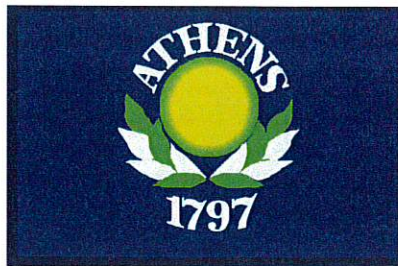


**Office of Code Enforcement and
Community Development**

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 #24-01V

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

TO: The Athens Messenger

Insert the following legal notice on **February 3, 2024**

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, February 13, 2024, at 7:00pm** on the following described property:

17 McGuffey Lane
Zone R1 Case #24-01V

Appellant is requesting a variance from ACC 23.10 Table A to allow an 18.5 ft setback where 25 ft is required.

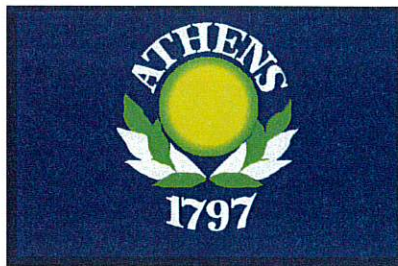
Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, 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

February 1, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
17 McGuffey
has been assigned Board of Zoning Appeals **Case #24-01V**

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, February 13, 2024 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

**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

February 1, 2024

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

Berry Dilley / Appellant
For property located at
17 McGuffey Lane

Appellant is requesting a variance from ACC 23.10 Table A to allow an 18.5 ft setback where 25 ft is required.

This case has been assigned
Case #24-01V

This meeting has been scheduled for **Tuesday, February 13, 2024** 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

17 McGuffey Lane – Case #24-01V – adjoining properties and owners

11 Ransom Road

Zachary Strickmaker
11 Ransom Rd
Athens, OH 45701

9 Ransom Road

Monchito Chan Trinidad
9 Ransom Road
Athens, OH 45701

10 Harris Road

Steven Charles Schall
10 Harris Road
Athens, OH 45701

9 Harris Drive

Paul Swaim
9 Harris Drive
Athens, OH 45701

**0 McGuffey Lane (Parcel
#A028290003600)**

State of Ohio
338 Muskingum Dr
Marietta, OH 45750

14 McGuffey Lane

Teresa Rapp
14 McGuffey Ln
Athens, OH 45701

12 McGuffey Lane

Jeffrey Kelly
55 Lincoln Street
Athens, OH 45701

10 McGuffey Lane

Andrew Escobedo
10 McGuffey Lane
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

Permit #	BZA 24-000001
Date Rec'd	1-12-2024

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

APPLICANT: Berry C Dillay PHONE # 740-593-8155
ADDRESS: 234 E. State St, Athens, OH 45701
OWNER: Berry C Dillay Trustee
ADDRESS: 234 E. State St., Athens, OH 45701
PROPERTY ADDRESS: 17 McGuffey Lane, Athens, OH 45701
ZONE: R 1

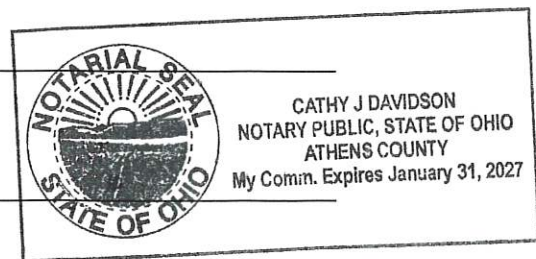
I, THE UNDERSIGNED, Berry C Dillay
HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR
DATED 1/9/2024

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT
17 McGuffey Lane, Athens

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

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

x Berry C Dillay
APPLICANT
Cathy J Davidson 1-10-24
NOTARY PUBLIC, OHIO



PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

In accordance with Athens City Code (ACC) Section 23.07.08 (D), the appellant must provide the following information in writing:

- *Name, address and phone number of the appellant*
- *Legal description of the property (copy of deed)*
- *Description or nature of variance requested (copy of the Zoning Administrator's decision)*
- *Description or nature of substitution requested (copy of the Zoning Administrator's decision)*
- *A fee established by ordinance plus a fee to defray the cost of legal advertising (Total \$125.00)*

BULK CONTROL VARIANCES

23.07.10. Decisions of the board.

(C) Variances from the regulations of this title shall not be granted unless the BZA makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in this title, if applicable, have been met by the applicant.

(1) Practical difficulty to undue hardship—Because of exceptional or extraordinary conditions pertaining to a specific piece of property, as stated in Section 23.07.03(b)(1) above, a literal enforcement of these regulations will result in practical difficulty or undue hardship that is unnecessary to the achievement of public purposes.

(2) Exceptional circumstances—There are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes or uses in the same zone.

(3) Preservation of equal property rights—Literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone and the same vicinity, while a granting of the requested variance will not confer on the applicant any special privilege that is denied to other properties in the same zone and the same vicinity.

(4) Minimum variance—The variance granted is the minimum variance required to make possible the reasonable use of the property.

(5) Absence of detriment—The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning code or the public interest.

(6) Not of general nature—The condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought—one or the other or in combination—is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

CONDITIONAL USE VARIANCES

(E) Conditionally permitted uses—General provisions: The BZA may authorize the issuance of a conditional use permit in accordance with the following provisions:

(1) Conditional uses for which a permit is issued are permitted in the zone;

(2) Each conditional use is considered as an individual case;

(3) The BZA shall find that the case conforms to the specific requirements enumerated in each section and also these standards:

(a) The conditional use complies with all applicable city regulations.

(b) The conditional use will be of such location, size, and character that it will generally be in harmony with the appropriate and orderly development of the zone. It will not be detrimental to the orderly development of adjacent properties nor inconsistent with the city comprehensive plan.

(c) The ingress and egress from the parking area is so designed as to cause minimum interference with traffic on abutting streets.

FLOOD HAZARD VARIANCES

25.05.04. Variances.

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

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

Variances shall only be issued upon:

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

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

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

23.07.02 - Powers of the board: Original jurisdiction.

(B) Substitution

23.07.03. - Powers of the board: Appellate jurisdiction.

For Interpretation

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

TRANSFERRED NO. 1960
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 1070

DEC 15 2023

JILLA A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
JW TRANS FEE 50

202300005313
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
12/28/2023 02:46:01 PM
OR BOOK: 611 PAGE: 120
DEED 42.00 PG: 3

202300005313
NORTHWEST TITLE FAMILY OF COMPANIES INC

GENERAL WARRANTY DEED

Know all persons by these presents, that:

Don H. Shamblin, unmarried, and Marilyn Sue Foster, unmarried,

the designated Grantors herein, for valuable consideration received hereby grants and assigns with general warranty covenants, to:

**Berry C. Dilley, Trustee
of the Berry C. Dilley Revocable Trust dated October 19, 2012**

the designated Grantee herein, whose tax-bill mailing address will be the same as the property address, which is: 17 McGuffey Lane, Athens, OH, 45701, unless the Mortgagee provides written instructions to the County Treasurer to the contrary, all interest in the following real property:

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

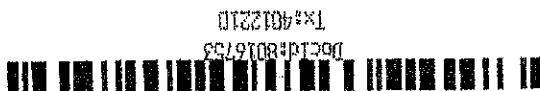
Being Lot Number Three Thousand Three Hundred Fifty-three (3353) in CABLE ACRES FOURTH ADDITION to said City of Athens, as shown on the recorded plat thereof, of record in Plat Envelope 330B, Athens County, Ohio.

Property Address: 17 McGuffey Lane, Athens, OH 45701

Parcel No. A02-82900048-00

Prior Deed Reference: OR Vol. 554, Page 1232, Athens County, Ohio records

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



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

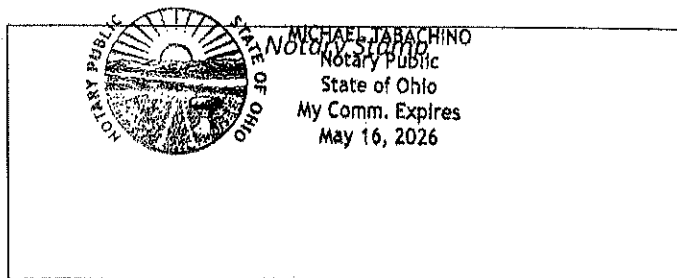
Executed on this 12/11/23 day of December, 2023.

Don H. Shamblin by Andrew E. Shamblin POA
Don H. Shamblin by Andrew E. Shamblin
as his Attorney-in-Fact

State of Ohio)
County of Summit)

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this
11th day of December, 2023, by Andrew E. Shamblin as Attorney-in-Fact for Don H. Shamblin.

Mike Tabachino
Notary Public

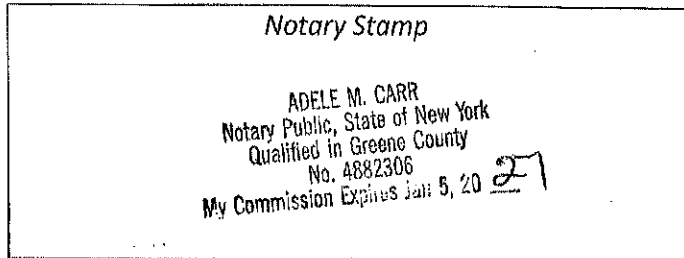


T. C. Foster
Marilyn Sue Foster by Timothy Foster
as her Attorney-in-Fact

State of New York)
County of Greene)

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this
11th day of December, 2023, by Timothy Foster as Attorney-in-Fact for Marilyn Sue Foster.

Adele M. Carr
Notary Public



This instrument prepared by:

Troy Howdyshell, Esq.
Northwest Law
239 East Main Street
Jackson, OH 45640

File #21-1384

After recording, return to:

Northwest Advantage Title Agency, LLC
113 West Main Street
Suite D
Circleville, OH 43113

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

January 08, 2024

To: Berry Dilley
17 McGuffey Lane
Applicant Address: Athens, OH 45701

To: Barry C Dilley Trustee
17 McGuffey Lane
Owner Address: Athens, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 17 McGuffey Lane

Application Date: 12/28/2023

For: 17 McGuffey / adding front porch and roof

Decision Detail: Your request for a residential zoning alteration permit has been refused in accordance with the application submitted and ACC 23.10 Table A Schedule of Bulk Controls.

Refusal: asking for an 18.5 ft front set back 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 #: ZNC23-000047
REFUSAL

Permit Type: Residential
Use of Building:

Project Address: 17 McGuffey Lane

Applicant:

Berry Dilley
Phone: 740-593-8155

17 McGuffey Lane
Athens, Ohio 45701

Property Owner:

Barry C Dilley Trustee
Phone: 740-593-8155

17 McGuffey Lane
Athens, OH 45701

Description of Proposed Use/Scope of Project: 17 McGuffey / adding front porch and roof

Decision Detail: Your request for a residential zoning alteration permit has been refused in accordance with the application submitted and ACC 23.10 Table A Schedule of Bulk Controls.

Refusal: asking for an 18.5 ft front set back where 25 ft is required.

Estimated Value of Improvement: \$30,000.00 **Sq. Footage of New Construction or Addition:** 180
Existing number of parking spaces: EXG **Proposed number of parking spaces:** EXG
Setbacks (as indicated on drawing): Front: 18.5' Rear: EXG Left: EXG Right: EXG

Director of Development and Code Enforcement:

☐ Approved ☒ Refused

01/08/2024

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

Date

Table A -- Schedule of Bulk Controls

Zone	Min. Lot (sq. ft.)	Min. Lot Area Per Dwelling Unit (sq. ft.)	Min. Lot Width	Max. Height (ft./story)	Min. Front Yard (ft.)	Side Yard one/both (ft.)	Min. Rear Yard (ft.)	Max. Lot Coverage (percent)	Total Lot Coverage (percent)
R-1 ²	8,000	8,000	66	35/2.5	25	8/20	30	30	60
R-2 ² One Family Two Family	6,000 7,000	6,000 3,500	50	35/2.5	25	8/18	30	30	60
R-3 ² One/Two Family	Same as R-2	Same as R-2	Same as R-2	Same as R-2	Same as R-2	Same as R-2	Same as R-2	Same as R-2	60
Apartment/ Rooming Houses	10,000	1,250	60	45/3½	25	8/20	40	40	60
Non-Residential and Mixed Uses	10,000	1,250	60	45/3½	25	8/20	40	40	60
B-1 ² Non-Residential	None	—	None	35/2½	25	None ³	10 ⁴	None	None
B-2 ² Non-Residential Downtown	None	—	None	50/4	None	None	None	None	None

B-3 ² General Business*	None	—	30	45/3½	None	10/15	* 10 ⁴	None	None
M-1 ² Industrial	None	—	None	25/1½ 35/2½ 45/3½	25 25 25	None ⁵ None ⁵ None ⁵	30 40 50 ⁶	—	—

(1) Whichever is less.

(2) All newly platted lands must meet minimum dimensional requirements of the subdivision.

(3) Except when adjoining and R-Zone, then not less than of the building height but not less than 15 feet.

(4) Except when adjoining and R-Zone, then not less than required in that R-Zone.

(5) Except when adjoining and R-Zone, then not less than 25 feet.

(6) An additional foot for each foot of building height over 45 feet.

* Except when abutting R-Zone



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 # ZNC2300047
Date Rec'd 12/28/2023

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

Residential ☒ Commercial ☐

Applicant Berry Dilley Phone 740-593-8155
Address 17 McGuffey Lane Athens OH 45701
Property Owner (if other than applicant) _____ Phone _____
Address _____

ZONING

Address of Proposed Work 17 McGuffey Lane Athens OH 45701

Description of Proposed Work: New ☒ Alteration ☒ Accessory ☐

Project Description Front porch and roof

Estimated Cost of Project \$30,000.00 Proposed Square Footage 180^{sq} Feet

Must be registered with the City of Athens.

*General Contractor CW Cochran Construction License # CR11-000142
*Electrician (if applicable) Ean Stiles E-E/c. License # 49792
*Plumber (if applicable) Danny Keims Plumbing Repair License # CR21-000049
*HVAC (if applicable) Jared Dean License # 50326

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 12/28/23

Owner Signature Berry C Dilley Date 12/28/23

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

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

All items checked above to be approved prior to final approval.

Zone: R1 (For Office Use Only) Flood Plain: No Parcel Number: A028290004800

Setbacks: Front: A: 18.5' R: 25' Rear: A: EXG R: EXG Left: A: EXG R: EXG Right: A: EXG R: EXG

Building Lot Coverage: A: 29% R: 30% Total Lot Coverage A: 31% R: 60% Building Height: A: 1 R: 2.5

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

Code Officer Comments: Refusal asking for 18.5' front setback where 25 is required. 23.10 Table A schedule of Bulk Control

Signature: Matt Peck Date: 1/2/24 Recommend: ☐ Approval ☒ Refusal

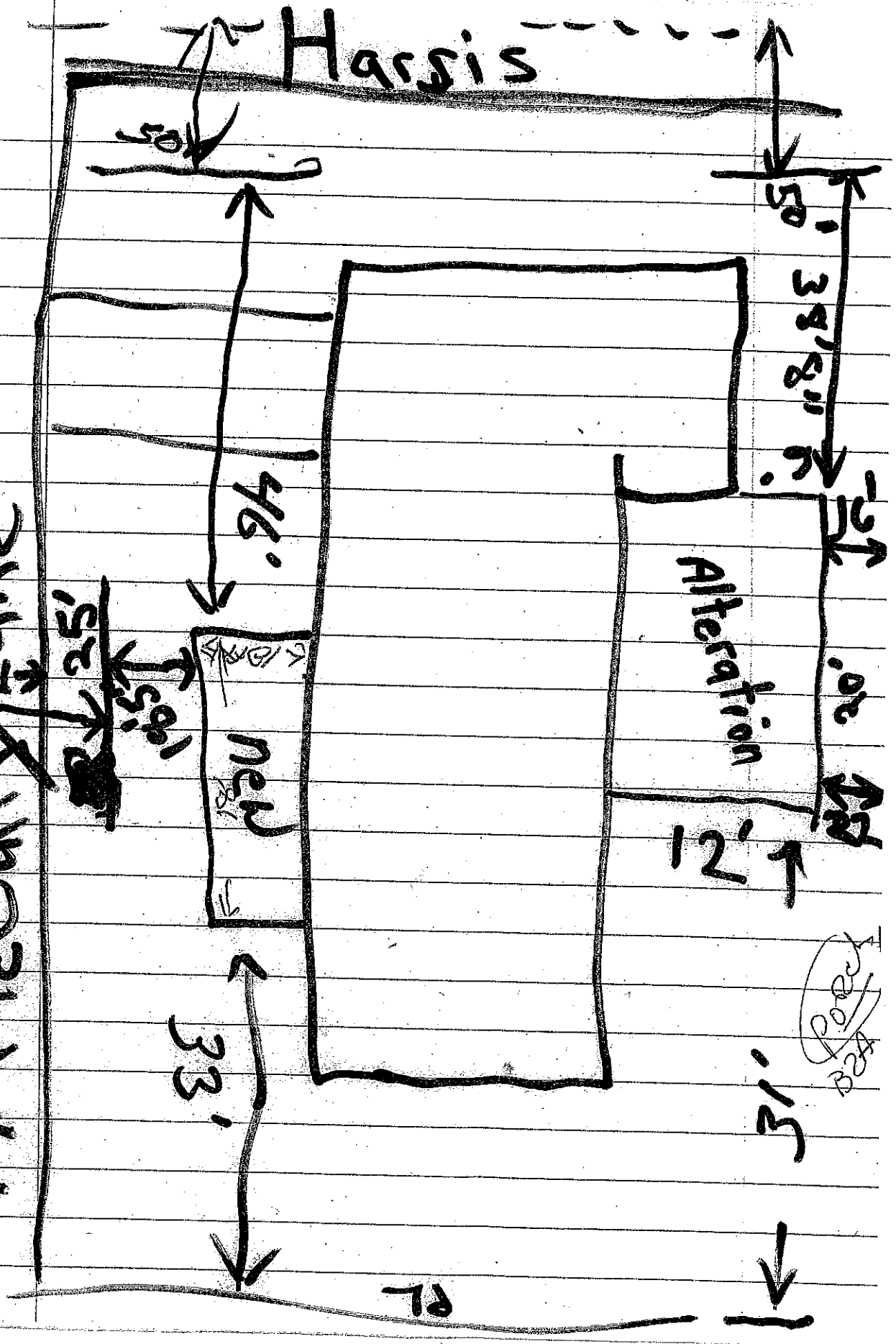
Zoning Administrator Comments:

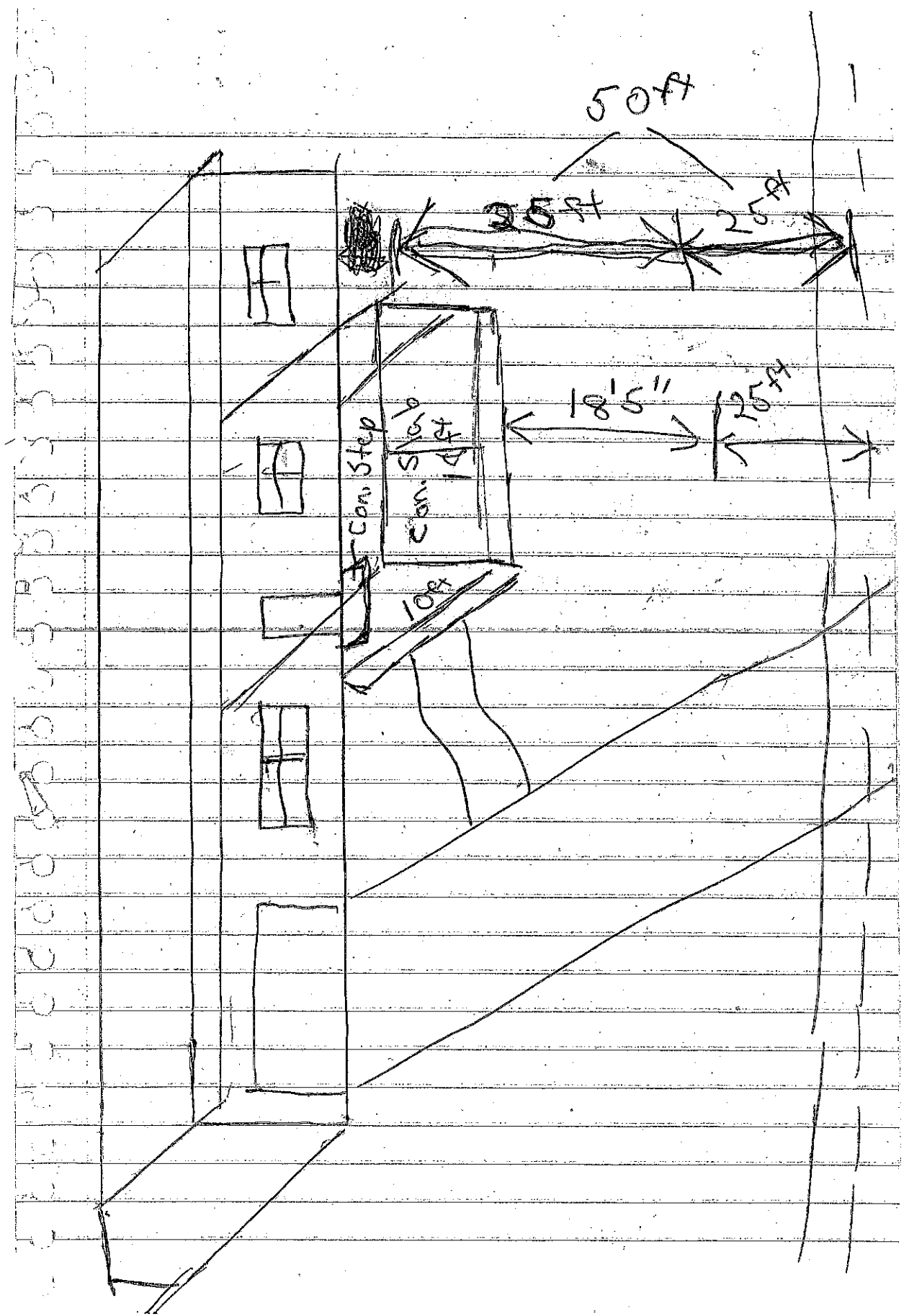
Signature: [Signature] Date: 1-3-24 ☐ Approval ☒ Refusal

Service Safety Director Comments:

Signature: [Signature] Date: 1/5/24 ☐ Approval ☒ Refusal

17 McGaffey Lane





January 9, 2024

Dear Variance Board,

Please consider my request for a zoning variance.

I would like to add a modest size covered front porch where only deteriorating uncovered concrete and brick stoop currently exists. There is currently no roof large enough to cover and protect the the front door, the main entrance into the house, where curb appeal and house value is all too important.

Not being able to add a modest 10ft x 18ft size covered front porch will make it difficult to enter and exit the home safely, especially in severe weather, when maneuvering wheelchairs, and most especially when I have elderly visitors, coming and going, such as myself—I am 90 years old. And importantly the porch roof will also protect the front door. The porch will be just large enough to place a couple of chairs and a table to sit and enjoy the outdoors.

Without a modest size front porch, the house cannot reasonably be seen and used in a way that one might expect, and consistent of what an ordinary house would have. Additionally, a main entrance with a covered porch, therefore, increases the value of my property as well as enhance the value and appearance of the neighborhood. I believe that being able to add a front porch is a reasonable request and consistent with other properties in the area.

I purchased the property to be my home; I am making a considerable investment in the neighborhood, by upgrading the house overall, with new and/or upgraded electrical, plumbing and HVAC systems, interior changes for the introduction and placement of new appliances, complete sealing and water proofing the crawl space with sum-pump, and the complete overhaul of a rear sunroom, the addition of additional attic insulation, and roof and gutter work. I believe to protect my sizeable investment, an attractive, modest size front porch for the reasons I have mentioned is not unreasonable, especially in a neighborhood that is in need of sprucing up.

Respectfully submitted,

Berry Dilly





Berry Dilley <brrydlly@gmail.com>

3 McGuffey Land

(no subject)

1 message

Pieta Steffens <pieta.steffens@gmail.com>

Thu, Jan 11, 2024 at 11:53 AM

Reply-To: pietasteffens@gmail.com

To: Berry Dilley <brrydlly@gmail.com>





Elmwood
Front

Berry Dilley <brrydlly@gmail.com>

(no subject)

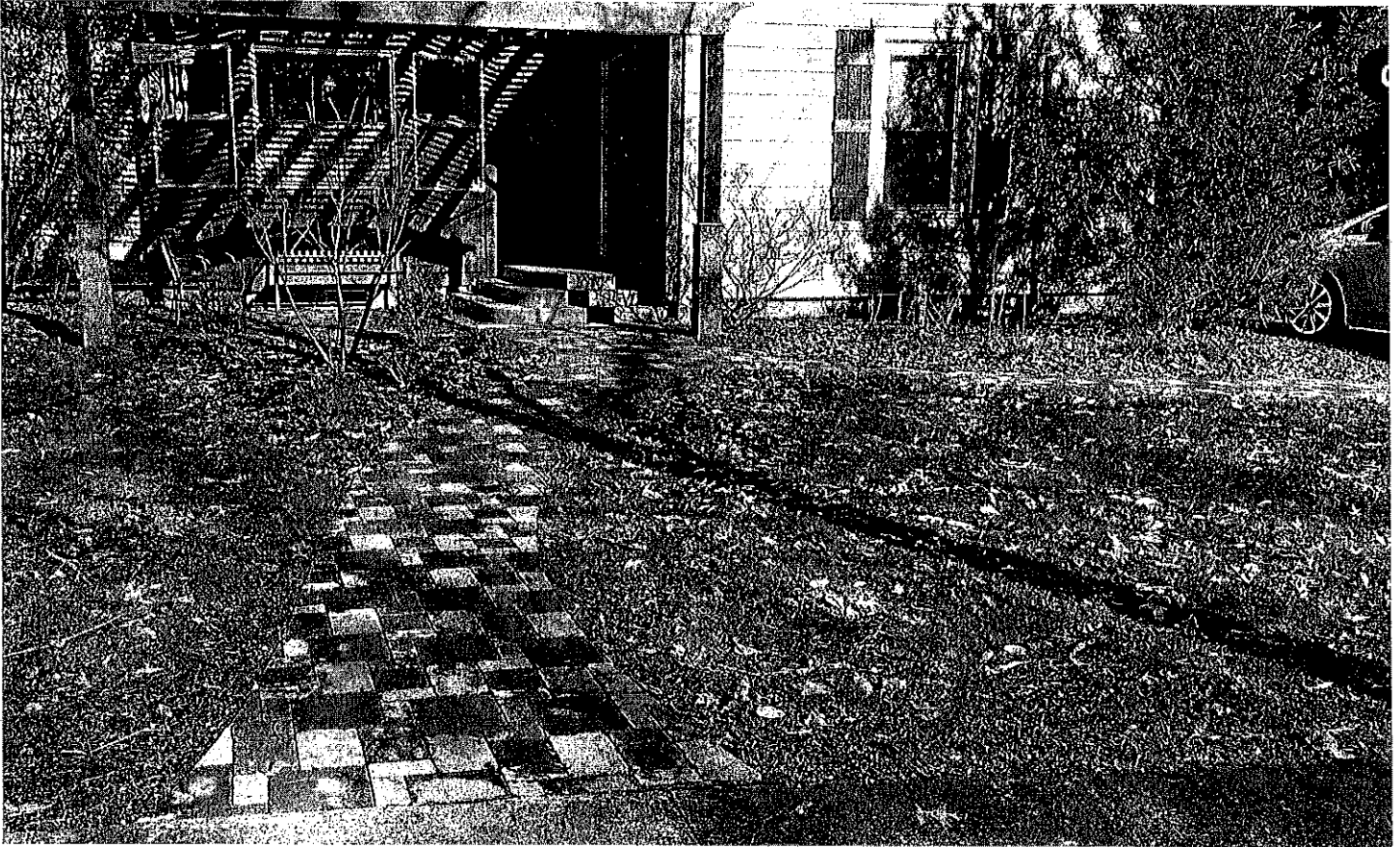
1 message

Pieta Steffens <pieta.steffens@gmail.com>

Thu, Jan 11, 2024 at 11:51 AM

Reply-To: pietasteffens@gmail.com

To: Berry Dilley <brrydlly@gmail.com>





①

Elmwood
to driveway

Berry Dilley <brrydilly@gmail.com>

(no subject)

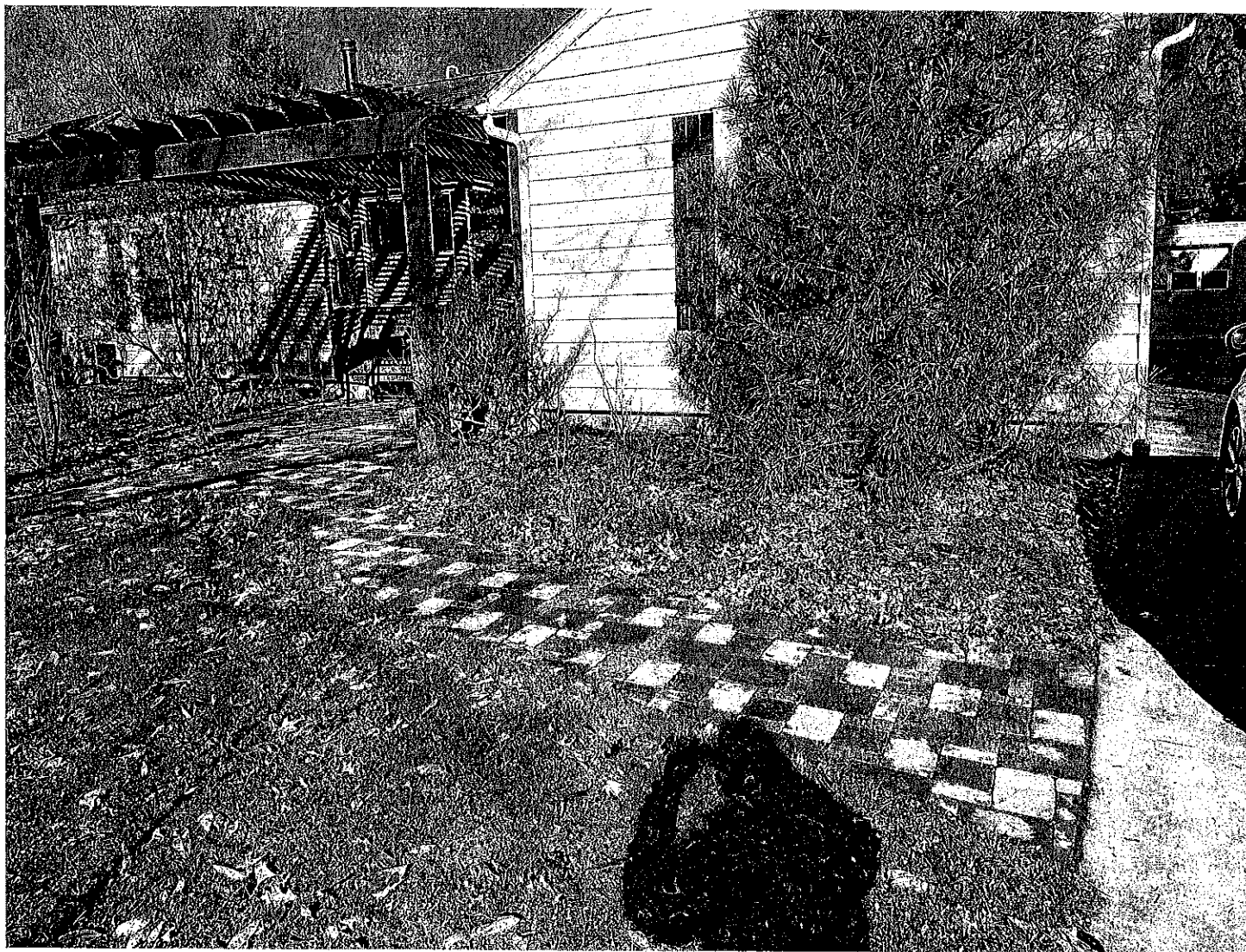
1 message

Pieta Steffens <pieta.steffens@gmail.com>

Reply-To: pietasteffens@gmail.com

To: Berry Dilley <brrydilly@gmail.com>

Thu, Jan 11, 2024 at 11:54 AM





⚡ ELWOOD

Berry Dilley <brrydlly@gmail.com>

(no subject)

1 message

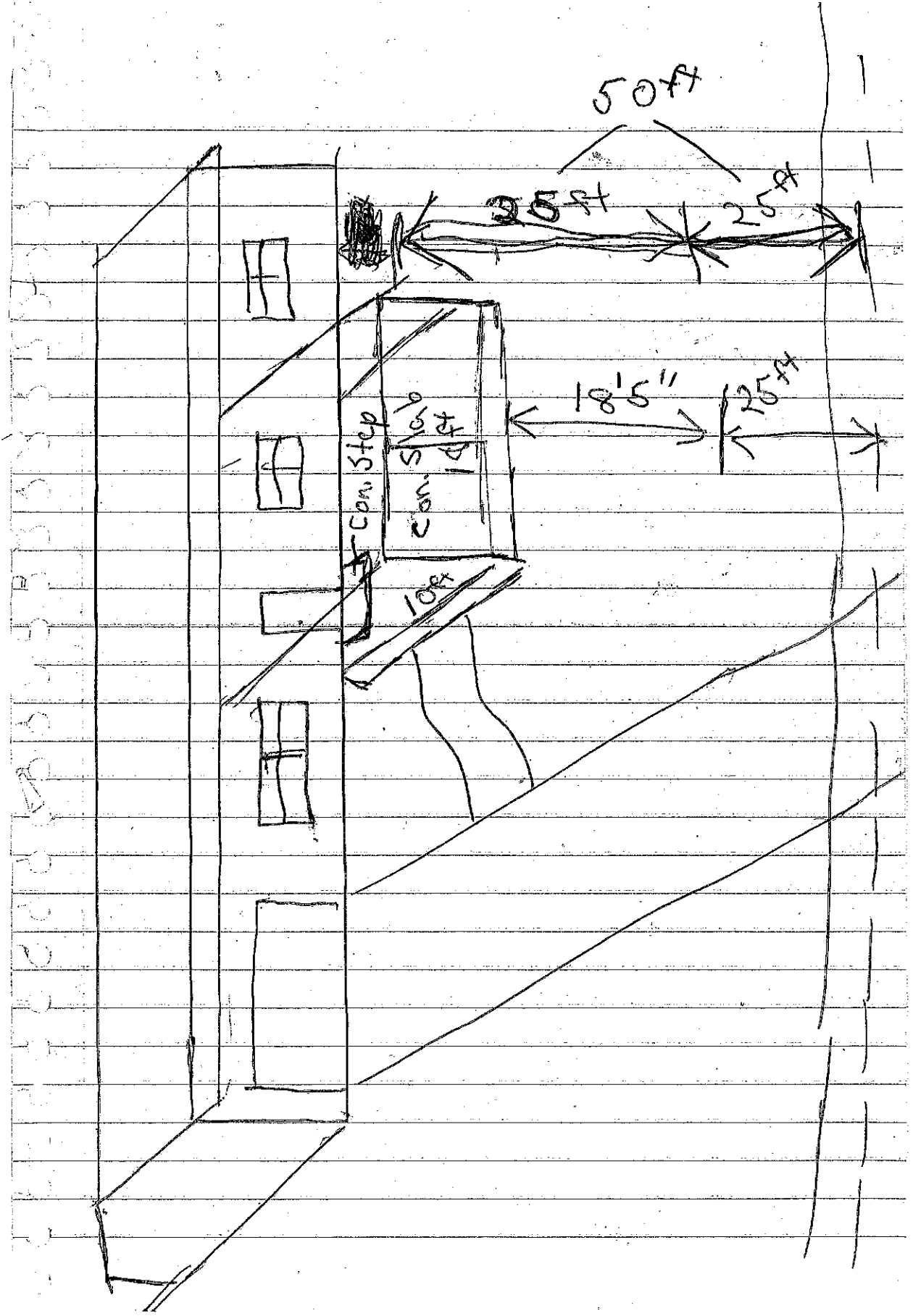
Pieta Steffens <pieta.steffens@gmail.com>

Thu, Jan 11, 2024 at 11:50 AM

Reply-To: pietasteffens@gmail.com

To: Berry Dilley <brrydlly@gmail.com>





**Office of Code Enforcement and
Community Development**

28 Curran Drive

Athens, OH 45701

(740)592-3306

(740)594-6304 Fax

<http://www.ci.athens.oh.us>



City of Athens

ATHENS, OHIO

**Board of Zoning Appeals
Minutes
December 12, 2023**

Members Present: Kay Tousley, Joe Krause, Ben Lachman (Voting Alternate), Paul Isherwood (Voting Alternate), Robert Delach (elected Chairperson)
City Officials Present: David Riggs (Zoning Administrator)

The meeting was called to order on December 12th, 2023 at 7:00 PM at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the Chairperson, Rob Delach.

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

Hearings:

1. Case #23-09V 5 Utah Place Zone R-1 Harold Tuten / Appellant

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

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

Chairperson asked if any members of the board had any questions for Mr. Riggs. Kay Tousley confirmed that the house takes up the entire width of the property. Mr. Riggs stated that one of the issues with these ordinances is that the code is intended for a typical lot and not for older lots that do not meet the minimum width of 66 feet. He explained that most of these lots are 40 feet wide and the house took up the whole front of the structure. Mr. Riggs then stated that it is hard for these older types of lots to accommodate this specific zoning requirement.

Chairperson asked if any other members had any questions.

No members came forward.

Chairperson asked the appellant to speak.

Harold Tuten, 3 Utah Place, stated that the property was going to be renovated and brought up to current code standards. Appellant stated that the property was originally

**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

built in 1955 and has undergone a lot of structural damage due to termites and light building applications. Appellant stated that he plans to renovate the property to make it fully electric and up to the current code. Stated that he would like to implement two charging stations for electric vehicles. Mr. Tuten stated that he would need these parking spaces as he is unable to charge the electric vehicles from the street. Appellant stated that traffic often crowds this street and by creating two new parking spaces, he would be helping ease the flow of traffic down this street. Appellant supplied a plot map and pointed out that with his new driveway he is still within 30%-60% lot coverage.

Chairperson asked if there was an addition to the home the Appellant was going to be implementing.

Appellant stated that if you look at the back, there is going to be a small sunroom for plants, however, he does not have the ability to do so now. Stated that he refers to it as the "sunroom."

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

Ben Lachman, while looking at the property map, asked the Appellant if in order to add a second concrete pad if the Appellant would need to take out a tree.

Appellant explained that there were some small ornamentals there that were really short. Stated that one of the problems he was having with this property was that he is unable to meet the minimum IBC requirements for drainage away from the property. Explained that he would physically have to put a swale in the front yard to get the flow off of the property and directed towards the storm drain. Explained that the drainage currently flows towards the house.

Paul Isherwood mentioned that site plan stated "remove driveway," and asked the Appellant if he is planning on removing part of the driveway.

Appellant explained that there is currently enough room in the driveway to park one car and that if he were to park two cars, then they would be on the sidewalk. Stated that he would implement the normal 20-foot curb cut and two-tenths wide parking spots.

Chairperson asked if there were any implications with the 20-foot curb cut.

Mr. Riggs stated that he checked with the city engineer and there are no implications.

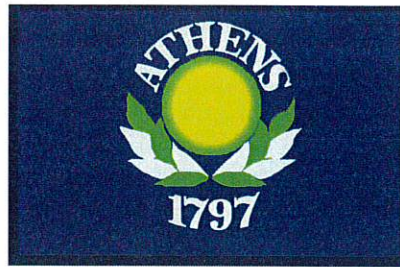
Chairperson asked if the work would be completed by the Appellant.

Mr. Riggs stated that work would be done by the Appellant.

**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

Ben Lachman asked Mr. Riggs about lot coverage and if it was consistent with what is required in the code.

Mr. Riggs stated that the lot coverage is consistent with the 30%-60% stated in the code.

Ben Lachman asked the Appellant if he has considered doing a partially permeable surface since he is increasing the coverage of lot, even though it already aligns with what is required by code.

Appellant stated that he has looked into partially permeable surfaces, however he is unsure of how that will drain at this specific property due to the existing topography of the ground.

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

No members came forward.

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

Dwight, 7 Utah Place, showed his support for the Appellant's request.

Chairperson asked if there was anyone else wanting to speak in favor of the Appellant.

No one came forward.

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

No one came forward.

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. It is harder for older properties to be in compliance with this specific portion of the code and there is a limit on the curb cut. The house is so wide that there is no way to build a driveway that could potentially lead up to a garage.

2.) HARDSHIP AND DIFFICULTY: Yes. You would not be able to have a two car driveway, as well as charging stations for electronic vehicles.

**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

- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes, there are many surrounding properties that have multi-car driveways. Other properties located in this area have as many parking spaces as they do tenants, as well as street parking, which this property does not have.
- 4.) MINIMUM VARIANCE:** Yes, the Appellant is only adding one space so it is a minimum variance.
- 5.) ABSENCE OF DETRIMENT:** No. The Appellant's neighbor showed his support for the variance. The variance would not affect any of the surrounding properties by affecting surface coverage.
- 6.) NOT OF A GENERAL NATURE:** No, it is very general.

On a motion by Kay Tousley, seconded by Paul Isherwood, the Board moved to grant a variance from ACC 23.08.01 to allow expansion of the driveway to create an additional parking spot located in the front setback.

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

2. Case #23-10V 810 East State Street Zone B-3 PSG Signs / Appellant

Appellants are requesting a variance from ACC 23.03.13 (I)(I)(i) to allow wall signs with a building setback of 3 feet 10 inches where 6 feet 3 inches is required.

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

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

Kay Tousley asked if Mr. Riggs he knew why this was in place. She continued to ask if it was for the aesthetic.

Mr. Riggs stated he does not know why they have it set up this way. He explained that he assumes it is this way so that they do not have to implement a sign that spans from one corner of the property to the other.

Paul Isherwood stated that he believes it is because they do not want to cover the entirety of the front of the property with a sign.

Chairperson asked if any other board members had any questions for Mr. Riggs.

**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

Chairperson asked the appellant to speak.

Ty Young & Deidra Lee, with PSG Signs, stated that they wanted to bring the signs in by 29 inches on each side.

Chairperson asked if the Appellants had any other important testimony or if they wanted to give any other reasons as to why the request should be viewed favorably.

The Appellants stated they wanted their signs to be 6 feet 3 inches to avoid overcrowding towards the center of the property. Stated that they have seen similar signs at other dealerships and that this signage is nothing new.

Chairperson stated how the Appellants mentioned Hyundai in particular has a preference in regards to how the signage looks.

Appellant stated that this is typical how dealerships prefer their sign layouts.

Chairperson asked the Appellant if the sign was already installed.

Appellant stated that this would be a new signage that has not been installed yet.

Ben Lachman asked if it is a lighted sign.

Appellant stated that they believe the sign is backlit.

Paul Isherwood asked the Appellant if there was any other reason aside from Hyundai as to why it is detrimental to have the sign six feet in.

The Appellant stated that he does not think that there would be another reason for positioning of the sign and that it was just the dealerships request. Appellant stated that the reason for the signage position is to avoid overcrowding that could hurt the dealerships advertising.

Ben Lachman asked the Appellant if they could reduce the size of the signage instead.

The Appellant stated that reducing the size of the sign is not an option. The Appellant explained that if they were to reduce the size of the sign to comply with the offset that the city requires, then the lettering would be too small.

Paul Isherwood stated that the width of the building goes back 61 feet and that there would still be a significant gap between the two signs.

**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

The Appellant stated that the signs would not be right next to each other in this situation, but that they would still be too close together.

Ben Lachman asked for clarification regarding Hyundai and Don Wood, and what would happen if this variance got denied.

The Appellant stated that they would need to go back to Don Wood and discuss with Don Wood what their next steps are.

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.

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.

John Katowski, 14 Northwood Drive, spoke in general comment, stating that the city grants too many variances.

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

No one came forward.

Chairperson closed the floor to discussion.

Ben Lachman asked if every aspect of the sign was in code besides the setback.

Mr. Riggs said that everything else about the sign was in compliance aside from the setbacks on each side.

Joe Krause clarified with Mr. Riggs that the setback was 29 inches.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: No.**
- 2.) HARDSHIP AND DIFFICULTY: No. There is not any that has been demonstrated.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: No, it is the opposite.**

**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

- 4.) MINIMUM VARIANCE: No, they can use the property with the sign conforming to code.**
- 5.) ABSENCE OF DETRIMENT: Yes, it aesthetically works.**
- 6.) NOT OF A GENERAL NATURE: No.**

On a motion by Joe Krause, seconded by Kay Tousley, the Board moved to grant a variance from ACC 23.03.13 (I)(I)(i) to allow wall signs with a building setback of 3 feet 10 inches where 6 feet 3 inches is required.

The Chairperson called for a vote: 0 votes for— 5 against (Isherwood, Tousley, Delach, Lachman, Krause,). Motion denied.

3. Case #23-11V 23 Ohio Avenue Zone R-1 Russell Morrow/ Appellant

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

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

Chairperson asked the appellant to speak.

Russel Marrow, 23 Ohio Ave- Appellant stated that he and his wife purchased the property in February and stated that they have a 2, now 3, year old that likes to run around and play in the backyard. Stated that if you walk out the back door of the property, Ohio Avenue is perpendicular to the backside of the house. Stated that due to the property's location near the intersection of Ohio and Watt, a fence would be needed to ensure the safety of their child. Explained how the family is worried about cars turning the corner and stated that family sees cars hitting the curb. Appellant stated that Lowe's contracted out the fence and told the Appellant that he had nothing to worry about in regards to code. The fence is already installed. Explained how their garage is off of Watt Avenue, their front door faces Ohio Avenue, and the steps leading up to the property face Watt Avenue. Explained that the fence goes along Ohio Avenue and doesn't look like it is installed in the front of the house.

Chairperson asked if the fence is installed in only half of the yard.

Appellant confirmed that the fence is only in half of the yard.

Chairperson asked if there were two lots.

Appellant stated it is two lots.

**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

Chairperson asked if the appellant had anymore comments before the board begins their questioning.

Appellant restated his main points regarding safety.

Ben Lachman asked where the 10 feet is being measured from.

The Appellant stated that the 10 feet is being measured from the middle of Ohio Avenue to the setback.

Chairperson asked Mr. Riggs to clarify the measurements.

Mr. Riggs stated that the Code Office worked with the applicant and stated that what the Appellant is requesting, a 10 foot setback where 25 feet is required, is from the right of way.

Ben Lachman asked if it was from the edge of the right of way and not from the center of the street.

Mr. Riggs said that statement was correct.

Joe Krause asked what kind of fence this was.

The Appellant explained that the fence is a white picket fence that is four feet tall.

Chairperson explained that the pickets have gaps between them and you can easily see in and out of the fence.

Ben Lachman asked if the Appellant needs to fix the fence to be in compliance with code, if that financial responsibility would fall back on the contractor.

The Appellant answered potentially – he would have to go back and look at the contract.

Paul Isherwood asked if the Appellant had to move the fence, would that still leave him with space.

Appellant stated that with the two lots and the way the fence is situated, he would still have a decent sized, enclosed backyard area.

Chairperson expressed his appreciation for the design of the fence as it is very open and does not disclose the property from that of its neighbors.

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

**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

Mr. Riggs stated that he was looking at the parcel on the Athens County Auditor's website. Mentioned how the side of the house to where the end of the fence is, is 18 feet and another 10 feet till the property line. Stated that the property line is just behind the sidewalk. Explained that the 10 feet is from the right of way from the property line and not from the street or the curb.

Chairperson asked the Appellant if there was anything else he wanted to add.

The Appellant declined.

Joe Krause asked the Appellant if he has discussed the fence with his neighbors.

Appellant stated that his neighbors liked it. Explained that the property directly next to where the fence is installed mostly vacant, however, sometimes people live there. Added that his property does not have consistent neighbors.

Chairperson asked for clarification regarding the design of the fence. Asked if the Appellant matched the fence up to meet the property line of his neighbors / their fence.

Appellant said that was correct. Stated that the fence comes right up to where the property lines meet.

Chairperson asked if the neighbors already had a fence.

Appellant stated that the neighbor's fence goes all around the back of the property.

Paul Isherwood asked if the Appellant built the fence where the neighbor's fence stopped.

Appellant stated that was correct. Said he didn't feel the need to pay for another half of the fence when there was already part of the fence that was established.

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

No one came forward.

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.

No one came forward.

Chairperson closed the floor for discussion.

**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

Joe Krause asked the Appellant if Lowe's made the contract or if the Appellant just bought the materials from Lowe's.

