



AGENDA

**Gainesville Planning and Appeals Board
Tuesday, December 11, 2018, 5:30 PM
Gainesville Justice Center**

1. CALL TO ORDER

2. MINUTES

A. November 13, 2018 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Requests

- (1) Request from **KRM 2016, LLC** to vary the front yard setback requirement from Athens Street and Mill Street on a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street, SE**) having a zoning classification of Residential-II (R-II).
Ward Number: Three
Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013
Request: Five residential duplexes

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 11/16/2018
Presenter: N/A
Item of Business: November 13, 2018 PAB Meeting Minutes
Meeting Date: 12/11/2018

Purpose of Request:

The purpose of this request is to allow the Planning and Appeals Board to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

The draft minutes were reviewed by the Planning Manager and Community Development Director.

Department Recommendation:

Approval of the minutes as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 Draft Minutes	Minutes

GAINESVILLE PLANNING AND APPEALS BOARD
DRAFT MINUTES OF MEETING
NOVEMBER 13, 2018

CALL TO ORDER Chairman Carter at 5:30 p.m.

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Eddie Martin, Sr., Carmen Delgado and Rich White

Members Absent: Board Members Kelvin Simmons and Ryan Thompson

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate, Planning Technician Judy Foster and Recording Secretary Brandy Palmero

Others Present: Council Member George Wangemann

MINUTES OF OCTOBER 9, 2018

There was a motion to approve the minutes as presented.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 2 absent (Simmons, Thompson)

NEW BUSINESS

A. Rezoning Request

- 1) Request from **KRM 2016, LLC** to rezone a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street**) from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II).

Ward Number: Three

Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013

Request: Five residential duplexes

NOTE: Board Member Martin recused himself from the meeting due to a conflict of interest with this request.

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to rezone a 0.855 acre tract from H-I and R-II to R-II for the purpose of constructing five residential duplex homes for rent. Most of the property is zoned H-I with the exception of a small R-II zoned portion of the 851 Athens Street parcel. The properties are currently undeveloped. Adjacent and nearby uses include single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant. The applicant desires to subdivide the existing parcels and position the homes in the same manner as the other homes on Mill Street. In order to do so, future setback variances will be necessary to construct the homes closer to the street. Each home will be constructed with fiber-cement siding on all four sides and each unit will be approximately 1,100 square feet in size with two bedrooms/two baths and two parking spaces per unit. The elevation of the homes will not exceed 1.5 stories. A total

of five driveways are proposed on Mill Street and two driveways are proposed on Athens Street in order to accommodate parking for the first two units.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category and within the *Traditional Neighborhoods* Character Area specifically within the *Fair Street Area NPU subarea*, which appear to support the proposed use.

The Planning Division staff is recommending conditional approval of this rezoning request based on the Comprehensive Plan and the adjacent mixture of uses with four conditions.

Applicant Presentation: Eddie Martin, Jr., 946 Lanier Avenue, stated that he would like to add more homes in the Gainesville city limits by creating the same consistent homes that already exist down Athens Street and Mill Street.

FAVOR: None

OPPOSE: Vickie Smith, 3872 Fieldgreen Court, stated she was against adding more housing in the area of Mill Street. She expressed concern of adding congestion to an already heavy populated area.

Dorothy Bolden, 2940 Maverick Trail, stated that the proposed area is already congested enough due to traffic and on-street parking. She stated that the area is full of elderly residents including her mom. Her concern is that the duplexes would be too close to her mom's backyard and her mom's safety would be at risk. She added that she has no idea the population of tenants these homes would bring and it is causing more stress for the elderly residents that currently live in the area.

Planning and Appeals Board Comments: Vice-Chair Fleming questioned Mr. Martin on the price point for the monthly rentals for these units. Mr. Martin stated the price would be from \$800-\$900 dollars per month. Mr. Martin also added he is staying with the one level type homes to attract more of an elderly cliental.

Vice-Chair Fleming also questioned what else could possibly be built at the property as currently zoned. Planning Manager Matt Tate replied that most of the property is zoned for heavy industrial and/or office/commercial which could affect traffic even more than the proposed plans.

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II) for five residential duplexes with the following conditions:

Conditions

- 1. The proposed duplex structures shall be generally consistent with the standards depicted on the pictures provided with this application not to exceed a maximum of 1.5 stories in height with a minimum 3:12 pitched roof. The exterior walls shall consist of cementitious siding materials with a minimum 3-foot high brick water table on the front and side exterior walls of the structure. In addition, each unit shall include a covered front porch.**
- 2. The developer shall provide for a frontage landscape area along Athens Street which may include trees/shrubs and a decorative fence consisting of brick,**

wrought iron, aluminum or vinyl materials not to exceed 4-feet in height. The location, spacing, size and type of trees/shrubs planted and fence shall be subject to Community Development Department Director approval.

3. All driveway locations shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a building permit. Any required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
4. An updated survey/plat of the subject properties shall be recorded prior to obtaining a Certificate of Occupancy.

Motion made by Board Member White

Motion seconded by Board Member Fleming

Vote – 4 favor, 1 recusal (Martin), 2 absent (Simmons, Thompson)

B. Zoning Amendment Request

- 1) Request from **Southeastern Land Solutions, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract located on the northwest side of the intersection of McEver Road and Stephens Road (a/k/a **0 McEver Road, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-042B-000-180
Request: Five single-family lots

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract to allow five single-family lots instead of a small neighborhood retail center as part of the adjacent Copper Spring Subdivision located in Gainesville. The purpose of the request is to allow the subject property to be part of the adjacent/future “Brannon Ridge” development recently annexed into Oakwood. The development is to consist of 112 single-family lots and 75 townhomes, which will include the proposed five single-family lots. Each home will not exceed two stories in height with two-car garages on minimum lot sizes of 4,800 square feet. The homes will have a craftsman style consisting a mixture of masonry materials and fiber cement siding. Access to the subject property is proposed through the subdivision off of Waverly Way which is a County road.

Comments were received from the Gainesville Public Works Department, Fire Department and Gainesville City School System which in summary state that the location and access to the proposed five lots may create some logistical issues regarding solid waste services, road maintenance, service delivery for public safety and feasibility of transportation services for City schools.

The Gainesville 2030 Future Development Map places the subject property within the *Mixed Use General* land use category and the *Suburban Residential* Character Area which is consistent with the proposed use.

The Planning Division staff is recommending approval of this zoning amendment request based on the comprehensive plan and the adjacent residential use, but with the four zoning conditions to help address the logistical challenges identified by Public Works, Fire and the School System.

Applicant Presentation: Eric Johansen, 3938 Oak Crossing Drive, Suwanee, stated after talking with the staff that he agrees that the five single-family lots would be easier to modify with the conditions in the Copper Springs Subdivision instead of later on down the road needing to annex or rezone the property. He also added that he fully agrees with all of the conditions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) zoning to allow five single-family lots with the following conditions:

Conditions

1. The proposed single-family homes shall be generally consistent with the standards depicted on the concept plan and architectural elevations provided with this zoning amendment application.
2. The City of Gainesville shall assume no responsibility to provide for the maintenance of streets, solid waste pickup and/or stormwater management, due to the subject property's limited access through the jurisdictions of Hall County and the City of Oakwood. The owner/developer expressly consents to this rezoning condition.
3. In the event that the owner/developer sells any of the lots within the subject property, the owner/developer shall provide written notification within each deed of sale of the preceding condition that the City of Gainesville shall not be responsible for the maintenance of streets, solid waste pickup and/or stormwater management.
4. The subject property shall be limited to five (5) age-restricted single-family lots for seniors 55 years of age and up. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

Motion made by Board Member Delgado

Motion seconded by Board Member Fleming

Vote – 4 favor, 1 opposed (Martin), 2 absent (Simmons, Thompson)

ADJOURNMENT

There was a motion to adjourn the meeting at 5:54 p.m.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 5 favor, 2 absent (Simmons, Thompson)

Respectfully submitted,

Doug Carter, Chairman

Brandy Palmero, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 11/15/2018

Presenter: Matt Tate

Item of Business: Request from **KRM 2016, LLC** to vary the front yard setback requirement from Athens Street and Mill Street on a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street, SE**) having a zoning classification of Residential-II (R-II).
Ward Number: Three
Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013
Request: Five residential duplexes

Meeting Date: 12/11/2018

Purpose of Request:

The applicant is requesting to vary the front yard setback requirement from 30-feet to 7-feet along Athens Street and Mill Street for the purpose of constructing five residential duplexes. The applicant desires to subdivide the existing parcels and position the homes in the same manner as the other homes on Mill Street. In order to do so, setback variances for each lot will be necessary to construct the homes closer to both streets. Each home will be constructed with fiber-cement siding on all four sides and each unit will be approximately 1,100 square feet in size with two bedrooms/two baths and two parking spaces per unit. The elevation of the homes will not exceed 1.5 stories. A total of five driveways are proposed off of Mill Street and two driveways are proposed on Athens Street in order to accommodate parking for the first two units. Adjacent and nearby uses include single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

The Planning Division staff is recommending **conditional approval** of this request with four conditions. See the staff recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Report	Report
☐ Location Maps	Backup Material
☐ Statement of Hardship	Backup Material
☐ Site Plan	Backup Material

**GAINESVILLE PLANNING AND APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner: KRM 2016, LLC
PO Box 938
Gainesville, GA 30503

Request:..... Vary the front yard setback from Athens Street and Mill Street

Zoning:.....Residential-II (R-II)

Location:..... 827, 831 and 851 Athens Street, SE

Staff Recommendation:.....**Approval, with conditions**

Meeting Date:.....December 11, 2018

▪ **Request**

The applicant is requesting to vary the front yard setback requirement from 30-feet to 7-feet along Athens Street and Mill Street for the purpose of constructing five residential duplexes. The applicant desires to reconfigure and subdivide the subject parcels in order to position the homes in similar manner as the existing homes on Mill Street. In order to do so, setback variances for each lot will be necessary to construct the homes closer to both streets. Each home will be constructed with fiber-cement siding on all four sides and each unit will be approximately 1,100 square feet in size with two bedrooms/two baths and two parking spaces per unit. The elevation of the homes will not exceed 1.5 stories. In order to provide necessary parking for the homes, a total of five driveways are proposed on Mill Street and two driveways are proposed on Athens Street.

▪ **Background Information and Existing Conditions**

The subject property consists of three lots which total 0.855± acre in size. The property is located on both sides of Mill Street and is currently undeveloped but previously contained residential homes many years ago. On December 4, 2018, the applicant rezoned the property from Heavy Industrial (H-I) to Residential-II (R-II) with conditions to allow for duplex homes as opposed to heavy industrial uses. Adjacent and nearby uses include single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant.

▪ **Significant Factors**

The Ordinance requires the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant states that under the current setback requirements, the narrow shape and small size of the lots create a hardship which would not allow for homes with similar character and setbacks as the existing homes along Mill Street.

In 2011, a request by Welcomb & Berlinda Lipscomb to vary the front yard setback variance from 30-feet to 16-feet located at 518 Fair Street was conditionally approved for a carport addition.

In 2003, a request by the Habitat for Humanity of Hall County, Inc. to vary the front yard setback from 30-feet to 6-feet and the side yard setback from 10-feet to 9-feet located at 722 Norwood Street was approved for a single-family site-built home.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

▪ **Supporting Documents**

Statement of Hardship, Plat, Concept Plan, Pictures

▪ **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The subject property is located on both sides of Mill Street and the topography is at street grade on the east side and above street grade on the west side. As well, the property is somewhat small in size and narrow in shape given that there are two road frontages.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

The purpose of the building setback requirement is to provide for uniformity of building placement, sufficient access, as well as to provide for adequate separation from neighboring properties for fire safety.

The property is zoned Residential-II (R-II) and allows for single-family, two-family and multi-family housing. The R-II zoning standards require a 30-foot front yard building setback from Mill Street and Athens Street. Given the location of neighboring structures along Mill Street and Athens Street, a 30-foot front yard setback would be contradictory to the neighborhood.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

The property was recently rezoned from H-I to R-II with conditions for the sole purpose of constructing duplex homes of similar scale and architecture as the homes located on Mill Street. The property has multiple front yard setbacks which appear to impede with the applicants ability to position the homes in a manner consistent with the neighborhood. Many of the existing homes along Mill Street are located as close as one to two feet from the road.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

The proposal should not cause substantial detriment to the public good or impair the purposes and intent of this ordinance. The location and size of the homes will be similar to other homes on Mill Street and each home will provide for onsite parking. During rush hour, driveway access from Athens Street may see delays for the first two units on Athens Street due to the stacking of traffic at the nearby intersection of Martin Luther King Jr. Boulevard and E.E. Butler Parkway and the Athens Street railroad crossing.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

There appears to be a physical hardship given the property's size, shape and multiple road frontages. Denial of this variance would still allow for smaller homes to be constructed but in a manner that is not in keeping with the neighborhood and would detract from its historic nature.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The applicant rezoned the subject property for the purpose of constructing the proposed duplex homes. During the rezoning process the applicant was advised by staff that front yard setback variances would be necessary from Athens Street and Mill Street in order to construct the homes closer to the street.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this variance request based on the property size, shape and multiple road frontages.

