

BOARD OF ZONING ADJUSTMENT (BOZA) MEETING

The Board of Zoning Adjustment for the City of Athens, Alabama, will hold a work session at 5:00 p.m., followed by the regular meeting at 5:30 p.m., this meeting will be held at the City Council Chambers at 200 Hobbs Street West, Athens, Alabama, on **Thursday, March 16, 2023** for the purpose of hearing the following applications and appeals. At this time, the applicant and all interested parties are requested to make their presence known and will be given the opportunity to be heard.

Please adhere to COVID-19 safety procedures.

Approval of Minutes – November 17, 2022

Motion: Rod Herron

2nd: Greg Skipworth

Committee Attendance:

Greg Greene

Greg Skipworth

Rod Herron

Al Wassum

Jim Ernest

Staff Attendance:

Erin Tidwell

Paige Parker

Andrea Colburn

Meeting called to order at 5:30pm by Greg G.

- Greg Greene introduced the meeting by stating the format of the meeting, that the board takes every case on a case-by-case basis, and that there's no set standard for what the board approves or doesn't approve.

Case #1.0

Request of James I. Garrett, Jr. at 110 Malone Circle, regarding an appeal in accordance with Zoning Ordinance Section 3.4.3, Zoned: TN-1 – Traditional Neighborhood 1 District.

City Planner Erin Tidwell read and described the item and the applicable zoning ordinance section. Ms. Tidwell stated that staff sees no issue with this request, as long as a time limit for the container to be on the property is established by the Board, as stated in the ZO. Committee chair Greg Greene called forward the

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person representing the item, James Garrett 110 Malone Cir, who then came before the board.

Mr. Garrett stated that he needed storage while his wife went through her "Swedish death cleaning". Mr. Garrett described what that is, and how it's applicable to the purpose of his request. Mr. Garrett stated that the container would be behind a fence and located where it couldn't be seen by others. Committee member Al Wassum asked Mr. Garrett how long the storage container would need to be present on the property, or how long Mrs. Garrett's cleaning process will take. Mr. Garrett stated that Mrs. Garrett is in Hospice care, so hopefully not long. He estimates approximately 6-9 months.

Mr. Greene opened the item for public hearing, calling forward anyone who had come to speak for or against the item. Tony Gandy (114 Malone Circle) came forward. Mr. Gandy stated that he understood the problem of storage, but the neighborhood doesn't need 20 foot storage containers, half the length of a train car, sitting at the back of every house on the street. He lives there too, he states.

Donna French (116 Malone Circle) also came forward and said she doesn't see where the storage container was to be placed. Ms. French lives south of the property, and states that when you come down Malone Street, you can see whatever is on the back of the property in question. Ms. French said that if you were to come into the subdivision from the North, that storage container would be most likely what you were driving directly toward, which she believes most people would find inappropriate for a traditional neighborhood. Ms. French believes there are many places you can rent a storage unit, and that a container on the property would be unnecessary. Also, Ms. French believes it's undesirable to the neighborhood for a 20' storage container to be sitting there for 2 years. Ms. French pointed out that Mr. Garrett and his wife have only been in the neighborhood since 2019, while she's been there for 20 years. Ms. French said that most storage containers she's seen look like the back of a semi truck, and she doesn't want to see something that resembles the back of a semi truck every time she drives into the neighborhood. Mr. French concluded that there are other options for storage; two years isn't temporary, and she's totally opposed to it.

Mr. Garrett answered Ms. French by stating that the storage container would be behind the garage, and not visible from Malone Circle. He offered to show Ms. French the map of the location. Mr. Garrett stated that the unit would be behind a fence, and yes it will look like the back of a tractor trailer, but that's what a storage unit is. Mr. Garrett stated that the two parties that spoke against his item

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were not immediately adjacent to his property, and weren't required to be notified of the meeting.

Committee member Greg Skipworth asked if any immediate neighbors were here to oppose the item, and Mr. Garrett said no. Committee member Al Wassum asked about the location and visibility of the storage container. Mr. Garrett answered that no one would be able to see it, and it would be behind a 6' fence. The only part of the container that would be visible is the top part, and it wouldn't be visible by any neighbor outside their window. Mr. Wassum asked what size the storage container would be, and Mr. Garrett answered that the container would be 8' wide, 8' tall, and 20' long.

Committee member Jim Ernest asked if Mr. Garrett would be opposed to storage off premises. Mr. Garrett said his wife wants to be able to walk into it, sort things, and put things away in the storage unit. This storage unit would provide the most accessibility for his wife. Mr. Greene asked if anyone else wanted to speak to the item with no response.

Mr. Greene called for a member of the board to make a motion. Shortly thereafter, a woman asked to speak. Mr. Greene stated that the public hearing had already closed.

Greg Skipworth motioned to approve the storage unit, for a period of no longer than 6 months, Rod Herron seconded the motion. Greg Skipworth and Rod Herron voted yes, Greg Greene, Al Wassum, and Jim Ernest voted no.

Item 1 was not approved, 3-2

Case #2.0

Request of Slim Chickens at 1814 Hwy 72 E, regarding a variance request for the number/location of signs, Zoned: B-2 – General Business District.

City Planner Erin Tidwell read and described the item and the applicable zoning ordinance section. Ms. Tidwell stated that the applicant is seeking to put signage on the east and west elevations; staff would see no issue with defining the eastern facade. Committee member Greg Skipworth asked about how a facade is defined in the zoning ordinance, and if the property is self-contained or if it would have a shared monument sign. Ms. Tidwell responded with the requested information. Ms. Tidwell defined a facade, and how much signage is permitted per size of facade. She stated that staff would see no issue with defining the eastern elevation

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of the building facing Lindsay Lane as a facade. Defining the eastern elevation of the building as a facade, and assigning signage as such, would help with building identification, and therefore traffic circulation coming off of Lindsay Lane. Ms. Tidwell also described the location's uniqueness in that the only public entrance is on the western elevation.

Committee member Greg Skipworth asked if the eastern elevation met the legal definition of a facade, and clarified with Ms. Tidwell that the eastern elevation doesn't actually face US Hwy 72, but rather Lindsay Lane. Ms. Tidwell stated that because the eastern elevation does face Lindsay Lane, it's fully visible from a main thoroughfare; the western elevation, however, doesn't face a thoroughfare. Mr. Skipworth asked if the property is self-contained or if it's a part of a larger development. Ms. Tidwell answered that it's part of a larger development in that it will have access to the development behind it, traffic will circulate through both developments, and both will share access points, but they are on separate lots. Mr. Skipworth asked if they might have a shared monument sign. Ms. Tidwell said she'd have to seek clarification from the developer, but they could if they wanted to.

Committee chair Greg Greene opened the item for public hearing, calling forward anyone who had come to speak for or against the item. Allen Renfroe, the franchise owner (7502 Hunterwood Lane, Owens Cross Roads), came forward along with Matt (who did not state his name or address) and stated that additional signage was needed on both the east and west sides of the building. He states that there's better exposure, and the main entrance, on the west elevation so they need the signage there. Mr. Renfroe mentioned that the location is sandwiched between the Lindsay Center and the bank, with the building situated further back on the property, therefore the requested signage is vital. Matt stated that additional signage is part of the company's look, and that it should be considered decor or art. Mr. Renfroe stated that it's an integral part of the brand and helps to identify it. He pointed out that the company, though they could've gone anywhere, located this store in Athens and is investing in the community. They believe in the community, and plan to hire staff from within the community, he states. The restaurant is new to the market, and so identical signage for all stores is integral to the business, and its revenue long-term.

Committee member Greg Greene stated that it's not the sign that entices a consumer, it's the product and the service. Mr. Renfroe agreed, but mentioned that those who've seen their other buildings will recognize this one because of the uniform signage. Mr. Greene said that at the Madison location he visited, he

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didn't notice the signage at all, and questioned the signage on the back ("southern at heart"). Mr. Renfroe explained the restaurant, and the southern at heart sign, is all about southern hospitality and southern culture. Mr. Greene asked if the sign was necessary on the back of the building. Mr. Renfroe said that it's not necessary, but with the shopping center behind the restaurant and with access from Lindsay Lane, the signage speaks to the brand, what the business is about, and their service model.

Mr. Renfroe addressed the question of the monument sign, and stated that because of the multi-tenant building on the adjacent lot, there will be a multi-tenant monument sign, and they will occupy a small portion of it. Committee member Rod Herron spoke to the monument sign that currently stands; Mr. Renfroe said that was the old sign from the previous tenants of the property.

Committee member Greg Skipworth stated the problem for the committee is that each of those signs on the building represents a sign that has to abide by the current zoning ordinance. Mr. Renfroe said that they were unaware at the beginning stages of development that they may not be able to get their signage approved. He said the business has already invested in this project and is getting ready to hire team members, and they may not be able to get signage that conforms to corporate standards. Out of 217 stores, this may be the first that has signage differing from the other stores. Mr. Renfroe said he loves this community, and he respects whatever decision will be made by the committee, but he believes uniform signage is critical.

Committee member Al Wassum said he understands the importance of the signage on the east elevation more so than the west elevation, and that once you're close enough to read the sign, you've already identified the restaurant. Mr. Renfroe stated that the elevation of the site is a little higher than its surroundings, so if you're traveling west, once you clear the shopping center, you'll have a full view of the western elevation.

Mr. Wassum wants to get closer to what is considered necessary signage and what is not, and suggested taking the signage off the back, where it's not immediately visible. Mr. Renfroe said they would consider taking the "southern at heart" sign off, if it would get them more consideration for the rest of the signage.

Committee member Greg Strickland stated that the board wants to accommodate some of the signage, and expressed the eastern side is crucial due to visibility. Mr. Wassum mentioned that other businesses had to go through the same process in

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regard to signage (specifically mentioning Taco Bell), and the committee is trying to compromise.

