

Village of Athens Zoning Review Committee

Minutes from meeting on February 5, 2009; Committee members in attendance: Denise Hartman, Chris Pfister, Tim O'Leary, and Chairman Mark Levanway.

Recommended Changes to the Proposed Zoning Code:

92-16. HISTORIC DISTRICTS

SECTION 9: HARDSHIP APPLICATION PROCEDURE

REPLACE ENTIRE SECTION AS FOLLOWS:

A). After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

B). The Commission may hold a public hearing on the hardship application, at which an opportunity will be provided for proponents and opponents of the application to present their views.

C). The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D). The application shall contain the following information and documentation at the discretion of the Commission. The Commission shall provide a list of required documentation from the list below.

(1) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

(2). Amount paid for the property, the date of purchase and the party from which purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and the buyer.

(3). Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

(4). Any appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property or, if no such appraisal exists, a new appraisal and purposes for which money has/will be expended which the property has been used to secure.

(5). Any listing of the property within the past two years for sale or rent, price asked and offer received, if any, and sale prices of properties of comparable size and/or color construction in a rehabilitated condition.

(6). If the property is income-producing, the annual gross income from the property for at least the previous two years, itemized income revenue, operating and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(7). Assessed value of the property according to the two most recent assessments and assessment value of comparable property.

(8). Real estate taxes and other governmental surcharges for the previous two years.

(9). A report from a licensed engineer or architect with demonstrated experience in rehabilitation of historic structures as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(10). An appraisal of the market value of the property in its current condition, including estimates of market value after completion of the proposed construction, alteration or removal.

(11). Cost estimates by two different contractors with demonstrated experience in the rehabilitation of historic structures qualified to perform the proposed work as planned and as required.

(12). In the case of proposed demolition, an estimate from a licensed architect or engineer, or developer with demonstrated experience in rehabilitation of historic structures, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property; such professional may be asked to submit a listing of projects completed within the last five years.

(13). Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property in order to assist the Commission in making a determination as to whether the applicant can reasonably afford to comply with the recommendations of the Commission.

(14). Any other information considered necessary by the Commission to make a determination on an applicant's claim of economic hardship.

E. All decisions of the Commission shall be in writing, and shall be made within 62 days following the conclusion of the public hearing. A copy shall be sent to the applicant by first-class mail and a copy filed with the Town Clerk. The Commission's decision shall state the reasons for its decision.

SECTION 13: APPEALS

Change to read: Any person aggrieved by a decision of the Historic Preservation Commission relating to hardship or a certificate of appropriateness may, within 31 days of the decision, file a written application with the Village Zoning Board of Appeals for review of the decision. Reviews shall be conducted based on the same record that was before the Commission and using the same criteria.

92-17. PARKING

A. Change to read: Off-street parking spaces shall be provided in any district in accordance with the specifications in this section whenever any new use is established or existing use is enlarged. The parking requirements may be waived where it is demonstrated that sufficient public on-street parking is available. In addition, for, home occupations only, a portion of a driveway measuring two hundred (200) square feet, belonging to the structure wherein such use will take place, will be deemed acceptable for the first parking space required. Shared parking shall be encouraged wherever possible.

B. Remains the same

C. Add: These parking requirements may be waived where it is demonstrated that sufficient on-street parking is available.

92-19. HEIGHT RESTRICTIONS

Change to read:

B). Chimneys, communication towers, steeples, barns or silos, water towers or other appurtenances shall not exceed sixty (60) feet in height. No towers shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations listed in 92-8 through 92-14.1 of this chapter.

C). Notwithstanding any other requirement or provision of these regulations, no structure located east of Route 385 shall exceed a height of thirty-five (35) feet in the Mixed Use Waterfront District (MU/W); thirty feet (30) in the Medium-Density Residential (RM) District; twenty-five (25) feet in the Open Space/Conservation (OS/C) and W Waterfront District.

Meeting adjourned by Chairman Levanway at 9:20 pm. Next meeting is scheduled for Thursday, February 19, 2009 at 6:30 pm.

RMH/me

CC: Andrea Smallwood, Mayor