

**ATHENS-CLARKE COUNTY HEARINGS BOARD**  
**MINUTES**  
**May 9, 2012**

The Athens-Clarke County Hearings Board met and considered the following items at a public meeting on Wednesday, May 9, 2012, 3:00 p.m. at 120 W. Dougherty Street, Athens, Georgia:

**MEMBERS PRESENT:** Jim Anderson, Genie Bernstein, David Ellison, Beverly King, Liz Kramer and Adrian Pritchett (Chair)  
**MEMBERS ABSENT:** Sean Hogan  
**STAFF PRESENT:** Jane Erwin, Amber Eskew, Bruce Lonnee (ACCUG Planning); and Holly Hilton (ACCUG Attorney)

**CALL TO ORDER AND APPROVAL OF MINUTES:**

- 1. Introduction of Staff reports and all other documents submitted to the Hearings Board at the meeting into the official record.** Ms. Bernstein made a motion to introduce all reports and documents into the official record. Ms. King seconded the motion, which passed unanimously.
- 2. Approve Minutes from the April 11, 2012, Hearings Board meeting.** Mr. Anderson made a motion to approve. Mr. Ellison seconded the motion which passed unanimously.

**OLD BUSINESS:**

- 1. 530 S. MILLEDGE AVENUE** **VAR-2012-03-567**  
Petitioner: Bill Kraeling for Gamma Alpha House Corporation, Inc.  
Zoning: C-O (Commercial-Office) Local Historic Landmark; Milledge Avenue Historic District; Milledge Avenue Corridor Special District Overlay  
Tax ID: 122D4 F001  
Request: A. Variance to reduce perimeter parking lot buffers from 10' to 4' on north side, from 10' to 1' on south side and 10' to 2' on west side

**Ms. Eskew gave the staff report with the recommendation of approval with conditions.**

**In Favor:** Mr. McCleary said they were trying to maximize their parking with the buffer based on the variances granted previously. He added that they discovered just before last month's meeting that their neighbors to the south needed more time to discuss the buffer variance request. Alpha Gamma Delta is willing to do whatever is necessary. At the time of the resubmittal for this meeting, no agreement had been reached so they submitted the proposal showing the fence since that had been discussed with the Carithers Condo Association. Following that submittal they have had further discussion and have learned that Carithers would prefer no screening within the space. Now AGD, in response to Carithers' concerns with safety and security, are asking that no screening be required. He cited the report that there had been break-ins on the Carithers property. Carithers and AGD worked together to remove the vegetation that provided hiding places. He added that AGD would support any future requests to reduce the buffer that Carithers might submit. All parties are concerned with the safety of the residents on both sides. He noted that they have had a good relationship with their neighbors to the west too.

Amy Kissane with the Athens-Clarke Heritage Foundation spoke in support of the request. The Heritage Foundation is concerned with protection and preservation of historic properties. She noted that AGD has been an excellent steward of this property. They have done extensive and costly renovation of the exterior. The sorority has taken extraordinary measures to balance their modern needs with the historic

property. It is in best interests of ACC that AGD remain on the site and continue their care of this significant historic resource.

Becky Reynolds represents Tri Delta and Beta Tau Alpha. She spoke in support of the request noting that Milledge Avenue is such an important corridor within the community and many people point to the beautiful homes there. Other sororities, including Tri Delta have taken pride in their properties and have done a great job making their area more beautiful and she expects AGD will do a good job as well.

Evelyn Yaros, house director for Pi Beta Phi sorority and president of the UGA House Directors Association spoke in support of AGD and noted that all of the house directors are proud of this house and the detailed effort they have taken to improve the property.

Robert Rushton, resident of Carithers Condos, noted that the residents' main concerns are safety and sanitation. The Carithers Association and the sorority worked together to clean up the hedgerow that used to grow between the two properties following six (6) break-ins in the Carithers property and others at the sorority during the summer of 2009. He noted that the Carithers building is actually 3 stories in height which means their windows are well above the height of any headlights that might shine toward their property. Sanitation is an issue since trash blowing from Baxter Street gets caught in any fence or vegetation that is along that line. Also people tended to use the hedgerow that was there as a restroom. They would rather keep a nice clean area between the properties. They have a good relationship with the sorority and landscapers for both properties are doing a better job. The sorority is the only property owner who can afford to maintain the property.

Marialice Souther, chapter advisor for AGD spoke in support of the request. She indicated that this project is needed for the growth of the chapter. They have tried to balance parking and buffers, but the parking is needed for the girls to live in the home. If the parking goes away for the buffers, the girls can't live there and the project is then no longer something they can do.

Bill Kraeling project manager, spoke about the design of the parking and the proposed retaining wall. He explained that for much of its 80 foot length, the height of the wall will block visibility of vehicle lights that would shine across the property onto the Carithers property.

Kelsey Chason Chapter President for AGD, spoke in favor of the request noting that Greek life is so important at UGA and there are so many positive aspects to what the sororities do. Their campus involvement and achievement as well as their charitable and philanthropic efforts are so important to their experience and they help in the community. They have outgrown their house and need more space to carry out their work.

Ashley Rives property coordinator for AGD, spoke in support. She indicated that the residents need parking spaces. Proposed project would allow 25 more residents in home. Allowing the reduction in the buffer will result in less space for intruders who pose a threat to the girls' safety to hide. The request is not really about parking but about allowing 25 more girls to live with 75 of their sisters.

**In Opposition:** None

**Board Discussion:** Mr. Ellison called Mr. McCleary back to complete his comments. He reiterated the dual function and height of the retaining wall along the southern property line.

Mr. Ellison noted that he concurs with Staff's evaluation of the north and west sides and finds that the

hot issue is the south side. He has concerns with standard 4 as the request does not appear to advance the purpose and intent of the ACC Comprehensive Plan as there is no vegetation in place. He also has difficulty with standard 5 and whether the request is really the minimum variance.

Mr. Pritchett noted that the property owners on both sides really don't want any kind of buffer along the south side.

Ms. Bernstein reminded the Board that every variance stands on its own and is evaluated for its own merit, not on previously granted variances.

Mr. Anderson spoke saying he had been reassured by the resident of Carithers that their dwelling unit windows are well above any car lights that might shine in their direction.

Ms. Kramer noted that even if the buffer is reduced to 1' in width, there will still be the requirement to have something in that space.

Mr. Pritchett, Ms. Kramer and Mr. Anderson all added comments noting that reducing the buffer width does not remove the requirement for screening. Mr. Anderson asked about the effectiveness of reducing the buffer to 0'. Ms. King added that resolution of parking issues is hard; she is inclined to go along with 0' on the south side and to agree with Staff's recommendation on the north and west boundaries.

Mr. Pritchett suggested keeping the 1' width but stipulating that the retaining wall meets the screening requirement.

Ms. Kramer reminded the board that they have the authority to reduce the buffer to 0' which would in turn take care of the second part of the question.

Mr. Anderson asked if Planning Staff would still require some sort of barrier along the edge of the parking lot to prevent cars from encroaching on the adjacent property. Mr. Lonnee responded with a review of the specific Code requirements for parking lot screening buffers including widths and heights of screening materials. He further noted that board placed conditions may be appropriate if they choose to keep the width a 1'.

Further discussion was held on the legal authority of the board to condition variances and on aesthetic impact of requiring fencing or other type of screening in a 1' area.

Ms. King indicated it is hard to resolve the parking issue but she could go along with the reduction to 0' on the south side and agree with the Staff recommendations on the north and west sides.

Mr. Ellison reviewed the retaining wall and berm area height with Bill Kraeling.

**Motion:** Ms. Kramer moved to approve the variance to reduce the buffer from 10' to 4' on the north side, from 10' to 0' on the south side and from 10' to 2' on the west side with conditions 1 & 2 recommended by Staff. Ms. King seconded the motion.

Mr. Lonnee clarified with Ms. Kramer that she wanted to bind the approval to the plan as submitted with this request. She indicated she did. Ms. King agreed to the amended motion.

The amended motion is: Approve the variance to reduce the buffer from 10' to 4' on the north side, from

10' to 0' on the south side and from 10' to 2' on the west side with conditions 1 & 2 as recommended in the Staff report and as shown on the plans accompanying the request. The motion passed unanimously.

**OTHER BUSINESS:**

1. *Directors Report:* Mr. Lonnee reported on the new board membership. He noted that Mr. Anderson is leaving the Board and going to the Planning Commission. Mr. Ricky Boggs has been appointed to replace Mr. Anderson. Mr. Boggs was in attendance and introduced to the board members. Ms. Kramer is resigning from the Hearings Board in order to take a sabbatical to Australia for several months. A replacement for her will be needed.
2. Mr. Lonnee noted that June is the time to elect a new chair and vice chair. If for some reason there is no June meeting the election can occur at the beginning of the July meeting.
3. The next regularly scheduled meeting will be June 13, 2012

The meeting was adjourned at 4:05 p.m.

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Adrian Pritchett, Chair

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Brad Griffin, Director/Secretary