

**Call to Order.** The Board of Zoning Adjustments of the City of Athens, Alabama met in Regular session in the City Council Chambers on October 19, 2023 at 5:30 PM, after a short work session. Greg Greene called the meeting to order and explained the order of the meeting.

**Roll Call.** Board Members Present: Greg Greene, Al Wassum, Greg Skipworth, Larry Burlingame, Jim Ernest, and Rod Herron. Michael Griffin, City Engineer, Paige Parker, Planner, Jackson Miller, GIS Administrator.

**Minutes.** Larry Bulingame offered the following resolution and moved its adoption:

“BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF ATHENS, ALABAMA, that the minutes for the September 21, 2023 meeting be approved.”

Al Wassum seconded the motion, and the vote was unanimous of the voting members present.

**Old Business:** none

**Items Withdrawn from This Month's Agenda:** Item #10: Request of Maund Family 1, LLC regarding a variance to Zoning Ordinance §6.6.9.B(2).

**New Business:**

City Engineer Michael Griffin conveyed that Agenda Items 1-9 were all related. As such, each respective request associated with Agenda Items 1-9 would be described all at once and then individual Public Hearings would be opened. Mr. Griffin then described the requests, the applicable Zoning Ordinance section, and that staff supports the requests.

Mr. Skipworth asked, assuming the variances were granted, if in the future the existing structures were demolished and new structures were erected would the variances still apply?

Mr. Griffin explained that the variances only apply to the existing structures because the acts of demolishing and rebuilding would constitute a change in use. If a change in use is applied, conformity to the established setbacks would be required.

The BZA Members and Staff discussed the appropriate way to proceed with voting on Agenda Items 1-9 and reaffirmed the need to explain each request all at once and then open an individual public hearing for each item followed by an individual vote for each item.

Mr. Griffin finished explaining Agenda Items 1-9 and reiterated that staff is in support of the requests.

- I. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or

adjust property lines, located at 307 and 323 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Jim Ernest offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 4.23 regarding building setbacks at 307 and 323 Thomas Street.

Greg Skipworth seconded the motion, and the motion passed unanimously of the voting members present.

- II. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 309 and 319 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Jim Ernest offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 4.23 regarding building setbacks at 309 and 319 Thomas Street.

Greg Skipworth seconded the motion, and the motion passed unanimously of the voting members present.

- III. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 311 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Jim Ernest offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance

Section 4.23 regarding building setbacks at 311 Thomas Street.

Greg Skipworth seconded the motion, and the motion passed unanimously of the voting members present.

- IV. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 315 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

City Engineer Michael Griffin explained that Agenda Item 4 required no action as the lot associated with it was not seeking any variance. It was included to convey support of the requested variances being considered on the neighboring lots. As such, no action was taken on Agenda Item 4.

- V. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 317 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

City Engineer Michael Griffin explained that Agenda Item 5 required no action as the lot associated with it was not seeking any variance. It was included to convey support of the requested variances being considered on the neighboring lots. As such, no action was taken on Agenda Item 5.

- VI. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 321 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Larry Burlingame offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 4.23 regarding building setbacks at 321 Thomas Street.

Al Wassum seconded the motion, and the motion passed unanimously of the voting members present.

- VII. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or

adjust property lines, located at 325 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Greg Skipworth offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 4.23 regarding building setbacks at 325 Thomas Street.

Jim Ernest seconded the motion, and the motion passed unanimously of the voting members present.

VIII. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 327 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Jim Ernest offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 4.23 regarding building setbacks at 327 Thomas Street.

Greg Skipworth seconded the motion, and the motion passed unanimously of the voting members present.

IX. **Public Hearing.** Request of Ronnie G. Coffman, Coffman Land Surveying & Mapping Co., LLC regarding a variance to Zoning Ordinance §4.23 regarding building setbacks in order to correct or adjust property lines, located at 329 Thomas Street and zoned TN-2 – Traditional Neighborhood 2 District.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request. No one spoke in favor or against the request.

**Resolution.** Larry Burlingame offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance

Section 4.23 regarding building setbacks at 329 Thomas Street.

Jim Ernest seconded the motion, and the motion passed unanimously of the voting members present.

- X. **Public Hearing.** Request of Maund Family 1, LLC regarding a variance to Zoning Ordinance §6.6.9.B(2) to allow for the omission of an alley (front-loaded townhome), located directly east of Hine Street and approximately 750 feet south of West Market Street (Parcel #: 44-10-03-08-2-001-017.004) and zoned TI – Traditional Institutional District. **WITHDRAWN BY APPLICANT 10-19-2023**
- XI. **Public Hearing.** Request of Murphy Oil USA, Inc. % Gaven Ballinger regarding a variance to Zoning Ordinance §6.1.5.D, to allow for a reduction in the required 50' minimum setback from a major arterial, at Murphy USA located at 800 US Highway 31 S. Athens, AL 35611, and zoned B-2 - General Business District.

City Engineer Michael Griffin described the request and stated that Staff does not understand how this request meets the requirements for a hardship when the existing development does not encroach into the Major Arterial setback at this point in time in any significant way. Thus, staff does not recommend approval.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request.

Wesley Miller with Pan American Engineers (1717 Jackson ST. Alexandria, LA) explained the overall Murphy Oil project associated with Agenda Items 11-14. Mr. Miller conveyed that the property is difficult to redevelop given its dimensions and that the neighboring property owners are unwilling to sell any of their property to Murphy Oil. As such, the variance is required for the project to proceed. Mr. Miller then stated that the existing canopy encroaches into the setback currently.

Planner Paige Parker, referencing the existing site plan for the property that is on file at Public Works, explained that no significant encroachment exists into the setback.

Mr. Skipworth explained, per Athens regulation, that no new non-conformities shall be introduced within new development. Approval of this variance request would allow for a new non-conformity.

Mr. Miller explained that the variance is necessary to re-develop the lot. Otherwise, the setback restrictions render the property undevelopable.

Mr. Skipworth explained that maintaining the setback would become paramount, if/when the US HWY 31 and US HWY 72 interchange were reconfigured or expanded. Allowing a structure to encroach into the setback would severely impede improvements to the interchange.

Mr. Miller conveyed the proposed project places the proposed building further from US HWY 31 than many existing structures nearby and along US HWY 31 and that rejection of any of the Murphy Oil requests would prevent the site from being redeveloped.

Mr. Wassum asked for clarification concerning the status of existing non-conformities and how redevelopment of those properties would be addressed.

Mr. Griffin conveyed that the City of Athens would maintain the requirement to prevent any new non-conformities. He then suggested that the applicant explore the potential of shifting the proposed structure westward to avoid encroaching into the major arterial setback.

Mr. Skipworth sought clarity on how shifting the proposed structure westward would allow the project to continue.

Mr. Griffin conveyed that he believed the westward shift would minimize or eliminate the encroachment into the major arterial setback.

Mr. Miller expressed that traffic flow concerns would need to be overcome, if the proposed structure were to be shifted westward.

Mr. Greene provided a personal testimony to the existing traffic flow shortcomings and asked if any BZA member had additional questions.

Mr. Ernest implored the applicant to explore shifting the building westward.

Mr. Griffin explained that a vote resulting in disapproval would prevent the site from being reconsidered for additional variance for 1 year from the date of disapproval. As such, he recommended Mr. Miller consider a request to table the Agenda Item until the applicant can explore the possibility of reconfiguring the site plan.

Mr. Miller discussed some of the considerations the applicant would need to address, if they were to reconfigure the site plan, and eventually requested to table the item.

Agenda Item 11 was tabled for consideration at the 11/16/2023 BZA Meeting.

- XII. **Public Hearing.** Request of Murphy Oil USA, Inc. % Gaven Ballinger regarding a variance to Zoning Ordinance §5.10.3 Table 5-5, to allow for the placement of the building and fuel canopy within the property setback line, at Murphy USA located at 800 US Highway 31 S. Athens, AL 35611, and zoned B-2 - General Business District.

City Engineer Michael Griffin described the request and stated that Staff does not understand how this request meets the requirements for a hardship when the existing development does not encroach into the property setback line. Thus, staff does not recommend approval.

Mr. Greene asked if anyone in attendance wished to speak for or against Agenda Item 12.

Wesley Miller with Pan American Engineers (1717 Jackson ST. Alexandria, LA) requested Agenda Item 12 be tabled for consideration at the 11/16/2023 BZA Meeting.

Agenda Item 12 was tabled for consideration at the 11/16/2023 BZA Meeting.

- XIII. Public Hearing.** Request of Murphy Oil USA, Inc. % Gaven Ballinger regarding a variance to Zoning Ordinance §6.1.5.D and §6.2, to reduce the required landscaping near a major arterial and in vehicular-use areas, at Murphy USA located at 800 US Highway 31 S. Athens, AL 35611, and zoned B-2 - General Business District.

City Engineer Michael Griffin described the request, the applicable Zoning Ordinance section, and that staff recommends approval to allow for the existing asphalt to remain, contingent on no new structures being placed within the 50' setback easement and that all other landscaping associated with the project be maintained and brought up to the current standards of the Zoning Ordinance.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request.

**Resolution.** Greg Skipworth offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 6.1.5.D and Section 6.2 to allow for the existing asphalt to remain, contingent on no new structures being placed within the 50' setback easement and that all landscaping associated with the project be maintained and brought up to the current standards of the Zoning Ordinance.

Jim Ernest seconded the motion, and the motion passed unanimously of the voting members present.

- XIV. Public Hearing.** Request of Murphy Oil USA, Inc. % Gaven Ballinger regarding a variance to Zoning Ordinance §6.1.12.I, 6.5.4, 6.5.6, and Table 6-2, regarding required parking spaces at Murphy USA located at 800 US Highway 31 S. Athens, AL 35611, and zoned B-2 - General Business District.

City Engineer Michael Griffin described the request, the applicable Zoning Ordinance section, and that staff recommends approval to allow for the existing parking agreement between Murphy Oil and Walmart to continue, contingent on all the parking spaces utilized by Murphy Oil being brought into conformance with the Zoning Ordinance.

Mr. Greene opened a Public Hearing and asked if any BZA member would present a motion.

**Resolution.** Greg Skipworth offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Section 6.1.12.I, Section 6.5.4, Section 6.5.6, and Table 6-2 to allow for the existing parking agreement between Murphy Oil and Walmart to continue, contingent on all the parking spaces utilized by Murphy Oil being brought into conformance with the Zoning Ordinance.

Jim Ernest seconded the motion, and the motion passed unanimously of the voting members present.

**XV. Public Hearing.** Request of Nick Hutchins regarding a variance to Zoning Ordinance Table 5-5 to reduce the rear setback at 18963 Knollwood Circle Athens, AL 35613, and zoned R-1-1 Low Density Single Family Residential

City Engineer Michael Griffin described the request, the applicable Zoning Ordinance section, and that staff recommends approval, contingent that the setback be reduced to a minimum of 25' from the rear property line.

Mr. Greene opened a Public Hearing and asked if anyone present wished to speak in favor or against the request.

Nick Hutchins (445 Ripple Lake DR SW, Madison, AL) spoke in favor of the request and that he was willing to accommodate the City's requirements so that his house may be constructed.

**Resolution.** Greg Skipworth offered the following resolution and moved its adoption:

**THEREFORE, BE IT RESOLVED** that the Board of Zoning Adjustments for the City of Athens, Alabama, at its regular meeting on October 19, 2023, that the board does hereby grant a variance from Zoning Ordinance Table 5-5 for property located at 18963 Knollwood Circle, contingent that the setback be reduced to a minimum of 25' from the rear property line.

Jim Ernest seconded the motion, and the motion passed unanimously of the voting members present.



Motion to adjourn: Greg Skipworth  
2nd: Larry Burlingame

Meeting adjourned at 6:23pm

Al Wasson  
**Chairman**

Attest:   
**Secretary**