

**Office of Code Enforcement and
Community Development**

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City of Athens
ATHENS, OHIO

**Board of Zoning Appeals
Minutes
August 13, 2024**

Members present: Kelly Sauber, Alisha Sweeney (alternate), Robert Delach (elected Chairperson), Ben Lachman, Aaron Thomas, and Paul Isherwood (alternate)

City Officials present: David Riggs (Zoning Administrator)

The meeting was called to order on August 13th, 2024, at 7:00 pm at City Council Chambers, 8 East Washington Street, Third Floor, Athens, OH, by the active Chair of the Board of Zoning Appeals.

A video was played stating the policies and procedures of the board.

The Chairperson announced the cases on the agenda and swore in all who wished to testify in the hearings.

Hearings:

1. Case ##24-09V 3 Patton Street Zone R-1 Cynthia Perry /Appellant

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

The Chairperson asked the Zoning Administrator to give a report on the case. Mr. Riggs gave background information about the case.

Mr. Riggs stated owner-occupied short-term rentals are permitted in R1 zones, but non-owner-occupied are not. Some conditional use non-owner-occupied short-term rentals are permitted, but this property does not fall into any of those conditional use circumstances.

Paul Isherwood asked what scenarios would allow for a conditional use non-owner-occupied short-term rental to be permitted.

Mr. Riggs read from ACC 23.04.01 (C): to allow non-owner-occupied short-term rentals on R1 lots that abut any R2, R3, or any B zone, or any principal home that fronts on E State St, Carpenter St, Lancaster St, or Columbus Rd.

The Chairperson invited the appellant and any representatives to speak.

Cynthia Perry explained she had inherited the house in March 2024 from her aunt, who had owned it since 1997. They renovated the house and Cynthia's daughter had been living in

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it. They want to allow their family, as well as other families, to live in the house for short periods of time. She also stated they redid the driveway, so the house has four parking spaces. She brought signatures from four adjoining property owners showing their support.

Ben Lachman asked if the property was on a double lot.

Cynthia Perry answered it was a single lot but has an empty lot next to it.

The Chairperson invited those in favor to speak.

Caitlin Perry described the beautiful house and how nice it would be for visiting families of their own, their neighbors, and students to visit and enjoy the house when needed.

The Chairperson invited those in general comment to speak. No one came forward.

The Chairperson invited those in opposition to speak. No one came forward.

The Chairperson closed the testimony from the floor.

Aaron Thomas stated there was a similar request in 2023. That request was not granted.

The Chairperson explained that property was on E State St, so it followed the conditional use circumstances.

Ben Lachman asked if the similar previous case was a conditional use permit, versus the variance that was being requested for the current case.

Mr. Riggs confirmed. Short-terms rentals in the city were recently approved within the last 3 years.

Ben Lachman asked if the alley in between the R1 and B zone was not there, this case would fall under conditional use.

Mr. Riggs confirmed.

Kelly Sauber asked if there would be enough parking without the alley.

Ben Lachman explained the parking does currently go off the alley. Without the alley, there would not be enough parking.

The Board discussed other uses for the property, other short-term rentals, and market needs for houses in the city.

The Chairperson moved the discussion to the Findings of Fact.

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Findings:

- 1.) **EXCEPTIONAL CIRCUMSTANCES: Yes.**
- 2.) **HARDSHIP AND DIFFICULTY: No.**
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS: Yes.**
- 4.) **MINIMUM VARIANCE: Yes.**
- 5.) **ABSENCE OF DETRIMENT: Yes.**
- 6.) **NOT OF A GENERAL NATURE: No.**

On a motion by Aaron Thomas, seconded by Ben Lachman, the Board moved to grant a variance from ACC 23.04.01 (B)(6) to allow a non-owner-occupied short-term rental in an R1 zone.

The Chairperson called for a vote: 1 vote for (Delach) – 4 votes against (Sauber, Lachman, Thomas, Isherwood). Motion denied.

OTHER BUSINESS:

Approval of minutes from:

July 9th, 2024: Aaron Thomas moved to approve the minutes, Paul Isherwood seconded the motion. Approved by Kelley Sauber, Alicia Sweeney, Robert Delach, Aaron Thomas, and Paul Isherwood.

The Chairperson adjourned the meeting at 7:31 pm.

Robert Delach, Chairperson

Date

David Riggs, Zoning Administrator

Date