

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, August 15, 2019, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor, at City Hall on August 15, 2019.

Attendees: None

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:09 p.m. There was no one in the live audience to administer an oath to. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair	Present
Christy Zempter	Present
Nancy Bain, Vice Chair	Present
Steve Patterson, Mayor	Present
Andrew Stone, Service-Safety Director	Absent

STAFF:

Paul Logue, City Planner	Present
Lance Allison, Interim Code Enforcement Director	Present

2. Disposition of Minutes

RJ Sumney moved to accept the June 6, 2019 minutes. Steve Patterson seconded. Motion passed with 3 aye votes (one absentee, one abstention).

RJ Sumney moved the disposition of the July 17, 2019 minutes to the next meeting because there wasn't a quorum present for a vote.

4. Cases

**Case #19-03 Zoning Designation Request
Hillcrest Drive Annexation**

Paul Logue/Summary

This is a request for a parcel on Hillcrest Drive on the city's far-east side; half of the house is on an adjoining parcel to the immediate east within the city limits but the other half (including the driveway) is in an unincorporated area. There is also a small portion of Hillcrest Drive that is outside the city limits, so that is technically a county road whereas the rest of Hillcrest is a city street. City paving last year could not pave the county portion of it. The property owners thought it was in the city limits including the portion with the house on it. Researched and found that the process was begun but never completed. The road has now been annexed and now it needs to have a zoning designation recommendation from the Planning Commission. He recommends it to be zoned R1.

Discussion

- R1 is the zoning of the adjacent lot and the entire neighborhood, with the exception of a few parcels to the south which are zoned as commercial.
- Nancy Bain inquired about the size of the Urieli lot to which Mr. Logue did not have an exact figure but did state that it extends to the city limits and is long and narrow.

Steve Patterson moved to recommend to City Council the designation of this parcel to be R1. RJ seconded the motion. All present voted aye. Motion passed 4:0 (one absentee).

Case #19-04 BZA Proposal for Small-Lot Variance Requests

RJ Sumney recommended to table this case for discussion at the next meeting because the Service-Safety Director was not present. Steve Patterson concurred and noted that there wasn't an urgency to this case.

Nancy Bain had a few questions about the case:

- What is a small lot? How does this compare with the part of the zoning and code that says you can build on any lot of record? There are a lot of small lots in Athens and you have to build on them.
 - Paul Logue: code does say you can build on any lot of record. With construction on an existing lot of record the argument is that you still have to meet the setback requirements and if you can't meet those you need to get a variance for construction. This is for substitutions on existing lots, not for new construction.
 - Lance Allison: this is for a lot that already has existing structures on it. For example, if they can't meet the left side setback but meet everything else and they want to extend their back deck to the left of the property, they technically can't do that.
 - Paul Logue: even if they wanted to build a deck in the rear of the property, they can't if there is a setback issue. If it is an addition to the rear of the property they can't if there is a setback issue. The BZA's documents which were provided give examples where this has happened. The BZA or Andy Stone can explain it better. He can't be the voice for the BZA's request.
 - Steve Patterson: at the All Boards and Commissions meeting, this was brought up by John Golzy, the Chair of the BZA. Seeing the same issue brought up over and over he asked if they can they circumvent the Planning Commission step and go directly to the Code Enforcement Director or Service-Safety Director for approval. This is similar to our request to skip this step with the minor modifications on existing towers.
- One of the cases that they list in the document, at end of pg. 2 regarding the garage. How many of them are conforming to code to begin with? This is a slippery slope. Owners can sell and the promises will disappear. Anything in an R1 zone deserves special treatment.
 - Lance Allison: there are bulk controls in place.

- RJ Sumney: difference is that when we approved the towers the footprint was not changing. With what the BZA is requesting, to defer to the Code Director, does a neighbor have any redress?
- Lance Allison: a neighbor wouldn't have any redress if it hasn't gone to the BZA. This could happen with the construction of a new house. Footprint is changing but the setback isn't.
- Paul Logue: if you read the memo, the line of thought for this request is clear – you shouldn't be punished for building a back deck because you can't meet the front yard setback for a house that was built 100 years ago on a 3,000 sq. ft. lot. The code is written for a 5000 sq. ft. lot or larger and is written for a suburban area which doesn't exist in the city. Maybe we can ask the BZA to come and speak to the Planning Commission.

RJ Sumney recommended to table the discussion until the next Planning Commission meeting when Andy Stone will be present and able to answer questions.

5. Communications

None

6. Report from City Planner and Director of Code Enforcement

Paul Logue

- Continuing to work on the Comprehensive Plan.
- O'Bleness Ohio Health Project - He, Lance Allison, and Bob Heady are meeting to discuss this project and will be meeting with O'Bleness Ohio Health next week. O'Bleness Ohio Health is preparing to present to the Planning Commission in September.

Lance Allison

- Ohio University student move-in is next week.

7. Opportunity for Citizens to Speak

None

8. Announcements & Other Business

- The next meeting will be September 5, 2019.

9. Adjournment

The meeting was adjourned at 12:31 p.m.