The below conditions are the same conditions approved with the previous zoning ordinance for this property.

Conditions

1. The proposed duplex structures shall be generally consistent with the standards depicted on the pictures provided with this application not to exceed a maximum of 1.5 stories in height with a minimum 3:12 pitched roof. The exterior walls shall consist of cementitious siding materials with a minimum 3-foot high brick water table on the front and side exterior walls of the structure. In addition, each unit shall include a covered front porch.
2. The developer shall provide for a frontage landscape area along Athens Street which may include trees/shrubs and a decorative fence consisting of brick, wrought iron, aluminum or vinyl materials not to exceed 4-feet in height. The location, spacing, size and type of trees/shrubs planted and fence shall be subject to Community Development Department Director approval.
3. All driveway locations shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a building permit. Any required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
4. An updated survey/plat of the subject properties shall be recorded prior to obtaining a Certificate of Occupancy.



Applicant:

KRM 2016, LLC

VARIANCE REQUEST



Request:

Vary the front yard setback requirement from Athens Street and Mill Street for five residential duplexes

Subject Area Address:

827, 831 & 851 Athens Street, SE

Meeting: 12/11/2018

Prepared: 11/13/2018

Gainesville Community Development Department



Subject Property

Right-of-Way to be Rezoned

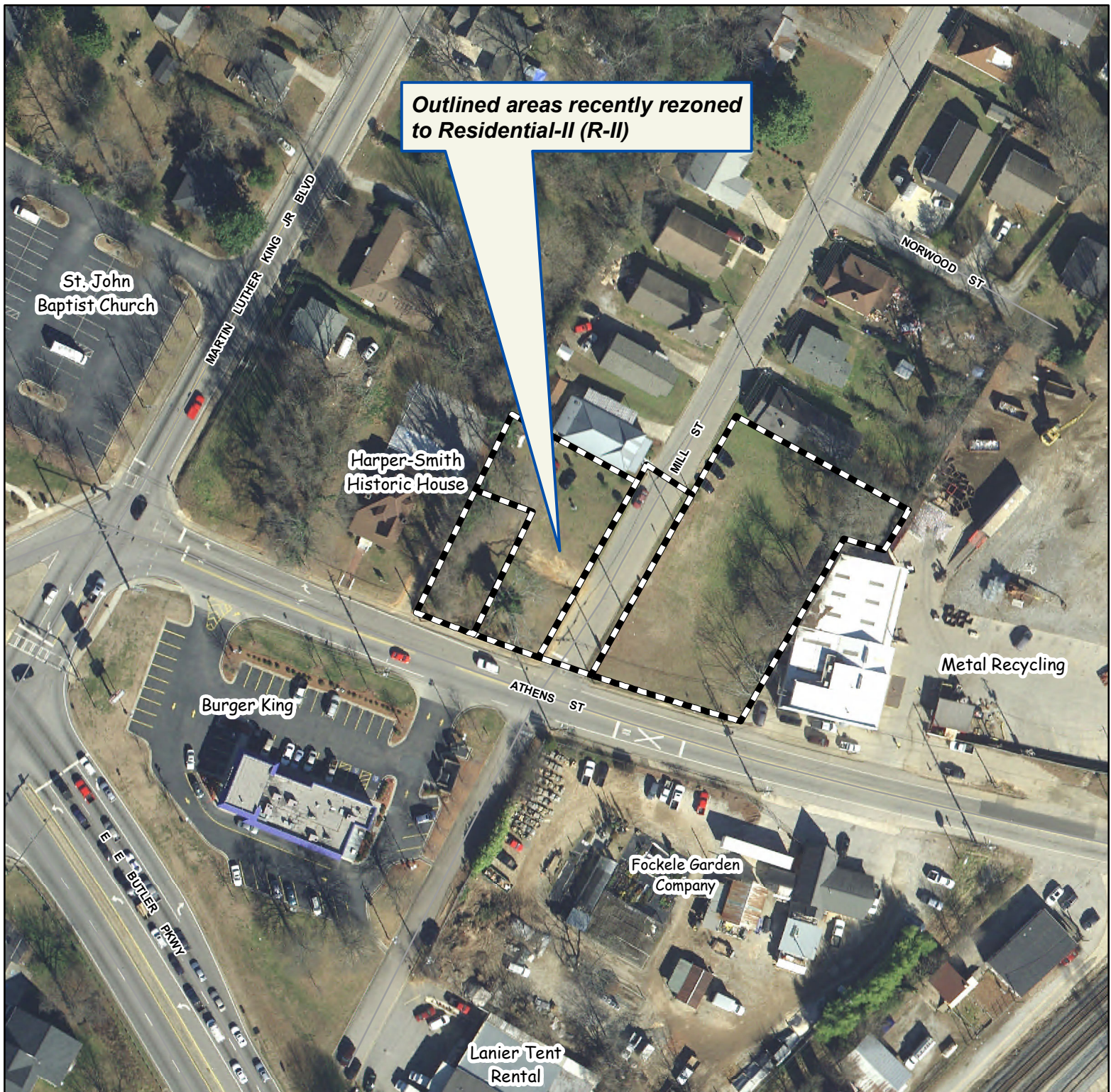


0 60 120 180 240 Feet

1" = 100'

Tax Parcel:

01-034-006-009 and 010; 01-034-001-009



Applicant:

KRM 2016, LLC

Gainesville Community Development Department

VARIANCE REQUEST



Request:
Vary the front yard setback requirement from Athens Street and Mill Street for five residential duplexes

Subject Area Address:
827, 831 & 851 Athens Street, SE

Meeting: 12/11/2018

Prepared: 11/13/2018

 Subject Property and
Right-of-Way to be Rezoned

Aerial from 2015

0 60 120 180 240 Feet



1" = 100'

Tax Parcel:

01-034-006-009 and 010; 01-034-001-009

Statement of Hardship
827, 831, 851 SE Athens Street

1. All 5 lots are small and narrow thus justifying reduced setbacks on Athens St frontage. Also, attempts are being made to mimic existing character and setbacks on Mill St and reduced setbacks are justified on Mill St frontage.
2. The application of required setbacks creates non-conforming situations inside of an already established neighborhood that will not meet the character of existing homes and feel out of place.
3. The current zoning is Heavy Industrial and the best and highest use is actually RII. The neighborhood is residential in nature and these lots mark one of two entrances. Rezoning these lots to RII preserves the integrity of the existing neighborhood.
4. This variance would bring these lots into alignment with already existing characteristics.
5. The reasonable use of the land if the zoning ordinance were to be applied literally induces a hardship on the residents of the neighborhood. Heavy Industrial at one of the entrances to the neighborhood reduces quality of life for the inhabitants through increased air and noise pollution.
6. These hardships are not self created.

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1. BOUNDARY, TOPOGRAPHIC & SITE DATA TAKEN FROM SURVEY PERFORMED BY ROCHESTER & ASSOC. DATED 06.08.18
2. NO FLOOD PLAIN PRESENT ONSITE (FEMA OR HALL FUTURE FLOOD).
3. PROPERTY ZONING:
Existing - H-1 & R-1
Proposed - R-11 (RESIDENTIAL DISTRICT)
4. DIMENSIONAL REQUIREMENTS:
Max building coverage of lot = 35%
Max impervious area of lot = 60%
Minimum Lot Width = 60'
Maximum Density = 12 units per acre
Max bldg. height = 60'
Max bldg. front = 4'
5. PARKING REQUIRED:
Duplex: 2 per unit min., 3 per unit max

CONCRETE PAVEMENT

CONCRETE SIDEWALK

Rochester
& Associates, Inc.

425 Oak Street N.W. • Gainesville, Georgia 30501
(770) 718.0600 (770) 718.9090 Fax • www.rochester-assoc.co

**FOR:
SITE LAYOUT EXHIBIT
827, 831, & 851
SE ATHENS STREET
LOCATED IN:
LAND LOT 149, 9TH DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA**

[illegible]

GRAPHIC SCALE

10' 0' 20' 40'

SHEET 1	DATE: 10.26.2018
OF 1	SCALE: 1"=20'
	JOB NO. G218085.47
	DWG NO. SITE
	DRAWN BY: MQS