

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
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<http://www.ci.athens.oh.us>



**City of
Athens**
ATHENS, OHIO

**Board of Zoning Appeals
Minutes
April 12, 2022**

Members present: Lisa Carson (Chairperson), Robert Delach, Kelly Sauber, Kay Tousley, Joe Krause, Aaron Thomas (alternate)

City Officials present: David Riggs (Zoning Administrator).

The meeting was called to order on April 12, 2022 at 7:00 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH. The Acting Chairperson played a video stating the policies and procedures of the Board.

Chairperson Lisa Carson swore in all intending to speak tonight.

Hearing(s):

1.) Case #22-03V 750 East State Street Zone B3 Mark Scott / Appellant

**Appellant is requesting a variance from ACC 23.03.13 (I)(1)(i) for wall mount signs.
Sign A has a zero feet right side setback where as one foot is required.
Sign B has a zero feet left side setback where as one foot is required.**

Chairperson Carson called on the Zoning Administrator to testify.

Mr. Riggs explained that the appellant is requesting the variance on a wall mounted sign and that there needs to be setbacks from the end of the wall or from the party wall line. There are two parapets and the edges of these have been considered to be part of the party wall line. The signs were refused due to inadequate setback from these edges.

Kay Tousley asked for clarification on images provided.

James Wanke (55 N. Court Street) introduced as appellant– clarified building’s design and explained that the proposed sign placement was preferable accounting for the building’s boundaries. Noted that Steak-and-Shake has extensive graphics across the street.

The Chairperson asked why it was preferable for the signs to be flush rather than centered. Appellant explained that he wished to fill as much space on the exterior as possible and wanted to avoid signs being damaged or removed by the wind.

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Aaron Thomas asked Mr. Riggs the result if the sign were to be moved over 10 inches. Mr. Riggs replied that if it were to be centered it would meet code. Appellant said he wouldn't have an issue with that and that he was under the impression that the issue was with the exterior setback rather than the interior.

The Chairperson asked if a vote still needed to be held. Mr. Riggs suggested that the appeal be denied and that the appellant resubmit his application. Appellant expressed preference to original plan, but was willing to resubmit.

There were no further questions.

Chairperson Carson - closed discussion and called for a motion.

On a motion by Kay Tousey, seconded by Kelly Sauber, the Board moved to grant the variance on two wall-mounted signs to allow a 0 foot right side setback on Sign A where 1 foot is required and to allow a 0 foot left side setback on Sign B where 1 foot is required.

FINDINGS:

- 1.) EXCEPTIONAL CIRCUMSTANCES: No.**
- 2.) HARDSHIP AND DIFFICULTY: No.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: No.**
- 4.) MINIMUM VARIANCE: No.**
- 5.) ABSENCE OF DETRIMENT: Yes.**
- 6.) NOT OF A GENERAL NATURE: No.**

The Chairperson called for a vote: Motion denied 1 vote for - 4 votes against.

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Hearing(s):

**2.) Case #22-04V 206 North Columbus Road Zone B-3 Marietta Memorial
Hospital / Appellant**

Appellant is requesting a variance from ACC 23.10.01 Table A. Schedule of Bulk Controls. for construction of a new building. Proposed building is 5 stories tall whereas the maximum height is 3 ½ stories. Proposed building is 68 feet tall whereas the maximum height is 45 feet.

Chairperson Carson called on the Zoning Administrator to testify.

Mr. Riggs explained that the appellant initially wished to only build an emergency room but the project evolved into a full hospital, also noted that the project would create jobs.

Chairperson Carson asked why the height restriction existed. Mr. Riggs expressed his opinion that it was due to considerations of emergency service response and blocking or changing resident's views.

Kay Tousey asked whether the building could be spread out on the lot. Mr. Riggs explained that due to the right-of-way and the floodplain the appellant's only option was building up. Robert Delach added that City Council has allowed for parking in the right-of-way, further restricting appellant to their space.

Telah Taylor, 401 Matthew Street, Marietta OH. Explained layout of the building. Discussion of medical services. Aaron Thomas asked for comparison to Marietta Memorial Hospital's Belpre location. Appellant mentioned new jobs would be created.

Bob Gesing, 205 Paradise Alley Drive, Alexandria OH. Mentioned that they need to build up in order to adequately serve community.

Robert Delach asked about parking. Bob Gesing explained that there wasn't enough flat land, so the parking deck is elevated.

There were no further questions.

Chairperson Carson - closed testimony and called for a motion.

On a motion by Robert Delach, seconded by Kay Tousey, the Board moved to grant a variance to allow construction of a 68 foot, 5 story building, where a 45 foot, 3 ½ story building is the maximum height allowed.

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FINDINGS:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes, space is limited, nature of project.**
- 2.) HARDSHIP AND DIFFICULTY: Yes.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes.**
- 4.) MINIMUM VARIANCE: Yes.**
- 5.) ABSENCE OF DETRIMENT: Yes.**
- 6.) NOT OF A GENERAL NATURE: Yes.**

Chairperson Carson called for a vote: Motion passed 5 votes for – 0 against.

Hearing(s):

**3.) Case #22-05V 234 West Washington Street Zone B1 West End Ciderhouse
/ Appellant**

**Appellant is requesting a variance from ACC 23.10.01 Table A. Schedule of Bulk Controls.
Requesting a 0 foot setback whereas a 10 foot setback is required.**

Kelly Sauber recused himself. Aaron Thomas took his place.

Chairperson Carson called on the zoning administrator to testify, specifically asking the reasoning for the code.

Mr. Riggs explained that the patio was not considered a structure, but the roof is. A variance is required because of the lack of setback.

Aaron Thomas asked for clarification on how this would affect residents. Discussion over decks and patios.

Appellant sworn in. Kelly Sauber, 84 Second Street. Explained that they are covering the patio to allow for greater spacing due to COVID-19 and to prevent water buildup and flooding.

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Noted that the roof is already built, and that the appellant wasn't aware that a permit was needed. Also noted that the State had not approved the plans.

Chairperson Carson asked about normal use of the patio.

Aaron Thomas asked Mr. Riggs what would happen if the Board approved a variance but the State denied the plans. Mr. Riggs explained that the State is more concerned with safety and structural integrity than setbacks, and that he expects the plans to be approved. Appellant noted that there are no electrical additions.

Jo Moore, 8 North Shafer spoke in favor of the variance. She is a neighbor and has no issues with it.

Appellant mentioned that a neighbor was concerned about gutters, but a cleaning agreement was reached. Also mentioned a letter in support of the project written by Guy Philips, the property owner.

There were no further questions.

Chairperson Carson – closed testimony and called for a motion.

On a motion by Joe Krause, seconded by Aaron Thomas, the Board moved to grant a variance to allow a 0 foot setback on the patio roof where a 10 foot setback is required.

FINDINGS:

- 1.) EXCEPTIONAL CIRCUMSTANCES: Yes.**
- 2.) HARDSHIP AND DIFFICULTY: Yes.**
- 3.) PRESERVATION OF EQUAL PROPERTY RIGHTS: No.**
- 4.) MINIMUM VARIANCE: Yes.**
- 5.) ABSENCE OF DETRIMENT: Yes.**
- 6.) NOT OF A GENERAL NATURE: Yes.**

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Chairperson Carson called for a vote: Motion passed 5 votes for - 0 against

OTHER BUSINESS:

Approval of minutes from:

February 8th: approved with corrections to property owner's name on 3rd page (from Hansen to Thrasher)

Approved by Lisa Carson, Robert Delach, Kay Tousey, & Aaron Thomas

Chairperson Carson adjourned the meeting at 7:50pm

Lisa Carson, Chairperson

Date

David Riggs, Zoning Administrator

Date