

Minutes
Nimishillen Township Board of Zoning Commission
Work Session
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, July 31, 2019 – 7:00 PM

Board Members Present: Regan Starkey, Chairman
Larry Marks, Vice-Chairman
Brent Hunter, Secretary
Rich Linder, Member
Glenn Heiller, Alternate

Board Members Absent: Herb Klebaum, Member

Zoning Inspector: Jeff Shipman

Purpose: Discuss short term rentals (e.g. Airbnb) & revisions to the current Nimishillen Township Zoning Resolution

CALL WORK SESSION TO ORDER:

Chairman Starkey introduced the Board members present and the Zoning Inspector. Chairman Starkey stated that if anyone who wants to speak will have to sign in and state their name & address to the Board. Chairman Starkey stated there will be another 5-minute limit to speak.

Old Business:

Chairman Starkey stated the last meeting the Board discussed how to make Airbnb legal or illegal and what the Board would like to do as far as zoning.

The Board held a discussion on adding a definition for Tourist Dwelling and including a time frame of 28 days in the definition.

REGAN STARKEY MOTIONED TO ADD DEFINITION OF TOURIST DWELLING AS A RENTAL PROPERTY, LESS THAN 28 DAYS SECONDED BY LARRY MARKS. The Board responded by saying 'I'. ALL WERE IN FAVOR. MOTION CARRIED.

Chairman Starkey stated he thought the idea that Zoning Inspector Jeff Shipman came up with, which is to permit it as a Conditional Use, was a better solution than banning Airbnb's. The Board held a discussion about including specific rules for the Conditional Use for Airbnb's. Chairman Starkey asked Zoning Inspector Jeff Shipman if a Conditional Use is required, can the Board attach rules & regulations to it. Mr. Shipman stated the BZA will enforce the rules. Discussion followed.

Ben Demko of 5267 Alcorn stepped to the podium and stated that from what he has heard so far from the Board, he believes it is reasonable. Mr. Demko stated that if the Board sets rules & regulations for them to comply to, they would be happy to do so. Mr. Demko stated if any complaints do come in, there should be documentation made by law enforcement. After discussion, the Board informed Mr. Demko that if there were any violations of the rules set by the BZA, Mr. Shipman would call the BZA and the permit would be revoked.

Bob Kraus of 7506 Bentler stepped to the podium and expressed his concern about Airbnb’s to the Board. Mr. Kraus informed the Board he read an article from Arizona regarding the issues they have with Airbnb. Discussion followed.

Donna Fuller of 5857 Rosedale stepped to the podium and expressed her concerns to the Board that she would not want to have an Airbnb in her neighborhood. Discussion followed.

The Board held a discussion regarding how to add Tourist Dwelling to the Zoning Book and to which districts to allow it in. A resident expressed their concern to the Board about their neighbor with a Conditional Use permit for a business. After much discussion, the Board agreed to allow this in RR, R1, & R2 districts.

REGAN STARKEY MOTIONED TO PERMIT AS CONDITIONAL USE IN RR, R1, & R2 SECONDED BY GLENN HEILLER. The Board responded by saying ‘I’. ALL WERE IN FAVOR. MOTION CARRIED.

Chairman Starkey stated he would like to submit these changes to the Prosecutor’s office. Chairman Starkey explained to the audience this will go to the Prosecutor for review, if what they say it’s fine, then it will go to the Trustees to vote on it. Chairman Starkey suggested the audience attend that meeting. The Board asked Zoning Inspector Jeff Shipman how long the Prosecutor will take. Mr. Shipman stated depending on the time of the month, he might be able to get it to back in a week.

The Board held a discussion about adding specific verbiage to tourist dwelling and changing lodging & boarding to tourist dwelling. The Board held a discussion about adding tourist dwelling to the parking & storage section of the book to help with the parking of vehicles on the street. The Board stated they can’t legislate something that is allowed and on street parking is. Discussion followed.

A resident asked Zoning Inspector Jeff Shipman about the Prosecutor’s opinion that stated renting to 3 people or less. Mr. Shipman stated the Prosecutor said to tighten up the book and that was just an example of what the Board needed to look at.

Zoning Inspector Jeff Shipman suggested to the Board about restricting Airbnb’s near adult entertainment. Discussion followed.

Mr. Heiller suggested having the Conditional Use permit be renewed every year. Zoning Inspector Jeff Shipman stated it already is, it’s automatic. Discussion followed.

The Board held a discussion regarding the specific verbiage to use.

REGAN STARKEY MOTIONED TO ADD THE FOLLOWING DEFINITION:

“Tourist Dwelling – any building or dwelling utilized for the purpose of a “Tourist Dwelling” will be set as a “Conditional Use” and subject to the terms set forth in this Zoning Resolution and subject to conditions set forth by the Zoning Board of Appeals”

SECONDED BY BRENT HUNTER. The Board responded by saying ‘I’. ALL WERE IN FAVOR. MOTION CARRIED.

Old Business:

Chairman Starkey stated he would like to table the discussion on the Grandfather Clause & Marijuana. The Board agreed.

The Board asked Zoning Inspector Jeff Shipman about the 1 acre or less under Old Business. Mr. Shipman stated he has received some phone calls regarding agricultural use for a property that is 1 acre or less. Mr. Shipman stated some residents wanted to have animals for their kids. Mr. Shipman stated he did some research & the City of Columbus allows 6 chickens on a property. Discussion followed.

A resident in the audience asked about the Grandfather Clause. Chairman Starkey explained the Grandfather Clause. Discussion followed.

Approval of Minutes:

The Board reviewed the minutes from the February 20, 2019 Work Session, the June 5, 2019 Work Session, and the July 17, 2019 Work Session.

The Board held a brief discussion about what to add in regards to marijuana.

The Board held a discussion on when to have the next Work Session. After discussion, the Board decided the next Work Session will be Wednesday, August 14, 2019 at 7 p.m.

Elizabeth Brahler of 5611 Alcorn stepped to the podium and asked the Board about the process. Ms. Brahler asked if the Trustees approve it than what will happen. Zoning Inspector Jeff Shipman after a certain amount of time it will become effective. Discussion was held regarding the process for the Board of Appeals and applying for a Conditional Use permit. Discussion followed.

Approval of Minutes:

Chairman Starkey asked the Board to wait to approve the July 17, 2019 minutes because he hasn't had time to review them. The Board decided to table the approval.

Adjournment:

REGAN STARKEY MOTIONED TO ADJOURN AT 8:08 PM SECONDED BY HERB KLEBAUM. The Board responded by saying 'I'. ALL WERE IN FAVOR. MOTION CARRIED.

Regan Starkey, Chairman
Nimishillen Township Board of Commission

Larry Marks, Vice-Chairman
Nimishillen Township Board of Commission

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