

Call to Order. The Board of Zoning Adjustments of the City of Athens, Alabama met in Regular session in the City Council Chambers on September 21, 2023 at 5:36 PM, after a short work session. Greg Greene called the meeting to order and explained the order of the meeting.

Roll Call. Board Members Present: Greg Greene, Al Wassum, Greg Skipworth, and Larry Burlingame. Erin Tidwell, City Planner, along with Paige Parker, Planner were also present.

Minutes. Al Wassum offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF ATHENS, ALABAMA, that the minutes for the June 15, 2023 meeting be approved.”

Larry Burlingame seconded the motion, and the vote was unanimous of the voting members present.

Old Business: none

New Business:

- I. **Public Hearing.** Request of Steve Hobbs, S and T Properties, LLC regarding a variance to Zoning Ordinance Section 4.21 to allow for multi-family parking on the front or side of the building, located at 1037 West Washington Street and zoned TN-2 – Traditional Neighborhood 2 District.

City Planner Erin Tidwell described the request and the applicable Zoning Ordinance section. Staff doesn't understand how this meets the criteria of a hardship as defined by the Zoning Ordinance. There are eight requirements a request must meet in order to be considered a hardship, per the Zoning Ordinance. Staff therefore does not recommend the approval of this request.

Mr. Greene asked if there was anyone present to speak in favor of or against this request. Steve Hobbs (1037 W. Washington St.) came forward. Mr. Hobbs stated that ten people per day are moving into Limestone County, and there isn't enough room. Mr. Hobbs would request parking in the front, and said that if there's anything he could do to make it better, he'd do it. If Erin or the City asked him to do something else, he'd fix it right, he stated. Mr. Hobbs doesn't believe anyone could back out onto that fast road; he'd have to make it where they could pull out instead.

Amanda Schulte (1036 W. Washington St.) explained that this is a mature area with large lots, and the residents in the area have been there a long time. Ms. Schulte said the types of structures being proposed by Mr. Hobbs are geared toward certain types of clientele that the other residents do not necessarily want. Ms. Schulte further stated that they've pulled some of Mr. Hobbs's other properties and out of all of them, there's only two she would even want as neighbors. Some properties were not well taken care of, Ms. Schulte explained, and one of them had plywood in

the window. Ms. Schulte concluded by stating she's concerned about the integrity of the properties in the area, and is opposed to Mr. Hobbs's request.

Donna Hill (1035 W. Washington St.) stated that she is against Mr. Hobbs's request. Ms. Hill said that if there's zoning in place that is in keeping with the integrity of the neighborhood, that zoning should be kept in place. Ms. Hill is not against a single duplex or quadplex, if the zoning allows for it, as long as it fits the requirements within the Zoning Ordinance.

Ms. Hill stated something like what is being proposed by Mr. Hobbs isn't something she'd like to see. She explained that the neighborhood has gone through somewhat of a renewal; there's lots of homes being updated or remodeled. Her home, she explained, is one of those. Ms. Hill would like to continue improving on her home, but if Mr. Hobbs's development progresses, she'd want to sell or rent her home and she herself would move to an area where zoning requirements are upheld.

Ms. Hill would like to see the setbacks kept as they are and in compliance with zoning regulations. Ms. Hill stated that she too has seen some of Mr. Hobbs's rental properties, and believes the properties that are within the city limits should be kept in compliance with zoning requirements by the landlord. Ms. Hill reiterated that she is not opposed to something that is structured correctly for the zoning area.

Ms. Hill doesn't believe that any variances should be granted, and believes that this property isn't substantial enough to hold as many duplexes as is being proposed. She said that down the street, there was an area large enough to accommodate a neighborhood and she's okay with that. Ms. Hill said she's okay with rental property as long as the landlord ensures tenants uphold what it's supposed to look like in the area it's zoned for. Ms. Hill has a petition with several signatures for the Board's review, if they'd like to see it. She reiterated that she would like to continue seeing a regrowth in the area.

Glenys Robertson (1033 W. Washington St.) came forward. She explained that she's lived in her home for twenty or twenty-five years. She and her husband are present in opposition to this request. Ms. Robertson asked when the rezoning starts, where is it going to stop? She explained that Washington Street is already a busy one. Almost every day, Ms. Robertson stated, she looks out and sees trash on her property where people go by and dump their stuff. Again, Ms. Robertson asked, once this area is zoned for multi-family, where is it going to stop?

Mr. Greene spoke at this time to inform Ms. Robertson that the zoning wasn't being changed. He explained that the proposal for the Board is in reference to the front or side parking as opposed to rear parking for a duplex. Mr. Greene stated the Board is not hearing or approving any rezoning requests or site plans.

