

Board of Appeals Meeting
3468 North Fulton Avenue
Hapeville, Georgia 30354

May 23, 2019
6:00 PM

1. Welcome And Introduction

2. Minutes Of April 25, 2019

3. New Business

3.I. 3409 Dogwood Drive Variance Request

Michael Rabb is requesting a variance to allow an off-street parking arrangement at 3409 Dogwood Drive, Parcel Identification Number 14 009800170179. 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:

[3409 DOGWOOD DRIVE - APPLICATION_REDACTED.PDF](#)
[PLANNERS REPORT 3409 DOGWOOD DR BOARD OF APPEALS PARKING.PDF](#)

4. Old Business

4.I. Willingham Drive At Colville Avenue Variance Request

Miller Lowry of Miller Lowry Developments is requesting variances to decrease the required distance between multifamily buildings from 24' to 10' and increase the maximum residential parking allowed 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. *This item was tabled at the April 25, 2019 meeting.*

- Public Comment

Documents:

[WILLINGHAM AT COLVILLE - VILLAGE WALK VARIANCE APPLICATION \(REDACTED\).PDF](#)
[5-7-19 VILLAGE AT HAPEVILLE SITE TREE PLAN \(002\).PDF](#)
[PLANNERS REPORT WILLINGHAM COLVILLE TOWNHOMES BOARD OF APPEALS, 5-23-19.PDF](#)

5. Next Meeting Date - Thursday, June 27, 2019

6. Adjourn

19-BDA-05-05

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

Name of Applicant The Dogwood / Michael Rabb
Mailing Address 573 N Central Ave Hapeville, GA 30354
Telephone _____ Mobile # _____ Email _____
Property Owner (s) Michael Rabb
Mailing Address 573 N Central Ave Hapeville, GA 30354
Telephone 404-254-1004 Mobile # _____
Property Address/Location: 3409 Dogwood Dr. Hapeville, GA 30354
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009800170179
Square Foot of Property 30,000 sqft Building Size 4600 sqft Zoning C2-UV
Present Land Use Vacant
Variance Requested Parking - off site parking
Applicable Code Section 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 to. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

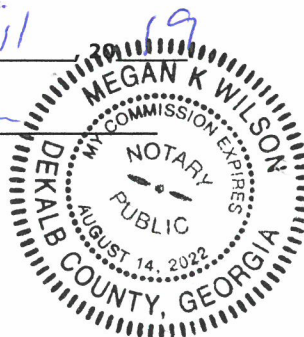
Applicant's signature _____

Date: 4/24/19

Sworn to and subscribed before me.

This 24th day of April

Meghan K. Wilson
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.

We Would like to provide a beautiful Garden Space and event Center for the City of Hapeville.

There is a parking agreement already in place with a neighboring business - please See Attached Copy of parking lease.

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

We would not be able to move forward with creating the gardens.

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

Without the ability to create the gardens we will not be able to have the event space.

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

None

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

AUTHORIZATION OF PROPERTY OWNER

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

3409 Dogwood Dr. 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.

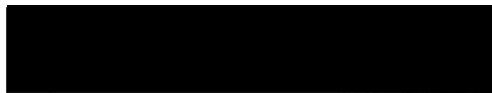
Name of Applicant

Michael Rabb

Address of Applicant

573 N Central Ave Hapeville, GA 30354

Telephone of Applicant

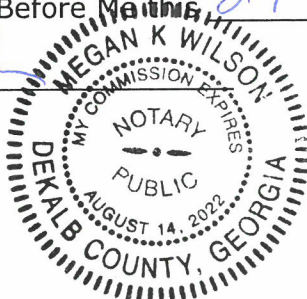



Signature of Owner

Michael Rabb
Print Name of Owner

Personally Appeared Before Me this 24th day of APRIL, 2019.

Megan K Wilson
Notary Public



Gross Area = 4,633 SF
 Occupancy Type: Assembly - 7A.2 (Banquet Hall)
 Occupancy Count: 283 (142 Female & 142 Male)
 IBC Required: Provided

Water Closets
 1 per 40
 4
 Lavatories
 1 per 40
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 F = 1 per 75
 3
 Drinking Fountain
 1
 Utility Sink
 1

Water Closets
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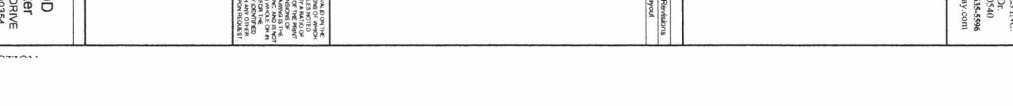
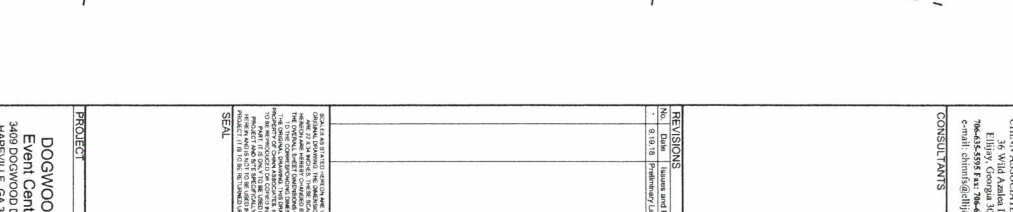
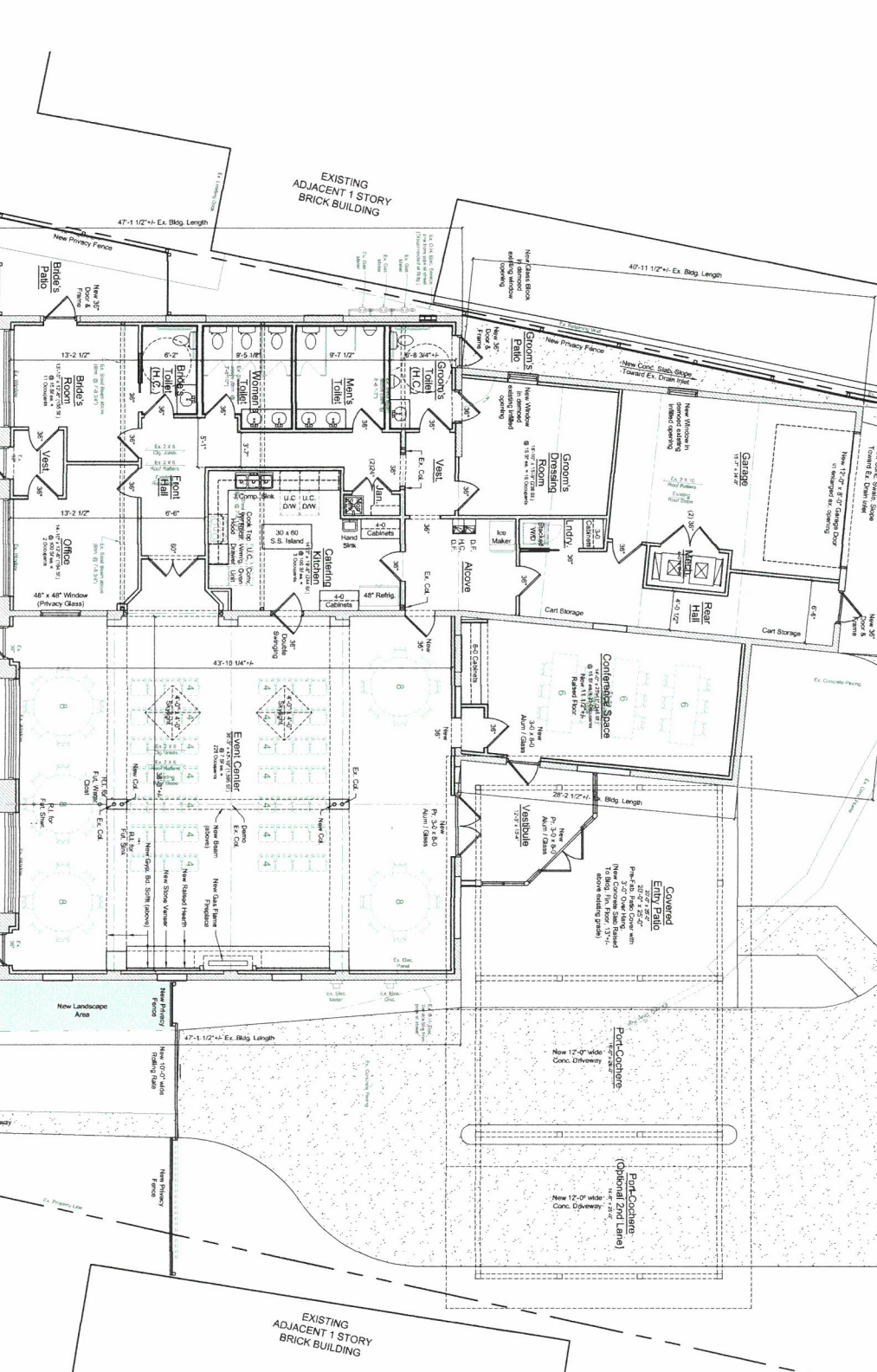
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Water Closets
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 Lavatories
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 Drinking Fountain
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 Utility Sink
 1



CHINN
 CHINN ASSOCIATES, INC.
 706-435-4595 Fax: 706-435-4596
 E: chinn@chinn.com
 CONSULTANTS

PROPOSED LAYOUT PLAN
 DOGWOOD
 Event Center
 3409 DOGWOOD DRIVE
 HAYESVILLE, GA 30554

PROPOSED LAYOUT PLAN
 DOGWOOD
 Event Center
 3409 DOGWOOD DRIVE
 HAYESVILLE, GA 30554

Parking Space Lease Agreement

This Agreement is entered into and made effective as of the date set forth at the end of this document by and between New Hope LLC [name],
3421 Dogwood Drive Hapeville, GA 30354 [address]
("Lessor") and The Dogwood Event Center, Inc. ("Dogwood"), 355 Brooks Avenue, Atlanta, GA 30307.

WHEREAS, Dogwood wishes to rent parking spaces from Lessor as needed for overflow parking; and

WHEREAS, Lessor wishes to offer parking spaces for rent,

NOW, therefore, in consideration of the promises and covenants contained herein, as well as other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

Parking Availability and Leasing

During the term of this Agreement, Lessor agrees to make available a minimum of 60 spaces for overflow parking in Lessor's existing parking lot located at 3421 DOgwood Drive Hapeville, GA 30354 (the "Parking Space"). Dogwood agrees to rent the Parking Space during the term of this Agreement.

Duration of Lease

The lease begins on the date of this Agreement, continues for a period of five years, and shall automatically renew for additional 5 year term. Either party can terminate this agreement with a 60 day written notice.

Price

Dogwood agrees to pay and Lessor agrees to accept the following amount:

\$ 75.00, per event, during which Dogwood uses the Parking Space for overflow parking.

Payment

The Lease Price will be paid within 21 days after the end of each month in which Dogwood used the Parking Space.

Limitation of Liability

Neither party will be responsible for any damage to vehicles. Nor will either party be liable for any special, indirect, consequential or punitive damages arising out of or relating to this Agreement in any way.

Attendants

The parking lot will not be supervised by attendants. ***Any valet service hired will carry their own liability insurance.**

General Provisions

Amendments: This Agreement may only be amended in writing signed by both Parties.

No Waiver: None of the terms of this Agreement shall be deemed to have been waived by any act or acquiescence of either party. Only an additional written agreement can constitute waiver of any of the terms of this Agreement between the parties. No waiver of any term or provision of this Agreement shall constitute a waiver of any other term or provision or of the same provision on a future date. Failure of either party to enforce any term of this Agreement shall not constitute waiver of such term or any other term.

Severability: If any provision or term of this Agreement is held to be unenforceable, then this Agreement will be deemed amended to the extent necessary to render the otherwise unenforceable provision, and the rest of the Agreement, valid and enforceable. If a court declines to amend this Agreement as provided herein, the invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the remaining terms and provisions, which shall be enforced as if the offending term or provision had not been included in this Agreement.

Entire Agreement: This Agreement constitutes the entire agreement between the Parties and supersedes any prior or contemporaneous understandings, whether written or oral.

Counterparts: This Agreement may be executed in counterparts, all of which shall constitute a single agreement.

Notices Electronic Communications Permitted: Any notice to be given under this Agreement shall be in writing and shall be sent by first class mail or priority mail to the address of the party set out at the head of this Agreement.

Dated: 4/17/2019

Lessor:

New Hope LLC

Signature

Printed Name

Lessee:

The Dogwood Event Center, Inc

By:





Image capture: Oct 2018 © 2019 Google

Hapeville, Georgia



Street View - Oct 2018



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 3409 Dogwood Drive
DATE: May 15, 2019

BACKGROUND

The City of Hapeville has received a Variance application from Michael Rabb to allow a new development at 3409 Dogwood Drive to meet its minimum parking requirements using a parking lot on an adjacent parcel. The second parcel is located at 3421 Dogwood Drive, directly south of the Applicant's parcel. The new development will consist of an event space and garden. The Applicant's parcel will have no on-site parking available, while the off-site parking will provide 60 spaces.

The proposed use, an event space, does not have applicable parking requirements in the Code. The Fire Marshal has determined the occupant load for the site will be 200 people, which Staff believes can be reasonably served by the 60 parking spaces provided off-site per this application. The Applicant has signed a contract with the owner of 3421 Dogwood Drive to allow for parking on days when there will be events. The property is currently zoned U-V, Urban Village and is in the A-D, Arts District overlay.

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.

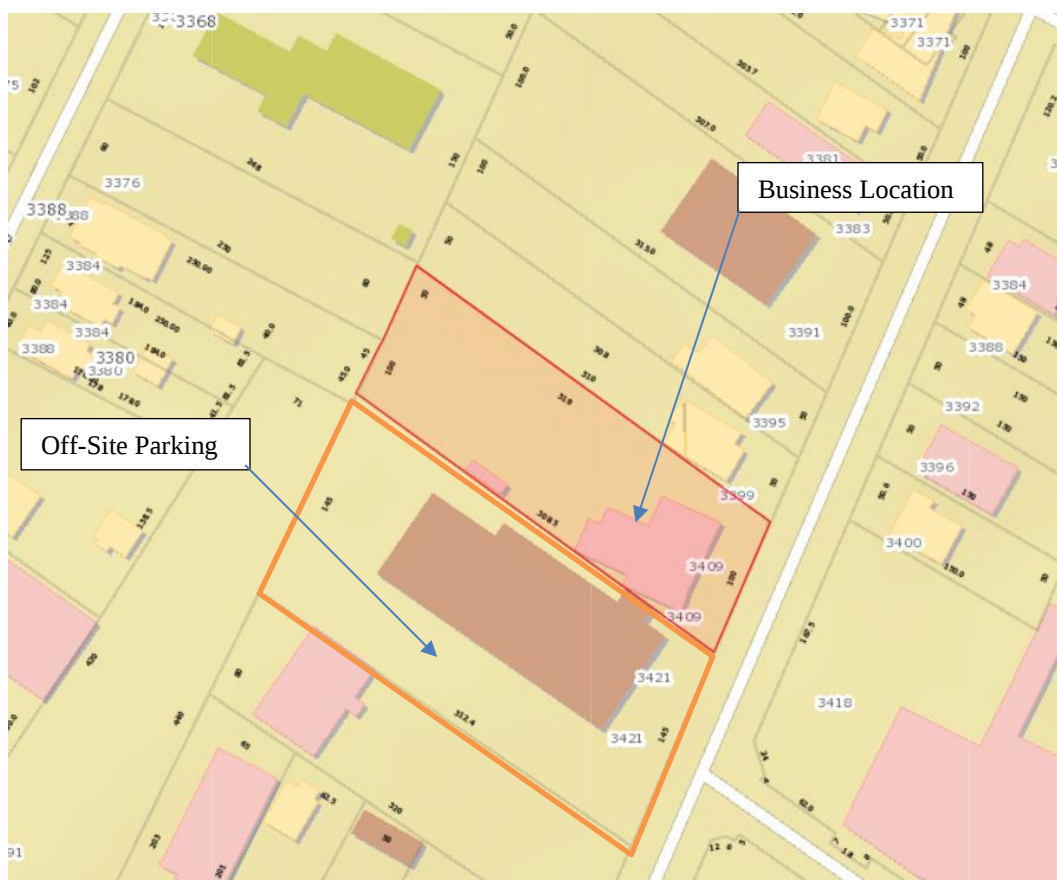
Sec. 93-23-12. - Location.

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.

RECOMMENDATION

With construction of the outdoor garden venue, the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves. Without this variance, the project would likely not be able to proceed. The proposed off-site parking is within 400 feet of the development. However, the proposed variance will allow for more parking than the site could otherwise contain, which could increase traffic in the area at peak times.

Prior to formalizing a recommendation, the Applicant should provide a site plan of the off-site parking area showing striped parking to ensure the number of claimed parking spaces is available. Further, the applicant must ensure they will not charge for parking, as commercial parking lots are not a permitted use in U-V.



Project Location – 3409 Dogwood Drive

19-BDA-04-04

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

Name of Applicant MMA Lowry Developments
 Mailing Address 2964 Peachtree Ave. NW Suite 540 Atlanta, GA 30305
 Telephone 770-903-4422 Mobile # [REDACTED] Email rob.1525@mmlowry.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 141,788 SF Building Size 63,762 SF Zoning Village
↳ TH's & Commercial
 Present Land Use Raw land
 4 total → Variance Requested Wowing sidewalk along Wingham, decrease required distance from buildings, decrease commercial parking spaces, decrease height of some 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.

Applicant's signature [Signature] MCD

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



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

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

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.

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 LANDSCAPE STRIP WIDTH FOR VEHICLE USE AREA ADJUTING A PUBLIC STREET RIGHT OF WAY, FROM A MINIMUM AVERAGE DIMENSION OF 10', TO A 9.25' AVERAGE.

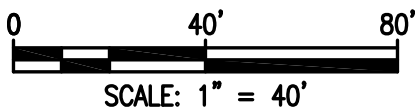
BUILDING AREA = 32,762 SF
PARKING AREA = 8,418 SF
DRIVEWAY AREA = 32,468 SF
SIDEWALK AREA = 6,051 SF
TOTAL LOT COVERAGE = 79,699 SF / 141,790 SF = 56.21%

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)		
CATEGORY	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	40 TOTAL OFF STREET PARKING SPACES PROVIDED IN FRONT OF THE COMMERCIAL BUILDING. 50 TOTAL OFF STREET PARKING SPACES PROVIDED
OFF STREET PARKING	NON RESIDENTIAL OFF STREET PARKING SPACES, PER ARTS DISTRICT (SEC 93–28–10.2(e)) – ARTS DISTRICT PARKING = 8.5' X 18'	50 TOTAL OFF STREET PARKING SPACES PROVIDED – PARALLEL PARKING SPACES: 12 QTY / 30% – ARTS DISTRICT SIZE: 33 QTY / 66% – ADA ACCESSIBLE: 2 QTY / 4%
ADA ACCESSIBLE	ADA ACCESSIBLE: TOTAL SPACES BETWEEN 26–50, REQUIRE 2 ADA ACCESSIBLE. 50 TOTAL PROVIDED SPACES = 2 REQUIRED ADA	ADA ACCESSIBLE: 2 QTY PROVIDED

- **PARKING SPACE DIMENSIONS:** 8.5' X 18', PER SECTION 93-28-10.2(E)
- **LOADING AREA REQUIREMENTS:** NO LOADING SPACE REQUIREMENT SHALL APPLY TO THE ARTS DISTRICT OVERLAY. SHORT TERM LOADING NEEDS OF THE BUSINESS CAN BE MET IN THE VEHICLE PARKING AREA (PER SECTION 93-28-10.2(E))