Committee member Jim Ernest asked how corporate responded when Mr. Renfroe contacted them about the signage. Mr. Renfroe said that corporate wants to see uniform signage across all stores. Mr. Strickland mentioned Chick-Fil-A had the same issue, wanting all stores to look “cookie cutter”, the problem is that we don’t have “cookie cutter” ordinances.

Mr. Renfroe believes varied signage would have a negative impact on their business and on their gross revenue. After stating the estimated square footage for the large “southern at heart sign”, Mr. Renfroe said that if taking that sign off will get them the rest of the signage, he’s fine with that and would even forgo the circular sign on one of the facades if necessary to keep some of the other decor.

Greg Greene stated that there are no more questions from the committee. Greg Strickland asked City Planner Erin Tidwell how much square footage the business is allowed now. Ms. Tidwell responded (roughly 65 sq. ft.), and stated some things to consider. First, the eastern elevation could be considered a facade because it does face a public thoroughfare; that would be staff’s recommendation. Second, Mr. Tidwell mentioned that signage on the rear elevation of the building that will face the shopping center, when erected, would be considered public thoroughfare and the signage on that side can be revisited at that time. Greg Skipworth clarified that the business can come back later to revisit signage on that side.

Committee chair Greg Greene asked if anyone else was here to speak for or against the item. When he received no answer, he closed the public hearing and called for a member of the board to make a motion. Greg Skipworth motioned to allow the city to incorporate the eastern side as a facade. Al Wassum seconded the motion.

The Board approved the request with the stipulation that only the eastern elevation can be interpreted as an additional facade, as defined within the City of Athens Zoning Ordinance. The motion was approved unanimously.

Case #3.0

Request of Midtown Centre, LLC at 197 US Hwy 31 N, regarding a variance request to allow parking within 20’ of HWY 31 Right-of Way, relating to Zoning Ordinance Section 6.1.5.D., Zoned: B-2 – General Business District.

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City Planner Erin Tidwell read and described the item and the applicable zoning ordinance section. Committee member Greg Strickland asked if this item was just an extension of what has been approved before; Ms. Tidwell said yes. Ms. Tidwell stated that an original variance request was made and granted in 2021. She went on to say that if this request were not granted, the site would not meet parking requirements. Ms. Tidwell says that staff sees no issue with this request.

Committee member Jim Ernest mentioned that dirt work has already begun on the site.

William Ming (116 N. Marion Street) spoke on behalf of the request and said they're simply coming back to request an extension of the variance that was granted back in 2021.

Committee chair Greg Greene asked if anyone else was here to speak for or against the item. When he received no answer, he closed the public hearing and called for a member of the board to make a motion. A motion was made by Jim Ernest, seconded by Rod Herron.

Item 3 was approved, unanimously.

Case #4.0

Request of Mental Health Clinic of North Central Alabama, Inc. at 1305 Elm St, regarding a special exception use request for Medium Intensity, Institutional Use (Less than 50,000 SQ FT), Zoned: R-2 – Multiple-Family Residential District.

City Planner Erin Tidwell read and described the item and the applicable zoning ordinance section, describing permitted uses within an R-2 district. Ms. Tidwell stated that the proposed use is already established in the area on the property adjacent. Therefore, staff sees no issue as long as the site is developed according to city regulations.

Cady from Morell Engineering spoke, stating that she was there to represent the item. Committee member Greg Strickland clarified that the mental health clinic wanted to conduct this project to separate pediatric from adult patients; Cady agreed, and reiterated that the new facility would be strictly for pediatric patients. No other comments were made.

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Committee chair Greg Greene asked if anyone else was here to speak for or against the item. When he received no answer, he closed the public hearing and called for a member of the board to make a motion. A motion was made by Greg Strickland, and seconded by Al Wassum.

Item 4 was approved, unanimously.

Case #5.0

Request of the Boys and Girls Club at 1017 West Washington Street, regarding a variance request for Zoning Ordinance Section 4.15 *Building Facade Requirements*, Zoned: TN-3 – Traditional Neighborhood 3 District.

City Planner Erin Tidwell described the item and the applicable zoning ordinance section. In this case, the primary occupant of the structure will be students, staff supports this request on the basis of student safety.

The committee had no questions from. Committee chair Greg Greene opened the item for public hearing, calling forward anyone who had come to speak for or against the item. Jeff Tosh (518 47th St. S Birmingham, AL 35822) spoke on behalf of the project. Mr. Tosh stated that this site will be used mostly by teenagers and this request is for their safety.

Mr. Greene closed the public hearing and called for a member of the board to make a motion. A motion was made by Jim Ernest, was seconded by Al Wassum.

Item 5 was approved, with Al Wassum, Greg Greene, Jim Ernest, Greg Skipworth voting yes, and Rod Herron recusing himself.

Motion to adjourn: Jim Ernest

2nd: Greg Skipworth

Meeting adjourned at 6:20pm



Chairman

Attest: 

Secretary