

**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 #24-02V

ADVERTISEMENT

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

TO: The Athens Messenger

Insert the following legal notice on **March 30, 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, April 9, 2024, at 7:00pm** on the following described property:

123 Morris Avenue
Zone R1 Case #24-02V

Appellant is requesting a variance from ACC 23.10.01 Table A to allow 34% building lot coverage where 30% is the maximum allowed.

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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City of Athens
ATHENS, OHIO

March 28, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
123 Morris Avenue
has been assigned Board of Zoning Appeals **Case #24-02V**

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, April 9, 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

March 28, 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

Matthew Cooke / Appellant
For property located at
123 Morris Avenue

Appellant is requesting a variance from ACC 23.10.01 Table A to allow 34% building lot coverage where 30% is the maximum allowed.

This case has been assigned
Case #24-02V

This meeting has been scheduled for **Tuesday, April 9, 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

123 Morris Avenue – Case #24-02V – adjoining properties and owners

44 E Stimson Avenue

Marked Properties
PO Box 1152
Athens, OH 45701

17 Campbell Street

Do What is Right LLC
3225 McLeod Dr Ste 777
Las Vegas, NV 89121

40 E Stimson Avenue

Nicholas Hoffman
355 East Main Street
Lancaster, OH 43130

125 Morris Avenue

Owen Leonard
25 Euclid Dr
Athens, OH 45701

121 Morris Avenue

Brian Baker
PO Box 391
Athens, OH 45701

120 Morris Avenue

David Christopher Ingram
120 Morris Ave
Athens, OH 45701

124 Morris Avenue

Robert David Delach
124 Morris Ave
Athens, OH 45701

126 Morris Avenue

Joseph Gingerich
126 Morris Ave
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-02
Date Rec'd 3/22/24

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

APPLICANT: Matthew Cooke PHONE # 740-591-6621
ADDRESS: 76 S. Shannon Athens
OWNER: Cory Crawford
ADDRESS: 123 Morris Ave Athens
PROPERTY ADDRESS: 123 Morris Ave Athens
ZONE: R1

I, THE UNDERSIGNED, MATTHEW COOKE, CORY CRAWFORD

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR

DATED 3/22/2024

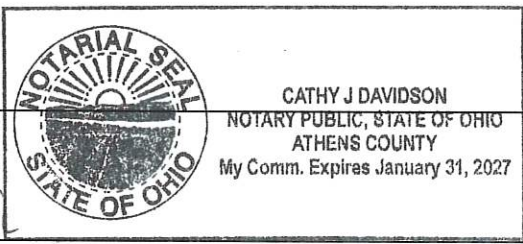
FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT

123 Morris Ave Athens OH 45701

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

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

[Signature]
APPLICANT
[Signature]
NOTARY PUBLIC, OHIO



[Signature]
PROPERTY OWNER (IF OTHER THAN APPLICANT)

[Signature]
NOTARY PUBLIC, OHIO



March 21, 2024

Re: Appeal From a Decision of the Zoning Administrator

Property: 123 Morris Ave, Athens, OH 45701

Owner: Cory Crawford

Applicant/ Builder:

Matthew Cooke
76 S. Shannon Ave.
Athens, OH 45701
matthewrcooke@gmail.com
740-591-6221

Owner: Cory Crawford
123 Morris Ave.
Athens, OH 45701
crawfoc1@ohio.edu
740-517-8081

To Whom it May Concern:

It is the hope of the Crawfords to replace an old, detached accessory structure with a new outbuilding, and at the same time to build a small attached deck on their house. The existing structures fall within the parameters of lot coverage limitations but sit approximately 2.5 feet on the city's right of way; the new structures would be fully on their property and would conform to all building requirements except one: they would exceed the lot coverage limitations by 4 percent. Instead of covering 30 percent of their lot with structures, they are requesting a variance to cover 34 percent.

It is important to mention that although the Crawfords are hoping to exceed their structure coverage limits by 4 percent, they will be well under their total lot coverage limitations--when considering sidewalks and parking areas, they will be covering a total of 40 percent, well below the 60 percent limit. In addition, they are replacing a decrepit old structure with a new one, more or less in the same location, with the exception of moving the structure off of city property. Because they are replacing a structure with a structure and keeping it within their own property boundaries there is no detriment to permitting this project, and a net benefit for the city.

The new proposed outbuilding is slightly larger than the existing garage, the purpose of which is to maximize the function of the new structure. Receiving a variance for an additional 4 percent

of lot coverage is the minimum request that still allows them the full use of their property in the manner that suits them.

Thank you for consideration, and we look forward to meeting with you at your next meeting to discuss the project.

Matthew Cooke, Applicant / Builder

A handwritten signature in blue ink, appearing to be 'MC' with a flourish.

Cory Crawford, Property Owner

A handwritten signature in blue ink, appearing to be 'CC' with a flourish.

**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**

March 08, 2024

To: Matthew Cooke
Applicant Address: 76 South Shannon Ave Athens, OH 45701

To: Cory Crawford
Owner Address: 123 Morris Ave
Athens, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 123 Morris

Application Date: 02/23/2024

For: Zone R1 / replace garage, add deck

Decision Detail: *Your request for a Zoning Construction Permit has been refused in accordance with the application submitted and ACC 23.10.01 Table A - asking for 34% lot coverage for buildings where 30% is the maximum allowed.*

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 #: ZNC24-000007

REFUSAL

Permit Type: Residential
Use of Building: Residential

Project Address: 123 Morris

Applicant:

Matthew Cooke Matt Builds LLC
Phone: (740) 591-6221

76 South Shannon Avenue
Athens, OH 45701

Property Owner:

Cory Crawford
Phone: 740-517-8081

123 Morris Ave
Athens, OH 45701

Description of Proposed Use/Scope of Project: Zone R1 / replace garage, add deck

Decision Detail: Your request for a Zoning Construction Permit has been refused in accordance with the application submitted and ACC 23.10.01 Table A - asking for 34% lot coverage for buildings where 30% is the maximum allowed.

Estimated Value of Improvement: \$90,000.00 **Sq. Footage of New Construction or Addition:** 510

Existing number of parking spaces: 2 **Proposed number of parking spaces:** 2

Setbacks (as indicated on drawing): Front: 73 + Rear: 10' Left: 15' Right: 5'

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

03/08/2024

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

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 # 21231-0000007
Date Rec'd 2/23/2024

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 Matthew Cooke Phone 740-591-0221
Address 123 Morris Ave. 76 S. Shannon Ave. Athens, OH 45701
Property Owner (if other than applicant) Cory Crawford Phone 740-517-8081
Address 123 Morris Ave. Athens, OH 45701

ZONING

Address of Proposed Work 123 Morris Ave. Athens, OH 45701
Description of Proposed Work: New ☐ Alteration ☐ Accessory ☒
Project Description Garage outbuilding / Deck
Estimated Cost of Project \$90,000 Proposed Square Footage 510

Must be registered with the City of Athens.

