

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

September 26, 2019

AGENDA

1. Welcome And Introduction
2. Minutes Of August 22, 2019

Documents:

[MINUTES - 08-22-2019 \(DRAFT\).PDF](#)

3. New Business

3.I. 591 King Arnold Street Variance Request

Miller Lowry of Miller Lowry Developments, 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 district from 12 to 18.
2. Lower the minimum floor area per dwelling unit in the U-V 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

Applicant Comment

Public Comment

Documents:

[591 KING ARNOLD STREET - VARIANCE REQUEST, MILLER LOWRY DEVELOPMENTS.PDF](#)
[PLANNERS REPORT 591 KING ARNOLD ST. BOARD OF APPEALS.PDF](#)
[LEGAL AD - 09-26-2019, 591 KING ARNOLD STREET.PDF](#)

4. Next Meeting Date - Thursday, October 24, 2019
5. Adjourn

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

August 22, 2019 6:00PM

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, Rod Mack, Larry Martin, Billy Slocumb and John Stalvey. City Planner Dr. Lynn Patterson and Secretary Adrienne Senter were also present.

Board of Appeals member Gabriel Cojocarescu was unable to attend the meeting.

2. Minutes of June 27, 2019

MOTION ITEM: Jan Bolien made a motion, Rod Mack seconded to approve the minutes of June 27, 2019 as submitted. Motion Carried: 5-0.

3. New Business

a. 1 Clay Place

Variance Request

Scott Meader authorized representative for Delta Airlines, Inc., requested a variance to allow an off-site parking arrangement using a parking lot at 1 Clay Place, Parcel Identification Number 14 0098 LL0138. The property is zoned U-V, Urban Village and is subject to the zoning regulations under Sections 93-23-10, 93-11.2-9, and 93-23-12 of the City of Hapeville Zoning Ordinance.

Staff Comment:

Delta is in the process of remodeling some of their office space and wishes to temporarily move some of their employees to 760 Doug Davis Drive. The parking lot will provide additional parking for 760 Doug Davis Drive. The current facility provides 124 off-street parking spaces, which Delta has determined is insufficient to meet their needs. An additional 91 parking spaces would be provided by the adjacent parking lot at 1 Clay Place. The arrangement is expected to be temporary, lasting approximately one year.

The applicant would have exclusive use of the lot, which is currently vacant. Historically, off-site parking arrangements involving exclusive access for an off-site user modified the site to meet vehicular use are requirements. The applicant is planning minimal upgrades to the existing parking lot, and the proposed improvements would not address the following nonconformities:

1. There is little interior and perimeter landscaping.
2. The property does not have the sidewalk requirement required by the U-V zone.
3. The use of barbed wire.

Applicant Comment:

The applicant stated that they intend to remove the interior fencing to allow for access. The use will be temporary lastly from six months to one year.

Mr. Mack inquired if security would be provided for the lot. Mr. Meader stated the employees will utilize the existing entrance and there is a security guard at the gate.

There were no public comments.
The public hearing was closed.

MOTION ITEM: Larry Martin made a motion, Jan Bolien seconded to grant the short-term off-site parking arrangement at 1 Clay Place with the condition that if the parking arrangement exceed 18-months, the applicant must reapply for an off-site parking arrangement variance. Motion Carried: 5-0.

b. 583-B North Central Avenue

Variance Request

Chandra Fowler owner of Sanskrit Moon Yoga Center requested a variance to increase the maximum area of a window sign from 12-square feet to 26.3-square feet at 583-B North Central Avenue, Parcel Identification Number 14 009500150463. The property is zoned U-V, Urban Village and is subject to the zoning regulations under Section 93-3.3-17 and 93-3.3-18 of the City of Hapeville Zoning Ordinance.

The window sign is spread across several windows and the entrance door, and has the following dimensions:

- Sign on door: 25.5" 17" (3-sf)
- Two mirrored panels on windows: 57" x 23.5" (9.3-sf) each
- Third panel: 29.5" x 23" (4.7-sf)

The total area of all window signs is 26.3-sf. The total area of all signs, including the approved projecting sign, is 31.3-sf. The tenant's frontage along North Central Avenue is 14'-3".

The intent, in part, of the sign ordinance is to "promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area." The City cannot allow or deny permits to applicants based on content without violating their First Amendment right to free speech. It can, however, control

non-speech aspects of signs, such as area. The two area limitations under consideration are both designed to reduce clutter and keep signs in scale with the downtown pattern of small street level store fronts without considering content.

The code has a specific prescription for the determination of sign, stating “The sign area of [window] signs shall be the net geometric area measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign, including the outer extremities of all letters, characters and delineations.” By this standard, the window sign is measured to be 26.3 square feet in area.

The window sign area alone is 116 percent larger than the Code permits (12-sf) and the total square footage of all signs exceeds the maximum allowable square footage by 119 percent.

Applicant Comment:

Mrs. Fowler expressed her excitement as a new business owner in the Arts District in historic downtown Hapeville. She explained that the sign is actually a mural and was completed by a local artist. Mrs. Fowler further explained that she was not aware that a permit was required for the mural and she believes the intent of the code was for safety and transparency and the current code is outdated. Mrs. Fowler stated that there are several businesses along North and South Central Avenue that are not compliant with the code and the sign code should be applied to all businesses.

Staff explained that a sign is defined in *Section 93-3.3-2*, “Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter used or intended to be used to attract the attention of or convey information to the general public. For purposes of determining number of signs, a single display surface or a single display device containing elements organized, related and composed to form a unit shall be considered a single sign. Where information is displayed in a random manner without an organized relationship to other elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered a single sign.”

Public Comment:

Shawn Fowler, 3473 Orchard Street, expressed support of the variance.
Joseph Shorter, 3157 Oakdale Road, expressed support of the variance.
Alexia Ryan, 587 N. Central Avenue, expressed support of the variance.
Travis Horsley, 3303 North Whitney, commented regarding Council’s desire to amend the sign code.
Brendan Dalton, 3429 Rainey Avenue, commented regarding the constitution form for freedom of speech.

Carroll Frank, 3434 Orchard Street, expressed support of the variance.

The public hearing was closed.

There was discussion regarding the Council's direction for staff to amend the sign ordinance and possibility tabling the application pending adoption of the revised ordinance.

MOTION ITEM: John Stalvey made a motion, Rod Mack seconded to table the application pending Council approving a revised sign ordinance. John Stalvey rescinded the motion.

MOTION ITEM: Rod Mack made a motion to table the application until September 19, 2019, Motion died for lack of second.

MOTION ITEM: Larry Martin made a motion, Billy Slocumb seconded the motion to grant the variance on the basis that the measurement was erroneous as the side panels shall be defined as artwork and not a sign. Motion died: 2-3, Rod Mack, Jan Bolien and John Stalvey opposed.

c. 3429 Rainey Avenue

Variance Request

Melinda Dalton requested a variance to allow for a reduction in the minimum side yard setback from 5' to 3' for the property located at 3429 Rainey Avenue, Parcel Identification Number 14 012700030592. The property is zoned R-SF, Residential Single Family and is subject to the zoning regulations under Section 93-22.1-1 of the City of Hapeville Zoning Ordinance.

Staff Comment:

The proposed project is a renovation and addition to an existing dwelling on-site. The existing dwelling sits in the setback on the north side by 2'. The provided site plan shows the new construction extending further into the northern setback by 0.7'. However, according to the applicant, the additional construction will be within the setback but will be on the same plane as the existing building and will not encroach any closer towards the property line. The applicant will submit a revised site plan to show the new construction along the same plane as the existing dwelling.

The Planning Commission approved the site plan on August 13, 2019, subject to the Board of Appeals approval of the reduced setback. Their recommendation was in support of the variance request.

Applicant Comment:

Mr. Brendan Dalton stated that the home was constructed in 1924 and the desire is to preserve the historic character of the home.

Public Comment:

Carroll Frank, 3434 Orchard Street, expressed support of the variance.

Shawn Fowler, 3473 Orchard Street, expressed support of the variance.

MOTION ITEM: John Stalvey made a motion, Jan Bolien seconded the motion to grant the variance request for 3429 Rainey Avenue subject to the conditions outlined in the staff report. Motion Carried: 5-0.

4. Next Meeting Date – Thursday, September 26, 2019

5. Adjourn

MOTION ITEM: Jan Bolien made a motion, Rod Mack seconded to adjourn the meeting at 7:33 p.m. Motion Carried: 5-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

19-BGA-09-10

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

Name of Applicant Miller Lowry Developments, LLC

Mailing Address 2964 Peachtree Road NW, Suite 540 Atlanta, GA 30305

Telephone 770-289-9179 Mobile #770-289-9179 Email miller.lowry@millerlowry.com

Property Owner (s) Joe. L Daniely

Mailing Address N/A

Telephone N/A Mobile #N/A

Property Address/Location: 591 King Arnold Street Hapeville, GA 30354

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 14 009500040383

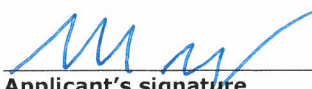
Square Foot of Property 43,241 Building Size _____ Zoning U V

Present Land Use _____

Variance Requested Site Access Curb Cut

Applicable Code Section 93-23-2

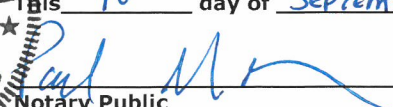
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application 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: 09/10/2019

Sworn to and subscribed before me

This 10 day of SEPTEMBER, 20 19.


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 actual entrance is only 24 feet wide and we have a 5.5 foot flair on each side to create a valley gutter system. This will keep the water that is flowing along the gutter line on Estelle and North Fulton in the roadway. Since the proposed sidewalks are behind the apron, we could shorten up the flairs to a maximum of 3 feet on each side, but I think that the variance will be well received. Having a 3 foot flair on a valley gutter section (ie, raising from a flat area up to a 6" curb in 3 feet) will cause a lot of tire damage on the residence.

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

Because of the 24 foot drive isle to provide fire access – the proper flairs and roadway width combined will be over 30 feet. Technically there will be curb in the flares as it transitions from flush grade to the back of curb.

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?

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:

591 King Arnold Street

Hapeville, GA 30354

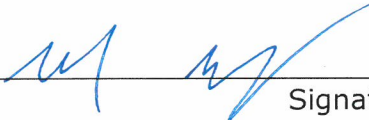
City of Hapeville, County of Fulton, State of Georgia

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
Miller Lowry Developments, LLC

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

Telephone of Applicant
770-289-9179



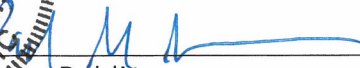
Signature of Owner

Miller Lowry (Contracted Owner)

Print Name of Owner



Personally Appeared Before Me this 10 day of SEPTEMBER, 2019.



Notary Public

19-BOA-09-11

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

Name of Applicant Miller Lowry Developments, LLC

Mailing Address 2964 Peachtree Road NW, Suite 540 Atlanta, GA 30305

Telephone 770-289-9179 Mobile #770-289-9179 Email miller.lowry@millerlowry.com

Property Owner (s) Joe. L Daniely

Mailing Address N/A

Telephone N/A Mobile #N/A

Property Address/Location: 591 King Arnold Street Hapeville, GA 30354

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 14 009500040383

Square Foot of Property 43,241 Building Size _____ Zoning U V

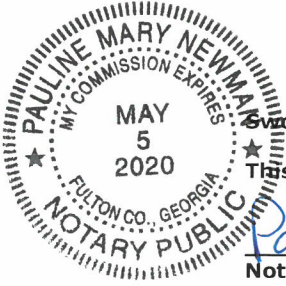
Present Land Use _____

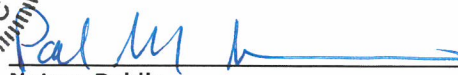
Variance Requested Ground level retail requirement

Applicable Code Section Sec. 93-28-7.5. - Residential uses.

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: 09/10/2019



Sworn to and subscribed before me
This 10 day of September, 20 19.

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.

Our site is a transitional area between the a-d overlay along main street and residential areas further north and should reflect a more residential use.

Ground level retail program would be not compatible with townhome usage on this site.

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

Townhomes do not function with required ground level retail.

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

The site location is prime to the downtown area, is within walking distance to the densely populated Main Street district, Recreation Center, City Hall, and art walk alley. We believe that retail functions are better supported on sites closer to main Street, rather than site closer to existing residential neighborhoods. These townhomes provide a transition from the larger scale buildings, density, and commercial uses along Main Street, and the smaller scale single family detached home present in the neighborhood.

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:

591 King Arnold Street

Hapeville, GA 30354

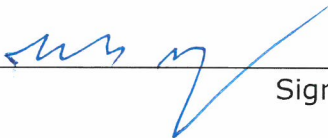
City of Hapeville, County of Fulton, State of Georgia

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

Telephone of Applicant
770-289-9179


Signature of Owner

Miller Lowry (Contracted Owner)

Print Name of Owner

Personally Appeared Before Me this 10 day of SEPTEMBER, 2019.


Notary Public



19-BDA-09-12

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

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Mailing Address 2964 Peachtree Road NW, Suite 540 Atlanta, GA 30305

Telephone 770-289-9179 Mobile #770-289-9179 Email miller.lowry@millerlowry.com

Property Owner (s) Joe. L Daniely

Mailing Address N/A

Telephone N/A Mobile #N/A

Property Address/Location: 591 King Arnold Street Hapeville, GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009500040383

Square Foot of Property 43,241 Building Size _____ Zoning U V

Present Land Use _____

Variance Requested Pedestrian access

Applicable Code Section Sec. 93-28-10.2. - Site design.

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.



[Signature]
Applicant's signature
Date: 09/10/2019

Sworn to and subscribed before me
This 10 day of SEPTEMBER, 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.

Our site plan currently shows 4 units without access directly onto a public street, as required. Having 4 of our 18 units with access not directly from the sidewalk will have no adverse affect on the nature of the development, the surrounding neighborhoods, or the larger fabric of the City. The site shape is a shallow rectangle with limited street access on side street frontages.

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

Plan will lose 4 units, increasing cost for the development of the remaining units - making the cost to purchase higher.

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

The site shape is a shallow rectangle with limited street frontage and access on side street.

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

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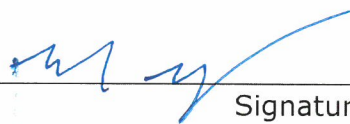
City of Hapeville, County of Fulton, State of Georgia

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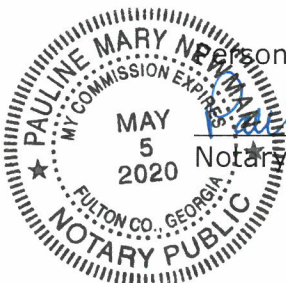
Telephone of Applicant
770-289-9179



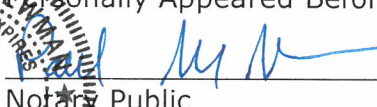
Signature of Owner

Miller Lowry (Contracted Owner)

Print Name of Owner



Personally Appeared Before Me this 10 day of SEPTEMBER, 2019.


