



COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, November 28, 2018 – 6:30 p.m.

1. Meeting called to order.
2. Pledge of Allegiance.
3. Explanation of Procedures.
4. Roll Call.
5. Swearing in: appellants, attorneys and all speakers in the cases.
6. Hearing of Appeals:
 - BZA2018-016** – Request for a Conditional Use Permit to establish a Bed and Breakfast operation in an R-6 Urban Residential District.
 - Location: 8258 Jackies Drive
 - Applicant/Owner: Cheryl Byrd
7. Unfinished Business: None.
8. Approval of Minutes: October 24, 2018.
9. Next Meeting: December 19, 2018.
10. Administrative Matters: None.
12. Adjournment.



Staff Report: Board of Zoning Appeals
Case# BZA2018-016
Request: Conditional Use – Bed and
Breakfast
Location: 8258 Jackies Drive
Meeting Date: November 28, 2018
Prepared by: Marty Kohler, Senior Planner
Colerain Planning & Zoning

Property owner Cheryl Byrd has requested a Conditional Use Permit to establish a Bed and Breakfast operation in a single family home in the R-6 Urban Residential District where Bed and Breakfast Establishments are Conditionally Allowed per section 7.2.3 of the Colerain Township Zoning Resolution.

Case History:

On August 20, 2018, Township Planning Staff received a complaint that the property at 8258 Jackies Drive was being used as a bed and breakfast establishment. An inspection of the property revealed no outward appearance of a bed and breakfast operation: however, a web search indicated that the property was being promoted as an “Airbnb” with one bedroom for rent. Airbnb, Inc. is a privately held global company headquartered in San Francisco that operates an online marketplace and hospitality service which is accessible via its websites and mobile apps. Members can use the service to arrange or offer lodging, primarily homestays, or tourism experiences. Since this type of operation can only be authorized by the Board of Zoning Appeals, a violation letter was sent to the owner of the property. It appeared that the certified mail letter was not claimed, so a second letter was sent by regular mail. The owner contacted staff on October 3, 2018, regarding the letter and she agreed to make an application to the Board of Zoning Appeals in order to have official zoning authorization to run the business.

Current Proposal:

The applicant proposes to operate and Airbnb Bed and Breakfast Establishment and rent two bedrooms in the four bedroom house. The request states that no more than two additional cars would be expected and the maximum length of stay is 30 days. There would be no external changes to the house to accommodate the proposed use.

Zoning Regulations:

Bed and Breakfast Establishments are conditionally permitted in the R-6 zoning district per Section 7.2.3 Conditional Uses and Table 7.1 Residential Use Table. The conditions under which a Bed and Breakfast can be operated are found as follows:

7.4.3 Bed and Breakfast Establishments

- (A) Bed and breakfast establishments shall be within an owner-occupied unit or the owner may live in an adjacent home.
- (B) There shall be a maximum of 5 guest rooms.
- (C) There shall be a minimum of 2 parking spaces for the owners of the property and an additional parking space for each guest room. On-street parking spaces may count toward the required parking.
- (D) One ground-mounted sign may be permitted with a maximum sign area of 4 square feet and a maximum height of 4 feet. Signs may be illuminated from an external light source.

The definition of a Bed and Breakfast Establishment is found in Section 16.2 as follows:

(24) Bed and Breakfast Establishment shall mean any place of lodging that provides 4 or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

General Discussion & Comments

1. Single family houses require two off street parking spaces. The subject property has driveway parking for one car and a one car garage. There is on-street parking adjacent to the lot on Lyness Drive. Parking is only allowed on one side of the street in this neighborhood. With lots averaging 50 feet in width and drive aprons of 12 feet there is an average space for two parking spaces on one side of the street per house on the side that permits parking or on average one per house overall. While this property has two adjacent on-street spaces on Lyness, the two houses across the street have none.
2. Staff selected seven nearby communities to sample bed and breakfast regulations. Two of the seven do not allow bed and breakfast operations. Of the five communities that allow bed and breakfast operations, four require conditional use permits. Four of the five require that parking be off-street in addition to parking required for the residence. Some restrict to 2 bedrooms and some restrict the time to two weeks per stay.
3. The applicant states that the house has four bedrooms but the Hamilton County Auditor appraisal indicates that the house had only two bedrooms. It is possible that some rooms that were originally not intended to be bedrooms have been converted to bedrooms.
4. It should be noted that there is an inconsistency in the Zoning Resolution in the maximum number of guest rooms allowed in the definition of Bed and Breakfast (4) and the requirement section (5). In this case the application is for only 2 bedrooms so this discrepancy is not relevant.
5. It appears that the proposal in the Conditional Use application is in keeping with the Colerain Township Zoning Resolution.