Appellant stated that Lowe's did the work with the contractor. Stated that Lowe's brought the contractor in.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes. The parcel layout is an exceptional circumstance.**
- 2.) HARDSHIP AND DIFFICULTY: Yes. The fence is already built so making modifications would be difficult. Additionally, if the Appellant were to modify the fence to align with what is required in the code, then the Appellant would lose a significant amount of backyard space.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes. Most homes would be able to install this fence, however, since this property is a corner lot, it makes it difficult for the residents to enjoy the same property rights of other properties in the area.**
- 4.) MINIMUM VARIANCE: Yes, it is a ten foot setback. The position the fence is in is setback enough and is aesthetically pleasing.**
- 5.) ABSENCE OF DETRIMENT: No. There is no absence of detriment.**
- 6.) NOT OF A GENERAL NATURE: Yes, the corner lot makes this situation pretty specific.**

On a motion by Ben Lachman, seconded by Paul Isherwood, the board moved to grant a variance from ACC 23.03.14 to allow a fence with a 10 foot setback where 25 feet is required.

Chairperson called for any last discussion.

No one spoke.

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

4. Case #23-12V 206 Columbus Road Zone B3 Cooper Signage & Graphics/Appellant

Appellants are 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 feet is the maximum permitted, and a height of 6 & 6.5 feet where 3 feet is the maximum height permitted.

**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

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

Chairperson clarified with Mr. Riggs how wide the right of way is on this street.

Mr. Riggs stated the right of way is 150 feet. Mr. Riggs also stated that the road used to be a state route prior to when they did the bypass. Explained that the city is making a bikeway in front of the hospital and all along Columbus Road. Stated that he didn't want the signs to impose on the proposed bike path plans.

Paul Isherwood asked if the code required smaller signs for smaller buildings.

Mr. Riggs explained that the code regarding directional signage is generic, and that the hospital would need a larger sign so that medical personnel and patients know where to go – especially in the case of a medical emergency.

Paul Isherwood asked if there wasn't issue with the fact the most of the sign is the hospital's logo, rather than directional cues.

Mr. Riggs replied "yes."

Ben Lachman clarified with Mr. Riggs that there are 3 different sign locations.

Mr. Riggs stated that there were actually four signs; one is a typical monument sign and the other three are directional signage.

Chairperson asked Mr. Riggs if the monument sign was up to code.

Mr. Riggs explained that the monument sign has already been approved.

Chairperson asked if the board had any more questions for Mr. Riggs.

No one came forward.

Chairperson asked the Appellant or the representative to speak.

Robert Smith, Cooper Sign & Graphics- Appellant stated that they are asking for the variance for 3 signs due to the size of the project. Explained the importance of directional cues regarding vehicular traffic and medical personnel. Stated that two of the signs are on Columbus road and that one of the signs is set in from the road, but needs a permit since it is still visible from the road.

Chairperson asked the Appellant to guide the board as to why the request should be viewed favorably. Asked the Appellant if there were any other details they wanted to provide.

Appellant stated that one of the main questions is why the logo is so big on the sign. The Appellant explained that it was part of the Marietta (company) brand standards. Stated

**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

that size of the sign would be beneficial in the future if the hospital decided to add more directional cues.

Paul Isherwood clarified his question as to why the logo on the sign was large. Mr. Isherwood asked the Appellant if there were future development plans for the company.

Appellant stated that was out of his jurisdiction. Stated that his company looks into the future and that the size of the sign would be beneficial to Marietta in the future if the hospital wanted to add more listings.

Mr. Riggs stated that he has been in communication with Marietta Hospital and stated that they have mentioned adding more to the development in the future, both vertically and horizontally.

Ben Lachman clarified that the signs fronting on Columbus Road are illuminated but the one internally is not illuminated.

Appellant stated that was correct.

Ben Lachman asked the Appellant if he knew the reasoning behind illuminated and not illuminated.

Appellant stated that when the ambulance or other vehicles shine their lights on the sign, that's what pops. Stated that the other sign is set in enough that it had no need to be illuminated.

Chairperson asked the Appellant if the fourth sign is more about the loading zone and directing other services coming in.

Ben Lachman stated that this sign was also for the ambulance coming in.

Paul Isherwood asked if there were four signs.

Ben Lachman stated that there are four signs, however, one has already been approved.

Chairperson voiced his concern about the logo taking up around two-thirds of the signage.

Appellant stated that this was necessary for future development, as well as allowing people to know where they are at. Explained that the size of the sign was important as it allows for a bigger font that people can read from further away.

Chairperson voiced his concerns about the size of the signs, stating that it could be a safety concern if it impedes people's vision while exiting the hospital. Additionally stated that if the city were to follow through with the bike path, then the signage could potentially impede visibility of pedestrians or cyclists on the path. Stated he would like to know how far these signs are from the road and the right of way.

Appellant stated that he was unable to answer those questions at this time.

**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

Mr. Riggs stated that if the board granted the variance then Code Office would make sure that the signs are not in the city's right of way. Explained that the signs would be pretty far back.

Chairperson asked if anyone had any further questions for the Appellant.

No one came forward.

Chairperson asked if there was anyone who wanted to speak in favor of this request.

No one came forward.

Chairperson asked if there was anyone wanting to speak in general comment.

John Katowski, 14 Northwood Drive- Voiced his concerns about alternative transportation safety, specifically in regards to the signage and reducing visibility.

Chairperson asked if there was anyone wishing to speak in opposition.

No one came forward.

Chairperson asked the board if they had any questions prior to deliberating.

Ben Lachman asked Mr. Riggs if the illumination was necessary and if it is something that they can specify in their variance.

Mr. Riggs explained that there code requirements for light trespass- meaning that the company can illuminate on their property and will need to provide an illumination plan showing where that light will fall. Stated that code will check the lighting to ensure that the company is not exceeding a foot candle of 0.1.

Ben Lachman asked if the board could include illumination stipulations in the variance.

Mr. Riggs stated that was correct. Explained that illuminated signs are allowed by code and that the company would not need to get a variance for an illuminated sign.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes. Similar facilities have more setback space and have more flexibility when it comes to directional signage. The setback and flood zones restrict what can be done on this property. Large medical building on a very busy street.**
- 2.) HARDSHIP AND DIFFICULTY: Yes there is a lot of busy traffic. Need to get visitors to where they need to be safely and efficiently. Thoughtful signage would be needed to implement this.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: No. Other nearby property owners have smaller signage.**

**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

- 4.) MINIMUM VARIANCE: No. The signs could have been made smaller as the logo takes up around two-thirds of the signs.**
- 5.) ABSENCE OF DETRIMENT: No, there is not absence of detriment.**
- 6.) NOT OF A GENERAL NATURE: Yes it is very specific to the property.**

On a motion by Paul Isherwood, seconded by Kay Tousley, the board moved to grant 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 feet is the maximum permitted, and a height of 6 & 6.5 feet where 3 feet is the maximum height permitted.

Chairperson called for any last discussion.

No one spoke.

The Chairperson called for a vote: 4 votes for (Isherwood, Delach, Tousley, Krause) – 1 against (Lachman). Motion Passed.

OTHER BUSINESS:

Approval of Minutes from:

October 10th, 2023: Joe Krause moved to approve the minutes, Robert Delach seconded the motion. Approved by Joe Krause, Kay Tousley, and Robert Delach. Ben Lachman abstained.

Chairperson adjourned the meeting at 8:45 PM.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date