

# Athens Township

Athens County, Ohio

## ZONING CERTIFICATE APPLICATION DETERMINATION

Your application dated August 17, 2023 and received via email on August 17, 2023 is **REFUSED/DENIED** based on the accuracy of information represented in the *Application for Zoning Certificate* and therefrom **NOT** finding compliance with *Athens Township Zoning Code §7.01 (2)* which states "...A non-conforming use may not be changed to any other non-conforming use unless approved by the Board of Zoning Appeals in accordance with §9.02 (4), Powers of the Board of Zoning Appeals...".

Applicant/Agent: **Jordann O'Leary**  
Property Owner: **Gregory and Jordann O'Leary**  
Property location/address: **44/44 ½ N. Clinton Street, The Plains, Ohio 45780**  
Zoning District: **R-1, Single-family residential**

In accordance with the *Athens Township Zoning Code* denial/refusal of the application submitted is based upon:

*Athens Township Zoning Resolution Article 7, Nonconforming Uses*, which states that "...Any nonconforming use or building that legally exists at the time of the adoption of this code, or any amendment thereto, may be continued, except as otherwise specified within this Article...".

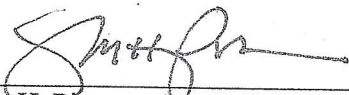
*Athens Township Zoning Resolution §7.01 (2), Nonconforming Uses*, which states that "...A non-conforming use may not be changed to any other non-conforming use unless approved by the Board of Zoning Appeals in accordance with §9.02 (4), Powers of the Board of Zoning Appeals...".

(NOTE: Requested change is from duplex (two residential units in one building/structure which is a legal, non-conforming use) in R-1 district where one unit currently has a 4' x 10' deck/balcony and the request is to expand the deck/balcony to 10' x 20'.

*Athens Township Zoning Resolution §9.02 (4) Powers of the Board of Zoning Appeals (§519.14 ORC)* which states that within the appellate jurisdiction of the Board of Zoning Appeals the Board is authorized to "...Review and act upon substitution of non-conforming use for a not more objectionable non-conforming use, provided that the Board in accordance with Article 7, item 1, shall find that the proposed use is equally appropriate (similar) or more appropriate to the district than the existing non-conforming use...".

Therefore, in accordance with *Athens Township Zoning Resolution §9.02 (4)*, you have the right to appeal this determination to the Board of Zoning Appeals and request a substitution of a non-conforming use with a not more objectionable non-conforming use by:

- Completing an application to appeal this refusal to the Athens Township Board of Zoning Appeals, petitioning them to substitute a non-conforming use for a not more objectionable non-conforming use; and
- Filing the appeal no later than thirty (30) days from the date of this refusal.



Steven H. Pierson, Athens Township Trustee

Date: August 17, 2023

Zoning Permit Application № 16-23 ZC