



**STAFF REPORT
SPECIAL USE PERMIT
480 S. MILLEDGE AVENUE
SUP-2025-07-1361
October 2nd, 2025**

APPLICANT: David Matheny / Armentrout, Matheny, Thurmond P.C.

OWNER: Alpha Xi Delta Georgia LLC

FUTURE LAND USE REQUEST Mixed Density Residential

ZONING REQUEST: Special Use in C-O (M)

TYPE OF REQUEST: Type II

LOCATION: 480 S. Milledge Avenue

TAX MAP NUMBERS: 122D2 A002

COUNTY COMMISSION DISTRICT: District 4

PROJECT SIZE: 0.96 Acres

PRESENT USE: Residential Multi-Family

PROPOSED USE: Sorority House

PUBLIC NOTICE POSTED: July 23rd, 2025

STAFF RECOMMENDATION: **DENIAL**

PLANNING COMM. RECOMMENDATION: **PENDING**

MAYOR & COMMISSION AGENDA SETTING: .. October 21st, 2025 (tentative)

MAYOR & COMMISSION VOTING SESSION: November 4th, 2025 (tentative)

I. Summary Recommendation

The applicant is seeking Special Use approval to allow a Sorority on a property zoned for Commercial-Office (Milledge Avenue Corridor Overlay) at 480 S. Milledge Avenue. The applicant is proposing to turn the existing apartment complex into a sorority, replacing the front building with a new chapter house and using the remaining apartment buildings for member housing. Seven variances are requested to accommodate this proposal.

Staff finds that the use of a sorority at this location complies with the Special Use Criteria, Future Land Use, Zoning Map and some policies of the Comprehensive Plan. The revisions made to the plan have allowed for compliance with driveway width for fire apparatus access and added off-site parking for chapter meetings and events through a Transportation Plan. However, staff remains concerned with the number and extent of variances requested. Were the footprint and square footage of the proposed chapter house reduced, the extent of variance required for lot coverage, landscaping, Floor-Area Ratio (FAR), parking, and total tree canopy could be significantly reduced if not eliminated.

Staff recommends denial of the request due to the fact that Staff can only support three of the seven requested variances.

Suggested Conditions:

Should this project be approved, Staff recommends the following conditions of approval:

1. A direct sidewalk connection shall be constructed from the front of the easternmost structure to

the public sidewalk along Milledge Avenue.

2. The proposed parking agreement with Clarke County School District for use of the parking lot at Clarke Central High School will become official and will be recorded with the Clerk of Courts and submitted to the Planning Department to add to the file before the project receives a Certificate of Occupancy.

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

This proposal was originally heard by the Planning Commission at their August meeting, at which time the proposal was tabled to allow for revisions to the plans to be submitted. The scope of the current request has not changed from the initial review, though some details have been revised and are reflected below.

The applicant is proposing to repurpose the apartment complex at 480 S. Milledge Avenue with a sorority use with retention and renovation of the rear apartment buildings and replacement of the front (easternmost) apartment building with a new sorority chapter house. The retained apartment units would number 16, each having 2 bedrooms. The new chapter house would contain two bedrooms to accommodate both the house mother and a handicap accessible bedroom. The property would be limited to 34 residents. The chapter house will contain a kitchen and dining facilities, a chapter meeting room, and several other common spaces. The new building would include two floors plus a basement level with a total of 11,832 square feet. 6,888 square feet of would be a 459-person assembly space. Five additional parking spaces are to be constructed for a total of 35 spaces. With parallel spaces added along the southern side property line and angling of the adjacent parking across a drive aisle. The existing driveways would be retained, including a one-way in and out drive and access from an alley to the south that accesses the rear of the property and is used to travel from the entrance to the exit drive. An off-site parking agreement is being proposed with Clarke Central High School for 45 parking spaces to accommodate chapter meetings and events.

B. Existing Conditions

The existing apartment complex was constructed in the 1960s and contains 20 two-bedroom apartments. The adjacent properties all share the Commercial-Office zoning designation, aside from Clarke Central High School to the rear, which is zoned Government. To the north is a sorority house, and to the east, across Milledge Avenue, are apartment buildings. To the south is a single-family residence facing Milledge Avenue and a youth ministry facing Baxter Street. 30 parking spaces currently exist, with aerial imagery indicating some informal parallel parking along the southern side property line.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

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

- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *Encourage the preservation and adaptive reuse of existing structures, especially those with historic value.*

Compatibility with the comprehensive plan includes the redevelopment of an existing apartment

complex, including retention of the majority of the existing apartments as housing for sorority members.

The 2023 Comprehensive Plan calls for the following policies that **are not** supported in this project:

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

The proposal would convert a multi-family condominium, currently in use and available to the general public, into an institutional use with fewer housing units that are also reserved for the members of said institution. This decrease in available units and use of the units only for members does not address the needs of a variety of households or provide mixed-income housing, thus being incompatible with the Comprehensive Plan.

Overall, the proposal is, at best, partially compatible with the Comprehensive Plan. The retention and redevelopment of the space are positives, while the slight reduction in units and removal of housing units from availability to the general public are not.

B. Compatibility with the Future Land Use Map

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

Mixed Density Residential

These are residential areas where higher density residential development is allowed and intended. Limited nonresidential uses designed at a neighborhood scale may be incorporated into these areas (e.g. churches, schools, daycare facilities, small businesses and offices).

Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation.

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 is requesting a Special Use Permit within the existing Commercial-Office (C-O) zone. No change to the underlying zoning district is required and similarly zoned uses are nearby on the same street. Therefore, the proposal is compatible with the Zoning Map.

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

There are no known conflicts with any other ACCGov plans or programs regarding the proposed special use request.

IV. Technical Assessment

A. Environment

There are no environmental areas on the subject property. The Arborist has reviewed the tree management plan and offered the following comments:

- *Trees under overhead powerlines and trees that have been topped or lopsided*

due to improper pruning techniques cannot be counted as conserved canopy.

- *The TMP appears to show trees on adjacent properties or on property lines, these cannot be counted as conserved canopy.*
- *The Milledge Avenue Corridor Special District protects trees in front yards and multiple trees have been removed this year in violation of section 9-12-7 H. and subject to section 8-7-13. This application should address this action, request removal and demonstrate replanting on an inch-for-inch basis.*
- *No open soil surface calculations provided -> staff calculations are not adding up to total required amount - the required amount of soil is what helps ensure the newly planted trees will meet their full potential canopy size, the proposed amount shown for each on the submitted TMP causes some concern that the proposed total canopy size is being misrepresented.*

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and offered no comments on the project.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal and recommends approval with the following comments:

- *ACC water and sanitary sewer is available. Capacity is available to serve the proposed special use.*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and offered the following transportation-related comments along with support for the request:

- *Our department deems the requested parking variance as warranted considering the site's situation. It's in close proximity to many destinations within a half-mile walkshed and is located close to transit access which will enable residents and visitors access to the site, UGA, and beyond without the need or use of a motor vehicle. Our department does not have jurisdictional purview of the street connection to Milledge Ave which is a state route maintained by GDOT.*
- *The GDOT District Engineer has provided some feedback when we checked with them regarding these proposed site changes. Their comments are as follows: "their driveways don't technically meet commercial standards by our current policy. Typically, we require a radius style driveway where the curb and gutter would wrap onto the site. However, I don't believe that their site constraints would allow them to build to commercial standards due to utilities and the wall confining their driveway widths. We can work with them on these issues, but any work in the R/W will need to be permitted. This includes the utility companies obtaining permits for any relocations.*
- *As for the wall, as long as the wall is off R/W, it is theirs to maintain. This also includes any liability for failure of the wall. So, I would not be able to comment on design or improvements to the wall that may be needed. I'd certainly recommend them check that with any additional loads they may be changing to the lawn."*

E. Fire Protection

The Fire Marshal has reviewed the proposal and found compliance with fire department requirements following revisions to the original plans. The Fire Marshal's office supports the request.

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 proposed conditions are not greatly increased from the existing in regard to scale, bulk, and coverage. Much of the greater square footage of the new chapter house structure is with a fully underground basement level.

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 Transportation Policy Statement indicates that sorority members and visitors will be encouraged to utilize alternative transportation modes. Parking space permitting for both on-site and off-site spaces would be secured, with priority given to on-site residents for on-site spaces. Any remaining on-site spaces and off-site spaces would be prioritized for sorority council members and allocated on a point-based system.

c) *Architectural compatibility with the surrounding area.*

The proposed architecture is very similar to that existing, which is noted as non-contributing in-character for the Milledge Avenue Local Historic District. The Historic Preservation Commission provided comments on the project through a Conceptual Preliminary Design Review at the June 18th hearing and reviewed the project for a Certificate of Appropriateness at the August 20th hearing. That request was approved with conditions related to window and door openings on the new chapter house and hardscape materials.

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 increased lot coverage exceeds 5,000 square feet, which does trigger the need for stormwater management. This is to be accomplished with pervious pavement in the south parking area for storage and outlet down the alley to the Baxter Street inlet.

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

The project is not anticipated to have a negative impact on light or glare. Generation of noise should be minimal as all event gathering spaces are inside the structure.

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

The project will not impact the development of adjacent properties and their ability to be compatible with the zoning or future land use designation.

g) *Impact on future transportation corridors.*

The project would add more trips to Milledge Avenue, which serves as a vital in-town transportation route. Residents and visitors to the site would be expected to take advantage of

multiple transportation options, including walking, biking, carpooling, and making use of the bus routes that pass in front of the house, per the applicant's transportation policy statement.

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

South Milledge Avenue is already characterized by a high number of fraternity and sorority houses that are found along the street. An additional sorority organization along this street will not impact the character of the neighborhood. The presence of a single-family home adjacent to the south is not typical for fraternity and sorority organizations on Milledge Avenue as few properties retain this use.

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

The sorority use would lead to the property being used by many more people when meetings and events are held compared to the current multi-family use. The provision of off-site parking for 45 vehicles would lessen the impact to the immediate area, however.

In conclusion, the proposed use of a sorority on the property meets the special use criteria, though the specific plan leads to some concerns that need to be addressed as evidenced by the seven variances requested.

Requested Variances

The applicant had previously requested nine variances from code requirements. Staff found one of these to not be applicable and the revised plans have eliminated the need for three variances. However, the applicant has now indicated variances are needed from the minimum conserved tree canopy and the total canopy requirements. Therefore, the total number of variances requested is seven.

- a. Variance from Sec. 9-10-3 to increase the maximum lot coverage from 65% to 85.1%
- b. Variance from Sec. 9-10-3 to decrease the minimum landscaped area from 35% to 14.9%
- c. Variance from Sec. 9-12-7 to increase the maximum Floor-Area Ratio (FAR) within the Milledge Avenue Special District Overlay from 0.5 to 0.65.
- d. Variance from Sec. 9-30-2(A)3 to reduce the required number of parking spaces from 154 to 35 on-site and 45 off-site.
- e. Variance from Sec. 9-30-9(E)6(b) to allow no additional screening of the rear parking area adjacent to Clarke Central High School.
- f. Variance from Sec. 8-7-15(c) to reduce the minimum amount of conserved tree canopy from 25% to 7.3%.
- g. Variance from Sec. 8-7-15(c) to reduce the minimum amount of total tree canopy from 50% to 32.5%.

The variances are each assessed using the following 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:*

- a) *Lot coverage: It is noted that the existing conditions include lot coverage of 75.8%. The proposed coverage is 85.1%. The applicant asserts that the difficulty in finding suitable properties for Greek organizations and the need to adapt the existing built conditions creates an extraordinary and exceptional condition.*

