

ATHENS-CLARKE COUNTY HEARINGS BOARD

Minutes

April 12, 2017

The Athens-Clarke County Hearings Board met and considered the following items at a public hearing at 3:00 p.m. on Wednesday, April 12, 2017, at 120 W. Dougherty Street, Athens, Georgia.

MEMBERS PRESENT: Sharon Bradley, Nancy Burk, Mike Lord, Pat Shearer, Ed Simpson (Chair), and Joey Tucker

MEMBERS ABSENT: David Ellison

STAFF PRESENT: Vicki Buschbom, Rick Cowick, Jane Erwin and Amber Eskew (ACCUG Planning); Bill Berryman (ACCUG Attorney)

CALL TO ORDER AND APPROVAL OF MINUTES:

- 1. Introduction of staff reports and all other documents submitted to the Hearings Board at the meeting into the official record.** Mr. Simpson made a motion to introduce all reports and documents into the official record. Mr. Tucker seconded the motion, which passed unanimously.
- 2. Adoption of minutes from the March 8, 2017 Hearings Board meeting.** Mr. Shearer made a motion to approve. Ms. Burk seconded the motion, which passed unanimously.

NEW BUSINESS

- 1. 412 N. THOMAS STREET VAR-2017-03-741**
Petitioner: Charles S. Armentrout, P.E. for HP Athens, LLC
Zoning: C-D (Commercial-Downtown), ED (East Downtown Area)
Tax ID: 171B1 C003
Request: A. Variance to allow sign above the signable wall area
B. Variance to reduce sign side setback from 11' to 2'

Ms. Erwin gave the staff report with the recommendation of Denial for Variance A and Denial for Variance B.

Ms. Burk read the definition of a ground sign and asked Staff to confirm that the sign subject to the Variance B request is actually a ground sign. Ms. Erwin replied that Ms. Burk is correct and added that there have been variance requests to substitute one type of sign for another; however, the Variance B request was not made for such a substitution.

Ms. Bradley said that the wall sign height restriction has been around for 10 years. She asked about its purpose. Ms. Erwin replied that the allowance of a higher wall sign had only been allowed downtown or for assembly uses. She could not remember the reason for the amendment. Ms. Bradley said that the restriction seems arbitrary since the downtown has taller buildings. Mr. Cowick said that all commercial zones allow buildings higher than two floors. For example, the C-G zone allows a 65-foot-tall building, so downtown is not the only zone with tall buildings. He said that his assumption is that the amendment reason was to make the same standard apply everywhere.

In Favor: Charlie Armentrout, petitioner, said that the hotel is being built along the entire North Thomas Street frontage. This section of Hancock Avenue was closed for the Classic Center addition. An agreement was made to swap property for the Classic Center addition and the hotel construction, and the agreement included a connection between the two buildings. At the time of the agreement, the hotel and the connection had yet to be designed, so it was unknown that the connection would take the area of the first two floors. Signage had not been considered. The maximum allowable wall sign area is over 600 sf, but only about 300 sf is proposed. The second floor does not have the space for that size of a sign. The ground sign location is on an integral structural sheer wall. It will be only two feet from the property line, but 17 feet to the adjacent Classic Center building, which meets the intent of the ordinance. Regarding the required finding of extraordinary and exceptional conditions, the allowable wall sign area is taken up by the connector; it would be obscured even if the connector were not there by the Classic Center. Just to have space for a ground sign in the downtown is an exceptional condition. The chosen location is based on how it will look for motorists driving north on Thomas Street. The second floor has an area with a special architectural panel, but its area is not close to the allowable wall signage area. The allowable sign area is obscured by trees. Hilton Garden Inn has a higher wall sign granted under an earlier ordinance. Athens First Bank has a higher wall sign granted as part of a planned development rezoning. The Holiday Inn received a variance for sign height.

In Opposition: None

Board Discussion: Ms. Bradley asked if the connector was a condition imposed by Athens-Clarke County. Mr. Armentrout read that the connector was a mutual desire of both parties.

Ms. Burk asked if the hotel had been designed prior to the connector agreement. Mr. Armentrout said that the connector was desired, but had not been designed prior to the agreement.

Ms. Burk asked if the applicant agreed that the ground sign for which Variance B is requested is actually a wall sign. Mr. Armentrout replied that neither he nor the Staff had considered the sign type prior to filing the variance request.

Ms. Burk asked if both wall signs would exceed the maximum wall signage. Mr. Armentrout replied that they would not.

Ms. Bradley said that the Hyatt is three stories taller than the Hilton is. She asked if the applicant would accept the wall sign being placed at the same height as the Hilton. Mr. Armentrout replied that the Hilton is about 100 feet tall and he would accept placing the sign below the roofline. Mr. Cowick pointed out that the Hilton sign is several feet lower than the roofline. Mr. Armentrout said that he would not like the sign to get too low because it would be hard to see due to the trees.

