

**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
May 13, 2025**

Members present: Aaron Thomas, Rob Delach (elected Chairperson), Paul Isherwood, Alicia Sweeney, Ben Lachman, and Shay Myers (Alternate).

City Officials present: David Riggs (Zoning Administrator)

The meeting was called to order on May 13th, 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.

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 #25-03S 75 S Shannon Ave Zone R1 Panda Girl Properties/Appellant

Appellant is requesting a substitution in accordance with 23.07.02 (B) to change a legal nonconforming 4- unit owner-occupied residential dwelling to a legal nonconforming 4-unit non-owner-occupied dwelling in an R1 zone

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

The Chairperson invited the appellant and any representatives to speak.

Jordan Dean (representative of Panda Girl Properties) stated that the property (75 S Shannon Ave) was purchased April 1st of 2025, and the owners do not intend to live in the previous owner-occupied unit of the property, so they are seeking to change the legal nonconforming 4-unit owner occupied residential dwelling to a legal nonconforming 4-unit non-owner-occupied dwelling. He then goes on to explain that the previous owner lived alone, so if two tenants lived in the unit then the most serious impact that can be foreseen is that there will be an additional car parking in the area.

The board discussed parking near the dwelling. Mr. Riggs stated that there were six parking spaces required for the property, but none were provided currently.

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

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The Chairperson invited those in general comment to speak.

Mike Snavelly (78 S Shannon) stated concerns he had over parking congestion within the neighborhood.

Aaron Thomas asked Mr. Riggs if parking was allowed in the neighborhood.

Mr. Riggs stated that each building without onsite parking can obtain one parking permit through the city to park in the neighborhood.

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

The Chairperson closed the testimony from the floor.

There was discussion on parking requirements regarding the number of beds in dwellings.

On a motion by Aaron Thompson, seconded by Alicia Sweeney, the board moved to approve a legal nonconforming use substitution in accordance with ACC 23.01.02 (B) to change a legal nonconforming four unit owner occupied residential dwelling to a legal nonconforming 4 unit non owner occupied dwelling in a R1 zone.

Before the vote Ben Lachman asked about how the substitution will impact the neighborhood.

Discussion ensued on the potential impact of the substitution on the neighborhood.

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

2. Case #25-04V 63 S Court St Zone B2D OLIO Development Group / appellant

Appellant is requesting a variance from ACC 23.03.13 (I)(1)(g) to allow 2 projecting signs where one is permitted and a length of 4ft 10 7/8 inches where 3ft 6 inches is the maximum permitted.

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

Discussion was had over the size of the signs on properties surrounding 63 S Court St.

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Aaron Thomas asked Mr. Riggs the specifics for one of the proposed signs for 63 S Court St. Mr. Riggs explained that one of the signs will be hanging off the building and protruding slightly into the city's right of way.

Discussion was had over the dimensions of the signs and where they would be placed.

The Chairperson invited the appellant and any representatives to speak.

Jen Krack (Representative of Olio Development Group, 1062 Rich St, Columbus, Ohio) stated that one of the signs proposed is a perpendicular projection over the sidewalk and that due to difficulties of getting signs approved for 63 S Court St since it is a historical building, the last option is using a perpendicular projection sign. Jen Krack goes on to say that the sign would go over the proposed Court St entrance and another would go over the Union St entrance and the perpendicular projection sign would be over the maximum permitted sign size for customer recognition of the business. Jen Krack further explains the signs by saying that they will be illuminated by a light bar that hangs over the signs so that the signs will be permitted by National Parks.

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

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.

Discussion was had over concerns of how the signs will impact other buildings with signs that are in regulation of city ordinance, and if the proposed signs would influence other businesses to possibly push to increase the size of their own signs.

Mr. Riggs explains that a building can have one projecting sign per use.

Discussion was had on how high the signs would be hanging.

Ben Lachman asked Mr. Riggs if the sign's hanging height was within code.

Mr. Riggs responded, saying the sign's hanging height was within code.

Findings:

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- 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: Yes.**

Ben Lachman proposed splitting the motion between having two signs and the length of the perpendicular projection sign, and the Chairman agreed.

On a motion by Ben Lachman, seconded by Alicia Sweeney, the board moved to grant a variance from ACC 23.02.13 (I)(1)(g) to allow a 4 ft. 10 7/8 inch projecting sign where 3ft 6 inches is the maximum permitted.

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

On a motion by Ben Lachman, seconded by Aaron Thomas, the board moved to grant a variance from ACC 23.03.13(I)(1)(g) to allow two projecting signs where one is permitted.

The Chairperson called for a vote: 1 votes for (Thomas) – 4 votes against (Lachman, Sweeney, Delach, Isherwood). Motion Denied.

3. Case #25-05V 16 Tulane Rd Zone R1 John Brennan / appellant

Appellant is requesting a variance from ACC 23.08.01 (A) to allow parking in front of a structure.

Discussion was had over the specifics of the property.

The Chairperson invited the appellant and any representatives to speak.

