

MINUTES OF THE MEETING

Athens Board of Zoning Appeals
July 17, 2019
9:00 AM
Conference Room

ROLL CALL

MEMBERS PRESENT

Chairman Tom Hamilton
John Coker
Randy Heafner

MEMBERS ABSENT

Kenny Charles
Ralph Fenton

OTHERS ATTENDING

Anthony Casteel
James Cherry
C. Seth Sumner

Approval of Minutes

Approval of the June 19, 2019 Regular Meeting minutes.

1. Approval of the June 19, 2019 Regular Meeting minutes

The minutes of the June 19, 2019, meeting was approved on motion by John Coker; seconded by Randy Heafner; vote – unanimous

Old Business

There was no old business to discuss.

New Business

- 1. Use on Review Request-** by Michael Todd Henderson for one (1) Multi-Family Residential Dwelling on a parcel shown as Tax Map 056M Group D Parcels 035.00 located at 110 ½ East Washington Avenue zoned B-2 Central Business District.

Chairman Hamilton swore Mr. Cherry (representative for Mr. Henderson) in. He said they had some questions that he hoped Mr. Cherry would be able to answer. Chairman Hamilton said the building address that they are talking about, is currently where Carriage Hill Insurance Company is located at the bottom. However, they are talking about the top half of the building. Mr. Henderson owns both top and bottom. He asked Mr. Cherry if both properties are owned by Mr. Henderson. He asked if that property included some vacant space and a parking area in the back.

Mr. Cherry said he has five spaces rented in the back from someone in the back of the parking lot.

Chairman said the Code requires at least three.

Mr. Cherry said he (Mr. Henderson) thinks he has five.

Chairman Hamilton asked if that was going to be an apartment for one family.

Mr. Cherry said no, it was probably going to be housing for TWU (Tennessee Wesleyan University) students. He's got three girls that are interested in it now.

Chairman Hamilton said based on the floor plan that was included in the application, they are going share the living room, bathroom, and the kitchen and rent the three rooms out one at a time.

Mr. Cherry said yes. The living room, study, kitchen, and bathroom are considered common areas. It would be like having a three-bedroom, one bath house.

Chairman Hamilton asked how they get in from the street.

Mr. Cherry said the stairs. There is door on front that goes to up the steps to stairs under the study. It is already there.

Chairman Hamilton asked if the door will center the living room.

Mr. Cherry said yes.

Mr. Coker said their concern is that they are going to wind up with or potentially wind up with another place like he (Mr. Cherry) is currently remodeling.

Mr. Cherry said he did think they would have worry about that at all. He said it is for housing for TWU for the most part.

Mr. Cherry said Mr. Henderson's only purpose is to rent to TWU students.

Chairman Hamilton said the problem is that he is not going to own that building forever.

Mr. Cherry said right now it could be offices, it does not necessarily have to be for apartments, they just want the zoning changed so that they will be able to do so.

Chairman Hamilton said he was all for him being able to maximize his business. There are only two things happen to any property; they either sell or they burn down. At some

point and time Mr. Henderson is not going to own that building. You never know about anything.

Mr. Cherry said he did not think they need to hinder anyone from trying to improve the City.

Mr. Coker said he agrees with that 100% but they have to look out for the citizens, the type of improvement, and what could potentially happen.

Mr. Cherry he agrees there are some ordinances that should be made for slum-lords and sleep houses and things of that nature. You don't want to handicap people just because others are taking advantage of things.

Mr. Sumner said they are all friends and they can trust what Mr. Cherry is doing and what the owner wants to do. He thinks the point the Chairman is trying to make, is when you write a contract with somebody, you are writing it generally as friends, but you write the contract in case of you are not friends anymore, that is how you are able to protect your interest. That is what they are trying to accomplish here. They have some more buildings like that and there is a little you can write in an ordinance that has enough teeth in it to clean that up. They are just trying to keep from getting into that and leave that kind of legacy. This is a high-end product, but nobody knows what is going to be tonight and tomorrow or 100-years from now.

Mr. Cherry asked if there was nomenclature in the zoning of this building that they put that says it can only be used for high-end apartments. He said that is what he would do, put provisions in there. The owner has a lot of money in the building below it and he does not want anything above him that is going to deter that. If the zoning committee could look at it and say he is going to do apartments, and any changes to that outside of bringing these three bedrooms for apartments for anything, whoever will have to come back to the Board.

Mr. Coker said Mr. Cherry almost said what he really wanted to hear. He asked if there was any way to write this or put a stipulation on the deed or on the agreement that it would be for TWU use only.

Mr. Cherry said he did not want to handicap the owner. He is not obligated to even say that, but he thinks Mr. Coker wants to say to prevent it from going to a sleep room or slumlord or low-income property, that maybe that could be put into effect. No Section 8 housing or anything like that, the owner would be fine.

Chairman Hamilton said they can only approve what current zoning ordinances say; they can approve or disapprove based on the current ordinance. They support Mr. Henderson and Mr. Cherry for doing this. The ordinance needs to be written such that

prevent this in the future. He said as a real estate broker you cannot say this is for college students because it is age discrimination.

Mr. Coker said any way you work it, it will be discrimination.

Mr. Cherry said he thinks as a community they should embrace and opportunity like this. They want to keep these people that are going to school here, here.

Chairman Hamilton said they as a group certainly support that idea.

Mr. Casteel asked if the plan had already been sprinkled.

Mr. Cherry said yes.

Chairman Hamilton asked if the downstairs had been sprinkled.

Mr. Cherry said just the living quarters is all that is required according to Mr. McConkey.

Mr. Coker asked if there were two ways out.

Mr. Casteel said it had to be sprinkled because there were not two-ways out.

Mr. Coker said based on the testimony that Mr. Cherry has given, do they want to table this and bring Mr. Henderson in for a one-on-one.

Chairman Hamilton asked if he wanted to bring Mr. Henderson in and ask these questions. He did not think the testimony changes based on who is saying it.

Mr. Coker said if Mr. Cherry vouches for Mr. Henderson's credibility, he would take his opinion of this gentleman of being and honest businessman.

MOTION: To approve the application as stated.

MADE: John Coker
SECOND: Randy Heafner
VOTE: Unanimous
MOTION PASSED


Tom Hamilton, Chairman