

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, October 3, 2019, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor, at City Hall on October 3, 2019.

Attendees: Carolynn Oir, Bill Safranek, Stephanie Goldsberry, Joan Kraynanski, K.J. Williams, Jean Drevenstedt, Betty Hollow, Robert Delach, Jan Hodson, Mary Abel, Diane McVey, Barbara Ery, Jack Stauffer, Glen Harding

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:06 p.m. and administered the oath to those in attendance wishing to speak before the commission. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair	Present
Christy Zempter	Present
Nancy Bain, Vice Chair	Present
Steve Patterson, Mayor	Present
Andrew Stone, Service-Safety Director	Present

STAFF:

Paul Logue, City Planner	Absent
David Riggs, Code Enforcement Director	Present
Lance Allison, Code Enforcement Officer	Present

2. Disposition of Minutes

Andrew Stone moved to accept the September 26, 2019 minutes. RJ Sumney seconded. All present voted aye. Motion passed.

4. Cases

Case #19-06 Rezoning North Court Street

David Riggs/Summary

Rezoning of North Court Street from a B3 to a B2D zone. At the last meeting, some changes were made to the boundaries and the commissioners requested more time to review and continue the discussion of this case at today's meeting.

Joan Kraynanski/56 Mound

Change will cause overflow traffic into the streets adjacent to Court and Carpenter and will affect Mound Street

Bill Safranek/34 Grosvenor

Same concern as Joan K. but the parking issue is a big concern. This came up before and urges that the precedent be lightly overturned. Not a good idea then and not a good idea now. Parking problems in the nearby neighborhoods will increase.

Barbara Stout/954 E. State

Owner of a business at 90 N. Court. Spoke last week and wants to add that currently she has an assigned parking spot. When one person is working its ok. But when two people work she has to park on the street which takes away from customers and the vehicle has to be moved every 2 hours. Forcing employees to park on the street and to move their cars every 2 hours - how will this enhance business on N. Court Street?

Rob Delach/124 Morris

There is adequate parking on the street especially on the north block of Court. And the garage, a block away, is never full with very few exceptions. Will enable more businesses and increase flexibility to existing businesses.

Andrew Stone: The Planning Commission has previously recommended this rezoning change to City Council where it died. One of the oppositions at the time was the lack of viable public transit and our public transit system has improved greatly since the last time this was considered. The first permit request for a dock less scooter company to come into Athens was signed recently. This will be an alternate means of transit into the central business district.

Steve Patterson: This does not change the parking requirements for anything above the 1st floor. The only parking we are talking about in this zone is for the businesses on the first floor.

Andrew Stone: Clarified that this is for new businesses. Benefits for this change are for a central business district to thrive it needs to have people present and to have foot traffic. Several businesses have closed recently, Ohio University student population is shrinking. Making the central business district more flexible will facilitate our goal to diversify the economy. Closures follow closures. More likely to happen so this will guard against additional closures and enable the central business district to thrive.

Joan Kraynanski/56 Mound

Electric scooters have to park too. Where will they park?

Andrew Stone moved to recommend to City Council the zoning change from B3 to B2D as per the map. Steve Patterson seconded. Motion passed 4:0. Nancy Bain abstained.

Case #19-07 City Council Resolution R-08-19

Request to consider amending zoning code to include short-term rentals in residential zones

David Riggs/Summary

Resolution to recommend amending zoning code to include short-term rentals in R1 zones. This was communicated by Chris Fahl at the last meeting.

Chris Fahl turned the discussion over to the Planning Commission and audience questions and comments. This is on the City Council 10/7 committee meeting agenda for discussion.

Steve Patterson: Has received emails from people in opposition and from people in favor of this.

Andrew Stone: Since the last meeting when this was communicated, he met with the City Planner and Code Director to dig into code. Short-term rentals are not necessarily prohibited now in the city. There are other aspects of zoning that are prohibited, for instance, more than 3 unrelated people in the same residence is prohibited in R1 zones. Zoning talks about bed & breakfasts but it doesn't address short-term rentals. In the housing regulations it talks about the requirement to get a rental permit. The requirement kicks in when you rent your property for 6 months. The reason being that people who teach at Ohio University and want to leave for the summer can rent their homes for the summer months, so a rental permit has not been required for that. The Planning Commission doesn't have the ability right now to prohibit short-term rentals if they comply with the other aspects in the zoning code. We have make some kind of change.

Joan Kraynanski/56 Mound

The 6 month rental permit requirement mentioned above does not speak to this type of short-term rental or the types of bed & breakfasts that are going on right now that are not being shut down. Read from a written statement (attached for reference). Added that she has stayed in many bed & breakfasts and all were owner occupied, neat, and none in a heavily residential neighborhood.

Barbara Stout/954 E. State

- Towns and cities worldwide are walking this back because affordable housing is being taken off the market. Properties are being turned into Airbnb's. Athens is not a heavy tourist destination so this applies to a few well known weekends a year.
- There is online availability right now – majority are outside of city limits and some inside city limits. If this is a question of enforcement it shouldn't be because it is easy to find them online.
- Without affordable housing in the close neighborhoods the quality of life will be destroyed.
- 250 ft. requirement will not prevent someone from buying up several houses to the sides, in front, and behind.

Tim Sexton/17 Graham Drive

Has lived here for 34 years and wonders why he has to deal with a few people that will implement this at our cost. Regarding the Tourist Home, two yearly events, Palmerfest and Halloween came to mind. It will be party central and make it hard for the police to get around to enforce anything.

Bill Safranek/34 Grosvenor

Hasn't had a chance to fully look at code but the other comments seem to make sense. Some of the push for this comes from a notion that these are popping up anyway, are against the code and can't be enforced. Please don't reach that conclusion too quickly. Don't assume and throw up your hands that an illegal bread & breakfast cannot be enforced. Handed out written statement that RJ Sumney read (attached for reference).

Betty Hollow/31 Maplewood

Encourages the Planning Commission to consider this issue very carefully. Read written questions (attached for reference) and referred to an OPD story (Airbnb providing names/addresses of all Portland, OR Airbnb's to the city for enforcement purposes).

Jack Stauffer/69 Elmwood

- No transparency. Put in a public records request and got it in 2 ½ weeks. Sent a note to all City Council members with questions about the short-term rentals. Only three members contacted him. No acknowledgement from the other four (members of committee that sent this forward).
- Duration of the stay? Housing prices will be pushed down. Desirability will be pushed down.
- 36 Utah Place is the driving force for the tourist home. The neighbor who has complained has had no cooperation for 2 years. The previous Code Director, Rick Sirois, told Joan Kraynanski that there were certain properties he was not allowed to enforce.
- Putting neighbors in charge of policing these operations. Don't let this happen in an R1 zone. These will pop up in the near east side.
- Council represents a majority of the people. Taking from 95% of the people to give the advantage to the other 5%.

Andrew Stone: 30 and 36 Utah are two addresses for the same property. A portion is in city limits and the other is outside the city limits. The boundary goes to the middle of the building.

Diane McVey/83 Grosvenor

Has been operating an Airbnb for 4 years. She has been working with city to come up with strict regulations because she recognizes that there can be problems if there are not strong regulations. Offered positive comments about Chris Fahl and noted that she has worked diligently with homeowners who want to operate Airbnb's. This allows people to stay in their homes, no one makes a ton of money or does it every day of every week. It does alleviate the big weekends. Glad to hear that from Mr. Stone that this is not illegal. Just as others have the right to do what they want on their property, she should have the right to do what she wants to do on her property. This has potential for people to stay in their homes or even attract young people to purchase dilapidated homes and convert them to residence homes.

Bill Safranek delivered a letter from someone in the audience who had to leave the meeting (attached for reference).

Jean Drevenstedt/20 Ohio Avenue

Has lived in her house since 1981. Trusting that the Planning Commission will consider carefully any reinterpretation or change in the requirements for the R1 neighborhood. Her neighborhood association years ago fought hard to change their status to an R1 which they felt was a protection for the neighborhood.

Mary Abel/48 Strathmore

Short-term rentals have exploded on the market in the last few years. How to manage regulations has been grappled with by large and small municipalities. Researched short-terms rentals in the area and found 150 listed outside and in the city. Some may or may not be allowable under current code regulations. There should be regulations that can be monitored and enforced by the city and not the homeowners or neighbors. Most of the people she has spoken with are against the stand-alone tourist home because of the following issues: revolving door of strangers, noise, cleanliness, parking, safety, criminal activities, and resale value. Another concern is that residential housing stock is eliminated. Most of the discussion at the Affordable Housing Commission meetings center on providing affordable housing so that young families, professionals and retirees can live in the city. With 75% of the housing in Athens being rentals, a tourist home has the potential of taking a viable property off the market. The Economic Policy Institute found that short-term rentals already strain a short supply of housing. There are also issues of displacement or gentrification. Owner operators tend to be on the upper end of the economic scale. The costs outweigh the benefits and accelerates the affordable housing crisis.

Rob Delach/124 Morris

In favor for the work the city is doing to try to regulate short-term rentals. An example of the city being proactive is the recent permit for scooters where regulations were put into place before they came. The parallel is obvious and the city should move forward.

- Airbnb's in R1 zones are increasing property values. Reduction of property values is due to the long term rentals in the city.
- The concern over the ability for a resident to have more than one tourist home in a 250 ft. radius – it actually is limited to only one tourist home, and the BZA has to approve a short term rental tourist home. They are required to go out and interview the neighborhood and get feedback.
- Impact will be positive on the R1 neighborhoods.

Barbara Ery/14 Fort

Has a rental permit and has students living with her. Benefits from the increased income which helps her maintain the home and allows her to live in her home. Long term rentals are the problem. She has more control with her short-term tenants.

Jan Hodson/44 Graham

Tourist home in an R1 is her concern. Bought her house in an R1 because she wanted to be in a neighborhood. Concerned about the tourist home because it changes the nature of your life in that neighborhood. People come and go during certain the weekends. These can't be enforced and shouldn't have to be enforced by the neighbor. In an R1 a separate tourist home has no place.

Stephanie Goldsberry/20 N. May

Parking is and always has been a big issue in this town. If doing this in an R1 and not asking them to provide parking it will have to be on the street and that will be disruptive to everyone else who needs to park on the street. Few residential areas now so this will commercialize the few R1 neighborhoods we have now. Hotels along E. State will now experience a pinch. Policy should focus on getting rid of dilapidated student housing. Private complexes should offer short-term rentals. Policy should also focus on annexation. The area where the County is building a new sewer system is a good place to start. Why increase from 3 to 6 the number of allowable unrelated individuals? Code office is the guardian of what is happening – they can't handle it right now. Adding more rentals to the R1 is a concern. Parking is an issue.

Andrew Stone: Asked for clarification from the Code Enforcement staff, regarding change of use triggering a bulk control requirement that previously didn't occur. For instance if there were a situation under this proposal where an owner occupied house becomes a home stay, and it previously didn't have off street parking, does becoming a home stay and registering under license A be a change of use and would it trigger the zoning parking requirements to be met?

Lance Allison: I believe it would.

Glen Harding/46 Graham

Enforcement is impossible and this will increase that without careful thought. 6 or 10 unrelated residents is really pushing it. This will only benefit a few.

Joan Kraynanski/56 Mound

There are regulations for bed & breakfasts in code. A few years ago, City Council expanded them and designated for certain areas. We have established code to operate bed & breakfasts in certain zones, but not in R1 zones. This is being pushed further into R1 zones. Why add more regulations that can't be enforced?

Jack Stauffer/69 Elmwood

Read a letter from a neighbor, Melinda Miller/25 Graham Drive. We are already allowable to have renters in homes. Expanding rentals is not necessary. Property owners policing homes is ludicrous.

Mr. Stauffer urged the Planning Commission to take this back for further review and study.

Barbara Stout/954 E. State

Owns a property at 111 Grosvenor and sees value in an owner occupied doing a bed & breakfast. If you try to call about bad behavior, there is no mechanism for enforcement especially after hours. Owner being present in the house is the only real way to be effective.

Steve Patterson: There is a large number people in the audience today and many have communicated concerns, so he recommends a public hearing.

Andrew Stone: The Planning Commission's role is narrow here. Our role is to make a recommendations to Title 23 changes only: 1. Add the home stay provision as permitted use under R1. 2. Add tourist home provision as a conditionally permitted use with BZA approval under R1 3. Add owner occupied and owner managed bed & breakfast as a principally permitted use in R3. Sounds as though the most objections we are hearing today is the tourist home in the R1. We can consider recommending portions of this request only, with modifications.

Nancy Bain: There are pertinent zoning issues that should be included in the licensure document.

Christy Zempter: Has concerns about the ambiguity in the zoning code and leaving too much to the licensing process. For transparency, we should spell out as much as we can in the zoning code and not just in the licensing process.

Steve Patterson: Heard issues with parking and tourist homes. This piece of legislation will influence the entire city of Athens who live in an R1 so we need more time to hear from everyone. In all fairness we need to hold a public hearing.

Steve Patterson moved to hold a public hearing on this issue. Nancy Bain seconded. All present voted aye, motion passed 5:0. Required to publish for 30 days before the public hearing date. Required to return something to City Council within 60 days after that. Public hearing could occur at the Community Center in the evening. Andrew Stone will discuss with his staff and report back with a date and time to the secretary.

