

**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 31, 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, February 10, 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 (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
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City of Athens

ATHENS, OHIO

January 29, 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, February 10, 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 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

Form BZA-3

**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 29, 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, February 10, 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 (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 that reads "Rob Delach". The signature is written in a cursive style and is positioned above 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**

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

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

(For Office Use Only)

Zone: B-1 Flood Plain: NL 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:

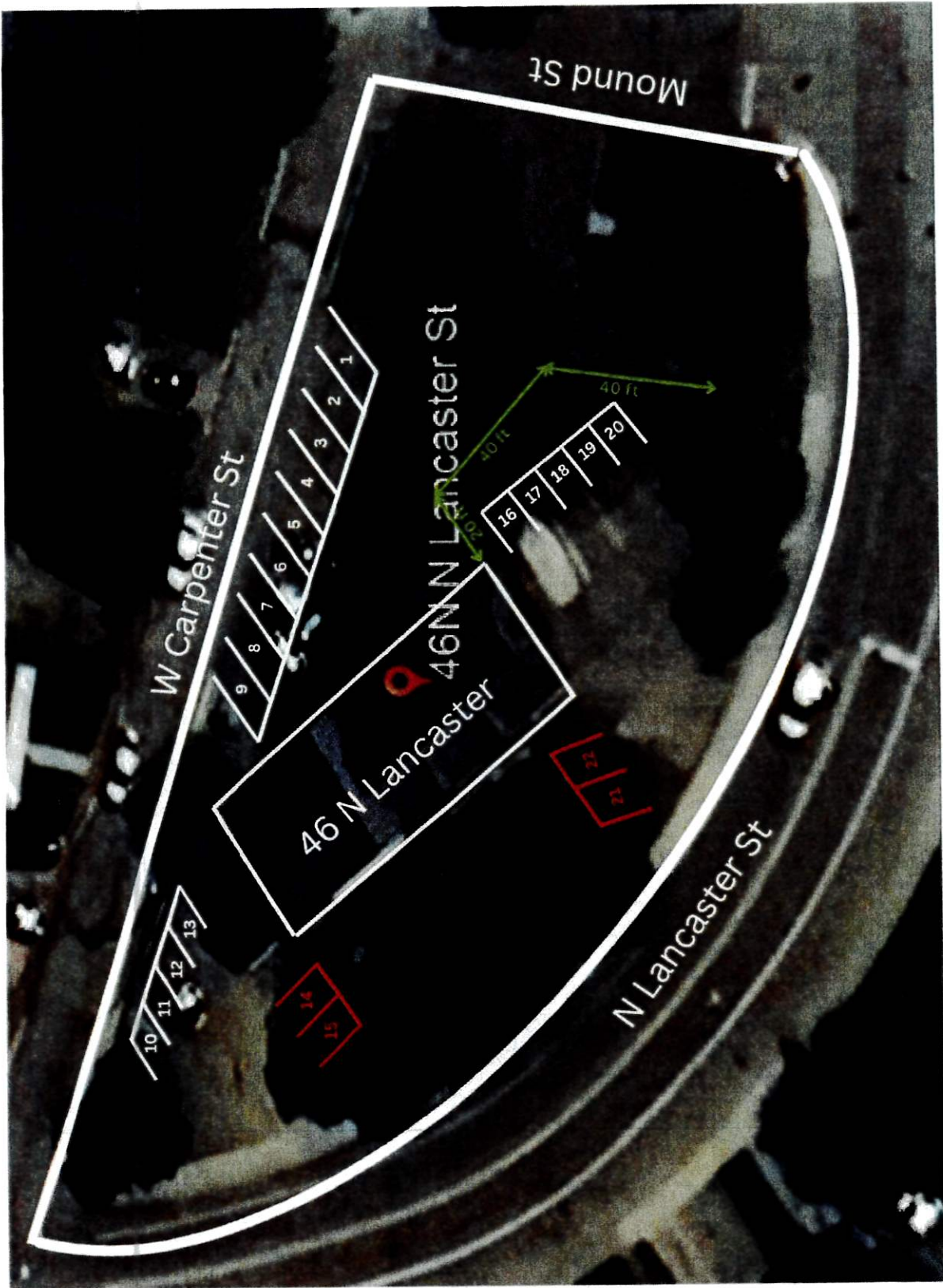
**Plan Notes:

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

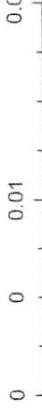
Athens County Web Map



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

- Parcels
- Green: Band_2
- Blue: Band_3
- Red: Band_1
- Subdivisions

1:564

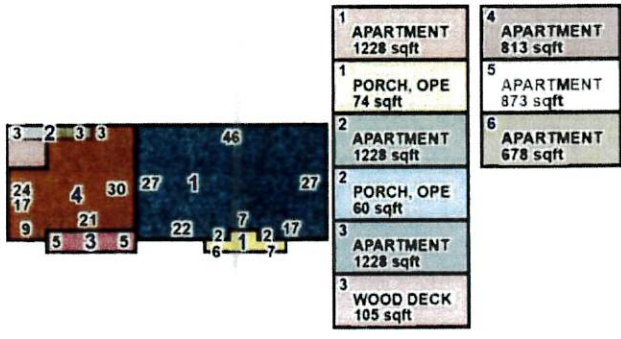


Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIA, NCEAS, NLS, OS, NIMA, Geodatasysteisen, Rijkswaterstaat, FEMA, Intermap, and the GIS user community



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 |
| TOTAL | \$359,760.00 | \$125,910.00 |

TAXES

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

SPECIAL ASSESSMENTS

| | |
|-----------------------------|-----------------|
| COUNT | 1 |
| DELINQUENT / BALANCE | \$0.00 / \$0.00 |
| TOTAL / BALANCE | \$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 9th day of January, 2025.

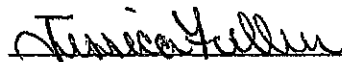
Dirty Deeds, LLC
an Ohio limited liability company

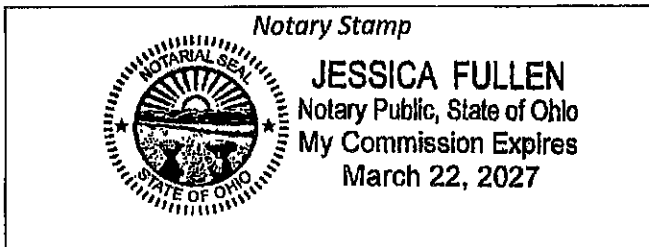

Bart Kasler III, Managing Member


Elizabeth Kasler, Managing Member

State of Ohio)
County of Athens)

The foregoing instrument was acknowledged before me, for the purpose(s) stated herein, this 9th 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 31, 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, February 10, 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 (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 29, 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, February 10, 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 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

Form BZA-3

**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 29, 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, February 10, 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 (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 that reads "Rob Delach". The signature is written in a cursive style and is positioned above a horizontal line.

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.

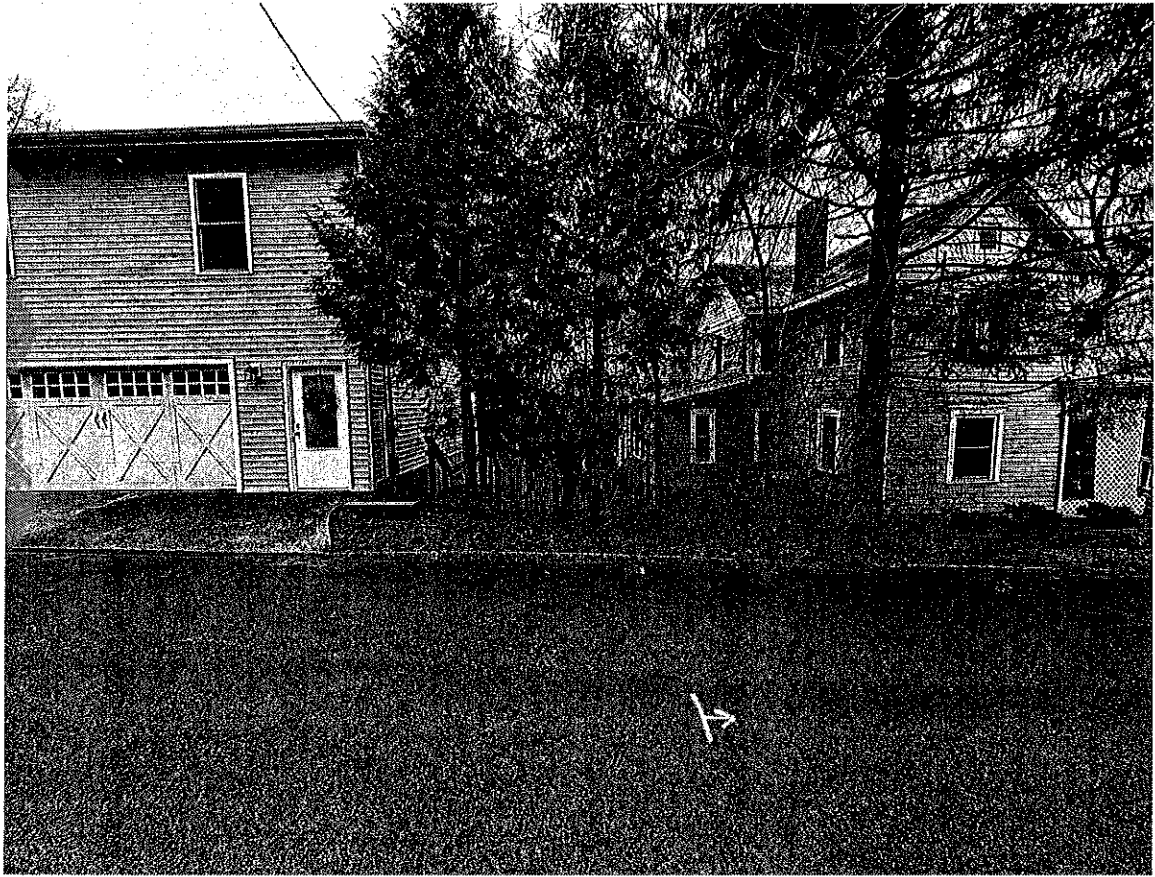
Ground Images
From main house



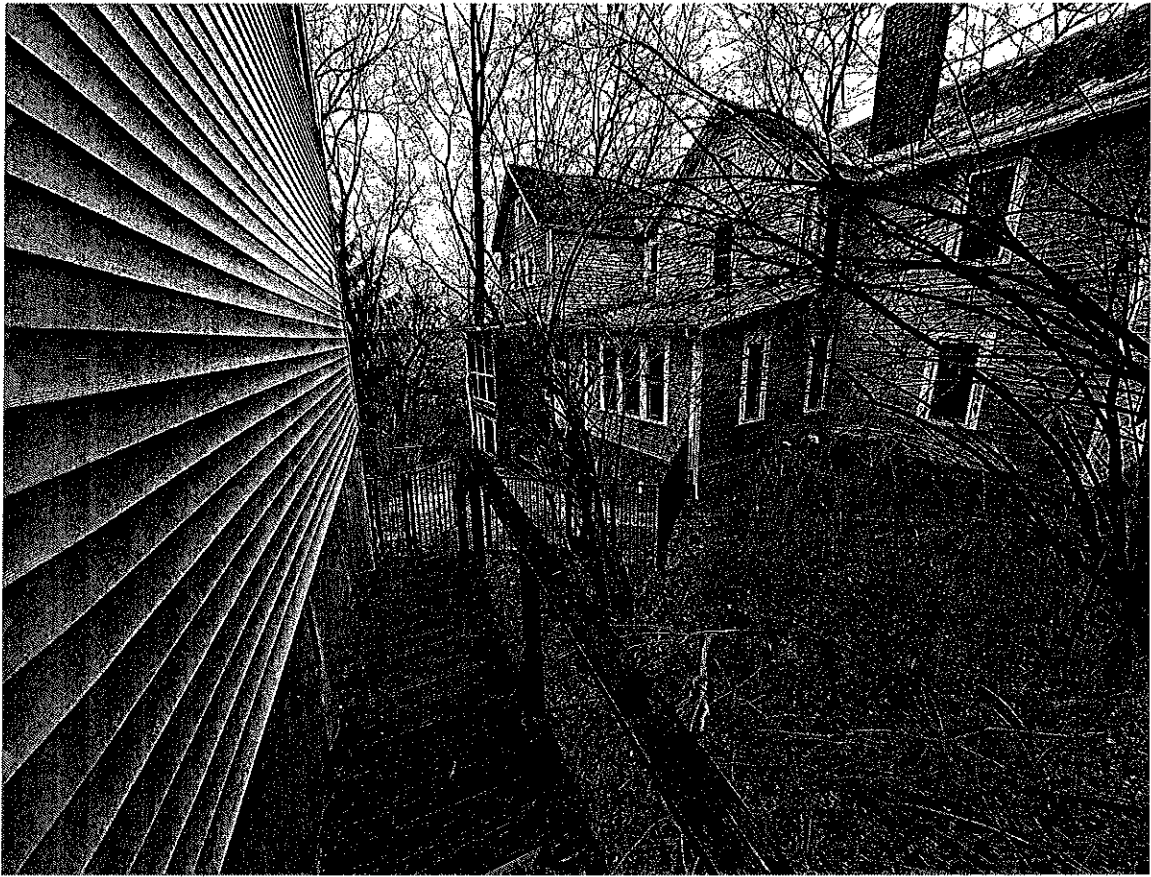


From Road









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 Povey 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.