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July 17, 2024

Bruce Lonee

Athens-Clark County Planning Department

120 W. Dougherty Street

Athens, GA 30601

planning@accgov.com

Re: Appeal of Variance Request for 383 Milledge Circle (VAR-2024-1102)

Dear Mr. Lonee:

I represent Beau Terrell, and I send this correspondence to appeal the Hearing Board's decision approving Jake Grant's application for a variance for 383 Milledge Circle to the Planning Commission. Mr. Terrell owns the adjoining property located at 395 Milledge Circle and he has standing to appeal because he has a substantial interest in this decision and he would suffer special damage should the Unified Government of Athens-Clarke County grant Mr. Grant's variance request.

There was a procedural irregularity before the Hearings Board in that an equal minimum time period for presentation by proponents and opponents of this variance application and opponents were not afforded a minimum time of at least ten minutes to present data, evidence and opinion in opposition to this variance request in violation of the Zoning Procedures Law. See O.C.G.A. § 36-36-5(a). After the applicant spoke for a full ten minutes in support of this application, the property owner, and several others spoke in favor of this variance application. While proponents of the application received approximately twenty minutes to speak in favor of the application, Mr. Terrell's representative was only allowed three minutes to speak in opposition

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to this application. This procedural irregularity and violation of the Zoning Procedures law improperly influenced the Hearings Board and lead to the Board approving a variance despite insufficient evidence.

Mr. Terrell also appeals to the grant of the variance because there was insufficient evidence to support the findings and conclusions of the hearings board. For the reasons explained in Staff's Report and my correspondence dated June 13, 2024, there is insufficient evidence for any of the standards for a variance being satisfied much less all five standards. Therefore, Mr. Terrell respectfully requests that the Planning Commission exercise its authority to deny the variance application.

While my client trusts that the Planning Commission will faithfully apply the standards and deny this application, I must preserve my client's constitutional objections should the Planning Commission grant this variance since this variance will cause a substantial detriment on my client and this harm cannot be justified by the public health, safety, morality, or general welfare of the community.

Sincerely,

FORTSON, BENTLEY AND GRIFFIN, P.A.

A handwritten signature in black ink, appearing to read "David F. Ellison".

David F. Ellison