



AGENDA
ATHENS PLANNING COMMISSION
THURSDAY, OCTOBER 5, 2023 -
AT 12:00 PM

Streaming is available at www.ci.athens.oh.us/video

Establish Quorum

Disposition of Minutes

- September 7, 2023

Cases

Communications

- Lot Split Variance Request: 301 & 303 Carroll Road

Reports

Opportunity for citizens to speak about items not covered on agenda

Announcements & Other Business

- Next Meeting: October 19, 2023

Adjournment

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

**Athens City Planning Commission
Minutes of PUBIC HEARING and Regular Meeting
Thursday, September 7, 2023 12:00 p.m.**

A Public Meeting followed by a Regular Meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on September 7, 2023.

PUBLIC HEARING

University Estates Planned Unit Development (PUD) Homestead Court and Broadmoor

Steve Patterson called the Public Hearing to order at 12:00 p.m. No attendees were present. The case will be discussed during the regular meeting.

REGULAR MEETING

Attendees: Rob Delach

1. Call to Order

Steve Patterson called the regular meeting of the Planning Commission to order at 12:03 p.m. and quorum was established with all members present.

PLANNING COMMISSION MEMBERS:

Steve Patterson, Chair	Present
John Kotowski, Vice Chair	Present
Nancy Bain	Present
Austin Phillips	Present
Andy Stone, Service-Safety Director	Present

STAFF:

David Riggs, Code Enforcement Director	Absent
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2. Disposition of Minutes

John Kotowski moved to approve the August 3, 2023 minutes. Nancy Bain seconded. All present voted aye, motion passed 5:0.

3. Cases

**Case #23-02 University Estates P.U.D.
Homestead Court & Broadmoor
Affordable Housing Development**

Andy Stone (for David Riggs)

- This case has come back to the Planning Commission again today because there wasn't an officially stated and advertised Public Hearing. Two previous Planning Commission meetings

were held on this PUD, July 6th and August 3rd. The commission voted to approve this case on August 3rd, so the question is whether the commission needs to vote again.

- The developer has since notified the city that the development is no longer financially viable. The original engineer's estimate for this development has doubled. Additionally, the interest rates have increased, and even with the TIF revenue, the project is no longer feasible.
- This city wants this project to happen, but understands the constraints that the developer is under. His recommendation is to follow through with the PUD process and vote again to approve the case in hopes that the financial situation changes for the developer in the future.

Discussion

- Steve P: disappointed with the lack of affordable housing in the city. He would like to hold a vote again and move forward as well. The developer may be able to finance and find a path forward.
- John K: supportive of going ahead and voting, however, he fears that if the developer does find a way forward that the plan will look different and have to come before the Planning Commission again anyway.
- Austin P: feels this is a great project but would like to have a traffic light included at the intersection with Rt. 682.
- Andy S: commented that homes don't generate traffic like restaurants or theaters. Originally, the plan for UE was to have multiple access points, however, because Phases 3 & 4 weren't built these access roads were not built.
- John K: commented that the roundabout that is planned at 56/682 may help with congestion and also suggested the addition of a slow-down lane and/or a traffic light. The intersection does need to be investigated further.

John Kotowski moved to approve Case #23-02, Nancy Bain seconded. All present voted aye. Motion passed 5:0. This will now go to City Council as a Recommendation from the Planning Commission.

4. **Communications**

None

5. **Reports from City Planner and Director of Development & Code Enforcement**

- Andy S: reported that David Riggs is looking at several changes to code to facilitate housing in the city, like changes to sub-division regulations regarding lot size requirements. Alternate construction options may help (tiny houses, barns, container homes, etc.).
- John K: commented that it is important to build where infrastructure already exists. He inquired about the status of the Stimson corridor.

