

ORDINANCE NO. 1081

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE THE PROPERTY LOCATED AT 200 NEW ENGLEWOOD ROAD FROM B-3 (INTENSIVE BUSINESS DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

**SECTION 1.** That the Official Zoning Map of Athens, Tennessee, identified and referred to in Section 3.02 of said Zoning Ordinance, be amended to show the following described property and zoning designation as described within the body of this ordinance and shown on the attached illustration titled; "Rezoning Request by Shayne Benoit (Tax Map 066 Parcel 008.00) from B-3 Intensive Business District to R-2 Medium Density Residential" said property being within the corporate limits of Athens, Tennessee:

**Area Description (B-3 to R-2)**

The parcel to be rezoned from B-3 to R-2 is shown on McMinn County Tax Map as Tax Map 066 Parcel 008.00. The parcel is further described on the attached illustration that has been created from the Official Zoning Map of the City of Athens, Tennessee.


**SECTION 2.** Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

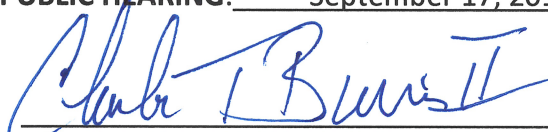
**SECTION 3. BE IT FURTHER ORDAINED,** that this Ordinance shall take effect upon final passage and as provided by law. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, a Public Hearing subject to fifteen day's notice has been held, and this ordinance meets the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210, including the approval of all necessary agencies.

