

BOARD OF ZONING APPEALS MEETING
THURSDAY, NOVEMBER 16, 2023 5:30 P.M.
COUNCIL CHAMBERS
40 W MAIN ST, NEWARK, OH 43055

MINUTES
PUBLIC HEARING

1. CALL TO ORDER

CALL TO ORDER- Steve Layman Board Chair called the Thursday November 16, 2023 Board of Zoning Appeals Meeting to order.

Present:

George Carter	Zoning Inspector
Eddie Hunt	Member
Steve Layman	Board Chair
John Paul	Member
Jack Gienger	Member
Phil Claggett	Member

Absent:

2. APPROVAL OF MINUTES

Minutes of the September 28, 2023 meeting

Motion and second to approve minutes of September 28, 2023, motion passed by acclamation

3. OLD BUSINESS

APPLICATION BZA-23-37

Applicant: Kathleen Miceli
Owner: Kathleen Miceli
Location: 589 Kenwell Dr.
Project: Conditional Use - Short term Rental
Reference: 16.4

Kathleen Miceli - I have a property at 589 Kenwell Drive, it was my Dad's house and is now mine, I've been renting it since 2001 when my Dad passed away. I'd like to do an Airbnb in there and have short term rentals and what I'm targeting hopefully is OSU and Dennison University, the hospitals for professors, surgeons, conferences, that type of clientele, so I can have increments of people being there instead of being a fulltime rental.

Chris Neely - I live kitty corner to the house in question, I've lived there since 1975. I love our neighborhood because it's very much a family oriented neighborhood. It's been a residential neighborhood with kids

playing in the street and that's been great. I have real concerns about short term rentals going into the property. We are close to the University, I'm concerned that students would rent it for weekends and have extravagant parties, we've had a history of that in the neighborhood and I hate to see that on a short term rental. We've all seen the stories in the national news when there have been extreme situations. We're a residential neighborhood of people who live there and get to know their neighbors, become involved with their neighbors and I'd like it to stay that way. Jerry Griffin, for the earlier hearing wrote a wonderful letter to you all which I hope you have still, in opposition to this property turning over to short term rental. The property in question has been a rental property and that's been difficult enough over the years because the rental property has kind of fallen into disrepair and the renters haven't been great, let's just say, but to think of short term rentals and the potential of that in a neighborhood of just families I'm not excited about. I hope you will not allow that variation.

Ms. Miceli - I am Kathleen's daughter and I've been in that neighborhood all of my life, since my Grandfather took it over, it's a beautiful neighborhood, times are changing, if you think that neighborhood is not going to change, is not the greatest view. I just think that it's an exceptional opportunity and I wish the best for my mother.

Kathleen Miceli - I would just like to also say that for the past 2 years I've been fixing this property up myself and for the last 2 years, I've had a 77 year old man and myself doing it because my husband passed away. I have done a lot of work on this house, it is in perfect condition, it has been worked on intensively. I don't have any desire to have students from OSU there to rent it, that's not the clientele that I want. If I get this I'd like to do background checks to make sure they have a score of at least 650 to rent it. I'd like to have background checks done. I went to the neighbors and I've gotten 4 signatures saying that they didn't mind me having an Airbnb. I've worked very hard on that house to make it look nice and if you haven't noticed, it looks very nice and I've done a good job.

Mr. Layman - First, do I have anyone else here to speak for or against this application? The way an Airbnb works, it's on a grading system, the tenants have to rate the landlord, have to rate the property, which in your letter you say it's been a problem over the years. By having a flow through Airbnb, it gives incentive for the landlord to take care of the property. One of part of the deals with Airbnb, a short term rental, people will be there for a week and then they've got to go in and clean, every weekend, if they are there for 3 days and leave on a Tuesday, they've got to get in on a Tuesday and clean. They're going to get graded by the tenants. We can apply conditions, we can make one of the conditions no students and we can also do a condition, this is good for 3 months or 6 months and you have to come back. I don't know how the Board would feel, I'm just sort of asking you, would any of those things help you.

Ms. Neely - I'd feel better if there was a length requirement on it.

Mr. Layman - A length that they lease? The condition we could put on it is she would operate it as an Airbnb for so many days, so many months and then she would have to come back just to say it was okay, it's not been a bad experience, they've been good quality tenants and the property has been better taken care of than it was before. Or you can say it's been a holy mess for us and we want it to go away.

Ms. Neely - You don't know it's a bad experience until you've had a bad experience.

Mr. Layman - Well, you've already said you've had a bad experience in your letter. This is the chance to make it, I mean she has the right to rent the property, she could rent it tomorrow and you could have a bad experience for a year from a bad tenant. I'm not advocating one way or another, I'm just suggesting to you watching Airbnb's operate that in places like Newark, Ohio they do not become party central, they are pretty well taken care of. I'm just throwing it out.

Mr. Carter - I don't know if you can limit, it would get into a discriminatory matter.

Mr. Layman - Well, as a conditional use, I think we can put that condition in. It's a short term specific rental.

Mr. Carter - If you're putting a use on age, which is protected, that would be my concern.

Citizen - I worked at Airbnb for 2 years before Covid and I lost my job at Airbnb, so they do have house rules where she can put 25 and up, so no one under 25 can book this, as well, some listings have insta-book and there is a little flag on there where they have to have approval, but she will have to go in and say yes I approve this person and ask why are you traveling and also see a copy of their ID and Airbnb will also do a background check. So on the house rules she would have to put 25 and up and an ID is required so Airbnb can do a background check and she's trying to get 3 days a week for a listing, unless it's a Doctor or nurse, they could be a long term for 30 days to get a discount.

Motion to conditionally approve with no one under 25 renting and for 120 day time period, Second, Motion passed 4-1

Mr. Layman - At the end of 120 days you will have to come back and if the neighbors say this was okay, we can continue, if the neighbors say, I had two people in there that just ruined my weekend, then you have a problem.

Mr. Carter - March 28th will be the review hearing, so mark that on your calendar, I do believe I have your email here, I will send you an email.

Ms. Neely - I have neighbors and I will talk to them and we will all be here.

Mr. Layman - If you have a problem I expect you to come and say that, but if it's okay I also expect you to come and say that.

Ms. Neely - People that own rental property want to rent the property, so people start with the best of intentions, the way you support a property is by renting it, so the standards that you establish over time often vary

because of the need to support financially the house, it's a burden. So, we'll see. I appreciate you putting the conditions on it.

4. NEW BUSINESS

APPLICATION BZA-23-40

Applicant: Kessler Sign Co
Owner: City of Newark
Location: 15 N. 3rd Street
Project: Freestanding Sign
Reference: 135.7/135.8

Adam Kessler, 1564 Arlington Avenue - We would like a second sign at this location. The plan is to move the current sign to the right, so, there's two specific entrances to get into the building, so the current sign would move to the right as one entrance, which deals with the City of Newark and those tenants and then the new sign would be where the old sign is right now for the other tenants in the building, because there are so many tenants in the building, the size of the sign would increase and a second sign was needed.

Motion to approve, second and motion passed 5-0

APPLICATION BZA-23-41

Applicant: Clark Custom Builders
Owner: Joshua Wayne
Location: 28 Gilbert Street
Project: New Single Family Dwelling
Reference: 16.8

Representative for Clark Custom Builders - My client had demo'd the existing property and is looking to build a new property and the setback doesn't allow, it's a 10 foot setback and what we submitted we would need it to be 10 foot on the setback both front and back, all of the houses in the neighborhood are built like that.

Mr. Carter - The City of Newark Zoning Division does not really object as long as long as he maintains flood plain zone standards.

Motion to approve, second, Motion passed 5-0

APPLICATION BZA-23-42

Applicant: Riccardo Rigoli
Owner: Elwin & Linda Russell
Location: 1422 Morgan Bryan Dr.
Project: Porch
Reference: 16.8

Mr. Carter - I do not see Riccardo out there, he applied 2 months ago.

Mr. Layman - I don't think we need the applicant here, this is pretty simple. Putting a roof over an existing deck backing up to a green space.

Mr. Carter - Those houses aren't going to have more than a 30 foot setback requirement.

Motion to approve, second, Motion passed 5-0

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, DECEMBER 28, 2023, 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS DECEMBER, 2023, 4:30PM.

5. ADJOURNMENT - Motion to adjourn, second, passed by acclamation

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals