

**581 SOUTH HARRIS STREET**  
**SPECIAL USE PERMIT REPORT**  
**REVISED 4/7/2025**

**Special Use Overview**

In accordance with the Athens-Clarke County (A-CC) Code of Ordinances, a Type II Special Use Permit is requested to allow the development of a commercial parking lot on the subject commercial-general zoned property.

**Property Address:** 581 South Harris Street

**Parcel Info:** Parcel 171C H003 / 0.29 Acres

**Existing / Proposed Zoning:** C-G

**Existing / Proposed Use:** vacant building / commercial parking lot

**Introduction**

581 South Harris Street is a 0.29-acre property previously developed with an existing building and parking lot. Several restaurants have operated out of the building in the past but property is currently vacant. There are two ADA parking spaces in front of the building that are accessed directly from South Harris Street. The remainder of the parking spaces are behind the existing building. The only access to these parking spaces is from a private parking lot on the adjacent property. The current owners purchased the property in 2022 with the intent to use the existing building that was sitting vacant.

After buying the property, the property owners lost vehicular access through the adjacent property to the rear parking spaces. At this point there is no legal access across the adjacent property. This limits the usable number of parking spaces to two. Without access to the rear parking spaces, the existing building has remained vacant as there is nowhere for employees and/or customers to park.

After unsuccessfully trying to lease the building, the owners began to look at other options for the property. While it initially appeared that a portion of the building could be removed to provide an access drive, this is not a feasible option. Not only would partial building demolition be an expensive undertaking, but this would also significantly decrease the usable building square footage and property value. For this reason, the owners have decided that they would like to demolish the existing building and re-develop the site.

**Proposed Re-Development**

Due to the adjacent University of Georgia campus and the growing student population, there is a significant shortage of parking in the surrounding area. Considering the demand for off-street parking, re-development of the site for a parking lot is the preferred use of the property by the current owners.

The proposed parking lot will contain both short and long-term parking spaces. A total of 29 parking spaces are proposed. The parking spaces include 2 ADA spaces, 3 compact spaces, and 24 standard parking spaces.

While the project was carefully designed to meet zoning codes and chapter 9-25 site design standards, there are some extraordinary and exceptional conditions pertaining to the property. Due to the unique conditions, one variance from the design standards is requested as literal enforcement would be an unnecessary hardship to the applicant.

### **Requested Variance**

Due to the narrow shape of the property, it is not feasible to provide sufficient onsite parking spaces for any site development without reducing or eliminating a portion of the ten-foot planted parking lot buffer. For this reason, **a variance from Section 9-25-8(G)2 is requested to eliminate the 10-ft planted buffer requirement along the northern and southern side property lines.**

### **Tree Management Plan**

The C-G zone requires conservation of 10% tree canopy for the site and total canopy coverage of 40% of the entire site. Currently the site lacks canopy coverage. There are two crape myrtles within the street frontage; however, these plants have been topped numerous times and do not meet the requirements for conservable trees.

The on-site tree canopy coverage will be met by planting a diversity of native trees for parking lot and street trees. Additional landscaping will occur to provide an evergreen shrub buffer between the parking and main road.

### **Traffic Impact Analysis**

The twenty-nine parking spaces proposed will generate very little traffic due to the nature of long-term parking and the small number of parking spaces. For this reason, a traffic impact analysis is not warranted for the project.

### **Water and Sewer Demands**

The existing building is currently served by water and sewer. The proposed parking lot re-development will not require any water or sewer services, and these existing utilities will be disconnected pursuant to A-CC Public Utilities specifications.

### **Stormwater Management**

Stormwater management is provided for the site in accordance with the A-CC standards for re-development. This is achieved by reducing the sites impervious surface and providing green stormwater infrastructure to promote runoff reduction and onsite infiltration.

## VARIANCE REQUEST CRITERIA

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:**

581 S. Harris Street is an extraordinarily small sized parcel for a C-G zoned commercial property. The property has an average width of 61-ft with a depth of almost 200 ft. The unusual length-to-width ratio significantly restricts vehicular movement on-site, with access solely available via South Harris Street.

Furthermore, this property is exceptionally extraordinary as there is an onsite parking area behind the existing building with no means of legal access. This is very unusual, and this condition does not exist on land anywhere else in the vicinity, and potentially the entire County.

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:**

Requiring a 10-ft landscape buffer between onsite parking areas and the adjacent northern and southern properties would result in a 20-ft width reduction for parking areas and provide an approximate area of 41-ft wide that could be used for on-site parking.

The A-CC parking code requires standard parking spaces to be 18-ft deep with a 24-ft backup aisle for a total of 42-ft. With curb and gutter, this width becomes 43-ft. Since this width is greater than the 41-ft width exclusive of buffers, the only way to have onsite parking is to have the stalls perpendicular to the street. This significantly reduces any onsite parking to a bare minimum and an off-site parking agreement would be required to meet the required parking count for any building developed on the site.

*The purpose and intent of Chapter 9-25 is to regulate the manner in which land in Athens-Clarke County is used and developed, to minimize adverse effects on surrounding property owners or the general public, and ensure that high quality development is maintained throughout the Athens-Clarke County*

All adjacent users are commercial and fully enjoy their property rights. Granting a variance will not create adverse effects on the surrounding property owners, the general public, and will allow for a high-quality development pursuant to the purpose and intent of Chapter 9-25.

**The requested variance will allow the applicant to preserve their property rights, and is not a mere convenience.**

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

None of the special conditions and circumstances are a result of any action by the applicant. The unique size and shape of the property is a result of a land subdivision that occurred before the property was purchased by the applicants. During the prior property subdivision, a legal written easement should have been provided for the land locked parking spaces which were created. Prior omission of this easement is not the result of action by the applicant.

When the applicant purchased the property, off-site parking spaces were advertised with the property listing. When the applicant closed on the property, neither their realtor, the seller, nor the closing attorney informed the applicants that legal access to the property would not transfer. Losing offsite vehicular access to the existing parking lot is a result of actions / inactions by others.

**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.**

Granting a variance will not result in any negative impacts on the development of the adjacent uses. The adjacent property along the northern side is developed and is used by Jimbos convenience store. The side of the Jimbos building that faces the subject property is void of windows and contains the exterior cooler and mechanical equipment. Jimbos is owned and operated by the applicant, and they indicate the proposed variance will not have any impact on the Jimbos development. Furthermore, providing a wooden screen fence along the property line will provide screening from the mechanical equipment for the adjacent building which does not current exist.

The eastern property owned by the University of Georgia will not be impacted by the variance as there will be a 10-ft planted buffer along the rear property line.

An existing commercial parking lot exists along the southern property line. The adjacent southern property does not have a planted landscape buffer and will not be impacted by a variance for a buffer where one does not currently exist.

Not granting the variance will result in the applicant being unable to enjoy their private property rights and to develop their property for the betterment of Athens-Clarke County. If the variance is not granted, it is a real possibility that the existing building will continue to sit vacant and will detract from the adjacent property uses and values.

- **The comprehensive plan aims to redevelop vacant or underutilized properties and granting the variance will facilitate this goal.**

**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.**

A request for one variance/waiver from the Chapter 9-25 site design standard is not an atypical request for projects that require review before the Planning Commission,

and Mayor and Commission. This project is planned and designed to meet all standards of the zoning regulations, comply with the intent of the comprehensive plan, and all other applicable development regulations.

#### **ZONING ACTION APPROVAL CRITERIA:**

**A. Explain how the proposed development is compatible with 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 subject property is within the Main Street Business district of the A-CC future land use map. This district encourages commercial areas and promotes walkability on a pedestrian scale. Construction of a small surface parking lot will provide a place for people to park while they walk to local business in the area. Promotion of walkability and pedestrian scale is a crucial element of the FLU Designation which can be accomplished with this project.*

*The general plans for physical development of A-CC aims to focus on re-development of the dense urban core while preserving the outlying greenspace areas. The current property is vacant, in the urban area, and needs re-development. Re-developing the existing property instead of building a parking lot in the outlying greenfield area is compatible with the physical development goals for A-CC.*

**B. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws?**

*The proposed use is in conformance with all the standards within the zoning district, the relevant comprehensive plan policies and with all state and federal laws.*

**C. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?**

The proposed parking lot will not require any water or sewer service connections and therefore will have no impact on the current water and sewer capacity. Paved access to the site is from South Harris Street.

Based on the addition of 29 parking spaces, daily trips will be significantly less than 1000 trip ends and/or 100 peak hour trips. Although a traffic impact analysis was not prepared, the proposed plan was sent to the A-CC Traffic Engineer for preliminary feedback. The feedback regarding the plan was positive, as it was noted that this parking lot could help alleviate the ongoing issue of illegal street parking in the area.

**D. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:**

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

*Three out of the five properties that are immediately adjacent to the subject property contain commercial surface parking lots with legal non-conforming uses. The creation of a small parking lot will be comparable to the adjacent properties.*

**2) 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 increase in vehicle traffic in the area will be negligible and in character with the adjacent uses. Providing additional parking will also serve as a hub for additional pedestrians who will be able to walk to UGA and the adjacent businesses.*

**3) Architectural compatibility with the surrounding area.**

*Not applicable due to the scope of the project.*

**4) 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 small parking area will be designed per all standard codes and will be constructed by a licensed contractor in accordance with local, state and federal development regulations.

Overall impervious surfaces will be reduced from current conditions. This results in slightly less stormwater runoff and a minor decrease of the radiant heat island effect associated with the impervious surfaces.

Due to the nature of the construction and lack of any adjacent environmentally sensitive areas, there should not be impact on the environment.

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

The nature of the project will not result in any additional noise pollution. Site lighting will be installed pursuant to the A-CC outdoor lighting standards to prevent light trespass and unwanted glare.

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

All surrounding properties are currently developed for commercial or multi-family residential use. The re-development of the subject property will not infringe on the rights of the adjacent properties or their ability to develop in the future.

**7) Impact on future transportation corridors.**

Approval of the special use for the project will result in negligible traffic increase and no impact on the future transportation corridors.

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

This project will not result in any loss of character to the neighborhood by the establishment of the proposed use.

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

**CONCLUSION:**

As highlighted throughout the report, the proposed development meets and/or exceeds all the approval requirements for the requested zoning action. Not only will this re-development project provide much-needed parking for an extremely congested area, it will also provide significant tree canopy where none currently exists. Approving this project will benefit property owners, the local community, and protect the interests of adjacent property owners.