

MINUTES OF THE MEETING

Athens Board of Zoning Appeals

February 16, 2022

9:00 AM

City Council Chambers

ROLL CALL

MEMBERS PRESENT

Wesley Kite
John Proffitt
Dick Pelley

MEMBERS ABSENT

Chairperson Tom Hamilton
Kenny Charles

OTHERS ATTENDING

Anthony Casteel
Gene McConkey
Brandon Ainsworth
Tim Schultz
C. Seth Sumner
Mike Aubert
Aurora Daniel

Approval of Minutes

The minutes of the December 16, 2021, regular meeting was approved on motion by John Proffitt; seconded by Dick Pelley; vote – unanimous

Old Business

There was no old business to discuss.

New Business

- 1. Use on Review request** by Aurora Daniel for Child Care Center and Residential housing quarters for the property owner on a lot shown as Tax Map 056J Group A Parcel 010.00 located on 1313 Decatur Pike zoned B-3 Intensive Business District.

The meeting was brought to order by Vice-Chairperson Wesley Kite. He swore Ms. Daniel in and proceeded.

Ms. Daniel said purchased the building at 1313 Decatur Pike and plans to use the bottom floor for a daycare for 6-weeks to five-year-old kids. They only provide care Monday – Friday, 7:15-5:45. The second story is going to be housing for her mom and two sisters who are also staff members.

Dr. Pelley asked if they were going to live upstairs. The response was yes.

Mr. Proffitt asked Vice-Chairperson Kite if there were questions about rentals at that zoning area.

Vice-Chairperson Kite said for commercial properties, statute says, that Zonig Code section 3.04.08.C.16 states residential housing quarters are only for the property owner or the lessee of the property. Legally, employees are not allowed to live on the property. Even if they are family and who they are related to is not a standard they use to deny or approve a request.

Mr. Proffitt asked Vice-Chairperson Kite if the family were property owners, also on the property loan with Aurora, would it be legal if they live there.

Vice-Chairperson Kite said yes.

Mr. Proffitt said their names would need to be on the deed to reflect that they own the property with Ms. Daniel.

Mr. Casteel said she could lease it to them.

Ms. Daniel said she could lease it to them as part of their employment.

Vice-Chairperson Kite said yes, she could lease it to them as that is part of what the statute says. He asked Mr. Casteel his opinion.

Mr. Casteel said yes, that would work.

MOTION: To approve both uses subject to leasing the upstairs to the employees versus renting.

MADE: John Proffitt

SECOND: Dick Pelley

VOTE: Unanimous

MOTION PASSED

- 2. Use on Review request** by Jessica Adeline Aubert on the behalf of Edgar B Bohannon III for Personal Storage Units/ Mini Warehouses on a lot shown as Tax Map 047E Group A Parcel 021.00 located on Congress Parkway zoned B-3 Intensive Business District.

Mr. Aubert came to represent Jessica Aubert, who is travelling internationally. Vice-Chairperson Kite swore him in.

Mr. Aubert said the property is owned by Edgar Bohannon and their clients are the owners of 24-Hour Storage and they are planning to purchase this property. They are currently in their due diligence stage now where they are proposing can they do what they plan to with the

property for 24-Hour Storage. They are helping their client look into that to see if they can use this as a storage as the intend to.

There was discussion about the location and where it was. It is the area across from Dooley Tractor, the area they used for storage.

Dr. Pelley asked if they will be going all the way back to Guthrie Road.

Mr. Aubert said no.

There was some discussion about the site plan and topography.

Mr. Casteel said they are only there to approve the use on review, the site plan will have to go through the review process and all city departments for approval, but what they submitted was a good start to show the use would fit on the proerty.

Dr. Pelley asked what the issues were.

Mr. Casteel said he did not want to speak for Chief Ainsworth, but typically he likes to have complete access around the building, and this is not showing a rear drive. He wants to get the fire truck all the way around that building in case there is a fire, even though the building will be required to install a sprinkle suppression system.

Chief Ainsworth agreed.

Mr. Casteel said they are just approving the Use, saying it can go in this zone and is compatible with the uses that are already there.

Mr. Proffitt asked Vice-Chariperson Kite if they had recommendation from Staff.

Vice-Chariperson Kite said yes, Staff recommends approval.

MOTION: To approve the request.

MADE: John Proffitt

SECOND: Dick Pelley

VOTE: Unanimous

MOTION PASSED


John Proffitt, Secretary