

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
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City of Athens
ATHENS, OHIO

**Board of Zoning Appeals
Minutes
November 9, 2021**

Members present: Kay Tousley (Acting Chairperson), Robert Delach, Joe Krause, Kelly Sauber, Ben Lachman (Alternate).

City Officials present: David Riggs (Zoning Administrator).

The meeting was called to order on November 9, 2021 at 7:04 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH. Alternate Ben Lachman is voting in place of Lisa Carson, and Kay Tousley is the Acting Chairperson in Carson's absence. The Acting Chairperson played a video stating the policies and procedures of the Board. She then called the meeting to order.

Hearing(s):

1.) Case #21-13V 70

70 West State

Wharton Properties

Bryan Wharton

Appellant is requesting a variance from ACC 23.10.01, Table A Schedule of Bulk Controls --Asking to allow front setback of six (6) feet where twenty-five (25) feet is required --Asking to allow forty-seven percent (47%) building coverage, where thirty percent (30%) is maximum allowance

The Acting Chairperson, Ms. Tousley, stated that the appellant would like the board to make a decision without hearing his testimony. She explained the board will vote to continue the hearing, or postpone the case for one month in order for the appellant to be present. The Acting Chairperson asked the board to discuss the situation before the vote. On a motion by Robert Delach, seconded by Joe Krause, the board voted to continue the meeting without the appellant present. Motion passed 5-0.

The Acting Chairperson called on the Zoning Administrator to testify.

Mr. Riggs explained that the appellant is requesting the variance for a porch he is building on the property.

Mr. Delach inquired about the current setback. It was determined the current setback is about fourteen (14) feet.

Mr. Sauber comments that a six (6) feet setback is common in the neighborhood of the residence. Mr. Sauber notes the porch would make a good addition to house, for usage and aesthetic purposes. However, he has seen other properties with similar setbacks have converted porches into additional rooms, and asked if that could be prevented.

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Mr. Riggs explained that the variance is for an open porch, and the appellant would have to receive approval from the code office in order to enclose the porch.

Ms. Tousley asked Mr. Riggs if the variance could be granted on the condition the porch remains an open structure.

Mr. Riggs responds yes, the condition could be set without the appellant present.

Mr. Lachman and Mr. Sauber asked if the proposed porch is one story, and if it would have an overhang.

Mr. Riggs replied the porch is one story, with an overhang.

Mr. Sauber asked if the overhang would result in the setback being less than 6 feet.

Mr. Riggs clarified that the overhang is a part of the 8 feet proposed porch.

Mr. Delach then read the appellant's statement for the record.

The statement from the appellant, Bryan Wharton, explained that the porch would improve the overall look of the structure and it would allow tenants to enjoy the outside area. He also stated that many other houses on West State Street, such as 50 West State Street, have porches and similar to the one he would like to build.

There were no further questions. The Acting Chairperson closed discussion and called for a motion.

On a motion by Robert Delach, seconded by Kelly Sauber, the Board moved to grant the variance to allow forty-seven percent (47%) building coverage, where thirty percent (30%) is maximum allowance and to allow front setback of six (6) feet where twenty-five (25) feet is required, with a stipulation that the porch not be enclosed and only be one story high.

FINDINGS:

1.) EXCEPTIONAL CIRCUMSTANCES: Yes, due to the small lot size.

2.) HARDSHIP AND DIFFICULTY: Yes, due to the small lot size.

3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes, many houses on West State Street have front porches with less than 25 feet setbacks.

4.) MINIMUM VARIANCE: Yes, due to the small lot size, and the current setback being 14 feet.

5.) ABSENCE OF DETRIMENT: No.

6.) NOT OF A GENERAL NATURE: No.

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The Chairperson called for a vote: Yes – Tousley, Yes – Lachman, Yes -
Delach, Yes – Krause, Yes – Sauber. Motion passed 5 - 0.

OTHER BUSINESS:

--Approval of minutes from October 12th, 2021 Meeting

Lisa Carson, Chairperson

Date

David Riggs, Zoning Administrator

Date