*General Contractor Matthew Cooke License # _____
*Electrician (if applicable) Curtiss Electric License # _____
*Plumber (if applicable) Keirns License # _____
*HVAC (if applicable) Dowler Heating & Cooling License # _____

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

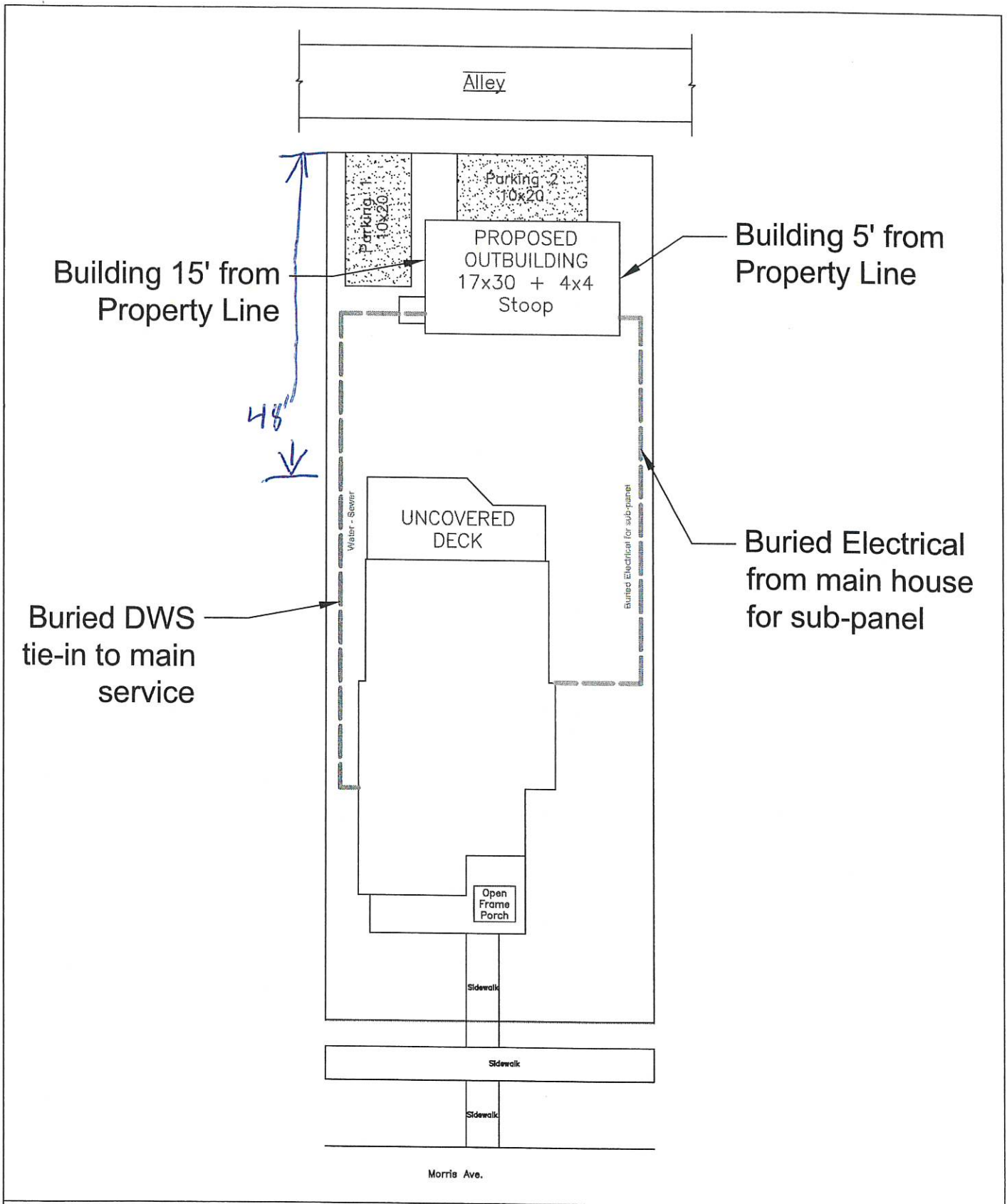
Applicant Signature [Signature] Date 2/23/24
Owner Signature _____ Date _____

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

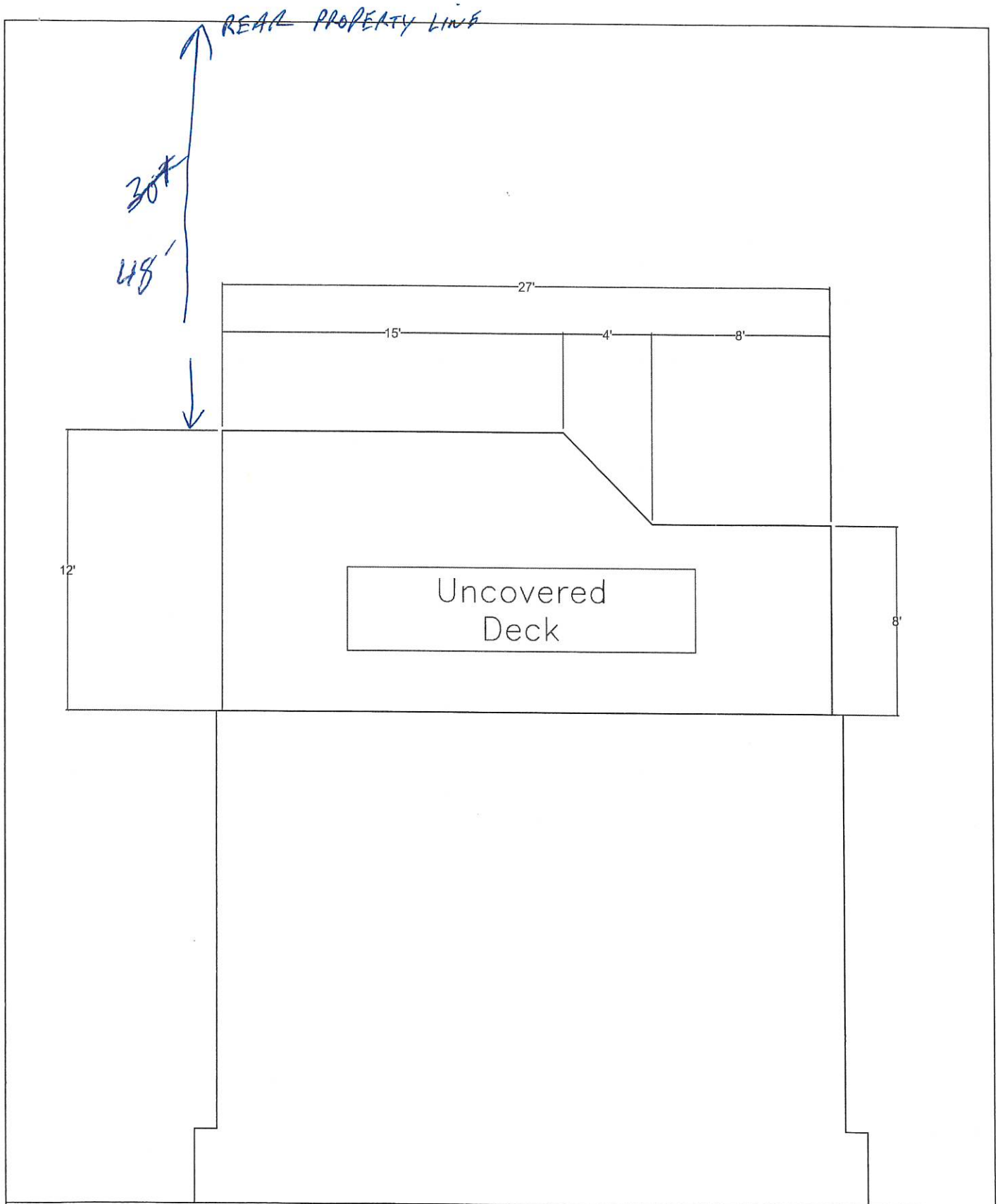
- | | | | |
|--|---|--|---------------------------------------|
| ☐ Title 41 / PUD Approval | ☐ Water Tap (Calculations EPW) | ☐ Fire Separation Drawing | ☐ Flood Hazard |
| ☐ Shade Tree Commission | ☐ Sanitary Sewer Tap | ☐ Address Assignment | ☐ Wellhead |
| ☐ Land Development | ☐ Storm Sewer Tap |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

