

XENIA TOWNSHIP BOARD OF ZONING APPEALS
PUBLIC HEARING

September 4, 2024

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE PUBLIC HEARING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

Darren Jones, Vice Chairman, called the meeting to order at 6:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Darren Jones, Vice Chair, Janis James, Virgil Ferguson, and Aidan Kolbe. Also, present was Alan Stock, Xenia Township Zoning Inspector, and David Morrison and Brian Gravunder; Greene County Prosecutor's Office, legal counsel for the Township. Absent: Nathan Anthony, Chair.

Mr. Jones went over the rules of the meeting; all cell phones must be turned off, everyone must sign in and fill out an intent to speak form, if you choose to speak. The application will be read by Alan Stock, Zoning Inspector/Clerk. Because the Board of Zoning Appeals decisions are quasi-judicial, all testimony has to be sworn. Everyone must come to the podium, state their name and state they are under oath. Only facts are to be given, not opinions or emotions. Minutes are being taken electronically. Questions are to be directed to the Board only. The Board of Zoning Appeals will follow Roberts Rules of Order for procedures. The Chair reserves the right to limit public input. The Board of Zoning Appeals may approve in whole or in part, reject in whole or in part, or reschedule to another date. An applicant may also withdraw their request. The decision will become effective five days after date of decision. A decision by this Board is a final order under R.C. 2506.04. Aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Jones administered the oath to the audience.

Mr. Jones asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock indicated yes, they had, and advised that the notice had been published in the newspaper and notices had been mailed to all property owners within 500' of the property. Mr. Stock stated that a sign was placed on the applicants' property. Mr. Stock explained all the exhibits for this Public Hearing. Mr. Jones asked the Board members if they had read and considered the application—all answered yes; and he asked if they felt they should not be part of the proceeding due to some conflict of interest all answered no; and if they intend to participate in the entire procedure including voting on the questions asked—all answered yes.

Mr. Jones asked Mr. Stock to present the proposal. Mr. Stock reviewed all the documents and Exhibits A-E.

Exhibit A: Application for Board of Zoning Appeals

Exhibit B: Proof of Public notices (Letter to Neighbors, Newspaper Notice, Sign in Yard, Website, Procedure Check List)

Exhibit C: Staff Report

Exhibit D: Agenda

Exhibit E: Public Comment

Carley Neiswender, owner 786 Hoop Road, Parcel ID # M36000200301005800 – Conditional Use in the (R) Residential District of Sections 402.7/8 for Short-Term Dwelling Unit Rental/Bed and Breakfast Hybrid

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that she has done a lot of research into Air B&B to see what the market in this area is for rentals. She went on to say that she owns three (3) houses, with one (1) being strictly a B&B. She stated that she had written a letter to all of the neighbors introducing herself and then filled out an application for a BZA hearing the next week. Ms. Neiswender stated that she is a travel nurse and that she was sharing in a hotel room with another nurse for \$2,500.00 a month and realized that she could buy a home for less, so she purchased a home in Columbus, and with her contract ending, decided to rent the home through Air B&B. She went on to say that she wants neighbors to feel safe and respected in their homes and that Air B&B is strict and will stop the stay of anyone not following the rules. She further stated that she has a cleaner and landscaper for the home and the option to enter the home whenever needed with the exception of entering the bedrooms that are currently rented. Ms. Neiswender stated that she lives in Kentucky, but stays in Xenia 3-4 days a week. She stated that she takes a lot of pride in her homes and has had the home updated with the exception of the roof being fixed from a fallen tree. She stated that the original plan was for her mother to convert the garage into her home and stay there to take care of the home, but she does not feel safe there because of the neighbors so she moved out. Ms. Neiswender stated that she does not want to sell the home or have long term renters because she is afraid of having bad tenants.

Mr. Jones, BZA, Vice Chair, asked for Board questions.

Ms. James, BZA, asked how long the average stay is for a B&B and asked for clarification on the number of people that could stay at one time.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that the rules of Xenia Township states that you are only allowed one (1) client at a time with the maximum stay of 30 days. She went on to state that the average nurse's contract is 12 weeks to a year and asked how long they would need to leave before they could return to the house. She went on to say that this is a great place for families to stay and will be cheaper than a hotel.

Ms. James, BZA, stated that they will need to address the 30-day limit. She went on to state that it was stated that her mother did not feel safe there, and asked if others would be safe there.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that she has been in contact with homeowner of the property next door and that the tenets are able to be talked to with issues. She went on to say that the fence helps as you can no longer see the neighbors, only hear them occasionally.

Mr. Jones, BZA, Vice Chair, asked if the next-door neighbors were renters.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that the owners' relative lives in the home next door.

Ms. James, BZA, asked if the home has already been used as a B&B before getting approval.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that she had rented it and then found out that she needed approval first, so she shut it down. She went onto say that a tenet was bitten by the neighbor's dog the first night they stayed there and that she reported the incident to Air B&B and to Greene County Animal Control.

Ms. James, BZA, asked if Air B&B suggests checking with local zoning before opening a B&B.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that they did not, but that they may on the fine print. She went on to state that once she found out that she needed approval, she contacted Air B&B and cancelled her reservations until she could be compliant.

Ms. Kolbe, BZA, asked how many bedrooms there are in the home.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that the house has five (5) bedrooms and three (3) full baths. She went on to say that one bedroom is hers, one is storage so that there are three (3) bedrooms and three (3) bathrooms for rent with the maximum occupancy of six (6).

Ms. Kolbe, BZA, asked how many parking spaces there are on the property.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that the home has an extended driveway that could easily fit six (6) cars.

Ms. Kolbe, BZA, asked if there was garage parking available.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that the garage had been converted to a Mother-In-Law suite.

Ms. Kolbe, BZA, asked if Air B&B limits the number of cars per reservation.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that the homeowners have the ability to set their own rules and regulations.

Ms. Kolbe, BZA, asked if Ms. Neiswender was open to only renting to a single renter as apposed to multiple renters.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that she was ok with that and went on to say that her only renter was grandparents visiting family. She went on to say that the home has the space to allow guests to visit with prior authorization.

Ms. Kolbe, BZA, asked if Ms. Neiswender was planning to stay in the home between guests.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that her original goal was to list the home as shared space so that she could stay there anytime she wanted. She went on to say that she has an 8-month-old and that all of her family is here.

Ms. Kolbe, BZA, asked if Ms. Neiswender would only stay in the home if there were no renters.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that she would like to stay there only when no one else is there.

Ms. James, BZA, asked how the BZA could address the 30-day limit if a normal assignment for nurses is 12 weeks.

Mr. Stock, Zoning Inspector, stated that they could place exceptions for certain professions staying in the home. He went on to say that the BZA could make exceptions for real exceptions, but that they would need to determine if contracted employees were real exceptions.

Ms. Kolbe, BZA, asked about the 30-day limit, and if the renter would need to leave for a couple days and come back.

Mr. Stock, Zoning Inspector, stated that the rule is for 30 consecutive days, and that the owner could not receive money if the renter leaves within the 30 days.

Mr. Ferguson, BZA, asked if she would be only renting to nurses that will be ther for 30 plus days or to other people also.

Carley Neiswender, owner 786 Hoop Road, Under Oath, stated that she does not want parties at the house, and that there is a requirement to have per-approval for anyone visiting the renters. She went onto say that she requires a week minimum stay and that she does not allow booking the day of the stay.

Ms. James, BZA, stated with a 30-day maximum.

Carley Neiswender, owner 786 Hoop Road, Under Oath, answered, yes.

Ms. Kolbe, BZA, asked if Ms. Neiswender would be willing to provide the neighbors with her contact information.

Carley Neiswender, owner 786 Hoop Road, Under Oath, answered, yes and that she has already provided the neighbors with her phone number and personal email in the letters that she sent out.

Mr. Jones, BZA, Vice Chair, opened Public Comments at 7:50 PM.

Mr. Jones, BZA, Vice Chair, asked for comments in favor.

Regina Sharpe, 786 Hoop Road, Under Oath, stated that her address is 786 Hoop, but she has been staying with her father to care for him along with Ms. Neiswender's baby 4 days a week. She went on to say that the house has been remodeled inside and now the outside is being remodeled because of a tree falling through the home. Ms. Sharpe stated that she takes care of Ms. Neiswender's B&B's. She further stated that all revenue from the clients goes to pay off the home and to update when needed. She further stated that the Xenia home will be mostly for vacationers and professionals. Ms. Sharp lastly stated that Ms. Neiswender has only received one bad renter in two and a half years.

Mr. Jones, BZA, Vice Chair, asked for comments against.

Brian Marzzur, 793 Hoop Road, Under Oath, stated that he would be fine with professionals staying for contracted work, but was not ok with people staying for a weekend because that would be like a hotel and could be people only casing properties. He stated that Ms. Sharpe was a great neighbor and was sad to see her move out. Mr. Marzzur stated that he is all for long term rental to a single family because he is already dealing with issues from neighbors and does not want that added to with a B&B rental so he does not want rentals less than 30 days.

Mr. Jones, BZA, Vice Chair, closed public comment at 8:00 PM.

Mr. Jones, BZA, Vice Chair, called for Board Discussion.

Ms. James, BZA, stated that quiet hours should be a condition for approval.

Mr. Jones, BZA, Vice Chair, asked about maximum days for rentals.

Ms. James, BZA, stated that Ms. Neiswender said there would be a 30-day maximum.

Mr. Jones, BZA, Vice Chair, asked about minimum days for rentals.

Ms. James, BZA, stated that Ms. Neiswender said there would be a 7-day minimum.

Ms. Kolbe, BZA, stated that she didn't think that they could negate for issues with the neighbors next door, but if the stay is longer than a weekend, there will be feedback. She went on to say that they need to take neighbors concerns into consideration, but that they can not say the rental has to be over 30 days.

