AGENDA
ATHENS PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 18, 2024 AT 12:00 PM

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

Establish Quorum and Administer Oath

Disposition of Minutes

- July 3, 2024

Cases

Communications

- Conestoga Hut Safe Spot Site/510 W. Union Street

Reports from City Planner and Director of Development & Code Enforcement

Opportunity for citizens to speak about items not covered on agenda

Announcements & Other Business

- Next Meeting: October 2, 2024

Adjournment

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

Athens City Planning Commission
Minutes of Regular Meeting
Tuesday, July 3, 2024, 12:00 p.m.

A regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on July 3, 2024.

Attendees: Russell Chamberlain, Dylan Armstrong, Terry Eiler

1. **Call to Order**

John Kotowski called the regular meeting of the Planning Commission to order at 12:00 p.m. and administered the oath to those in the audience intending to speak before the commission. Quorum established with five members present.

PLANNING COMMISSION MEMBERS:	
Chris Knisely	Present
John Kotowski, Chair	Present
Steve Patterson, Mayor	Present
Austin Phillips, Vice-Chair	Present
Andy Stone, Service-Safety Director	Present
STAFF:	
David Riggs, Code Enforcement Director	Present
Meghan Jennings, City Planner	Present

2. **Disposition of Minutes**

Steve Patterson moved to approve the June 25, 2024 minutes. Chris Knisely seconded. Motion passed 5:0.

3. **Cases**

Case #24-06 Appeal of lot split denial at 0 Lavelle Road

John Kotowski read into the record the email communications (attached Ex 2) that have been received about this case.

Commission discussion

- The applicant applied for a minor subdivision but because of the access easement Athens City Code requires it to be treated as a major subdivision, which requires Planning Commission and City Council review.
- The denial of the minor subdivision application (attached Ex 1) was due to them filing the wrong application type, so the denial redirected them to a major subdivision application.
- What the Planning Commission is looking at today is approval of the lot split only, not usage. Because this is property located outside city limits but within the 3-mile radius, the Planning Commission is consulted only about the lot split and not usage.

- The request today, and the reason it is before the Planning Commission, is to allow a variance to a major subdivision; to treat this as a minor subdivision. After the Planning Commission review, it will go to City Council.
- Andy Stone read a prepared comment (attached Ex 3) regarding land use planning. This is to clarify the role of the Planning Commission in this case. A decision about usage is outside the scope of the Planning Commission.
- If a variance is approved and this is approached as a minor subdivision, then you do not have to do all the infrastructure requirements that would be required with a major subdivision (e.g., putting a paved public road in).
- If the variance is denied by the Planning Commission and the applicant proceeds with a minor subdivision, which is the "flag lot" version (attached Map A), that does not mean that there will be five access points. He will still access via one driveway – the lots will front on the road so they will have frontage even if a driveway is never built there. It will not be an illegal subdivision. How he accesses his property will be up to him.

General Discussion

- Russell Chamberlain/applicant, agreed with what Andy Stone communicated in his summary.
- Dylan Armstrong/Lavelle Road resident, is here today to represent the Armstrong family. The family is contesting the sale of the property to Mr. Chamberlain. The family would like to preserve the green space and maintain the biodiversity on the property. A subdivision of this land will be detrimental to the biodiversity, green space, and the Lavelle Road community.

Andy Stone made a motion to approve the lot split as a variance to a major subdivision and allow it under the minor subdivision provision, with one access point and two of the three parcels without road frontage. Austin P. seconded the motion. Motion passed 4:1.

This will move forward as a recommendation to City Council for review.

4. **Communications**

None

5. **Reports from Director of Development & Code Enforcement and City Planner**

David Riggs/Code Enforcement Director

- Construction updates:
    - Beaumont Green/Della Drive: remodeling the senior apartments.
    - Lostro Building/63 S. Court Street: Starting a 2nd and 3rd floor and outer shell remodel soon.
    - Chipotle & Starbucks/East State Street: under construction. Starbuck plans still pending.

Meghan Jennings/City Planner

- Met with the Lostro Building property owners and they are interested in forming a PACE District. This will need to be in partnership with the city. Privately funded.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- Next meeting July 17, 2024
- Andy Stone announced that the city is applying for ” Welcome Home Ohio” funding, which is a state initiative for housing with a focus on urban infill.

8. **Adjournment**

The meeting adjourned at 12:41 p.m.

Ex 1

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

June 06, 2024

To:
Applicant Address:

Russell Chamberlain
7196 Ervin Road
Athens, OH 45701

To:
Owner Address:

Russell Chamberlain
7196 Ervin Road
Athens, OH 45701

REFUSAL

Lotsplit/Land Transfer Permit - Minor Refusal Detail

Premises Address: 0 Lavelle Road

Application Date: 05/24/2024

For: 0 Lavelle Road

Note: Your request for a Minor Lotsplit has been denied in accordance with the application submitted and ACC Title 21. Minor Lotsplit with access easement requested; major subdivision is required.

LOTSPLIT/LAND TRANSFER PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: LS24-000016

REFUSAL

Minor

Project Address : 0 Lavelle Road

Approval Conditions: Your request for a Minor Lotsplit has been denied in accordance with the application submitted and ACC Title 21. Minor Lotsplit with access easement requested; major subdivision is required.

Applicant:
Russell Chamberlain
Phone:
7196 Ervin Road
Athens, OH 45701

Property Owner:
Russell Chamberlain
Phone: (740) 541-3251
Surveyor Name: NA
7196 Ervin Road
Athens, OH 45701
Registration #:

Date property owner originally purchased the property:	04/04/2024
Acreage of original purchase:	23.1
Number and size of parcels subdivided since original purchase:	0
Acreage of proposed parcel(s) with new plat of survey attached:	Tract A: 6.38 | Tract B 7.49 | Tract C 9.48
Public road frontage of proposed parcel(s):	Residual: B Existing Frontage; A & C No Frontage
Date of survey of plat of proposed parcel(s):	TBS pending approval
Approval date of health authority of jurisdiction for sewage disposal:	
Approval date of County Engineer for mathematical accuracy of survey:	

Location:
Lot: Section: Town: Range: Township:

Minimum Requirements:
Public Road Frontage:
Width to Depth Ratio:
Number of Splits Permitted:
Engineer's Approval:
Health Department Approval:
Registered Surveyor:

Scope of Project: 0 Lavelle Road

Director:
[ ] Approved [X] Refused

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

June 06, 2024
Date

APPLICATION for MINOR SUBDIVISION
(Lot Split/Land Transfer)
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 21

(For Office Use Only)
Permit # LS24-000016
Date Rec'd 5/24/2024 (cc)

Applications must contain all of the following information. An incomplete application will not be processed. Lotsplit Fee: $100

Address of Property and / or Parcel ID(s): 0 Lavelle Road - adjacent to 8781 Lavelle Road

