

BOARD OF ADJUSTMENT MEETING

September 17, 2020

Per the directive of Chairman Jerold Blaxton, 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 August 17, 2020 at 5:31 p.m., after a short work session.

II. Roll Call. Members present: Vice-Chairman Greg Greene, Jim Ernest, Al Wassum and Greg Skipworth. Alternate member Larry Burlingame was also present. Mr. Green conducted the meeting in the absence of the Chairman.
Members absent: Chairman Jerold Blaxton.

Micah Cochran, GIS Coordinator, and James Rich, Director of Public Works, were present.

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

IV. Minutes - Resolution Mr. Wassum 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 August 20, 2020 meeting to be approved.”

Mr. Skipworth seconded the motion and the motion passed unanimously.

Old Business: None

New Business:

REQUIRED COVID-19 MEETING SUMMARY
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- V. **Public Hearing.** Request of Chris Mitchell for a variance to place a 32 square foot detached sign for N2VINL, a home occupation, at 18559 Jefferson St. in an R-1-1 Low Density Single Family Residential District.

Mr. Cochran advised. Staff did not recommend the request.

The applicant was not present at the meeting.

There being no comments, the public hearing was closed.

- VI. **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, to table the request of Chris Mitchell for a variance to place a 32 square foot detached sign for N2VINL, a home occupation, at 18559 Jefferson St. in an R-1-1 Low Density Single Family Residential District.”

Mr. Green called for second three times, motion failed for lack of a second. Mr. Green clarified that another motion could be made.

Mr. Green called for a motion three time, the case failed for a lack of a motion.

- VII. **Public Hearing.** Request of Discount Tobacco Outlet at 1105 Jefferson Street South for a variance to the maximum height of a detached sign for 2 additional feet, which will have a total height of 12 feet, and the zone TB Traditional Business District allows for maximum height of 10 feet.

Mr. Cochran advised. Staff recommended the request.

Cherie Hobson, 1105 Jefferson Street South, did not realize there would be an issue when trying to replace the sign. This was a position that was a meet in the middle. A taller sign would be an obstacle to vandalism. The business has experience vandalism before.

Cady Stewart, 17156 Stella Street, believes this is a reasonable request.

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

- VIII. **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 Discount Tobacco Outlet at 1105

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Jefferson Street South for a variance to the maximum height of a detached sign for 2 additional feet, which will have a total height of 12 feet, and the zone TB Traditional Business District allows for maximum height of 10 feet.”

Mr. Burlingame seconded the motion and the motion passed unanimously.

- IX. Public Hearing.** Request of Chipotle Mexican Grill at 1289 US Highway 72 East for a variance to reduce the minimum off-street parking requirements by 7 spaces from the required 35 parking spaces, thus providing 28 off-street parking spaces, zoned B-2 General Business District.

Mr. Cochran advised. Options were explored to try to expand the parking. Staff recommended the request.

Shawna Firman, 8826 Santa Fe Drive, Kansas City, Missouri, Architect, spoke that she is unsure where additional parking could go.

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

- X. 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, to approve the request of Chipotle Mexican Grill at 1289 US Highway 72 East for a variance to reduce the minimum off-street parking requirements by 7 spaces from the required 35 parking spaces, thus providing 28 off-street parking spaces, zoned B-2 General Business District.”

Mr. Skipworth seconded the motion and the motion passed unanimously.

- XI. Public Hearing.** Request of Gregg & Reene Hodges at 405 Jefferson Street North for Variance to reduce the rear setback by 12.5 feet, so as to build within 7.5 feet of the property line, the zone HN Historic Neighborhood District requires a 20 foot rear setback for a detached house.

Mr. Rich advised. This new garage could be built if it were detached from the house by 5 feet, which would allow it to be 5 feet from the rear property line. Staff recommended the request.

Gregg & Reene Hodges, 405 Jefferson Street North, spoke that they want to remove the exterior shed/garage and want an option that provides some relief.

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

XII. 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 Gregg & Reene Hodges at 405 Jefferson Street North for Variance to reduce the rear setback by 12.5 feet, so as to build within 7.5 feet of the property line, the zone HN Historic Neighborhood District requires a 20 foot rear setback for a detached house.”

Mr. Ernest seconded the motion and the motion passed unanimously.

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

Chairman

ATTEST: _____
Secretary