



September 5, 2024

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Via Hand Delivery

Athens-Clarke County Planning Department
120 W. Dougherty St.
Athens, GA 30601

Re: Appeal of VAR-2024-07-1421 ("Variance Request")
Relocating Billboard at 1525 Lexington Rd., Athens, GA 30605 (the "Billboard")

Dear Planning Department:

This firm represents TLC Properties, LLC and Lamar Advertising Athens (hereinafter, "Lamar")¹ in connection with the above-referenced Variance Request and Billboard.

Please accept this letter as a written appeal, filed with the Athens-Clarke County Planning Department, of the denial of the Variance Request by the Athens-Clarke County Hearings Board (the "Hearings Board"), to the Athens-Clarke County Planning Commission. Sec. 9-4-8.

In short, Lamar seeks to relocate a sign it was required to take down because of a GDOT road project. The Planning Department denied Lamar's application on the ground that the relocated sign would be closer than 1000' from another billboard on the same side of the street (Sec. 7-4-20.a.3). On August 30, 2024, the Hearings Board heard the Variance Request and issued its Findings & Conclusions, attached hereto as Exhibit A. The Hearings Board found that Lamar met six of the seven criteria listed in Sec. 7-4-21, "Variances to Sign Requirements."

The Hearings Board found that the Fifth Criteria was not met: "5. The special circumstances are not the result of actions of the applicant." In the Findings & Conclusions, the Hearings Board found, "The timeline shows the lapse of permit was a result of applicant." Exhibit A.

Section 7-4-21 authorizes the Hearings Board to grant a variance when "due to special conditions a literal enforcement of the provisions of this chapter will, in an individual case, result in unusual hardship, so the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done."

The special circumstances here are the GDOT road project. Lamar did not cause the GDOT road project, nor could Lamar have done anything to stop the GDOT road project. The reason that Lamar must relocate its sign is because of the GDOT road project, not because of

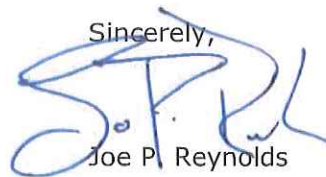
¹ As identified by the Athens-Clarke County Planning Department in the Agenda for the August 30, 2024 Board Hearing, the Petitioner for the Variance Request is TLC Properties, LLC, and the Agent is Amy Coile, Lamar Advertising of Athens. The address of TLC Properties, LLC is 5321 Corporate Blvd., Baton Rouge, LA 70808. The address of Lamar Advertising of Athens is 241 Collins Ind. Blvd., Athens, GA 30601.

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anything done by Lamar. Accordingly, there is no evidence to support a finding that the "special circumstances" in the Fifth Criteria were "the result of actions of the applicant"; on the contrary, the undisputed evidence compels a finding the Fifth Criteria is met.

Additionally, the Findings & Conclusions references a "Timeline," a copy of which was not provided to Lamar before, during, or after the hearing before the Hearings Board. A "Timeline" was briefly flashed on the screen² during the presentation by the Planning Department before the Hearings Board; however, it appears that the Hearings Board was provided a copy beforehand. As a result, Lamar was deprived of the opportunity to assess and respond to the information upon which the Hearings Board relied to find that the Fifth Criteria was not met. This is a procedural irregularity that warrants a finding in Lamar's favor, or in the alternative, a remand of the action back to the Hearings Board with instructions that Lamar be provided a copy of the "Timeline" and an opportunity to respond to it.

Accordingly, Lamar requests that the Athens-Clarke County Planning Department accept this letter as a written appeal of the Hearings Board's decision to deny the Variance Request. Sec. 9-4-8.

Sincerely,

Joe P. Reynolds

With a Copy via Email (John.Hawkins@accgov.com)

John M. Hawkins, Esq.
Deputy Chief Attorney
Athens-Clarke County Attorney's Office

² As a result of the font size, the "Timeline" was not legible to Lamar for the few moments it was flashed on the screen during the presentation before the Board.

Petitioner	TLC Properties, LLC.
Agent	Amy Coile, Lamar Advertising of Athens
Location	1525 Lexington Road
Project Number	VAR-2024-07-1421
Request	A. Variance to allow a billboard closer than 1000' from another billboard on the same side of the street (Sec. 7-4-20.a.3).

Meets YES	Meets NO	STANDARDS
✓		1. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area; and
✓		2. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar properties; and
✓		3. Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties; and
✓		4. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare and safety; and
	NO	5. The special circumstances are not the result of actions of the applicant; and
✓		6. 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; and
✓		7. The variance is not a request to increase the allowable square footage of sign area, to increase the total number of signs allowed, or to increase the maximum allowable total sign square footage allowed per site.

MOTION MADE TO: **APPROVE** **APPROVE W/ CONDITION(s)**

TABLE

DENY

Motion made by: Johnelle Simpson

Seconded by: ↑

The following condition(s) were placed on this variance request:

Final vote was: UNANIMOUS or VOTE: _____ to _____ (Opposed _____)

Additional Remarks:

Chair

Date _____

8/30/24