Reason for lot split: Division into 3 home sites

Applicant: Russell Chamberlain — Phone # to call when processed: 740-541-3251

Address: 7196 Ervin Road

Property Owner: Southeast Ohio Realty Group — Phone: 740-541-3251

(if other than applicant) Address: 540 West Union - Athens OH

Surveyor Name and State Registration Number: TBS - John Branner

Date property owner originally purchased the property: 4/4/24

Acreage of original purchase: 23.1

Number and size of parcels subdivided since original purchase: 0

Acreage of proposed parcel(s) with new plat of survey attached: Tract A: 6.38 | Tract B: 7.49 | Tract C: 9.48

Public road frontage of: Proposed parcel(s): A & C- no frontage — Residual parcel: B - existing frontage

Date of survey of plat of proposed parcel(s): TBS pending approval

Approval date of health authority of jurisdiction for sewage disposal: N/A - each lot over 5 acres

Approval date of County Engineer for mathematical accuracy of survey

Parcel location:

Lot _____ Section _____ Town _____ Range _____ Township _____

(For Office Use Only)

Do the proposed parcel(s) and residual satisfy minimum requirements for:

	YES	NO	N/A		YES	NO	N/A
Public Road Frontage	☐	☐	☐	**Engineer's Approval**	☐	☐	☐
Width to Depth Ratio	☐	☐	☐	**Health Dept Approval**	☐	☐	☐
Number of Splits Permitted as Minor Subdivision	☐	☐	☐	**Registered Surveyor**	☐	☐	☐

Zoning Director Comments: Need Major Subdivision
Asking for Minor Lot split w/ Access Easement

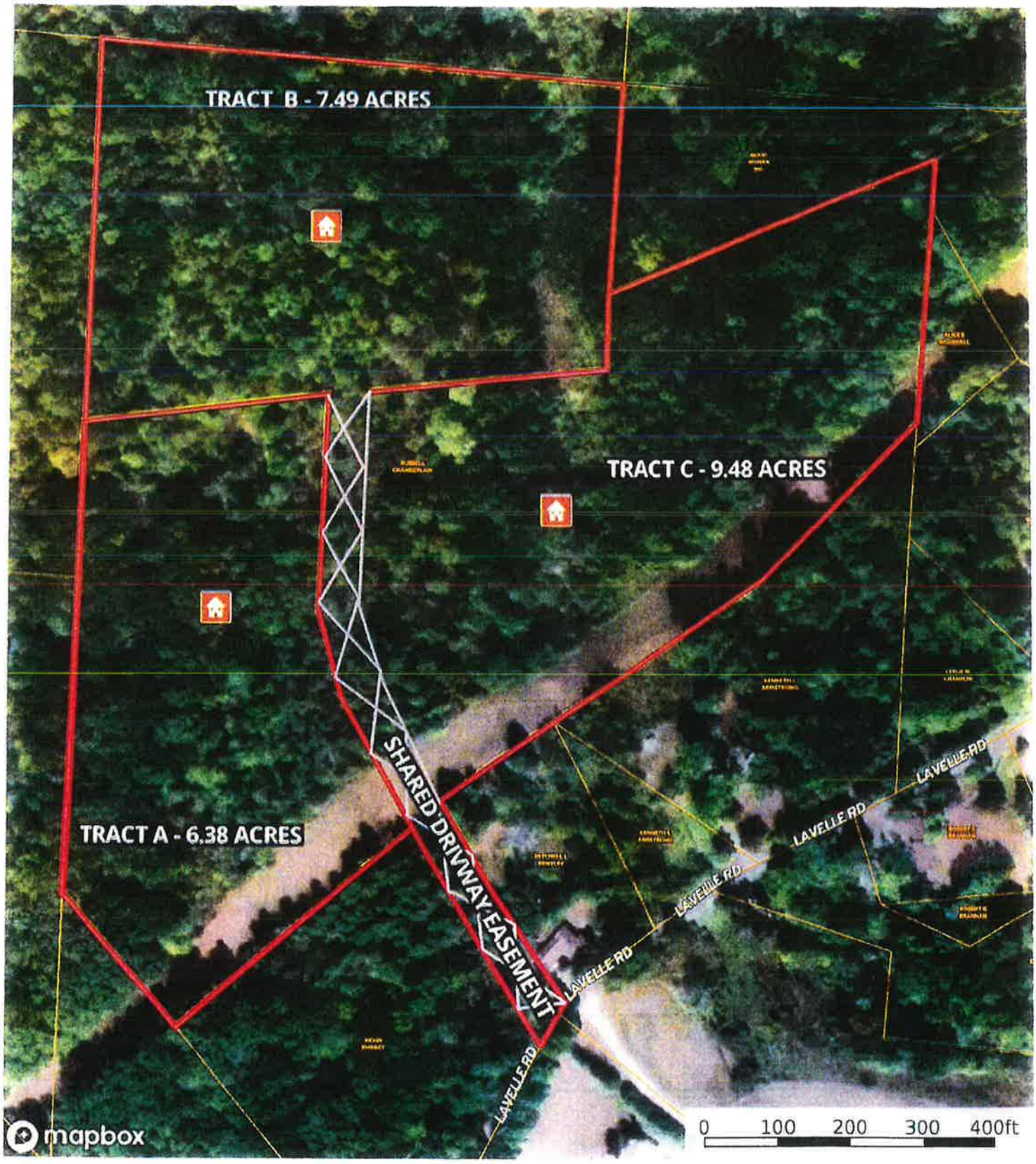
Zoning Director Signature: _____ **Date** 5.24.24 **Approved** ☐ **Refused** ☒

