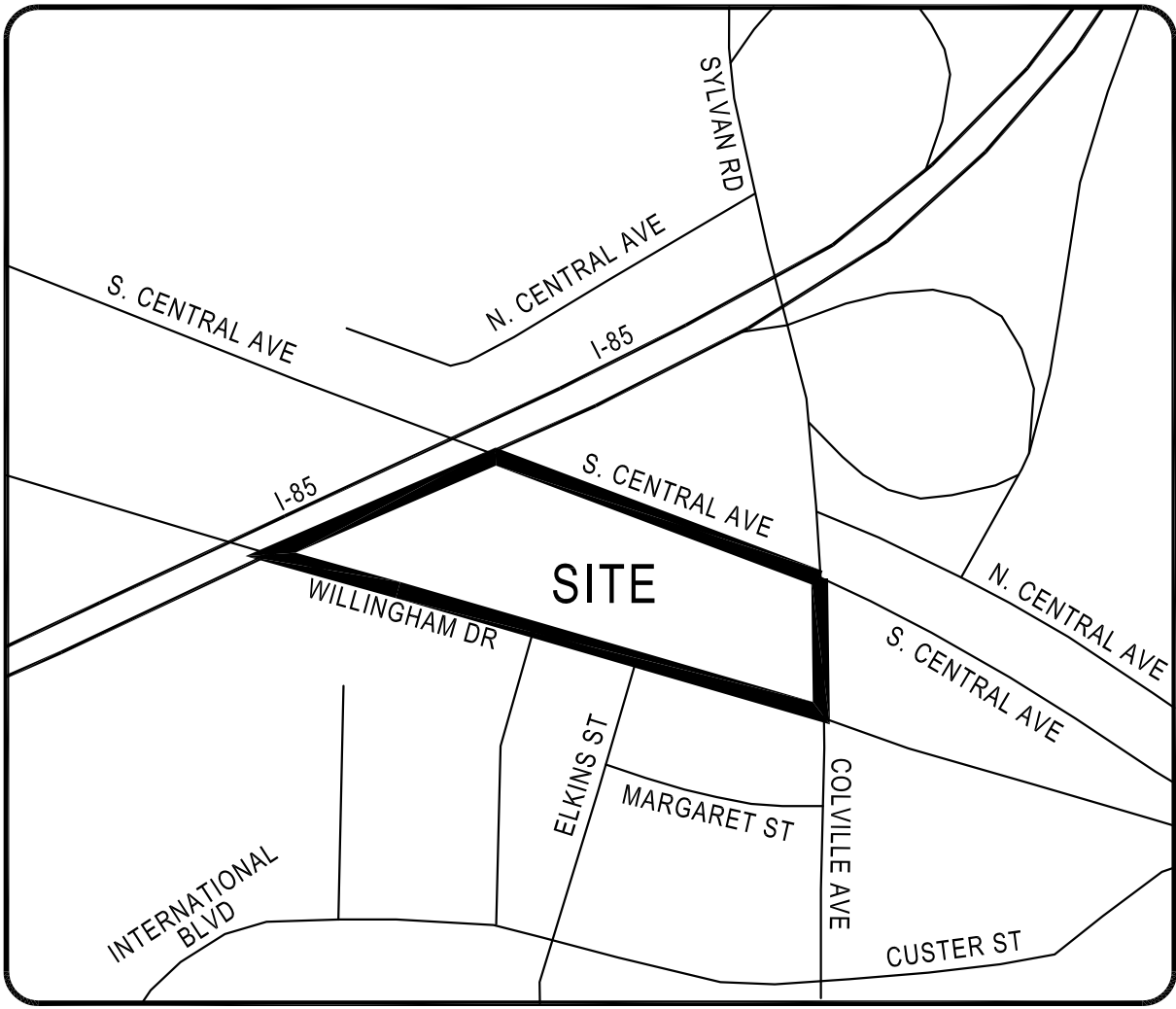
The commercial space will be in two single-level buildings located along the eastern border of the site and will incorporate architecture that compliments the immediate areas buildings.

Miller Lowry Developments will be submitting to the Board of Appeals for approval of 4 total variances including: waving the sidewalk requirement for Willingham in order to conserve trees and the sites topography, decreasing the required distance between buildings from 20' to 10' to conserve trees, which we already have approval from the Fire Marshall on, decreasing the commercial off street parking from 36 to 32 parks, and lastly reducing the building height on the

commercial portion from 24' to 18'. We are requesting this variance in order to maintain the small, historical feel that comes with Hapeville. Since our initial talks with the landowner and the City, it was our intent as the developer to preserve as many trees as possible, and to create an infill park feel to the overall development. In order to create this feel, we have created quite the strain of space by pushing the construction component of the development outward. Due to the topography, and the push to save trees, we require the aforementioned variances. There would be no detriment to the public good if these variances were granted.

