

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, November 17, 2016, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in the Council Chambers, third floor, at City Hall on November 17, 2016.

Attendees: John Kotowski, Tom Kostohryz, Jeff Risner, David Funk, Steve Robb, Keith Chapman

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:03 p.m. and administered the oath to all who intended to speak before the commission. 3 members present, 2 members absent. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair Present
Christy Zempter Absent
Nancy Bain, Vice Chair..... Present
Steve Patterson, Mayor Absent
Paula Horan Moseley, Service-Safety Director..... Present

STAFF:

Paul Logue, City Planner Present
Rick Sirois, Code Enforcement Director..... Present

2. Disposition of Minutes

Disposition of November 3, 2016 minutes tabled. Only one member of the quorum that was present at the November 3, 2016 meeting, is present at today's meeting.

3. Cases

**Case #16-17 2 & 4 Dalton Avenue
Minor Subdivision
Title 21**

Rick Sirois/Summary

Minor subdivision of 2 & 4 Dalton Avenue in an R-1 Zone. Involves the division of a 2.22 acre parcel into two 1.11 acre parcels. The property is a non-conforming status as it has two primary structures and three accessory buildings. The division will correct the non-conforming status. Approval will allow for an exception to the depth to width ratio requirement. The division will provide a 100' width and 484.28' depth. The property is a candidate for neighborhood blight; #4 Dalton was set for condemnation. The owner, Raymond Croxford, along with Mr. David Funk of Capstone Properties, has worked to correct the issues associated with the property.

David Funk/Capstone Properties

Historically, 2 & 4 Dalton was the Hocking Valley Ranger Station, the precursor to the Wayne National Forest headquarters. 2 Dalton was the home of the first ranger and 4 Dalton was the office. In the early 1900's Ohio was 4% forested and there were a lot of forest fires and erosion issues. The founding of the National Forest was driven by these ecological issues and for the fact that people were being driven off their land because their land had become unusable. The Wayne National Forest was trying to target the fire, erosion and displacement issues. Presently the Wayne National Forest still exists; it has grown from approximately 3,000 acres to approximately 88,000 acres.

The two homes were built in 1935/36 along with a small garage and two large barns used for tree seedlings and fire-fighting equipment. At the time 2 and 4 Dalton were considered an outpost, on the outskirts of town. 2 Dalton is in good shape, but 4 Dalton is not. Damage to the roof was not addressed so there has been severe water damage.

They have stepped in to restore the exterior and have completed construction of a new roof and front of the building. They feel that this is a tremendous opportunity for Athens to preserve history. They are considering installing a sign marking the historic site. The Wayne National Forest suggested the idea and also indicated that they may be able to support the cost of the sign.

Discussion

Nancy Bain: This morning she spoke with two people from the neighborhood who indicated to her that they didn't know what was going at the property. They thought it would be a four square division (further splitting the barns from the houses). She would like Capstone to publish what they are going to do in the paper so that the residents in the area are informed. The residents have concerns about slope and other potential impacts.

David Funk: The intent is to restore the property to two houses and two barns. They are happy to publish it, and would agree to add language to the deeds stating that the property is to be used solely for single family residences, no bed and breakfasts. Capstone has been restoring properties in Athens since 1987, so they are committed to historic preservation. They also do a lot of forestry work, planting 10-15,000 seedlings a year. This project brings their two passions together, historic preservation and forestry. They could use the barns in back to use for storage.

RJ Sumney: The addresses will remain as 2 & 4 Dalton Avenue. Will the sign have to be approved as far as having it in a residential area?

Rick Sirois: The sign would likely require a variance.

Paula Moseley: She has knowledge that there was an original request for a four square division.

David Funk: No, but there were discussions between Rick Sirois and himself about the best way to approach the division and the conclusion was to split it in half.

Paula Moseley: To use the barns as storage for their forestry endeavors sounds like a commercial enterprise in a residential zone.

David Funk: If that is the case then they would not use it; it was his idea to not run a business from the barns, but to use them purely as storage.

Paula Moseley: Referring to the agreement between Ray Croxford and David Funk that was included in the packet, she asked if he was comfortable with the agreement given the work he has invested so far, without ownership.

David Funk: Wasn't very rational on his part, there was an unknown factor.

Paula Moseley: Residents have complained for years about these properties; they have cleaned them up well.

RJ Sumney: Asked Rick Sirois if he had any concerns, or if it met all the requirements.

Rick Sirois: It meets all the requirements. They will have to get a variance for the sign if they decide they want one. The biggest concern was to clean up the blight issue and he (David Funk) has done a fantastic job of doing that. He did go to the site several times and spoke with many of the neighbors who approached him; he finds it interesting that some residents are saying they don't know what is going on. He feels that they put their best foot forward to clean up the blight area and save the taxpayer demolition costs.

Nancy Bain: If they proposed to split the barn off it would end up being landlocked.

Paula Moseley: Yes, that would require a variance.

Rick Sirois: Yes, it would be difficult splitting it into 4 squares. There was a discussion about that and the decision was made to just split it down the middle.

RJ Sumney: As far as the back lot is concerned, could a resident from Charles or Avon essentially buy the back lots? And then come in to ask for lot splits?

Rick Sirois: Yes, they could.

Paul Logue: It would be an exchange of property between adjoining property owners. As long as they met the depth to width ratio it would be fine. Those are common.