- Andy S: American Structurepoint is the firm that the city is working with on the Stimson Avenue corridor. They will be submitting their recommendations by the end of October, which will include an overlay zone.
- John K: asked what is different about the housing being proposed at the Ridges, will developers be faced with the same issues that the UE PUD developer has encountered?
- Steve P: The Ridges falls under the New Community Authority. More opportunities will be available for developers. There will be a need for some zoning changes as well.
- Andy S: currently there is new infrastructure being installed along Dairy Lane so that will already be in place for the developers, and there won't be any land costs.
- John K: glad to hear about other methods that can be utilized to encourage housing development in Athens.
- Ron Delach/Morris Avenue: hasn't heard discussion of Accessory Dwelling Units. Freezing R-1 neighborhoods in time is the wrong approach in his opinion. Loosening the regulations in R-1 zones would be beneficial to promote in-filling.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- Next meeting September 21, 2023

8. **Adjournment**

Austin Phillips moved to adjourn, Nancy Bain seconded, all present voted aye. The meeting was adjourned at 12:35 p.m.



APPLICATION for MINOR SUBDIVISION

(Lotsplit/Land Transfer)
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 21

(Office Use Only)

Permit #: LS23-000007

Date Rec'd: September 05, 2023

Applications must contain all of the following information. An incomplete application will not be processed. Lotsplit Fee: \$100

Address of Property	301 & 303 Carroll Road		
Reason for lot split	Convert 303 Carroll Road from a rental to a single parcel w/ 1 residence		
Applicant	Don Linder Don Linder	Phone # to call when processed	(740) 591-3738
Address	42320 Big Pine Court Albany Ohio 45710		
Property Owner	Don Linder	Phone	(740) 591-3738
Address	42320 Big Pine Court Albany Ohio 45710		
Surveyor Name and State	Scott England and S-7452		
Registration Number			
Date property owner originally purchased the property:	01/29/2019		
Acreage of original purchase	0.367		
Number and size of parcels subdivided since original purchase:	0		
Acreage of proposed parcel(s) with new plat of survey attached:	0.230		
Public road frontage of: Proposed parcel(s)	74.5 ft	Residual Parcel	42.57 ft
Date of survey of plat of proposed parcel(s):	04/24/2023		
Approval date of health authority of jurisdiction for sewage disposal:	NA		
Approval date of County Engineer for mathematical accuracy of survey:			
Parcel Location:			
Lot	7	Section	1+2
Town	9N	Range	14W
Township	Athens		

(For Office Use Only)

Do the proposed parcel(s) and residual satisfy minimum requirements for:

	YES	NO	N/A		YES	NO	N/A
Public Road Frontage	☐	☐	☐	Engineers Approval	☐	☐	☐
Width to Depth Ratio	☐	☐	☐	Health Department Approval	☐	☐	☐
Number of Splits Permitted as Minor Subdivision	☐	☐	☐	Registered Surveyor	☐	☐	☐

Christine Robinson

From: Don Linder <don.linder@e-merge.com>
Sent: Tuesday, September 5, 2023 10:02 AM
To: David Riggs; Christine Robinson; Don Linder; Meranda Chesser
Subject: Lot Split Application 301-303 Carroll Rd.
Attachments: Lot Split 301-303 Carroll-Riggs 9-5-23.pdf

Mr. Riggs,

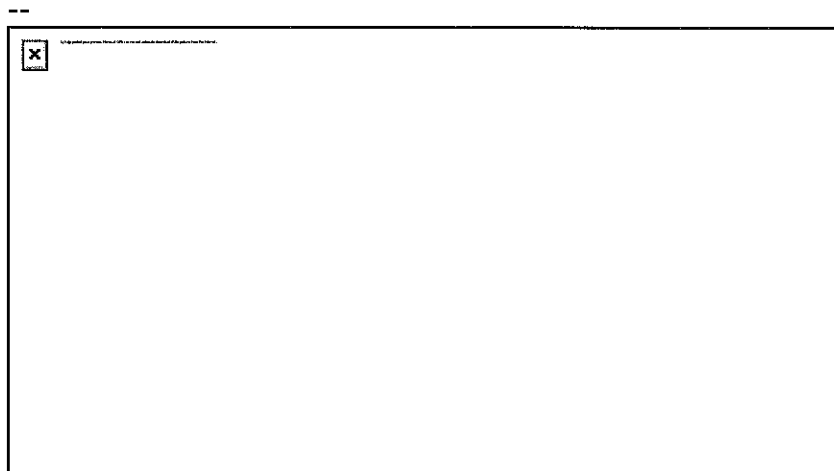
Please see the attached PDF of a letter to you in reference to the Lot Split application I had delivered to your office last Friday the 1st of September for 301 and 303 Carroll Rd.