5. **Communications**

None

6. **Report from City Planner and Director of Code Enforcement**

Paul Logue

- No report

David Riggs

- No report

7. **Opportunity for Citizens to Speak**

None

8. Announcements & Other Business

The next meeting will be October 17, 2019.

9. Adjournment

The meeting was adjourned at 1:28 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens

Athens Planning Commission, October 3, 2019

Comments presented by Joan Kraynanski:

First: I think there is room for compromise, but the subjects of occupancy and enforcement need to be addressed.

An owner occupied residence in an R1 zone could offer two guest rooms as a home business or Home Stay with an occupancy max of two guests.

The owner must be a full time occupant and operator of the Home Stay. (Eliminating the 51% legal residency by the owner which would be difficult to enforce.)

A guest room can hold two guests if those guests are related and the guest room meets code established room regulations. (the Home Stay log book would document guests' stay, leaving discretion of relationship to the owner, e.g. parents, couples, child, etc..)

A non-profit as outlined under this proposal, allowing for 10 host volunteer^{any} home stays, is totally unacceptable. Such an operation could be easily abused and could overwhelm a neighborhood. (I am puzzled as to what exactly this addresses and why this was added into the proposals.)

(Question: If parking is grandfathered at the residence, not required to meet current parking regulations under Bulk Controls, how would that affect parking for a Home Stay, would that be a change of use and therefore the parking would need to meet Bulk Controls?)

Second: I do not believe there is any compromise for a Tourist Home with six (6) occupants in an R1 zone.

This totally guts the residency laws established for an R1 zone and leaves the three occupancy or renters allowed in an R1 zone open for law suits along with degradation of what an R1 neighborhood is meant to resemble – a neighborhood not a business zone.

As stated in the proposal a Tourist Home falls under a "Conditionally Permitted Use" to be determined by the BZA. If City Council sees this as a valid condition for an R1 neighborhood, they need to "own it" not require the BZA to be the scapegoat for allowing a Tourist Home in an R1 neighborhood.

William Safranek

P. O. Box 2606, Athens, OH 45701
740 592-5025; bill.safranek@gmail.com

October 3, 2019

R. J. Sumney, Chair
Athens City Planning Commission
Third Floor, City Hall
Athens, OH 45701

**Re: Case No. 19-07, City Council Request To
Consider Amending Zoning Code To
Include Short Term Rentals in Residential
Zones**

Dear Chair Sumney:

I will address one aspect of this that others might not.

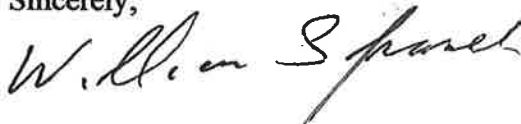
I had a conversation about this with a member of city council from which I took away an impression that one factor motivating some members of council is the alleged difficulty of enforcing existing code which renders profitmaking bed and breakfast operations unlawful. Accordingly, it is reasoned that it makes sense to make such operations legal and tax them.

But, is it truly the case that enforcing existing code is not possible. Perhaps a change in enforcement approach or simply a greater determination to enforce would yield a different result. Consider that the law director recently asked council to change the penalty structure for repeated violations of the housing code. Might changes of some sort make a difference here? Might civil enforcement offer a better approach? Is it just too early to through in the towel? I urge that that it is.

Indeed, might licensing requirements be ignored if they are enacted?

I urge that you deliberate cautiously as you consider this matter.

Sincerely,



William Safranek

Questions for the Planning Board Concerning Short Term Rentals

Why is Athens charging ahead to allow short-term rentals in R districts, especially R1, when cities across the country are struggling to limit, remove or control them?

Is it feasible to increase the percentage of rentals in a city that is 75% rentals now?"

Who benefits?

 The city?

 Landlords?

 The "visitors"?

 The residential neighborhoods?

 The permanent residents?

Are "visitors" to Athens more important than residents?

What are the known consequences?

How does adding short-term rentals affect efforts to provide affordable housing in Athens?

Will the parking requirements remain the same for R1-3 districts?

What kinds of inspections/permits will be required?

Will the city need to increase inspectors to cover this new rental category?



