

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
COUNCIL CHAMBERS
BUSINESS MEETING
May 10, 2023
7:00 P.M.**

Mr. Duane Froelicher called the meeting to order at 7:01 P.M.

BOARD MEMBERS PRESENT

Ms. Lois Evans
Mr. Duane Froelicher
Mr. Thomas Judd

BOARD MEMBERS NOT PRESENT

Mrs. Lila Huff
Mrs. Linda Schaffer

STAFF MEMBERS PRESENT

Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT

Mr. Dale Wilson

APPROVAL OF MINUTES

Mr. Froelicher stated the Board received copies of the minutes of the Florence Board of Adjustment meeting of April 10, 2023. He asked if there were any other comments or corrections. Ms. Evans made a motion to approve the minutes as written and Mr. Judd seconded the motion. Mr. Froelicher called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Skyler Barry for a Conditional Use Permit. The Conditional Use Permit is to allow a short term rental household. The approximate 0.27 acre site is located at 13 Lakeshore Drive, Florence, Kentucky. The parcel is zoned Suburban Residential One (SR-1).

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation.

Mrs. Susan Barry introduced herself, her daughter, Skyler, and her husband, John. She said she would address the Staff questions.

1. Is the property currently being rented? If so, are these rentals 30 days or more?

The property is currently not being rented.

2. Where do they live and how frequently would they visit the property if the Conditional Use Permit and City Permit were approved?

They live in Union, KY. They would visit the property as needed.

3. How would they market the property for rent?

Their target market is people visiting the Arc, Creation Museum, or Cincinnati. They would advertise it for rent on short term rental sites.

4. How would they monitor that no parties are taking place?

They use a system called noise aware, which monitors the noise levels in the home. They would be sent a text notification if the noise levels reach a certain level. They also have a ring door bell which monitors how many people are going in and out of the house.

5. Are there any plans to make any additional exterior improvements that would encourage guests to spend more time outdoors? Examples are fire pits, pools, basketball goals, etc.?

They do not have any plans to make any such improvements. The property has a patio and nice backyard.

6. Could the house be rented for a night or two?

They would advertise the house for minimum three-night rentals.

Mr. Froelicher asked if they would be okay with limiting the number of guests to 7, per the Staff recommendation? Mrs. Barry said they are trying to market the property to families and a maximum of 9 guests would be more appealing to two families. It would allow 4 adults and 5 children. They are willing to discuss the maximum number if it's an issue to the Board.

Ms. Evans asked how many bathrooms the house contained? Mrs. Barry indicated there were two bathrooms. One bathroom has a tub and both have showers.

Mr. Froelicher asked if there was anybody in the audience that wanted to speak for or against the request?

Mr. William Turner said he lived at 11 Lakeshore Drive. He asked if any background checks would be performed on the people that stay there? There is a school in the area

and he has children. Mrs. Barry responded they do background checks on long term renters but not short term renters.

Mr. Froelicher asked if they plan on marketing the property through Vrbo and Airbnb? Mrs. Barry said that was correct.

Mr. Judd asked if the Barry's had another Conditional Use Permit approved? Mr. Morgan responded they had a Conditional Use Permit approved to allow short term rentals out of house on North Dilcrest last year.

Ms. Evans asked if this would be their second short term rental property? Mrs. Barry responded that this would be their second short term rental house. They have other long term rental houses in Boone and Campbell County.

Mr. Turner asked what would stop someone from renting the house for two or three days? He asked who would be responsible if something happens. Mrs. Barry said she would be responsible. She doesn't know how the short-term rental industry deals with that. They do not do background checks.

Mike Storms said he lived at 23 Achates Avenue. The reason hotels, motels, and rentals aren't in school zones is because there are no background checks. The subject house is very close to Yealey Elementary. His house is also directly across from 22 Achates. The owners were renting rooms out of that house illegally and it was a disaster. He also has concerns about parking because the house is located at the corner and people park in the no parking area. There is also a lot of school traffic.

Ms. Evans asked if the police were called. Mr. Storms said the police have been called multiple times about the parking issues and the police simply tell people to move their cars. He would like to see the police start ticketing people. Mrs. Barry responded that they will not have a parking problem with the short term rental because all the guests are required to park in the driveways.

Mrs. Jeanean Storms said she lived at 23 Achates Avenue. Parking is difficult in the neighborhood because of the school. People park on Achates and Lakeshore close to stop signs. The police do not enforce parking issues or the illegal room rentals that were taking place across from her. She has lost faith. She believes having a short term rental house in the neighborhood will add even more issues. It is frustrating to own a home and have neighbors, like the ones that were renting rooms across from her, trash their properties. That rental house is now in foreclosure and people climb through windows to get in.

Ms. Evans said she believes the Barry's have an interest and investment in their home. She believes the neighbors will be able to contact them and address issues. They don't want to have any problems with their property or the neighbors. Mrs. Storms responded that she and her husband and many other neighbors work hard and have also made investments. They want to feel safe and don't want to see people just coming in and out.

Ms. Christy Fowler said she lived at 21 Achates and is directly across from 22 Achates. She agrees with Jeanean Storms comments. They do not want rental houses in the neighborhood. They do not know the applicants and the Board does not know them. They have seen rental houses turn into trash. They want a neighborhood with neighbors that care about each other and kids going to the local schools. She has lived at her house for 39 years and has seen a slow deterioration of the neighborhood over the last 2 years because of rental houses. Rental homes should not be permitted. The applicants claim that they want to market the home so people can come see things like the Arc. There are plenty of hotels. People need to stay in hotels and not their neighborhood.

Ms. Jamie Lynch said she lived at 101 Yealey Drive. She agrees with all her neighbors that have spoken. She doesn't believe families will rent a short-term rental home in Florence. Two things pop up if you Google things to do in Florence, Kentucky. They are S. Fork Park and World of Golf. She loves Florence but she doesn't see it as a popular destination for vacations. People on business want to be hotels to receive perks. She believes that people that are looking to rent a short-term rental in Florence will be looking for mischief. Short term rentals are used to make drugs. There is also a problem with human trafficking. At the hospital she was recently pulled aside and asked to confirm she was not a victim of human trafficking. This type of activity could occur at a short-term rental house like this. There is a school right down the road and there are so many kids coming in and out. The back of this house is fairly secluded for mischief. She wants the Board to take notice of how many neighbors are here tonight. They are here for each other. This proposal will destroy their neighborhood. She doesn't believe this is the proper place for a short-term rental because there is no destination.

Mrs. Barry said this house is the proper place for a short term rental based on statistics. They have another property in Florence that is rented 100% of the time. Travelers do come to Florence because it's close to Cincinnati, Arc, and Creation Museum. She confirmed that the house will be a rental. It just a matter if it will be a short-term rental or a long-term rental. They are willing to give out their cell phone numbers and neighbors can contact them if there are any problems. They see more problems with long term renters than they do from the short term renters. She asked if there was any zoning regulation regarding the distance of a short-term rental from a school. Mr. Froelicher responded there were not.

Ms. Abby Carlotta said she lived at 27 Achates Avenue. The proposal is not a good one because it will cause a lot of safety concerns in their neighborhood. There are a lot of kids that wait for busses at corners so it's not a good idea to bring a lot of people in and out. They will not know the short-term renters or their backgrounds.

Mrs. Jeanean Storms asked if the Barry's did background check on long term renters. Mrs. Barry said they did. Mrs. Storms said that makes a huge difference. The people living at 22 Achates were there illegally. Police came there 2-3 times a week but nothing was done. Background checks are needed when you live in a school zone. She has young grandchildren.

Mr. Mike Storms asked how the City of Florence would police if sex offenders were short-

term renting a house in a school zone. Mr. Froelicher responded there is no way to monitor that. He checked at Airbnb and Vrbo. Mr. Morgan said he doesn't believe any hotel or short term rental house is required to monitor if a guest is a sex offender. He would imagine that a sex offender could rent a hotel or house within close distance of a school. Mr. Storms said he understands that but wanted to see if that concerned the Board. Mr. Froelicher said it was a concern.

Mr. Froelicher asked if the residents would rather see a long-term rental versus a short-term rental? The City of Florence has a lot of rules and monitoring for short-term rentals. The City of Florence can revoke a permit if the applicant does not comply with the rules. Mrs. Storms said the residents preferred long term renters because background checks would be done. She knows that doesn't guarantee maintenance because the house at 21 Lakeshore always has long term renters and there is knee high grass. She asked if the Board would want short-term renters in their neighborhoods. Mr. Froelicher said he did a lot of research on this issue and short-term renters are a good thing for the City of Florence and they are monitored. He would have no issue if one located in his neighborhood.

Ms. Evans asked if the Barry's could explain their existing short-term rental. Mrs. Barry said they have long-term renters and short-term renters. She believes the short-term renters are better quality than the long-term renters. The short-term renters pay top dollar while long term renters pay the equivalent of a mortgage payment. The short-term rental also has better quality furniture. Ms. Evans asked if her short-term renters tell her what they are in town to do. Mrs. Barry replied most don't but some ask for recommendations. Mrs. Evans asked who maintains the property. Mrs. Barry responded we do but added that a service takes care of the grass. She hopes that the neighbors have seen the improvements they are making. She wants the property to be a shining star and not an eyesore.

Ms. Evans asked how long they owned their other short-term rental. Mrs. Barry responded about a year and indicated it has been running about 100% occupancy. That house has a minimum three-night stay requirement as well. Ms. Evans asked if they have had any issues. Mrs. Barry responded they haven't and the only neighbor that called them reported a maintenance issue, like a piece of siding coming down. All the neighbors have their phone numbers.

Ms. Kim Pelle said she lives at 28 Achates. She echoes the other neighbor concerns. She wanted to add that this house is one of the first ones that is seen when you come into the neighborhood. You have to pass this house on the corner to get to many others so they want to see it properly maintained. They would be less concerned if there was a way to require a background check for short-term renters. It sounds like there is a lot more requirements for short-term renters than for long-term renters. She knows the last occupants always parked on the streets and it caused issues. She just wants the hear people's thoughts on what would be best for the neighborhood.

Mr. Froelicher said the City of Florence spent a lot of time creating the short-term rental ordinances. They realized the "train" was coming and wanted to get ahead of it. The have approximately 1.5 million people coming into the area each year to see the Arc or Creation

Museum. They have plans to expand which will bring in more people. People are coming to this area from all over the world. The Ordinances were put in place to create guidelines and to make sure that properties were maintained. Short-term rentals are monitored more than long-term rental households. Complaints could cause a short-term rental permit to be revoked.

Mr. Judd said Mr. Barry was listed as an emergency contact on the City of Florence application. The emergency contact should live at a different address than the primary contact. Mr. Judd said he thinks a third party should be listed in the event the entire family is out of town. Mr. Morgan replied that is something for the City of Florence to work out if this Conditional Use Permit is approved. He is okay with it because two different cell phone numbers were provided.

Mr. Froelicher asked for a motion. Ms. Evans made a motion to approve the application with the following conditions:

1. Short term renters shall be required to rent the dwelling for a minimum of three nights.
2. One renter or group shall rent the entire household with a single-rental contract.
3. Short-term rentals of the property shall be limited to a maximum of nine (9) guests.

Mr. Froelicher asked for a second and there was no response. The motion failed because it did not receive a second.

Mr. Judd said he feels that the proposal is not in agreement with the Comprehensive Plan. He does not believe that a decision to approve would balance the rights of landowners with the rights of neighbors and the community. He asked if the Barry's have talked with the neighbors. Ms. Skyler Barry responded that she did speak with a few neighbors and the ones that she spoke to are not present this evening. Mr. Judd said there was a strong stance of opposition from the neighbors tonight.

Ms. Evans said just the fact that the neighbors are opposed is not a sufficient reason to deny the application.

Mr. Froelicher made a motion to deny the request based on the record. He called for the vote and it carried 2-1, with Mr. Froelicher and Mr. Judd voting "yes" and Ms. Evans voting "no".

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Froelicher asked for a motion to adjourn. Ms. Evans made a motion to adjourn the meeting and Mr. Judd seconded the motion. Mr. Froelicher called for the vote and the meeting was adjourned by unanimous consent at 7:55 P.M.

APPROVED

Mr. Duane Froelicher

ATTEST:

Todd K. Morgan, AICP
Senior Planner