

REGULAR SESSION

December 10, 2019

The Zoning Board of Adjustments of the City of Athens, Texas met in Regular Session on Tuesday, December 10, 2019 at 4:00 p.m. in the Conference Room of the Development Services Center, 501 US Highway 175 West, Athens, Texas with the following members present constituting a quorum, to-wit:

Bryan Barker  
Jack Bateman  
Mamie Stafford  
Alex Withers

With the following members absent: Thomas Faulk and Shannon Traxson;

With the following staff members present:

Audrey Sloan, Director of Development Services  
Sheila Garrett, Development Coordinator;

Others present: David Thomas and Kevin Sutherlin.

Member Bateman called the meeting to order.

**CONSIDER APPROVING THE MINUTES FOR THE JUNE 18, 2019, SPECIAL SESSION**

Member Barker made a motion to approve the minutes as written. The motion was seconded by Member Traxson and passed unanimously.

**PUBLIC HEARING CONCERNING A REQUEST FROM KEVIN SUTHERLIN FOR SECTION 36.3 OF THE ZONING CODE WHICH SPECIFIES THAT FENCES SHALL NOT BE ALLOWED IN THE REQUIRED FRONT YARD SETBACK, EXCEPT FOR DECORATIVE FENCES NOT EXCEEDING FOUR FEET IN HEIGHT. THE APPLICANT IS REQUESTING TO INSTALL A PRIVACY FENCE EXCEEDING FOUR FEET IN HEIGHT IN THE FRONT YARD SETBACK AT 3293 IMPALA POINT CIRCLE ALSO KNOWN AS LOT 10A OF THE P. A. TAYLOR SUBDIVISION, ABSTRACT 11174 OF THE W. T. JENKINS SURVEY.**

Member Barker opened the public hearing. Sloan described the location of the property and explained that the owner recently removed an existing, 6 feet tall wooden privacy fence located in the front yard with the intent to replace it. The existing fence was considered to be legal non-conforming since it did not meet the fencing requirements found in the Zoning Ordinance. The Ordinance restricts fences located in the front yard setback to “decorative fences with openings not less than 50 percent of the fence area and not exceeding four feet in height”. Kevin Sutherlin discussed his request and reasoning for replacing the fence. Member Barker closed the public hearing.

**DISCUSS/CONSIDER A REQUEST FROM KEVIN SUTHERLIN FOR SECTION 36.3 OF THE ZONING CODE WHICH SPECIFIES THAT FENCES SHALL NOT BE ALLOWED IN THE REQUIRED FRONT YARD SETBACK, EXCEPT FOR DECORATIVE FENCES NOT EXCEEDING FOUR FEET IN HEIGHT. THE APPLICANT IS REQUESTING TO INSTALL A PRIVACY FENCE EXCEEDING FOUR FEET IN HEIGHT IN THE FRONT YARD SETBACK AT 3293 IMPALA POINT CIRCLE ALSO KNOWN AS LOT 10A OF THE P. A. TAYLOR SUBDIVISION, ABSTRACT 11174 OF THE W. T. JENKINS SURVEY.**

A motion was made by Member Barker to approve the variance without any stipulations. The motion died for lack of a second. Member Withers made a motion to deny the variance. The motion died for lack of a second.

Discussion continued among the members concerning the request. Member Bateman made a motion to approve the variance. Member Stafford seconded the motion. Members Bateman, Stafford & Traxon all voted in favor. Member Withers voted against the motion. The motion did not pass since there was not a concurring vote of at least four members. The variance request was therefore not granted.

**ADJOURN**

The meeting was adjourned

**PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF APRIL, 2021.**

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Chairperson

ATTEST:

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Sheila Garrett, Development Coordinator