

**Office of Code Enforcement and
Community Development**

28 Curran Drive
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City of Athens

ATHENS, OHIO

**Board of Zoning Appeals
Minutes
January 14, 2024**

Members present: Ben Lachman, Alicia Sweeney, Rob Delach (elected Chairperson), Paul Isherwood, and Shay Myers (alternate)

City Officials present: David Riggs (Zoning Administrator)

The meeting was called to order on January 14th, 2025, 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.

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

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

Hearings:

1. Case #24-20V 5 Arden Place Zone R-1 Monica Chapman /Appellant

Appellant is requesting a variance from ACC 23.10.01 Table A to allow a 2 ft side setback where 5 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 the requested variance was for a patio that would sit 2 ft from the property line. The setback requirement used to be a difference of 20 ft with a minimum of 8 ft on one side, but the new regulation only requires 5 ft on each side.

Shay Myers asked if the patio was treated as an accessory structure and followed the setback rules.

Mr. Riggs confirmed. Tall retaining walls must meet the setback rules if they are taller than 6 ft above the average natural grade.

The Chairperson invited the appellant and any representatives to speak.

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Mark Chapman (5 Arden Place) explained that the backyard has a natural slope to the east, and the retaining wall would be on the other side, inside the yard. He stated they want the patio to go on the eastern side of the house. They hope to move the retaining wall to the 2 ft setback so it would not have to cut into the hillside as much.

Paul Isherwood asked what would happen if they had to abide by the 5 ft setback.

Mark Chapman described the retaining wall would be 3 ft high, meaning it would cut into the hillside much more with a 5 ft setback compared to the 2 ft setback. The 5 ft setback would require more removal of dirt/clay from the hill.

Ben Lachman asked about access to the back of the house.

Mark Chapman stated it has changed since the application was submitted. Their neighbor removed large bushes, so it would now be possible to get excavating equipment back there. However, they would still need to remove existing shrubbery in their yard.

Shay Myers asked if the privacy fence already exists or if they would be adding that.

Mark Chapman stated they would be putting the privacy fence in along the patio. Their neighbor already has a chain-link fence.

Rob Delach asked about the existing swing set in the backyard in relation to the patio.

Mark Chapman said it would most likely be taken down soon, but the patio is not going in the same place as the swing set.

The Chairperson invited those in favor to speak.

The Chairperson read a letter of support from Paul Marks (7 Arden Place) stating his support of the patio and held no issues with the 2 ft setback from his property line.

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 Chairperson moved the discussion to the Findings of Fact.

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Findings:

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

On a motion by Paul Isherwood, seconded by Alicia Sweeney, the Board moved to grant a variance from ACC 23.10.01 Table A to allow a 2 ft side setback where 5 ft is required.

The Chairperson called for a vote: 5 votes for (Lachman, Sweeney, Delach, Isherwood, Myers) – 0 votes against. Motion granted.

OTHER BUSINESS:

Approval of minutes from:

December 10th, 2025: Ben Lachman moved to approve the minutes; Alicia Sweeney seconded the motion. Approved by Ben Lachman, Alicia Sweeney, Rob Delach, and Shay Myers.

The Chairperson adjourned the meeting at 7:26 pm.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date