

Hawthorne Extension – Rezoning Narrative

5/30/2025

Applicant:	W&A Engineering, Georgia for Sean D. Tran and Thuy Bui
Location:	360 Hawthorne Avenue
Tax Parcel:	121B2 H002A
Size:	0.897 acres
Current Use:	Vacant
Current Zoning:	C-G
Proposed Zoning:	RM-2
Current FLU:	Main Street Business
Proposed FLU:	Main Street Business

Project Description

The subject property is a 0.897-acre parcel located at 360 Hawthorne Avenue in Athens. The purpose of this request is to rezone the property from C-G (Commercial General) to RM-2 (Mixed Density Residential). Zoning of adjacent properties to the North, East, and South are all Commercial-General, mirroring the commercial zoning on Hawthorne Avenue. However, immediately across Hawthorne Extension from the property (and further to the south on the same side of the street) the properties are zoned RM-2.

Despite the cluster of C-G zoned properties on Hawthorne Extension, this is far from a commercial street. It is especially incompatible with the most auto-intensive commercial zoning available in Athens-Clarke County.

Public Services, Environmental Impact, and Population

Commercial-General zoning permits up to 24 bedrooms an acre (which translates to 21 bedrooms on this specific lot) and lot coverage as high as 80%. The requested RM-2 zone allows the same residential density, but the maximum lot coverage is 65%. Rezoning the property to RM-2 would lessen the permitted impact upon stormwater infrastructure, versus the existing zoning designation. The proposed rezone will have no meaningful impact on schools, as the permitted number of bedrooms remains the same as the current C-G zoning.

Public Water and Sewer are available to serve the subject property and have the capacity to serve the eventual development of the property, per an evaluation by Athens-Clarke County Public Utilities Department dated April 11, 2025.

Future Land Use Compatibility

This area falls under the Future Land Use designation of *Main Street Business*. Per Sec. 9-4-18 of the zoning ordinance, both C-G and RM-2 are compatible with *Main Street Business*. This request does not include, nor does it require, any amendment to the Future Land Use Map.

Balance of Land Uses, Land Use Pattern, and Zoning Compatibility

Land uses along this section Hawthorne Extension and Brooklyn Road are a mix of single-family and multi-family residential. The subject property is one of two relatively large parcels in the area zoned C-G that do not front on Hawthorne Avenue. It is telling that both of these commercially zoned lots are undeveloped.

The subject property does not immediately abut another RM-2 zoned parcel, thanks largely to the parcel at 455 Hawthorne Avenue, whose C-G zoning extends all the way back to Hawthorne Extension. Properties immediately to the south of 455 Hawthorne's "back yard" on Hawthorne Extension, however, are zoned RM-2. The properties across the street from the subject property are zoned RM-2, also.

Rezoning 360 Hawthorne Extension from C-G to RM-2 would not have any adverse effects upon the balance of land uses and land use pattern. Nor would it create an isolated district. It would, instead, more closely resemble the existing land uses and development pattern on this residential street. If the property were to be developed under the current C-G zoning for commercial purposes, the detriment would be to the surrounding neighborhood.

STATEMENT OF REQUEST AND LEGAL OBJECTIONS

Sean Tran and Thuy Bui are the owners of the subject property located at 360 Hawthorne Extension in Athens-Clarke County, Georgia.

The request is aligned with the general goals, policies and objectives identified in the Comprehensive Plan and is in keeping with the current Future Land Development Map. This request is an amendment to the residential portions of the existing Planned Development and does not represent a significant departure from the intent of the existing plan.

Under these circumstances, a denial of the Request in question would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Denial of the Request would discriminate unfairly between the Appellant and others similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Denial of the Request would amount to a taking of property, in violation of the Fifth and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

For these reasons, we respectfully request Approval of this request. We also wish to preserve our rights for constitutional challenge if the case of a vote of denial to the request.

This 30th day of May 2025.

Respectfully submitted,



Scott Haines, PLA