Mr. Jones, BZA, Vice Chair, asked about notifying neighbors of each stay.

Mr. Stock, Zoning Inspector, stated that it is not an obligation to any hotel to notify neighbors of guests and doing so could affect the privacy of the renter. Mr. Stock further stated that the Zoning Resolution states no more than 30, but has no minimum stay.

Ms. Kolbe, BZA, stated that neighbors have already been provided with contact information.

Ms. James, BZA, stated that management and security by Air B&B has already been discussed.

Ms. Kolbe, BZA, stated that outside cameras and noise sensors has already been discussed also.

Ms. James, BZA, stated that there need to be no illegal drugs, smoking, marijuana, or vaping.

Ms. Kolbe, BZA, stated that the maximum occupancy will be six (6).

Ms. James, BZA, stated that the maximum for vehicles will also be six (6).

Ms. Kolbe, BZA, stated that there should be no more than one (1) reservation at a time, with no more than six (6) occupants.

Ms. James, BZA, asked if this would still be a "Hybrid" if Ms. Neiswender stays in the home as she said that she would block off reservations when she stays there.

Mr. Stock, Zoning Inspector, stated that the Board needs to decide if they will allow a "Hybrid", Short Term Rental or a B&B. He went on to state that they are allowing more than one (1) person to stay at a time by saying that up to six (6) people are allowed to stay under one reservation.

Ms. Kolbe, BZA, stated that there could be one reservation, one credit card, and up to six people.

Ms. James, BZA, stated that the way she understood it was that Ms. Neiswender was going to rent the house but stay there occasionally and rent the other rooms as a "Hybrid", now it is being said that she will not be there when renters are there, so it will not be a "Hybrid" .

Mr. Stock, Zoning Inspector, stated that the Board may need clarification from Ms. Neiswender.

Mr. Jones, BZA, Vice Chair, asked for Ms. Neiswender to return to the podium for clarifying questions.

Ms. James, BZA, asked Ms. Neiswender if she would be having renters at the house at the same time as she is there.

Carley Neiswender, owner 786 Hoop Road, Under Oath, answered that if her child is with her, there will not be renters there. She went on to say that she doesn't mind either way because she has family that she can stay with if there are renters in the house, but she wants to be able to go in as wanted or needed.

Ms. James, BZA, asked Ms. Neiswender if she would be having renters at the house at the same time as she is staying there or will she just be stopping in.

Carley Neiswender, owner 786 Hoop Road, Under Oath, answered that if the renters are ok with her staying there, if it was only her, and a late night.

Ms. Kolbe, BZA, asked if it would be a terrible inconvenience if they put a stipulation that she could not stay there if she has renters.

Mr. Jones, BZA, Vice Chair, asked what difference it made if she stayed there or not.

Ms. Kolbe, BZA, answered that her staying there with renters opens up a "Hybrid" use that does not exist in the Zoning Resolution and that if they do not need to do it, they should not do it, that they do not need to create something if it is not need to be done.

Ms. James, BZA, asked if it was violating code if the owner stays while there are renters there.

Mr. Stock, Zoning Inspector, stated that a B&B is renting one or more room and the owner is there, Short Term Rental is not owner occupied. He went on to say that either way the maximum stay is 30 days. Mr. Stock clarified that Long Term Rental is 30 plus days, Short Term Rental is less than 30 days and owner are not in the home, and a B&B is less than 30 days with the owner needing to be there at every rental. He concluded by stating that the Board has a choice of saying only B&B, only Short-Term Rental, or both.

Mr. Jones, BZA, Vice Chair, stated that the "Hybrid" comes into play when the homeowner is allowed to stay there and rent other rooms or she's not there and she rents the entire home.

Mr. Jones, BZA, Vice Chair, called for a motion.

Motion to GRANT a Conditional Use of Sections 402.7/8 for Short-Term Dwelling Unit Rental/Bed and Breakfast Hybrid in the Residential District was made by Ms. James and seconded by Ms. Kolbe with the following conditions:

1. Quiet hours from 11:00 PM to 7:00 AM
2. There will only be one reservation per rental.
3. Management of the property will include Security measures.
4. There will be no external effects, including loud noise or noxious odors.
5. There will be no use of illegal drugs or marijuana
6. There will be no smoking or vaping in the house or on the property.
7. There will be no parties.
8. Maximum occupancy will be limited to 6 people.
9. Maximum vehicles will be limited to 6.
10. Parking will be in the driveway only: no road parking.

Mr. Jones, BZA, Vice Chair, called for a vote

Mr. Ferguson	AYE
Ms. James	AYE
Ms. Kolbe	AYE
Mr. Jones	AYE

Conditional Use of Sections 402.7/8 for Short-Term Dwelling Unit Rental/Bed and Breakfast Hybrid in the Residential District located at 786 Hoop Road **GRANTED**

There being no further business, Ms. Kolbe made a motion to adjourn, seconded by Mr. Ferguson.

Meeting Adjourned 8:20 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector