

**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 #23-09V

ADVERTISEMENT

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

TO: The Athens Messenger

Insert the following legal notice on **December 2, 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

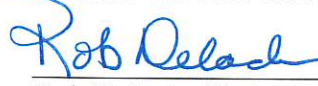
Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, December 12, 2023, at 7:00pm** on the following described property:

5 Utah Place
Zone R1 Case #23-09V

Appellant is requesting a variance from ACC 23.08.01 to allow expansion of the driveway to create an additional parking spot located in the front setback.

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

**Office of Code Enforcement and
Community Development**

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Athens, OH 45701
(740)592-3306
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City of Athens
ATHENS, OHIO

November 30, 2023

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
5 Utah Place
has been assigned Board of Zoning Appeals **Case #23-09V**

Inquiries and references should always be made to this number.

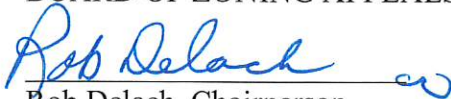
Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, December 12, 2023 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us 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.

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

Form BZA-3

**Office of Code Enforcement and
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Athens, OH 45701
(740)592-3306
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City of Athens
ATHENS, OHIO

November 30, 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 interpretation has been filed by

Harold Tuten / Appellant
For property located at
5 Utah Place

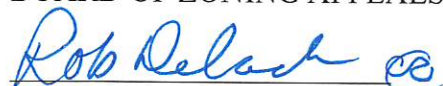
Appellant is requesting a variance from ACC 23.08.01 to allow expansion of the driveway to create an additional parking spot located in the front setback.

This case has been assigned
Case #23-09V

This meeting has been scheduled for **Tuesday, December 12, 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

5 Utah Place – Case #23-09V – adjoining properties and owners

4 Strathmore Blvd

Bay Enterprises of Athens
29 Hanlin Road
Athens, OH 45701

6 Strathmore Blvd

Renaissance Rentals LLC
280 E State St
Athens, OH 45701

8 Strathmore Blvd

Hans G Pesch & Susan B
9037 Regency Woods Dr
Kirtland, OH 44094

3 Utah Pl

Tuten Harold S and Tuten Michelle L
3 Utah Place
Athens, OH 45701

4 Utah Pl

Weaver James D
4 Utah Pl
Athens, OH 45701

6 Utah Pl

Jarsn LLC
350 Carroll Rd
Athens, OH 45701

10 Utah Pl

Good Barbara J Trustee
P.O Box 150
Athens, OH 45701

7 Utah Pl

Bump Gaylord Duane Trustee
7 Utah Pl
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

Permit #	BZA23-000009
Date Rec'd	11/22/2023

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

APPLICANT: HAROLD SCOTT TUTEN PHONE # 740-541-8544

ADDRESS: 3 UTAH PLACE

OWNER: _____

ADDRESS: _____

PROPERTY ADDRESS: 5 UTAH PLACE

ZONE: R1

I, THE UNDERSIGNED, Harold Scott Tuten

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR

DATED 11/22/23

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

5 UTAH PLACE

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.

Harold Scott Tuten
APPLICANT

Christine D. Robinson
NOTARY PUBLIC, OHIO



CHRISTINE D. ROBINSON
NOTARY PUBLIC, STATE OF OHIO
MY COMM. EXPIRES 06/1/2024

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

NOTARY PUBLIC, OHIO _____

202300001264
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
04/04/2023 02:16:16 PM
OR BOOK: 604 PAGE: 112
DEED 42.00 PG: 3

202300001264
VALUED CUSTOMER
FOUSS & FOUSS LLC

This Conveyance has been examined
and the Grantor has complied with
Section 319.262 of the Revised Code

No. 409 Transfer Fee Paid \$ 736.00
Jill A. Thompson, Athens County Auditor

By [Signature] Deputy Auditor
pd 1.00 transfer 4/4/23

FIDUCIARY DEED

Susan Worthing, Executor of the Estate of Nancy M. Worthing, by the power conferred by the Last Will and Testament of Nancy M. Worthing, the Athens County Probate Court, and every other power for \$1.00 (one dollar) paid, grants, with fiduciary covenants, to Harold Scott Tuten, married to Michelle Lee Tuten, husband and wife, for their joint lives, remainder to the survivor of them. whose tax mailing address is 3 Utah Place, Athens Ohio the following **REAL PROPERTY**:

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

FIRST TRACT: Being Lot Number 2499 in Grandview Highland Addition, Athens, Ohio, to-wit: 5 Utah Place, Athens, Ohio.

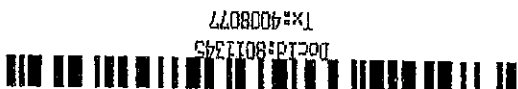
Parcel Number A02-83000029.00

SECOND TRACT: Being fifteen feet off the south side of inlot 2500 in the Grandview Highland Addition, Athens Ohio.

Prior deed reference Book 323, Page 1801, Athens County Official Records.

Address: Utah Place, Athens OH 45701

Parcel Number A02-83000028-00



IN WITNESS WHEREOF, the said Grantor has hereunto set his hand this 17th day of March 2023.

Susan Worthing
Executor of the Estate of Nancy M. Worthing

State of Ohio, County of Athens

BE IT REMEMBERED that, on this 17th day of March 2023, before me, the subscriber, a Notary Public in and for said county, personally came Susan Worthing, Executor of the Estate of Nancy M. Worthing, the Grantor in the foregoing deed and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Notary Public

SEE ATTACHMENT
JURAT/ACKNOWLEDGMENT

My Commission Expires: _____

NKC

CALIFORNIA ACKNOWLEDGMENT CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State Of: California
County Of: Contra Costa

On March 22nd, 2023 before me, NEERU K C, Notary Public, personally

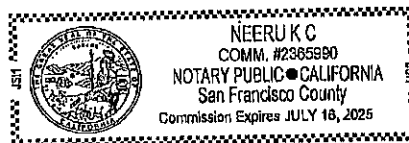
appeared, Susan Worthing
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~—
subscribed to the within instrument and acknowledged to me that she/~~he~~/~~they~~ executed the same in
her/~~his~~/~~their~~ authorized capacity~~(ies)~~, and that by her/~~his~~/~~their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Neeru K C
f.c.

Signature: NEERU K C



Title of Document: Fiduciary Deed

Total Number of Pages including Attachment: 3

Notary Commission Expiration Date: July 16, 2025

Notary Commission Number: 2365990

Narrative statement

We recently purchase 5 Utah Place for the purpose of a renovation to meet current and future residential building standards. Once renovations are complete, we plan on this being our forever home. This house was built in 1955, at a time when most families could only afford one car, and it currently has space for one off street parking area. We are a two-vehicle family. I am requesting a variance for a twenty-foot curb cut so I can have space for two off street parking areas, alleviating the need for on street parking of one vehicle. At times, the street fills up with parked vehicles due to the existing homeowners and rental properties. This causes some congestion issues and impacts other homeowner's ability to exit their driveways. The supplied plot plan drawing shows the new proposed curb cut/parking area along with the 30%/60% coverage areas. I am planning to install two EV charging connections on the front of the house in preparation for the future change from fossil to EV vehicles. There are existing wide driveways at 8,22,25,27,29,30,41,42,49 and 54 Utah Place. Also, there are wide driveways at 2,5,10,15,17,21 and 23 Strathmore so I do not feel I would be receiving any special privilege treatment.

Thank you for your consideration on this matter.

Scott and Michelle Tuten

**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**

November 21, 2023

To:
Applicant Address:

Harold Tuten
3 Utah Place
Athens, OH 45701

To:
Owner Address:

Harold Tuten
3 Utah Place
Athens, OH 45701

REFUSAL

Land Development Permit - Residential Refusal Detail

Premises Address: 5 UTAH PL

Application Date: 11/20/2023

For: Zone R1 / expanding driveway and adding sidewalks

Note: Your request for a Stormwater Management and Land Development permit has been denied in accordance with the application submitted and ACC 23.08.01 A. Applicant is requesting to expand driveway to create an additional parking spot located in the front setback.



LAND DEVELOPMENT PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: LND23-000031
REFUSAL

Permit Type: Residential

Issue Date: 11/21/2023

Project Address : 5 UTAH PL

Decision Detail: Your request for a Stormwater Management and Land Development permit has been denied in accordance with the application submitted and ACC 23.08.01 A. Applicant is requesting to expand driveway to create an additional parking spot located in the front setback.

Applicant:

Harold Tuten
Phone: 740-541-8544

3 Utah Place
Athens, OH 45701

Property Owner:

Harold Tuten
Phone: 740-541-8544

3 Utah Place
Athens, OH 45701

Scope of Project: Zone R1 / expanding driveway and adding sidewalks

Land Development:

Present Use:	Residence	Proposed Use:	Residence
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Director:

☐ Approved ☒ Refused

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

11/21/2023

Date



APPLICATION for PERMIT
Stormwater Management &
Land Development
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLES 5 & 27

(For Office Use Only)

Permit # LWD23-000031

Date Rec'd 11/20/2023

The Application for a Stormwater Management Permit must include a site plan showing soil erosion control methods (see example for site plan on back of form). The Application for a Land Development Permit must include an Athens Soil and Water Conservation District soils investigation if required by Title 27. Both applications must also include a proposed construction schedule.

Applicant HAROLD SCOTT TUTEN Phone 740-541-8544

Address 3 UTAH PLACE

Property Owner (if other than applicant) _____ Phone _____

Address _____

Address of Proposed Use: 5 UTAH PLACE

*General Contractor: SELF License # _____

*Must be registered with the City of Athens.

Description of Proposed Work:

Fees:	Stormwater	Land Development
Application Fee: \$80.00		
Less than 1 Acre	\$ 50.00	\$ 30.00
1-5 Acres	\$150.00	\$ 60.00
Greater than 5 Acres	\$200.00	\$105.00

- ☐ New ☒ Alteration ☐ Accessory
☒ Flatwork Only (Drive, Parking, Patio, Etc.)
☐ Foundation, Retaining Wall, Utility Line

Information needed on back of sheet, also.

Project Description: EXPANDING DRIVEWAY AND ADDING SIDEWALKS

Current Property Use: RESIDENCE Proposed Property Use: RESIDENCE

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 [Signature] Date 11/20/23

Owner Signature _____ Date _____

Zone: R-1 Flood Plain: NO (For Office Use Only) Parcel Number: A 028300002900

*Refused Acc
23.08.01 A

Received Copy of Soils Report: Yes ☐ No ☒

Stormwater

Stormwater protection plan required Yes ☐ No ☐
Ohio EPA assignment No. _____ (over 1 Acre)
Silt fence required Yes ☐ No ☐
Gravel access road required Yes ☐ No ☐
Storm sewer protection required Yes ☐ No ☐
Site seeding/straw required Yes ☐ No ☐
Additional controls needed Yes ☐ No ☐

Land Development

Soils investigation required for slip areas 27.02.03 Yes ☐ No ☐
Land development plan required 27.03.02 Yes ☐ No ☐

Zoning Regulations

Lot Coverage Yes
Shade Tree Required Yes ☐ No ☐
Pre-construction Yes ☐ No ☐
Verification Date: _____
During construction Date: _____
Verifications Date: _____
Post construction Date: _____
Final Storm: _____
Shade Tree: _____
Parking: _____

Initial Code Officer Review: DM Date: 11-21-23 Stormwater Review: _____ Date: _____

Zoning Administrator Signature [Signature] Date 11-22-23 ☐ Approval ☒ Refusal

Service-Safety Director Signature [Signature] Date 11/23/23 ☐ Approval ☒ Refusal

LOT DIMENSIONS		LOT AREA	
LENGTH	WIDTH		
109.57'	77.47'	7,360 SF	

ITEM	LOT COVERAGE AREA		% LOT COVERAGE
PRIMARY AND SECONDARY STRUCTURES (MAX 35% LOT COVERAGE)			
EXISTING PRIMARY RESIDENTIAL STRUCTURE	1,818 SF	20.1%	
NEW PRIMARY STRUCTURE ADDITION	218 SF	3.0%	
NEW ACCESSORY STRUCTURE	129 SF	1.8%	
SUBTOTAL	1,886 SF	25.8%	
IMPERVIOUS HARDSCAPE (MAX 60% LOT COVERAGE - PRIMARY/SECONDARY STRUCTURE %)			
NEW CONCRETE DRIVEWAY	780 SF	10.6%	
NEW SOUTH SIDE YARD WALKWAY	189 SF	2.6%	
NEW REAR CONCRETE PATIO	368 SF	4.9%	
NEW NORTH WALKWAY	371 SF	5.0%	
NEW FRONT YARD WALKWAY	171 SF	2.3%	
SUBTOTAL	1,689 SF	23.4%	
TOTAL	3,735 SF	50.5%	

PROJECT ADDRESS	5 WITHIN PLACE
ATTN: CH 45701	
PARCEL ID	AC23930002900
JURISDICTION	CITY OF DENVER OFFICE OF CODE ENFORCEMENT & COMMUNITY DEVELOPMENT
PROJECT DESCRIPTION	(F) FOUNDATIONS TO REMAIN, (N) BOND BEAM AND CONCRETE FLOOR SLABS, (N) MECHANICAL, (N) CONCRETE FOUNDATIONS (N) ELECTRICAL, (N) PLUMBING, (N) MECHANICAL, (N) CONCRETE 5115 S DOWN.
APPLICABLE CODES	2004 RESIDENTIAL CODE OF CHGO
ZONING	RT - SINGLE FAMILY RESIDENTIAL
LAND USE	RT - SINGLE FAMILY DWELLING, PLANTED PLOT
BUILDING AREA	EXISTING 2,188 SF PROPOSED 2,188 SF
BUILDING HEIGHT	EXISTING MAX 4.4-1' PROPOSED MAX 4.18-1'
CONSTRUCTION TYPE	TYPE V
FIRE PROTECTION	UNSPRINKLED

70'-0"

UTAH PLACE

2'-8 1/2"

23'-0"

20'-0" (N) CURB CUT

12'-0" (E) CURB CUT

PUBLIC RIGHT OF WAY SIDEWALK

WEST PROPERTY LINE

FRONT YARD AREA

NEW CONCRETE SIDEWALK
LOT COVERAGE: 371 SF

EXISTING PRIMARY RESIDENTIAL STRUCTURE
LOT COVERAGE: 1,519 SF

NEW ADDITION
LOT COVERAGE: 218 SF

NEW CONCRETE DRIVEWAY
LOT COVERAGE: 789 SF

REMOVE (E) DRIVEWAY

REMOVE (E) CURB CUT

REMOVE (E) CURB CUT

REMOVE (E) DRIVEWAY

NEW CONCRETE SIDEWALK
LOT COVERAGE: 171 SF

NEW CONCRETE SIDEWALK
LOT COVERAGE: 189 SF

NEW CONCRETE SIDEWALK
LOT COVERAGE: 189 SF

NEW CONCRETE PATIO
LOT COVERAGE: 399 SF

NEW ACCESSORY STRUCTURE
LOT COVERAGE: 129 SF

REAR YARD AREA

SPILL STORAGE AREA
TO BE SPREAD AT END
OF GRADE

SILT FENCE/STRAP/
SILT SOCK

EAST PROPERTY LINE

70'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8 1/2"

5'-0"

16'-0"

5'-0"

32'-10 3/4"

12'-0"

5'-0"

105'-0"

105'-0"

37'-9 3/4"

25'-0 1/4"

12'-9 1/2"

27'-11 1/2"

60'-8 3/4"

17'-0 1/2"

15'-8 3/4"

6'-7"

2'-8

OWNER
HAROLD SCOTT TUIEN
5 LUTHER PLACE
ATHENS, OH 45701
HSTUIEN1@GMAIL.COM
(740) 418-9591 TEL.

ARCHITECT
BUELL ARCHITECTURE & DESIGN, LLC
301 WINTERS RD.
MARIETTA, OH 45750
DEREK BUELL, P.A.
OHIO ARC 2718683
DEREK@BUELL.COM
(740) 525-7203 TEL.

STRUCTURAL ENGINEER
LAMBERT CONSULTING, PLOC
10000 W. 25TH AVE.
PARKERSBURG, WV 25104
PROJECT LEAD: JOSEPH LAMBERT, PE
WV NO. 15699
JPLAMBERT@LUMINK.NET
(304) 485-9405 TEL.

XXXX.XX.XX
2023.11.16

●	A00	PROJECT INFO, PLOT PLAN
●	A10	BASEMENT PLAN
●	A1.1	FIRST FLOOR PLAN
●	A12	SECOND FLOOR PLAN

SYMBOL	DESCRIPTION
	EXISTING WALL TO REMAIN
	EXISTING WINDOW TO REMAIN
	EXISTING WINDOW TO REMAIN
	EXISTING DOOR TO REMAIN
	EXISTING WALL TO BE REMOVED
	EXISTING WINDOW TO BE REMOVED
	EXISTING DOOR TO BE REMOVED
	NEW FRAMED WALL
	NEW WINDOW PER SCHEDULE
	NEW DOOR PER SCHEDULE
	AREA NOT IN SCOPE
	ELEVATION BULLET
	SECTION
	ELEVATION
	ROOM LABEL
	DOOR ID TAG
	WINDOW ID TAG
	REVISION DELTA
	WALL TYPE TAG

AO.0

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UTAH PLACE
5 UTAH PLACE
ATHENS, OH 45701

buell
architecture &
design

511 Whites Road
Marietta, OH 45750
740.525.1203
jue@buell.com

23.08.01. - Off-street parking.

Any requirements for off-street parking shall be in accordance with the following regulations:

- (A) Each off-street parking space shall have an area of not less than 150 square feet exclusive of access drives or aisles and each parking space shall have a minimum width of nine feet. There shall be adequate provision for ingress and egress to all parking spaces as determined by the zoning administrator. For one and two family dwelling units within an R-1, R-2, or R-3 zone, the required number of off-street parking places as established in the zoning code may be provided within access drives or driveways. All access drives or driveways shall not be less than ten feet wide. No access drive or driveway shall be located in any residential zone to provide access to uses other than those permitted in such zones. For residential uses in R-1, R-2, and R-3 districts driveways shall not exceed 20 feet in width at the street, or 20 percent of lot width, whichever is greater, and shall not be located between the right-of-way line and the front of a structure except in front of an attached garage, carport, or parking area.
- (B) Exclusive of hard surface driveways where parking is permitted as referenced in subsection 7.05.01(A) of this Code, off-street parking areas or parking structures for residential structures shall not be located between the required setback line and right-of-way line. On corner lots, exclusive of hard surface driveways, no off-street parking areas or parking structures for residential structures shall be located between the side street right-of-way line and the required front yard setback line for structures on the side street.
- (C) The number of off-street parking spaces required is set forth in these regulations (see Table B, Chapter 23.11). In the case of changes or additions to any existing structure or its use including requests for increased occupancy in residential uses, parking shall be required to meet the requirements for all uses of the premises. In the case of any use or combination of uses not specifically mentioned herein, the zoning administrator shall determine the number of required parking spaces based on similar or comparable use.
- (D) All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such parking may be provided within a radius of 1000 feet. The determination of distance will be the shortest from lot line to lot line. The property shall be in the same ownership as the use to which it is accessory and shall be subject to deed restrictions filed with the city, binding the owner and heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.
- (E) The number of required off-street parking spaces for a church, synagogue or house of worship may be satisfied in part or in whole by a joint use parking agreement(s) as per Section 23.08.04.
- (F) Within the B2-D downtown business zone, the off-street parking requirement for principal permitted business uses not including residential uses may be eliminated if there exists improved public parking to satisfy the requirements of Table B, Chapter 23.11.
- (G)

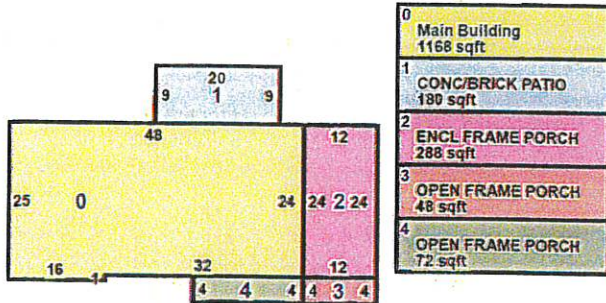
A028300002900

11/21/2023



Jill A. Davidson
County Auditor
Athens County, Ohio
www.athenscountyauditor.org

FIRST SKETCH



LEGAL

OWNER TUTEN HAROLD SCOTT MICHELLE LEE

ADDRESS 5 UTAH PL

DESCRIPTION 14-09-00 IL 2499 J-34

SCHOOL DIST ATHENS CSD TAX DIST A02

ACREAGE 0.0000

VALUATION

	APPRAISED	ASSESSED
LAND	\$32,570.00	\$11,400.00
IMPROVEMENTS	\$165,860.00	\$58,050.00
CAUV	\$0.00	\$0.00
TOTAL	\$198,430.00	\$69,450.00

TAXES

TAXABLE VALUE	\$69,450.00
ROLLBACKS	NONE
HALF (1ST / 2ND)	\$0.00 / \$0.00
YEAR (TOTAL / BALANCE)	\$0.00 / \$0.00

SPECIAL ASSESSMENTS

COUNT	0
DELINQUENT / BALANCE	\$0.00 / \$0.00
TOTAL / BALANCE	\$0.00 / \$0.00

MOST RECENT SALES

DATE	BUYER	SELLER	# PARCELS	PRICE	VALIDITY
4/4/2023	TUTEN HAROLD SCOTT	WORTHING NANCY M	2	\$184,000.00	SALE INVOLVING MULTIPLE PARCELS
1/28/2002	WORTHING NANCY M	WORTHING W B JR & NANCY M	0	\$0.00	NOT VALIDATED

LAND

CODE	FRONTAGE	DEPTH	ACREAGE	SQFT	VALUE
FRONT FOOT	55	105	0.133	5,775	\$32,570.00

Building Site

IMPROVEMENTS

RESIDENTIAL

Building (CARD: 1)	SPLIT LEVEL BUILT 1955	Baths (Full / Half)	1 / 1
Area	1,168 sqft	Rooms (Bedroom / Family)	4 / 1
Basement (Code / Finished / Total)	PART / 0 sqft / 0 sqft	Stories	1.0
Heat Full Type	GAS	Cooling	CENTRAL
External Wall	FRAME	Fireplace Stacks	1

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 #23-10V

ADVERTISEMENT

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

TO: The Athens Messenger

Insert the following legal notice on **December 2, 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, December 12, 2023, at 7:00pm** on the following described property:

810 East State Street
Zone B3 Case #23-10V

Appellant is requesting a variance from ACC 23.03.13 (I)(1)(i) to allow two wall signs with a building set back of 3 feet 10 inches where 6 feet 3 inches 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

**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

November 30, 2023

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
810 East State Street
has been assigned Board of Zoning Appeals **Case #23-10V**

Inquiries and references should always be made to this number.

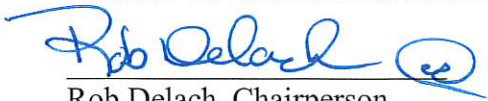
Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, December 12, 2023 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us 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.

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

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

November 30, 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 interpretation has been filed by

PSG Signs / Appellant
For property located at
810 East State Street

Appellant is requesting a variance from ACC 23.03.13 (I)(1)(i) to allow two wall signs with a building set back of 3 feet 10 inches where 6 feet 3 inches is required.

This case has been assigned
Case #23-10V

This meeting has been scheduled for **Tuesday, December 12, 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

810 East State Street – Case #23-10V – adjoining properties and owners

760 East State St

NML Investment LLC
51 Smith St
Athens, OH 45701

820 East State St

Jones Buick Oldsmobile Cadillac Co
830 E State St
Athens, OH 45701

739-903 East State St

Ohio University
CBL Management Inc
Chattanooga, TN 37415

601 East State St

City of Athens
8 E Washington St
Athens, OH 45701

1 Grand Park Blvd & 0 Grand Park Blvd

(Parcel #A028350004200)

Mithril Enterprises LLC
47 S Johnsonville Farmersville Rd
New Lebanon, OH 45345

0 Grand Park Blvd (Parcel

#A028350005900) & 0 Eden Pl (Parcel

#A028350006500)

Grand Town Eden LLC
900 E State St
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA23-000010
Date Rec'd 11/22/2023

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

APPLICANT: Deidra Lee, PSG Signs PHONE # 220-732-4740
ADDRESS: 161 Upper River Rd Gallipolis OH 45231
OWNER: Don Wood Hyundai
ADDRESS: 810 East State Street Athens OH 45701
PROPERTY ADDRESS: 810 East State Street Athens OH 45701
ZONE: B3

I, THE UNDERSIGNED, Deidra Lee, Tom Roach, PSG Signs
HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR
DATED October 31, 2023

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT
810 East State Street 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.

Deidra Lee, PSG Signs
APPLICANT

Hazel Darlene Parcell
NOTARY PUBLIC, OHIO



HAZEL DARLENE PARCELL
NOTARY PUBLIC • STATE OF OHIO
Comm. No. 2019-RE-796874
My Commission Expires Aug. 18, 2024

PROPERTY OWNER (IF OTHER THAN APPLICANT)

Lori A Peer
NOTARY PUBLIC, OHIO



Lori A Peer
Notary Public, State of Ohio
My Commission Expires 8-5-2025

Know all Men by these Presents

That John D. Good and Peter L. Good, individually, and d.b.a. Good and Good;

of Athens County, Ohio,
in consideration of One Dollar (\$1.00) and other good and valuable considerations

to them in hand paid by Good, Inc., an Ohio corporation

whose address is 900 East State Street, Athens, Ohio 45701

do hereby Grant, Bargain, Sell and Convey
to the said Good, Inc., its successors

assigns forever, the following described Real Estate, situate in the City and
of Athens in the County of Athens
and State of Ohio.

FIRST TRACT: Lots No. 2664 and 2668 in Townsend Addition to said City of Athens. It is agreed that no building shall be erected less than twenty-five (25) feet from the street line of said lots.

SECOND TRACT: Lot No. 2666 in Townsend Addition to said City of Athens. It is agreed that no building shall be erected less than thirty (30) feet from the East State Street line of said lot.

REFERENCE: Volume 256, page 18, Athens County Deed Records.

THIRD TRACT: Lots Nos. 2670 and 2672 in Townsend Addition to the City of Athens. Subject to restrictions of record.

REFERENCE: ~~VOLUME 256, page 18~~, Athens County Deed Records.
Volume 269, page 160.

All the above premises are subject to a certain easement and right of way from The Messenger Publishing Co. to the City of Athens, Ohio, dated April 29, 1955, and recorded in Volume 219, page 314, Records of Deeds of Athens County, Ohio.

Last Transfer: Deed Record Volume , Page

and all the Estate, Right, Title and Interest of the said grantors in and to said premises; On have and in hold the same, with all the privileges and appurtenances thereunto belonging, to said grantee, its successors and assigns forever.

And the said
John D. Good and Peter L. Good, individually, and d.b.a. Good and Good

do hereby Covenant and Warranty that the title so conveyed is Clear, Free and Unincumbered, and that they will defend the same against all lawful claims of all persons whomsoever.

In Witness Whereof, the said John D. Good and Peter L. Good, individually, and d.b.a. Good and Good;

and Gail G. Good and Barbara J. Good hereby release their right and expectancy of dower in said premises, who hereunto set their hands, this 10 day of April in the year A. D. nineteen hundred and seventy-four (1974) Signed and acknowledged in presence of us:

Janet Hanning
Wm. Parker Walker

John D. Good
Peter L. Good
Gail G. Good
Barbara J. Good

State of Ohio,

ATHENS

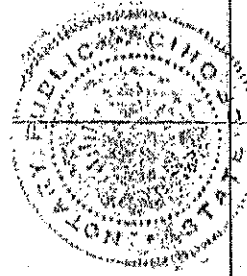
County, OH.

On this 10 day of April A. D. 19 74, before me, a Notary Public in and for said County, personally came John D. Good and Peter L. Good, individually, and dba Good and Good; and Gail G. Good, wife of John D. Good; and Barbara J. Good, wife of Peter L. Good,

the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed. Witness my official signature and seal on the day last above mentioned.

Wm. Parker Walker
Notary Public

WM. PARKER WALKER
Notary Public, State of Ohio
Lifetime Appmt. - R. C. 147.03



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

No. — Transfer Fee Paid \$ 2.00
Ruth H. Soames, Athens County Auditor

By — gk Deputy Auditor

This instrument prepared by WALKER, MOLICA & GALL CO., L.P.A.

WALKER, MOLICA & GALL CO., L.P.A.

John D. Good and Peter L. Good, individually & dba Good and Good, t. al.

TO

Good, Inc., an Ohio corporation

Transferred April 12 1974
Ruth H. Soames
COUNTY AUDITOR

RECORDED APRIL 12 1974
AT 3:10 O'CLOCK P. M.
RECORD OF DEEDS
VOL 321 PAGE 561
WILMA ALLEN, RECORDER
ATHENS COUNTY, OHIO
3 00

WALKER, MOLICA & GALL CO., L.P.A.
ATTORNEYS AT LAW
35 NORTH COLLEGE STREET
POST OFFICE DRAWER 955
ATHENS, OHIO 45701

PSG Signs, LLC
161 Upper River Road
Gallipolis, Ohio 45631
deidralee@psgsigns.net
Cell: 304-812-8404

Office of Code Enforcement &
Community Development
28 Curran Drive
Athens, Ohio 45701

Premises/Owner Address:
Don Wood Hyundai
810 East State Street
Athens, Ohio 45701
Application Date: 09/27/2023
Refusal Date: 10/31/2023

Date: 11/14/2023

RE: Variance Request for Sign Placement - PSG Signs on Don Wood Hyundai Property

As a representative of PSG Signs, LLC, I am writing to request a variance for the placement of a sign on the property owned by Don Wood Hyundai, for which we are contracted to replace the existing signage. The current location of the sign deviates from the city's preferred position, and in accordance with Athens City Code (ACC) Section 23.07.08 (D), we believe that granting a variance is justified based on the following:

Practical Difficulty or Undue Hardship:

- Enforcing the standard regulations would result in practical difficulty as the current positioning of the sign is essential for optimal visibility and effectiveness. The relocation would compromise the sign's impact and the company's overall advertising objectives.

Exceptional Circumstances:

- The unique layout or features of the building necessitate the current sign placement, which may not be applicable to other properties in the same zone.

Preservation of Equal Property Rights:

- Granting the variance will not confer special privileges to Don Wood Hyundai that are not available to other properties in the vicinity.

Minimum Variance:

- Adjusting the sign's location to meet the city's requirements would go beyond what is necessary for maintaining functionality, aesthetics, and reasonable use of the property.

Absence of Detriment:

- Allowing the sign to remain in its current position will not cause substantial harm to adjacent properties or in any way undermine the broader objectives of the zoning code. The sign's current location has been carefully chosen specifically by Don Wood Hyundai and we, as a contracted entity, do our best to adhere to the company's standards.

Not of General Nature:

- The unique characteristics of the Don Wood Hyundai property and the specific advertising needs of the company make this request not of a general or recurrent nature.

In light of these considerations, we respectfully request the BZA's favorable review of our variance application. We believe that maintaining the current sign placement is essential for the effective promotion of Don Wood Hyundai and aligns with the best interests of the company.

Thank you for your time and consideration. I can be reached at the information provided with any further questions.

Regards,



Deidra Lee, Appellant
Office Manager
PSG Signs, LLC
deidralee@psgsigns.net
Cell: 304-812-8404

**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**

October 31, 2023

To:
Applicant Address:

Tom Roach PSG Signs
161 Upper River Road
Gallipolis, OH 45631

To:
Owner Address:

Don Wood Hyundai
810 East State Street
Athens, OH 45701

REFUSAL

Sign Permit - Free Standing Refusal Detail

Premises Address: 810 East State Street

Application Date: 09/27/2023

For: Hyundai / Sign Installation

Note: Your request for a Sign Permit has been refused in accordance with the application submitted and ACC 23.03.13 (I)(1)(i). Wall signs shall be set back from the end of the building at least 10% of the wall width. 3 ft 10 in has been requested where 6 ft 3 in is required for two of three wall signs.

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>.



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

Permit #: SP23-000023
REFUSAL

Permit Type: Free Standing

Issue Date: 10/31/2023

Project Address : 810 East State Street

Decision Detail: Your request for a Sign Permit has been refused in accordance with the application submitted and ACC 23.03.13 (I)(1)(i). Wall signs shall be set back from the end of the building at least 10% of the wall width. 3 ft 10 in has been requested where 6 ft 3 in is required for two of three wall signs.

Applicant:

Tom Roach PSG Signs
Phone: (220) 732-4740

161 Upper River Road
Gallipolis, OH 45631

Property Owner:

Don Wood Hyundai
Phone: (740) 593-6641

810 East State Street
Athens, OH 45701

Scope of Project: Hyundai / Sign Installation

Sign Data

Sq. Footage:	9 square feet	Lighted	☒
Height			
Ground to Top	16 ft	Ground to Bottom	0, surface mount

Setbacks

Front	0	Rear	0
Left	0	Right	0

Wall Sign Setbacks:

Left	3 ft 10 in	Right	
------	------------	-------	--

General Contractor:

Business Name PSG Signs
Phone: 220-732-4740

161 Upper River Road
Gallipolis, OH 45631

Service-Safety Director:

[] Approved [X] Refused

10/31/2023

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

Date



APPLICATION for SIGN PERMIT

CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

(Office Use Only)
Permit #: SP23-000023
Date Rec'd: October 03, 2023

Applications for freestanding and temporary signs must include a scaled drawing indicating property lines, distances (setbacks) from property lines, and an elevation drawing including sign face area and height. Applications for wall, projecting, and canopy signs must include and elevation drawing indicating the total wall or canopy area, total face area of proposed signage and setbacks from the ends of the walls or common property walls. All lines must be completed or marked Not Applicable (N/A) or To Be Determined (TBD).

Type of Sign
Free Standing ☐ Wall Mount ☒
Projecting ☒ Canopy ☐ State Permit # (if applicable)

Address of Proposed Project 810 East State Street

Applicant Tom Roach PSG Signs Phone (220) 732-4740 (220) 732-4740

Address 161 Upper River Road
Gallipolis, OH 45631

Property Owner Don Wood Hyundai Phone (740) 593-6641
(If other than applicant)

Address 810 East State Street Athens, OH 45701

Description of requested sign(s): Using the existing ground mount, removing old pylon and installing new

Cost of Project _____ Face Area in Square Feet 9 square feet Lighted(?) ☒
(For each sign)

For Freestanding, Projecting and Canopy Signs:

Height, Ground to Top 16' Height, Ground to Bottom 0, surface mount

Setbacks from Property Lines: Front 0 Rear 0 Left 0 Right 0

For Wall Signs:

Setbacks from Wall End or Common Property Line Wall Left 3'-10" Right WALL SIGNS SEE BACK OF PERMIT

Name of Contractor PSG Signs Phone # 220 732 4740

Contractor Address 161 Upper River Road Gallipolis Ohio 45631

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 Tom Roach PSG Signs Date 09/29/2023

Owner Signature _____ Date 09/29/2023

CODE OFFICER RECOMMENDATION:		(For Office Use Only)	
Size ☐	Height to Top ☐	Height to Bottom ☐	Setbacks ☐
Comments: <u>SEE BACK OF PERMIT</u>		Parcel Number(s): <u>A028350006100</u>	Size of Lot ☐ Zone <u>B-3</u>
Signature <u>Brian J. Zupke</u>	Date <u>10-30-2023</u>	Approval ☐	Refusal ☒
ZONING ADMINISTRATOR ACTION:			
Signature <u>[Signature]</u>	Date <u>10-30-23</u>	Approval ☐	Refusal ☒
SERVICE-SAFETY DIRECTOR ACTION:			
Signature <u>[Signature]</u>	Date <u>10/31/23</u>	Approval ☐	Refusal ☒

WALL SIGNS

SIGN #1
(H) HYUNDAI - REFUSED - WALL SIGNS SHALL BE SET BACK FROM THE
END OF BUILDING ~~THE~~ AT LEAST 10 PERCENT OF THE WALL WIDTH
THEY ARE ASKING FOR 3'10" WHERE 6'3" IS REQUIRED (ACC. 23.03.13)
(I)(1)(i))

SIGN #2
DON WOOD - REFUSED SAME AS ABOVE ACC 23.03.13 (I)(2)(i)

SIGN #3 RECOMMEND-APPROVAL ACC 23.03.13 (I)(2)(i)

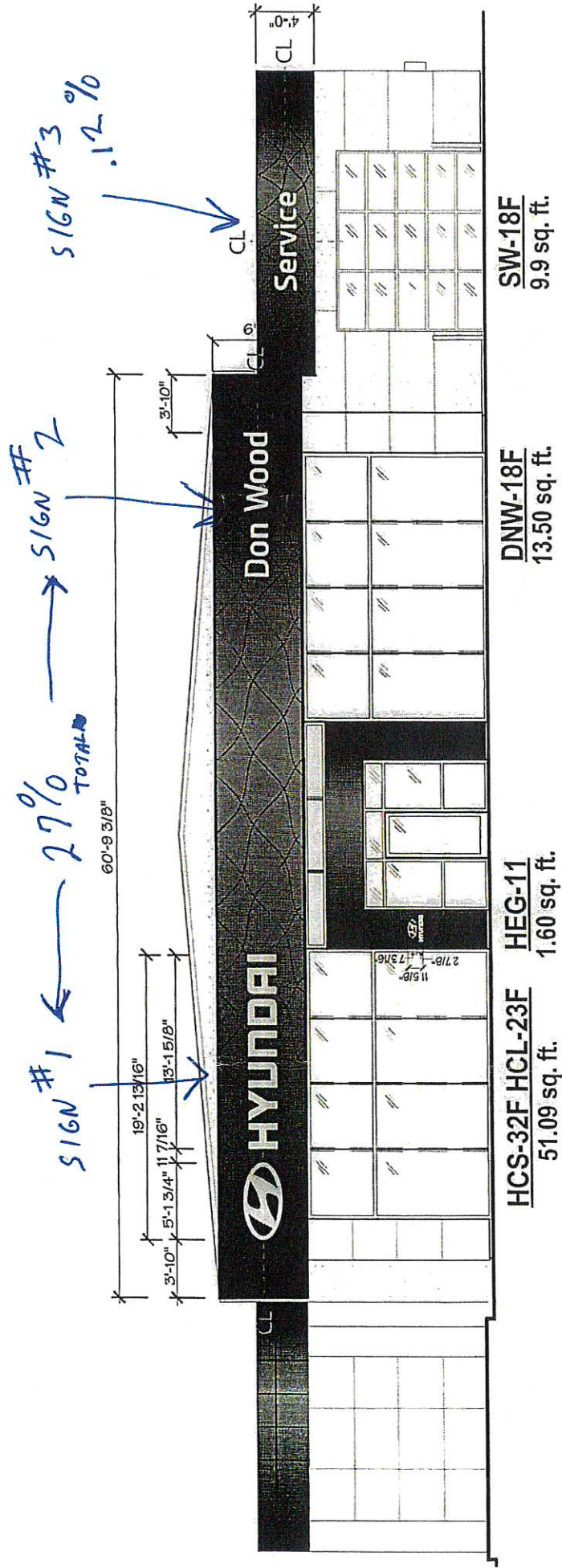
FREE STANDING SIGN

SIGN #4 RECOMMEND-APPROVAL ACC 23.03.13 (I)(3) & (I)(4)(d)

Wall Signs

Art represents an approximation of sign and aluminum composite material (ACM) panel appearance.
 Dealer to provide 120-volt, 20-amp dedicated circuit to each sign. Larger sets may require additional circuits.
 Dealer to provide behind-the-wall access for installation and structural support for signs.
 Dealer is responsible for covering signage mounting/wires/transformers if they are visible on the inside of the building.
 If an engineer alters quoted signage a change order will be provided to the dealer.
 Please refer to AGI's Architectural Imaging's ACM proposal for details on that separate scope of work.
 Copy on and placement of signs to be verified by dealer.
 Proposal assumes the completed building will require a field survey to determine if any signage modifications are necessary. A change order will be provided if necessary.
 Dealer to supply notes above to GC, architect, and other construction team members.

Rendering based on AGI 75% architectural design drawings, received 07/11/2023. Dealer is responsible for verifying that this brandbook matches final architectural plans.



SOUTH (FRONT) ELEVATION



OH062 Don Wood Hyundai
 810 E. State St.
 Athens, OH 45701

CAM: F. Scamardo

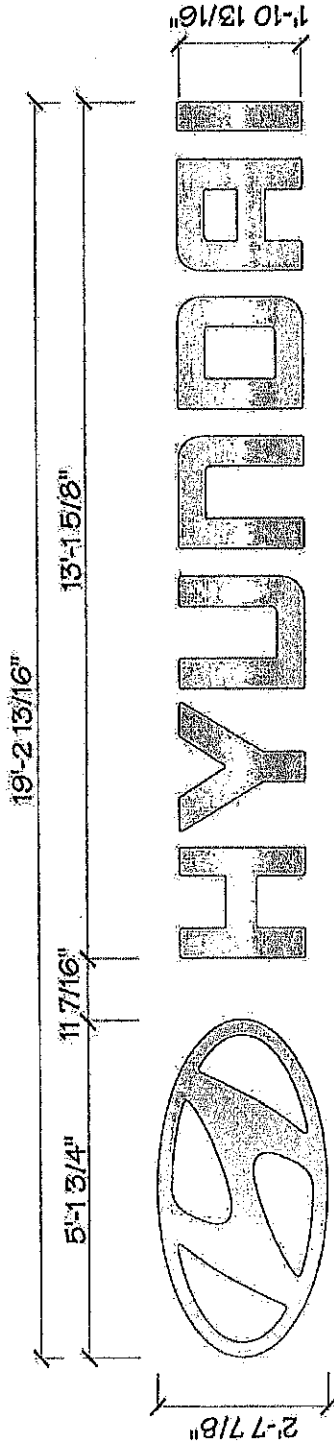
AGI Rep: NSA / P Petkov

Drawn By: DAL, TMC

Scale: N/A

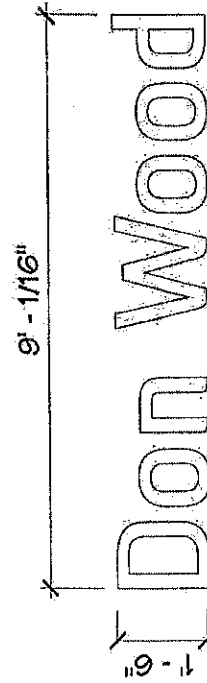
Date: 07/14/2023





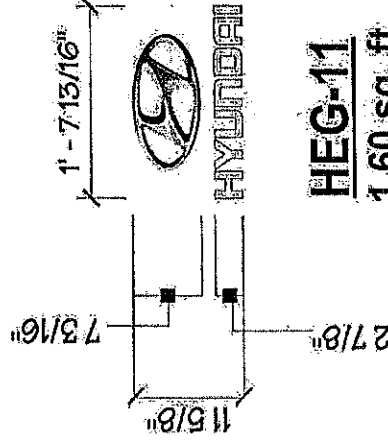
HCS-32F HCL-23F

51.09 sq. ft.



DNW-18F

13.50 sq. ft.



HEG-11

1.60 sq. ft.

(Symbol & Logo)



SW-18F

9.9 sq. ft.



OH062 Don Wood Hyundai
810 E. State St.
Athens, OH 45701

CAM: F. Scimardo

AGI Rep: NSA / P. Petkov

Drawn By: DAL TMC

Scale: N/A

Date: 07/14/2023



Things to do

Transit

P Parking

Pharmacies

ATMs

Firestone
Complete Auto (Pennzoil® Full Synthetic Oil)

Hyundai Parts 123
Auto parts store

FREE STANDING
SIGN

Approx. 15'

From the Property
LINE

SIGN
#4 10'

Req'd. LINE

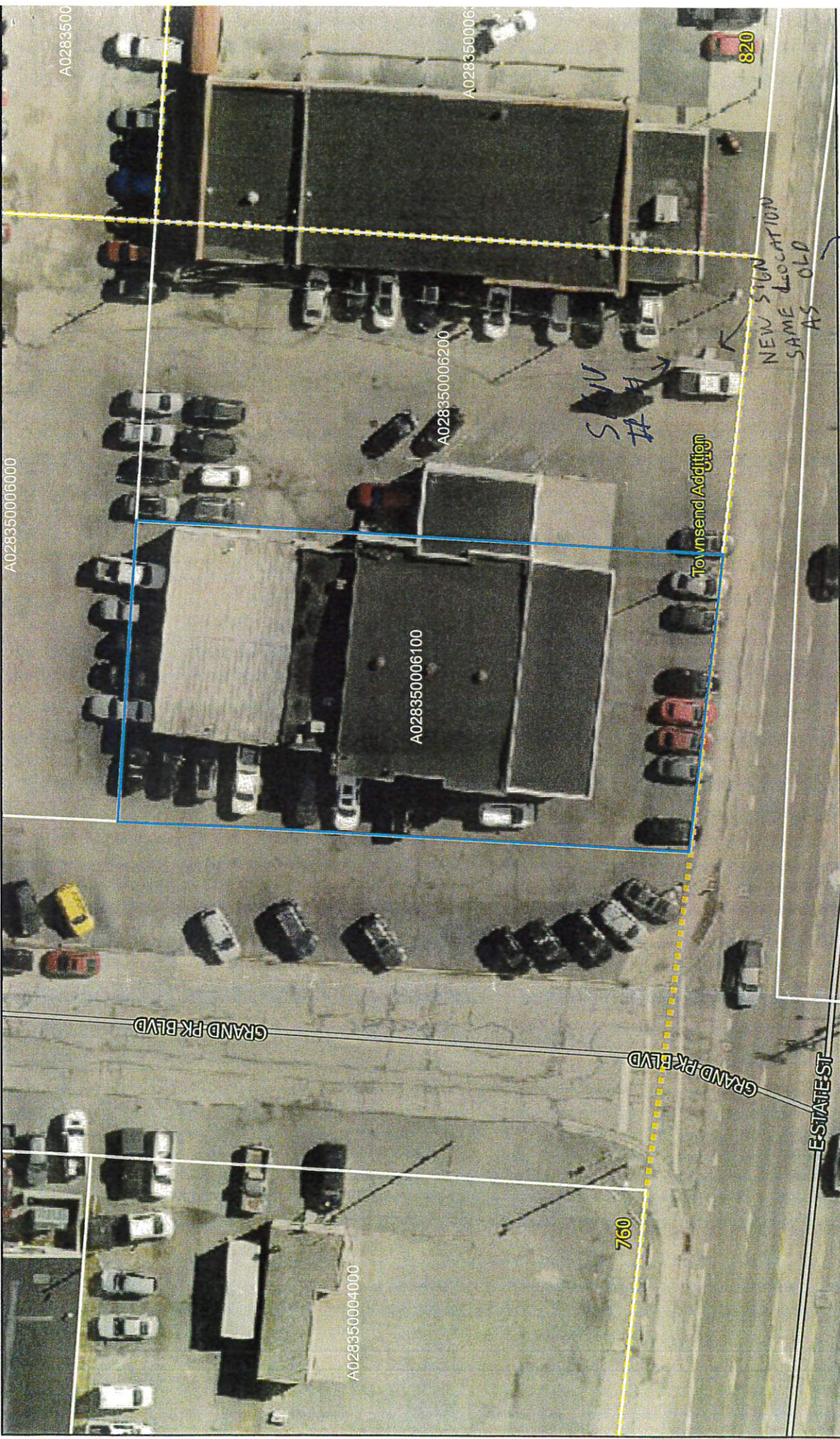
Approx.

11' From the SIDEWALK

E State St

F State St

Athens County Web Map



10/17/2023, 2:29:44 PM

Parcels	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue
21732E428208N.ecw	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue
21283E486288N.ecw	Red: Red	Red: Red	Red: Red	Red: Red	Red: Red	Red: Red
21283E430848N.ecw	Green: Green	Green: Green	Green: Green	Green: Green	Green: Green	Green: Green
21151E430848N.ecw	Red: Red	Red: Red	Red: Red	Red: Red	Red: Red	Red: Red
20966E486288N.ecw	Green: Green	Green: Green	Green: Green	Green: Green	Green: Green	Green: Green
20676E433488N.ecw	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue	Blue: Blue

Scale: 0 0.01 0.01 0.01 0.02 km
Sources: Esri, Airbus DS, USGS, NASA, CGIAR, N Robins
NLS, OS, NMA, Geodastystreken, Rijkswaterstaat, GSA, Geol
Intermap and the GIS user community
Athens C

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 #23-11V

ADVERTISEMENT

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

TO: The Athens Messenger

Insert the following legal notice on **December 2, 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, December 12, 2023, at 7:00pm** on the following described property:

23 Ohio Avenue
Zone R1 Case #23-11V

Appellant is requesting a variance from ACC 23.03.14 to allow a fence with a 10 ft 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

**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

November 30, 2023

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
23 Ohio Avenue
has been assigned Board of Zoning Appeals **Case #23-11V**

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, December 12, 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.

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

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

November 30, 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 interpretation has been filed by

Russell Morrow / Appellant
For property located at
23 Ohio Avenue

Appellant is requesting a variance from ACC 23.03.14 to allow a fence with a 10 ft setback where 25 ft is required.

This case has been assigned
Case #23-11V

This meeting has been scheduled for **Tuesday, December 12, 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

23 Ohio Avenue – Case #23-11V – adjoining properties and owners

25 Ohio Avenue

Boyd Cornwell ETAL
25 Ohio Ave
Athens, OH 45701

71 Maplewood Drive

Charles & Laura Solway
Trustees Solway Irrevocable Trust
81 Grosvenor St
Athens, OH 45701

9 Watt Street

Kathryn Conaway
9 Watt Street
Athens, OH 45701

22 Ohio Avenue

Kristine Kumfer
22 Ohio Ave
Athens, OH 45701

20 Ohio Avenue

Jean Drevenstedt
20 Ohio Ave
Athens, OH 45701

18 Ohio Avenue

Mary Jane Milazzo
18 Ohio Ave
Athens, OH 45701

19 Ohio Avenue

Michael Popo
19 Ohio Ave
Athens, OH 45701

16 Watt Street

Donald & Donna Slagle Trustee
110 Maplewood Dr
Athens, OH 45701

51 Maplewood Drive

Laura Nadeau
51 Maplewood Dr
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

Permit #	BZA 23-000011
Date Rec'd	11/27/2023

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

APPLICANT: Russell Morrow PHONE # 740-856-9627

ADDRESS: 23 Ohio Ave

OWNER: Russell Morrow & Kary Daniel

ADDRESS: 23 Ohio Ave

PROPERTY ADDRESS: 23 Ohio Ave

ZONE: R-1

I, THE UNDERSIGNED, Russell Morrow

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR

DATED November 14th 2023

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

23 Ohio Ave

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.

R. Morrow
APPLICANT

John R. Phillips
NOTARY PUBLIC, OHIO, Athens County, commission expires 12/20/2027

PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO

1.01 transfer 2/8/23

[illegible]Statutory Form
(RC 5302 17)

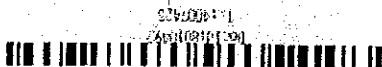
*****SEE "EXHIBIT A" ATTACHED HERETO AND INCORPORATED
HEREIN BY THIS REFERENCE*****

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

Jessica J. Collura
Jessica J. Collura

Berna A. C.
Notary Public

PREPARED BY: CHRISTIAN S. GERIG, ATTORNEY AT LAW, ATHENS, OHIO



Russell Morrow
Kasey Daniel
23 Ohio Avenue
Athens, OH 45701
(740) 856-0627

To the Board of Zoning Appeals:

We, the owners of **23 Ohio Avenue**, are requesting a variance to allow for installation of a 4-foot-high fence with a 10 foot setback where 25 feet is required.

Below is a list of the conditions of our situation that we hope will support the approval of our request.

- The fence has already been installed.
 - We were assured by our contractor that permit approvals would be taken care of and would not be an issue of concern for us.
 - After completion of the fence, we were surprised to hear that we were in violation of city code.
- Our property is uniquely situated at the corner of Watt and Ohio Avenues on 2 connected lots.
 - Our garage faces Watt Ave
 - Our Front Porch and attached stairs faces Watt Ave
 - Our Front Door (on the front Porch) faces Ohio Ave.
 - Our Backyard exits onto Ohio Ave.
- Although on Ohio Avenue, the location of our fence is to enclose our backyard.
 - Because we are at the staggered, consistently used intersection of Watt and Ohio, the ability for our children to play safely in our backyard is the top priority for installing this fence.
- The fence does not extend in front of or block our front porch.
- The fence installation does not prevent use of the sidewalk by pedestrians, dog walkers, or city, utility, maintenance, or service employees.
- We will continue to maintain upkeep of the areas outside of the fence
- We have received multiple positive comments of approval from others around the neighborhood.
- Removal of the fence will result in a safety, financial, and cosmetic negative impact to the owners and property.

We appreciate your consideration of our request and look forward to your decision.

Russell Morrow
Kasey Daniel

**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**

October 31, 2023

To: Russell Morrow
23 Ohio Avenue
Applicant Address: Athens, OH 45701

To: Russell Morrow
23 Ohio Avenue
Owner Address: Athens, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 23 Ohio Avenue

Application Date: 10/16/2023

For: Zone R1 Install 4 ft fence

Decision Detail: Your request for a Zoning Accessory Permit has been refused in accordance with the application submitted and ACC 23.03.14 - fence in front yard setback, asking for 10 ft 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>.



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

Permit #: ZNC23-000031
REFUSAL

Permit Type: Residential

Project Address: 23 Ohio Avenue

Applicant:

Russell Morrow
Phone: (740) 856-0267

Property Owner:

Russell Morrow
Phone: (740) 856-0267

23 Ohio Avenue
Athens, OH 45701

Description of Proposed Use/Scope of Project: Zone R1 Install 4 ft fence

Decision Detail: Your request for a Zoning Accessory Permit has been refused in accordance with the application submitted and ACC 23.03.14 - fence in front yard setback, asking for 10 ft where 25 ft is required.

Estimated Value of Improvement: \$8,000.00 Sq. Footage of New Construction or Addition:
Existing number of parking spaces: EXG Proposed number of parking spaces: 0
Setbacks (as indicated on drawing): Front: 10' Rear: 0 Left: EXG Right: EXG

Director of Development and Code Enforcement:

☐ Approved ☒ Refused

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

10/31/2023

Date



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 # 2NC23-cw31
Date Rec'd 10-16-23

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 Russell Morrow Phone 740-856-0627
Address 23 Ohio Ave Athens, OH 45701
Property Owner (if other than applicant) _____ Phone _____
Address _____

ZONING

Address of Proposed Work 23 Ohio Ave
Description of Proposed Work: New ☒ Alteration ☐ Accessory ☐
Project Description Fence Installation - 4ft fence
Estimated Cost of Project \$8,000 Proposed Square Footage _____

Must be registered with the City of Athens.

*General Contractor Lowe's 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 [Signature] Date 10/09/23
Owner Signature [Signature] Date 10/09/23

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: R-1 (For Office Use Only) Flood Plain: N/A Parcel Number: A027170005300
Setbacks: Front: A: 10' R: 25' Rear: A: 0 R: 0 Left: A: EXG R: 0 Right: A: EXG R: _____
Building Lot Coverage: A: EXG R: _____ Total Lot Coverage A: EXG R: _____ Building Height: A: EXG R: _____
Exg. # of Parking Spaces: EXG Proposed Spaces: 0 Required: 2 Total: EXG
ACC 23.03.14
Code Officer Comments: REFUSED FENCE IN FRONT YARD SET BACK ASKING FOR 10' WHERE 25' REQUIRED
Signature: Brin J Zandt Date: 10-16-2023 Recommend: ☐ Approval ☒ Refusal
Zoning Administrator Comments: _____
Signature: [Signature] Date: 10-24-23 ☐ Approval ☒ Refusal
Service Safety Director Comments: _____
Signature: [Signature] Date: 10/31/23 ☐ Approval ☒ Refusal

V/IHC Drawing Worksheet - Fencing

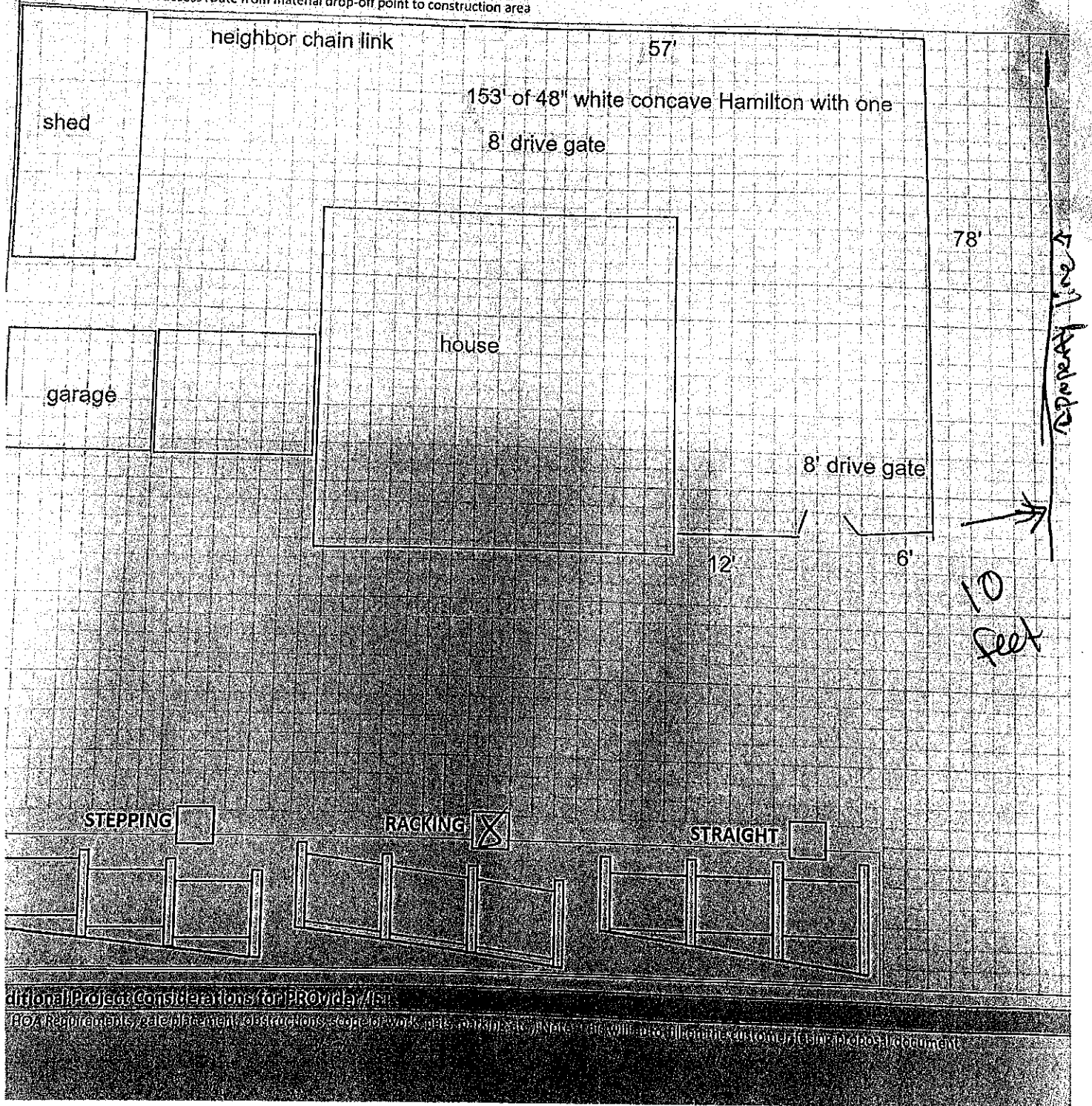
This document is **REQUIRED** to be uploaded into IMS for PROvider and IST



Store #:	Store 1866 LOWE'S OF ATHENS, OH	V/IHC Name:	William Peneston
Customer Name:	Russell Morrow	2 nd Customer Name:	
Customer Phone:	7408560627	Customer Email:	mrrussellmorrow@gmail.com
Installation Address:	23 Ohio Ave	City, State, Zip:	Athens, Ohio 45701

Directions:

1. Walk the fence proposed line after discussing property boundaries with the customer - indicate any obstructions as you measure.
2. Sketch the fence (birds-eye view) with these details:
 - Mark where the fence abuts, attaches to or is built around any structure or obstacle
 - Mark where gates will be located as well as gate type (drive or walk gate)
 - Mark best access route from material drop-off point to construction area



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 #23-12V

ADVERTISEMENT

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

TO: The Athens Messenger

Insert the following legal notice on **December 2, 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

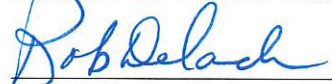
Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, December 12, 2023, at 7:00pm** on the following described property:

206 Columbus Road
Zone B3 Case #23-12V

Appellant is requesting a variance from ACC 23.03.13 (I)(2)(d) to allow 3 directional signs with a face area of 16.9 & 12 square feet where 3 square feet is the maximum permitted, and a height of 6 & 6.5 feet where 3 feet is the maximum height 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



**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

November 30, 2023

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
206 Columbus Road
has been assigned Board of Zoning Appeals **Case #23-12V**

Inquiries and references should always be made to this number.

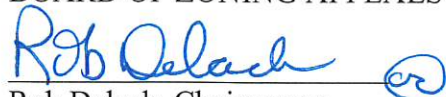
Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, December 12, 2023 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us 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.

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

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

November 30, 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 interpretation has been filed by

Cooper Signage & Graphics / Appellant

For property located at
206 Columbus Road

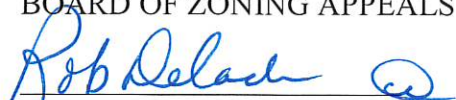
Appellant is requesting a variance from ACC 23.03.13 (I)(2)(d) to allow 3 directional signs with a face area of 16.9 & 12 square feet where 3 square feet is the maximum permitted, and a height of 6 & 6.5 feet where 3 feet is the maximum height permitted.

This case has been assigned
Case #23-12V

This meeting has been scheduled for **Tuesday, December 12, 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

206 Columbus Rd – Case #23-12V – adjoining properties and owners

0 Columbus Rd (A028200007801)

GK Development
1 Deere Dr
Athens, OH 45701

188 Columbus Rd

Jack L Alvis & Angela A Alvis
14975 Big Bailey Run Rd
Millfield, OH 45761

205 Columbus Rd

State of Ohio Ohio University
Pilcher HSE
Athens, OH 45701

207 Columbus Rd

207 Columbus Road Condominium
207 Columbus Rd
Athens, OH 45701

211 Columbus Rd

211 Columbus Road Athens Ohio 45701
LLC
4748 Gonegal Cliffs Drive
Dublin, OH 43017

217 Columbus Rd

GK Development
1 Deere Dr
Athens, OH 45701

219 Columbus Rd

Paul D Stobart & Theresa A
16927 Bell Road
Millfield OH, 45761



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR



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

APPLICANT: Cooper signage & Graphics PHONE # (770) 736-1522

ADDRESS: 2405 Lance Court; Loganville, GA 30052

OWNER: Memorial Health System

ADDRESS: 410 Matthew St., Marietta, OH 45750

PROPERTY ADDRESS: Athens Medical Campus 206 Columbus Rd. Athens OH

ZONE: B3

I, THE UNDERSIGNED, Roger Smith

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR
DATED 11-27-23

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

Athens Medical Campus 206 Columbus Rd. Athens OH

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.

Roger Smith

APPLICANT

Deborah K. Beaver
NOTARY PUBLIC, OHIO

Kevin Hudson

PROPERTY OWNER (IF OTHER THAN APPLICANT)

Deborah K. Beaver
NOTARY PUBLIC, OHIO



**MEMORIAL
HEALTH SYSTEM**
Administration
401 Marietta Street
Suite 300
Marietta, Ohio 45750



DEBORAH K BEAVER
Notary Public
State of Ohio
My Comm. Expires
June 9, 2026

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **MARIETTA AREA HEALTHCARE, INC.**, an Ohio non-profit corporation, of Washington County, State of Ohio, for valuable consideration paid, GRANTS, with General Warranty Covenants, to **MARIETTA MEMORIAL HOSPITAL**, an Ohio non-profit corporation, whose tax mailing address is 401 Matthew Street, Marietta, Ohio 45750, the following real property:

PARCEL ONE:

Tract One:

Situated in the City of Athens, Athens County, Ohio, and known as Lot #5-A of the Columbus Road Commercial Subdivision consisting of 20.562 acres as platted on January 12, 2016 in Envelope 99 B and C of the Small Plat Records of the Athens County Recorder.

Tax Parcel Nos.: **A028200007800** and **A028200007900**

PRIOR INSTRUMENT REFERENCE: Volume 516, Page 2488, Official Records of Athens County, Ohio.

Tract Two:

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

And known as being Lot #4-A of Replat of Lots 4 & 5 of Columbus Road Commercial Subdivision, as recorded in Plat Envelope 99 B and C of the Athens County Recorder's Office. Said Lot #4-A contains 3.021 acres as shown on said plat.

Tax Parcel No.: **A029200007803**

PRIOR INSTRUMENT REFERENCE: Volume 581, Page 1216, Official Records of Athens County, Ohio.

PARCEL TWO:

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

Being Lots #6 and #7 of Columbus Road Commercial Subdivision, as recorded in Plat Envelope 525A and B of the Athens County Recorder's Office.

Subject to and having the benefit of all easements, leases, rights of way, zoning, restrictions and covenants of record.

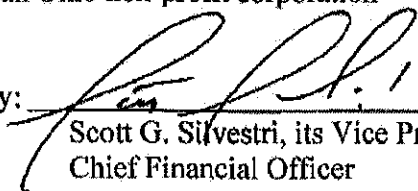
Tax Parcel Nos.: **A028200007703** (Lot 6—taxed as 0.76 acres) and **A028200007704** (Lot 7—taxed as 1.02 acres)

PRIOR INSTRUMENT REFERENCE: Volume 269, Page 1985, Official Records of Athens County, Ohio.

The above-described premises are subject to an exception of the mineral estate, including, but not limited to, coal, fire clay, gas and oil and the right to remove said minerals, as excepted in that certain Warranty Deed from Frank L. Woodworth and Ada P. Woodworth, husband and wife, to Frank J. Conti, dated September 30, 1960, filed November 10, 1960, as recorded in Volume 239, Page 86, Deed Records of Athens County, Ohio.

Executed this 20th day of September, 2022.

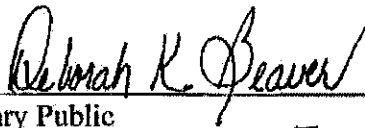
Marietta Memorial Hospital,
an Ohio non-profit corporation

By: 

Scott G. Silvestri, its Vice President and
Chief Financial Officer

**STATE OF OHIO,
COUNTY OF WASHINGTON, ss:**

The foregoing instrument was acknowledged before me this 20th day of September, 2022,
by **Marietta Memorial Hospital, by Scott G. Silvestri, its Vice President and Chief Financial
Officer**, on behalf of said non-profit corporation.



Notary Public

My Commission Expires: *June 9, 2026*



DEBORAH K BEAVER
Notary Public
State of Ohio
My Comm. Expires
June 9, 2026

This Instrument Prepared By:
Abraham Sellers, of the law firm of
THEISEN BROCK, *a legal professional association*
424 Second Street
Marietta, Ohio 45750

(560116)

*City of Athens Ohio
Variance Review
Request for Variance*



November 28, 2023

We are requesting a variance consideration regarding the 3 vehicular directional signs to be located at Athens Medical Campus located at 206 Columbus Rd, Athens OH.

This particular site is linear in nature and contains 2 additional opportunities for entrance and exit in addition to the primary Emergency Entrance.

A major concern is to clearly identify the use and facility access located at the additional 2 entrances as well as indicating clear information with regards to ambulance arrivals versus receiving.

Our intention and goal is to provide adequate and legible guidance to help alleviate cross traffic congestion on Columbus Rd. as to choice of entrance drive as well as guiding and directing patients to the appropriate drive for parking and services.

This directional signage plays a crucial role in safely arriving and traversing the campus drives. We are requesting that we are permitted the additional sign height to accommodate 'line of sight' improving visibility as well as allowing for larger and more legible directional information.

Sign location 1 is intended for southbound traffic and the opportunity to avoid the EMERGENCY entrance and traffic by accessing the parking garage in a direct fashion.

Sign location 3 is intended to direct AMBULANCE traffic as well as receiving vehicles into the proper entrance.

Sign location 4 is intended to help convey the 'split' for AMBULANCE' and receiving vehicles.

Thank you for your consideration,

Respectfully

Jay Tokar

Cooper Signage & Graphics

Sr. Project Manager,
Design Team Leader
Phone 724.516.7124

Cooper Signage & Graphics, Inc.
Corporate Offices

2405 Lance Court
Loganville, GA. 30052

(770) 736-1522 (800) 297-2324
www.carefinding.com

Wendy Armstrong

From: Jay Tokar <jtokar@signsystems.com>
Sent: Wednesday, November 29, 2023 12:28 PM
To: Wendy Armstrong
Cc: Crystal Barmann; Roger Smith
Subject: Additional Document - Athens Medical Campus
Attachments: Athens Medical Campus Entry Flows 11-28-23.pdf

Wendy,
Please include the attached document in our variance review package. It helps illustrate the traffic flow and how it relates to the variance entries/exits. I think it will help in visualizing the facility.
Thank you,
Jay

Jay Tokar SEG, DCME
Cooper Signage & Graphics
Sr. Project Manager,
Design Team Leader
Phone 724.516.7124
jtakar@carefinding.com



Preeminent HEALTHCARE Wayfinding Resource
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ATHENS
MEDICAL CAMPUS
Memorial Health System

CAMPUS TRAFFIC CIRCULATION/
ENTRY/EXIT FLOWS

ISSUED FOR PROJECT TEAM REVIEW ONLY



Sheet 1 of 13

COOPER
HEALTHCARE
SIGNAGE/GRAPHICS
2400 S. University Blvd., Suite 200
Tomball, TX 77375
(770) 736-1522 • (770) 736-1523 • (800) 297-2324
www.carefinding.com

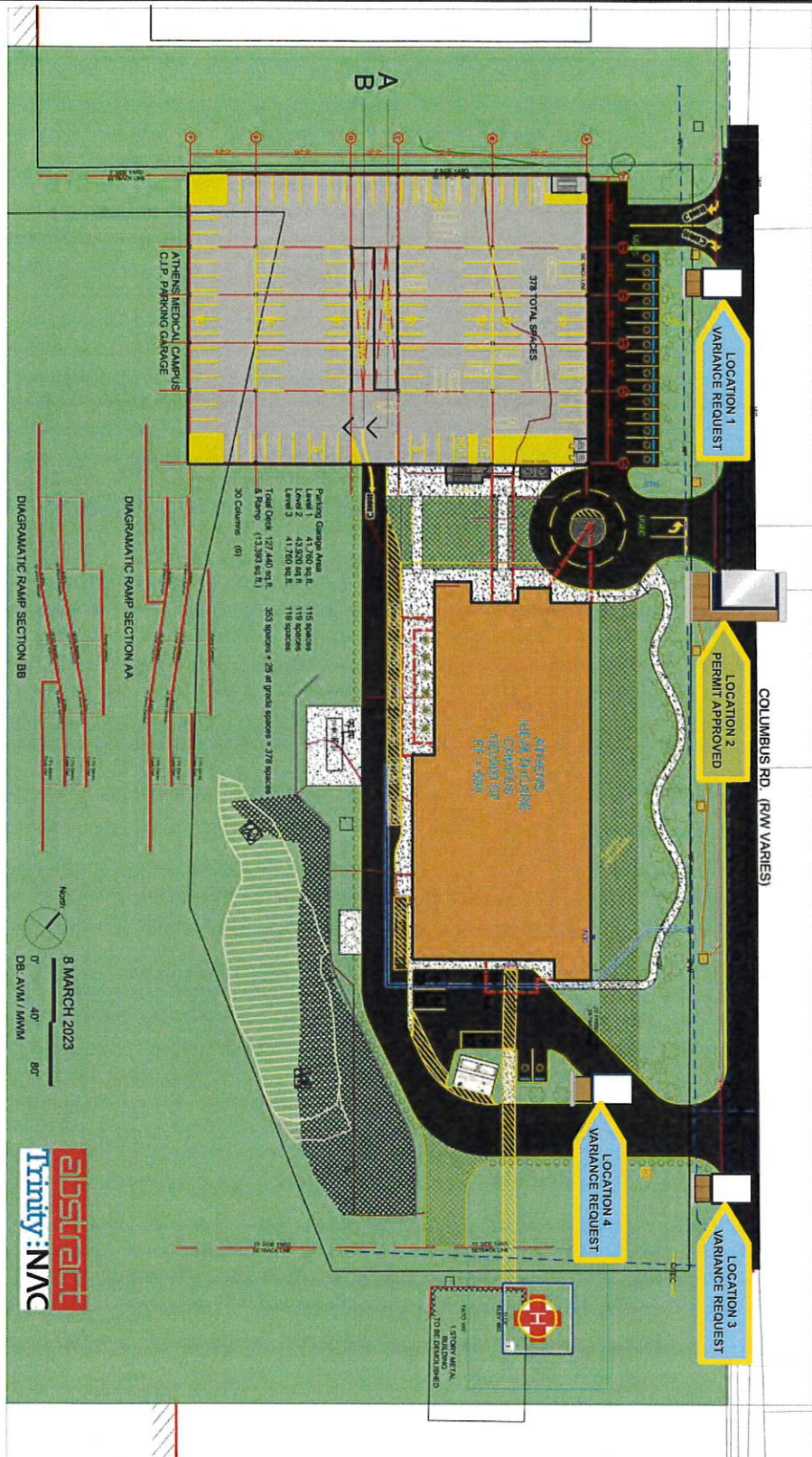
PROJECT LOCATION
 ATHENS MEDICAL CAMPUS
Memorial Health System
Reg. Mgr. Jay Tokar

Sheet Title: **Cover**
File Name: **Athens Medical Campus Entry Flows**
Scale: **N.T.S.**
Date: **11-28-23**

APPROVED: (With NO Changes)
APPROVED AS NOTED:
(Minor Changes Only)
REVISE/RESUBMIT:
(NOT APPROVED AT THIS TIME)
BY _____
DATE _____
Submitted By CS&G (800) 297-2324

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Revised Flows



ISSUED FOR PROJECT TEAM REVIEW ONLY



Sheet 2 of 13

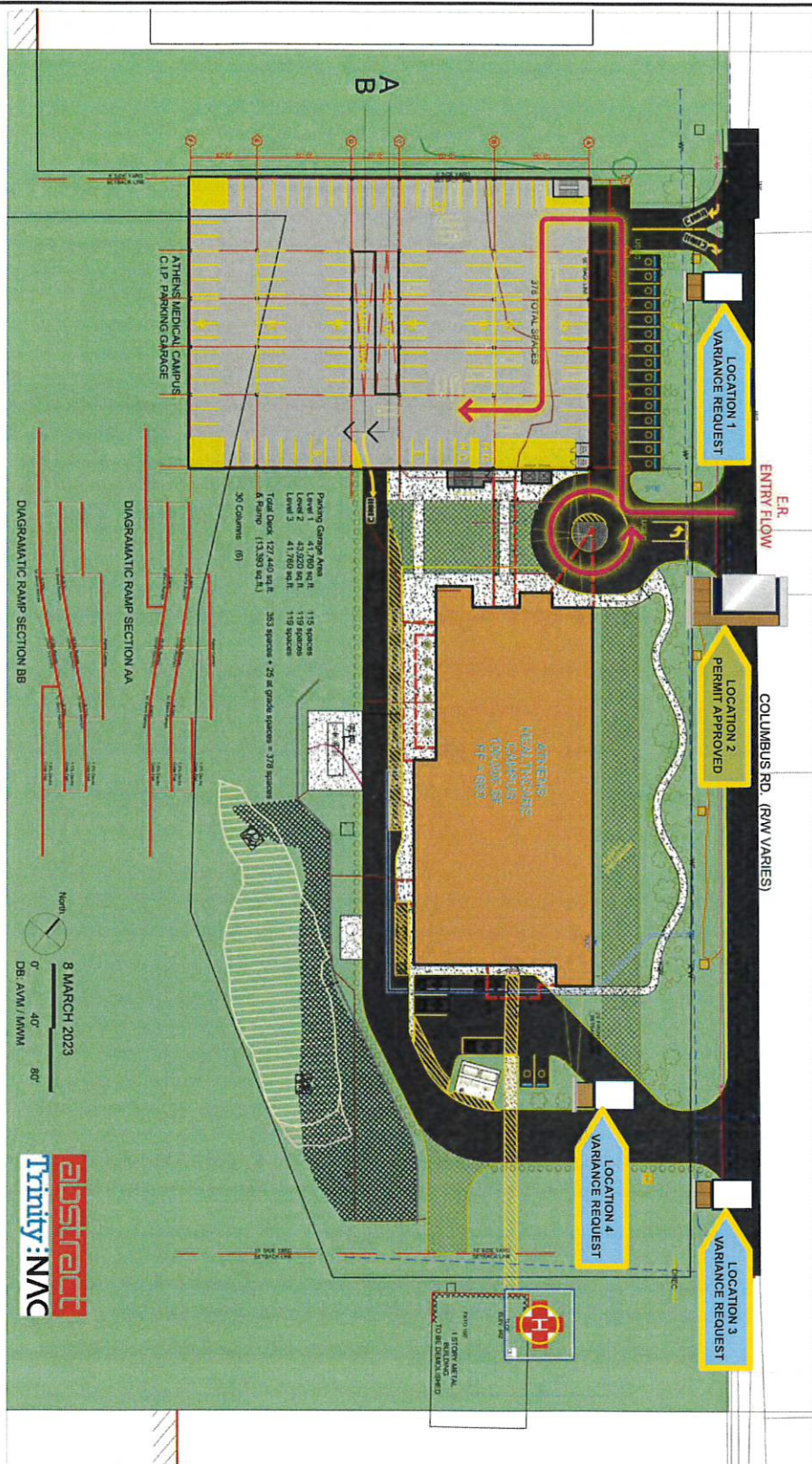
COOPER HEALTHCARE SIGNAGE/GRAPHICS
 2066 COLUMBUS AVENUE, SUITE 100
 DUBLIN, OHIO 43017
 (614) 236-1522 • (614) 236-1523 • (800) 297-2324
www.carefinding.com