Mr. Skipworth asked if the Planning Commission had already voted on permitting this use for that area.

Ms. Tidwell explained that in a TN-2 district, a duplex is a permitted use by right. Ms. Tidwell said that not far from this location on Washington Street, a duplex development is in process, but the developer had enough property to subdivide it into individual lots. This would allow the developer to place a single duplex on each lot. Ms. Tidwell also said that the developer does intend to meet the requirements of duplexes in a traditional neighborhood, and is building a street that will be dedicated to the city where the duplexes will face the roadway. Ms. Tidwell further said that we're not rezoning anything or approving a site plan with this request, we are only looking at parking and building orientation.

Larry Nelson (100 Buchanan Ct.) came forward. He stated that he's lived in his home since 1978. When he first moved there, Mr. Nelson explained, it was a typical middle-class neighborhood. Over the years, many nearby residents moved to the east side. Mr. Nelson said that a lot of the homes became rental properties. When you start changing the property to rental property, the neighborhood changes, Mr. Nelson said. A lot of renters don't care what the property looks like or how they treat the property.

Mr. Nelson also said that there are a lot of property line issues in his neighborhood. Both he and his neighbor have had multiple surveys, and none of the surveys come up with the same property lines. Mr. Nelson has a shop directly behind where Mr. Hobbs intends to build his buildings. Mr. Nelson stated that very few people even know his shop is there because it's landlocked and bordered by residential property. Mr. Nelson said that with four buildings constructed there, and people moving in and out, you'd never know who was living there. Mr. Nelson stated that a regular house or a single duplex facing the road would be fine with him, but he is opposed to what Mr. Hobbs is proposing.

Darlene Lee (401 Christopher Dr.) came forward. Ms. Lee stated that based on the information she's heard, she is opposed to a variance being granted.

Jarrold Schulte (1036 W. Washington St.) came forward. He'd like to reiterate everything that everyone else has already stated. Mr. Schulte stated if this gets approved, what's next? Mr. Schulte said they are trying to maintain the integrity of the neighborhood. This is very small property, said Mr. Schulte, and it seems that the intent is to put as much stuff as they can on it. He also said that the looks of it would destroy the integrity of the neighborhood. His residence is almost one hundred years old, and other homes in the area are older as well. Mr. Schulte believes that what Mr. Hobbs is proposing doesn't fit with the rest of the neighborhood.

Resolution. The following resolution was put forth before the Board:

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 4.21.

Mr. Greene asked three times if a member of the board would make a motion to approve the request. A motion was not made by any member of the Board. Therefore, the request failed

due to lack of a motion.

- II. Public Hearing.** Request of Steve Hobbs, S and T Properties, LLC regarding a variance to Zoning Ordinance 6.1.11(A) in regards to building orientation located at 1037 West Washington Street and zoned TN-2 – Traditional Neighborhood 2 District.

Ms. Tidwell described the request and the applicable zoning ordinance section. She explained that this is the same property discussed with the last request. Ms. Tidwell stated that Staff doesn't understand how this request meets the criteria of a hardship and therefore Staff doesn't recommend approval of this request.

Mr. Greene asked Ms. Tidwell if the lack of a motion on request number one would not rule out this request as well. Ms. Tidwell answered that technically, these are two separate requests.

Donna Hill (1035 W. Washington St.) came forward. She reiterated that she is opposed to this request. Ms. Hill said she wants this development to follow what a TN-2 zoning should be and look like. Ms. Hill said that she'd like to see young families move into the area and the homes there remodeled. Ms. Hill would like to keep the neighborhood as it is and as it's zoned.

Mr. Skipworth took a moment to explain that the Board is not voting on the existence of the buildings. All the Board is discussing is where the parking is going to be and which direction the buildings will face.

Amanda Schulte (1036 W. Washington St.) came forward. She reiterated that she, too, is opposed to this request. Ms. Schulte would like to keep the integrity of the neighborhood.

Resolution. The following resolution was put forth before the Board:

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, that the board does hereby grant a variance from Zoning Ordinance 6.1.11.A.

Mr. Greene asked three times if a member of the board would make a motion to approve the request. A motion was not made by any member of the Board. Therefore, the request failed due to lack of a motion.

- III. Public Hearing.** Request of Dan Mankins, Premier Structures, Inc. regarding an appeal of Zoning Ordinance Section 6.1.2(A) for property located at 107 Shaw Street and zoned TB - Traditional Business District.