Ms. Bradley added that an objection is that the sign would be imposing due to its height. It is hard to decide whether it would have a negative impact. Mr. Armentrout responded by saying that the sign could be larger, but it would only be about 50% of the allowable area.

Mr. Simpson asked if there is a maximum building height. Mr. Cowick replied that it is 100 feet.

Mr. Simpson asked if the hotel is being constructed to the maximum height. Ms. Erwin replied that it is. Mr. Armentrout responded that the top floor is 100 feet. Exceptions to the maximum height limit include the stair and elevator towers.

Mr. Simpson said that the Hilton could be higher for the same reason. Mr. Armentrout responded by saying that both the Hilton and the Holiday Inn could also have elevator stops on the roof. The Fire Marshal asked for the rooftop elevator stop and it is good for maintenance. It is much higher than 100 feet.

Ms. Bradley asked why the sign would be on the south side of the building. Mr. Armentrout replied that wall art is planned for the north side elevation. A lot of the traffic will come up Oconee Street from the bypass. The proposed sign height will allow it to be seen from Oconee Street. Hotels need to be found by visitors to town, so sign visibility is important. Even with Google Maps, it still takes a couple of years for a hotel to get into that system.

Mr. Simpson said that Finding #1 is met due to the Classic Center placement and the size and shape of the hotel due to its connection with the Classic Center. Finding #2 is met since a denial of the variance gives a benefit to the competition, being the nearby Hilton. Finding #3 is met since it gives the Hyatt the same privilege as the Hilton and other parts of the town. Finding #4 is met since the variance continues the established signage in the downtown area and the sign height will not be injurious. Regarding finding #5, the developer designed the hotel and could have done something else, but they did not locate the Classic Center there and the hotel design had to accommodate the connection with the Classic Center. Finding #6 is met due to the proportionality of the sign to that side of the building. Finding #7 is met since the proposed size is less than allowed.

Variance A Motion #1: Mr. Simpson made a motion to approve the variance. Mr. Tucker seconded the motion.

Ms. Burk said that the only finding comfortably met is #7. This is not the minimum variance. Since the so-called ground sign is really a wall sign, a variance should be granted to allow for both proposed wall signs with the condition that the proposed elevator shaft sign be lower.

Mr. Simpson said that he would not be willing to amend his motion to include the other sign.

Mr. Cowick said that Staff is not comfortable with changing the Variance B request on the floor so that it reads as proposing a second wall sign. Wall sign area is calculated by grouping all signage on that elevation into one geometric shape, which would exceed the allowable sign area. Ms. Erwin said that such a request for an alternative sign type has not been advertised.

Ms. Burk asked if Variance B could be granted to allow the ground sign. Mr. Cowick replied that it has been determined that the Variance B sign is not a ground sign, but a wall sign, and the applicant has not requested a different wall sign variance.

Mr. Lord said that he is having trouble with Finding #4 about the ordinance intent because it seems that the ordinance was amended with awareness of these higher downtown signs. It seems the amendment was to prohibit this type of sign. If this is approved, then the next tall building will seek a similar variance and so forth. Mr. Simpson responded that he agrees, but the sign would be blocked if the ordinance would be enforced. Mr. Lord replied that this is a common problem downtown. The ordinance intent may have been to keep the skyline free of signs above the second-story height.

The motion failed 2 to 4 (Bradley, Burk, Lord and Shearer in opposition).

Discussion ensued about how the Variance B request was advertised for a ground sign, but it is actually a second wall sign, which is not allowed.

Mr. Shearer said that he understands that there are a number of previously approved higher signs downtown, but he does not see that all seven findings can be met.

Variance A Motion #2: Mr. Shearer made a motion to deny the variance. Ms. Burk seconded the motion.

Mr. Tucker asked if the motion was to deny any wall sign. Mr. Berryman replied that a denial of the variance would allow a wall sign that complies with the ordinance.

The motion passed 4 to 2 (Simpson and Tucker in opposition).

Discussion ensued with the applicant about tabling Variance B.

Variance B Motion: Mr. Lord made a motion to table the request for six months. Ms. Bradley seconded the motion, which passed unanimously.

