

VARIANCES REQUESTED

List the requested variances, citing the specific section(s) of the Athens-Clarke County Code, the required and proposed standards. Examples: *Sec. 7-4-16 - Sign height variance from 20' to 24'*

Sec. 7-4-20. Lamar seeks to relocate a sign it was required to take down because of a GDOT road project, including pursuant to O.C.G.A. 32-3-3.1.

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:

Lamar's sign had to be removed as a result of a GDOT road project. Lamar, GDOT, and the Planning Department agreed that Lamar could relocate the sign on a remainder parcel purchased by Lamar for purposes of relocating the sign. GDOT provided Lamar with relocation costs instead of compensation for the destruction of its sign. GDOT's construction took several years. The Planning Department now contends the relocation proposal does not comply with Sec. 7-4-20.

2. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar properties:

Lamar faces an unnecessary hardship as a result of the GDOT road project, which required Lamar to relocate its sign. Lamar and GDOT agreed to a relocation of the sign, and GDOT provided Lamar with relocation costs instead of any compensation for the destruction of its sign. Prohibiting Lamar from relocating the sign would deprive Lamar of the right to own and use its property and result in the taking of private property for public use without just compensation.

3. Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties:

Permitting Lamar the ability to relocate its sign as a result of the GDOT road project will not confer upon Lamar any significant privileges which are denied to other similar properties. Instead, permitting Lamar to relocate the sign will allow Lamar to mitigate the harm caused by the GDOT road project.

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:

Granting the variance will be in harmony and will not be injurious because it will permit Lamar to minimize the damages and harm to it as a result of a public use project. Granting the variance allows Lamar to relocate a sign it had to take down. This is the fair and just approach to a sign owner faced with the need to move its sign for a public use project. This minimizes the destruction of private property and helps maintain the status quo to the community impacted by the project.

5. The special circumstances are not the result of actions of the applicant:

The reasons Lamar must relocate its sign is because of the GDOT road project, not anything Lamar did.

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

Lamar seeks only to relocate its sign. This is a minimum variance and the least deviation possible.

In effect, Lamar seeks to minimize the disruption caused by a public use project. Lamar and

GDOT reached a settlement in which GDOT permitted Lamar to relocate its sign, Lamar purchased

a remainder parcel (allowing GDOT to settle with the landowner), and Lamar accepted relocation

costs. Lamar now seeks the approval of Athens-Clarke County.

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.

Lamar seeks only to relocate its sign. As a result, 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.
