

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 #25-13V

**ADVERTISEMENT**

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

TO: The Athens Messenger

Insert the following legal notice on **January 3, 2026**

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.

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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, January 13, 2026, at 7:00pm** on the following described property:

46 North Lancaster Street  
Zone B1 Case #25-13V

Appellant is requesting a variance from ACC 23.08.01 B to add 4 parking spaces in front of a structure where no parking is permitted in front of a structure.

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](http://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

A handwritten signature in black ink that reads "Rob Delach". The signature is written in a cursive style and is positioned above a horizontal line.

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**

January 1, 2026

**NOTICE OF HEARING AND APPEAL**

BOARD OF ZONING APPEALS  
28 Curran Drive  
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to  
**46 North Lancaster Street**  
has been assigned Board of Zoning Appeals **Case #25-13V**

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, January 13, 2026 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](mailto: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

A handwritten signature in black ink that reads "Rob Delach". The signature is written in a cursive style and is positioned above a horizontal line.

Rob Delach, Chairperson

**Office of Code Enforcement and  
Community Development**

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*City of Athens*

**ATHENS, OHIO**

January 1, 2026

**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

**Robert Prebe / Appellant**  
For property located at  
**46 North Lancaster Street**

Appellant is requesting a variance from ACC 23.08.01 B to add 4 parking spaces in front of a structure where no parking is permitted in front of a structure.

This case has been assigned  
**Case #25-13V**

This meeting has been scheduled for **Tuesday, January 13, 2026** 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](http://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

A handwritten signature in black ink, appearing to read "Rob Delach", is written over a horizontal line.

Rob Delach, Chairperson

**46 North Lancaster Street – Case #25-13V – adjoining properties and owners**

**1 Mound St**

Montle LLC  
PO Box 428  
Athens, OH 45701

**73 West Carpenter St**

Athens Auto Company LLC  
8097 Lavelle Rd  
Athens, OH 45701

**68 West Carpenter St; 37 North Lancaster St; 33 North Lancaster St; 43 North Lancaster St; 45 North Lancaster St**

University Rentals  
15 Dove Dr  
Athens, OH 45701

**65 West Carpenter St**

University Rentals  
14 North Court St  
Athens, OH 45701

**0 North Lancaster St (A028130003600)**

University Rentals  
14 Roxbury Dr  
Athens, OH 45701

**0 North Lancaster St (A028130003700) & 58 North Lancaster St**

Bear With Philips LLC  
8 North Court St Suite 101  
Athens, OH 45701

**0 North Lancaster St (A028130003900)**

Sabel Bruce E  
50 Ohio Ave  
Athens OH, 45701

**41 North Lancaster St**

Oaklight Properties LLC  
46729 Southview Lane  
Plymouth, MI 48170

**47 North Lancaster St; 0 North Lancaster St (A028130005400); 51 North Lancaster St; 53 North Lancaster St**

Sturbois J David  
PO Box 5870  
Athens OH, 45701

**59 North Lancaster St**

Gleeson Properties LLC  
3224 Reynoldsburg Baltimore Road NW  
Baltimore, OH 43105

**84 West Carpenter St**

Ault James L  
PO Box 710  
Athens, OH 45701

**82 West Carpenter St**

Athens Rental Properties LLC  
3 Kay Street  
Athens OH, 45701



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

(For Office Use Only) Permit # BZA25-000013 Date Rec'd 12-10-25

[X] (Request for Variance) [ ] (Request for Substitution) [ ] (Request for Interpretation) [ ] (Conditional Use)

APPLICANT: Robert Prebe PHONE # 740-590-4882

ADDRESS: 10 E Union St, Athens, OH 45701

OWNER: TAM-ASM Properties LLC

ADDRESS: PO BOX 428, ATHENS, OH 45701

PROPERTY ADDRESS: 46 N Lancaster St, Athens, OH 45701

ZONE: B-1

I, THE UNDERSIGNED, Robert Prebe, Authorized Agent on behalf of TAM-ASM Properties LLC HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 11/26/2025 FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT: 46 N Lancaster St, 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.

[Signature] APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 10 Dec 2025 (DATE) BY

Robert Prebe (NAME OF PERSON ACKNOWLEDGING).

[Signature] SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: Sept 26 2029



MARILYN MANDERICK Notary Public State of Ohio My Comm. Expires September 26, 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:

12/10/2025

Mr. David R. Riggs, PE  
Director of Development and Code Enforcement  
City of Athens, Ohio  
28 Curran Drive  
Athens, OH 45701

Subject:

Board of Zoning Appeals  
Variance Request  
46 N Lancaster St  
Athens, OH 45701

RE: Permit #:LND25-000037

Response to Commercial Zoning Permit Refusal Letter dated 11/26/2025

Dear Mr. Riggs:

We are requesting a variance for the improvements to the above noted property. The Refusal Decision for a Land Development Permit was based on:

ACC 23.08.01 – No parking in front of the structure

The intent of this work is to provide enhanced usability for the residents and the owner/management personnel.

1. Practical difficulty to undue hardship
  - a. There are eighteen parking spaces on this property provided for the use of each of the eighteen bedrooms at 46 N Lancaster. In providing four additional spaces, this will ease parking and parking-lot-access bottlenecks when members of our company or authorized service personnel are onsite to conduct maintenance, inspections, etc. Additionally, there is no off-street parking on N Lancaster. Additionally, this property is located within a B-1 zone, where parking is permitted in front of a building.
2. Preservation of equal property rights

The neighboring property (1 Mound St) has parking directly in front of the building. Additionally, this property is located within a B-1 zone, where parking is permitted in front of a building.

3. Exceptional circumstances

A minority of rental properties in the city of Athens actually provide easily accessible parking for all residents that reside there. This property has the space available to provide extra parking without setback or lot coverage variances to ease any parking or lot access bottlenecks and to provide for overflow parking as needed. Additionally, there is no off-street parking on N Lancaster. Additionally, this property is located within a B-1 zone, where parking is permitted in front of a building.

4. Minimum variance

The most that any of the four parking spaces will be in front of the building is a maximum of three feet of parking space. Unfortunately, the minimum parking requirements (one parking space per occupant) do not allow for overflow and guest parking and without off-street parking on N Lancaster, having the opportunity to place four additional parking spaces is critical to effective use. Additionally, this property is located within a B-1 zone, where parking is permitted in front of a building.

5. Absence of detriment

Providing four additional spaces will ease parking bottlenecks when we or authorized service personnel are onsite to conduct maintenance, code inspections, etc. The adjacent property located at 1 Mound St already has parking directly in front of the building, so allowing the variance will not provide any detriment to neighboring property. Additionally, there is no off-street parking on N Lancaster. Additionally, this property is located within a B-1 zone, where parking is permitted in front of a building.

In conclusion, 46 N Lancaster is located within a B-1 zone, so it wouldn't be out of place to have parking in front of a building regardless of use. Also of significance, North Lancaster Street has no off-street parking available, so if we were to be denied this variance, the management staff, hired contractors, and even visiting code officers would have to park far away from the property when conducting normal operations at this location.

Thanks for your interest,  
Bob Prebe, CPM®  
Principal Broker / Owner  
Uptown Realty Group  
info@athensuptownrealty.com  
(740) 590-4882



LAND DEVELOPMENT PERMIT  
CITY OF ATHENS, OHIO  
ATHENS CITY CODE TITLE 23

Permit #: LND25-000037  
**REFUSAL**

Permit Type: Residential      Issue Date: 11/26/2025

**Project Address :** 46 North Lancaster Street

**Decision Detail:** Your request for a land development permit has been refused in accordance with the application submitted and ACC 23.08.01. No parking in the front of the structure.

**Applicant:**

Robert Prebe / Uptown Realty Group LLC  
Phone: (740) 590-4882

PO Box 428  
Athens, OH 45701

**Property Owner:**

TAM-ASM Properties, LLC  
Phone: 740-590-4882

PO Box 428  
Athens, OH 45701

**Scope of Project:** Adding parking spaces

**Land Development:**

Present Use: Residential housing

Proposed Use: Residential housing

**Director:**

Approved

Refused

11/26/2025

\_\_\_\_\_  
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**

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November 26, 2025

To: Robert Prebe / Uptown Realty Group LLC  
Applicant Address: PO Box 428  
Athens, OH 45701

To: TAM-ASM Properties, LLC  
Owner Address: PO Box 428  
Athens, OH 45701

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**REFUSAL**

Land Development Permit - Residential Refusal Detail

**Premises Address: 46 North Lancaster Street**

**Application Date: 11/17/2025**

**For: Adding parking spaces**

**Note:** Your request for a land development permit has been refused in accordance with the application submitted and ACC 23.08.01. No parking in the front of the structure.

23.08.01. -Off-street parking.

Any requirements for off-street parking shall be in accordance with the following regulations:

- (A) Each off-street parking space shall have an area of not less than 150 square feet exclusive of access drives or aisles and each parking space shall have a minimum width of nine feet. There shall be adequate provision for ingress and egress to all parking spaces as determined by the zoning administrator. For one and two family dwelling units within an R-1, R-2, or R-3 zone, the required number of off-street parking places as established in the zoning code may be provided within access drives or driveways. All access drives or driveways shall not be less than ten feet wide. No access drive or driveway shall be located in any residential zone to provide access to uses other than those permitted in such zones. For residential uses in R-1, R-2, and R-3 districts driveways shall not exceed 20 feet in width at the street, or 20 percent of lot width, whichever is greater, and shall not be located between the right-of-way line and the front of a structure except in front of an attached garage, carport, or parking area.
- (B) Exclusive of hard surface driveways where parking is permitted as referenced in subsection 7.05.01(A) of this Code, off-street parking areas or parking structures for residential structures shall not be located between the required setback line and right-of-way line. On corner lots, exclusive of hard surface driveways, no off-street parking areas or parking structures for residential structures shall be located between the side street right-of-way line and the required front yard setback line for structures on the side street.
- (C) The number of off-street parking spaces required is set forth in these regulations (see Table B, Chapter 23.11). In the case of changes or additions to any existing structure or its use including requests for increased occupancy in residential uses, parking shall be required to meet the requirements for all uses of the premises. In the case of any use or combination of uses not specifically mentioned herein, the zoning administrator shall determine the number of required parking spaces based on similar or comparable use.
- (D) All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such parking may be provided within a radius of 1000 feet. The determination of distance will be the shortest from lot line to lot line. The property shall be in the same ownership as the use to which it is accessory and shall be subject to deed restrictions filed with the city, binding the owner and heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.
- (E) The number of required off-street parking spaces for a church, synagogue or house of worship may be satisfied in part or in whole by a joint use parking agreement(s) as per Section 23.08.04.
- (F)

Within the B2-D downtown business zone, the off-street parking requirement for principal permitted business uses not including residential uses may be eliminated if there exists improved public parking to satisfy the requirements of Table B, Chapter 23.11.

- (G) Exclusive of portions of hard surface driveways where parking is permitted as referenced in accordance with subsection 7.05.01(A) of this Code, no person shall park a motor vehicle or motorcycle between the required setback line and right-of-way line in front of any residential structure. On corner lots, exclusive of hard surface driveways, no person shall park a motor vehicle or motorcycle between the side street right-of-way line and the required front yard setback line for residential structures on the side street.

(Ord. No. 0-133-21, § 1, 12-13-2021)



# APPLICATION for Residential

## Stormwater Management & Land Development CITY OF ATHENS, OHIO ATHENS CITY CODE TITLES 5 & 27

(Office Use Only)  
Permit #: LND25-000037  
Date Rec'd: November 17, 2025

The Application for a Stormwater Management Permit must include a site plan showing soil erosion control methods (see example for site plan on back of form). The Application for a Land Development Permit must include an Athens Soil and Water Conservation District soils investigation if required by Title 27. Both applications must also include a proposed construction schedule.

