

MINUTES

Athens Board of Zoning Appeals

September 16, 2020

9:00 AM

City Council Chambers

ROLL CALL

MEMBERS PRESENT

Chairperson Tom Hamilton
John Proffitt
Wesley Kite
Kenny Charles

MEMBERS ABSENT

Dick Pelley

OTHERS ATTENDING

Anthony Casteel
Gene McConkey
Chief Brandon Ainsworth
C. Seth Sumner
Jane Roberts
James Roberts

Approval of Minutes

The minutes of the August 19, 2020, meeting were read and approved on motion by John Proffitt; seconded by Kenny Charles; vote – unanimous

Old Business

There was no old business to discuss.

New Business

1. **Use on Review request** by David W. Roberts Family General Partnership, for 24 inclusive apartment units on a lot shown as Tax Map 055 Parcel 109.00 located on Congress Parkway zoned B-3 Intensive Business District.

Ms. Roberts said they will be purchasing the Brownsey Property on 2.9 acres with road frontage on Congress Parkway and they are looking at 24 two- or three-bedroom units.

Chairperson Hamilton asked if Beth Fry was one of the daughters of Ms. Brownsey and someone answered yes.

Mr. Casteel said right now they are not at the site plan level and a lot of stuff they talk about is, even though they are asking for 24-units, all Staff is approving is six, and that's what Code requires. It will depend when they come to the site plan review, how much they can actually do, if they can meet the parking requirements because what they submitted, would meet for a three-bedroom and they still have to do stormwater. There are still issues with the ingress and egress. He said they sent a revised plan that actually shows the turnaround for the fire department. Those might be approved at a site plan level, but they do not know. It does show an effort to show it can't be done on the site. All that stuff will come out when they come through to pull the permit and issue the site plan before they get the permits. They will issue site plan before they issue the permits. Right now, they don't have a problem with use, they think it fits in well with the area, there's already apartments there, they are going to tie it into the R-3 development that is right behind it and there's also apartments across Rocky Mt. as well.

Chairperson Hamilton said all they are being asked to approve is the use.

Mr. Casteel said they are going to be able to add at least six inclusive apartments to the list to the plan that they already can do. They deal with them on the site plans just like always.

Chairperson Hamilton asked if their intentions were to incorporate Parcel 109 in with 106 and make that all one tax parcel.

Mr. Casteel said what the Chairperson is asking is would they ever want to abandon the other property where it becomes a part of the other and becomes one big piece of property instead of two separate parcels.

Mrs. Roberts said it's all going to be Town & Country.

Mr. Proffitt said she will have two tax notices.

Mr. Proffitt asked if detention would be required on the property.

Mr. Casteel said yes, they will have to meet current regulations on that. What Mr. Burchfield was trying to show was eventually the drainage there will come over below Rhode's Warehouse on Rocky Mt. Road. They will still have to retain and treat the first inch and do everything the federal law requires.

Chairperson Hamilton said this stormwater depiction that they are showing almost looks like they are planning on using the high school's detention pond.

Mr. Casteel said he thinks he is just showing the path of the structures that exist there. Eventually, there is already some sort of drainage access that comes through there. As it comes across, it may pick up those two ponds, eventually, it ends up across Rocky Mt. into the basin he pointed to on the plat.

Chairperson Hamilton asked if the detention/retention pond on current Town and Country property and will this require any retrofitting of the current apartments.

Mr. Casteel said no, unless they do anything on the other side, they will also give them credit for what is already there; pre has to equal post so whatever the condition is now, they have already established that and it has already been grandfathered in and they will still have to meet that if they ever did change the old one Town and Country.

Mr. Kite asked even if the new road access or parking lot connects to the existing.

Mr. Casteel said that is the way they showed it on their plans. They plan on going to use the existing Town & Country and that is where they want to access this property instead of asking for a new driveway cut from TDOT. If they do that, they will have to go through Region 2 and whatever they choose for their driveway cut.

Chairperson Hamilton said on the proposed site plan, it looks like there's an access.

Mr. Casteel said he thinks it's a turnaround/a backup. He thinks what they tried to do, they did away with that and turned it into a truck backup, a hammerhead. A truck could pull in there and back up.

Mr. Proffitt asked if codes and fire department had any questions or comments.

Gene McConkey said for the use right now, no. When they go to development and construction drawings, they will be looking at code requirements then.

Chief Ainsworth said he is the same way.

Mr. Proffitt said so Chief Ainsworth's concern is getting his equipment in.

Chief Ainsworth said they have to be able to turn around and get out; they can't be backing out. They can't design something where they are stuck and can't get out. As far as the use, he supports it and it's very doable.

MOTION: To approve the use based on Staff recommendations.

MADE: Kenny Charles
SECOND: Wesley Kite
VOTE: Unanimous
MOTION PASSED



Tom Hamilton, Chairperson