



**STAFF REPORT
SPECIAL USE
836 COLLEGE AVENUE
SUP-2025-06-1106
JULY 3rd, 2025**

APPLICANT Gwyneth Moody
OWNER: Gwyneth Moody & Daniel Peiken
ZONING REQUEST: Special Use in RM-2
TYPE OF REQUEST: Type II
LOCATION: 836 College Avenue
TAX MAP NUMBERS: 163D3 B010
COUNTY COMMISSION DISTRICT: District 2
PROJECT SIZE: 0.12 Acres
PRESENT USE: Residential Multi-Family
PROPOSED USE: Commercial Short-Term Rental
PUBLIC NOTICE POSTED: June 18th, 2025
STAFF RECOMMENDATION: ***DENIAL***
PLANNING COMM. RECOMMENDATION: ***PENDING***
MAYOR & COMMISSION AGENDA SETTING: .. July 15th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: August 5th, 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-2) zone. The applicant is proposing to turn a townhouse into a C-STR. 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 six individuals.

Staff’s analysis of this request includes concern for the cumulative impact that C-STRs create on an already stressed housing market within Athens-Clarke County (ACC). Every unit that is permitted as a C-STR is a unit that is unlikely to be available to long-term residents. Typically, Special Use requests are analyzed on an individual basis and the proposal is judged on its unique qualities and location context. These “one-offs” may not create a problem in the context of the specific request, but collectively these C-STRs could remove housing from the market in a substantial way. While the Special Use does not remove the possibility of long-term rental occupancy, the relative increase in revenue generated from STRs leads Staff to the conclusion that, in practice, these units will not be used for any occupancy other than an STR. Staff is especially concerned about losing long-term residential units in the downtown area that have multi-modal transportation options and are close to necessary household-supportive destinations and amenities. Some of the reasons a location is good for a C-STR are also why it’s a good location for a long-term residential use, and the provision of such housing has been stated to be a community priority.

The background statements associated with the approved Short-Term Rental ordinance adopted February 6, 2024, include the three sections below. The issues and concerns raised in these statements provide context and guidance for the application of the Special Use criteria in the review of this request.

Section (e): “Renting residential units as STRs has impacted the housing stock in Athens-Clarke County, making housing less available and less affordable for residents or those people wishing to move to Athens-Clarke County”

Section (h): The Commission desires to exercise its zoning powers to create land use regulations and standards for STRs that reasonably and rationally address quality-of-life concerns.

Section (k): “This district [mixed density residential] is designed to provide an environment suitable for urban living. The RM district is intended for residential uses and appurtenant community services. This district is designed in such a manner that it can be applied to a wide range of areas due to the range of residential densities possible.”

STR Home Occupation Applications (STR Home Occs) are allowed by-right in most zones, including at this property. Because STR Home Occs have a long-term residence requirement for approval, their impact on unit availability for long-term occupancy in the housing market is less than that of C-STRs.

Staff finds that the proposal is compatible with the Future Land Use Map as the Downtown designation has an intention of commercial uses. Staff also finds that Zoning Map and Code of Ordinances are compatible.

The request is not compatible with the Comprehensive Plan due to its potential to reduce the supply of available long-term housing. Staff does not believe this proposal meets the Special Use criteria. For these reasons and those listed previously, **Staff recommends denial.**

Planning Commission Recommendation: **PENDING**

II. Purpose of Applicant Request

A. Proposal

The applicant proposes turning a townhouse into a Commercial Short-Term Rental (C-STR). This C-STR would be within the existing 2-bedroom structure and according to the applicant, would have a total capacity of six individuals. There are no proposed expansions or related improvements to the property proposed as part of this application.

B. Existing Conditions

The parcels to the north and south are zoned Mixed Density Residential (RM-2), parcels to the east are zoned Park (P), and parcels to the west are zoned Commercial Downtown (C-D). This property shares a curb cut and part of a driveway with the Lyndon House. However, the applicant does have their own dedicated parking spots. This property is also on the Legal Non-Conforming Short-Term Rental List.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The following policies that **are not** supported in this project:

- *Increase supply and variety of quality housing units, at multiple price points, in multiple locations, to suit the needs of a variety of households.*

Legally, the Special Use adds the option to use the unit as a short-term rental but does not prohibit using the unit for a long-term rental. However, given prevailing rents, it is unlikely that the unit would be available as a long-term residence, reducing the supply of housing. Overall, the proposal is not compatible with the Comprehensive Plan.