- b) *Landscape area: The existing landscaped area of the subject property is approximately 24.2%, which is below the 35% required for C-O zoning. The applicant asserts that the difficulty in finding suitable properties for Greek organizations and the need to adapt the existing building conditions creates an extraordinary and exceptional condition.*
- c) *FAR: The Floor-Area Ratio existing is denoted as 0.47 on the submitted site plan which is within the maximum of 0.5 set by the Milledge Avenue Corridor Overlay. The proposed FAR is 0.65. The applicant asserts that this property differs from others due to a size below one acre and non-conforming existing building conditions. It is also stated that the layout of the buildings means that the rear building is not readily visible and therefore not contributing to the visual scale and massing of the site.*
- d) *Parking: The existing conditions are described as non-compliant and these conditions along with a lot size described as “small” are the exceptional and extraordinary conditions denoted by the applicant.*
- e) *Screening: Screening of parking areas from school properties is required with at least a 6' tall fence or dense plantings to provide the same degree of screening. No screening on the subject property is proposed and the retention of the vegetative buffer on the school property is not guaranteed. However, the rear of the property where the uses abut is not proposed to see any modifications as a result of the plan.*
- f) *Conserved Canopy: The existing conditions are stated to be below the 20% conserved canopy with only four existing trees on site and removal of two of those necessary for the project. The applicant denotes these existing non-conforming conditions and the constraints of circulation on the site as the extraordinary and exception conditions presented by the site.*
- g) *Total Canopy: The existing canopy is noted as below the current requirements with further constraints placed by the access and circulation needs for the Fire Marshal as well as the existing utility lines. These are the exceptional and extraordinary conditions presented by the site.*

Staff Evaluation:

- a. **Lot coverage:** It is noted that the existing conditions include lot coverage that is more than the 65% allowed in the C-O zone with the applicant indicating a current coverage of 75.8%. The proposed coverage of 85.1% represents an increase of 3,884.61 square feet. The subject property is exceeded in lot area by only one property, that directly to the north, of all seven of the parcels within the 400 block of S. Milledge Avenue. Each of these parcels are no more than 1% above the allowed lot coverage according to GIS data.
- b. **Landscape area:** The existing landscaped area of the subject property is approximately 28.6%, which is below the 35% required for C-O zoning. The proposed project would reduce that further to only 14.9%. This is in comparison to the adjacent properties, which appear to be no more than 1% less than the required landscaping.
- c. **FAR:** The Floor-Area Ratio for properties within the Milledge Avenue Special District Overlay is set at a maximum of 0.5. The existing conditions are compliant at 0.47. The proposed conditions of 0.65 include the 3,944 square feet of basement in the proposed structure and the 1,792 square feet of basement in the existing rear building. If the basements, which are both fully below grade, were not included the proposed FAR would be 0.504. Since the basement is fully underground, it is therefore not contributing to the perceived bulk and scale of the building, which are why FAR is considered.
- d. **Parking:** The required parking spaces for a sorority use is the greater of two calculations - one based on potential occupancy by gross floor area and one on assembly space. The 6,888

square feet of assembly area calculates to the greater amount of 154 spaces being required. 35 parking spaces are proposed, representing 22.7% of the required. Provision of an off-site parking agreement for 45 additional spaces for use with chapter meetings and events is proposed. A variance of 74 spaces of 48% is needed. While the existing conditions are below the required parking count for the 20 two-bedroom apartments currently on the site, having 30 spaces instead of 40 spaces is 75% of the spaces required. There are enough proposed parking spaces for the sorority house residents, but not enough to satisfy the requirement for assembly parking. Many of the nearby streets with on-street parking already require parking permits due to the high demand in the area for parking around Greek Houses.

- e. Screening: Screening of parking areas from school properties is required with at least a 6' tall fence or dense plantings to provide the same degree of screening. No screening on the subject property is proposed and one must not assume the retention of the vegetative buffer on the school property. However, the rear of the property where the uses abut is not proposed to see any modifications as a result of the plan.
- f. Conserved Canopy: The proposed plan would conserve two of the four existing trees on the property. This would reduce the conservable tree canopy from 9.58% to 7.3% as the proposed conserved canopy.
- g. Total Canopy: The existing tree canopy is below 10%, which is well below the 25% required conserved canopy. Tree planting is proposed to meet the requirements of street trees and parking lot trees, but with the total tree canopy to remain below the 50% total canopy requirements at 32.3%.

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:*

The applicant has suggested the following explanation for how this criterion applies to each variance requested:

- a. *Lot coverage: The applicant asserts that compliance with the code for the allowable maximum lot coverage would require demolition of all existing coverage on the property, and that the only new impervious coverage would come from the proposed chapter house, which is the minimum size required based upon the national sorority requirements for chapter houses.*
- b. *Landscape area: The applicant asserts that compliance with the code for the allowable minimum landscaped area would require demolition of all existing coverage on the property. The applicant further explains that the reduction in landscape area includes the provision of a front walkway connecting the property to Milledge Avenue for pedestrians, as well as adjusting the walkways around the retained buildings to maximize drive aisle width. Additional loss of landscape area would be from the expanded footprint of the chapter house building from the existing apartment building. According to the applicant, the proposed chapter house is the minimum size required based upon the national sorority requirements for chapter houses. The applicant notes that the proposed plan would include a large area of pervious pavement, which they believe would offset the lot coverage to allow the total pervious area to meet the 35% landscape requirement.*
- c. *FAR: The applicant asserts that the proposed new chapter house is the minimum required based on national requirements for the sorority and other recently built sororities were able to meet the required FAR because their lots were larger. They also assert that compliance with the FAR maximum would be met if the basement of the proposed chapter house and the*

existing rear apartment building were eliminated from the calculation.

- d. Parking: The applicant asserts that the parking required by the ACC Code of Ordinances is onerous and impossible for any Greek House to meet. They further assert that only a full demolition of the existing property development and full replacement would have the potential to improve the parking count on the property beyond that proposed. They also provide numbers on recent variances allowed for parking requirement reductions.*
- e. Screening: The existing conditions of the property and the retention of these conditions for the rear portion of the property, where the screening is required, prevent the addition of screening from Clarke Central High School to the site. Existing vegetative on the school's side of the alley is not within the scope of disturbance for this project.*
- f. Conserved Canopy: The applicant asserts that the existing conditions being so far below the minimum requirements create an impossibility for compliance.*
- g. Total Canopy: The applicant asserts that the existing conditions being so far below the minimum requirements create an impossibility for compliance with the total canopy requirements.*

Staff Evaluation is as follows:

- a. Lot coverage: The applicant asserts that the added building area proposed with the replacement of the front building is sized to meet the minimum national requirements of the sorority. However, the proposed sorority use is not a property right. Additionally, this property is located within the Milledge Avenue Corridor Overlay which requires the same maximum number for lot coverage than would be the case without the overlay. Therefore, this does not seem to be specific to this particular piece of property.*
- b. Landscape area: The applicant asserts that the added building area proposed with the replacement of the front building is sized to meet the minimum national requirements of the sorority. However, the proposed sorority use is not a property right. Additionally, this property is located within the Milledge Avenue Corridor Overlay which requires the same minimum number for landscaped area than would be the case without the overlay. Therefore, this does not seem to be specific to this particular piece of property.*
- c. FAR: The applicant asserts that the added building area proposed with the replacement of the front building is sized to meet the minimum national requirements of the sorority. However, the proposed sorority use is not a property right. Other uses, including the existing multi-family residential use, are able to comply with this requirement. Even if the new basement level were not considered, the project would still exceed the allowed maximum FAR, but to a very minor extent at 0.504.*
- d. Parking: The proposed sorority use is not a property right but a use that requires special use approval. Further, the applicant states that compliance with the parking requirement is not possible on the site. Allowance of a variance from 154 to 35 on-site parking spaces and 45 off-site parking spaces would serve as a convenience to the applicant. This would allow one parking space for each resident on the property without any additional spaces available, except for chapter meetings and events with the off-site agreement. No guest or delivery/maintenance vehicle could be accommodated.*
- e. Screening: The existing alley separates the subject property from the school property, and no reduction in any existing screening is proposed as part of this project. Since no modifications to the entire rear half of the property are proposed, this means that whatever of the property is currently visible will not differ if the project is approved.*

- f. **Conserved Canopy:** The existing canopy conditions are well below the minimum requirement. Even if two trees were not needing removal, compliance would not be possible. The two trees to be removed are both small canopy, which does allow the two larger trees to be kept.
- g. **Total Canopy:** The existing conditions of the property are very developed in regard to the degree of lot coverage and resulting uncovered area where trees can be accommodated. While this could be considered a hardship, the proposed increase in coverage not only impacts the removal of two small trees, but further limits the area where new trees can be planted.

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

The applicant has suggested the following explanation for how this criterion applies to each variance requested:

- a. *Lot coverage: The applicant asserts that no properties are available on South Milledge Avenue that could allow for a sorority use fully compliant with all ACC ordinances. They assert that the site constraints are not the result of the applicant but rather regulations implemented since the original apartments were constructed.*
- b. *Landscape area: The applicant asserts that no properties are available on South Milledge Avenue that could allow for a sorority use fully compliant with all ACC ordinances. They assert that the site constraints are not the result of the applicant but rather regulations implemented since the original apartments were constructed.*
- c. *FAR: The applicant asserts that no properties are available on South Milledge Avenue that could allow for a sorority use fully compliant with all ACC ordinances. They assert that the site constraints are not the result of the applicant but rather regulations implemented since the original apartments were constructed.*
- d. *Parking: The applicant asserts that the lot size and configuration, and the configuration of the buildings on the site are special conditions that do not result from the applicant and prevent compliance. The applicant also states that parking variances for Greek houses along Milledge Avenue are common, as the code requirements have increased over time, and that these requirements are not a result of their actions.*
- e. *Screening: The existing conditions of the alley placement between the subject property and the high school is not a result of any actions of the applicant. Similarly, the existing development of the rear of the property regarding parking and building placement is not the result of any action of the applicant.*
- f. *Conserved Canopy: The property is existing and so are the trees to be conserved.*
- g. *Total Canopy: There is no area along the northern, southern, or western property line where trees may be placed. On the east and north property lines, utility lines exist that prevent placement in the front yard.*

Staff Evaluation:

- a. **Lot coverage:** The size of the existing lot is not a result of the applicant. The decision to retain all but the front building and the size of the new front building are choices of the applicant. The expanded size of the proposed new front building is fully a decision of the applicant.
- b. **Landscape area:** The size of the existing lot is not a result of the applicant. The decision to retain all but the front building and the size of the new front building are choices of the applicant. The expanded size of the proposed new front building is fully a decision of the applicant.

applicant.

- c. FAR: The size of the existing lot is not a result of the applicant. The decision to retain all but the front building and the size of the new front building are choices of the applicant. Renovation of the existing spaces is consistent with the Comprehensive Plan but the expanded size of the proposed new front building is fully a decision of the applicant. However, as the basement is fully below grade, eliminating this area from the calculation would achieve a nearly compliant result.
- d. Parking: The required parking count is determined from the amount of assembly area proposed for the new sorority chapter house structure. The proposed plan includes 6,888 square feet of assembly area, leading to the requirement of 154 parking spaces. The applicant asserted that the proposed structure met the minimum size requirements set by the national sorority rules. Therefore, the sorority is the cause of the parking variance needed.
- e. Screening: The existing conditions of the alley placement between the subject property and the high school is not a result of any actions of the applicant. Similarly, the existing development of the rear of the property regarding parking and building placement is not the result of any action of the applicant.
- f. Conserved Canopy: The property is existing, and so are the trees to be conserved. However, staff notes that there were two trees in the front yard earlier this year that are no longer present.
- g. Total canopy: The size of the proposed new front building is a choice of the applicant. If the building were to be built smaller, there would be more room on the parcel to plant trees.

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:*

The applicant has suggested the following explanation for how this criterion applies to each variance requested:

- a. *Lot coverage: The applicant asserts that the provision of a permanent home for a sorority chapter that has been without one since 1960 is a benefit. The assertion includes a statement that sororities are good neighbors and good stewards of their properties. The size of the proposed chapter house being smaller than that of the adjacent sorority to the north is offered as evidence of limitation to the impact.*
- b. *Landscape area: The applicant asserts that the provision of a permanent home for a sorority chapter that has been without one since 1960 is a benefit. They further assert that the provision of pervious pavement in the parking lot will off-set any negative impacts.*
- c. *FAR: The applicant states that because much of the new building area is to be basement for the new chapter house and below grade, that no negative impact will result.*
- d. *Parking: The applicant asserts that the provision of a permanent home for a sorority chapter that has been without one since 1960 is a benefit. They assert that minimal negative impact is expected for this benefit. A Transportation Policy Statement has been provided that denotes “encouragement” to carpool, walk, bike, use the bus systems, etc. Bus stops are located within close proximity to the site.*
- e. *Screening: The applicant asserts that retention of the existing conditions regarding screening for a project that is consistent with the policies of the Comprehensive Plan shows that the*

benefits will be greater than any negative impacts.

