

ATHENS-CLARKE COUNTY HEARINGS BOARD
Minutes
October 12, 2016

The Athens-Clarke County Hearings Board met and considered the following item at a public hearing at 3:00 p.m. on Wednesday, October 12, 2016, at 120 W. Dougherty Street, Athens, Georgia.

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

MEMBERS ABSENT: David Ellison

STAFF PRESENT: Rick Cowick, Jane Erwin, and Amber Eskew (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 September 14, 2016 Hearings Board meeting.** Mr. Simpson made a motion to approve. Mr. Tucker seconded the motion, which passed unanimously.

NEW BUSINESS

1. 424 N CHASE STREET VAR-2016-09-2278

Petitioner: Judson Harper
Zoning: RM-1 (Mixed Density Residential)
Tax ID: 122B2 J006
Request: A. Variance to increase area of front yard porch encroachment from 16 square feet to 32 square feet

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

In Favor: Mr. Judson Harper, applicant, requested that the porch be allowed to remain. He did not ask for prior permission. He thought that it would be alright if he did not expand the porch closer to the street, but just made the porch wider.

Mr. Ross Sheppard, realtor, said that having the porch be four feet wider makes it a usable space with a bench and gives it a better pedestrian orientation toward the road. It is not any closer to the road than it was before. The property is more desirable due to the utility gained from the wider front porch.

In Opposition: None

Board Discussion: Mr. Tucker said that he does not disagree with the statements made in support, but the variance standards make it difficult to approve. Standard #1 has not been met.

Mr. Tucker asked if flagstones would be allowed in the future right-of-way. Ms. Eskew replied that flagstones at grade, like a front walk or paving, would not be considered to be a structure, so would not have the setback issue.

Mr. Simpson asked if there would be additional cost to Athens-Clarke County for the improvement if the right-of-way was purchased. Ms. Eskew replied that there would be.

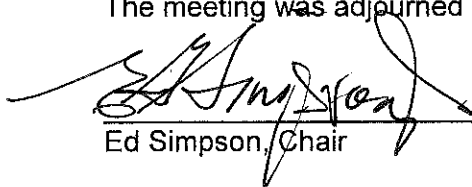
Ms. Burk said that this is difficult when the work is already done, but the variance request has to meet all five ordinance standards. Standard #1 is not met since there are no extraordinary or exceptional conditions; Standard #2 is not met since a financial hardship is not the type of hardship meant by the standards; Standard #3, the special conditions did not result from the actions of the applicant, is not met; that Standard #4, the benefit of granting the variance is greater than any negative impact, might be arguable since the porch might be nicer, but that still does not pass the standard; and, Standard #5 is not met since there is no identified hardship. Maybe Standard #4 could be argued, but that does not give us all five standards.

Motion: Ms. Burk made a motion for denial. Mr. Shearer seconded the motion, which passed unanimously.

OTHER BUSINESS

Director's Report: Mr. Cowick reported that one application is scheduled to be heard next month.

The meeting was adjourned at 3:20 p.m.



Ed Simpson, Chair



Brad Griffin, Director/Secretary