PASSED ON FIRST READING: August 20, 2019

PASSED ON SECOND READING: September 17, 2019

DATE OF PUBLIC HEARING: September 17, 2019

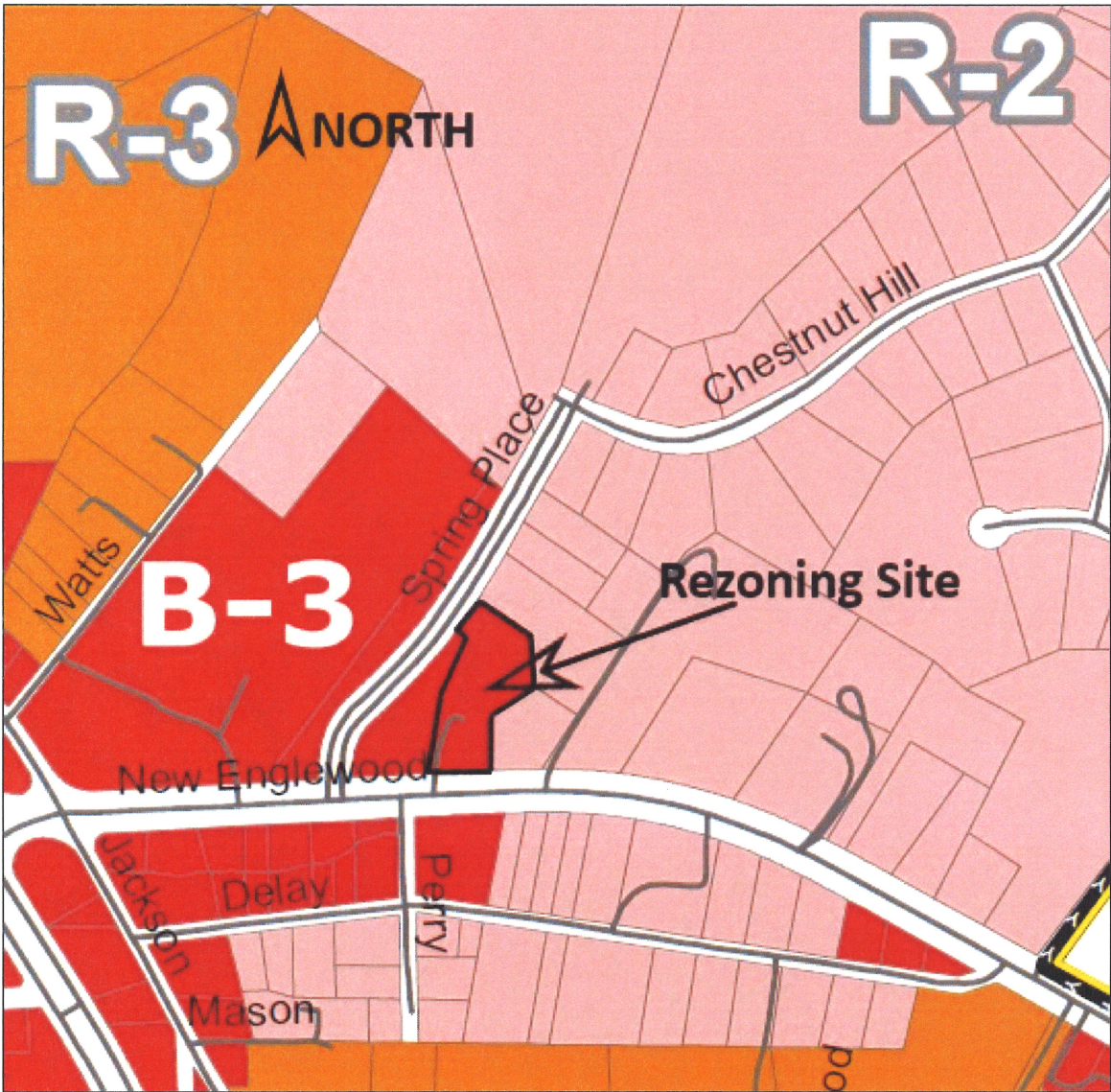
  
C. SETH SUMNER, City Manager

  
CHARLES T. BURRIS, II, Mayor

APPROVED AS TO FORM:

  
H. CHRIS TREW, City Attorney

Rezoning Request by Shayne Benoit (Tax Map 066 Parcel 008.00) from B-3 Intensive Business District to R-2 Medium Density Residential



## MINUTES OF THE MEETING

### **ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION**

**August 5, 2019**

**12:00 P.M.**

#### **CONFERENCE ROOM**

#### **ROLL CALL**

##### **MEMBERS PRESENT**

Chairman Tom Hamilton  
Jona Garrett  
John Coker  
Jordan Curtis  
Janice Hardaway  
Frances Witt-McMahan

##### **MEMBERS ABSENT**

Eric Newberry

##### **OTHERS ATTENDING**

Anthony Casteel  
Gene McConkey  
C. Seth Sumner  
Brandon Ainsworth  
Ben Burchfield  
Shane Benoit

#### **APPROVAL OF MINUTES**

##### **1. Approval of the July 29, 2019 work session minutes**

The minutes of the July 29, 2019, work session were read and approved on motion by John Coker; seconded by Jona Garrett; vote – unanimous

##### **2. Approval of the July 1, 2019 regular minutes**

The minutes of the July 1, 2019, regular meeting were read and approved on motion by Jona Garrett; seconded by Frances Witt-McMahan; vote – unanimous

#### **OLD BUSINESS**

- 1. Recommendation on rezoning request by Shayne Benoit** to change a parcel identified as Tax Map 066 Parcel 008.00 located at 200 New Englewood Road from B-3 Intensive Business District to R-2 Medium Density Residential District containing approximately 1.0 acres.

The house they just purchased was carried over with a business zoning and in order for them to get any improvement loans for the property, the bank requires for it to be a residential loan. They are requesting it be rezoned to R-2 (Medium Density Residential).

Chairman Hamilton said it is adjacent to an R-2 zone already.

Mr. Casteel said to east and side it is an R-2.

Mr. Coker asked if this was formerly a business or a residence.

Mr. Casteel said he thinks when they originally done Springplace Subdivision, the owner requested for both of those parcels to be commercial for future development and it did not ever pan out. Mr. Benoit bought one that was already developed residential and now he is trying to get financing it is the same problem they run into quite often. They will not finance improvements or purchase of residential properties when they are in a zone where they cannot be rebuilt.

Mr. Coker asked if the house was existing when they zoned it B-3 (Intensive Business District).

Chairman Hamilton said there was some discussion at work session about rezoning the adjacent lot. He ran into the owner of that lot. He wants to leave his lot B-3; that is the lot between Springplace Drive and the subject lot they are speaking about.

Mr. Coker asked for clarification the last time they rezoned B-3 to an R-2, if it was for remodeling purposes. He had the cashflow to do it, he wanted it rezoned strictly for selling purposes.

Mr. Casteel said it was the same issues this gentleman had for finance purposes. The gentleman that done the last rezoning was not living there it was investment properties, but this gentleman lives in the home.

Chairman Hamilton said the problem with the other one, he had it sold but could not get it financed because it was a in a business zone. He said Mr. Benoit wanted to build a swimming pool and could not get it financed so it really amounts to the same thing. The lending institutions are slow to lend money on properties like this.

MOTION: To recommend to City Council to rezone the house located at 200 New Englewood Road from B-3 to R-2.

MADE: Jordan Curtis  
SECOND: Frances Witt-McMahan  
VOTE: Unanimous  
MOTION PASSED

## STAFF REPORT

### ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION

August 5, 2019

12:00 P.M.

### CONFERENCE ROOM

#### OLD BUSINESS

1. **Recommendation on rezoning request by Shayne Benoit** to change a parcel identified as Tax Map 066 Parcel 008.00 located at 200 New Englewood Road from to B-3 Intensive Business District to R-2 Medium Density Residential District containing approximately 1.0 acres.