Staff Findings:

1. The use is a conditional use, permitted with approval by the Board of Zoning Appeals, in the district where the subject lot is located;
2. The use is in accordance with the objectives of the Colerain Avenue area in the Colerain Township Comprehensive Plan and the Zoning Resolution;
3. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties if approved with reasonable restrictions to mitigate the more intensive use of the property including noise, outdoor lighting and parking, otherwise the use will serve the public convenience and welfare;
4. The use will not create excessive requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff Recommendation: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the property be the principle place of residence of the owner.
2. That no more than two bedrooms be rented for the Bed and Breakfast.
3. That two off-street parking spaces be provided on the property. (one can be in the garage)
4. One ground-mounted sign may be permitted with a maximum sign area of 4 square feet and a maximum height of 4 feet.
5. That the length of stay for the Bed and Breakfast be no more than 14 consecutive days.
6. That there be no otherwise change to the outward appearance of the property.



APPLICATION FOR CONDITIONAL USE
COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

4200 Springdale Rd
Cincinnati, Ohio 45251
(513) 385-7505; Fax (513) 245-6503

Application number: BZA _____

Owner: Cheryl Byrd Applicant: Cheryl Byrd

Property Address: 8258 Jackies Dr.

City: Cincinnati State/Zip: OH / 45239

Applicant Address: 8258 Jackies Dr.

City: Cincinnati State Zip OH / 45239

Phone: 513-807-9885

Auditor's Book-Page-Parcel Number: 510 -- 0061 -- 0063

Zoning Classification: R-6 Use Requested: conditional use

Required Documents (8 copies of each document unless noted):

- Signed, typewritten *Justification of Conditional Use* statement addressing the items listed on the reverse of this page.
- If any variance to yard, building size, or parking is desired, include a signed, typewritten *Justification of Variance* statement addressing the items listed on the reverse of this page.
- Site Plan (surveyor/engineer's seal may be required).
- Landscape Plan.
- Lighting Plans.
- Names and addresses of adjacent Property Owners (use County Auditor's records) – 2 copies.
- Plat showing adjacent Property Owners – 2 copies.
- Fees.

Office use only:	Appeal Fee:	_____
	Legal Notice:	_____
	Mailing/adjacent Property Owners:	_____
	Total Amount Paid:	_____

**An application for conditional use will not be accepted until and unless all of the above requirements are met.
Failure to appear at the scheduled public hearing may result in dismissal of the application.**

RECEIVED

Signature of Property Owner: Cheryl Byrd

001-17-2018

Signature of Applicant (if not the Owner): _____

COLERAIN ZONING

Justification of Conditional Use Statement:

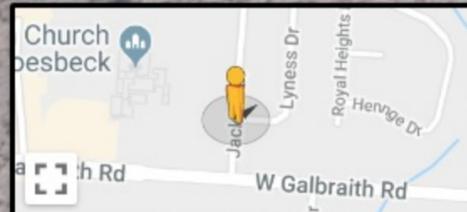
1. I am applying for a conditional use permit for the property at 8258 Jackies Drive, Cincinnati, OH 45239. The zoning classification for this is R-6. The property is located in Colerain Township.
2. I would like to use this property as an Airbnb business. There is currently myself, Cheryl Byrd, and a friend staying in this four bedroom home. I would like to rent out the two remaining bedrooms on Airbnb. Airbnb is a company that allows home owners to have guests stay for short periods of time. The business would run around the clock, with my plan being to have guests check in at noon or later and check out at ten am. Guests could stay anywhere from one to thirty days. It would be a maximum of two guests per room, so up to four guests a night. Guests will be allowed to use my yard, but will not be allowed to host events or parties on the premises. I will not allow them to bring pets. My friend is willing to help me manage my business while he is staying, but I am the only expected long-term employee. I would not expect there to be more than two guest cars at the house at the time, as many people from out of town use public transportation or Uber/Lyft to get around. It could be as many as four if everyone had there own car, but this is unlikely, as most guests travel together.
3. I do not plan to make any changes to the outside of my house related to hosting on Airbnb specifically, though I do intend to repaint the foundation at some point and to do some minor landscaping (pulling up paving stones and logs and leveling the ground a bit around where they were located and replanting grass seed). This is more to do with generally improving the appearance of the property than with the business.
4. My house is located on a corner, so there is a decent amount of parking around my house. I have a garage and a driveway, so I could fit two cars there if needed. I will also be staying on the premises, so I can help monitor the guests' activities, and help ensure that they are not causing problems.
5. I do not believe that my use of this property will be detrimental to public facilities or the economic welfare of the community, because I use this property as my primary residence. My understanding is that the negative impact Airbnb can have is caused by people buying houses solely as rental properties, thereby taking housing off of the market. My intention is to live in the house for as long as my Airbnb business operates. I am willing to make changes to my plan, within my ability, if needed.

RECEIVED

OCT 17 2018

COLERAIN ZONING

8201 Lyness Dr
Goesbeck, Ohio
Google, Inc.
Street View - May 2018



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a Street View pegman icon, and a full-screen button.

