

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 #26-04S

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

TO: The Athens Messenger

Insert the following legal notice on **May 30, 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, June 9, 2026, at 7:00pm** on the following described property:

116 Central Avenue
Zone R1 Case #26-04S

Appellant is requesting a substitution in accordance with ACC 23.07.02 (B) to change a legal nonconforming 2-unit owner-occupied residential dwelling to a legal nonconforming 2-unit non-owner-occupied dwelling in an R1 zone.

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

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City of Athens
ATHENS, OHIO

May 28, 2026

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS
28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
116 Central Avenue
has been assigned Board of Zoning Appeals **Case #26-04S**

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, June 9, 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

**Office of Code Enforcement and
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City of Athens
ATHENS, OHIO

May 28, 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

The Athens Real Estate Co. / Appellant
For property located at
116 Central Avenue

Appellant is requesting a substitution in accordance with ACC 23.07.02 (B) to change a legal nonconforming 2-unit owner-occupied residential dwelling to a legal nonconforming 2-unit non-owner-occupied dwelling in an R1 zone.

This case has been assigned
Case #26-04S

This meeting has been scheduled for **Tuesday, June 9, 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

116 Central Avenue – Case #26-04S – adjoining properties and owners

115 Central Avenue

Nathan Carey
115 Central Avenue
Athens, OH 45701

117 & 119 Central Avenue

Linda Hiller / Hiller Rentals LLC
117 Central Avenue
Athens, OH 45701

114 Central Avenue

Brandewie Rentals LLC
6001 Baker Road
Athens, OH 45701

120 Central Avenue

Gillian Garland
120 Central Avenue
Athens, OH 45701

15 & 17 Granville Avenue

Yahini Properties LTD
12184 Pete Smith Road
Athens, OH 45701

0 Granville Avenue (A028040007000)

James Cassels
136 Second Street
Athens, OH 45701



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

(For Office Use Only) Permit # BZA26-000004 Date Rec'd 5/19/2026

Request for Variance, Request for Substitution, Request for Interpretation, Conditional Use

APPLICANT: The Athens Real Estate Co. PHONE # (740) 589-4600 ADDRESS: 540 W. Union Street, Suite A Athens, OH 45701 OWNER: Brad Strickling ADDRESS: 146 Walhalla Road Columbus, OH 43202 PROPERTY ADDRESS: 116 Central Avenue Athens, OH 45701 ZONE: R - Two Family Dwelling

I, THE UNDERSIGNED, HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED FOR DENIAL OF A ZONING PERMIT / REVIEW OF CONDITIONAL USE FOR PROPERTY LOCATED AT:

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 - The Athens Real Estate Company APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 28 DAY OF April, 2026 BY Jennifer Dennis (NAME OF PERSON ACKNOWLEDGING).

Signature of Notary Public - STATE OF OHIO MY COMMISSION EXPIRES: 6/16/29

Signature of Property Owner (if other than applicant)

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 28 DAY OF April, 2026 BY Jennifer Dennis (NAME OF PERSON ACKNOWLEDGING).

Signature of Notary Public - STATE OF OHIO MY COMMISSION EXPIRES: 6/16/29



APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

In accordance with Athens City Code (ACC) Section 23.07.08 (D), the appellant must provide the following information in writing:

- *Name, address and phone number of the appellant*
- *Legal description of the property (copy of deed)*
- *Description or nature of variance requested (copy of the Zoning Administrator's decision)*
- *A fee established by ordinance plus a fee to defray the cost of legal advertising*
- *Narrative statements establishing and substantiating that the variance conforms to the following standards:*

BULK CONTROL VARIANCES

23.07.10. Decisions of the board.

(C) Variances from the regulations of this title shall not be granted unless the BZA makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in this title, if applicable, have been met by the applicant.

(1) Practical difficulty to undue hardship—Because of exceptional or extraordinary conditions pertaining to a specific piece of property, as stated in Section 23.07.03(b)(1) above, a literal enforcement of these regulations will result in practical difficulty or undue hardship that is unnecessary to the achievement of public purposes.

(2) Exceptional circumstances—There are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes or uses in the same zone.

(3) Preservation of equal property rights—Literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone and the same vicinity, while a granting of the requested variance will not confer on the applicant any special privilege that is denied to other properties in the same zone and the same vicinity.

(4) Minimum variance—The variance granted is the minimum variance required to make possible the reasonable use of the property.

(5) Absence of detriment—The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning code or the public interest.

(6) Not of general nature—The condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought—one or the other or in combination—is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

CONDITIONAL USE VARIANCES

(E) Conditionally permitted uses—General provisions: The BZA may authorize the issuance of a conditional use permit in accordance with the following provisions:

(1) Conditional uses for which a permit is issued are permitted in the zone;

(2) Each conditional use is considered as an individual case;

(3) The BZA shall find that the case conforms to the specific requirements enumerated in each section and also these standards:

(a) The conditional use complies with all applicable city regulations.

(b) The conditional use will be of such location, size, and character that it will generally be in harmony with the appropriate and orderly development of the zone. It will not be detrimental to the

~~orderly development of adjacent properties nor inconsistent with the city comprehensive plan.~~

(c) The ingress and egress from the parking area is so designed as to cause minimum interference with traffic on abutting streets.

FLOOD HAZARD VARIANCES

25.05.04. Variances.

(C) Public hearing. At such hearing the applicant shall present such statements and evidence as the board of zoning appeals requires. In considering such variance applications, the board of zoning appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location, where applicable.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- (1) A showing of good and sufficient cause.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- (3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- (4) A determination that the structure or other development is protected by methods to minimize flood damages.
- (5) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

23.05.02. - Nonconforming uses or buildings; enlargement, substitution, etc.

(A) Substitution: When authorized by the BZA, the **substitution** for a nonconforming use of another not more objectionable nonconforming use may be made. However, in an R-Zone, no change shall be authorized to any use that is not a permitted or conditionally permitted use in any R-Zone. In a B-Zone, no change shall be authorized to any use that is not a permitted or conditionally permitted use in any B-Zone.

23.07.02 - Powers of the board: Original jurisdiction.

(B) Substitution

23.07.03. - Powers of the board: Appellate jurisdiction.

For Interpretation

(A) Administrative review: The BZA shall have the power to hear and decide appeals, filed as hereinafter provided,

where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the zoning inspector or other administrative official in the enforcement and interpretation of the provisions of the zoning code.

CITY OF ATHENS BOARD OF ZONING APPEALS
REQUEST FOR SUBSTITUTION

116 Central Avenue, Athens, OH 45701

Property & Applicant Information

Applicant: The Athens Real Estate Co.

Phone Number: (740) 589-4600

Applicant Address: 540 W. Union Street, Suite A, Athens, OH 45701

Property Owner: Brad Strickling

Owner Address: 146 Walhalla Road, Columbus, OH 43202

Property Address: 116 Central Avenue, Athens, OH 45701

Zoning District: R – Two Family Dwelling

Nature of the Request

The applicant, The Athens Real Estate Co., on behalf of property owner Brad Strickling, respectfully requests that the Board of Zoning Appeals (BZA) authorize a substitution of use pursuant to Athens City Code (ACC) Section 23.05.02(A) and Section 23.07.02(B) for the property located at 116 Central Avenue, Athens, Ohio 45701.

The subject property is zoned R – Two Family Dwelling. The duplex has historically had one half used as an owner-occupied single-family residence and the other half as a rental unit. The new owner, Brad Strickling, will not be occupying the previously owner-occupied residence and seeks authorization to transition the use of the property to a residential rental use, specifically as a single-family rental dwelling – a use that is permitted within the R-Zone.

Applicable Code Authority

ACC Section 23.05.02(A) provides that the BZA may authorize the substitution of one nonconforming use for another use that is not more objectionable, provided that in an R-Zone, no change shall be authorized to any use that is not a permitted or conditionally permitted use in any R-Zone. ACC Section 23.07.02(B) further grants the BZA original jurisdiction over substitution requests.

The requested substitution – transitioning from an owner-occupied single-family residence to a single-family rental dwelling – represents a change to a use that is allowable within the R-Zone. The substituted use is no more objectionable than the prior use and fully complies with the requirements of ACC Section 23.05.02(A).

Narrative Substantiation

1. The Substituted Use Is Permitted in the R-Zone

A single-family rental dwelling is a permitted use within the R – Two Family Dwelling zoning district. The transition from owner-occupied to tenant-occupied residential use does not change the fundamental character or classification of the use. Both forms of occupancy constitute residential dwelling use and are expressly contemplated by the R-Zone regulations. The substitution therefore satisfies the threshold requirement of ACC Section 23.05.02(A) that the authorized use be permitted or conditionally permitted within the zone.

2. The Substituted Use Is Not More Objectionable

The proposed substitution replaces one form of residential occupancy (owner-occupied) with another (tenant-occupied). The physical structure, its footprint, and its external appearance will remain unchanged. There will be no intensification of use, no increase in density beyond that already permitted for a two-family zone, and no alteration to the site that would create new impacts on neighboring properties. A single-family rental dwelling is, by nature, no more objectionable to the surrounding neighborhood than an owner-occupied single-family residence.

3. Compatibility with the Zone and Surrounding Neighborhood

The subject property is located within a residential neighborhood in Athens, Ohio, an area that includes a mix of owner-occupied and rental residential properties. Rental housing is a common and expected component of residential neighborhoods in Athens, particularly given the city's status as a college community. Authorizing the substitution is consistent with the character of the zone and will not disrupt the orderly development of adjacent properties or the broader neighborhood.

4. No Detriment to Adjacent Properties or Public Interest

The authorization of this substitution will not be of substantial detriment to adjacent properties. The use will remain residential in nature, the structure will continue to be maintained, and no new external impacts – such as increased traffic, noise, or altered site conditions – are anticipated. The granting of this substitution will not materially impair the purpose of the zoning code or the public interest. To the contrary, placing the property into active residential rental use helps ensure the property is maintained and occupied, which benefits the surrounding neighborhood.

5. The Change Is the Minimum Necessary

The applicant seeks only to transition the occupancy status of the existing residential structure from owner-occupied to tenant-occupied. No structural changes, expansions, or additional uses are proposed. This represents the minimum authorization necessary to allow the owner to make reasonable use of the property considering the change in ownership circumstances.

Conclusion

For the foregoing reasons, the applicant respectfully requests that the Board of Zoning Appeals authorize the substitution of use at 116 Central Avenue from an owner-occupied single-family residence to a single-family rental dwelling. The proposed substitution is consistent with the R-Zone regulations, is not more objectionable than the prior use, and will have no detrimental effect on adjacent properties or the public interest. All requirements of ACC Sections 23.05.02(A) and 23.07.02(B) are satisfied.

Respectfully submitted,

The Athens Real Estate Co.

540 W. Union Street, Suite A

Athens, OH 45701

(740) 589-4600

TRANSFERRED NO. 248
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 790

FEB 26 2026

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

202600000830
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
02/27/2026 12:23:19 PM
OR BOOK: 632 PAGE: 2355
DEED 42.00 PG: 3

202600000830
VALMER LAND TITLE AGENCY

FIDUCIARY DEED

Robert Gooding, Executor of the the Estate of Ronae Gooding aka Ronae K. Gooding, deceased, Athens County, Ohio, Probate Court Case Number 20251198, Athens County, Ohio, by the power conferred upon him by the Last Will and Testament of Ronae Gooding, and every other power, for One Hundred Ninety-Seven Thousand Dollars and 00/100, grant, with fiduciary covenants, to **Bradley A. Strickling**, whose tax-mailing address is, 146 Walhalla Road, Columbus, OH 43202, the following real property:

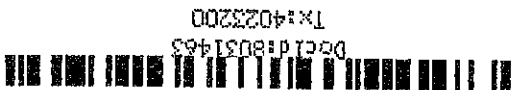
See Attached Exhibit "A" for Legal Description

Parcel Number(s): A02-80400060-00
Known as: 116 Central Avenue, Athens, OH 45701

Prior Instrument Reference: Official Record 482, Page 902, Recorder's Office, Athens County, Ohio.

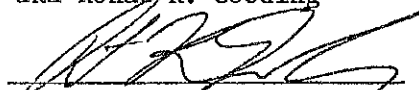
Subject to the following: The lien of any taxes and assessments not now due and payable; zoning ordinance and regulations; legal highways; restrictions, conditions, reservations and easements, if any, contained in prior instruments of record, and all coal, oil and other mineral rights and interests previously transferred or reserved of record.

(Signatures and acknowledgments continued on next page)



Signed and acknowledged this 6 day of February, 2026.

Estate of Ronae Gooding
aka Ronae K. Gooding


Robert Gooding, Executor

State of Arizona
County of MARICOPA

The foregoing instrument was acknowledged before me this 6th day of February, 2026.
by **Robert Gooding, Executor of the Estate of Ronae Gooding** aka Ronae K.
Gooding.

Witness my official signature and seal on the day last above mentioned.




NOTARY PUBLIC

This document was prepared by
Rhett A. Plank, Attorney At Law
800 Cross Pointe Road #F
Gahanna, OH 43230

Exhibit "A"
Legal Description
For File: 56181448

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

Inlot Numbered Three Hundred Fifty-three (353) in Currier's Addition to said City of Athens, Ohio, of record in Plat Book 1, Page 99, Recorder's Office, Athens County, Ohio.

Parcel No: A02-80400060-00
Known As: 116 Central Avenue, Athens, OH 45701
DEED REFERENCE: 482-902