PROJECT LOCATION: **ATHENS MEDICAL CAMPUS**
 Reg. Mgr. **Jay Tokar**

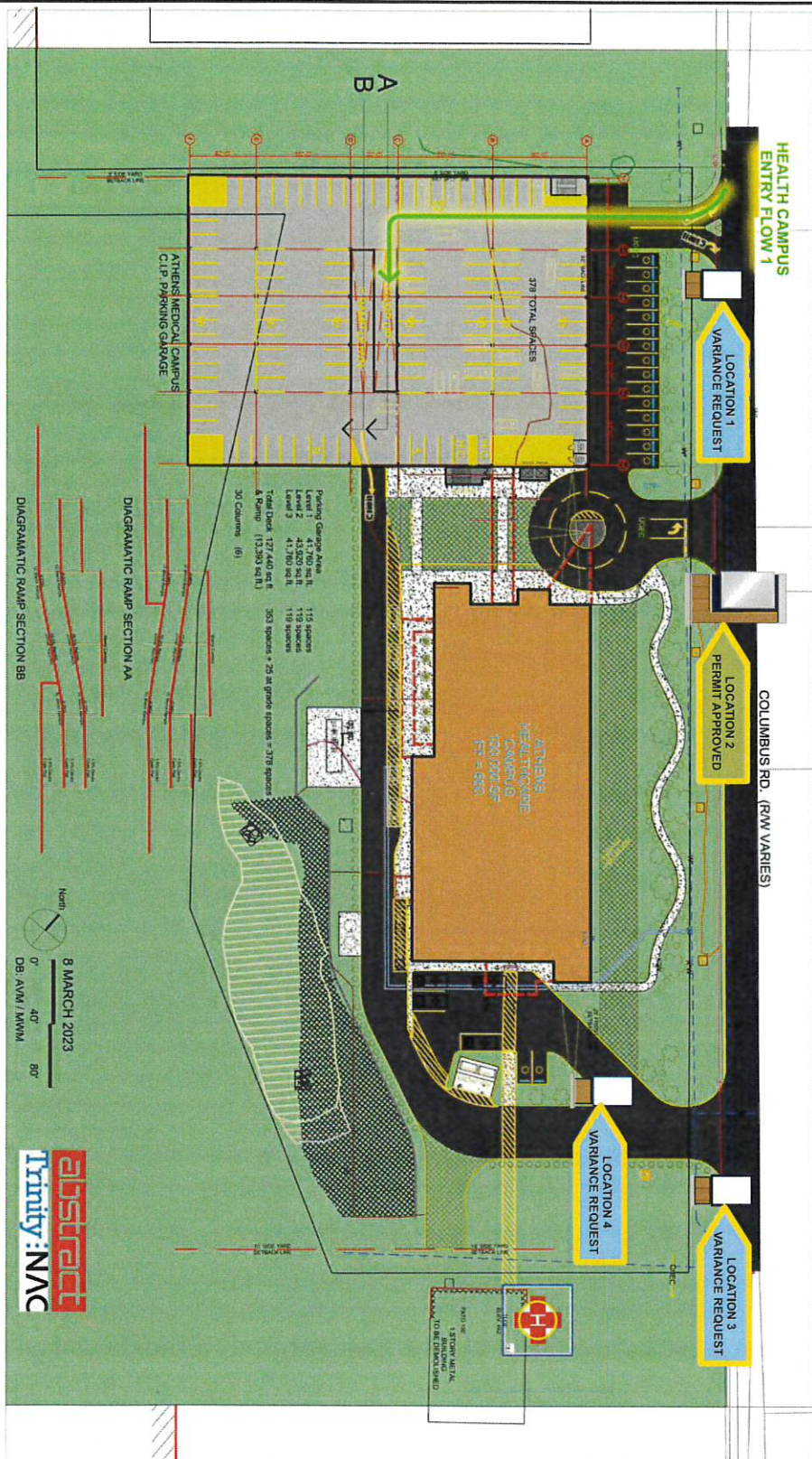
Sheet Title: **Revised Flows**
 File Name: **Athens Medical Campus Entry Flows**
 Scale: **N.T.S.**
 Date: **11-28-23**

APPROVED: (With NO Changes)
 APPROVED AS NOTED: (Minor Changes Only)
 REVISE/RESUBMIT: (NOT APPROVED AT THIS TIME)
 BY: _____
 DATE: _____
 Submitted By CS&G (800) 297-2324

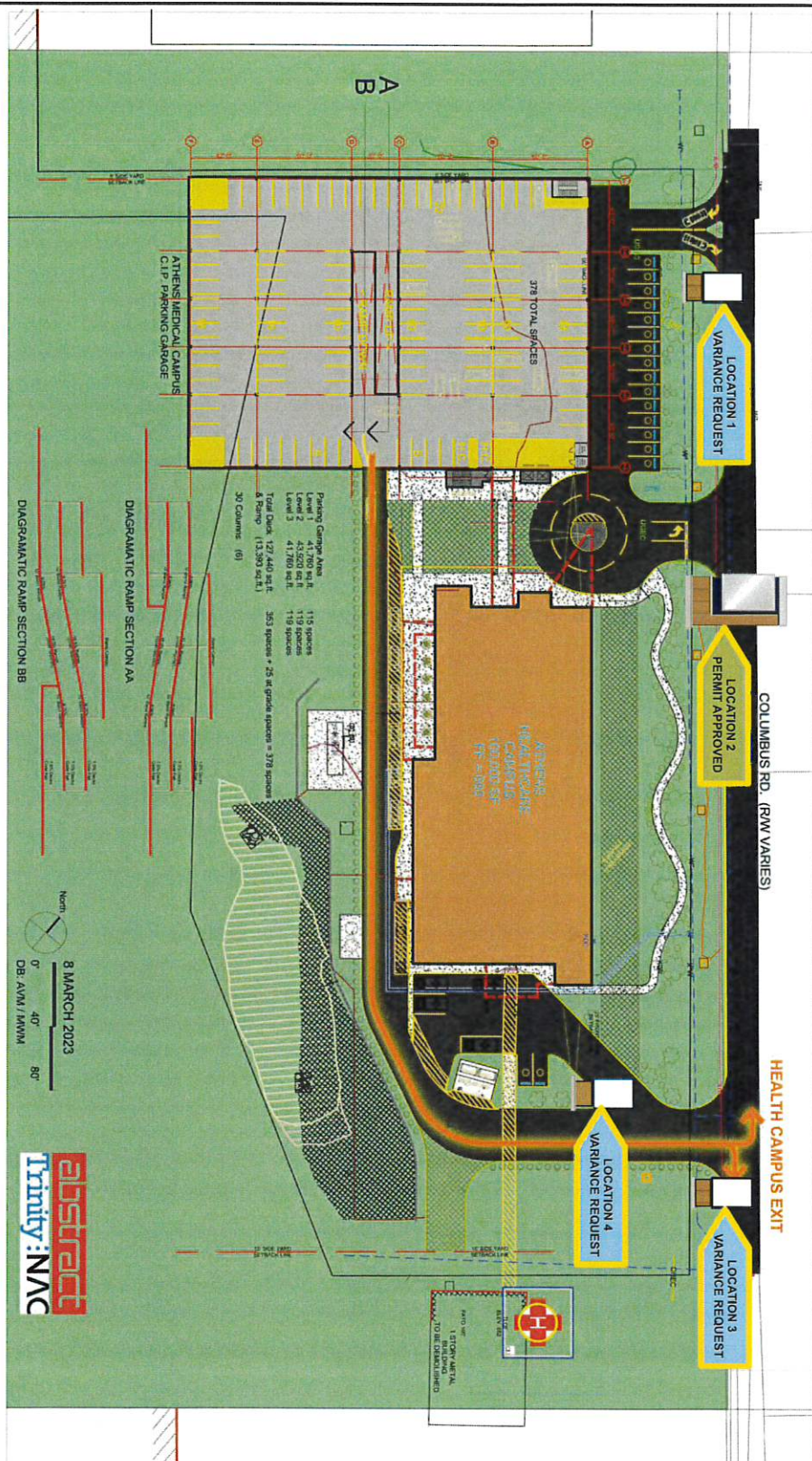
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Sheet 5 of 13

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HEALTHCARE
SIGNAGE/GRAPHICS

10000 University Blvd. Suite 200
Dallas, TX 75243
(770) 736-1522 (770) 736-1523 Fax (800) 297-2324
www.carefinding.com

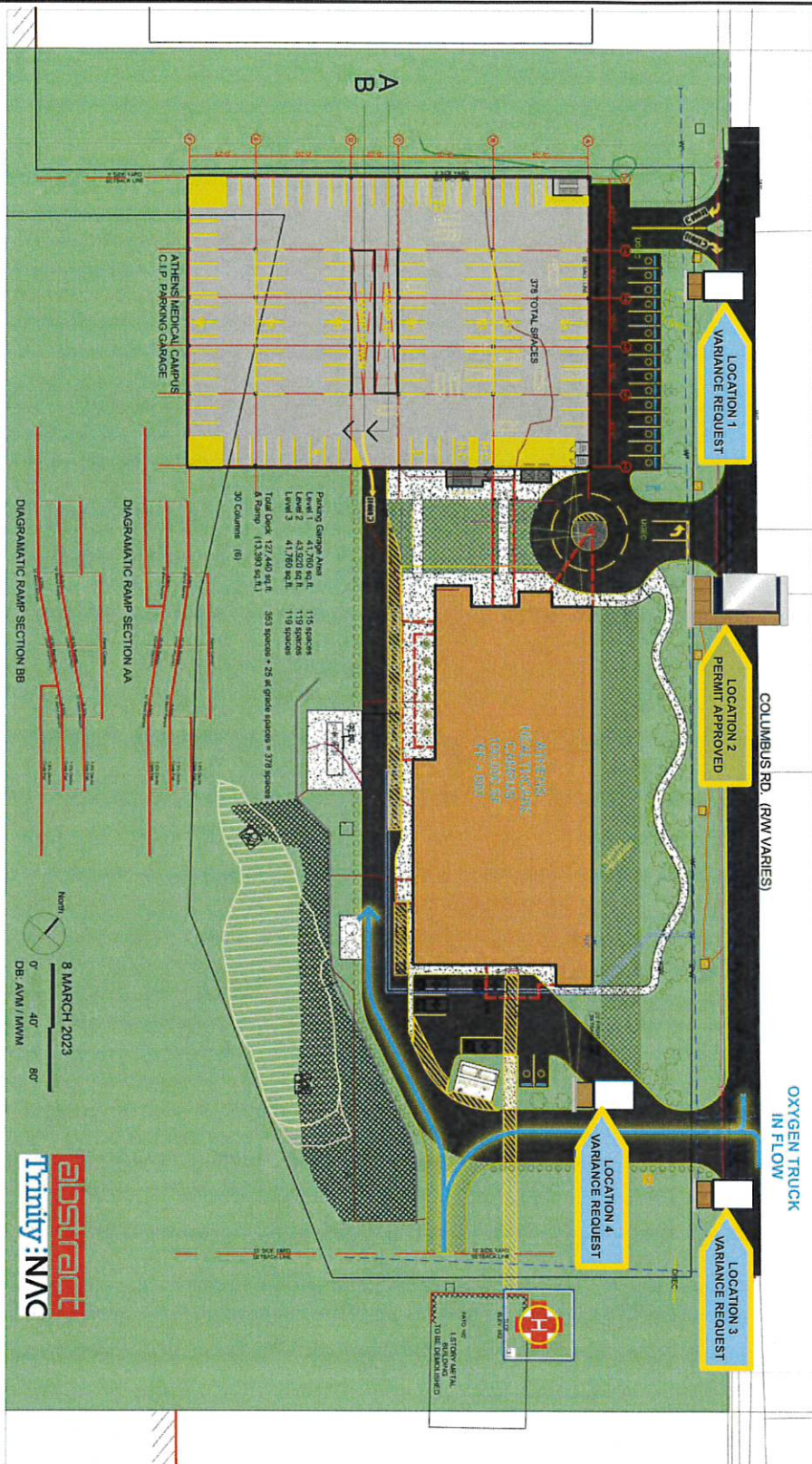
PROJECT LOCATION
ATHENS MEDICAL CAMPUS
Reg. Mgr. Jay Tokar

Sheet Title: Health Campus Exit Location 3
File Name: Athens Medical Campus Entry Flows
Scale: N.T.S.
Date: 11-28-23

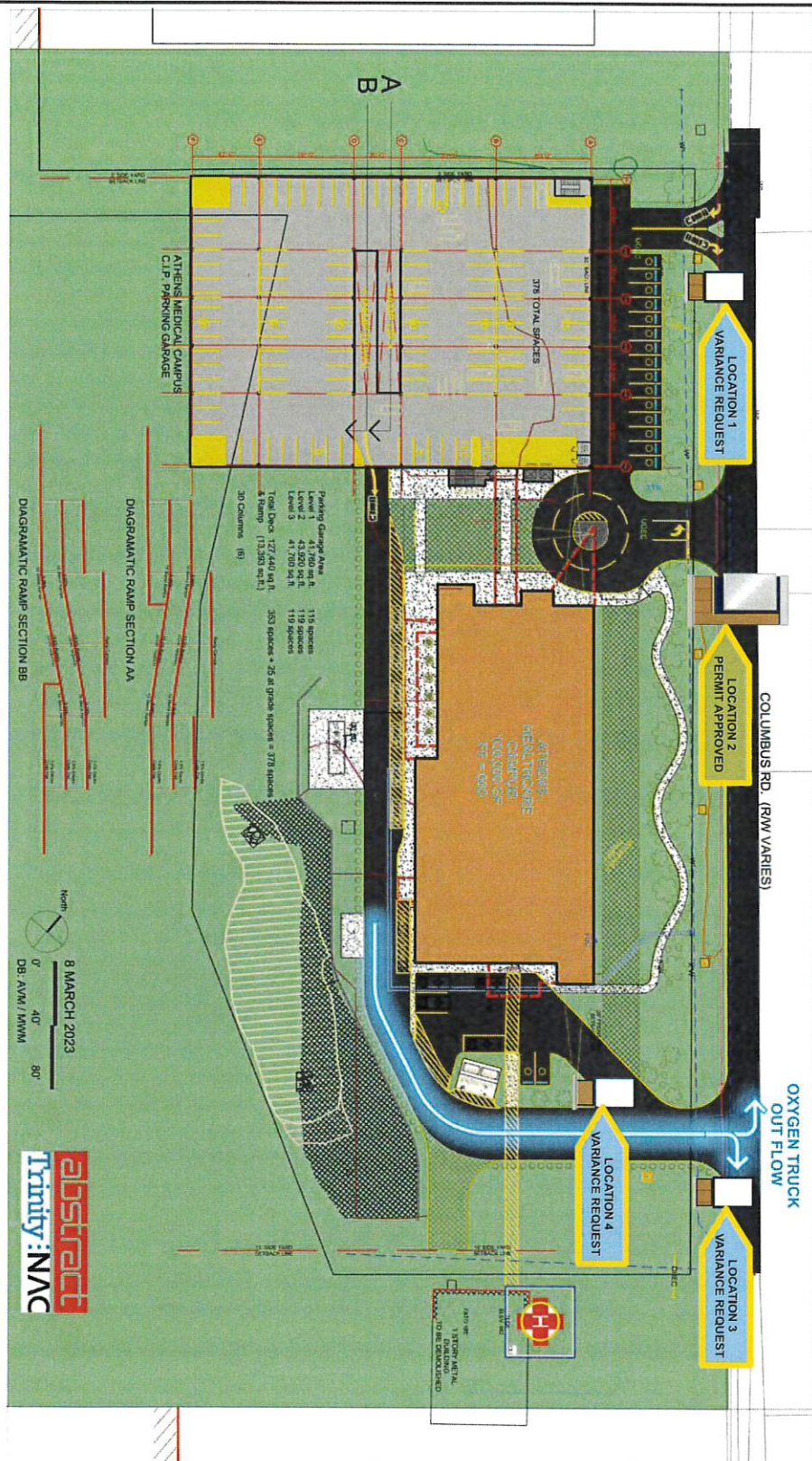
APPROVED: (With NO Changes)
APPROVED AS NOTED:
(Minor Changes Only)
REVISE/RESUBMIT:
(NOT APPROVED AT THIS TIME)

BY: _____
DATE: _____
Submitted By CS&G (800) 297-2324

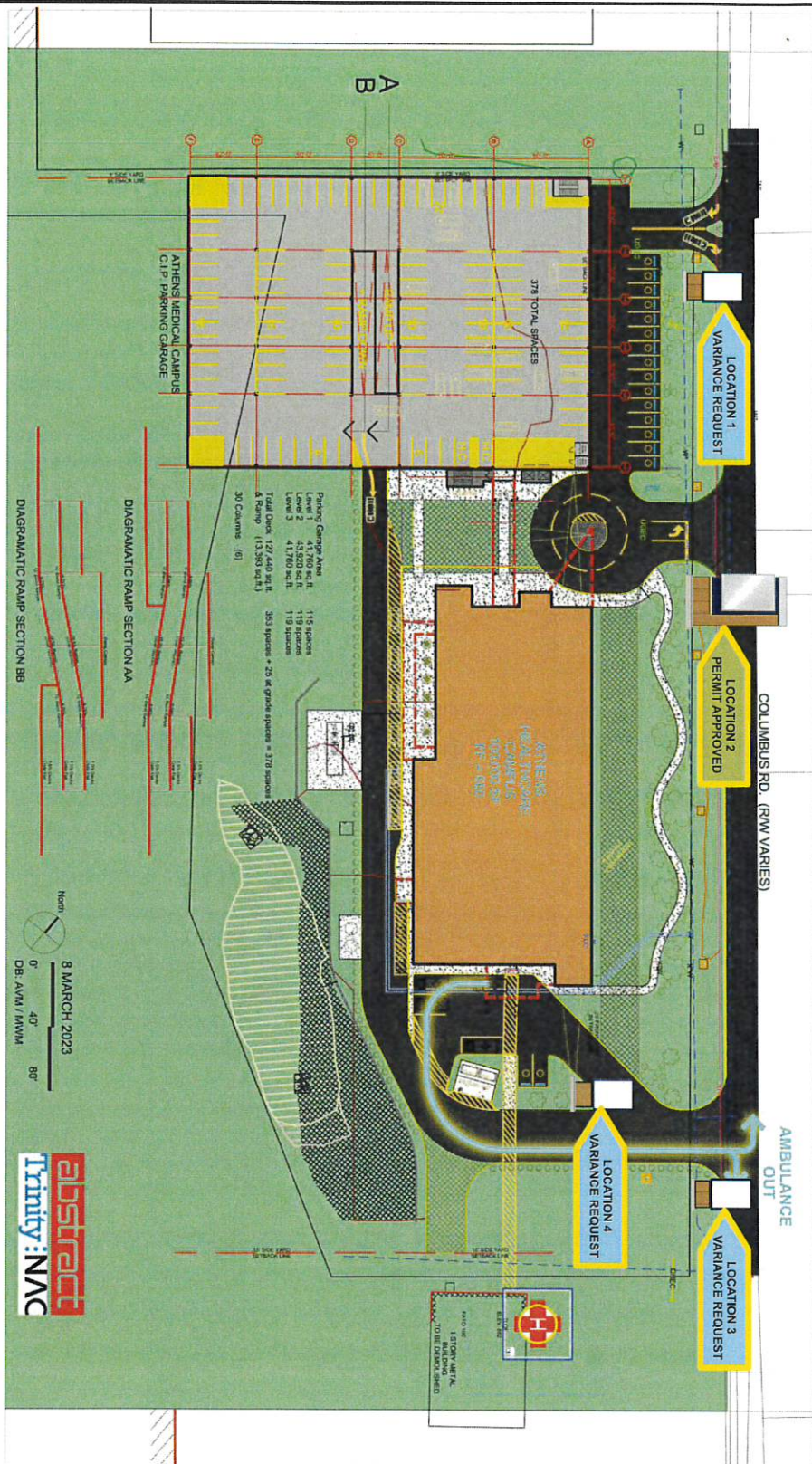
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COOPER
HEALTHCARE
SIGNAGE/GRAPHICS

1055 South Main Street, Suite 100
(770) 736-1522 Fax: (770) 736-1524 (800) 297-2324
www.carefinding.com

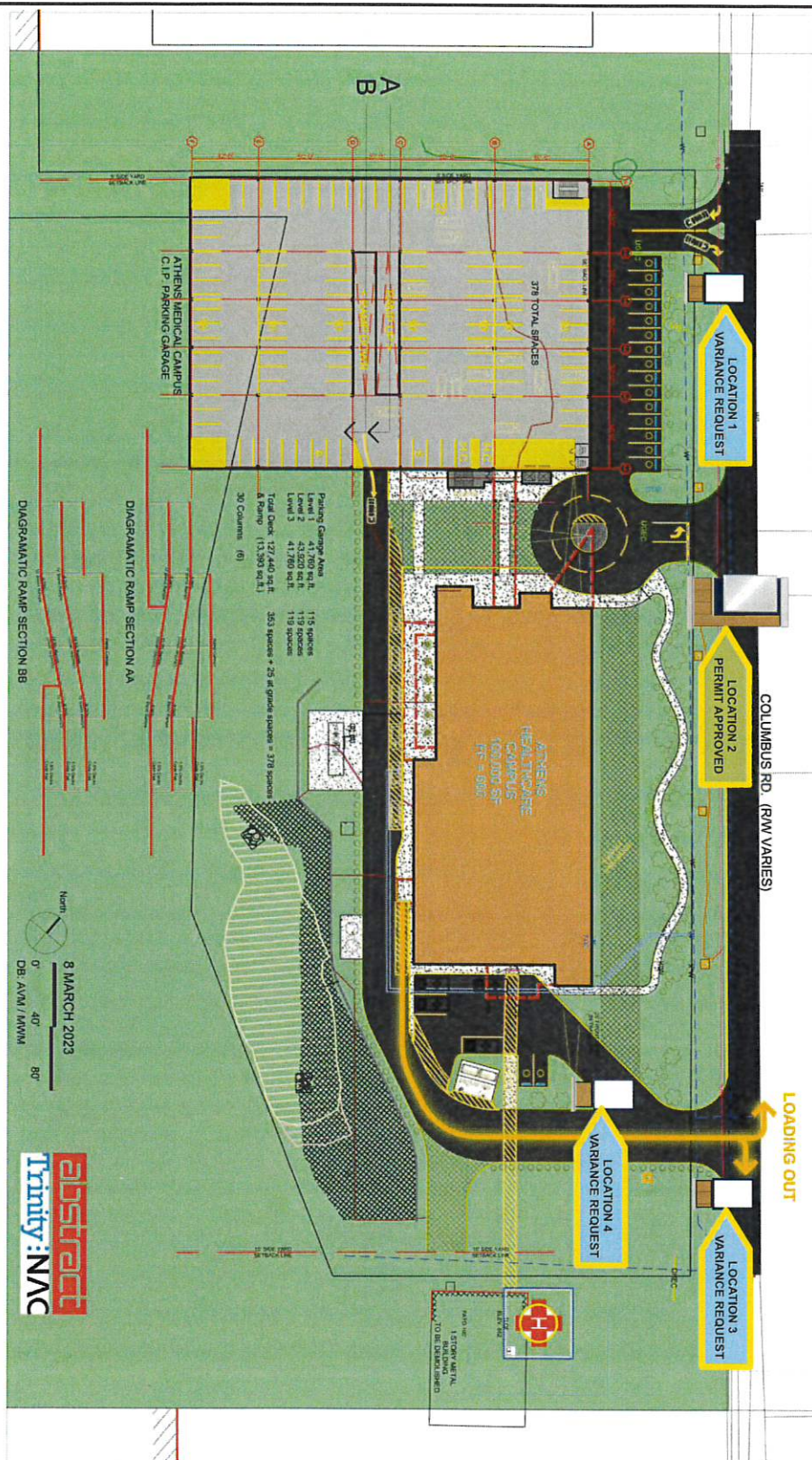
PROJECT LOCATION: **ATHENS MEDICAL CAMPUS**
Reg. Mgr. **Jay Tokar**

Sheet Title: **Ambulance Out Location 4**
File Name: **Athens Medical Campus Entry Flows**
Scale: **N.T.S.**
Date: **11-28-23**

APPROVED: (With No Changes)
APPROVED AS NOTED:
(Minor Changes Only)
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DATE _____
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COOPER HEALTHCARE
SIGNAGE/GRAPHICS

800.451.1234
(770) 736-1522
www.carefinding.com

PROJECT LOCATION: ATHENS MEDICAL CAMPUS
Reg. Mgr. Jay Tokar

Sheet Title Loading/Receiving Out Location 4
File Name Athens Medical Campus Entry Flows
Scale N.T.S.
Date 11-28-23

APPROVED: (With NO Changes)
APPROVED AS NOTED: (Minor Changes Only)
REVISE/RESUBMIT: (NOT APPROVED AT THIS TIME)
BY _____
DATE _____
Submitted By CS&G (800) 297-2324

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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

November 21, 2023

To:

Applicant Address:

CS & G

2405 Lance Court
Loganville, GA 30052

To:

Owner Address:

Marietta Area Health Care, Inc
401 Matthew Street
Marietta, OH 45750

REFUSAL

Sign Permit - Free Standing Refusal Detail

Premises Address: 206 Columbus Road

Application Date: 11/21/2023

For: Zone B3 / illuminated free standing entrance & directional signs

Note: Your request for a sign permit has been denied in accordance with the application submitted and ACC 23.03.13 I(2)(d).

Applicant is requesting the following:

Sign #1 - directional sign with a face area of 16.9 square feet where 3 square feet is the maximum permitted, and a height of 6.5 feet where the maximum height permitted is 3 feet.

Sign #3 - directional sign with a face area of 16.9 square feet where 3 square feet is the maximum permitted, and a height of 6.5 feet where the maximum height permitted is 3 feet.

Sign #4 - directional sign with a face area of 12 square feet where 3 square feet is the maximum permitted, and a height of 6 feet where the maximum height permitted is 3 feet.

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>.



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

Permit #: SP23-000032
REFUSAL

Permit Type: Free Standing

Issue Date: 11/21/2023

Project Address : 206 Columbus Road

Decision Detail: Your request for a sign permit has been denied in accordance with the application submitted and ACC 23.03.13 I(2)(d). Applicant is requesting the following:

Sign #1 - directional sign with a face area of 16.9 square feet where 3 square feet is the maximum permitted, and a height of 6.5 feet where the maximum height permitted is 3 feet.

Sign #3 - directional sign with a face area of 16.9 square feet where 3 square feet is the maximum permitted, and a height of 6.5 feet where the maximum height permitted is 3 feet.

Sign #4 - directional sign with a face area of 12 square feet where 3 square feet is the maximum permitted, and a height of 6 feet where the maximum height permitted is 3 feet.

Applicant:

CS & G
Phone: (770) 736-1522

2405 Lance Court
Loganville, GA 30052

Property Owner:

Marietta Area Health Care, Inc
Phone: 740-374-1647

401 Matthew Street
Marietta, OH 45750

Scope of Project: Zone B3 / illuminated free standing entrance & directional signs

Sign Data

Sq. Footage: 1. 16.9
3. 16.9
4. 12

Lighted ☒

Height

Ground to Top 1. 6 ft 6 in 3. 6 ft 6 in 4. 6 ft

Ground to Bottom 1. 0 3. 0 4. 0

Setbacks

Front 1. 36 ft 3 in 3. 36 ft 3 in 4. 99 ft

Rear 1. >356 ft 3. >356 ft 4. >295 ft 11 in

Left 1. 628 ft 3. 53 ft 11 in 4. 104 ft

Right 1. 59 ft 3 in 3. 635 ft 6 in 4. 581 ft 4 in

Wall Sign

Setbacks:

Left NA

Right NA

General

Contractor:

Business Name Doug Lowe Construction & Excavating, LLC
Phone: 740-374-0949

364 Indian Run Rd
Marietta, OH 45750

Service-Safety Director:

[] Approved [X] Refused

11/21/2023

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

Date



APPLICATION for SIGN PERMIT

CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

(Office Use Only)
Permit #: SP23-000032
Date Rec'd: November 21, 2023

Applications for freestanding and temporary signs must include a scaled drawing indicating property lines, distances (setbacks) from property lines, and an elevation drawing including sign face area and height. Applications for wall, projecting, and canopy signs must include an elevation drawing indicating the total wall or canopy area, total face area of proposed signage and setbacks from the ends of the walls or common property walls. All lines must be completed or marked Not Applicable (N/A) or To Be Determined (TBD).

Type of Sign: Free Standing ☒ Wall Mount ☐
Projecting ☐ Canopy ☐ State Permit # (if applicable) _____
Address of Proposed Project: 206 Columbus Road
Applicant: CS & G Phone: (770) 736-1522
Address: 2405 Lance Court
, Loganville, GA 30052
Property Owner (If other than applicant): Marietta Area Health Care, Inc Phone: 740-374-1647
Address: 401 Matthew Street
Marietta, OH 45750
Description of requested sign(s): Free Standing Sign

Cost of Project: TBD Face Area in Square Feet (For each sign):
1. 16.9
2. 16.9
3. 11.9
4. 12
Lighted(?) ☐

For Freestanding, Projecting and Canopy Signs:
Height, Ground to Top: 1. 6 ft 6 in
2. 11 ft 6 in
3. 6 ft 6 in
4. 6 ft
Height, Ground to Bottom: 1. 0
2. 0
3. 0
4. 0
Setbacks from Property Lines: Front 1. 36 ft 3 in
2. 36 ft 3 in
3. 36 ft 3 in
4. 99 ft
Rear 1. >356 ft
2. >356 ft
3. >356 ft
4. >295 ft 11 in
Left 1. 628 ft
2. 417 ft 2 in
3. 53 ft 11 in
4. 104 ft
Right 1. 59 ft 3 in
2. 269 ft 2 in
3. 635 ft 6 in
4. 581 ft 4 in

For Wall Signs:
Setbacks from Wall End or Common Property Line Wall: Left _____ Right _____

Name of Contractor: Doug Lowe Construction & Excavating, LLC Phone #: _____
Contractor Address: _____

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: _____ Date: November 17, 2023
Owner Signature: _____ Date: November 17, 2023

(For Office Use Only)
CODE OFFICER RECOMMENDATION: Size ☐ No Height to Top ☐ No Height to Bottom ☒ N/A Setbacks ☒ Size of Lot ☒ N/A Zone B-3
Parcel Number(s): A028200007800
Comments: Y R F A S P I R I A W T A S E A C C 23.03.13 T2.d
(3 Directional signs Refused - signs #1, 3, & 4) see back ->
Signature: B. L. R. H. Date: 11-21-23 Approval: ☐ Refusal: ☒ X
ZONING ADMINISTRATOR ACTION: Signature: [Signature] Date: 11-21-23 Approval: ☐ Refusal: ☒ X
SERVICE-SAFETY DIRECTOR ACTION: Signature: [Signature] Date: 11/22/23 Approval: ☐ Refusal: ☒ ✓



APPLICATION for SIGN PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

(For Office Use Only)

Permit # SP23-D00032 PA2

Date Rec'd _____

Applications for freestanding and temporary signs must include a scaled drawing indicating property lines, distances (setbacks) from property lines, and an elevation drawing including sign face area and height. Applications for wall, projecting, and canopy signs must include an elevation drawing indicating the total wall or canopy area, total face area of proposed signage and setbacks from the ends of the walls or common property walls.
All lines must be completed or marked Not Applicable (N/A) or To Be Determined (TBD).

Type of Sign:	Free Standing ☒	Wall Mount ☐	State Permit # (if applicable)
	Projecting ☐	Canopy ☐	

Address of Proposed Project Athens Medical Campus 206 Columbus Rd.

Applicant CS&G Phone (770) 736-1522

Address 2405 Lance Court; Loganville, GA 30052

Property Owner Memorial Health System Phone 740-374-1723

(If other than applicant) 410 Matthew St., Marietta, OH 45750

Description of requested sign(s) Location 3: Freestanding internally illuminated entrance directional sign

Cost of Project TBD Face Area in Square Feet 16.9 Lighted (?) Yes
(For each sign)

For Freestanding, Projecting and Canopy Signs:
Height, Ground to Top 6'-6" Height, Ground to Bottom 0

Setbacks from Property Lines: Front 36'-3" Rear >356' Left 53'-11" Right 635'-6"

For Wall Signs:
Setbacks from Wall End or Common Property Line Wall Left N/A Right N/A

Name of Contractor Doug Lowe Construction & Excavating, LLC Phone # (740) 374-0949

Contractor Address 364 Indian Run Rd. Marietta OH 45750

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 Roger Smith Digitally signed by Roger Smith Date: 2023.11.17 09:30:01 -05'00' Date 11-17-23

Owner Signature Kevin Hudson Digitally signed by Kevin Hudson Date: 2023.11.17 07:20:17 -05'00' Date 11-17-23

CODE OFFICER RECOMMENDATION: No (For Office Use Only)

Size ☐ Height to Top ☐ Height to Bottom ☐ Size of Lot: _____ Parcel Number(s): _____ Zone: _____

Comments Refused

Signature _____ Date _____ Approval ☐ Refusal ☐

ZONING ADMINISTRATOR ACTION:

Comments _____

Signature _____ Date _____ Approval ☐ Refusal ☐

SERVICE DIRECTOR ACTION:

Comments _____

Signature _____ Date _____ Approval ☐ Refusal ☐

Signatures on front page



APPLICATION for SIGN PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

(For Office Use Only)
Permit # SP23-000032 *pg 3*
Date Rec'd _____

Applications for freestanding and temporary signs must include a scaled drawing indicating property lines, distances (setbacks) from property lines, and an elevation drawing including sign face area and height. Applications for wall, projecting, and canopy signs must include an elevation drawing indicating the total wall or canopy area, total face area of proposed signage and setbacks from the ends of the walls or common property walls.
All lines must be completed or marked Not Applicable (N/A) or To Be Determined (TBD).

Type of Sign:	Free Standing ☒	Wall Mount ☐	State Permit # (if applicable)
	Projecting ☐	Canopy ☐	

Address of Proposed Project Athens Medical Campus 206 Columbus Rd.

Applicant CS&G Phone (770) 736-1522

Address 2405 Lance Court; Loganville, GA 30052

Property Owner Memorial Health System Phone 740-374-1723

(If other than applicant) 410 Matthew St., Marietta, OH 45750

Description of requested sign(s) Location 4: Freestanding non illuminated directional sign

Cost of Project TBD Face Area in Square Feet 12 Lighted (?) No
(For each sign)

For Freestanding, Projecting and Canopy Signs:
Height, Ground to Top 6' Height, Ground to Bottom 0

Setbacks from Property Lines: Front 99' Rear >295'-11" Left 104' Right 581'-4"

For Wall Signs:
Setbacks from Wall End or Common Property Line Wall Left N/A Right N/A

Name of Contractor Doug Lowe Construction & Excavating, LLC Phone # (740) 374-0949

Contractor Address 364 Indian Run Rd. Marietta OH 45750

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 Roger Smith Digitally signed by Roger Smith Date: 2023.11.17 09:30:19 -05'00' Date 11-17-23

Owner Signature Kevin Hudson Digitally signed by Kevin Hudson Date: 2023.11.17 07:20:55 -05'00' Date 11-17-23

(For Office Use Only)

CODE OFFICER RECOMMENDATION:
Size ☐ Height to Top ☐ Height to Bottom ☐ Setbacks ☐ Size of Lot: _____ Parcel Number(s): _____ Zone: _____

Comments Refused

Signature _____ Date _____ Approval ☐ Refusal ☐

ZONING ADMINISTRATOR ACTION:
Comments _____

Signature _____ Date _____ Approval ☐ Refusal ☐

SERVICE DIRECTOR ACTION:
Comments _____

Signature _____ Date _____ Approval ☐ Refusal ☐

Signatures on front page



ATHENS MEDICAL CAMPUS

Memorial Health System

ATHENS EXTERIOR SIGNAGE PRIMARY IDENTITY ELEMENTS

Signage Components / Branding

- NOTES:**
- ▲ All graphic content based on MHS 04646 Brand Guidelines 2023 v3 and system wide exterior sign program.
 - ▲ Message/directional content to be reviewed/determined based on final exterior sign package and exterior message schedule.
 - ▲ Electric to sites requiring power and final hook up by others.
 - ▲ Exterior sign lighting components and installation by others.

NOTE:
ALL content, graphics and terminology to be co-ordinated with and approved by MHS Marketing!

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COOPER HEALTHCARE SIGNAGE/GRAPHICS
www.cooperrefining.com
(770) 736-1522 • Fax: (770) 736-1523 • (800) 297-2324

PROJECT LOCATION: Athens Medical Campus
Reg: Mgr Jay Tokar
File Name: Athens Medical Campus
Permit Drawing
Scale: As Noted
Date: 11-15-23, 11-17-23
Sheet Title: Cover

APPROVED: (With No Changes)
APPROVED AS NOTED:
(Minor Changes Only)
REVISE/RESUBMIT:
(NOT APPROVED AT THIS TIME)
BY: _____
DATE: _____
Submitted By CS&G (800) 297-2324

Sheet 1 of 13

THIS IS A PRELIMINARY DESIGN
AND NOT A CONTRACT DOCUMENT.
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FOR MORE INFORMATION, CONTACT THE DESIGNER.

APPROVED: (With No Changes) _____
APPROVED AS NOTED: _____
(Minor Changes Only)
REVISION/REMARK: _____
(NOT APPROVED AT THIS TIME) _____
DATE _____
Submitted by CS&G (800) 297-2324

APPROVED: (With No Changes) _____
APPROVED AS NOTED: _____
(Minor Changes Only)
REVISION/REMARK: _____
(NOT APPROVED AT THIS TIME) _____
DATE _____
Submitted by CS&G (800) 297-2324

 UNIVERSITY OF ILLINOIS AT CHICAGO SCHOOL OF MEDICAL CAMPUS	Reg. Mgr. Jay Tokar File Name Athens Medical Campus Permit Drawing Scale: As Noted Date 11-15-23, 11-17-23
---	--



COOPER
HEALTHCARE
SIGNAGE/GRAPHICS

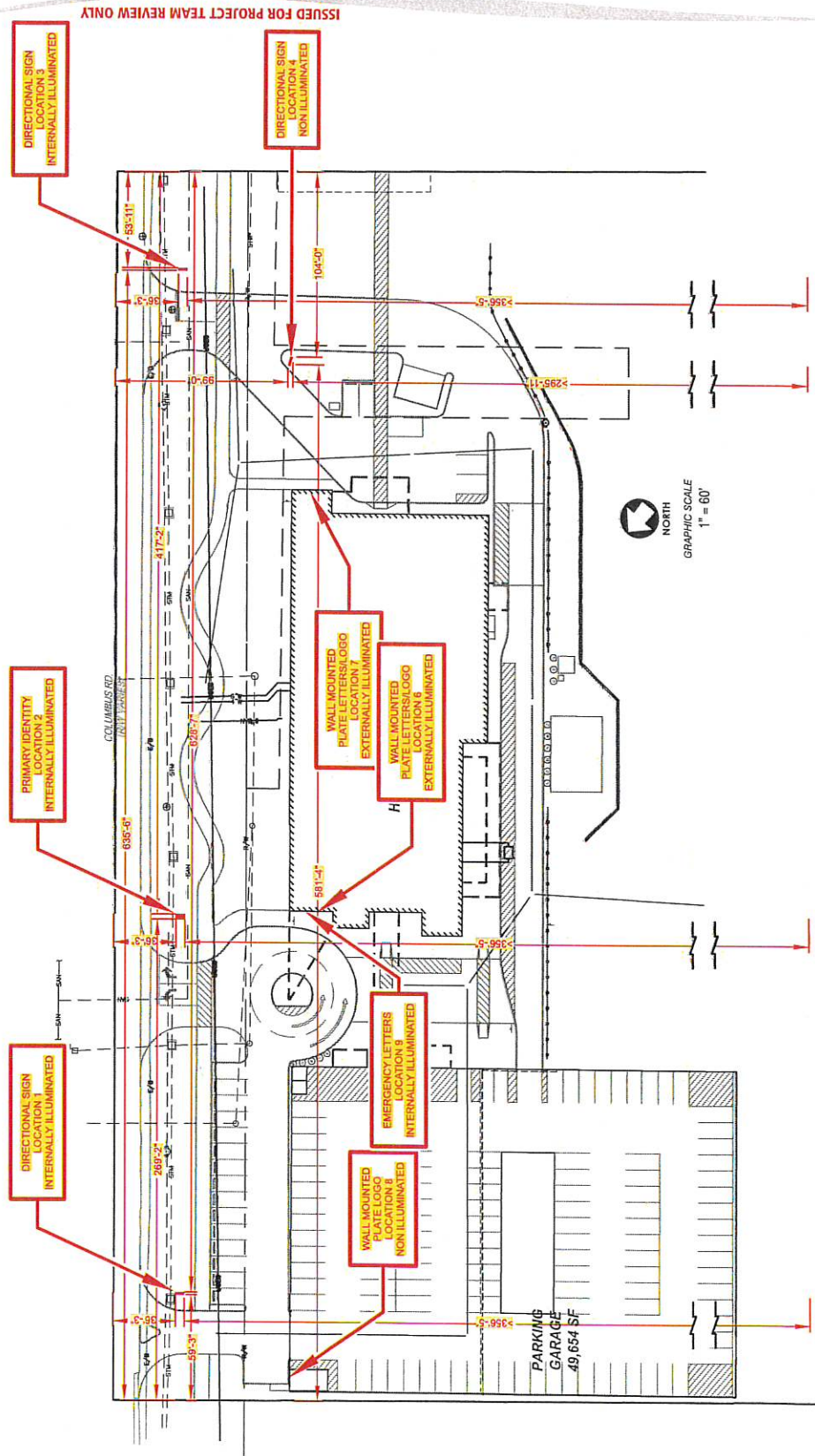
10000 W. 16th Ave., Suite 300
Denver, CO 80202
(770) 746-1522, fax (770) 746-1524
www.cooperfinding.com

Sheet 2 of 13

THIS IS A CONCEPT BATCH.
It's joined in to convey C240's
design concepts, formats,
dimensions, colors
and logos are
approximate.



