

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 #24-20V

ADVERTISEMENT

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

TO: The Athens Messenger

Insert the following legal notice on **January 4, 2025**

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, January 14, 2025, at 7:00pm** on the following described property:

5 Arden Place
Zone R1 Case #24-20V

Appellant is requesting a variance from ACC 23.10.01 Table A to allow a 2 ft side setback where 5 ft is required.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
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City of Athens
ATHENS, OHIO

January 2, 2025

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 an appeal has been filed by

Monica Chapman / Appellant
For property located at
5 Arden Place

Appellant is requesting a variance from ACC 23.10.01 Table A to allow a 2 ft side setback where 5 ft is required.

This case has been assigned
Case #24-20V

This meeting has been scheduled for **Tuesday, January 14, 2025**, 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

A handwritten signature in black ink that reads "Rob Delach".

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

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

January 2, 2025

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
5 Arden Place
has been assigned Board of Zoning Appeals **Case #24-20V**

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, January 14, 2025**, 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

5 Arden Place – Case #24-20V – adjoining properties and owners

0 N May Avenue (A028280013300)

Daniel Stroh
29 N May Ave
Athens, OH 45701

8 Arden Place & A028280012400

James Dyer
8 Arden Place
Athens, OH 45701

21 N Shannon Avenue

Gregg Cornell / Kimberly Nesbit
13370 Peach Ridge Road
Athens, OH 45701

20 N Shannon Avenue

Kim Taeil
20 N Shannon Ave
Athens, OH 45701

7 Arden Place

Paula Marx
7 Arden Place
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-000020
Date Rec'd 11-26-24

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

APPLICANT: Monica Chapman PHONE # 352-552-4979

ADDRESS: 5 Arden Place, Athens, Ohio 45701

OWNER: Mark and Monica Chapman

ADDRESS: 5 Arden Place, Athens, Ohio 45701

PROPERTY ADDRESS: 5 Arden Place, Athens, Ohio 45701

ZONE: R1

I, THE UNDERSIGNED, Monica Chapman

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 11/21/24

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:
5 Arden Place, Athens, Ohio 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.

Monica Chapman
APPLICANT

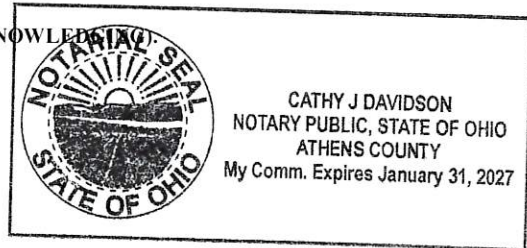
STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 11/21/ (DATE) BY

Monica Chapman (NAME OF PERSON ACKNOWLEDGED)

Cathy J. Davidson
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 01-31-27



PROPERTY OWNER (IF OTHER THAN APPLICANT)

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ (DATE) BY

(NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: _____

SURVIVORSHIP DEED

Statutory Form
(RC 5302.17)

GREGORY M. CHAPMAN and JANA M. CHAPMAN, husband and wife, of Athens County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to MARK A. CHAPMAN and MONICA K. CHAPMAN, husband and wife, for their joint lives, remainder to the survivor of them, whose tax-mailing address is 5 Arden Place, 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.

EXECUTED this 3rd day of August, 2007.

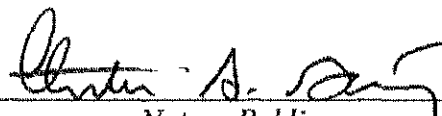

GREGORY M. CHAPMAN


JANA M. CHAPMAN

200700005152
Filed for Record in
ATHENS COUNTY, OHIO
JULIA MICHAEL SCOTT
08-07-2007 At 12:54 pm.
DEED 28.00
OR Book 414 Page 1407 - 1408

STATE OF OHIO:

The foregoing instrument was acknowledged before me this 3rd day of August, 2007, by Gregory M. Chapman and Jana M. Chapman.


Notary Public

My Commission Expires:
(seal)



CHRISTIAN S. GERIG
Notary Public, State of Ohio
Expire Term, Ohio R.C. 147.03

50
Transferred 8/6/2007

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

822 Transfer Fee Paid \$ 760.00
Jill A. Thompson, Athens County Auditor
By  Deputy Auditor

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

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

Being Lot 2358 of the Daltonhurst Addition to the said City of Athens, said lot being 50 feet x 131 feet 8 inches.

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

DEED REFERENCE: Volume 21, Page 1, Athens County Official Records.

