

ATHENS-CLARKE COUNTY HEARINGS BOARD

Minutes

June 8, 2016

The Athens-Clarke County Hearings Board met and considered the following items at a public hearing at 3:00 p.m. on Wednesday, June 8, 2016, at 120 W. Dougherty Street, Athens, Georgia.

MEMBERS PRESENT: Nancy Burk, Myung Cogan, Mike Lord, Pat Shearer, Ed Simpson (Chair) and Joey Tucker

MEMBERS ABSENT: None

STAFF PRESENT: Rick Cowick, Jane Erwin and Craig Page (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. Simpson made a motion to introduce all reports and documents into the official record. Mr. Shearer seconded the motion, which passed unanimously.
2. **Adoption of minutes from the April 13, 2016 Hearings Board meeting.** Mr. Tucker made a motion to approve. Ms. Cogan seconded the motion, which passed unanimously.

NEW BUSINESS

1. **600 & 630 PULASKI STREET VAR-2016-05-1167**
Petitioner: Williams & Associates for Pulaski Exchange, LLC
Zoning: C-N (Commercial-Neighborhood)
Tax ID: 163C4 B002 & 163C4 B002A
Request: A. Variance to increase distance between a use and its parking from 200' to 450'

Mr. Page gave the staff report with the recommendation for Denial

Ex Parte Communication: Mr. Shearer disclosed that he had a conversation with a representative of the Athens Community Council on Aging (ACCA).

Ms. Burk asked if the subject property was similar to adjoining property. Mr. Page replied that it is similar, but with a different zoning designation.

In Favor: Mr. Frank Pittman, applicant, said that the proposed Pulaski Street development is short five on-site parking spaces. The ACCA is allowing use of an old parking lot on their property for off-site parking, primarily for employees. A pedestrian bridge will be constructed between the off-site parking lot and the development. The bridge will also allow community use of a greenway trail. Regarding a concern expressed in the staff report, the odds are slim that the number of parking spaces on the ACCA property will become nonconforming in the future with reduced ACCA staffing. The off-site parking will keep those cars off Pulaski Street, thus reducing the traffic impact.

Ms. Lori Bork-Newcomer, project architect, stated that the restaurant will be a destination place for the community. The variance will allow the greatest number of people. The development will have a restaurant and bakery, 28 bedrooms, and an office to make the investment numbers

work. Since the development will not be on a main road, there is a need to make this a destination place. The development will reuse a historic building. The restaurant parking calculation used the 1:100 sf ratio rather than the 1:4 seats due to lack of a specific tenant at this time. The proposed outdoor plaza could be used for the additional required on-site parking, but the plaza space would be a better use. [Ms. Newcomer distributed architectural renderings to the Hearings Board.]

Ms. Sarah Morang, 580 Pulaski Street, disclosed that she is the developer's attorney, as well as a nearby property owner. She read excerpts from the Comprehensive Plan about Downtown. She said that it is a nightmare for automobiles to travel on Pulaski Street. The footbridge will be a benefit to the community. A nearby greenway trail currently ends at the proposed parking lot. The development will save and reuse a historic building.

Mr. Joseph Clancy, 145 Hendrix Avenue, said that the project will benefit the area residents and provide access to the greenway trail. It would be a mistake to sabotage this project.

Mr. Andrew Neighbors, 135 Lullwater Road, said that he is the Chief Financial Officer for ACCA. The current state of the proposed parking lot is awful, but the developers have agreed to resurface the lot. ACCA could also use the compensation that the parking lease will provide. Allowing public parking will also provide beneficial exposure of ACCA to the public.

Mr. Stan Mullins, 650 Pulaski Street, said that crime has gone down in the neighborhood with more people moving in, and this development will bring more people into the area.

Mr. Joseph Smith, Bork Design, read a statement of support from Mark Ebell of 582 Pulaski Street. He then added that the development will provide public space rather than additional parking on the site, and provide greater connectivity for the area. He stated that the development was in the Downtown Character Area in the Comprehensive Plan. The requested variance is the minimum needed for off-site parking. The hardship is on the community at large.

Mr. Karl Barnett, one of the current owners of the subject property, said that the property owners had declined offers from other developers because they did not want the property to be used for what the other developers had proposed. We value community, walkability, and the interaction of people. The lot being used for the proposed off-site parking is otherwise unusable due to environmental restrictions. Not allowing us to walk 200 feet further to use that parking lot makes it difficult to do what we are trying to do.

In Opposition: None

Board Discussion: Mr. Shearer said that all five variance standards have been met. The development has community support. A variance may not be necessary, but the development will be positive for the community as a whole.

Ms. Burk said that a Hearings Board decision is not based on a particular project, but on the subject property. Standards #1, #2 and #3 are not met. Standards #4 and #5 are met.