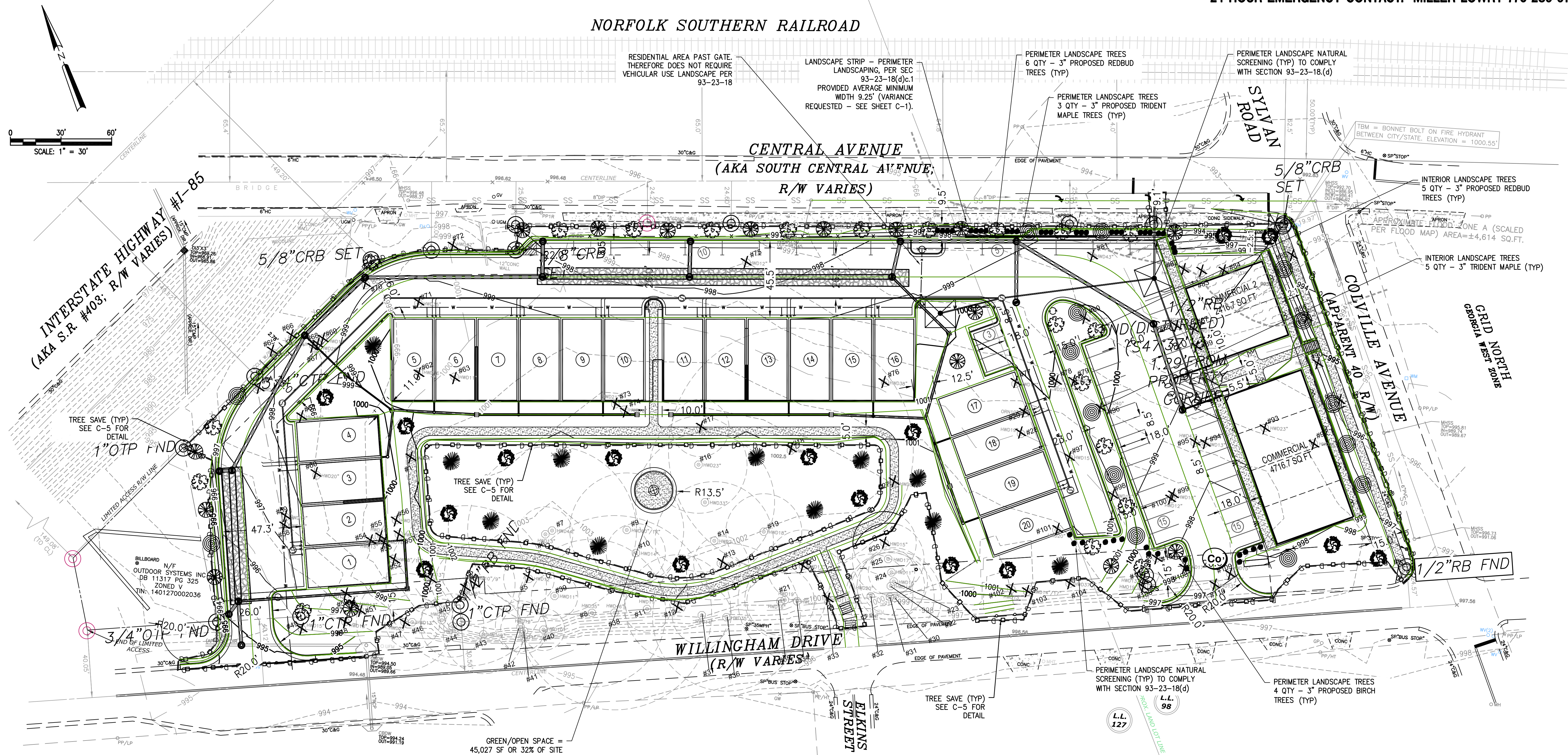
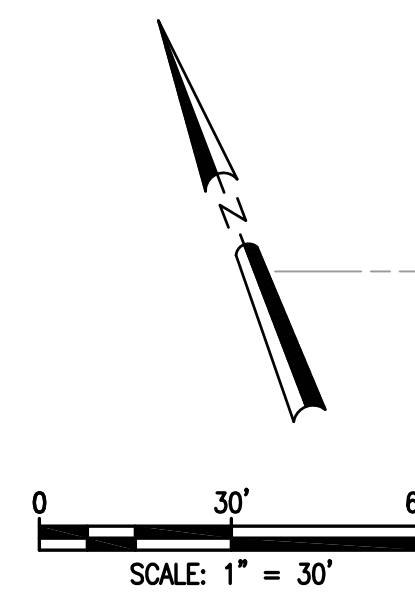
MILLER LOWRY DEVELOPMENTS, LLC
2964 PEACHTREE ROAD NW
SUITE 540
HAPEVILLE, GA 30305



NORFOLK SOUTHERN RAILROAD

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

INTERSTATE HIGHWAY #1-85
(AKA S.R. #403; R/W VARIES)



EXISTING LEGEND

- 1150--- EXISTING CONTOUR
- PROPERTY LINE
- SANITARY SEWER LINE
- OVERHEAD POWER LINE
- WATER LINE
- FENCELINE
- SANITARY SEWER MANHOLE
- POWER POLE WITH GUY WIRE
- ELECTRIC BOX
- FIRE HYDRANT
- EXISTING HARDWOOD TREE (PER SURVEY)
- EXISTING ORNAMENTAL TREE (PER SURVEY)
- EXISTING TREE CRITICAL ROOT ZONE

PROPOSED LEGEND

- 990--- CONTOUR
- STORMWATER LINE
- D --- D --- LIMIT OF DISTURBANCE
- SANITARY SEWER PIPING
- 1.2%--- SURFACE DRAINAGE GRADE
- DROP INLET WITH GRATE
- JUNCTION BOX
- CURB INLET
- SANITARY SEWER MANHOLE
- TREE SAVE FENCE

TOTAL SITE ACRES = 3.113 ACRES
TOTAL DISTURBED AREA = 2.883 ACRES

SEE SHEET C-5.1 FOR TREE
INVENTORY AND
CALCULATIONS

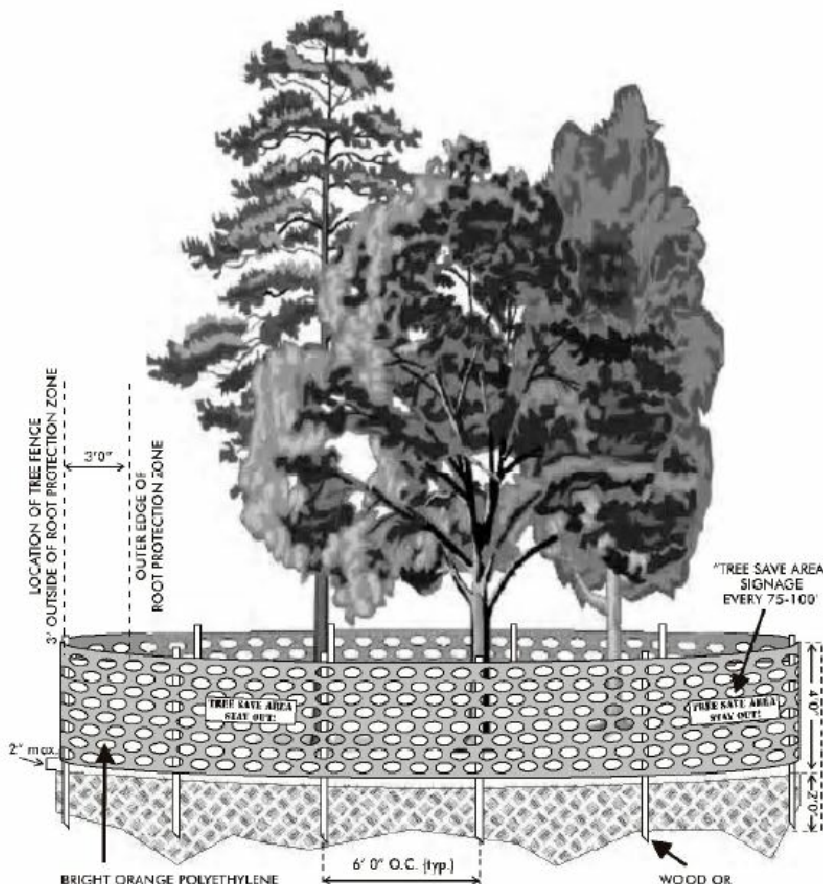
TREE PROTECTION FENCING SHALL BE
MAINTAINED DURING THE ENTIRE
PROJECT PERIOD

Tree Legend

INCLUDES LANDSCAPE PERIMETER TREES,
INTERIOR TREES, AND REPLACEMENT TREES
FOR CANOPY COVERAGE)

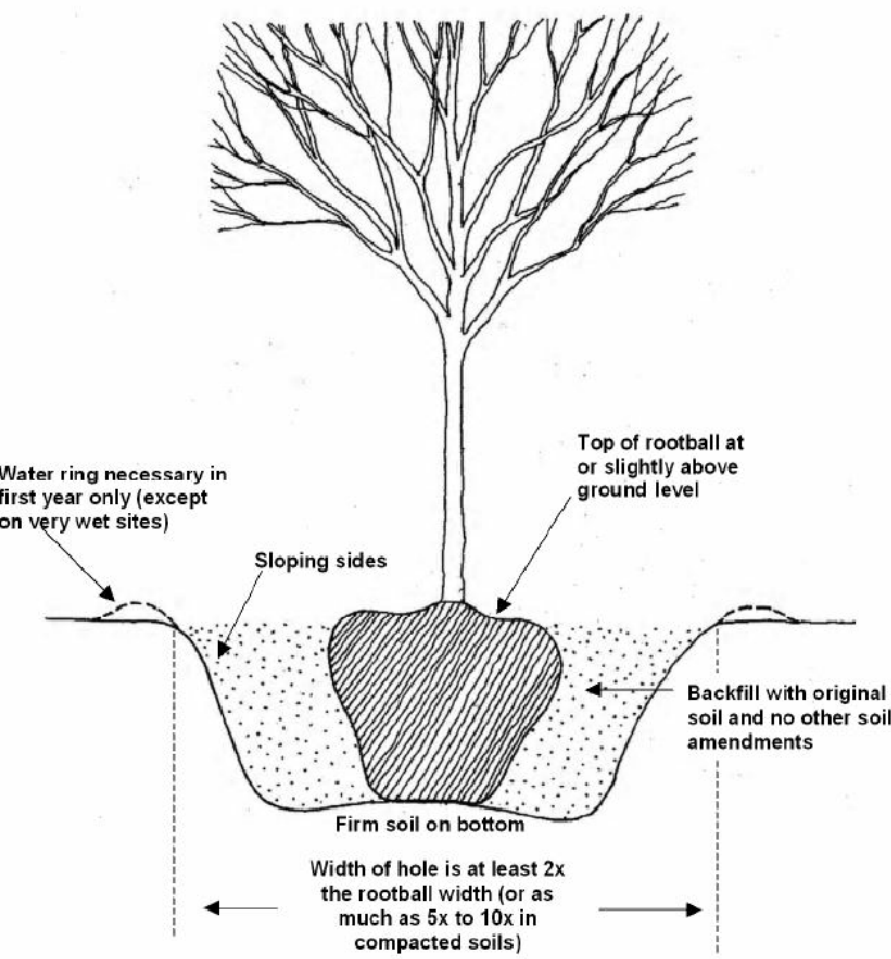
- AMERICAN BEECH (16 - 3" TREES)
- OVERCUP OAK (11 - 3" TREES)
- RED BUD (20 - 3" TREES)
- TRIDENT MAPLE (15 - 3" TREES)
- RIVER BIRCH (16 - 3" TREES)

Figure 1. Tree Protection Fencing



TREE PROTECTION
FENCING

NOT TO SCALE



TREE PLANTING
DETAIL

NOT TO SCALE

SURVEYOR

LOWERY AND ASSOCIATES LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
(770) 334-8186

APPLICANT / DEVELOPER

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

Prepared By:
CRESCENT VIEW
ENGINEERING, LLC:
211 Fraser Street SE
Marietta, GA 30060
678-324-9410
www.crescentvieweng.com

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

Site/Tree Conservation Plan

DATE	SCALE	AS SHOWN	REVISIONS	CITY COMMENTS
4-8-19			5-7-19	
DRAWN			A. R.	
CHECKED			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-5

Existing Tree Inventory:

EXISTING TREE INVENTORY TAKEN FROM FROM SURVEY PERFORMED BY LOWERY & ASSOCIATES, DATED 4th OF APRIL, 2019.

TREE #	LOCATION	DBH (IN INCHES)	TYPE	SAVED / DESTROYED	% IMPACT TO CRZ	LANDMARK
1	ONSITE	44	HARDWOOD	DESTROYED	100.00%	YES
2	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
3	ONSITE	38	HARDWOOD	DESTROYED	51.56%	YES
4	ONSITE	19	HARDWOOD	DESTROYED	43.57%	
5	ONSITE	12	HARDWOOD	DESTROYED	30.27%	
6	ONSITE	13	HARDWOOD	SAVED	23.99%	
7	ONSITE	44	HARDWOOD	SAVED/P	29.39%	YES
8	ONSITE	35	HARDWOOD	SAVED/P	27.31%	YES
9	ONSITE	27	HARDWOOD	SAVED	12.21%	
10	ONSITE	14	HARDWOOD	SAVED	15.90%	
11	ONSITE	11	HARDWOOD	SAVED	20.20%	
12	ONSITE	25	HARDWOOD	DESTROYED	38.30%	
13	ONSITE	13	HARDWOOD	DESTROYED	39.42%	
14	ONSITE	28	HARDWOOD	SAVED	22.19%	
15	ONSITE	33	HARDWOOD	SAVED	5.14%	YES
16	ONSITE	23	HARDWOOD	SAVED/P	25.61%	
17	ONSITE	17	HARDWOOD	DESTROYED	100.00%	
18	ONSITE	58	HARDWOOD	DESTROYED	60.69%	
19	ONSITE	18	HARDWOOD	SAVED	19.74%	
20	ONSITE	17	HARDWOOD	DESTROYED	65.56%	
21	ONSITE	19	HARDWOOD	SAVED	10.04%	
22	ONSITE	16	HARDWOOD	SAVED	0.00%	
23	ONSITE	16	HARDWOOD	SAVED	0.00%	
24	ONSITE	11	HARDWOOD	SAVED	0.00%	
25	ONSITE	17	HARDWOOD	SAVED	9.66%	
26	ONSITE	15	HARDWOOD	DESTROYED	30.24%	
27	ONSITE	50	HARDWOOD	DESTROYED	100.00%	YES
28	ONSITE	19	HARDWOOD	DESTROYED	100.00%	
29	ONSITE	10	ORNAMENTAL	DESTROYED	100.00%	YES
30	BOUNDARY	22	HARDWOOD	SAVED	5.39%	
31	BOUNDARY	21	HARDWOOD	SAVED	7.95%	
32	BOUNDARY	20	HARDWOOD	SAVED/P	26.23%	
33	BOUNDARY	11	HARDWOOD	DESTROYED	100.00%	
34	BOUNDARY	28	HARDWOOD	SAVED/P	34.46%	
35	BOUNDARY	16	HARDWOOD	SAVED	3.98%	
36	BOUNDARY	35	HARDWOOD	SAVED/P	26.49%	YES
37	BOUNDARY	14	HARDWOOD	SAVED	15.69%	
38	BOUNDARY	46	HARDWOOD	SAVED/P	34.94%	YES
39	ONSITE	11	HARDWOOD	SAVED	5.05%	
40	BOUNDARY	10	HARDWOOD	SAVED	0.00%	
41	BOUNDARY	11	HARDWOOD	SAVED	0.00%	
42	BOUNDARY	12	HARDWOOD	SAVED	0.00%	
43	BOUNDARY	19	HARDWOOD	SAVED	0.00%	
44	BOUNDARY	15	HARDWOOD	SAVED	7.24%	
45	BOUNDARY	10	HARDWOOD	SAVED	6.52%	
46	BOUNDARY	13	HARDWOOD	SAVED/P	29.17%	
47	BOUNDARY	23	HARDWOOD	DESTROYED	48.41%	
48	BOUNDARY	12	HARDWOOD	DESTROYED	100.00%	
49	BOUNDARY	15	HARDWOOD	DESTROYED	100.00%	
50	ONSITE	24	HARDWOOD	DESTROYED	100.00%	
51	ONSITE	15	HARDWOOD	DESTROYED	100.00%	
52	ONSITE	18	HARDWOOD	DESTROYED	100.00%	
53	ONSITE	14	HARDWOOD	DESTROYED	100.00%	
54	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
55	ONSITE	11	HARDWOOD	DESTROYED	100.00%	
56	ONSITE	16	HARDWOOD	DESTROYED	100.00%	
57	ONSITE	22	HARDWOOD	DESTROYED	100.00%	
58	ONSITE	20	HARDWOOD	DESTROYED	100.00%	
59	ONSITE	10	HARDWOOD	DESTROYED	100.00%	
60	ONSITE	20	HARDWOOD	DESTROYED	100.00%	
61	ONSITE	36	HARDWOOD	DESTROYED	100.00%	
62	ONSITE	16	HARDWOOD	DESTROYED	100.00%	
63	ONSITE	11	HARDWOOD	DESTROYED	100.00%	
64	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
65	BOUNDARY	14	HARDWOOD	DESTROYED	100.00%	
66	BOUNDARY	14	HARDWOOD	DESTROYED	100.00%	
67	ONSITE	11	HARDWOOD	DESTROYED	100.00%	
68	ONSITE	26	HARDWOOD	DESTROYED	100.00%	
69	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
70	ONSITE	22	HARDWOOD	DESTROYED	100.00%	
71	ONSITE	35	HARDWOOD	DESTROYED	100.00%	YES
72	BOUNDARY	47	HARDWOOD	DESTROYED	100.00%	YES
73	ONSITE	21	HARDWOOD	DESTROYED	100.00%	
74	ONSITE	18	HARDWOOD	DESTROYED	100.00%	
75	ONSITE	12	HARDWOOD	DESTROYED	100.00%	
76	ONSITE	38	HARDWOOD	DESTROYED	100.00%	YES
77	ONSITE	17	HARDWOOD	DESTROYED	100.00%	
78	ONSITE	23	HARDWOOD	DESTROYED	100.00%	
79	ONSITE	35	HARDWOOD	DESTROYED	100.00%	YES
80	ONSITE	47	HARDWOOD	DESTROYED	100.00%	YES
81	ONSITE	43	HARDWOOD	DESTROYED	100.00%	YES
82	ONSITE	15	HARDWOOD	DESTROYED	100.00%	
83	ONSITE	11	HARDWOOD	DESTROYED	100.00%	
84	ONSITE	37	HARDWOOD	DESTROYED	100.00%	YES
85	ONSITE	20	HARDWOOD	DESTROYED	100.00%	
86	ONSITE	28	HARDWOOD	DESTROYED	100.00%	
87	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
88	ONSITE	25	HARDWOOD	DESTROYED	100.00%	
89	ONSITE	11	HARDWOOD	DESTROYED	100.00%	
90	ONSITE	27	HARDWOOD	DESTROYED	100.00%	
91	ONSITE	36	HARDWOOD	DESTROYED	100.00%	YES
92	ONSITE	35	HARDWOOD	DESTROYED	100.00%	YES
93	ONSITE	23	HARDWOOD	DESTROYED	100.00%	
94	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
95	ONSITE	47	HARDWOOD	DESTROYED	100.00%	YES
96	ONSITE	40	HARDWOOD	DESTROYED	100.00%	YES
97	ONSITE	15	HARDWOOD	DESTROYED	100.00%	
98	ONSITE	16	HARDWOOD	DESTROYED	100.00%	
99	ONSITE	10	HARDWOOD	DESTROYED	100.00%	
100	ONSITE	12	HARDWOOD	DESTROYED	100.00%	
101	ONSITE	20	HARDWOOD	DESTROYED	100.00%	
102	BOUNDARY	13	HARDWOOD	DESTROYED	100.00%	
103	BOUNDARY	31	HARDWOOD	DESTROYED	100.00%	YES
104	BOUNDARY	37	HARDWOOD	DESTROYED	100.00%	YES
105	BOUNDARY	13	HARDWOOD	DESTROYED	100.00%	
106	BOUNDARY	19	HARDWOOD	DESTROYED	100.00%	
107	ONSITE	13	HARDWOOD	DESTROYED	100.00%	
108	ONSITE	17	HARDWOOD	DESTROYED	100.00%	
109	ONSITE	15	HARDWOOD	DESTROYED	100.00%	
110	BOUNDARY	13	HARDWOOD	DESTROYED	100.00%	