APN: A02-82800125-00

Commonly known as: 5 Arden Place, Athens, OH 45701

November 25, 2024

To Whom It May Concern:

We write to respectfully appeal the decision of the Zoning Administrator regarding plans for a backyard patio at 5 Arden Place in Athens, Ohio. It is our understanding our proposal was denied based on the proposed two-foot setback from our property line. Our rationale for requesting this slightly reduced setback is as follows:

1) Practical difficulty to undue hardship

Our backyard features a significant slope. The east side of our property, running from the property line inward for approximately 12 feet, is comparatively flat. After the 12' mark, the slope becomes steeper. Moving the patio the typical distance (5') from the property line would require significantly more excavation to the hillside. Our hope is that by building the patio within two feet of the property line, a small retaining wall will suffice, avoiding disruptions to the natural landscape and slope of the hill.

2) Exceptional circumstances

We have an uncommon yard for the near east side of Athens. The backyards on Arden back to a wooded and sloping hillside, and the houses are tightly packed. Getting excavation equipment into the backyard is nearly impossible, and most of the work related to this project will have to be done by hand. Building this patio near to the property line will make work by hand possible.

3) Preservation of equal property rights

The property to our east has a garage that borders our backyard mere feet from our shared property line. This grandfathered feature was likely built in this location for many of the same exceptional circumstances described above. The privacy fence proposed in our project would closely match set-back of neighboring projects, which we believe preserves equal property rights for property owners who face our unique building challenges.

4) Minimum variance

For the reasons outlined in answer #1, we believe that a two-foot variance is the minimum variance required to make possible the reasonable use of our property.

5) Absence of detriment

The patio that we are proposing would back to the property behind our neighbor's garage, an unused space currently used to store wheelbarrows and other gardening equipment. Due to the neighboring garage and the slope of the land, the proposed patio does not fall within view of the neighboring houses or the street, causing no detriment to the surrounding community.

6) Not of general nature

As described throughout this appeal, our backyard is unusual in nature and presents certain building challenges not common to houses on the east side of Athens. We believe that building a patio on this portion of our backyard will allow us to create an outdoor oasis from which we can more fully enjoy the wooded landscape behind our property. By allowing a two-foot variance, we can complete this project in a way that preserves the natural landscape to the greatest extent.

Thank you for your consideration of our request!

Sincerely,



Mark Chapman & Monica Chapman

Office of Code Enforcement
& Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



ZNE 24-000072

City of Athens
Athens, Ohio

November 21, 2024

To: Henry Huggins
35715 Nicholson Hill Road
Applicant Address: Rutland, Ohio 45775

To: CHAPMAN MARK A & MONICA K
5 ARDEN PLACE
Owner Address: ATHENS, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 5 ARDEN PL

Application Date: 11/07/2024

For: Zone R1 / adding 10 x 12 concrete patio with retaining wall

Decision Detail: Your request for a Zoning accessory structure has been refused, in accordance with the application submitted and ACC 23.10.01 Table A – Schedule of bulk controls. Requesting a 2 foot side set back were 5 feet is required.

NOTE: You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.

COPY



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

Permit #: ZNC24-000072
REFUSAL

Permit Type: Residential
Use of Building: Residential

Project Address: 5 ARDEN PL

Applicant:

Henry Huggins Henry Huggins Contracting LTD
Phone: (740) 818-6950

35715 Nicholson Hill Rd.
Rutland, OH 45775-9630

Property Owner:

CHAPMAN MARK A & MONICA K
Phone:

5 ARDEN PLACE
ATHENS, OH 45701

Description of Proposed Use/Scope of Project: Zone R1 / adding 10 x 12 concrete patio with retaining wall

Decision Detail: Your request for a Zoning accessory structure has been refused, in accordance with the application submitted and ACC 23.10.01 Table A – Schedule of bulk controls. Requesting a 2 foot side set back were 5 feet is required.

Estimated Value of Improvement: \$7,000.00 **Sq. Footage of New Construction or Addition:** 120

Existing number of parking spaces: Existing **Proposed number of parking spaces:** 0

Setbacks (as indicated on drawing): Front: 96 ft Rear: 24 ft Left: 38 ft Right: 2 ft

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

11/21/2024

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 # 2024-00072

Date Rec'd 11/7/2024

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 Henry Higgins

Phone 740 818-0950

Address 35715 Nicholas Hill Rutland OH 45775

Property Owner (if other than applicant) Monica Chapman

Phone 352 552 4979

Address 5 Arden place Athens

ZONING

Address of Proposed Work Same

Description of Proposed Work: New ☒

Alteration ☐

Accessory ☒

Project Description 12-12 concrete patio with +/- 15' x 3' tall retaining wall

Estimated Cost of Project \$7000

Proposed Square Footage 120 sq Ft

Must be registered with the City of Athens.