Sincerely,

Miller Lowry Developments



Location Map N.T.S.

SITE NOTES:

THE SITE CONTAINS: 3.255 ACRES / 141,790 SF
TOTAL DISTURBED AREA: 2.883 ACRES

SITE ADDRESS: WILLINGHAM DRIVE AND COLVILLE AVENUE, FULTON COUNTY, GA 30354
ZONING: V. VILLAGE DISTRICT

BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY LOWERY & ASSOCIATES, DATED 4th OF APRIL, 2019.

A PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD ZONE [A, AE, SHADED ZONE X] AS DEFINED BY FIRM PANEL NUMBER 13121C0366 F DATED SEPTEMBER 18, 2013, FOR FULTON COUNTY AND INCORPORATED AREAS.

THERE ARE NO WATERS OF THE STATE OF GEORGIA OR WETLANDS WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE STATE WATER BUFFERS ARE SHOWN ON THE SITE PLANS. THERE ARE NO PROPOSED IMPACTS TO ANY STATE WATER BUFFERS.

TO THE BEST OF OUR KNOWLEDGE, NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS

VARIANCES REQUESTED:

1. WAIVE THE SIDEWALK / CURB AND GUTTER REQUIREMENT ALONG WILLINGHAM DRIVE
2. DECREASE THE REQUIRED DISTANCE BETWEEN BUILDINGS FROM 20 FEET TO 10 FEET (FIRE MARSHALL IS IN AGREEMENT WITH THIS VARIANCE REQUEST)
3. DECREASE THE REQUIRED COMMERCIAL OFF STREET PARKING FROM 36 TO 32 SPACES (OVERALL PARKING FOR THE DEVELOPMENT EXCEEDS THE REQUIREMENTS).

LOT COVERAGE:

BUILDING AREA = 32,762 SF
PARKING AREA = 8,613 SF
DRIVEWAY AREA = 32,468 SF
SIDEWALK AREA = 6,051 SF
TOTAL LOT COVERAGE = 79,894 SF / 141,790 SF = 56.35%

FLOOR AREA RATIO:

TOWNHOME UNIT (2800 SF) X 20 = 56,000 SF
RETAIL AREA = 7,762 SF
TOTAL FLOOR AREA RATIO = 63,762 SF / 141,790 SF = 0.450

ZONING DIALOG BOX - V (VILLAGE DISTRICT)

CATAGORY	REQUIREMENT	PROVIDED
PERMITTED USES	SINGLE FAMILY ATTACHED DWELLING, COMMERCIAL/RETAIL	SINGLE FAMILY ATTACHED DWELLING, COMMERCIAL/RETAIL
LOT FRONTAGE	50' (MIN) FRONTAGE	LOT FRONTAGE PROVIDED = 1405'
FRONT YARD AREA	15' (MIN) FRONT YARD SET BACK	15' SETBACK PROVIDED ON CENTRAL AVE, COLVILLE AVE, AND WILLINGHAM DR.
SIDE AND REAR YARDS	15' (MIN) SIDE/REAR YARD SET BACK FOR STREETS ADJACENT TO STREET OR ALLEY	15' (MIN) SIDE/REAR YARD SET BACK PROVIDED
DISTANCE BETWEEN BUILDINGS	20' MIN DISTANCE BETWEEN BUILDINGS, PLUS 4 ADDITIONAL FEET FOR EVERY STORY (OR FRACTION THEREOF), THAT EXCEEDS 2 STORIES	PROVIDED DISTANCE BETWEEN BUILDINGS: - BETWEEN UNITS 4 AND 5 = 11.0' - BETWEEN UNITS 10 AND 11 = 10.0' - BETWEEN UNITS 16 AND 17 = 12.5' REQUESTED REDUCTION FROM 20' TO 10' FOR THESE UNITS LISTED ABOVE
HEIGHT REGULATIONS	2.5 STORIES, OR 35' IN HEIGHT	PROVIDED HEIGHT NOT TO EXCEED 2.5 STORIES, OR 35' IN HEIGHT
RESIDENTIAL BUFFER	15' LANDSCAPED BUFFER ALONG THE RESIDENTIAL AND NON RESIDENTIAL SIDES OF THE BUFFER	15' LANDSCAPED BUFFER PROVIDED.
PARKING RESIDENTIAL -	2 SPACES REQUIRED/ PER UNIT	2 SPACES PROVIDED / PER UNIT
NON RESIDENTIAL - TOTAL SPACES/SQFT	ONE PARKING SPACE PER 200 SQ FT OF ENCLOSED COMMERCIAL FLOOR AREA. PROPOSED ESTIMATED COMMERCIAL FLOOR AREA = 7,133.4 SQ FT / 200 = 35.66 = 36 REQUIRED SPACES	32 TOTAL OFF STREET PARKING SPACES PROVIDED IN FRONT OF THE COMMERCIAL BUILDING. 49 TOTAL OFF STREET PARKING SPACES PROVIDED
OFF STREET PARKING	ANY NON RESIDENTIAL OFF STREET PARKING SPACES - FULL SIZE: 70% MAXIMUM - COMPACT SIZE: 30% MINIMUM	49 TOTAL OFF STREET PARKING SPACES PROVIDED - FULL SIZE: 35 QTY / 71% - COMPACT SIZE: 12 QTY / 25% - ADA ACCESSIBLE: 2 QTY / 4%
ADA ACCESSIBLE	ADA ACCESSIBLE: TOTAL SPACES BETWEEN 26-50, REQUIRE 2 ADA ACCESSIBLE. 48 TOTAL PROVIDED SPACES = 2 REQUIRED ADA	ADA ACCESSIBLE: 2 QTY PROVIDED

