

**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 #25-10V

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

TO: The Athens Messenger

Insert the following legal notice on **August 30, 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, September 9, 2025, at 7:00pm** on the following described property:

34 Elmwood Place
Zone R1 Case #25-10V

Appellant is requesting a variance from ACC 23.03.11 (A)(1) to allow a 3 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

A handwritten signature in black ink that reads "Rob Delach". The signature is written in a cursive style and is positioned above a horizontal line.

Rob Delach, Chairperson

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City of Athens

ATHENS, OHIO

August 28, 2025

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
34 Elmwood Place
has been assigned Board of Zoning Appeals **Case #25-10V**

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, September 9, 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

A handwritten signature in black ink that reads "Rob Delach". The signature is written in a cursive style and is positioned above a horizontal line.

Rob Delach, Chairperson

Form BZA-3

**Office of Code Enforcement and
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City of Athens

ATHENS, OHIO

August 28, 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

Christopher and Allyson Thrasher / Appellant

For property located at

34 Elmwood Place

Appellant is requesting a variance from ACC 23.03.11 (A)(1) to allow a 3 ft side setback where 5 ft is required.

This case has been assigned
Case #25-10V

This meeting has been scheduled for **Tuesday, September 9, 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, reading "Rob Delach", is written over a horizontal line.

Rob Delach, Chairperson

34 Elmwood Place – Case #25-10V – adjoining properties and owners

42 Elmwood Pl

Mayor Ruth Ann
42 Elmwood Pl
Athens, OH 45701

41 Elmwood Pl

Holcombe Alec
41 Elmwood Pl
Athens, OH 45701

32 Sunnyside Dr

Mattson Kevin
32 Sunnyside Dr
Athens, OH 45701

26 Sunnyside Dr

Wood Lawrence Eyre Jr
26 Sunnyside Dr
Athens, OH 45701

0 Sunnyside Dr (A027220006300)

Montle LLC
PO Box 428
Athens, OH 45701

30 Elmwood Pl

Montle LLC
PO Box 428
Athens, OH 45701

25 Elmwood Pl

Stanton Frederick
25 Elmwood Pl
Athens, OH 45701

27 Elmwood Pl

Newberry Christopher
PO Box 425
Belpre OH, 45701

37 Elmwood Pl

Eldridge Julia A
37 Elmwood Pl
Athens OH, 45701



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

(For Office Use Only) Permit # BZA 25-00010 Date Rec'd 8/26/2025

[X] (Request for Variance) [] (Request for Substitution) [] (Request for Interpretation) [] (Conditional Use)

APPLICANT: Christopher + Allyson Thrasher PHONE # 864-607-3200 (cell)

ADDRESS: 34 Elmwood Place Athens OH 45701

OWNER: Christopher

ADDRESS: 34 Elmwood Place Athens OH 45701

PROPERTY ADDRESS: 34 Elmwood Place Athens OH 45701

ZONE:

I, THE UNDERSIGNED, Allyson + Christopher Thrasher

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 7/8/2025

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:

34 Elmwood Place, Athens OH 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.

Allyson Thrasher Christopher Thrasher APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 11/24 (DATE) BY

Allyson and Christopher Thrasher (NAME OF PERSON ACKNOWLEDGING).

Tiffany Bahl SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: April 21, 2030



TIFFANY BAHL Notary Public State of Ohio My Comm. Expires April 21, 2030

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:

201300001293
Filed for Record in
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
03-13-2013 At 11:44 am.
DEED 2E.00
DR Book 482 Page 1380 - 1381

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

No. 112 Transfer Fee Paid \$ 1300.00
Jill A. Thompson, Athens County Auditor

By JW Deputy Auditor

201300001293
SECURE TITLE AGENCY

\$1.00
Transferred
3-7-13

FIDUCIARY'S DEED
(RC 5302.09)

Charles L. Fulks, Trustee of the Charles L. Fulks Trust dated July 27, 1990, amended September 1, 2000 further amended March 31, 2001 and further amended August 18, 2010, by the power conferred by Trust Agreement, and every other power, for valuable consideration paid, grants, with fiduciary covenants, to **Christopher C. Thrasher and Allyson H. Thrasher**, for their joint lives, remainder to the survivor of them, whose tax mailing address is 34 Elmwood Place Athens, OH 45701, the following real property:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Parcel No. A027220003300 AND A027220003200
Known as: 34 Elmwood Place, Athens, OH 45701

Prior Instrument Reference: Official Record 429, page 85 of the records of County, Ohio.

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

Grantor certifies that the Trust is still in effect and that the representations contained in Memorandum of Trust recorded in Volume 310, Page 438 and Volume 458, page 1331 Athens County Official Records, and are still true as of the date of the execution of this deed.

EXECUTED this 5th day of March, 2013.

The Charles L. Fulks Trust dated July 27, 1990, amended September 1, 2000 further amended March 31, 2001 and further amended August 18, 2010.

Charles L. Fulks

By: Charles L. Fulks, Trustee

STATE OF OHIO:

The foregoing instrument was acknowledged before me this 5th day of December, 2012 by Charles L. Fulks, Trustee of the Charles L. Fulks Trust dated July 27, 1990, amended September 1, 2000 further amended March 31, 2001 and further amended August 18, 2010 as the fiduciary on behalf of said Trust.



BECKY MOUNT
NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
My Commission Expires
MARCH 9, 2014

Becky Mount
Notary Public

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

Instrument Book Page
201300001293 OR 482 1381

Legal Description
For File: STS6033

Situated in the City of Athens, County of Athens and State of Ohio:

Being Inlots Numbered Nine Hundred and Thirty-Four (934) and Nine Hundred and Thirty-Six (936) in Minear's Addition to the City of Athens, Ohio.

Subject to all legal streets and highways, any prior easements, rights of way and unreleased leases, restrictions and exceptions of record, if any.

PPN: A027220003200 (Lot 936)

PPN: A027220003300 (Lot 934)

**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**

August 12, 2025

To: Scotty Neal
6757 Beechwood Drive Athens, OH 45701

Applicant Address:
To: Christopher & Allyson Thrasher
34 Elmwood Place
Owner Address: Athens, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 34 Elmwood

Application Date: 07/08/2025

For: Build 20'x20' garage (2story) where old garage was.

Decision Detail: *Your request for a Zoning Construction Permit is refused in accordance with the application submitted and ACC 23.03.11(A)(1) - requesting a 3 ft side setback where 5 ft 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 <https://www6.citizenserve.com/Portal/PortalController>.*



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

Permit #: ZNC25-000040
REFUSAL

Permit Type: Residential
Use of Building: Residential

Project Address: 34 Elmwood

Applicant:

Scotty Neal Neal's Home Improvements
Phone: (303) 882-8199

6757 Beechwood Drive
Athens, Oh 45701

Property Owner:

Christopher & Allyson Thrasher
Phone: (508) 380-6916

34 Elmwood Place
Athens, OH 45701

Description of Proposed Use/Scope of Project: Build 20'x20' garage (2story) where old garage was.

Decision Detail: Your request for a Zoning Construction Permit is refused in accordance with the application submitted and ACC 23.03.11(A)(1) - requesting a 3 ft side setback where 5 ft is required.

Estimated Value of Improvement: \$63,000.00 **Sq. Footage of New Construction or Addition:** 400 ground floor / 400 second floor.

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

Setbacks (as indicated on drawing): Front: 125 ft Rear: 7 ft Left: 27 ft Right: 3 ft

Director of Development and Code Enforcement:

Approved Refused

08/12/2025

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 # ZNC25-000040
Date Rec'd 7-8-25

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 Neals home improvements Phone 303-882-8199
Address 6757 Beechwood dr Athens
Property Owner (if other than applicant) Chris Thrasher Phone _____
Address 34 Elmwood dr

ZONING

Address of Proposed Work 34 Elmwood dr
Description of Proposed Work: New Alteration Accessory
Project Description Replace old garage (Same footprint) (2 stories)
Estimated Cost of Project 63,000 Proposed Square Footage 800

Must be registered with the City of Athens.

*General Contractor Neals home improvements License # 7-7-25 CR21-00009
*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 7-7-25
Owner Signature [Signature] Date 7/8/25

Other Items Required before Issuance of Permit (if applicable):

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Title 41 / PUD Approval | <input type="checkbox"/> Water Tap (Calculations EPW) | <input type="checkbox"/> Fire Separation Drawing | <input type="checkbox"/> Flood Hazard |
| <input type="checkbox"/> Shade Tree Commission | <input type="checkbox"/> Sanitary Sewer Tap | <input type="checkbox"/> Address Assignment | <input type="checkbox"/> Wellhead |
| <input type="checkbox"/> Land Development | <input type="checkbox"/> Storm Sewer Tap | <input type="checkbox"/> Opening (Curb Cut) | <input type="checkbox"/> BZA Approval |

All items checked above to be approved prior to final approval.

Zone: R-1 (For Office Use Only) Flood Plain: No Parcel Number: A027220003300

Setbacks: Front: A: 125' R: 10' Rear: A: 7' R: 5' Left: A: 27' R: 5' Right: A: 3' R: 5'

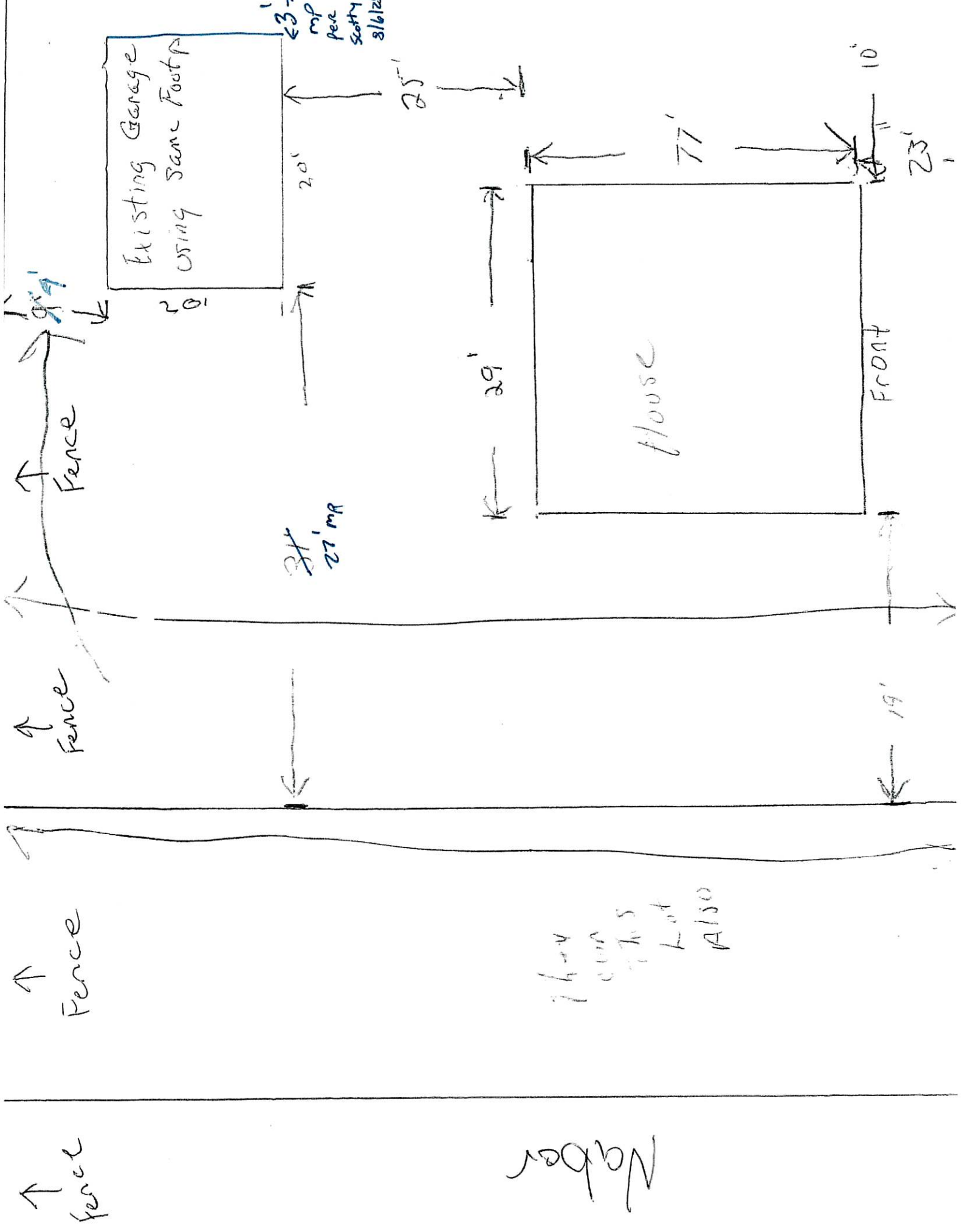
Building Lot Coverage: A: 16% R: 50% Total Lot Coverage A: 37% R: 70% Building Height: A: 2.5 R: 2.5

Exg. # of Parking Spaces: EXG Proposed Spaces: EXG Required: EXG Total: EXG

Code Officer Comments: Recommend refusal asking for 3' side setback where 5' is required
Signature: [Signature] Date: 8/6/25 Recommend: Approval Refusal

Zoning Administrator Comments: _____
Signature: [Signature] Date: 8/7/25 Approval Refusal

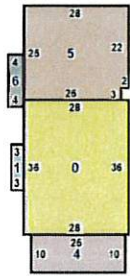
Service Safety Director Comments: _____
Signature: [Signature] Date: 8/8/25 Approval Refusal





7/21/2025

FIRST SKETCH



0	Main Building 1008 sqft
1	UNF BASEMENT / FRAME 36 sqft
4	OPEN FRAME PORCH 250 sqft
5	FRAME 994 sqft
8	WOOD DECKS 56 sqft

LEGAL

OWNER THRASHER CHRISTOPHER C & ALLYSON H
ADDRESS 34 ELMWOOD PL
DESCRIPTION 14-09-00 IL 934 L-27
SCHOOL DIST ATHENS CSD **TAX DIST** A02
ACREAGE 0.0000

VALUATION

	APPRAISED	ASSESSED
LAND	\$27,270.00	\$9,540.00
IMPROVEMENTS	\$427,640.00	\$149,670.00
CAUV	\$0.00	\$0.00
TOTAL	\$454,910.00	\$159,210.00

TAXES

TAXABLE VALUE	\$159,210.00
ROLLBACKS	NONE
HALF (1ST / 2ND)	\$4,192.92 / \$4,192.92
YEAR (TOTAL / BALANCE)	\$8,385.84 / \$4,192.92

SPECIAL ASSESSMENTS

COUNT	1
DELINQUENT / BALANCE	\$0.00 / \$0.00
TOTAL / BALANCE	\$52.34 / \$26.17

MOST RECENT SALES

DATE	BUYER	SELLER	# PARCELS	PRICE	VALIDITY
3/7/2013	THRASHER CHRISTOPHER C	FULKS CHARLES L TRUSTEE	2	\$325,000.00	MULTIPLE PARCELS QUALIFIED
10/21/2008	FULKS CHARLES L TRUSTEE	FULKS CHARLES L	2	\$0.00	RELATED INDIVIDUALS OR CORPORATIONS
6/5/2001	FULKS CHARLES L	FULKS DEBORAH	0	\$285,000.00	MULTIPLE PARCELS QUALIFIED
1/27/1999	FULKS DEBORAH	FULKS CHARLES L	0	\$0.00	RELATED INDIVIDUALS OR CORPORATIONS

LAND

CODE	FRONTAGE	DEPTH	ACREAGE	SQFT	VALUE
FRONT FOOT Building Site	50	150	0.172	7,500	\$27,270.00

IMPROVEMENTS

DESCRIPTION	BUILT DIMS	VALUE
(RGI) - FRAME OR CONCRETE BLOCK DETACHED GARAGE	1956 20x20	\$1,540.00

RESIDENTIAL

Building (CARD: 1)	OLD STYLE TWO STORY BUILT 1900	Baths (Full / Half)	2 / 0
Area	3,149 sqft	Rooms (Bedroom / Family)	4 / 0
Basement (Code / Finished / Total)	FULL / 0 sqft / 0 sqft	Stories	2.0
Heat Full Type	GAS	Cooling	CENTRAL AIR CONDITION
External Wall	ALUMINUM/VINYL	Fireplace Stacks	0

Appeal to the Zoning Board of Appeals

Re: Request for Variance to Rebuild Existing Garage at 34 Elmwood Place

Dear Members of the Zoning Board of Appeals,

We respectfully submit this appeal to the prior decision denying our request to rebuild the existing garage at our property, located at 34 Elmwood Place. While the denial was based on the current zoning requirement that accessory structures be set back further than three feet from the lot line, we believe that the circumstances of our property and the established character of the surrounding neighborhood meet the criteria for granting a variance under Section 23.07.03(C).

1. Practical Difficulty and Undue Hardship

The existing garage has stood in its present location for many decades, long before the adoption of the current setback regulations. Our intent is to rebuild the garage while reusing certain existing components, importantly the foundation. Relocating the structure to meet current setback standards would require complete demolition of the foundation and a substantial redesign of the lot, resulting in unnecessary cost, loss of usable yard and driveway space, removal of one of only two trees in the back yard, and significant construction challenges. These hardships are not necessary to achieve the public purposes of the zoning code.

2. Exceptional Circumstances

Many homes in our neighborhood were built with garages near property lines, reflecting development patterns that predate current zoning standards. Our own neighbors have a garage directly on the property line bordering ours with no setback whatsoever. Our request is consistent with that established pattern. In addition, the continued use of the existing foundation and footprint makes reconstruction in place both logical and efficient.

3. Preservation of Equal Property Rights

Strict enforcement of the setback requirement would deprive us of the reasonable ability to replace and use a garage as many of our neighbors do. It would also force us to incur costs and impacts not faced by other property owners whose garages remain in their longstanding locations. Granting this variance preserves equal property rights, maintains the location of the garage relative to our neighbors, and does not provide any special privilege beyond the customary use and enjoyment of properties in the same zone and vicinity.

4. Minimum Variance

We are requesting only the minimum relief necessary. The new garage will remain within the footprint of the existing structure. The variance sought relates solely to the existing side setback and does not involve any expansion beyond the historic footprint.

5. Absence of Detriment

The garage has existed in this location for many decades without creating any detriment to neighboring properties. Rebuilding on the existing foundation and footprint will maintain the

current relationship between properties, avoid unnecessary disruption to the yard or drainage patterns, and will not impair the intent of the zoning code.

6. Not of General Nature

While other properties in the neighborhood also have garages positioned near lot lines, our request is specifically tied to the continued use of the existing foundation and footprint on our property. This is not a general situation requiring new regulation but rather a site-specific condition that warrants individualized relief.

For these reasons, we respectfully request that the Board reconsider its decision and grant the variance to allow the reconstruction of the garage on its existing foundation, within its longstanding footprint.

Thank you for your time and thoughtful consideration.

Respectfully submitted,

Allyson and Christopher Thrasher
08/26/2025





