

MINUTES OF THE MEETING

Athens Board of Zoning Appeals

December 16, 2020

9:00 AM

City Council Chambers

ROLL CALL

MEMBERS PRESENT

Chairperson Tom Hamilton
John Proffitt
Kenny Charles (Virtual)
Dick Pelley

MEMBERS ABSENT

Wesley Kite

OTHERS ATTENDING

Anthony Casteel
Gene McConkey
John Anderson (virtual)
John Patel (Virtual)
Sunny Patel (Virtual)

Approval of Minutes

Approval of the November 18, 2020 Regular Meeting minutes

The minutes of the November 18, 2020, meeting were approved on motion by Dick Pelley; seconded by John Proffitt; vote – unanimous

Old Business

- 1. Use on Review request** by ANC Lodge of Athens LLC, for 105 inclusive one-bedroom apartment units on a lot shown as Tax Map 039 Parcel 039.00 located on 115 Liberty Branch Lane zoned B-3 Intensive Business District.

Chairperson Hamilton swore Mr. John Patel in. He said Mr. Patel is asking for a Use on Review for the old Athens Lodge to be converted into apartments.

Mr. Anderson said the applicant is actually ACNY of Athens LLC, to property at 115 Liberty Branch Lane. John Patel is principle of that entity but it's the entity that makes the request.

Mr. Patel said as they purchased the hotel and been through the court procedure, he has given this property a lot of thought and the reputation the property has been dragged through, all different aspects. He wanted to change the whole concept of that

area and give it a new concept and a whole new renovation. He has been checking around Athens looking at apartments and saw a need for one-bedroom apartments. Mr. Anderson said what Mr. Patel referred to was Parkcrest Apartments LLC, on Congress Parkway, their one-bedrooms are only approximately 465 or so square feet. He sent that floorplan to Gene McConkey and wants that to be part of the record. The demand for one-bedroom in Athens and the surrounding area is pretty high, and one bedrooms are not available. Sunny Patel done the analysis, called the different objects to be able to find one bedroom, but there is precedent with apartments under 600 square feet. Demand is extraordinarily high. This is about changing the reputation and the perception of this property 115 Liberty Branch Lane. It will also allow a stability of residence. There will be self-promulgated rules and regulations and allow the property to return back to its' tax roles in its highest and best use for the benefit of the community. Under the Code, certainly there are issues as it relates to use. The lodge was not built with larger rooms and as this work a significant financial hardship to have to renovate such that these rooms were larger. It would also not be in keeping with the premise. The demand would be met more easily with these. Mr. Patel indicated would meet some additional apartments as part of this that be larger than the 600 square foot threshold. Mr. Patel can speak to that better than he can probably ten units could be added to that property.

Mr. Patel said they can probably get 8-10 apartments they want for about 600-650 square feet in that racket if they really want to around 600-700 monthly rent. If they try to compare Athens Lodge to meet that they are talking like three times the rooms, they will have to combine to come up with that figure and anything else from six to six-fifty you are looking at \$1800-1900 a month. Economy wise, Athens does not support that kind of rent. People could not afford to stay in that sort of apartment.

Chairperson Hamilton asked Mr. Casteel if the application was for the Use on Review for apartments.

Mr. Casteel said yes.

Chairperson Hamilton said they are not there to enforce housing code. They are there to enforce a Use on Review for apartments, not size of apartments.

Mr. Casteel said this Board has no authority to amend or vary the housing code. That goes to the housing boards. What they will do today is approve the Use under the Zoning Code. He could go if he wants to try to reduce the size of the apartments, he needs to go to another board and ask that. Today they are there just to approve the Use. There is not a problem with the apartments being on that property. He thinks it could handle that and it would be good for the neighborhood. As far as the zoning goes, there is not a problem with that. When it comes to the size of the units that is another board.

Chairperson Hamilton asked about the parking issue.

Mr. Casteel said he counted it off the aerial photos. They definitely have enough spaces out there to do six inclusive apartments.

Chairperson Hamilton said but definitely not 105. The application is for 105 apartments without altering the situation out there.

Mr. Casteel said once again, he did not think that this Board approves the number. The number is based on housing code, zoning code and the building code.

Chairperson Hamilton said but they do approve the number. They do approve parking.

Mr. Casteel said right if they request a variance for the parking. But as long as he does six because that is the minimum because that is what the Code requires. He cannot do five; it must be six.

Dick Pelley asked what Staff's recommendation was.

Mr. Casteel said he recommended approval of the Use on Review. He also stated that Staff nor this Board can approve a lesser size of these units, that is required by the Housing Code. He does not have a problem him doing apartments on this property.

Dick Pelley said he has no problem with this. It is phenomenal because they need apartments in Athens.

Chairperson Hamilton said he thinks it is a great use. He asked Mr. Patel if he understood what they were saying. He told him he (Mr. Patel) was at the right place for the Use but as the wrong place for to approve the specific floor plan, size, or number of units.

Mr. Casteel said other than the fact that he has to do at least six.

Mr. Proffitt said Park Crest was for information only.

Mr. Patel said they understand that this Board addresses Use on Review they wanted to bring out the information. The next step is the housing board. This is a multi-step process to get there. This a first step in the process.

MOTION: To approve landowner Use on Review, B-3, Intensive Business District, for an apartment complex with a minimum of six inclusive units.

MADE: Mr. Proffitt
SECOND: Dick Pelley
VOTE: Unanimous
MOTION PASSED

New Business

1. Election of Officers

Chairperson Hamilton turned the meeting over to Mr. Casteel.

Mr. Casteel opened the floor for nominations of Officers.

Mr. Proffitt nominated Tom Hamilton for Chairperson. Mr. Casteel asked if there were any more nominations and there were not. Mr. Casteel asked Mr. Hamilton if he was willing to serve as Chairperson and Mr. Hamilton said yes. All were in favor and none were opposed.

Mr. Hamilton nominated Wesley Kite for Vice Chairperson. Mr. Casteel asked if there were any more nominations and there were not. All were in favor and none were opposed.

Dick Pelley nominated Kenny Charles for Secretary. Mr. Casteel asked if there were any more nominations and there were not. Mr. Casteel asked Mr. Charles if he was willing to serve as Secretary and Mr. Charles said yes. All were in favor and none were opposed.

The new officers for 2021 are Chairperson Tom Hamilton, Vice Chairperson Wesley Kite, and Sectary Kenny Charles.

Meeting adjourned 10:25 A.M.

Kenny Charles, Secretary