- f. *Conserved Canopy: The applicant asserts that the trees and vegetative screening on neighboring properties makes up for the conserved canopy that is lacking on this site.*
- g. *Total Canopy: The applicant asserts that the plan provides for as many new trees to be planted as possible due to existing and proposed conditions.*

Staff Evaluation:

- a. Lot coverage: The increase in lot coverage proposed is for a new sorority chapter house. Though keeping the apartments on the rest of the parcel does align with the Comprehensive Plan, as it provides infill redevelopment and preservation and reuse of historic buildings, turning the front building into a chapter house for a sorority does not.
- b. Landscape area: The decrease in landscaped area proposed is to provide more space for a new sorority chapter house. Though keeping the apartments on the rest of the parcel does align with the Comprehensive Plan, as it provides infill redevelopment and preservation and reuse of historic buildings, turning the front building into a chapter house for a sorority does not.
- c. FAR: The proposed new chapter house building is predominantly for assembly uses of the sorority function. Limiting the chapter house building to the existing size of the structure in this location would eliminate the need for this variance. However, eliminating the basement area from the calculation would achieve a nearly compliant result.
- d. Parking: The application does not address how the presence of a new sorority chapter house will be a benefit beyond the applicant, nor how the presence of only 35 parking spaces for a property that is to have 34 residents and about 70 additional members will not create a negative impact on the adjacent properties. The off-site parking agreement would provide for additional parking for chapter meetings and events, but would not address the need for parking for any guests, delivery, or maintenance vehicles. The Transportation Policy Statement would prioritize on-site parking for on-site residents and would include parking space permitting for both on-site and off-site spaces.
- e. Screening: The retention of the existing conditions at the rear of this property while repurposing the property for a new use is consistent with policies of the Comprehensive Plan and will not be a change from the existing conditions.
- f. Conserved Canopy: The purpose and intent of the ordinance for tree islands directly relates to the shade and canopy needs of parking areas as well as the greater purpose of tree management in general regarding air quality, water quality, stormwater runoff, climate, scenic and design benefits, among others. The absence of a tree island reduces these benefits for this property and those adjacent and nearby.
- g. Total Canopy: The purpose and intent of the ordinance for tree islands directly relates to the shade and canopy needs of parking areas as well as the greater purpose of tree management in general regarding air quality, water quality, stormwater runoff, climate, scenic and design benefits, among others. The absence of a tree island reduces these benefits for this property and those adjacent and nearby.

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 applicant has suggested the following explanation for how this criterion applies to each

variance requested:

- a. *Lot coverage: The applicant asserts that the increase of impervious surface is a result of changes to accommodate the fire access requirements and ACC code requirements, and not merely a result of an expanded footprint for the proposed chapter house.*
- b. *Landscape area: The applicant asserts that the increase of impervious surface is offset by the utilization of previous pavement and that if such area were not calculated as lot coverage that the 35% landscape area requirement would be met.*
- c. *FAR: The applicant states that the majority of the additional building area to be created is a full basement that is fully underground and therefore not creating the visual scale associated with a larger FAR and that the resulting scale is to be commensurate with other Greek houses in the vicinity.*
- d. *Parking: The applicant asserts that the 35 spaces shown are the maximum possible on the site and an amount that satisfies the number of residents of the property, with off-site parking to be provided for chapter meetings and events.*
- e. *Screening: The applicant asserts that provision of screening on this property would necessitate removal of the existing development on site rather than retention and redevelopment, which is a policy of the Comprehensive Plan.*
- f. *Conserved Canopy: The applicant notes their tree plan for new trees.*
- g. *Total Canopy: The applicant notes their attempt to maximize the total canopy coverage with different sizes of trees.*

Staff Evaluation:

- a. Lot coverage: The increase in the size of the proposed chapter house building from the existing conditions represents about half of the overall increase in lot coverage. A reduction in the size of the proposed new chapter house would help to reduce the coverage on the lot to the amount necessary to provide for compliance with fire access and driveway width.
- b. Landscape area: A reduction in the size of the proposed new chapter house would help to increase the landscaped area on the lot and allow for additional tree canopy to be provided. While the applicant states that the proposed chapter house represents the minimum for functionality, it includes multiple separate assembly areas for dining, chapter meetings and reception hall where combined uses could decrease the size necessary. For this reason, it is not clear that the proposed plan represents the least variance possible. Additionally, the Planning Department typically counts gravel drives as impervious coverage, not pervious, because of the constant compacting of the gravel into the ground by cars.
- c. FAR: The elimination of the basement area from the FAR calculation does result in a nearly compliant result of 0.504. As a fully below-grade area that does not contribute to the scale and bulk of the development, it is reasonable to accept the proposed structure in this regard.
- d. Parking: The parking requirement is calculated from the amount of assembly space. A reduction in the amount of assembly space would result in the reduction of the amount of variance required. 6,888 square feet of assembly space is planned including spaces denoted as a chapter room, ritual room, dining/event space, living room, reception hall, TV room, study room, and conference room.
- e. Screening: The elimination of the screening requirement will allow for the retention of the existing development at the rear of this property without any degradation of the existing screening located on the school's side of the alley. Redevelopment of sites over greenfield

development is a policy of the Comprehensive Plan that this would support. Requiring the screening for even a portion of the rear of the property would eliminate this potential.

- f. Conserved Canopy: The property is existing and so are the trees to be conserved. However, staff notes that there were two trees in the front yard earlier this year that are no longer there.
- g. Total Canopy: The size of the proposed new front building is a choice of the applicant. If the building were to be built smaller, there would be more room on the parcel to plant trees.

Staff finds that the following variance requests satisfy the five criteria to justify a variance:

- c. The FAR calculation is very nearly compliant when the basement areas are eliminated from the FAR calculation. As the basement areas are fully below grade and do not contribute to the scale and bulk of the development, this adjustment is reasonable.
- e. The elimination of the requirement for screening at the rear of the subject property, where it abuts the high school property, would support the retention of the existing development on the rear of this property without any degradation of the existing screening provided by the school. This supports policies of the Comprehensive Plan without any negative impacts to the adjacent properties or area.
- f. The property is existing and so are the trees to be conserved. Staff understands that the applicant cannot conserve canopy that is not existing. Staff would note, however, that the two trees from the front yard that were existing earlier in the year should still be there to contribute to the conserved canopy.

Staff finds that the following variance requests do not meet the five criteria to justify a variance:

- a. The proposed increase is 2,948 square feet, and that is an increase to the already existing non-conformity. If this variance is granted, this would put the lot coverage on the parcel at 20.1% over the maximum allowed. A reduction in the size of the proposed new chapter house would help to reduce the impervious coverage on the lot.
- b. The decrease in landscaped area is 2,948 square feet, and that is an increase to the existing non-conformity. If this variance is granted, this would put the landscaped area on the parcel at 20.1% under the minimum allowed. A reduction in the size of the proposed new chapter house would help to increase the landscaped area on the lot.
- d. The parking proposed amounts to less than 23% of the required parking. The 154 required spaces are a direct result of nearly 7,000 square feet of assembly space. This great size is a result of the choices of the applicant and may impact the nearby properties, as no provisions are made to have any parking for anyone visiting the residents or using the assembly space beyond the 34 residents who have full apartments on site.
- g. Because the proposed new front building could be built with a smaller footprint, staff believes there could be more trees placed on this parcel that is already under the required tree canopy by a large percentage.

Overall, Staff found sufficient justification to support three of the seven requested variances.

End of Staff Report.

Zoning Criteria Considered by Staff

The following factors have been considered as set forth in *Guh 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.