



AGENDA
ATHENS BOARD OF ZONING APPEALS
TUESDAY, OCTOBER 10, 2023
7:00 PM

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

1. Establish Quorum

2. Hearings:

• **Case #23-06V 49 Sunnyside Drive Zone R-1 Kyle Barlow/appellant**

Appellant is requesting a variance from ACC 23.03.08 (B) to allow a home addition with a side setback of 0 where 12 1/2 ft is required, and ACC 23.10 (A) to allow 42% building lot coverage whereas 30% is the maximum permitted.

• **Case #23-07V 13 Brown Avenue Zone R-1 Matt Mitchell/appellant**

Appellant is requesting a variance from ACC 23.04.01 (C)(3) to allow a non-owner-occupied short term rental in an R-1 Zone where the lot does not abut an R-2, R-3, or any B-zone and that the principal home does not front on East State Street, Carpenter Street, Lancaster Street, or Columbus Road.

• **Case #23-08V 1 Northwood Drive Zone R1 Nicholas Karayannis/appellant**

Appellant is requesting a variance from ACC 23.10 Table A to allow a fence with a one foot setback where 25 ft is required.

3. Announcements & Other Business:

- Next Meeting: November 14, 2023

4. Disposition of Minutes:

- August 8, 2023

5. 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.

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

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Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #23-06V

ADVERTISEMENT
Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **September 30, 2023**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, October 10, 2023, at 7:00pm** on the following described property:

49 Sunnyside Drive
Zone R-1 Case #23-06V

Appellant is requesting a variance from ACC 23.03.08 (B) to allow an addition to the home with a side setback of 0 where 12 1/2 feet is required, and ACC 23.10 (A) to allow 42% building lot coverage where as 30% is the maximum permitted.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS


Rob Delach, Chairperson Pro-Tem

49 Sunnyside – Case #23-06V adjoining properties and owners

42 Sunnyside Drive

Sheila Williams Trustee
42 Sunnyside Drive
Athens, OH 45701

47 Sunnyside Drive

Lynda & Michael Redington
47 Sunnyside Drive
Athens, OH 45701

**50 Sunnyside Drive (parcel #'s
A027210005500 & A027210005400)**

Jason Smith & Elizabeth Pahl
50 Sunnyside Drive
Athens, OH 45701

55 Sunnyside Drive

Sunnyside Projects LLC
50 Sunnyside Drive
Athens, OH 45701

50 Maplewood Drive

Martin Bruce Sirlei Trust
50 Maplewood Drive
Athens, OH 45701

66 Maplewood Drive

Howard Welser & Laura Black
66 Maplewood Drive
Athens, OH 45701

68 Maplewood Drive

David & Mary Nguyen
68 Maplewood Drive
Athens, OH 45701

Included is the following:

1. Name address and telephone number of applicant
2. Legal Description of Property (Copy of Deed)
3. Description or Nature of Variance (Copy of Zoning Administrator's decision)
4. Description or nature of substitution requested (copy of the Zoning Administrator's Decision)
5. A fee established by ordinance plus a fee to defray the cost of legal advertising
6. Narrative Statements establishing and substantiating that the variance conforms to the standards (I saw this in the Code of Ordinances but not with the appeal application that was provided to me)



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)	
Permit #	BZA23-000000
Date Rec'd	8/30/2023

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: Kyle Barlow 8106232474
49 Sunnyside Drive Athens, OH 45701
ADDRESS: _____
OWNER: Kyle Barlow
49 Sunnyside Dr
ADDRESS: _____
PROPERTY ADDRESS: 49 Sunnyside Dr
R1
ZONE: _____

I, THE UNDERSIGNED, Kyle Barlow

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR
8/22/2023
DATED _____

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT
49 Sunnyside Dr

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL
APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND
ACCURATE.


APPLICANT

 Trina L. Jones
NOTARY PUBLIC, OHIO

Exp. Date: 5/8/2024



PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO

FLOOD HAZARD VARIANCES

25.05.04. Variances.

(C) Public hearing. At such hearing the applicant shall present such statements and evidence as the board of zoning appeals requires. In considering such variance applications, the board of zoning appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- (1)** The danger that materials may be swept onto other lands to the injury of others.
- (2)** The danger to life and property due to flooding or erosion damage.
- (3)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4)** The importance of the services provided by the proposed facility to the community.
- (5)** The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- (6)** The necessity to the facility of a waterfront location, where applicable.
- (7)** The compatibility of the proposed use with existing and anticipated development.
- (8)** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (9)** The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10)** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11)** The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- (1)** A showing of good and sufficient cause.
- (2)** A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- (3)** A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- (4)** A determination that the structure or other development is protected by methods to minimize flood damages.
- (5)** A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

23.05.02. - Nonconforming uses or buildings; enlargement, substitution, etc.

(A) Substitution: When authorized by the BZA, the **substitution** for a nonconforming use of another not more objectionable nonconforming use may be made. However, in an R-Zone, no change shall be authorized to any use that is not a permitted or conditionally permitted use in any R-Zone. In a B-Zone, no change shall be authorized to any use that is not a permitted or conditionally permitted use in any B-Zone.

23.07.02 - Powers of the board: Original jurisdiction.

(B) Substitution

23.07.03. - Powers of the board: Appellate jurisdiction.

For Interpretation

(A) Administrative review: The BZA shall have the power to hear and decide appeals, filed as hereinafter provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the zoning inspector or other administrative official in the enforcement and interpretation of the provisions of the zoning code.

This conveyance has been examined
and the transfer has complied with
Section 319.202 of the Revised Code

Re: Transfer Fee Paid \$1040.00
J.A. Thompson, Athens County Auditor

By: RG Deputy Auditor

60 transferred
06/13/19

201900002976
Filed for Record in
ATHENS COUNTY, OHIO
JESSICA NARKINS, RECORDER
06-14-2019 at 07:49 AM.
DEED 28.00
OR Book 556 Page 1515 - 1515

201900002976
MOLICA GALL SLOAN & SILLERY CO

SURVIVORSHIP DEED

(RC 5302.17)

Thomas J. Gibbs and Angela Gibbs, husband and wife, of Athens County, Ohio, for valuable consideration paid, grant, with general warranty covenants as set forth in RC 5302.06, to Kyle Barlow and Sierra Peoples, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 49 Sunnyside Drive, Athens, Ohio 45701, the following described real property:

Situated in the City of Athens, in the County of Athens and in the State of Ohio:

Being Inlot Number Sixteen Hundred and Sixty-Six (1666) in Maplewood Place Addition to said City of Athens, Ohio.

Being the same premises as conveyed to Anna L. Snow by deed dated October 31, 1950, and recorded in Volume 205, Page 576, Athens County Deed Records. Also being the same premises conveyed by deed dated June 8, 1939, and recorded in Volume 174, Page 252, Deed Records of Athens County, Ohio.

Subject to easements, leases, rights-of-way, reservations and restrictions of record.

Parcel ID No.: A02-71700015-00

Commonly known as: 49 Sunnyside Drive, Athens, Ohio 45701

Reference: Volume 381, Page 505, Official Records of Athens County, Ohio.

premises conveyed by deed dated June 8, 1939, and recorded in Volume 174, Page 252, Deed Records of Athens County, Ohio.

Subject to easements, leases, rights-of-way, reservations and restrictions of record.

Parcel ID No.: A02-71700015-00

Commonly known as: 49 Sunnyside Drive, Athens, Ohio 45701

Reference: Volume 381, Page 505, Official Records of Athens County, Ohio.

Last Transfer: Volume 460, Page 2455, Official Records of Athens County, Ohio.

EXECUTED this 11th day of June, 2019.

[Signature]
Thomas J. Gibbs

[Signature]
Angela Gibbs

STATE OF OHIO
COUNTY OF ATHENS, ss:

The foregoing instrument was acknowledged before me this 11th day of June, 2019, by Thomas J. Gibbs and Angela Gibbs, husband and wife, the same being their voluntary act and deed.

[Signature]
NOTARY PUBLIC

My Commission Expires:
(seal)

THIS INSTRUMENT PREPARED BY:
Cherie H. Gall, Attorney at law
MOLICA, GALL, SLOAN & SILLERY Co. LPA
35 North College Street, Athens, OH 45701



CHERIE HILL GALL
Notary Public, State of Ohio
My Commission Expires 06/05/2021
Section 147.05 RC

**Office of Code Enforcement
& Community Development**

28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



**City of Athens
Athens, Ohio**

August 23, 2023

To: Kyle Barlow
49 Sunnyside Drive
Applicant Address: Athens, OH 45701

To: Kyle Barlow
49 Sunnyside Drive
Owner Address: Athens, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 49 Sunnyside Drive

Application Date: 07/31/2023

For: Addition to first floor 19x 13

Decision Detail: *your request for a residential zoning construction permit has been refused in accordance with the application submitted and ACC 23.03.08(B) & ACC 23.10(A)*

Refused - side setback of 0 where 12 1/2 ft is required. ACC 23.03.08(B)

Refused - owner requested 42% building lot coverage where as 30 % is the maximum permitted ACC 23.10(A)

NOTE: *You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71> .*



**ZONING PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23**

Permit #: ZNC23-000007
REFUSAL

Permit Type: Residential
Use of Building: Residential

Project Address: 49 Sunnyside Drive

Applicant:

Kyle Barlow
Phone: (810) 623-2474

49 Sunnyside Drive
Athens, OH 45701

Property Owner:

Kyle Barlow
Phone: (810) 623-2474

49 Sunnyside Drive
Athens, OH 45701

Description of Proposed Use/Scope of Project: Addition to first floor 19x 13

Decision Detail: your request for a residential zoning construction permit has been refused in accordance with the application submitted and ACC 23.03.08(B) & ACC 23.10(A)

Refused - side setback of 0 where 12 1/2 ft is required. ACC 23.03.08(B)

Refused - owner requested 42% building lot coverage where as 30 % is the maximum permitted ACC 23.10(A)

Estimated Value of Improvement: \$30,000.00 **Sq. Footage of New Construction or Addition:** 247.

Existing number of parking spaces: EXG **Proposed number of parking spaces:** EXG

Setbacks (as indicated on drawing): Front: EXG Rear: EXG Left: EXG Right: 0

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

08/23/2023

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date

8232



APPLICATION for COMMERCIAL
or 1-2-3 UNIT RESIDENCE
ZONING PERMIT - CONSTRUCTION
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

(Office Use Only)

Permit # ZN23000007
Date Rec'd 7/31/23

Application Fee: \$80 (2.9% convenience fee if credit card is used)

* Scaled Detail Drawing Required ** Application will not be processed unless Drawing and Application Fee attached

Residential ☒

Commercial ☐

Applicant Kyle Barlow

Phone 810-623-2474

Address 49 Sunnyside Dr Athens, OH 45701

Property Owner (if other than applicant) _____ Phone _____

Address _____

ZONING

Address of Proposed Work 49 Sunnyside Dr Athens, OH 45701

Description of Proposed Work: New ☐ Alteration ☒ Accessory ☐

Project Description addition to first floor (Single Story) 19x13

Estimated Cost of Project 20-30K Proposed Square Footage _____

Must be registered with the City of Athens.

*General Contractor home owner : friends License # _____

*Electrician (if applicable) _____ License # _____

*Plumber (if applicable) _____ License # _____

*HVAC (if applicable) _____ License # _____

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE
TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Applicant Signature Kyle Barlow Date 7/31/23

Owner Signature Kyle Barlow Date 7/31/23

Other Items Required before Issuance of Permit (if applicable):

- | | | | |
|--|---|--|---------------------------------------|
| ☐ Title 41 / PUD Approval | ☐ Water Tap (Calculations EPW) | ☐ Fire Separation Drawing | ☐ Flood Hazard |
| ☐ Shade Tree Commission | ☐ Sanitary Sewer Tap | ☐ Address Assignment | ☐ Wellhead |
| ☐ Land Development | ☐ Storm Sewer Tap | ☐ Opening (Curb Cut) | ☐ BZA Approval |

All items checked above to be approved prior to final approval

Zone: R1 (For Office Use Only) Flood Plain: No Parcel Number: A027170001500

Setbacks: Front: A: EXG R: EXG Rear: A: EXG R: EXG Left: A: EXG R: EXG Right: A: 0 R: 12 1/2

Building Lot Coverage: A: 42% R: 30% Total Lot Coverage A: 42% R: 60% Building Height: A: 2 R: 2 1/2

Exg. # of Parking Spaces: EXG Proposed Spaces: EXG Required: EXG Total: EXG

Code Officer Comments: Refuse side setback of 0 where 12 1/2 is required 23.03.08 (B)
Owner requesting 42% building lot coverage where 30 is maximum 23.10 (A)

Signature: Matt Peachy Date: 8/1/23 Recommend: ☐ Approval ☒ Refusal

Zoning Administrator Comments: _____

Signature: [Signature] Date: 8-16-23 ☐ Approval ☒ Refusal

Service Safety Director Comments: _____

Signature: [Signature] Date: 22 Aug 2023 ☐ Approval ☒ Refusal

Not Precise Scale

1" = inches

1" = Feet

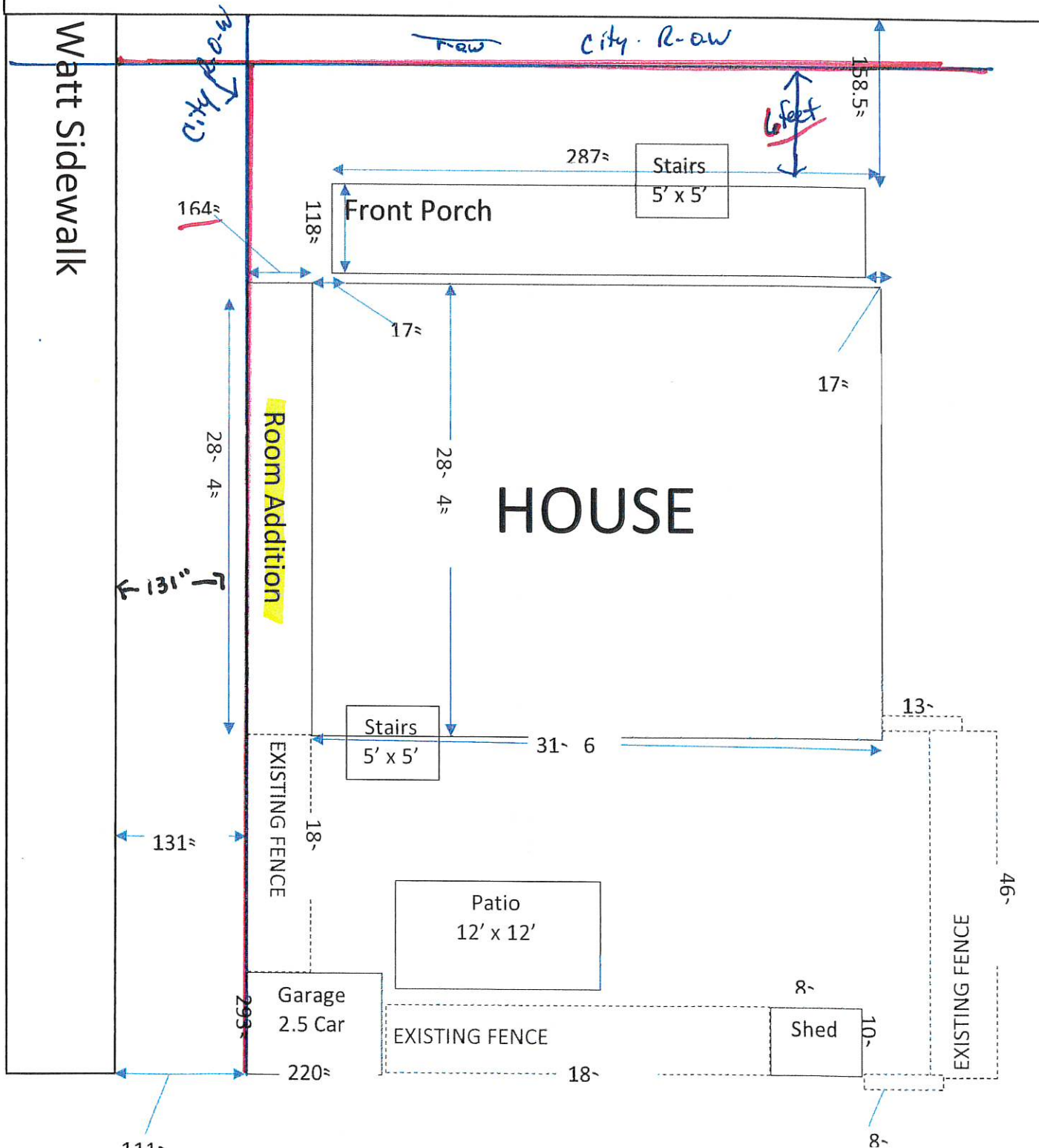
Kyle Barlow A027170061500 parcel ID

2car Parking 50' of parking
Measured from Yellow

R1

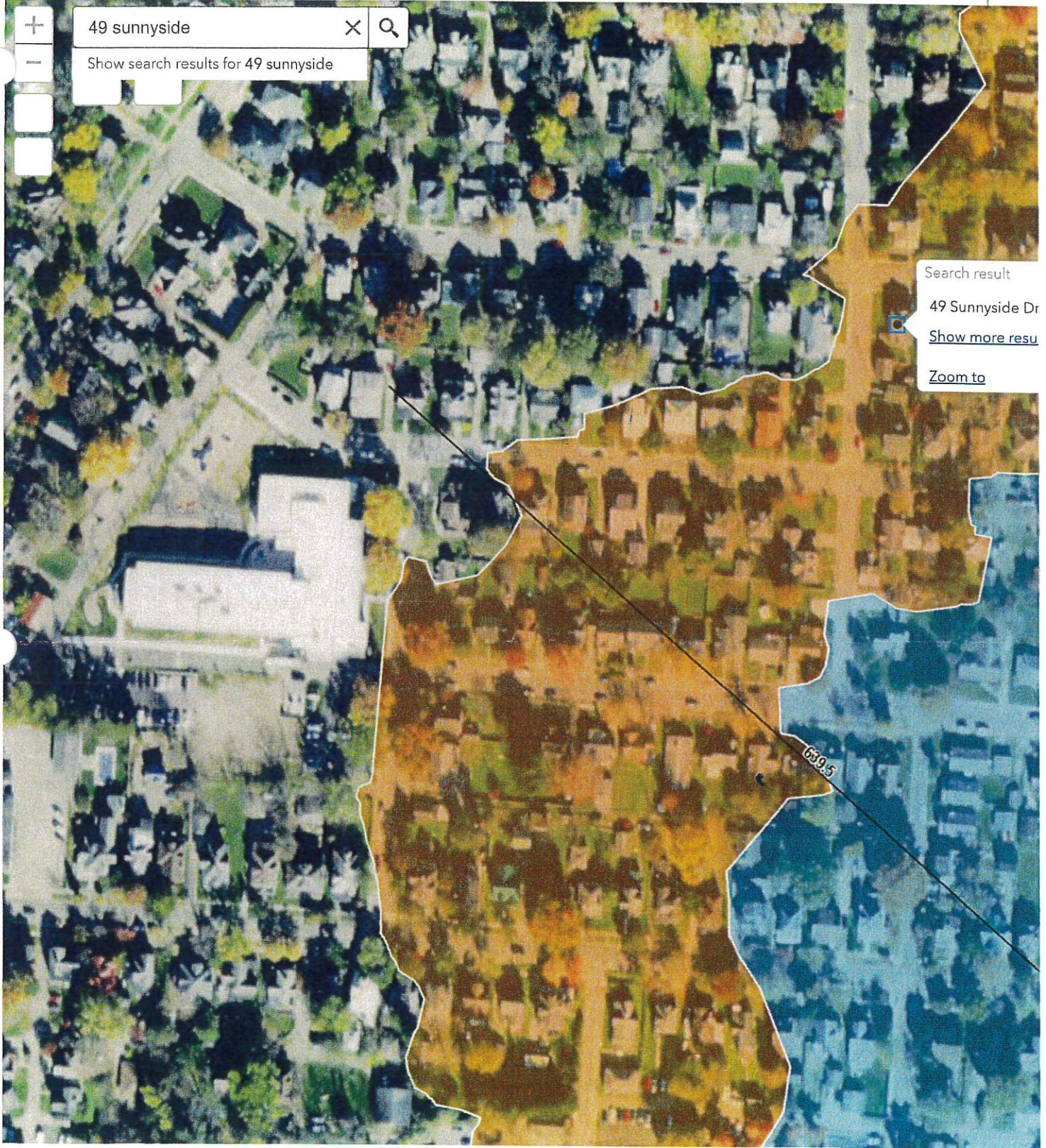
Sunnyside sidewalk

Watt Sidewalk



111'
Existing setback
Garage

Rear Structure inches off
property line
(No set back)



200ft

-82.087 39 336 Degrees

Narrative Statement

In accordance to Chapter 23.07.08 of the ACC, the request for variance is consistent with 23.07.08 D 5, letters a,b,c,d,e,f,g.

We are a family of 3 and expecting one more child in January. We are simply outgrowing our home. We love living in the city and we love our neighbors and we love our house. The addition would not detriment an adjacent property, or not materially impair the purpose of the zoning code of public interest. However we are outgrowing our space with a 4th family member and our house was one of the original farm houses on our block. We are proud that our home is over 100 years old and was an original in the neighborhood, however it has small compartmental rooms and this addition will give it more of an open and modern concept while maintaining the integrity and history of the house and structure.

The denial is based on the 30% coverage and the right of way restrictions on Watt street in the code. However the addition will be within our property line, and the zoning in question still would be consistent with houses on Watt being within the right of way, as well as houses all over our same neighborhood and zone that have significantly more lot coverage than we are proposing. We believe the precedent set in our neighborhood reasonably allows for our addition. Granting this variance would allow us the rights commonly enjoyed by other properties in the same zone and the same vicinity, and would not confer us any special privilege that is denied to other properties in the same zone and vicinity.

Additionally, I have attached a flood plain map from Athens County Auditor, and when we purchased our home in 2019, the bank determined that we are not in the flood zone based off the Plat Map and the recent floods (which have been significantly decreased since the re-routing of the Hocking River), and we have never had to pay any flood insurance and have always been considered outside of the flood zone.

23.03.16 for traffic visibility across corner lots does not apply to our proposed structure, we are 27 feet from the corner (point of intersection of the street lot lines).

Finally, we want to keep the character, integrity and footprint of our original house the same, matching the siding and look as consistently as we can, even inside matching the old molding and flooring.

We would love to sit down in person and come to a solution, please accept our sincerest gratitude for looking into our appeal and helping us reach a solution.

Thank you.

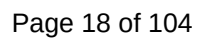
The Barlow's
49 Sunnyside Dr

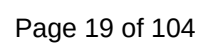
Comparable houses and lots that are outside of the zoning codes that we were denied on: 22 Ohio, 110 Morris within the right of way on Watt, 98 Elmwood place Corner lot, further within the right of way that we are proposed to be. 96 Elmwood place corner lot, 85 elmwood place, 19 Ohio Ave, 3 Watt,

Lot Coverage, 43 Sunnyside, 23 Sunnyside, 55 Sunnyside, 57 Sunnyside, basically every single one of our neighbors. 72 Maplewood.









**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

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #23-07V

ADVERTISEMENT
Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **September 30, 2023**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, October 10, 2023, at 7:00pm** on the following described property:

13 Brown Avenue
Zone R-1 Case #23-07V

Appellant is requesting a Variance from ACC 23.04.01 (C)(3) to allow a non-owner-occupied short term rental in an R-1 Zone where the lot does not abut an R-2, R-3, or any B-zone and that the principal home does not front on East State Street, Carpenter Street, Lancaster Street, or Columbus Road.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS


Rob Delach, Chairperson Pro-Tem 

**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 28, 2023

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
13 Brown Avenue
has been assigned Board of Zoning Appeals **Case #23-07V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, October 10, 2023 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement at 28 Curran Drive, Athens, Ohio, (740) 592-3306.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson Pro-Tem

Form BZA-3

**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 28, 2023

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that a request for a variance has been filed by

Matt Mitchell
For property located at
13 Brown Avenue

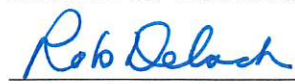
Appellant is requesting a Variance from ACC 23.04.01 (C)(3) to allow a non-owner-occupied short term rental in an R-1 Zone where the lot does not abut an R-2, R-3, or any B-zone and that the principal home does not front on East State Street, Carpenter Street, Lancaster Street, or Columbus Road.

This case has been assigned
Case #23-07V

This meeting has been scheduled for **Tuesday, October 10, 2023 at 7:00pm**, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS


Rob Delach, Chairperson Pro-Tem

13 Brown – Case #23-07V adjoining properties and owners

11 Brown Avenue

Knucklehead Management LLC
4656 US Highway 33
Athens, OH 45701

14 Brown Avenue

Shamrock BFAM LLC
2500 Fisher Road
Athens, OH 45701

15 Brown Avenue

BP Rentals of Athens LLC
669 Westview Avenue
Morgantown, WV 26505

16 Brown Avenue

Cassandra Colton
16 Brown Avenue
Athens, OH 45701

20 Brown Avenue

Vasilios Prokos
88 E State St
Athens, OH 45701

196 W State Street

Andrew Studniarz
2 Hemlock Drive
Athens, OH 45701

190 W State Street

Lowell Howard III
190 W State St
Athens, OH 45701

186 W State Street

Bradewie Rentals LLC
6001 Baker Rd
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA23-000007
Date Rec'd 9/25/2023

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: MATT MITCHELL PHONE # (312) 804-1437

ADDRESS: 124 S. ELLIOT AVE

OWNER: MATT MITCHELL

ADDRESS: (ABOVE)

PROPERTY ADDRESS: 13 BROWN AVE, ATHENS

ZONE: R1

I, THE UNDERSIGNED, MATT MITCHELL

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR

DATED 8/29/23

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT

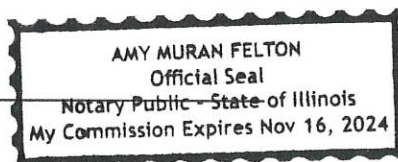
13 BROWN AVE, ATHENS, OH 45701

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL
APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND
ACCURATE.

[Signature]
APPLICANT

Amy Muran Felton 9.22.2023
NOTARY PUBLIC, OHIO Illinois



PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO

|Matthew|Mitchell|604|1638|03/02/2023|04/25/2023

OH, Athens

Document No	Document Type	Recorded Date	Party1	Party2
202300001615	DEED	4/24/2023 1:33:15...	TOWD POINT MO...	MITCHELL MATT...

202300001615

4/24/2023 1:33:15 PM

DEED

12/20/2022

B:604 P:1638

Parties

Party 1:

TOWD POINT
MORTGAGE TRUST
2015-6
US BANK NATIONAL
ASSOCIATION
-TRUSTEE

Party 2:

MITCHELL
MATTHEW T

Additional

Return To:

SERVICELINK1400
CHERRINGTON
PKWYMOON
TOWNSHIP PA
15108

Office of Code Enforcement
& Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



City of Athens
Athens, Ohio

August 29, 2023

To: Matthew Mitchell
Applicant Address: 124 South Euclid Avenue
Oak Park, IL 60302

To: Matt Mitchell
Owner Address: 124 South Euclid Avenue
Oak Park, IL 60302

REFUSAL

Enclosed please find your refused Rental Housing Permit application. Please reference the refusal date and note that in accordance with Athens City Code 23.07.08(B), you have 20 days from the date of this refusal to file an appeal if you so choose. An appeal application has been included for your use.

Rental Housing Permit - Short Term Rental Refusal Detail

Premises Address: 13 Brown Avenue

Application Date: 08/24/2023

For: R1 Short Term Rental

Note: Your application for a short-term rental in an R1 Zone is refused in accordance with the application submitted and ACC 23.04.01 (C) (3)

Long-term rentals—The keeping of not more than two renters by a resident owner or the keeping of not more than three adult renters plus related children by a nonresident owner for periods of greater than 30 days. House-keeping units may not keep long-term renters. Long-term rentals must be annually permitted per provisions in Title 29 of this Code.

- (6) Short-term rentals the keeping of not more than two renters by a resident owner for periods of less than 30 days. Housekeeping units may not keep short term renters. Short term rentals must be annually permitted per provisions in Title 29 of this Code.
- (7) Trailers—Parking of a trailer in any R-zone shall be prohibited, except that one trailer may be stored as an accessory to a principal use, provided that no living quarters shall be maintained or any business conducted in connection therein while such trailer is parked or stored.
- (8) Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as business, unless otherwise authorized herein.
- (9) On premises sales (yard sales, garage sales, porch sales) may be conducted up to three times per year, not exceeding three consecutive days per sale.
- (10) Gardening, domestic animals—Gardening, the raising of vegetables, fruits or flowers and the keeping of domestic animals exclusively for the use of personal enjoyment of residents of the premises and not for commercial purposes.

(C) Conditionally permitted uses: The following uses shall be permitted only if expressly authorized by the board of zoning appeals (hereinafter referred to as BZA) in accordance with provisions of this Code:

- (1) Recreational—Private and noncommercial recreation areas and facilities not listed above including club swimming pools, provided that no such swimming pool shall be located nearer than 100 feet from any other lot in any R-zone.
- (2) Utility stations—Static transformer stations, booster stations, and other utility stations, when operating requirements necessitate locating in an R-1 zone in order to serve the neighborhood; provided there is no yard or garage for service or storage and provided further, that the premises upon which such utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.
- (3) Short-term rentals nonresident owner short term rentals - the keeping of not more than three adult renters plus related children by a nonresident owner for periods of less than 30 days on R-1 lots that abut an R-2, R-3, or any B-zone or that the principal home fronts on East State Street, Carpenter Street, Lancaster Street, or Columbus Road.

(Ord. No. 0-10-10, §§ I, II, 2-1-1010; Ord. No. 0-06-16, § I, 2-15-2016; Ord. No. 0-17-16, § I, 10-17-2016; Ord. No. 0-104-20, § II, 10-19-2020; Ord. No. 0-145-21, § I, 12-13-2021)

23.04.01. - R-1 Residential Zone (One-Family).

The following regulations shall apply in all R-1 Zones:

- (A) Principal permitted uses:
- (1) Residential—One-family or one "housekeeping" unit detached dwellings.
 - (2) Institutional and cultural—Churches and other places of worship and Sunday school buildings located not less than 20 feet from any other lot in any R-Zone, schools and colleges for academic instruction, located not less than 40 feet from any other lot, public libraries, public museums, public art galleries and similar public cultural uses, located not less than 20 feet from any other lot in any R-Zone cemeteries.
 - (3) Recreational—Public parks, playgrounds, recreational and community center buildings and grounds and golf courses, country clubs, tennis courts and similar recreational uses, all of a noncommercial nature; provided that any principal building used thereon shall be located not less than 40 feet from any other lot in any R-Zone.
 - (4) Essential services—(See Chapter 23.10.)
 - (5) Planned Unit Development (PUD) (See Title 21.)
 - (6) Residential health care facilities—Residential care facilities for the developmentally disabled, provided that such facilities comply with all federal, state and local laws and regulations.
- (B) Permitted accessory uses: Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established; erected or constructed; provided, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise authorized herein, or any private way or walk giving access to such activity, or any sign other than authorized herein and not including the board of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:
- (1) Summer houses—Summer houses and living quarters of persons employed on the premises, without kitchen facilities and not rented or otherwise used as a separate dwelling.
 - (2) Parking facilities—Garages, carports or other parking spaces for the exclusive use of residents of the premises.
 - (3) Swimming pools—Swimming pools, exclusively for the use of the residents.
 - (4) Professional offices and home occupations. Provided that not more than one-half of the floor area of the dwelling is devoted to such accessory use, that not more than one person who is not a resident on the premises is employed at the home; that no such use shall require exterior structural, alterations or involve construction features not customary in dwellings, and that the entrance to such office or home occupations shall be from within the dwelling.
 - (5)



APPLICATION for RENTAL PERMIT

For Rental Housing
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23
codeoffice@ci.athens.oh.us
740-592-3306

(Office Use Only)

Permit #: STR23-000009

Date Rec'd: August 24, 2023

Subtype: New Rental ☐ New Owner ☐ Demographics update only ☐

Short Term Rental ☐

Total Due: 150.00

Owner Name: Matthew Mitchell Matthew Mitchell
Address: 124 S Euclid Ave
City, State, Zip: Oak Park, IL 60302
Telephone #: (312) 804-1437 E-mail Address (if applicable): matthewtmitchell@yahoo.com
Would you prefer to receive notifications by regular U.S. mail or E-mail?
Property Manager Jack Mitchell Telephone #: 312-520-9641
Property Manager Address 36 North McKinley Unit # Athens Ohio 45701
Emergency Contact & Telephone #
(must be a resident of Athens County and other than the owner): Name: Chris Hickman, Telephone #: (512) 971-2694

Property Address (include all units #'s for multiple units/buildings):

13 Brown Avenue, Athens, OH 45701

Check One:

☐ Rental Unit

1 Number of UNITS in Building

-OR-

☐ Rooming House (6 or more tenants)

☐ Owner-Occupied Rooming House

☒ Short Term Rental

2 Number of Bedrooms Rented

Requested Maximum Occupancy Level of Unrelated Persons Per Unit (list each unit separately):

Unit #1: Max Occupancy #1: 2 ONE FAMILY

Or One Family per ACC 23.04.01(A)(1)

Number of Parking Spaces (to be confirmed by Inspector)
Number of Parking Spaces: 2

Scheduled Trash Pickup Day:

Monday

I HEREBY SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE, AND THAT THE PROPERTY COMPLIES WITH ATHENS CITY HOUSING CODE TITLE 29 AND ATHENS CITY ZONING CODE TITLE 23.

Owner Signature: See Paper Application Matthew Mitchell

Date: 08/23/23

Zone:

R-1

(For Office Use Only)

Recommend:

Refusal

Exg.# of Parking Spaces:

3 stacked

Parking Verified by Code

Officer: MP

Code Officer Signature:

Mark Leary

Date: 8/24/23

Approval/Refusal:

Comments: Your application for a short-term rental in an R-1 zone is refused in accordance with ACC 23.04.01(C)(3)

Zoning Administrator Signature:

[Signature]

Date: 8-29-23

Approval/Refusal:



APPLICATION for ZONING CERTIFICATE

For Rental Housing
CITY OF ATHENS OHIO
ATHENS CITY CODE TITLE 29 & 23
codeoffice@ci.athens.oh.us
740-592-3306

(For Office Use Only)

Permit# SR23-000009
Date Rec'd 8.23.23 *ce*

☐ New Rental ☐ New Owner ☐ Demographic Update Only ☒ Short Term Rental

Property Address (include all unit #'s for multiple units/buildings):

13 Brown Ave, Athens, OH 45701

Owner Name: **Matthew Mitchell**

Address: **124 S Euclid Ave**

City, State, Zip: **Oak Park, IL 60302**

Telephone #: **(312)804-1437**

E-mail Address (if applicable): **matthewtmitchell@yahoo.com**

Would you prefer to receive notifications by regular U.S. mail or E-mail?

U.S. Mail ☐ E-mail ☒

Property Manager: **Jack Mitchell**

Telephone# **(312)520-9641**

36 N McKinley Unit# Athens, OH

Property Manager Address:

Emergency Contact & Telephone # **Chris Hickman (740)409-5945**

(must be a resident of Athens County and other than the owner):

Check One:

☐ Rental Unit

1 Number of Units

-OR-

☐ Rooming House (6 or more tenants)

☐ Owner-Occupied Rooming House

☒ Short Term Rental

2 Number of Bedrooms Rented

Requested Maximum Occupancy Level Of Unrelated Persons Per Unit (list each unit separately):

One family

Or One Family as per ACC 23.04.01(A)(1)

Number of Parking Spaces (to be confirmed by Inspector)

2

Scheduled Trash Pickup Day **Monday**

I HEREBY SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE, AND THAT THE PROPERTY COMPLIES WITH ATHENS CITY HOUSING CODE TITLE 29 AND ATHENS CITY ZONING CODE TITLE 23.

Signature of Owner

Date

8/23/23

OFFICE USE ONLY:

Recommend: ☐ Approval ☐ Refusal

Parking Verified by Code Officer ☐

Zone: _____

Code Officer Comments: _____

CODE OFFICER SIGNATURE

DATE

Athens City Zoning Administrator

☐ Approved ☐ Refused

SIGNATURE _____

DATE _____

Copy to Auditors Office ☐

Christine Robinson

From: Matthew Peachey
Sent: Tuesday, August 29, 2023 12:35 PM
To: Christine Robinson
Subject: FW: Mitel voice message from MITCHELL,MATTHE, +13128041437 for mailbox 2042
Attachments: IN8LMBUY6.wav

Hi, Christine. Matt Mitchel changed his mind on 13 Brown. He has asked me to "pump the brakes" on denying the application for a short term rental. I signed his refused short-term rental application and put it on Davis desk yesterday. When I spoke with Matt yesterday he was ready to go to the BZA; today he changed his mind. What will he need to do at this point to apply for a long term rental at 13 Brown? Thanks!

Matt Peachey
Code Officer
City of Athens / Code Enforcement Office
28 Curran Drive
Athens, Ohio 45701
(p) 740-592-3306 x2042
(f) 740-594-6304
mpeachey@ci.athens.oh.us

-----Original Message-----

From: Mitel Voice Mail [mailto:voicemail_sender@shoretel]
Sent: Tuesday, August 29, 2023 11:45 AM
To: Matthew Peachey <mpeachey@ci.athens.oh.us>
Subject: Mitel voice message from MITCHELL,MATTHE, +13128041437 for mailbox 2042

You have received a voice mail message from MITCHELL,MATTHE, +13128041437 for mailbox 2042.
Message length is 00:01:06. Message size is 519 KB.

Athens Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

Dear Members of the Board,

We respectfully request a variance in Zone R1, to allow us to rent 13 Brown Street, Athens, Ohio as a short-term rental between November 1, 2023 – July 30, 2024 at which time we will submit for a long-term rental permit to rent it to students or others interested in a minimum year-long commitment to Athens residency.

As you can see from the pictures below, we have dramatically improved the condition of the property. I believe in our pursuit of restoring this house, we have prepared it for the next 100 years. The walls and ceiling were both skim-coated and painted, kitchens and baths renovated, new ceramic tiles were installed in the bathroom and laundry area. Every surface inside the house was touched or enhanced in some way. We plan for additional exterior landscaping work to be done this fall and in the spring.

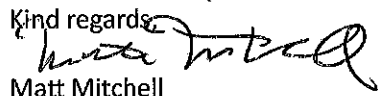
While our intention was to rent the property in the student market, due to the lengthy four-month bank process and the extensive renovations, we missed our window for the 2023-2024 school year. I respect the importance of having enough housing to support the residents of Athens and the student body. However, this house sat vacant for more than 5 years, with many opportunities to be purchased and improved by people or businesses living in the community. During which time, the property fell further into disrepair and was certainly an eyesore on the block, when it clearly is a great property that just needed attention and care.

Purchasing and restoring this property demonstrates my level of commitment to this community, and that will only continue through my support local businesses by hiring cleaning services, local lawncare companies, and repairman services to keep the property in great condition. Our love and commitment to Athens runs deep; I met my wife here, who discovered OU as a young swimmer, attending camp and eventually serving as captain of the OU Swim/Dive team and was inducted into Hall of Fame in 2005. Our son is now a sophomore at OU and I hope that Athens will become our home in future retirement.

Thank you for your consideration of this variance, allowing us to rent our property on a short-basis, with the intention of renting it to parents visiting their students during the school year. I am committed to ongoing property improvements and hands-on management of this endeavor. I will be a courteous neighbor on Brown Avenue and will hold any guests to that same expectation of courtesy. We have already reached out to many neighbors on our block and believe to have the support of those who live in the neighborhood.

Thank you for your consideration.

Kind regards,



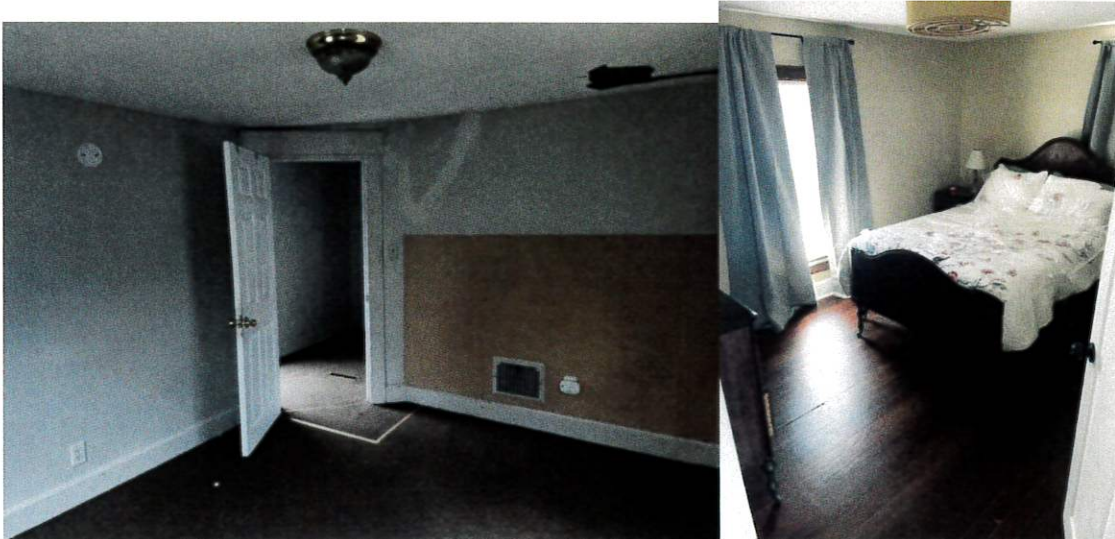
Matt Mitchell

13 Brown Ave – Renovations (Before/After)

2nd Floor Bathroom – repaired damaged joists and floor due to prior HVAC installation



Bedroom 1 – brand new ceiling due to water damage from roof / paint, & floor



Bedroom 2 – removed carpet and repaired/refinished Heart Pine floor



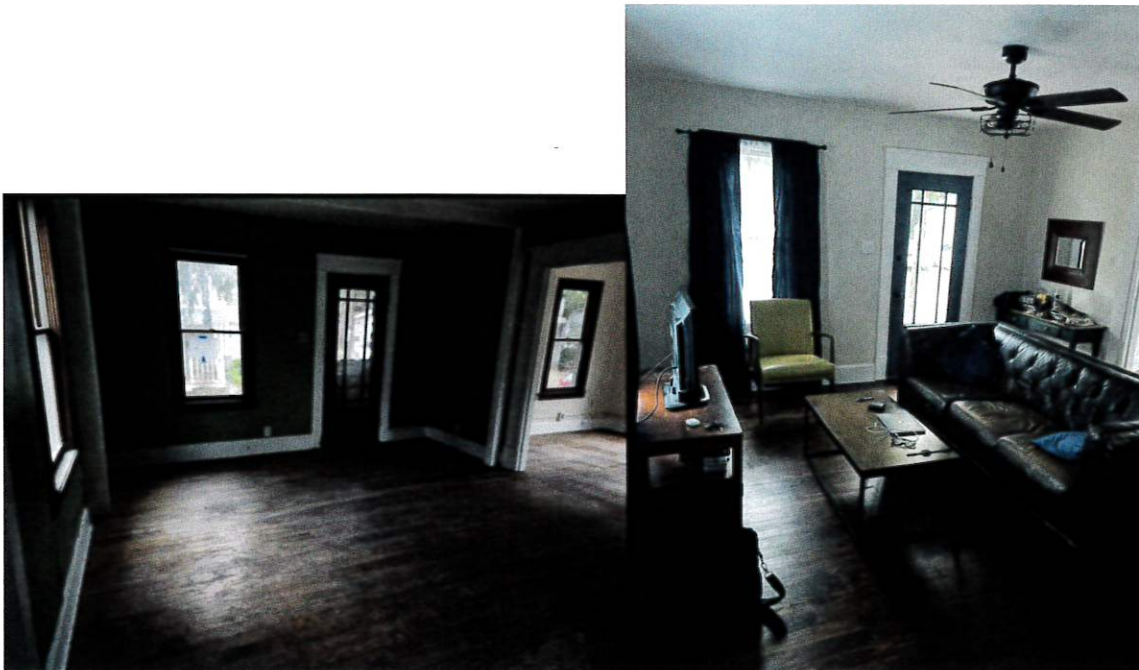
Downstairs ½ bath (conversion) – removed shower to create stackable laundry in adjacent room



Kitchen – added cabinets, moved refrigerator and installed quartz countertops, created new laundry area in back room



Living Room: repaired holes in floor by sourcing Heart Pine and refinished



Dining Room: New fixtures, paint and refinished floor



Exterior work – NEW roof, gutters, deck, paint.....landscaping in progress



Office of Code Enforcement &
Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



City of Athens
Athens, Ohio

Matthew Mitchell
124 S Euclid Ave
Oak Park, IL 60302

NOTICE OF VIOLATION

Inspection Date: 08/28/2023

Address of Rental: 13 Brown Avenue

Inspection Status: Fail

Reinspection Date: 09/29/2023 at 1:00 PM

An inspection was made of your property on 08/28/2023 violations were found and are listed below, these violations must be corrected by 09/29/2023. If you have any questions, please do not hesitate to contact this office at (740) 592-3306.

#	UNIT#	VIOLATION	LOCATION	COMMENTS
1		ACC 29.33.05 - ** Fire extinguisher needs inspected and/or tagged	Kitchen	Must be a 2a10bc fire extinguisher
2		ACC 29.33.07 - ** Install smoke detector	Basement	
3		29.13.04 - Ensure basements windows are sealed to the foundation to prevent entry of elements.	Basement	
4		29.13.05 - Scrape peeling paint as needed on bath trim around door, and repaint as needed.	Upstairs Bathroom	
5		29.12.01 (A) - Scrape all peeling paint on exterior as needed and repaint as needed including any untreated exterior wood surfaces. Remove vines, bushes and tree limbs from the house to prevent neighborhood blight.	Exterior	
6		09.10.02 - Ensure all grass and weeds are maintained to a level under 8 inches.	Exterior	

** Items with ** must be corrected immediately

Sincerely,

Matthew Peachey
Code Officer

RIGHT OF APPEAL

Any person affected by any notice which has been issued in connection with the enforcement of the Housing Code may request a hearing before the Housing Appeals Board. A written petition shall be filed requesting such hearing and setting forth a brief statement of the grounds therefore, within thirty (30) calendar days after the day the notice was served.

**Office of Code Enforcement
& Community Development**
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



**City of Athens
Athens, Ohio**

Matt Mitchell
124 South Euclid Avenue
Oak Park, IL 60302

RE-INSPECTION REPORT

Inspection Date: 09/25/2023

Address of Rental: 13 Brown Avenue

Upon re-inspection of the above referenced rental property, all violations have been corrected.

Sincerely,

A handwritten signature in black ink that reads "Matt Peachey". The signature is written in a cursive, flowing style.

Matthew Peachey
Code Officer

**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

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #23-08V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **September 30, 2023**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

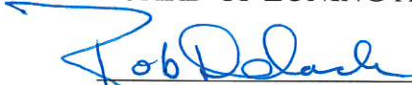
Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, October 10, 2023, at 7:00pm** on the following described property:

1 Northwood Drive
Zone R-1 Case #23-08V

Appellant is requesting a variance from ACC 23.10 Table A to allow a fence with a one foot setback where 25 ft is required.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS


Rob Delach, Chairperson Pro-Tem 

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 28, 2023

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
1 Northwood Drive
has been assigned Board of Zoning Appeals **Case #23-08V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, October 10, 2023 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement at 28 Curran Drive, Athens, Ohio, (740) 592-3306.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS


Rob Delach, Chairperson Pro-Tem

Form BZA-3

**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 28, 2023

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that a request for a variance has been filed by

Nicholas Karayannis
For property located at
1 Northwood Drive

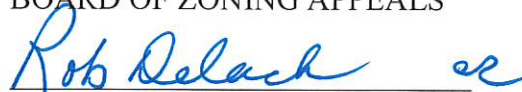
Appellant is requesting a variance from ACC 23.10 Table A to allow a fence with a one foot setback where 25 ft is required.

This case has been assigned
Case #23-08V

This meeting has been scheduled for **Tuesday, October 10, 2023 at 7:00pm**, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS


Rob Delach, Chairperson Pro-Tem

1 Northwood – Case #23-08V adjoining properties and owners

4 Orchard Ln

John Kopchick
Charlene L Trustees
4 Orchard Ln
Athens, OH 45701

3 Northwood Drive

LTD Properties & Investments LLC
5 Northwood Dr
Athens, OH 45701

6 Northwood Drive

Holly Jacobs & Michael Tobar
6 Northwood Dr
Athens, OH 45701

144 Columbia Avenue & 0 Joneswood Drive (A028210000900)

Noel Barstad
144 Columbia Avenue
Athens, OH 45701

13 Joneswood Drive

Mark McMills & Lauren E H
13 Joneswood Dr
Athens, OH 45701

15 Joneswood Drive

Don Stout
15 Joneswood Drive
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA23-000008
Date Rec'd 9/20/2023

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation)

APPLICANT: NICHOLAS KARAYANNIS PHONE # 740 899-0189
ADDRESS: 1 NORTHWOOD DRIVE, ATHENS, OH 45701
OWNER: NICHOLAS KARAYANNIS & ANN LAVOATII
ADDRESS: 1 NORTHWOOD DRIVE, ATHENS, OH 45701
PROPERTY ADDRESS: 1 NORTHWOOD DRIVE, ATHENS, OH 45701
ZONE: 2ND - 000059 (KANSAS)

I, THE UNDERSIGNED, Nicholas Karayannis

HEREBY APPEAL THE DECISIONS OF THE ZONING ADMINISTRATOR

DATED September 26 2023

FOR DENIAL OF A ZONING PERMIT FOR PROPERTY LOCATED AT

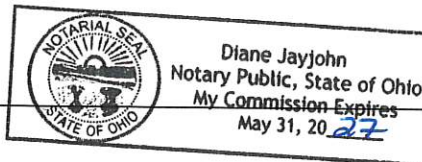
IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL
APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND
ACCURATE.

X [Signature]

APPLICANT

[Signature]
NOTARY PUBLIC, OHIO



PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO

This Conveyance has been examined
and the Grantor has complied with
Section 319.202 of the Revised Code

No. 799 Transfer Fee Paid \$ 1380.00
J.M.A. Thompson, Athens County Auditor

By BD Deputy Auditor
0.50 TRANSFERRED
6-10-2021

Instrument Book Page
202100003240 OR 582 1834
202100003240
Filed for Record in
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
06-10-2021 At 01:38 pm.
DEED 42.00
OR Book 582 Page 1834 ~ 1836

202100003240
NORTHWEST TITLE FAMILY OF COMPANIES
603 WEST UNION
SUITE 200
ATHENS OH 45701

GENERAL WARRANTY SURVIVORSHIP DEED

Know all persons by these presents, that:

Laura L. Bramer, formerly known as Laura Lee Finsterwald Bramer

An unmarried individual, the designated Grantor herein for valuable consideration received hereby
grant and assign with general warranty covenants, to:

Nicholas V. Karayannis and Ann Laudati

the designated Grantees herein, for their joint lives, remainder to the survivor of them, whose tax-bill
mailing address is: 1 Northwood Drive, Athens, OH, 45701, unless the Mortgagee provides written
instructions to the County Treasurer to the contrary, all interest in the following real property:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Property Address: 1 Northwood Drive, Athens, OH 45701

Parcel No.: A02-821-00-071-00

Prior Deed Reference: Instrument No. 200900000581, OR Book 431, Page 2349, and OR Vol. 466,
Page 915 in the Athens County Records

The foregoing real property is granted by the Grantor and accepted by the Grantees except for the
following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real
estate taxes and assessments which are now or may hereafter become a lien on said premises;
covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral
rights and interests previously transferred or reserved of record.

The Grantor herein has read this Deed and hereby acknowledges the voluntary signing hereof.

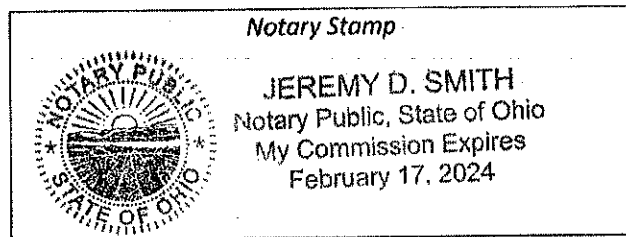
Executed on this 7 day of JUNE, 2021.

Laura L. Bramer
Laura L. Bramer

State of Ohio)
County of Franklin)ss

The foregoing instrument was acknowledged before me this 7 day of JUNE, 2021 by Laura L. Bramer.

