

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 **July 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, July 14, 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 with a long horizontal line extending from the end.

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

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City of Athens

ATHENS, OHIO

July 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

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, July 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

Rob Delach, Chairperson

**Office of Code Enforcement and
Community Development**

28 Curran Drive
Athens, OH 45701
(740)592-3306
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City of Athens

ATHENS, OHIO

July 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
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, July 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, appearing to read "Rob Delach", with a long horizontal line extending from the end of the signature.

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.

R Green - 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 Davies (NAME OF PERSON ACKNOWLEDGING).

[Signature]
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 6/16/25

[Signature]
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 Davies (NAME OF PERSON ACKNOWLEDGING).

[Signature]
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 6/16/25



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. 190

FEB 26 2026

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

Instrument	Book	Page
202600000830	OR 632	2355

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:

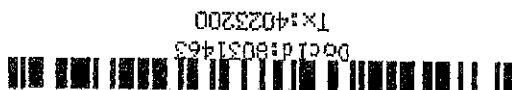
See Attached Exhibit "A" for Legal Description

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

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 #26-05V

ADVERTISEMENT

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

TO: The Athens Messenger

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

71 Morris Avenue
Zone R1 Case #26-05V

Appellant is requesting a variance from ACC23.03.08 (B) and ACC23.10 Table A to allow a 2 ft side set back where 5 ft is required.

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

BOARD OF ZONING APPEALS

Rob Delach, Chairperson

Office of Code Enforcement and
Community Development

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



City of Athens
ATHENS, OHIO

July 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
71 Morris Avenue
has been assigned Board of Zoning Appeals **Case #26-05V**

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, July 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

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

July 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

Jenny Klein / Appellant
For property located at
71 Morris Avenue

Appellant is requesting a variance from ACC23.03.08 (B) and ACC23.10 Table A to allow a 2 ft side set back where 5 ft is required.

This case has been assigned
Case #26-05V

This meeting has been scheduled for **Tuesday, July 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", with a long horizontal line extending to the right.

Rob Delach, Chairperson

71 Morris Avenue – Case #26-05V – adjoining properties and owners

**69 Morris Avenue, A027140001400, and
A027140001300**

Matthew Thomas
69 Morris Avenue
Athens, OH 45701

70 Morris Avenue

Chris Cooper
12840 Cowan Road
Athens, OH 45701

74 Morris Avenue

Michael A Lopez
14 Maplewood Drive
Athens, OH 45701

76 Morris Avenue

William A Grim
13 N. May Avenue
Athens, OH 45701

80 Morris Avenue

Timothy Bryan Myers
80 Morris Avenue
Athens, OH 45701

85 Morris Avenue

Jeremy R Morris
85 Morris Avenue
Athens, OH 45701

**2 Cornwell Street, 2 W Stimson Avenue,
and 4 W Stimson Avenue**

Athens Bicycle, LTD
1 Bryan Road
Athens, OH 45701

2 Stimson Avenue/A027140009400

KGK LLC
PO Box 150
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # B7A26-00000SV
Date Rec'd 6-26-26

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

APPLICANT: Jenny Klein PHONE # 740 856.7759

ADDRESS: 71 Morris Ave, Athens OH

OWNER: Jenny Klein

ADDRESS: 71 Morris Ave

PROPERTY ADDRESS: 71 Morris Ave

ZONE: R1

I, THE UNDERSIGNED, Jenny Klein

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 6.25.26

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

71 Morris Ave

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

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

Jenny Klein
APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 26th DAY OF

June, 2026 BY Jenny Klein (NAME OF PERSON ACKNOWLEDGING).

Christine D. Robinson
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO



CHRISTINE D. ROBINSON
Notary Public
State of Ohio
My Comm. Expires
June 1, 2029

MY COMMISSION EXPIRES: 6-1-2029

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: _____

Finally, the property contains an apple tree that attracts deer. Deer regularly enter the yard, creating sanitation issues and presenting safety concerns for my child and small dog. A fence located closer to the property line would allow the apple tree to be enclosed while preserving the greatest amount of usable yard area.

Preservation of Equal Property Rights

Strict application of the setback requirement would deprive me of the reasonable use and enjoyment of my property compared to similarly situated properties.

There are fences in the neighborhood that are substantially closer to the street than the fence proposed in this application. For example, the property located at the corner of Grant Street and Boleana Avenue has a fence located less than one foot from the sidewalk.

Granting this variance would not provide a special privilege. Rather, it would allow me to make reasonable use of a uniquely shaped corner lot while maintaining a fence setback that remains several feet from the curb.

Minimum Variance Necessary

The requested variance is the minimum necessary to permit reasonable use of the property.

The requested three-foot variance would allow the preservation of approximately three established trees and would permit the fence to be located inside an existing no-parking sign rather than behind it.

Currently, trees along the property line periodically obscure the no-parking sign, which can contribute to unsafe driving and parking conditions. Locating the fence closer to the property line would allow for better management of vegetation and improved visibility of the sign, promoting public safety.

Because the property line is already approximately 12–15 inches from the curb, the requested variance represents the minimum reduction necessary to achieve these objectives while preserving existing landscaping and usable yard space. Additionally, it achieves greater road sign visibility and therefore public safety.

Absence of Detriment

Granting the variance will not be detrimental to adjacent properties, public safety, or the public interest.

The proposed fence will not obstruct sight lines for motorists or interfere with traffic visibility. There is no sidewalk on this side of the street, and the terrain slopes toward from the roadway, so the fence will not impede pedestrian travel.

Board of Zoning Appeals

June, 2026

Request for Variance – Fence Setback Along Cornwell Street

Jenny and Bob Klein

71 Morris Avenue

Athens Ohio, 45701

To the Zoning Board of Appeals:

I respectfully request a variance to allow a six-foot privacy fence that matches my existing fence to be located approximately two feet from the property line along approximately 70 feet of frontage on Cornwell Street, rather than the required five-foot setback. This represents a variance of approximately three feet.

Practical Difficulty / Unnecessary Hardship

Literal enforcement of the five-foot setback requirement would create practical difficulties that are unnecessary to achieving the purposes of the zoning code.

My property line is already located approximately 12–15 inches from the inside edge of the curb. Even with the requested variance, the fence would remain approximately three feet from the curb, preserving visibility and maintaining separation from the roadway.

Requiring the fence to be placed five feet inside the property line would significantly reduce the usable area and enjoyment of my side yard along its entire 70-foot length. In addition, compliance would require the removal or relocation of approximately three established trees currently located within the proposed fence area.

Exceptional Circumstances

Several conditions exist on this property that do not generally apply to other properties in the same zoning district.

First, my property contains four parcels and is a long, narrow corner lot. Because of its shape, a five-foot setback places the fence much farther into the usable portion of the yard than would occur on a more typical square lot.

Second, the property is adjacent to and within view of a public parking lot and a gas station, creating a setting that differs from most residential properties in the area. The south side of the property abuts a business and its parking lot.

Third, overhead utility lines run along the side of the property. Utility crews regularly trim vegetation to maintain clearance from these lines. If the fence is required to be located five feet inside the property line, any replacement trees planted outside the fence would again grow into the utility corridor and require repeated trimming.

I have also discussed the proposal with my adjacent neighbor, Jeremy Morris of 85 Morris Avenue, and he has expressed support for the fence as proposed.

When I talked with Matt and Katie Thomson at 69 Morris, they said they were hoping as much of my yard as possible would be within the fenced in area to decrease the deer population, which protects their kids at a small dog that visits them regularly. They, like us, are also tired of the deer waste left in their yard. Enclosing as much of our apple tree as possible is preferable for them.

Not of a General Nature

The circumstances supporting this request are specific to this property and are not so common as to justify a change to the zoning regulations generally.

The unique factors include:

- The property's long and narrow corner-lot configuration.
- Its location adjacent to commercial uses, including a public parking lot and gas station.
- The presence of overhead utility lines that affect tree placement and maintenance.
- Existing trees that would otherwise need to be removed or relocated.
- Wildlife issues associated with the property's apple tree.