Service Safety Dir. Comments: _____

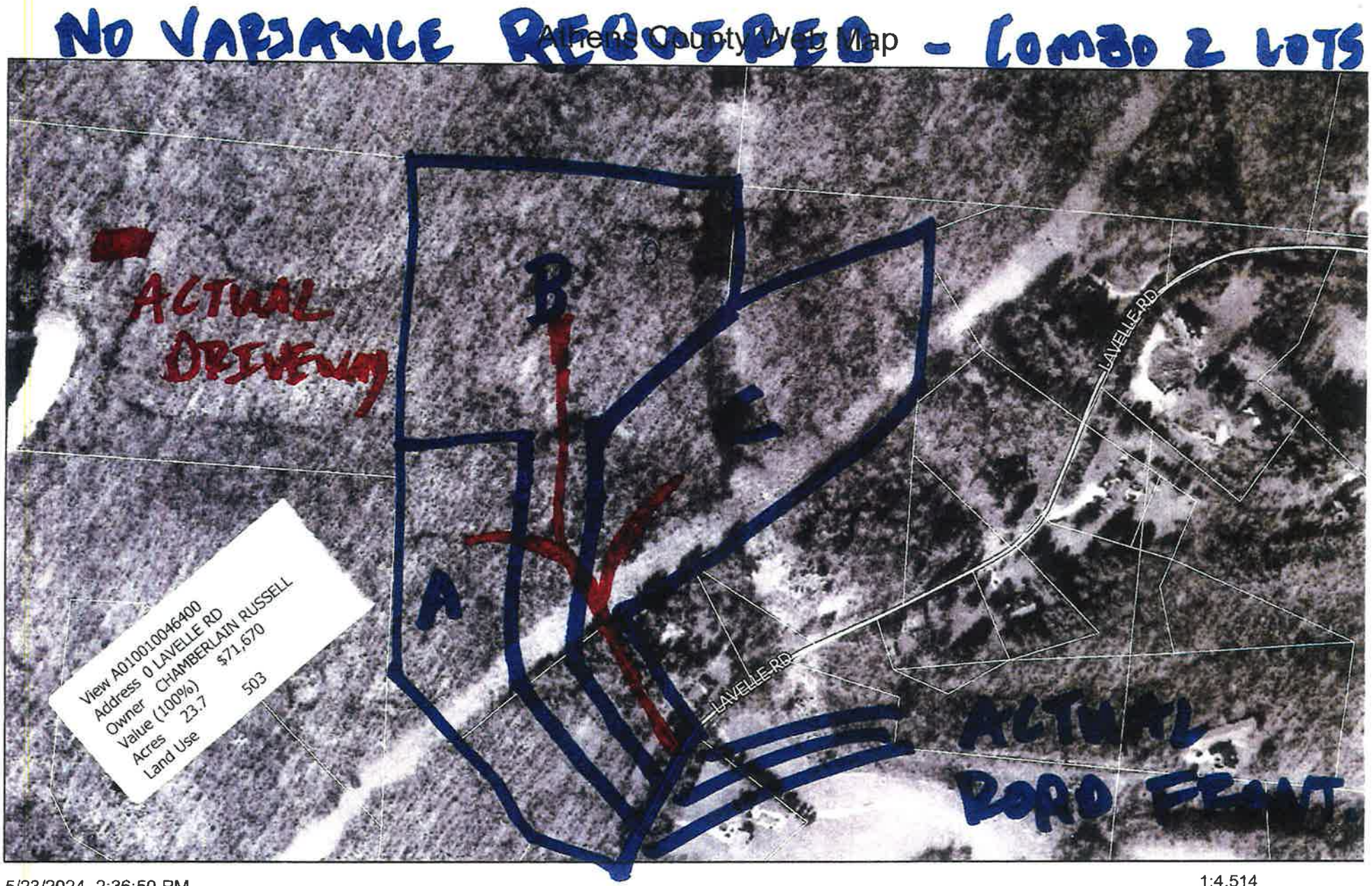
Service Safety Dir. Signature: _____ **Date** 6/4/24 **Approved** ☐ **Refused** ☑

Lavelle
Ohio, AC +/-

Proposed



Rebecca Mount


NO VARIANCE REQUIRED - COMBO 2 LOTS
Athens County Web Map
ACTUAL DRIVEWAY
B
A
LAVELLE RD
LAVELLE RD
ACTUAL ROAD FRONT
View A01001046400
Address 0 LAVELLE RD
Owner CHAMBERLAIN RUSSELL
Value (100%) $71,670
Acres 23.7
Land Use 503
5/23/2024, 2:36:50 PM
Parcels
21732E428208N.ecw
Red: Red
Green: Green
Blue: Blue
21283E486288N.ecw
Red: Red
Green: Green
Blue: Blue
21283E430848N.ecw
Red: Red
Green: Green
Blue: Blue
21151E430848N.ecw
Red: Red
Green: Green
Blue: Blue
20966E486288N.ecw
Red: Red
Green: Green
Blue: Blue
20676E433488N.ecw
Red: Red
Green: Green
Blue: Blue
20623E536448N.ecw
Red: Red
Green: Green
Blue: Blue
20623E486288N.ecw
Red: Red
Green: Green
Blue: Blue
20333E436128N.ecw
Red: Red
Green: Green
Blue: Blue
20254E486288N.ecw
Red: Red
Green: Green
Blue: Blue
1:4,514
0 0.03 0.06 0.11 m
0 0.04 0.09 0.18 k
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robins
NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geol
Intermap and the GIS user community
Athens C

Ex 2

Patricia Morris-Witmer

From:	John Kotowski <jkkotowski@gmail.com>
Sent:	Friday, June 21, 2024 9:40 AM
To:	David Riggs; Steve Patterson; Andy Stone; Meghan Jennings; Austin Phillips; Chris Knisely; Patricia Morris-Witmer
Subject:	Fwd: Multiple housing and land development on Lavelle Road
Categories:	Boards & Commissions

Attached is an email I received from Terry Eiler regarding the proposed land split on Lavelle Road. If need be, I will read it into the record next week. I suspect I will receive additional notes from concerned residents. If so, I will forward them as well.
John

1

---------- Forwarded message ---------
From: **Terry Eiler** <terryeiler@gmail.com>
Date: Fri, Jun 21, 2024, 8:47 AM
Subject: Multiple housing and land development on Lavelle Road
To: <jkkotowski@gmail.com>
Cc: <da228906@ohio.edu>, <driggs@ci.athens.oh.us>, Kathie Scott <Scottland32@gmail.com>

John Kotowski,
Head of the Planning Commission

John,

I am writing to express my opposition to the proposed development of land on Lavelle Road for Airbnb and other multi-unit purposes. The site in question borders family land, which includes a tree farm and conservancy area.

The area slated for development is accessed by Lavelle Road, a narrow, winding lane that already faces challenges of safety, drainage, limited utilities and overhanging trees. Additionally, this region is served by a small Le-Ax water line with limited taps and water pressure. The construction of septic systems here requires meticulous planning due to limestone caps and outcrops that are often less than six feet below the surface, significantly limiting drainage fields.

Lavelle Road is primarily home to single-family dwellings, stretching between Highway 56 and Lurig Road. Although intended for local traffic only, it is frequently used as a cut-through between SR 682 and Highway 56. The increase in traffic and strain on utilities from multiple rental units is not an appropriate use of this land, which is best preserved as wooded greenspace with single-family homes.

Thank you for considering my objections via email. I regret that I cannot be present to voice my opposition in person.

Terry and Lyntha Eiler
--

Terry E. Eiler
Professor Emeritus
School of Visual Communication
Schoonover Center 250
1 Ohio University
Athens, Ohio 45701

740 592-1280 H
740 707-1281 C
740 593-4895 O

Soul of Athens: (storytelling with impact)
http://www.soulofathens.com/

Dawn to Dusk (annual fall student project)
http://www.viscomd2d.com/

School of Visual Communication http://www.viscom.ohiou.edu

Facebook group: VisCom (OU) Alumni, Students and Friends

Scripps College of Communication: http://www.scrippscollege.ohio.edu/

Patricia Morris-Witmer

From: John Kotowski <jkkotowski@gmail.com>
Sent: Saturday, June 22, 2024 1:28 PM
To: Austin Phillips; Chris Knisely; Andy Stone; Steve Patterson; David Riggs; Meghan Jennings; Patricia Morris-Witmer
Subject: Fwd: 0 Lavelle Rd Appeal

I am forwarding the third letter/email that I have received regarding the proposed lot split off Lavelle Road. I want to make all aware of the concerns regarding the split being proposed.
John Kotowski

(3)

---------- Forwarded message ---------
From: **Ericka Spiezio** <espiezio33@gmail.com>
Date: Fri, Jun 21, 2024 at 5:57 PM
Subject: 0 Lavelle Rd Appeal
To: <jkkotowski@gmail.com>, Gabe Spiezio <gspiezio1984@gmail.com>

Dr. Mr. Kotowski, I reside at 8590 Lavelle Rd., and I am reaching out to voice my opposition to the proposed use of land on Lavelle Rd. for Airbnb development. My family relocated here in June of 2023, seeking a quieter life after living in Las Vegas for over 25 years. My initial experiences with Airbnb in other areas have shown me the negative impact they can have on communities, and I'm not keen on dealing with that in our new neighborhood. Lavelle Rd. is quite narrow, and the traffic is already excessive, to say the least. There's even a single-lane bridge! Constructing Airbnb or multi-unit buildings here would only exacerbate the congestion and increase the risk of accidents. With a child who will soon be driving, the current road conditions are already concerning, and more traffic would pose a significant safety hazard. We chose Lavelle Rd. for its single-family homes and spacious, private yards. Had we been aware of the potential for Airbnb or multi-unit buildings, we would have chosen a different location. I urge you to consider the safety and well-being of Lavelle residents over the financial interests of those seeking to profit from this development. I wish I had been informed earlier so I could have attended. I was just recently made aware of this development. I'm sorry I won't be able to physically oppose it, but please understand that the Lavelle community is united in our opposition to this project.

Please reach out if you have any questions!

Ericka and Gabe Spiezio
8590 Lavelle Rd.
(702) 302-8784

Patricia Morris-Witmer

From: John Kotowski <jkkotowski@gmail.com>
Sent: Sunday, June 23, 2024 6:59 PM
To: Austin Phillips; Chris Knisely; Andy Stone; Steve Patterson; David Riggs; Meghan Jennings; Patricia Morris-Witmer
Subject: Fwd: 0 Lavelle Rd Request

I am forwarding another note expressing opposition to the lot split being proposed for a parcel on Lavelle Road for your information. See you on Tuesday at our scheduled commission meeting.
Sincerely,
John Kotowski

(4)

---------- Forwarded message ---------
From: **Angela Anderson** <angela.anderson83@gmail.com>
Date: Sun, Jun 23, 2024 at 6:23 PM
Subject: 0 Lavelle Rd Request
To: <jkkotowski@gmail.com>

Dear Members of the Athens City Planning Committee,

We are writing to support our neighbors by opposing the division of a section of land on Lavelle Rd. into 3 parcels and subsequent development into a subdivision.

Our road is narrow, curvy, includes several blind spots, and has significant drop offs on the sides of the road. Adding additional units, especially those that could include multi-family units and/or visitors unfamiliar with the road is troublesome and dangerous. We know how scary this is, as our road was used as an unofficial detour with the closing of the bridge on Union Street/Route 56 for repair a few years ago.

The stress on utilities and other infrastructure with the addition of multiple units would also be impacted with dividing what is now one parcel.

While we are not aware of the specifics of the ordinance being appealed to your committee, we wanted to voice our opposition to approval as we all learn more.

Thank you for your consideration in sticking with your original decision to deny the request for dividing and developing the parcel at 0 Lavelle Rd. We will not be able to attend the meeting in person, as we will be out of town.

Jeffrey and Angela Anderson
8959 Lavelle Rd.

Patricia Morris-Witmer

From:	John Kotowski <jkkotowski@gmail.com>
Sent:	Saturday, June 22, 2024 1:14 PM
To:	Austin Phillips; Chris Knisely; Steve Patterson; Andy Stone; David Riggs; Meghan Jennings; Patricia Morris-Witmer
Subject:	Fwd: Lavelle Rd denial

I am forwarding a second letter I received for the proposed lot split off Lavelle Road for your information. This coming Tuesday, I would like to read this letter/email into the record, along with others received, to become a part of the record for the communication seeking to divide the parcel in question.
Sincerely,
John Kotowski

2

---------- Forwarded message ---------
From: **K Scott** <scottland32@gmail.com>
Date: Fri, Jun 21, 2024 at 5:55 PM
Subject: Lavelle Rd denial
To: <jkkotowski@gmail.com>

John Kotowski,
Head of the Planning Commission

Mr Kotowski,
We have been on Lavelle Rd. for forty years and have seen it grow from a few houses to most lots now having homes on them. This road is serviced by a small Le-ax line that already loses pressure & is not adequate for the amount of homes. Lavelle Rd is narrow & dangerous at blindspots, residents know where to slow down & hug the right side. I have been narrowly missed many times because of people unfamiliar with the road driving in the center of the road on hills and bind spots. In the snow it is nearly impossible for two cars to pass. We also have concerns about the increase in septic systems. It seems like Athens is being overrun with apartments, rentals and AB&B's we hope this doesn't happened in our area. Thank you for taking our concerns into consideration and please express them to the Planning Commission at the meeting.

Katherine & Thomas Scott

Sent from my iPhone

Patricia Morris-Witmer

From: John Kotowski <jkkotowski@gmail.com>
Sent: Wednesday, June 26, 2024 12:55 PM
To: Austin Phillips; Chris Knisely; Andy Stone; Steve Patterson; David Riggs; Meghan Jennings; Patricia Morris-Witmer
Subject: Fwd: Lavelle Road Lotsplit/Land Transfer Permit

Categories: Boards & Commissions

I am forwarding a note I have received from Mr. Coreland Campbell Phillips regarding the lot split being proposed on Lavelle Road. As with the other letters/emails I have received, it will be my intention to read them into the record on July 3rd, our next regularly scheduled Planning Commission meeting.
John

(5)

---------- Forwarded message ---------
From: **Coreland** <cpeheotel@gmail.com>
Date: Tue, Jun 25, 2024 at 2:14 AM
Subject: Lavelle Road Lotsplit/Land Transfer Permit
To: jkkotowski@gmail.com <jkkotowski@gmail.com>
Cc: <eiler@ohio.edu>

John:
As a resident of Lavelle Road, I am writing to you this evening to express my concerns regarding subdivision of lands, owned by Russel Chamberlain, near 8807 Lavelle Road. As a newer resident of Lavelle who came previously lived in Cincinnati, Columbus, and Yellow Springs Ohio - I have an interesting view on the current utility challenges facing our quaint street. When my wife and I first settled in, we didn't quite realize the interesting state of affairs regarding having Le Ax providing water service, but every address having a private waste disposal/septic system. These systems appear to be often times constrained in their placement on the properties they serve - perhaps due to the mineral / rock composition under the soil - which was made abundantly clear to me after a contractor broke an entire drilling rig attempting to create geothermal pipe wells on our property. This obviously creates a unique environmental situation on our street as property drainage naturally feeds Hocking River tributaries such as Margaret's creek. Additionally, Lavelle Road is at its best a 1.75 car roadway that is often used at excessive speeds by people connecting from 56 to 682 and students taking joy rides. The road already feels unsafe at night and early in the morning to traverse via car and feels unsafe at all hours of the day as a pedestrian just trying to get some fresh air and walk their dogs. Additionally, much of Lavelle Road did not even have hardwired broadband internet when we moved in due to over reporting by Spectrum on FCC surveys. We finally pushed Spectrum to finish build out for most/all of the remaining addresses - however it is an uphill battle as we still don't have a firm date from Frontier (formerly GTE) to replace their underground buried, decaying, and barely functional Copper POTS infrastructure. All this is to say, Lavelle is a beautiful oasis near the city but given its proximity it faces some stark limitations in water delivery, sewage treatment, road safety/drainage care, modern digital infrastructure, and frequent electrical issues that already tax AEP crews/services ability to find down lines in a timely manner.

Based on the Athens County Comprehensive plan, when adding things such as subdivisions - major or minor - some of the recommendations from the plan writers include adopting asphalt as a minimum standard for subdivision road surfaces. Additionally, the plan writers note:

"Pedestrians and bicyclists often feel unwelcome or even threatened on most streets and roadways."

This would almost certainly increase traffic on Lavelle and exacerbate the sentiment quoted from Comprehensive Plan. Additionally, while the strategic plan mentions fostering entrepreneurship within Athens County, according to the plan the entrepreneurial businesses should provide for meaningful and skill-oriented employment for Athens County residents. AirBnB and competing services, e.g. VRBO, only serve to perpetuate a gig economy and don't provide inherent employment stability or high paying job opportunities.

I believe this development would alter the current make up of Lavelle Road significantly by changing the dynamic of its current single-family housing with large wooded/conservation areas and adding in a potentially disruptive and culture changing element of a short-term rental subdivision. The utility infrastructure of Lavelle Road is already under resourced and strained. The roadways and drainage have not been modernized to meet the current level of demand, let alone *more*. Additionally, there's not likely to be an economic or entrepreneurial impact the community can realize or profit from in any meaningful way. What is possible is a disruptive building project, further strained resources, negative environmental impact from utility/road construction etc., and increased traffic and litter.

I sincerely thank you for your consideration and time reading this e-mail.

Regards,
Coreland Campbell Phillips

Patricia Morris-Witmer

From: David Riggs
Sent: Wednesday, July 3, 2024 8:14 AM
To: John Kotowski
Cc: Patricia Morris-Witmer
Subject: FW: Multiple housing and land development on Lavelle Road

This is the same email that was sent on June 21st, they expanded the "to" list to include County Commissioners, Health Dept., and City of Athens Law Director.

(6)

David Riggs, PE
City of Athens
Code Director

From: Terry Eiler <terryeiler@gmail.com>
Sent: Tuesday, July 2, 2024 4:22 PM
To: leliason@athensoh.org; cchmiel@athensoh.org; cadkins@athensoh.org; jpepper@athenspublichealth.org
Cc: da228906@ohio.edu; David Riggs <driggs@ci.athens.oh.us>; Kathie Scott <Scottland32@gmail.com>; Coreland <cpeheotel@gmail.com>
Subject: Multiple housing and land development on Lavelle Road

Greetings,

I am writing to express my opposition to the proposed development of land on Lavelle Road for Airbnb and other multi-unit purposes. The site in question borders family land, which includes a tree farm and conservancy area.

The area slated for development is accessed by Lavelle Road, a narrow, winding lane that already faces challenges of safety, drainage, limited utilities and overhanging trees. Additionally, this region is served by a small Le-Ax water line with limited taps and water pressure. The construction of septic systems here requires meticulous planning due to limestone caps and outcrops that are often less than six feet below the surface, significantly limiting drainage fields.

I would like to add the information that the USDA Soil and Water division in the Plains, should be advised in writing of any plans to develop lands along the Margaret Creek and Factory Creek protected watersheds to the Hocking River. I suspect this would be required as part of the Health Departments approval to County septic system plans.

Lavelle Road is primarily home to single-family dwellings, stretching between Highway 56 and Lurig Road. Although intended for local traffic only, it is frequently used as a cut-through between SR 682 and Highway 56 by significantly larger non-local vehicles.. The increase in traffic and strain on utilities from multiple rental units is not an appropriate use of this land, which is best preserved as wooded greenspace with single-family homes.

Thank you for considering my objections via email.

Terry and Lyntha Eiler
--

Terry E. Eiler
Professor Emeritus
School of Visual Communication
Schoonover Center 250
1 Ohio University
Athens, Ohio 45701

740 592-1280 H
740 707-1281 C
740 593-4895 O

Soul of Athens: (storytelling with impact)
http://www.soulofathens.com/

Dawn to Dusk (annual fall student project)
http://www.viscomd2d.com/

School of Visual Communication http://www.viscom.ohiou.edu

Facebook group: VisCom (OU) Alumni, Students and Friends

Scripps College of Communication: http://www.scrippscollege.ohio.edu/

Ex 3

Patricia Morris-Witmer

From: Andy Stone
Sent: Friday, July 5, 2024 2:55 PM
To: Patricia Morris-Witmer
Cc: Andy Stone
Subject: Commentary I read at PC

While we are reading points into the record, I wrote up some additional points about both this case and the wider issue of planning and development in the greater Athens area.

First of all, it is important to reiterate the role of Athens City Planning Commission in this case, as well as what is not its role. This commission does not decide anything related to land use in the unincorporated area of the county. Outside of Athens and Nelsonville, in the other parts of Athens county, both citizenry and elected leadership have vigorously opposed any kind of zoning restrictions for the 60 or so years since zoning started in Athens in the 1960s. The unincorporated areas simply do not want the government telling us what we can do with our property, and particularly those busybodies in the City of Athens. Though ironically we are often all too ready to demand the government tell our neighbor what not to do with their property.

The Ohio Revised Code gives cities some very limited authority in the area just outside their boundaries regarding land subdivision only. The purpose of this authority is to see that any property splits will be compatible with city services should the area ever annex in the future. That is all. It is not to decide if a land use is compatible with the surround land or not, or if the current infrastructure can support it or not, or if the proposed use is a good idea or not. The applicant in this situation has provided two different lot split versions, only one of which require planning commission approval, the one with the easement to access multiple parcels. The other version with the flag lots is not a subdivision that requires commission approval. The land will be subdivided in some manner and the landowner will proceed with whatever plans he comes up with – we have to decide which version of the lot split would be less-objectional to the city if and when the area ever annexes. It may never.

This case is instructive about the benefits and perils of growth at the boundaries of cities in unincorporated areas. In our fractured system, concerns about the road should be placed with Athens Township, concerns about the water line should be placed with Leax, and concerns about sewage or septic should be placed with the health department. If citizens of an area wish the City of Athens government coordinate all those things as well as regulate land use with zoning, seeking annexation into the City of Athens is the only way to do that. Annexation is a deliberate, difficult effort, intentionally made so in state law so it is not done haphazardly, that requires consensus of a majority of those wishing to annex. These choices are things we have to think about as well plan for both Athens and the wider region in the years ahead.

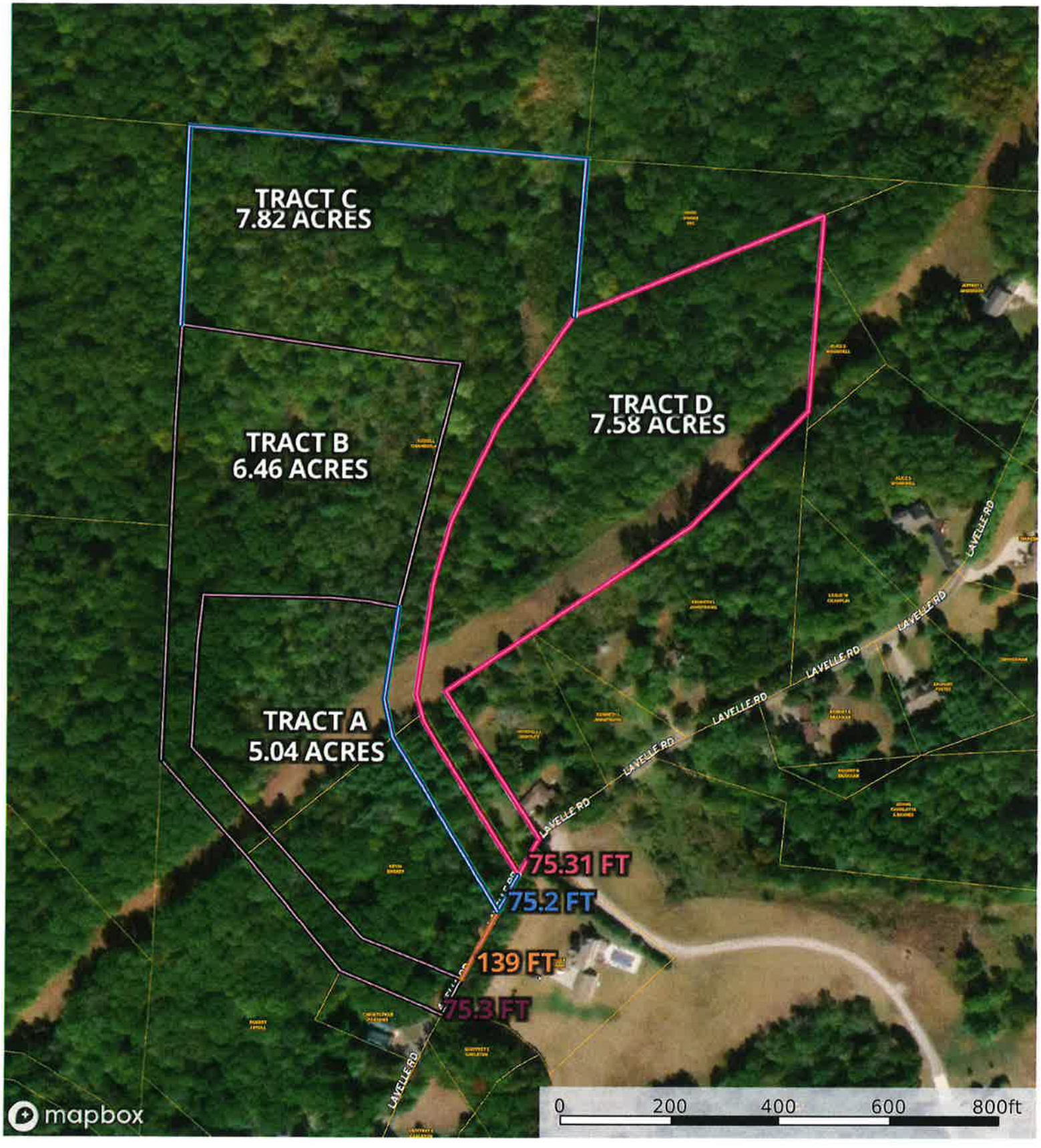
Sent from my iPhone

Begin forwarded message:

> **From:** Patricia Morris-Witmer <pwitmer@ci.athens.oh.us>
> **Date:** June 27, 2024 at 1:11:04 PM EDT
> **To:** David Riggs <driggs@ci.athens.oh.us>, Meghan Jennings <mjennings@ci.athens.oh.us>
> **Cc:** John Kotowski <jkkotowski@gmail.com>, Andy Stone <astone@ci.athens.oh.us>
> **Subject: Next week's Planning Commission Meeting**

lavelle 2 map
Ohio, AC +/-

A



Rebecca Mount
540 W. Union Street

This information contained herein was obtained from sources deemed to be reliable.
Land id™ Services makes no warranties or guarantees as to the completeness or accuracy thereof.

Athens County Commissioners

Charlie Adkins
cadkins@athensoh.org
Chris Chmiel
cchmiel@athensoh.org
Lenny Eliason, MPA
leliason@athensoh.org

15 South Court St.
Athens, Ohio 45701
(740) 592-3219
Visit us at our website:
co.athensoh.org

JoAnn Rockhold
Clerk/Admin. Assistant
jsikorski@athensoh.org
Telephone (740) 592-3292
Fax (740) 594-8010

August 24, 2024

To: Athens City Planning Commission

Project and Property Owner: Athens County Commissioners, Athens Ohio
Owner's Address: 15 South Court Street, 2nd Floor, Athens, Ohio 45701
RE: Conestoga Hut Safe Spot Site : Location: 510 W. Union St. Athens, Ohio 45701

Description of Proposed Use: Proto-Type Conestoga Hut Safe Spot Site: Building a Conestoga Huts, a "micro-shelter" that provides a person with roughly sixty square feet of lockable, dry, and safe space to temporarily live while working to improve their life situation. It uses minimal materials to keep cost down per shelter while providing stability to its user. If a Hut is abused or damaged, its design enables it to be disassembled, refurbished, and put back together to help another person in need, all with ease. These are not permanent structures and can be easily moved to other sites and look nice in a community space such as a parking lot or greenspace. We are requesting on behalf of Athens Mental Health Inc., dba The Gathering Place "Conestoga Hut Project" to place four 12ftx6ft huts surrounded by 224 ft of privacy fencing that will be 6ft high-materials vinyl and chain link-lockable and a 7.5ft high x4ft wide and 4ft deep porto-potty.

Request for Conditional Use: Referring to 23.07.02 (D) Temporary structures and uses, and ACC.23.03.24, and ACC 23.03.19

1. Standards- The BZA may permit the temporary use of structures or premises in any zone for a purpose that does not conform to the regulations prescribed elsewhere in the zoning code for the zone in which it is located, provided that the BZA finds such use to be of a temporary nature, not to involved the erection of a substantial structure, and to be unlikely to cause substantial detriment to the public. Any such temporary certificate shall be granted subject to such conditions as will safeguard the public health, safety, morals and general welfare.

2. In addition: Under ACC 23.03.24 all zones prohibit trailers as living units except in a trailer park. The county property at the Ohio Means Jobs located at 510 W. Union is in a B-3 zone, and as a trailer park is a conditionality permitted use in a B-3 zone, with certain conditions laid out in ACC 23.04.07 (C), which normally one would go before the BZA to gain a conditional permit. However, it is not necessary in this incidence because of ACC 23.03.19, which has the government exemption to the zoning code.

The Board of Athens County Commissioners is an Affirmative Action employer and does not discriminate for reasons of race, gender, age, religion or disability.
Printed on recycled paper

- *This states: 23.03.19. - Government property exemptions.*

  The administrative authority of all governmental units (including city, township, county, state, and federal units) must make a reasonable attempt to ensure that their buildings and grounds conform to the regulations of the zoning code. When such authorities find, they cannot conform to these regulations, they shall inform the planning commission in writing, outlining the nature of and reasons for such nonconformance.

  The Athens County Commissioners (ACC) observe the hardship for some of our community members who are currently unhoused and living out of doors, due to a variety of social issues of economic hardship, mental, intellectual or physical disability, those entering recovery from a substance use disorder or re-entry from the judicial system, and scarce access to affordable housing units that meet the HUD fair market rate for our county, or no access to limited governmental housing vouchers.

  The ACC support interim solutions that the Athens County Housing Security Co-Create Coalition (Co-Create) have developed. Co-Create is representing 32 city/county agencies that can offer wrap-around supports and advocacy and fund development expertise for housing security in Athens County- the "safe spot" community of Conestoga Huts as an interim solution while an individual community member works toward secure housing, employment or income, and other health services while awaiting housing opportunities.

  The Athens County Commissioners feel that there is an exception in this case of use due to the affordability of these micro-structures and necessity of emergency housing for community members. These structures can be rapidly constructed and dismantled and moved and can be anchored for safety to concrete blocks, as is common with sheds or trailers throughout the city and county. These micro-shelters help to fill the needed shelter space for our community, as our city/county does not yet have a city-run shelter, only a privately run shelter with limited shelter beds.

Requested Variance: To build a proto-type model of four Conestoga Huts at 510 West Union, Ohio Means Jobs. The project will also be constructing a fence (6ft.) for safety and privacy and respect for public image and site will have sanitation with a Porto-potty on site and access to County waste removal.

Reasoning for variance request:

- Homelessness is a huge issue in our community, especially considering not enough affordable housing stock available for individuals who may not currently have income or be involved with services that can help them obtain that resource.
- Even when an individual obtains a HUD voucher for subsidized housing, there is not enough housing stock that meets the requirements of cost using the voucher.
- Many are sleeping in tents hidden around our city without appropriate hygiene facilities in which to use the restroom, wash hands, or shower, or tents are not providing enough shelter and warmth in the winter months. This also causes undue public health concerns when human waste and other trash waste are littered around the city.

- This safe-spot micro-shelter community is to be used as a Proto-Type project for our community members, city and county officials, health and wellness agencies, recovery agencies, and area churches and nonprofits to learn more about the possibilities of Conestoga Hut communities and how they can change lives and reach our community members in need, with shelter and other needed services until a city/county non-congregate low-barrier shelter can be acquired through Co-Create's larger on-going activities to be responsive towards our unhoused neighbors.
- AMHInc.dba The Gathering Place is perfectly positioned to take on the role of oversight for this project, as their mission is to serve marginalized populations who may be experiencing homelessness due to other factors. They provide linkage services (mental health, social services, housing, and food security) and access to basic needs such as a shower, food, laundry services, and other recovery supports and programming at their location, 7 North Congress Street, Athens, Ohio.

Practical Difficulty: The city of Athens only has one privately run homeless shelter and there are far too few beds to serve all our community members who are homeless. This is a strategy that has been quite successful in other communities, such as Eugene, Oregon and "Community Shelters" model. Some community members do not have an income or access to a means to gain housing.

Preservation of Equal Property Rights:
The location of 510 West Union is located on county property, adjacent to the city bike path and there are already individuals camping in the woods a few yards away. By providing a fence for privacy and safety and access to sanitation and waste removal, and uniform shelters that have materials sturdier and more visually appealing, the current city/county property can be better maintained and a sanctioned space can be more appealing to our community as a specific structure is developed and unhoused community members are involved in a program and a living space and the individuals served are part of a wrap-around service project, monitored by AMHINC, dba The Gathering Place.

Minimum Variance:
This variance requests that only the minimum amount of space be used at 510 West Union, the visual impact does not impact the look of the neighborhood and they are neat and appealing structures, even more appealing than a shed. A privacy fence will also be a part of the site.

Absence of Detriment:
- This structure does not increase the occupant load of this area of the city, it is among a large amount of green space, there will be no extra vehicles in the adjacent parking lot.
- This location was specifically chosen for the benefits of the bus line for transportation, being feet away from Ohio Means Jobs (JFS) and close approximate to mental health and recovery supports services. These shelters are meant to be temporary dwellings for individuals experiencing homelessness, evidence-based to reduce an individual's time being homeless, as they provide more safety, security and comfort for an individual to connect with services with goals of permanent housing and other needed health and mental health/recovery services.

- These structures are meant to be sober living sites.
- Individuals will be vetted and have daily contact with case managers, will be required to be in services and working towards goal of permanent supportive housing.

Not of General Nature:

AMHINC, dba The Gathering Place is a member operated peer recovery organization that serves adults with a lived experience of a mental health or co-occurring substance use disorder. Staff and members work together to provide peer support, linkage services, advocacy, mental health education, recreational and wellness activities, access to healthy food, access to housing opportunities, and community integration opportunities, all in a welcoming home-like environment. They have been serving Athens County since 1976 and operate a 5-bedroom sober living home for men, called Mike's Bridge House.

AMHINC, dba The Gathering Place has the support of Sister's Health Foundation to fund this project and also support from the Co-Create Coalition which Athens Foundation facilitates the partnership of 32 city/county agencies working together to address the issue of Housing Security in Athens County.

A concrete best practice plan of case management/structure and oversight of the proposed site will be in written format and a 1-year lease and other needed documents will be outlined with the Athens County Commissioners and re-evaluated annually for any needed improvements, and to note documented outcomes and if goals are being met and if project can be advanced to other sites.

Sincerely,

Lenny Eliason, President

Charlie Adkins, Vice-President

Chris Chmiel

ACC:js

Patricia Morris-Witmer

From: John Kotowski <jkkotowski@gmail.com>
Sent: Thursday, August 29, 2024 9:34 PM
To: Patricia Morris-Witmer
Cc: Andy Stone; Chris Chmiel; David Riggs; ginger@thegpathens.com
Subject: Re: Possible meeting?

Categories: Boards & Commissions

Patty,
Let's put this project on the agenda for our meeting on September 18th.
John

On Thu, Aug 29, 2024, 8:56 PM Ginger Schmalenberg <ginger@thegpathens.com> wrote:

> Thank you so much Andy! I will proceed with your direction and work with Chris on the letter from the County Commissioners and how he thinks it should proceed, either writing the memo that says "see attached" or have them copy on their letterhead showing it is from them with all important details. I will check with Chris on when we can request to be put on the agenda for Planning Commission, hoping to meet with them to finalize details on Tuesday when they next meet.
>
> Thanks again for leading me through the process and I of course will take any new input from city staff and make changes accordingly.
>
> Ginger

Ginger Schmalenberg

Executive Director

Athens Mental Health Inc., dba The Gathering Place

7 North Congress Street

Athens, Ohio 45701

740-594-7337

www.thegpathens.org

From: Andy Stone <astone@ci.athens.oh.us>
Date: Thursday, August 29, 2024 at 5:08 PM
To: Ginger Schmalenberg <ginger@thegpathens.com>
Cc: Chris Chmiel <cchmiel@athensoh.org>, David Riggs <driggs@ci.athens.oh.us>, Patricia Morris-Witmer <pwitmer@ci.athens.oh.us>, John Kotowski <jkkotowski@gmail.com>
Subject: RE: Possible meeting?

Ginger,

I am in receipt of the letter and I saw the drawing. I will have staff review it, but it is generally acceptable. Proceed with the following:

1. The letter needs to be from the county, not from the Gathering Place. If you can ask the commissioners to submit it under their letterhead (or even a memo from them that says "see attached" and you attach your letter) to the city planning commission. Attach the Google Earth sketch as well.
2. Patty is secretary for the planning commission, and John is the chair – they are both copied. They can put you on the agenda for whenever the next planning commission is. As long as we have the letter submitted and someone comes to the meeting (can be you on behalf of the county or someone from the county) to read it into the record, that is sufficient.

Again, planning commission doesn't have to approve this, only have the meeting to hear it, then we can issue a zoning certificate. If you need me to sign something describing this process for your 04SEP grant request, I'm willing to do that. Or just include this email with your application.

-Andy

Andrew B. Stone, P.E.

City Service-Safety Director

8 E. Washington St., Athens, OH 45701

740-592-3340

From: Ginger Schmalenberg <ginger@thegpathens.com>
Sent: Sunday, August 25, 2024 3:09 PM
To: Andy Stone <astone@ci.athens.oh.us>
Cc: Chris Chmiel <cchmiel@athensoh.org>; David Riggs <driggs@ci.athens.oh.us>
Subject: Re: Possible meeting?

Hi Andy and David- I have done as requested and addressed the project in writing to Athens City Planning Commission in order for feedback, so that I may write an appropriate letter for commissioners with all needed points, I have also sent a document from Google that Chris has been helping me with for a sketch. Please let me know the guidance and how you suggest stating more clarity.

I am on a bit of a time crunch to get the a letter of approval from Planning Commission and Commissioners as I have the Sisters Health Foundation grant due on September 4.

Thanks so much for the help and moving this project forward to serve community members.

Ginger

Ginger Schmalenberg

Executive Director

Athens Mental Health Inc., dba The Gathering Place

7 North Congress Street

Athens, Ohio 45701

740-594-7337

www.thegpathens.org

From: Andy Stone <astone@ci.athens.oh.us>
Date: Wednesday, August 7, 2024 at 12:56 PM
To: ginger thegpathens.com <ginger@thegpathens.com>, Steve Patterson <spatterson@ci.athens.oh.us>
Cc: David Riggs <driggs@ci.athens.oh.us>, Andrew Chiki <achiki@ci.athens.oh.us>
Subject: RE: Possible meeting?

Ginger,

This is a follow up to my phone call.

Under ACC 23.03.24 https://library.municode.com/oh/athens/codes/code_of_ordinances?nodeId=TIT23ZOCO_CH23.03GEREPEMO_23.03.24USTRTRCOSIDEMAHO all zones prohibit trailers as living units except in a trailer park. The county property at the Ohio Means Jobs is in a B-3 zone, and a trailer park is a conditionally permitted use in a B-3 zone, with certain conditions laid out in ACC 23.04.07 (C) https://library.municode.com/oh/athens/codes/code_of_ordinances?nodeId=TIT23ZOCO_CH23.04PEUS_23.04.07GEBUZO. To get a conditional permit you would normally go before the BZA. However, you don't have to do that because of ACC 23.03.19, the government exemption to the zoning code. You can read it here: https://library.municode.com/oh/athens/codes/code_of_ordinances?nodeId=TIT23ZOCO_CH23.03GEREPEMO_23.03.19GOPREX

What will need to occur is a letter to the city planning commission from the county commissioners describing why they cannot comply with the zoning code. I propose you write up what you intend to do and provide a sketch. Provide a layout, quantity of huts, how you will manage sanitation, how you will manage access, etc, and send it to David. We'll give you some feedback about what we would like changed from an administrative perspective, then tell you where it doesn't comply with zoning. Once we do that, you can put that into a letter you ghostwrite for the commissioners, who can sign it and send it to the planning commission. Planning commission doesn't have to vote on it – it is just so the zoning non-compliance goes through a public process.

Does this all make sense?

Andrew B. Stone, P.E.

City Service-Safety Director

8 E. Washington St., Athens, OH 45701

740-592-3340

From: ginger thegpathens.com <ginger@thegpathens.com>
Sent: Tuesday, August 6, 2024 2:25 PM
To: Andy Stone <astone@ci.athens.oh.us>; Steve Patterson <spatterson@ci.athens.oh.us>
Subject: RE: Possible meeting?

Hi Andy and Steve - I am wondering if we could meet, perhaps at The Gathering Place? I would like to discuss our Conestoga Hut project. I just had a great meeting with the County Commissioners, and they have approved a site behind Ohio Means Jobs to try a prototype of two huts but will need an approval from the city of Athens, to ensure we are all working together. I am assuming that I will need to go back to the BZA for approval of placement? This also might be in a flood zone. I am attaching some more information for you to peruse and then I could answer any questions and take any guidance that you may have to offer. We have over 32 agencies on board with this and The Gathering Place has also spent the last 4 years developing a plan and have an opportunity for funding to help with building and site logistics from Sisters Health Foundation- this is part of Athens County Housing Security Co-Create Coalition and our work with the Interim Solutions committee.

Please let me know your schedules, I would love to be able to meet later this week or early next week.

Sincerely,

Ginger

Ginger Schmalenberg

Executive Director

Athens Mental Health Inc., dba The Gathering Place

7 North Congress St.

Athens, Ohio 45701