RJ Sumney: That wouldn't be permitted if Capstone puts into the deed that these two lots, if they were split, will be permanent in the dimensions.

Paula Moseley: The process today is to review and whether or not to provide a recommendation to City Council to ultimately approve a variance. City Council may also want to hold a public hearing.

Keith Chapman/40 Euclid Drive

He lives across the street from 2 Dalton and grew up on Charles Street. The property has been split prior (2 sections taken off the rear). The work that has been done looks great, but it has stopped and now there are abandoned boats/trailers there, and the barn doors have been kicked open. Everything should get secured so the things that normally occur with abandoned buildings don't happen, especially with the back structures. The back structures could become a "party barn".

Discussion

David Funk: It's been helpful to have the neighbors keep an eye on the property. The only thing that they have been allowed to do is rebuild 4 Dalton. Once they get approval, they will secure the barns and begin the renovation.

Nancy Bain: Asked if the previous lot splits were the ones on Pleasantview.

Keith Chapman: Yes, from a land trade in 1984.

RJ Sumney: Regarding the barn issue, is there a limited use on what could be done in the barns? Could they be converted into apartments?

Rick Sirois: They couldn't be converted into apartments. Currently they are storing automobiles there. During the clean-up process they took down some older sheds which were blight issues.

RJ Sumney: So the concern about a "party central", it wouldn't be any greater than anyone else's current garage.

Keith Chapman: It is the size of the structure that is concerning.

Rick Sirois: The current code would not allow that ("party central"). If the city were made aware of those situations then they would deal with it.

Paula Moseley: People have full use of their residence, if things go awry there are ways to intervene (call the police, etc.).

Nancy Bain: Asked about access to the two properties and requested more details regarding slope.

Paula Moseley: Our role is to recommend or not recommend to City Council to accept the variance for this lot split to occur.

RJ Sumney: City Council can make their own changes to conditions as well. We need to decide if we will approve the recommendation with the conditions that within the deed it will be established that there will be two permanent lots only, and that they will publish information in one of the local papers as to the future of the two lots.

Paula Moseley: Since City Council could choose to have a public hearing, they don't need the condition that they publish.

Nancy Bain: She won't vote for it this time but will vote next time. She would like a chance for people to come in, because she doesn't believe that City Council will have a public hearing.

Paula Moseley: This will continue to receive the review of City Council, so she would move to recommend the variance for the lot split to City Council, with the caveats of the deed restriction for each lot.

RJ Sumney: There would be the establishment of two permanent lots with no changes.

Nancy Bain: They have to have a driveway to the back.

David Funk: There is a shared driveway that goes back to the barns.

Paula Moseley: There is a shared driveway that will require an easement, so the issue of the driveway should be resolved before sending it up to City Council.

David Funk: The intent is to preserve, so he thinks the shared driveway is fine. The owner has given them power of attorney for all matters for 4 Dalton. The owner is not interested in participating.

Rick Sirois: An easement for the shared driveway can be put in the deed restrictions.

Paul Logue: This would be a variance as well for council.

Rick Sirois: There is plenty of driveway frontage.

Paula Horan Moseley moved to recommend to City Council the minor subdivision lot split for 2 & 4 Dalton Avenue with a variance on the depth to width ratio, as well as a private access easement shared roadway use deed restriction on both lots, solely for the use of 2 and 4 Dalton.

Paul Logue: Deed restriction language should be reviewed by City Council prior to approval.

RJ Sumney seconded. 2 ayes, 1 nay, 2 absent. Motion passes.

4. **Communications**

Cats Den Zoning Amendment

Rick Sirois/Summary

Star Partnership would like to improve the Cat's Den Property located at 110 W. Union Street. The property zoning is split R-3 and B-1, so almost every improvement that changes its footprint would be a non-conforming use. The proposal is to remove the house at the corner of W. Union and Washington Street, expand the first floor and convert the three 1-bedroom apartments on the 2nd floor into one 4-bedroom apartment. Without a zoning change they can't proceed with the improvements.

John Kotowski/14 Northwood Drive

He is a friend of Star Partnership and volunteered to give the owners some help. Because this is a non-conforming use, about 2/3 of site is R-3 and 1/3 is B-1, splitting the existing building would give them the same ratio. Investment into the building without a zoning change isn't something they can do. They would like the zoning changed to B-1. The improvements they want to make are consistent with property use in the area.

Discussion

Rick Sirois: This would be a positive move, to rectify the zoning issue and to allow the property to be cleaned up.

Nancy Bain: The piece of property north of Smiling Skull, should this be changed to B-1?

Rick Sirois: This is the back part of the Smiling Skull property. This would make sense, but this is not part of their request.

John Kotowski: They would like to bring this request before the Planning Commission at the next meeting.

Paula Moseley: Noted that they will be addressing parking as well.

John Kotowski: That is part of the plan, but they can't move forward without the zoning change.

5. **Report from City Planner and Director of Code Enforcement**

Paul Logue

- Continuing to work on Sustainability Plan.
- The Historic Preservation Commission just appointed Pam Callahan as a new member. She is a retired architect from Ohio University.

Rick Sirois

- Cats Den Zoning Amendment will be on the agenda for the next meeting.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

- The next meeting of the commission will be December 1, 2016.

8. **Adjournment**

The meeting was adjourned at 12:45 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens