

**ATHENS-CLARKE COUNTY HEARINGS BOARD**  
**MINUTES**  
**August 12, 2015**

The Athens-Clarke County Hearings Board met and considered the following items at a public meeting at 3:00 p.m. on Wednesday, August 12, 2015, at 120 W. Dougherty Street, Athens, Georgia:

**MEMBERS PRESENT:** Ricky Boggs, Nancy Burk, Myung Cogan, Pat Shearer, Ed Simpson (Chair), and Joey Tucker

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Rick Cowick and Jane Erwin (ACCUG Planning); Bill Berryman (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. Boggs made a motion to introduce all reports and documents into the official record. Mr. Tucker seconded the motion, which passed unanimously.
2. **Adoption of minutes from the June 10, 2015 Hearings Board meeting.** Mr. Boggs made a motion to approve. Ms. Cogan seconded the motion, which passed unanimously.

**NEW BUSINESS:**

1. **397 W. RUTHERFORD STREET                      VAR-2015-03-513**  
Petitioner: David Matheny of Armentrout, Matheny, Thurmond for Chandler Pike  
Zoning: RS-15 (Single Family Residential)  
Tax ID: 124B2 G006A  
Request: A. Variance to increase lot coverage from 40% to 44%

**Mr. Cowick gave the staff report with the recommendation to Deny**

**In Favor:** David Matheny, applicant, stated that if the lot was the standard minimum RS-15 zoning size, then the amount of proposed lot coverage would not exceed the RS-15 maximum. A large portion of the property is paved for a driveway. The request is for 1% more lot coverage than the existing amount. The house has had an addition since it was originally constructed. The cost of remodeling the house requires the proposed addition for the owner to get their money back out of it. The plan has been revised since the April meeting to reduce the proposed coverage by 2%. The property is already nonconforming for lot coverage. This will not have a negative effect on the neighborhood. Both neighbors use the driveway. The renters use the driveway to access the rental house in the back of the neighbor's house.

**In Opposition:** None

**Board Discussion:** Mr. Simpson asked the applicant if they had thought about moving the carport over to the driveway to reduce the lot coverage. Mr. Matheny replied that they had thought about replacing the pavement with runners. They are proposing to relocate the entrance to the carport from the driveway. They have looked at a lot of possible solutions.

Mr. Simpson stated that Standard #1 is met due to the nonconforming lot size. Mr. Shearer stated that he agreed with Mr. Simpson.

Mr. Simpson said, regarding Standard #2, that the proposal is a convenience for the applicant.

Mr. Shearer said that the applicant should be able to utilize the property to the same extent as the neighbors. It is going overboard to deny the request because the proposal is only convenient for the applicant.

Ms. Burk said that the owner obtained the property with the existing conditions. It is obvious that this lot is smaller than neighboring properties. Ms. Cogan expressed agreement with Ms. Burk.

Mr. Tucker said that property buyers do not understand or look at lot coverage, so we should not assume that the owner understood the situation.

Mr. Shearer said, regarding Standard #3, that the property conditions do not result from the actions of the applicant. Regarding Standard #4, the benefits of granting the variance will be greater than any negative impacts. The proposed lot coverage is only 1% more than existing. The house improvements, such as mold removal, cannot be rectified without the variance.

Ms. Burk said that if the Board granted the variance, then they would be opening the floodgate for similar variance requests.

Mr. Tucker said that the proposal would correct an existing nonconforming setback.

Mr. Simpson said that the proposed lot coverage is only a 1% increase and would increase property values. Regarding Standard #5, the removal of part of the existing structure and driveway is a good faith effort on the part of the applicant.

Mr. Boggs said that demolishing the existing house and building another would give the applicant a chance to bring the property into conformance. For a demolition, the variance would increase the lot coverage standard on the property by 4%.

Ms. Burk said that this would not be a minimal variance since there is not an identified hardship.

Mr. Boggs said that the Comprehensive Plan policy is to bring nonconforming situations over time into conformity. He said that he could not approve the requested variance without a condition.

Mr. Simpson said that the property already exceeds the lot coverage standard.

Ms. Burk asked if the applicant knew who owned the backyard storage shed. Discussion followed about its possible ownership and how it might add an estimated 16 to 20 square feet to the lot coverage calculation.

Discussion followed about a possible approval condition to restrict the variance to additions only and not for a total demolition and new construction.

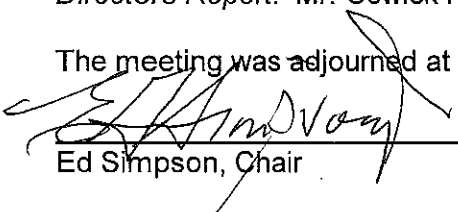
Mr. Cowick said that Staff does not feel that the driveway is a hardship since the closing of the street was requested by the subject property owner at the time and the current property owner is benefitting from being able to use the long driveway. The Board should also consider that increased lot coverage equates to less open space on the property, which is another reason for limiting lot coverage.

**Motion:** Mr. Simpson made a motion for approval. Mr. Shearer seconded the motion, which failed 3 to 3 (Boggs, Burk, and Cogan in opposition). Therefore, the request was denied since four affirmative votes are required to approve a variance request.

**OTHER BUSINESS:**

*Directors Report:* Mr. Cowick reported that five applications had been received for the September meeting.

The meeting was adjourned at 4:15 p.m.

  
Ed Simpson, Chair

  
Brad Griffin, Director/Secretary