

**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

**Board of Zoning Appeals
Minutes
July 14, 2026**

Members present: Rob Delach (elected Chairperson), Alicia Sweeney, Paul Hillard, Ben Lachman, and Mollie Fitzgerald

City Officials present: Tom Pyle (Director of Code Enforcement) and Darby Moran (Code Intern)

The meeting was called to order on July 14th, 2026, at 7:03 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 #26-04S 116 Central Avenue Zone R1 The Athens Real Estate Co. / appellant

Appellant is requesting a substitution in accordance with ACC 23.07.02 (B) to change a legal nonconforming 2-unit owner-occupied residential dwelling to a legal nonconforming 2-unit non-owner-occupied dwelling in an R1 zone.

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

Paul Hillard asked Mr. Pyle for more information on the original variance that allows an owner-occupied duplex in an R1 and asked if similar properties have been granted similar variances. Mr. Pyle stated that the property was grandfathered as a duplex before current regulations and that a similar request had been approved at 75 S. Shannon Avenue.

Ben Lachman asked Mr. Pyle for information on the status of the rental. Mr. Pyle stated that the property is a legal nonconforming duplex and that the owner no longer lives at the property.

The Chairperson noted that the property does not currently have tenants.

The Chairperson discussed a similar case that was recently approved at 75 S. Shannon Avenue.

**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

The Chairperson invited the appellant and any representatives to speak.

Kendra Green with The Athens Real Estate Company (appellant) stated that the company has managed the property since February 2026. She discussed the current occupancy of the duplex, housing demand, parking availability, and the owner's property maintenance history. She requested approval to allow occupancy of the vacant unit.

Mollie Fitzgerald asked if the owner is local. The appellant stated that the owner is from Columbus but owns another property in Athens.

Mr. Pyle clarified that the property is one parcel with two separate addresses.

Ben Lachman asked if there was any off-street parking for the property. The appellant described the parking available at the property.

There was further discussion regarding off-street parking and its impact on parking congestion in the neighborhood.

The Chairperson asked if there were any more questions for the appellant. There was no response and the appellant was asked to return to her seat.

Due to no attendance at the meeting, the Chairperson waived general comments and comments in favor of the request.

Mr. Pyle presented a letter from a neighbor, Tom Hanlon, in opposition to the appeal expressing concerns regarding non-owner-occupied rental properties.

The Chairperson offered the appellant the opportunity to respond to the letter submitted in opposition.

The appellant discussed the owner's history of property maintenance and the role of Athens Real Estate Company in managing and maintaining the property.

Mollie Fitzgerald asked if the substitution would increase the property value. The appellant stated that any impact would be minimal.

The Chairperson closed comments from the floor.

Alicia Sweeney expressed concerns regarding property maintenance and neighborhood impacts associated with non-owner-occupied rental properties. There was further discussion regarding owner-occupied and non-owner-occupied rentals.

Paul Hillard expressed concerns regarding absentee ownership and its potential impacts on the community.

**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

There was discussion on the permanence of the substitution in the future.

Ben Lachman asked Mr. Pyle about occupancy limits within an R1 district. Mr. Pyle clarified the applicable zoning regulations.

Mr. Pyle discussed the grandfather clause that allows the legal nonconforming duplex in an R1 district.

The Chairperson stated that the request was a substitution and that the typical variance questions were not directly applicable.

There was discussion on potential neighborhood implications if the substitution were approved.

Mr. Pyle clarified the process that would take place if the substitution were to be reversed at a future date.

The Chairperson asked the Board to make a motion.

Findings:

On a motion from Alicia Sweeney, seconded by Mollie Fitzgerald, the board moved to grant a substitution in accordance with ACC 23.07.02 (B) to change a legal nonconforming 2-unit owner-occupied residential dwelling to a legal nonconforming 2-unit non-owner-occupied dwelling in an R1 zone.

The Chairperson called for a vote: 3 votes for (Fitzgerald, Sweeney, Delach) – 2 votes against (Lachman, Hillard). Motion Granted.

2. Case #26-05V 71 Morris Avenue Zone R1 Jenny Klein/appellant

Appellant is requesting a variance from ACC23.03.08 (B) and ACC23.10 Table A to allow a 2 ft side set back where 5 ft is required.

The Chairperson asked the Zoning Administrator to give a report on the case. Mr. Pyle provided background information regarding the request.

There was discussion among the Board regarding setback requirements for corner properties.

There was discussion among the Board regarding previous variance requests on Tulane, Mill, and Northwood.

**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

The Chairperson invited the appellant and any representatives to speak.

Jenny Klein (appellant) presented information regarding site conditions, pest concerns, the proposed fence location, nearby fence examples, and the variance criteria.

Alicia Sweeney requested clarification from Mr. Pyle regarding the variance request. Mr. Pyle confirmed the request pertained only to the setback requirement.

There was discussion among the Board regarding potential impacts to the right-of-way.

Alicia Sweeney asked about the existing bushes near the roadway. Jenny Klein stated the overgrown bushes would be removed and replaced with new shrubs.

The Board completed its questions for Jenny Klein and concluded the presentation.

The Chairperson invited comments in support of the request, but no members of the public were present.

The Chairperson asked Mr. Pyle to read letters of support submitted by Katie Thomson (no address listed) and Jeremy Morris (85 Morris Avenue). Mr. Pyle read the letters into the record.

Due to the absence of public attendance, the Chairperson waived general comments and opposition.

The Chairperson offered Jenny Klein an opportunity to respond to the letters of support. Jenny Klein declined to provide additional comments.

The Board closed public testimony and began deliberations.

There was discussion among the Board regarding potential safety considerations associated with the requested setback.

There was discussion among the Board regarding the potential impact of the variance on future sidewalk installation.

There was discussion among the Board regarding the proposed 6-foot fence as a privacy fence.

Findings:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes.**
- 2.) HARDSHIP AND DIFFICULTY: Yes.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes.**

**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

- 4.) MINIMUM VARIANCE: Yes.**
- 5.) ABSENCE OF DETRIMENT: Yes.**
- 6.) NOT OF A GENERAL NATURE: Yes.**

On a motion from Mollie Fitzgerald, seconded by Alicia Sweeney, the board moved to grant a variance from ACC23.03.08 (B) and ACC23.10 Table A to allow a 2 ft side set back where 5 ft is required.

The Chairperson called for a vote: 4 votes for (Fitzgerald, Sweeney, Delach, Hillard) – 0 votes against. Ben Lachman abstained from the vote. Motion Granted.

OTHER BUSINESS:

Approval of minutes from:

April 14th, 2026: Ben Lachman moved to approve the minutes from April 14th, 2026. Paul Hillard seconded the motion. Approved by Paul Hillard, Rob Delach, and Ben Lachman.

The Chairperson adjourned the meeting at 8:20 pm.

Robert Delach, Chairperson

Date

Tom Pyle, Zoning Administrator

Date