The letter provides some background and information related to the Lot Split Application.

Please do not hesitate to call or e-mail me if you have any questions.

Thanks,

Don Linder 740-591-3738



David Riggs, P.E. Director of Code Enforcement

September 1, 2023

City of Athens Ohio

28 Curran Dr. Athens, Ohio 45701

Mr. Riggs,

On Friday the 1st of September I hand delivered to your office an Application for Minor Subdivision; (Lot Split) for 301 and 303 Carroll Rd. Included with the application is a Licensed Surveyor signed stamped and Athens County Engineer office signed Plat of Survey and Legal Description for the lot split.

The intent of the lot split is to segregate the existing single -family home residence from an existing triplex so that the single family home may be later conveyed and be owned by a party that would have it as a stand-alone single family residence which is certainly in high demand and need within the city corporation limits. I do have current rental permits for each of the two dwellings.

Historically, the single family home existed since 1956's according to the County Auditors public information and then the triplex was built later thereafter (by the family that owned it to provide income for the family that occupied the single family home). The triplex construction I'm assuming was likely prior to any zoning in that area that may have limited or restricted this non-conforming build/use. The property known as the Oakmont subdivision was a farm field with cattle grazing and there was actually a mobile home park directly across the street from the subject property on Carroll Rd. till the 1990's if I recall correctly as I actually built a house located at 316 Carroll road in 1999 located across the street after the trailer were removed and a building lots was sold to me and other builders.

I have done my best to create a division line (property line) between the proposed two properties while still maintaining the carport and storage behind to stay in- tact for the use of 303 Carroll Rd; the single-family home rather than removing a portion or all of the structure which would be unfortunate to remove a carport and storage areas that have value and use for the single-family home.

With the existing survey, there are no physical encroachments of any portion of the permanent structures onto each other properties.

I have clearly marked with orange paint the location of the survey nails driven into the concrete at the frontage (curb line of the street) as well as the interim survey nail and a surveyor's stake and some flags marking the most rear portion on the proposed lot split boundary. The orange painted markings of the surveyor's nails are clearly visible and s is a survey stake and the flags identifying the rear of the property. There are no fences at the two properties, so you have permission to take a look anytime convenient for you.

If you have any questions, please let me know. I realize this lot-split request is not typical or common occurrence in city corporation limits.

Don Linder cell 740-591-3738 e-mail: don.linder@e-merge.com

David

Don Linde here

I will be sending
an e-mail to you
with further info.

Thanks

APPLICATION for MINOR SUBDIVISION



(Lot Split/Land Transfer)

CITY OF ATHENS, OHIO

ATHENS CITY CODE TITLE 21

(For Office Use Only)

Permit # LS23-000007

Date Rec'd See Computer 9/1/2023

Applications must contain all of the following information. An incomplete application will not be processed.
\$100.00 Lotsplit Fee plus convenience Fee:

Address of Property and / or Parcel ID(s): 301 + 303 Carroll Rd. A02-91800044-00

Reason for lot split: Convert 303 Carroll Rd from a Rental to a single-Parcel Single Family Residential Home

Applicant DON LINDER Phone # to call when processed 740-591-3738

Address 42320 Big Pine Ct. Albany OH 45710

Property Owner DON LINDER / Gerlin Properties Phone 740-591-3738

(if other than applicant) Address SAME AS ABOVE

Surveyor Name and State Registration Number S.A. ENGLAND Surveying # S-7452

Date property owner originally purchased the property: 01/29/2019

Acreage of original purchase: ATA 367

Number and size of parcels subdivided since original purchase: 0

Acreage of proposed parcel(s) with new plat of survey attached: 0.230

Public road frontage of proposed parcel(s) 74.5' residual 42.57'

Date of survey of plat of proposed parcel(s): 4-29-2023

Approval date of health authority of jurisdiction for sewage disposal: N/A

Approval date of County Engineer for mathematical accuracy of survey: 4-25-2023

Location: Lot 7 Section 1+2 Town 9N Range 14W Township City of Athens Athens Twp.

(For Office Use Only)

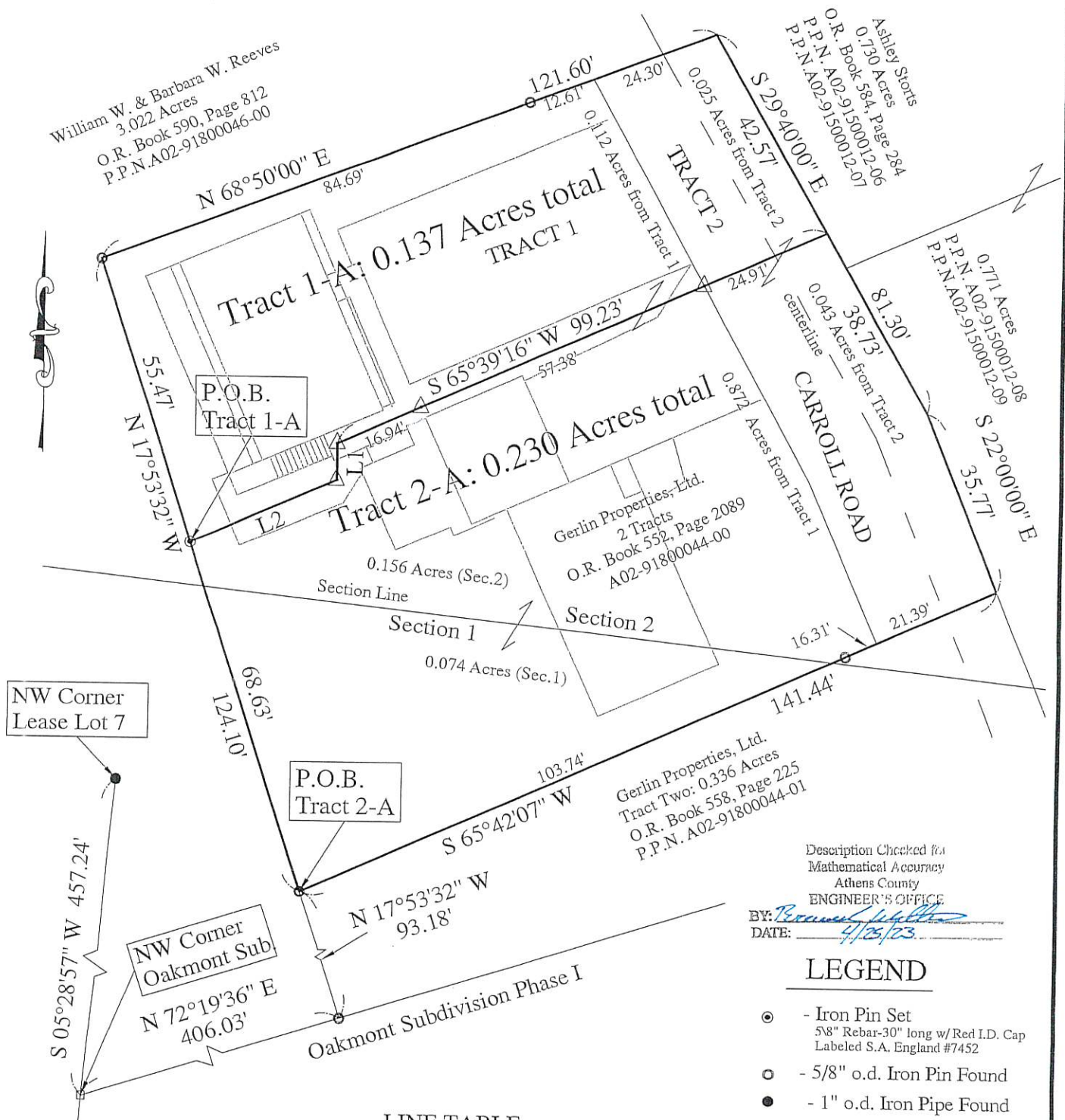
Do the proposed parcel(s) and residual satisfy minimum requirements for:

	YES	NO	N/A		YES	NO	N/A
Public Road Frontage	☐	☐	☐	Engineer's Approval	☐	☐	☐
Width to Depth Ratio	☐	☐	☐	Health Department Approval	☐	☐	☐
Number of Splits Permitted as Minor Subdivision	☐	☐	☐	Registered Surveyor	☐	☐	☐

City of Athens, Township of Athens, County of Athens, part Lease
Lot 7 in Sections 1 & 2, Township 9N, Range 14W, Congress Lands.

Gerlin Properties, Ltd.
Athens, Ohio

Being a Survey of the Residual of Tract 1 & Tract 2 conveyed to Gerlin Properties, Ltd., as recorded in O.R. Book 552, Page 2089, in the Athens County Deed Records, and being all of Auditor's P.P.N. A02-91800044-00.



BY: Robert M. [Signature]
DATE: 4/25/23

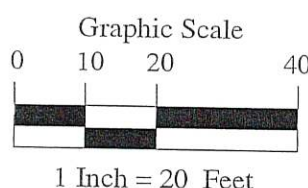
- ⊙ - Iron Pin Set
5/8" Rebar-30" long w/ Red I.D. Cap
Labeled S.A. England #7452
- ⦿ - 5/8" o.d. Iron Pin Found
- - 1" o.d. Iron Pipe Found
- ◻ - 1.5" Square Bolt Found
- △ - Mag Nail Set

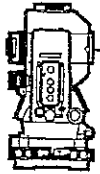
No.	Bearing	Distance
L1	S 00°21'37" W	6.79'
L2	S 66°00'14" W	29.53'

Bearings of this plat are based on the West line of Lease Lot 7, as being S 05°28'57" W, and is an assumed Meridian used to denote angles only.

S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
WWW.SURVEYOHIO.COM

Date Scott A. England, P.S.
Ohio Registered Surveyor #S-7452





S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description

Tract 2-A: 0.230 Acres

Part Gerlin Properties, Ltd.: O.R. Book 552, Page 2089

Situated in the City of Athens, Township of Athens, County of Athens, State of Ohio, and being a part of Lease Lot 7 in Sections 1 & 2, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more particularly described as follows;

Being a Survey of a part of Tract 1 & Tract 2 conveyed to Gerlin Properties, Ltd., as recorded in O.R. Book 552, Page 2089, in the Athens County Deed Records, and being part of Auditor's P.P.N. A02-91800044-01, and further described as follows;

Commencing at a 1" o.d. iron pipe found marking the Northwest corner of Lease Lot 7;

Thence, S 05°28'57" W 457.24 feet with the West line of said Lease Lot 7, to a 1.5" square bolt found marking the Northwest corner of Oakmont Subdivision Phase I;

Thence, N 72°19'36" E 406.03 feet with the North line of said Oakmont Subdivision Phase I, to a 5/8" o.d. iron pin found marking the Southwest corner of a 0.336 Acre parcel conveyed to Gerlin Properties, Ltd., as recorded in O.R. Book 558, Page 225, and being the Southeast corner of a 3.022 Acre parcel conveyed to Barbara W. Reeves, as recorded in O.R. Book 590, Page 812;

Thence, N 17°53'32" W 93.18 feet with the West line of said parcel conveyed to Gerlin Properties, Ltd., (O.R.552,Pg.2089), the same being the East line of said parcel conveyed to Reeves (O.R.590,Pg.812), to a 5/8" o.d. iron pin found marking the Southwest corner of said parcel conveyed to Gerlin Properties, Ltd., (O.R.552, Pg.2089), of which this description is a part, and being the **PRINCIPLE PLACE OF BEGINNING**, of the 0.230 Acre parcel herein to be described;

Thence, N 17°53'32" W 68.63 feet with the West line of Tract 1 conveyed to Gerlin Properties, Ltd., (O.R.552, Pg.2089), of which this description is a part, the same being the East line of said parcel conveyed to Reeves (O.R.590,Pg.812), to an iron pin set;

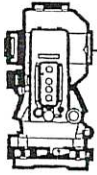
Thence with a line across said Tract 1 & Tract 2 conveyed to Gerlin Properties, Ltd. (O.R.552, Pg.2089), of which this description is a part, with the following three (3) courses and distances:

- 1) N 66°00'14" E 29.53 feet to a mag nail set;
- 2) N 00°21'37" E 6.79 feet to a mag nail set;
- 3) N 65°39'16" E 99.23 feet to the East line thereof and being the East Right of Way Line of Carroll Road (40' Wide R/W), and being on the West line of a 0.730 Acre parcel conveyed to Ashley Storts, as recorded in O.R. Book 584, Page 284, and passing over mag nails set at 16.94 feet and 74.32 feet;

Thence, S 29°40'00" E 38.73 feet with the East line of said Tract 2 conveyed to Gerlin Properties, Ltd. (O.R.552, Pg.2089), of which this description is a part and the East Right of Way Line of Carroll Road, the same being the West line of said parcel conveyed to Storts (O.R.584,Pg.284), and extending along part of a 0.771 Acre parcel conveyed to Ashley Storts, as recorded in O.R. Book 584, Page 284, to an angle point;

Thence, S 22°00'00" E 35.77 feet continuing with the East line of said Tract 2 conveyed to Gerlin Properties, Ltd. (O.R.552, Pg.2089), of which this description is a part and the East Right of Way Line of Carroll Road, the same being the West line of said parcel conveyed to Storts (O.R.584, Pg.284), to the Northeast corner of said parcel conveyed to Gerlin Properties, Ltd. (O.R.558,Pg.225);

Thence, S 65°42'07" W 141.44 feet with the South line of said Tract 2 and extending along the South line of said Tract 1 conveyed to Gerlin Properties, Ltd. (O.R.552, Pg.2089), of which this description is a part, the same being the North line of said parcel conveyed to Gerlin Properties, Ltd. (O.R.558,Pg.225), to the **PRINCIPLE PLACE OF BEGINNING**, and passing over a 5/8" o.d. iron pin set at 37.70 feet, and containing 0.230 Acres, more or less, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.



S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

The above described 0.230 Acre parcel contains 0.074 Acres in Section 1 and 0.156 Acres in Section 2.

The above described 0.230 Acre parcel contains 0.187 Acres from Tract 1 and 0.043 Acres from Tract 2;

The bearings of the above description are based on the West line of Lease Lot 7, as being S 05°28'57" W, and is an assumed Meridian used to denote angles only.

All iron pins set are 5/8" o.d. reinforcing bars 30" long with red caps labeled "S.A. ENGLAND #7452".

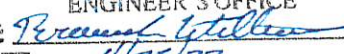
The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in January of 2019 and April of 2023.

Dated 4/14/23


Scott A. England P.S.

Ohio Registered Surveyor #7452

Job No. 3196-23AT-Tract2A-Rev1

Description Checked for
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE
BY: 
DATE: 4/25/23



**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

September 25, 2023

Memorandum

To: Athens Planning Commission
From: David Riggs, Code Director
RE: Planning Commission Lot Split variance request: 301 & 303 Carroll Road

The applicant, Don Lindner is requesting that the current parcel (#A029180004400) be divided into two properties. The current parcel contains two primary structures, 301 Carroll Road and 303 Carroll Road. The property is legal non-conforming in that it has two primary structures and does not meet the current minimum rear or side yard setbacks on 301 Carroll. Additionally, 301 Carroll is a triplex in an R-1 zone.

The proposed lot split will separate the two primary structures into one primary structure per lot. The proposed split will, however create additional non-conformities.

Tract 1-A (301 Carroll) will be less than the minimum area of 8,000 sf (5,968 sf) and less than the minimum lot width of 66-feet (42.6-ft). Tract 1-A will also not meet the minimum south side yard setback of 4.5-feet (2-feet). The lot will not meet the minimum total lot coverage of 60% (75%).

Tract 2-A will not meet the minimum north side yard setback of 8-feet (3-feet).

The applicant has indicated that 303 Carroll Road will convert from a 1 unit rental to a single family residence.