Notary Public

19-BDA-09-13

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

Name of Applicant Miller Lowry Developments, LLC

Mailing Address 2964 Peachtree Road NW, Suite 540 Atlanta, GA 30305

Telephone 770-289-9179 Mobile #770-289-9179 Email miller.lowry@millerlowry.com

Property Owner (s) Joe. L Daniely

Mailing Address N/A

Telephone N/A Mobile #N/A

Property Address/Location: 591 King Arnold Street Hapeville, GA 30354

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 14 009500040383

Square Foot of Property 43,241 Building Size 1200 square feet Zoning EU4

Present Land Use _____

Variance Requested reduce square footage requirement for single-family
attached in the district from 1,400 to 1,200sf

Applicable Code Section Sec. 93-22.1-1.

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]
Applicant's signature

Date: 09/10/2019

Sworn to and subscribed before me

This 10 day of SEPTEMBER, 2019.

Paul M. K.
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 are providing larger units in the front and smaller units in the rear allowing us to provide 2 different price points to attract a range of people to the downtown area. Also, our average unit area for the front buildings is 1,827sf, well over the minimum required.

Our average unit across all 18 units is 1,424 sf.

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

Limiting the minimum unit square footage to 1,400 sf will make units more costly to potential buyers in order to cover the cost of development. The relative affordability of the units will be compromised.

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

None.

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:

591 King Arnold Street

Hapeville, GA 30354

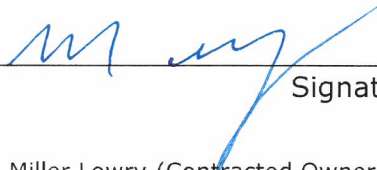
City of Hapeville, County of Fulton, State of Georgia

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Name of Applicant
Miller Lowry Developments, LLC

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

Telephone of Applicant
770-289-9179



Signature of Owner

Miller Lowry (Contracted Owner)

Print Name of Owner



Personally Appeared Before Me this 10 day of SEPTEMBER, 2019.



Notary Public

19-BDA-09-14

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

Name of Applicant Miller Lowry Developments, LLC

Mailing Address 2964 Peachtree Road NW, Suite 540 Atlanta, GA 30305

Telephone 770-289-9179 Mobile #770-289-9179 Email miller.lowry@millerlowry.com

Property Owner (s) Joe. L Daniely

Mailing Address N/A

Telephone N/A Mobile #N/A

Property Address/Location: 591 King Arnold Street Hapeville, GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009500040383

Square Foot of Property 43,241 Building Size _____ Zoning U V

Present Land Use _____

Variance Requested: Variance to raise the number of permitted single-family attached dwellings to 18

Applicable Code Section Sec. 93-11.2-3. – Permitted uses

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 explained to me and I have full and voluntarily completed this application. I understand that it is a violation 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]

Date: 9/11/19

Sworn to and subscribed before me

This 11 day of SEPTEMBER, 20 19.

[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.

We would like to provide some smaller units as an option to buyers to start at a lower price point, adding an affordability component to the project.

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

We would like to provide some smaller units as an option to buyers to start at a lower price point, adding an affordability component to the project.

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

none

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:

591 King Arnold Street

Hapeville, GA 30354

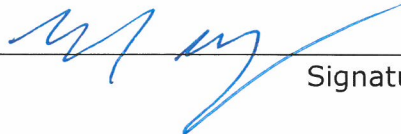
City of Hapeville, County of Fulton, State of Georgia

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
Miller Lowry Developments, LLC

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

Telephone of Applicant
770-289-9179


Signature of Owner

Miller Lowry (Contracted Owner)

Print Name of Owner



Personally Appeared Before Me this 16 day of SEPTEMBER, 2019.

Notary Public

Written Description

591 King Arnold Street

All that tract or parcel of land lying and being in Land Lots 95 & 98, 14th District, City of Hapeville, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a nail set at the intersection of the northeasterly right of way of King Arnold Street (50 foot right of way) and the northwesterly right of way of North Fulton Avenue (50 foot right of way); thence along the northeasterly right of way of King Arnold Street the following courses and distances: N 56°06'44" W a distance of 145.97 feet to a 1/2" open top pipe found; thence N 55°43'45" W a distance of 135.55 feet to a point; thence along a curve to the right, following the curvature thereof, for an arc distance of 14.71 feet, said curve having a radius of 10.00 feet and being subtended by a chord of N 13°34'34" W 13.42 feet to a point on the southeasterly right of way of Estelle Street (50 foot right of way); thence along the southeasterly right of way of Estelle Street N 28°34'36" E a distance of 136.38 feet to a 1/2" open top pipe found; thence leaving said right of way S 55°57'56" E a distance of 305.60 feet to a paint dot set on the northwesterly right of way of North Fulton Avenue; thence along said right of way S 34°30'26" W a distance of 145.00 feet to the **POINT OF BEGINNING**. Said tract contains 43,241 square feet or 0.993 acre and is more fully shown on the boundary and topographic survey for Miller Lowry Developments, LLC by Delta 1 Land Surveying, LLC, dated February 19, 2019.

SITE NOTES:
1. THE PROPOSED 18 TOWNHOUSE UNITS ARE TO BE CONSTRUCTED IN PLACE.
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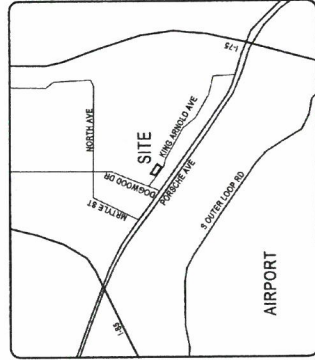
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24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9179

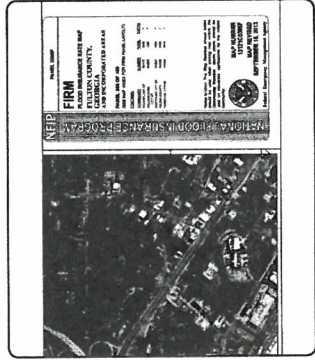
CONSTRUCTION DOCUMENTS FOR:

KING ARNOLD TOWNHOMES

LAND LOT 89 & 127 DISTRICT 14
CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA 30350



Location Map
N/A



FEMA Map

CONSTRUCTION NARRATIVE:

THE PROPOSED PLANS CALL FOR THE CONSTRUCTION OF 18 TOWNHOUSE UNITS AND
CONSTRUCTION DOCUMENTS SHALL PROVIDE EROSION CONTROL BMPs ARE TO REMAIN IN PLACE
UNTIL THE SITE IS 100% STABILIZED.

OWNER: MILLER LOWRY DEVELOPMENTS, LLC
2964 PEACHTREE ROAD NW
HATFIELD, GA 30350

ENGINEER: PRESENT VIEW
ENGINEERING, LLC
211 PRASER STREET, NW
HATFIELD, GEORGIA 30350

DESIGNER: PRESENT VIEW
ENGINEERING, LLC
211 PRASER STREET, NW
HATFIELD, GEORGIA 30350

UTILITY CONTACTS:
AIRTEL POWER COMPANY
CITY OF HATFIELD
ATLANTA GAS LIGHT COMPANY

TELEPHONE:
800-225-2588
404-899-2100
877-437-4371

Prepared By:
ENGINEERING, LLC
211 PRASER STREET, NW
HATFIELD, GA 30350
www.presentvieweng.com

Prepared For:
Miller Lowry Developments, LLC
2964 Peachtree Road NW Suite 540
HATFIELD, GA 30350

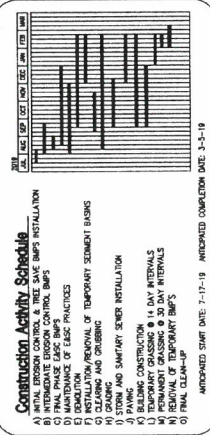
Cover Sheet

DATE: 7-2-19
SCALE: AS SHOWN
DRAWN: A.R.
CHECKED: G.H.B.

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Land Lots 89 & 98, 14th District
Construction Plan Set For

Sheet No.
CV

SHEET NO.	SHEET TITLE
CV	COVER SHEET
S	SURVEY
D-1	DEMOLITION PLAN
C-1	SITE PLAN
C-1.1	DRIVEWAY PLAN AND PROFILE
C-2	GRADING AND DRAINAGE PLAN
C-2.1	STORMWATER MANAGEMENT PLAN
C-3	UTILITY PLAN
C-3.1	UTILITY NOTES + FIRE FLOW TESTS
C-4	EROSION CONTROL PLAN
C-4.1	ES&PC - DETAILS
C-5	CONSTRUCTION DETAILS
C-5.1	CONSTRUCTION DETAILS
C-5.2	CONSTRUCTION DETAILS
C-5.3	CONSTRUCTION DETAILS
C-5.4	CONSTRUCTION DETAILS



GENERAL NOTES:-

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY MEANS OF A THEODOLITE, TRANSIT, AND A PRECISION RATIO OF 1 IN 12,431. IT HAS BEEN ADJUSTED USING THE COMPASS RULE. EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A SOKKIA SET-SUR.

THE DATA WERE OBTAINED BY MEANS OF A CLOSURE TRIANGULATION OF 1 IN 42,000.

ALL L&S ARE 3" REMAINS UNLESS OTHERWISE INDICATED. DIMENSIONS ARE CALCULATED FROM ANGLES TURNED FROM THE SURVEY.

ACCORDING TO THE CURRENT T-1-A, OFFICIAL FLOOD HAZARD MAP, COMMUNITY PANEL NO. 121210.0381, DATED SEPTEMBER 18, 2019, THIS PROPERTY IS IN AN AREA OF FLOOD HAZARD (ZONE A).

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF ANY RECORDS OF PREVIOUS SURVEYS OR RECORDS ON OTHER ENCUMBRANCES NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREIN IS NOT INTENDED TO BE A GUARANTEE OF THE ACCURACY OF THE SURVEY. SMALL INACCURACIES AND FIELD DELTA 1 LAND SURVEYING, LLC SPECIALLY LISTED IN THE UNINCORPORATED THIRD PARTIES, SHALL BE RESPONSIBLE FOR ANY SUCH INACCURACIES.

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF GEORGIA.

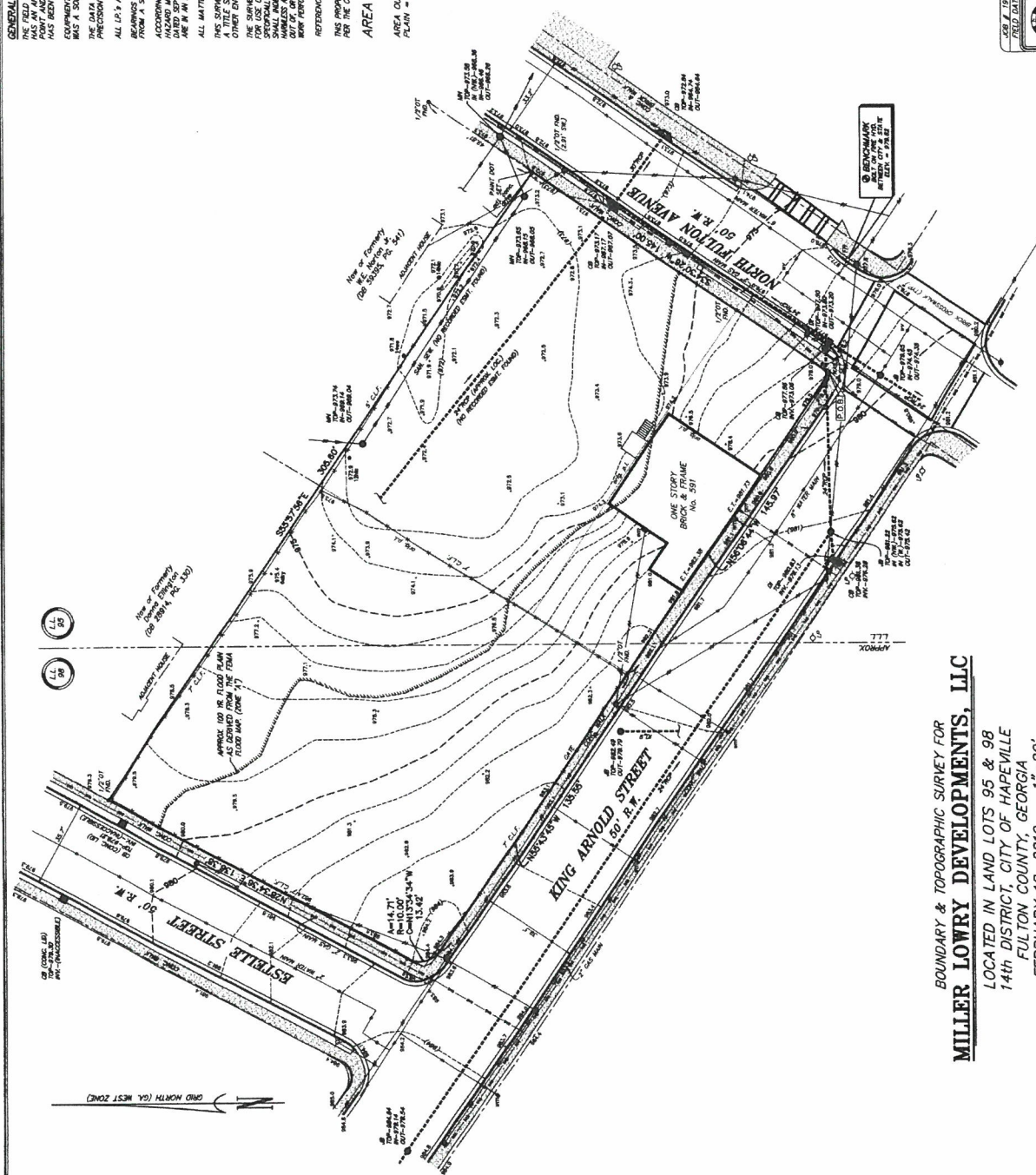
REFERENCE: DB 31405, PG. 563

THIS PROPERTY IS CURRENTLY ZONED L-1 (URBAN MEDIUM DENSITY).

AREA = 43,241 SQ. FT.

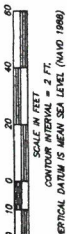
AREA OUTSIDE OF FLOOD ZONE = 0.993 ACRE

PERMANENT ELEVATION: 201.70' TO 201.80' M.S.L.



BOUNDARY & TOPOGRAPHIC SURVEY FOR MILLER LOWRY DEVELOPMENTS, LLC

LOCATED IN LAND LOTS 95 & 98
14th DISTRICT, CITY OF HAPEVILLE
FULTON COUNTY, GEORGIA
FEBRUARY 18, 2019 1"=20'



CLIENT OFFICE ADDRESS: 591 KING ARNOLD STREET
HAPEVILLE, GA 30354

THE LANDSCAPE UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MANHOLES, UTILITY LOCATIONS, AND OTHER UTILITIES SHOWN ON THE CITY MAPS. THE LANDSCAPE UTILITIES SHOWN HEREON ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE SURVEY. SMALL INACCURACIES AND FIELD DELTA 1 LAND SURVEYING, LLC SPECIALLY LISTED IN THE UNINCORPORATED THIRD PARTIES, SHALL BE RESPONSIBLE FOR ANY SUCH INACCURACIES.

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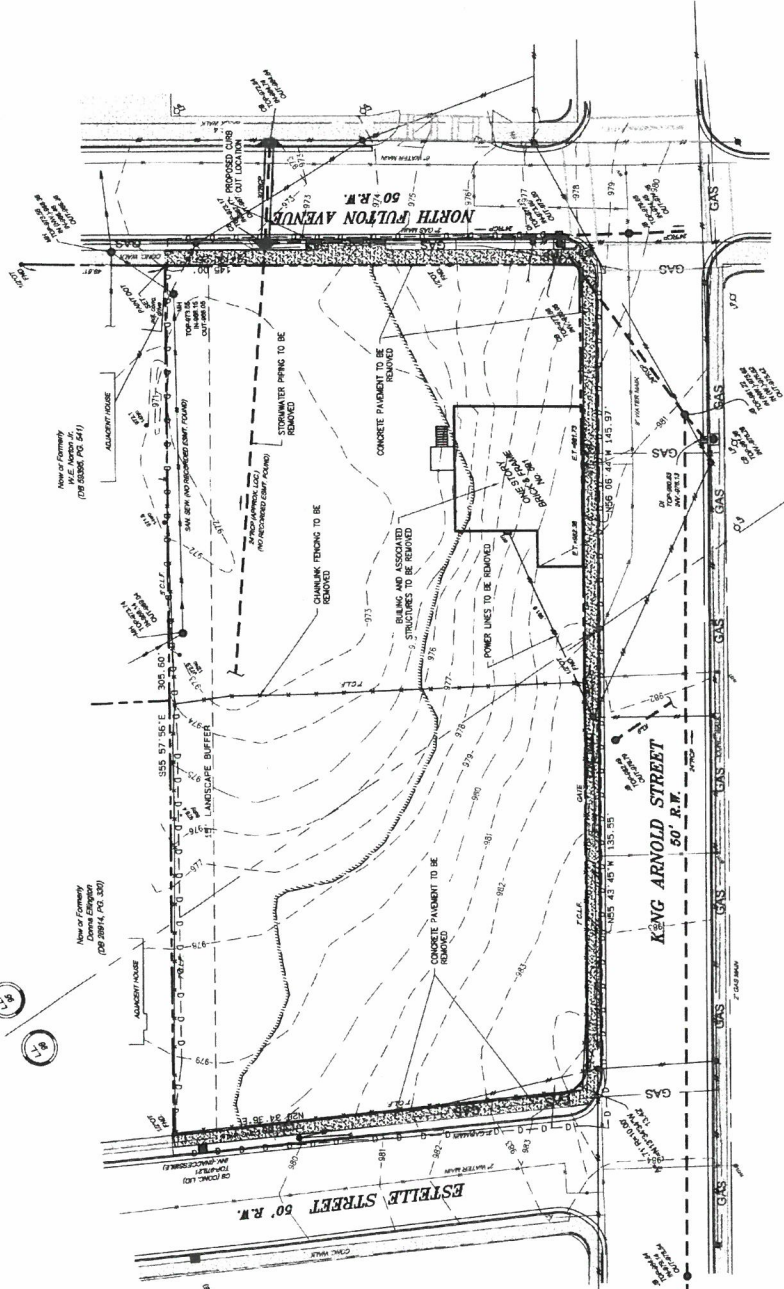
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ABBREVIATIONS			DESCRIPTION
1/2"	REAR FND	REAR FND	
1/4"	REAR FND	REAR FND	
1/8"	REAR FND	REAR FND	
1/16"	REAR FND	REAR FND	
1/32"	REAR FND	REAR FND	
1/64"	REAR FND	REAR FND	
1/128"	REAR FND	REAR FND	
1/256"	REAR FND	REAR FND	
1/512"	REAR FND	REAR FND	
1/1024"	REAR FND	REAR FND	
1/2048"	REAR FND	REAR FND	
1/4096"	REAR FND	REAR FND	
1/8192"	REAR FND	REAR FND	
1/16384"	REAR FND	REAR FND	
1/32768"	REAR FND	REAR FND	
1/65536"	REAR FND	REAR FND	
1/131072"	REAR FND	REAR FND	
1/262144"	REAR FND	REAR FND	
1/524288"	REAR FND	REAR FND	
1/1048576"	REAR FND	REAR FND	
1/2097152"	REAR FND	REAR FND	
1/4194304"	REAR FND	REAR FND	
1/8388608"	REAR FND	REAR FND	
1/16777216"	REAR FND	REAR FND	
1/33554432"	REAR FND	REAR FND	
1/67108864"	REAR FND	REAR FND	
1/134217728"	REAR FND	REAR FND	
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24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-979

- DEMOLITION NOTES:**
1. THE APPROXIMATE LOCATION OF KNOWN UNDERGROUND UTILITIES HAVE BEEN SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES ON THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 2. CONTRACTOR SHALL IMMEDIATELY CONTACT OWNERS REPRESENTATIVE AND ENGINEER IF ANY DISCREPANCIES OR CONFLICTS ARE ENCOUNTERED.
 3. ALL WORK SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS, ORDINANCES, AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 4. ALL CONSTRUCTION MUST CONFORM TO APPROPRIATE UTILITIES AND CITY STANDARDS.
 5. CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADES, SUPPORT LIGHTS, SIGNS, AND SAFETY METHODS THROUGHOUT CONSTRUCTION OF THIS PROJECT.
 6. BEFORE STARTING WORK CONTRACTOR SHALL MAKE SUCH EXPLORATIONS AND PRIORITIES AS NECESSARY TO ASCERTAIN ANY KNOWN UTILITIES AND TO DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES TO BE REMOVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 7. FOR ALL ITEMS NOTED TO BE REMOVED - REMOVE NOT ONLY THE ABOVE GROUND ELEMENTS, BUT ALL UNDERGROUND ELEMENTS AS WELL INCLUDING BUT NOT LIMITED TO: CEMENT, CONCRETE, REINFORCING, AND ALL OTHER MATERIALS AND STRUCTURES.
 8. ALL MATERIALS TO BE REMOVED SHALL BE REMOVED FROM THE DEMOLITION WORK TO MEET THE REQUIREMENTS AND INSTRUCTIONS OF THE PROJECT GEOTECHNICAL ENGINEER.
 9. DEMOLITION AND SITE WORKS HAVE BEEN PREPARED TO REMOVED TO OBTAIN ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 10. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES & ITEMS TO REMAIN.
 11. CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION ACTIVITIES DAMAGE TO EXISTING STRUCTURE DURING CONSTRUCTION.
 12. CONTRACTOR SHALL COORDINATE WITH OWNER/OWNER REPRESENTATIVE ALL PHASES OF CONSTRUCTION AND UTILITY CONSTRUCTION TO MAKE SURE ACCESS, EGRESS, OPERATION, AND UTILITY REMOVAL AND OTHER CONCRETE REMOVALS SHALL BE TO THE NEAREST CONSTRUCTION JOINT. REPAIR WORK SHALL ALSO BE TO THE NEAREST JOINT.
 13. CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION AND/OR REMOVAL OF ALL ITEMS IN THE AREA OF NEW CONSTRUCTION.
 14. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER DISPOSAL OF ALL ITEMS AND CONSTRUCTION DEBRIS IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL LAWS, ORDINANCES, AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 15. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 16. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES TO BE REMOVED.
 17. CONTRACTOR SHALL REPAIR AT HIS/HER EXPENSE, DAMAGE TO ANY NEW OR EXISTING SITE FEATURES CAUSED BY CONSTRUCTION ACTIVITIES.
 18. ALL EXISTING UTILITIES LOCATED UNDER PROPOSED BUILDING FOUNDATIONS ARE TO BE RE-ROUTED AROUND & AWAY FROM NEW BUILDING FOOTPRINT.
 19. T.B.R. = TO BE REMOVED



Prepared By:
Crescent View
Engineering, LLC
7111 Peach Street SE
Atlanta, GA 30328
404.354.4410
www.crescentvieweng.com

Miller Lowry Developments, LLC
2804 Peachtree Road NW Suite 540
Hapeville, GA 30355
Prepared For:

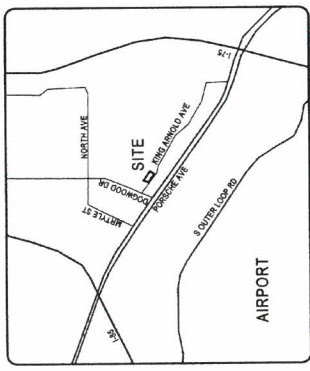
Demolition Plan	
DATE	7-4-19
SCALE	AS SHOWN
DRAWN	A.M.
CHECKED	O.H.B.
REVISIONS	



City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Land Lots 95 & 98, 14th District
Construction Plan Set For

Sheet No.
D-1
CITY FILE # 18-403

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9799



Location Map

SITE NOTES:
THE SITE CONTAINS: 0.084 ACRES / 43241 SF
TOTAL DISTURBED AREA: 0.06 ACRES
SITE ADDRESS: PROPERTY KNOWN AS ESTELLE STREET, KING ARNOLD STREET AND NORTH AVENUE, FULTON COUNTY, GA 30050
ZONING: U-V URBAN VILLAGE DISTRICT
BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY DELTA 1 LAND SURVEYING, LLC, DATED 5 OF MARCH, 2019.
A PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD ZONE (A-1, AS SHOWN ON THE FLOOD INSURANCE RATE MAP DATED SEPTEMBER 16, 2015, FOR FULTON COUNTY AND INCORPORATED AREA).
THERE ARE NO WATER OF THE STATE OF GEORGIA OR WETLANDS WITHIN 500 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 ARCHAEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT SUCH LANDMARKS ARE DISCOVERED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCOVERIES OR CONCERNING FOUNDATIONS AND ALIGNMENT WITH EXISTING STRUCTURES OR SURVEY. DRAWINGS, ARCHITECTURAL, LAYOUT SHALL BE COORDINATED USING ARCHITECTURAL, ENGINEERING, AND LANDSCAPE ARCHITECTURE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCOVERIES OR CONCERNING FOUNDATIONS AND ALIGNMENT WITH EXISTING STRUCTURES OR SURVEY. DRAWINGS, ARCHITECTURAL, LAYOUT SHALL BE COORDINATED USING ARCHITECTURAL, ENGINEERING, AND LANDSCAPE ARCHITECTURE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCOVERIES OR CONCERNING FOUNDATIONS AND ALIGNMENT WITH EXISTING STRUCTURES OR SURVEY. DRAWINGS, ARCHITECTURAL, LAYOUT SHALL BE COORDINATED USING ARCHITECTURAL, ENGINEERING, AND LANDSCAPE ARCHITECTURE.

SITE DATA:
TOTAL NUMBER OF PROPOSED UNITS: 18
TOWNHOUSE UNITS: 18
ZONING: U-V URBAN VILLAGE
VARIANCES REQUESTED:
1. GUEST PARKING FROM 6 SPACES TO 2 SPACES

APPLICANT / DEVELOPER:
MILLER LOWRY DEVELOPMENTS, LLC
2001 PINEAPPLE ROAD NW
SUITE 340
HAPPEVILLE, GA 30050

PREPARED BY:
CRESCENT VIEW
ENGINEERING, LLC
2117 FARMER STREET SE
MARIETTA, GA 30060
678-324-8410
www.crescentviewengineering.com

PREPARED FOR:
Miller Lowry Developments, LLC
2001 Pineapple Road NW Suite 340
Hapeville, GA 30050

CHECKED:
DATE: 7-2-19
SCALE: AS SHOWN
DRAWN: J. R. BROWN
REVISIONS:

SITE PLAN

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Construction Plan Set For:
Land Lots 95 & 96, 14th District

Sheet No.
C-1

COVER SHEET
18-420

APPLICANT / DEVELOPER
MILLER LOWRY DEVELOPMENTS, LLC
2001 PINEAPPLE ROAD NW
SUITE 340
HAPPEVILLE, GA 30050

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PREPARED FOR
Miller Lowry Developments, LLC
2001 Pineapple Road NW Suite 340
Hapeville, GA 30050

CHECKED
DATE: 7-2-19
SCALE: AS SHOWN
DRAWN: J. R. BROWN
REVISIONS:

SITE PLAN

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Construction Plan Set For:
Land Lots 95 & 96, 14th District

Sheet No.
C-1

COVER SHEET
18-420

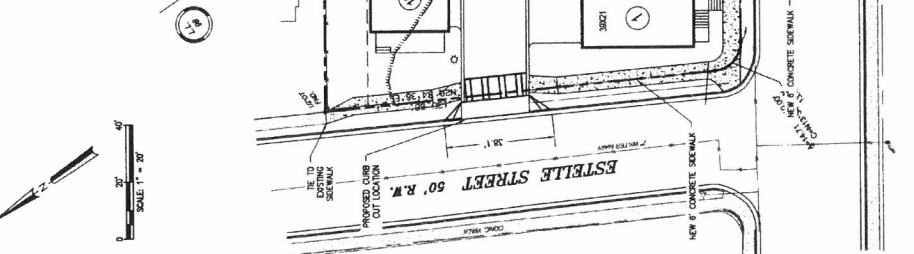
APPLICANT / DEVELOPER
MILLER LOWRY DEVELOPMENTS, LLC
2001 PINEAPPLE ROAD NW
SUITE 340
HAPPEVILLE, GA 30050

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2001 Pineapple Road NW Suite 340
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SITE PLAN



APPLICANT / DEVELOPER
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2001 PINEAPPLE ROAD NW
SUITE 340
HAPPEVILLE, GA 30050

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2001 Pineapple Road NW Suite 340
Hapeville, GA 30050

CHECKED
DATE: 7-2-19
SCALE: AS SHOWN
DRAWN: J. R. BROWN
REVISIONS:

SITE PLAN

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Construction Plan Set For:
Land Lots 95 & 96, 14th District

Sheet No.
C-1

COVER SHEET
18-420

APPLICANT / DEVELOPER
MILLER LOWRY DEVELOPMENTS, LLC
2001 PINEAPPLE ROAD NW
SUITE 340
HAPPEVILLE, GA 30050

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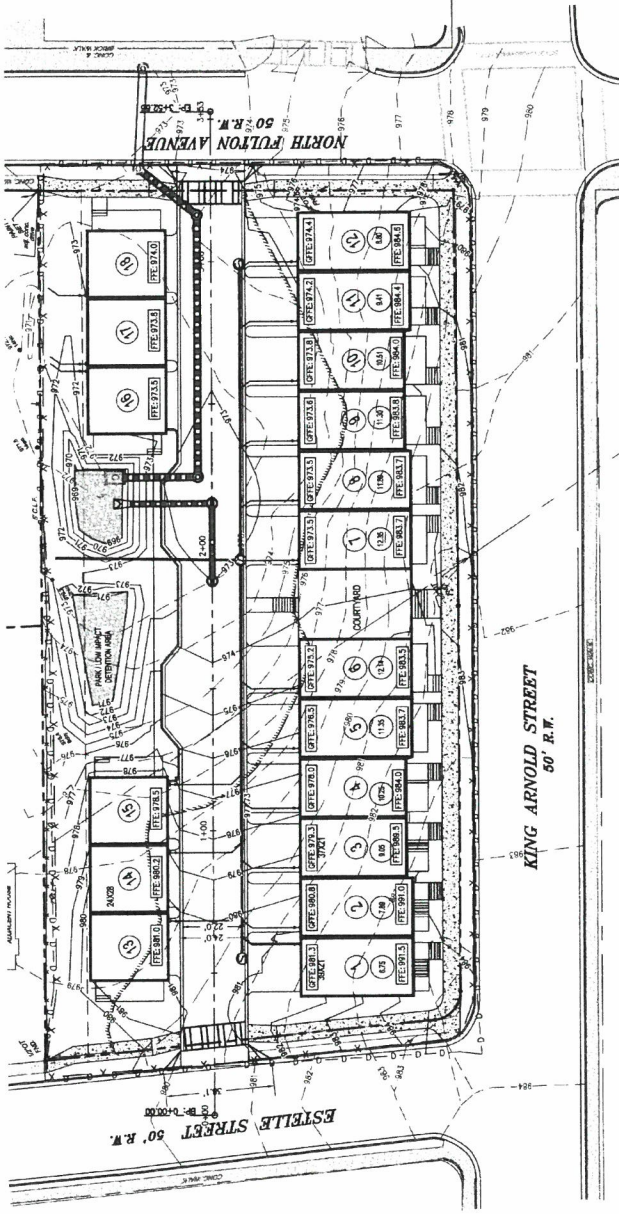
SITE PLAN

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Construction Plan Set For:
Land Lots 95 & 96, 14th District

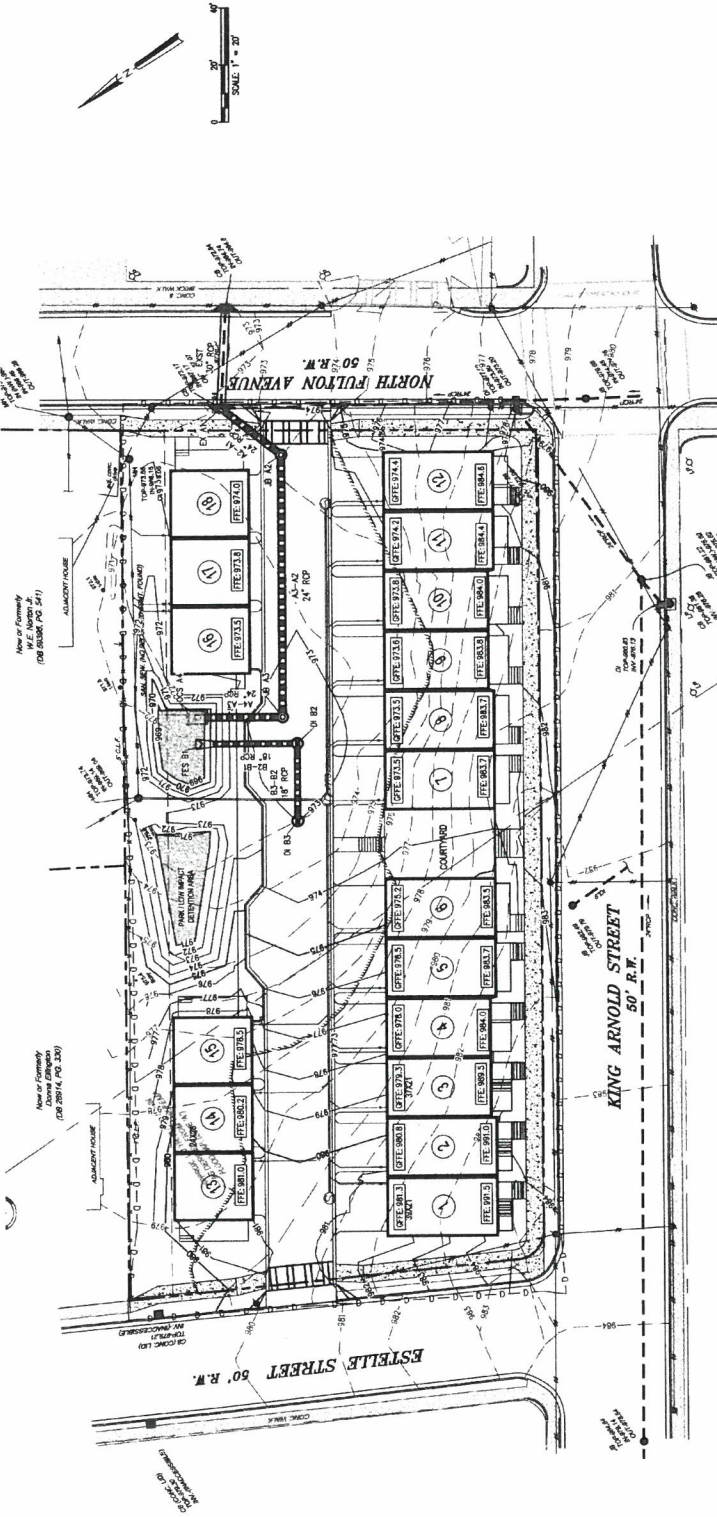
Sheet No.
C-1

COVER SHEET
18-420

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-979



24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-979



PROPOSED LEGEND

- CONTOUR
- STORMWATER LINE
- LIMIT OF DISTURBANCE
- SEWER PIPING
- SURFACE DRAINAGE GRADE
- DROP INLET WITH GRATE
- JUNCTION BOX
- CURB INLET
- SEWER MANHOLE

EXISTING LEGEND

- EXISTING CONTOUR
- PROPERTY LINE
- SEWER PIPING
- OVERHEAD POWER LINE
- WATER LINE
- FENCELINE
- SEWER MANHOLE
- POWER POLE WITH GUY WIRE
- ELECTRIC BOX
- FIRE HYDRANT

TOTAL SITE ACRES = 0.983 ACRES
TOTAL DISTURBED AREA = 1.089 ACRES
RETAINING WALL TO BE DESIGNED BY
STRUCTURAL ENGINEER
SEE SHEET C-3.1 FOR GRADING NOTES



Grading and Drainage Plan

Miller Lowry Developments, LLC
2904 Peachtree Road NW Suite 500
Hapeville, GA 30056

Prepared By:
ENGINEERING, LLC
2711 Peachtree Street SE
Atlanta, GA 30329
www.millerlowry.com

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Land Lots 95 & 96, 14th District

Sheet No.
C-2

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

Prepared By:
CHESNANT VIEW
ENGINEERING, LLC
2111 FARMER ROAD, SUITE 200
HUNTSVILLE, AL 35894
770-244-4410
www.chesnantview.com

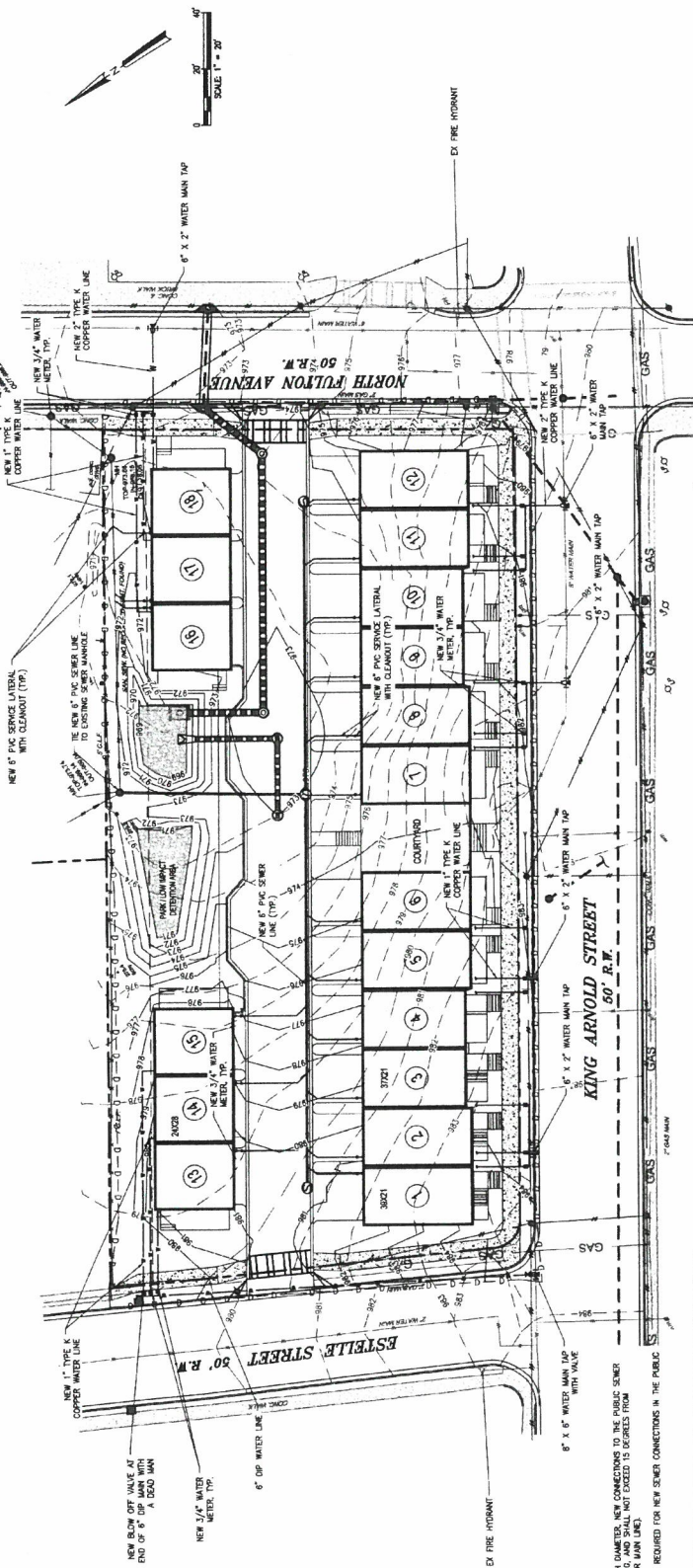
Miller Lowry Developments, LLC
3204 RUCKELSHAEFER ROAD, NEW BRUNSWICK, NJ 08901
732-241-1100
www.millerlowry.com

Utility Plan

CHECKED: 0.11.13
DATE: 7-17-13
SCALE: AS SHOWN
DRAWN: J. B. BROWN
HEAVENWORKS

City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Land Lots 95 & 98, 14th District
Construction Plan Set For:

Sheet No.
C-3



UTILITY NOTES:

1. FIRE SPRINKLER, LESS THAN 4-INCH DIAMETER, NEW CONNECTIONS TO THE PUBLIC SEWER SHALL BE MADE WITH A WYE FITTING AND SHALL NOT EXCEED 15 DEGREES FROM PERPENDICULAR TO SEWER MAIN (ON MAIN LINE).
2. A QUALIFIED CONTRACTOR'S PERMIT REQUIRED FOR NEW SEWER CONNECTIONS IN THE PUBLIC RIGHT OF WAY.

Construction Activity Schedule

- A) INITIAL DESIGN, CONSTRUCTION, & TREE SAVE BMP'S INSTALLATION
- B) PRELIMINARY CONSTRUCTION, CONSTRUCTION, & TREE SAVE BMP'S INSTALLATION
- C) FINAL PHASE EROSION CONTROL BMP'S
- D) MAINTENANCE OF EROSION CONTROL BMP'S
- E) INSTALLATION/REMOVAL OF TEMPORARY SEDIMENT BASINS
- F) CLEANING AND GRUBBING
- G) STORM AND SANITARY SEWER INSTALLATION
- H) PAVING
- I) FINAL CONSTRUCTION
- J) TEMPORARY GRASSING @ 14 DAY INTERVALS
- K) PERMANENT GRASSING @ 30 DAY INTERVALS
- L) FINAL CLEAN-UP

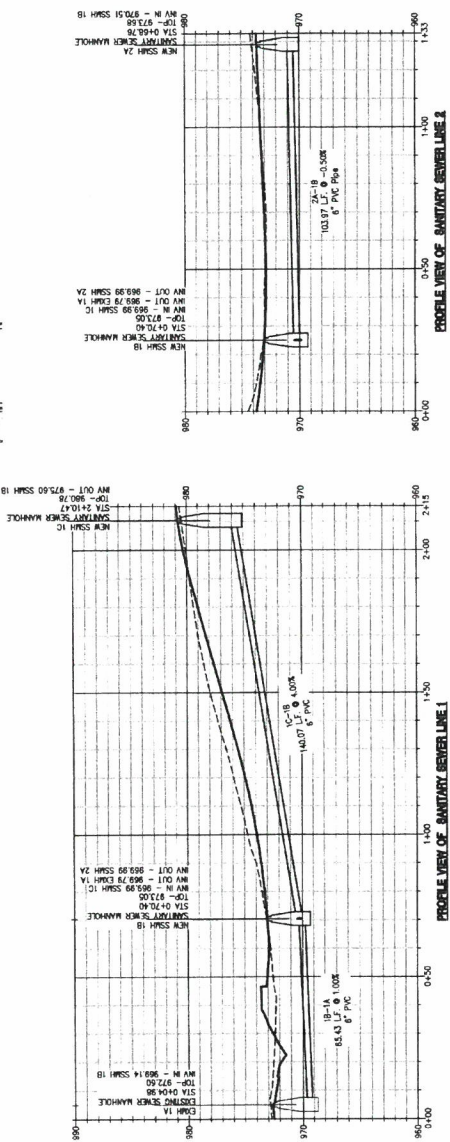
ANTICIPATED START DATE: 7-17-13 ANTICIPATED COMPLETION DATE: 3-5-14

EXISTING LEGEND

- -1.50 --- EXISTING CONTOUR
- PROPERTY LINE
- LIMIT OF DISTURBANCE
- SANITARY SEWER LINE
- WATER LINE
- FENCE LINE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE

PROPOSED LEGEND

- 3.25 --- CONTOUR
- STORMWATER LINE
- LIMIT OF DISTURBANCE
- SANITARY SEWER PIPING
- WATER LINE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE



TOTAL SITE ACRES = 0.993 ACRES
TOTAL DISTURBED AREA = 1.089 ACRES

- ES&PC NOTES:**
1. THE CONTROL PLAN SHALL BE MAINTAINED IN A LOCATION WHICH WILL PREVENT PHYSICS FROM FLOW OF AND OVER PUBLIC STREETS.
 2. ALL STRUCTURES AND ANY TAPE BARRIERS SHALL BE CLEANED OR REPLACED AND MAINTAINED IN FUNCTIONAL CONDITION UNTIL PERMANENT CONTROL MEASURES ARE ESTABLISHED.
 3. THE PLAN SHALL BE REFORMED IN ACCORDANCE WITH THE SPECIFICATION OF THE MANUAL FOR DESIGN AND SECURITY CONTROL IN AN URBAN AREA.
 4. THE CONTRACTOR SHALL CLEAN OUT ALL ACCUMULATED SILT FROM THE SEDIMENT POND(S) ON ALL DISTURBED AREAS AND STABILIZED AREAS WITH PERMANENT VEGETATION.
 5. SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED AND SHALL BE INSPECTED AND REPAIRED OR REPLACED AS NECESSARY TO MAINTAIN FUNCTIONALITY UNTIL PERMANENT CONTROL MEASURES ARE ESTABLISHED AND PERMITTED FOR CONSTRUCTION ENTRY AND ALL FENCES SHALL BE REPAIRED OR CLEANED AS NECESSARY TO REDUCE FLOW OF AND OVER PUBLIC STREETS.
 6. ANY ADDITIONAL CONSTRUCTION OTHER THAN THAT SHOWN ON THIS PLAN WILL REQUIRE PERMITS AND ADDITIONAL DESIGN AND SECURITY MEASURES.
 7. TEMPORARY ACCESSION AND/OR HEAVY LOADS WILL BE USED TO STABILIZE AREAS, IN ONE CASE SHALL A SITE BE LEFT BARE FOR WORK THAT IS ONSITE.
 8. ALL DISTURBED AREAS AND/OR HEAVY LOADS AND GRASSED AS SOON AS CONSTRUCTION PHASES PERMIT.
 9. ADDITIONAL MEASURES MAY BE REQUIRED TO CONTROL DESIGN AS DETERMINED NECESSARY BY INSPECTORS.
 10. PERSON RESPONSIBLE FOR DESIGN CONTROL MEASURES IS: 24 HOUR EMERGENCY CONTACT: NUMBER 970-288-9179
 11. CUT AND FILL SLOPES NOT TO EXCEED 2H:1V.
 12. STABILIZATION AND SLOPE CONTROL MEASURES TO BE INSPECTED DAILY.

STATE WATERS STATEMENT:

THERE ARE NO WATERS OF THE STATE THAT EXIST ONSITE. THERE ARE NO STATE WATERS THAT EXIST WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE BUFFERS ARE SHOWN ON THE PLANS.

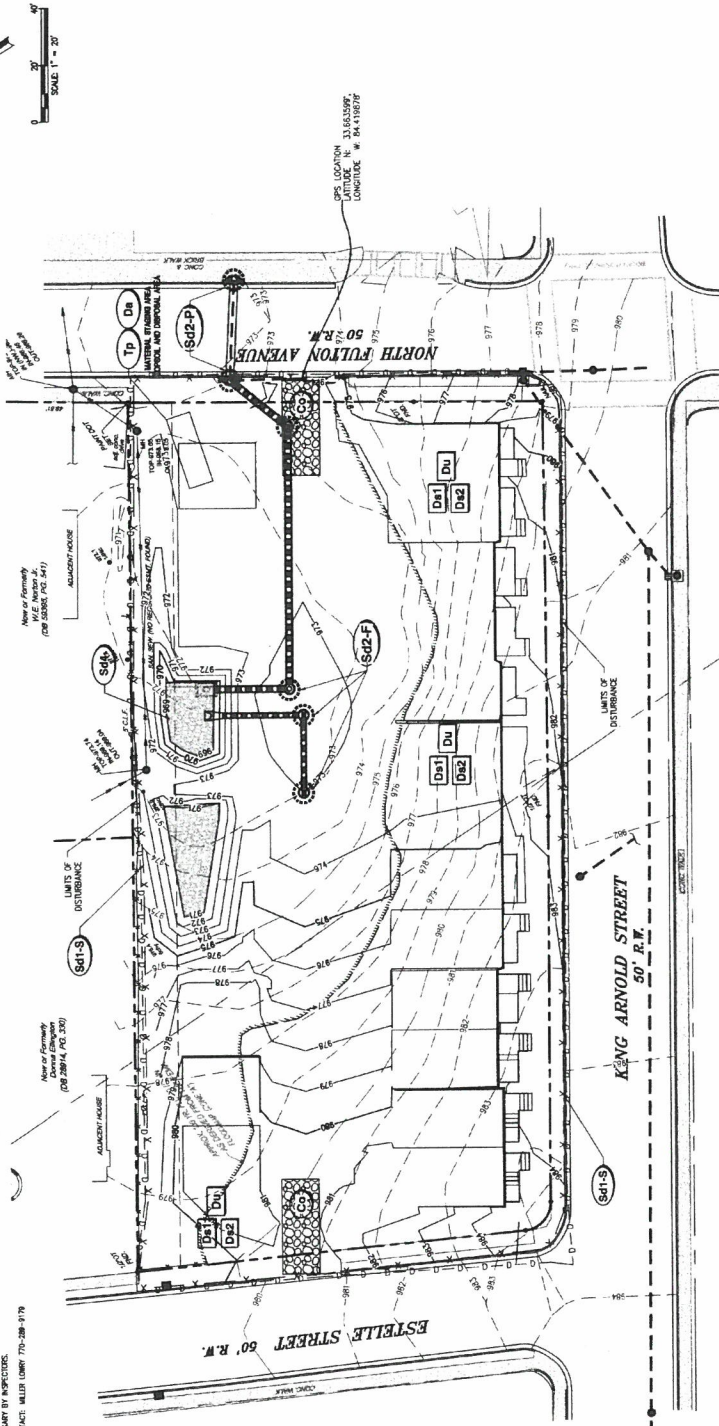
NO PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD ZONE (A, AE, SHADDED ZONE X) AS DEFINED BY FIRM PANEL NUMBER 1312103068 F UNITED SEPTEMBER 18, 2013, FOR FULTON COUNTY AND NEIGHBORING AREAS.

THE ESCAPE OF SEDIMENT FROM THE BITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES.

EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR FOR EFFECTIVE EROSION IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.

ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING. EROSION CONTROL AND TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO ANY OTHER CONSTRUCTION ACTIVITY AND MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.

TOTAL SITE ACRES = 0.993 ACRES
TOTAL DISTURBED AREA = 1.089 ACRES



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678-334-8410
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Prepared For:
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2064 Peachtree Road NW Suite 540
Hapeville, GA 30355

Erosion Control Plan

Erosion



City of Hapeville, Fulton County, Georgia
Land Lots 95 & 98, 14th District
King Arnold Townhomes
Construction Plan Set For:

CVE PI #	18-403
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Sheet No.

C-4

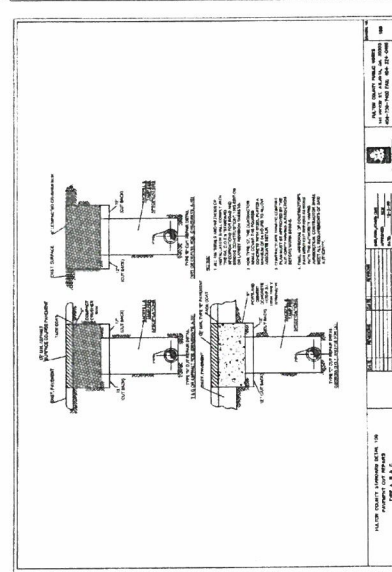
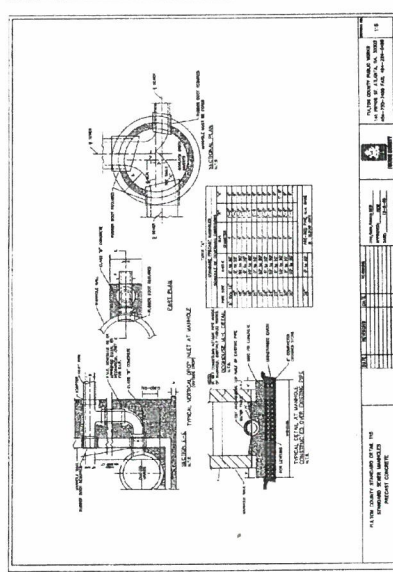
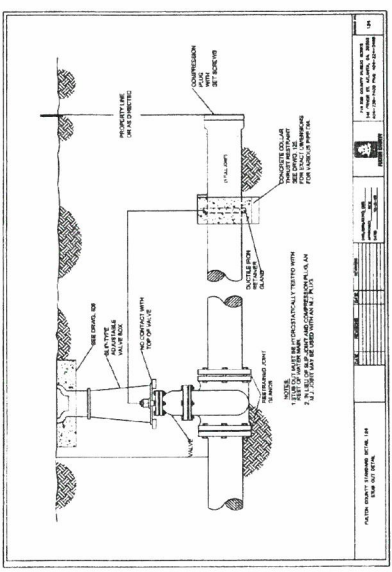
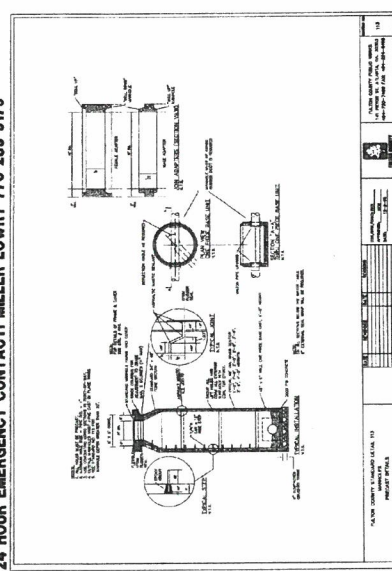
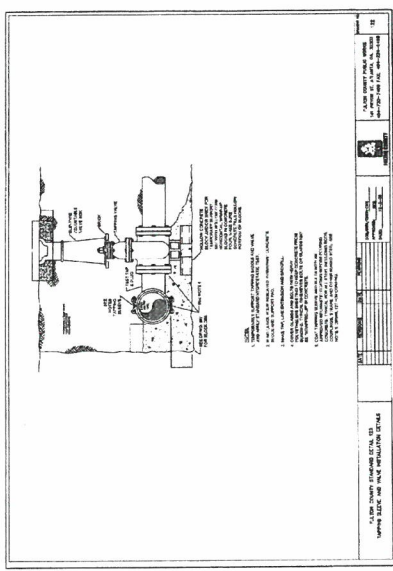
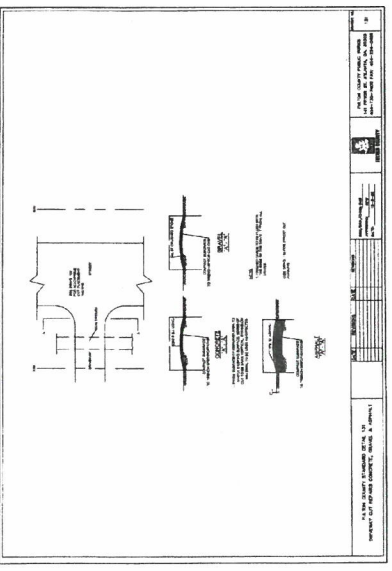
City of Hapeville, Fulton County, Georgia
King Arnold Townhomes
Land Lots 95 & 98, 14th District
Construction Plan Set For



Construction Details	
DATE	REVISIONS
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7-2-19	2. AS SHOWN
7-2-19	3. AS SHOWN
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7-2-19	99. AS SHOWN
7-2-19	100. AS SHOWN

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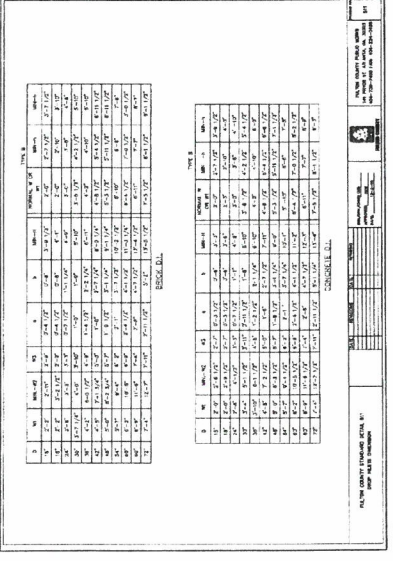
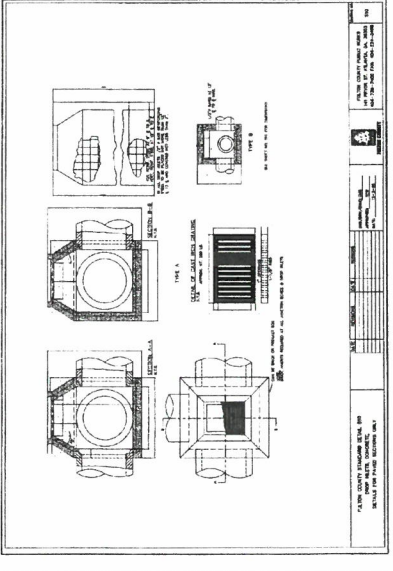
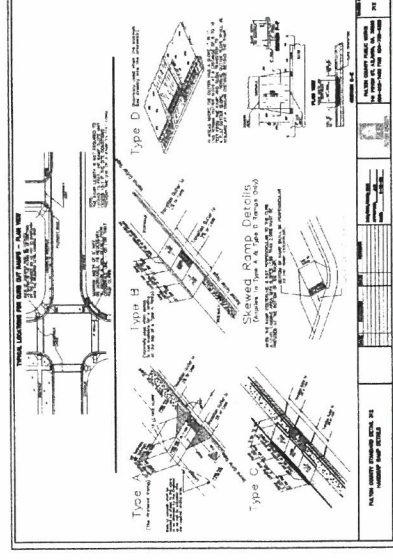
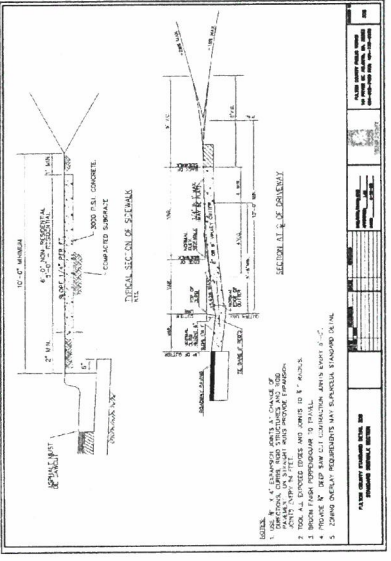
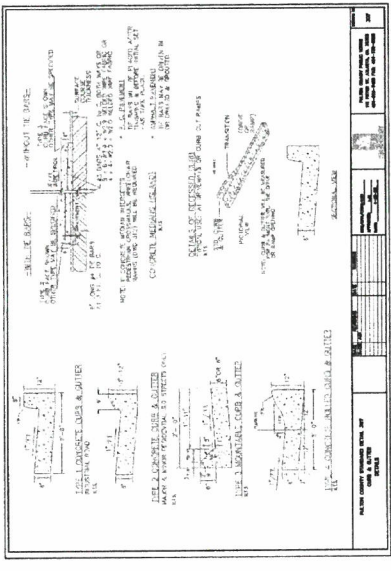
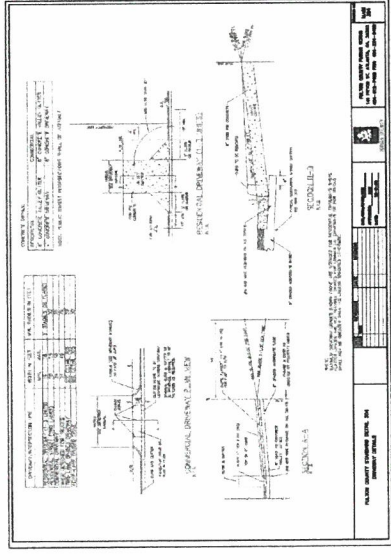
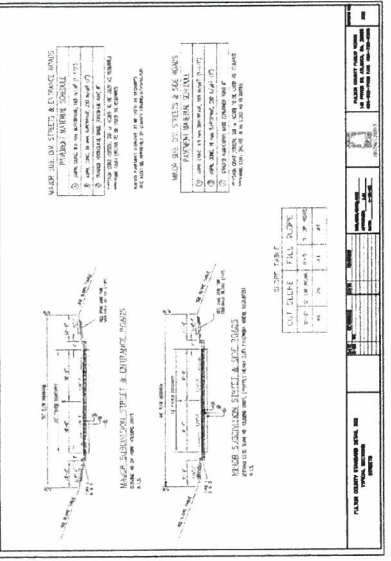
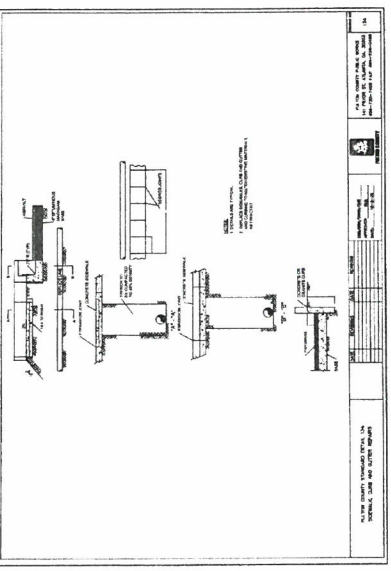
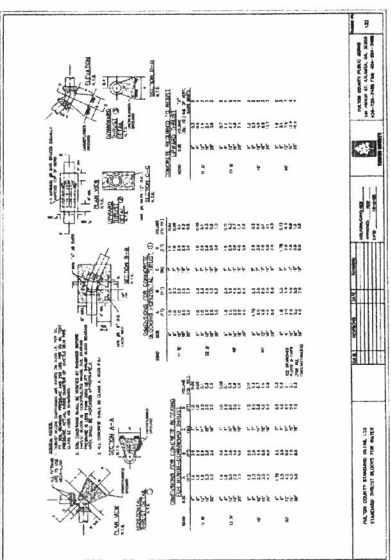


MAXIMUM TAPPING SLEEVE LENGTH	
MINIMUM SLEEVE LENGTH (FEET)	MAXIMUM SLEEVE LENGTH (FEET)
18"	18"
24"	24"
30"	30"
36"	36"
42"	42"
48"	48"
54"	54"
60"	60"
66"	66"
72"	72"
78"	78"
84"	84"
90"	90"
96"	96"
102"	102"
108"	108"
114"	114"
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126"	126"
132"	132"
138"	138"
144"	144"
150"	150"
156"	156"
162"	162"
168"	168"
174"	174"
180"	180"
186"	186"
192"	192"
198"	198"
204"	204"
210"	210"
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276"	276"
282"	282"
288"	288"
294"	294"
300"	300"
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390"	390"
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486"	486"
492"	492"
498"	498"
504"	504"
510"	510"
516"	516"
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726"	726"
732"	732"
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1080"	1080"
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2184"	2184"
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2244"	2244"
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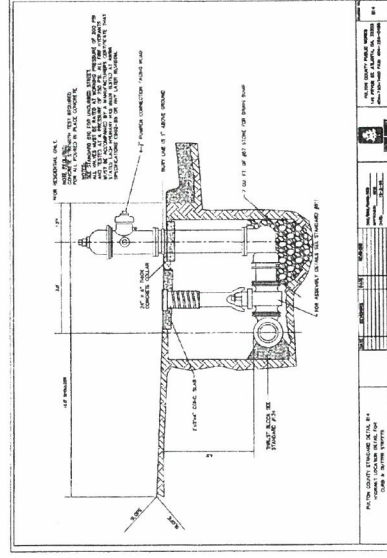
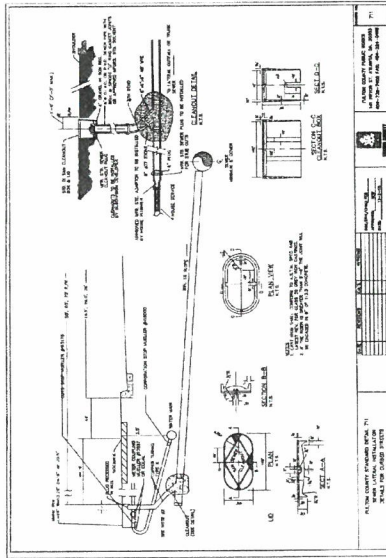
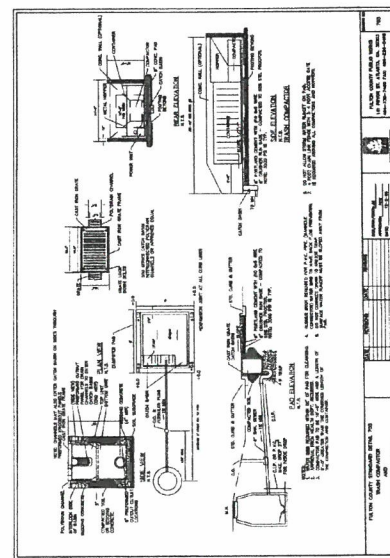
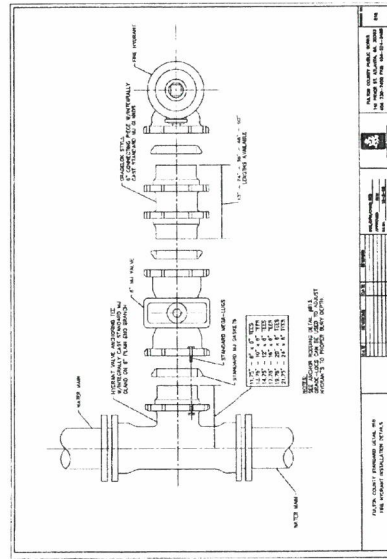
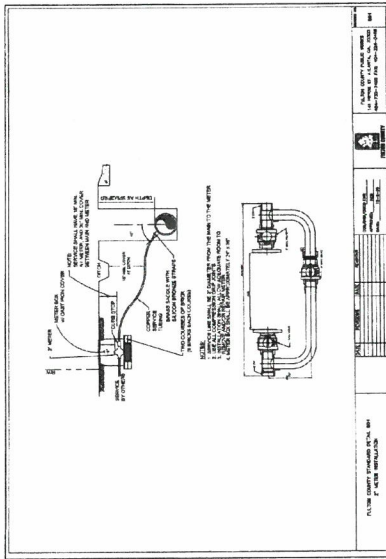
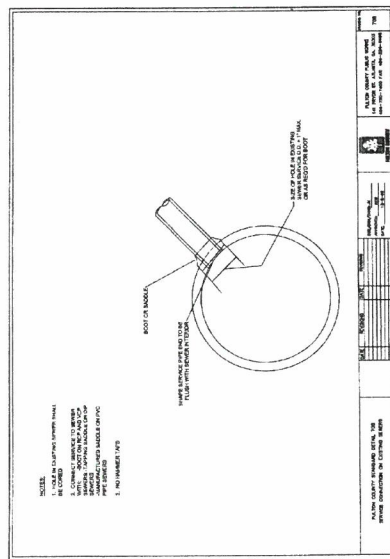
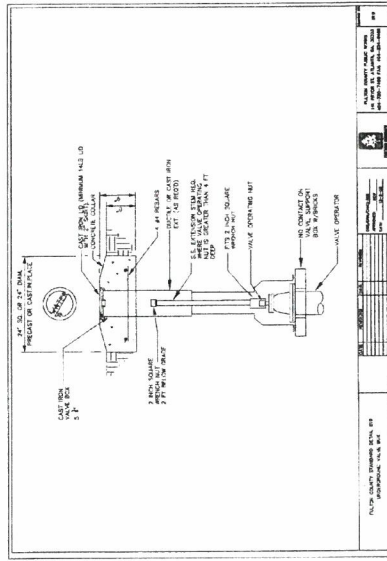
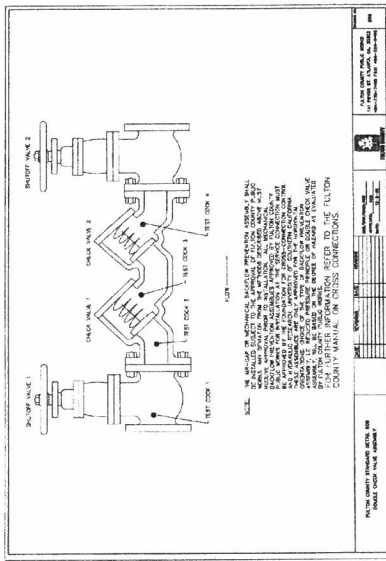
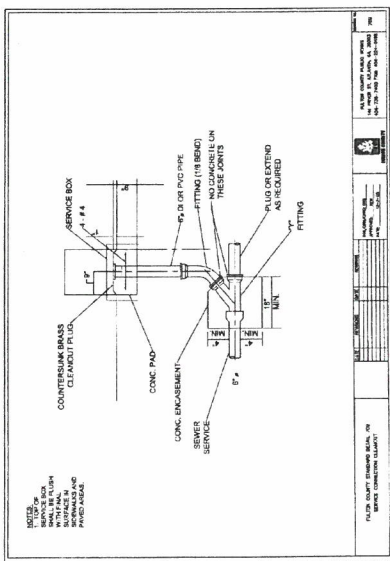
NOTE: 1. TAPPING SLEEVES AND VALVES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

2. WHEN INSTALLING TAPPING SLEEVES AND VALVES, THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE SHALL BE INSTALLED IN THE TRUNK LINE OF THE PIPE AND THE TAPPING SLEEVE 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24 HOUR EMERGENCY CONTACT MILLER LOWRY 770-289-9179



24 HOUR EMERGENCY CONTACT MILLER LOWRY 770-289-9179



Construction Plan Set For:
King Arnold Townhomes
Land Lots 95 & 98, 14th District
City of Hapeville, Fulton County, Georgia

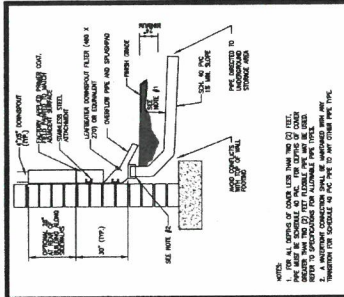


Construction Details	
DATE	7-8-19
SCALE	AS SHOWN
DRAWN	A.R.
CHECKED	G.H.B.
REVISIONS	

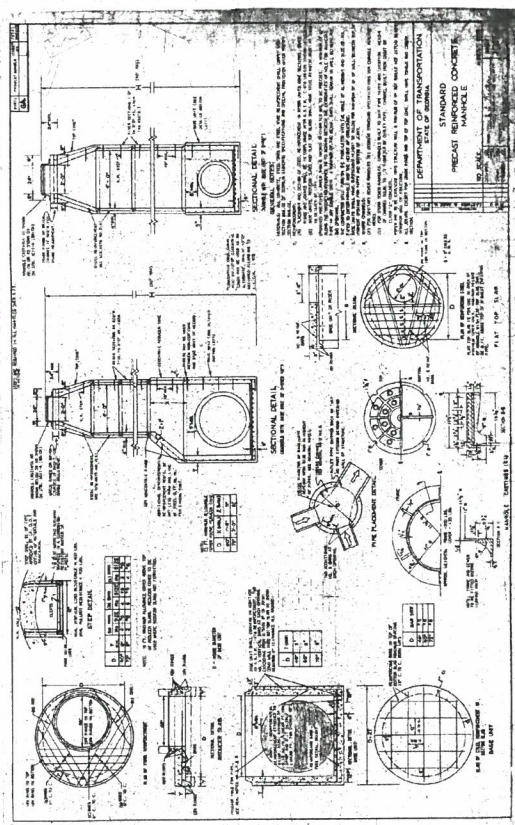
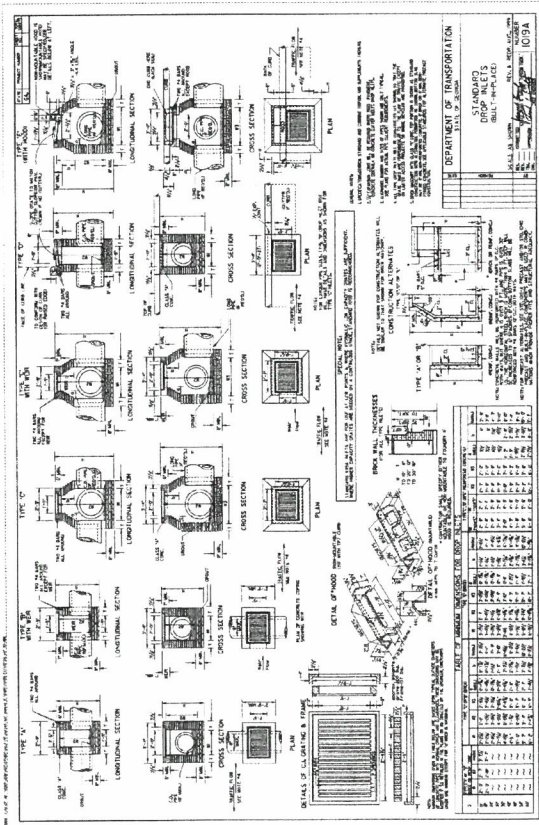
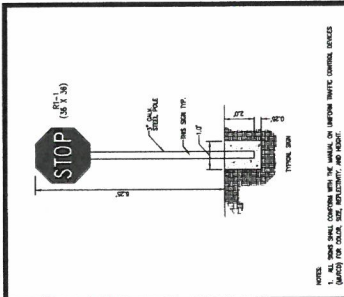
Prepared For:
Miller Lowry Developments, LLC
2204 Peachtree Road NW Suite 540
Atlanta, GA 30309

CRESCENT VIEW
ENGINEERING, LLC
211 Fraser Street, S.E.
Marietta, GA 30060
678-324-8410
Troy@CrescentViewEng.com
www.CrescentViewEng.com

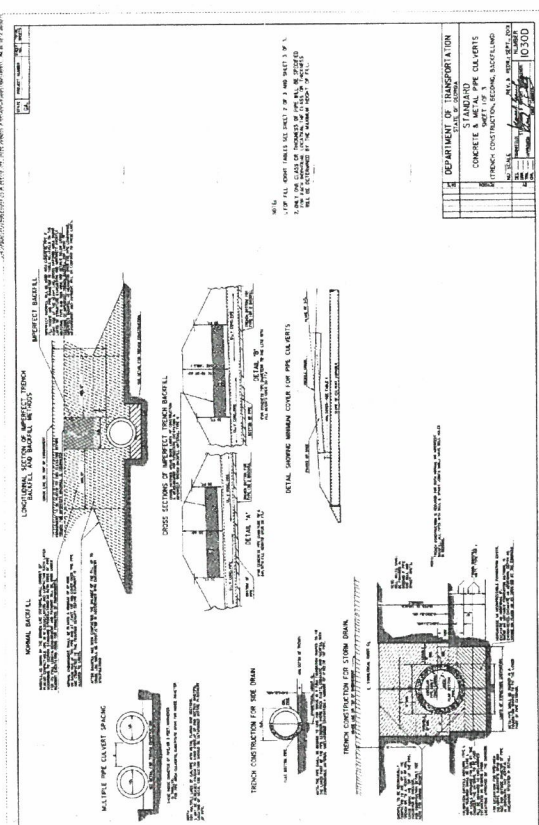
DOWNSPOUT COLLECTOR



TYPICAL SIGNS



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

[illegible]

U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON, D.C. 20535

REPORT OF INVESTIGATION

DATE OF REPORT: 10-15-68

REPORT OF: SAC, NEW YORK (100-100000)

TO: DIRECTOR, FBI (100-100000)

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [REDACTED]

