

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

September 26, 2019

MINUTES

1. Welcome and Introduction

Chairman Michael Simpson called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jan Bolien, Gabriel Cojocarescu, Rod Mack, Larry Martin, and John Stalvey. City Planner Michael Smith and Secretary Adrienne Senter were also present.

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

2. Minutes of August 22, 2019

MOTION ITEM: Gabriel Cojocarescu made a motion, Larry Martin seconded to approve the minutes of August 22, 2019 as submitted. Motion Carried: 4-0.

3. New Business

3.I. 591 King Arnold Street

Variance Request

Miller Lowry of Miller Lowry Development, Inc. is requesting the following variances for a proposed townhome development to be located at 591 King Arnold Street, Parcel Identification Number 14 009500040383:

1. Increase the number of permitted townhomes in the U-V, Urban Village district from 12 to 18.
2. Lower the minimum floor area per dwelling unit in the U-V, Urban Village district from 1,400-sf to 1,200-sf.
3. Allow for development of residences without ground level non-residential uses in the A-D overlay district.
4. Allow four of the proposed townhomes to be built without pedestrian access along an adjacent street in the A-D overlay district.
5. Increase the maximum width allowed for curb breaks from 30' to 38.1'.

The property is zoned U-V, Urban Village and is subject to the zoning regulations under Sections 93-11.2-3, 93-22.1-1, 93-28-7.5, 93-28-10.2 and 93-23-2 of the City of Hapeville Zoning Ordinance.

Staff Comment

The proposed development would consist of 18 three-story townhomes. Twelve of the townhomes will each be approximately 1,830-sf and will front directly along King Arnold Street. An additional six townhomes will each be approximately 1,239-sf and will be built in a row behind the townhomes along King Arnold Street and will not front along a street. The property is zoned U-V, Urban Village and is in the A-D, Arts District overlay.

Variance 1: Increase the number of permitted townhomes in the U-V district from 12 to 18. The property in question is a result of an assemblage of several parcels and is 0.99 acres in size with street frontage on three sides. The density restrictions on townhomes, however, do not scale with the size of parcels to be developed. A 0.3-acre property and a 3-acre property would have the same 12 townhome limit. As such, the application of the U-V blanket density standard for townhomes to this particular parcel creates an unnecessary hardship for the applicant when compared to conditions facing potential developers working with smaller lots.

Another density standard found in the U-V district is the residential limitation requirement of Sed. 93-11.2.3(23), which states the maximum residential density for a development in U-V is 40 dwelling units per acre. By this standard, the property at 591 King Arnold Street could be developed to a density of 40 dwellings where they are not proposing townhomes.

Staff recommendation is to approve the variance request.

Variance 2: Lower the minimum floor area per dwelling unit in the U-V district from 1,400-sf to 1,200-sf. The applicant has stated the six proposed units with fewer than 1,400-sf of floor area each are intended to be more affordable. Per the Atlanta Regional Commission housing study, affordability is an ongoing concern in Hapeville. This does not by itself qualify as a hardship. However, the Planning Commission has recommended a text amendment to Mayor & City Council lowering the minimum square footage per dwelling unit to 1,000 square feet for all single-family dwellings in Hapeville. The requested variance is in line with the amendment. Relief, if granted, would allow the property to be developed as the proposed code intends.

Staff recommendation is to approve the variance request.

Variance 3: Allow for the development of residences without ground level non-residential uses in the A-D overlay district. The purpose of the arts district overlay is to facilitate creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. The arts district overlay seeks integration of the arts into the fabric of the community and is conceived as the location of art galleries and art studios forming the core of an arts district. A complementary mix of shops, restaurants and entertainment venues will support these uses. These elements are expected to generate interest in downtown Hapeville and attract arts and cultural events.

The arts district overlay features an expanded range of permitted uses focused on the arts while retaining all property rights established by the underlying zoning. The arts district overlay encourages adaptive reuse of historic buildings and new construction technologies, affording owners expanded development options. These measures will enhance the market attractiveness of the arts district.

Arts venues, community festivals, expanded arts uses and pedestrian character are expected to promote an arts district. Planned investment in public art, lighting, sidewalks and off-street parking will leverage private investment and enhance public safety. This combination of public and private investments is expected to advance Hapeville's position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the

arts district overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the arts district overlay and compatible with the neighborhood character.

RECOMMENDATION

The intent of the A-D overlay is to foster a walkable downtown district promoting artistic uses, bolstered by a mix of retail, restaurants, and entertainment venues. The property in question is positioned at the edge of the A-D overlay, adjacent to a neighborhood to the northeast, and is located next to the City's recreation center and City Hall. The density of the townhomes provides a residential intensity of use to support the walkable downtown district. The entry level of the townhomes may be used for home office occupations, but not for commercial use exclusively. Residents at the Planning Commission meeting expressed concern over a strain on parking and ground floor retail; without additional on-site parking and/or the expansion of public parking, expanded commercial development in this area could strain the adjacent residential neighborhood with related on-street parking. Furthermore, use of the property for townhomes acts as a buffer between the City's actively developing downtown and adjacent single-family residential neighborhoods. Relief, if granted, would not cause substantial detriment to the public good, would protect existing single-family development from future downtown development, and would still preserve the pedestrian-focus of the A-D overlay.

Staff recommendation is to approve the variance request.

Variance 4: Allow four of the proposed townhomes to be built without pedestrian access along an adjacent street in the A-D overlay district.

CODE

Sec. 93-28-10.2. – Site design.

(c) Pedestrian and main entrances shall be located on the primary street serving the property. Curb cuts should be located on a side street where possible.

RECOMMENDATION

The property is shaped like a shallow rectangle. The proposed site design places the townhomes into two rows of dwellings. The first row contains 12 townhomes directly on King Arnold, as required. The second row containing six townhomes is in the rear, and as such only places two additional townhomes on the street. Separating those two rows is a shared alley providing access to off-street parking, also required by the City. The application of this requirement to this particular piece of property would prohibit the development of any structures beyond the perimeter of the lot, which, due to the presence of the required shared

alley, would only allow for two of the proposed six rear townhomes to be developed. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter, as the proximity of the four townhomes to the adjacent developed sidewalk and nearby historic downtown will nonetheless promote the pedestrian-friendly character sought by the A-D overlay.

Staff recommendation is to approve the variance request.

Variance Five: Increase the maximum width allowed for curb breaks from 30' to 38.1'.

CODE

ARTICLE 23. - OFF-STREET PARKING AND LOADING

Sec. 93-23-2. - Entrance and exit points.

Except in districts zoned R-0, R-1, R-2 and R-3, curb breaks shall not be more than 30 feet in width, nor less than 25 feet in width. In no case shall there be less than 50 feet from the closest sides of any two-driveway curb lines. Curb breaks shall be located at least 25 feet from the nearest intersection of two curb lines as measured along one of the curb lines. Business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions, including a five-foot-wide planted buffer strip between the right-of-way and parking area shall be made to prevent entrance or exit from other than at designated entrance or exit points.

RECOMMENDATION

The width of the shared alley has been set by the fire marshal at 24'. According to the applicant, having a flair on either side of the alley of only 3' is possible but that "proper" flairs will necessitate a width over 30'. The intent of narrow curb break requirements is to promote pedestrian safety. However, the shared alley will have the low volume of traffic associated with residential development and granting relief will not likely cause a substantial detriment to the public good or impair the purpose and intent of the chapter.

Staff recommendation is to approve the variance request.

Public Comments:

Glenn Summer, 3305 North Fulton Avenue, expressed concerns relating to traffic and the number of units proposed on the site.

Donna Ellington, 3424 Estelle Street, concerned with the distance of the project to her property as well as the location of the curb cuts and water runoff.

Janice Keeter, 3355 Magnolia Court, concerned with parking issues impacting Magnolia Court and Marina Street and increased traffic.

Bernard Oresti, 619 King Arnold Street, concerned with noise from increased traffic and

safety.

End of Public Comments.

MOTION ITEM: Larry Martin made a motion, Jan Bolien seconded to deny the variance request to increase the number of permitted townhomes in the U-V district from 12 to 18.

Discussion: Larry Martin stated there is a lot to consider when setting a precedent with this type of development and the effects of height for new structures being built within the city. Mr. Martin also expressed concerns with the height of new development. Jan Bolien also expressed concerns regarding setting precedent and the density of the proposed development. John Stalvey stated that one thing to consider is the Council is looking to amend the minimum home size by reducing the minimum square footage for all residential zoning classifications to 1,000-sf. Michael Smith explained that within the U-V district the developer is restricted to 12 townhomes on the lot. When considering the variance, Planning must determine that when applying the code, as written, if the code creates an unnecessary hardship to the applicant based on their particular piece of land. After review, Planning determined that the 12- townhome unit limitation is not a practical density limitation for this particular project.

Motion died: 2-3. Gabriel Cojocarescu, John Stalvey and Rod Mack opposed.

MOTION ITEM: Larry Martin made a motion, John Stalvey seconded to grant the variance request to lower the minimum floor area per dwelling unit in the U-V district from 1,400-sf to 1,200-sf. Motion Carried: 4-1; Jan Bolien opposed.

MOTION ITEM: John Stalvey made a motion, Gabriel Cojocarescu seconded to grant the variance request to allow for the development of residences without ground level non-residential uses in the A-D overlay district at 591 King Arnold Street.

Discussion: Larry Martin stated that he is in favor of ground floor commercial and parking along the rear of the development. He stated the City needs retail development to support the current population. He stated placing retail parking in the rear next to the residences will eliminate the effects of high structures built next to their property. John Stalvey stated that adding commercial to this development will impact the residences far worse than having residential by increased parking issues and water runoff. Chairman Simpson stated that a potential restaurant will have cars in and out of that area at various hours of the day. Larry Martin stated the Board should support the code or change it. Mr. Martin stated that he disagrees that commercial business would cause any adverse effects to the residential area. He stated years ago there was car dealership on the corner that generated a lot of traffic with minimal effects so a few retail establishments within this development would not create a traffic issue. Jan Bolien asked what the zoning of the townhomes on Dogwood Drive and the fact they do not have retail. John Stalvey stated they were constructed prior to the Arts Overlay District and was zoned C-R. Gabriel Cojocarescu

stated that when considering commercial near residential, the Board must take into consideration the noise from garbage collection and the impact to the residential area.

Motion Carried: 4-1; Rod Mack opposed.

MOTION ITEM: Gabriel Cojocarescu made a motion, Rod Mack seconded to grant a variance to allow four of the proposed townhomes to be built without pedestrian access along an adjacent street in the A-D overlay district at 591 King Arnold Street.

MOTION ITEM: John Stalvey made a motion, Larry Martin seconded to grant the variance to increase the maximum width allowed for curb breaks from 30' to 38.1' at 591 King Arnold Street. Motion Carried: 5-0.

4. Next Meeting Date – Thursday, October 24, 2019 at 6 p.m.

5. Adjourn

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

Respectfully submitted by,

Chairman, Michael Simpson

Secretary, Adrienne Senter