2. **290 S. MILLEDGE AVENUE** **VAR-2017-03-751**
Petitioner: Henry G. Anderson, III of Hug & Associates Architects for Jordan
 Crawford & Delta Iota House Corp.
Zoning: C-O (Commercial-Office), MAC (Milledge Ave. Corridor Special Overlay
 District)
Tax ID: 122D2 B001

- Request:
- A. Variance to reduce required parking from 142 to 56 spaces
 - B. Variance to increase allowed FAR from 0.50 to 0.62
 - C. Variance from requirement for sidewalk installation adjacent to streets on the side and rear
 - D. Variance from requirement for street tree planting along adjacent streets on the side and rear
 - E. Variance from requirement for parking lot trees

Ms. Eskew and Ms. Buschbom gave the staff report with the recommendation for Denial of Variance A, Denial of Variance B, Approval of Variance C, Denial of Variance D, and Denial of Variance E.

Mr. Simpson asked for clarification that no formal tree plan had been submitted. Ms. Buschbom confirmed that the submitted site plan did not show all the existing trees and overall tree canopy, which would be required for a tree management plan, so a full evaluation could not be made.

In Favor: Henry Anderson, applicant, said that the chapter currently has 61 resident members and a house director. The house was designed in 1968 to accommodate that many residents. The existing parking has slightly less spaces than the number of residents who are the only ones who park there. However, the chapter membership has grown, but the vast majority of members do not live in the house and only visit the house once a week. The sorority has a parking policy in place for members to use alternative transportation. Overcrowding takes place on those chapter nights, which makes it uncomfortable and unsafe. The goal of the addition is to accommodate those chapter nights. An elevator is being added for accessibility, which will displace bedrooms, so the addition will add back those bedrooms and additional study space. In 1968, sorority members studied on campus, but the internet allows more study at the house. Those study spaces and lounges on the upper floors would be only for the residents. The occupant-load parking calculations of the zoning ordinance are way outside the realm of reality in terms of the number of residents. All the assembly spaces would not be occupied 100% at all times, nor will they be used by anyone but the residents. The life safety capabilities will accommodate the additional members one night a week. Mr. Anderson was not instructed that he needed a tree management plan. No existing trees are proposed for removal. Street trees will be added on Milledge and Waddell where the grade allows it. Franklin Street has no reasonable place to plant trees. If such places can be found, they are not opposed to adding trees. Relief is requested since no additional residents are being added and adding trees may result in the loss of parking. The sidewalk situation is what it is and nothing can be done about that. All the sorority houses are undersized and unable to accommodate their full memberships, but they are designed to accommodate the number of residents. The goal of the maximum floor area ratio (FAR) is to prevent density issues, but the proposed addition would not extend further towards the rear than the houses on either side. There would be no impact on the front or to the neighborhood in terms of massing and scale. The addition would cover the existing paved patio. Another goal is to improve the aesthetics of the house by adding a new front porch and give it an architectural character that fits in with the historic homes in the neighborhood. The number of students that want to join a Greek organization has probably doubled in the last 50 years. All sororities have the same cap on membership, so it is not reasonable to expect one Greek organization to limit their potential membership because of the FAR limitation and the parking because that puts it at

a disadvantage to all the other sororities. There is a variety of house and property sizes, so there is not a good correlation between the membership size and the number of residents, which is due to when the houses were built and what they have on their property. On chapter night, the members will arrange for parking on other properties or they take alternative transportation, so the impact on local streets is likely to be none. Waddell is too narrow and Franklin is a very narrow, dead-end street. The sorority tells their members that the areas around the school should not be used for parking since they are potentially dangerous. There will be no impact on existing trees and they intend to plant street trees midway down Waddell where the ground is level.

Pam Walker, vice-president of the sorority corporation board, said that the house was built for the sorority in 1968. UGA enrollment has since doubled. In 1968, the entire chapter lived in the house and parking was not a problem because not every student had a car. Now every student has a car and parking space is a premium. They have a parking plan in place for residents and parking restrictions for the other members. They are bordered by three streets, another Greek house, and Clarke Central High School, which leaves no room for overflow parking. Members are not encouraged to park blocks away and walk alone at night to the house. Demand for Greek membership has grown at a similar rate as UGA enrollment. Membership size is regulated by UGA so as not to give one Greek organization an advantage over another. A reduction in membership would have a detrimental impact on the chapter. The pro forma is based on current membership size. Most Greek houses have not had modifications triggering a need to comply with parking regulations. The landscape island that had existed in the parking lot was removed for safety reasons after continuous damage by vendor trucks. They did not know that a permit was required for its removal. The proposal is to increase study space, make it ADA accessible, increase the meeting and dining room space, and have a modern kitchen.

Shannon Costello, sorority member, said that students in 1968 studied at the UGA library, but now students can use their digital devices for school assignments; however, the sorority house lacks study space for its 61 residents. One of the biggest complaints of their residents has been the lack of study space. Having more study space would be beneficial for academic success and safety. Members now need to leave the house to study on campus in the evening and come back to the house late at night. It is scary and they do not want to put their members in uncomfortable and potentially unsafe situations.

