

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-11V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

46 Columbia Avenue
Zone R1 Case #24-11V

Appellant is requesting a variance from ACC 23.11 Table B to allow a rental with 2 parking spaces where 3 are required.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
46 Columbia Avenue
has been assigned Board of Zoning Appeals **Case #24-11V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024, at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Janna Chimeli / Appellant
For property located at
46 Columbia Avenue

Appellant is requesting a variance from ACC 23.11 Table B to allow a rental with 2 parking spaces where 3 are required.

This case has been assigned
Case #24-11V

This meeting has been scheduled for **Tuesday, November 12, 2024**, at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

46 Columbia Avenue– Case #24-11V – adjoining properties and owners

44 Columbia Ave

Christopher Perisho
4725 Se Dinion Street #301
Portland, OR 97206

11 Garfield Ave, (A028180003700)

Kelly Shaw
11 Garfield Ave
Athens, OH 45701

48 Columbia Ave

Cheryl Beth Bair
48 Columbia Ave
Athens, OH 45701

47 Columbia Ave, (A028190001300)

Tatiana E Fox
47 Columbia Ave
Athens, OH 45701

45 Columbia Ave, (A028190001000)

Ronald L Birt
37370 Vance Rd
Pomeroy, OH 45769

43 Columbia Ave, (A028190000900)

Carol L Cockrill
43 Columbia Ave
PO Box 2343
Athens, OH 45701

15 Garfield Ave (A028180003600)

Athens Brick Properties LLC
225 Highland Ave
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-000011
Date Rec'd 9/25/2024

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: JANNA CHIMELI PHONE # 740.591.1193

ADDRESS: 46 COLUMBIA AVE.

OWNER: JANNA CHIMELI

ADDRESS: 46 COLUMBIA AVE.

PROPERTY ADDRESS: SAME AS ABOVE

ZONE: R-1

I, THE UNDERSIGNED, JANNA CHIMELI

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR

DATED 06/17/24

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT

46 COLUMBIA AVE.

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL
APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND
ACCURATE.

Janna Chimele
APPLICANT

Wendy Armstrong
NOTARY PUBLIC, OHIO



WENDY ARMSTRONG
Notary Public
State of Ohio
My Comm. Expires
August 14, 2029

PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO

This Conveyance has been examined
and the Grantor has complied with
Section 319.202 of the Revised Code

No. 13162 Transfer Fee Paid \$ 664.00
J. A. Thompson, Athens County Auditor

By 6/22 Deputy Auditor

SO transferred
944-21

Instrument Book Page
202100005181 OR 586 1155
202100005181
Filed for Record in
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
09-14-2021 At 11:11 am.
DEED 34.00
OR Book 586 Page 1155 - 1155

202100005181
VAN HORN TITLE AGENCY
109 NORTH BROAD STREET
SUITE 101
LANCASTER OH 43130

Warranty Deed
Know All by These Presents:

That Matthew Hale, unmarried,, of Athens County, Ohio, for valuable consideration paid,
grants with general warranty covenants, to Janna Chimeli, whose tax mailing address is 46
Columbia Ave., Athens, OH 45701, the following real property:

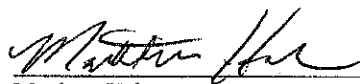
Situated in the State of Ohio, County of Athens, and in the City of Athens, and being Inlot
Number One Thousand Nine Hundred Fifteen (1915) of Sycamore Heights Addition, as the
same is numbered and delineated upon the recorded plat thereof, of record in Plat Envelope
199B, of record in the Recorder's Office of Athens County, Ohio.

Subject to taxes and assessments which are now or may hereafter become liens on said premises
and except conditions and restrictions and easements, if any, contained in former deeds of record
for said premises, subject to all of which this conveyance is made.

Address: 46 Columbia Ave., Athens, OH 45701
Parcel No.: A02-81800059.00

Prior Instrument Reference: Volume 543, Page 1297, Official Records, Athens County, Ohio.

Executed before me on this 9th day of September, 2021, by Matthew Hale.

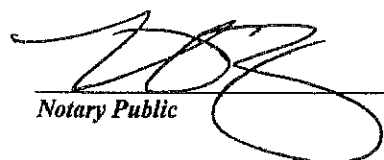

Matthew Hale

State of Ohio)
Athens County) ss.

The foregoing instrument was acknowledged before me this 9th day of September, 2021,
by Matthew Hale. This is an acknowledgment. No oath or affirmation was administered to the
signer.



HOWARD P. BOLMAN
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
02-25-2023


Notary Public

This instrument prepared by: Paul C. Thompson, Attorney at Law

21-465

To Whom It May Concern,

My name is Janna Chimeli and I am a 53-year-old single homeowner residing at 46 Columbia Ave.. I am writing to appeal the recent decision denying my rental permit application

1. **Practical Difficulty/Undue Hardship:**

Enforcing this regulation creates unnecessary hardship, as my property shares characteristics with neighboring homes, many of which have rental permits. Denying my request makes it difficult to utilize the property in a way that would provide a benefit without disrupting the neighborhood. Since the public interest is already being met with current rental permits in the area, this enforcement does not serve a meaningful public purpose.

2. **Exceptional Circumstances:**

My property has unique features, such as its size and layout, which make it ideal for renting a portion without disturbing the residential character of the neighborhood. These features are not common to most other properties in the area, making my situation exceptional. The home's configuration allows for a rental that would still preserve the privacy and atmosphere of the neighborhood.

3. **Preservation of Equal Property Rights:**

Many homes in my immediate vicinity have been granted rental permits, allowing their owners to generate supplemental income while maintaining the residential nature of the community. Denying my request would deprive me of this commonly enjoyed right, while granting the permit does not confer any special privileges that aren't already enjoyed by my neighbors. I am simply seeking the same opportunity afforded to others in the area.

4. **Minimum Variance:**

I am requesting the smallest possible variance to allow for reasonable and responsible use of my property. The rental will involve only part of the home and will not change the overall residential character of the property. I'm not seeking any excessive changes or expansions, just the minimum necessary to make full use of the home while maintaining harmony with the neighborhood.

5. **Absence of Detriment:**

Allowing this variance will not harm neighboring properties. I have long-standing, positive relationships with my neighbors, built on mutual respect and trust. I will be diligent in selecting tenants who will respect the quiet and friendly nature of the community, ensuring that no disturbance or negative impact is caused. The variance will neither conflict with the zoning code nor impair the public interest.

6. **Not of General Nature:**

The circumstances of my property and my request for a rental permit are specific and do not represent a common or recurrent issue. My request stems from the unique characteristics of my home and my personal situation, making it inappropriate to form a broad regulation based on this instance. My request is not indicative of a general trend but rather a unique case deserving of individual consideration.

Given these exceptional circumstances, I kindly request that you reconsider my application for a rental permit, as the denial imposes an unnecessary hardship and does not further a significant public objective. Thank you for your time and consideration.

Sincerely, Janna Chimeli



APPLICATION for ZONING CERTIFICATE

For Rental Housing
CITY OF ATHENS OHIO
ATHENS CITY CODE TITLE 29 & 23
codeoffice@ci.athens.oh.us
740-592-3306

(For Office Use Only)
Permit# STR24-000005
Date Rec'd 6/17/2024

☒ **New Rental** ☐ **New Owner** ☐ **Demographic Update Only** ☒ **Short Term Rental**

Property Address (include all unit #'s for multiple units/buildings):

46 Columbia Ave.

Owner Name: Janna Chimeli

Address: 46 Columbia Ave.

City, State, Zip: Athens, OH, 45701

Telephone #: 740-591-1193

E-mail Address (if applicable): chimelij@ohio.edu

Would you prefer to receive notifications by regular U.S. mail or E-mail?

U.S. Mail ☒

E-mail ☐

Property Manager: Janna Chimeli

Telephone# 740-591-1193

Property Manager Address: 46 Columbia Ave.

Emergency Contact & Telephone # Janna Chimeli, 740-591-1193

(must be a resident of Athens County and other than the owner):

Check One:

☐ Rental Unit

_____ Number of Units

-OR-

☐ Rooming House (6 or more tenants)

☐ Owner-Occupied Rooming House

☐ Short Term Rental

1 Number of Bedrooms Rented

Requested Maximum Occupancy Level Of Unrelated Persons Per

Unit (list each unit separately):

Studio Apartment in the Basement (3 people)

Or One Family as per ACC 23.04.01(A)(1)

Number of Parking Spaces (to be confirmed by Inspector)

2

Scheduled Trash Pickup Day Tuesday morning

I HEREBY SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE, AND THAT THE PROPERTY COMPLIES WITH ATHENS CITY HOUSING CODE TITLE 29 AND ATHENS CITY ZONING CODE TITLE 23.

Janna Chimeli
Signature of Owner

06/04/2024

Date

OFFICE USE ONLY:

Recommend: ☐ Approval ☒ Refusal

Parking Verified by Code Officer ☐

Zone:

R-1

Code Officer Comments: REFUSED NEED
3 PARKING SPACES ONLY HAS 2
ACC 23.11. TABLE B

Brian J. Gould
CODE OFFICER SIGNATURE

6-17-2024
DATE

Athens City Zoning Administrator

☐ Approved ☒ Refused

SIGNATURE [Signature]

DATE 6-17-24

Copy to Auditors Office ☐



APPLICATION for ZONING CERTIFICATE
For Rental Housing /
Bed & Breakfast Permit
CITY OF ATHENS OHIO
ATHENS CITY CODE TITLE 29 & 23

(For Office Use Only)
Permit# RNT18-000163
Date Rec'd 10/4/18

☐ New Rental ☒ New Owner ☐ Demographic Update Only ☐ Bed & Breakfast

Owner Name: MATTHEW HALE
Address: 46 COLUMBEA AVE.
City, State, Zip: ATHENS OH 45701
Telephone #: 513-967-3412 E-mail Address (if applicable): _____
Would you prefer to receive notifications by regular U.S. mail or E-mail? U.S. Mail ☒ E-mail ☐
Property Manager: _____ Telephone# _____
Property Manager Address: _____
Emergency Contact & Telephone # _____
(must be a resident of Athens County and other than the owner): _____

Property Address (include all unit #'s for multiple units/buildings):

46 COLUMBEA AVE, ATHENS OH 45701

Check One:

☐ Rental Unit

____ Number of Units in Building

-OR-

☐ Rooming House (6 or more tenants)

☒ Owner-Occupied Rooming House

1 Number of Bedrooms Rented

-OR-

☐ Bed & Breakfast

____ Number of Rooms

Requested Maximum Occupancy Level Of Unrelated Persons Per Unit (list each unit separately):

2

Or One Family as per ACC 23.04.01(A)(1)

Number of Parking Spaces (to be confirmed by Inspector)

2

COPY

I HEREBY SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE, AND THAT THE PROPERTY COMPLIES WITH ATHENS CITY HOUSING CODE TITLE 29 AND ATHENS CITY ZONING CODE TITLE 23.

Matthew Hale
Signature of Owner

10-2-18
Date

OFFICE USE ONLY:

Recommend: ☒ Approval ☐ Refusal

Parking Verified by Code Officer ☒

LA

Zone

R-1

"Change of owner" Recommend approval

Zer 10/14/18
CODE OFFICER SIGNATURE DATE

Athens City Zoning Inspector

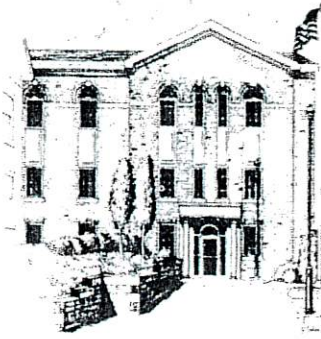
Approved ☒ Refused ☐

Signed Brian

Date 10-22-18

Copy to Auditors Office ☒

Office of the Law Director
and City Prosecutors
Law Administration Bldg.
8 E. Washington St., Suite 301
Athens, Ohio 45701
Phone (740) 592-3332
Fax (740) 592-3350



City of Athens

LISA A. ELIASON
CITY LAW DIRECTOR

Tracy W. Meek, Chief City Prosecutor
Matthew M. Ward, City Prosecutor
Jessica L. Branner, City Prosecutor

April 3, 2019

Matthew Hale
46 Columbia
Athens, OH 45701

Re: Unpaid Rental Fees

To Whom it May Concern:

This office has been notified by the Office of Code Enforcement for the City of Athens that you have failed to pay rental fees owed pursuant to the Athens City Code Section 29.03.08. The fees were due on February 1, 2019. The rental and late fees owed are as follows:

46 Columbia \$200

*Closed
NCR*

COPY

Pursuant to Athens City Code Section 29.09.02, any person violating a provision of this code shall be deemed guilty of a minor misdemeanor and fined not more than One Hundred Dollars (\$100.00). Each property would constitute a separate offense. Each day of continued violation shall constitute a separate offense. Failure to pay the rental fees by April 26, 2019 will result in the filing of criminal charges against you. Please **pay the fee to the Office of Code Enforcement at 28 Curran Drive, Athens, Ohio 45701.**

You may contact the Office of Code Enforcement by telephone at (740) 592-3306 or by e-mail to crobinson@ci.athens.oh.us.

If you have any questions, please feel free to call me at (740) 592-3332.

Sincerely,

Tracy W. Meek

Tracy W. Meek
Athens Chief City Prosecutor

cc: Lance Allison, Interim Director of Code Enforcement

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-12V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

5 Pomeroy Road
Zone B3 Case #24-12V

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
5 Pomeroy Road
has been assigned Board of Zoning Appeals **Case #24-12V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024, at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Jessica Hickman / Appellant
For property located at
5 Pomeroy Road

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

This case has been assigned
Case #24-12V

This meeting has been scheduled for **Tuesday, November 12, 2024**, at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

5 Pomeroy Road – Case #24-12V – adjoining properties and owners

**7 Pomeroy Road, (A029200002300),
(A029200002501)**

Floor and More
16 Windsong Drive
Athens, OH 45701

544 Richland Avenue

Prokos Demetrios
88 E State Street
Athens, OH 45701

6 8 Pomeroy Road, (A029200003201)

Umbrella of Athens LLC
7 3rd Street
Athens, OH 45701

0 Coventry Lane (A029200003203)

Atlas Ventures LLC
8648 Stage Coach Road
Athens, OH 45701

540 Richland Avenue, (A029140006400)

Campbell Oil Company
7977 Hills and Dales Road NE
Massillon, OH 44646



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-000012
Date Rec'd 10/23/2024

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: Jessica Hickman PHONE # 512.971.2694

ADDRESS: 101Coventry Lane, Athens OH 45701

OWNER: Christopher and Jessica Hickman

ADDRESS: 101Coventry Lane, Athens OH 45701

PROPERTY ADDRESS: 5 Pomeroy Rd. Athens OH 45701

ZONE: B3

I, THE UNDERSIGNED, Jessica Hickman

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 10/10/24

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:
5 Pomeroy Rd. Athens OH 45701

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE.

Jessica Hickman
APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21 (DATE) BY October 2024

Laura Cosper (NAME OF PERSON ACKNOWLEDGING).

Laura Cosper
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 11/14/2027



LAURA COSPER
Notary Public, State of Ohio
My Commission Expires 11-14-2027

PROPERTY OWNER (IF OTHER THAN APPLICANT)

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ (DATE) BY

(NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: _____

TRANSFERRED NO. 1580
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. \$560.00

OCT 04 2024

JILL A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
WF TRANS FEE 50¢

202400004065
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
10/04/2024 01:01:17 PM
OR BOOK: 618 PAGE: 974
DEED 34.00 PG: 2

202400004065
NORTHWEST TITLE FAMILY OF COMPANIES INC

GENERAL WARRANTY SURVIVORSHIP DEED

Know all persons by these presents, that:

Edna M. Frost

an unmarried individual, the designated Grantor herein, for valuable consideration received hereby grants and assigns with general warranty covenants, to:

Christopher Hickman and Jessica Hickman

the designated Grantee herein whether one or more than one, for their joint lives with the remainder to the survivor of them, whose tax-bill mailing address will be the same as the property address, which is: 5 Pomeroy Road, Athens, OH, 45701, unless the Mortgagee provides written instructions to the County Treasurer to the contrary, all interest in the following real property:

Situate in the City of Athens in the County of Athens, and State of Ohio, and bounded and described as follows:

Being 70 feet off the West side of Lot No. 1 in Jacob Cuckler's Subdivision of Farm Lot No. 37 in Sections Nos. 7 and 8, Township 9, Range 14, Ohio River Survey.

Property Address: 5 Pomeroy Road, Athens, OH 45701

Parcel No(s): A02-92000024-00

Prior Deed Reference(s): Deed Book 241, Page 195; OR Vol. 609, Page 94 and OR Vol. 609, Page 97 of the Athens County, Ohio records.

The foregoing real property is granted by the Grantor and accepted by the Grantee except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

TX-4016561
6022208101200



The Grantor herein has read this Deed and hereby acknowledges the voluntary signing hereof.

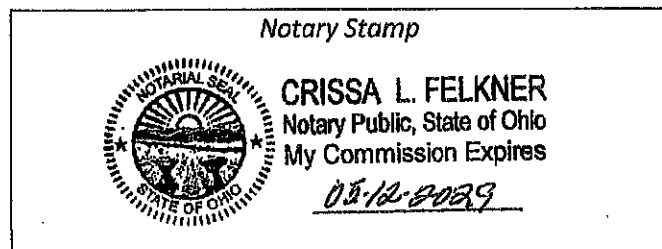
Executed on this 2 day of October, 2024.

Edna M Frost
Edna M. Frost

State of Ohio)
County of Athens)

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this
2 day of October, 2024, by Edna M. Frost.

Crissa L. Felkner
Notary Public



This instrument prepared by:
Troy Howdyshell, Esq.
Northwest Law
239 East Main Street
Jackson, OH 45640

After recording, return to:
Northwest Advantage Title Agency, LLC
603 West Union Street
Suite 100
Athens, OH 45701

File #23-1920-CS

Jessica Hickman
101 Coventry Lane
Athens, Ohio 45701
512.971.2694
Jhickman.lee@gmail.com

Board of Zoning Appeals
City of Athens
8 East Washington Street
Athens, Ohio 45701

Dear Members of the Board,

I am writing to formally request a variance to allow the property located at 5 Pomeroy Rd, Athens, OH, to be utilized as a residence. The property is currently zoned for commercial use but has historically functioned as a single-family home. I believe that granting this request aligns with the guidelines established by the Board of Zoning Appeals, particularly in regard to practical difficulty, exceptional circumstances, preservation of equal property rights, and absence of detriment.

1. Practical Difficulty and Undue Hardship:

Due to the unique characteristics of this property-a single-story structure-enforcing the current zoning regulations would result in practical difficulty. The requirement to add a second floor for residential use is unnecessary and unreasonable. This property previously served as a residence for many years and transitioning it back to residential use would not impede public purposes.

2. Exceptional Circumstances:

The property at 5 Pomeroy Rd has exceptional circumstances that set it apart from other properties in the B3 zone. Unlike the adjacent properties at 6 and 8 Pomeroy Rd, which successfully obtained variances for residential use on both floors, my property is limited by its single-story design. This unique feature creates an extraordinary condition that justifies my request for a variance.

3. Preservation of Equal Property Rights:

Denying this variance would deprive me of rights that are enjoyed by the neighboring properties at 6 and 8 Pomeroy Rd. These properties are allowed to be fully utilized as residences, while I would be constrained by the one-story limitation. Granting this variance would ensure equitable treatment of properties within the same vicinity and zoning designation.

4. Absence of Detriment:

Allowing 5 Pomeroy Rd to be used as a residence would not result in any substantial detriment to adjacent properties. In fact, I have received support from my neighbors for this proposal, demonstrating that it would be in harmony with the existing community. Moreover, there is ample parking available, and ingress and egress from the property are designed to minimize interference with traffic.

5. Compliance with Conditional Use Requirements:

This request complies with applicable city regulations, as it has a history of residential use. The property is situated in a manner that is consistent with the orderly development of the zone and is not detrimental to adjacent properties. The proposed use is in alignment with the city's comprehensive plan and would contribute positively to the neighborhood.

In conclusion, I respectfully request that the Board of Zoning Appeals grant the variance necessary for 5 Pomeroy Rd to be utilized as a residence. This decision would rectify the unique situation of this property while supporting the character and integrity of our community. Thank you for considering this request, and I am eager to address any questions or concerns you may have.

Sincerely,



Jessica Hickman

Christine Robinson

From: Eric Lee <ericlee83@gmail.com>
Sent: Friday, October 4, 2024 1:42 PM
To: Code Office
Subject: Support for Residential Use of 5 Pomeroy Road

Eric Lee
7 3rd Street
Athens, Ohio 45701
10/4/24

Subject: Support for Residential Use of 5 Pomeroy Road

Dear Members of the Board of Zoning Appeals and Athens City Code Office,

I am reaching out to express my support for the proposed residential use of the property at 5 Pomeroy Road. As a property owner of 6 and 8 Pomeroy Road, I've seen firsthand the evolving character and needs of this area, and I believe residential use for this property would be a valuable addition.

The demand for housing, especially quality rental options, has increased significantly in the area. Several properties on Pomeroy already allow for residential units on the first floor, which have contributed to a welcoming neighborhood atmosphere. This shift toward residential use aligns with the current needs of Athens residents more than additional ground-floor businesses would.

In addition, I've worked to develop a small, supportive community for veterans across 6 and 8 Pomeroy. Allowing a residential use for 5 Pomeroy would enable us to extend this informal veteran community by welcoming another resident who would benefit from and contribute to the supportive environment we've created.

I believe granting residential use for 5 Pomeroy Road would not only address a local housing need but would also enhance the sense of community in our neighborhood.

Thank you for considering this request, and I'm hopeful that we can work together to make a positive impact on our area.

Best regards,

Eric Lee



ZONING USE PERMIT - Not for Construction
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: ZNU24-000017
REFUSAL

Permit Type: Zoning
Use of Building:

Present Use: Commercial
Proposed Use: Residential

Project Address: 5 POMEROY RD

Applicant:

Jessica Hickman
Phone: 512-971-2697

Property Owner:

Jessica & Christopher Hickman

5 Pomeroy Road
Athens, OH 45701

Description of Proposed Use/Scope of Project: Applying to use a commercial property as residential

Decision Detail: Your request for a Zoning Use Permit has been refused in accordance with the application submitted and ACC23.04.07(A)

Residential must be second floor & and above, applicant is asking for residential on first floor.

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

10/10/2024

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date

**Office of Code Enforcement
& Community Development**

28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



**City of Athens
Athens, Ohio**

October 10, 2024

To: Jessica Hickman
Applicant Address: 101 Coventry Lane
Athens, OH 45701
To: Jessica & Christopher Hickman
Owner Address: 5 Pomeroy Road
Athens, OH 45701

REFUSAL

Zoning Use Permit - Residential Refusal Detail

Premises Address: 5 POMEROY RD

Application Date: 09/25/2024

For: Applying to use a commercial property as residential

Decision Detail: Your request for a Zoning Use Permit has been refused in accordance with the application submitted and ACC23.04.07(A)

Residential must be second floor & and above, applicant is asking for residential on first floor.

NOTE: You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.



APPLICATION for COMMERCIAL OR 1-2-3 UNIT RESIDENCE

ZONING USE PERMIT - Not for Construction
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Application Fee Due: \$80 (2.9% convenience fee if credit card is used)

(Office Use Only)

Permit #: ZNU24-000017

Date Rec'd: September 25, 2024

* Scaled Detail Drawing Required ** (Application will not be processed unless Drawing and Application Fee attached)

Subtype: Residential

Applicant: Jessica Hickman

Phone: (512) 971-2697 12693

Address: 101 Coventry Lanw
Athens OH 45701

Property Owner (if other than applicant): FROST HOWARD T & EDNA M

Phone:

Address: 193 LEODA RD
ATHENS, OH 45701

Address of Proposed Use: 5 POMEROY RD

Project Description: Applying to use a commercial property as residential

Current Property Use: commercial

Proposed Property Use: residential

I HEREBY SWEAR OF AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Date: 09/25/2024

Applicant Signature:

Date: 09/25/2024

Owner Signature:

Zone: <u>B-3</u>	<u>*USE ONLY*</u> (For Office Use Only)	Flood Plain:	Parcel Number: A029200002400
Comments: [USEpermit::2491::202563] <u>Recommend refusal in accordance with ACC 23.04.07(A)</u>			
<u>Residential must be second floor and above</u>			
<u>(over)</u>			
Code Officer Signature: <u>LA</u>	Date: <u>10/3</u>	Approval ☐	Refusal ☒
Zoning Administrator Signature:	Date: <u>10/3/24</u>	Approval ☐	Refusal ☒
Service Safety Director Signature:	Date: <u>10/9/24</u>	Approval ☐	Refusal ☒

Recommend refusal in accordance with Acc 23.04.07(A)

Required residential second floor and above asking for residential on first floor.

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-14S

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

327 E State Street
Zone B3 Case #24-14S

Appellant is requesting a substitution in accordance with ACC 23.07.02 (B) to change a legal nonconforming single family residential use to a legal nonconforming multi-family residential use.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
327 E State St
has been assigned Board of Zoning Appeals **Case #24-14S**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024, at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Panda Girl Properties, LLC / Appellant
For property located at
327 E State St

Appellant is requesting a substitution in accordance with ACC 23.07.02 (B) to change a legal nonconforming single family residential use to a legal nonconforming multi-family residential use.

This case has been assigned
Case #24-14S

This meeting has been scheduled for **Tuesday, November 12, 2024**, at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

327 E State St – Case #24-14V – adjoining properties and owners

329 E State St

Avabuild LCC
104 Maplewood Dr
Athens, OH 45701

11 Hudson Ave

Avabuild LCC
104 Maplewood Dr
Athens, OH 45701

325 E State St

Speedway LLC
539 S Main St
Findlay, OH 45840

19 Hudson Ave, (A027200001400)

Cooper Ventures LTD
12840 Cowan Rd
Athens, OH 45701

4 Tulane Rd, (A028290007300)

Robin Lynn Smith
3034 Q St NW
Washington, DC 20007



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

Permit #

BZA24-000014

Date Rec'd

10-24-24

☐ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: PANDA GIRL PROPERTIES PHONE # 740 591 9118

ADDRESS: 465 SEIGLE LANE ATHENS, OH 45701

OWNER: JARED & MARJORITA DEAN

ADDRESS: SAME

PROPERTY ADDRESS: 327 E STATE ST

ZONE: B-3

I, THE UNDERSIGNED, JARED DEAN

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR

DATED 10/22/24

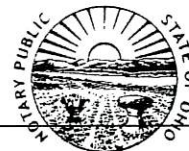
FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT

APT B & C 327 E STATE ST

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL
APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND
ACCURATE.

APPLICANT [Signature]



WENDY ARMSTRONG
Notary Public
State of Ohio
My Comm. Expires
August 14, 2029

[Signature]
NOTARY PUBLIC, OHIO

PROPERTY OWNER (IF OTHER THAN APPLICANT)

NOTARY PUBLIC, OHIO

TRANSFERRED NO. 1465
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 620.00

Instrument Book Page
202300003813 OR 608 1233

SEP 11 2023

JILL A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
JW TRANS FEE .50

202300003813
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
09/12/2023 12:31:59 PM
OR BOOK: 608 PAGE: 1233
DEED 34.00 PG: 2

202300003813
MOLLIKA GALL SLOAN & SILLERY

GENERAL WARRANTY DEED

(RC 5302.05, RC 5302.06)

GAIA Tree Alive, LTD, an Ohio limited liability company, of Athens County, Ohio, for valuable consideration paid grants, with general warranty covenants as set forth in RC 5302.06, to **Panda Girl Properties, LLC, an Ohio limited liability company**, whose tax-mailing address is **465 Seigle Lane, Athens, Ohio 45701**, the following Real Property:

Situated in the City of Athens, County of Athens and State of Ohio:

Being Lot No. 659 in Hudson's Addition to said City of Athens, Ohio.

Being the same premises described in deed recorded in Volume 168, Page 208 and in Certificate of Transfer recorded in Volume 199, Page 645, and Deed recorded in Volume 200, Page 162, Records of Deeds of Athens County, Ohio.

Subject to easements, leases, rights-of-way, reservations, and restrictions of record.

Parcel No.: A02-72000016-00

Commonly known as: 327 E. State Street, Athens, Ohio 45701

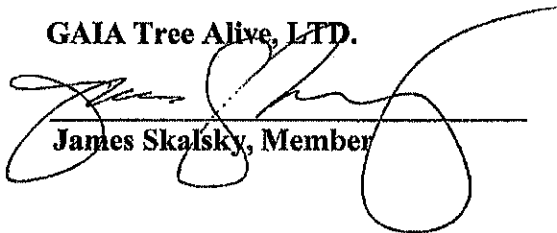
Reference: Volume 385, Page 927 and Volume 211, Page 29, Deed Records of Athens County, Ohio and Volume 331, Page 1093 and Volume 495, Page 602, Official Records of Athens County, Ohio.

Last Transfer: Volume 511, Page 1080, Official Records of Athens County, Ohio.



EXECUTED this 8 day of September, 2023.

GAIA Tree Alive, LTD.

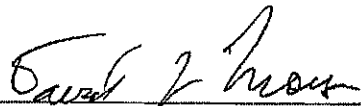

James Skalsky, Member

STATE OF OHIO
COUNTY OF ATHENS, ss.

The foregoing instrument was acknowledged before me this 8 day of September, 2023, by **James Skalsky**, member and authorized representative of GAIA Tree Alive, LTD., an Ohio limited liability company, on behalf of the limited liability company.



DAVID J. MOTT
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.


Notary Public

THIS INSTRUMENT PREPARED BY:
David J. Mott, Attorney at Law
MOLICA, GALL, SLOAN & SILLERY CO., L.P.A.
35 North College Street
Athens, Ohio 45701

Thursday, October 24, 2024

Panda Girl Properties LLC

465 Seigle Lane

Athens, OH 45701

(740) 591-9118

Request of variance at 327 E State St, Apartments B & C. Parcel number A027200001600

We would like to request a variance on the property to allow long term rentals. Currently the property is in zone B-3 which code ACC 23.04.05.A1 states "residential permitted on second story and above." Apartment B is on the first floor and Apt C is in the basement. So, the application was denied. We debated using the apartments as short-term rentals. Which would be approved by code. After much deliberation, we feel that managing short term rentals would require more attention than long term rentals. Thus the request for variance.

Office of Code Enforcement
& Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



City of Athens
Athens, Ohio

October 22, 2024

To: Jared Dean / Panda Girl Properties, LLC
Applicant Address: 465 Seigle Lane
Athens, OH 45701

To: Panda Girl Properties, LLC
Owner Address: 465 Seigle Lane
Athens, OH 45701

REFUSAL

Enclosed please find your refused Rental Housing Permit application. Please reference the refusal date and note that in accordance with Athens City Code 23.07.08(B), you have 20 days from the date of this refusal to file an appeal if you so choose. An appeal application has been included for your use.

Rental Housing Permit - Rental Unit Refusal Detail

Premises Address: 327 East State Street

Application Date: 09/30/2024

For: Rental Permit (Ground Floor - Apt B & Apt C)

Note: Your request for a Zoning Rental Permit has been refused in accordance with the application submitted and
ACC 23.04.05(A)1 - Residential permitted on second story and above. Apartment B is located on first floor, Apartment C is located on lower level (basement)



APPLICATION for ZONING CERTIFICATE

For Rental Housing
CITY OF ATHENS OHIO
ATHENS CITY CODE TITLE 29 & 23
codeoffice@ci.athens.oh.us
740-592-3306

(For Office Use Only)
Permit # RNT24-000105
Date Rec'd 9/30/24

☒ New Rental ☐ New Owner ☐ Demographic Update Only ☐ Short Term Rental

Property Address (include all unit #'s for multiple units/buildings):

(Ground Floor apts)

327 E STATE ST B & C

Owner Name:

PANDA GIRL PROPERTIES (Jared Dean)

Address:

465 SEIGLE LANE

City, State, Zip:

ATHENS, OH 45701

Telephone #:

740 591 9118

E-mail Address (if applicable):

PANDAGIRLPROPERTIESLLC@GMAIL.COM

Would you prefer to receive notifications by regular U.S. mail or E-mail?

U.S. Mail ☐E-mail ☐

Property Manager:

Telephone#

Property Manager Address:

Emergency Contact & Telephone #

JARED DEAN

740 591 9118

(must be a resident of Athens County and other than the owner)

Check One:

☒ Rental Unit

2 Number of Units

-OR-

☐ Rooming House (6 or more tenants)☐ Owner-Occupied Rooming House☐ Short Term Rental

Number of Bedrooms Rented

Requested Maximum Occupancy Level Of Unrelated Persons Per Unit (list each unit separately):

B) 2

C) 1

Or One Family as per ACC 23.04.01(A)(1)

Number of Parking Spaces (to be confirmed by Inspector)

3

Scheduled Trash Pickup Day

THURSDAY

I HEREBY SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE AND THAT THE PROPERTY COMPLIES WITH ATHENS CITY HOUSING CODE TITLE 29 AND ATHENS CITY ZONING CODE TITLE 23.

Signature of Owner

Date

9/30/24

OFFICE USE ONLY:

Recommend ☐ Approval ☒ RefusalParking Verified by Code Officer ☒

Zone:

B-3

Code Officer Comments: REFUSED ACC 23.04.05.(A)

RESIDENTIAL PERMITTED ON SECOND STORY
AND ABOVE. APT B IS LOCATED ON FIRST
FLOOR. APT C IS LOCATED IN THE BASEMENT

CODE OFFICER SIGNATURE

DATE

Athens City Zoning Administrator

☐ Approved ☒ Refused

SIGNATURE

DATE

10-22-24

Copy to Auditors Office ☐

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-15V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

170 East State Street
Zone R1 Case #24-15V

Appellant is requesting a variance from ACC 23.08.01(A) to allow a parking area in front of a structure when not permitted between the setback line.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
170 East State Street
has been assigned Board of Zoning Appeals **Case #24-15V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Kristin Chamberlain / Appellant
For property located at
170 East State Street

Appellant is requesting a variance from ACC 23.08.01(A) to allow a parking area in front of a structure when not permitted between the setback line.

This case has been assigned
Case #24-15V

This meeting has been scheduled for **Tuesday, November 12, 2024** at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

170 E State St – Case #24-15V – adjoining properties and owners

180 E State St

Anne Roberts
180 E State St
Athens, OH 45701

88 Franklin Ave

A Mitchell
107 Franklin Avenue
Athens, OH 45701

86 Franklin Ave

Richard R Heck Jr
162 E State St
Athens, OH 45701

166 E State St

Richard R Heck Jr
166 E State St
Athens, OH 45701

169 E State St

Montle LLC
PO Box 428
Athens, OH 45701

171 E State St & Parcel #A027150001500

Levi Raichik
171 E State St
Athens, OH 45701

173 E State St

Julie White
173 E State St
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

Permit #
Date Rec'd

BZA24-000015
11/28/2024

BW

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: Kristin Chamberlain PHONE # 7405774717
ADDRESS: 170 East State Street, Athens, Ohio 45701
OWNER: Kristin Chamberlain and Casey Chamberlain
ADDRESS: 170 East State Street
PROPERTY ADDRESS: 170 East State Street, Athens, Ohio 45701
ZONE: R-1

I, THE UNDERSIGNED, Kristin Chamberlain and Casey Chamberlain

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 10/28/202

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:
170 East State, Athens, Ohio 45701

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL APPLICATION HERETO ATTACHED AND
INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE.

Kristin Chamberlain and Casey Chamberlain

APPLICANT

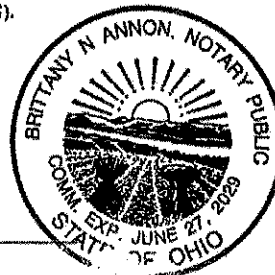
STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 28 of October 2024 (DATE) BY

Kristin Chamberlain Kristin Chamberlain
(NAME OF PERSON ACKNOWLEDGING).

Brittany N. Annon
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: June 27, 2029



PROPERTY OWNER (IF OTHER THAN APPLICANT)

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ (DATE) BY

(NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: _____

CERTIFIED TRUE COPY

GENERAL WARRANTY SURVIVORSHIP DEED

Know all persons by these presents, that:

John Richard Strickling and Ami Abarbanel

husband and wife, the designated Grantor herein, whether one or more than one, for valuable consideration received hereby grant and assign with general warranty covenants, to:

Kristin R Chamberlain and Casey A Chamberlain

the designated Grantee herein whether one or more than one, for their joint lives with the remainder to the survivor of them, whose tax-bill mailing address will be the same as the property address, which is: 170 East State Street, Athens, OH, 45701, unless the Mortgagee provides written instructions to the County Treasurer to the contrary, all interest in the following real property:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Property Address: 170 East State Street, Athens, OH 45701

Parcel No(s): A02-82600010-00

Prior Deed Reference(s): OR Vol. 588, Page 138, Athens County, Ohio records

The foregoing real property is granted by the Grantor and accepted by the Grantee except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

The Grantor herein has read this Deed and hereby acknowledges the voluntary signing hereof.

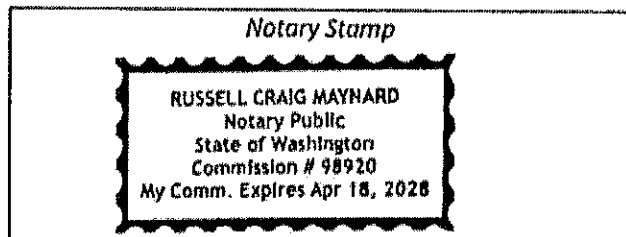
Executed on this 16th day of August, 2024.


John Richard Strickling

State of ~~Ohio~~ ^{wa} Washington)
County of Snohomish)

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this
16th day of August, 2024, by John Richard Strickling.


Notary Public



The Grantor herein has read this Deed and hereby acknowledges the voluntary signing hereof.

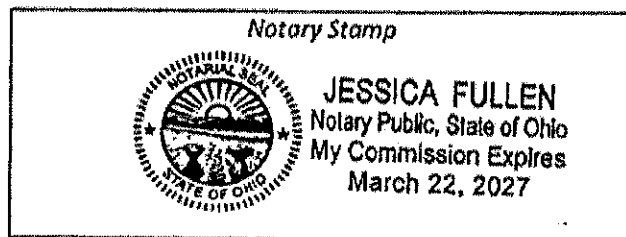
Executed on this 14th day of August, 2024.

Aml Abarbanel
Aml Abarbanel

State of Ohio)
County of Athens)

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this
14th day of August, 2024, by Aml Abarbanel.

Jessica Fullen
Notary Public



This instrument prepared by:
Troy Howdyshell, Esq.
Northwest Law
239 East Main Street
Jackson, OH 45640

After recording, return to:
Northwest Title Family of Companies, Inc
603 West Union Street
Suite 100
Athens, OH 45701

File #23-1892

EXHIBIT "A"
(File #23-1892)

Situate in Ohio Company Purchase, Town 9, Range 14, Auditor's Section 10, Athens County, Athens Township, Inlot 160, City of Athens, Ohio

Being all the lands deeded to: Andrew C. Cramlet, Official Record Book 521, Pages 373-374, and being more fully described as follows:

Beginning at a one-inch diameter square bolt found at the Southeast corner of said Inlot 160;

1.) Thence North $61^{\circ}30'21''$ West 108.38 feet along a common boundary to Heck 562-1827 to a one-inch diameter square bolt found;

2.) Thence North $27^{\circ}41'21''$ East 50.00 feet along a common boundary to Mitchell 573-1458 to an iron pin set;

3.) Thence South $61^{\circ}30'21''$ East 108.38 feet along a common boundary to Roberts 459-765 to a one-inch diameter square bolt found;

4.) Thence South $27^{\circ}41'21''$ West 50.00 feet along the West right-of-way of East State Street to the point of beginning containing a total of 0.124 acres.

Plat of Survey is attached herewith and made a part thereof.

Subject to all easements, rights-of-way, and covenants and agreements of record.

All Iron Pins set are 30 inches in length #5 rebar capped "NEWMAN PS 8043".

Basis of bearings: Denoted South line of Inlot 160.

A True Meridian has not been determined.

Survey completed by Charles T. Newman, Licensed Professional Surveyor 8043 on September 9, 2021.

Parcel No(s): A02-82600010-00

Prior Deed Reference(s): OR Vol. 588, Page 138, Athens County, Ohio records

Greetings,

My name is Kristin Chamberlain, and I am fifth generation Appalachian woman. I was born and raised in Vinton County, Ohio and I have lived most of my life in rural, southeastern Ohio. My partner has lived in Athens since he was seven. We rented a home on the west side of Athens for the past nine years. We had been looking for a house to buy for six years. The past three years I have worked with Ryan Stolz as my realtor. I put offers in on multiple houses and none worked out until we found our "forever home" at 170 East State Street. Due to the competitiveness of the market, we had to act quickly, and we closed last month. I am a professor at the University and my partner is a trusted carpenter and contractor in the community. He also runs the local skateboard shop and has been serving the community for over 20 years. I provide this information to give insight into how we plan to use our home. We plan to live here as a family, to take care of this beautiful, historic property, and to continue to enjoy the vibrant community of Athens. We do not plan to rent our home and do not want extended parking for any other reason than the safety of our family.

As previously stated, I am writing to request that we be allowed to expand our driveway to increase safety for our family, for pedestrians, and for fellow motorists. Now that we have lived in our home for the past month, we realize how dangerous our driveway is and how inaccessible it is for our ten-year-old son. Our son was born premature and still has a physical developmental delay, making balance and strength an issue. Our son also had two eye surgeries and has low vision.

The garage that is original to the home, was built in 1938. This means the garage is very narrow and neither of our cars will fit in the garage. Therefore, we stack our cars in the driveway. The top spot of the driveway is flat and is wide enough to step out on flat ground. If parking in the second slot, the car is on a steep incline and the surrounding earth is not level. In fact, on the passenger side, you must step out of the car onto the uneven landscaping, because the driveway is the same width as our cars. This poses a safety concern for us and for our son. These issues only highlight the parking challenges, which is not our primary issue. Leaving our driveway is the most treacherous aspect of our driveway.

As previously stated, our driveway is very steep and very narrow. As our driveway currently is, we must back over a busy sidewalk and onto State Street. This is treacherous and we are afraid there will eventually be an accident. The trees and slope of the hillside create challenges in seeing oncoming traffic. The line of site is not clear in either direction. Because we must back onto the street, we enter both lanes of traffic, which is dangerous for us and for oncoming traffic. Having to stop to put our cars in drive creates a situation where we fear we will be hit by oncoming traffic in either direction as we must come to a full stop before joining the flow of traffic.

We are asking that we are allowed to create a turnaround attached to our driveway, to be able to pull forward onto State Street. Visibility coming forward will increase safety for our family, pedestrians, and for oncoming traffic. Further, the turnaround will also allow our son to emerge safely from our vehicles. The turnaround will allow him to enter and exit from our vehicles independently and be standing on a flat area. Currently, if we are loading or unloading our son from the second parking position, we must lift him in and out of the car and carry him to flatter ground so he can maintain his balance. This is physically unsafe for us and for our son. My partner and I have

both slipped on the hillside due to having different grades, rocks, and foliage to traverse. We often do this in the spot closest to the garage as well because the driveway is so narrow in relation to our cars and due to the proximity of the concrete step that leads to the small front porch.

Parking on the street is unsafe for our son and is an accessibility issue. As previously stated, our son has a physical developmental delay and low vision. Thus, getting out of the car on State Street is unsafe as he cannot always judge distance in relation to oncoming cars. Further, if he exits the car on the passenger side, there are no sidewalks. To get him out of the car, we must stand on the hillside and lift him from the car (due to the embankment/hillside). This is unsafe for our son and for us and creates disruption to the plants on the hillside that prevent erosion.

The granting of this exception will pose no detriment to any neighbors (who have already expressed support). In fact, it will free up parking spaces on State Street, which is a high traffic area. Further, being able to pull forward onto State Street will increase safety for us, our neighbors, and pedestrians. We will landscape/plant trees around the new parking area to enhance curb appeal.

Thank you for your consideration and please let me know if you have any questions! We want to add both safety and value to our neighborhood and community.

Kind Regards,

Kristin R. Chamberlain

**Office of Code Enforcement
& Community Development**
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



**City of Athens
Athens, Ohio**

October 29, 2024

To: Kristin Chamberlain
Applicant Address: 170 East State Street, Athens, OH 45701
To: Kristin Chamberlain
Owner Address: 170 East State Street
Athens, OH 45701

REFUSAL

Zoning Use Permit - Residential Refusal Detail

Premises Address: 170 East STATE ST

Application Date: 10/24/2024

For: Home residence-single family home. Expand driveway for safety.

Decision Detail: Your request for a zoning use permit has been refused in accordance with the application submitted and ACC 23.08.01(A)

Parking area in front of a structure is not permitted between set back line.

NOTE: You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.



ZONING USE PERMIT - Not for Construction
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: ZNU24-000023

REFUSAL

Permit Type: Residential
Use of Building:

Present Use: Residential
Proposed Use: Home residence-single family home. Expand driveway for safety.

Project Address: 170 East STATE ST

Applicant:

Kristin Chamberlain
Phone:

Property Owner:

Kristin Chamberlain
Phone:

170 East State Street
Athens, OH 45701

Description of Proposed Use/Scope of Project: Home residence-single family home. Expand driveway for safety.

Decision Detail: *Your request for a zoning use permit has been refused in accordance with the application submitted and ACC 23.08.01(A)*

Parking area in front of a structure is not permitted between set back line.

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

10/29/2024

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date



APPLICATION for COMMERCIAL OR 1-2-3 UNIT RESIDENCE

ZONING USE PERMIT - Not for Construction

CITY OF ATHENS, OHIO

ATHENS CITY CODE TITLE 23

Application Fee Due: \$80 (2.9% convenience fee if credit card is used)

(Office Use Only)

Permit #: ZNU24-000023

Date Rec'd: October 24, 2024

* Scaled Detail Drawing Required ** (Application will not be processed unless Drawing and Application Fee attached)

Subtype: Residential

Applicant: Kristin Chamberlain

Phone: (740) 577-4717

Address: 170 East State Street

Athens OH 45701

Property Owner (if other than applicant): Kristin Chamberlain

Phone:

Address: 170 East State Street

Athens, OH 45701

Address of Proposed Use: 170 East STATE ST

Project Description: Home residence-single family home. Expand driveway for safety.

Current Property Use: Residential

Proposed Property Use: Home residence-single family home.
Expand driveway for safety.

I HEREBY SWEAR OF AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Applicant Signature:

on LND Permit

Date:

10/16/24

Owner Signature:

Date:

(For Office Use Only)

Zone:

R-1

Flood Plain:

NO

Parcel Number: A028260001000

Comments: [USEpermit::2491::202563]

REFUSED ACC 23.08.01(A) ADD PARKING AREA IN FRONT OF STRUCTURE NOT PERMITTED BETWEEN SET BACK LINE.

Code Officer Signature:

Brian J Zoubk

Date: *10-24-2024*

Approval

☐

Refusal

☒

Zoning Administrator Signature:

[Signature]

Date: *10-28-24*

Approval

☐

Refusal

☒

Service Safety Director Signature:

[Signature]

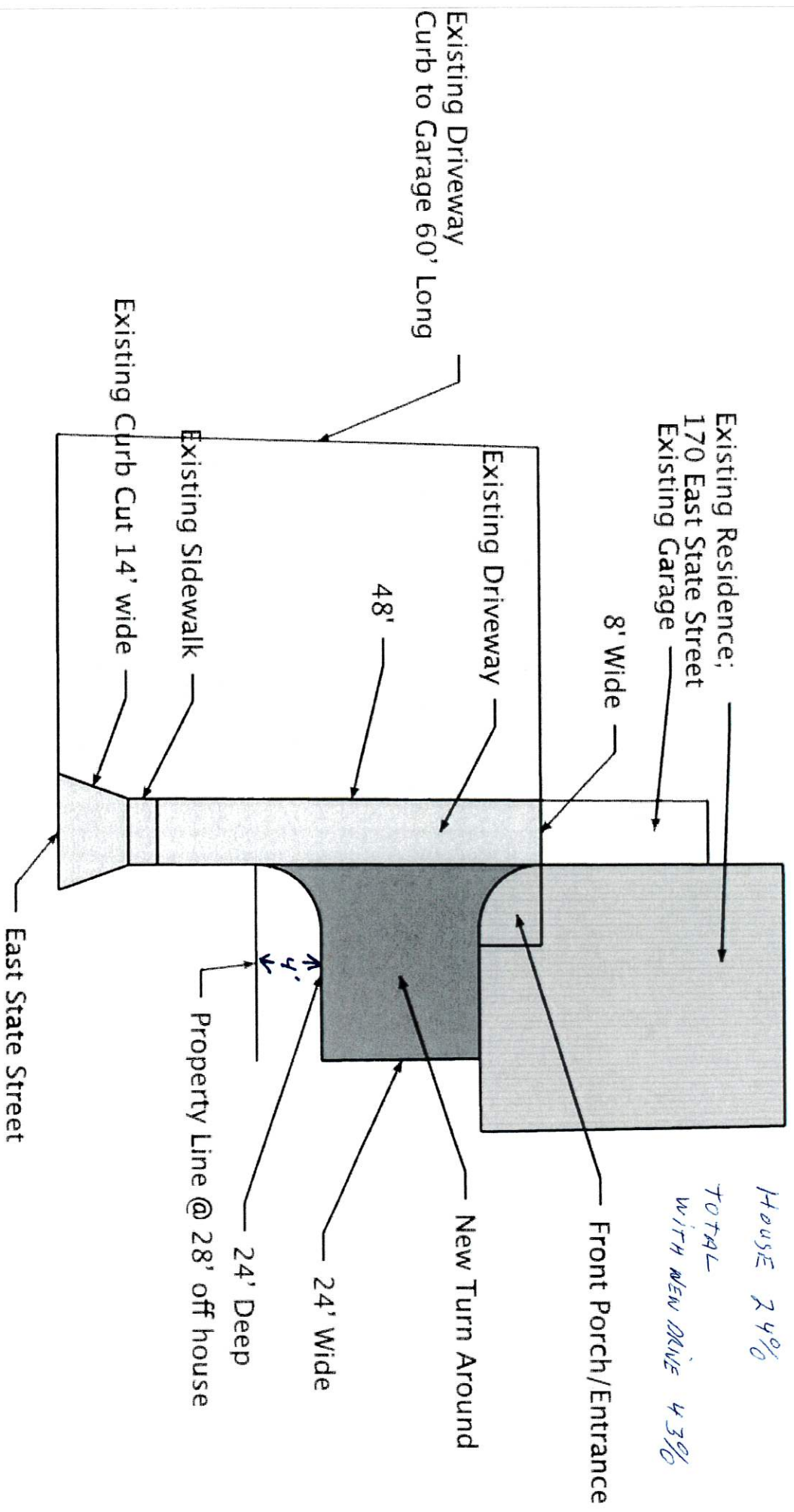
Date: *10/31/24*

Approval

☐

Refusal

☒



House 24%
TOTAL
WITH NEW DRIVE 43%

***Request to have a professional contractor add a turnaround to our driveway to increase safety and to increase accessibility for our ten-year-old son.**

***We will landscape/plant trees to enhance curb appeal once the turnaround is complete.**

***Thank you for your consideration!**

Greetings Neighbors,

My name is Kristin Chamberlain, and I am fifth generation Appalachian woman. I was born and raised in Vinton County, Ohio and I have lived most of my life in rural, southeastern Ohio. My partner has lived in Athens since he was seven. We rented a home on the west side of Athens for the past nine years. We had been looking for a house to buy for six years. The past three years I have worked with Ryan Stolz as my realtor. I put offers in on multiple houses and none worked out until we found our "forever home" at 170 East State Street. Due to the competitiveness of the market, we had to act quickly, and we closed last month. I am a professor at the University and my partner is a trusted carpenter and contractor in the community. He also runs the local skateboard shop and has been serving the community for over 20 years. I provide this information to give insight into how we plan to use our home. We plan to live here as a family, to take care of this beautiful, historic property, and to continue to enjoy the vibrant community of Athens. We do not plan to rent our home and do not want extended parking for any other reason than the safety of our family.

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Thank you for your consideration and please let me know if you have any questions! We want to add both safety and value to our neighborhood and community.

Kind Regards,

Kristin R. Chamberlain

Signatures



166 East State Street



171 East State Street



180 E. State

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-16V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

0 University Estates Blvd (Parcel #A027400009704)
Zone B3 Case #24-16V

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
0 University Estates Blvd (Parcel #A027400009704)
has been assigned Board of Zoning Appeals **Case #24-16V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Helios Ventures LLC / Appellant
For property located at
0 University Estates Blvd (Parcel #A027400009704)

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

This case has been assigned
Case #24-16V

This meeting has been scheduled for **Tuesday, November 12, 2024** at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

0 University Estates Blvd (A027400009704) – Case #24-16V – adjoining properties and owners

0 University Estates Blvd
(A027400009300)

H2 Development LLC
758 W Union St
Athens, OH 45701

0 University Estates Blvd
(A027400009703 & A027400009705)

Helios Ventures LLC
37829 Mace Cemetery Rd
Wilkesville, OH 45695

0 University Estates Blvd
(A027400009301)

1st Choice
2 Walnut Court
Athens, OH 45701

0 University Estates Blvd
(A027400002902)

1st Choice Homes LTD
3015 Lifer Lane SW
Lancaster, OH 43130

0 University Estates Blvd
(A027400002901)

1st Choice Homes LTD
3015 Lifer Lane SW
Lancaster, OH 43130



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-0000110
Date Rec'd 10/29/2024

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: Helios Ventures LLC PHONE # 740-591-5507

ADDRESS: _____

OWNER: Helios Ventures LLC

ADDRESS: 37829 Mace Cemetery Rd, Wilkesville, OH 45695

PROPERTY ADDRESS: 0 University Estates Blvd (Parcel: A027400009704) Lot. 8

ZONE: B3

I, THE UNDERSIGNED, Matthew Gaiser

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 10/24/2024

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:
0 University Estates Blvd (Parcel: A027400009704) Lot. 8

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE.

[Signature]
APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 29th October 2024 (DATE) BY

Matthew Gaiser (NAME OF PERSON ACKNOWLEDGING).

Wendy Armstrong
SIGNATURE OF NOTARY PUBLIC – STATE OF OHIO

MY COMMISSION EXPIRES: 8/14/2029



WENDY ARMSTRONG
Notary Public
State of Ohio
My Comm. Expires
August 14, 2029

PROPERTY OWNER (IF OTHER THAN APPLICANT)

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ (DATE) BY

____ (NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC – STATE OF OHIO

MY COMMISSION EXPIRES: _____

TRANSFERRED NO. 1568 'X'
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 0

OCT 03 2024

JILL A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
Jh TRANS FEE 5.00

202400004053
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
10/04/2024 10:45:02 AM
OR BOOK: 618 PAGE: 918
DEED 106.00 PG: 11

202400004053
GERIG AND GERIG

GENERAL WARRANTY DEED

Statutory Form
(RC 5302.05)

HELIOS VENTURES, LLC, an Ohio limited liability company, of Athens County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to HELIOS VENTURES, LLC, an Ohio limited liability company, whose tax-mailing address is 37829 Mace Cemetery Road, Wilkesville, Ohio 45695, the following real property:

***** SEE "EXHIBIT A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE. *****

Subject to all rights of way, easements, leases, restrictions and reservations of record.

Parcel #: A02-74000096-00, A02-74000097-00 and A02-74000098-00
Commonly known as: New surveys of Lots 80-82, University Estates Phase 2, Sec. 16 & 17
Deed Reference: Volume 496, Page 975, Athens County Official Records

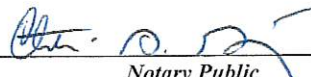
Executed this 11th day of September, 2024.

HELIOS VENTURES, LLC

By: 
MATTHEW M. GAISER, Agent

STATE OF OHIO
COUNTY OF ATHENS:

The foregoing instrument was acknowledged before me this 11th day of September, 2024 by Matthew M. Gaiser, Agent and duly authorized signatory of HELIOS VENTURES, LLC, an Ohio limited liability company, on behalf of the limited liability company.


Notary Public

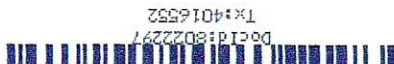
My Commission Expires:
(Seal)



CHRISTIAN S. GERIG
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.

PREPARED BY CHRISTIAN S. GERIG, ATTORNEY AT LAW, ATHENS, OHIO.

The attorney preparing this instrument makes no warranty as to the title or legal descriptions contained herein.



AUG 27 2024



S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008

E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844



Legal Description

Tract 8: 2.482 Acres

Part Lot 81 & Lot 82 of University Estates Phase 2

Situated in the City of Athens, Township of Athens, County of Athens, State of Ohio, and being a part of Section 16, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more particularly described as follows;

Being a Survey of a part of Lot 81 & Lot 82 of University Estates Phase 2, as recorded in Plat Envelope 363A, 363B, 364A, 364B, & 365A, as recorded in the Athens County Plat Records: Lot 81 now conveyed to Helios Ventures, LLC, as recorded in O.R. Book 496, Page 975, in the Athens County Deed Records, being part of Auditor's P.P.N. A02-74000097-00 & part P.P.N. A02-74000098-00, and further described as follows;

Commencing at an iron pin set marking the Southeast corner of said Lot 80, also being the Southwest corner of said Lot 81, being on the North line of a 350.543 Acres conveyed to H2 Development, LLC, as recorded in O.R. Book 481, Page 233;

Thence, N 51°51'02" E 753.61 feet with the South line of said Lot 81, of which this description is a part, also being the North line of said parcel conveyed to H2 Development, LLC, to an iron pin set, being the **PRINCIPLE PLACE OF BEGINNING**, of the 2.482 Acre parcel here in to be described, and passing over an iron pins set at 378.61 feet and 578.61 feet;

Thence, N 49°57'34" W 611.46 feet with a line across said Lot 81 & Lot 82, to an iron pin set on the North line thereof, and being on the South line of University Estates Boulevard (R/W Widths Vary);

Thence with the North line of Lot 82, also being on the South Right of Way Line of University Estates Boulevard (variable width R/W), with a curve to the left (radius = 290.00 feet, delta angle 21°09'56", arc length = 107.13 feet) with a chord bearing N 45°19'02" E 106.52 feet to an iron pin set;

Thence, S 62°51'20" E 574.26 feet leaving University Estates Boulevard with a line across said Lot 81 & Lot 82, to an iron pin set on the East line of Lot 81, and being on the North line of said parcel conveyed to H2 Development, LLC;

Thence with the East & South line of Lot 81, the same being the boundary of said parcel conveyed to H2 Development, LLC, with the following two (2) courses and distances:

- 1) S 10°57'12" E 100.00 feet to an iron pin set;
- 2) S 51°51'02" W 175.00 feet to the **PRINCIPLE PLACE OF BEGINNING**.

Said parcel contains 2.482 Acres, more or less, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

The above described 2.482 Acre parcel contains 2.327 Acres in Lot 81 (P.P.N. A02-74000097-00) & 0.155 Acres in Lot 82 (P.P.N. A02-74000098-00).

The bearings of the above description are based using the O.D.O.T. CORS Network System, Ohio State Plane Coordinates South Zone. 2011(NAD83).

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in October of 2022 & July of 2024.

Dated 7/10/24

Job No. 3967-24AT-Tract8

Scott A. England P.S.
Ohio Registered Surveyor #7452

Description Checked for
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE
BY:
DATE: 7/30/24



Related Documents:

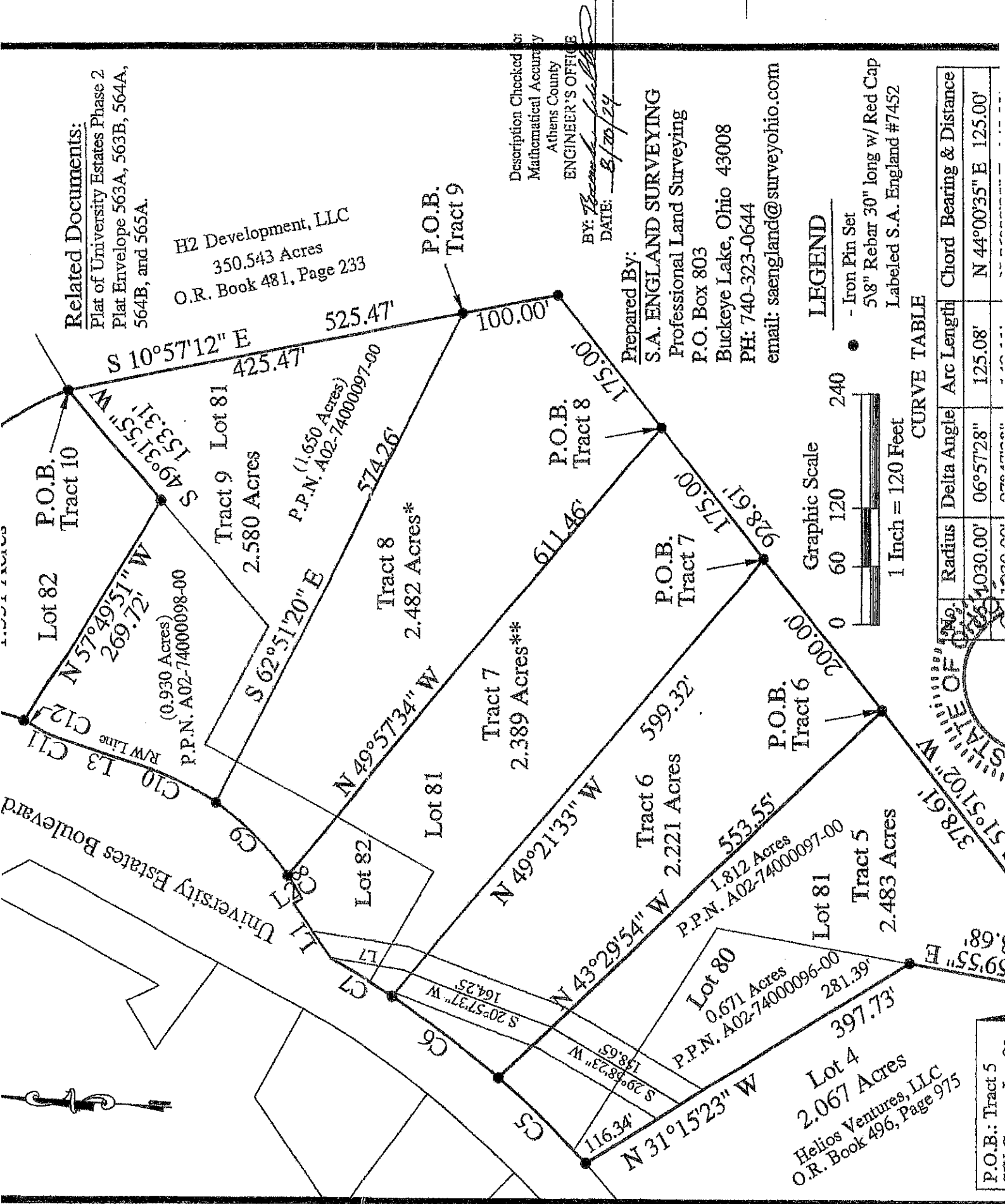
Plat of University Estates Phase 2
Plat Envelope 563A, 563B, 564A,
564B, and 565A.

H2 Development, LLC
350.543 Acres
O.R. Book 481, Page 233

Description Checked for
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE

BY: *[Signature]*
DATE: 8/20/24

Prepared By:
S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 803
Buckeye Lake, Ohio 43008
PH: 740-323-0644
email: saengland@surveyohio.com



LEGEND

• Iron Pin Set
5/8" Rebar 30" long w/ Red Cap
Labeled S.A. England #7452

Graphic Scale

0 60 120 240



1 Inch = 120 Feet

CURVE TABLE

Radius	Delta Angle	Arc Length	Chord Bearing & Distance
4030.00'	06°57'28"	125.08'	N 44°00'35" E 125.00'

P.O.B.: Tract 5

Requested Variance: Allow residential on 1st floor in a B3 zone

Residential is already allowed in a B3 zone. However, it is restricted to 2nd floor and above. This request is to simply allow it on the 1st floor to allow the property to conform to the neighborhood and public's best interest.

This request is in the best public interest for this property and surrounding properties. The property lies inside a residential sub-division in a fully developed residential neighborhood. The original Business B3 zoning was established during the planning of University Estates subdivision that was to include a golf course with a hotel and conference center, assisted living and independent living facilities as well as a nursing home. The subject site was to be the hotel and conference center, overlooking the supposed to be golf course.

The developer has since left Athens, the subdivision plan has changed and no golf course was ever built, nor any plans for one in the future exist. The hotel and conference center plans are now obsolete, and the adjoining residents in University Estates do not want a hotel or large business in the neighborhood.

Property immediately adjoining the subject property are being utilized for single family homes. Most recently the B1 property across the street has been used for a large single family home, several R3 lots to the South have been purchased by individuals in the community to build nice single family homes on as well. The neighbors are in support of these lots being allowed to have homes built on them, as opposed to a large business such as a hotel.

The requested variance is a minor variance to allow residential on the 1st floor. Residential is already allowed in the B3 zone on 2nd floor and above. The spirit of the code for B3 is and always has been for high commercial use areas such as East State Street, Court Street, West Union, Stimson Ave, Columbus Rd, and other highly developed business locations. There are no businesses near the subject property. The parcel lies well inside a residential neighborhood and the only access is to drive through a populated residential area in residential subdivision.

There have been other parcels granted use of residential on the 1st floor in the City, some of which are located in a commercial area with other businesses. Cornwell properties at the end of Court St; Harold Ave for 16 lots allowed for residential on 1st floor; and most recently 280 East state st. The requested use for the subject parcel is for single family, and not multi-family use, and is more conforming to the surrounding neighborhood.

The highest and best use of this property in keeping with the spirit of the zoning and as to not cause harm to neighbors and neighborhood is to use the parcels as single family homes and not large hotel or commercial with large multi-family above. By allowing a minor variance to have residential 8' lower than normal, it would allow conformity to the spirit of the code and best planning.

The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning code or the public interest. In fact, it will eliminate a substantial detriment to adjacent properties, and protect the public interest.

The subject property is an anomaly inside the City and unique in that there are no other B3 zones close to it, and it is inside a highly used residential sub-division, and not a commercial area. The Zoning map clearly shows that B3 zoning is primarily in uptown business areas, and main commercial corridors. The applicant for this variance could not find any other examples of B3 parcels inside a residential sub-division. This variance would protect the public interest if granted, and to not give the variance would harm the adjoining property owners, the whole subdivision and the public interest.

Helios Ventures LLC

-Matt Gaiser 10/29/2024

Office of Code Enforcement
& Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



ZNU24-000020

City of Athens
Athens, Ohio

October 23, 2024

To: Matt Gaiser
Applicant Address: 37829 Mace Cemetery Road
Wilkesville, OH 45695

To: HELIOS VENTURES LLC
Owner Address: 37829 MACE CEMETERY RD
WILKESVILLE, OH 45695

REFUSAL

Zoning Use Permit - Residential Refusal Detail

Premises Address: 0 University Estates Boulevard

Application Date: 10/14/2024

For: Zoning Use Permit / Parcel A027400009704

Decision Detail: Your request for a Zoning Use Permit has been refused, based on the application submitted and ACC 23.04.05(A)(1). Residential use are permitted only on the second story and above in a B3 Zone.

NOTE: You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.



ZONING USE PERMIT - Not for Construction
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: ZNU24-000020

REFUSAL

Permit Type:	Residential	Present Use:	B3 - undeveloped
Use of	Residential	Proposed	Residential ground level (on the first floor in a
Building:		Use:	B3)

Project Address: 0 University Estates Boulevard

Applicant:

Matt Gaiser Helios Ventures LLC
Phone: (740) 591-5507

37829 Mace Cemetery Road
Wilksville, OH 45695

Property Owner:

HELIOS VENTURES LLC
Phone: (740) 591-5507

37829 MACE CEMETERY RD
WILKESVILLE, OH 45695

Description of Proposed Use/Scope of Project: Zoning Use Permit / Parcel A027400009704

Decision Detail: Your request for a Zoning Use Permit has been refused, based on the application submitted and ACC 23.04.05(A)(1). Residential use are permitted only on the second story and above in a B3 Zone.

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

10/23/2024

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date



APPLICATION FOR COMMERCIAL OR
1-2-3 UNIT RESIDENCE
ZONING USE PERMIT- NOT FOR CONSTRUCTION
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Application Fee: \$80 (2.9% convenience fee if credit card is used)

(Office Use Only)

Permit # 2NU24-00020

Date Rec'd 10/17/2024

☐

Residential

☐

Commercial

☐

Site Plan

Applicant Helios Ventures LLC Phone 740-591-5507

Applicant Address 37829 Mace Cemetery Rd, Wilkesville, OH 45695

Property Owner (if other than applicant) _____ Phone _____

Property Owner Address _____

ZONING

Address of Proposed Use 0 University Estates Blvd, Athens, OH 45701

Project Description Single family home / residential on ground level

Parcels: A027400009702; A027400009703; A027400009704; A027400009705; A027400009800

Current Property Use B3 - Undeveloped Proposed Property Use Residential Ground Level

on first floor in a B33 (M)

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE
TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Applicant Signature Matthew Gaiser Digitally signed by Matthew Gaiser
Date: 2024.10.14 10:22:31 -04'00' Date _____

Owner Signature _____ Date _____

(For Office Use Only)

Zone: B-3

Flood Plain: NVO

Parcel Number: A027400009704

Code Officer Comments: REFUSED ALL 23.04.05 (A)(1) RESIDENTIAL USE ARE PERMITTED ONLY
ON THE SECOND STORY AND ABOVE.

Signature: Brian J. Gould Date: 10-21-2024 Recommend: ☐ Approval ☒ Refusal

Zoning Administrator Comments: _____

Signature: [Signature] Date: 10-22-24 ☐ Approval ☒ Refusal

Service Safety Director Comments: _____

Signature: [Signature] Date: 10/23/24 ☐ Approval ☒ Refusal

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-17V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

0 University Estates Blvd (Parcel #A027400009703)
Zone B3 Case #24-17V

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
0 University Estates Blvd (Parcel #A027400009703)
has been assigned Board of Zoning Appeals **Case #24-17V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Helios Ventures LLC / Appellant
For property located at
0 University Estates Blvd (Parcel #A027400009703)

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

This case has been assigned
Case #24-17V

This meeting has been scheduled for **Tuesday, November 12, 2024**, at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

0 University Estates Blvd (A027400009703) – Case #24-17V – adjoining properties and owners

**0 University Estates Blvd
(A027400009300)**

H2 Development LLC
758 W Union St
Athens, OH 45701

**0 University Estates Blvd
(A027400009702 & A027400009704)**

Helios Ventures LLC
37829 Mace Cemetery Rd
Wilkesville, OH 45695

**0 University Estates Blvd
(A027400009301)**

1st Choice
2 Walnut Court
Athens, OH 45701

**0 University Estates Blvd
(A027400002902)**

1st Choice Homes LTD
3015 Lifer Lane SW
Lancaster, OH 43130

**0 University Estates Blvd
(A027400002901)**

1st Choice Homes LTD
3015 Lifer Lane SW
Lancaster, OH 43130

126 University Estates Blvd

Shawn Kingery
126 University Estates Blvd
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-000017
Date Rec'd 10/29/2024

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: Helios Ventures LLC PHONE # 740-591-5507

ADDRESS: _____

OWNER: Helios Ventures LLC

ADDRESS: 37829 Mace Cemetery Rd, Wilkesville, OH 45695

PROPERTY ADDRESS: 0 University Estates Blvd (Parcel: A027400009704) Lot. 7

ZONE: B3

I, THE UNDERSIGNED, Matthew Gaiser

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 10/24/2024

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:
0 University Estates Blvd (Parcel: A027400009703) Lot. 7

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE.

Matthew Gaiser
APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 29th October 2024 (DATE) BY

Matthew Gaiser (NAME OF PERSON ACKNOWLEDGING)

Wendy Armstrong
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 8/14/2029



WENDY ARMSTRONG
Notary Public
State of Ohio
My Comm. Expires
August 14, 2029

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ (DATE) BY

(NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: _____

TRANSFERRED NO. 1568 'X'
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 0

OCT 03 2024

JILL A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
Jh TRANS FEE 5.00

202400004053
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
10/04/2024 10:45:02 AM
OR BOOK: 618 PAGE: 918
DEED 106.00 PG: 11

202400004053
GERIG AND GERIG

GENERAL WARRANTY DEED

Statutory Form
(RC 5302.05)

HELIOS VENTURES, LLC, an Ohio limited liability company, of Athens County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to HELIOS VENTURES, LLC, an Ohio limited liability company, whose tax-mailing address is 37829 Mace Cemetery Road, Wilkesville, Ohio 45695, the following real property:

***** SEE "EXHIBIT A" ATTACHED HERETO AND INCORPORATED HEREIN BY
THIS REFERENCE.*****

Subject to all rights of way, easements, leases, restrictions and reservations of record.

Parcel #: A02-74000096-00, A02-74000097-00 and A02-74000098-00
Commonly known as: New surveys of Lots 80-82, University Estates Phase 2, Sec. 16 & 17
Deed Reference: Volume 496, Page 975, Athens County Official Records

Executed this 11th day of September, 2024.

HELIOS VENTURES, LLC

By: [Signature]
MATTHEW M. GAISER, Agent

STATE OF OHIO
COUNTY OF ATHENS:

The foregoing instrument was acknowledged before me this 11th day of September, 2024 by Matthew M. Gaiser, Agent and duly authorized signatory of HELIOS VENTURES, LLC, an Ohio limited liability company, on behalf of the limited liability company.

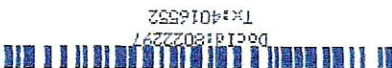
My Commission Expires:
(Seal)

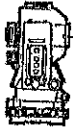


[Signature]
Notary Public
CHRISTIAN S. GERIG
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.

PREPARED BY CHRISTIAN S. GERIG, ATTORNEY AT LAW, ATHENS, OHIO.

The attorney preparing this instrument makes no warranty as to the title or legal descriptions contained herein.



**S.A. ENGLAND SURVEYING**

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description**Tract 7: 2.389 Acres****Part Lot 81 & Lot 82 of University Estates Phase 2**

Situated in the City of Athens, Township of Athens, County of Athens, State of Ohio, and being a part of Section 16, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more particularly described as follows;

Being a Survey of a part of Lot 81 & Lot 82 of University Estates Phase 2, as recorded in Plat Envelope 363A, 363B, 364A, 364B, & 365A, as recorded in the Athens County Plat Records: Lot 81 now conveyed to Helios Ventures, LLC, as recorded in O.R. Book 496, Page 975, in the Athens County Deed Records, being part of Auditor's P.P.N. A02-74000097-00 & part P.P.N. A02-74000098-00, and further described as follows;

Commencing at an iron pin set marking the Southeast corner of said Lot 80, also being the Southwest corner of said Lot 81, being on the North line of a 350.543 Acres conveyed to H2 Development, LLC, as recorded in O.R. Book 481, Page 233;

Thence, N 51°51'02" E 578.61 feet with the South line of said Lot 81, of which this description is a part, also being the North line of said parcel conveyed to H2 Development, LLC, to an iron pin set, being the PRINCIPLE PLACE OF BEGINNING, of the 2.221 Acre parcel here in to be described, and passing over an iron pin set at 378.61 feet;

Thence, N 49°21'33" W 599.32 feet with a line across said Lot 81 to an iron pin set on the North line thereof, also being on the South Right of Way Line of University Estates Boulevard (variable width R/W);

Thence with the North line of said Lot 81 and extending along the North line of said Lot 82, the same being the South Right of Way Line of said University Estates Boulevard, with the following four (4) courses and distances:

- 1) With a curve to the left (radius = 1030.00 feet, delta angle 04°18'54", arc length = 77.57 feet) with a chord bearing N 30°34'48" E 77.56 feet to a point;
- 2) N 55°26'38" E 67.58 feet to a point;
- 3) S 28°27'38" E 10.00 feet to a point;
- 4) With a curve to the left (radius = 290.00 feet, delta angle 05°38'17", arc length = 28.55 feet) with a chord bearing N 58°43'13" E 28.54 feet to an iron pin set;

Thence, S 49°57'34" E 611.46 feet leaving University Estates Boulevard with a line across said Lot 81 & Lot 82, to an iron pin set on the South line of Lot 81, and being on the North line of said parcel conveyed to H2 Development, LLC;

Thence, S 51°51'02" W 175.00 feet with the South line of said Lot 81, of which this description is a part, also being the North line of said parcel conveyed to H2 Development, LLC, to the PRINCIPLE PLACE OF BEGINNING, and containing 2.389 Acres, more or less, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

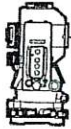
Subject to a 50 foot wide gas line easement, as recorded in Deed Book 215, Page 521.

Legal Description Pre-Approval
APPROVED

All transfers are subject to
Athens County Conveyance Standards

AUG 27 2024

Jill Davidson
Athens County Auditor



S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

The above described 2.389 Acre parcel contains 0.437 Acres in Lot 81 (P.P.N. A02-74000097-00) & 2.045 Acres in Lot 82 (P.P.N. A02-74000098-00).

The bearings of the above description are based using the O.D.O.T. CORS Network System, Ohio State Plane Coordinates South Zone. 2011(NAD83).

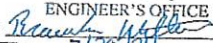
All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in October of 2022 & July of 2024.

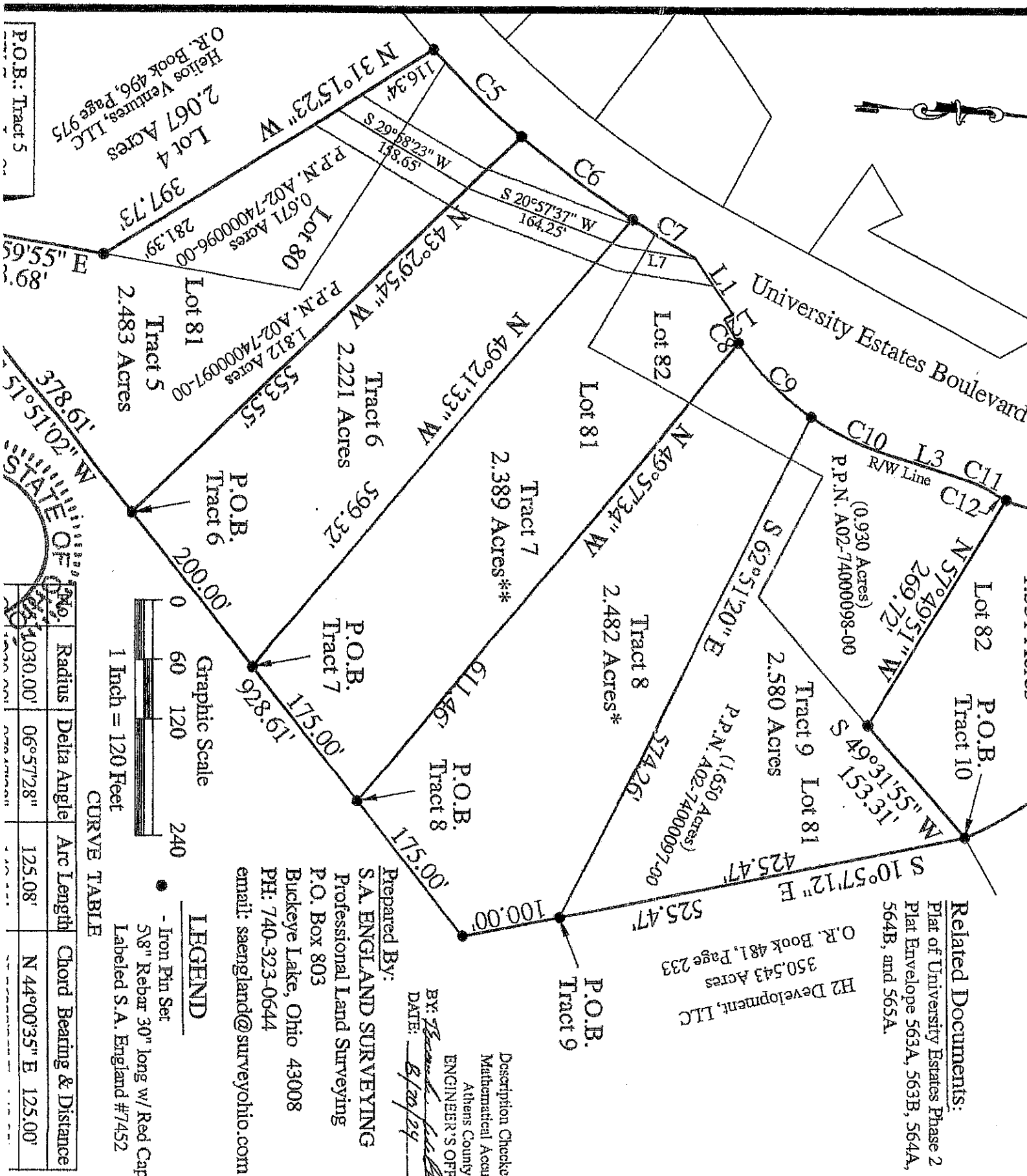
Dated 7/29/24

Job No. 3967-24AT-Tract7


Scott A. England P.S.
Ohio Registered Surveyor #7452

Description Checked for
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE
BY: 
DATE: 7/30/24





No.	Radius	Delta Angle	Arc Length	Chord Bearing & Distance
1030.00'	06°57'28"	125.08'	N 44°00'35" E 125.00'	

Related Documents:

Plat of University Estates Phase 2
Plat Envelope 563A, 563B, 564A,
564B, and 565A.

H2 Development, LLC
350.543 Acres
O.R. Book 481, Page 233

Description Checked
 Mathematical Account
 Athens County
 ENGINEER'S OFFICE
 BY: *James H. Hall*
 DATE: *8/20/24*

Requested Variance: Allow residential on 1st floor in a B3 zone

Residential is already allowed in a B3 zone. However, it is restricted to 2nd floor and above. This request is to simply allow it on the 1st floor to allow the property to conform to the neighborhood and public's best interest.

This request is in the best public interest for this property and surrounding properties. The property lies inside a residential sub-division in a fully developed residential neighborhood. The original Business B3 zoning was established during the planning of University Estates subdivision that was to include a golf course with a hotel and conference center, assisted living and independent living facilities as well as a nursing home. The subject site was to be the hotel and conference center, overlooking the supposed to be golf course.

The developer has since left Athens, the subdivision plan has changed and no golf course was ever built, nor any plans for one in the future exist. The hotel and conference center plans are now obsolete, and the adjoining residents in University Estates do not want a hotel or large business in the neighborhood.

Property immediately adjoining the subject property are being utilized for single family homes. Most recently the B1 property across the street has been used for a large single family home, several R3 lots to the South have been purchased by individuals in the community to build nice single family homes on as well. The neighbors are in support of these lots being allowed to have homes built on them, as opposed to a large business such as a hotel.

The requested variance is a minor variance to allow residential on the 1st floor. Residential is already allowed in the B3 zone on 2nd floor and above. The spirit of the code for B3 is and always has been for high commercial use areas such as East State Street, Court Street, West Union, Stimson Ave, Columbus Rd, and other highly developed business locations. There are no businesses near the subject property. The parcel lies well inside a residential neighborhood and the only access is to drive through a populated residential area in residential subdivision.

There have been other parcels granted use of residential on the 1st floor in the City, some of which are located in a commercial area with other businesses. Cornwell properties at the end of Court St; Harold Ave for 16 lots allowed for residential on 1st floor; and most recently 280 East state st. The requested use for the subject parcel is for single family, and not multi-family use, and is more conforming to the surrounding neighborhood.

The highest and best use of this property in keeping with the spirit of the zoning and as to not cause harm to neighbors and neighborhood is to use the parcels as single family homes and not large hotel or commercial with large multi-family above. By allowing a minor variance to have residential 8' lower than normal, it would allow conformity to the spirit of the code and best planning.

The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning code or the public interest. In fact, it will eliminate a substantial detriment to adjacent properties, and protect the public interest.

The subject property is an anomaly inside the City and unique in that there are no other B3 zones close to it, and it is inside a highly used residential sub-division, and not a commercial area. The Zoning map clearly shows that B3 zoning is primarily in uptown business areas, and main commercial corridors. The applicant for this variance could not find any other examples of B3 parcels inside a residential sub-division. This variance would protect the public interest if granted, and to not give the variance would harm the adjoining property owners, the whole subdivision and the public interest.

Helios Ventures LLC

-Matt Gaiser 10/29/2024

Office of Code Enforcement
& Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



ZNU24-000021

City of Athens
Athens, Ohio

October 23, 2024

To: Matt Gaiser
Applicant Address: 37829 Mace Cemetery Road
Wilkesville, OH 45695

To: HELIOS VENTURES LLC
Owner Address: 37829 MACE CEMETERY ROAD
WILKESVILLE, OH 45695

REFUSAL

Zoning Use Permit - Residential Refusal Detail

Premises Address: 0 University Estates Boulevard

Application Date: 10/14/2024

For: Zoning Use Permit / Parcel A027400009703

Decision Detail: Your request for a Zoning Use Permit has been refused, based on the application submitted and ACC 23.04.05(A)(1). Residential use are permitted only on the second story and above in a B3 Zone.

NOTE: You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.



ZONING USE PERMIT - Not for Construction
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: ZNU24-000021
REFUSAL

Permit Type:	Residential	Present Use:	B3 - undeveloped
Use of Building:	Residential	Proposed Use:	Residential ground level (on the first floor in a B3)

Project Address: 0 University Estates Boulevard

Applicant:

Matt Gaiser Helios Ventures LLC
Phone: (740) 591-5507

37829 Mace Cemetery Road
Wilksville, OH 45695

Property Owner:

HELIOS VENTURES LLC
Phone: (740) 591-5507

37829 MACE CEMETERY ROAD
WILKESVILLE, OH 45695

Description of Proposed Use/Scope of Project: Zoning Use Permit / Parcel A027400009703

Decision Detail: Your request for a Zoning Use Permit has been refused, based on the application submitted and ACC 23.04.05(A)(1). Residential use are permitted only on the second story and above in a B3 Zone.

Director of Development and Code Enforcement:

☐ Approved

☒ Refused

10/23/2024

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date



APPLICATION FOR COMMERCIAL OR
1-2-3 UNIT RESIDENCE
ZONING USE PERMIT- NOT FOR CONSTRUCTION
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Application Fee: \$80 (2.9% convenience fee if credit card is used)

(Office Use Only)

Permit # 2NU24-000021

Date Rec'd 10/19/2024

☐ Residential ☐ Commercial ☐ Site Plan

Applicant Helios Ventures LLC Phone 740-591-5507

Applicant Address 37829 Mace Cemetery Rd, Wilkesville, OH 45695

Property Owner (if other than applicant) _____ Phone _____

Property Owner Address _____

ZONING

Address of Proposed Use 0 University Estates Blvd, Athens, OH 45701

Project Description Single family home / residential on ground level

Parcels: A027400009702; A027400009703; A027400009704; A027400009705; A027400009800

Current Property Use B3 - Undeveloped Proposed Property Use Residential Ground Level

on first floor in a B3

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE
TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Applicant Signature Matthew Gaiser Digitally signed by Matthew Gaiser
Date: 2024.10.14 10:22:31 -04'00' Date _____

Owner Signature _____ Date _____

(For Office Use Only)

Zone: B-3 Flood Plain: NO Parcel Number: A027400009703

Code Officer Comments: REFUSED ALL 23.04.05(A)(1) RESIDENTIAL USE ARE PERMITTED ONLY
ON THE SECOND STORY AND ABOVE.

Signature: Brian J. Zurek Date: 10-21-2024 Recommend: ☐ Approval ☒ Refusal

Zoning Administrator Comments: _____

Signature: [Signature] Date: 10-22-24 ☐ Approval ☒ Refusal

Service Safety Director Comments: _____

Signature: [Signature] Date: 10/23/24 ☐ Approval ☒ Refusal

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

Form BZA-5
To be inserted one in the
Athens Messenger Newspaper

BOARD OF ZONING APPEALS
Case #24-18V

ADVERTISEMENT

Board of Zoning Appeals
28 Curran Drive, Athens, Ohio 45701

TO: The Athens Messenger

Insert the following legal notice on **November 2, 2024**

Containing all wording below the heavy-ruled line:

Issue affidavit within five (5) days of the date of notice to the Secretary of the Board setting forth a true and complete copy of said notice and the exact date on which it was published.

LEGAL NOTICE

Board of Zoning Appeals Notice is hereby given that a public hearing will be held in City Council Chambers, third floor of City Hall, by the Board of Zoning Appeals of the City of Athens on **Tuesday, November 12, 2024, at 7:00pm** on the following described property:

0 University Estates Blvd (Parcel #A027400009702)
Zone B3 Case #24-18V

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

Interested persons are requested to appear and voice their opinions with respect thereto. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and at the Department of Development and Code Enforcement Office, located at 28 Curran Drive, Athens, Ohio. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740)594-2900.

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
0 University Estates Blvd (Parcel #A027400009702)
has been assigned Board of Zoning Appeals **Case #24-18V**

Inquiries and references should always be made to this number.

Further, you are notified to appear before the Board of Zoning Appeals, either in person or by agent or attorney, for a hearing in your case on **Tuesday, November 12, 2024 at 7:00pm** in City Council Chambers, 8 East Washington Street, Third Floor, Athens, Ohio. Please contact our office at codeoffice@ci.athens.oh.us or by phone (740)592-3306 with any questions.

Anyone needing special accommodations to attend this meeting should contact the Government Channel at (740) 594-2900.

NOTE: If fewer than five (5) members are available for the meeting, you have the right to continue until such time as five (5) members are available to hear the case. In order to accommodate your decision prior to the meeting, you will be contacted if such a situation arises or if for some reason the meeting date, time and/or place are changed.

Respectfully,

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
(740)594-6304 Fax
<http://www.ci.athens.oh.us>



City of Athens
ATHENS, OHIO

October 31, 2024

NOTICE OF PUBLIC HEARING

Board of Zoning Appeals
28 Curran Drive
Athens, Ohio 45701

As provided for by Section 23.07.09(C) of the Athens City Zoning Code, you are hereby notified as a party of interest that an appeal has been filed by

Helios Ventures LLC / Appellant
For property located at
0 University Estates Blvd (Parcel #A027400009702)

Appellant is requesting a variance from ACC 23.04.05 (A)(1) / ACC 23.04.07 (A) to allow residential use on the first floor in a B3 Zone where residential use must be on the second floor & above.

This case has been assigned
Case #24-18V

This meeting has been scheduled for **Tuesday, November 12, 2024**, at 7:00pm, Athens City Hall, 8 East Washington Street, Third Floor, and Athens City Council Chambers. More detailed information and plans are available for public inspection located on the City's Website, ci.athens.oh.us (Board of Zoning Appeals), and the Office of Development and Code Enforcement at 28 Curran Drive, (740) 592-3306. Anyone needing special accommodations to attend the meeting should contact the Government Channel at (740) 594-2900 or the Office of Development and Code Enforcement listed above.

NOTE: If you plan to attend, please verify that the meeting has not been postponed, cancelled or rescheduled. You may contact the Office of Development and Code Enforcement (740)592-3306.

Respectfully,
BOARD OF ZONING APPEALS

Rob Delach, Chairperson

0 University Estates Blvd (A027400009702) – Case #24-18V – adjoining properties and owners

**0 University Estates Blvd
(A027400009300)**

H2 Development LLC
758 W Union St
Athens, OH 45701

**0 University Estates Blvd
(A027400009701 & A027400009703)**

Helios Ventures LLC
37829 Mace Cemetery Rd
Wilkesville, OH 45695

124 University Estates Blvd

Cetide LLC
7474 Radford Rd
Athens, OH 45701

126 University Estates Blvd

Shawn Kingery
126 University Estates Blvd
Athens, OH 45701

**0 University Estates Blvd
(A027400002902)**

1st Choice Homes LTD
3015 Lifer Lane SW
Lancaster, OH 43130



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # BZA24-000018
Date Rec'd 10/29/2024

☒ (Request for Variance) ☐ (Request for Substitution) ☐ (Request for Interpretation) ☐ (Conditional Use)

APPLICANT: Helios Ventures LLC PHONE # 740-591-5507

ADDRESS: _____

OWNER: Helios Ventures LLC

ADDRESS: 37829 Mace Cemetery Rd, Wilkesville, OH 45695

PROPERTY ADDRESS: 0 University Estates Blvd (Parcel: A027400009702) Lot. 96

ZONE: B3

I, THE UNDERSIGNED, Matthew Gaiser

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 10/24/2024

FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:
0 University Estates Blvd (Parcel: A027400009702) Lot. 6

IN ACCORDANCE WITH ALL REQUIRED INFORMATION SUBMITTED AND WITH THE ORIGINAL APPLICATION HERETO ATTACHED AND INCORPORATED INTO THE RECORD.

BY MY SIGNATURE I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE.

[Signature]
APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 29th October 2024 (DATE) BY

Matthew Gaiser (NAME OF PERSON ACKNOWLEDGING).

[Signature]
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 8/14/2029



WENDY ARMSTRONG
Notary Public
State of Ohio
My Comm. Expires
August 14, 2029

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ (DATE) BY

(NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: _____

TRANSFERRED NO. 1568 'X'
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 0

OCT 03 2024

JILL A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
Jh TRANS FEE 5.00

202400004053
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
10/04/2024 10:45:02 AM
OR BOOK: 618 PAGE: 918
DEED 106.00 PG: 11

202400004053
GERIG AND GERIG

GENERAL WARRANTY DEED

Statutory Form
(RC 5302.05)

HELIOS VENTURES, LLC, an Ohio limited liability company, of Athens County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to HELIOS VENTURES, LLC, an Ohio limited liability company, whose tax-mailing address is 37829 Mace Cemetery Road, Wilkesville, Ohio 45695, the following real property:

***** SEE "EXHIBIT A" ATTACHED HERETO AND INCORPORATED HEREIN BY
THIS REFERENCE.*****

Subject to all rights of way, easements, leases, restrictions and reservations of record.

Parcel #: A02-74000096-00, A02-74000097-00 and A02-74000098-00
Commonly known as: New surveys of Lots 80-82, University Estates Phase 2, Sec. 16 & 17
Deed Reference: Volume 496, Page 975, Athens County Official Records

Executed this 11th day of September, 2024.

HELIOS VENTURES, LLC

By: Matthew M. Gaiser
MATTHEW M. GAISER, Agent

STATE OF OHIO
COUNTY OF ATHENS:

The foregoing instrument was acknowledged before me this 11th day of September, 2024 by Matthew M. Gaiser, Agent and duly authorized signatory of HELIOS VENTURES, LLC, an Ohio limited liability company, on behalf of the limited liability company.

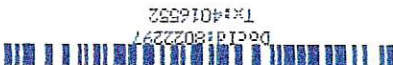
My Commission Expires:
(Seal)



Christian S. Gerig
Notary Public
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.

PREPARED BY CHRISTIAN S. GERIG, ATTORNEY AT LAW, ATHENS, OHIO.

The attorney preparing this instrument makes no warranty as to the title or legal descriptions contained herein.



**S.A. ENGLAND SURVEYING**Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

**Legal Description
Tract 6: 2.221 Acres
Part Lot 81 University Estates Phase 2**

Situated in the City of Athens, Township of Athens, County of Athens, State of Ohio, and being a part of Section 16, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more particularly described as follows;

Being a Survey of a part of Lot 81 of University Estates Phase 2, as recorded in Plat Envelope 363A, 363B, 364A, 364B, & 365A, as recorded in the Athens County Plat Records: Lot 81 now conveyed to Helios Ventures, LLC, as recorded in O.R. Book 496, Page 975, in the Athens County Deed Records, being part of Auditor's P.P.N. A02-74000097-00, and further described as follows;

Commencing at an iron pin set marking the Southeast corner of said Lot 80, also being the Southwest corner of said Lot 81, being on the North line of a 350.543 Acres conveyed to H2 Development, LLC, as recorded in O.R. Book 481, Page 233;

Thence, N 51°51'02" E 378.61 feet with the South line of said Lot 81, of which this description is a part, also being the North line of said parcel conveyed to H2 Development, LLC, to an iron pin set, and being the **PRINCIPLE PLACE OF BEGINNING**, of the 2.221 Acre parcel here in to be described;

Thence, N 43°29'54" W 553.55 feet with a line across said Lot 81 to an iron pin set on the North line thereof, also being on the South Right of Way Line of University Estates Boulevard (60' Wide R/W);

Thence with a curve to the left along the South Right of Way Line of said University Estates Boulevard, the same being the North line of Lot 81 (radius = 1030.00 feet, delta angle 07°47'38", arc length = 140.11 feet) with a chord bearing N 36°38'03" E 140.00 feet to an iron pin set;

Thence, S 49°21'33" E 599.32 feet leaving University Estates Boulevard with a line across said Lot 81, to an iron pin set on the South line thereof, and being on the North line of said parcel conveyed to H2 Development, LLC;

Thence, S 51°51'02" W 200.00 feet with the South line of said Lot 81, of which this description is a part, also being the North line of said parcel conveyed to H2 Development, LLC, to the **PRINCIPLE PLACE OF BEGINNING**, and containing 2.221 Acres, more or less, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

Subject to a 50 foot wide gas line easement, as recorded in Deed Book 215, Page 521.

The bearings of the above description are based using the O.D.O.T. CORS Network System, Ohio State Plane Coordinates South Zone. 2011(NAD83).

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in October of 2022 & July of 2024.

Dated

7/26/24

Job No. 3967-24AT-Tract6

Scott A. England P.S.
Ohio Registered Surveyor #7452

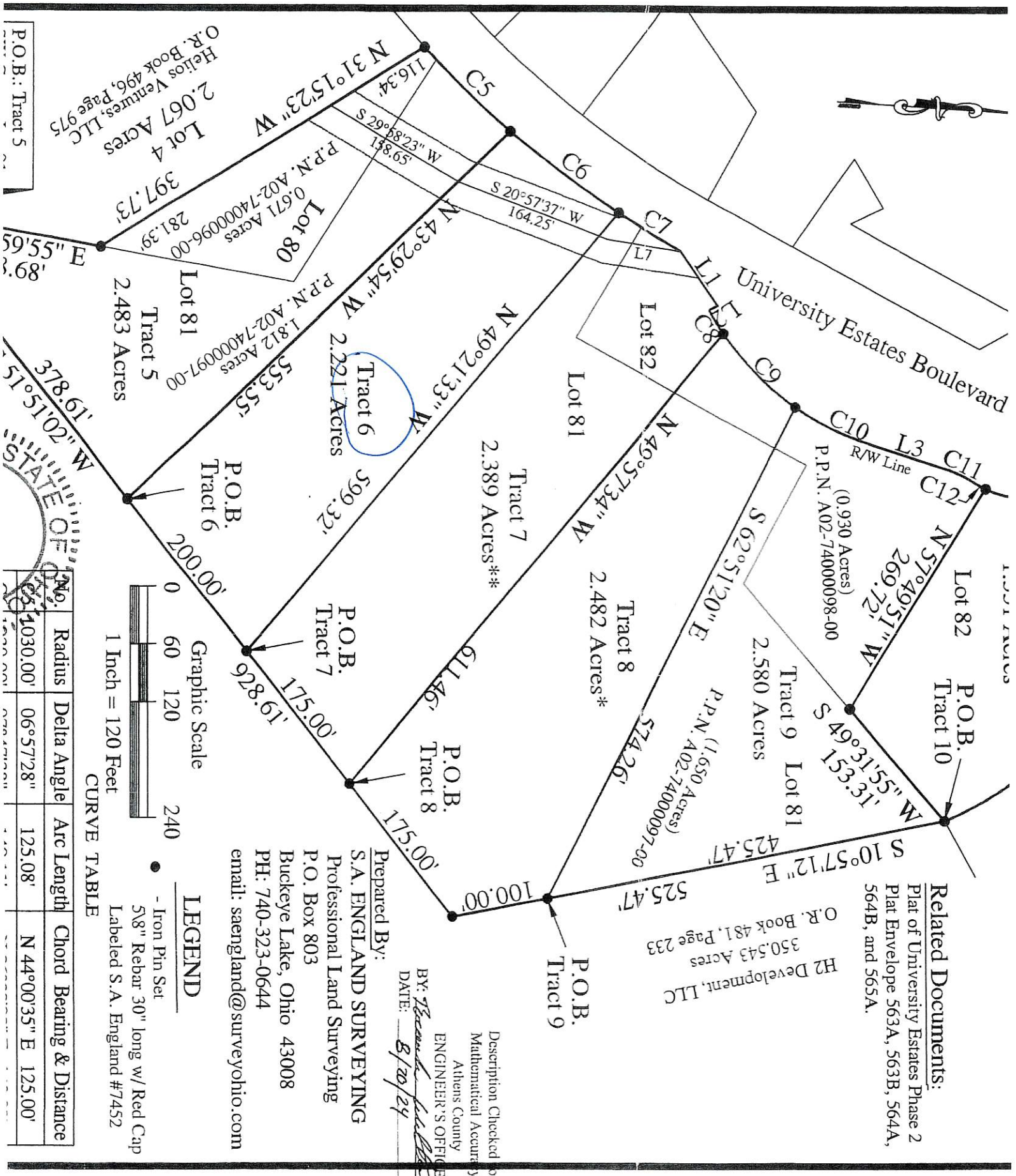
Legal Description Pre-Approval
APPROVED
All transfers are subject to
Athens County Conveyance Standards

AUG 27 2024

Jill Davidson
Athens County Auditor

Description Checked for
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE

BY: *[Signature]*
DATE: 7/30/24



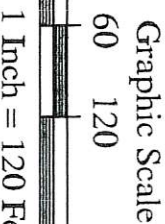
Related Documents:
Plat of University Estates Phase 2
Plat Envelope 563A, 563B, 564A,
564B, and 565A.

H2 Development, LLC
350,543 Acres
O.R. Book 481, Page 233

Description Checked by
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE
BY: *[Signature]*
DATE: 8/20/24

Prepared By:
S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 803
Buckeye Lake, Ohio 43008
PH: 740-323-0644
email: saengland@surveyohio.com

LEGEND



- Iron Pin Set
- 5/8" Rebar 30" long w/ Red Cap
- Labeled S.A. England #7452

CURVE TABLE

No.	Radius	Delta Angle	Arc Length	Chord Bearing & Distance
1	1030.00'	06°57'28"	125.08'	N 44°00'35" E 125.00'

Lot 4
2.067 Acres
Helios Ventures, LLC
O.R. Book 496, Page 975

Lot 80
0.671 Acres
P.P.N. A02-74000096-00

Lot 81
2.483 Acres
Tract 5
P.P.N. A02-74000097-00

Tract 6
2.221 Acres
P.O.B. Tract 6

Tract 7
2.389 Acres**
P.O.B. Tract 7

Tract 8
2.482 Acres*
P.O.B. Tract 8

Tract 9
2.580 Acres
P.P.N. A02-74000097-00

Tract 10
P.O.B. Tract 10

University Estates Boulevard

STATE OF OHIO

P.O.B.: Tract 5

Requested Variance: Allow residential on 1st floor in a B3 zone

Residential is already allowed in a B3 zone. However, it is restricted to 2nd floor and above. This request is to simply allow it on the 1st floor to allow the property to conform to the neighborhood and public's best interest.

This request is in the best public interest for this property and surrounding properties. The property lies inside a residential sub-division in a fully developed residential neighborhood. The original Business B3 zoning was established during the planning of University Estates subdivision that was to include a golf course with a hotel and conference center, assisted living and independent living facilities as well as a nursing home. The subject site was to be the hotel and conference center, overlooking the supposed to be golf course.

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There have been other parcels granted use of residential on the 1st floor in the City, some of which are located in a commercial area with other businesses. Cornwell properties at the end of Court St; Harold Ave for 16 lots allowed for residential on 1st floor; and most recently 280 East state st. The requested use for the subject parcel is for single family, and not multi-family use, and is more conforming to the surrounding neighborhood.

The highest and best use of this property in keeping with the spirit of the zoning and as to not cause harm to neighbors and neighborhood is to use the parcels as single family homes and not large hotel or commercial with large multi-family above. By allowing a minor variance to have residential 8' lower than normal, it would allow conformity to the spirit of the code and best planning.

The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning code or the public interest. In fact, it will eliminate a substantial detriment to adjacent properties, and protect the public interest.

The subject property is an anomaly inside the City and unique in that there are no other B3 zones close to it, and it is inside a highly used residential sub-division, and not a commercial area. The Zoning map clearly shows that B3 zoning is primarily in uptown business areas, and main commercial corridors. The applicant for this variance could not find any other examples of B3 parcels inside a residential sub-division. This variance would protect the public interest if granted, and to not give the variance would harm the adjoining property owners, the whole subdivision and the public interest.

Helios Ventures LLC

-Matt Gaiser 10/29/2024

Office of Code Enforcement
& Community Development
28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
740-594-6304 (Fax)



ZNU24-000022

City of Athens
Athens, Ohio

October 23, 2024

To: Matt Gaiser
Applicant Address: 37829 Mace Cemetery Road
Wilkesville, OH 45695

To: HELIOS VENTURES LLC
Owner Address: 37829 MACE CEMETERY ROAD
WILKESVILLE, OH 45695

REFUSAL

Zoning Use Permit - Residential Refusal Detail

Premises Address: 0 University Estates Boulevard

Application Date: 10/14/2024

For: zoning Use Permit / Parcel A027400009702

Decision Detail: Your request for a Zoning Use Permit has been refused, based on the application submitted and ACC 23.04.05(A)(1). Residential use are permitted only on the second story and above in a B3 Zone.

NOTE: You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <http://www.ci.athens.oh.us/DocumentCenter/View/71>.



ZONING USE PERMIT - Not for Construction
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Permit #: ZNU24-000022
REFUSAL

Permit Type:	Residential	Present Use:	B3 - undeveloped
Use of	Residential	Proposed	Residential ground level (on the first floor in a
Building:		Use:	B3)

Project Address: 0 University Estates Boulevard

Applicant:

Matt Gaiser Helios Ventures LLC
Phone: (740) 591-5507

37829 Mace Cemetery Road
Wilksville, OH 45695

Property Owner:

HELIOS VENTURES LLC
Phone: (740) 591-5507

37829 MACE CEMETERY ROAD
WILKESVILLE, OH 45695

Description of Proposed Use/Scope of Project: zoning Use Permit / Parcel A027400009702

Decision Detail: Your request for a Zoning Use Permit has been refused, based on the application submitted and ACC 23.04.05(A)(1). Residential use are permitted only on the second story and above in a B3 Zone.

Director of Development and Code Enforcement:

☐ Approved ☒ Refused

10/23/2024

David R. Riggs, P.E.
Director of Development and Code Enforcement

Date



APPLICATION FOR COMMERCIAL OR
1-2-3 UNIT RESIDENCE
ZONING USE PERMIT- NOT FOR CONSTRUCTION
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

Application Fee: \$80 (2.9% convenience fee if credit card is used)

(Office Use Only)

Permit # 2N424-000022
Date Rec'd 10/17/2024

☐

Residential

☐

Commercial

☐

Site Plan

Applicant Helios Ventures LLC Phone 740-591-5507

Applicant Address 37829 Mace Cemetery Rd, Wilkesville, OH 45695

Property Owner (if other than applicant) _____ Phone _____

Property Owner Address _____

ZONING

Address of Proposed Use 0 University Estates Blvd, Athens, OH 45701

Project Description Single family home / residential on ground level

Parcels: A027400009702; A027400009703; A027400009704; A027400009705; A027400009800

Current Property Use B3 - Undeveloped Proposed Property Use Residential Ground Level

on first floor in a B3 (with)

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE
TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

Applicant Signature Matthew Gaiser Digitally signed by Matthew Gaiser
Date: 2024.10.14 10:22:31 -04'00' Date _____

Owner Signature _____ Date _____

(For Office Use Only)

Zone: B-3 Flood Plain: NO Parcel Number: A027400009702

Code Officer Comments: REFUSED ALL 23.04.05 (A)(1) RESIDENTIAL USE ARE PERMITTED ONLY ON THE SECOND STORY AND ABOVE.

Signature: Brigitte Zoub Date: 10-21-2024 Recommend: ☐ Approval ☒ Refusal

Zoning Administrator Comments: _____

Signature: [Signature] Date: 10-22-24 ☐ Approval ☒ Refusal

Service Safety Director Comments: _____

Signature: [Signature] Date: 10/23/24 ☐ Approval ☒ Refusal