*Other members,
Planning Commission*

Local (<https://www.opb.org/news/topic/local/>)

Nation (<https://www.opb.org/news/topic/nation/>)

World (<https://www.opb.org/news/topic/world/>)

Economy (<https://www.opb.org/news/topic/economy/>)

Environment (<https://www.opb.org/news/topic/environment/>)

Politics (<https://www.opb.org/news/topic/politics/>)

Health (<https://www.opb.org/news/topic/health/>)

Education (<https://www.opb.org/news/topic/education/>)

Español (<https://www.opb.org/news/topic/spanish/>)

News (<https://www.opb.org/News/Topic/News/>) | Business (<https://www.opb.org/News/Topic/Business/>) | Nation (<https://www.opb.org/News/Topic/Nation/>) | Local (<https://www.opb.org/News/Topic/Local/>)

Portland Reaches Rental Data Sharing Agreement With Airbnb

by **Amelia Templeton** (<https://www.opb.org/contributor/amelia-templeton/>) [Follow \(\)](#) OPB Sept. 4, 2019 2:18 p.m. |

Updated: Sept. 5, 2019 11:18 a.m.

UPDATE (Thursday, Sept. 5, 8:35 a.m.) – Portland officials have reached a landmark agreement (http://opb-imgserve-production.s3-website-us-west-2.amazonaws.com/original/airbnb_pass-through_registration_agreement_final_and_signed_15676 with one of the largest online vacation rental platforms, Airbnb, that will make it easier to remove listings that violate Portland regulations.

Airbnb has agreed to share data with regulators about the listings posted on its site and pay the city a small annual fee to facilitate data sharing and enforcement.

The deal follows years of negotiations – and legal action – between the city and the company.

THANKS TO OUR SPONSORS:

become a sponsor
(<https://www.opb.org/support/partners/>)

Related Content

After becoming the first city to formally legalize short-term rentals, Portland has struggled to enforce the permitting rules it laid out that were intended to limit the impact of vacation rentals on the housing market as the cost of housing steadily increased.

RELATED COVERAGE



(<https://www.opb.org/news/article/airbnb-portland-oregon-ordinance-crackdown/>)

Portland Drafts Ordinance To Crackdown On Airbnb

(<https://www.opb.org/news/article/airbnb-portland-oregon-ordinance-crackdown/>)

The agreement with Airbnb follows a federal appeals court ruling in March that dealt a blow to the internet-freedom argument that Airbnb and other vacation rental sites have used to argue that they are not publicizing the listings on their sites.

The city subpoenaed Airbnb in 2017, seeking data it could use to crack down on unpermitted vacation rental listings

(<https://www.opb.org/news/article/airbnb-portland-oregon-ordinance-crackdown/>). In June, the council adopted a new ordinance that banned Airbnb from collecting fees for unpermitted rentals.



(<https://www.opb.org/news/article/npr-this-digital-sheriff-helps-cities-wrangle-airbnb-rules/>)

This Digital Sheriff Helps Cities Wrangle Airbnb Rules

(<https://www.opb.org/news/article/npr-this-digital-sheriff-helps-cities-wrangle-airbnb-rules/>)

NPR



(<https://www.opb.org/news/article/npr-episode-897-new-orleans-vs-airbnb/>)

Episode 897: New Orleans Vs. Airbnb

(<https://www.opb.org/news/article/npr-episode-897-new-orleans-vs-airbnb/>)

NPR

THANKS TO OUR SPONSORS

The city and Airbnb signed the new data-sharing deal on August 30.

Thomas Lannom, the director of Portland's Revenue Bureau called the data-sharing agreement "the toughest in the nation" in an email to the mayor and city council.

Starting this December, the company has agreed to provide regulators with data on its vacation rental listings on a monthly basis.

Data the city will receive on listings includes the name, mailing address and contact information for the person listing the property, address of the rental location, a description and URL for the listing, and booking and transaction information including the number of guests.

(<https://www.recode.org/appsot/partners/>)

Most of that data will be considered public record, and information about permitted short-term rentals will be publicly available on the city's Portland Maps website.

Beginning January 1, Airbnb will remove listings posted by hosts who do not give permission to have their data shared with city regulators. Lannom said he expects that could trigger Airbnb to remove up to 1,500 listings in Portland.

In exchange, the city has agreed to streamline its permitting process. It will no longer require in-person inspections for every vacation rental, and it will reduce the number of forms vacation rental owners have to fill out. The city has also agreed to allow Airbnb to continue to list properties that have pending permits, or that appeal a decision to deny them a permit.

October 2, 2019

To Planning Commission, City of Athens

RE: Short term rentals

I would like to express my opposition to the changes to R-1 outlined in this resolution. I believe that it would negatively impact residential communities in Athens by allowing landlords to have a stream of not residents coming and going, by decreasing land values, by increasing already difficult parking problems on public streets, and by increasing the likelihood for the loss of residents in R-1 areas to properties outside of town. Athens has always been a blend of students and full-time residents. Adding transient people coming and going is a threat to the Athens sense of community.

Thank you,

Judith Rhue

218 E. State St.

Athens, OH 45701