

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

May 23, 2019 6:00PM

Minutes

1. Welcome and Introduction

Chairman Mike Simpson called the meeting to order at 6:08 p.m. in the Hapeville City Hall Conference Room located at 3468 North Fulton Avenue, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jan Bolien, Gabriel Cojocarescu, Rod Mack, Larry Martin and John Stalvey. City Attorney Priya Patel, City Planners Lynn Patterson, Michael Smith and Secretary Adrienne Senter were present.

Board of Appeals member Billy Slocumb was unable to attend the meeting.

2. Minutes of April 25, 2019

Motion Item: Jan Bolien made a motion, Larry Martin seconded to approve the minutes of April 25, 2019 as submitted. Motion Carried: 3-0.

3. New Business

a. 3409 Dogwood Drive

Variance Request

Michael Rabb is requested a variance to allow an off-site 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.

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 the request. The Applicant has signed a contract with the owner of 3421 Dogwood Drive to allow for parking on days when there will be events.

There was discussion regarding potential noise concerns. The applicant must adhere to the noise ordinance.

- **Public Comment**
Susan Bailey, 3309 North Whitney Avenue, commented regarding noise concerns and questions regarding the operation of the proposed event space.

Joanne Luger, 3380 North Whitney Avenue, commented regarding noise concerns.

Charlotte Rentz, 2105 LaVista Circle, commented regarding the open garden.

MOTION ITEM: John Stalvey made a motion, Rod Mack seconded to approve the off-site parking request at 3409 Dogwood Drive subject to the following conditions:

- 1. If the parking arrangement is terminated, the occupational tax permit will be suspended until a parking agreement is secured.**
- 2. Valet parking is required at no direct charge to the attendees.**

Discussion: Commissioner Martin inquired regarding the parking for all event including smaller events. Mr. Rabb stated that all charged events will have valet parking.

Motion Carried: 5-0.

MOTION ITEM: John Stalvey made a motion to amend his previous motion, Rod Mack seconded to add all charged events must offer valet service.

Motion Carried: 5-0.

4. Old Business

a. Willingham Drive at Colville Avenue (Village Walk) Variance Request

Miller Lowry of Miller Lowry Developments requested variances to decrease the required distance between multifamily buildings from 24' to 10' and 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 (potentially behind a residential gate) and increase the off-street parking from 44 spaces to 53 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.

The parking request is no longer required due to the applicant submitting a revised site plan.

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

It was noted that 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.

The Applicant states they are aiming to preserve trees by placing the townhome buildings a minimum of 10' apart.

There are no extraordinary or exceptional conditions because of shape, size or topography of the parcel.

The Fire Chief has been consulted and found the reduced distance between multifamily buildings will not create a fire hazard.

- Public Comment
Susan Bailey, 3309 North Whitney Avenue, supported the request
Katrina Bradbury, 921 Margaret Street, supported the variance request as it would save trees

MOTION ITEM: Larry Martin made a motion, John Stalvey seconded to accept the recommendation for approval from the Planning Commission grant the variance request to allow a reduction in the distance between multifamily building from 24 ' to 10' for the property located at South Central Avenue and Willingham Drive. Motion Carried: 5-0.

The applicant withdrew his request for a reduction in the commercial parking requirement that was requested on April 25, 2019.

MOTION ITEM: Larry Martin made a motion, John Stalvey seconded to accept the recommendation for approval from the Planning Commission and grant the variance to allow 13 additional off-street parking spaces. Motion Carried: 5-0.

5. **Next Meeting Date** – Thursday, June 27, 2019

6. **Adjourn**

MOTION ITEM: John Stalvey made a motion, Jan Bolien seconded to adjourn the meeting at 7:28 p.m. Motion Carried: 5-0.

Respectfully submitted by,

Mike Simpson, Chairman

Adrienne Senter, Secretary