Katie Ryan Snyder, chapter president, said that there are 58 parking spaces, three are reserved for staff and three reserved for officers. Six residents independently find parking elsewhere at the start of the year. The other residents are given on-site parking. Non-resident members are required to take UGA transit, to walk, or to carpool with someone who has a parking space, so parking is not an issue. A UGA bus stop is in front of the house. For large events, they are able to use the Clarke Central parking lot, Franklin, and Waddell. Chapter meetings are held in the overcrowded den and dining room. The proposed addition would allow for more meeting space. Shrinking the chapter size is not realistic if they are to remain competitive with other sororities.

In Opposition: Pam Knox, Athens Community Tree Council, said that existing trees on the property are hard to discern on the submitted site plan. Therefore, the Council could not reach a conclusion about the appropriateness of the proposal and the requested variances. Without a tree management plan to hold them to, the Council would not really know if they did what they said.

Therefore, the Council cannot support the request. The small trees behind the house could be impacted by the addition, so they would like to see that issue addressed before the variances are granted. Without the needed information, the Council is asking for the variances to be denied.

Board Discussion: Mr. Lord asked if the sorority has considered a reduction in the number of resident members. Ms. Walker replied that they will have the same number of residents as in 1968, but additional study area is needed. Fewer residents would be financially detrimental to the sorority. Mr. Anderson added that the addition is on the main level and meant to expand the assembly space. The only addition on the upper two floors is an additional study room and the bedrooms being displaced by the elevator. There is not a good way to reallocate space from the bedrooms to the study area. Ms. Snyder added that the main goal is to extend the bottom floor for meeting area. It is a cool experience to live with everyone in the same pledge class.

Ms. Burk said that fewer people would remove the need for a parking variance. Mr. Lord said that it would also address the FAR request. Mr. Anderson responded that reducing the residents would not affect the required parking calculation, which is based on assembly space. Most of the residents would have parking spaces.

Ms. Bradley said that the sorority has been out of compliance for a long time. She is comfortable with the proposal because they are adding usable space to the building without changing the number of people using it or the number of parking spaces. The members made good points about their enjoyment of the property being affected. Preservation of the structure is very important. Finding #3 is addressed since rules are imposed on the Greek system by UGA. The membership size will increase as the UGA enrollment does. There are no negative impacts of expanding usable space on the large lot. It is the minimum allowance to have functional, usable space. Therefore, she advocates granting Variance A.

Mr. Shearer asked about how finding #1 is met. Ms. Bradley said that the lot is bounded on three sides by streets. They have been living with this situation, but everyone lives with this type of situation, so that does not make it extraordinary or exceptional. The Greek owners of these buildings have proven themselves to be very good stewards of these historic structures, which is very important.

Mr. Simpson said that finding #1 is tough, but he supports what has been said. The overall condition is improved without detriment to the area. They are already noncompliant, but a little more fudging is not going to make it more difficult for the area, so he supports what Ms. Bradley said.

Variance A Motion: Ms. Bradley made a motion to approve. Mr. Tucker seconded the motion, which was approved 4 to 2 (Burk & Lord opposed).

Mr. Simpson said that the reasoning by Ms. Bradley for Variance A carries forward for Variance B.

Ms. Bradley said that the proposed massing is not a problem due to the large lot and relatively small addition when compared to the total structure size.

Mr. Simpson said that he agrees with Ms. Bradley and added that the addition would not be visible from the street and would be contained be the lot.

Variance B Motion: Mr. Tucker made a motion to approve. Mr. Simpson seconded the motion, which passed unanimously.

Mr. Simpson said that the Variance C standards are met as described by Staff.

Variance C Motion: Mr. Simpson made a motion to approve. Ms. Burk seconded the motion, which passed unanimously.

Mr. Simpson noted the Tree Council and Staff concerns that a tree management plan has not been submitted. He asked the applicant to address that issue. Mr. Anderson said that he is willing to work with the Staff to draft a tree management plan and achieve the goals of the ordinance as much as possible.

Discussion ensued about the benefits of tabling the requested tree management variances.

Variance D Motion: Mr. Tucker moved to table the request for the maximum allowable six months. Mr. Lord seconded the motion, which passed unanimously.

Variance E Motion: Mr. Tucker moved to table the request for the maximum allowable six months. Mr. Lord seconded the motion, which passed unanimously.

OTHER BUSINESS

Planning Director's Report: Mr. Cowick reported that the May application deadline had passed with the submittal of one variance request. However, it is uncertain as to whether one of the items tabled this evening would be added to the agenda.

The meeting adjourned at 5:20 p.m.



Ed Simpson, Chair



Brad Griffin, Director/Secretary