



**STAFF REPORT
SPECIAL USE
475 N. CHURCH STREET
SUP-2025-02-0253
MARCH 6th, 2025**

APPLICANT Elizabeth DeMarco
OWNER: 475 Church Street LLC
ZONING REQUEST: Special Use in RM-1
TYPE OF REQUEST: Type II
LOCATION: 475 N. Church Street
TAX MAP NUMBERS: 171A1 K012
COUNTY COMMISSION DISTRICT: 4
PROJECT SIZE: 0.20 Acres
PRESENT USE: Commercial Office
PROPOSED USE: Commercial Short-Term Rental
PUBLIC NOTICE POSTED: February 19th, 2025
STAFF RECOMMENDATION: ***APPROVAL WITH CONDITION***
PLANNING COMM. RECOMMENDATION: ***PENDING***
MAYOR & COMMISSION AGENDA SETTING: .. March 18th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: April 1st, 2025 (tentative)

I. Summary Recommendation

The applicant is asking for a special use for a Commercial Short-Term Rental (C-STR) in a Mixed-Density Residential (RM-1) zone. This property has been in use as a short-term rental (STR) since 2022. The property was converted from a residence into a professional office in 2003 and the Certificate of Occupancy has remained consistent with the office use. The owner is seeking to bring the property into compliance with the current regulations via the required special use permit process, which would then create a pathway forward to applying to change the Certificate of Occupancy from a professional office use back to a residential use. This proposal would not see any expansion of the improvements that currently exist on the property and the applicant has indicated that there would be a maximum occupancy of four individuals within the existing 832 square foot house.

Staff's evaluation finds that the Special Use Criteria have been met, as much of the proposal rests on the change of use of the existing structure, not on any proposed construction. As this STR has been in operation prior to the new ordinances, Staff does not find that any negative impacts were created or would continue should the proposal be approved. Public Utilities staff comments point to the fact that the subject property does not front on sanitary sewer service, but that the property is still served by sewer. While this does not impact the current proposal, it is important to note in case the applicant ever decides to pursue other uses or future construction at this location.

Staff does have some concerns about the unpermitted work to remove the ADA ramp and deck at the back of the house. The step down, patio, and gravel have not been reviewed by the Historic Preservation Commission (HPC) nor Staff.

Staff have no issue with the request itself as it has met the Special Use Criteria. However, approval of

the Special Use within a historic district, without a potential HPC review is not a common occurrence, although Staff does not foresee difficulty resolving this issue. This project will also need to go through ACCGov's commercial Plans Review permitting process, at which time the applicant will need to demonstrate compliance with all relevant code and gain the proper permits. **Staff is recommending approval with a condition**, as follows, to clearly state for the record that all compliance issues must be resolved.

Condition:

1. The property must first receive Certificate of Appropriateness (COA) approval for exterior changes made, as denoted in the Staff Report, dated March 6, 2025, before short-term rental operations may commence.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The applicant is proposing to turn a former professional office space, into a Commercial Short-Term Rental (C-STR). This C-STR would be within the existing structure on site and, according to the applicant, would have a total potential capacity of 4 individuals. There are also no proposed expansions to the property proposed. The applicant has been operating an STR at this location since 2023, which Staff is able to corroborate, based on the applicant's tax records supplied to Staff. These tax records were included in the original application to be added to the Legal Non-Conforming STR List. By seeking this Special Use, the applicant is looking to change their property's Certificate of Occupancy from a professional office to a residence as well as follow current regulations to become a legal commercial short-term rental.

B. Existing Conditions

The parcels to the north, south, east, and west are zoned Mixed Density Residential (RM-1). The structure was originally built in 1940 according to the Tax Assessor's Office and was legally converted into a professional office in 2003 and met all applicable ACC standards. The property has had slight modifications. Specifically, the property received a Certificate of Appropriateness (COA) for a roof material change in 2024. However, modifications have also been done to remove the handicap accessibility ramp and deck on the back of the house, which has been replaced with a patio, landing step, and gravel walkway. At this time, none of these new modifications have been submitted for permitting or for Certificate of Appropriateness review and consideration.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value.*

This proposal does re-use and repurpose an existing building instead of tearing the house down. Overall, the proposal is compatible with the Comprehensive Plan as there is no change to the property and the Special Use request can be permissible in the RM-1 zone.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Traditional Neighborhood*, which is described as follows:

These are medium density neighborhoods with traditional qualities including well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. The proposal is compatible with the Future Land Use description for this area.

C. Compatibility with the Zoning Map

The applicant has requested a Special Use Permit in an RM-1 zone. This STR is a comparable use to Bed and Breakfasts, both of which are allowed by-right in this zone. As noted below, staff finds that the request meets the Special Use criteria.

D. Consistency with Other Adopted ACCGov Plans, Studies, or Programs

This property is within the Cobbham Historic District. This property is included in the Prince Avenue Corridor Study area, however the scope of the findings in that study do not have direct impact on this property nor does this request have any direct impact on the corridor.

IV. Technical Assessment

A. Environment

There are no environmental areas on the property.

The Arborist has reviewed the tree management plan and approved without comment.

B. Grading and Drainage

The Transportation and Public Works Department has reviewed the proposal and approved without comment.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal and recommended approval with the following comments:

- *ACC water is available*
- *Direct frontage on ACC sanitary sewer is NOT available, but sewer capacity is available to serve the proposed special use.*

D. Transportation

The Transportation and Public Works Department has reviewed the proposal and recommended approval without comment.

E. Fire Protection

The Fire Marshal has reviewed the proposal and approval without comment.

F. Compliance with the Zoning Ordinance and Development Standards

All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards.

Special Use requests are evaluated using the following criteria:

- a) *Similarity in scale, bulk, and coverage.*

The applicant is not proposing any expansions or changes to the site.

- b) *Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*

The applicant has stated that the maximum occupancy would be four individuals which would most likely not have an uptick in traffic and vehicular parking. However, the current two parking spaces on site should be sufficient and traffic will be consistent with a residential use.

- c) *Architectural compatibility with the surrounding area.*

The applicant is not proposing any changes to the architecture of the home.

- d) *The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.*

As the purpose of the request is to have a commercial short-term rental, the focus is on the house and the interior itself. As such, there is no inherent environmental impact.

- e) *Generation of noise, light, and glare.*

The applicant is not proposing any new exterior lighting. Any new lighting would need to be reviewed by Staff to ensure compliance. STRs have been discussed for issues with noise, this is an issue that is handled through enforcement of the noise ordinance and community expectations of neighborliness. Nearby residents within 300 feet of the property will be provided a 24-hour contact by the applicant in the event that a nuisance needs to be dealt with. Generally, Staff sees this proposal as a low-impact use that would not be likely to generate excessive noise, light, or glare.

- f) *The development of adjacent properties compatible with the future development map and the zoning district.*

There is no change to the Future Land use map and there is no change to the parcel's underlying RM zoning, so this is unlikely to impact the development of adjacent properties.

- g) *Impact on future transportation corridors.*

Staff does not see this use generating enough trips to impact the corridor.

- h) *Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.*

This property is also right behind the Clarke County School District Administrative building, has multifamily properties across the road and to the south, and is a block removed from a main corridor. Staff does not see an impact on the neighborhood's character.

- i) *Other factors found to be relevant by the hearing authority for review of the proposed use.*

There are no other factors found to be relevant. In Staff's opinion the request meets all of the Special Use criteria.

End of Staff Report.

Reviewed

Zoning Criteria Considered by Staff

The following factors have been considered as set forth in *Guhl v. Holcomb Bridge Road Corp.*, 238 Ga. 322, 232 S.E.2d 830 (1977).

- ☒ The proposed zoning action conforms to the Future Land Use map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
- ☒ The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.
- ☒ The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
- ☒ The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
- ☒ The existing land use pattern surrounding the property in issue.
- ☒ The possible creation of an isolated district unrelated to adjacent and nearby districts.
- ☒ The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
- ☒ Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
- ☒ Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if zoned as requested will not alone constitute a significant detriment.
- ☒ Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- ☒ Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
- ☒ The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
- ☒ The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.