

ORDINANCE NO. 1095

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 ON VIEW STREET FROM R-E (RESIDENTIAL ESTATE DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) 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 Josh Thurman for property located on View Street (Tax Map 065B Group A Parcels 016.00 and 017.00) from R-E (Residential Estate District) to R-2 (Medium Density Residential District)" said property being within the corporate limits of Athens, Tennessee:

Area Description (R-E to R-2)

The parcel to be rezoned from R-E to R-2 is shown on McMinn County Tax Map as Tax Map 065B Group A Parcels 016.00 and 017.00. 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 Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded.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: September 15, 2020

PASSED ON SECOND READING: October 20, 2020

DATE OF PUBLIC HEARING: October 20, 2020



CHARLES T. BURRIS, II, Mayor



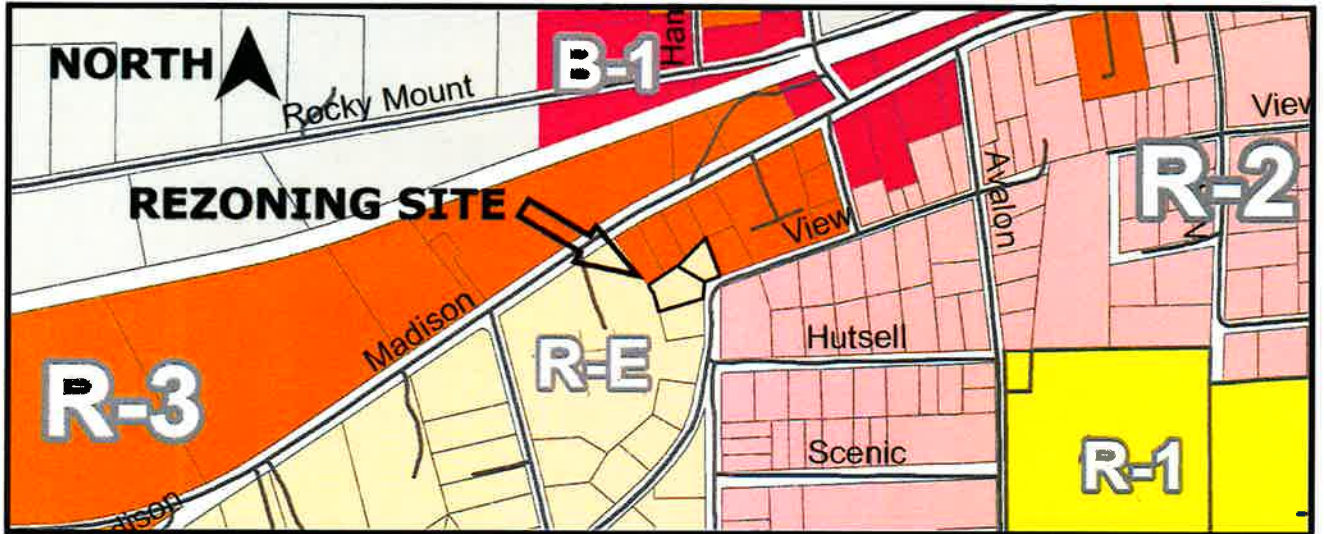
C. SETH SUMNER, City Manager

APPROVED AS TO FORM:



H. CHRIS TREW, City Attorney

Rezoning Request by Josh Thurman for property located on View Street (Tax Map 065B Group A Parcels 016.00 and 017.00) from R-E (Residential Estate District) to R-2 (Medium Density Residential District)



October 5, 2020

Athens City Council
c/o Anthony Casteel
815 N. Jackson Street
Athens, TN 37303

Joe and Devori Kimbro
110 Hillandale Drive
Athens, TN 37303

To whom it may concern:

We are writing to you to address concerns we have about a proposed zoning change for View St/Hillandale Drive, currently listed as Ordinance No. 1095 proposed by Josh Thurman. We will be at the hearing on 10/20, but we also wanted to register our concerns in writing to give adequate time to their consideration.

We own the property immediately south (Tax Map 065B Group A Parcel 018.00) of Mr. Thurman's property. Mr. Thurman has purchased the two lots (Tax Map 065B Group A Parcels 016.00 and 017.00) that are between our home and our neighbor to the north. Our understanding is that Mr. Thurman wishes to rezone said parcels from Residential – E to Medium-Density Housing. We have two primary concerns with this proposal: increased traffic on a small, cramped road and privacy.

Our understanding is that Mr. Thurman has the intention to likely develop the property to include multiple duplexes, since that is implied in his desire for Medium-Density rather than Low-Density housing. At present, the only entrance and egress for the property is on a blind curve (see picture below) that becomes essentially a one-lane road. We have lived at this location for four years. Almost any time that you leave our home headed north and encounter traffic coming the other way, 1) it is almost too late to stop by the time the other vehicle is seen, and 2) one vehicle must stop to allow the other vehicle to pass since the curve is objectively too narrow for two vehicles to pass at once. The same is true of streets like Avalon, which would become one of the only accesses to the neighborhood for any additional housing. There are many times at the intersection of Avalon and View that there isn't enough room for two vehicles at one time, and we often have difficulties passing through the streets even with our current occupancy, depending on the time of day. Our concern is, depending on how many residences Mr. Thurman intends to add to his lots, we are looking at the addition to anywhere from four to eight more vehicles needing to access a very small, narrow stretch of road on a blind curve. Without consideration to the widening of the road or additional landscaping changes to make the view more accessible for all cross-traffic or vehicles entering or exiting from Mr. Thurman's proposed

development, we can see that the additional traffic would likely increase the chance of getting in an accident in this area.

