

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



**City of
Athens
ATHENS, OHIO**

**Board of Zoning Appeals
Minutes
December 13, 2022**

Members present: Lisa Carson (Chairperson), Kay Tousley, Kelly Sauber, Aaron Thomas, Robert Delach

City Officials present: David Riggs (Zoning Administrator).

The meeting was called to order on December 13, 2022 at 7:00 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH. The Chairperson played a video stating the policies and procedures of the Board.

Chairperson Lisa Carson swore in all intending to speak tonight.

Hearings:

1. Case #22-13V 122 Central Avenue Zone R-1 Zachary Reizes / appellant

Appellant is requesting a variance from ACC 23.10.01 Table A - Schedule of Bulk Controls to allow a covered porch with a front yard setback of thirteen inches (13") where thirteen feet and one inch (13' 1") is required.

The Chairperson called upon the Zoning Administrator to testify.

Mr. Riggs explained that the property in question is a corner lot. Noted the age of the property and that, under current code, the lot would not be permitted due to its width and total square footage. Explained that the appellant needed a variance because of the setback of the new porch.

Robert Delach asked for an explanation of the required setback.

Mr. Riggs stated that in an R-1 zone the minimum setback is twenty-five feet (25'). However, for properties built before the current code the setback is determined by the surrounding houses. Noted that in this case, setback was determined by the house to the south.

The Chairperson called upon the appellant to testify.

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Zachary Reizes, 122 Central Avenue – Appellant explained the home was recently purchased and that appellant was not aware of the setback requirements when the porch was being built.

Kay Tousley asked how the appellant determined the size of the porch.

Appellant explained that the width of the porch was the same width as the house and that the length was decided upon for aesthetic reasons. Mentioned that it is a narrow lot with a large front yard.

Aaron Thomas asked whether there was previously a porch on the property.

Appellant described the previous structure as a “stoop”. Noted that it was nowhere near the size of the new porch.

The Chairperson asked about the use of the word “covered” in the variance request, as the porch was not currently covered.

Appellant explained that the porch will be covered, but that work was stopped as soon as appellant was made aware of the setback restrictions.

The Chairperson asked whether anyone wished to speak in favor of the variance.

No one came forward.

The Chairperson then read a letter of support from appellant’s neighbors into the record.

The Chairperson asked whether anyone wished to speak against the variance.

No one came forward.

The Chairperson closed the floor for discussion and called for a motion.

On a motion by Aaron Thomas, seconded by Kelly Sauber, the Board moved to grant a variance from ACC 23.10.01 Table A - Schedule of Bulk Controls to allow a covered porch with a front yard setback of thirteen inches (13") where thirteen feet and one inch (13' 1") is required.

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FINDINGS:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Legal non-conforming property. The lot is very small.**
- 2.) HARDSHIP AND DIFFICULTY: Small lot, even building stairs to the front door would require a variance.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Nearby properties have similar porches.**
- 4.) MINIMUM VARIANCE: Yes.**
- 5.) ABSENCE OF DETRIMENT: Yes. Neighbors support it.**
- 6.) NOT OF A GENERAL NATURE: Not of a general nature.**

The Chairperson called for a vote: 5 votes for (Sauber, Carson, Tousley, Thomas, Delach) - 0 votes against. Motion approved.

OTHER BUSINESS:

Approval of minutes from:

October 11, 2022: Approved by Lisa Carson, Kay Tousley, Kelly Sauber.

On a motion by Robert Delach, seconded by Kay Tousley, Chairperson Carson adjourned the meeting at 7:20 pm.

Lisa Carson, Chairperson

Date

David Riggs, Zoning Administrator

Date