

**HEARINGS BOARD
ZONING AND DEVELOPMENT VARIANCE
FINDINGS & CONCLUSIONS**

Petitioner Jake Grant
Agent David Matheny, AIA c/o Armentrout Matheny Thurmond, P.C.
Location 383 Milledge Circle
Project Number VAR-2024-06-1102
Request Variance to increase lot coverage from 40% to 46%.

Meets Yes	Meets No	STANDARDS
✓		1. There are 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; and
✓		2. 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; and
✓		3. The special conditions and circumstances do not result from the actions of the applicant; and
✓		4. 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 title and the comprehensive plan of Athens-Clarke County; and
✓		5. 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.

THE BOARD FINDS THAT THE REQUEST: 1. MEETS ALL FIVE STANDARDS 2. DOES NOT MEET ALL FIVE STANDARDS

MOTION MADE TO:

APPROVE APPROVE W/ CONDITION(S) TABLE DENY

Motion made by: _____ Seconded by: _____

The following condition(s) were placed on this variance request: To approve with the condition that total lot coverage not exceed a total of 46%, and anything over 40% must be engineered pervious surface material.

Final vote was: UNANIMOUS or VOTE: 4 to 0 (Opposed _____)
Simpson abstained

Additional Remarks:

Celfer
Chair

7/10/24
Date

Appeal procedures per Athens-Clarke County Code Section 9-4-8(B)(2):

Appeals of Type IV decisions shall be heard and decided by the Athens-Clarke County Planning Commission.

The appeal shall be filed within five business days after the final decision is rendered, as defined in section 9-4-14.

The appeal shall be in writing and filed with the Athens-Clarke County Planning Department. Such appeal shall include the appellant's name, address, and specifically state the grounds for which the hearings board's decision should be overturned, based on the applicable criteria or procedural irregularity.

The appeal hearing shall be scheduled for a regular Athens-Clarke County Planning Commission meeting allowing adequate time to meet the public notice requirements of section 9-4-9.

The planning commission shall receive a complete record of the hearings board's action, including all information presented by the applicant, proponents, and opponents, prior to the appeal hearing. Such record shall also include the adopted findings and conclusions of the hearings board.

The hearing before the Athens-Clarke County Planning Commission shall be confined to a review of the record of the administrative hearing for error based on insufficiency of evidence to support the findings and conclusions of the hearings board that applicable criteria were or were not met, or based on procedural irregularity.

At such hearing, the Athens-Clarke County Planning Commission shall first hear argument from the appellant, then from the appellee, followed by a brief rebuttal from the appellant. Each side shall be confined to ten minutes, with appellant's rebuttal not to exceed three minutes. No new evidence shall be admitted or considered.

After concluding the hearing, the Athens-Clarke County Planning Commission may affirm the original planning decision, affirm the decision with conditions, deny the original planning decision, or remand the planning action back to the hearings board for further development of the record.