RE: [REDACTED]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

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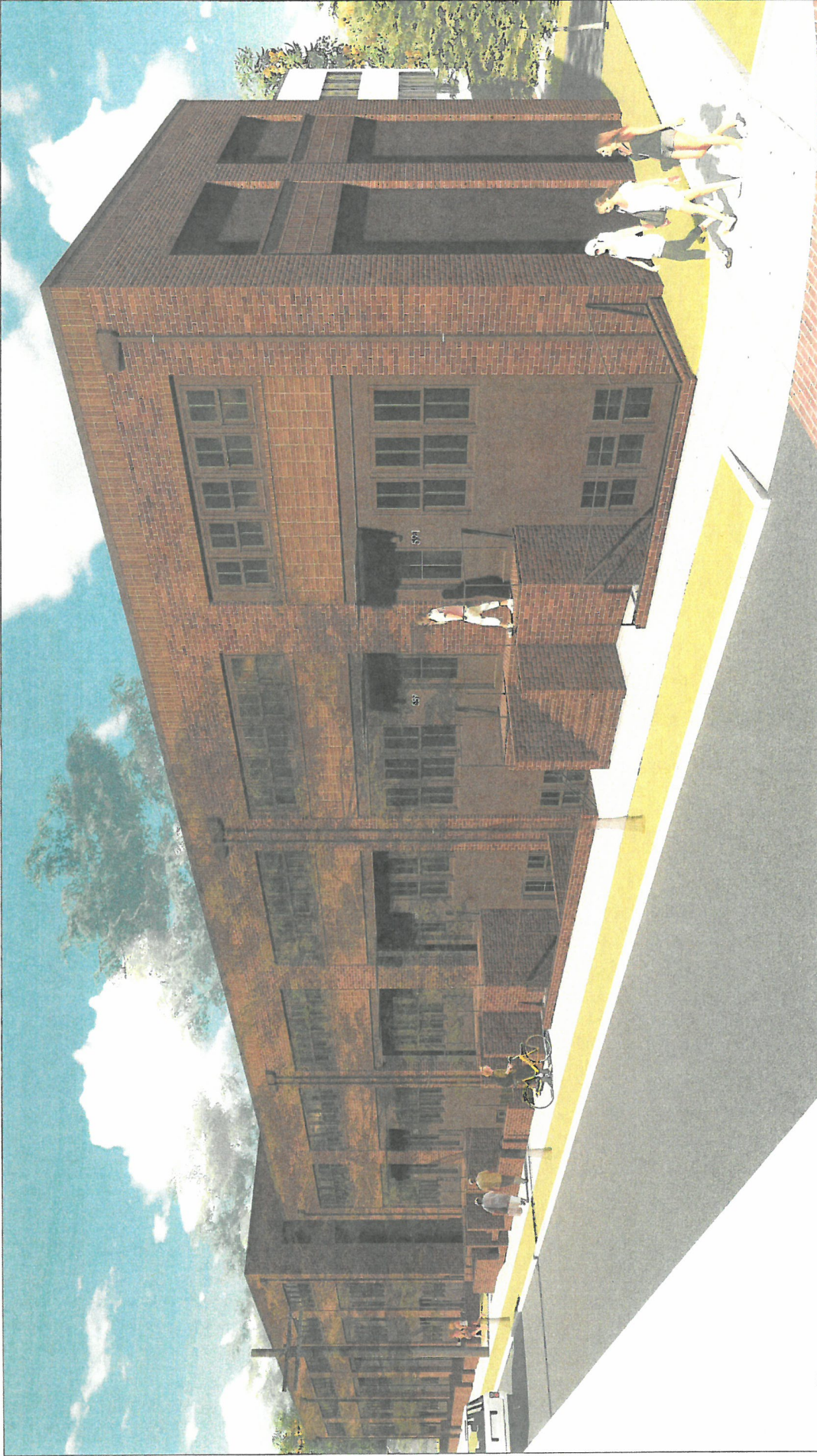
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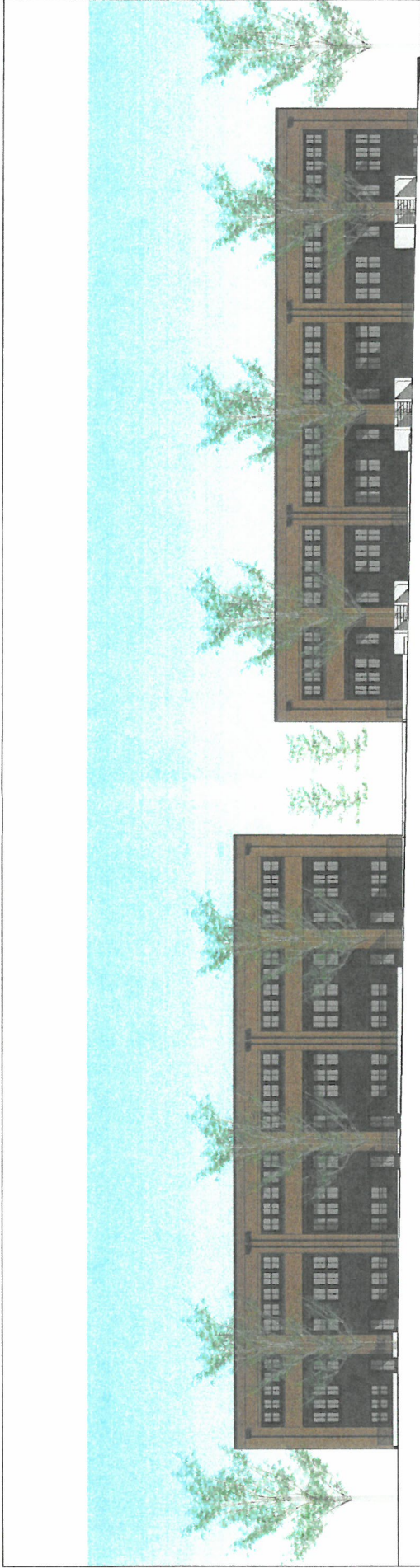


MYRTLE GARDENS TOWNHOMES

RENDERING



619 EAST COLLEGE AVENUE
SUITE D1, DECATUR, GA 30030
OFFICE@DESIGNARCH.COM
PH: 404.214.5797



1 ELEVATION - HING ARNOLD STREET
1" = 20'-0"



2 ELEVATION - ESTELLE STREET
1" = 20'-0"

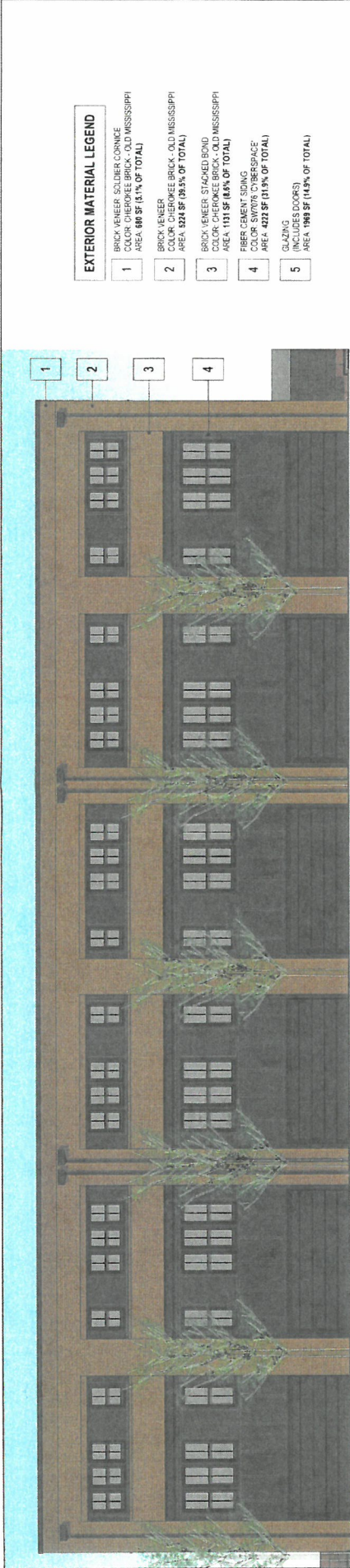
3 ELEVATION - NORTH FULTON AVE
1" = 20'-0"



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MYRTLE GARDENS TOWNHOMES

STREET ELEVATIONS



EXTERIOR MATERIAL LEGEND	
1	BRICK VENEER SOLDIER CORNICE COLOR: CHEROKEE BRICK - OLD MISSISSIPPI AREA: 689 SF (6.1% OF TOTAL)
2	BRICK VENEER COLOR: CHEROKEE BRICK - OLD MISSISSIPPI AREA: 524 SF (9.5% OF TOTAL)
3	BRICK VENEER STACKED BOND COLOR: CHEROKEE BRICK - OLD MISSISSIPPI AREA: 151 SF (1.6% OF TOTAL)
4	FIBER CEMENT SIDING COLOR: FIBER CEMENT SIDING - GRAY AREA: 422 SF (11.9% OF TOTAL)
5	GLAZING (INCLUDES DOORS) AREA: 199 SF (1.9% OF TOTAL)

3 REAR ELEVATION
3/22" = 1'-0"



2 FRONT ELEVATION
3/22" = 1'-0"

1 END ELEVATION
3/22" = 1'-0"

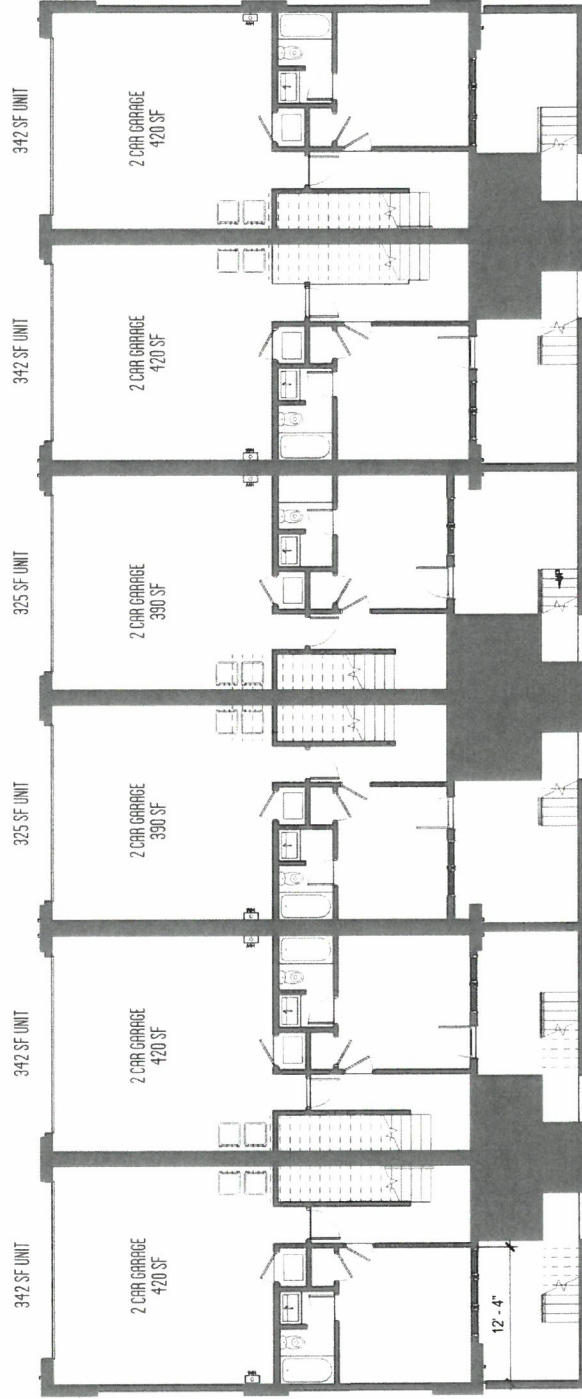
MYRTLE GARDENS TOWNHOMES
TYPICAL TOWNHOUSE BUILDING - SCHEMATIC ELEVATIONS



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TOTAL SQUARE FOOTAGE THIS FLOOR:
HEATED: 2,020
GARAGE: 2,460



1 1ST FLOOR PLAN

3/8" = 1'-0"

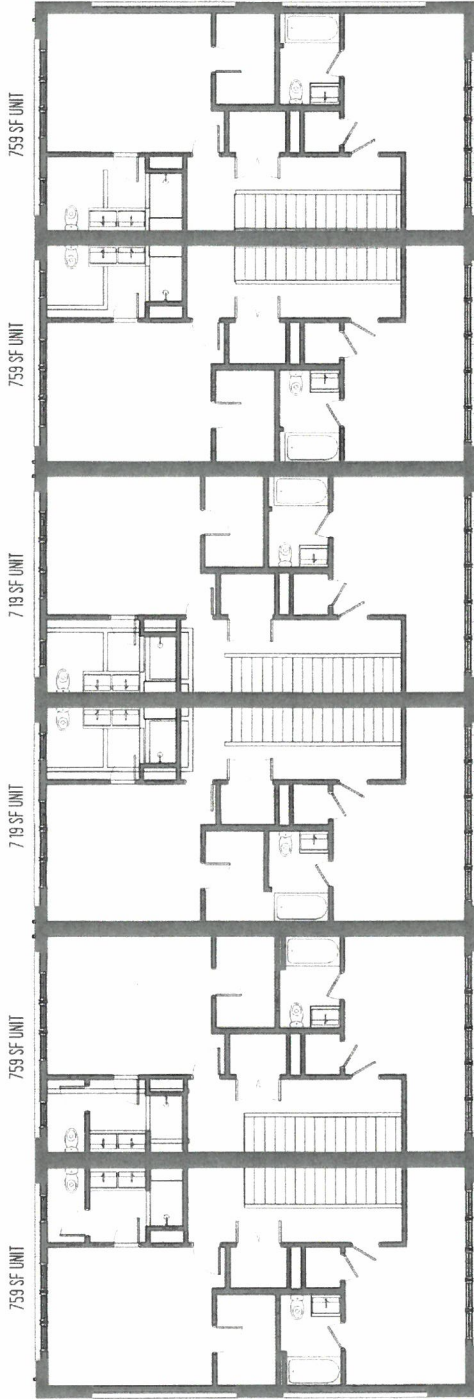


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MYRTLE GARDENS TOWNHOMES

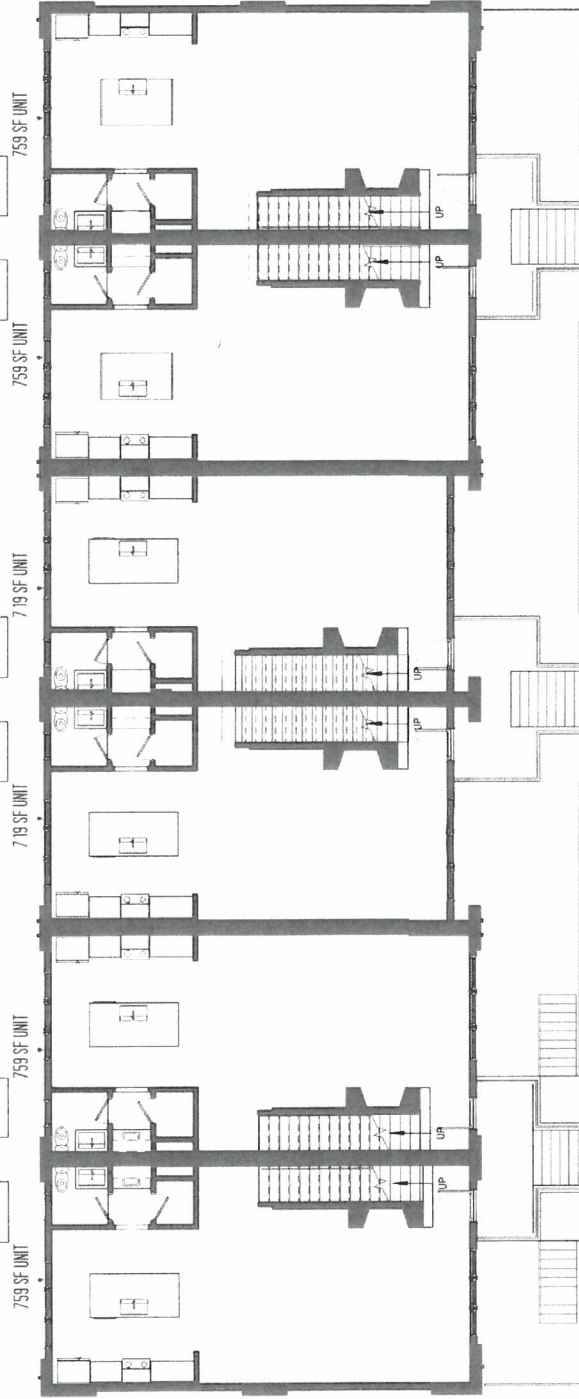
TOWNHOUSE BUILDING - SCHEMATIC FLOOR PLANS

