



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

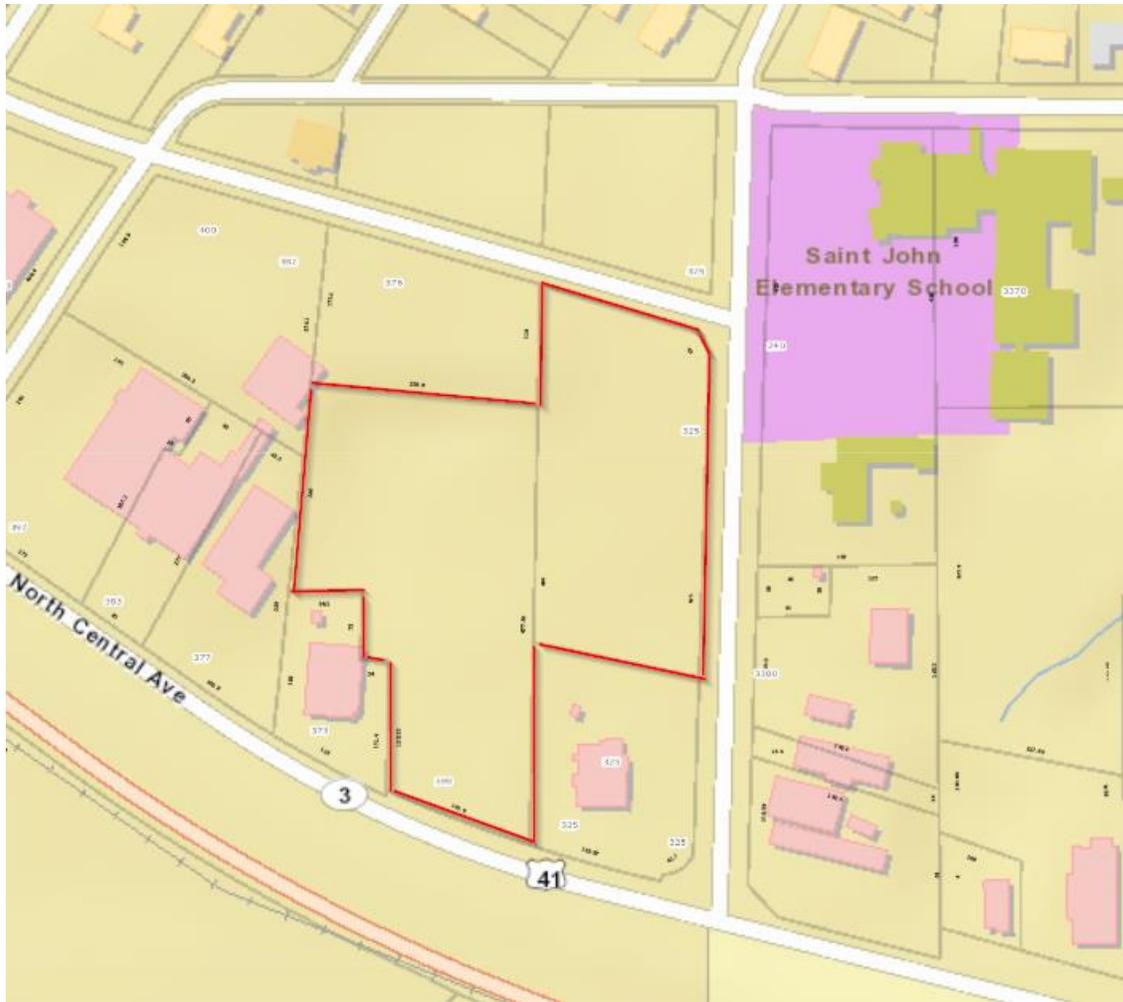
The proposed property location was chosen due to its proximity to the Hapeville Senior Center and a MARTA bus stop. Developing on another parcel with adequate room for parking would require the project to pick another potentially less desirable parcel for the residents of the development. Further, the 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