

## COLERAIN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting Minutes

4200 Springdale Road - Cincinnati, Ohio 45251

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

Meeting called to order: 6:30 p.m.

Pledge of Allegiance was led by Mr. Reininger.

The Explanation of Procedures was presented by Mr. Reininger.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Reininger – aye, Mr. Roberto - aye.

Also present were staff Jenna LeCount, and Marty Kohler and alternate board member, Mr. Schupp.

Mr. Schupp was seated to fill the vacant seat.

Swearing in: Mr. Reininger swore in the appellants, attorneys and all speakers in the cases.

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

Ms. LeCount presented the background information pertaining to this case. The request is for Conditional Use approval to allow the applicant to run a Bed and Breakfast facility in her home. In August 2018, a complaint was received that a Bed and Breakfast was being operated at the applicant's address. An inspection of the property revealed no outward appearance of a Bed and Breakfast. Further investigation found that the property was advertised as an AirBnB on the internet. A notice was sent to the owner and the application was filed by the owner on October 3, 2018. The property is in the Jackies Drive neighborhood which is undergoing road construction. The complaint may have been related to the construction which has reduced the already limited parking opportunities in the neighborhood. The property is zoned R-6 which conditionally allows Bed and Breakfasts.

The comprehensive plan notes that the property is in the Groesbeck area which is in need of property maintenance. Owner occupied properties tend to require less maintenance code enforcement as compared to renter occupied properties. Ms. LeCount showed photos of the property and aerial photos. Ms. LeCount also reviewed the zoning requirements for Bed and Breakfasts. It was noted that there are two off-street parking spaces on the property including the garage. There is also parking available on the street.

Staff findings are as follows:

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's Recommendation is for 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. (to be permitted separately)
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.

Ms. LeCount noted that an e-mail had been received by a neighboring property owner objecting to the proposal. Mr. Kohler distributed copies to the Board and Applicant. Ms. LeCount noted that the e-mail referenced Bed and Breakfast establishments in communities that do not require that the property be owner-occupied. Ms. LeCount does not feel that the information presented in the e-mail is explicitly relevant to this case since it mostly references the predatory nature of absentee landlord companies operating short-term rentals. Mr. Reininger noted that the e-mail was entered into the official record for the meeting.

Mr. Bartolt asked about the time limit on stays and where the number of days came from. Ms. LeCount said that a survey of peer communities had a trend for this limitation. Mr. Bartolt asked how the time limit provision would be enforced. Ms. LeCount said that it would be difficult.

With no further questions for staff Mr. Reininger opened the public hearing.

Cheryl Byrd, having been sworn, introduced herself as the applicant and owner of the subject property. The house has four bedrooms and she is seeking permission to rent out two of the upstairs bedrooms. She intends to live at the house as well.

Mr. Matt Tietsort, having been sworn, said that he is a resident of the neighborhood and supports Bed and Breakfasts because they are owner occupied. He is concerned about the number of rental properties in the neighborhood.

With no further people to speak for the public hearing, a motion was made by Mr. Roberto and seconded by Ms. Wilson to close the public hearing.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Schupp – aye, Mr. Roberto – aye, Mr. Reininger – aye.

Mr. Roberto asked the applicant how long she has been a resident of the property. Ms. Byrd responded that she purchased the property on November 30 of last year. Mr. Roberto asked how many people did she expect over the course of a year. Ms. Byrd responded that it may be as many as 200. Mr. Roberto asked how long the stay would be. Ms. Byrd responded that a month is the longest. She would like permission to have people stay for up to 30 days. Mr. Roberto asked about the parking arrangements. Ms. Byrd said that the tenants usually park in the driveway. Mr. Roberto asked if there is a screening process for the occupants. Ms. Byrd said that it helps to be living in the property and most occupants know the expectations for living in an owner occupied house.

Mr. Schupp noted that AirBnB has some vetting in the process for occupancy. They need to register and give identification. Mr. Schupp asked if meals would be served. Ms. Bryd said that there would not be meals. Mr. Schupp noted that the zoning requirements make this optional.

Mr. Bartolt asked how the bedrooms were arranged in the house. Ms. Byrd said that two are on the second floor and two on the first floor. Mr. Bartolt asked if the applicant was the sole occupant of the house. Ms. Byrd said yes. Mr. Bartolt asked if she owned only one car. Ms. Byrd said there are two cars currently because a friend is also staying with her. She prefers that the Bed and Breakfast occupants park in the driveway. Mr. Bartolt asked if Ms. Byrd is ok with the 14-day stay limit. Ms. Byrd said yes.

Mr. Reininger asked if the limits suggested in the staff recommendation were acceptable to the applicant. Ms. Byrd said yes.

With no further discussion a motion was made by Mr. Roberto and seconded by Ms. Wilson to approve the Conditional Use subject to staff recommendations and conditions.

Ms. Wilson noted that she has stayed in AirBnBs in the past and she has confidence that there are protections that will monitor the operations.

Mr. Schupp asked if there should be a requirement that the property be leased through an agency such as AirBnB. Mr. Roberto asked if there could be a requirement that the renters be screened or background checks. Ms. LeCount said that she did not know how staff would enforce this. Ms. Byrd said that AirBnB gives the names and addresses of the occupants and that the tenants and property owners can be rated for quality. Most have stayed at other locations and the

evaluation history is available. Mr. Roberto said that he is concerned that criminals could use the service. Ms. Wilson said that she has confidence in the AirBnB system.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Schupp – aye, Mr. Roberto – aye, Mr. Reininger – aye.

Mr. Bartolt noted that he has information that he obtained from the internet that there are other Bed and Breakfast establishments advertised in Colerain Township. Some of these advertise that a whole house could be rented which goes against the owner occupancy requirement. Ms. LeCount noted that these would be addressed on a complaint basis.

Unfinished Business: None

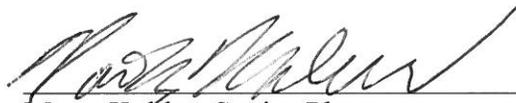
A motion was made by Mr. Roberto and seconded by Mr. Bartolt to approve the minutes of the October 24, 2018 meeting.

Roll Call: Mr. Bartolt – aye, Ms. Wilson – aye, Mr. Schupp – aye, Mr. Roberto – aye, Mr. Reininger – aye.

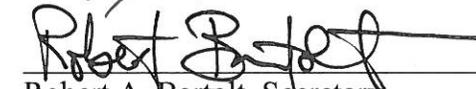
Next Meeting: December 19, 2018. Ms. LeCount distributed the meeting schedule for 2019.

With no further business the meeting was adjourned by Mr. Reininger at 7:00 pm.

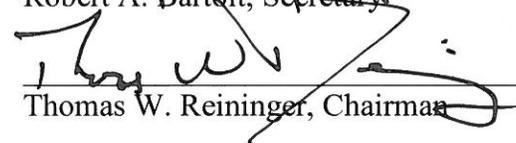
Respectfully Submitted:

  
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Marty Kohler, Senior Planner

Secretary:

  
\_\_\_\_\_  
Robert A. Bartolt, Secretary

Accepted by:

  
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Thomas W. Reininger, Chairman