John Brennan (appellant, 16 Tulane Rd) spoke about his desire to pave a turnaround spot attached to his driveway in his front yard. He explained that his house is tucked away behind another house so no one on the road would be able to see cars parked in front of his house. He further explains that his driveway is long so parking and reversing in his driveway can be difficult.

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

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

The Chairperson invited those in opposition to speak.

Allen Goldsberry (20 N May Ave) spoke about how the appellants' property belonged to an old subdivision and was built by a professor. He goes on to say that he bought two properties in the area and that the neighborhood has changed and that there are now three Airbnb's in the area and limited parking spots. Allen goes on to talk about how he is not confident that the appellant is truthful of the purpose of his request for a turn around since it is rather large and can be used for parking. He further goes on to talk about his concerns that the plans for the turnaround being built right up to his properties property line will impact the value of his property.

Carolyn Goznel (20 Tulane) spoke of concerns of how construction would effect the 20 Tulane property because a gutter was taken down by a truck going to the 16 Tulane Rd in the past. She also spoke of neighborly disputes.

The Chairperson then gave the appellant the opportunity to speak.

John Brennan (appellant) spoke about the neighborly disputes.

The Chairperson asked for clarification on how far the turnaround lot would be from the 16 Tulane Rd property.

The appellant responded saying it would be about two to three feet away from the property.

There was discussion on whether the turnaround lot would qualify as a minimum variance request.

The Chairperson closed the testimony from the floor.

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The Board moved to the discussion and deliberation.

Findings:

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

Aaron Thomas asked Mr. Riggs if it was possible to put in specific dimensions to be voted on in a proposal for a variance.

Mr. Riggs responded saying that the code does allow conditions to be put on the proposal.

The Chairman invited the appellant to speak on the possibility of putting restriction of dimension on his proposed car turnaround.

The appellant spoke about his belief that he should be able to build what he likes on his property and that he didn't believe it made sense to put a set back on where the turnaround lot would be.

Discussion was had over the conditions and limitations that would be put on the parking pad.

On a motion by Ben Lachman, seconded by Alicia Sweeney, the board moved to grant a variance from ACC 23.08.01 (A) to allow parking in front of a structure with a condition that the parking space is 20 feet deep by 14 feet wide and is set back by 5 feet from the front of the line of the property of 20 Tulane.

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

4. Case #25-06V 50 Central Ave Zone R1 Jody Barnes / appellant

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Appellant is requesting a variance from ACC 23.03.11 (A)(1) to allow a 1 ft 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.

The Chairperson invited the appellant and any representatives to speak.

Jody Barnes (appellant, 50 Central Ave) spoke about how she would like to build a new shed to replace her current shed that is in poor condition. She explained that her yard is small so if the new shed had a five foot set back it would take up her whole yard.

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

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 moved to the discussion and deliberation.

Findings:

- 1.) **EXCEPTIONAL CIRCUMSTANCES: Yes.**
- 2.) **HARDSHIP AND DIFFICULTY: Yes.**
- 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 from Paul Isherwood, seconded by Alicia Sweeney, the board moved to grant a variance from ACC 23.03.11 (A)(1) to allow a one foot setback where a five foot setback is required.

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

5. **Case #25-07V 43 – 45 S Court St Zone B2D Best of Athens Rentals / appellant**

Appellant is requesting a variance from ACC 23.10 Table B to allow 0 parking spaces where 8 are required

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

The board looked over plans for proposed apartments.

The Chairperson invited the appellant and any representatives to speak.

The Chairperson asked the representative to explain why there should not be required parking spaces.

Richard Schultz (representative of appellant) stated that the property is currently split between the pregnancy resource center space and existing apartments. He goes on to say that the plans are to build upgraded apartments. Richard stated that the obstacle to build the apartments is the parking requirements although there will be offsite parking. Richard said four offsite parking spaces will be available for the property off Stimson Ave.

There was conversation on how the proposed apartments proximity to public transport could allow a reduction in required parking spaces.

Mr. Riggs explained that one to two bedroom apartments in a B2D zone can have their parking reduced by half.

There was discussion on existing parking for the property and existing ordinance for parking.

The Chairperson invited those in favor to speak.

Scott Knisely (former partner of Richard Schultz) spoke of previous work done with Richard Schultz regarding development in Uptown Athens and told of his negative opinion of the parking requirements in Athens.

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 moved to the discussion and deliberation.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: No.**
- 2.) HARDSHIP AND DIFFICULTY: Yes.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes.**
- 4.) MINIMUM VARIANCE: Yes.**
- 5.) ABSENCE OF DETRIMENT: Yes.**

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6.) NOT OF A GENERAL NATURE: No.

On a motion from Aaron Thomas, seconded by Alicia Sweeney, the board moved to grant a variance from ACC 23.10 Table B to allow zero parking spaces where eight are required.

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

OTHER BUSINESS:

Approval of minutes from:

April 8th, 2025: Aaron Thomas moved to approve the minutes, Alicia Sweeney seconded the motion. Approved by Aaron Thomas, Alicia Sweeney, Rob Delach, Shay Myers and Ben Lachman.

The Chairperson adjourned the meeting at 9:43 pm.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date