

Minutes
Nimishillen Township Board of Zoning Commission
Work Session
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, July 17, 2019 – 7:00 PM

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

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 Regan Starkey introduced the Board and other staff members present. Chairman Starkey stated this work session is different because they normally don't have an audience. Chairman Starkey informs the audience the Board is an advisory committee and works on changing the zoning book.

Old Business:

Chairman Regan Starkey suggested tabling the Old Business since there are people here that would like to speak on the New Business. The Board agreed.

LARRY MARKS MOTIONED TO TABLE THE OLD BUSINESS TO THE NEXT WORK SESSION SECONDED BY HERB KLEBAUM. The Board responded by saying 'I'. ALL WERE IN FAVOR. MOTION CARRIED.

New Business:

Chairman Starkey stated the New Business is to discuss Airbnb. Chairman Starkey stated everyone is welcome to speak and there will be a 5-minute time limit unless there is a reason that they need longer to speak. Chairman Starkey explained to the audience that the Board is only an advisory committee that makes changes to the book but not officially. Chairman Starkey stated the Board submits the changes to the Stark County Prosecutor who gives them their recommendations that goes to the Trustees who vote on it.

Zoning Inspector Jeff Shipman informed Chairman Starkey that the local residents should speak first. The residents asked if their attorney could speak first. The Board said okay.

Rod Moore stepped to the podium and informed the Board he is the representative for Chad Kibler. Mr. Moore provided the Board with a letter he prepared along with a proposed resolution. Mr.

Moore explained to the Board that Mr. Kibler and other residents are concerned because they don't know who is staying at the property and are concerned about sex offenders. Discussion followed.

Chad Kibler of 5645 Alcorn stepped to the podium and expressed to the Board this has been extremely stressful for his family. Mr. Kibler explained they put a pool in their yard for his family, however the property with the Airbnb has 3 windows that can look into his backyard and he has no idea who is staying there day to day. Mr. Kibler informed the Board they hear loud music and there have been parties with many cars park on the street. Mr. Kibler stated he is concerned about his property value decreasing and who is staying at the property. Mr. Kibler stated he doesn't know if the people are sex offenders, trafficking drugs or people.

Elizabeth Brahler of 5611 Alcorn stepped to the podium and explained to the Board her family are outside people, they enjoy sitting on their front & back porch. Ms. Brahler stated that with recent events, they have eliminated the use of their back yard. Ms. Brahler stated she has had people watch her doing yard work or sitting on her porch. Ms. Brahler stated there have been kids kicking balls onto their property and the renters are not respecting their property. Ms. Brahler explained to the Board there was a graduation party at the property and there were many cars parked on the street and people walking through her property.

Tim Brahler of 5611 Alcorn stepped to the podium and explained to the Board he was woken up at 4 a.m. to music coming from the property and there were many beer cans on the property, which lasted until 8:30 a.m. Mr. Brahler stated he came home one night to 6 cars parked on the street and a bonfire left unattended in the backyard. Mr. Brahler explained to the Board that during the graduation party a confrontation occurred between the renter and another neighbor on his property. Mr. Klebaum asked how often the property is being rented. Mr. Brahler stated every 3-4 days. Discussion followed.

Allen Gress of 5470 Alcorn stepped to the podium and asked the Board that when it is time to debate this that the Board doesn't think about it as sitting on a porch having a drink and think it is a good place. It is not a good place.

Barbara DeJacimo of 5610 Alcorn stepped to the podium and informed the Board that she witnessed the confrontation between the neighbor and the renter during the graduation party. Ms. DeJacimo stated that during the graduation party, her son asked if he could ride his bike or if it is too dangerous. Ms. DeJacimo informed the Board she is concerned for her children's safety and doesn't allow them to be at the bus stop alone because she doesn't know who is staying at the property.

Ben Demko of 5267 Alcorn stepped to the podium and informed the Board that him and his wife own the house in question. Mr. Demko stated the read he Prosecutor's opinion, which says short term rental is somewhat vague and he feels it may not provide enough guidance for the residents. Mr. Demko stated renters can stay for 2 nights to several weeks. Mr. Demko stated the renters are not anonymous, unverified guests. Mr. Demko stated Airbnb checks the state & county criminal databases and the state & national sex offenders registries. Mr. Demko stated Airbnb also checks the OFAC (Office of Foreign Assets Control) list. Mr. Demko explained to the Board as owners of the home, they correspond with any potential guests, learn why they are in town, and who will be with them, before they approve them. Mr. Demko explained to the Board their guests have been polite, law abiding, and have left the house in good condition. Mr. Demko stated as owners of the

property, they would never put up with disruptive or destructive guests. Mr. Demko stated he received 2 complaints from their guests as to why neighbors were taking their picture and from their realtor, who is trying to sell their home. Mr. Demko explained the property is currently for sale and that Airbnb has been an alternative to having the home foreclosed on. Discussion followed.

Bob Kraus of 7506 Bentler stepped to the podium and expressed support for the people on Alcorn. Mr. Kraus stated he could see all the negatives they are concerned about. Mr. Kraus stated he questions whether the renter gets checked out beforehand or not.

Julie Kibler of 5645 Alcorn stepped to the podium and expressed to the Board that they live in the neighborhood 365 days a year, some for the next 30 years. Ms. Kibler stated they don't want their community turned into a vacation destination. Ms. Kibler is concerned for the safety of the kids and that she can't rely on Airbnb to screen people. Ms. Kibler stated a relative staying with the renter could be a sex offender.

Dale Riggenschach of 5650 Alcorn stepped to the podium and expressed to the Board that this doesn't fall under any of the categories under R1, whether a permitted use or a conditional use, which would require a variance. Mr. Riggenschach stated the property is being maintained, such as mowed grass and garbage services. Mr. Riggenschach stated he is concerned about all the other neighbors and he is not in favor of this.

Dale Kibler of 5417 Alcorn stepped to the podium and expressed to the Board his concerns for the safety of his grandchildren. Mr. Kibler stated during the graduation party, cars were parking on both sides of the street and it was difficult to go down the road. Mr. Kibler stated he was concerned emergency vehicles couldn't get through.

Chairman Starkey asked how they know how many people will be there when they rent. Mr. Demko stated they are required to tell them how many people will be there. Mr. Demko stated they are allowed to have guests come over. Discussion followed.

Mr. Klebaum asked if there is any special insurance required. Mr. Demko stated there is insurance through Airbnb. Discussion followed.

Zoning Inspector Jeff Shipman provided the Board a copy of the rental permit from the County. Discussion followed.

Discussion was held regarding the property being listed for sale.

Zoning Inspector Jeff Shipman stated the Prosecutor asked them to clean up the book in regards to boarders and lodgers. Mr. Shipman stated that depending on the number of people they have renting, they could or could not be legal. Discussion followed.

Discussion was held regarding the Prosecutor's opinion on definitions being too vague. Zoning Inspector Jeff Shipman suggested the term Tourist Dwelling to the Prosecutor and suggested having this go through a variance and the Board of Appeals. Discussion followed.

The Board held a discussion regarding the difference between long term renter and short-term renter.

After much discussion, Chairman Starkey stated the Board will need to work on definitions for tourist dwelling, boarders, lodgers, and conditional use.

After discussion, the Board agreed changes need to be made to the book, but not right now. The Board needs to research and discuss more.

The Board held discussion regarding when to have the next work session. After discussion, the Board decided to have the next Work Session on Wednesday, July 31, 2019 at 7 p.m.

Ms. Brahler asked the Board if they will reach out to the residents if they have any questions prior to the next work session. Chairman Starkey stated it would be better if it is done in the public meeting. Discussion followed.

Approval of Minutes:

The Board reviewed the June 5, 2019 Work Session minutes.

Adjournment:

After much discussion, the Board adjourned the Work Session.

REGAN STARKEY MOTIONED TO ADJOURN AT 8:24 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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