

VARIANCES REQUESTED

List the requested variances, citing the specific section(s) of the Athens-Clarke County Code, the required and proposed standards. Sec. 9-7-3 - side yard building setback variance from 10' to 6' or Sec 9-25-8-C-2 - waiver of public sidewalk along street frontage

Sec. 9-7-3: Lot coverage variance from 40% to 46%

VARIANCE(S) MAY BE GRANTED IN AN INDIVIDUAL CASE IF IT CAN BE SHOWN THAT A LITERAL ENFORCEMENT OF AN ORDINANCE WILL RESULT IN AN UNNECESSARY HARDSHIP TO THE APPLICANT.

In order to determine that an unnecessary hardship might occur, the following questions must be completely answered.

1. Describe the extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size, shape, character, or topography that do not apply generally to other land in the vicinity:

Parcel 124D2 A012 is zoned RS-15 which implies that it meets the 15,000-sf threshold,
but according to the survey, it is only 14,332 sf; therefore, the Owner is at a
disadvantage and all other lots are well above 15,000 sf.

2. Explain how the strict application of the provisions of this title to this particular piece of property would create an undue and unnecessary hardship so that the grant of the variance is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant:

Due to a medical condition that has been identified by the Owner's doctor (see attached),
the long-range use of this property requires accessibility to the house and to the rear
yard pavilion. Sidewalk to the pavilion is imperative and a driveway to the front steps of
the
house, which will eventually include a ramp, will also be necessary to be able to age-in
place and enjoy full use of the property.

3. Describe how the special conditions and circumstances do not result from the actions of the applicant:

The special conditions do result from the Owner's actions by adding a walkway from the existing concrete driveway to the existing pavilion. However, per the Owner's medical condition, this walkway has become necessary. The owners had no control over the circumstances of degenerative health

4. Explain how the benefits of granting the variance will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of Athens-Clarke County.

The positive is that this tax paying Owner is allowed to fully use his property because of a walkway needed to access all areas of his property due to medical mobility issues. It is noteworthy that the additional coverage is only for walkways and to maintain the existing circular driveway for access to the front door. In no way does this have a negative impact to surrounding property Owners or the neighborhood.

5. Explain how the variance, if granted, will represent the minimum variance that will afford relief from the identified hardship and will represent the least deviation possible from the zoning regulation and from the comprehensive plan.

First of all, the only improvement to the existing property is a new walkway connecting an existing concrete driveway to an existing pavilion and hardscape access to an existing outdoor kitchen. These are minimum changes to allow the Owner full access to the property and amenities.
