

**ATHENS-CLARKE COUNTY HEARINGS BOARD**  
**MINUTES**  
**August 13, 2014**

The Athens-Clarke County Hearings Board met and considered the following items at a public meeting at 3:00 p.m. on Wednesday, August 13, 2014, at 120 W. Dougherty Street, Athens, Georgia:

**MEMBERS PRESENT:** Ricky Boggs, David Ellison (Chair), Beverly King, Adrian Pritchett, Pat Shearer, Ed Simpson (Vice-Chair), and Laura Wiese

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Marc Beechuk, Rick Cowick, Jane Erwin, Amber Eskew, and Bryce Hix (ACCUG Planning); Jim Davis (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.** Mr. Pritchett made a motion to introduce all reports and documents into the official record. Ms. King seconded the motion, which passed unanimously.
2. **Adoption of Minutes from the June 11, 2014 Hearings Board meeting.** Ms. King made a motion to approve. Mr. Ellison seconded the motion, which passed unanimously.

**NEW BUSINESS:**

1. **Election of Chair and Vice-Chair**

Ms. King moved to re-elect Mr. Ellison as Chair and Mr. Simpson as Vice-Chair. Mr. Ellison seconded the motion, which passed unanimously.

2. **485 US HWY. 29 N.**

**VAR-2014-07-1299**

Petitioner: Williams & Associates for C & B Whitehead, LLLP & R.E. Mason Family, LLLP

Zoning: C-G (Commercial-General)

Tax ID: 154 038H

Request: A. Variance to increase front yard parking from 20 to 31 spaces

**Mr. Hix gave the staff report with the recommendation of denial.**

**In Favor:** Jon Williams, applicant, said that he understands the reluctance of Staff to recommend approval when the minimum parking requirement is being met. However, this is a unique case with two intensive medical uses, which serve a community need in this area. The existing building and the adjacent buildings were designed under prior code standards that did not prohibit front yard parking. The existing drive to the adjoining restaurant property was constructed to abut such parking. There is insufficient room in the rear of the building to add parking. There will be 30 total employees with 22 being on the site at one time, 12 for Regional First Care and 10 for the occupational therapist sharing the building. [Mr. Williams distributed a list of employees by position to the Board.] The idea of sharing parking with adjoining uses was explored, but it is not possible. Front yard parking exists on the adjacent properties, so there will be no negative impacts. Street trees and hedge screening of the proposed new spaces will be installed. The business is willing to extend the landscaping across the entire US 29 frontage. Regarding the substandard number of accessible parking spaces, either one additional accessible space will be provided or one regular space will be omitted to meet the minimum ratio of accessible to regular parking spaces.

Jeff Mosley, Athens Regional Medical Center, said that this location is the busiest of the four Athens Regional First Care locations. Visitors are parking along the drives so additional parking is necessary.

**In Opposition:** None

**Board Discussion:** Mr. Ellison asked if there are extraordinary conditions. Mr. Williams replied that the existing building was constructed under prior code. The additional parking is needed to accommodate the existing use. Also, the existing drive will accommodate the proposed parking spaces. If the variance is not granted, then the parking along the drives will continue.

Mr. Simpson asked about safety. Mr. Williams said that the visitor parking along the drives will require longer walks by sick and injured visitors.

Mr. Pritchett said that he supports the request. Standard #1 is met by the property use as an urgent care clinic and the demand on it. Standard #1 is also met by the change in the regulations from which it was first developed under. Regarding Standard #2, it is a constraint on the property that when it was built the parking spaces could have been added in the front yard, but now that parking cannot be expanded. It is impractical to allow the building expansion but not allow the needed parking. Regarding Standard #3, the changed regulations are not the fault of the applicant. Regarding Standard #4, the community needs this facility. It does not hurt anything to add a few more spaces where several already exist in front of the building. Regarding Standard #5, the applicant has provided the number of employees to show why the 11 additional parking spaces are needed. Even that number is probably not enough for the type of demand this facility has. If the hospital authority owned this property, then they would not be subject to the zoning regulations.

Ms. King said that she would support the request with the condition that the hedge shall be extended across the entire frontage. This would be a unifying factor and be what is required of a new development.

Mr. Cowick said that the Board may want to consider an approval condition of binding the site plan, so that a redevelopment of the property would be required to meet the ordinance.

Mr. Ellison said that much of the justification for why the property is extraordinary and the benefits for granting the variance are due to the public health benefit of the quasi-governmental use.

Discussion followed about whether the use or plan should be made a binding condition of approval.

Ms. Wiese said that the Athens area is desperately lacking in medical resources. Anything that can be done to make it easier and safer for people to get medical care is always a good thing. However, the parking spaces would not be justified if the use was different.