TOTAL SQUARE FOOTAGE THIS FLOOR:
4,473



2 3RD FLOOR PLAN
3/32" = 1'-0"

TOTAL SQUARE FOOTAGE THIS FLOOR:
4,473



1 2ND FLOOR PLAN
3/32" = 1'-0"

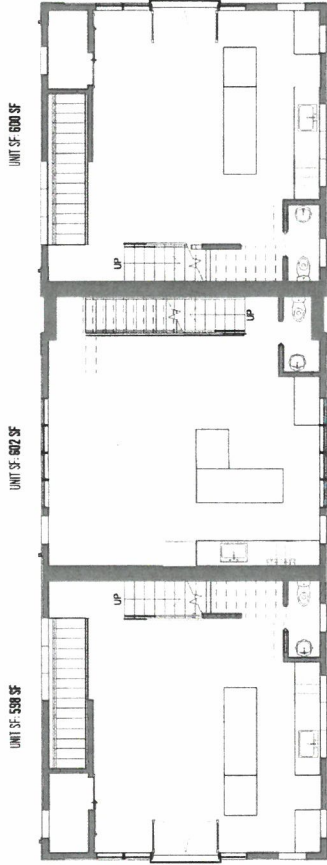


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MYRTLE GARDENS TOWNHOMES

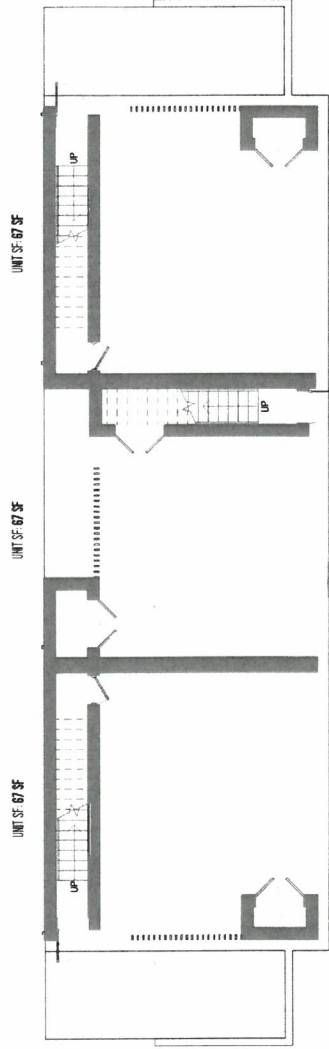
TOWNHOUSE BUILDING - SCHEMATIC FLOOR PLANS

TOTAL FLOOR SQUARE FOOTAGE:
1800 SF



2 2ND FLOOR PLAN
3/8" = 1'-0"

TOTAL FLOOR SQUARE FOOTAGE:
201 SF



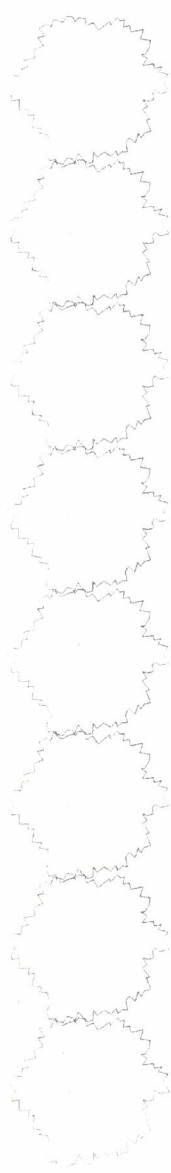
1 1ST FLOOR PLAN
3/8" = 1'-0"



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PH: 404.214.5797

MYRTLE GARDENS TOWNHOMES

TRIPLEX BUILDING - SCHEMATIC PLANS

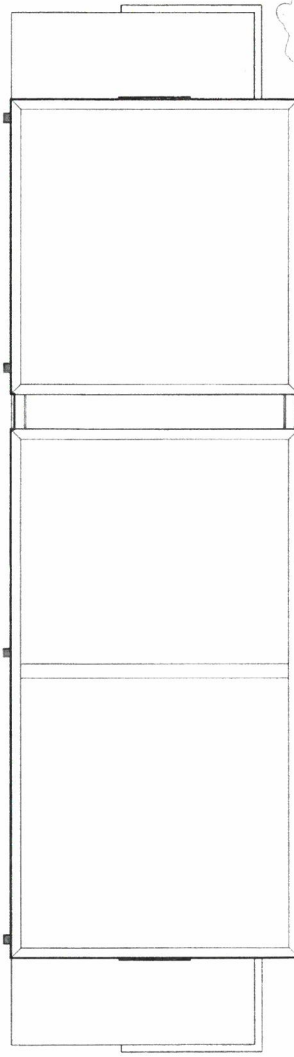


TOTAL BUILDING SQUARE FOOTAGE:
3776 SF

TOTAL UNIT SF: 1239 SF

TOTAL UNIT SF: 1235 SF

TOTAL UNIT SF: 1242 SF



2 ROOF PLAN

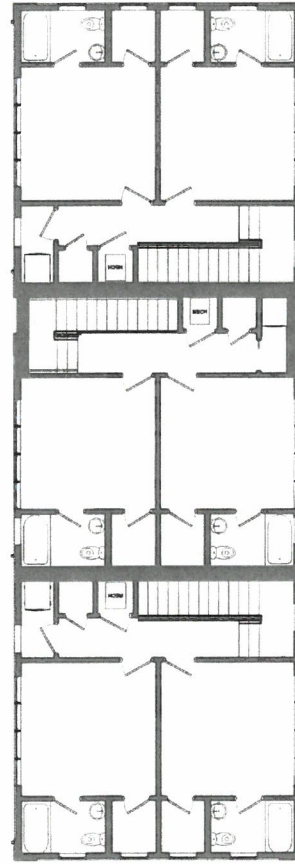
53'x22'x1'0"

TOTAL FLOOR SQUARE FOOTAGE:
1775 SF

UNIT SF: 574 SF

UNIT SF: 568 SF

UNIT SF: 575 SF



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MYRTLE GARDENS TOWNHOMES

TRIPLEX BUILDING - SCHEMATIC PLANS

1 3RD FLOOR PLAN

53'x22'x1'0"



PLANNER'S REPORT

DATE: September 18, 2019
TO: Adrienne Senter
FROM: Michael Smith
RE: **Variance Application for 591 King Arnold Street**

BACKGROUND

The City of Hapeville has received five variance applications from Miller Lowry Developments, LLC for review by the Board of Appeals for their proposed townhome development to be located at 591 King Arnold Street. The requested variances consist of:

1. Increase the number of permitted townhomes in the U-V district from 12 to 18.
2. Lower the minimum floor area per dwelling unit in the U-V district from 1,400 sq. ft. to 1,200 sq. ft.
3. Allow for the 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 proposed development would consist of 18 three-story townhomes. Twelve of the townhomes will each be approximately 1,830 sq. ft. and will front directly along King Arnold Street. An additional six townhomes will each be approximately 1,239 sq. ft. and will be built in a row behind the townhomes along King Arnold Street and will not all front along a street. The property is zoned U-V, Urban Village and is in the A-D, Arts District overlay.

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 powers and duties of the Board of Zoning Appeals, enumerated in Sec. 87-3-3 of the Code, provide the standards for variances by which each requested variance has been evaluated. That Code section is reprinted below:

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

- c. Such conditions are peculiar to the particular piece of property involved; and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Variance One – Increase the number of permitted townhomes in the U-V district from 12 to 18.

CODE

ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)

Sec. 93-11.2-3. - Permitted uses.

- (15) Single-family attached dwellings with at least two units attached, but no more than 12 and subject to the density restrictions in subsection (19) of this section.
- (23) Residential density limitations shall be as follows:
 - a. The maximum permitted residential density of a master planned development shall be 40 units per acre as calculated based on the sum of all residential uses and the total acreage of the project, including multiple parcels or city blocks, but not rail lines, public streets, or other areas not owned by the applicant;
 - b. The built residential density of individual parcels or blocks within a master planned development may be greater or less than 40 units per acre, provided the project's combined average maximum permitted residential density is not exceeded; and
 - c. Any changes to an approved site plan shall require approval of the city planning commission and shall be reviewed based on the geographic extent of the original approved site plan, shall not exceed maximum density requirements of the original application, and shall indicate all built or planned improvements.

RECOMMENDATION

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 density limitation requirement of Sec. 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 St could be developed to a density of 40 dwellings were they not proposing townhomes.

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning code. Rather, relief will grant the developer the opportunity to develop at the level of density intended in the U-V district.

Staff recommendation is to approve the variance request.

Variance Two - Lower the minimum floor area per dwelling unit in the U-V district from 1,400 sq. ft. to 1,200 sq. ft.

CODE

Sec. 93-22.1-1. - Chart of dimensional 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 Patio/Townhomes and Live-Work Unit	20	1,200		2br/2bth	1,400	90	0/15	0/15	0	0	3	45	1 DU	a.

RECOMMENDATION

The applicant has stated the six proposed units with fewer than 1,400 square feet 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 Three - Allow for the development of residences without ground level non-residential uses in the A-D overlay district.

CODE

ARTICLE 28. - A-D ZONE (ARTS DISTRICT OVERLAY)

Sec. 93-28-3. - Purpose.

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 investment is expected to advance Hapeville's position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the

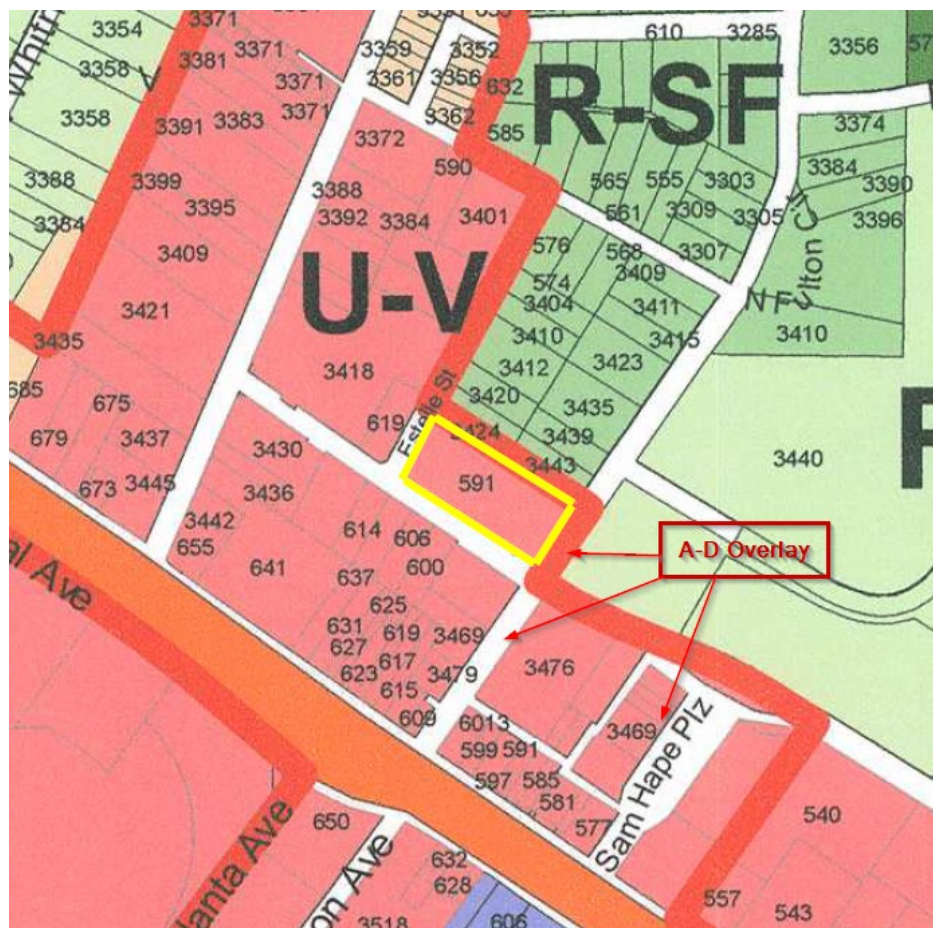
arts district overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the arts district overlay and compatible with the neighborhood character.

Sec. 93-28-7.5. - Residential uses.

No residential use shall front on a public street, sidewalk or alley at the ground floor or street level. All ground level uses fronting on a public street, sidewalk or alley shall be non-residential uses.

Sec. 93-28-5. - Geography.

Generally, the arts district overlay radiates from downtown Hapeville running along North Central and South Central Avenues, Dogwood Drive, the two-lane segment of Virginia Avenue (i.e. from South Central Avenue to Doug Davis Drive) and North and South Fulton Avenues. The District is more specifically identified in Exhibit A entitled "Hapeville Arts District Overlay Zone."



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 Four - 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 curblines. Curb breaks shall be located at least 25 feet from the nearest intersection of two curblines as measured along one of the curblines. 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.



Location Map – 591 King Arnold Street.

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 09/09/2019.

Alicia Seals

KMA

Subscribed and sworn to before me this September 9, 2019



NOTICE
City of Hapeville

There will be a Public Hearing of the City of Hapeville Board of Appeals on **Thursday, September 26, 2019** in the City of Hapeville Municipal Court Annex located at **700 Doug Davis Drive, Hapeville, Georgia 30354** at **6:00 PM** to consider the following request:

Variance Request:

Variance request to increase the number of permitted single-family attached dwellings from 12 to 18, variance to lower the floor area per dwelling unit square footage requirement for single-family attached in the U-V, Urban Village district from 1,400-sf to 1,200-sf, variance to build residences with entrances at ground floor or street level in the A-D Overlay, variance to allow for the pedestrian entrances for four townhomes to not be located on adjacent streets in the A-D Overlay, variance to increase the maximum width for curb breaks from 30' to 38.1' at 591 King Arnold Street, Parcel Identification Number 14 009500040383. 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 Ordinances.

Applicant: Miller Lowry Developments
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