Our second concern is privacy. Since many homes in the area are built with walk-out basements or lower stories, our home sits very high over the property from its back. We bought our home in large part for the excellent view from the deck that also affords a lot of privacy for ourselves and our guests. When our home was originally built in 1992, the owner situated it on the lot so that it doesn't sit flush with the property line, but rather with the front of the lot. This means that Mr. Thurman's property (Parcel 016.00 specifically) cuts diagonally relative to our home. If we could be assured that adequate tree line would be left to ensure not only our privacy but the privacy of those living in the proposed development, we would be less concerned. As you can see from the photographs attached, however, from the north end of the deck the property line cuts dramatically across our line-of-sight meaning that if 1) proper variance isn't considered, or 2) many trees are removed, neither party will have any reasonable expectation of privacy since we would be situated well above any privacy fencing that residents might want, and anyone below would have full view of our deck. As of the writing of this letter, we have contacted Mr. Thurman to discuss purchasing additional square footage from him to help ameliorate this concern, but he has not gotten back to us.

While we respect Mr. Thurman's right and ability to develop land he has bought and paid for however he would like, we are also asking the city council to take the needs and desires of existing homeowners into account with the zoning change proposal. The stress on the current road as well as the privacy issues may make the best option to limit how much Mr. Thurman may develop the lot to perhaps, at most, low-density to make sure that the lot sizes stay ample enough that all residents can have reasonable access to privacy when in their own homes/yards, as well as not putting too much strain on existing traffic patterns given the narrow width of the street and the blind corner on which the entrance/egress would need to be situated.

We thank you in advance for considering our concerns, and please feel free to reach out to us if you have any questions. We are available by phone at 208-757-9875 and by e-mail at devori-kimbro@utc.edu.

Sincerely,

Joe and Devori Kimbro

2. Recommendation on rezoning request by Josh Thurman to change parcels identified as Tax Map 065B Group A Parcel 016.00 and 017.00 located at 1714 W. View Street from R-E Residential Estate District to R-2 Medium Density Residential containing approximately 0.56 acres.

Mr. Casteel said this is on View Street off of West Madison. It is another transitional area where they have R-3 (High Density Residential), R-2 (Medium Density Residential), and R-E (Residential Estate), they have asked to rezone it to R-2, which is across the street so they can build duplexes on either of these lots, it could go either way. Staff is OK with it being zoned either of those three zonings because it is a transitional area. They recommend approval to R-2 which what they petitioner is requesting.

MOTION: To approve the request.

MADE: Janice Hardaway

SECOND: Eric Newberry

VOTE: Unanimous

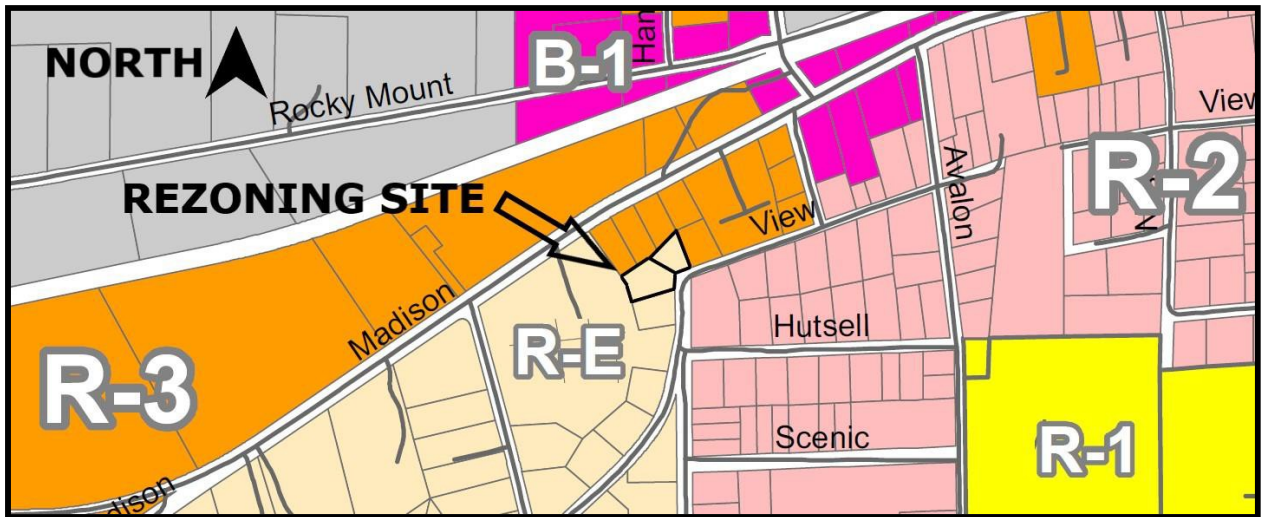
MOTION PASSED

STAFF REPORT

ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION

September 8, 2020

2. **Recommendation on rezoning request by Josh Thurman** to change parcels identified as Tax Map 065B Group A Parcel 016.00 and 017.00 located at 1714 W. View Street from R-E Residential Estate District to R-2 Medium Density Residential containing approximately 0.56 acres.



The owner wished to rezone the property for apartments. The property has R-E Zoning District to the west and south, R-3 District to the north and R-2 to the east across the street. This is a transitional area and any of the three zones listed would be in accordance with the existing Land Use Plan and the surrounding zoning district. **Staff recommends approval of the request.**