

**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
April 9, 2024**

Members Present: Kay Tousley, Joe Krause, Kelly Sauber, Robert Delach (elected Chairperson)
City Officials Present: David Riggs (Zoning Administrator)

The meeting was called to order on April 9th, 2024, at 7:00 PM at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the Chairperson, Rob Delach.

Chairperson Delach announced that there was one case on the agenda, Case #24-02V located on 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. Appellant has postponed the case until a future meeting. Stated that the Board will not be hearing the case tonight.

Director Riggs informed the Board that the staff is working on making some changes to the City's zoning code including changing lot sizes, reducing lot sizes, reducing setbacks, increasing the amount of allowable building coverage, amongst other changes as well. Explained that if the city passes these changes, then it would reduce the amount of work that the board sees. Stated that most of the applications are regarding lot coverage and setbacks.

Kelly Sauber asked Director Riggs that if the Appellant were to have their case heard at this meeting and it was denied, would the changes to code change the outcome of the case.

Director Riggs explained that the city's request to the planning commission is to change that for a R-1 zone, to change the structure cover from 30% to 40%. Once that change happens, if the case got denied, the Appellant would just need to reapply to the City Code Office and the request would be approved.

Kelly Sauber asked what the time frame is suspected of these changes.

Director Riggs explained that once Planning Commission makes a recommendation to City Council, City Council can look at it at their leisure. There is no set time frame for when that would happen.

Kelly Sauber asked Director Riggs if parking was going to be addressed in these changes.

Director Riggs explained that two years ago the city had implemented some parking changes and they have seen a lot of good response from those changes. Stated they essentially cut the parking requirements in half. Stated that in his opinion he believes businesses know what parking is

**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

necessary and the city shouldn't be telling them how many parking spaces they need if the businesses know what they require. Stated the businesses know better than the city does regarding parking needs.

OTHER BUSINESS:

Approval of Minutes from:

February 13th, 2024: Kay Tousley moved to approve the minutes. Approved by Joe Krause, Kay Tousley, and Robert Delach.

The Chairperson adjourned the meeting at 7:06 PM.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date

**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
May 14, 2024**

Members present: Kelly Sauber, Aaron Thomas, Joe Krause (Chairperson Pro-Tem), Ben Lachman, Alisha Sweeney (alternate), and Paul Isherwood (alternate)

City Officials present: David Riggs (Zoning Administrator)

The meeting was called to order on May 14th, 2024, at 7:00 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the Chairperson Pro-Tem of the Board of Zoning Appeals. A video was played stating the policies and procedures of the Board.

Joe K. announced the cases on the agenda and swore in all who wished to testify in the hearings.

Hearings:

1. Case ##24-02V 123 Morris Zone R-1 Matthew Cooke /Appellant

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

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

Joe K. called up Matthew Cooke (76 S. Shannon Avenue) to give details on the accessory structure that exceeds the property coverage allowance by 4%. The existing garage sits on the city's right of way; it will be moved in. Part of the 4% coverage issue comes from the garage being moved off the city's property. This would change the coverage to 31% if the structure stayed on city property.

David R. discusses new changes to lot coverage in the Planning Commission, which will move onto City Council to be reviewed. This would change the lot coverage from 30% to 50%. If it is successful, there would be fewer of these types of cases and fewer variance requests.

John Kotowski (14 Northwood Drive) spoke in support David R.'s discussion on the upcoming changes in lot coverage.

Joe K. asked if anyone was opposed. No one came forward.

**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 K. closed the testimony from the floor.

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

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: No. This is a common issue.**
- 2.) HARDSHIP AND DIFFICULTY: No.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes. The movement of the structure makes all property rights more equal.**
- 4.) MINIMUM VARIANCE: Yes. It is the smallest they can do.**
- 5.) ABSENCE OF DETRIMENT: Yes.**
- 6.) NOT OF A GENERAL NATURE: Yes. It is very specific.**

On a motion by Joe Krause, seconded by Alisha Sweeney, the Board moved to grant a variance from ACC 23.10.01 Table A to allow 34% building lot coverage where 30% is the maximum allowed.

Chairperson Pro-Tem closed the discussion.

The Chairperson Pro-Tem called for a vote: 5 votes for (Sauber, Isherwood, Krause, Thomas, Sweeney) – 0 votes against. Lachman abstained from voting. Motion passed.