NET CLIENT SUPPLIED ARTWORK FOR LONDON



ELEVATION

LOCATIONS 6 and 9



APPROVED: (With No Changes)

APPROVED AS NOTED: (Minor Changes Only)

REVIS/RESUBMIT: (NOT APPROVED AT THIS TIME)

DATE:

Submitted By CS&G (800) 297-2324

PROJECT: ATHENS MEDICAL CAMPUS

LOCATION: Reg. Mgt. Jay Tokar

FILE NAME: Athens Medical Campus

Scale: As Noted

Date: 11-15-23, 11-17-23

Sheet Title: Elevation

COOPER HEALTHCARE SIGNAGE/GRAPHICS

www.cooperhealthcare.com

(770) 736-1523

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Sheet 3 of 13

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ELEVATION

LOCATION 7



EAST ELEVATION 1
1/8" = 1'-0"

COOPER HEALTHCARE SIGNAGE/GRAPHICS
www.carefinding.com
(770) 736-1523 Fax: (770) 736-1524 (800) 297-2324

PROJECT: ATHENS MEDICAL CAMPUS
LOCATION: Athens, GA
Reg. Mgr. Jay Tokar

Sheet Title: Elevation
File Name: Athens Medical Campus
Scale: As Noted
Date: 11-15-23, 11-17-23

APPROVED: (With No Changes)
APPROVED AS NOTED: (Minor Changes Only)
REVISE/RESUBMIT: (NOT APPROVED AT THIS TIME)
DATE: _____
BY: _____
Submitted By: CS&G (800) 297-2324

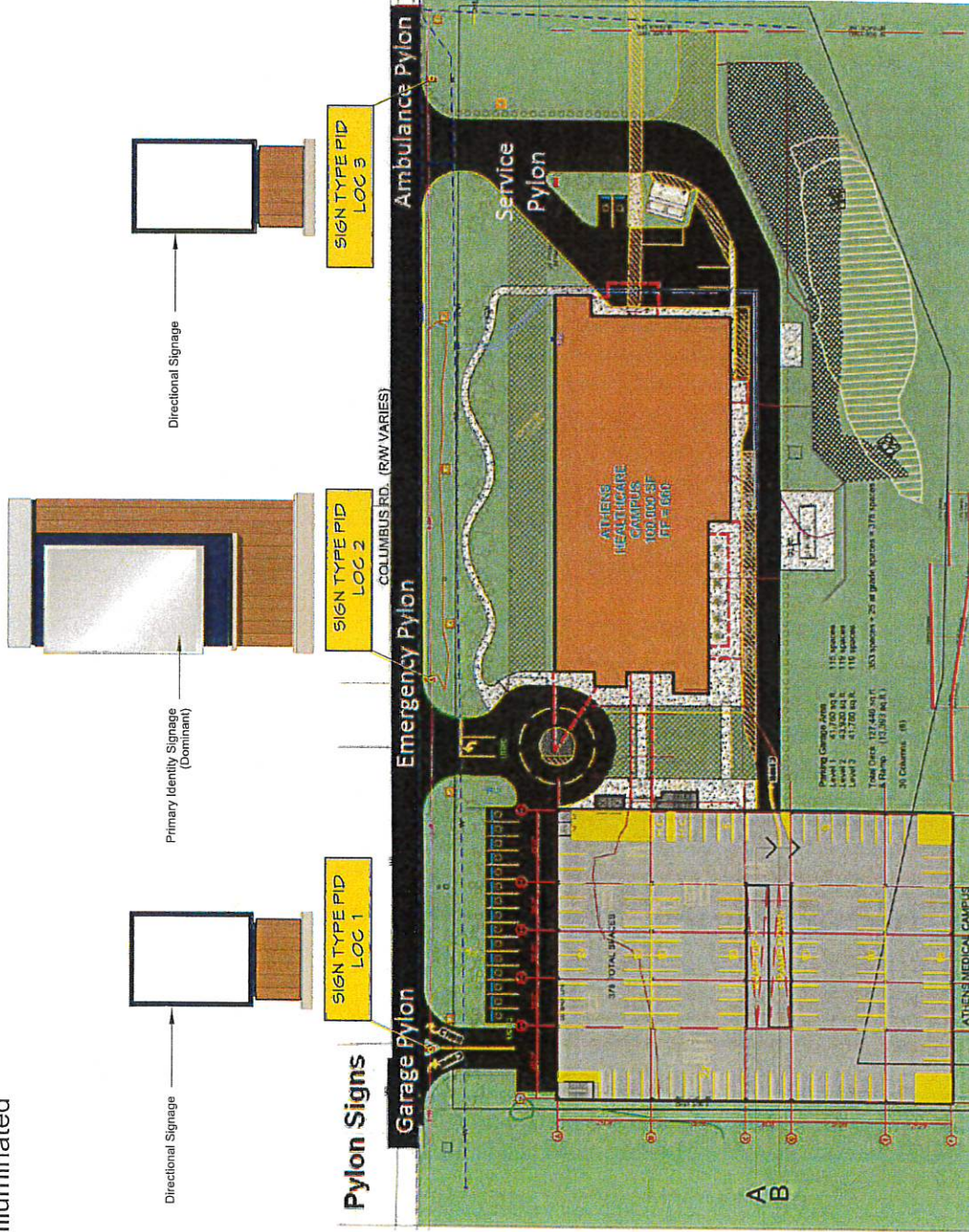
Sheet 4 of 13

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ISSUED FOR PROJECT TEAM REVIEW ONLY

ENTRANCE DRIVE SIGNAGE

Internally Illuminated



APPROVED AS NOTED:
(Minor Changes Only)
REVIS/RESUBMIT:
(NOT APPROVED AT THIS TIME)
DATE: _____
BY: _____
Submitted By CS&G (800) 297-2324

PROJECT LOCATION: Athens Medical Campus
Reg. Mgr. Jay Tokar
PROJECT: Entrance Drive Signage
Scale: As Noted
Date: 11-15-23, 11-17-23
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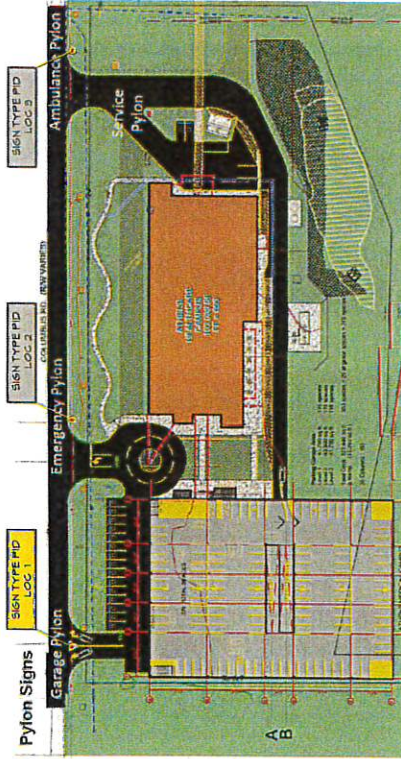
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THIS IS A CONCEPT SKETCH
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and engineer of record.
See contract documents for details.

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SIGN TYPE DIR

Location 1
Internally Illuminated



Square Footage (Face): 16.9 S.F.
Internally Illuminated.

Elevation - Side A
Scale 1/2" = 1'-0"

Location 1

Elevation - Side B
Scale 1/2" = 1'-0"

APPROVED: (WITH NO CHANGES)
APPROVED AS NOTED:
(Minor Changes Only)
REVIS/RESUBMIT:
(NOT APPROVED AT THIS TIME)
DATE _____
BY _____
Submitted By CS&G (800) 297-2324

PROJECT LOCATION: Reg. Mgr. Jay Tokar
PROJECT: ATHENS MEDICAL CAMPUS
FILE NAME: Athens Medical Campus
PERMIT DRAWING: As Noted
DATE: 11-15-23, 11-17-23
SHEET TITLE: Sign Location 1
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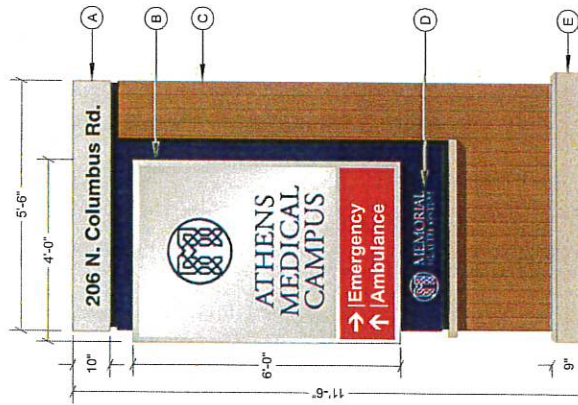
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Location 2
Internally Illuminated

- (A) Non illuminated fabricated aluminum header with vinyl address copy.
- (B) Internally illuminated cabinet(s)
- (C) Primary frame - cladding to emulate building finish.
- (D) Non illuminated (applied vinyl)
- (E) Concrete pediment.



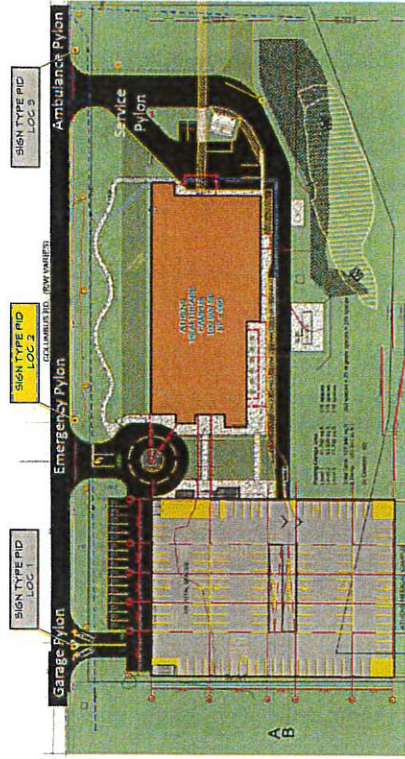
Plan View
Scale 3/8" = 1'



Elevation - Side A
Scale 3/8" = 1'-0"



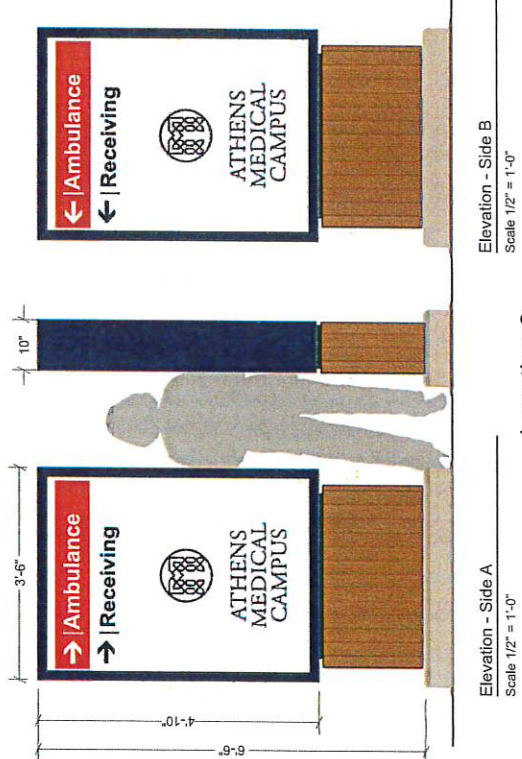
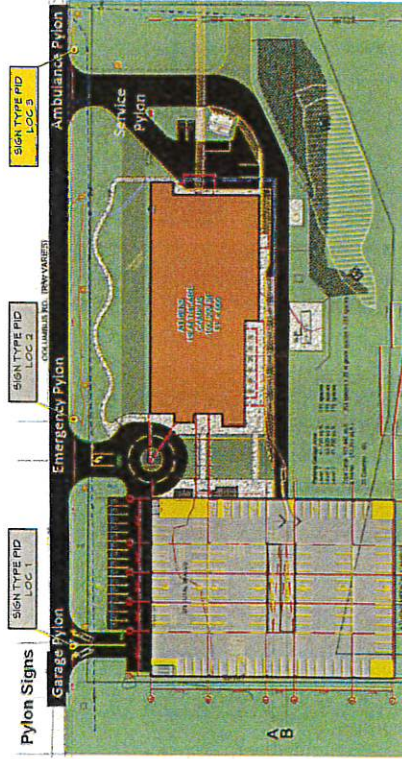
Elevation - Side B
Scale 3/8" = 1'-0"



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SIGN TYPE DIR

Location 3
Internally Illuminated



Square Footage (Face): 16.9 S.F
Internally Illuminated.

Elevation - Side B
Scale 1/2" = 1'-0"

Elevation - Side A
Scale 1/2" = 1'-0"

Location 3

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PROJECT LOCATION: Athens Medical Campus

Reg. No. 11-15-23, 11-17-23

Scale: As Noted

File Name: Athens Medical Campus

Permit Drawing

Sheet Title: Sign Location 3

DATE: 11-15-23, 11-17-23

BY: [Signature]

APPROVED: [Signature]

APPROVED AS NOTED: [Signature]

REVIS/RESUBMIT: [Signature]

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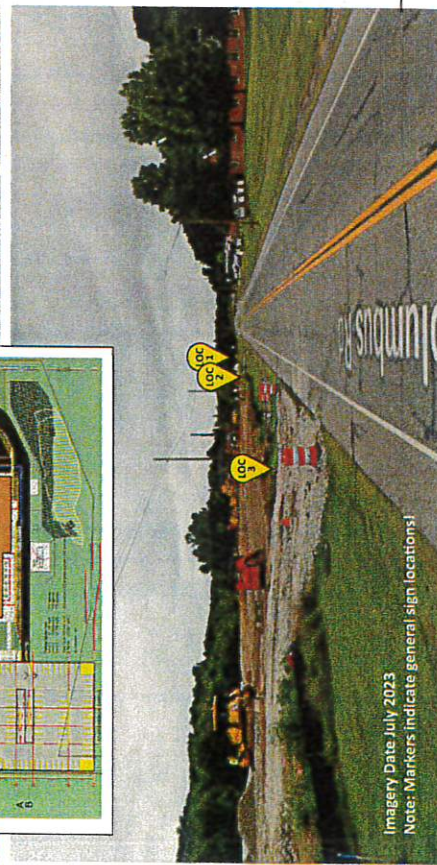
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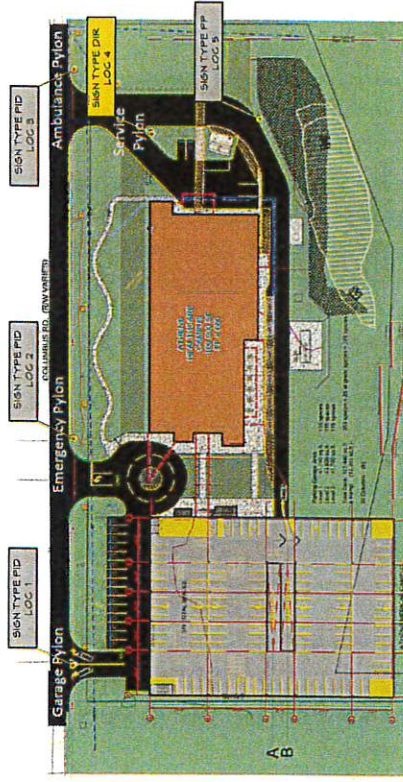
ENTRANCE DRIVE OVERVIEW



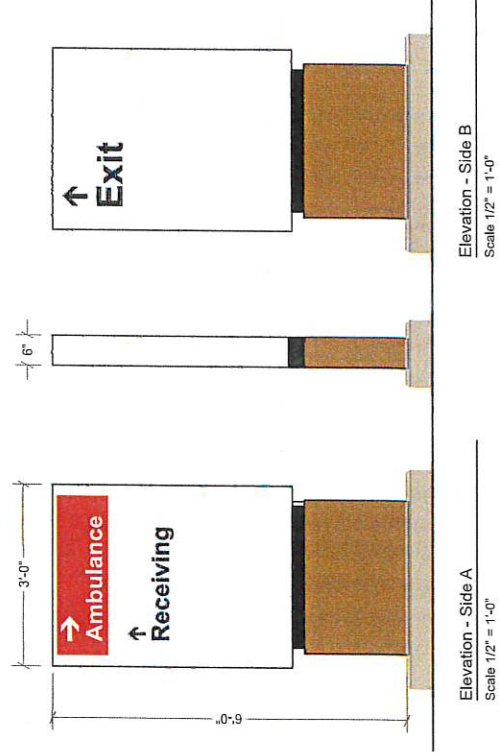
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SIGN TYPE DIR

Locations 4
Non Illuminated - Reflective Vinyl Copy



Location 4 - DIR



Square Footage (Face): 12 S.F.
NON Illuminated.

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PROJECT LOCATION

Reg. Mgr. Jay Tokar

ATHENS MEDICAL CAMPUS

File Name

Athens Medical Campus

Permit Drawing

Scale

As Noted

Date

11-15-23, 11-17-23

Sheet Title

Sign Location 4

APPROVED: (With NO Changes)

APPROVED AS NOTED: (Minor Changes Only)

REVISED/RESUBMIT: (NOT APPROVED AT THIS TIME)

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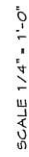
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Locations 6, 7
3/8" Dimensional Aluminum Letters & Logo



INSTALLATION:
Stainless steel studs (3/8" standoff)



SIGN TYPE WID

Location 8
3/8" Dimensional Aluminum Logo

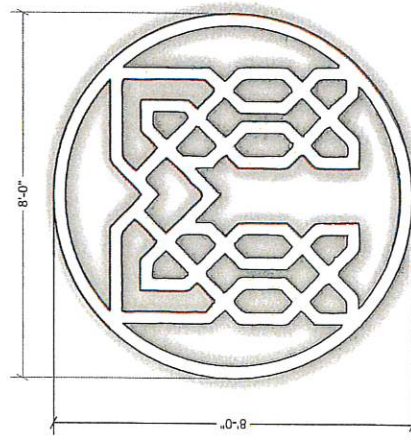
NOTES:
3/8" aluminum letters and logo.

COLOR:
White (Acrylic Polyurethane matte finish)

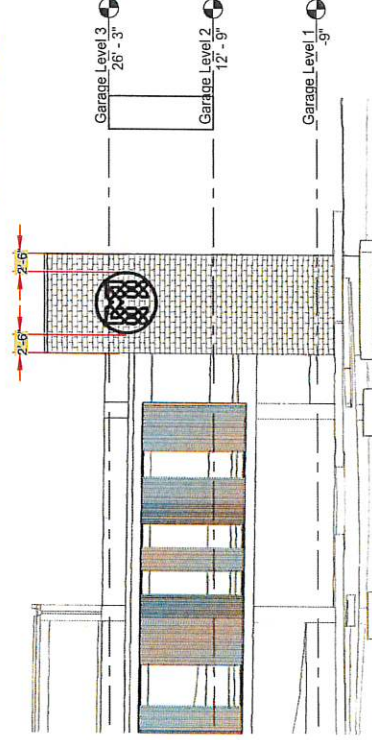
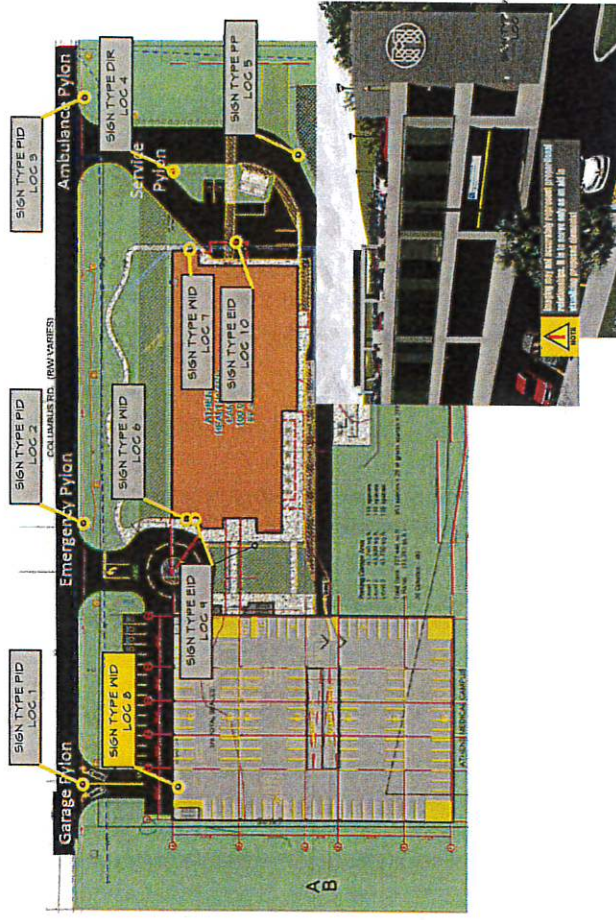
Non illuminated

INSTALLATION:
Stainless steel studs (3/8" standoff)

Square Footage: 64 S.F.
NON Illuminated.



Location 8 - WID
Scale 3/8" = 1'-0"



Garage - North
1

SIGN TYPE EID

Location 9
Internally Illuminated

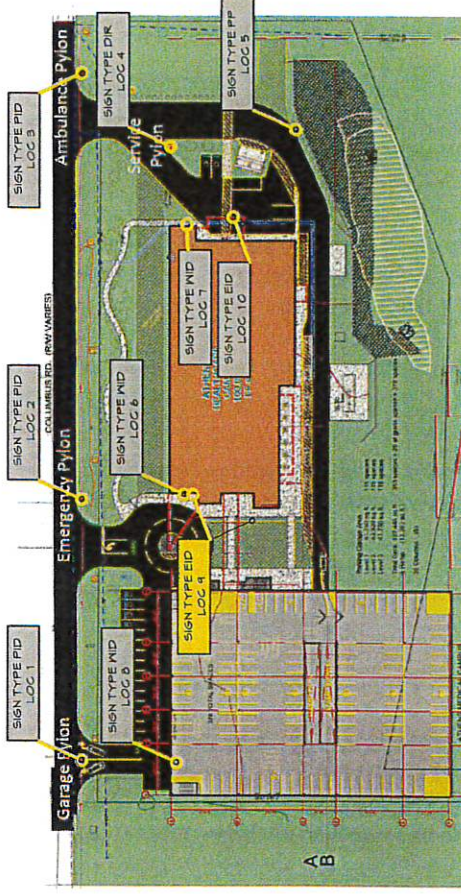
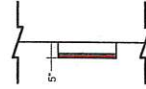
9'-8"

EMERGENCY

1'-0"

Location 9 - EID
1/2" = 1'-0"

- NOTES:
5" deep fabricated aluminum letters.
- COLOR:
Red acrylic faces/trimcap retainer. White channel bodies.
- ILLUMINATION:
Internally illuminated and powered by remote power supplies.



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PROJECT LOCATION ATHENS MEDICAL CAMPUS Reg. Mgr. Jay Tokar		File Name Athens Medical Campus Permit Drawing As Noted Date 11-15-23, 11-17-23	Scale As Noted Sheet Title Sign Location 9
APPROVED: (With No Changes) APPROVED AS NOTED: (Minor Changes Only) REVIEW/RESUBMIT: (NOT APPROVED AT THIS TIME) DATE			

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City of Athens
ATHENS, OHIO

**Board of Zoning Appeals
Minutes
October 10, 2023**

Members Present: Robert Delach (elected Chairperson), Kay Tousley, Joe Krause, Aaron Thomas, Ben Lachman (Voting Alternate)

City Officials Present: David Riggs (Zoning Administrator)

The meeting was called to order on October 10th, 2023 at 7:01 PM at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the Chairperson, Rob Delach.

Mr. Delach opened the floor for nominations for Chairperson. Joe Krause and Aaron Thomas nominated Robert Delach. Kay Tousley seconded the motion. There were no other nominations. Mr. Delach closed the floor to nominations, and called for any debate on the election. There was no debate on the election.

Mr. Delach began the election by roll call vote. Ben Lachman voted for Robert Delach. Kay Tousley voted for Robert Delach. Aaron Thomas voted for Robert Delach. Joe Krause voted for Robert Delach. Robert Delach abstained from voting. The vote passed 4-0-1. Robert Delach accepted the position of Chairperson.

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

Hearings:

1. Case #23-06V 49 Sunnyside Drive Zone R-1 Kyle Barlow / Appellant

Appellant is requesting a variance from ACC 23.03.00 (B) to allow a home addition with a side setback of 0 where 12 ½ feet is required, and ACC 23.10 (A) to allow 42% building lot coverage whereas 30% is the maximum permitted.

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

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Ben Lachman asked Mr. Riggs if the setback was on the city right of way or if it was a setback from the sidewalk itself. Mr. Riggs explained that the setback is on the city right of way.

Chairperson asked the appellant to speak.

Kyle Barlow, 49 Sunnyside Drive- Appellant handed out binders to the board containing information for their case (documents attached). Appellant stated the main reason for the appeal is due to their growing family. Their family currently has three members, with another on the way. The appellant explained that they currently reside in a three bedroom home, which is not sufficient enough to accommodate their growing family. The appellant explained that their house is one of the oldest houses on the block (1907). Added that the inside of the residence is very compartmentalized into rooms. The appellant is looking to modernize the inside of the house, as well as the addition of another room. Appellant stated that the addition would not be in the city right of way but, it would be in the 12 ½ feet outside of the right of way. Noted that they live in a unique situation as they are located on the corner, where they have a setback of 131 inches to their garage. Appellant stated that they are asking for a setback of 111 inches. Appellant explained that their property line is 43%, but the land they maintain would not cause the addition to impede the corner. Appellant stated that other houses in the area are afforded a side set to their houses.

Joe Krause asked the appellant if he had letters of support as it was mentioned earlier.

Appellant mentioned people who were in favor of their variance. Stated that letters of support can be found on Page 2 of the binder.

Kay Tousley asked if the addition would be flush with the side of the garage.

Appellant explained that the addition would be twenty inches inside of the garage's setback. Stated the setback is 111 inches from the garage and the addition would have a setback of 131 inches.

Aaron Thomas asked if the room addition is the length of the house and if the depth was going to come out flush with the garage.

The appellant responded by explaining that the addition would be inside of where the existing garage is.

Aaron Thomas asked the appellant if he has obtained the drawings.

Appellant stated that they were included in his original application.

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Aaron Thomas asked Mr. Riggs if the drawings the appellant submitted to the city were consistent with the measurements provided in the drawings the appellant handed out to the board.

Mr. Riggs confirmed that the drawings were consistent.

The Chairperson called on anyone wanting to speak in favor of the appellant.

No one came forward.

The Chairperson called on anyone wanting to speak in general comment.

Ann Laudati, 1 Northwood Drive- Stated that she would like to give her support for setbacks in general.

The Chairperson called on anyone wanting to speak in opposition of the Appellant.

No one came forward.

Chairperson closed the floor to discussion.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes. The small lot size. The lot is about 1/3 less than what code requires. The lot is 5500 sq. feet instead of 8000 sq. feet. The wide right of way is also an exceptional circumstance.**
- 2.) HARDSHIP AND DIFFICULTY: Yes. Due to the exceptional circumstances there is practical difficulty in regard to building any additions to the house. The house is too close to the right of way in general due to setbacks.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Other property owners have similar additions/variances on their home.**
- 4.) MINIMUM VARIANCE: Yes, to make any kind of addition on this property the minimum variance is reasonable.**
- 5.) ABSENCE OF DETRIMENT: No. There are many letters of support from neighbors.**
- 6.) NOT OF A GENERAL NATURE: Yes. There is a specific setback, as well as the uniqueness of the lot.**

Ben Lachman clarified with Mr. Riggs if the city were to replace the sidewalk near this property, how wide the sidewalk would be.

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Mr. Riggs explained that the average width of a sidewalk is four feet wide.

Joe Krause asked if the homeowners were going to be doing the contracting.

The appellant explained that his off-time is in August, so in the meantime his father, his spouse's father, and local friends will be helping out.

On a motion by Aaron Thomas, seconded by Ben Lachman, the Board moved to grant a variance from ACC 23.03.00 (B) to allow a home addition with a side setback of 0 where 12 ½ feet is required, and to grant a variance from ACC 23.10 (A) to allow 42% building lot coverage whereas 30% is the maximum permitted.

Chairperson called for any last discussion.

No one spoke.

The Chairperson called for a vote: 5 votes for (Thomas, Lachman, Delach, Krause, Tousley) – 0 against. Motion passed.

2. Case #23-07V 13 Brown Avenue Zone R-1 Matt Mitchell / Appellant

Appellants are 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.

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

The Chairperson asked if anyone had questions for Mr. Riggs.

Kay Tousley stated that she was confused about the distinction between this type of short-term rental versus the conditional use.

Mr. Riggs explained that any type of conditional use is a use that would be allowed unless there were certain circumstances that prohibit it. Since this is a variance request, the appellant has to go through the six steps to see if they meet any or all of those circumstances to see if you would allow it or deny it. Stated that it is two different sets of criteria even though it is the same unoccupied short-term rental.

Ben Lachman asked Mr. Riggs to clarify that the issue is that the property is in an R-1 zone, whereas if it were in a R-2, R-3, or adjoining zone, the variance would be accepted for a short-term rental property.

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Mr. Riggs explained that non-occupied is not allowed in a R-1 Zone, except in specific cases.

Ben Lachman asked Mr. Riggs if the time frame is something they can include in the variance.

Mr. Riggs explained that you can include conditions on a variance.

Chairperson Pro-Tem asked the appellant to speak.

Matt Mitchell, Oak Park, Illinois- Matt Mitchell explained that the property had been vacant for over 10+ years prior to him purchasing it. Mr. Mitchell found a real estate agent and started renovating the property. The appellant stated that he got an offer accepted in December, with the assumption that they would be able to close within a month or so. Mr. Mitchell explained that the previous owner's passing had delayed the closing process until April. Because of this, he lost several months of making renovations to the property. Mr. Mitchell explained that due to the lost time in renovations, he was unable to rent the property out for the 2023/2024 school year. The appellant explained that the intent for this property was to use it as an investment property, with plans to rent it out to his son for the current school year and then continue renting it to college students as a long-term rental. Mr. Mitchell then discussed some of the renovations, such as restoring all the hard pine, restoring the bathrooms and kitchen, and the addition of a new roof. His request is to be able to rent this property out as an Airbnb. Mr. Mitchell explained that he had support from many of the surrounding neighbors.

Chairperson asked if the any of the board members had questions for the Appellant.

Chairperson clarified with the Appellant that he would be renting the property out to families visiting the area and not groups of students.

Appellant explained that he would not be renting out the property to groups of students.

Ben Lachman asked the Appellant what the parking situation is on the property.

The Appellant explained that it is a three-stacked parking spot that is a shared driveway with the adjacent property.

Aaron Thomas clarified with the Appellant that the property would be a short-term rental until July of next year, after which it would become a long-term rental after August 1.

Chairperson asked the Appellant if there was a rental permit in place for this property.

The Appellant stated that he does not have a rental permit for the property, but has undergone inspections.

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Mr. Riggs explained that with the new regulations for short-term rentals, you can apply for a short-term rental permit or a long-term rental permit, and then you can switch partway through the year.

Chairperson clarified that there has never been a rental permit for this property.

Mr. Riggs replied that he believes there was one but it has expired.

Ben Lachman stated that Athens Code Enforcement completed an inspection and the property had corrected their paint as it was in violation of code.

Chairperson asked if there were any more questions for the Appellant.

No one had any questions.

The Chairperson called on anyone wanting to speak in favor of the Appellant.

Bill Urban, 2500 Fisher Road- Mr. Urban stated that he owns the property across the street from 13 Brown Avenue. Mr. Urban explained that any help on Brown Avenue is a good idea due to the area being run down. He explained how the Appellants property is on the West side of Brown Avenue, which is about 450 feet from commercial spaces, such as Miller's Chicken and the Cider House. He also stated there are a lot of mixed property use properties nearby, as well as University Commons and Shafer St Apartments.

Chairperson asked if there was anyone else who would like to speak in favor of the Appellant.

No one came forward.

The Chairperson called on anyone wanting to speak in general comment.

Ann Laudati, 1 Northwood Drive- Stated that she would like this to be considered in relation to questions about housing issues in Athens.

The Chairperson called on anyone wanting to speak in opposition of the appellant.

No one came forward.

Chairperson closed the floor to discussion.

Aaron Thomas asked the Appellant how he plans on regulating the usage of the property and questioned if it would be listed somewhere.

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The Appellant explained that it would be listed on Airbnb.

Aaron Thomas asked if any problems occur, who would be in charge of handling that.

The Appellant stated that his son, who is currently a Sophomore at Ohio University, will be the manager of the property, with the help of Chris Hickman, the GC who handled all of the renovations on the house, as backup.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes. The time frame is an exceptional circumstance because the property would be sitting vacant.**
- 2.) HARDSHIP AND DIFFICULTY: Yes. The property would sit there otherwise until the next student renting season.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: It is a rental neighborhood with quite a few rentals properties on the street. The rental would be short-term but then would move into a long-term rental, which would make it similar to other properties in the area.**
- 4.) MINIMUM VARIANCE: Yes, to make any kind of addition on this property the minimum variance is reasonable.**
- 5.) ABSENCE OF DETRIMENT: No. There are many letters of support from neighbors.**
- 6.) NOT OF A GENERAL NATURE: Yes, this case is very specific.**

Joe Krause voiced his concerns regarding the Appellant not residing in Athens will operating a short-term rental. Krause stated that he would feel more comfortable if the Appellant's son would give his phone number to the police in case there was an exceptional circumstance.

Appellant stated that would be his intent.

On a motion by Kay Tousley, seconded by Joe Krause, the Board moved to grant a variance from ACC 23.04.01 (C)(3) to allow a non-owner-occupied short term rental from November 1, 2023 to July 30 2024, 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.

Chairperson called for any last discussion.

No one spoke.

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The Chairperson called for a vote: 5 votes for (Thomas, Lachman, Delach, Krause, Tousley) – 0 against. Motion Passed.

3. Case #23-08V 1 Northwood Drive Zone R-1 Nicholas Karayannis/ Appellant

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

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

Mr. Riggs submitted an email that the Athens Code Enforcement received Monday evening to the Board pertaining to the case.

The Chairperson asked if anyone had questions for Mr. Riggs.

Ben Lachman asked Mr. Riggs if the height of the fence was the issue.

Mr. Riggs replied no and explained that the Appellant is not going to go over six feet for the height of the fence. Riggs explained that there is a large right of way in front of the property, located on the corner of Northwood and Columbia. The property is in the setback from the right of way.

Chairperson asked the appellant to speak.

Nicholas Karayannis & Ann Laudati, 1 Northwood Drive- Appellants presented slideshow. Appellant stated that they are seeking to implement a temporary solar fence. The fence posts would be 6 feet high and 18 feet apart, with aluminum wire to deter deer away from their vegetable garden located in their front yard. The Appellant explained that they plan on putting their solar fence 25.3 feet away from the middle of the road, or 16 feet from the edge of the road. The Appellant explained that due to the nature of the property, the front yard is the only location where they can have their garden. Discusses theoretical drawing of proposed fence created by Mr. Mullins (refer to slideshow). The Appellant pointed out who the right of way is unusual for the street, in terms of other homes having much smaller right of ways. The Appellant then showed an overview map of the property, highlighting where the potential fence would go, which would be 28 feet from the setback line. Ann Laudati stated that the fence would be temporary until their plants start to grow. Ann Laudati started to present her slideshow. Lengthy conversation led to how her garden will help reach Athens Sustainability Action Plan goals and help to reduce carbon emissions in the air. Expressed concerns regarding land usage and setbacks.

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Chairperson asked if there was anyone else who would like to speak in favor of the Appellant.

No one came forward.

Chairperson asked if there was any more questions for the Appellant.

No one spoke.

Chairperson read the email presented by Mr. Riggs earlier in the meeting.

The Chairperson called on anyone wanting to speak in general comment.

Jack Kotowski, 14 Northwood Drive- Expressed his concerns regarding safety but stated that he isn't unsupportive of the fence.

The Chairperson called on anyone else wanting to speak in general comment.

No one came forward.

The Chairperson called on anyone wanting to speak in opposition of the Appellant.

John Kopchick & Charlene L, 4 Orchard Lane- Expressed their concerns regarding safety.

Mr. Riggs clarified that there is a 40 foot right of way on Northwood Drive and a 50 foot right of way on Columbia. 1 Northwood owns to the center of the road on Columbia.

Mr. Riggs discussed plans with the City Engineer to promote vehicular safety at the intersection between Northwood Drive and Columbia.

John Kopchick, 4 Orchard Lane- Expressed concerns regarding safety, specifically lack of vision due to potential fence.

Mr. Riggs explained that fences are never allowed in the city's right of way and that the closest they could place their fence on the side yard, located on Columbia Road, would be 12 ½ feet from the edge of the pavement. Stated a fence that far back from the edge of the road would provide visibility and equitable access for everybody.

The Chairperson called on anyone else wanting to speak in opposition of the Appellant.

Brian Blauser, 3 Orchard Lane- Expressed concerns regarding safety. Stated that he has nothing against the fence.

The Chairperson called on anyone else wanting to speak in opposition of the Appellant.

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Bill Kelmer, 5 Orchard Lane- Expressed concerns about safety.

Charlene L, 4 Orchard Lane- Expressed their concerns regarding safety.

The Chairperson called on the Appellant to rebuttal claims made in opposition.

Nicholas Karayannis & Ann Laudati, 1 Northwood Drive- Stated that no opposition claims were in regards to the fence, but other non-related safety issues. Appellants explained where the fence would go, stating that it is 16 feet from the edge of Northwood, on top of their property. Stated that the fence is 50 feet from the right of way on Columbia. Explained that the fence would not obscure any vehicular vision and would discuss with Mr. Riggs further steps to address safety concerns.

Chairperson closed the floor to discussion.

Aaron Thomas asked Mr. Riggs about the verbiage of the one foot set back, when the Appellant mentioned 16 feet.

Mr. Riggs explained that a Code Officer had established where he thought the line was, which was one foot from the existing right of way on Northwood Drive.

Chairperson asked Mr. Riggs what the estimated distance from the edge of the Northwood is to where the fence is.

Mr. Riggs estimated 16-17 feet from the edge of the road. He also stated that this would not be a sight distance issue for traffic.

Kay Tousley asked if they should specify that it is a solar electric deer fence rather than a regular fence.

Mr. Riggs stated that the code doesn't have any differentiation of fences, stating that all fences are subject to the same rights listed in the code.

Findings:

1.) EXCEPTIONAL CIRCUMSTANCES: Yes. If the Appellant were to use the setback allowed from the front of the fence, the fence would be right in

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front of the house. The right of way extends very far into the front of their property, which considerably limits what they can do on this property.

2.) HARDSHIP AND DIFFICULTY: Yes. You can potentially protect the garden from deer.

3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes. Most homes can have a fence that is not directly on the face of the house.

4.) MINIMUM VARIANCE: Yes, it is one foot back from the right of way. Based on how far back it is from the roadway, 16 feet approximately, it is minimal variance.

5.) ABSENCE OF DETRIMENT: No. There is detriment to discuss but it is not related to the case.

6.) NOT OF A GENERAL NATURE: No, this request does not come up regularly.

On a motion by Kay Tousley, seconded by Chairperson, the board moved to grant a variance from ACC 23.10 Table A and ACC 23.03.14 to allow a fence with a one foot set back where 25 feet is required.

Chairperson called for any last discussion.

No one spoke.

The Chairperson called for a vote: 3 votes for (Lachman, Delach, Tousley) – 2 against (Thomas, Krause). Motion Passed.

OTHER BUSINESS:

Approval of Minutes from:

August 8th, 2023: Joe Krause moved to approve the minutes, Ben Lachman seconded the motion. Approved by Joe Krause, Ben Lachman, Kay Tousley, Aaron Thomas, and Robert Delach.

Chairperson adjourned the meeting at 9:00 PM.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date