

**BOARD OF ADJUSTMENT MEETING**

**August 20, 2020**

Per the directive of Vice-Chairperson Greg Greene, this meeting was conducted pursuant to Section 3 of Governor Kay Ivey's March 18, 2020 Proclamation concerning the operation of the Open Meetings Law during the state of emergency related to COVID-19. All deliberations conducted, and actions taken, during the meeting were limited to matters within the Board of Zoning Adjustment's statutory authority that are (a) necessary to respond to COVID-19, or (b) necessary to perform essential minimum functions of the Board of Zoning Adjustment. As such, members of the Board of Zoning Adjustment participated in this meeting by means of electronic communications. Additionally, the meeting was not open to physical presence by members of the general public, but was livestreamed so that the public (including any applicant or other person interested in any agenda item) could listen, observe, and participate in the meeting without being physically present. Persons interested in doing so were able to utilize the ZOOM meeting invitation and/or meeting phone number found on the Board of Zoning Adjustment page of the City of Athens website, and contact etidwell@athensal.us with any additional questions for how to do so. No less than twelve (12) hours after the meeting, the City posted a summary of the meeting on its website.

- I. **Call to Order.** The Board of Adjustment of the City of Athens, Alabama, met in Regular session via ZOOM video conference that was open to the public on July 16, 2020 at 5:30 p.m., after a short work session.
- II. **Roll Call.** Members present: Chairperson Jerald Blaxton, Vice-chairman Greg Greene. Regular members: Jim Ernest, Al Wassum and Greg Skipworth. Alternate member Larry Burlingame was also present. Mr. Jerald Blaxton requested Greg Green to run this meeting.

Michael Griffin, City Engineer, Micah Cochran, GIS Coordinator, and James Rich, Director of Public Works, were present.

**Discussion:** Mr. Greene explained that any motion requires four affirmative votes.

Mr. Green noted that Mr. Blaxton asked him to act as the Chairperson of the meeting.

**Order:** *Next, Shane Black, the City Attorney, addressed the Board. Mr. Black provided the Board with a copy of the August 6, 2020 Final Judgment and Order of the Limestone County Circuit Court in the case of Gregg Crow; Crow's Retail, LLC v. Athens Board of Zoning Adjustment, CV No. 2019-329. That case was a de novo appeal of this Board's decision to deny Mr. Crow's application for a variance, as explained in detail in the August 15, 2019 minutes of this Board. Mr. Black reported that the Circuit Court overturned this Board's decision, thereby granting Gregg Crow's request for a variance, as stated in more detail in the Court's order. The Chairman directed that a copy of the Court's Final Judgment and Order be entered into these minutes (Attachment "A"), to reflect that Gregg Crow's request for a variance, which had been denied by this Board at its August 15, 2019 meeting, had been approved on appeal by the Circuit Court of Limestone County, Alabama.*

**III. Minutes - Resolution** Mr. Ernest offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF ATHENS, ALABAMA, that the minutes for the July 16, 2020 meeting to be approved.”

Mr. Skipworth seconded the motion. Mr. Blaxton was unavailable for the vote. The rest of the members voted unanimously for its adoption.

**Old Business:** None

**New Business:**

**IV. Public Hearing** Request of Faye Tribble for a variance to entirely eliminate the 8-foot side yard setback requirement in Zoning Ord. Item 6.1.7.A(5) for a carport built beside a primary structure to meet the setbacks for the primary structure at 511 Chandler St, in a TN-2 Traditional Neighborhood 2 District.

Mr. Griffin noted that staff does not see a hardship. There are other instances of carports being built in the general vicinity. Zoning Ord. para. 6.1.7.A “A garage or carport may be located beside a primary structure, but must meet the side setbacks applied to the house.” This carport would not meet those requirements.

Faye Tribble, applicant at 511 Chandler Street, requested this for security and safety. There has been additional foot traffic and crime in the neighborhood. Due to her profession, she works late hours which she is in and out. Her age was also a factor. Proposing an open carport without walls. She is open to altering the roofline.

Mr. Wassum: What is your profession?

Ms. Tribble has a drug testing business. She does post accident testing, which happens all hours of night.

Mr. Ernest: Have you considered putting the carport behind your home?

Ms. Tribble: The back yard has trees in it and the trees would have to be removed.

Mr. Rich: Mac Martin and I looked at this several years ago and there is not enough room to turn a car when a garage/carport is placed behind the house.

Mr. Wassum: Did you send letters to the property owners?

Ms. Tribble: Yes

Mr. Wassum: Any responses?

Ms. Tribble: Only positive responses.

REQUIRED COVID-19 MEETING SUMMARY  
THESE ARE NOT APPROVED MEETING MINUTES  
THESE ARE NOT INTENDED TO REPLACE OFFICIAL MEETING MINUTES

There being no other comments, the public hearing was closed.

**V. Resolution.** Mr. Skipworth offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF ATHENS, ALABAMA, to approve the request of Faye Tribble for a variance to entirely eliminate the 8-foot side yard setback requirement in Zoning Ord. Item 6.1.7.A(5) for a carport built beside a primary structure to meet the setbacks for the primary structure at 511 Chandler St, in a TN-2 Traditional Neighborhood 2 District..”

Mr. Wassum seconded the motion. Mr. Blaxton voted yes, but noted that it was on the condition that gutters be added to the carport in order to not drain water onto the adjoining property owner. All members voted yes and the motion passed unanimously.

**VI. Order.** There being no further business, the meeting was adjourned.

\_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary