

Board Of Zoning Appeals

Minutes

January 9, 2018

Members present: John Golzy (Chairperson), Edward Baum, Lisa Carson, Kay Tousley, John Gutekanst (alternate).

City officials present: Rick Sirois (Zoning Administrator).

The meeting was called to order at 7:00pm in City Council Chambers, third floor of City Hall. The Chairperson noted that the alternate, Mr. Gutekanst, has asked to excuse himself from this hearing, and asked the appellant if they were willing to have their cases heard by four members of the Board. The appellant agreed.

The Chairperson acknowledged the retirement from the Board of member Betty Hollow, and complemented her contributions and term of service to the Board.

The Chairperson then introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

The Chairperson suggested that the first two cases be heard, and then the others. He added that the cases would be voted on separately.

Case #18-01V	252 East State Street, Parcel A	Zone R-1	Diversified Properties of Athens, LLC, Appellant
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Appellant is requesting a variance from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a rear setback of twenty-five feet (25'), where thirty feet (30') is the minimum requirement.

Case #18-02V	252 East State Street, Parcel B	Zone R-1	Diversified Properties of Athens, LLC, Appellant
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Appellant is requesting a variance from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a rear setback of twenty-five feet (25'), where thirty feet (30') is the minimum requirement.

The Chairperson called on the Zoning Administrator to testify. The Zoning Administrator said he had nothing to add to the information given.

The Chairperson called on the appellant to testify.

Jim Bloom addressed the Board. Mr. Bloom said that over the last 12 years, there have been several approved projects for this site that had greater density and more housing units. He said that, for this project, they have been approved by the Athens City Planning Commission and City Council. Mr. Bloom said the topography of the property affected development plans for it, as well as the ingress and egress easements. He said the project was planned so as to ask for minimum variances from this Board. Mr. Bloom said the plans are in the spirit of the City Comprehensive Plan.

John Sole addressed the Board. Mr. Sole presented a scale drawing of the site to the Board.

The Chairperson called on anyone wanting to speak in favor of, make general comment about, or speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

On a motion by Mr. Baum, seconded by Ms. Tousley, the Board moved to grant a variance to 252 East State Street, Parcels A and B, from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a rear setback of twenty-five feet (25'), where thirty feet (30') is the minimum requirement.

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The topography of the property.
- 2.) **HARDSHIP AND DIFFICULTY:** The topography of the property.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes, it does that.
- 4.) **MINIMUM VARIANCE:** They are going from 30 feet to 25 feet, which is minimal.
- 5.) **ABSENCE OF DETRIMENT:** It will be for the benefit of the property.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote for Parcel A: Baum, Carson, Golzy, Tousley – Yes. No one – No. Motion approved 4-0; variance granted.

The Chairperson called for a vote for Parcel B. Baum, Carson, Golzy, Tousley – Yes. No one – No. Motion approved 4-0; variance granted.

Case #18-03V 252 East State Street, Parcel C Zone R-3 Diversified Properties of Athens, LLC, Appellant

Appellant is requesting a variance from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a front setback of fourteen (14'), where twenty-five feet (25') is the minimum requirement.

Case #18-04V 252 East State Street, Parcel D Zone R-3 Diversified Properties of Athens, LLC, Appellant

Appellant is requesting a variance from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a front setback of fifteen feet eight inches (15'8"), where twenty-five feet (25') is the minimum requirement.

Mr. Bloom said that Parcel D has an existing building that will be retrofitted. He added that for Parcel C, the existing building will be demolished, and replaced with a building that will be set further back from Madison Avenue, but still will not meet City Code setbacks. Mr. Sole said the location of the proposed building will be to allow easier access to parking under that building.

The Chairperson asked about the existing parking area along Madison Avenue. Mr. Sole said that they would leave that alone.

The Chairperson called on anyone wanting to speak in favor of, make general comments about, or speak against the variance. No one came forward.

On a motion by Mr. Baum, seconded by Ms. Carson, the Board moved to grant to the property at 252 East State Street, Parcel C, a variance from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a front setback of fourteen (14'), where twenty-five feet (25') is the minimum requirement, and a variance for 252 East State Street, Parcel D, a variance from ACC 23.10, Schedule A, Table of Bulk Controls to allow construction of a building with a front setback of fifteen feet eight inches (15'8"), where twenty-five feet (25') is the minimum requirement.

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The topography of the property.
- 2.) **HARDSHIP AND DIFFICULTY:** The topography of the property.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes, it does that.
- 4.) **MINIMUM VARIANCE:** They are going from 30 feet to 25 feet, which is minimal.
- 5.) **ABSENCE OF DETRIMENT:** It will be for the benefit of the property.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote for Parcel C: Baum, Carson, Golzy, Tousley – Yes. No one – No. Motion approved 4-0; variance granted.

The Chairperson called for a vote for Parcel D: Baum, Carson, Golzy, Tousley – Yes. No one – No. Motion approved 4-0; variance granted.

OTHER BUSINESS:

Disposition of minutes from November 14, 2017 meeting. On a motion by Ms. Tousley, seconded by Mr. Baum, the Board moved to accept the minutes as presented. Motion approved 5-0.

The meeting was adjourned at 7:26pm

John Golzy, Chairperson

Paul Eschenbacher, secretary