Ms. Tidwell described the request and the applicable zoning ordinance section. Ms. Tidwell stated that this request is seeking clarification from the Board on the aforementioned Zoning Ordinance section.

Mr. Skipworth asked if the Board is being asked for two things or one. Ms. Tidwell explained that they're asking whether sight design standards should be included with the building design standards.

Dan Mankins with Premier Structures came forward. Mr. Mankins explained that his question when reading this Zoning Ordinance section was the applicability to the building design standards. He went on to say that what the owner is intending to do would not affect any of the building and site design standards. Essentially, a porch is being added to an engineered steel building. Mr. Makins said that this Zoning Ordinance section should be amended so that it's not as vague or difficult to discern. Mr. Mankins believes a new statement is being made when the Ordinance reads that for expansions or alterations the building design standards apply when it's over 50% of the existing building. His understanding is that since this is only 25% the size of the existing building, none of the building or site design requirements would apply.

Mr. Skipworth agrees that this section can read ambiguously toward the end. What the Board cannot do is take cost into account. Although cost is typically a primary factor of concern for the applicant, according to the statute, the Board cannot take that into consideration. Mr. Skipworth clarified that the building design portion of this section isn't being taken into consideration, only the site portion. Ms. Tidwell agreed.

Mr. Skipworth clarified that the Board was not being asked anything about building standards, but the site standards, which is what the Board is to provide clarity on. Ms. Tidwell and Mr. Mankins agreed.

Mr. Mankins stated that if the language was ambiguous, the Board would have to make that determination on the next project. Mr. Skipworth answered that the Board is allowed to interpret it, and can suggest to the Planning Commission that they change the wording of the document for future reference. Until then, it's open for interpretation as it's applicable to each case.

Ms. Tidwell stated that it's up to the Board to determine how this section is interpreted. Mr. Skipworth said it's now up to them to make a decision on how to interpret this section. Ms. Tidwell agreed.

Mr. Skipworth made a motion that in reference to the applicant and this particular instance, the Board interpret the Ordinance to mean that the applicant does not exceed 50% of the building standards and that the site plan would not apply in this case.

Resolution. Greg Skipworth offered the following resolution and moved its adoption:

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, that in reference to this petition, the Zoning Ordinance, Section 6.1.2(A), be interpreted as such that the applicant does not exceed 50% of the building standards, and that the site plan would not apply in this instance.

Larry Burlingame seconded the motion, and the motion passed unanimously of the voting members present.

- IV. **Public Hearing.** Request of Center Pointe Athens Partners, LLC regarding a variance to Zoning Ordinance Table 6-7 to allow for a six square foot residential identification sign per building located at 16305 Athens-Limestone Blvd. zoned: R-2 - Multiple-Family Residential District.

Ms. Tidwell described the request and the applicable zoning ordinance section. Ms. Tidwell presented submissions from the applicant showing what the required signage would look like as opposed to what the applicant is requesting. Given the scale of the buildings, Staff sees no issues with this request and believes the larger signage would also assist

Raymond Jones (5005A Garth Rd. Huntsville, AL) spoke on behalf of the request. He thanked the Board for their time and stated he believes Ms. Tidwell did a great job explaining the logic and reasons behind this request. Mr. Jones doesn't believe this ordinance was written with a complex of this size in mind.

Mr. Greene asked where the signs would be located within the development. Mr. Jones responded, and stated that the signs would assist in directing emergency services.

Mr. Burlingame asked if this development is gated. Mr. Jones answered that it was.

Mr. Greene asked if the development has elevators. Mr. Jones responded that there is an elevator in each building. Mr. Greene then asked if the elevator would accommodate a stretcher. Mr. Jones assumes so; they are standard cab elevators.

Resolution. Larry Burlingame offered the following resolution and moved its adoption:

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, that the board does hereby grant a variance from Zoning Ordinance Table 6-7.

Al Wassum seconded the motion, and the motion passed unanimously of the voting members present.

- V. **Public Hearing.** Request of Center Pointe Athens Partners, LLC regarding a variance to Zoning Ordinance Section 6.8.13.K to allow for one additional 32 square foot temporary sign for property located at 16305 Athens-Limestone Blvd. zoned: R-2 - Multiple-Family Residential District.

Ms. Tidwell described the request and the applicable zoning ordinance section.

Mr. Greene asked about the twenty-one day lifespan of a temporary sign. Ms. Tidwell answered that the twenty-one days would begin the day the application was approved.

Raymond Jones (5005A Garth Rd. Huntsville, AL) spoke on behalf of the request. Mr. Jones asked Ms. Tidwell if he could reapply for the temporary sign every twenty-one days while leaving the sign intact. Ms. Tidwell answered that it would be at the discretion of the Board.

Mr. Jones said he'd like to ask if the Board would consider an extension for the amount of time the sign can be left up. To have temporary signage displayed with their website and QR code on it would be important to this development. Mr. Jones understands that they are allowed two temporary signs by right, but having a third would be very beneficial. Mr. Jones asked if the twenty-one day limit on temporary signs could be extended as long as they are continuing to obey the regulations governing the signage.

Mr. Greene asked where the signage would be located. Mr. Jones said they're still working out the details. The signs may be placed on the structures themselves while they are still under construction or on the construction fencing. Mr. Jones would like to place the signs where they are visible to the public.

Mr. Wassum asked how far into the project Mr. Jones was. Mr. Jones answered that they're very far along. Athens Utilities is who he's dealing with at the moment.

Mr. Skipworth asked what the estimation for completion is now. Mr. Jones answered that based on what Utilities told him today, February.

Mr. Skipworth asked if the need for additional signage would be lessened once units are being leased. Mr. Jones answered that this is a lengthy process.

Ms. Tidwell stated that Staff was recently on site, and anticipates that the development is close to completion.

Mr. Skipworth asked Ms. Tidwell if the Board could amend the time the additional sign can be displayed for. Ms. Tidwell recommends that the Board, in their decision, give a timeframe for how long the additional sign can be displayed.

Mr. Skipworth clarified that the applicant could then go through Ms. Tidwell every 21 days rather than having to come back before the Board.

Resolution. Greg Skipworth offered the following resolution and moved its adoption:

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 6.8.13.K, approving an additional sign to be displayed for a period of one year beginning this date. Additionally, upon the twenty-one day expiration, the applicant is permitted to seek reapproval through Staff rather than coming back before the Board.

Larry Burlingame seconded the motion, and the motion passed unanimously of the voting members present.

- VI. **Public Hearing.** Consider for recommendation to the Planning Commission the request of the Engineering Services and Community Development Department for the proposed amendments to the Zoning Ordinance of the City of Athens.

The following is a summary of the nature and scope of the proposed changes to the Zoning Ordinance (hereafter referred to as "Summary of Zoning Ordinance Changes"). The proposed changes would:

- amend *Table 6-9: Sign Position, Density, Area, and Height by District* of the Zoning Ordinance to modify business center signs to have 1 sign per frontage road, not to exceed 3 signs;
- amend the "Business center sign." definition within §9.2. Definition of Specific Terms and Words of the Zoning Ordinance to update the following terminology to be, "An on-premise detached sign which identifies a complex of two (2) or more occupants or tenants on the same lot, tract of land, or within the same named development."

Ms. Tidwell described the request. If the Board sees fit, this request would be forwarded to the Planning Commission for approval.

Resolution. Larry Burlingame offered the following resolution and moved its adoption:

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, that the board does hereby recommend to the Planning Commission the proposed amendments to the Zoning Ordinance of the City of Athens.

Greg Skipworth seconded the motion, and the motion passed unanimously of the voting members present.

VII. **Annual Business.**

- A. Election of chair
- B. Election of vice-chair
- C. Approval of the 2024 BZA Calendar

- A. Mr. Skipworth nominated Mr. Greene as Board Chair. Larry Burlingame seconded the motion. Mr. Greene abstained from the vote. All other voting members present voted in the affirmative. Ms. Tidwell stated that because there were only four members present, Mr. Greene wouldn't be able to abstain from the vote. Mr. Greene voted in the affirmative. The motion was approved unanimously.

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, does hereby vote Mr. Greg Greene as Chair.

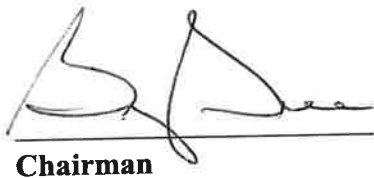
- B. Mr. Burlingame nominated Al Wassum as Board Vice-Chair. All voting members present voted in the affirmative. The motion was approved unanimously.

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, does hereby vote Mr. Al Wassum as Vice-Chair.

- C. Greg Skipworth motioned to approve the 2024 BZA Calendar. Larry Burlingame seconded the motion. All voting members present voted in the affirmative. The motion was approved unanimously.

THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on September 21, 2023, does hereby approve the Board of Zoning Adjustments 2024 Calendar.

Meeting adjourned at 6:30pm



Chairman

Attest: 
Secretary