OPTIONAL GATE FOR RESIDENTIAL UNITS

PROPOSED CURB CUT LOCATION

15 FOOT SETBACK

OPEN SPACE = 45,027 SF
OR 32% OF SITE

COMMON AREA ACCENT - FIREPIT

CRUSHED GRANITE WALKING PATH

STAIRS

WILLINGHAM DRIVE
(R/W VARIES)

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9179

INTERSTATE HIGHWAY #I-85
(AKA S.R. #403; R/W VARIES)

NORFOLK SOUTHERN RAILROAD

CENTRAL AVENUE
(AKA SOUTH CENTRAL AVENUE;
R/W VARIES)

EXISTING SIDEWALK,
TO BE MAINTAINED

OPAQUE SCREENING WALL
(75 FT LONG)

3 TOTAL QTY - FULL SIZE
PARKING SPACES, 18.0'x10.0'

OPTIONAL GATE
FOR RESIDENTIAL
UNITS

RETAINING WALL,
TYP

LOADING AREA
15'x60'

DUMPSTER LOCATION WITH
SCREENING

EXISTING ZONE "A"
FLOODPLAIN

2 TOTAL QTY - FULL SIZE
PARKING SPACES, 18.0'x10.0'

RETAINING WALL, TYP

NEW 5 FT SIDEWALK ALONG
COLVILLE

GRID NORTH
GEORGIA TIER 2 ZONE

2 TOTAL QTY - ADA ACCESSIBLE
PARKING SPACES

NEW 5 FT SIDEWALK ALONG FACE
OF COMMERCIAL BUILDING

15 QTY - FULL SIZE PARKING
SPACES, 18.0'x10.0'

15 FOOT SETBACK

14 FT WIDE DEVELOPMENT
SIGN LOCATION, SEE
ARCHITECTURAL PLANS FOR
DETAILS

PROPOSED CURB
CUT LOCATION

0 40' 80'
SCALE: 1" = 40'

APPLICANT / DEVELOPER

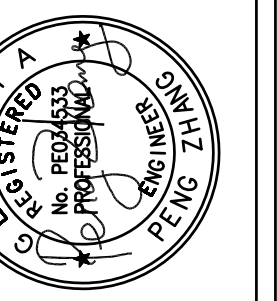
MILLER LOWRY DEVELOPMENTS, LLC
2964 PEACHTREE ROAD NW
SUITE 540
HAPEVILLE, GA 30305

Prepared By:
CRESCENT VIEW
ENGINEERING, LLC:
211 Peachtree Road NW, Suite 540
Hapeville, GA 30305
770-324-3410
www.crescentvieweng.com

Prepared For:
Miller Lowry Developments, LLC
2964 Peachtree Road NW, Suite 540
Hapeville, GA 30305

Site Plan

REVISIONS		DATE	SCALE	DRAWN	CHECKED
NO.	DESCRIPTION				
4-8-19	AS SHOWN				
A.R.	P.Z.				



