

# PLANNING COMMISSION

## SPECIAL USE VARIANCE APPLICATION

SUBMITTAL REQUIREMENTS: 14x copies of Application, 1x Digital Copy, Fee

FEE: \$225 per variance requested (Cash/card/check – make check payable to ACC)

### VARIANCES REQUESTED

List the requested variances, citing the specific section(s) of the Athens-Clarke County Code, the required and proposed standards. Examples: *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*

A variance from Section 9-25-8(G)2 is requested to eliminate the 10' planted buffer  
- requirement along the northern and southern side property lines.

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### 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:

581 S. Harris Street is an extraordinarily small sized parcel for a C-G zoned commercial property. The property has an average width of approximately 61' with a depth of almost 200 ft. Due to the odd proportions of length to width, onsite vehicular circulation is extremely limited as the only way to access the site is from South Harris Street.

Furthermore, this property is exceptionally extraordinary as there is an onsite parking area behind the existing building with no means of legal access. This is very unusual, and this condition does not exist on land anywhere else in the vicinity, and potentially the entire County.

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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:

Requiring a 10-ft landscape buffer between onsite parking areas and the adjacent northern and southern properties would result in a 20-ft width reduction for parking areas and provide an approximate area of 41-ft wide that could be used for on-site parking.

The A-CC parking code requires standard parking spaces to be 18-ft deep with a 24-ft backup aisle for a total of 42-ft. With curb and gutter, this width becomes 43-ft. Since this width is greater than the 41-ft width exclusive of buffers, the only way to have onsite parking is to have the stalls perpendicular to the street. This significantly reduces any onsite parking to a bare minimum and an off-site parking agreement would be required to meet the required parking count for any building developed on the site.

The purpose and intent of Chapter 9-25 is to regulate the manner in which land in Athens-Clarke County is used and developed, to minimize adverse effects on surrounding property owners or the general public, and ensure that high quality development is maintained throughout the Athens-Clarke County

All adjacent users are commercial and fully enjoy their property rights. Granting a variance will not create adverse effects on the surrounding property owners, the general public, and will allow for a high-quality development pursuant to the purpose and intent of Chapter 9-25.

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

None of the special conditions and circumstances are a result of any action by the applicant. The unique size and shape of the property is a result of a land subdivision that occurred before the property was purchased by the applicants. During the prior property subdivision, a legal written easement should have been provided for the land locked parking spaces which were created. Prior omission of this easement is not the result of action by the applicant.

When the applicant purchased the property, off-site parking spaces were advertised with the property listing. When the applicant closed on the property, neither their realtor, the seller, nor the closing attorney informed the applicants that legal access to the property would not transfer. Losing offsite vehicular access to the existing parking lot is a result of actions / inactions by others.

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.

Granting a variance will not result in any negative impacts on the development of the adjacent uses. The adjacent property along the northern side is developed and is used by Jimbos convenience store. The side of the Jimbos building that faces the subject property is void of windows and contains the exterior cooler and mechanical equipment. Jimbos is owned and operated by the applicant, and they indicate the proposed variance will not have any impact on the Jimbos development. Furthermore, providing a wooden screen fence along the property line will provide screening from the mechanical equipment for the adjacent building which does not currently exist.

The eastern property owned by the University of Georgia will not be impacted by the variance as there will be a 10-ft planted buffer along the rear property line.

An existing commercial parking lot exists along the southern property line. The adjacent southern property does not have a planted landscape buffer and will not be impacted by a variance for a buffer where one does not currently exist.

Not granting the variance will result in the applicant being unable to enjoy their private property rights and to develop their property for the betterment of Athens-Clarke County. If the variance is not granted, it is a real possibility that the existing building will continue to sit vacant and will detract from the adjacent property uses and values.

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.

A request for one variance/waiver from the Chapter 9-25 site design standard is not an atypical request for projects that require review before the Planning Commission, and Mayor and Commission. This project is planned and designed to meet all standards of the zoning regulations, comply with the intent of the comprehensive plan, and all other applicable development regulations.

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