[Signature]
Notary Public



This instrument prepared by:
Stephen A. McCoy, Esq.
The Holfinger Stevenson Law Firm
239 East Main Street
Jackson, OH 45640

File #23-1219

After recording, return to:
Northwest Title Family of Companies, Inc
c/o Erin Hinsch
603 West Union Street
Suite 100
Athens, OH 45701

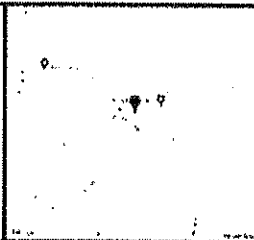
EXHIBIT "A"

Situated in the City of Athens, in the County of Athens and State of Ohio, and bounded and described as follows:

Being a part of Farm Lot No. 48, in Town 9, Range 14, Ohio River Survey: Starting from a stone at the northwest corner of Farm Lot No. 46; thence South 86 1/4 degrees East 15 feet to an Iron pin in the east line of a street; thence North 4 degrees East 168.1 feet along the east line of said street to a pin at the southwest corner of Inlot No. 18 of Northwood Addition; thence North 19 degrees West 200.3 feet along the east line of said street; thence North 65 degrees 45 minutes West 10 feet to an iron pin and place of beginning; thence North 65 degrees 45 minutes West 156.7 feet to the middle of Peach Ridge Road, said point located North 65 degrees 45 minutes West 20 feet from an iron pin; thence North 25 degrees 30 minutes East 136 feet along said Peach Ridge Road to a point located North 59 degrees 20 minutes West 34.3 feet from an Iron pin; thence South 59 degrees 20 minutes east 185.8 feet; thence South 52 degrees East 43.5 feet; thence South 58 degrees 55 minutes West 126.4 feet to the place of beginning, **containing 55/100 acre**, more or less. Including in the above described tract 40/100 acre conveyed to Grace P. Biddle and recorded in Volume 175, Page 256 Athens County Deed Records, and conveyed by her to Mary P. McKinstry, now deceased, and recorded in Volume 178, Page 275, Athens County Deed Records, a deed of correction therefore from J. Clyde Edmundson to said Mary P. McKinstry being recorded in Volume 179, Page 583, Athens County Deed Records.

Parcel No. A02-82100071-00

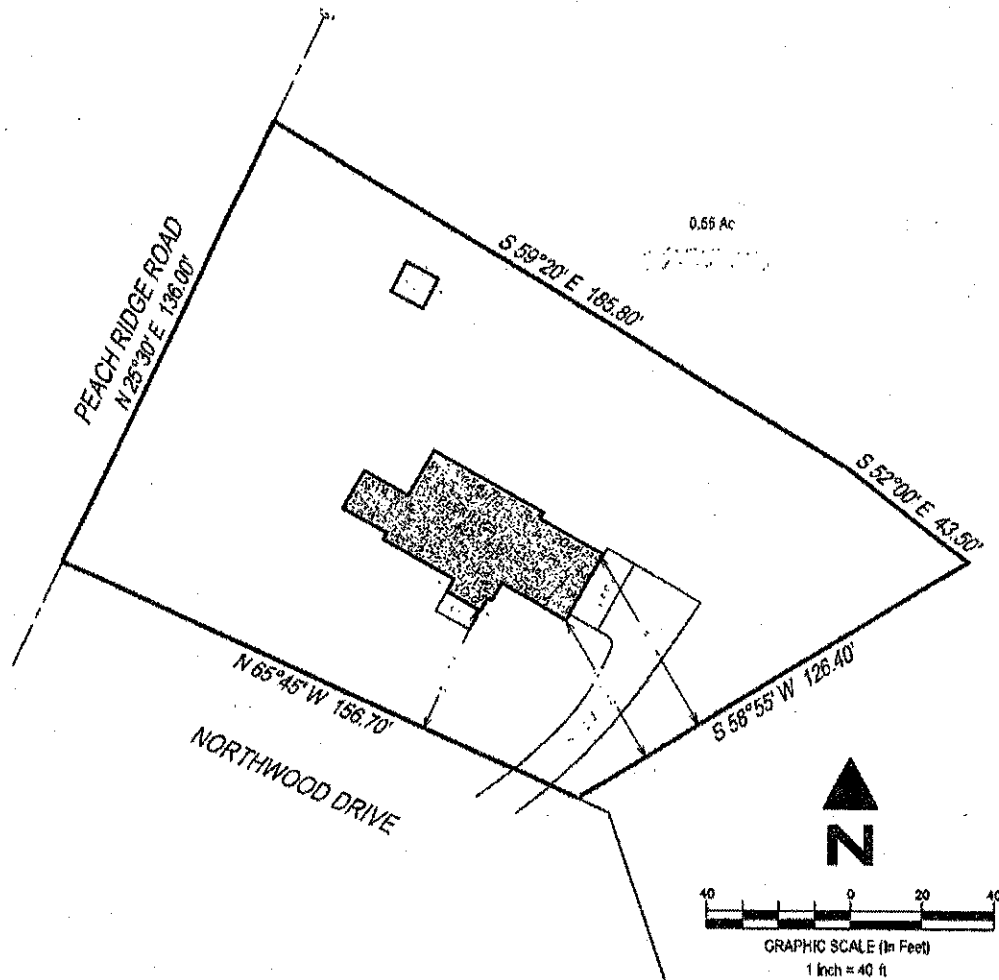
Prior Deed Reference: OR Vol. 431, Page 2349 and OR Vol. 466, Page 915 of the Athens County, Ohio records.



PROPERTY ADDRESS: 1 NORTHWOOD DRIVE ATHENS, OHIO 45701

SURVEY NUMBER: 2105.2621

2105.2621
MORTGAGE LOCATION SURVEY
ATHENS COUNTY



POINTS OF INTEREST:
NONE VISIBLE.

CLIENT NUMBER: 23-1214

BUYER: SELLER: LAURA L BRAMER

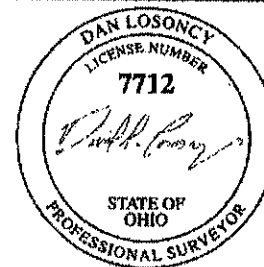
LOT: 0.55 ACRE BLOCK: PLAT: PG:

SUBDIVISION: METES AND BOUNDS

COUNTY: ATHENS

CERTIFIED TO:
QUICKEN LOANS, LLC NORTHWEST TITLE FAMILY OF COMPANIES, INC.

THIS MORTGAGE LOCATION SURVEY IS PERFORMED IN ACCORDANCE WITH 4735-18 OF THE OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-31 OF THE ADMINISTRATIVE CODE AND IS ONLY FOR THE USE OF THE MORTGAGE LENDER AND THE INSURER. DO NOT USE THIS MORTGAGE LOCATION SURVEY FOR FUTURE CONSTRUCTION OF FENCES, SHEDS, GARAGES, ADDITIONS OR ANY OTHER STRUCTURES. THIS DOCUMENT MAY NOT SHOW ALL EASEMENTS AFFECTING THE SUBJECT PROPERTY.



FIELD DATE: 05/14/21

SURVEY DATE: 05/14/21

REVISION HISTORY: NONE

I/We acknowledge receipt of this survey and accept the property in the condition as shown.

[Signature] 6/7/21
[Signature] 06/07/2021



690 Lakewood Plaza Blvd | Suite A
Worthington, OH 43085
Phone: 614-485-9000
www.landmarksurvey.com

CLOSING AGREEMENT FOR THE PURCHASE OF RESIDENTIAL REAL ESTATE

PROPERTY: 1 Northwood Drive, Athens, OH 45701

SELLER: Laura L. Bramer

BUYER/BORROWER: Nicholas V. Karayannis and Ann Laudati

LENDER: Quicken Loans, LLC

TITLE AGENCY: Northwest Title Family of Companies

G.F. # 23-1219

By signing this statement, I acknowledge and agree to the following matters related to my real estate closing:

1. That neither Title Agency nor any of its employees is acting as my Agent, Attorney, Representative or Fiduciary at this real estate closing. This is true even though funds may be held by Title Agency in an escrow account. **Title Agency is serving as an Escrow Agent and Settlement Agent, as well as a Title Insurance Agent (if applicable)** to any proposed insured under a title insurance commitment in this transaction. Title Agency or any of its employees or contractors, may have identified certain documents to me as they were presented to me for signing, but they have not given me any legal advice as to the meaning or effect of the documents. I understand that any statements made about the documents are not legal advice and that obtaining legal counsel in real estate transactions is recommended. By signing the closing documents, I consent to be bound by them and confirm that any and all of the terms in my real estate sale contract are included accurately therein. Notice of any and all claims related to Title Agency as an Escrow Agent and Settlement Agent must be presented to Title Agency within one year of the date of settlement. Any claim related to title is subject to the terms of the title insurance policy.
2. As a necessary step in closing this transaction, The Holfinger Stevenson Law Firm, Ltd. (the "Law Firm") prepares certain documents for closing on behalf of Title Agency, the cost of which may be borne by one or more of the parties. I acknowledge that, unless I have entered into a representation agreement with the Law Firm, I am **not a client of the Law Firm**, and the Law Firm has not given me any legal advice regarding the meaning or effect of the documents. I expressly waive any actual or potential conflict of interest between Law Firm and myself, Title Agency, and any of the parties.
3. Title Agency is authorized to deposit all funds it receives into any financial institution, and shall not be liable for paying interest on any escrowed funds and shall be under no duty to invest or reinvest funds held at any time. Costs, expenses, and interest from said funds shall be paid in accordance with the rules of this State in regards to **Escrow and/or IOTA/IOLTA accounts**. Further, I understand that **FDIC insurance** applies only to a cumulative maximum amount of \$250,000 for each individual Depositor for all of Depositor's accounts at the same or related institution(s). Title Agency assumes no responsibility for, nor will Depositor(s) hold Title Agency liable for, any loss occurring which arises from the fact that the amount of any deposits made with Title Agency may cause the aggregate amount of any individual Depositor's accounts to exceed \$250,000 and that the excess amount is not insured.
4. Title Agency may charge for **courier or delivery fees** on the Settlement Statement. This fee includes services such as: hand-courier, U.S. Mail, UPS, or FedEx, but the actual delivery charges by these services may be greater than or less than the amount shown, and the balance of that fee will be paid to, or shortage will be paid by, Title Agency. Any such balance received is consideration for the creation of the package sent, for transmitting the package to the delivery service, and for tracking such package.
5. There may be times when there are **clerical errors or mistakes** made by Lender or by Title Agency. I agree to fully cooperate and correct such errors on any or all closing documentation within three (3) days after being given notice, even if that means that documents need to be re-executed and notarized, or it results in a change in my closing costs, and I will be responsible for paying the accurate amount owed.
6. I authorize Title Agency to **release a copy of the Settlement Statement and Closing Disclosure** to people or entities such as the government, my accountant or attorney, or other title agencies handling future

transactions for the subject property, and other reasonably similar parties that have a fiduciary or agency relationship with me. Further, I authorize Title Agency to act as my representative for the limited purpose of completing, correcting, or signing any forms required by the County to transfer and convey the property.

7. I acknowledge that the Seller may be required to execute an affidavit, required under the **Foreign Investments in Real Property Tax Act of 1980** (26 USC Section 1445 et seq., commonly known as "**FIRPTA**"), signed under penalty of perjury, containing Seller's United States Social Security and/or taxpayer identification numbers and a declaration to the effect that Seller is not a foreign person within the meaning of FIRPTA. Title Agency will not provide me with a copy of this affidavit. Instead, Title Agency will act as a Qualified Substitute pursuant to FIRPTA, and will retain possession of the affidavit. If I should receive an inquiry from the IRS regarding this transaction, I agree to notify Title Agency immediately and provide Title Agency with a copy of any such IRS correspondence.

8. **TAXES:**

I acknowledge that the **real estate tax proration** reflected on the Settlement Statement is based on the most recent tax bill/certificate, as provided by the County, and as required to be done by my Property's Purchase Contract.

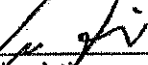
I confirm I have reviewed the **property tax proration** on the Settlement Statement and agree it is what I contracted with Seller for, and so I affirmatively indemnify and hold harmless Title Agency, its agents, owners and employees, for any loss due to miscalculation arising from clerical error, Seller's failure to pay such taxes, any tax increase or decrease occasioned by millage or valuation changes, retroactive re-evaluation, change in land usage, loss of CAUV reduction, or loss of homestead status.

9. I understand that certain real estate tax matters such as **senior citizen, disability, homestead and mortgage exemptions, reductions and discounts** may be available to me if I qualify, but Title Agency is not responsible for making that determination on my behalf. I will apply for any such exemptions or discounts myself or with the assistance of hired legal counsel.
10. I understand that Ohio Revised Code 5323.02 requires owners of **residential rental property** are required to provide contact information to the County Auditor in counties with populations over 200,000. Failure to file that information within 60 days following the conveyance may result in fine levied against the property. Title Agency does not file those forms on your behalf, and you hold us harmless for any loss(es) that may result from not filing this required information with the County Auditor.
11. I acknowledge that future real estate tax bills will be sent to the address listed on the Deed and the County Auditor's Conveyance Form, and I certify I **have received the Deed, reviewed it, and I accept it**. If the Grantee on the Deed is different from the Signor(s) on the purchase contract, I acknowledge providing verbal instruction to Title Agency to have the Deed prepared by an attorney accordingly. Additionally, if I later desire to change my tax-bill mailing address and have the tax bills sent elsewhere, I must notify the County Auditor by completing and submitting their prescribed form. If my real estate taxes are escrowed with my Lender, I should immediately forward any property tax bills I receive to my Lender.
12. I acknowledge that there **may be unpaid charges for water and/or sewer** services furnished to the property being purchased and that no such allowance for such charges was made or taken into account on the Settlement Statement. I understand that it is my duty, and not the duty of Title Agency, to verify that all utilities, including water and sewer, have been transferred into my name and don't have any outstanding balances that are owed by Seller.
13. I confirm that I **did not provide any earnest money** in this transaction.
14. I have been notified of the opportunity to buy a Homeowner's or Owner's Policy of Title Insurance to protect my title interests in the Property, and I **have declined to purchase a title insurance policy**.

15. This is the complete agreement between the parties, and can only be modified by signed writing. The UNDERSIGNED HAVE READ THIS AGREEMENT and agree to all the terms and conditions herein.



Nicholas V. Karayannis



And Laudat

Phone: (740) 899-0189

Email: nvkaray@ohio.edu

☒ Owner-occupied

☐ NOT owner-occupied

Mailing Address: _____

Homeowner's/Condo Association Disclosure and Agreement

File # **23-1219**

Property: **1 Northwood Drive, Athens, OH 45701**

Seller, whether one or more than one person, has disclosed that there *(initial one)*:

 X **IS NOT** an active Homeowner's/Condo Association at the above mentioned property address.

 IS an active Homeowner's or Condominium Association at the above mentioned property address. The name of the Association that I paid dues to is:

The contact information for the Management/Treasurer of Association is:

The dues are \$ _____ per _____.

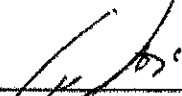
Seller will hold Northwest Title Family of Companies harmless from any outstanding debts, dues and liens that may be filed of record and will pay any and all dues, late fees, penalties, legal fees associated to the Association up to and including the date of closing.

Buyer will also hold Northwest Title Family of Companies, harmless and agrees to be responsible for any dues, late fees, penalties, and/or legal fees associated with the Association from the day of purchase if such Association should provide them with an invoice and/or information in regards to a "mandatory" fee associated with the Association.

The undersigned acknowledges that the dues associated with the homeowner's or condo association, if any, are prorated on the HUD-1/CDF/Settlement Statement in accordance with the parties' purchase contract. The parties further acknowledge that all association assessments or past due fees, if any, must be paid by Seller, and either have been paid current or will be paid current as indicated on the HUD-1/CDF/Settlement Statement. The parties indemnify and hold Northwest Title Family of Companies harmless from any claims, actions, penalties or the like concerning these types of assessments and dues. Seller has certified that any and all dues, if any, have been paid current through closing, and indemnifies Northwest Title Family of Companies and Buyer for any resulting loss.


Nicholas V. Karayannis

06/07/2021
Date


Ann Laudati

6/7/21
Date

Transaction Identification Data for reference only:

Issuing Agent: Northwest Title Family of Companies, Inc
Issuing Office: 603 West Union Street
Suite 100, Athens, OH 45701
Issuing Office ALTA® Universal ID: 1009256
Loan ID Number: 347 2701005
Commitment Number: 23-1219
Issuing Office File Number: 23-1219
Property Address: 1 Northwood Drive, Athens, OH 45701
Revision Number: 20210602-1140 AM

SCHEDULE A

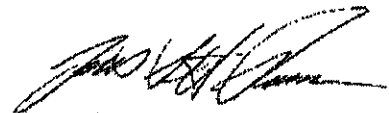
1. Commitment Date: **May 12, 2021, 07:00 am**
2. Policy to be issued:

	Amount
a. No Owners Policy Requested	N/A
Proposed Insured: N/A	
b. <u>X</u> ALTA Loan Policy (06/17/2006)	\$220,000.00
Proposed Insured: Quicken Loans, LLC, ISAO/ATIMA	
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. The Title is, at the Commitment Date, vested in:

Laura L. Bramer AKA Laura Lee Finsterwald Bramer

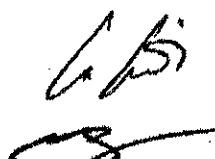
Source of Title: Certificate of Transfer recorded 02/05/2009 in OR Vol. 431, Page 2349 and Transfer on Death Designation Affidavit (naming beneficiaries) recorded 12/16/2011 in OR Vol. 466, Page 915 of the Athens County, Ohio records.
5. The Land is described as follows: **SEE ATTACHED EXHIBIT "A"**

Countersigned By Policy Issuing Agent:



Scott Stevenson, Esq., Licensed Agent
Northwest Title Family of Companies, Inc
www.nwtitle.com

Reviewed at
closing by
Insured:



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EXHIBIT "A"

Situated in the City of Athens, in the County of Athens and State of Ohio, and bounded and described as follows:

Being a part of Farm Lot No. 48, in Town 9, Range 14, Ohio River Survey: Starting from a stone at the northwest corner of Farm Lot No. 46; thence South 86 1/4 degrees East 15 feet to an iron pin in the east line of a street; thence North 4 degrees East 168.1 feet along the east line of said street to a pin at the southwest corner of Inlot No. 18 of Northwood Addition; thence North 19 degrees West 200.3 feet along the east line of said street; thence North 65 degrees 45 minutes West 10 feet to an iron pin and place of beginning; thence North 65 degrees 45 minutes West 156.7 feet to the middle of Peach Ridge Road, said point located North 65 degrees 45 minutes West 20 feet from an iron pin; thence North 25 degrees 30 minutes East 136 feet along said Peach Ridge Road to a point located North 59 degrees 20 minutes West 34.3 feet from an iron pin; thence South 59 degrees 20 minutes East 185.8 feet; thence South 52 degrees East 43.5 feet; thence South 58 degrees 55 minutes West 126.4 feet to the place of beginning, containing 55/100 acre, more or less. Including in the above described tract 40/100 acre conveyed to Grace P. Biddle and recorded in Volume 175, Page 256 Athens County Deed Records, and conveyed by her to Mary P. McKinstry, now deceased, and recorded in Volume 178, Page 275, Athens County Deed Records, a deed of correction therefore from J. Clyde Edmundson to said Mary P. McKinstry being recorded in Volume 179, Page 583, Athens County Deed Records.

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**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Duly authorized, executed, and recordable Deed, filed of record and creating the estate or interest to be insured, from Laura L. Bramer AKA Laura Lee Finsterwald Bramer conveying title to the Buyer Proposed Insured under Item 2 of this Commitment. (NOTE: Said Deed must contain a release of Dower Rights from the Spouse of any Grantor not shown on title, if any.)
 - b. Duly authorized, executed, and recordable Mortgage from Nicholas V. Karayannis and Ann Laudati to the Proposed Lender in the amount identified under Item 2 in Schedule A of this Commitment. (NOTE: Said Mortgage must contain a release of Dower Rights from the Spouse of Mortgagor not shown on title, if any, and/or a release of any interest of any titleholder(s) shown in Paragraph # 4 of Schedule A of this Commitment.)
5. Payment of taxes, charges, and assessments levied and assessed against subject premises, which are due and payable.
6. All parties to the transaction must provide identification sufficient to comply with the USA Patriot Act as determined by their lender and the policy-issuing agent.
7. Duly executed Owners Affidavit covering matters of title, in a form acceptable to the Company.
8. Further exceptions and/or requirements may be made upon review of the proposed documents and/or upon further ascertaining the details of the transaction.
9. Satisfaction and release or subordination of the liens shown in Schedule B-II.
10. Proof of payment of any liens and/or assessment to Homeowner's Association(s), if any.
11. Approval by the County Engineer of the legal description for the insured land.
12. Execution of Certificate of Understanding and Indemnity and Hold Harmless Agreement by the Parties (Seller/Buyer/Borrower) to the Contemplated Transaction. (This Affidavit will not be recorded in the public records.)

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13. The legal description in the vesting deed and contained in Exhibit A hereto, does not close/plot correctly. A new boundary survey and legal description (containing proper County approval stamps) must be provided to the Insuring Company prior to closing. **Alternatively, the current legal description may be used if ALL insured parties agree (in writing) to assume all liability regarding survey issues; or agree (in writing) that the general survey exception will remain (no survey coverage) in all final title insurance policies.**

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SCHEDULE B, PART II

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests, or claims that are not shown in the public records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records. NOTE: This exception will be removed with satisfactory survey evidence and payment of the associated survey exception deletion premium.
4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown in the public records.
5. Rights of parties in possession of all or any part of the premises, including, but not limited to, easements, claims of easements or encumbrances that are not shown in the public records.
6. The lien of the real estate taxes or assessments imposed on the title by a governmental authority that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the public records.
7. Oil and gas leases, pipeline agreements or any other instruments related to the production or sale of oil and gas which may arise subsequent to the Date of Policy. (NOTE: This exception will only appear in the final loan policy.)
8. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
9. Delinquent Sewer and Water Bills may become a lien on the real estate. No liability is assumed by the company for ascertaining the status of utility charges and the insured is cautioned to obtain the current status of these payments.

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10. No liability is assumed for tax increases occasioned by retroactive revaluation, change in land usage, or loss of any homestead exemption status for insured premises.
11. Liens in favor of the State of Ohio filed but not yet indexed in the dockets of the Athens County Common Pleas Clerk. (NOTE: This exception will be deleted upon receipt of a duly executed Owners Affidavit.)
12. Exception is made for any and all taxes and/or assessments certified or not certified for the year 2020 and thereafter, plus any penalties and interest which may accrue. Taxes for 2021 and subsequent years are undetermined and are not yet due and payable, but are a lien nonetheless.

The County Auditor's General Tax Duplicate Records for the Tax Parcel**No. A02-82100071-00 are as follows for the tax year 2020:**

Taxes for the first half of 2020, due March 8, 2021 are paid.

Taxes for the second half of 2020, due August 5, 2021 are paid.

Assessed Valuations: Land: \$12,600.00 Impr.: \$69,590.00 Total: \$82,190.00

Semi-annual Taxes: \$2,134.31

Semi-annual Assessments: \$0.00

Homestead Reduction: No

CAUV: No

13. Platted Easements, Covenants, Conditions, Restrictions, or Building setback lines as shown on the recorded plat of Northwood Addition, of the Athens County records.
14. Claims or liens for dues, any types of assessments or other charges of whatever nature, charged or levied by any homeowner's association, residents, organization, or association against the premises or common areas.
15. Any matter related to the ownership of the common areas of a homeowner's association or organization.
16. Notwithstanding the reference to acreage or square footage in the description of the land in Schedule A (or contained on any survey), this Policy does not insure nor guarantee the acreage or quantity of land set forth therein.
17. The premises herein is subject to any and all legal highways, public roads, and right-of-ways referenced in the legal description.
18. Anything to the contrary notwithstanding, this Policy will not insure against loss or damage, and the Company shall not be liable for attorney's fees and defense costs, by reason of any requirement by a Governmental Agency or Department requiring a revised legal description and/or survey prior to a subsequent transfer of title.
19. Easement to build, maintain and repair a discharge or overflow line or lines recorded in Deed Book 175, Page 294 and Deed Book 178, Page 275 and as cited in OR Vol. 431, Page 2349 of the Athens County records.

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**NOTICE TO BUYER(S): DELAY IN RECORDING DOCUMENTS
DUE TO THE COVID-19 EMERGENCY**

File #23-1219

Property: **1 Northwood Drive, Athens, OH 45701**
Date of Closing: **June 7, 2021**
Seller(s): **Laura L. Bramer**
Buyer(s): **Nicholas V. Karayannis and Ann Laudati**
File No: **23-1219**
Commitment No: **23-1219**

In response to the outbreak of the Coronavirus and the declared states of national and local emergency, a number of government offices have been closed or have had their access significantly limited. As a result, the processing and recording of deeds, mortgages and other title documents in some jurisdictions has been, and will be, impacted.

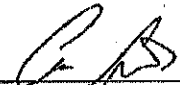
Although Old Republic National Title Insurance Company is willing to continue to insure titles for purchasers and lenders under its current policy forms through the ultimate recording date of the deed, mortgage, deed of trust or other insured title document, neither Old Republic National Title Insurance Company nor its title agents can provide any estimate as to the date of recordation of such title documents in the land records.

Neither Northwest Title Family of Companies, Inc nor Old Republic National Title Insurance Company can provide any estimate as to the time of recordation of the deed of trust or other title documents in the Land Records. Among other things, Buyer(s) may not be able to refinance or sell the Property, or provide recorded evidence of the status liens against the Property until the time that the mortgage or other title document is recorded in the land records.

EXECUTED by the undersigned on the date set forth beside his/her/their signature(s).



Nicholas V. Karayannis



Ann Laudati

EXHIBIT "A"
(File #23-1219)

Situated in the City of Athens, in the County of Athens and State of Ohio, and bounded and described as follows:

Being a part of Farm Lot No. 48, in Town 9, Range 14, Ohio River Survey: Starting from a stone at the northwest corner of Farm Lot No. 46; thence South 86 1/4 degrees East 15 feet to an Iron pin in the east line of a street; thence North 4 degrees East 168.1 feet along the east line of said street to a pin at the southwest corner of Inlot No. 18 of Northwood Addition; thence North 19 degrees West 200.3 feet along the east line of said street; thence North 65 degrees 45 minutes West 10 feet to an iron pin and place of beginning; thence North 65 degrees 45 minutes West 156.7 feet to the middle of Peach Ridge Road, said point located North 65 degrees 45 minutes West 20 feet from an iron pin; thence North 25 degrees 30 minutes East 136 feet along said Peach Ridge Road to a point located North 59 degrees 20 minutes West 34.3 feet from an Iron pin; thence South 59 degrees 20 minutes east 185.8 feet; thence South 52 degrees East 43.5 feet; thence South 58 degrees 55 minutes West 126.4 feet to the place of beginning, **containing 55/100 acre**, more or less. Including in the above described tract 40/100 acre conveyed to Grace P. Biddle and recorded in Volume 175, Page 256 Athens County Deed Records, and conveyed by her to Mary P. McKinstry, now deceased, and recorded in Volume 178, Page 275, Athens County Deed Records, a deed of correction therefore from J. Clyde Edmundson to said Mary P. McKinstry being recorded in Volume 179, Page 583, Athens County Deed Records.

Parcel No. A02-82100071-00

Prior Deed Reference: OR Vol. 431, Page 2349 and OR Vol. 466, Page 915 of the Athens County, Ohio records.



ZONING PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: ZN23-000059
REFUSAL

Permit Type: Residential

Present Use: Residential
Proposed Use: Residential

Project Address: 1 Northwood Drive

Applicant:

Ann Laudati
Phone: (740) 899-0189

1 Northwood Drive
Athens, OH 45701

Property Owner:

KARAYANNIS, NICHOLAS
Phone: (740) 899-0189

1 Northwood Drive
Athens, OH 45701

Description of Proposed Use/Scope of Project: Requesting solar electric fence around vegetable garden in front yard in front set back

Decision Detail: Your request for a Zoning Construction Permit has been denied in accordance with the application submitted and ACC 23.10 Table A. One foot setback where 25 ft is required.

Estimated Value of Improvement: \$300.00 **Sq. Footage of New Construction or Addition:** 500 square feet

Existing number of parking spaces: EXG **Proposed number of parking spaces:** EXG

Setbacks (as indicated on drawing): Front: 1 ft Rear: NA Left: 12 1/2 ft Right: NA

Director of Development and Code Enforcement:

☐ Approved ☒ Refused

08/24/2023

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date

**Office of Code Enforcement
& Community Development**

28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



**City of Athens
Athens, Ohio**

August 24, 2023

To: Ann Laudati
Applicant Address: 1 Northwood Drive
Athens, OH 45701
To: KARAYANNIS, NICHOLAS
Owner Address: 1 Northwood Drive
Athens, OH 45701

REFUSAL

Zoning Permit - Residential Refusal Detail

Premises Address: 1 Northwood Drive

Application Date: 08/02/2023

For: Requesting solar electric fence around vegetable garden in front yard in front set back

Decision Detail: *Your request for a Zoning Construction Permit has been denied in accordance with the application submitted and ACC 23.10 Table A. One foot setback where 25 ft is required.*

NOTE: *You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.*



APPLICATION for Residential

USE PERMIT

CITY OF ATHENS, OHIO

ATHENS CITY CODE TITLE 23

Application Fee Due: \$80 (2.9% convenience fee if credit card is used)

(Office Use Only)

Permit #: ZN23-000059

Date Rec'd: August 02, 2023

* Scaled Detail Drawing Required ** (Application will not be processed unless Drawing and Application Fee attached)

Subtype: Residential

Applicant: Ann Laudati

Phone: (740) 899-0189

Address: 1 Northwood Drive Athens OH 45701

Property Owner (if other than applicant): Nichaola Karayannis

Phone: (740) 899-0189

Address: 1 Northwood Drive Athens, OH 45701

Description of Work: ☐ New ☐ Alteration ☒ Accessory ☐ Use

Address of Proposed Use: 1 Northwood Drive

Project Description: Requesting solar electric fence around vegetable garden in front yard in front set back

Current Property Use: Residential

Proposed Property Use: Residential

Estimated Cost of Project: \$300.00

Proposed Square Footage: 500 square feet

Must be registered with the City of Athens.

*General Contractor: Homeowner

License #:

*Electrician (if applicable):

License #:

*Plumber (if applicable):

License #:

*HVAC (if applicable):

License #:

I HEREBY SWEAR OF AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Applicant Signature: Ann Laudati

Date: August 02, 2023

Owner Signature: Nicholas Karayannis

Date: August 02, 2023

Other Items Required before Issuance of Permit (if applicable):

State Permit #:

☐ Title 41 / PUD Approval

☐ Water Tap (Calculation EPW)

☐ Fire Separation Drawing

☐ Flood Hazard

☐ Shade Tree Commission

☐ Sanitary Sewer Tap

☐ Address Assignment

☐ Wellhead

☐ Land Development

☐ Storm Sewer Tap

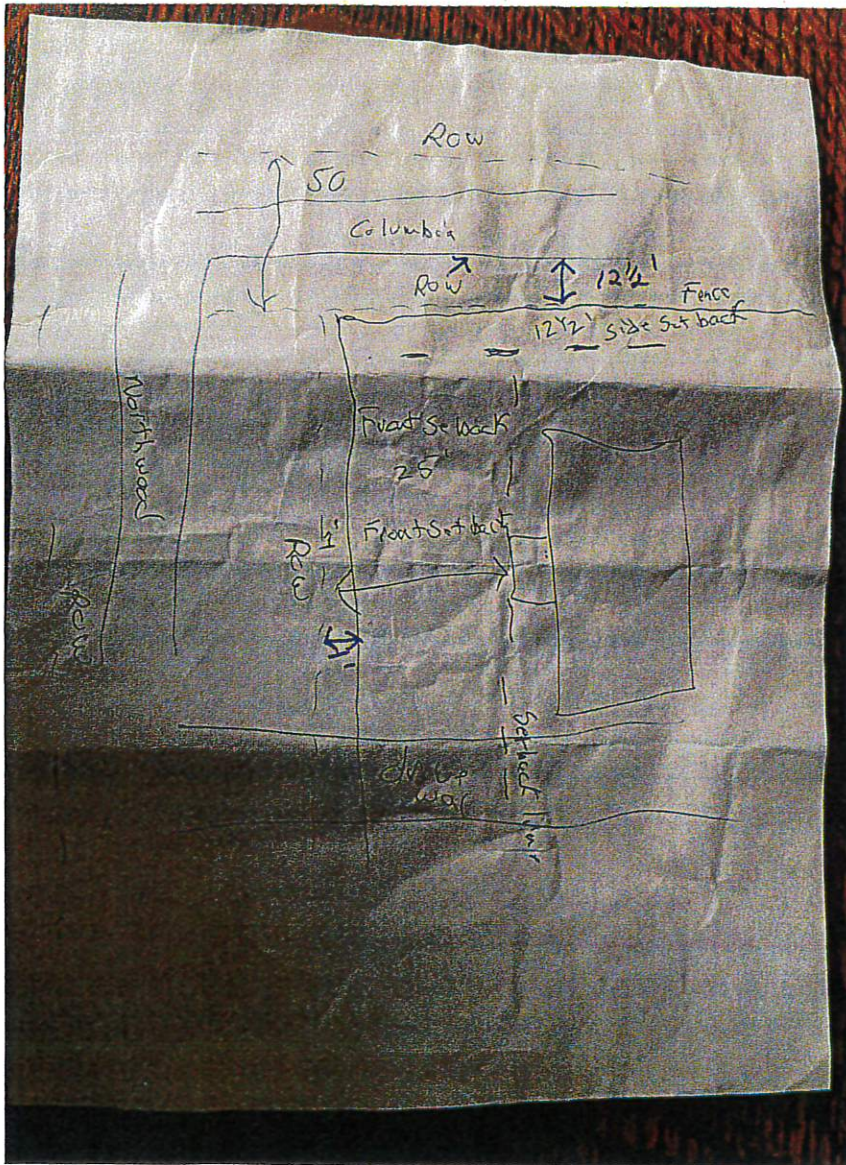
☐ Opening (Curb Cut)

☐ BZA Approval

All items checked above to be approved prior to final approval

Zone: R1		Flood Plain: No		(For Office Use Only)		Parcel Number: A028210007100	
Setbacks: Front A: 1'	R: 25'	Rear A: -N/A-	R: -N/A-	Left A: 12 1/2'	R: 12 1/2'	Right A: -N/A-	R: -N/A-
Building Lot Coverage A: EXG	R: EXG	Total Lot Coverage A: EXG	R: EXG	Building Height A: EXG	R: EXG		
Exg.# of Parking Spaces: EXG	Proposed Spaces: EXG	Required: EXG	Total: EXG				
Comments: Refusal. 1' front setback where 25' is required HCC 23.10 Table A							
Code Officer Signature: Matt Ray		Date: 8/18/23		Approval ☐		Refusal ☒	
Zoning Administrator Signature: [Signature]		Date: 8-21-23		Approval ☐		Refusal ☒	
Service Safety Director Signature: [Signature]		Date: 22 Aug 2023		Approval ☐		Refusal ☒	

R. 1



Proposed solar electric deer fence enclosure to protect vegetable garden

Zoning Permit File # 11-000165

Property address: 1 Northwood Drive, Athens, OH 45701

Homeowners: Drs. Nicholas Karayannis and Ann Laudati

Date: August 02, 2023

Some of the evidence of extensive plant damage incurred by heavy deer grazing



Home purchased by Karayannis-Laudati Jun 2021
Current state of yard – Aug 02, 2023
Native plants established
Vegetable garden established

