

Village of Athens Zoning Review Committee

Minutes from meeting on January 15, 2009; Committee members in attendance: Denise Hartman, Margaret Moree, Chris Pfister, Tim O’Leary, and Chairman Mark Levanway.

Recommended Changes to the Proposed Zoning Code:

92-16. HISTORIC DISTRICTS

SECTION 6: CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE

- A). Change to:** The application should be developed by the Commission and at a minimum shall include:
- (vi)- Change:** the village of Athens sign law
 - (viii)- Add:** The application will not be reviewed until deemed complete by the Historic District Commission, at which time the applicant will be notified in writing.
- B). Change to:** in the last sentence **remove** the word ordinance and **replace** it with law.
- C). Change to:** The first sentence to read: The Commission shall approve, deny or approve the permit with modifications within **sixty-two (62)** days from the receipt of the completed application. The second sentence to read; The Commission may hold a public hearing on the application at which an opportunity will be provided for the public to present their views.
- D). Change to:** The Commission shall notify the applicant of its decision in writing. One copy will be provided to the Code Enforcement Officer, one copy will be provided to the Village Clerk’s where it will be available for public inspection.
- E). Change to:** Certificates of appropriateness shall be valid **indefinitely** as long as the project has not changed.

SECTION 7: HARDSHIP CRITERIA FOR DEMOLITION

Change to read: An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply to the Historic District Commission. In order to prove the existence of hardship, the applicant shall establish that:

(i) **Change** to: the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible **OR**

(ii) **Change** to: the structure cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return **OR**

(iii) **Change** to: efforts to find a purchaser interested in acquiring the structure and preserving it have failed **OR**

(iv) **Add:** The Code Enforcement Officer says it must be demolished because it is deemed unsafe **OR**

(v) **Remove.**

(vi) **Add:** In granting or denying an application for a hardship certificate for demolition, the Commission shall consider the extent to which the hardship is, as a result of the applicants own neglect.

SECTION 8: HARDSHIP CRITERIA FOR ALTERATION

Change to read: An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the alteration is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; or the cost of compliance would exceed the applicants' ability to pay.

Meeting adjourned by Chairman Levanway at 9:20 pm. Next meeting is scheduled for Thursday, February 5, 2009 at 6:30 pm.

RMH/me

CC: Andrea Smallwood, Mayor