Construction Plan Set For:
Village Walk at Hapeville
Land Lots 98 & 127, 14th District
City of Hapeville, Fulton County, Georgia

CVE PI # 18-403

Sheet No.
C-1



317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186

WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

(STATE OF GEORGIA)
(FULTON COUNTY)
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND DEDICATES BY THIS DECLARATION TO THE USE OF THE PUBLIC FOREVER ALL STREETS, EASEMENTS, SANITARY SEWERS AND APPURTENANCES, POTABLE WATER MAINS AND APPURTENANCES, STORM DRAINS AND APPURTENANCES, AND OTHER PUBLIC FACILITIES AND APPURTENANCES THEREON SHOWN.

SIGNATURE OF SUBDIVIDER DATE SIGNED

PRINTED OR TYPED NAME OF SUBDIVIDER

PRINTED OR TYPED NAME OF OWNER

SHEET: 1 OF 2

COMBINATION PLAT OF:
FULTON COUNTY PARCELS:
14 012700020429 & 14 012700020379
PREPARED FOR:
MILLER LOWRY DEVELOPMENTS

JOB #: 192560	SCALE: 1"=100'
DATE: APRIL 4, 2019	DRAWN BY: J.BAGLEY
STATE: GEORGIA	COUNTY: FULTON
LAND LOTS: 89 & 127	DISTRICT: 14TH

LEGEND

-----	PROPERTY LINE	⊗ FH	FIRE HYDRANT
-----	OVERHANG/AWNING	⊙	SANITARY SEWER MANHOLE
-----	BUILDING SETBACK LINE	DI	DROP INLET
B.S.L.	BUILDING SETBACK LINE	DWCB	DOUBLE-WING CATCH BASIN
W W	WATER LINE	RB	REBAR
OHE OHE	OVERHEAD UTILITY LINE	CRB	CAPPED REBAR
G G	GAS LINE	FND	FOUND
SS SS	SANITARY SEWER LINE	OTP	OPEN TOP PIPE
---	STORM DRAIN PIPE	CTP	CRIMPED TOP PIPE
WV	WATER VALVE	⊗	LIGHT POLE

SURVEY NOTES

- 1) PROPERTY SHOWN HEREON WAS SURVEYED APRIL 3, 2019.
- 2) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION A AND X ON FLOOD INSURANCE RATE MAP NO. 13121C0366F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 18, 2013, FOR COMMUNITY NUMBER 130502, IN FULTON COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 3) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C.. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

OWNER

HAPEVILLE DEVELOPMENT AUTHORITY
3468 N FULTON AVENUE
HAPEVILLE, GA 30354

SUBDIVIDER

MILLER LOWRY DEVELOPMENTS
2964 PEACHTREE ROAD NW
SUITE 540
ATLANTA, GA 30305

FINAL PLAT APPROVAL

THIS SUBDIVISION PLAT HAS BEEN REVIEWED BY THE PLANNING COMMISSION AND THE CITY ENGINEER AND FOUND TO BE IN COMPLIANCE WITH ZONING ORDINANCE, CONDITIONS OF ZONING APPROVAL, CITY OF HAPEVILLE DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS, AS AMENDED, AND THAT IT HAS BEEN APPROVED BY ALL OTHER AFFECTED CITY AND COUNTY DEPARTMENTS, AS APPROPRIATE. THE MAYOR AND CITY COUNCIL HEREBY APPROVE THIS FINAL PLAT, SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE CITY'S REGULATIONS AND THE PROVISIONS AND REQUIREMENTS OF THE DEVELOPMENT PERFORMANCE AND MAINTENANCE AGREEMENT EXECUTED FOR THIS DEVELOPMENT BETWEEN THE OWNER AND THE CITY OF HAPEVILLE.

CITY CLERK - ON BEHALF OF MAYOR & COUNCIL DATE

CHAIRMAN, PLANNING COMMISSION DATE

PRINTED OR TYPED NAME OF OWNER DATE

ZONING

ZONING FOR THIS PROPERTY IS CURRENTLY CLASSIFIED AS "V" (VILLAGE). SETBACKS AND RESTRICTIONS ARE AS FOLLOWS:

FRONT YARD: 15 FEET
SIDE YARD: 15 FEET
REAR YARD: 15 FEET
MINIMUM WIDTH: 50 FEET
MAXIMUM BUILDING HEIGHT: 2 1/2 STORIES OR 35 FEET

ZONING AND SETBACK INFORMATION PER THE CITY OF HAPEVILLE ZONING MAP DATED MARCH 5, 2019 AND MUNICODE.COM.

SURVEY REFERENCES

- 1) BOUNDARY, TOPOGRAPHIC, TREE, AND UTILITY SURVEY DATED APRIL 21, 2018 PREPARED BY VALENTINO & ASSOCIATES.
- 2) PLAT OF VIRGINIA PARK DATED APRIL, 1921 PREPARED BY O.F. KAUFFMAN, CE.

FINAL SURVEYOR'S CERTIFICATE

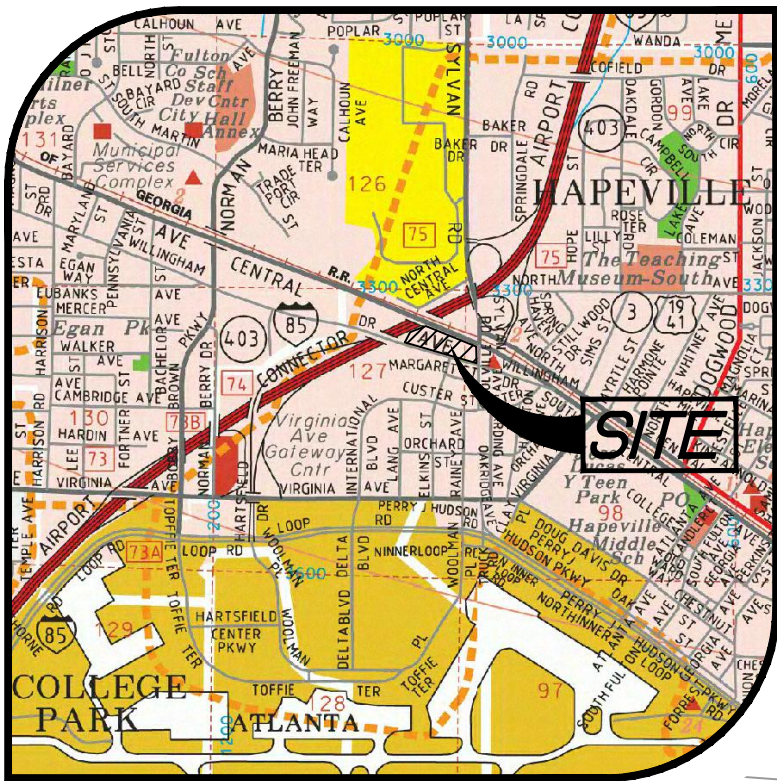
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENTS SHOWN THEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND MARKERS SHOWN THEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,331 FEET AND AN ANGULAR ERROR OF 3.12 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 603,503 FEET AND THE PROPERTY SHOWN CONTAINS A TOTAL OF 3.255 ACRES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TOPCON GPT-3005LW TOTAL STATION, TOPCON HIPER SR GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR.



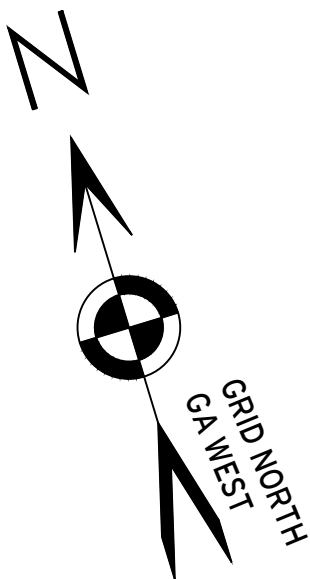
MITCHELL LOWERY GEORGIA RLS# 3109

Lowery
& Associates
LAND SURVEYING, LLC

317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102



VICINITY MAP

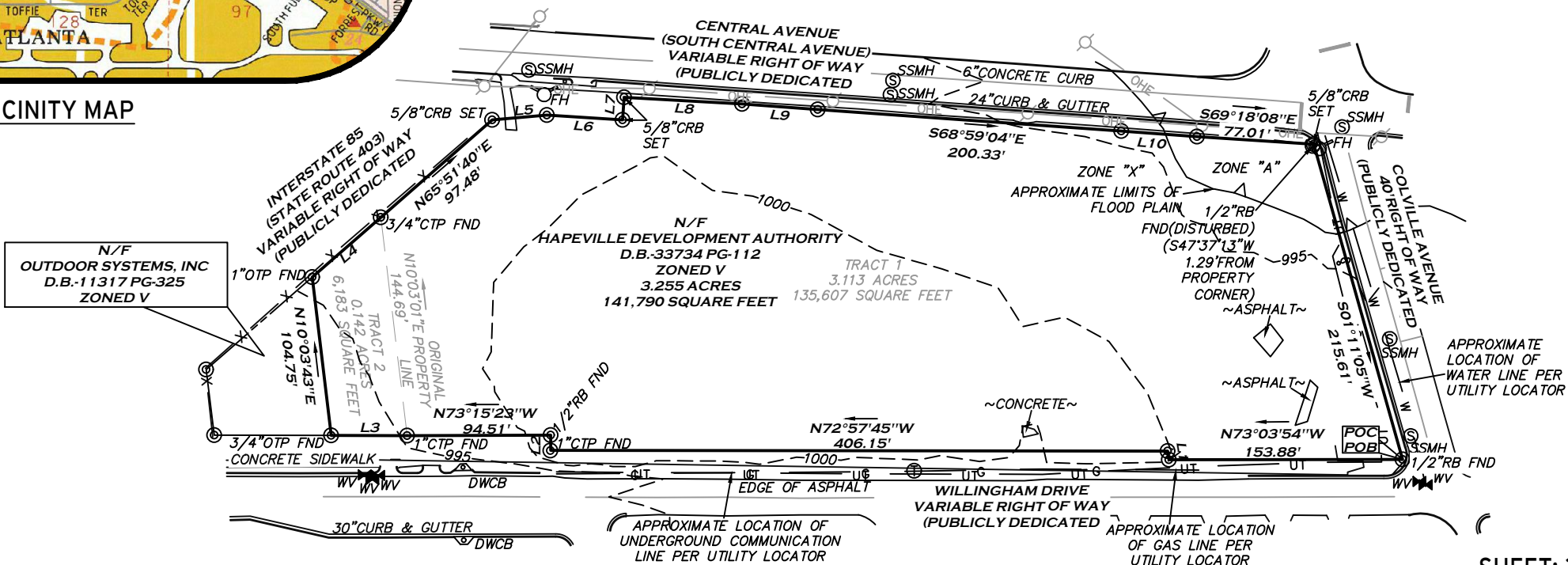


FINAL SURVEYOR'S CERTIFICATE

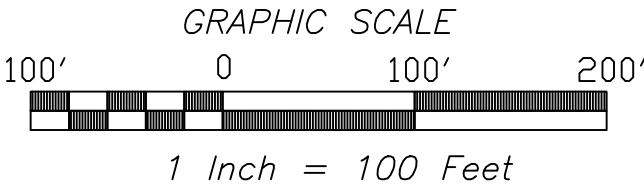
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENTS SHOWN THEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND MARKERS SHOWN THEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,331 FEET AND AN ANGULAR ERROR OF 3.12 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 603,503 FEET AND THE PROPERTY SHOWN CONTAINS A TOTAL OF 3.255 ACRES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TOPCON GPT-3005LW TOTAL STATION, TOPCON HIPER SR GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR.



MITCHELL LOWERY GEORGIA RLS# 3109



SHEET: 2 OF 2



1 Inch = 100 Feet

LINE TABLE

LINE	BEARING	DISTANCE
L1	N08°09'24"E	5.70'
L2	N17°15'34"E	10.04'
L3	N72°46'57"W	49.98'
L4	N65°50'17"E	59.94'
L5	S78°10'06"E	36.08'
L6	S69°14'41"E	50.00'
L7	N20°45'19"E	15.00'
L8	S69°47'00"E	77.78'
L9	S68°51'36"E	49.84'
L10	S68°50'02"E	49.97'

COMBINATION PLAT OF:
FULTON COUNTY PARCELS:
14 012700020429 & 14 012700020379
PREPARED FOR:
MILLER LOWRY DEVELOPMENTS

JOB #: 192560	SCALE: 1"=100'
DATE: APRIL 4, 2019	DRAWN BY: J.BAGLEY
STATE: GEORGIA	COUNTY: FULTON
LAND LOTS: 89 & 127	DISTRICT: 14TH



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for Willingham Drive & Colville Avenue - The Village Walk at Hapeville
DATE: April 17, 2019

BACKGROUND

The City of Hapeville has received a variance application from Miller Lowry Developments to allow for two variances for review to the Board of Appeals for their proposed multi-use development to be located at Willingham and Colville (Parcel IDs 14 012700020429 and 14 012700020379). Variances include (1) decreasing the required distance between multifamily buildings from 24' to 10'; and, (2) decreasing the required parking spaces for the commercial portion of the development from 36 spaces to 32 spaces, while allowing three of those spaces to be located in the residential parking area (potentially behind a residential gate as shown on the plans). The proposed development would consist of 20 2.5 story townhomes located adjacent to 7,132 SF of commercial space. The site is currently vacant. The property is zoned V, Village and is in the Arts District overlay.

The Applicant has also requested two additional variances: waiving the sidewalk requirement along Willingham Drive, and allowing commercial buildings to be lower than 24' in height. However, such exceptions do not fall under the purview of the Board of Appeals and must instead be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.

The Applicant has requested a review of the variances prior to the review of site plan by the Planning Commission.

A hardship is created when the zoning ordinance create a condition that unfairly burdens the property owner. The Applicant cannot create a hardship nor can the hardship be for increased financial gain. The Applicant must demonstrate the hardship and show how the variance is consistent with the intent of the ordinance, will result in increased public safety and substantial justice.

Variance One – Decrease the Required Distance Between Multifamily Buildings/Attached Single Family Dwellings to 10'.

CODE

Sec. 93-11.1-6. - 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:

- (4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.

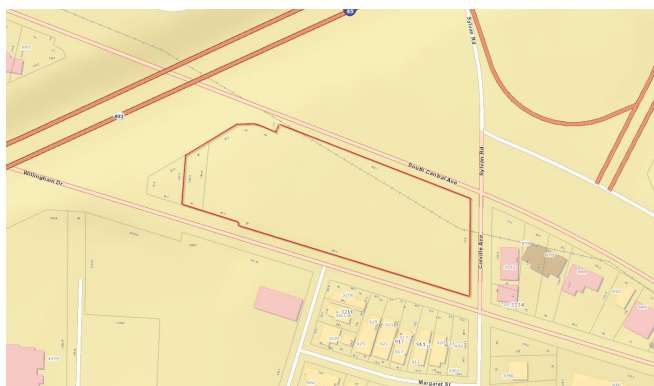
FINDINGS

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

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

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

There are no extraordinary or exceptional conditions because of shape, size or topography of the parcel. The property is approximately 3.255 acres in size, is generally rectangular in shape and is fairly flat with the south end of the parcel dropping approximately 5' in grade.



Parcel as proposed after subdivision.

The Applicant states they are aiming to preserve trees by placing the townhome buildings a minimum of 10' apart. This is not a function of size, topography or shape. No hardship can be determined.

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

The requirement to place townhomes 20' + 4 feet for every story above two stories is not a hardship for this property. The site is over 3 acres in size and can accommodate separation with a different layout and/or number of townhomes.

The Applicant states the hardship is based upon the desire to preserve mature trees. Staff commends the desire to preserve trees, however, no information regarding a tree inventory and plan to retain trees has been provided. A hardship has not been demonstrated.

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

The parcel contains a large number of mature trees, particularly along its southern border. The plans have not adequately documented the tree coverage or provided how reducing the space between multifamily buildings to 10' is required to save the trees. A hardship cannot be determined with information provided.

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

Safety is a crucial element of all developments, and the Fire Chief has been consulted and found the reduced distance between multifamily buildings will not create a fire hazard. The requirement for the 24' is based upon "distance determined necessary by the planning commission to enhance the aesthetics of development." The Planning Commission has not yet reviewed the site plan to make this determination. Relief, if granted, would not cause substantial detriment to the safety, however, it may impair the purpose and intent of the Code as written.

RECOMMENDATION

The requested variance will allow the Applicant to build more townhomes on the lot while maintaining the proposed form of the development. The Applicant claims the variance is required to preserve tree coverage, but adequate information to qualify as a hardship has not been provided.

With the lack of hardship established, staff recommend denial of the variance request.

Variance Two - Decrease the Required Parking Spaces for the Commercial Portion of the Development From 36 Spaces to 32 Spaces, While Allowing Three of Those Spaces to Be Located in The Residential Parking Area.

CODE

Sec. 93-22.1-1. - Chart of dimensional requirements. (Parking Requirements)

							Minimum Front Yard Setback		Minimum		Maximum			
Development Type	Lot Frontage (FT)	Min. Lot Area (SF)	Lot Area/ DU (SF)	Bed/ Bath Required	Floor Area/ DU (SF)	Max. Lot Coverage (%)	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit/ Bldg. Lot
Single-family Attached 4 to 8 Units	40	10,000	2,500	3br/2bth	1,400	70	15	15	5	10	2½	35	2 DU	a.
Nonresidential	50	10,000	10,000		1,000	70	15	15	15	25		40 b..	c., d., e.	N/A

c. One parking space for every 200 square feet of enclosed commercial floor area.

Sec. 93-23-7. - Mixed uses.

In the case of mixed uses, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified herein. Off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

Sec. 93-23-10. - Off-street parking requirements according to district and uses.

At the time of the erection of any building or structure hereinafter listed, or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area, seats, beds, members or employees, there shall be provided for such new construction, enlargement or increased capacity only, off-street automobile parking space and off-street loading spaces in accordance with the minimum requirements established

for each zone. The maximum number of off-street automobile parking spaces shall be 110 percent of the requirement for uses proposed at the time of development approval.

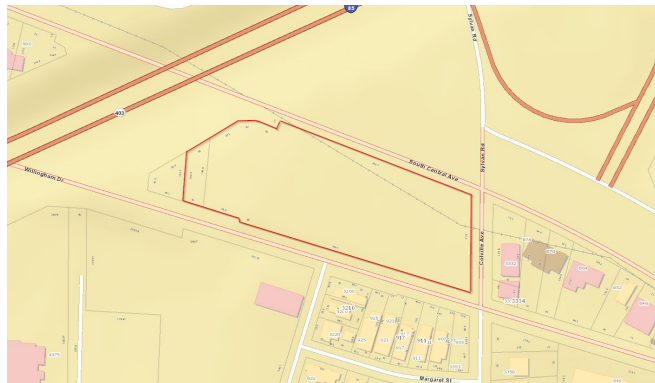
FINDINGS

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

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

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

There are no extraordinary or exceptional conditions because of shape, size or topography of the parcel that create a hardship for the parking requirement. The property is approximately 3.255 acres in size, is generally rectangular in shape and is fairly flat with the south end of the parcel dropping approximately 5' in grade.



Parcel as proposed after subdivision.

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

There is no indication the application of the parking requirement to this particular piece of property creates an unnecessary hardship. The Applicant has not established what unnecessary hardship they would be burdened with if the parking provision of the code was applied in full.

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

The parcel contains a large number of mature trees, particularly along its southern border. The plans have not adequately documented the tree coverage or provided how the reduction in parking and the use of 3 parking spaces in the residential area ameliorate the tree preservation. A hardship cannot be determined with information provided.

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

The proposal to reduce the parking for a commercial use is a major concern for this property. The Applicant has indicated three of the 32 provided parking spaces will be located in the residential area and has suggested that 13 more spaces running along a street behind several of the townhomes could be used to meet parking demand in the commercial area. First, the layout of the townhomes reflects a multi-use rather than mixed use approach. Encouraging the use of residential parking to meet commercial demand will result in a high volume of automobile and foot traffic in what is designed to be a private residential area (as indicated on the site plan with an optional residential gate). There is no proximal public or on street parking to capture overflow should the reduced parking lot requirements be met.

Second, the use of the proposed parking spaces in the residential area is complicated by (a) safety concerns, (b) site layout and conflict with Architectural Design Standards, (c) layout of the parking, and (d) optional residential gate as shown. The parking of cars in the residential area directly behind the townhomes for the use of patrons creates a potential safety concern. As discussed with the Chief of Police, the parking is located to the rear and not highly visible (e.g., a public street). Entering autos is an on-going issue in the Metro area and the City of Hapeville. Conflicts between commercial visitors and residents could be problematic as this is private property. Similarly, the property will belong to the HOA and all maintenance, issues and liability would become their responsibility.

The site layout does not adhere to the Architectural Design Standards, including residences fronting on a public street and no parking in the supplemental area. The parallel parking proposed along South Central violates this code requirement – even with a fence. The optional residential gate as shown on the site plan, if installed, would preclude the use of the proposed 3 spaces (not including the additional 13 spaces).

The site plan also shows an excess of parking beyond 110% of the dimensional requirements. This would require Board of Appeals approval at a separate meeting.

Staff believes there could be detriment to the public good should this parking reduction and arrangement be allowed in terms of safety for the commercial and residential users of the property.

RECOMMENDATION

The requested variance would allow the Applicant to reduce the number of parking spaces for commercial use. Hardships cannot be determined based on the required conditions reviewed above. The Applicant has suggested the necessary parking can be provided by a 13-space strip of parking along a road privately serving the residential area. Such an arrangement is detrimental to the townhouse community as it encourages a high volume of users of the commercial space to use a private area intended to be a shared driveway.

In addition, the 13-space area in question itself is not compliant. The minimum parking required for 20 townhomes is 40 spaces. The maximum parking allowed is 44 spaces. The Applicants have provided 56 spaces for the residential area, which exceeds the 110% maximum and is not compliant.

Staff recommendation is to deny the variance request.

