

# Board of Zoning Appeals

## Minutes of Special Meeting

June 8, 2021

Members present: John Golzy (Chairperson), Lisa Carson, John Gutekanst, Joe Krause (not a voting member this evening due to conflict of interest), Aaron Thomas (alternate voting) and Robert Delach (alternate voting).

City officials present: David Riggs (Zoning Administrator), Kerri Yake (BZA Secretary), and The Government Channel

The meeting was called to order at 7:00 online as an Internet Conference. The Chairperson read a statement about the policies and procedures of the Board. He then swore in, under oath, those intending to give testimony.

**Case #21-05V          63 S. Court Street    Zone: B-2D          RVC Architects**

**Appellant is requesting a variance from ACC 23.10.01, Table B Off Street Parking to allow zero (0) parking spaces, where forty (40) parking spaces are required. Proposed work to convert second (2<sup>nd</sup>) and third (3<sup>rd</sup>) floors into twenty (20) efficiency and one-bedroom apartments. No change to existing square footage of building.**

The Chairperson called on the Zoning Administrator to testify.

Mr. Riggs explained Athens City Code requires 2 off street parking spaces for each of the units. The project mentioned would require forty (40) off street parking spaces, where they are asking for zero (0).

The Chairman called on the board members for any questions.

There were none.

Mr. Golzy called on anyone wishing to speak in favor of the variance or general comment.

There were none.

Mr. Golzy called on anyone wishing to speak in opposition of the variance.

Five people spoke in opposition of the variance with concerns regarding parking issues that may arise if the appellant does not provide any parking spots.

Mr. Golzy read two letters pertaining to the case.

The Chairman asked the appellant if he would like to add anything after hearing the comments made in opposition.

The appellant stated that the parking issues occur with or without the variance being approved.

Mr. Golzy called on the board members for comments or questions.

The Chairman asked the appellant if he is representing the buyer, the current owner, or both.

The appellant explained that he is representing the company that has a binding purchase agreement to be the new owner.

Mr. Golzy called for any questions for the appellant.

Mr. Delach questioned if the appellant had done an analysis or researched availability of parking in the area to request a minimum variance instead of the full forty (40) spaces.

The appellant mentioned the difficulty in locating forty (40) parking spaces year around.

The Chairman closed discussion and called for a motion.

**On a motion by Lisa Carson, seconded by Aaron Thomas, the Board moved to grant the property at 63 S. Court Street a variance from ACC 23.10.01, Table B Off Street Parking to allow zero (0) parking spaces, where forty (40) parking spaces are required.**

**Findings:**

- 1.) **Exceptional Circumstances:** No.
- 2.) **HARDSHIP AND DIFFICULTY:** No.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Granting the variance would give a special right to the new development.
- 4.) **MINIMUM VARIANCE:** No.
- 5.) **ABSENCE OF DETRIMENT:** No, traffic may be affected.
- 6.) **NOT OF A GENERAL NATURE:** Parking is of a general nature.

The Chairperson called for a vote: No – Carson, No - Gutekanst, No – Thomas, No - Delach, and No – Golzy. Motion denied 5 - 0.

**OTHER BUSINESS:**

The meeting was adjourned at 8:06.

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John Golzy, Chairperson

Date

Kerri Yake, Secretary

Date

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