Mr. Lord said that, in regard to Standard #3, that it is the plan that is dictating the 88 required parking spaces rather than the 83 being provided on-site. He asked if the applicant could address that concern. Ms. Bork-Newcomer responded that she hopes that the restaurant will limit seating so that the other proposed uses could use more of the on-site parking spaces, but the project will be better with the five spaces being located off-site. Mr. Pittman added that the

five off-site parking spaces equal 20 restaurant seats, which could be a make or break situation for attracting a restaurant tenant.

Mr. Simpson said that it appears that the plan could be tweaked to meet the required number of on-site parking spaces. Ms. Bork-Newcomer responded that the uses could be tweaked; she cannot deny that could be done, but such zoning restriction could cause the loss of a community asset. Ms. Burk replied that the Hearings Board does not make zoning decisions; that is the role of the Mayor and Commission. The role of the Hearings Board is to decide if the property has an exceptional situation for a variance to be granted. Ms. Newcomer agreed that the physical site conditions are the same up and down Pulaski Street, but the zoning designation is different for the subject property. Mr. Pittman added that a house could not be built on this lot because you must have commercial on the ground floor of a commercial zone property. Ms. Bork-Newcomer added that no one can say today whether the pedestrian bridge will be built without the additional revenue made possible by the granted variance.

Mr. Shearer said that Standard #3 is met for the reason denoted in the staff report.

Mr. Tucker said that all five standards are met. Standard #1 is met due to the shallow lot and steep topography.

Ms. Cogan said that not all of the five standards have been met, but that is why it is being heard by the Hearings Board. It would be a hardship on the neighborhood if there would be more traffic on Pulaski Street without the variance.

Mr. Simpson said that the variance provides a common sense approach.

Ms. Cogan said that there are other options which might be best for the property, but not for the community at large.

Ms. Burk reiterated her concern that Standard #3 is not met.

Mr. Shearer said that granting the variance would not be the end of the world.

Ms. Burk suggested a condition of approval. Mr. Berryman advised that a variance runs with the property, but a condition could restrict the off-site parking. Mr. Pittman responded that the developer would be agreeable to such a condition, but requested that it pertain to the entire ACCA property. Mr. Cowick said that the variance is for a limited distance of 450 feet.

Motion: Mr. Simpson made a motion for approval with the condition that the required off-site parking spaces be located on the ACCA property and within 450'. Mr. Shearer seconded the motion, which passed unanimously.

2. **605 SUNSET DRIVE** **VAR-2016-05-1168**
Petitioner: Williams & Associates for Nell J. Medders
Zoning: RS-8 (Single-Family Residential)
Tax ID: 122A1 C008
Request: A. Variance to reduce lot depth from 80' to 74.80'

Ms. Erwin gave the staff report with the recommendation for Denial

Mr. Simpson asked Staff to clarify if granting the requested single variance would create a need for additional variances. Ms. Erwin replied that granting the lot depth variance to allow the proposed subdivision would create a nonconforming building setback and front yard location for the existing garage.

In Favor: Scott Haines, applicant, said that the Staff concern is correct that the reduced lot depth would be out of character with the neighborhood; however, it would not be out of character with Edwards Drive. Half of the lots on that street are similar in nature. The garage concern can be addressed by removing it or attaching it to the new house. This proposal is an example of smart infill. It will be beneficial for Edwards Drive and the neighborhood, and such benefits would outweigh any negatives. The requested variance is a very minimal amount.

In Opposition: None

Board Discussion: Mr. Lord asked why the rear yard is deemed unusable by the applicant. Mr. Haines answered that, in his opinion, the area behind the garage is physically separated from the rest of the yard.

Mr. Simpson asked when the property owner purchased it. Ms. Erwin replied that it was purchased in 1997. Mr. Cowick added that the present zoning standards were adopted in 2000.

Mr. Shearer said that he cannot find where the variance would meet Standard #1, #2 or #3.

Ms. Burk said that none of the lots fronting Sunset Drive have had their depths reduced as proposed. The lot depths are consistent.

Discussion followed about how to bring the existing garage into conformance with the zoning standards.

Mr. Simpson said that the petition is for relief from the required lot depth, not from a required building setback. The five variance standards have not been met.

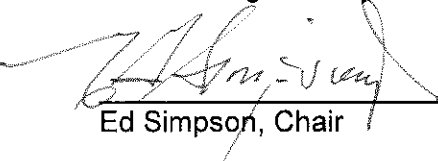
Motion: Mr. Simpson made a motion for denial. Mr. Lord seconded the motion, which passed unanimously.

OTHER BUSINESS

Director's Report: Ms. Erwin stated that the application deadline for next month's meeting is this Friday, so it is unknown at this time if a meeting would be held.

Mr. Cowick reported on the progress of a proposed text amendment to allow larger accessory buildings.

The meeting was adjourned at 4:35 p.m.


Ed Simpson, Chair


Brad Griffin, Director/Secretary