Applicant: Uptown Realty Group LLC Robert Prebe Phone: (740) 590-4882 (740) 590-4882  
Address: 10 East Union St Athens, OH 45701 / PO Box 428 Athens, OH 45701  
Property Owner (if other than applicant): TAM-ASM Properties, LLC Phone: 740-590-4882  
Address: PO Box 428 Athens, OH 45701

Address of Proposed Use: 46 North Lancaster Street

\*General Contractor: \_\_\_\_\_ License #: \_\_\_\_\_

\*Must be registered with the City of Athens.

Description of Proposed Work:

Fees:	Application Fee: \$80.00	Stormwater	Land Development
	Less than 1 Acre	\$50.00	\$50.00
	1-5 Acres	\$150.00	\$150.00
	Greater than 5 Acres	\$200.00	\$200.00

- New     Alteration     Accessory
- Flatwork Only (Drive, Parking, Patio, Etc.)
- Foundation, Retaining Wall, Utility

\*\* Information to be filled out on back of sheet.

Project Description: Adding parking spaces  
Current Property Use: Residential housing Proposed Property Use: Residential housing

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: [Signature] **Refused** Date: November 17, 2025

Zone: B-1 Flood Plain: NE (For Office Use Only) Parcel Number: A02810000300

Refused - Acc 23.08.01 B - No Parkings in front of structure Received Copy of Soils Report:

<u>Stormwater</u>	<u>Zoning Regulations:</u>
Stormwater protection plan required	Lot Coverage: _____
Ohio EPA assignment No. (over 1 Acre)	Shade Tree Required
Silt fence required	Pre-construction
Gravel access road required	Verification: _____ Date: _____
Storm sewer protection required	During Construction: _____ Date: _____
Site seeding/straw required	Verifications: _____ Date: _____
Additional Controls needed	Post Constructions: _____ Date: _____
<u>Land Development</u>	Final: _____ Storm: _____
Soils investigation required for slip areas 27.02.03	Shade Tree: _____
Land development plan required 27.03.02	Parking: _____

Initial Code Officer Review: BW Date: 11-24-25 Stormwater Review: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator Signature: [Signature] Date: 11/24/25 Approval/Refusal: Refused

Service Safety Director Signature: [Signature] Date: 11/25/25 Approval/Refusal: [Signature]

The following notes need to be included in the submittal:

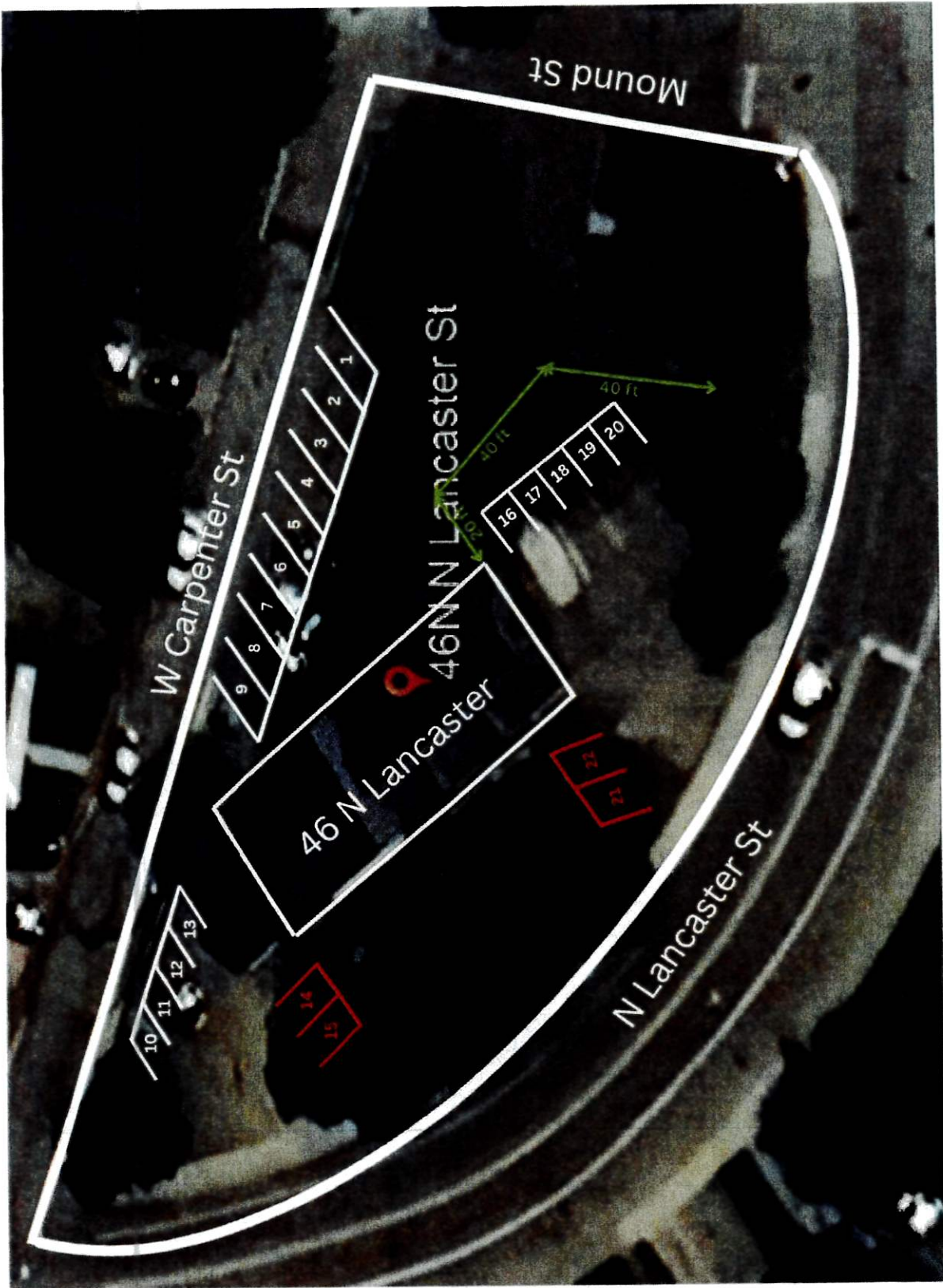
\*\*Plan Notes:

N/A 1) Storm water controls will be installed before disturbance to this site.

N/A 2) Silt Fence or filter sock will be installed as shown on the plans.

Yes 3) Any barren area, including stockpiles, that will not be re-disturbed within 21 days, will be seeded and mulched if between March 1 and October 31, or mulched only if between November 1 and February 29.

N/A 4) A construction entrance will be installed using #2 stone or equivalent.



— Retaining Wall

— New Parking Spaces  
9 Feet Wide  
18 Feet Long

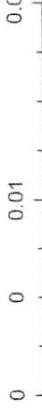
# Athens County Web Map



11/24/2025, 8:58:54 AM

- Parcels
- Green: Band\_2
- Blue: Band\_3
- Red: Band\_1
- Subdivisions

1:564

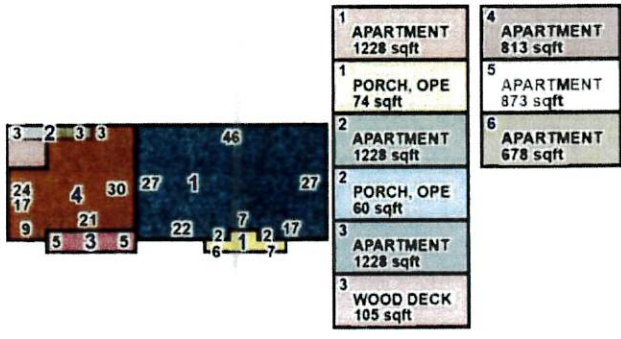


Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIA, NCEAS, NLS, OS, NIMA, Geodatasysteisen, Rijkswaterstaat, FEMA, Intermap, and the GIS user community



11/24/2025

**FIRST SKETCH** **LEGAL**



**OWNER** TAM-ASM PROPERTIES LLC  
**ADDRESS** 46 N LANCASTER ST OH  
**DESCRIPTION** 14-09-00 IL 2415 N-22 PT B  
**SCHOOL DIST** ATHENS CSD **TAX DIST** A02  
**ACREAGE** 0.0000

	VALUATION	
	APPRAISED	ASSESSED
LAND	\$17,470.00	\$6,110.00
IMPROVEMENTS	\$342,290.00	\$119,800.00
CAUV	\$0.00	\$0.00
<b>TOTAL</b>	<b>\$359,760.00</b>	<b>\$125,910.00</b>

**TAXES**

<b>TAXABLE VALUE</b>	\$125,910.00
<b>ROLLBACKS</b>	NONE
<b>HALF (1ST / 2ND)</b>	\$0.00 / \$0.00
<b>YEAR (TOTAL / BALANCE)</b>	\$0.00 / \$0.00

**SPECIAL ASSESSMENTS**

<b>COUNT</b>	1
<b>DELINQUENT / BALANCE</b>	\$0.00 / \$0.00
<b>TOTAL / BALANCE</b>	\$0.00 / \$0.00

**MOST RECENT SALES**

DATE	BUYER	SELLER	# PARCELS	PRICE	VALIDITY
1/13/2025	TAM-ASM PROPERTIES LLC	DIRTY DEEDS LLC	4	\$1,300,000.00	MULTIPLE PARCELS QUALIFIED
3/17/2009	DIRTY DEEDS LLC	KASLER BART L III &	4	\$0.00	RELATED INDIVIDUALS OR CORPORATIONS
12/23/2008	KASLER BART L III &	MEREDITH MARK R	4	\$289,000.00	MULTIPLE PARCELS QUALIFIED
1/17/2007	MEREDITH MARK R	MEREDITH ROBERT L	4	\$0.00	UNVALIDATED SALES
5/7/1992	MEREDITH ROBERT L	MEREDITH ROBERT L	0	\$0.00	MULTIPLE PARCELS QUALIFIED

**LAND** **IMPROVEMENTS**

CODE	FRONTAGE	DEPTH	ACREAGES	SQFT	VALUE	DESCRIPTION	BUILT	DIMS	VALUE
SQUARE FOOT Building Site	0	0	0.050	2,184	\$17,470.00	(PA1) - Unknown	2009	0x0	\$300.00

TRANSFERRED NO. 0029  
SEC. 319.202 R.C. COMPLIED  
WITHIN AMT. 5,200

JAN 13 2025

JILL A. DAVIDSON  
AUDITOR ATHENS COUNTY, OHIO  
KS TRANS FEE 2.00

202500000130  
FILED FOR RECORD IN  
ATHENS COUNTY, OHIO  
JESSICA MARKINS, RECORDER  
01/13/2025 02:49:01 PM  
OR BOOK: 621 PAGE: 300  
DEED 42.00 PG: 3

202500000130  
NORTHWEST TITLE FAMILY OF COMPANIES INC

**LIMITED WARRANTY DEED**

Know all persons by these presents, that:

**Dirty Deeds, LLC**

an Ohio limited liability company, the designated Grantor herein, for valuable consideration received hereby grants and assigns with limited warranty covenants, to:

**TAM-ASM Properties LLC, an Ohio limited liability company**

the designated Grantee herein whether one or more than one, whose tax-bill mailing address will be the same as the property address, which is: PO Box 428, 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: 46 North Lancaster Street, Athens, OH 45701

Parcel No(s): A02-81000001-00; A02-81000002-00; A02-81000003-00; and A02-81000004-00  
Prior Deed Reference(s): OR Vol. 433, Page 784 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; timber rights; and interests previously transferred or reserved of record.

TX:4017769

Doc:18186024025



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

Executed on this 9<sup>th</sup> day of January, 2025.

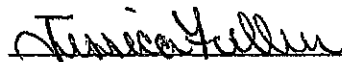
Dirty Deeds, LLC  
an Ohio limited liability company

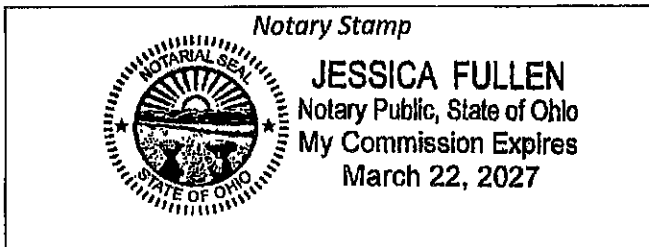
  
Bart Kasler III, Managing Member

  
Elizabeth Kasler, Managing Member

State of Ohio )  
County of Athens )

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this 9<sup>th</sup> day of January, 2025, by Bart Kasler III, Managing Member and Elizabeth Kasler, Managing Member of Dirty Deeds, LLC an Ohio limited liability company.

  
Notary Public



This instrument prepared by:  
Troy Howdyshe, 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 #23-1968

**EXHIBIT "A"**  
(File #23-1968)

Situated in the City of Athens, County of Athens, and State of Ohio, and known as being Lots Numbered 2414, 2415, 2416 and 2417 in Josten and Wolfe Subdivision of Part of Lot #127 and part of Old Hill Street in said City of Athens, Ohio, and recorded in plats on file in the Recorder's Office at Athens, Ohio, to which reference is had for a more particular description subject to all legal streets and highways.

**EXCEPTING THEREFROM A 0.001 ACRE TRACT** as conveyed to Ellen Whaley, Trustee of The Ellen L. Whaley Revocable Trust, dated May 5, 2005, in OR Vol. 537, Page 583 of the Athens County, Ohio records:

Description of a tract of land situate Ohio Company Purchase, Town 9, Range 14, Section 10, Athens Township, Athens County, Athens City, Ohio.

Being a part of the lands deeded to Dirty Deeds LLC, Official Record Book 433, pages 784-785, Lot 2417 Josten-Wolf Subdivision, and being more fully described as follows:

Commencing at an iron pipe found at the northwest corner of Lot 2414 of said Josten-Wolf Subdivision; Thence S 67° 36' 40" E 173.20 feet to an Iron pin set at the northwest corner of Lot 2418 of said subdivision,

Thence S 02° 51' 11" W 14.61 feet to the point of beginning of the tract herein described;

- 1.) Thence S 02° 51' 11" W 29.25 feet along a common boundary to Whaley 384-529 and Dirty Deeds 433-784 to a point on the west line of Lot 2418;
- 2.) Thence N 80° 27' 33" W 3.47 feet over the lands of Dirty Deeds 433-784 to a point;
- 3.) Thence N 09° 39' 53" E 29.05 feet continuing over the lands of Dirty Deeds to the point of beginning **containing a total of 0.001 acres.**

To remain contiguous and continuous to Lot 2418 of Josten-Wolf Subdivision, and being referenced in a deed to Ellen Whaley, Official Record Book 384, pages 529-530.

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

Being subject to all prior easements, rights-of-way, and covenants of record.

Iron Pins set are 30 inch length of number 5 rebar capped NEWMAN PS-8043.

Survey completed by Charles T. Newman, Registered Professional Surveyor 8043 on May 8, 2017.

Parcel No(s): A02-81000001-00; A02-81000002-00; A02-81000003-00; and A02-81000004-00  
Prior Deed Reference(s): OR Vol. 433, Page 784 of the Athens County, Ohio records

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 #25-14V

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

TO: The Athens Messenger

Insert the following legal notice on **January 3, 2026**

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, January 13, 2026, at 7:00pm** on the following described property:

2 Forest Street  
Zone R1 Case #25-14V

Appellant is requesting a variance from ACC 23.10 Table B to allow 2 parking spaces where 3 are required; and from ACC 23.04.01 to allow 2 primary structures where one is permitted.

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](http://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

A handwritten signature in cursive script that reads "Rob Delach". The signature is written in black ink and extends to the right with a long horizontal flourish.

---

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**

January 1, 2026

**NOTICE OF HEARING AND APPEAL**

**BOARD OF ZONING APPEALS**

28 Curran Drive  
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to  
**2 Forest Street**  
has been assigned Board of Zoning Appeals **Case #25-14V**

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, January 13, 2026 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](mailto: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**

A handwritten signature in black ink that reads "Rob Delach". The signature is written in a cursive style and is positioned above a horizontal line.

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**

January 1, 2026

**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

**Dustin Grooms / Appellant**

For property located at  
**2 Forest Street**

Appellant is requesting a variance from ACC 23.10 Table B to allow 2 parking spaces where 3 are required; and from ACC 23.04.01 to allow 2 primary structures where one is permitted.

This case has been assigned  
**Case #25-14V**

This meeting has been scheduled for **Tuesday, January 13, 2026** 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](http://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

A handwritten signature in cursive script that reads "Rob Delach".

---

Rob Delach, Chairperson

**2 Forest Street – Case #25-14V – adjoining properties and owners**

**8 Forest St & Parcel #A028250003001**

Richard Planisek  
8 Forest St  
Athens, OH 45701

**99 Grosvenor St**

AACN Rentals LLC  
5 Depot St  
Athens, OH 45701

**89 Grosvenor St**

Saunders Rentals LLC  
468 Richland Avenue  
Athens, OH 45701

**87 Grosvenor St**

Saunders Rentals LLC  
468 Richland Avenue  
Athens, OH 45701

**20 Fairview Ave**

Nicholas Schell  
20 Fairview Avenue  
Athens, OH 45701

**19 Fairview Ave & Parcel**

**#A028160004400**

Alyssa Bernstein  
19 Fairview Avenue  
Athens, OH 45701

**16 Fairview Ave**

Matthew Brandon  
16 Fairview Avenue  
Athens, OH 45701

**1 North Hill Dr**

Stuart Goldsberry  
1 North Hill Dr  
Athens, OH 45701



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

(For Office Use Only) Permit # BZA 25-000014 Date Rec'd 12-30-25

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

APPLICANT: Dustin Grooms PHONE # 513-520-3804 ADDRESS: 2 Forest Street, Athens, Ohio 45701 OWNER: Dustin Grooms ADDRESS: 2 Forest Street, Athens, Ohio 45701 PROPERTY ADDRESS: 2 Forest Street, Athens, Ohio 45701 ZONE: R1

I, THE UNDERSIGNED, Dustin Grooms

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT: 2 Forest Street, 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.

[Signature] APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 30th (DATE) BY

Dustin Grooms (NAME OF PERSON ACKNOWLEDGING).

[Signature] SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: August 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:

## **Variance Request for Garage Apartment**

Applicant: Dustin Grooms

Property Address: 2 Forest Street, Athens, OH 45701

Zoning District: R-1 Single-Family Residential

Request: Use variance to recognize an existing detached garage apartment as an accessory dwelling for residential rental use

December 29, 2025

Board of Zoning Appeals

City of Athens

8 East Washington Street

Athens, OH 45701

Dear Members of the Board,

This narrative is submitted in support of a zoning variance request for the purpose of allowing a detached garage apartment to be recognized as an accessory dwelling unit eligible for residential rental use. I have structured the narrative towards the requested standards as outlined in the Appeal form from the Zoning Administrator.

### **Standard 1: Practical Difficulty**

Strict application of the zoning code creates a practical difficulty that results in a usable housing unit going unoccupied. The garage apartment was originally constructed to house a family member. However, since construction began, that individual has experienced a sudden and serious decline in health, requiring prolonged recovery and daily monitoring. They are no longer able to live independently and must reside within the main house under the care of the applicant or otherwise in a healthcare facility. As a result, the garage apartment remains vacant and unusable for its intended purpose. Denying reasonable broader residential use of a fully code-compliant dwelling creates an unnecessary hardship that does not advance the public interest.

### **Standard 2: Exceptional Property Specific Circumstances**

The property contains physical characteristics that distinguish it from others in the typical R-1 district that limit options to unify the two structures. The lot slopes steeply from Forest Street toward the main house, limiting feasible breezeway options. The garage apartment was constructed on an existing parking pad because it was the only practical location given the topography and zoning requirements. The commonly suggested solution of connecting the garage to the main house via a breezeway is not feasible due to the elevation and grade differences. Requiring such a connection would impose an unreasonable burden without advancing zoning objectives.

### **Standard 3: Preservation of Property Rights**

Granting this variance preserves property rights commonly enjoyed by other homeowners in similar zoning districts. As accessory units that are attached to the primary dwelling are

permitted to be used for rental occupancy. Denying use of this unit solely due to its detached configuration and land restrictions would deprive the applicant of a reasonable and customary use of a permitted structure, despite its compliance with all building and safety codes.

**Standard 4: Minimum Variance Necessary**

This request represents the minimum variance necessary to allow reasonable use of the property. The garage apartment already exists and was constructed with prior zoning approval and building permits. No expansion, additional units, or intensification of use is proposed. Occupancy will be limited to one long-term resident. The applicant will continue to reside full-time in the primary dwelling a few feet away, ensuring on-site supervision and maintenance.

**Standard 5: No Substantial Detriment to Public Welfare or the Neighborhood**

Granting the variance will not alter the character of the neighborhood or negatively affect adjacent properties. The impact of one long-term resident in the garage apartment is equivalent to that of a family member occupying the unit. In either case, the result is a single additional resident on the street. Two off-street parking spaces are provided within the garage, satisfying long-term rental requirements. There will be no signage, exterior alterations, or increase in traffic, noise, or density inconsistent with the current district.

**Standard 6: Not of general nature**

Approval of this variance is consistent with the spirit and intent of the zoning code. The R-1 district is intended to promote stable, owner-occupied neighborhoods while allowing low-impact accessory uses that do not disrupt residential character. The applicant and his family are full-time residents and will remain so. The property will not be managed remotely, and all utilities remain under the primary address, with direct supervision of the applicant\property owner at all times.

**Conclusion**

The applicant respectfully requests approval of the variance to allow the detached garage apartment at 2 Forest Street to be recognized as an accessory dwelling unit for residential rental use. The apartment was built with all required building permits and inspections, meets all applicable housing and safety codes, and maintains the single-family character of the property. Granting this variance would simply address a technical interpretation related to the building's detached status. It will not alter the appearance, density, or character of the neighborhood.



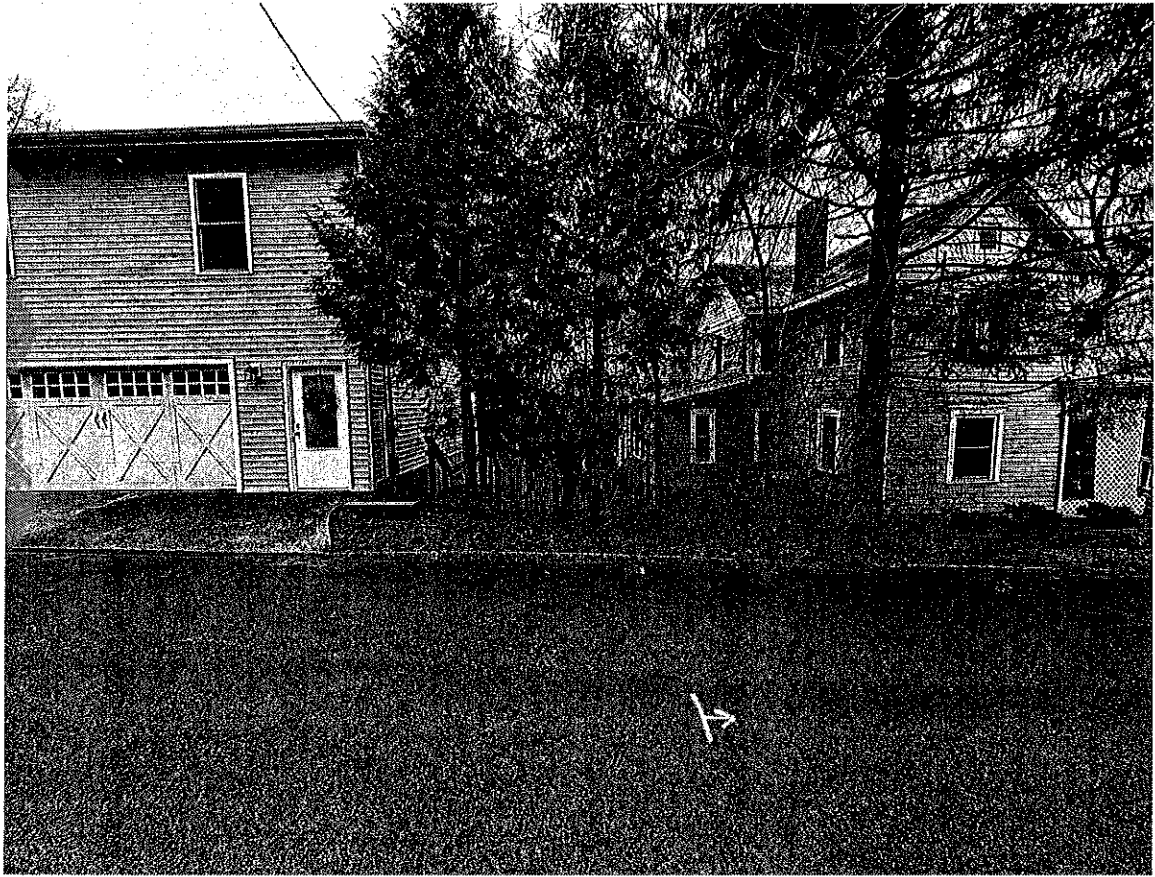
Ground Images  
From main house



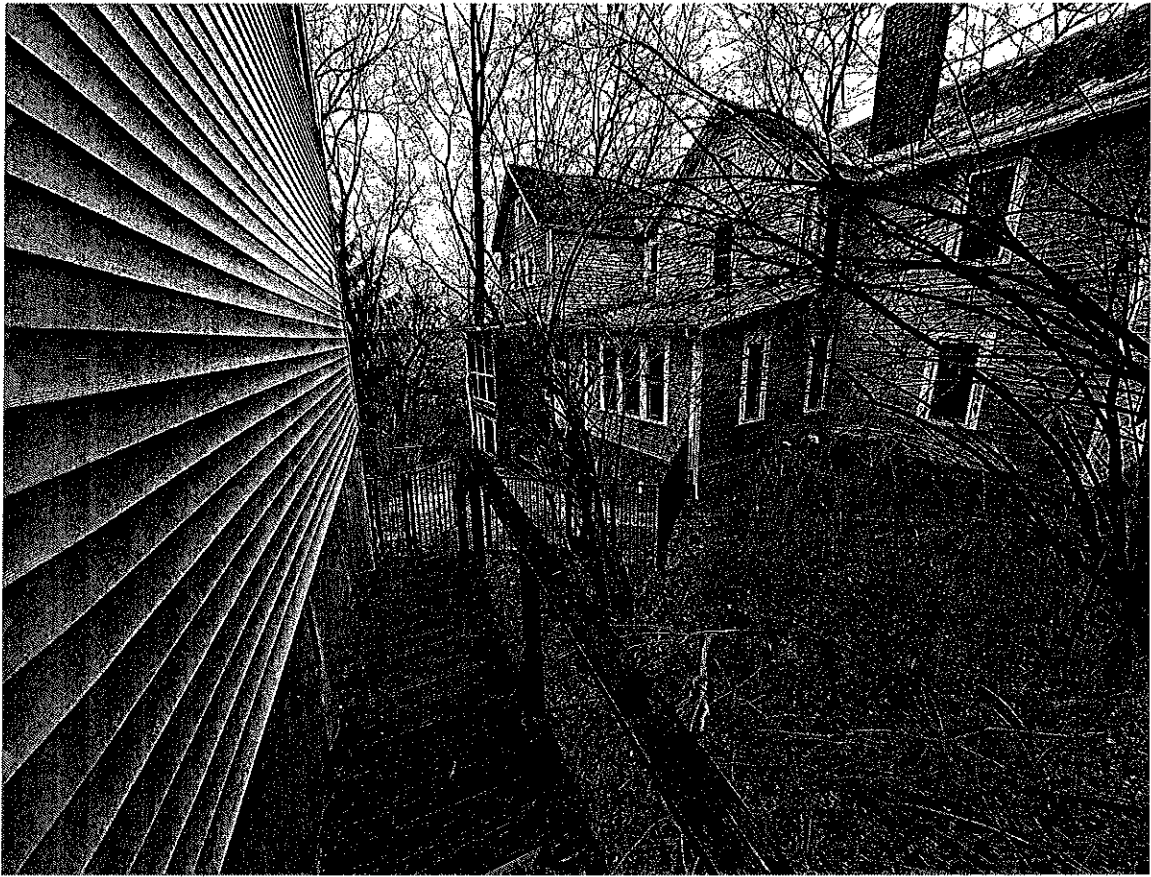


From Road









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

---

December 04, 2025

To: Dustin Grooms  
Applicant Address: 2 Forest Street  
Athens, Ohio 45701

To: Dustin Grooms  
Owner Address: 2 Forest Street  
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:** 2 Forest Street

**Application Date:** 11/10/2025

**For:** Garage Apartment

**Note:** Your request for a rental permit has been refused in accordance with the application submitted, requesting 2 parking spots where 3 are required ACC 23.10 Table B. Requesting 2 primary structures where 1 is allowed. ACC 23.04.01



APPLICATION for RENTAL PERMIT

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

(Office Use Only)
Permit #: RNT25-000103
Date Rec'd: November 10, 2025

Subtype: New Rental New Owner Demographics update only

Owner Name: Dustin Grooms
Address: 2 Forest Street
City, State, Zip: Athens, OH 45701
Telephone #: 513-520-3804 E-mail Address (if applicable): grooms.dusty@gmail.com
Would you prefer to receive notifications by regular U.S. mail or E-mail? email
Property Manager Dustin Grooms Telephone #: (513) 520-3804
Property Manager Address 2 Forest Street Athens, OH 45701
Emergency Contact & Telephone #
(must be a resident of Athens County Name: Adrienne Grooms, Telephone #: 419-310-1242
and other than the owner):

Property Address (include all units #'s for multiple units/buildings):
2 Forest Street, Athens, OH 45701

GARAGE ADPT.

Check One: [X] Rental Unit
Number of UNITS in Building
-OR- [ ] Rooming House (6 or more tenants)
[ ] Owner-Occupied Rooming House
Number of Bedrooms
Rented
Requested Maximum Occupancy Level of Unrelated Persons Per Unit (list each unit separately):
Unit #1: Max Occupancy #1: 1
Or One Family per ACC 23.04.01(A)(1)
Number of Parking Spaces (to be confirmed by Inspector)
Number of Parking Spaces: 2
Scheduled Trash Pickup Day: Tuesday

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.

Owner Signature: Dustin Grooms Date: November 09, 2025

(For Office Use Only)
Zone: R-1 Recommend: Refusal
Exg.# of Parking Spaces: 2 Parking Verified by Code Officer: MP
Code Officer Signature: Matt Pevy Date: 12/3/25 Approval: Refusal
Comments: Recommend refusal asking for 2 parking spots where 3 are required ACC 23.10 Table B. asking for 2 primary structures where 1 is allowed ACC 23.04.01
Zoning Administrator Signature: [Signature] Date: 12/4/25 Approval: Refusal

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

No. 15 Transfer Fee Paid \$ 968.00  
Jill A. Thompson, Athens County Auditor

By: lal Deputy Auditor  
\$150 transferred 1-4-19

201900000065  
Filed for Record in  
ATHENS COUNTY, OHIO  
JESSICA MARKINS, RECORDER  
01-04-2019 At 10:50 am.  
DEED 36.00  
OR Book 552 Page 174 - 176  
201900000065  
VAN HORN TITLE AGENCY INC  
109 NORTH BROAD STREET  
SUITE 101  
LANCASTER OH 43130

Warranty Deed

**Know All Men by These Presents:**

That Heather Marie Stephens and Craig Francis Barrett, wife and husband; and Wendy Renee Stephens, unmarried; and Adam Cooper Stephens and Laura Leigh Stephens, husband and wife; and Elizabeth Ann Gabriel, unmarried, of Athens County, Ohio, for valuable consideration paid, grant with general warranty covenants, to Dustin Grooms, whose tax mailing address is 2 Forest Street, Athens, OH 45701, the following real property:

See Exhibit A attached hereto and made a part hereof by reference.

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: 2 Forest Street, Athens, OH 45701  
Parcel No.: A02-82500030-00

Prior Instrument Reference: Volume 528, Page 1444, Official Records, Athens County, Ohio.

Executed before me on this 31st day of December, 2018 by Heather Marie Stephens, by Adam Cooper Stephens, her attorney in fact; Craig Francis Barrett, by Adam Cooper Stephens, his attorney in fact; Wendy Renee Stephens; Adam Cooper Stephens; Laura Leigh Stephens, by Adam Cooper Stephens, her attorney in fact; and Elizabeth Ann Gabriel, by Adam Cooper Stephens, her attorney in fact.

Heather Marie Stephens  
by Adam Cooper Stephens P.O.A.  
Heather Marie Stephens, by Adam Cooper Stephens, her attorney in fact

Craig Francis Barrett  
by Adam Cooper Stephens P.O.A.  
Craig Francis Barrett, by Adam Cooper Stephens, his attorney in fact

Wendy Renee Stephens  
Wendy Renee Stephens

Adam Cooper Stephens  
Adam Cooper Stephens

Laura Leigh Stephens  
by Adam Cooper Stephens P.O.A.  
Laura Leigh Stephens, by Adam Cooper Stephens, her attorney in fact

Elizabeth Ann Gabriel  
by Adam Cooper Stephens P.O.A.  
Elizabeth Ann Gabriel by Adam Cooper Stephens, her attorney in fact

State of Ohio  
Athens County

) Before me, a Notary Public in and for said County and  
) ss. State, personally appeared the above named Heather Marie  
Stephens, by Adam Cooper Stephens, her attorney in fact;  
Craig Francis Barrett, by Adam Cooper Stephens, his  
attorney in fact; Wendy Renee Stephens; Adam Cooper  
Stephens; and Laura Leigh Stephens, by Adam Cooper  
Stephens, her attorney in fact; who acknowledged that they  
did sign the foregoing instrument and that the same is their  
free act and deed.

*In Testimony Whereof*, I have hereunto set my hand and official seal, this 31st day of  
December, 2018.



JERE T. DISHON  
Notary Public, State of Ohio  
My Commission Expires 02-01-23

*Jere T. Dishon*  
Notary Public

State of Ohio  
Athens County

) Before me, a Notary Public in and for said County and  
) ss. State, personally appeared the above named Elizabeth Ann  
Gabriel, by Adam Cooper Stephens, her attorney in fact,  
who acknowledged that she did sign the foregoing  
instrument and that the same is her free act and deed.

*In Testimony Whereof*, I have hereunto set my hand and official seal, this 31st day of  
December, 2018.



JERE T. DISHON  
Notary Public, State of Ohio  
My Commission Expires 02-01-23

*Jere T. Dishon*  
Notary Public

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

Exhibit "A"

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

Being Lot Number Nine Hundred Ninety-Three (993) of GROSVENOR'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, Recorder's Office, Athens, County, Ohio.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED:

Being a part of Lot Number Nine Hundred Ninety-Three (993) of GROSVENOR'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, Recorder's Office, Athens County, Ohio, and being more particularly described as follows:

Beginning at an iron pin set at the southwest corner of Lot 994 of said addition, Thence along grantors northeast line South 57 degrees 19' 17" East 195.48 feet to a point (passing an iron pin set at 78.00 feet); Thence South 32 degrees 14' 23" West 9.22 feet to a point; Thence North 57 degrees 19' 17" West, 117.52 feet to an iron pin set;  
Thence North 56 degrees 05' 27" West, 77.99 feet to an iron pin set on the west line of Lot 993, Thence along said line North 32 degrees 14' 23" East, 7.54 feet to the place of beginning and containing 0.039 acres.

Bearings are assumed meridian and for angular determination only.

Description prepared by Kenneth E. Highland, Reg. Surveyor No. S-7581, December 3, 1998.