B. Compatibility with the Future Land Use Map

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

Downtown

Retail, office and entertainment uses are encouraged, as is high-density multifamily housing. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. As parking is handled on a district level, off-street parking for individual commercial development is not intended. Parking structures with commercial uses on the street-level frontage are encouraged rather than surface parking lots. This area should have strict design requirements to protect historic integrity and to ensure that new buildings develop in a form and architectural style compatible with existing downtown character.

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-2 zone for a Commercial Short-Term Rental (C-STR). No change to the Zoning Map is required.

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

The Athens-Clarke County Affordable Housing Investment Strategy Report (2023), “Housing Challenges” section specifies that “37% of all households within ACC make \$50,000 or less with renters specifically having 64% making less than \$50,000. The study also points out that over the past decade, “the pressure on the housing market has grown as more households (+20%) have been added than homes (+5%). Growing market pressure along with some degree of increased real estate investor activity has contributed to rents increasing significantly faster (54%) than household incomes (29%)” (pg. 8). HCD found that 8,800 rented households making under \$35,000 cannot afford their rent (pg. 15). With 76% of affordable rental units in ACC being over 20 years old (pg. 83), ACC needs to expand access in order to combat most of these pressures. The data indicates ACC’s housing and rental markets have a constraint that STRs exacerbate, and the analysis of this data suggests that C-STRs do not give any relief to these housing issues. If the prime locations to purchase a property are areas that have natural affordability, STRs become yet another practice that diminishes access to housing.

IV. Technical Assessment

A. Environment

This property does not have an environmental area on the property.

The Arborist has reviewed the tree management plan and has recommended approval with the following comment:

- *ACC Arborist recommends approval. Project will be expected to meet all requirements of the community tree management ordinance at time of development during plan review.*

B. Grading and Drainage

The Transportation and Public Works Department has reviewed the proposal and recommended approval 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. ACC sanitary sewer is available*
- *Capacity is available to serve the proposed special use*
- *Water services must be equipped with double check backflow preventors if not already equipped*

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 recommended approval with the following comment:

- *This property is classified as a one- or two-family dwelling under the 2024 edition of the Life Safety Code. The stated occupancy is within acceptable limits. The property is not equipped with a fire sprinkler system or a fire alarm system; however, it does not fall under the jurisdiction of the Fire Marshal's Office. The fire department can access the property and will continue to provide fire protection services as needed.*

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 six individuals, which would most likely not create a noticeable increase in traffic and vehicular parking. The current two assigned parking spaces on site should be sufficient.

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

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

- 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.*

The request is to have a commercial short-term rental, which only affects the use of the structure.

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 with the ACCGOV lighting ordinance. STRs have sometimes been associated with excessive noise, but this is an issue that is handled through property management practices and enforcement of the noise ordinance. Nearby residents will be provided a 24-hour contact by the applicant in the event that a nuisance needs to be dealt with. Staff finds that this proposal has the potential to generate excessive noise, but light and glare should not be a problem.

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.*

The surrounding area is primarily multifamily complexes and commercial uses. With a fairly transient population, both for the subject property and the surrounding area, Staff does not see the proposed STR as a deviation from the established neighborhood character. Viewed in isolation, there is no concern for this change to occur with each individual C-STR. However, Staff has concerns about the cumulative impact C-STRs may have on these neighborhoods.

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

At the time of this report, ACCGov – through the third-party group Deckard – has identified 224 properties that have had an STR in RM-zoned properties, 97 of those being on the Legal Non-Conforming STR List. While an individual STR may not create stress on the housing market, the cumulative impact does remove housing for long-term residents. Staff is concerned that locations that have some naturally affordable housing and are in proximity to popular destinations are at risk of losing long-term housing.

Staff also notes that under the current Special Use Criteria the language is purposefully broad in order to apply to a range of uses. This approach allows for uses to be judged on their impacts within the context of their location. For STRs, this context-specific emphasis in the criteria does not specifically account for broader community-wide impacts. C-STR uses introduce hyper-transient tenancy and singularly commercial focus into residential areas that do not typically exhibit these characteristics.

Staff's evaluation finds that the request does not meet 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.