

**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 #24-09V

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

TO: The Athens Messenger

Insert the following legal notice on **August 3, 2024**
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, August 13, 2024, at 7:00pm** on the following described property:

3 Patton Street
Zone R1 Case #24-09V

Applicant is requesting a variance from ACC 23.04.01 (B)(6) to allow a non-owner-occupied short-term rental 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

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

August 1, 2024

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

Cynthia Perry / Appellant
For property located at
3 Patton Street

Applicant is requesting a variance from ACC 23.04.01 (B)(6) to allow a non-owner-occupied short-term rental in an R1 zone.

This case has been assigned
Case #24-09V

This meeting has been scheduled for **Tuesday, August 13, 2024**, 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
(740)594-6304 Fax
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City of Athens
ATHENS, OHIO

August 1, 2024

NOTICE OF HEARING AND APPEAL

BOARD OF ZONING APPEALS

28 Curran Drive
Athens, Ohio 45701

Your appeal under the Zoning Ordinance relative to
3 Patton Street
has been assigned Board of Zoning Appeals **Case #24-09V**

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, August 13, 2024, 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

3 Patton St – Case #24-09V – adjoining properties and owners

1 Patton St, (A028280008900)

Maureen Muth
1 Patton St
Athens, OH 45701

2 Patton St, (A028280010100)

Chaoyang Lee
2 Patton St
Athens, OH 45701

6 Patton St

Lori Williams
6 Patton St
Athens, OH 45701

**284 E State St, 282 E State St, 0 Patton St
(A028280009200)**

Young Larry S Trustee
44 Tammy Ln
Athens, OH 45701

280 E State St

Montle LLC
PO Box 428
Athens, OH 45701



APPEAL FROM A DECISION OF
THE ZONING ADMINISTRATOR

(For Office Use Only)
Permit # B2A24-000009
Date Rec'd 7/2/2024

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

APPLICANT: Cynthia Perry PHONE # 740-818-8975

ADDRESS: 6908 Lemaster Road, Athens, Ohio 45701

OWNER: Cynthia Perry

ADDRESS: 6908 Lemaster Road, Athens, Ohio 45701

PROPERTY ADDRESS: 3 Patton Street, Athens, Ohio 45701

ZONE: R-1

I, THE UNDERSIGNED, Cynthia Perry

HEREBY APPEAL THE DECISIONS / REVIEW OF THE ZONING ADMINISTRATOR DATED 6/18/2024

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

Cynthia Perry
APPLICANT

STATE OF OHIO, COUNTY OF Athens

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 7/2/24 (DATE) BY

Cynthia Perry (NAME OF PERSON ACKNOWLEDGING)

Christine D Robinson
SIGNATURE OF NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION EXPIRES: 6-1-2029



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

To: Board of Zoning Appeals

From: Cynthia Perry
6908 Lemaster Road,
Athens, Ohio 45701
740-818-8975

Date: July 8, 2024

Subject: Request for Variance for Short-Term Rental Permit - 3 Patton Street, Athens, Ohio 45701

Please accept this request for variance to allow use as a short-term rental nonresident owner for no more than three adult renters plus related children for periods of less than 30 days on R-1 lots per ACC 23.04.01 (C)(3). (B)(6) *CP*

The home is located behind Kindred Market and has 3 bedrooms and 1 ½ baths and has been renovated recently with parking spaces that will accommodate 4 vehicles accessible via the alley behind Kindred Market.

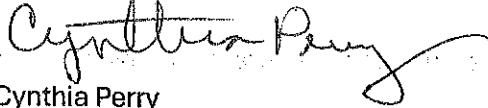
1. Practical Difficulty to Undue Hardship
 - a. Currently this home is used as a family residence; however, this home would assist non-family members to have a place to stay while visiting Athens, Ohio. As a longtime resident this is a hardship for families who are visiting Athens to find adequate short-term housing.
2. Exceptional Circumstances
 - a. The location and size of this home is ideal for the intended use. Adjoining property owners have approved of this use.
3. Preservation of Equal Property Rights
 - a. Other property owners have received zoning board approval for rental housing adjoining this property.
4. Minimum Variance
 - a. This application for conditional use is the minimum variance required to make possible the reasonable use of the property.
5. Absence of Detriment
 - a. The granting of this conditional use will not be a detriment to the adjoining property owners. Property owners who adjoin the property have approved of this use.
6. Not of general nature
 - a. The intended use of this property is not so general in nature that it would lead to the formation of a general regulation for such condition or situation.

Conditional Use Variance

1. Conditional use as described in our request is permitted in this zone.
2. This request is an individual case.
 - 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 be in harmony with 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 for the driveway will cause no interference with traffic on abutting streets. Parking can accommodate 4 vehicles and is accessible via the alley behind Kindred Market.

Thank you for your consideration,



Cynthia Perry

Adjoining Properties:

Maureen Muth, 1 Patton Street, Athens, Ohio 45701

Chao-Yang Lee, 2 Patton Street, Athens, Ohio 45701

Lori Williams, 6 Patton Street, Athens, Ohio 45701

Larry Young, 0 Patton Street, Athens, Ohio 45701 (A028280009200)

Larry Young, 282/284 East State Street, Athens, Ohio 45701

Montel LLC, 280 E State St, Athens, Ohio 45701 (Parcel A028280002300)

PROBATE COURT OF ATHENS COUNTY, OHIO

ESTATE OF CYNTHIA M. WALLACE LOVE, DECEASED

CASE NO. 20231175

FILED
ATHENS COUNTY OHIO

MAR 19 2024

CERTIFICATE OF TRANSFER

Judge, Court of Common Pleas
Probate Division

NO. 1

[Check one of the following]

☐ Decedent died intestate.

☒ Decedent died testate.

Decedent died on September 30, 2023 owning the real property described in this certificate. The persons to whom such real property passed by devise, descent or election are as follows:

Name	Residence Address	Transferee's share Of decedent's interest
Cynthia Ann Perry	6908 Lemaster Rd., Athens, Ohio 45701	100%

TRANSFERRED NO. EX 419 (F)
SEC. 319.202 R.C. COMPLIED
WITHIN AMT. 0

MAR 25 2024

JILL A. DAVIDSON
AUDITOR ATHENS COUNTY, OHIO
WAF TRANS FEE 1.00

202400001150
FILED FOR RECORD IN
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
03/27/2024 11:27:12 AM
OR BOOK: 612 PAGE: 2504
CERT TRANS 34.00 FG: 2

202400001150
ROBE LAW OFFICE
LOVE

[Complete if applicable] The real property described in this certificate is subject to a charge of \$_____

in favor of decedent's surviving spouse, _____ in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

TX:4013785

589108:PT201

(Reverse of Form 12.1)

The legal description of decedent's interest in the real property subject to this certificate is [use extra sheets, if necessary].

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

FIRST TRACT: Being Lot Numbered Eighteen Hundred and Twenty (1820), which lot is located in Alexander's Addition to the said City of Athens, Ohio, as the same is delineated upon the recorded plat of said Addition, size of lot being 42 feet front by 120 feet deep.

SECOND TRACT: Situate in the City of Athens, in the County of Athens and State of Ohio, to-wit:

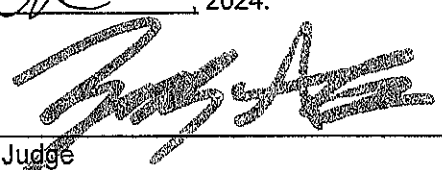
Being the West half of Inlot Number Eighteen Hundred Twenty-One (1821) in F.L. Alexander's Addition to said City of Athens as per recorded plat thereof.

Deed Reference: Volume 258, Page 1861, Official Records of Athens County, Ohio

Parcel ID Nos. A02-82800090-00 and A02-82800091-00

ISSUANCE

This Certificate of Transfer is issued this 19th day of March, 2024.



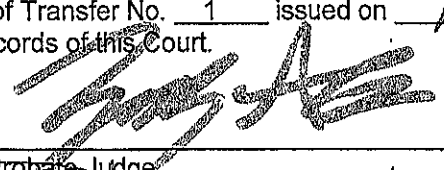
Probate Judge

AUTHENTICATION

I certify that this document is a true copy of the original Certificate of Transfer No. 1 issued on March
19, 2024 and kept by me a custodian of the official records of this Court.

March 19, 2024

Date

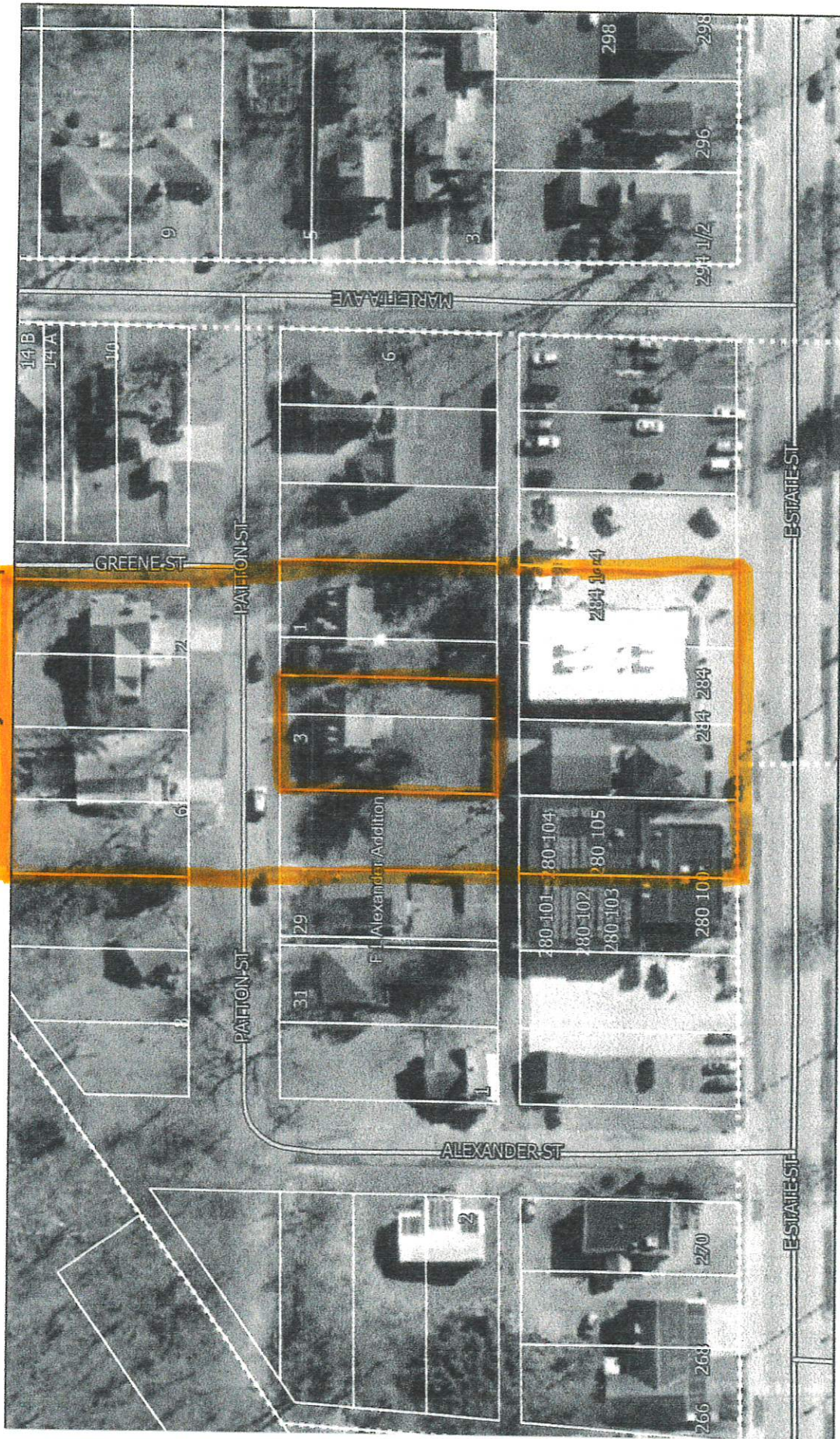


Probate Judge

By Patricia Stoffel

Deputy Clerk

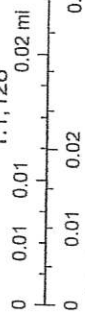
Athens County Web Map



/2024, 8:43:09 AM

Parcels	21283E486288N.ecw	Green: Green	Blue: Blue	20678E433488N.ecw	Green: Green	Blue: Blue	20254E486288N.ecw
E428208N.ecw	Red: Red	Blue: Blue	20966E486288N.ecw	Red: Red	Blue: Blue	20333E436128N.ecw	Red: Red
Red: Red	Green: Green	Blue: Blue	21151E430848N.ecw	Green: Green	Blue: Blue	20623E486288N.ecw	Green: Green
Green: Green	Blue: Blue	Red: Red	21283E430848N.ecw	Blue: Blue	Red: Red	20623E536448N.ecw	Blue: Blue
Blue: Blue	Red: Red	Green: Green		Red: Red	Green: Green		Subdivisions

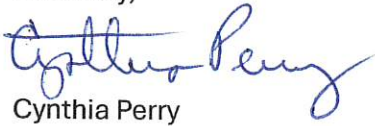
1:1,128



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodataatvellen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

I am the new owner of 3 Patton Street, Athens, Ohio and will be applying for a Short Term Rental Permit through the City of Athens for this property. Currently this is a family residence with my extended family staying there as needed. I would also like to rent to families that are coming to Athens who cannot find a place to stay. In order to rent to non-family members I am applying for a Short Term Rental Permit. Please let me know if you approve of this permit for this property by signing and dating below. Thank you for your consideration.

Sincerely,

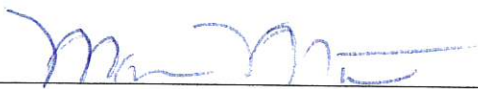


Cynthia Perry

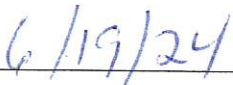
740-818-8975

The following adjoining property owner approves of the Short Term Rental permit at 3 Patton Street, Athens, Ohio 45701

Maureen Muth, 1 Patton Street, Athens, Ohio 45701



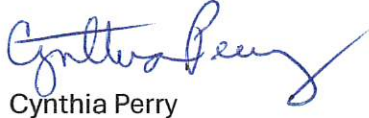
Signature



Date

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Sincerely,



Cynthia Perry

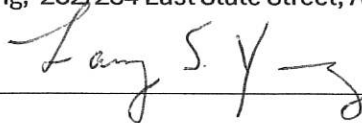
740-818-8975

The following adjoining property owner approves of the Short Term Rental permit at 3 Patton Street, Athens, Ohio 45701

Larry Young, 0 Patton Street, Athens, Ohio 45701 (A028280009200)

Larry Young, 282/284 East State Street, Athens, Ohio 45701

Signature

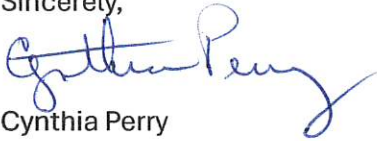


6-26-2024

Date

I am the new owner of 3 Patton Street, Athens, Ohio and will be applying for a Short Term Rental Permit through the City of Athens for this property. Currently this is a family residence with my extended family staying there as needed. I would also like to rent to families that are coming to Athens who cannot find a place to stay. In order to rent to non-family members I am applying for a Short Term Rental Permit. Please let me know if you approve of this permit for this property by signing and dating below. Thank you for your consideration.

Sincerely,



Cynthia Perry

740-818-8975

The following adjoining property owner approves of the Short Term Rental permit at 3 Patton Street, Athens, Ohio 45701

Chao-Yang Lee, 2 Patton Street, Athens, Ohio 45701



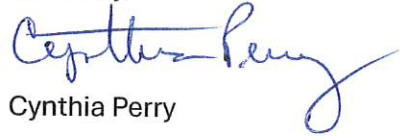
Signature



Date

I am the new owner of 3 Patton Street, Athens, Ohio and will be applying for a Short Term Rental Permit through the City of Athens for this property. Currently this is a family residence with my extended family staying there as needed. I would also like to rent to families that are coming to Athens who cannot find a place to stay. In order to rent to non-family members I am applying for a Short Term Rental Permit. Please let me know if you approve of this permit for this property by signing and dating below. Thank you for your consideration.

Sincerely,



Cynthia Perry

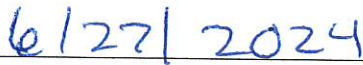
740-818-8975

The following adjoining property owner approves of the Short Term Rental permit at 3 Patton Street, Athens, Ohio 45701

Montel LLC, 280 E State St (Parcel A028280002300)



Signature



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

June 18, 2024

To: Cynthia Perry
Applicant Address: 6908 Lemaster Road
Athens, OH 45701

To: Cynthia Perry
Owner Address: 6908 Lemaster Road
Athens, OH 45701

REFUSAL

Permit STR24-000006

Enclosed please find your refused Short Term Rental Housing Permit application. Please reference the refusal date of June 18, 2024 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 - Short Term Rental Refusal Detail

Premises Address: 3 Patton Street

Application Date: 06/14/2024

For: Zone R1 / new short term rental

Note: Your request for a short term rental permit has been refused in accordance with the application submitted and ACC 23.04.01(B)(6)
Short Term Rentals is not permitted in and R1 zone unless owner occupied.



APPLICATION for ZONING CERTIFICATE

For Rental Housing
CITY OF ATHENS OHIO
ATHENS CITY CODE TITLE 29 & 23
codeoffice@ci.athens.oh.us
740-592-3306

(For Office Use Only)
Permit STR 24-050606
Date Rec'd 6/14/2024

☐ New Rental ☐ New Owner ☐ Demographic Update Only ☒ Short Term Rental

Property Address (include all unit #'s for multiple units/buildings):

3 Patton Street, Athens, Ohio 45701

Owner Name: Cynthia Perry

Address: 6908 Lemaster Road

City, State, Zip: Athens, Ohio 45701

Telephone #: 740-818-8975

E-mail Address (if applicable): cperry740@gmail.com

Would you prefer to receive notifications by regular U.S. mail or E-mail?

U.S. Mail ☐

E-mail ☒

Property Manager: Cynthia Perry

Telephone# 740-818-8975

Property Manager Address: 6908 Lemaster Road, Athens

Emergency Contact & Telephone # Ernie Perry 740-517-3546

(must be a resident of Athens County and other than the owner):

Check One:

☐ Rental Unit

_____ Number of Units

-OR-

☐ Rooming House (6 or more tenants)

☐ Owner-Occupied Rooming House

☒ Short Term Rental

3 Number of Bedrooms Rented

Requested Maximum Occupancy Level Of Unrelated Persons Per Unit (list each unit separately):

3

Or One Family as per ACC 23.04.01(A)(1)

Number of Parking Spaces (to be confirmed by Inspector)

4

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.

Cynthia Perry
Signature of Owner

6/14/2024
Date

OFFICE USE ONLY:

Recommend: ☒ Approval ☒ Refusal ☐	Zone: <u>R-1</u>
Parking Verified by Code Officer ☒	
Code Officer Comments: <u>SHORT TERM RENTAL NOT PERMITTED IN R-1 ZONE PER ACC 23.04.01(B)(6)</u>	
<u>Owner Occupied</u> <u>6-17-2024</u>	
CODE OFFICER SIGNATURE	DATE

Athens City Zoning Administrator

☐ Approved ☒ Refused

SIGNATURE [Signature]

DATE 6-18-24

Copy to Auditors Office ☐