2. Case #24-03V 28 W Stimson Avenue Zone B3 Shelley Lieberman / Appellant

Appellant is requesting a variance from ACC 23.04.07 (5) to allow a building or enclosure in which animals are kept 25 feet from an R-zone where 200 feet is required; and from ACC 23.10 Table B to allow 6 on-site parking spaces where 11 are required.

Chairperson Pro-Tem stated information about the case. He asked the Zoning Administrator if he would like to provide comments before the appellant presented their case.

**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

David R. explained that a cat café does not fit into the code, and it is a new concept. He stated the closest code to the cat café is animal enclosure, which states animals must be at least 200 feet away from an R-zone.

Ben L. confirmed the required number of parking spaces is derived from the number of beds in the residential units above the requested cat café. David R. said the parking spaces are both from the number of apartment units (4) and the square footage of the café.

Aaron T. asked for confirmation of the original use (retail). David R. confirmed this and stated that it is a change of use.

Joe K. asked if the landlord had parking behind the building, and if it could be connected. David R. explained it is two separate parcels. Off-site parking could be a possibility, but other requirements must be sorted out, such as an agreement with the other property owner. An audience member confirmed it is owned by the same property owner.

Joe K. asked if the residential parking could be designated to the off-site parking, and the café parking designated out front. Audience member confirmed this is already somewhat occurring.

David R. stated the property owner could get off-site parking approved, or they could allow a variance for the parking spaces.

Aaron T. asked how many parking spaces the original grandfather variance had. David R. explained that this parking and building use was put in before the zoning code came into effect.

Kelly S. brought up the old use (while the Farmacy was retail, there was also a café) and compared it to the new use (café) and asked how it was different. Kelly S. asked for confirmation that it was due to the addition of the cats. David R. confirmed and explained that the new concept does not fit into the current code.

Chairperson Pro-Tem called up the appellant and any representatives to speak.

Shelley Lieberman (Northwood) stated information on the cat café. She explained how the cats in the café would not cause noise issues, and how some current upstairs residents are looking forward to it. She also stated the cats would be vetted and up for adoption. The café will have a vestibule, as agreed upon with the health department, so the cats cannot escape.

**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

Paul I. asked how many cats would be in the café. Shelley L. answered with 12 to 18 cats.

Chairperson Pro-Tem asked for those in favor to speak.

John Kotowski (14 Northwood Drive) spoke in favor of the variance.

Chairperson Pro-Tem asked for those wishing to speak in opposition to approach. No one came forward.

Joe K. closed the testimony from the floor.

Ben L. stated that the code does not accommodate this type of use, so his focus was the parking issue. The off-site parking for the residents would leave enough parking for the café, but Joe K. asked about long-term.

Ben L. suggested they approve the change of use as it is and approve a variance that requires off-site parking for the residential units.

Members discuss the documentation on the parking spaces to allow the variance within the code.

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

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes. It is the first of its kind.**
- 2.) HARDSHIP AND DIFFICULTY: No.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes.**
- 4.) MINIMUM VARIANCE: Yes. It is the minimum amount.**
- 5.) ABSENCE OF DETRIMENT: Yes. There are no opposing sides.**
- 6.) NOT OF A GENERAL NATURE: Yes. This is a very specific request.**

On a motion by Ben Lachman, seconded by Kelly Sauber, the Board moved to grant a variance in accordance with ACC 23.04.07(5) to allow a building or enclosure in which animals are kept 25 feet from an R-zone where 200 feet is required; and from ACC 23.10 Table B to allow 6 on-site and 5 off-site parking spaces where 11 are required.

**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 Pro-Tem called for a vote: 5 votes for (Sauber, Isherwood, Krause, Thomas, Lachman) - 0 votes against. Motion passed.

OTHER BUSINESS:

Approval of minutes from:

April 9th, 2024: Paul Isherwood moved to approve the minutes, Aaron Thomas seconded the motion. Approved by Kelly Sauber and Joe Krause – approval tabled until June 11th meeting due to quorum requirements.

Chairperson Pro-Tem adjourned the meeting at 7:48 pm.

Robert Delach, Chairperson Pro-Tem

Date

David Riggs, Zoning Administrator

Date