



**STAFF REPORT
SPECIAL USE PERMIT
728 COBB STREET
SUP-2025-01-0057
FEBRUARY 6th, 2025**

APPLICANT: Brad Sperr
OWNER: 728 Cobb LLC
ZONING REQUEST: Special Use in RS-8
TYPE OF REQUEST: Type II
LOCATION: 728 Cobb Street
TAX MAP NUMBER: 122B1 A026
COUNTY COMMISSION DISTRICT: District 2
PROJECT SIZE: 0.84 Acres
PRESENT USE: Legal, non-conforming use as office
PROPOSED USE: Legal, conforming use as office
PUBLIC NOTICE POSTED: January 22nd, 2025
STAFF RECOMMENDATION: ***APPROVAL WITH CONDITIONS***
PLANNING COMM. RECOMMENDATION: ***PENDING***
MAYOR & COMMISSION AGENDA SETTING: .. February 18th, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION: March 4th, 2025 (tentative)

I. Summary Recommendation

The applicant is requesting a Special Use Permit at 728 Cobb Street on a property zoned Single-Family Residential (RS-8) for the purpose of rendering conforming what is currently a legal, non-conforming office use.

The single-family home on the subject property began operating as a doctor's office almost 50 years ago, and has operated in some capacity or another as an office space throughout the years. The proposal seeks to continue that use with more Professional Sales and Services uses in the space.

The subject property is within the Cobbham Historic District and is near related uses also on Cobb Street and within the next block. A change of use from single-family home to house-scale office was not uncommon in the area for the 1970s, when this property converted to office use.

The allowance of an office use for this property will support the preservation of this historic structure and allow for a limited commercial use at a neighborhood scale that supports the healthcare node around the hospital as called for by the Comprehensive Plan. No changes are required for the Future Land Use Map as the use is consistent with the property's *Traditional Neighborhood* designation. This district is intended to support limited commercial and other non-residential uses designed at a neighborhood scale and the proposal meets that expectation. However, building a sidewalk connection between the front door and the street is recommended in order to better align with the Future Land Use's expectations for the character of the area. Staff is also recommending that the gravel overflow parking, which is well beyond the minimum required and likely exceeds the maximum number of spaces allowed, be removed to better align the site with the character of the neighborhood and improve stormwater drainage. Overall, in the opinion of Staff, the project is

compatible with the long-range plans of Athens-Clarke County and satisfies the Special Use criteria. Therefore, **Staff recommends approval with conditions**, as worded below:

Conditions:

1. A sidewalk connection shall be constructed between the front porch stairs and the public sidewalk.
2. The unpaved parking, in existence at the time of this record, shall be removed and the area re-vegetated.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The purpose of this request is to seek approval of a Special Use Permit to render conforming a legal, non-conforming office within an RS-8 zoning district. The neighboring properties on Cobb Street to the east, west, and south are all zoned Single Family-Residential. However, the property abuts Commercial-Neighborhood-zoned property and a Commercial-Office-zoned property. This property is located approximately 500 feet from Piedmont Athens Regional Hospital.

There are no changes to the building in this request, though it's worth noting that the applicant received approval from the Historic Preservation Commission at their January 2025 meeting for some updates to make the building ADA compliant.

The applicant proposes to use the space for six separate office suites, and intends to operate his law firm out of one of the six suites.

B. Existing Conditions

The subject property is located on the north side of Cobb Street mid-block between the intersections with Hillcrest Avenue and King Avenue. The parcel has about 100 feet of lot width and about 390 feet of lot depth. The topography of the property drops about 10 feet from the front to the rear.

Sanborn Maps for the area show the existing structure in place by 1918. The building was originally built as a single-family home. According to an ACC Building Permit from July 1975, the home was converted to a doctor's office, adding partitions, HVAC units, updated plumbing, and paved parking.

There is currently a larger section of paved parking and a smaller section of graveled parking behind the building.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value*
- *Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.*

The allowance of an office use for this property will support the preservation of this historic structure and allow for a limited commercial use at a neighborhood scale that supports the healthcare node around the hospital.

Overall, the proposal is compatible with the Comprehensive Plan.

Compatibility with the Future Land Use Map

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

Traditional Neighborhood

These are medium density neighborhoods with traditional qualities including well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.

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.

B. Compatibility with the Zoning Map

The applicant has requested a permit for a special use in a Single-Family Residential zone (RS-8). The applicant does not need to change the Zoning Map because the Zoning Ordinance states in Section 9-15-8(D), that a legal non-conforming use may be rendered conforming through the issuance of special use approval. Therefore, the request is compatible with the Zoning Map.

Consistency with Other Adopted ACCGov Plans, Studies, or Programs

No relevant plans, studies, or programs were identified.

IV. Technical Assessment

A. Environment

The Athens-Clarke County Environmental Areas Map shows no riparian buffer, floodplain, or other environmental area on the property or immediate area.

The Arborist has reviewed the request and found it compliant with the community tree management ordinance.

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and does not have any grading and drainage comments.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal and recommends approval.

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and does not have any

comments.

E. Fire Protection

The Fire Marshal has reviewed the proposal and offered the following comment:

- *Per NFPA 101, 2018 Edition - please provide appropriate fire extinguishers to be supplied and inspected annually by a State certified Fire Extinguisher Company, distance between fire extinguishers should be no more than 75 feet common path travel.*

F. Compliance with the Zoning Ordinance and Development Standards

The application report, site plan and elevation drawing submitted with this request will become binding for the project upon approval of the Special Use Permit. 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.

As defined in Athens-Clarke County Code Section 9-2-1, a Special Use is a use that is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions. As found in Section 9-15-9, It shall be the objective of Athens-Clarke County that whenever feasible, legal non-conforming uses be rendered conforming through the issuance of special use permits, in accordance with chapter 9-20. Conditions imposed on such permits shall strive to ameliorate the impact of such use on adjacent or nearby properties and use permitted by the zoning classification.

Special Use requests are evaluated using the following criteria:

a) *Similarity in scale, bulk, and coverage.*

The Historic Preservation Commission has approved the design including a review of the scale, massing, and coverage finding these compatible with no significant impact to the area. The existing structure is to be maintained essentially as it is which resembles many of the adjacent properties in scale.

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 presence of an office housing only businesses defined as Professional Sales and Services on the existing property would have minimal impact on the volume of traffic and parking needs. There is already a considerable amount of parking in the rear of the building and should not increase if the Special Use permit is granted. The hours of use for the property would be consistent with other Professional Services for the area.

c) *Architectural compatibility with the surrounding area.*

The Historic Preservation Commission has approved the design finding it to be compatible with the character of the Cobbham Historic District.

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.*

No environmental impacts are anticipated.

e) *Generation of noise, light, and glare.*

No significant impact of noise, light, or glare are anticipated as the project will be required to

follow the lighting ordinance and noise ordinance in place for ACC. It has a rear parking area that has been used for years in a similar capacity.

- f) *The development of adjacent properties compatible with the future development map and the zoning district.*

The proposed development of this property would have no impact on the development of adjacent properties and would be compatible with the future development map. The purpose of the request is to seek a finding of conformity with the zoning designation.

- g) *Impact on future transportation corridors.*

There would be no impact on future transportation corridors from the proposed development.

- h) *Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.*

The proposed use would have no significant impact on the character of the neighborhood as there are other commercial uses nearby. The office use has been established for decades and no expansion is proposed. Therefore, the character of the neighborhood would not be negatively impacted.

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

No other factors have been found to be relevant.

Staff finds that the proposal meets the Special Use review criteria. Approval is recommended.

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.