

EDWARDSVILLE ZONING BOARD OF APPEALS

Meeting Minutes

5/24/21

7:00 PM

Approved:

Robert D. Hotz 6/28/2021

I. ROLL CALL:

Present

B. Hotz, Chairman
A. Robertson, Vice Chairman
C. McCaskill
J. Krebs
T. Butts
D. Gerber
E. Fultz, Staff
C. Miller, Staff
B. Buncher, Staff
E. Sutter, Staff
J. Cunningham, Staff
E. Long Mays
J. Mays
Chris H.
M. Clinger
K. Goodner
T. Saksa
J. Fish

Absent

M. Pierceall

II. PUBLIC COMMENT: None.

III. APPROVAL OF MINUTES

Minutes of the regular meeting for April 26, 2021 are hereby approved and passed.

IV. ZONING CASES

A. Case 2021-24 – Special Use Permit

Erin Long & Joseph Mays have petitioned the City of Edwardsville for a special use permit to allow a bed and breakfast as a home occupation at 223 North Kansas Street. The property is more specifically identified as PID 14-2-15-11-07-0203-016.001. The property is currently zoned R-1 Single Family Residence District.

APPLICANT: Erin Long & Joseph Mays

LOCATION: 223 North Kansas Street

AREA LAND USE AND ZONING: The subject site is zoned R-1 Single Family Residence District and is adjacent to single-family and multiple-family dwellings zoned R-1 Single-Family

APPLICABLE PLANNING CONSIDERATIONS: The Comprehensive Plan shows this property as Neighborhood District. The existing zoning is in agreement with the Comprehensive Plan

ZONING BOARD OF APPEALS STANDARDS FOR SPECIAL USE PERMITS:

- 1) Existing uses and zoning of nearby property and relationship to Edwardsville’s adopted comprehensive plan.

Direction	Zoning Designation	Use
North	R-1 Single-Family Residential District	Vacant Lot
South	R-1 Single-Family Residential District	Single-Family Dwelling
East	R-1 Single-Family Residential District	Multiple-Family Dwelling
West	R-1 Single-Family Residential District	Parking Lot

- 2) Extent to which property value diminishes adjacent to the zoned parcels. Value decrease to be supplied by the petitioner and made by professional appraiser.
 - No property value information provided by petitioner.
- 3) Extent to which the proposed change alters or promotes the public health, safety morals or general welfare.
 - The proposed use will neither alter nor promote the public health, safety, morals, or general welfare of the community.
- 4) The relative gain to the public as compared to the hardship imposed upon the property owners, and there is a need for the proposed special use.
 - The proposed Bed & Breakfast use would provide Edwardsville’s visitors with a more local experience for their stay. This type of special use could allow for potential hardships for adjoining property owners such as neighborhood disturbances and increased traffic due to transient tenants.
- 5) The suitability of the subject property for the zoned purposes indicated by ordinance.
 - The property is suitable for the Permitted Uses listed in the R-1 Single-Family Residential District and could easily be occupied by a permitted use (e.g. single-family dwelling).

STAFF DISCUSSION:

Erin Long Mays stated that they applied for the special use permit to provide a space for people visiting Edwardsville to stay. She stated that they are using Auto Host, which is a multi-layered guest verification system. It will validate the guest’s information and will alert the hosts of any concerning results. External security cameras are at every entry point. There will be a noise monitoring system inside the house which is a part of the house rules which is a binding document signed by the guests. The maximum occupancy will be six adults. The minimum is two night stay, the target market of vacation guests and traveling professionals is between fourteen and sixty nights.

Joseph Mays stated that they respect the staff’s concerns. He believes that the visitors will be a benefit to local businesses. He asked that the special use permit to be allowed on a case by case basis allowing the objected criteria of the ordinance to drive approval or denial and regulate tax appropriately. This allows the city has the power to ensure that short term rentals do not grow outside of what the city desires. He fears that the city is excluding itself from the growing industry of short term rentals.

Kimberly Goodner stated that students bring their families downtown during graduation and they mentioned that they wished there were places to stay close to downtown. She stated that it would great for people to be able to stay in a place on Main Street when visiting town.

Jared Fish stated that he is a coworker of Joseph Mays and there is need a need for family to be able to stay when visiting town. He talked in favor of the special use permit.

Emily Fultz read several emails both in favor and opposition to the special use permit.

Tom Saksa asked who sent in one of the letters and stated that there are other areas in town that the noise level is a problem.

Ann Robertson asked if there was an ordinance in place regarding short term rentals. Emily Fultz stated that we do not have one in place.

Tom Butts stated that he has concerns about the monitoring of this property and stated that if this is granted, everyone else needs to be following the same rules. He stated that he did not understand the target of a forty to sixty day stay. Erin Long Mays stated that their target is traveling nurses, faculty, and families moving in and out of the area. Tom Butts recommended to Council to make it unique that the standard needs to be followed in line with this special use permit.

Bob Hotz asked if the City would review this special use permit annually. Emily Fultz stated that special use permits are not reviewed annual and the applicants would have to reapply if they were to sell the property or use the dwelling as something other than what is proposed in this application.

Tom Butts asked if the house was sold and if the new owners could use the property in the same way. Emily Fultz stated that the ordinance was changed the allow an administrative approval for uses that are exactly the same. She stated that the ordinance was written for commercial properties that have a big turnaround. The board could also approve this special use permit in the applicants name only.

Bob Hotz asked how the City would have relief with knowing the applicants are true to their word without a proper ordinance in place. He stated that the background checks should continue.

Kimberly Goodner stated that there are places in town that are being used as short term rentals and that there should be an ordinance in place to make things safer. She stated that something like this is good for business owners like herself, and that she has considered offering free coupons for guests staying in the short term rental.

Emily Fultz addressed comments about rentals in town and stated that letters were sent out that they need to stop. She stated that the owners need to present their case to the board as well. The City is dealing with problem rentals and is looking at city wide regulations. She stated that the City is evaluating what other cities in the area are doing, and a conversation will be down the road regarding allowing short term rentals as a whole or not.

Tom Butts stated that there was a problem similar in his neighborhood and it was difficult to get the situation resolved, but this special use is evolutionary. He also stated that cases need to be looked at individually. He made a motion to allow the special use permit with the caveat when the property sells that it would need to come back to square one and not be renewed.

Bob Hotz asked if the petitioners could take the presentation to the next committee. He also asked how the conditions would be written in. Emily stated that a resolution will be written and asked the petitioners to provide documentation for it as well.

STAFF RECOMMENDATION:

- Staff recommends **denial** of the Special Use Permit request.
 - One of the primary purposes of the adopted zoning ordinance is to protect the character and stability of sound existing residential areas (1240.01(c)(3).
 - High turnover of transient guests has the potential to negatively affect the character of an existing neighborhood.

- Could also set a precedent for allowing short-term rentals throughout the City, something that staff believes is contradictory to the stated purpose and intent of the City's Zoning Ordinance.

VOICE ROLL CALL: 5 Ayes, 0 Nays, 1 Abstain.

NEXT STEPS:

- Administrative & Community Services Committee Meeting – Thursday, May 27 at 5:00 PM
- City Council Meeting – Tuesday, June 8, 2021 at 7:00 PM

V. OLD BUSINESS: None

VI. NEW BUSINESS: Emily Fultz stated all meetings will be in person starting June 1st. Bob Hotz stated that Justin Zimmerman submitted a letter for resignation, and David Gerber is the interim on Zoning Board.

VII. ADJOURNMENT: Motion to adjourn (Butts), seconded (McCaskill).