Canopy Calculations Table:

NOTE – REQUIRED CANOPY CALCULATED AT 45% (RESIDENTIAL). EXISTING TREE CANOPY WAS NOT MEASURED IN THE SURVEY, THEREFORE, CANOPY FOR EXISTING TREES WAS ATTRIBUTED FROM THE TREE LIST (PER HAPEVILLE TREE CONSERVATION ORDINANCE, APPENDIX A)

RESIDENTIAL LOT SIZE	LOT SF	REQUIRED CANOPY	MEASURED CANOPY	ATTRIBUTED UNITS (EX. TREES TO REMAIN)	REPLACEMENT CANOPY LARGE	REPLACEMENT CANOPY MEDIUM	REPLACEMENT CANOPY SMALL	MITIGATION CANOPY FOR LANDMARK OR BOUNDARY	TOTAL (SF / UNITS)
RLS ACRES	LSF SF	RC (SF / UNITS)	MC (SF / UNITS)	AC (UNITS)	RCL (SF / UNITS)	RCM (SF / UNITS)	RCS (SF / UNITS)	MC	(EX. TO REMAIN + REPLACEMENT)
3.25	141790	63,806 SF / 255 UNITS	N/A	21,500 SF / 86 UNITS	27,000 SF / 108 UNITS	8,000 SF / 35 UNITS	8,750 SF / 35 UNITS	BOUNDARY TREE BOND AMOUNT DETERMINED BY CITY ARBORIST (SEE NOTES BELOW)	65,250 SF / 261 UNITS

Landmark / Boundary Trees:

LANDMARK TREES REMOVED (ONSITE):

REMOVED = 14 QTY

REPLACED = 27 QTY LARGE REPLACEMENT TREES ARE PROPOSED (CANOPY COVERAGE FOR THESE REPLACEMENT TREES ARE INCLUDED IN THE CHART ABOVE)

LANDMARK REPLACEMENT TREES EXCEED LANDMARK TREES REMOVED. THEREFORE THERE IS NO LANDMARK MITIGATION COST/FEE

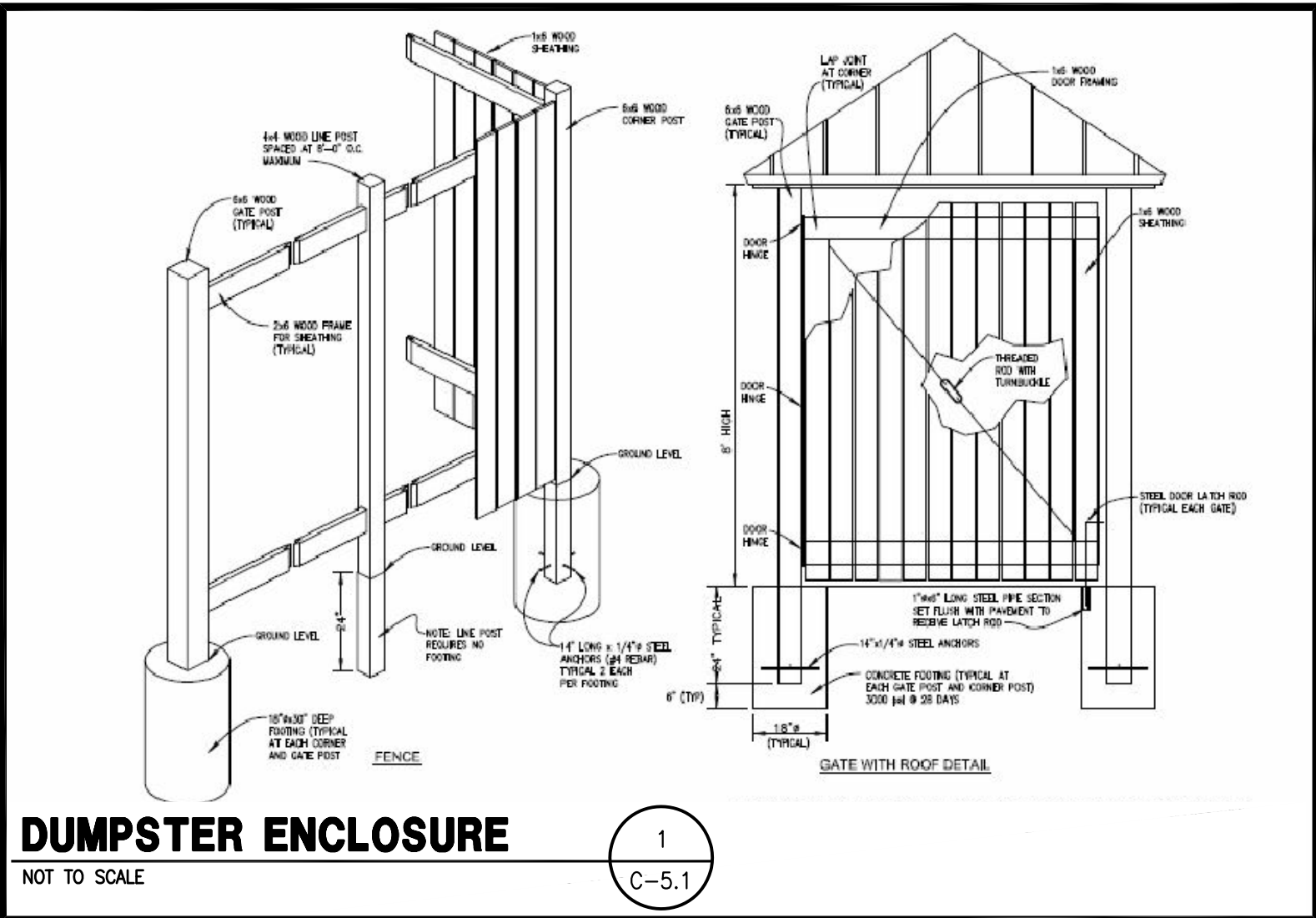
BOUNDARY TREES REMOVED:

TREE #	LOCATION	DBH (IN INCHES)	TYPE	SAVED / DESTROYED	% IMPACT TO CRZ	LANDMARK
33	BOUNDARY	11	HARDWOOD	DESTROYED	100.00%	
47	BOUNDARY	23	HARDWOOD	DESTROYED	48.41%	
48	BOUNDARY	12	HARDWOOD	DESTROYED	100.00%	
49	BOUNDARY	15	HARDWOOD	DESTROYED	100.00%	
65	BOUNDARY	14	HARDWOOD	DESTROYED	100.00%	
66	BOUNDARY	14	HARDWOOD	DESTROYED	100.00%	
72	BOUNDARY	47	HARDWOOD	DESTROYED	100.00%	YES
102	BOUNDARY	13	HARDWOOD	DESTROYED	100.00%	
103	BOUNDARY	31	HARDWOOD	DESTROYED	100.00%	YES
104	BOUNDARY	37	HARDWOOD	DESTROYED	100.00%	YES
105	BOUNDARY	13	HARDWOOD	DESTROYED	100.00%	
106	BOUNDARY	19	HARDWOOD	DESTROYED	100.00%	
110	BOUNDARY	13	HARDWOOD	DESTROYED	100.00%	

TOTAL BOUNDARY TREES REMOVED = 13 QTY (SEE LIST ABOVE– ALSO SHOWN IN EXISTING TREE INVENTORY)

BOUNDARY TREE REMOVAL BOND AMOUNT TO BE DETERMINED BY THE CITY ARBORIST (PER SEC 93–2–14(e)(4))

VEHICLE USE LANDSCAPE REQUIREMENTS		
(DOES NOT APPLY TO AREAS SERVING SINGLE FAMILY/DUPLEX DEVELOPMENTS (PER SEC. 93-23-18(b)). THEREFORE, CALCULATIONS ARE FOR COMMERCIAL AREA ONLY)		
CATAGORY	REQUIREMENT	PROVIDED
VEHICLE USE AREAS – EXTERIOR PERIMETERS	PERIMETER LANDSCAPING WITH NO HORIZONTAL DIMENSIONS LESS THAN 5'. SCREENING AREAS SHALL BE MAINTAINED AT A MIN HEIGHT OF 3'	PROVIDED PERIMETER LANDSCAPING HORIZONTAL DIMENSIONS: – NO LESS THAN 5' FOR PARKING AREAS
LANDSCAPED AREAS ABUTTING PUBLIC STREET RIGHT OF WAY	LANDSCAPING AREAS ALONG PUBLIC STREETS SHALL HAVE A MINIMUM DIMENSION OF 5' AND A MIN. AVG. OF 10' FROM RIGHT OF WAY TO VEHICLE USE AREA.	PROVIDED PERIMETER LANDSCAPING ALONG PUBLIC STREETS: – NO LESS THAN 5', WITH MINIMUM AVERAGE OF 9.25' REQUESTED REDUCTION OF MINIMUM AVERAGE FROM 10' TO 9.25'. SEE SHEET C-1.
PERIMETER LANDSCAPE REQUIREMENT (ONLY COMMERCIAL AREAS)	A MINIMUM OF 1 TREE/ 250 FT OF INTERIOR LANDSCAPED AREA.	PROVIDED PERIMETER LANDSCAPE AREA (COMMERCIAL ONLY) = 3,198 SF REQUIRED TREE QTY (3,198 SF / 250) = 12.78 (OR 13 QTY) TREES PROVIDED EXTERIOR TREES = 13 QTY
INTERIOR LANDSCAPE REQUIREMENT	AN AREA OR COMBINATION OF AREAS EQUAL TO 10% OF THE TOTAL VEHICULAR USE AREAS (EXCLUSIVE OF THE PERIMETER LANDSCAPE AREAS) AND A MINIMUM OF 1 TREE/ 250 FT OF INTERIOR LANDSCAPED AREA.	TOTAL VEHICULAR USE AREAS (COMMERCIAL AREA ONLY) = 19,626 SF REQUIRED 10% INTERIOR LANDSCAPE AREA = 1962.6 SF PROVIDED INTERIOR LANDSCAPE AREA = 2450.0 SF REQUIRED TREE QTY (2450SF / 250) = 9.8 (OR 10 QTY) TREES PROVIDED INTERIOR TREES = 10 QTY
GREEN SPACE REQUIREMENTS		
CATAGORY	REQUIREMENT	PROVIDED
GREENSPACE/OPEN AREAS	PER SECTION 93–11.5–10 – DEVELOPMENTS IN EXCESS OF TWO ARCES SHALL BE REQUIRED TO PROVIDE AND MAINTAIN A MINIMUM OF 20 PERCENT GREEN SPACE/ OPEN SPACE (EXCLUDES SPACE FOR REQUIRED SIDEWALKS AND LANDSCAPE STRIPS ALONG STREETS)	PROVIDED GREENSPACE = 45,027 SF OR 32% OF SITE



DUMPSTER ENCLOSURE

NOT TO SCALE

1
C-5.1

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

Prepared By:
CRESCENT VIEW
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211 Fessler Street SE
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Prepared For:
Miller Lowry Developments, LLC
2964 Peachtree Road NW Suite 540
HAPEVILLE, GA 30305

Site/Tree Conservation Plan

DATE	SCALE	DRAWN	CHECKED	REVISIONS	
				4-8-19 AS SHOWN A. R.	5-7-19 CITY COMMENTS 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-5.1



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for Willingham Drive & Colville Avenue - The Village Walk at Hapeville
DATE: May 20, 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 originally included (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 applicant has modified the site plan to accommodate all residential parking spaces.

The applicant is also requesting an increase in the number of parking spaces in the residential area from 4 visitor spaces to 13.

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 Planning Commission reviewed the site plan and recommended approval for both the reduced distance between buildings and the additional parking.

NOTE: 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.

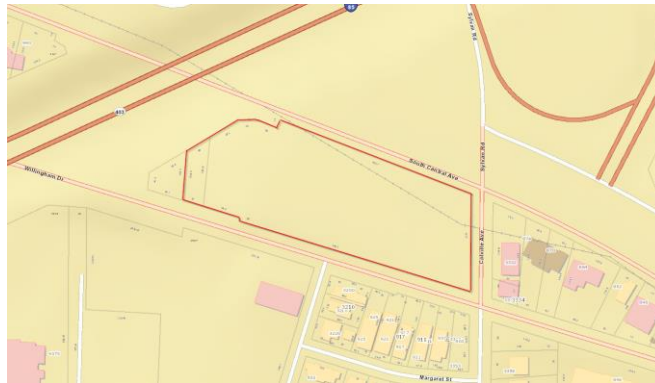
FINDINGS

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. The tree inventory provided saves 39 out of 71 trees onsite. Of these trees, 5 are landmark trees (17 landmark trees are destroyed).

- 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. 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 approved the site plan with minor modifications and has recommended the reduced distance between buildings be approved by the Board of Appeals.

RECOMMENDATION

No hardship has not been established by the Applicant.

The Planning Commission has recommended the approval of the request to reduce the distance between buildings.

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

There are no on-street or public parking lots within close proximity to the proposed project. Visitors to the townhomes would likely park in the commercial parking lot, which would adversely impact the commercial businesses.

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

The caution issued from the Chief of Police indicate the potential for criminal activity and conflict should the commercial visitors be allowed to park in the residential area. A separation of the parking is recommended.

There is no substantial detriment to the public good or impairment of the purpose of this chapter should additional parking be allowed for residential use only.

RECOMMENDATION

The requested variance to allow for additional residential parking on the site is recommended for approval.