

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 #26-03V

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

TO: The Athens Messenger

Insert the following legal notice on **April 4, 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, April 14, 2026, at 7:00pm** on the following described property:

79 East State Street
Zone B3 Case #26-03V

Appellant is requesting a variance from ACC 23.04.07 (A)(15) to allow a tobacco and vape
establishment within 500 feet from a church or any other licensed cigarette, vapor product and
other tobacco product retail dealer.

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

April 2, 2026

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
79 East State Street
has been assigned Board of Zoning Appeals **Case #26-03V**

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, April 14, 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

April 2, 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

Ezeldeen Kassem / Appellant

For property located at
79 East State Street

Appellant is requesting a variance from ACC 23.04.07 (A)(15) to allow a tobacco and vape establishment within 500 feet from a church or any other licensed cigarette, vapor product and other tobacco product retail dealer.

This case has been assigned
Case #26-03V

This meeting has been scheduled for **Tuesday, April 14, 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, appearing to read "Rob Delach", is written over a horizontal line.

Rob Delach, Chairperson

79 East State Street – Case #26-03V – adjoining properties and owners

22 N Kern St and Parcel A027110009800

Palmer Place of Athens LLC

PO Box 662

Athens, OH 45701

75 E State St and Parcel A027110000600

The Vig LLC

PO Box 807

Athens, OH 45701

74 E State St

Kleinpenny Family Series LLC

11875 Banjo Hill Dr

Athens, OH 45701

**80 E State St, 78 E State St, 88 E State St,
and Parcels A028140005700 and**

A028140005600

Pro 52-100 LLC

88 E State St

Athens, OH 45701

95 E State St and Parcel A027140007300

Richmond Shannon

5 Northwood Dr

Athens, OH 45701

32 34 West Stimson Ave

Stouts Farm Supply Inc

32 West Stimson Ave

Athens, OH 45701



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

Permit # BZA210-000003
Date Rec'd 3/10/2021

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

APPLICANT: Ezeldoen Kassem PHONE # 810-399-0082

ADDRESS: 7267 miller Rd Dearborn MI 48126

OWNER: David Lusty

ADDRESS: P.O. Box 1029 Athens OH 45701

PROPERTY ADDRESS: 79 E State St Athens OH 45701

ZONE: B-3

I, THE UNDERSIGNED, Ezeldoen Kassem

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 02-16-2021

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

79 E State 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 5th DAY OF

March, 2021 BY Ezeldoen Kassem (NAME OF PERSON ACKNOWLEDGING).

[Signature]
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO



KYLE FERGUSON
Notary Public
State of Ohio
My Comm. Expires
April 28, 2027

MY COMMISSION EXPIRES: April 28, 2027

[Signature]
PROPERTY OWNER (IF OTHER THAN APPLICANT) DAVID LUSTY

STATE OF OHIO, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF

_____, 20____ BY _____ (NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: _____



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

Permit # (For Office Use Only)
Date Rec'd

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

APPLICANT: Ezeldeen Kassem PHONE # 810-399-0082

ADDRESS: 7267 miller Rd Dearborn MI 48126

OWNER: David Lusiy

ADDRESS: P.O. Box 1029 Athens OH 45701

PROPERTY ADDRESS: 79 E State St Athens OH 45701

ZONE: B-3

I, THE UNDERSIGNED, Ezeldeen Kassem

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 02-16-2026

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

79 E State 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 5th DAY OF

March, 2026 BY Ezeldeen Kassem (NAME OF PERSON ACKNOWLEDGING).

[Signature]
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: April 28, 2027



KYLE FERGUSON
Notary Public
State of Ohio
My Comm. Expires
April 28, 2027

PROPERTY OWNER (IF OTHER THAN APPLICANT)

STATE OF OHIO, COUNTY OF

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS DAY OF

, 20 BY (NAME OF PERSON ACKNOWLEDGING).

SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES:

Exotic World Vape & Beauty LLC
79 East State Street
Athens, Ohio 45701

February 26, 2026

Variance Request – 79 East State Street, Athens, Ohio 45701

Dear Members of the Board,

I am respectfully requesting a variance from the spacing requirements under ACC 23.04.07(A)(15) for my business, Exotic World Vape & Beauty, located at 79 East State Street in Athens, Ohio.

I recently received notice that my zoning use permit was denied due to the proximity of my business to an existing tobacco retailer and a church. I fully respect and understand the purpose of these regulations. However, I am requesting consideration for a variance due to the practical hardship and unique circumstances associated with my location and investment.

Prior to signing the lease and investing in the property, I made substantial financial commitments to establish a legitimate retail business that contributes positively to the local economy. These investments include lease obligations, interior improvements, inventory purchases, and operational setup. Denial of this variance would create a significant financial hardship and negatively impact my ability to operate and sustain my business.

Additionally, the property is located within a commercial corridor that already includes retail businesses, including tobacco-related establishments. My business is professionally operated, complies with all state and local regulations, and is committed to responsible retail practices, including strict age verification and adherence to all legal requirements.

Granting this variance will not negatively affect public health, safety, or welfare, and will allow a small business owner to continue contributing to the local economy, job creation, and commercial vitality of the area.

I respectfully ask the Board to consider my request and grant this variance so that Exotic World Vape & Beauty may continue operating at this location.

Thank you for your time, consideration, and service to the community.

Sincerely,

Ez Eldeen Kassem
Owner

**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**

February 16, 2026

To: Ez Eldeen Kassem / Exotic World Vape & Tobacco LLC

Applicant Address: 79 East State Street Athens Ohio 45701

To: David Lusty

Owner Address: 109 Asti Ct.
North Venice, FL 34275

REFUSAL

Zoning Use Permit - Commercial Refusal Detail

Premises Address: 79 East State Street

Application Date: 02/02/2026

For: Exotic World Vape & Cosmetics

Decision Detail: *Your request for a Zoning USE permit has been refused in accordance with the application submitted and ACC 23.04.07(A)(15)*

Refused - Tobacco & Vape establishments shall be at least 500 feet from a church or any other licensed cigarette, vapor product and other tobacco product retail dealer.

- 1. Existing church is 450 feet*
- 2. Existing tobacco product retail is 304 feet*

NOTE: *You may appeal the decision of the Zoning Inspector or request a variance from the Board of Zoning Appeals. Any appeal made from this refusal must be filed with the Secretary to the Board of Zoning Appeals within twenty (20) days after the date of this refusal. For further information, contact the Secretary to the Board of Zoning Appeals, 28 Curran Drive, Athens, Ohio and bring this notice with you. The variance request application and instructions can be found on the city's website at <https://www6.citizenserve.com/Portal/PortalController>*



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

Permit #: ZNU26-000003
REFUSAL

Permit Type: Commercial	Present Use: Beauty retail
Use of Building:	Proposed Use: Beauty & Vape retail

Project Address: 79 East State Street

Applicant:

Ez eldeen Kassem Exotic World Vape and Tobacco LLC
Phone: 810-399-0082

79 E State Street
Athens, Oh 45701

Property Owner:

David Lusty
Phone: 740-707-0753

109 Asti Ct.
North Venice, FL 34275

Description of Proposed Use/Scope of Project: Exotic World Vape & Cosmetics

Decision Detail: *Your request for a Zoning USE permit has been refused in accordance with the application submitted and ACC 23.04.07(A)(15)*

Refused - Tobacco & Vape establishments shall be at least 500 feet from a church or any other licensed cigarette, vapor product and other tobacco product retail dealer.

- 1. Existing church is 450 feet*
- 2. Existing tobacco product retail is 304 feet*

Director of Development and Code Enforcement:

Approved Refused

02/16/2026

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

Date



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

(Office Use Only)
Permit # ZNU26-000002
Date Rec'd 2/2/2020

Residential Commercial Site Plan

Applicant EZ Kassem
Exotic world vape and Tobacco LLC Phone 810-399-0082

Applicant Address 79 E State St Athens OH 45701

Property Owner (if other than applicant) David Lusty Phone 740-707-0753

Property Owner Address 109 Asti Ct North Venice FL 34275

ZONING

Address of Proposed Use 79 E. State St

Project Description Tabacco & Cosmetics Supply

Current Property Use vape and Beauty Proposed Property Use _____

Number of parking spaces 0 Square footage Approximately 858 SF

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

Applicant Signature [Signature] Date 02-01-2026

Owner Signature _____ Date _____

(For Office Use Only)

Zone: B-3 Flood Plain: NO Parcel Number: A027110000100

Code Officer Comments: SEE REFUSAL ON BACK

Signature: Brian J Zoubek Date: 2-5-2026 Recommend: Approval Refusal

Zoning Administrator Comments: _____

Signature: [Signature] Date: 2-11-26 Approval Refusal

Service Safety Director Comments: _____

Signature: [Signature] Date: 2/12/26 Approval Refusal

ACC 23.04.07 (A)(15)

TOBACCO AND VAPOR ~~ESTAB~~

REFUSED - ESTABLISHMENTS SHALL BE AT LEAST 500 FEET FROM
A CHURCH OR ANY OTHER LICENSED CIGARETTE, VAPOR PRODUCT
AND OTHER TOBACCO PRODUCT RETAIL DEALER.

1. EXISTING CHURCH IS 450 FEET

2. EXISTING TOBACCO PRODUCT RETAIL IS 304 FEET

CLICK TO INTERACT



Jump To



Location

Parcel	A027110000100
Owner	LUSTY DAVID TRUSTEE
Address	77 E STATE ST OH OH
City / Township	ATHENS TWP
School District	ATHENS CSD

Deeded Owner Address

Mailing Name	LUSTY DAVID TRUSTEE
Mailing Address	P.O. BOX 1079
City, State, Zip	ATHENS OH 45701

Tax Payer Address

Mailing Name	LUSTY DAVID TRUSTEE
Mailing Address	109 ASTI CT
City, State, Zip	NORTH VENICE FL 34275-6705

Valuation



Jill A. Davidson

County Auditor | Athens County, Ohio

SEARCH MAPS INFO FORMS TOOLS

Parcel, Owner, House# and St Name

Parcel

A027110000100

(447) C - OFFICE BUILDING 1-2 ...

Owner

LUSTY DAVID TRUSTEE

SQLD: 4/9/1993 \$155,000.00

Address

77 E STATE ST OH

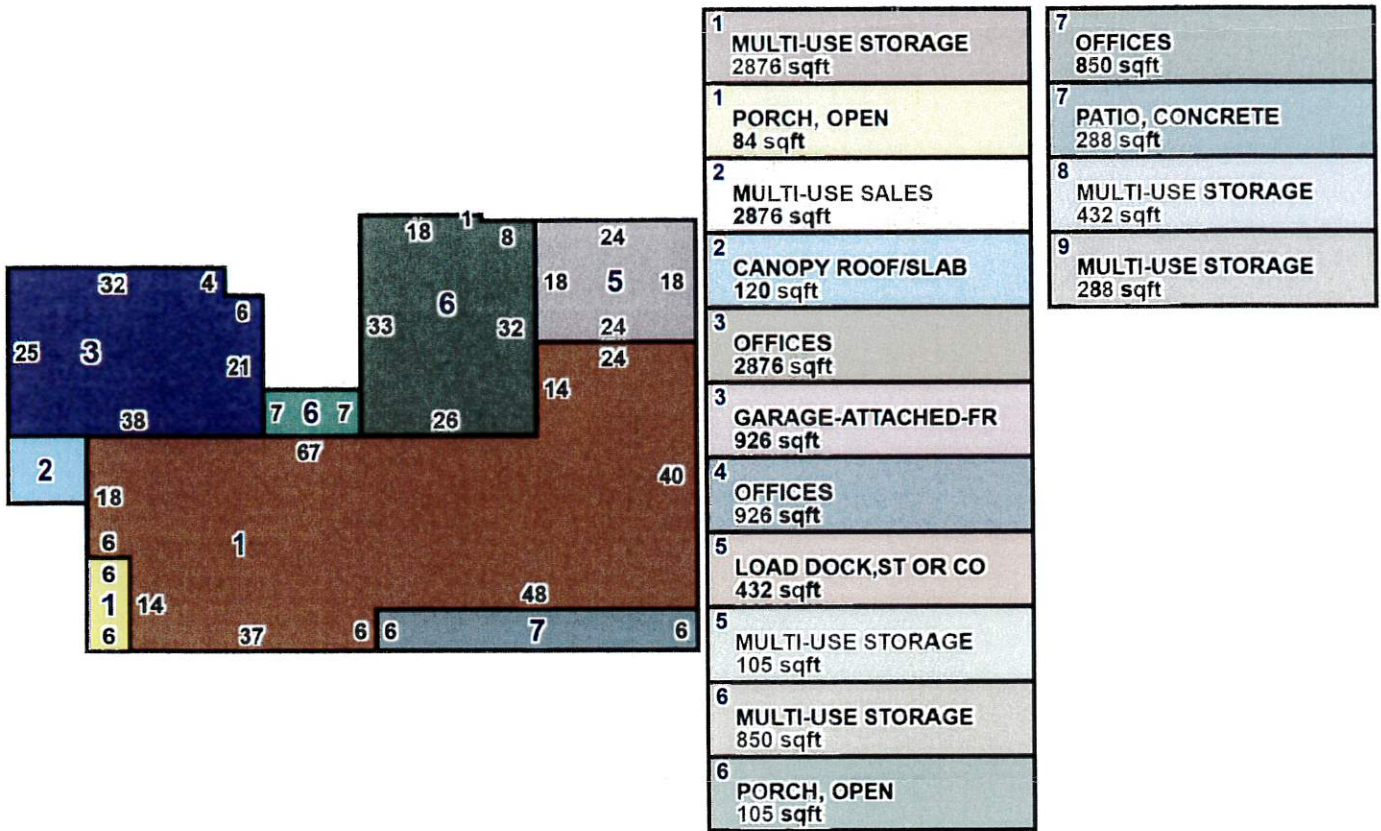
ATHENS CSD

Appraised

\$245,810.00

ACRES: -0.003

Sketches



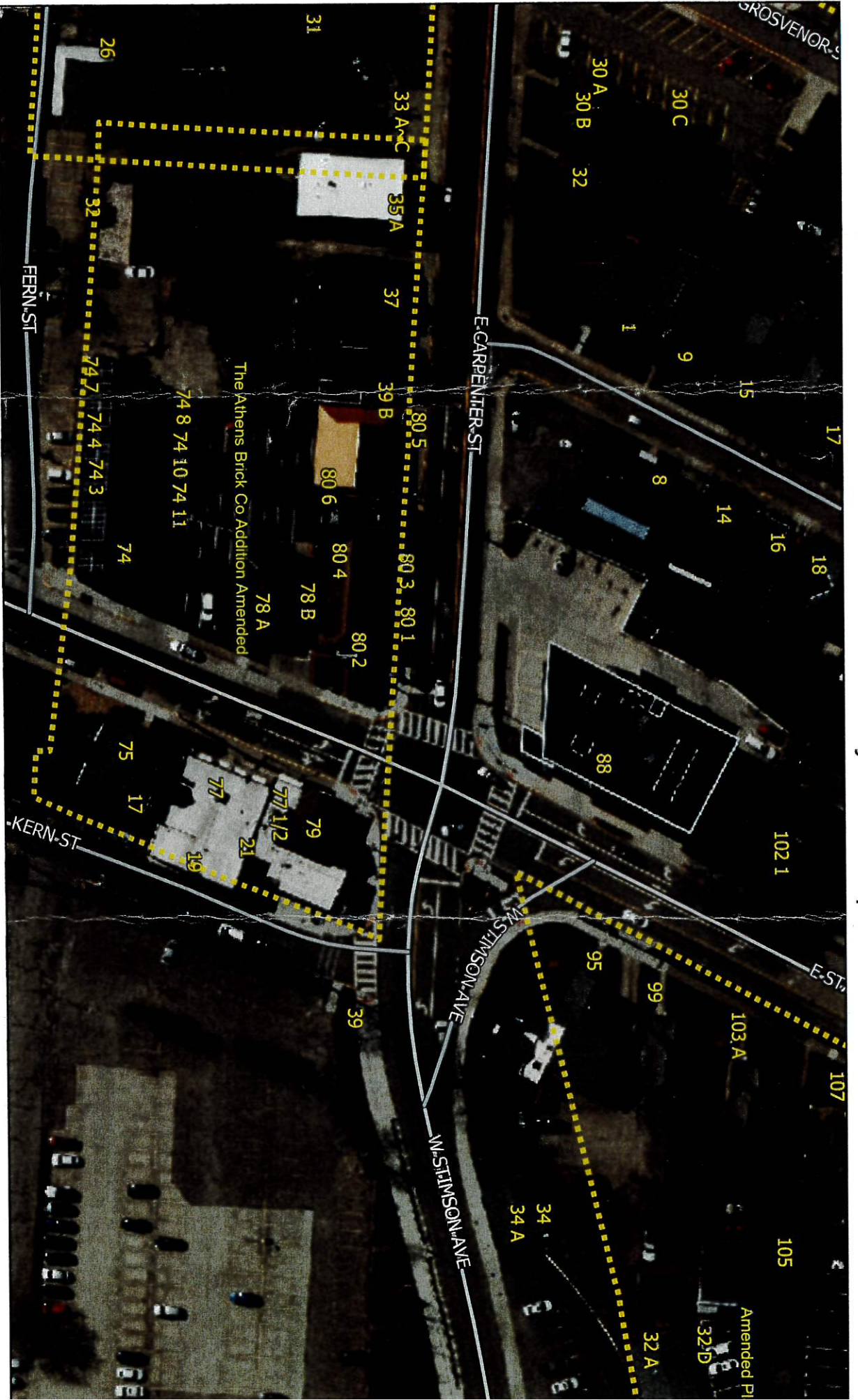
EagleView

Mini Map

MAPS



Athens County Web Map



2/5/2026, 9:17:15 AM

Athens_2024_rgb_20x.sid

Red: Band_1



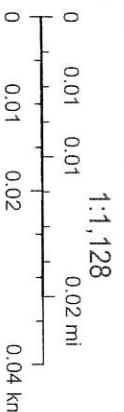
Green: Band_2



Blue: Band_3



Subdivisions



Sources: Esri, Vantor, Athens, DS, USGS, NGA, NASA, CGIA, NCEAS, NLS, OS, NMA, Geodatasysteme, Rijkswaterstaat, FEMA, Intermap, and the GIS user community