

MINUTES OF MEETING

Athens Board of Zoning Appeals

January 15, 2020

9:00 AM

Conference Room

Roll Call

MEMBERS PRESENT

Chairman Tom Hamilton
Kenny Charles
John Coker

MEMBERS ABSENT

Randy Heafner
Ralph Fenton

OTHERS ATTENDING

Anthony Casteel
Gene McConkey
Scott Leamon

Approval of Minutes

Approval of the November 20, 2019 Regular Meeting minutes

The minutes of the November 20, 2019, meeting minutes were read and approved on motion by Kenny Charles; seconded by John Coker; vote – unanimous

Old Business

There was no Old Business to discuss.

New Business

1. Election of Officers

The Board agreed to hold off on election of officers until the next meeting.

- 2. Variance request** by Scott Leamon and Kelly Bethany Crabtree Davis for a ten (10) foot side yard setback variance on both new lots for a proposed plat on parcel shown as Tax Map 066H Group A Parcel 074.00 and addressed as 804 South White Street Zoned B-3 Intensive Business District.

Chairman Hamilton swore in Mr. Leamon. Chairman Hamilton said Mr. Leamon was buying the old Mason's Big M, building and he already owns the lot on the south side of it.

Mr. Leamon said yes, and he owns Lot #1 behind it.

Chairman Hamilton said what they are looking at is, dividing that property along that easement or right-of-way.

Mr. Leamon said it is a 20-foot right-of-way.

Chairman Hamilton said it will be a variance for a side setback for essentially both of those buildings, Smalls and the old supermarket.

Mr. Casteel said it will be a setback for the plat.

Mr. Charles asked if it was considered building for a building setback.

Mr. Casteel said if it's over roof, the roof has to meet setback. If it was a deck, it would not matter.

Mr. Coker asked if he owned Smalls and the two houses.

Mr. Leamon said he does not, and he does not have them under contract.

Chairman Hamilton said Mr. Leamon had a letter from the Smalls' people, Kelly, Beth, and Austin Davis, the owners.

Mr. Coker asked if the people who owned Smalls' owns both buildings right now and if he is purchasing that lot right now.

Mr. Casteel said yes.

Mr. Leamon said those two old houses are gone.

Chairman Hamilton asked if they were going to have to abandon lot lines.

Mr. Casteel said no, they are trying to create a new lot line. He said he will have a legal lot there.

Chairman Hamilton said that could not be legal, there are no setbacks at all.

Mr. Casteel said that was existing.

Chairman Hamilton said he thought they were creating a new lot.

Mr. Casteel said the lot that they are creating new, they have to fix. It is like when they have two houses and those encroachments on the side setback, they are grandfathered in except the new lot line has to meet the current regulations.

Mr. Coker said since he owns the other lot right there, then they could just abandon the lot line that he showed on the plat and it all becomes one including.

There was more discussion.

Mr. Coker asked who was asking for the variance.

Mr. Casteel said they both are. He told Mr. Leamon, what it would require is for him to grant a ten-foot side variance on both new lots once they get the subdivision plats from Christian Medders, which he will bring to the Planning Commission because of this same issue but the variance will already have been approved.

Chairman Hamilton said the state law that says if they have two adjoining lots is for substandard lots.

Mr. Casteel said it is actually in the zoning code.

Chairman Hamilton said it is state law.

Mr. Coker asked what would make it substandard.

Mr. Casteel said if it did not have the right frontage or if it didn't have the minimum square footage.

Chairman Hamilton said it is not substandard in the respect anyway because it has long existing, he would think it is grandfathered.

Mr. Charles said by doing this, neither of the lots will be substandard.

Mr. Casteel said right, you have to have 100-foot of width and 10,000 square feet, and both of these will still meet that.

Chairman Hamilton asked if they will have density issues also.

Mr. Casteel said it is still existing. He said drawing this line does not change anything, it makes it fluid.

There was more than one conversation taking place simultaneously.

Chairman Hamilton asked if this lot fronted on Knight Street.

Mr. Casteel said yes, that is why that triangle is there at the edge of the street.

MOTION: To approve the request.

MADE: John Coker

SECOND: Kenny Charles

VOTE: Unanimous

MOTION PASSED

Mr. Casteel said that Mr. Medders can do the plat, but once again even though it is two lots, and because of the variance they will take it to the Planning Commission. He will not ask Mr. Curtis to sign it administratively. He will take it to the Board so that they can pass it.

Chairman Hamilton said a two-lot subdivision can be administratively approved and does not have to come to the Planning Commission.

Mr. Leamon asked if he could close on that parcel.

Mr. Casteel said not until the Planning Commission approves the parcel.

Chairman Hamilton said he could close if he wants to close, but it is not approved until he comes to the Planning Commission which is the first Monday in February.



Tom Hamilton, Chairman