

# 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*

1. To increase the allowable Floor Area Ration ("FAR") from 0.75, which is the maximum permitted in the E-O zoning district, to a FAR of 1.0

ACC Code 9-11-4 states the maximum FAR is 0.75 in the E-O zoning district

**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:

The Subject Property is odd shaped and was left as a remnant C-G parcel after the completion of the McClung Road commercial out parcels, by others. The topography falls from McClung Road to the bottom of the Subject Property approximately 14' to 18' in certain places. The only feasible use of the Subject Property would involve a land use that utilizes a basement to make up the grades below McClung Road. Without using a basement level, or two, then massive retaining walls are needed and dirt would need to be imported to have any chance of any "second tier" commercial land uses.

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:

Presently, the Subject Property is zoned C-G, which up to a few years ago permitted the land use of a Climated Controlled Self Storage facility. When previously permitted, the FAR for C-G land uses is 1.5. The current zoning code now requires Self Storage to be located in other zoning districts other than C-G, and the district recommended by ACC is E-O, which permits a maximum FAR of 0.75. Given the topography and off shape of the long and narrow property, we must utilize basement levels for both square footage of the building and for grading and site development purposes to best utilize the grade of the Subject Property. The increased FAR assists with the basement levels of the proposed development and permits a Self Storage facility in keeping with industry standards related to the size and net rentable square footage.

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

DRH Properties, LLC purchased the Subject Property in the condition it is presently in and has not caused the size or the shape to be affected by its actions.

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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.

We have provided ACC with a copy of the "boots on the ground" marketing study we had prepared by a nationally recognized Self Storage consultant. The report provides many details about the site and what residential, and commercial uses surrounding the Subject Property could possible benefit from the multi-story Climate Controlled Self Storage facility located on the Subject Property. Presently, there are three (3) multi-family, (1) townhouse, (1) senior housing, (1) single family new lots, and (1) proposed multi-family development all located within less than 1 mile of the Subject Property. The area could greatly benefit from the proposed use and the proposed use would utilize both basement levels and above grade levels to best utilize the existing size and hape of the property.

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.

The relief provided by this change in FAR from 0.75 to 1.0, will permit the proposed land use to have a maximum amount of square footage as follows: 2.138 acres x 43,560 sf x 1.0 = 93,131 SF  
Although the total size of the multi-story facility could utilize this SF, the net leaseable SF is typically 75% of the total SF to account for areas that are not rented, such as hallways, corrdiors, elevators, and offices.  
With basement levels to take up grade and aid with site development, this Variance, if approved, provides options for the overall building to be efficiently designed and constructed onto the Subject Property.