

**Office of Code Enforcement and
Community Development**

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City of Athens
ATHENS, OHIO

**Board of Zoning Appeals
Minutes
October 8, 2024**

Members present: Aaron Thomas, Joe Krause, Paul Isherwood, Ben Lachman (elected Chairperson Pro-Tem), and Shay Myers (alternate)

City Officials present: Lance Allison (Assistant Code Enforcement Director)

The meeting was called to order on October 8th, 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 Pro-Tem announced the cases on the agenda and swore in all who wished to testify in the hearings.

Hearings:

1. Case #24-10C 206 E State St Zone R-1 Taylor Weigle /Appellant

Appellant is requesting a conditional use permit in accordance with ACC 23.04.01(C)(3) to allow a non-owner-occupied short-term Rental in a R-1 zone.

The Chairperson Pro-Tem swore in all those who wished to speak.

The Chairperson Pro-Tem asked the Zoning Administrator to give a report on the case. Mr. Allison gave background information about the case.

Mr. Allison explained if it was owner-occupied, it would be a permitted use. Since it is non-owner-occupied and on East State Street, it can be a conditionally permitted use.

Ben Lachman asked about other relevant corridors.

Mr. Allison answered with Carpenter Street, Stimson Avenue, part of Lancaster Street and any R1 zone abutting an R2, R3 or any B zone.

The Chairperson Pro-Tem invited the appellant and any representatives up to speak.

Taylor Weigle (appellant, 4090 Fisher Rd) described that she and her husband bought the house recently and put a lot of work into the house to clean it up. When her family comes into town, they do not have anywhere to stay since their house does not have enough room.

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The Chairperson Pro-Tem invited those in favor to speak.

Nathan Niese (4090 Fisher Rd) explained how he and his wife (appellant) saved the house since it was overgrown with bamboo when they bought it.

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

The Chairperson Pro-Tem invited those in opposition to speak.

Jack Stauffer (Elmwood Place) spoke about his opposition to short-term rentals in R-1 zones. He said allowing this short-term rental would decrease the quality of the neighborhood. The beginning of a letter of support from Liz Maule was read by Jack. He explained Liz's address (118 E State Street) is not in an R1 zone. Liz has a short-term rental at 118 E State Street since they are permitted there. Jack said that her home address is on the edge of town, and she should not be considered a neighbor. He mentioned two other cases where short-term rentals were denied.

The Chairperson Pro-Tem asked Jack to wrap up.

Jack Stauffer explained that denying this conditional use would keep the quality of life in an R-1 zone. He said the Code Enforcement office goes on complaints and does not enforce on weekends. He also said the Police Department does not enforce code.

The Chairperson Pro-Tem invited the appellant to make closing remarks.

Taylor Weigle stated the short-term rental would only bring positive elements to the community. They fixed the house to make the neighborhood more beautiful.

Joe Krause asked about the points brought up by the opposing side, Jack Stauffer.

Taylor Weigle explained she lives very close to the property and could be there at a moment's notice. She asked her neighbors what their concerns were and ensured they would have her phone number.

Joe Krause asked about going a step further and giving Code Enforcement and the Police Department her number in case something would happen.

Taylor Weigle confirmed that would be an appropriate measure to take and would gladly provide that.

Paul Isherwood explained it was great they improved the house as much as they did, but those facts are not relevant as to why The Board would grant this conditional use. He asked why it mattered that it was a short-term rental rather than just owning the property as is.

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Taylor Weigle described her financial situation and how the short-term rental would help.

The Chairperson Pro-Tem asked what would happen to the house if the conditional use was not granted.

Taylor Weigle stated they would have to sell the house.

Aaron Thomas clarified that a conditional use stays with the property, not the owners. If the property was sold, the next owners might not want to comply with the previous things discussed.

Joe Krause asked why she would not use it as a long-term rental and if it was a student rental before.

Taylor Weigle said it would not bring enough income to keep the house since they spent so much to fix it. She also stated the previous owners did not have a rental permit.

The Chairperson Pro-Tem invited Nathan Niese to speak.

Nathan Niese stated discussing code might be more beneficial to the outcome of the case.

The Chairperson Pro-Tem explained they will move on to that after the current discussion.

The Chairperson Pro-Tem closed the testimony from the floor.

Joe Krause read the letters of support from 221 E State St (Shane Thomas), 204 E State St (Nesic Srdjan and Janjatovic Sladjana), and 118 E State St (Liz Maule).

The Chairperson Pro-Tem and Joe Krause confirmed they received phone calls from the across the street neighbor voicing concerns.

The Board moved to the questions regarding conditional uses.

- 1.) **THE PROPOSED CONDITIONAL USE IS TO BE LOCATED IN A ZONE WHEREIN SUCH USE MAY BE CONDITIONALLY PERMITTED: Yes.**
- 2.) **THE CONDITIONAL USE IS CONSIDERED AS AN INDIVIDUAL CASE: Yes.**
- 3.) **THE CONDITIONAL USE COMPLIES WITH ALL APPLICABLE CITY REGULATIONS: Yes.**
- 4.) **THE CONDITIONAL USE WILL BE OF SUCH SIZE, AND CHARACTER THAT IT WILL GENERALLY BE IN HARMONY WITH THE APPROPRIATE AND ORDERLY DEVELOPMENT OF THE ZONE: Yes.**
- 5.) **THE CONDITIONAL USE WILL NOT BE DETRIMENTAL TO THE ORDERLY DEVELOPMENT OF ADJACENT PROPERTIES NOR INCONSISTENT WITH THE CITY COMPREHENSIVE PLAN: The**

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Conditional Use will not be detrimental to the orderly development of adjacent properties, however it will be inconsistent with the city comprehensive plan. Taking a house out of circulation in a close neighborhood is questionable in relation to the comprehensive plan.

***Discussion by the Board regarding appropriate conditions.**

Conditions: Addition of an exterior video monitoring system that supports remote monitoring, addition of a sound leveling sensing system that will alert with noise, and re-application for conditional use if the property is sold.

On a motion by Aaron Thomas, seconded by Shay Myers, the Board moved to grant a conditional use permit in accordance with ACC 23.04.01(C)(3) to allow a non-owner-occupied short-term rental in an R-1 zone with the following conditions:

- 1) Addition of an exterior video monitoring system that supports remote monitoring**
- 2) Addition of a sound leveling sensing system that will alert with noise**
- 3) Re-application for conditional use if the property is sold**

The Chairperson Pro-Tem called for a vote: 1 vote for (Lachman) – 4 votes against (Isherwood, Thomas, Krause, Myers) Motion denied.

OTHER BUSINESS:

Approval of minutes from:

August 13th, 2024: Aaron Thomas moved to approve the minutes, Paul Isherwood seconded the motion. Approved by Aaron Thomas, Paul Isherwood, and Ben Lachman.

The Chairperson Pro-Tem adjourned the meeting at 7:57 pm.

Ben Lachman, Chairperson Pro-Tem

Date

Lance Allison, Assistant Code Enforcement Director

Date