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

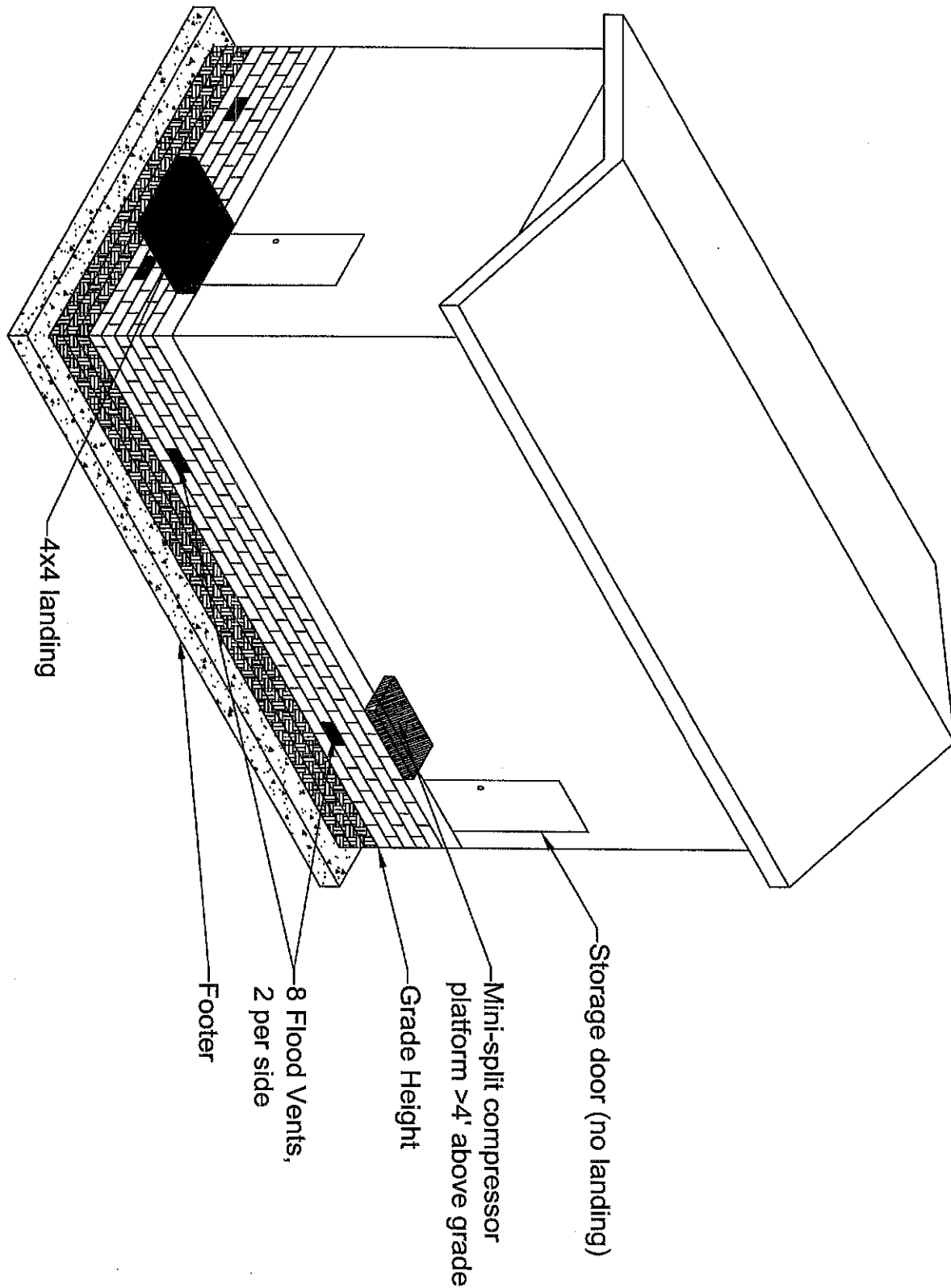
Zone: R-1 (For Office Use Only) Flood Plain: YES Parcel Number: A027130003400
Setbacks: Front: A: 73' R: 25' Rear: A: 10' R: 5' Left: A: 15' R: 5' Right: A: 5' R: 5'
Building Lot Coverage: A: 34% R: 30% Total Lot Coverage A: 40% R: 60% Building Height: A: 2 R: 2.5
Exg. # of Parking Spaces: 2 Proposed Spaces: 2 Required: 2 Total: 2
Code Officer Comments: REFUSED ACC 23.10.01 TABLE A - ASKING FOR 34% LOT COVERAGE FOR BUILDINGS
Signature: Brian J Zoubel Date: 3-1-2024 Recommend: ☐ Approval ☒ Refusal ONLY ALLOWED 30%.
Zoning Administrator Comments: _____
Signature: [Signature] Date: 3-6-24 ☐ Approval ☒ Refusal
Service Safety Director Comments: Refer to BZA
Signature: [Signature] Date: 3/6/24 ☐ Approval ☒ Refusal



View: PROPOSED LOT PLAN 123 MORRIS AVE.	Drawn by: Cory Crawford & Matthew Cooke	Date: 18 Feb 24
Project: 123 Morris Ave Outbuilding Construction	Builder: Matthew Cooke	Note: proposed = 34% cvg.



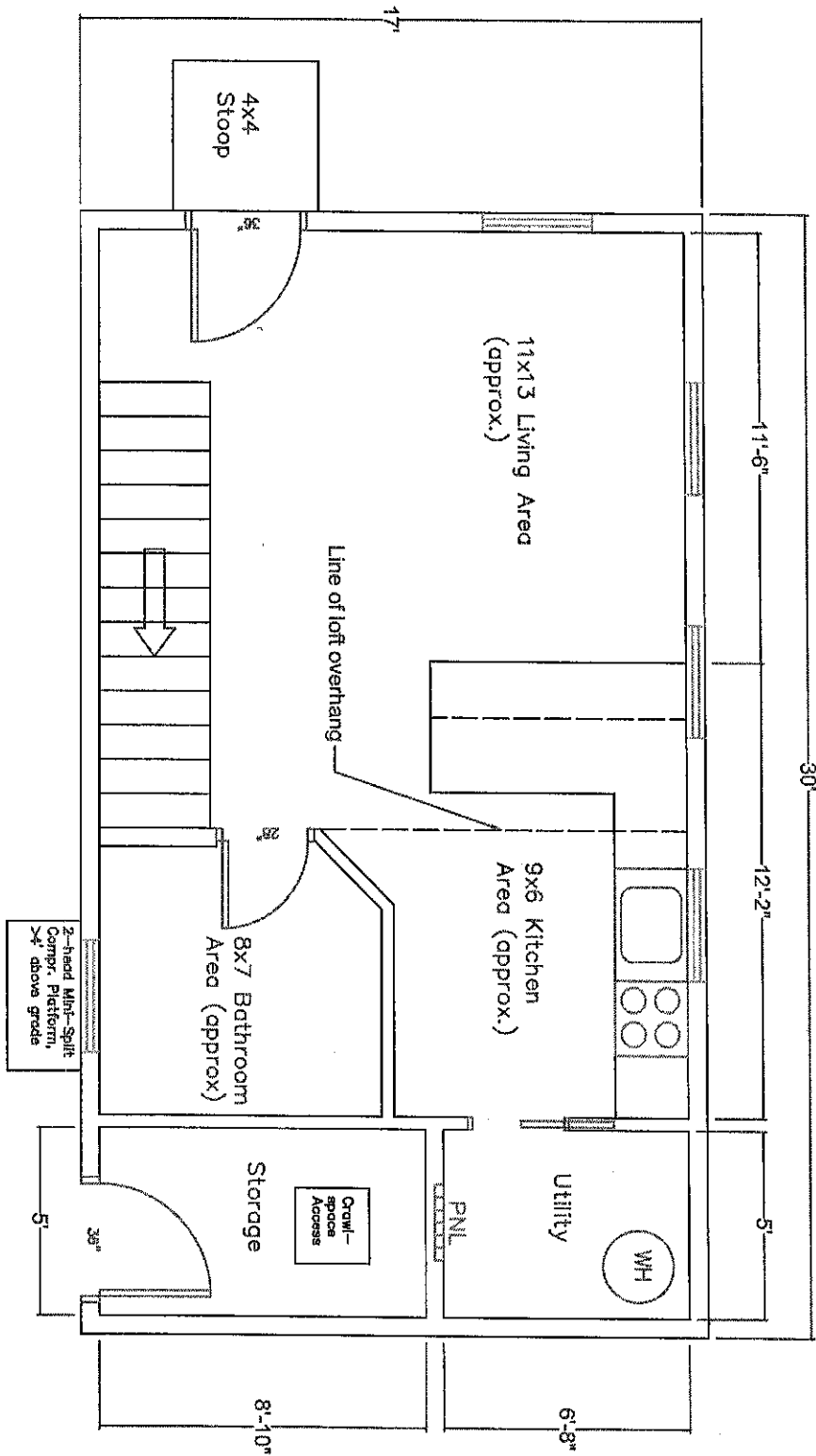
View: DECK DETAIL	Drawn by: Cory Crawford & Matthew Cooke	Date: 18 Feb 24
Project: 123 Morris Ave Outbuilding Construction	Builder: Matthew Cooke	Note:



View: 123 Morris Outbuild Basic Isometric	Drawn by: Cory Crawford & Matthew Cooke	Date: 18 Feb 24
Project: 123 Morris Ave Outbuilding Construction	Builder: Matthew Cooke	Note:



GROUND FLOOR



View: Ground floor outbuilding layout

Drawn by: Cory Crawford & Matthew Cooke

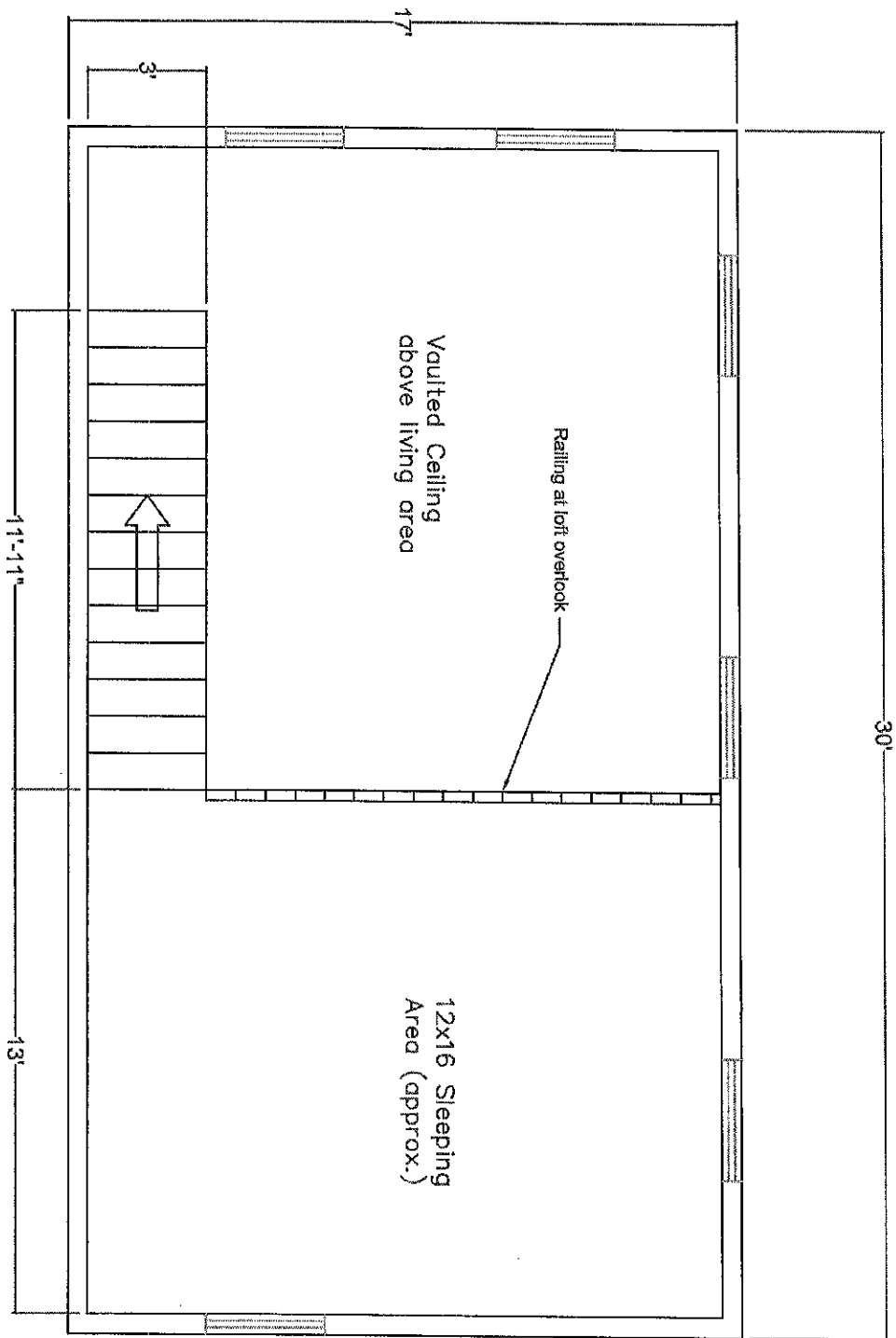
Date: 18 Feb 24

Project: 123 Morris Ave Outbuilding Construction

Builder: Matthew Cooke

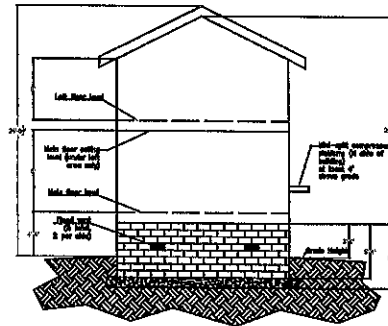
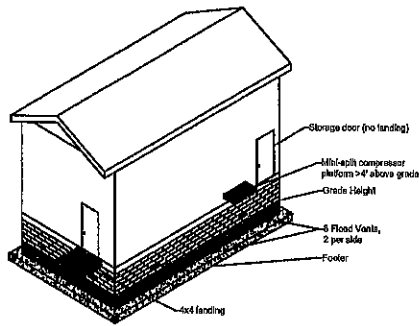
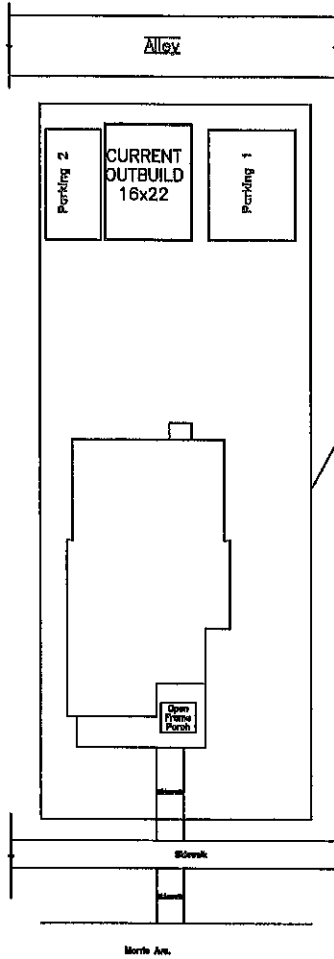
Note:

UPSTAIRS LOFT

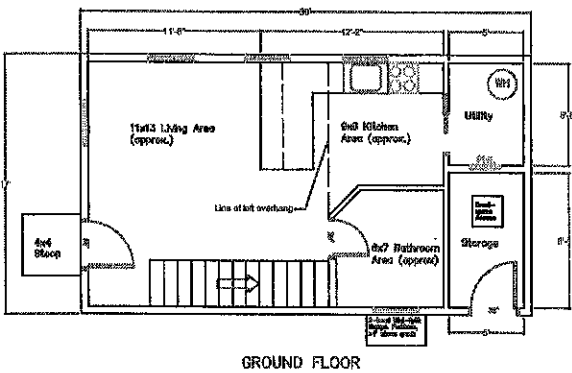
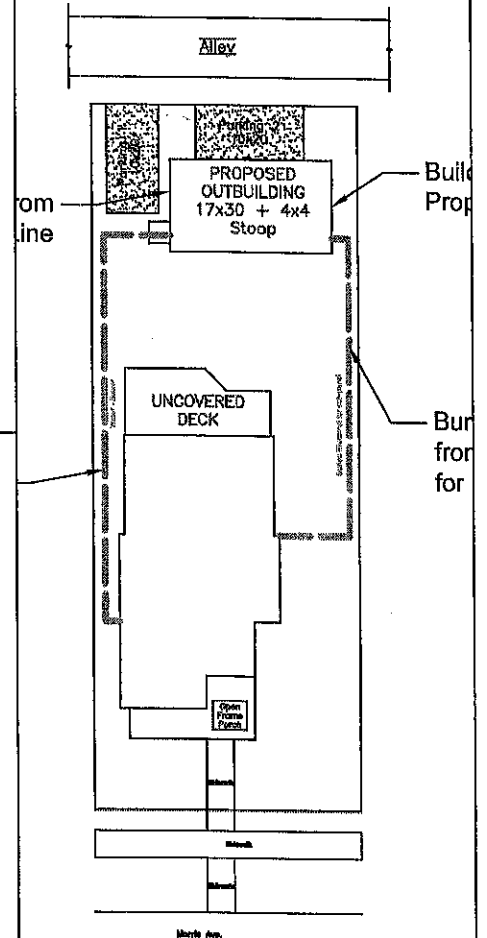


View: Outbuilding Loft Layout	Drawn by: Cory Crawford & Matthew Cooke	Date: 18 Feb 24
Project: 123 Morris Ave Outbuilding Construction	Builder: Matthew Cooke	Note:

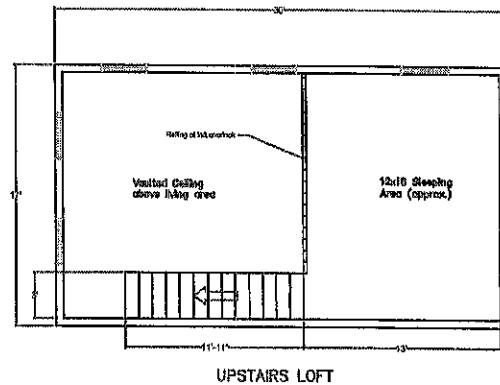
CURRENT



PROPOSED



GROUND FLOOR



UPSTAIRS LOFT

View: COVER PAGE

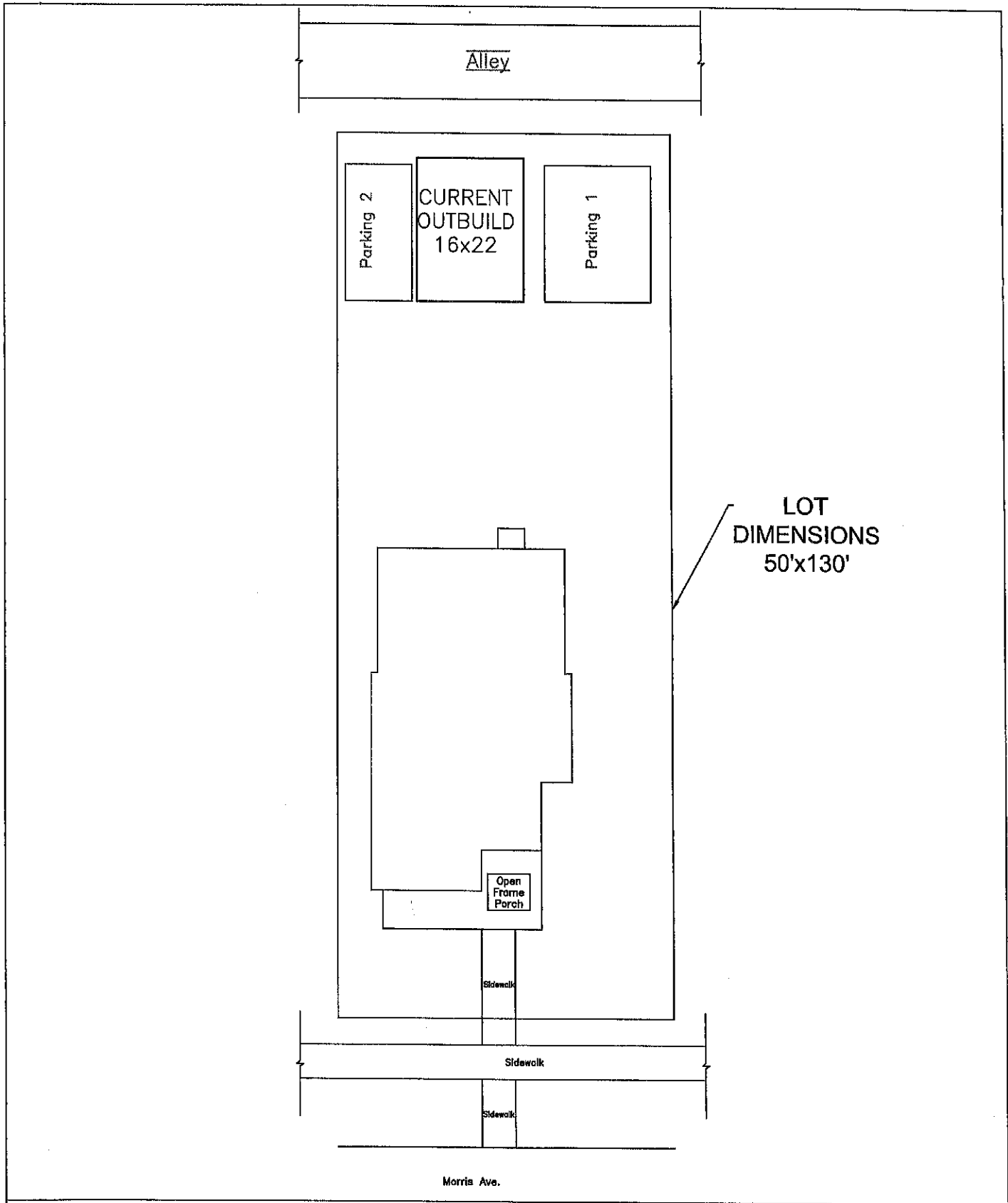
Drawn by: Cory Crawford & Matthew Cooke

Date: 18 Feb 24

Project: 123 Morris Ave Outbuilding Construction

Builder: Matthew Cooke

Note: proposed = 34% cvg.



View: CURRENT LOT PLAN 123 MORRIS AVE.	Drawn by: Cory Crawford & Matthew Cooke	Date: 18 Feb 24
Project: 123 Morris Ave Outbuilding Construction	Builder: Matthew Cooke	Note:



Jill A. Davidson

County Auditor | Athens County, Ohio

SEARCH MAPS INFO FORMS TOOLS

Parcel, Owner, House# and St Name

Parcel

A027130003400

(520) R - TWO FAMILY DWELLIN...

Owner

CRAWFORD CORY D REBEKAH PERKINS

SOLD: 5/19/2010 \$159,000.00

Address

123 MORRIS AVE

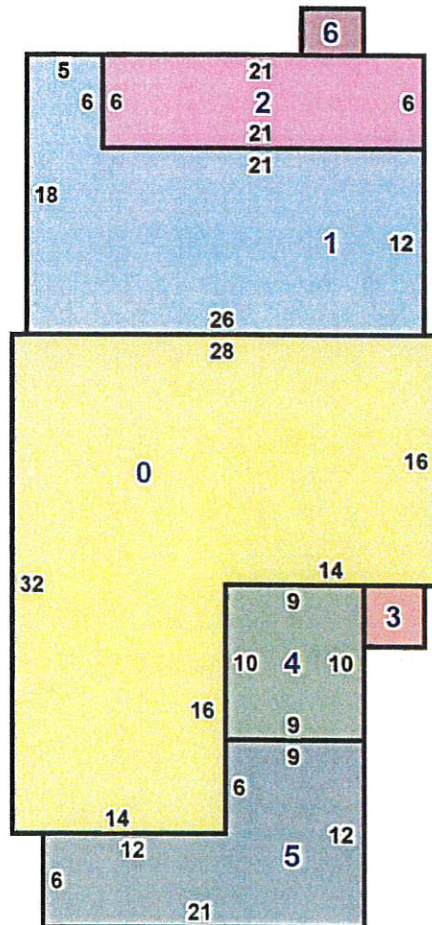
ATHENS CSD

Appraised

\$240,910.00

ACRES: 0.000

Sketches



0	Main Building 672 sqft
1	FRAME 342 sqft
2	FRAME 126 sqft
3	MAS STOOP/TERRACE CANO 16 sqft
4	FRAME 90 sqft
5	OPEN FRAME PORCH 180 sqft
6	WOOD DECKS CANOPY 12 sqft

[EagleView](#)

Mini Map

MAPS





CLICK TO INTERACT



Jump To



PRC

Location

Parcel	A027130003400
Owner	CRAWFORD CORY D REBEKAH PERKINS
Address	123 MORRIS AVE 
City / Township	ATHENS TWP
School District	ATHENS CSD

Deeded Owner Address

Mailing Name	CRAWFORD CORY D REBEKAH PERKINS
Mailing Address	123 MORRIS AVE
City, State, Zip	ATHENS OH 45701

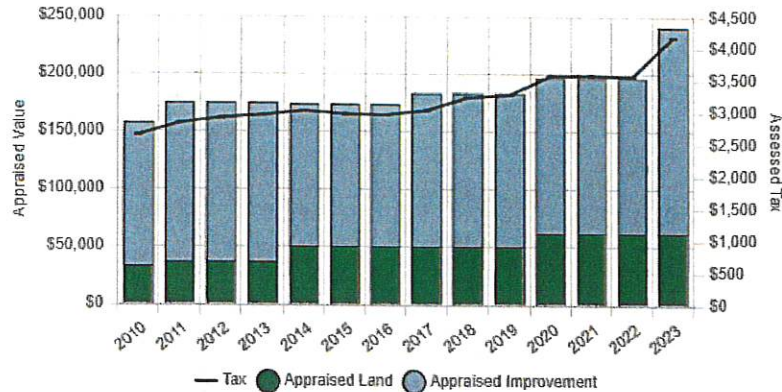
Tax Payer Address

Mailing Name	CRAWFORD CORY D
Mailing Address	123 MORRIS AVE
City, State, Zip	ATHENS OH 45701

Valuation

Year	Land	Appraised (100%)		Land	Assessed (35%)	
		Improvements	Total		Improvements	Total
2023	\$62,400.00	\$178,510.00	\$240,910.00	\$21,840.00	\$62,480.00	\$84,320.00
2022	\$62,400.00	\$134,090.00	\$196,490.00	\$21,840.00	\$46,930.00	\$68,770.00
2021	\$62,400.00	\$134,090.00	\$196,490.00	\$21,840.00	\$46,930.00	\$68,770.00
2020	\$62,400.00	\$134,090.00	\$196,490.00	\$21,840.00	\$46,930.00	\$68,770.00
2019	\$50,700.00	\$132,630.00	\$183,330.00	\$17,750.00	\$46,420.00	\$64,170.00
2018	\$50,700.00	\$132,630.00	\$183,330.00	\$17,750.00	\$46,420.00	\$64,170.00

Historic Appraised (100%) Values



Legal

Legal Acres	0.000	Homestead Reduction	NO
Legal Description	14-09-00 IL 603 M-28 (Not to be used on legal documents)	Owner Occupied Reduction	YES
Land Use	(520) R - TWO FAMILY DWELLING, PLATTED LOT	Neighborhood	00029000
Section		Town	
Range		Appraisal ID	
Card Count	1	Annual Tax	\$4,188.54

Owners

Name	CRAWFORD CORY D REBEKAH PERKINS	Ownership	100%
------	---------------------------------	-----------	------

Residential

Dwelling 1

Number Of Stories	2.0	Exterior Wall	ALUMINUM/VINYL
Style	OLD STYLE TWO STORY	Heating	GAS
Year Built	1900	Cooling	CENTRAL AIR CONDITION
Year Remodeled		Attic	NONE
Number of Rooms	7	Basement	PART
Number of Bedrooms	3	Total Living Area	1,902 sqft
Number of Full Baths	2	Ground Floor Area	672 sqft
Number of Half Baths	0	Unfinished Area	0 sqft
Number of Family Rooms	1	Recreation Room Area	0 sqft
Number of Basement Garages	0	Finished Basement Area	0 sqft
Grade	C-	Fireplace Openings / Stacks	0 / 0

Permits

No Permit Records Found.

Agricultural

No Agricultural Records Found.

Commercial

No Commercial Records Found.

Improvements

Description	Card	Size (LxW)	Area	Grade	Year Built	Appraised Value	Assessed Value
(RGI) - FRAME OR CONCRETE BLOCK DETACHED GARAGE	1	22x16	352	D	1930	\$3,200.00	\$1,120.00
Totals						\$3,200.00	\$1,120.00

Sales

Date	Buyer	Seller	Conveyance Number (Book / Page)	Deed Type	Valid	Parcels In Sale	Amount
5/19/2010	CRAWFORD CORY D	BONNAUD MAY L M TRUSTEE	10-269 (447 / 741)	SV - SURVIVORSHIP	0 - QUALIFIED	0	\$159,000.00
9/2/2003	BONNAUD MAY L M TRUSTEE	COOPER ALLEN R	3-0771 (355 / 679)	- Unknown	0 - QUALIFIED	0	\$141,000.00
4/9/1998	COOPER ALLEN R	GUTHRIE JAUNITA L	8-0259 (/)	- Unknown	0 - QUALIFIED	0	\$105,000.00
2/9/1998	GUTHRIE JAUNITA L	GUTHRIE GERALD E	(/)	- Unknown	4 - RELATED INDIVIDUALS OR CORPORATIONS	0	\$0.00

Land

Land Type	Land Code	Frontage	Depth	Acres	Square Foot	Value
FRONT FOOT	REGULAR LOT	50	130	0.149	6,500.00	\$62,400.00
Totals				0.149	6,500	\$62,400.00

Tax

2023 Payable 2024	2022 Payable 2023	2021 Payable 2022	2020 Payable 2021	2019 Payable 2020
2018 Payable 2019	2017 Payable 2018	2016 Payable 2017	2015 Payable 2016	2014 Payable 2015
2013 Payable 2014	2012 Payable 2013	2011 Payable 2012	2010 Payable 2011	2009 Payable 2010
2008 Payable 2009				



CLICK TO INTERACT

Instrument 201000002425 DR Book Page 447 741

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

Notary Transfer Fee Paid \$1636.00
Jill A. Thompson, Athens County Auditor

By HR Deputy Auditor

506 transferred
5/19/10

201000002425
Filed for Record in
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
05-20-2010 At 01:38 pm.
DEED 36.00
DR Book 447 Page 741 - 743

201000002425
GERIG & GERIG LAW OFFICE

SURVIVORSHIP DEED

Statutory Form
(RC 5302.17)

MAY L.M. BONNAUD, Trustee of The May L.M. Bonnaud March 1996 Trust, under Agreement dated March 27, 1996, of Athens County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to CORY D. CRAWFORD and REBEKAH PERKINS CRAWFORD, husband and wife, for their joint lives, remainder to the survivor of them, whose tax-mailing address is 123 Morris Avenue, Athens, OH 45701, the following real property:

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

Subject to all legal highways, zoning ordinances, restrictions, easements, reservations, and conditions of record.

FURTHER SUBJECT TO the retention covenants and restrictions set forth on Exhibit B attached hereto and incorporated herein by this reference.

EXECUTED this 12th day of May, 2010.

May L.M. Bonnaud
**MAY L.M. BONNAUD, Trustee of The
May L.M. Bonnaud March 1996 Trust,
under Agreement dated March 27, 1996**

STATE OF OHIO:

The foregoing instrument was acknowledged before me this 12th day of May, 2010, by May L.M. Bonnaud, Trustee of The May L.M. Bonnaud March 1996 Trust, under Agreement dated March 27, 1996

My Commission Expires:
(seal)



Deborah Williams
Notary Public

Deborah Williams
Notary Public, State of Ohio
Commission Expires 03-23-2014
(Filed in Athens County)

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

EXHIBIT A
Legal Description

Situate in the City of Athens, Athens County, Ohio:

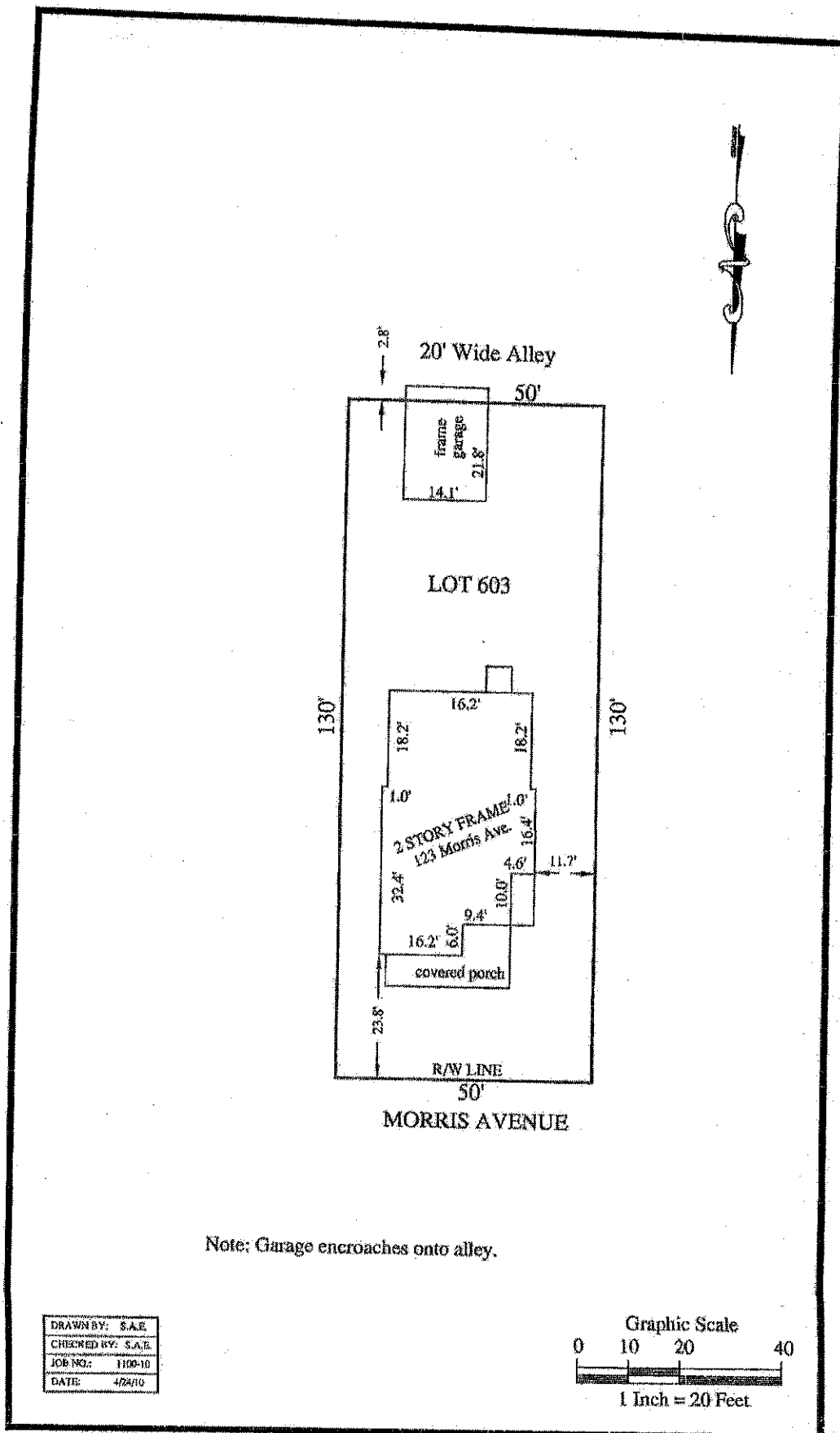
Being Inlot Six Hundred Three (603) in J.C. Campbell's Addition to said City of Athens, Ohio.

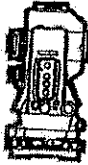
Subject to all legal highways, zoning ordinances, restrictions, easements, reservations, and conditions of record.

DEED REFERENCE: Volume 355, Page 679, Athens County Official Records.

APN: A02-71300034-00

Commonly known as: 123 Morris Avenue, Athens, OH 45701





S.A. ENGLAND SURVEYING

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



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Certify To: Gerig & Gerig Attorneys at Law & Ohio University Credit Union,
ISAOA

Owner: Trustee, May L.M. Bonnaud

Buyer: Cory D. Crawford

Property Address: 123 Morris Avenue
Athens, OH 45701

Property Description:
Athens County
City of Athens
J.C. Campbell's Addition
Lot # 603

Invoice No: 1100-10

File No:

"See attached"

Flood Zone Information: **Flood Zone AE**

Community Panel No: **390016 0230 C**

Effective Date: **12/09**



CERTIFICATION: I hereby certify that the foregoing mortgage location survey was prepared from actual field measurements in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to chapter 4733-37 of said Code.

DATE:

4/26/10

SCOTT A. ENGLAND, P.S.
OHIO REGISTERED SURVEYOR NO. 7452



ATHENS COUNTY AUDITOR PLAT MAP

1 Inch = 17 Feet

These maps are believed to be correct and are to show ownership only.

Athens
Athens Twp
Sect 10
T9-R14



**Office of Code Enforcement and
Community Development**

28 Curran Drive
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(740)592-3306
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City of Athens
ATHENS, OHIO

**Board of Zoning Appeals
Minutes
February 13, 2024**

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 February 13th, 2024, at 7:00 PM at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the Chairperson, Rob Delach.

A video explaining the Zoning Board rules & procedures was played.

Chairperson Delach announced the cases on the agenda and swore in all who wished to testify in the hearings.

Hearings:

1. Case #24-01V 17 McGuffey Lane Zone R-1 Berry Dilley / Appellant

Appellant is requesting a variance from ACC 23.10 Table A to allow an 18.5-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.

The Chairperson asked if any other members had any questions.

Kay Tousley stated that the house currently looks like it is sitting really close to the front setback line, under four feet from it.

Mr. Riggs explained that the house is at an angle, so if measure from one end, the property line is going to be different at the other end. Stated that the house itself averages about 21 feet from the property line. The house itself is in the front setback.

Chairperson Delach asked if any other members had any questions.

Ben Lachman asked Mr. Riggs for clarity on where the setback was measured from.

Mr. Riggs explained that McGuffey Lane has a large right-of-way of 60 feet, which is unusually large for a city street. Stated that it goes back quite a bit from the edge of the

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road or from the center line of the road. Explained that they can look at the Athens County parcel viewer to view property lines. Stated that they are not accurate but a pretty close estimate.

The Chairperson clarified that the 25-foot setback mentioned in the drawing is from somewhere in the roadway. Clarified that the setback goes far into what would be considered a front yard for the property.

Mr. Riggs confirmed this statement was true and added that the setback goes about halfway into this property.

The Chairperson asked Mr. Riggs if there was a draining ditch, meaning that there was no stormwater underground.

Mr. Riggs stated that a lot of the city's storm sewers are ditches.

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

Joe Krause asked Mr. Riggs if there were ditches on both Harris and McGuffey.

Mr. Riggs stated that there was a ditch on both sides.

Chairperson Delach asked the appellant to speak.

Berry Dilley, 17 McGuffey Lane, stated that she had originally purchased the house because it was one story, and she is 90 years old and is unable to go up and down the stairs. The Appellant explained that the only real entrance into the house, aside from entering through the garage, is the front door. She stated that there is a door with a brick stoop and that there is no sidewalk, so when you approach the house from the street you don't know how to get into the house. To get to the front door, you must go up the driveway and walk on the sidewalk that is right against the house. The Appellant stated that when she first went to visit the property, she could not figure out how to enter the home. She stated that she plans on living in this home until she passes and wants to have a welcome feeling to her house so that her neighbors will be able to relate with her. The Appellant mentioned that if she is unable to get up and do stuff, then she would at least be able to sit on the front porch, and that presently there is no way to sit outside unless she sits in the grass. She mentioned that the brick stoop is in the right of way, and that the stoop and the steps need to be replaced anyway due to deterioration.

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

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Paul Isherwood clarified that with the measurements provided of the property, it would be impossible to build anything in front of the house.

Mr. Riggs stated that was correct.

The Appellant added that there was a sewer clean out right in front of the house, right in front of the stoop and that pipes were broken and leaking, causing them to dig it up anyway. She stated that the clean out “thing” has been moved further into the right of way.

The Chairperson stated that it might be right under the Appellant’s porch and clarified that the measurements of the porch are 10 x 18 feet.

The Appellant stated the porch isn’t going to be quite 10 feet, but it is including the sidewalk, explaining that she wants the sidewalk coming along the side of the porch and then have a curve, instead of being straight. She stated that there is also a tree they need to contrast around, and that the porch itself isn’t 10 feet.

The Chairperson asked if any other members had more questions for the Appellant.

No members came forward.

Chairperson Delach 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.

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. The current house is already located in the setback area, and it does not have a covered front porch like many of the properties located in a R-1 zone.**
- 2.) HARDSHIP AND DIFFICULTY: Yes. The Appellant wouldn’t be able to enjoy the functions a front porch could offer.**

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3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes, there are many surrounding properties that have front porches.

4.) MINIMUM VARIANCE: Yes, the front porch is quite ways away from the setback.

5.) ABSENCE OF DETRIMENT: Yes. There is no apparent detriment.

6.) NOT OF A GENERAL NATURE: Yes, this request is pretty specific.

On a motion by Paul Isherwood, seconded by Kay Tousley, the Board moved to grant a variance from ACC 23.10 Table A to allow an 18.5 setback where 25 feet is required.

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

OTHER BUSINESS:

Approval of Minutes from:

December 12th, 2023: Joe Krause moved to approve the minutes contingent on corrections. Approved by Joe Krause, Ben Lachman, Kay Tousley, Paul Isherwood, and Robert Delach.

Annual Organizational Meeting:

Ben Lachman, seconded by Kay Tousley, moved to re-elect Robert Delach as Chairperson of the Board. 4 votes for (Isherwood, Tousley, Lachman, Krause) – 0 votes against. Motion approved.

The Chairperson adjourned the meeting at 9:00 PM.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date