

**Office of Code Enforcement and
Community Development**

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

**Board of Zoning Appeals
Minutes
December 12, 2024**

Members present: Alicia Sweeney, Robert Delach (elected Chairperson), Ben Lachman, Shay Myers (alternate)

City Officials present: David Riggs (Zoning Administrator)

The meeting was called to order on December 12th, 2024, at 7:00 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the active Chair of the Board of Zoning Appeals.

A video was played stating the policies and procedures of the board.

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

Hearings:

- 1. Case ##24-19V 141 Mill Street Zone R-3 Trent DeBruin - VSWC Architects /Appellant**

Appellant is requesting a variance from ACC 23.08.01 (D) to allow 3 onsite parking spaces where 56 spaces are required; and ACC 23.10.01 Table A to allow a 5 ft 9 in front setback where 10 ft is required.

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

Mr. Riggs stated there are two parts to the variance with the parking and setback requests. He said they have more than the required number of parking spaces, but they are offsite parking rather than onsite. He also explained the expansion of the structure and how it could not move back any further, so it needs to move forward. They want to match the setback of its neighboring buildings.

Ben Lachman asked how religious buildings interact with residential zones.

Mr. Riggs said churches are allowed in any residential zones.

The Board discussed the lot coverage requirements and that this property covers 48% where 60% is allowed. Impervious coverage is 67% where 90% is allowed.

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The Chairperson asked what the code stated about offsite parking.

Mr. Riggs explained since this property cannot have onsite parking, a variance can allow offsite parking up to 1,500 ft away from the property.

The Chairperson invited the appellant and any representatives to speak.

Trent DeBruin of VSWC Architects (603 W Union St) described the site plans, neighboring setbacks, and the need for the church expansion. He said they have 131 parking spaces when they only need 56.

Alicia Sweeney asked where the entrance would be located.

Trent DeBruin stated the main entrance would be relocated to the side of the property that opens to the parking lot, but there would be smaller doors on the other sides of the building for students to enter through.

Shay Myers described his concern the for future of the streetscape and the scale of the buildings if the entrance is moved and the setback is decreased.

Trent DeBruin said they had not thought about that but will take it into consideration when making the designs.

Ben Lachman and Shay Myers asked if the expansion would also include a height increase and about what would happen if they did not get the setback variance.

Trent DeBruin explained it would increase in height to 55 ft and the small add on over the permitted setback would maximize seating and allow 445 occupants. If they did not have that space, they would lose a few rows of seating, or about 48 seats.

The Chairperson invited those in favor to speak.

The Chairperson invited those in general comment to speak. No one came forward.

The Chairperson invited those in opposition to speak. No one came forward.

The Chairperson closed the testimony from the floor.

The Board discussed their concerns with the back side of the building being on the front only 5 ft from the sidewalk. The other properties next to the church are houses with porches and community-engaging elements. The back side of the church will be very flat and tall with no engagement or depth.

The Chairperson spoke about a piece of code stating the setback of a property can be related to the neighbor properties.

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Mr. Riggs clarified that the lesser of the two setbacks of the adjacent properties can be matched. If both neighbors are encroaching, it is permitted to match the setback that encroaches less. With the adjacent properties, they are only asking for 6 in more.

The Chairperson moved the discussion to the Findings of Fact.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes – parking. No – setback.**
- 2.) HARDSHIP AND DIFFICULTY: Yes – parking. No – setback.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes.**
- 4.) MINIMUM VARIANCE: Yes.**
- 5.) ABSENCE OF DETRIMENT: Yes.**
- 6.) NOT OF A GENERAL NATURE: Yes.**

On a motion by Ben Lachman, seconded by Alicia Sweeney, the Board moved to grant a variance from ACC 23.08.01 (D) to allow 3 onsite parking spaces where 56 spaces are required; and ACC 23.10.01 Table A to allow a 5 ft 9 in front setback where 10 ft is required.

The Chairperson called for a vote: 4 votes for (Sweeney, Delach, Lachman, Myers) – 0 votes against. Motion granted.

OTHER BUSINESS:

Approval of minutes from:

November 12th, 2024: Alicia Sweeney moved to approve the minutes, Ben Lachman seconded the motion. Approved by Sweeney, Delach, Lachman.

The Chairperson adjourned the meeting at 7:48 pm.

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David Riggs, Zoning Administrator

Date