Mr. Pritchett said that there is already front-yard parking. The zoning standard limits the legal use of the property because any expansion of the building is now hampered by not allowing additional front yard parking. There is not sufficient space elsewhere on the parcel to add parking, so the variance is appropriate regardless of the use.

Mr. Ellison said that the property itself is not exceptional since the other area properties are also constructed under the previous code.

Discussion followed about a screening hedge extension as a binding condition of approval.

**Motion:** Mr. Ellison made a motion to approve the variance request with the following conditions:

1. The variance shall be bound to the site plan submitted with the variance application.
2. The proposed parking lot screening hedge shown on the site plan shall be extended across the entirety of the parking spaces fronting the Highway US 29 North right-of-way.

Mr. Pritchett seconded the motion, which passed unanimously.

3. 289 EVANS STREET

VAR-2014-07-1302

**Mr. Beechuk gave the staff report with the recommendations of approval.**

**In Favor:** Kelsey Thompson, Athens Land Trust, said that the lot size is already smaller than the minimum 8,000 square feet. The requested variances are the minimum necessary to remove the structural encroachments onto the subject property. The property cannot be insured with the encroachments, which is preventing resident ownership. An attempt to buy the neighboring lot was refused by that property owner. Athens Land Trust had nothing to do with the encroachments.

**In Opposition:** None

**Board Discussion:** Mr. Ellison said that the request meets all of the five review criteria for granting the variance.

**Lot Size Motion:** Mr. Ellison made a motion to approve the lot size variance request. Mr. Pritchett seconded the motion, which passed unanimously.

**Lot Width Motion:** Mr. Ellison made a motion to approve the lot width variance request. Mr. Pritchett seconded the motion, which passed unanimously.

4. 3980 ATLANTA HWY.

VAR-2014-07-1317

**Ms. Erwin gave the staff report with the recommendation of denial.**

**In Favor:** Kathy White, applicant, said that the requested placement will allow better visibility of the longer new corporate name of "Comfort Inn & Suites" and provide better visibility than the current front wall sign. The property does not have a monument sign due to the previous variance condition. The building is visible, but people look for the name.

Manoj Patel, property owner, said that east and west elevation signs would be best, but the longer corporate name requires a longer width for the sign. Adding the additional weight of the extra letters on the parapet walls is a concern. [Mr. Patel distributed photographs of the structural supports of the side elevation sign to the Board.] The parapet walls are already precariously leaning forward. Therefore, the side elevation signs and the existing porte cochere sign will be removed and not replaced. The only sign will be the requested sign. Visibility will be less, but people do have other ways of finding the hotel, such as with GPS.

**In Opposition:** None

**Board Discussion:** Mr. Shearer asked if the Board can do anything about the previous variance for the side elevation signs, which prohibited a ground sign. Discussion followed.

Mr. Boggs said that finding that the request meets variance Standard #6 is a struggle because it is not the minimum deviation necessary for relief from the identified hardship. As the applicant stated, many people have GPS now, so there is not a concern with removing the side elevation signs. They can have a sign on the lower façade.

Ms. King asked if there is a structural concern with the proposed sign placement. Mr. Patel replied that the logo and some of the text will be supported by the solid wall of a fire escape stairwell.

Mr. Ellison asked if this was the minimal variance needed. Mr. Patel replied that the existing three signs would be eliminated.

Mr. Pritchett said that the variance is reasonable due to the existing signs on the side elevations. This request for a higher front elevation sign is a modification to the previously approved variance.

Mr. Boggs said that the previous variance was probably based on visibility, which is not the case with this request.

Ms. Wiese said that the Board cannot assume that the front elevation sign would have been approved if it had been requested at that time. The two side elevation signs do not really matter. This is a completely different request. Landscaping changes would fix the visibility problem with the existing sign, which seems easier than moving a sign.

**1st Motion:** Mr. Boggs made a motion to deny the variance request. Ms. Wiese seconded the motion.

Mr. Simpson said that if the side signs were removed, then they could be later reinstalled. Technically, the variance does not satisfy all of the review criteria, but the proposed sign is just allowing for better advertising.

Mr. Simpson asked if most of the previous requests for such hotel signs had been granted. Ms. Erwin replied that they had. Mr. Cowick replied that the previously approved variances included some condition that other signs would not be allowed, such as a ground sign or a limiting of the higher signs to one side.

Mr. Simpson said that there is an aesthetic appeal to maintaining the existing landscaping.

Discussion followed about possible restrictions on the Board's decision from the previous variance approval.

Mr. Patel said that he must take the existing signs down and put up a sign with the new corporate name as soon as possible.

Ms. Wiese said that the new longer corporate name in the same location would require smaller letters to fit the porte cochere space available. Mr. Cowick added that the porte cochere width is narrower than the proposed wall location.

Discussion followed about the reasons for the number of variances granted for higher hotel signs.

Mr. Ellison said that Standard #1 is met with the landscaping that is taller than other landscaping in the surrounding area. Ms. King replied that she questions whether landscaping is related to property size, shape or topography since it can be trimmed.

The motion failed by a 3 to 4 vote (Ellison, King, Shearer, and Simpson opposed).

Mr. Simpson asked if the variance is not granted, then would the new corporate sign be placed where the current front wall sign is located. Mr. Patel replied that the sign would be placed there if he had no other option.

Discussion followed about the ground sign being an option if the previous variance was not used, whereby the side elevation signs would be removed.

**2<sup>nd</sup> Motion:** Mr. Ellison moved to table the request until the October 8, 2014 meeting to allow the applicant to determine whether a ground sign would be an option. Ms. King seconded the motion.

Discussion followed about approving a variance based on common sense rather than adherence to the variance review criteria and the possibility of a ground sign.

Mr. Pritchett said that he voted earlier for denial because he does not see how Standard #1 is met. He said that, like Ms. Wiese, he does not personally oppose the higher sign, but to support any variance, we have to find that all of the standards have been met. Whether the franchisor will allow more time to install the sign is not the concern of the Board. He has the option to put up a ground sign without this variance.

Mr. Ellison said that the Board cannot make an assumption that a ground sign can be installed without a permit application.

Ms. Wiese said that there already is a sign in a location that could be modified if he had to. If there were no possibility to have any sign, then that may be the appropriate time to consider corporate requirements. However, since the variance runs with the property, which will not always be owned by this corporation, then the corporate concerns will not even be a factor at some point in the future. The variance will allow a future tenant to have the higher sign without a reason for it.

Discussion followed about whether a ground sign is possible if the previous variance is not used to have higher side elevation signs.

The motion to table failed 3 to 4 (Boggs, King, Shearer, Simpson in opposition).

**3<sup>rd</sup> Motion:** Ms. King made a motion for denial. Mr. Boggs seconded the motion, which passed 4 to 3 (Ellison, Shearer, Simpson in opposition).

**5. 698 N. POPE STREET**

**VAR-2014-07-1320**

**Ms. Eskew gave the staff report with the recommendation of denial.**

**In Favor:** Chris Peterson, applicant, said that the original request to the Historic Preservation Commission (HPC) for a garage addition seemed like a logical request at the time. However, having an original smokehouse is very rare and this is more appropriate for the historic property and with the smallest impact possible. A large garage would not be appropriate. The workshop space is needed on site to make moldings and store tools. At some point a pool would be installed and it would be nice to have a structure that can be made into an actual pool house. The neighbors were shown the plans and feel the plans are appropriate.

**In Opposition:** None

**Board Discussion:** Mr. Pritchett said that he supports the variance request. Standard #1 is met due to the size of the lot being unusually large compared to its neighbors. The size of the house is particularly large and the house and one of the accessory structures have special historic character. Standard #2 is met since the limit on accessory structures puts pressure on modifying a historic, unique smokehouse, which needs to remain unchanged for preservation of our cultural heritage. This puts a limitation on the property owner from being able to fully use their property. Standard #3 is met with the historic nature and large size of the property, which were not actions of the applicant. Standard #4 is met since there are no negative impacts from allowing an additional structure on property of this large size. The Code limits the total square footage of accessory structures, which is not being exceeded. Standard #5 is being met with preserving the original smokehouse by allowing one additional structure, which is a minimal variance.

Mr. Ellison asked if HPC review is needed. Mr. Peterson replied that it will be.

Ms. King asked what the stone building is used for. Mr. Peterson replied that it is a residence.

**Motion:** Mr. Pritchett made a motion for approval. Mr. Ellison seconded the motion, which passed unanimously.

**6. Amendment to Rules of Procedure**

Mr. Ellison described the proposed amendment to limit a table to no more than six months.

**Motion:** Mr. Ellison made a motion for approval. Mr. Boggs seconded the motion, which passed unanimously.

**OTHER BUSINESS:**

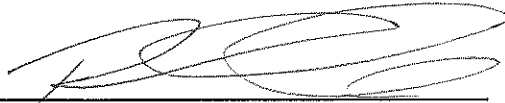
*Directors Report:* Ms. Erwin announced that the next meeting is scheduled for October 8, 2014 as there were no applications for the September meeting.

The meeting was adjourned at 5:00 p.m.



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David Ellison, Chair



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Brad Griffin, Director/Secretary