*General Contractor Henry Higgins Contracting Ltd License # _____

*Electrician (if applicable) _____ License # _____

*Plumber (if applicable) _____ License # _____

*HVAC (if applicable) _____ License # _____

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

Applicant Signature [Signature]

Date NOV 7 2024

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 (Refused) (For Office Use Only) Flood Plain: NO Parcel Number: 1028280012500

Setbacks: Front: A: 96' R: 10' Rear: A: 24' R: 5' Left: A: 38' R: 5' Right: A: 2' R: 5'

Building Lot Coverage: A: 28% R: 50% Total Lot Coverage A: 35% R: 70% Building Height: A: NA R: _____

Exg. # of Parking Spaces: 2+ Proposed Spaces: 0 Required: NA Total: 2+

Code Officer Comments: YRFAZPI RIAWTAS ACC 23.10.01 Table A sch BULK

Signature: [Signature]

Date: 11-21-24

Recommend: ☐ Approval

☒ Refusal

Zoning Administrator Comments: _____

Signature: [Signature]

Date: 11/21/24

☐ Approval

☒ Refusal

Service Safety Director Comments: _____

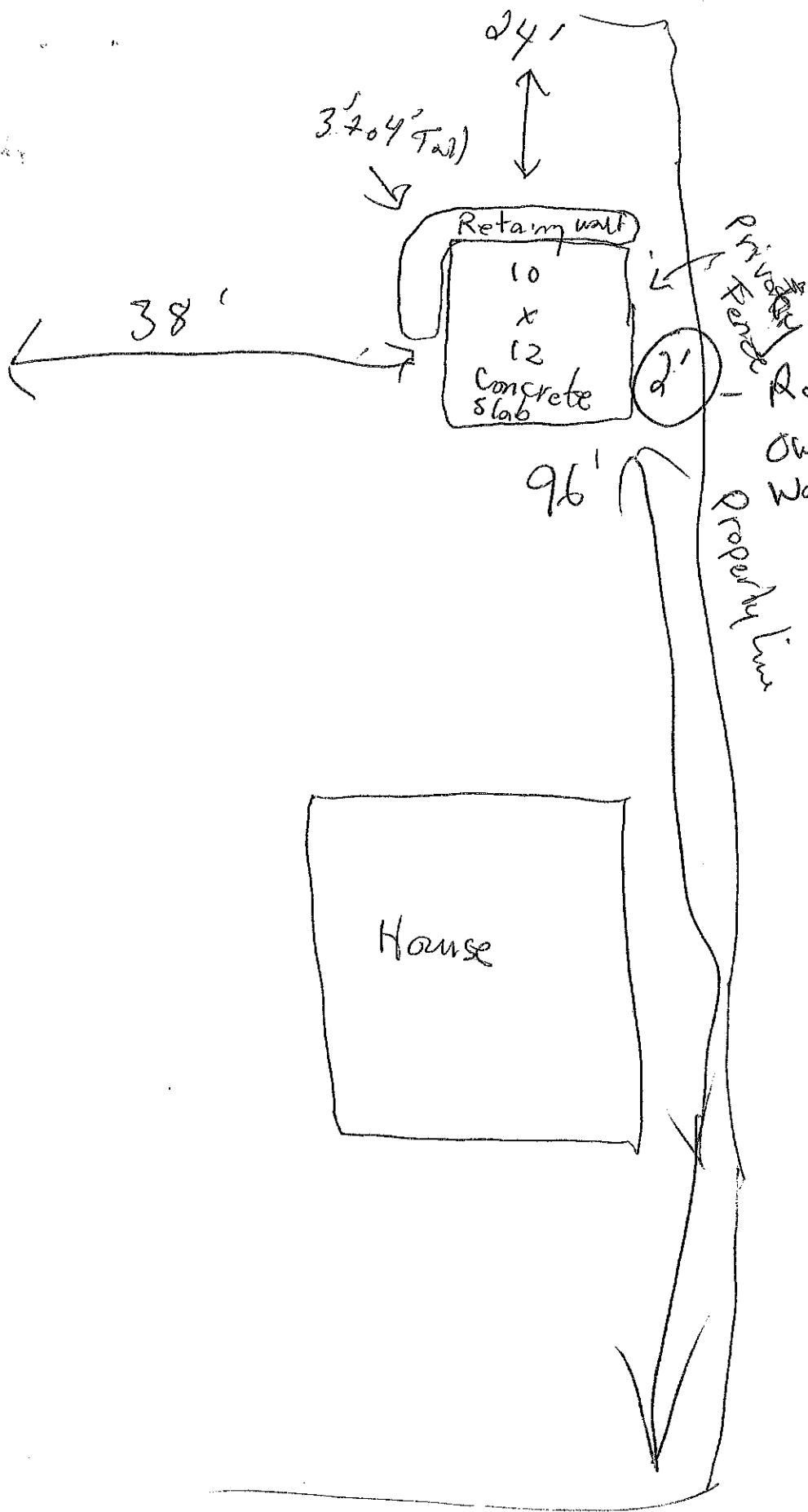
Signature: [Signature]

Date: 12/4/24

☐ Approval

☒ Refusal

5 Arden Place



Refuse 11-21-24
Owner contacted
Wants to go to BZA.
Bm.