

ATHENS-CLARKE COUNTY HEARINGS BOARD

Minutes

August 10, 2016

The Athens-Clarke County Hearings Board met and considered the following items at a public hearing at 3:00 p.m. on Wednesday, August 10, 2016, at 120 W. Dougherty Street, Athens, Georgia.

MEMBERS PRESENT: Sharon Bradley, Nancy Burk, David Ellison, Mike Lord, Pat Shearer, Ed Simpson (Chair) and Joey Tucker

MEMBERS ABSENT: None

STAFF PRESENT: Rick Cowick and Jane Erwin (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. Simpson 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 July 13, 2016 Hearings Board meeting.** Mr. Simpson made a motion to approve. Ms. Burk seconded the motion, which passed unanimously.

NEW BUSINESS

1. **473 US HIGHWAY 29 N. VAR-2016-07-1701**
Petitioner: Chris Adamson for Haro Real Estate Holdings, LLC
Zoning: C-G (Commercial-General)
Tax ID: 154 038J
Request: A. Variance to eliminate requirement for sidewalk along the street frontage

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

Mr. Shearer asked if placement of sidewalk in the public right-of-way posed any problems. Ms. Erwin replied that there would be a close proximity to traffic and the pedestrians would need to walk between a guardrail and a fence for pedestrian safety. However, there is more concern with the steep slope.

In Favor: Mr. Chris Adamson, applicant, said that he believes in the importance of neighborhood connections and pedestrian access, but this sidewalk would be difficult and expensive to install with a retaining wall, safety fencing, and engineering. There would not be a problem if the ground was flat, but this site has issues with steep topography and the removal of landscaping. A popular McDonald's restaurant is adjacent to the subject property, but there is no evidence, such as footpaths, of pedestrian use. There are trees and underbrush that form a barrier between Athens Tech and their side of the highway and no sidewalk, so it is difficult for Athens Tech students to even get to the highway to cross it. It is unlikely that other businesses in the area would voluntarily construct sidewalks. He indicated that Andy Hogan, the builder, is present to answer any questions.

In Opposition: None

Board Discussion: Ms. Burk said that she is in favor of approval since there is not a lot to discuss.

Ms. Bradley said that she agrees with the comments of the Department of Transportation and Public Works. There is a problem with having a patchwork of sidewalks. If we do not commit to connect places, then we are not supporting the plans and vision of the County. The difficulty and expense of sidewalk installation is unfortunate, but it is not sufficient to abandon the concept of connectivity and walkability. We should make it easier for Athens Tech students to patronize the nearby businesses by installing sidewalks. The Comprehensive Plan should be supported. She is not in favor of granting the variance request.

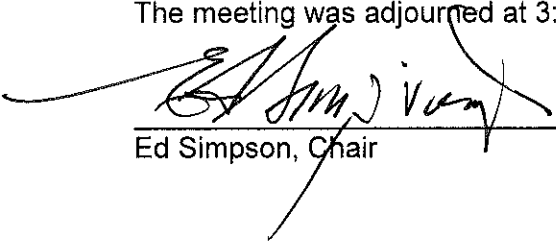
Mr. Ellison said that the Hearings Board is not deciding on a countywide policy, but only on this individual property. The sidewalk in question would be along Hull Road. Unless the Comprehensive Plan calls for commercial or multifamily use along that corridor, then there will never be enough pedestrian traffic to justify the sidewalk. There are findings to support the granting of the variance. The steep slope is an extraordinary and exceptional condition. The cost of the retaining wall would create an undue and unnecessary hardship. The special conditions and circumstances do not result from the actions of the applicant since the slope is a pre-existing condition prior to acquisition of the parcel by the applicant. The benefits of granting the variance are greater than the negative impact. While the Comprehensive Plan calls for sidewalk, there are many other objectives. With the restaurant having been vacant for a long time, it is good that the developer is willing to invest in this property. Not many people would use the sidewalk due to the absence of foot traffic along Hull Road. Standard #5 is met since this is the minimum variance due to the slope being present along the entire street frontage.

Motion: Mr. Ellison made a motion for approval. Mr. Lord seconded the motion, which passed 6 to 1 (Bradley in opposition).

OTHER BUSINESS

Director's Report: Mr. Cowick and Ms. Erwin stated that at least one application will be heard next month and more applications are expected with the deadline for next month's meeting being this Friday.

The meeting was adjourned at 3:30 p.m.


Ed Simpson, Chair


Brad Griffin, Director/Secretary