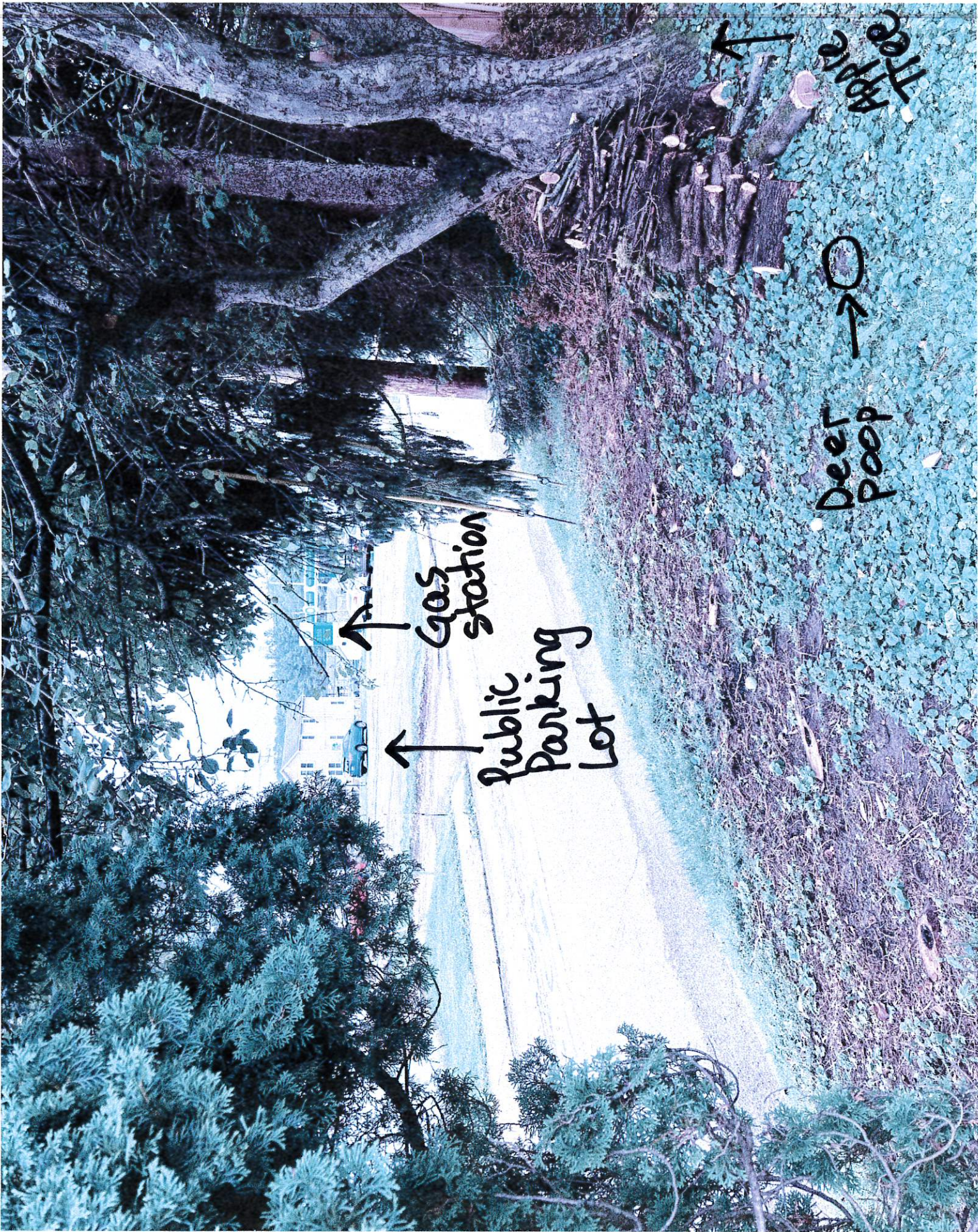
For these reasons, we respectfully request approval of the variance.

Thank you for your consideration,

Jenny & Bob Klein

one party



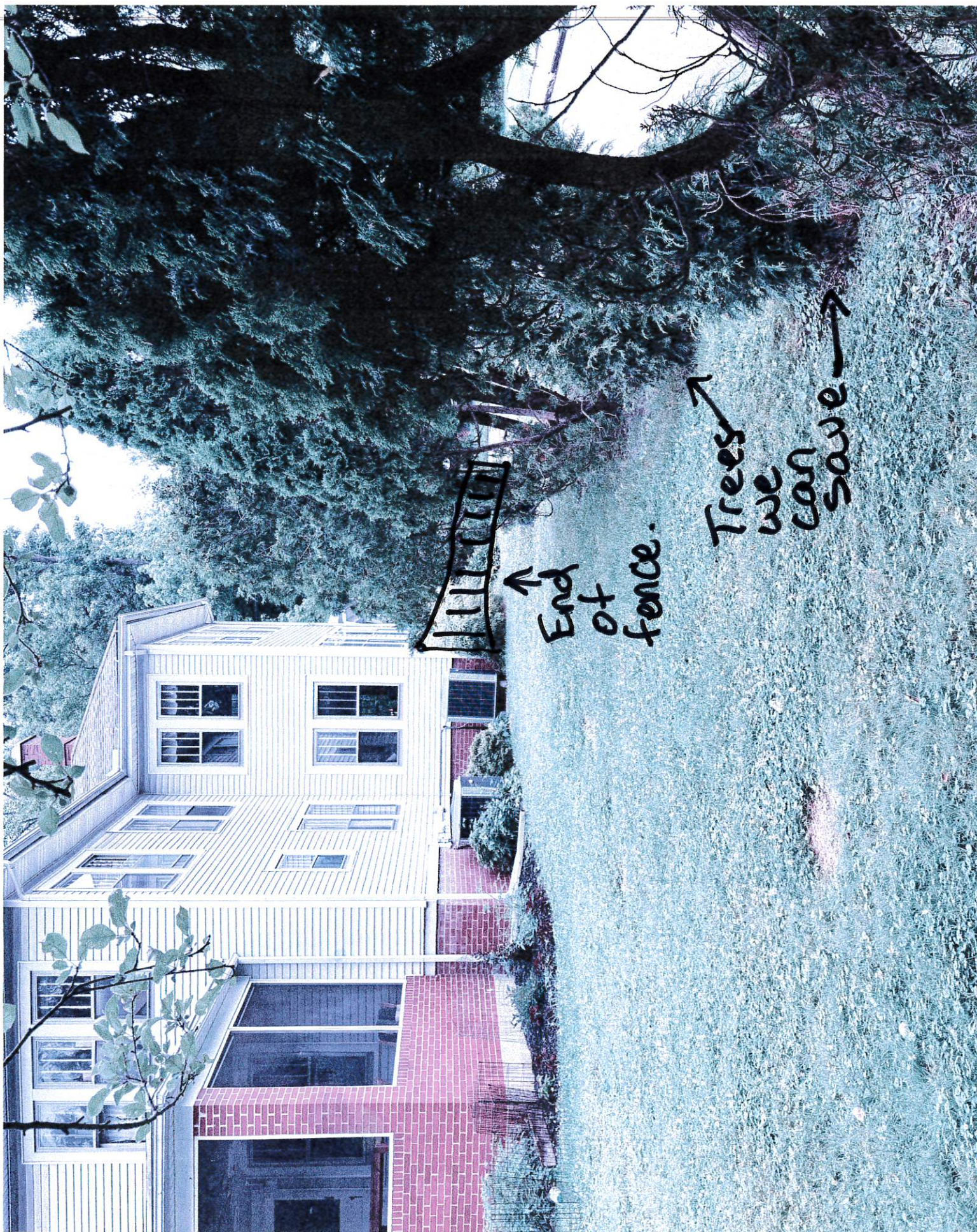


Gas station

Public Parking Lot

Deer Poop

Apple



End
of
fence.

Trees
we
can
save

SURVIVORSHIP DEED

(RC 5302.17)

Instrument Book Page
200500004715 OR 384 1665

Paul Scott Malcom and Marjorie Ann Malcom, as Trustees of the Revocable Living Trust of Paul Scott Malcom dated February 17, 1993, and Marjorie Ann Malcom and Paul Scott Malcom, as Trustees of the Revocable Living Trust of Marjorie Ann Malcom dated February 17, 1993, of Athens, Ohio, for valuable consideration paid, grant, with general warranty covenants, to Robert M. Klein and Jennifer L. Klein, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 71 Morris Avenue, Athens, Ohio 45701, the following described real property:

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

TRACT ONE: That portion of what was formerly known as Ondis Avenue lying South of Lots 898 and 899.

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

Reference: Volume 330, Page 653, Deed Records of Athens County, Ohio.

Last Transfer: Volume 140, Page 365, Official Records of Athens County, Ohio.

TRACT TWO: In-lots Numbered 898 and 899 in Cornwell's Addition to said City of Athens, Ohio, and so much of original Out-lot No. 3 in said City as lies South of the prolongation southward of the East and West line of said In-lots Numbered 898 and 899 and extending southward to the surveyed line of the old railway dump, the North line of this second tract being the South line of the alley running East and West along the South line of said In-lots Numbered 898 and 899.

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

Reference: Volume 329, Page 305, Deed Records of Athens County, Ohio.

Last Transfer: Volume 140, Page 365, Official Records of Athens County, Ohio.

Parcel Numbers: A02-71400008-00; A02-71400009-00; A02-71400010-00; and A02-71400011-00

EXECUTED this 12th day of July, 2005.

2.00

Transferred 7/4/05
Athens County Auditor

Paul Scott Malcom
Paul Scott Malcom, Trustee

Marjorie Ann Malcom
Marjorie Ann Malcom, Trustee

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

No. 570 Transfer Fee Paid \$24.00
Jill A. Thompson, Athens County Auditor

By [Signature] Deputy Auditor

Legal Description Does
Not Meet Athens County
Conveyance Standards.
Future Transfer Will
Require Survey

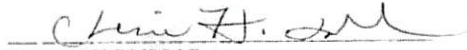
JUL 14 2005

Jill A. Thompson
Athens County Auditor

STATE OF OHIO
COUNTY OF ATHENS, ss.:

Instrument Book Page
200500004715 DR 384 1666

The foregoing instrument was acknowledged before me this 12th day of July, 2005,
by Paul Scott Malcom and Marjorie Ann Malcom, as Trustees of the Revocable Living Trust of Paul
Scott Malcom dated February 17, 1993, and as Trustees of the Revocable Living Trust of Marjorie
Ann Malcom dated February 17, 1993, the same being their voluntary act and deed.


NOTARY PUBLIC

My Commission Expires:
(seal)

SEAL

CHERIE HILL GALL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.05 RC

200500004715
Filed for Record in
ATHENS COUNTY, OHIO
JULIA MICHAEL SCOTT
07-15-2005 At 08:27 am.
DEED 28.00
DR Book 384 Page 1665 - 1666

200500004715
MOLICA GALL SLOAN & SILLERY

THIS INSTRUMENT PREPARED BY:
Cherie H. Gall, Attorney at Law
MOLICA, GALL, SLOAN & SILLERY CO., L.P.A.
35 North College Street
Athens, OH 45701



**ZONING PERMIT
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23**

Permit #: ZNC26-000033

REFUSAL

Permit Type: Residential
Use of Building: Residential

Project Address: 71 Morris Avenue

Applicant:

Jenny Klein
Phone: 740-856-7759

71 Morris Avenue
Athens, Ohio 45701

Property Owner:

Robert Klein
Phone: (740) 856-7759

71 Morris Avenue
Athens, OH 45701

Description of Proposed Use/Scope of Project: Fence

Decision Detail: Your application for an accessory structure (privacy fence) has been refused in accordance with the application submitted and ACC23.03.08 (B) and ACC23.10 Table A

Applicant has requested a 2 ft side set back where 5 ft is required.

Estimated Value of Improvement: \$4,600.00 **Sq. Footage of New Construction or Addition:** NA
Existing number of parking spaces: NA **Proposed number of parking spaces:** NA

Setbacks (as indicated on drawing): *Front:* 46 Ft *Rear:* Existing *Left:* 2 ft *Right:* NA

Director of Development and Code Enforcement:

☐ Approved ☒ Refused

06/25/2026

Tom Pyle
Director of Development and Code Enforcement

Date

**Office of Code Enforcement
& Community Development**

28 Curran Drive
Athens, Ohio 45701
740-592-3306 (Office)
codeoffice@ci.athens.oh.us



**City of Athens
Athens, Ohio**

June 25, 2026

To: Jenny Klein
71 Morris Avenue
Applicant Address: Athens, OH 45701

To: Robert Klein
71 Morris Avenue
Owner Address: Athens, OH 45701

REFUSAL

Zoning Constuction Permit - Residential Refusal Detail

Premises Address: 71 Morris Avenue

Application Date: 06/24/2026

For: Fence

Decision Detail: *Your application for an accessory structure (privacy fence) has been refused in accordance with the application submitted and ACC23.03.08 (B) and ACC23.10 Table A*

Applicant has requested a 2 ft side set back where 5 ft is required.

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>.*



APPLICATION for COMMERCIAL
or 1-2-3 UNIT RESIDENCE
ZONING PERMIT - CONSTRUCTION
CITY OF ATHENS, OHIO
ATHENS CITY CODE TITLE 23

(Office Use Only)

Permit # 2NC26 000033
Date Rec'd 6-24-26

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

Residential ☒

Commercial ☐

Applicant Jenny & Bob Klein

Phone 740.856.7759

Address 71 Morris Avenue

Property Owner (if other than applicant) _____

Phone _____

Address _____

ZONING

Address of Proposed Work 71 Morris Ave

Description of Proposed Work: New ☒ Alteration ☐ Accessory ☒

Project Description 86 feet of fence that matches the current 6' privacy fence.

Estimated Cost of Project \$4,600

Proposed Square Footage _____

Must be registered with the City of Athens.

*General Contractor TBD

License # _____

*Electrician (if applicable) _____

License # _____

*Plumber (if applicable) _____

License # _____

*HVAC (if applicable) _____

License # _____

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 Jenny Klein

Date 6.23.26

Owner Signature Jenny Klein

Date 6.23.26

Other Items Required before Issuance of Permit (if applicable):

- | | | | |
|--|---|--|---------------------------------------|
| ☐ Title 41 / PUD Approval | ☐ Water Tap (Calculations EPW) | ☐ Fire Separation Drawing | ☐ Flood Hazard |
| ☐ Shade Tree Commission | ☐ Sanitary Sewer Tap | ☐ Address Assignment | ☐ Wellhead |
| ☐ Land Development | ☐ Storm Sewer Tap | ☐ Opening (Curb Cut) | ☐ BZA Approval |

All items checked above to be approved prior to final approval.

Zone: R-1 (For Office Use Only) Flood Plain: No Parcel Number: A027140000800
Setbacks: Front: A: 46' R: 10' Rear: A: ExL R: ExL Left: A: 2' R: 5' Right: A: N/A R: N/A
Building Lot Coverage: A: N/A R: N/A Total Lot Coverage A: N/A R: N/A Building Height: A: N/A R: N/A
Exg. # of Parking Spaces: N/A Proposed Spaces: N/A Required: N/A Total: N/A

Code Officer Comments: Recommend refusal. Asking for 2' side setback where 5' is required

Signature: Matt Ruddy Date: 6/24/26 Recommend: ☐ Approval ☒ Refusal

Zoning Administrator Comments: REQUIRES A VARIANCE THRU BZA FOR SIDE SB.

Signature: JD Date: 6/24/26 ☐ Approval ☒ Refusal

Service Safety Director Comments: _____

Signature: [Signature] Date: 6/25/26 ☐ Approval ☒ Refusal



Proposed Fence.
2 ft from property line.

3 feet
from curb
Fence is 6' tall.

Current Fence

Public Parking lot

Gas Station

