

Board of Zoning Appeals

Minutes (amended)

July 9, 2019

Members present: John Golzy (Chairperson), Edward Baum, Lisa Carson, Kay Tousley

City officials present: Lance Allison (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:05pm in City Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board. The Chairperson then swore in, under oath, those intending to give testimony.

Case #19-06V 18 West Carpenter Street Zone R-3 RVC Architects, appellant

Appellant is requesting variances from ACC 23.10, Table A, Schedule of Bulk Controls, to allow construction of a parking lot with seventy-one percent (71%) total lot coverage where sixty percent (60%) total lot coverage is the maximum allowed, and from ACC 23.08.01(A) to allow a curb cut of twenty-two feet (22') in width where twenty feet (20') is the maximum allowed.

Ms. Tousley asked what the current lot coverage is at this property. The secretary said that it was estimated at 76%.

The Chairperson called on the appellant to testify.

Jeremy Biddinger (RVC Architects) addressed the Board. Mr. Biddinger presented plans of the site to the Board. He indicated that the measurement noted at the front of the property is not for a proposed curb cut, but to indicate the width of the turnaround area at the south end of the lot. Mr. Biddinger said that the current curb cut would be abandoned, and access to the proposed parking lot will be from the rear parking lot of the Masonic Temple at 12 West Carpenter Street.

Mr. Biddinger said that the lot coverage variance request was to have the minimum number of parking spaces available for the Masonic Temple members. He added that, since the use of the parking lot by members would be mostly weekends and evenings, they would look into leasing spaces to uptown businesses. He noted that Mount Zion Church nearby could take advantage of the new parking lot.

At this point, the Chairperson asked to confirm with the appellant that he was willing to have his case heard by four BZA members instead of the usual five members. Mr. Biddinger said that he wanted the case heard at this meeting.

Mr. Baum asked about reducing the number of parking spaces by two, so as to be conforming to City bulk controls. Mr. Biddinger responded that the idea is to maximize the use of the site, but that he did not know if the reduction would harm the owners.

The Chairperson asked the secretary if the section of the variance request concerning the curb cut can be removed by the Board. The secretary said that it could be removed.

Mr. Baum asked if the appellant would object if the amendment that parking spaces numbered 13 and 14 be removed from the plans. Mr. Biddinger said that he would ask. Mr. Baum moved to amend the variance request to include the removal of the two specified spaces, seconded by Ms. Tousley. Mr. Baum asked if the appellant was willing to come back with the suggested amendment to their variance request if the current request was denied. Mr. Biddinger said that they would be willing to come back if so. Mr. Baum then withdrew his amendment.

On a motion by Mr. Baum, seconded by Ms. Tousley , the Board moved to grant a variance to the property at 18 West Carpenter Street from ACC 23.10, Table A, Schedule of Bulk Controls, to allow construction of a parking lot with seventy-one percent (71%) total lot coverage where sixty percent (60%) total lot coverage is the maximum allowed.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** There is no exceptional circumstance. However, the small size of the lot makes it more difficult. Maximizing profits cannot be used as a reason. There will be more off-street parking for Temple members. There is nothing special about this property.
- 2.) **HARDSHIP AND DIFFICULTY:** There is no hardship or difficulty. However, the small size of the lot makes it more difficult. Maximizing profits cannot be used as a reason. There will be more off-street parking for Temple members.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Other area properties have higher lot coverage.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Carson, Golzy, Tousley. No – Baum. Motion approved 3-1; variance granted.

OTHER BUSINESS:

--*Disposition of minutes from June 11, 2019 meeting.* On a motion by Mr. Baum, seconded by Ms. Carson, the Board moved to accept the minutes of the June 11, 2019 meeting 4-0.

--*Discussion of proposed changes to City Zoning Code.* Ms. Tousley and Ms. Carson read aloud suggested changes to the City Zoning Code. The Zoning Administrator said that it would need to be checked if the exemption power would be with him, or perhaps would reside with the Service-Safety Director. He added that he agrees with the suggested change to that section.

On a motion by Mr. Baum, seconded by Ms. Tousley, the Board moved to make a recommendation for change to Athens City Code Section 23.05.02(A) to change the word “BZA” to “Code Director” or the appropriate official. Members approved motion 4-0.

The meeting was adjourned at 7:45pm.

John Golzy, Chairperson

Paul Eschenbacher, Chairperson