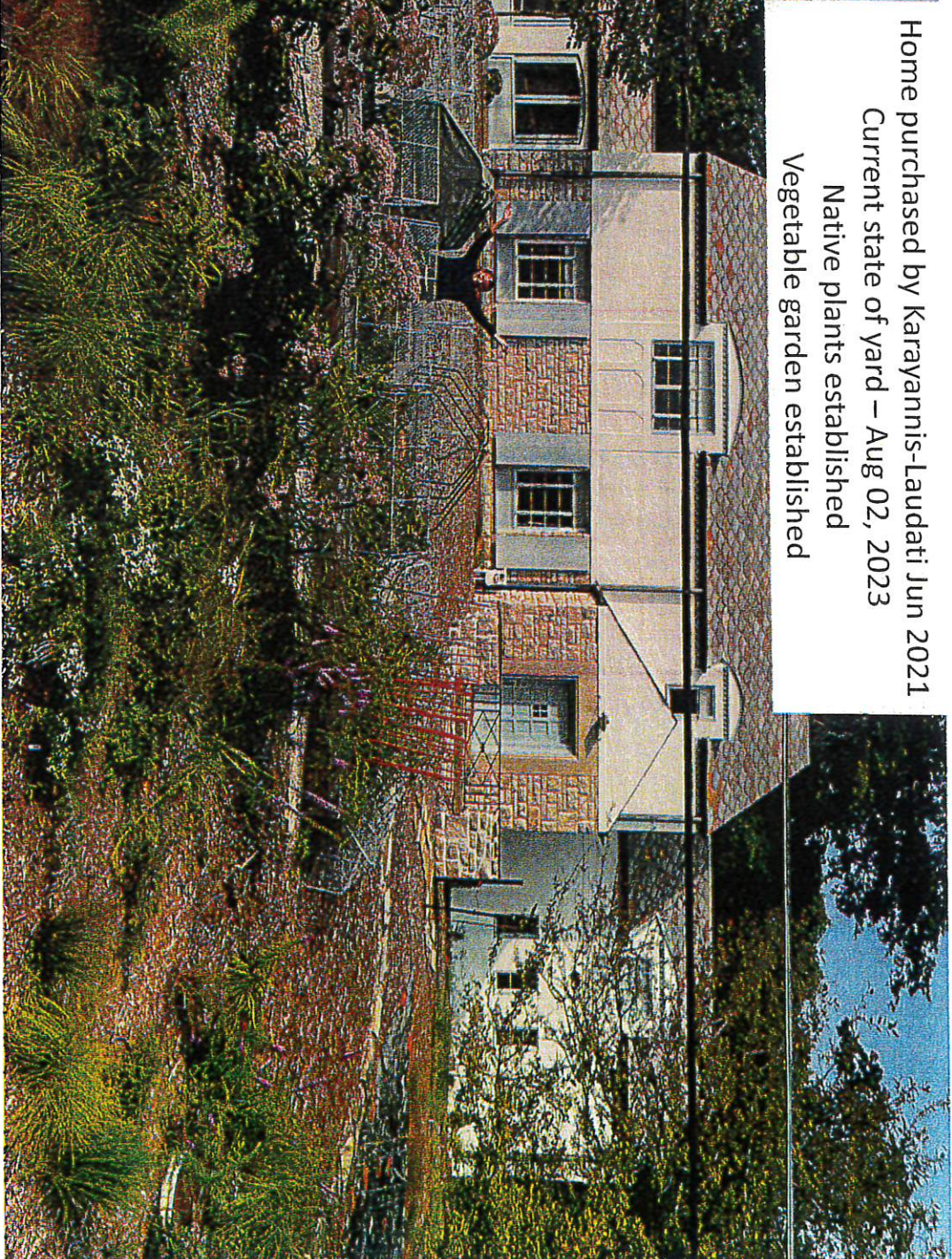


Northwood Drive (Southside of property)

Columbia Avenue (Westside of property)



Home purchased by Karayannis-Laudati Jun 2021
Current state of yard – Aug 02, 2023
Native plants established
Vegetable garden established

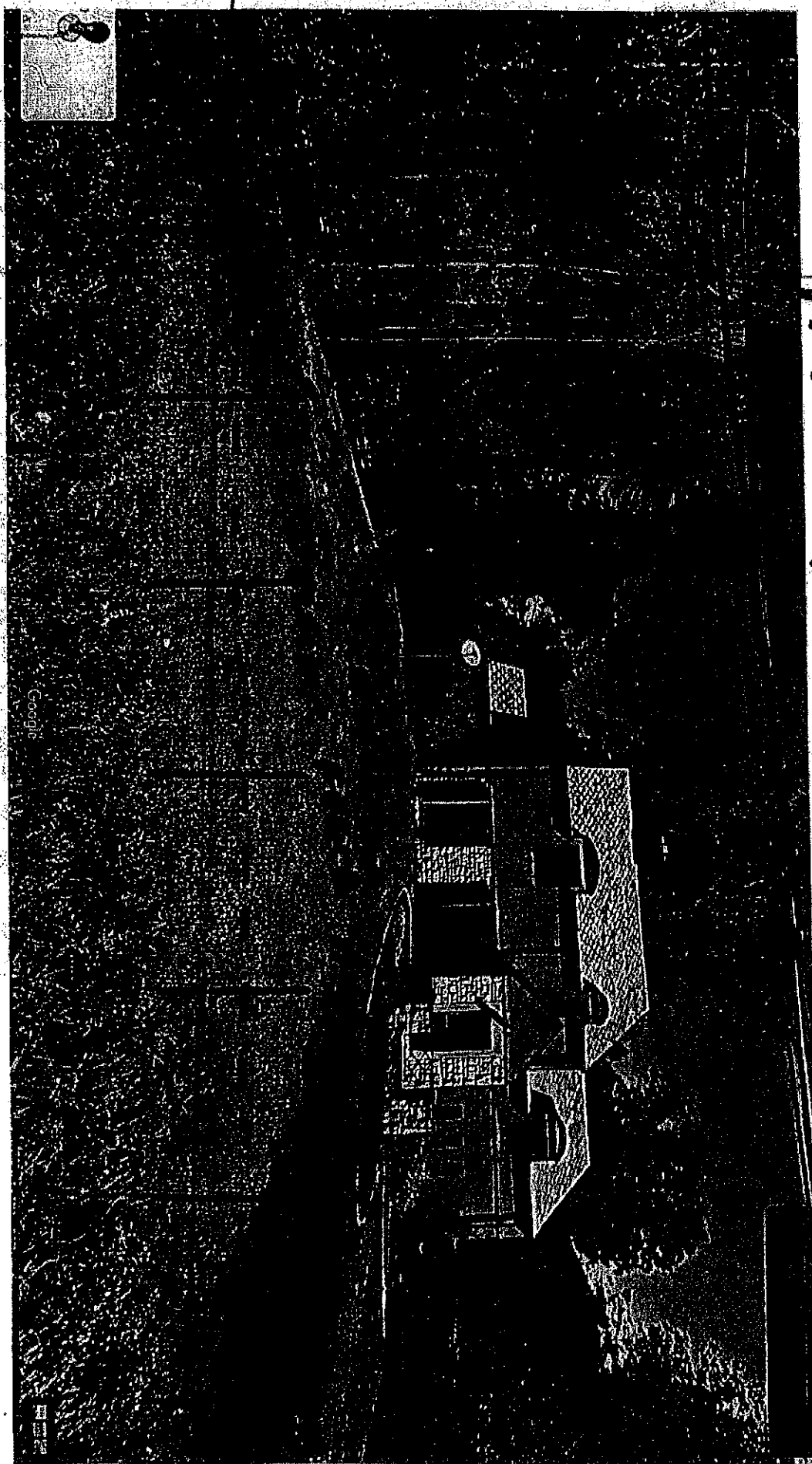


Northwood Drive (Southside of property)

Yard image derived from Google maps prior to most recent home purchase in 2021
by Karayannis-Laudati

Note: T-post style fence surrounding/protecting plants from deer grazing





FILE # 11-000165



Board of Zoning Appeals Minutes August 8, 2023

Members present: Robert Delach (elected Chairperson Pro-Tem), Kay Tousley, Kelly Sauber, Joe Krause, Ben Lachman (voting alternate)

City Officials present: David Riggs (Zoning Administrator) and Lisa Eliason (Law Director)

The meeting was called to order on August 8th, 2023 at 7:00 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the Secretary of the Board, Zoning Administrator David Riggs.

Mr. Riggs requested a motion from the Board to amend the agenda to elect a Chairperson Pro-Tem. Joe Krause moved to amend the agenda. Ben Lachman seconded the motion. The Board unanimously voted (5-0) to amend the agenda.

Mr. Riggs opened the floor for nominations for Chairperson Pro-Tem. Kay Tousley nominated Robert Delach. There were no other nominations. Mr. Riggs closed the floor to nominations, and called for any debate on the election. There was no debate on the election.

Mr. Riggs began the election by roll call vote. Kay Tousley voted for Robert Delach. Kelly Sauber voted for Robert Delach. Joe Krause voted for Robert Delach. Ben Lachman voted for Robert Delach. Robert Delach abstained from voting. The voted passed 4-0-1. Robert Delach accepted the position of Chairperson Pro-Tem. Mr. Riggs stepped down from leading the meeting, and offered to read the procedures of the Board.

Mr. Riggs read the procedures of the Board. Chairperson Pro-Tem announced the cases on the agenda, and swore in all who wished to testify in the hearings.

Hearings:

1. Case #23-04V 46 Mound Zone R-1 Demetrios & Vasilios Prokos /Appellants

Appellants are requesting a variance from ACC 23.10.01 Table B to allow a Rental Permit on a property with zero parking spaces where three are required.

The Chairperson Pro-Tem asked the Zoning Administrator to give a report on the case. Mr. Riggs gave background information about the case.

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Kelly Sauber asked Mr. Riggs what the Code says about parking requirements for owner occupied rentals. Mr. Riggs explained a legal non-conforming change of use, and that parking spaces are required for rentals but not for residential use.

Ben Lachman asked Mr. Riggs for details on the secondary structure on the property. Mr. Riggs explained that it is a closed garage that could be retrofitted to allow for parking.

Chairperson Pro-Tem asked the appellant to speak.

Rusty Rittenhouse, Esq. – Attorney representing appellant. Attorney Rittenhouse explained that the appellant is requesting a variance because there is nowhere to park on the property. Attorney Rittenhouse provided the facts that: (1) there is approximately 40 ft. of road frontage, (2) the house is in the center of the lot, (3) the house is setback less than 10 ft. from the curb, (4) there is not enough room on the front or sides of the house for parking, (5) the back of the house has a steep hill that would make constructing a parking area cost prohibitive, and (6) the prior owner who lived at the property from 1987 – 2022 has issued a written statement (attached) that they always used on street parking. Attorney Rittenhouse detailed the history of the neighborhood, house, and the parking situation on the property. Attorney Rittenhouse argued that allowing the variance really keeps the status quo as owners can use street parking, and the variance would not cause undue hardship on the neighborhood. Attorney Rittenhouse passed out documents to the board members (attached).

Chairperson Pro-Tem asked Attorney Rittenhouse about the secondary structure. Attorney Rittenhouse clarified that the building is a shed, and if it was used as a garage, it would have been prior to 1987.

Kelly Sauber asked about plumbing on the secondary structure, and Ben Lachman asked for its current use.

Kate Stotts, appellant's employee, came to the podium to speak about the secondary structure's use as a storage shed. Chairperson Pro-Tem asked for confirmation that the structure was not occupied, Ms. Stotts confirmed this.

Kelly Sauber asked for the depth of the structure. Ben Lachman confirmed the depth based off of the documents presented by the appellants. Ms. Stotts offered that the structure has a wood floor, with a storage area underneath. Attorney Rittenhouse called attention to the steepness of the hill behind the structure, per the offered photographs.

Chairperson Pro-Tem prompted the Board for more questions. The Board had no questions.

Chairperson Pro-Tem invited those in favor of the variance to speak. No one wished to speak.

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Chairperson Pro-Tem invited those who wanted to give general comment to speak. No one wished to speak.

Chairperson Pro-Tem invited those against the variance to speak.

Joan Kraynanski, 56 Mound St, came forward to speak. She gave background on Mound Street, its status as a two-way, one lane street, and the elimination of four street parking spaces a few years ago, and how Mound Street has changed to have more renters. Ms. Kraynanski claimed this would be better as an owner occupied property, and made a point in relation to all of the factors for a variance.

Chairperson Pro-Tem asked for anyone else who wished to speak. No one wished to speak.

Chairperson Pro-Tem invited Appellant to make a rebuttal statement.

Attorney Rittenhouse replied to the argument that the street would be better off with owner occupation by pointing out that those hypothetical owners would have cars. Attorney Rittenhouse referred to a variance granted in April with a similar situation.

There was discussion among the Board Members, Zoning Administrator, Attorney Rittenhouse, and Kate Stotts, regarding the secondary structure and the possibility of making this into a parking spot.

Kelly Sauber then proposed that they can be granted a variance for two on street parking and one off street parking spot.

A member of the public asked if it was too late to make a comment. The Chairperson Pro-Tem invited the person to the podium to speak.

Loraine McCosker, 59 Elmwood Place, came forward to speak. Ms. McCosker claimed that renters put different stressors on homes than owner occupied, and they can't be trusted to have only three cars. She also spoke disparagingly about the appellants other properties in town.

Chairperson Pro-Tem asked if the appellant wanted to provide another rebuttal.

Attorney Rittenhouse opened by discussing the housing shortage in Athens. He then asked for discussion on the conditional approach to the variance. Chairperson Pro-Tem clarified that the key to the condition is that enough space exists within the garage to where a car would not extend over the sidewalk. Attorney Rittenhouse asked for clarification that failing the condition would indeed mean losing the two potential granted on street parking allocations. The Secretary confirmed that the recommendation for the Board is to completely reassess the variance if the condition is not met.

Joe Krause and Kate Stotts discussed the tenant currently living in the home.

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Chairperson Pro-Tem closed the floor to discussion.

Ben Lachman voiced support for a compromise that two off street parking spots should be required. Kay Tousley discussed the feasibility of this option. Ben Lachman suggested replacing the structure with two parking spots.

Chairperson Pro-Tem moved the discussion to the Findings of Fact.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes. The lot is narrow, the house sits on a steep hillside, and the house sits close to the road.**
- 2.) HARDSHIP AND DIFFICULTY: Yes. The nature of the property burdens the appellant if required to build on-site parking.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Other property owners have similar parking situations.**
- 4.) MINIMUM VARIANCE: Yes, especially when the constraint of requiring one off street parking spot is added to the variance.**
- 5.) ABSENCE OF DETRIMENT: No. There is some detriment to the neighbors as the street has a limited number of parking spaces.**
- 6.) NOT OF A GENERAL NATURE: Yes. The variance would only apply to one property.**

Joe Krause and Chairperson Pro-Tem clarified with the Zoning Administrator that failure to meet a condition would indeed mean that the entire variance would be revoked. Mr. Riggs confirmed that this is correct.

Attorney Rittenhouse asked for confirmation that the discussed compromise allows that the off street parking spot include part of the driveway and not the entire secondary structure, and for the deadline for the condition to be met. Chairperson Pro-Tem requested the Zoning Administrator answer the question. Mr. Riggs explained that the timeline is that of a rental permit, and the Code Office cannot grant the rental permit until they have fulfilled the condition on the variance. Mr. Riggs also confirmed that the Code Office does not do structural analysis. There was a short discussion on tabling the issue until the next meeting, which the Appellant declined.

The Zoning Administrator states that the appropriate motion for the discussed compromise condition would be a variance to allow one on-site parking space where three are required.

Ben Lachman offered that, in previous cases, the Board has required off-site (non-street) parking spaces to being allotted for the property. Mr. Riggs confirmed that this option is now allowed by the Code as long as the off-site spaces are within 1,000 ft. of the property, and that the Appellant would have to come back to the Board for this type of variance.

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On a motion by Joe Krause, seconded by Kay Tousley, the Board moved to grant a variance from ACC 23.10.01 Table B to allow a Rental Permit on a property with one parking space where three are required.

Chairperson Pro-Tem allowed for discussion. After some clarifications on language, Chairperson Pro-Tem closed the discussion.

The Chairperson Pro-Tem called for a vote: 4 votes for (Sauber, Tousley, Delach, Krause) - 1 vote against (Lachman). Motion passed.

2. Case #23-05C 269 E State St. Zone R-1 Aaron & Lia Williams / Appellant

Appellant is requesting a conditional use permit in accordance with ACC 23.04.01(C)(3) to allow a non-owner-occupied Short Term Rental in a R-1 zone.

Chairperson Pro-Tem clarified that this is a rehearing of Case #23-01C. He asked the Zoning Administrator and City Law Director Lisa Eliason if they would like to provide any comment before the appellant presented their case.

Mr. Riggs explained that this is a rehearing of a conditional use, and the standards of conditional uses differ from the standards for variances. Mr. Riggs also clarified that the case number was changed for the rehearing to help avoid confusion, but the appellant was not charged for a new case.

Ms. Eliason asked for confirmation that everyone had the opportunity to review the Court of Common Pleas decision that called for this rehearing. The Board confirmed.

Kay Tousley asked Mr. Riggs if it is correct that there have been 14 non-owner occupied rental applications on East State Street. Mr. Riggs clarified there are 14 rental permits on East State Street, but they are not all in the realm of conditional use permits. This is the first one to be conditionally allowed in an R-1 zone.

Ben Lachman asked for clarification on the number of unrelated adults that would be allowed after the granting of the conditional use permit. Mr. Riggs confirmed that it would be a short term rental permit for three unrelated adults.

Chairman Pro-Tem invited the appellant to speak.

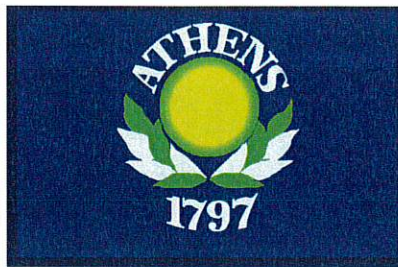
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Kara Mundy, Esq. – attorney representing the appellant. Attorney Mundy introduced her colleague Liz Alexander, Esq., and her client, Lia Williams. Attorney Mundy presented the case history, and the history of the Williams’s purchase of the property. Attorney also commented on the location of the property, as well as the AirBnB property next door. Attorney Mundy summarized the previous hearing for this case, and explained the standard set by the magistrate for conditional uses.

Attorney Alexander and Lia Williams approached the podium and used a Power Point presentation (attached) to go over the details of the property. Details included how the Williams’ plan to use and maintain the property, as well as the safeguards being taken – including cameras, a noise detector, the AirBnB vetting process, and a local property manager – to assure that any potential guests are not disruptive to the neighboring properties.

Attorney Alexander summarized that the Williams’ proposed use is in harmony with the neighborhood, the ingress and egress will not cause any interference with traffic, and that the Appellant has made numerous improvements to the property. Attorney Alexander also noted that there is a Short Term Rental right next door to the appellant’s property and that the use is consistent with city’s comprehensive plan, which allows the proposed use in an R1 zone.

Chairperson Pro-Tem prompted the Board for more questions. The Board had no questions.

Chairperson Pro-Tem invited those in favor of the variance to speak. No one wished to speak.

Chairperson Pro-Tem invited those who wanted to give general comment to speak. No one wished to speak.

Chairperson Pro-Tem invited those in opposition to the variance to speak.

Attorney Mundy stated that the Appellant would like to lodge a standing objection to consideration by the Board of any comment from persons who do not have standing under Ohio Law, and would like to request to be permitted the right for cross examination. Ms. Eliason clarified that Attorney Mundy is requesting the option for rebuttal in response to comments made. Attorney Mundy agrees. The Chairperson Pro-Tem advised that this is already a part of the proceeding. Attorney Mundy further explained that she would like the option to cross examine anyone making a public comment that the Board will be taking into consideration when making their decision regarding the case. Ms. Eliason stated that as a quasi-judicial proceeding, Attorney Mundy is permitted to ask questions of those

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commenting. A member of the community asked if they may ask questions as well. Ms. Eliason responded that they may ask questions to the panel.

Loraine McCosker, 59 Elmwood, approached the podium and expressed concerns, including short term rentals taking homes from the housing market and an approval on this case setting a precedence for future cases. Attorney Mundy questioned Ms. McCosker on the impacts to her property if conditional use is approved. Ms. McCosker stated she feels this will impact her property because it will impact the community.

Glen Hitchcock, 267 East State, expressed discomfort and hardship with the request for a Short Term Rental. Attorney Mundy asked Mr. Hitchcock if there are known facts against the Conditional Use other than his feelings. Mr. Hitchcock states he does not know.

Judy Smucker, 75 Elmwood, asked if the conditional use is approved if this will be grandfathered on the property going forward. Mr. Riggs answered that the conditional use will stay with the property.

Jack Stauffer, 69 Elmwood, reiterated that the current Short Term Rental in the neighborhood is owner occupied. Mr. Stauffer summarized the previous BZA hearing and court case for this property and voiced concerns, including decreased property values and lack of enforcement for any issues that may occur as the Code Office is only open regular business hours. Mr. Stauffer requested that the Board carefully discuss the issue, and stated he is asking for a carefully worded denial. Attorney Mundy asked Mr. Stauffer if there were any facts to present to the board. Mr. Stauffer answered that there are no facts on something that hasn't taken place yet.

Chairperson Pro-Tem asked if the appellant wanted to provide a rebuttal statement.

Attorney Alexander asked Ms. Williams questions directly addressing the concerns raised by adjoining property owners regarding the current Short Term Rental located on the neighboring property. Ms. Williams answered that there have been no negative impacts to their property. Attorney Mundy closed with a statement reminding the Board that their decision should be based on the findings of fact and briefly reiterated these.

Chairperson Pro-Tem asked the Board if there are any questions for the Appellant.

Ben Lachman asked the Appellant if they had any recommendations of conditions or safeguards for this permit that would be verifiable or traceable by the Zoning Administrator.

Attorney Mundy stated she does not, because conditions would have to be already authorized under the Zoning Codes. Attorney Mundy stated that the Appellant has already put safeguards in place that address the concerns expressed by neighbors at the February 14th BZA meeting, and the Appellant has already done above and beyond what is required under code.

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Lisa Eliason stated ACC 23.07.02 (A) does specifically talk about conditions, and stated any safeguards would have to already be in compliance with this Code.

Chairperson Pro-Tem commented that other safeguards are covered in other places in the code, such as the Noise Ordinance.

Ben Lachman asked if the property owner has a minimum number of days that the owner will occupy property.

Appellant stated they do not have a specific number of days they intend to use the property.

Ben Lachman asked if the fact that it is a 4 bedroom plays into the permit process.

Mr. Riggs stated the maximum occupancy is in the Code, which states 3 adults are permitted.

Kay Tousley asked Director Riggs to clarify if the property would always be permitted to have a Short Term Rental if the conditional use is granted, or if there is anything that would disqualify the property from this status.

Mr. Riggs stated that if the property was not used as a Short Term Rental for a specified period of time, this may disqualify the property from the conditional use. Ms. Eliason mentioned that Short Term Rental applications must be renewed annually, so the Code Office would be aware if the property was not being used as such.

Ben Lachman asked if the Appellant were noncompliant with their conditional use if their permit would be revoked.

Mr. Riggs answered this by stating this goes back to Title 23 Zoning Code, and that the punishment would then fall under the Code as well.

Chairperson Pro-Tem closed the floor to discussion.

Chairperson Pro-Tem moved the discussion to the Findings of Fact. Findings of Fact are attached.

On a motion by Kay Tousley, seconded by Joe Krause, the Board moved to grant a Conditional Use Permit in accordance with ACC 23.04.01(C)(3) to allow a non-owner-occupied Short Term Rental in a R-1 zone; and by agreement of the parties the property owner will retain an Athens County property manager's information with the Code Office.

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The Chairperson Pro-Tem called for a vote: 1 vote for (Delach) - 3 votes against (Sauber, Tousley, Krause). Lachman abstained from voting. Motion denied.

OTHER BUSINESS:

Approval of minutes from:

July 11th, 2023: Kay Tousley moved to approve the minutes, Kelly Sauber seconded the motion. Approved by Kay Tousley, Kelly Sauber, Joe Krause, and Robert Delach.

Chairperson Pro-Tem adjourned the meeting at 10:10 pm.

Robert Delach, Chairperson Pro-Tem

Date

David Riggs, Zoning Administrator

Date





A028110007500



RESIDENTIAL PROPERTY RECORD CARD

Situs : 46 MOUND ST	Map ID: A02-81100075-00	LUC: 510-R - SINGLE FAMILY DWELL	Card: 1 of 1	Tax Year: 2023	Printed: 08/08/23
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GENERAL INFORMATION

Routing No. Residential
Class 1
Living Units 00025000
Neighborhood District
Zoning Athens City
Alternate Id
Tax District

CURRENT OWNER

PROKOS DEMETRIOS ETAL
88 E STATE ST
ATHENS OH 45701

CAUV

Field Review Flag:

Property Notes

Note Codes:



A028110007500 08/30/2018

Land Information

Type	Size	Influence Factors	Influence %	Value
F-Regular Lot	F 50 203	3-Topography	-20	20,010

Total Acres: .233

Legal Acres: 0.0000

NBHD Fact: 1.0000

Assessment Information

	Assessed	Appraised	Cost	Income	Market
Land	7,000	20,010	20,010	0	0
Building	23,390	85,410	85,410	0	0
Total	30,390	105,420	105,420	0	0

Value Flag

Manual Override Reason
Base Date of Value
Effective Date of Value
Owner Occupied N

Entrance Information

Date	ID	Entry Code	Source
08/30/18	EMW	7-Left Door Hanger	3-Other
10/02/13	KAR	7-Left Door Hanger	3-Other
05/31/06	LAC	7-Left Door Hanger	3-Other
05/04/00	DWO	7-Left Door Hanger	3-Other
03/02/98	CEB	5-Estimated For Misc. Reasons	3-Other

Permit Information

Date Issued	Number	Price	Purpose	Note	Status

Sales/Ownership History

Transfer Date	Price	Type	Validity
06/16/22	125,000	2-Land & Building	0-Qualified
05/11/94	25,000	2-Land & Building	6-Financing/Landcontracts

Deed Reference	Deed Type	Grantor
595/2632	GW-General Warranty	CONNICK JUDITH A THOMPSON IRENE M

Property Factors

Topo: 1-All Public
Utilities: 1-Paved
Street/Road: 1-Light
Traffic: 1-Light

5-Steep

Legal Description

Parcel Tieback:
Range - Township - Section: - -
Legal Descriptions:
14-09-00 IL 1718 M-22

Addl. Tieback:

Printed: 08/08/23

Tax Year: 2023

Card: 1 of 1

LUC: 510-R - SINGLE FAMILY DWELLIN

Parcel Id: A02-81100075-00

Situs : 46 MOUND ST

Dwelling Information

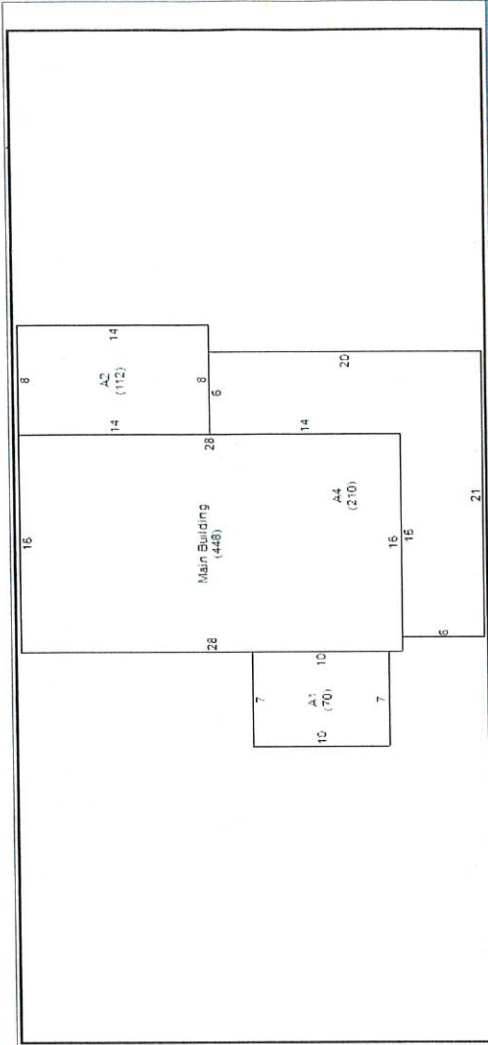
Story height	2	Total Rooms	5
Exterior Walls	6-Alum/Vinyl	Bedrooms	3
Style	05-Old Style Two Story	Family Rooms	0
Year Built	1900	Full Baths	1
Eff Year Built	1977	Half Baths	2
Year Remodeled	2-No	Adtl. Fixtures	2
Kitchen Remod	2-No	Total Fixtures	5
Bath Remod	4-Full		
Basement			
Heat Type	2-Basic	Masonry Trim	
Fuel Type	2-Gas	Unfinished Area	
System Type	1-None	Rec Rm Size	360
Phy. Condition	2-Same	FBLA Size	
Int vs Ext		Openings	0
Stacks	0	# Car Bsmt Gar	0
Pre-Fab			
Misc		Qty	0
			0
Grade	D+	Functional	
CDU	FR-FAIR	Economic	
Market Adj	60	% Good Ovr	
% Complete	0	NBHD Fact	1.28
Cost & Design	0		

Dwelling Computations

Base Price	98,150	% Good	70
Plumbing		Market Adj	60
Basement	0	Functional	
Heating	0	Economic	
Attic	0	% Complete	
Other Features	10,200	C&D Factor	1.28
		Adj Factor	21,700
Subtotal	130,050	Additions	
Ground Floor Area	448		
Total Living Area	1,438	Dwelling Value	84,890
Building Notes			

Misc & Gross Building Values

Misc Building No	0	Misc Adjusted Value	0
Gross Building:			



Additions

Line	Low	1st	2nd	3rd	Area	Yr Blt	Eff Yr	Grade	CDU	%Comp	Value
0					448						
1		10			70						4,400
2		50	10		112						8,200
4		50	11		210						9,100

Outbuilding Data

Type	Yr Blt	Eff Yr	Size	Area	Gr	Qty	ModCd	PH	FV	MA	%Comp	Value
RS1-Frame Util	1900		10x18	180	C	1		E	A			520

Condominium / Mobile Home Information

Complex Name	Number
Condo Model	Unit Type
Unit Number	Unit View
Unit Level	Model (MH)
	Model Make (MH)

PROKOSRENTALS

APARTMENT, HOUSE, MINI STORAGE, PARKING, AUTO, & COMMERCIAL RENTALS

88 East State St., Athens, OH 45701 • Phone: 740.594.2026 • Fax: 740.594.8343

Web Address: www.prokos.net

Narrative Statement In Support of Variance

Demetrios Prokos, Holli Prokos and Vasillos Prokos desire to use 46 Mound Street as a residential rental unit with a maximum occupancy of three people. The schedule of bulk controls in the Athens City Code requires three off-street parking spaces for this use, Demetrios Prokos Holli Prokos and Vasillos Prokos are seeking a variance to allow the intended use with zero off-street parking spaces.

The parcel at 46 Mound Street has only 40 feet of road frontage which is 25 feet less than the minimum required. The house is approximately centered on the lot and is set back less than 10 feet from the curb. There is not enough room in front of the house to provide off-m street parking. There is not enough room on either side of the house to construct a driveway so that parking could be provided either in the driveway or behind the house being that the house sits on a very steep hillside, the engineering requirements, and accompanying costs to create a safe off-street parking area make construction of off-street parking prohibitively expensive if even possible. Under the current circumstances, the property does not meet the off street parking requirements for any residential occupancy, whether owner occupied or as a rental, and cannot be brought into compliance without demolishing the existing house and building a new one elsewhere on the parcel which could not be done due to the house sitting on a very steep hillside. For these reason, we believe the following criteria for granting a variance are satisfied:

- *Practical difficulty due to undue hardship
- *Exceptional circumstances
- *Minimum variance, and
- *Not of a general nature

Also, most of the houses on Mound Street are residential rentals, not owner occupied, and most do not have any off street parking. Mound Street residents park on the street and the

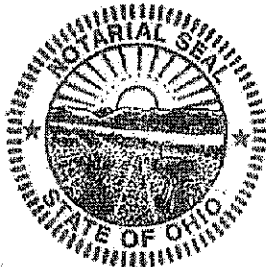
property is in a well established neighborhood, they always have. Continued parking on Mound Street by residents of the property is in line with the historical practice of previous residents of the property and with the general custom in the neighborhood. For these reasons Demetrios Prokos Holli Prokos and Vasillos Prokos believe the following criteria for granting a variance are satisfied:

- *Preservation of equal property rights, and
- *Absence of detriment

Demetrios Prokos Holli Prokos and Vasillos Prokos believe the property meets all of the criteria necessary to be granted a variance from the off-street parking requirements and asks that the Board of Zoning Appeals grant the requested variance.

I Judith A. Connick has lived at and owned 46 Mound St, Athens Ohio from October 1987 when I bought the house on a land contract and paid it off in May 1994 then sold in May of 2022. This house has never had off- street parking so myself and my partner have always parked on the street.

Judith A Connick 7/28/23
Judith A. Connick



BETTY A DALTON
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 4/12/25

Betty A. Dalton

Betty A. DALTON

Wendy Armstrong

From: Barry Thomas <bt3373308@gmail.com>
Sent: Tuesday, August 1, 2023 3:45 PM
To: Code Office
Cc: Jean Thomas; Alan Swank
Subject: Case #23-05C

Dear Ms Carson,

My wife and I cannot attend the Aug. 8 Zoning meeting, but wish to express our opposition to the case in question. Whatever the specifics of the property involved, once the camel gets its nose in the tent, it is difficult to keep the rest of the beast out. A few years ago we campaigned hard to ensure that at least our half block of lower Charles St was protected with R-1 status. If exceptions are made to allow non-owner occupied short-term rental (AirB&B, for example), then the R1 designation loses much of its value and protection.

Please consider this mail as a vote in opposition to the variance request.
Thank you.

With best wishes,
Barry & Jean Thomas
14 Charles St
Athens
740-593-8416

2.) Case #23-05C 269 East State Street Zone R-1 Aaron and Lia Williams / appellant *Rehearing of Case #23-01C* Appellant is requesting a conditional use permit in accordance with ACC 23.04.01(C)(3) to allow a non-owner-occupied Short Term Rental in a R-1 zone.



Aaron and Lia Williams
269 East State Street
Conditional Use Application

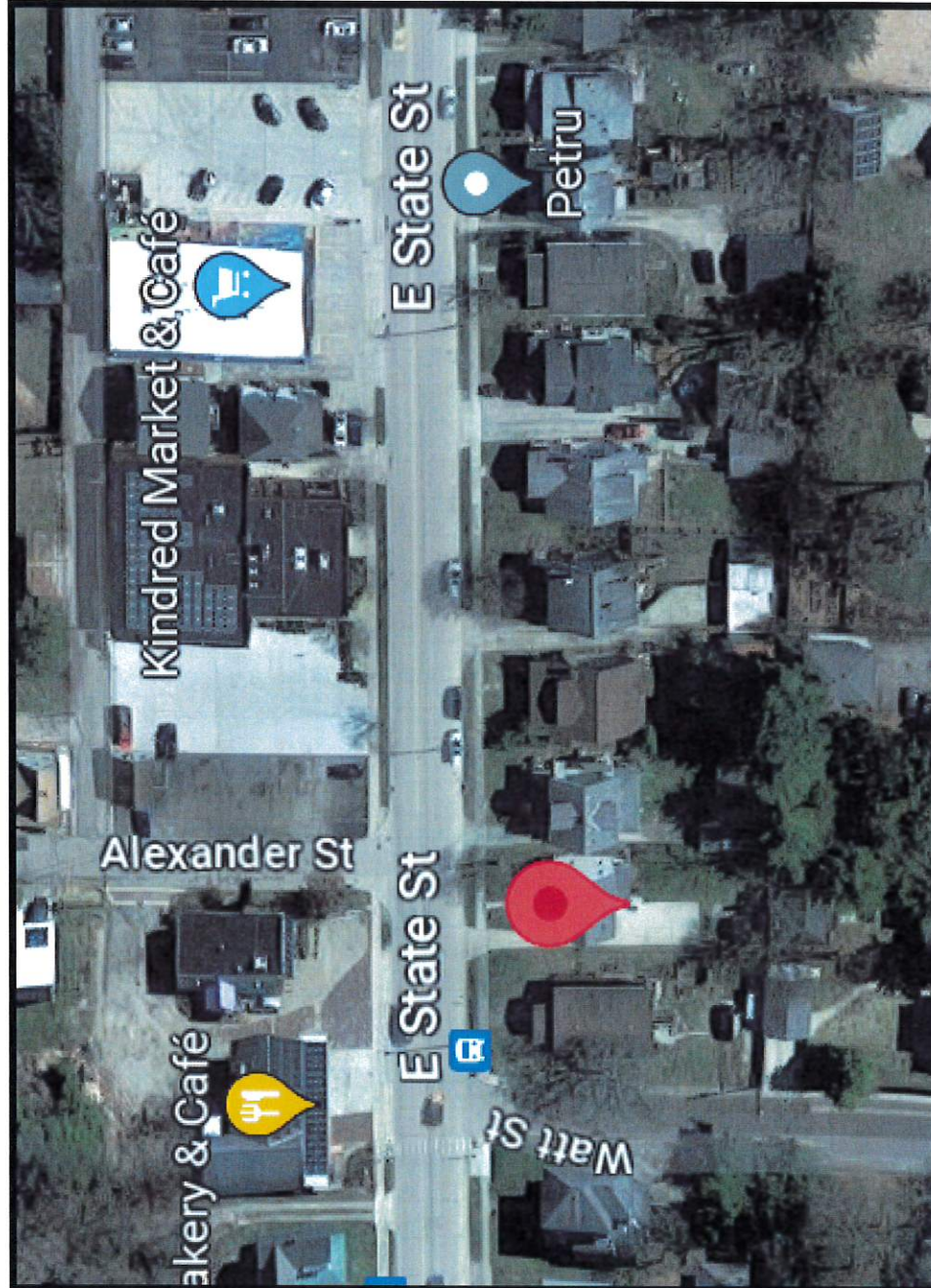
August 8, 2023

269 East State Street



269 East State Street





June 22, 2023 Decision

“City Council has already explicitly determined, by legislative action, that the BZA has original jurisdiction to decide, **and shall decide**, all requests for conditional use permits.”

“The BZA is to follow a set of standards, legislatively mandated by Council, when considering and determining such a conditionally permitted use.”



The Approval of the Williams' Application Does Not Create an Obligation to Approve All Short-Term Rentals

The BZA must consider each conditional use as an
“**individual case.**”

ACC § 23.07.02 (E)(2).

A Nonresident Owner Short Term Rental Is a Conditionally Permitted Use of the Property

23.04.01. - R-1 Residential Zone (One-Family)

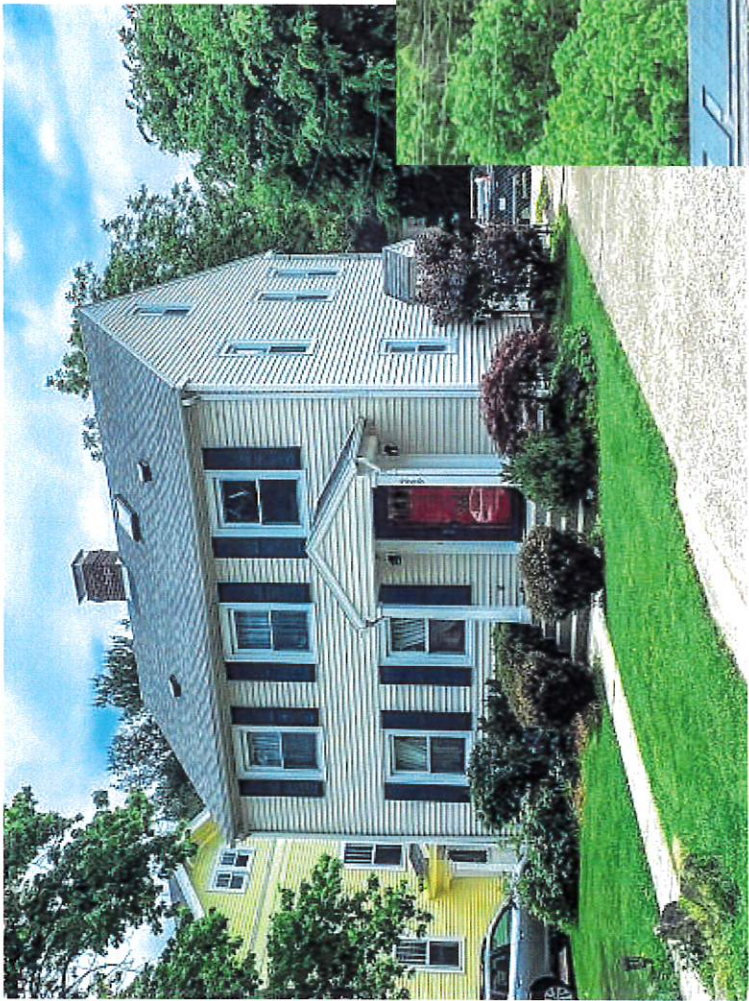
(C) Conditionally permitted uses:

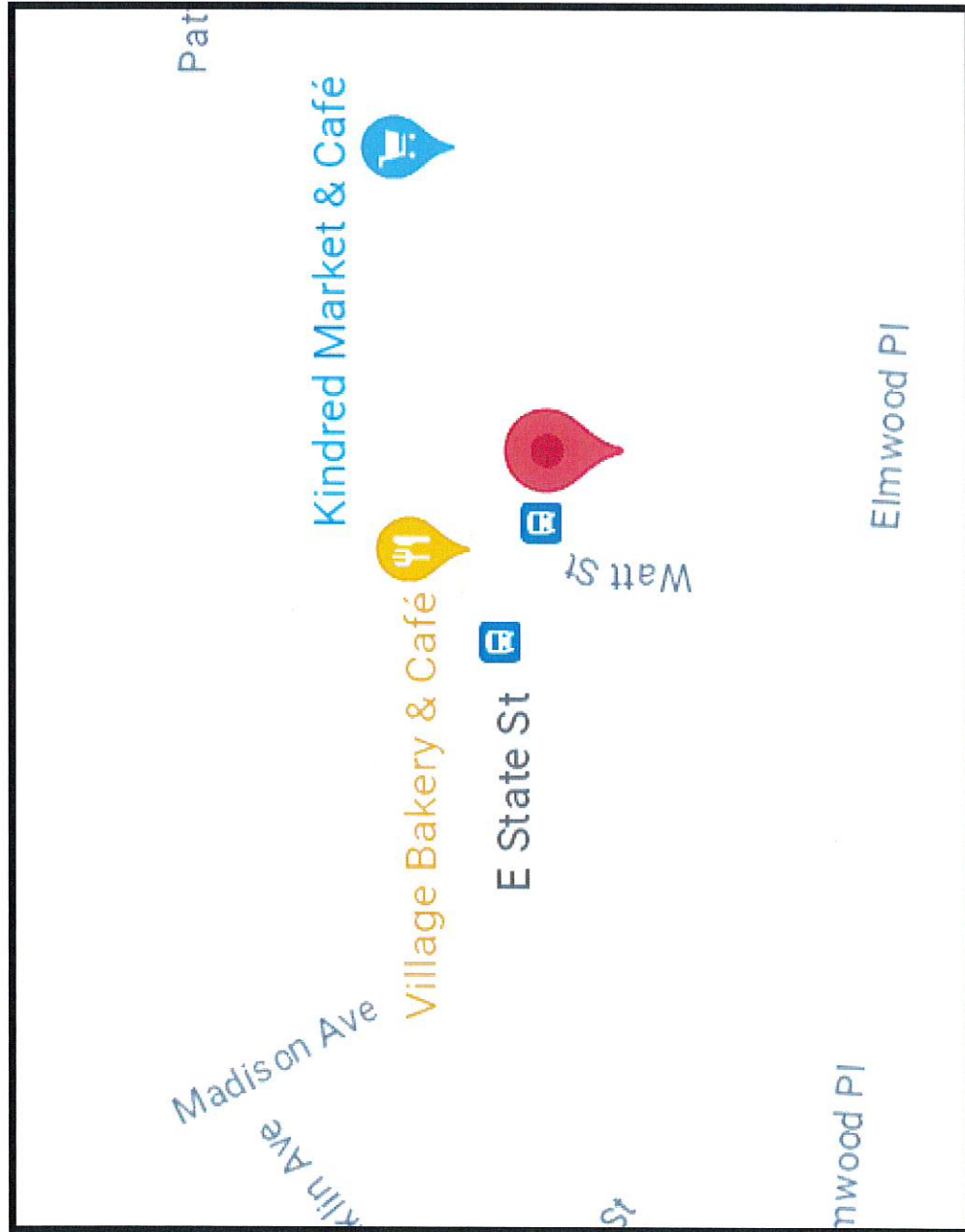
- (3) Short-term rentals nonresident owner short term rentals - the keeping of not more than three adult renters plus related children by a nonresident owner for periods of less than 30 days on R-1 lots that about an R-2, R-3, or any B-zone or that the principal home fronts on East State Street, Carpenter Street, Lancaster Street, or Columbus Road.

The Conditional Use Factors Are Satisfied

- ✓ (1) The conditional use complies with all applicable city regulations.
- ✓ (2) The conditional use will be of such location, size, and character that it will generally be in harmony with the appropriate and orderly development of the zone. It will not be detrimental to the orderly development of adjacent properties nor inconsistent with the city comprehensive plan.
- ✓ (3) The ingress and egress from the parking area is so designed as to cause minimum interference with traffic on abutting streets.

ACC § 23.07.02 (E)

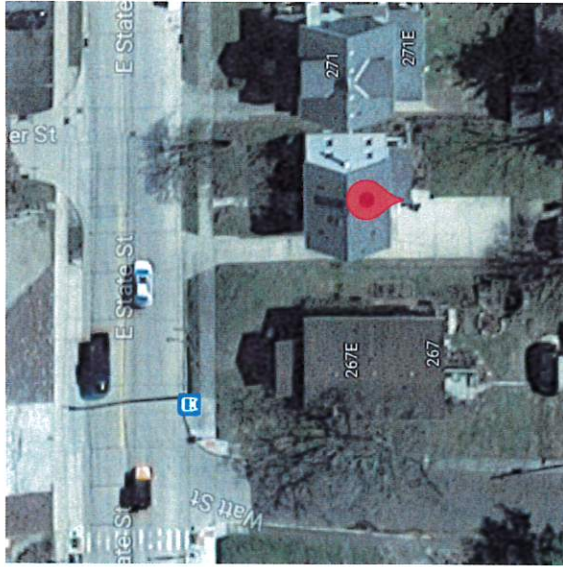




The Proposed Use Is in Harmony with the Neighborhood

- The Williams have hired a company to maintain the exterior landscaping.
- The Williams have made numerous improvements to the interior and exterior.
- There is a short-term rental right next door that has only increased the Williams' property value.
- The use will be consistent with a residential single-family use:
 - Pursuant to the Code, the Williams will allow a maximum of three adults with related children.
 - The Williams intend to vet the prospective renters.
 - The Williams are hiring a local Athens resident to be on call to monitor the property and respond to issues, if necessary.

The Ingress and Egress Will Not Cause Any Interference with Traffic on Abutting Streets



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VORYS

Denial of the Application Deprives the City of Tax Revenue and Exposes the City to Unnecessary Liability

- If the Williams' application is granted, the City is entitled to tax revenue from the Williams' short-term rental.
- If the Williams' application is denied, the City is exposed to unnecessary liability for the Williams' damages, attorneys' fees, and costs.
 - The denial of a conditionally permitted use results in the deprivation of procedural and substantive due process as well as equal protection as set forth in the Ohio and United States Constitutions.
 - The Williams incurred substantial attorneys' fees in the first administrative appeal, which continue to accrue.

Office of Code Enforcement and
Community Development



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>

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ATHENS, OHIO

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City of Athens
ATHENS, OHIO



City of Athens



City of Athens
ATHENS, OHIO

April 12, 2022

Dear Property Owner,

The Office of Code Enforcement was notified that your property at 23 Cree listed on short term rental websites.

Pursuant to Section 29.03 of the Athens City Code all residential property within Athens used for short term rental purposes shall have an approved Short Term Rental Permit issued by the Office of Code Enforcement.

Enclosed is a Short Term Rental Permit application for your use. Please complete and return this document as soon as possible. The annual fee of \$150.00 per rental unit is due each year.

Should you need assistance is filling out the enclosed form, or if you have a call our office at 740-592-3306.

Regards,

David R. Riggs, PE
City of Athens
Director of Development and Code Enforcement

April 12, 2022

Dear Property Owner,

The Office of Code Enforcement was notified that your property at 83 Grosvenor Street has been listed on short term rental websites.

Pursuant to Section 29.03 of the Athens City Code all residential property within the City of Athens used for short term rental purposes shall have an approved Short Term Rental Permit issued by the Office of Code Enforcement.

Enclosed is a Short Term Rental Permit application for your use. Please complete and return this document as soon as possible. The annual fee of \$150.00 per rental unit is due on February 1st of each year.

Should you need assistance is filling out the enclosed form, or if you have any questions, please call our office at 740-592-3306.

Regards,

David R. Riggs, PE
City of Athens
Director of Development and Code Enforcement

Dear Property Owner,

The Office of Code Enforcement was notified that your property at 83 Grosvenor Street has been listed on short term rental websites.

Pursuant to Section 29.03 of the Athens City Code all residential property within the City of Athens used for short term rental purposes shall have an approved Short Term Rental Permit issued by the Office of Code Enforcement.

Enclosed is a Short Term Rental Permit application for your use. Please complete and return this document as soon as possible. The annual fee of \$150.00 per rental unit is due on February 1st of each year.

Should you need assistance is filling out the enclosed form, or if you have any questions, please call our office at 740-592-3306.

Regards,

David R. Riggs, PE
City of Athens
Director of Development and Code Enforcement

Regards,

David R. Riggs, PE

Director of Development and Code Enforcement
City of Athens
David R. Riggs, PE
(740)592-3306
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VERY

CASE NO. 23-05C

**FINDINGS OF FACT BY THE ATHENS BOARD OF ZONING APPEALS (BZA)
REGARDING CONDITIONAL USE:**

The BZA has the power of original jurisdiction to approve the issuance of the conditional use permit by finding, in writing, the following:

1. Pursuant to Athens City Code Section (ACC) 23.07.02 (A) and 23.07.02(E)(1), the proposed conditional use is to be located in a zone wherein such use may be conditionally permitted:

List section of Athens City Code whereby such use is conditionally permitted:

Yes, ACC 23.01(c)(3) allows for a non-owner occupied short term rental in an R1 zone at 269 East State St.

2. Pursuant to ACC 23.07.02(E)(2), the request for conditional use is considered as an individual case:

Individual factors unique to this case considered by the BZA:

The property would be non-owner occupied, but the owner is hiring a local property manager. The property is a small lot with residents on 3 sides with mostly owner occupied adjacent properties.

The property has 4 bedrooms, but the short term rental would be limited to 3 adults at a time (with children).

The owner lives 1 1/2 hours drive away from the property.

3. Pursuant to ACC 23.07.02(A) and ACC 23.07.02(E)(3)(a), will the conditional use comply with all applicable city regulations?

List of applicable city regulations as provided by Code Director and whether the conditional use complies with each regulation:

3 adult limit on rental; parking requirements (title 23) are met; rental permit will be contingent on initial inspection and annual re-inspection; traffic ingress/egress is via a driveway on the property on E. State St. and meets city requirements.

4. Pursuant to ACC 23.07.⁰²~~03~~(E)(3)(b), will the conditional use be of such location, size, and character that it will generally be in harmony with the appropriate and orderly development of the zone?

~~Yes~~/No (Circle) (no BZA consensus on whether or not this conditional use is in harmony with the zone)

Granting this conditional use will remove a single-family residence from being able to be a home for a family in Athens, thus reducing available housing stock.

8. Pursuant to ACC 23.07.02, in granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards.

State the motion to approve with conditions or safeguards, if any:

By agreement of the parties, the appellant will hire a local property manager (in Athens County), and will keep the contact information for the property manager on file and up to date with the code office.

Those in favor of motion (yes):
(List names)

Robert Delach

Those opposed to motion (no):
(List names)

Kay Tousley

Joe Krause

Kelly Sauber

Abstained:
Ben Lachmann

If the motion passes:

The Zoning Administrator is hereby directed to issue a conditional use permit for such use with the following conditions and safeguards, if any:

Signed by Chair: Robert David Barber-Delach Date: 8/21/2023
