

Board of Zoning Appeals

Minutes

September 10, 2019

Members present: John Golzy (Chairperson), Lisa Carson, Jon Gutekanst, Joe Krause, Kay Tousley, Aaron Thomas (alternate).

City officials present: David Riggs (Zoning Administrator).

The meeting was called to order at 7:05pm in City Council Chambers, third floor of City Hall. The Chairperson said that he wanted to recognize just-retired Board member Ed Baum for his decades of service to the City of Athens and Ohio University. The Chairperson also wanted to welcome new Board member Joe Krause and new Zoning Administrator David Riggs. He then noted that Mr. Krause would recuse himself from tonight's case hearing due to conflict of interest and Mr. Thomas would be a voting member for this case. The Chairperson introduced a video about the policies and procedures of the Board. The Chairperson then swore in, under oath, those intending to give testimony.

Case #19-07V 16 Columbia Avenue Zone R-1 Alicia & Andres Castro, appellants

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow construction of a fence with a front setback of zero feet (0') where twenty-five feet (25') is the minimum requirement.

The Chairperson called on the Zoning Administrator to testify. The Zoning Administrator noted that ACC 23.03.14 refers to fences not being allowed beyond the front setback.

The Chairperson called on the appellant to testify.

Andres Castro addressed the Board. Mr. Castro noted that the property previously had a fence in the front yard. He stated that in preparing the property for purchase, he removed the fence for the previous owner. Mr. Castro noted that the photograph of this property on the Athens County Auditor website shows the fence. He added that he has a 15-month-old son that he would love to be able to safely play in the front yard. Mr. Castro said that the variance would not inhibit or deter anything in the community.

The Chairperson asked about the placement of the fence. Mr. Castro said it would be installed as close to the right-of-way line as is allowed. He added that he has been in contact with his neighbors who have not objected to him about it.

Mr. Castro said that he wants the proposed fence to be tall enough to contain his son and two dogs, but that he is flexible in terms of City regulations for its design. He added that he would like to have a picket fence.

Ms. Tousley asked to confirm that the appellant's backyard is very hilly. Mr. Castro said that it was steep and not an option for yard use.

On a motion by Ms. Tousley, seconded by Ms. Carson, the Board moved to grant to the property at 16 Columbia Avenue a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow construction of a fence with a front setback of zero feet (0') where twenty-five feet (25') is the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The outlay of the structure and property makes it special.
- 2.) **HARDSHIP AND DIFFICULTY:** There is no good way to have safe space for their toddler.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes. Other nearby properties have front yard fences.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes. No comments from neighbors.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Carson, Golzy, Gutekanst, Thomas, Tousley. No – no one. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--Disposition of minutes from July 9, 2019 meeting. On a motion by Ms. Carson, seconded by Mr. Gutekanst, the Board moved to accept the minutes of July 9, 2019. Motion approved 4-0.

The meeting was adjourned at 7:24pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary