

BY: Vice Mayor Johnson

RESOLUTION NO. 2024-10

A RESOLUTION TO ADOPT VILLAGE COUNCIL'S JANUARY 3, 2024 DECISION, WITH FINDINGS AND CONCLUSIONS OF FACT, REVERSING THE DECISION OF THE BOARD OF ZONING AND BUILDING APPEALS

WHEREAS, on October 12, 2023 the Board of Zoning and Building Appeals approved Application No. 2023-177, submitted by Ryan Hottle and Sarah Straley, for a conditional use permit to allow the property located at 228 East Elm Street to be used as a Short-Term Rental; and

WHEREAS, the decisions of the Board of Zoning and Building Appeals was appealed on October 26, 2023 pursuant to Section 1137.01 of the Granville Codified Ordinances and a hearing was conducted before Council on December 20, 2023; and

WHEREAS, at its appeal hearing on December 20, 2023 Council received evidence and testimony from the parties in accordance with Chapter 1137 of the Granville Codified Ordinances; and

WHEREAS, following its hearing on December 20, 2023 and deliberations on January 3, 2024, Village Council voted 6-1 to reverse the decision of the Board of Zoning and Building Appeals and deny the application for Conditional Use.

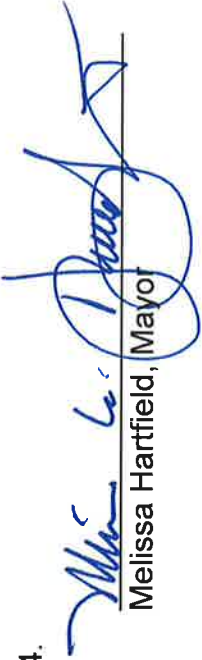
NOW, THEREFORE, be it resolved by the Council of the Village of Granville, Ohio, that:

- Section I:** Council hereby adopts the decision with findings and conclusions of fact attached hereto and incorporated herein as Exhibit "A."
- Section II:** Council hereby reverses the decision of the Board of Zoning and Building Appeals to approve Application No. 2023-177.
- Section III:** This Resolution shall take effect and be in force immediately upon passage.

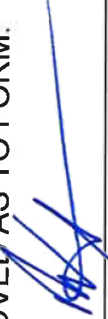
Passed this 17th day of January, 2024.

ATTEST:


Autumn Klein, Clerk of Council


Melissa Hartfield, Mayor

APPROVED AS TO FORM:


William Mattes, Law Director

BEFORE THE COUNCIL OF THE VILLAGE OF GRANVILLE, OHIO

In the Matter of the Appeal from the Decision of the Board of Zoning and Building Appeals of Village of Granville, Approving an Application for a Conditional Use permit to allow the property located at 228 East Elm Street to be used as a Short-Term Rental (Application No. 2023-177).

DECISION OF COUNCIL AND FINDINGS AND CONCLUSIONS OF FACT

This Decision with Findings and Conclusions of Fact is adopted by Council pursuant to Section 1137.01 of the Codified Ordinances of the Village of Granville. Section 1137.01(j) states that “Council may affirm, reverse, modify or remand for further proceedings the decision or order appealed from” and Section 1137.01(k) states that within forty-five days after making its decision, Council “shall formalize its decision in writing, including in the decision findings and conclusions of fact.”

The applicant before the Board of Zoning and Building Appeals (BZBA), Ryan Hottle and Sarah Stradley, requested a Conditional Use permit to allow their property located at 228 East Elm Street to be used as a Short-Term Rental.

After hearing and discussion at its meeting on September 14, 2023, the BZBA tabled Application No. 2023-177. The Application was scheduled for a second hearing on October 12, 2023. After discussion on Application No. 2023-177 the BZBA voted 3-1 to approve said Application. Following service of the BZBA’s decision, an appeal to Council was filed on behalf of Keith and Courtney McWalter; Daryl Tulumieri and Riina Tehver; Charles and Helen Williams; Jeanetta Pyle; and Bruce and Lisa Westall pursuant to Section 1141.06 of the Codified Ordinances of the Village of Granville. The notice of appeal set forth two grounds: First was procedural, the appellant sited that the meeting was not conducted pursuant to Section 1139.05(d) of the Codified Ordinances of the Village of Granville. Second was substantive, as presented, the short-term rental in question has no host that meets the requirements of Chapter 1182 of the Codified Ordinances of the Village of Granville as applicable to short-term rentals.

Council’s decision in this appeal is based on the testimony and evidence presented at the hearing before Council conducted on December 20, 2023, and upon consideration of the testimony and evidence presented before the BZBA, included in the record transmitted to Council. During its regularly scheduled meeting on January 3, 2024, Council deliberated and then announced its decision to reverse the decision of the BZBA by a vote of six to one. Council now formalizes in writing its decision to reverse the decision of the BZBA.

Council makes the following findings and conclusions of fact:

The property owner is not a resident of the Village nor Township and the host designated by the property owner on the application does not qualify as such as outlined in Chapter 1182.

Additionally, Chapter 1145.03, Criteria for Approval, sets forth the criteria for approval of a Conditional Use Permit. They are:

- The proposed use is a conditional use within the zoning district and the applicable development standards of this Zoning Ordinance are met.
- The proposed use is in accordance with all current land use and transportation plans for the area and is compatible with any existing land use on the same parcel.
- The proposed use will not create an undue burden on public facilities and services such as streets, utilities, schools, and refuse disposal.
- The proposed use will not be detrimental or disturbing to existing neighboring uses, and will not entail a use, structure or condition of operation that constitutes a nuisance or hazard to any persons or property.
- The proposed use will not significantly diminish or impair established property values within the surrounding areas.

While the first three criteria are non-determinative in this case, Council finds that the application runs contrary to the last two criteria. The proximity of the proposed short-term rental to other similar operations in the area risks both a nuisance condition and potential to significantly diminish property values.

In reaching the above conclusions, Council has carefully weighed the competing interests of the applicant and the interested adjoining property owners, as well as the purpose and intent of the short-term rental requirements of Chapter 1182 of the Granville Codified Ordinances. Council has determined that the balance of these considerations weighs in favor of reversing the approval of Application No. 2023-177 by the BZBA.

Applicable Chapters of the Granville Codified Ordinances are:

Chapter 1182.09, Short-Term Rental Hosts and Hosting Platforms: Requirements. This chapter requires the short-term rental host to provide “evidence that the dwelling is the host’s primary residence,” or “evidence the host is the owner of the dwelling.”

Chapter 1182.01, Purpose. This chapter states “The maintenance of Granville’s existing residential neighborhoods is essential to its continued vitality and economic strength. It is the intent of this chapter to benefit the general public by minimizing adverse impacts of short-term rental operations on the local housing supply at all levels, and to minimize adverse impacts of the transient and semi-commercial character of short-term rental operations and adjacent residential uses.”

Chapter 1182.03, Zoning Districts: Density; Limitations. This chapter states that short-term rentals are considered conditional uses and carry with them density limitations. As conditional use, short-term rentals are subject to Chapter 1145, Conditional Uses.

Chapter 1145.01, Purpose. This chapter outlines the distinction of conditional uses versus permitted uses and their potential neighborhood impact if not controlled in some manner, in that “Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district, and yet if properly controlled and regulated, these uses can be compatible within the zoning district.”

Accordingly, Council hereby reverses the decision of the BZBA regarding Application No. 2023-177.