

**BOARD OF ZONING APPEALS  
MINUTES FOR THE  
AUGUST 24, 2016 MEETING**

Pursuant to written notice, the meeting of the Board of Zoning Appeals (the "BZA") was called to order by Chairman Al Schutte at 7:30 PM on Wednesday, August 24, 2016, in the Council Chambers of the Village of Evendale Municipal Building. Attending in person were Chairman Al Schutte, members Dave Harwood, Mike Reed, and Ken Valentine. Supporting the BZA was Pam Morin (staff).

After all those present who planned on giving testimony were duly sworn in by Chairman Schutte, the following appeal was heard:

**Jowen Ko**

**9797 Winnebago Trail**

**Applicant has submitted an application for an appeal of the Village of Evendale Building Commissioner's determination that the operation of a Rooming House and/or Bed and Breakfast is not a permitted, conditional or accessory use with the Residential (R) District.**

**File #V-16-04**

Mrs. Ko told the BZA members that in the nine months that she has been hosting guests through Airbnb, she has had 19 guests. She immediately shut down the reservations when she received notice from Donald Mercer, Village of Evendale Building Commissioner, stating that the operation of a Bed & Breakfast wasn't a permitted use in the Residential District according to the Village of Evendale Zoning Code (the "Code") Section 1246.05, Schedule 1246.05.

She testified that they have made no structural changes to the home to accommodate the guests, guests were limited to the number of bedrooms available and she only rents out rooms when she is present in the home. She feels that the property is well suited for this type of rental in that their home is: located on the extreme edge of the neighborhood along Cooper Road, located on two parcels, and lies 400 feet from the commercial district, Cooper Business Center.

Mrs. Ko submitted into evidence a list of neighbors who signed a petition in support of the variance.

Two residents spoke:

Mr. Eugene Rutz asked if Mrs. Ko's request is for a variance or a change in the Code.

Mr. Schutte confirmed that it is for a variance;

Mr. Bill Macke asked what the difference is between room rentals on Airbnb and normal home rentals. Mr. Schutte told him that it was the length of stay.

After hearing Mrs. Ko's testimony and reviewing the documents filed and exhibits presented, the BZA makes the following Findings of Fact:

1. As set forth on Exhibit A on file in the Building Department, on or about June 20, 2016, the Building Commissioner of the Village of Evendale, Ohio notified appellant, Jowen Ko (the "Appellant"), whose address is 9797 Winnebago, Evendale, Ohio 45241 (the "Property") that her use of the property as a Rooming House/Bed & Breakfast is in violation of Section 1246.05, Schedule 1246.05.

2. Appellant filed her appeal with the Evendale Board of Zoning Appeals on June 30, 2016 which is within the 14 calendar days required by Section 1284.03 (a) of the Code.
3. Pursuant to Section 1270.04, the Evendale Board of Zoning Appeals has the authority “to hear and decide appeals from, and to review orders, decisions, or determinations made by the Building Commissioner or the Planning Commission.”
4. The Property is located within the R Zoning District.
5. Uses permitted in an R Zoning District are set forth in Section 1246.05 of the Code and include (i) Single Family Residence, Detached, (ii) Adult Family Home (iii) Foster Home, (iv) Group Home, (v) Type-A Family Daycare Home, (vi) Type-B Family Daycare Home, (vii) Cemetery, (viii) Educational Institution, (ix) Greenbelt Area Owned or Established by the Village, and (x) Place of Worship..
6. Appellant listed the Property on the website commonly known as Airbnb. According to the home page of the Airbnb website,
7. Appellant accepted money or other compensation from a person or persons staying at the Property who were not family members, in exchange for staying at the Property.
8. Appellant operated the Property as a Rooming House and or Bed and Breakfast.
9. Section 1266.09 (g) (9) states that certain uses are prohibited as home occupations. Home occupations authorized pursuant to this section shall not, under any circumstance, be deemed to include the following activities or any other activities similar in kind or intensity of use. Subsection (D) specifies Bed and breakfast establishments as a prohibited occupation.

NOW, THEREFORE, upon motion made by Mr. Reed, duly seconded by Mr. Harwood and adopted by a vote of 4 in favor, 0 against, the BZA denied the variance.

A motion to approve the minutes of the July 13, 2016, meeting was made by Mr. Harwood and seconded by Mr. Valentine. There was no discussion. The motion passed with a 4 – 0 vote.

The meeting was adjourned at 8:00 PM.

Attest:

Al Schutte, Chairman  
Board of Zoning Appeals

