

RESOLUTION NO. 31-2024

Resolution Authorizing the Acceptance of the Proposed Agreed Entry Resolving the West Chester Township Board of Trustee’s Case Involving the Property at 7974 Thistlewood Drive, West Chester, Ohio 45069

WHEREAS, the Township has dealt with repeated violations of its Zoning Resolution at the property located at 7974 Thistlewood Drive, West Chester, Ohio 45069 (the “Property”), due to its illegal use as a short-term rental (also known as AirBNB, VRBO, or boarding house);

WHEREAS, the Township has received multiple citizen complaints regarding this use of the Property;

WHEREAS, the Township filed a case for injunctive relief to prevent further violations under Butler County Court of Common Pleas Case Number CV 2024 06 1079 (the “Zoning Case”);

WHEREAS, the Township’s primary goal in the Zoning Case is to obtain and maintain compliance with the Zoning Resolution at the Property;

WHEREAS, the Board of Trustees has determined that it is in the best interests of the public health, safety, and welfare to enter into the Agreed Final Entry, attached as Exhibit A, as a resolution to the Township’s claims in the Zoning Case;

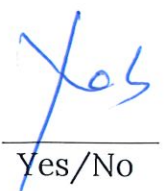
NOW THEREFORE, BE IT RESOLVED that on the basis of the above actions and findings, the West Chester Township Board of Trustees:

SECTION 1. That the Board of Trustees does hereby authorize the Township’s legal counsel to sign the Agreed Final Entry in substantially the same or similar form as the attached Exhibit A, on behalf of the Township, and to sign any other documents necessary to effectuate the settlement, and to sign any documents necessary to enforce this Agreed Final Entry in the future.

Adopted this 23 day of July, 2024.



Lee Wong, Chair




Yes/No


ATTEST:


Absent

Mark Welch, Vice Chair


Yes/No


Bruce Jones, Fiscal Officer


Amy Becker, Trustee


Yes/No

APPROVED AS TO FORM:


Scott D. Phillips, Law Director

5. The Property is zoned R-1A, single family residential, under the Township's Zoning Resolution. Short-term rentals are not a permitted use in residential districts, including R-1A districts, under the Township Zoning Resolution. Accordingly, Defendants cannot use the Property as a short-term rental by making it available for rent to guests for short-term stays of less than thirty (30) days.
 - a. This Agreed Final Entry does not prohibit Defendants from making the Property available for rent to tenants for periods greater than thirty (30) days.
6. The Court grants a permanent injunction against Defendants operating a short-term rental at the Property, or at other residential properties within the Township, by making the Property or other residential properties within the Township available to guests for short-term stays of less than thirty (30) days, without obtaining prior zoning approval.
7. As a penalty for prior violations, Defendants shall pay a \$2,500 fine to the Township and the court costs of this action. The Defendants shall pay the \$2,500 fine in two installments of \$1,250. The first installment shall be paid by July 26, 2024, and the second installment shall be paid by August 26, 2024.
8. Failure to comply with this Agreed Final Entry is punishable by contempt.
9. The court retains jurisdiction for sixty days to enforce the terms of this Agreed Final Entry.

IT IS SO ORDERED.



Judge Michael A. Oster, Jr. _____

Agreed:



Jonathan E. Roach (0092498)
*Counsel for West Chester Township Board
of Trustees*



Sarvar Abdikhaliyov



Nafisa Urolova