

BOARD OF ZONING APPEALS MEETING

JULY 18, 2024

Members Present

Ann Sasser Evans
Nicole Garrison
Gus Dyer
Newton Ray
Lonnie F. Jones

Members Absent

John Hiltzheimer
Lawrence Meder

Staff

Cynthia Lester
Shanika Williams
Renee Burton
Ryan Dodson
Arsenio Day

Chairman Dyer called the meeting to order at 10:00 a.m.

I. ITEMS FOR PUBLIC HEARING

NEW BUSINESS

1. *Special Exception Permit application PZ24-00206 filed by Good Living Group LLC requesting a Special Exception Permit at 18 Garland Street (Parcel 25258) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. I am here on behalf of Good Living Group LLC; they could not be here today they have completely rehabbed this house. It is something I would live in at this date. It has a driveway. I think it checks all the boxes. Preferred Management will be their property manage. We will handle the trash and anything that comes up.

Mr. Dyer stated. Who is Good Living Group LLC?

Ms. Newcomb stated. It is a lady name Margie Barr, she's out of Northern Virginia. She actually bought about 43 houses in the city.

Mr. Dyer stated. 45 I believe that what this city stack map shows. Do they already have some of their homes as short-term rentals?

Ms. Newcomb stated. They have Gray Street it has been approved no I think that under Legacy Home Collective. So, it different I don't think that they have any to date under Good Living Group. Her and her daughter also have an LLC.

Mr. Dyer stated. Do we know for a fact that there are none.

Ms. Garrison stated. I would love to know if they have 45 properties in the city, are they planning for all of them to be short-term rental?

Ms. Newcomb stated. No, I will say she has filed for these under the impression that at some point you guy will cap the short-term rental permits. I mean, at this point this property is going to be used as a mid-

term rental. I already have someone for this property, and another one coming up already has a lease for six months, so it just a preliminary, she wants to have it in the event that they're just not readily available.

Mr. Dyers stated There is actually no official category at midterm its either short-term or long-term, so what you are saying that these houses are currently long-term rentals.

Ms. Newcomb stated. A long-term to me would be 12 months. They're not 12-month leases.

Ms. Dyers stated. There is no intermediate, correct.

Ms. Burton stated. Anything greater than 30 days is considered long-term.

Mr. Dyer closed the Public Hearing

Mr. Dyer stated. Ms. Garrison has brought up an interesting point and this is something that has bother me. When we got into this, we all came in with what we thought was good ideas and bad ideas and I felt that the short-term rentals were a good ideal it gives local people an opportunity to make investments in their own community and the improvement the city would benefit. When I saw the first three was for an LLC in Northern Virginia, I was thinking is that a good ideal a company from out-of-town come in and buy a lot of houses and turn them into short-term rentals.

Ms. Garrison stated. I had those same thoughts.

Ms. Evans stated. They are not the first from Northern Virginia.

Mr. Dyer stated. We learn as we go along. I'll just say that.

Ms. Evans stated. No, I don't disagree. I agree it bothers me.

Ms. Garrison stated. One of my concerns was if the short-term rental doesn't work out, are they going to let the house sit? Are they going to try the long-term or put it back on the market. And with no one from the company who could actually answer these questions, it is sort of open.

Mr. Dyer stated. I have always said the market will determine how many short-term rentals we will ultimately going to need and those that don't cut the mustard so to speak will either be turned into long-term rentals where the folks will just sell them and get out.

Ms. Garrison stated. But right now, they are not going to use it as a short-term rental.

Mr. Dyer stated. Right and so, when we grant someone a short-term rental permit, that doesn't preclude that they can't use it at any point for a long-term rental, correct?

Ms. Burton stated. That is correct. A short-term rental is granting a Special Exception Permit and a Special Exception Permit good for one year. If it is not used within that one-year period, then it may become void.

Mr. Dyer stated. Alright, is it if they use it for one day as a short-term rental is any period during that year does that grant them another year or is it a year from that point or how does that work?

Ms. Burton stated. Must be in used in some amount of time greater than 18 hours less than 30 days as a short-term rental within that one-year time period.

Mr. Dyer stated. Okay.

Mr. Dyer stated. Okay, basically, they need to rent it one day for short-term rental and then they are good for another year.

Ms. Garrison stated. Is that always thru one of the apps or can they just come to you and say, we rented this to this person for 24 hours. And the only proof you have is they said they rented it.

Ms. Burton stated. We would also reach out to the Commissioner of Revenue's Office because they would have to claim that as transient occupancy tax for that time period that they rented it. So, we would look for that documentation as well.

Mr. Dyers stated. How does everyone feel about someone from out of town buying up a bunch of houses and turning them all in to short-term rentals?

Ms. Evans stated. It has been a lot of people from out of town buying up houses.

Mr. Dyer stated. Yeah.

Ms. Garrison stated. Other concern here on this particular one though is it's two houses right next door to each other and I don't know about anybody else but I read a lot of articles about short-term rentals in other areas and this sort of thing has started to become an issue because people are buying up several house on the street and renting them as a group to families or students and there has been a lot of issues with that.

Ms. Garrison made a motion to approve application PZ24-00206. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

Mr. Dyer voted yes with a caveat and that at some point, we need to consider not necessarily putting a limit on the total number of short-term rentals but on the total number any one group can own or any one entity can own.

2. *Special Exception Permit application PZ24-00207 filed by Good Living Group LLC requesting a Special Exception Permit at 14 Garland Street (Parcel 23268) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. To bring up some concerns after the public hearing was closed. Yes, she has bought 45 houses here. I would say over half of them are not occupied and they are not in a condition where they could be occupied. She is doing more that I would say any of my clients have ever done in rehabilitating these houses. The type of money that you don't see people spending in a lot of these neighborhoods. I am flooded by what all she does. I've even cautioned her that she's doing too much, and I will also say that half of these houses would not work as short-term rentals. They are for whatever reason I won't get into. So, will all 45 of her houses be short-term rentals? Absolutely not. Will they be midterm rentals? No. I understand wanting to limit how many one person owns but in the same instance, there's going to be a point in time where short-term rentals don't work here anymore and you're right, these houses will hit the market and these houses will be the nicest houses on these streets and hopefully, it creates something that will inspires the neighbors to do an extra step.

Ms. Evans stated. We would like to see her attend meetings.

Ms. Newcomb stated. She is here, she has brought five houses of appliances. She works harder than anyone I know. She is in town bouncing between all of her properties.

Ms. Garrison stated. She didn't think this meeting was important enough to attend.

Ms. Newcomb stated. She does but she knows I have been here for plenty.

Ms. Garrison stated. You are not the owner of the property.

Ms. Evans stated. Exactly, if she's in town, she needs to attend.

Ms. Garrison stated. I believe this is a mistake on her part.

Ms. Newcomb stated. Her answer to me was that she did not pack any clothes that she thought were appropriate to wear.

Ms. Garrison stated. We don't care what she wears. As long as she's covered.

Mr. Dyer stated. Just to reinforce something you said when we go, and we look at these houses. In most instances you can tell exactly which house is going to be under consideration because it's the nicest house in the neighborhood. At least it's got the freshest coat of paint. And so I will commend folks that come in and you know making investment in what could possibly be a risky situation and we do appreciate that. And this is not picking on anyone individual. This is just the fact that we had three of them by the same, and when you see that LLC at the end of a name you don't know what that means.

Ms. Newcomb stated. I cautioned her about having them all in one meeting.

Ms. Garrison stated. It is not like she was told yesterday that the meeting was today.

Ms. Newcomb stated. If you would like to table these two until next month that is fine.

Ms. Evans stated. We have already voted on the first one.

Ms. Newcomb stated. I mean there are two more.

Ms. Evans stated. They are recommending we postpone it.

Ms. Newcomb stated. They are? Yeah, Stanley sure.

Ms. Evans stated. 14 Garland Street.

Mss. Garrison stated. This has still not been resolved plumbing issue.

Ms. Burton stated. This one has an outstanding permit.

Ms. Evans stated. When these come back up, I suggest she attend.

Mr. Dyer closed the Public Hearing.

Ms. Evans made a motion to postponed application PZ24-00207. Ms. Garrison seconded the motion. The motion was approved by a 5-0 vote.

Mr. Ray stated. Ms. Burton where are we in the house court for short-term rentals, they talk about having so many in the city at one time. I think if they come and take even half of what she's recommending as far as short-term rentals. Do we know in the scheme of things how many are left that can be short-term rentals?

Ms. Burton stated. There is no cap right now on short-term rentals of how many can be within the city. But we do have permits. I'm looking at 87 that are in compliance.

Mr. Dyers stated. That doesn't mean that all 87 are being used for that purpose.

Ms. Burton stated. Correct.

Ms. Evans stated. Hadn't we at one time suggested a cap of 150?

Ms. Burton stated. Yes, that was approve by Planning Commission and postponed by City Council and has not been back to City Council for review.

Ms. Evans stated. Is there a reason why?

Ms. Burton stated. I'm not aware of the reason.

Mr. Dyer stated. I think they kicked the can to us.

Ms. Garrison stated. To make decisions that are controversial.

Mr. Ray stated. If she is talking about 45 houses.

Mr. Dyer stated. We don't want to have one entity to own half of all of them. Because once again, this is sort of an entry point for a lot of folks to make an investment to build long-term wealth. I mean, that what property generally does, so I think we should encourage local people first to take advantage of that.

Ms. Evans stated. Local people don't want the headache.

Mr. Dyer stated. Those who do I think it would be a shame if we allowed out-of-town entities to consume all of the product that would be available possibly for local folks.

3. *Special Exception Permit application PZ24-00208 filed by Good Living Group LLC requesting a Special Exception Permit at 109 Stanley Drive (Parcel 54910) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. I will make sure she is at the next meeting.

Ms. Evans stated. This one when I rode by definitely needs a lot of repairs in the front. I would rather see those repairs done before we considered it.

Ms. Newcomb stated. They have not been able to start on it. It needs a lot.

Ms. Garrison stated. When you do a certificate of occupancy, what do you look at? Because I've been by this house several times. I went by it and then I got the packet and it said there were work being done so I went by again because I thought well, they must have started something after I went by it. I don't understand how this house got a Certificate of Occupancy with the condition that it is in.

Mr. Day stated. I haven't issue it yet. When I did the inspection, we look mostly basic for the smoke alarm, exit plans and fire extinguishers, are your windows bolted or the doors locks on the outside. And are there any safety issue.

Ms. Garrison stated. It says it is completed it cannot be, it is not fit to live in at the state it is right now.

Ms. Newcomb stated. It more or less cosmetic work. That is required for this house. I mean it had a tenant, he relocated to Northern Virginia in May on his own accord.

Ms. Burton stated. The Occupancy permit also making sure there is hot water. It must reach a certain temperature, making sure the electrical is upgraded or not upgrading but meeting building code to ensure that it is a habitable space. The items Ms. Newcomb said is cosmetic those can be handled in a separate category that we consider maintenance. But the items for Certificate of Occupancy have been satisfied.

Ms. Evans stated. In theory if we approve it, then someone could move, it could be a short-term rental tomorrow with the renovations that are needed. Correct?

Ms. Garrison stated. Since the cosmetic is there doesn't mean someone, can't move in.

Ms. Burton stated. That's correct.

Ms. Newcomb stated. It would not be fruitful.

Mr. Dyer stated. I think that's in our purview. I think we have the right to make that consideration whether, just because something technical I mean if we granted permits to everyone who just technically met the criteria then we wouldn't need to be here.

Ms. Garrison stated. I really getting to bother me we're moving too fast on some of these houses.

Ms. Newcomb stated. Just as you guy say the market will dictate how many short-term rentals we have. I think the market will also dictate if someone was to put a house in an unsavory condition on Airbnb it also would not last long.

Ms. Evans stated. I don't disagree with you, but I just feel like we're putting the cart ahead of the horse.

Mr. Dyer stated. I had the misconception that these were all going to be like folks coming into town for vacation. A lot of these houses are being used to house construction workers who maybe don't care about aesthetic appeal of the property they are renting as some other folks. I know that in other places where they've had construction booms and things like that where housing of short people, they will put 20 people in a two-bedroom house if they can find enough space for them to sleep. I do certainly think that the aesthetic appeal of the property is something that's we can take into consideration when we make our judgements.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to postponed application PZ24-00208. Ms. Garrison seconded the motion. The motion was approved by a 5-0 vote.

4. *Special Exception Permit application PZ24-00263 filed by Sherry Cockman requesting a Special Exception Permit at 29 Schoolfield Drive (Parcel 54208) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Mr. Lee stated. I grew up here in Danville, I don't reside here any longer but I'm purchasing this home from Sherry Cockman to turn it into a short-term rental.

Mr. Dyer stated. You are no longer a local resident who will be the property manager here.

Mr. Lee stated. I have Evolve Management Group and then I have an on-site manager Jennifer Nolan as well. I do have rental experience. I've owned 3 dozen rentals and 2 of those were Short-term rentals.

Ms. Garrison stated. It says here you don't want the Certificate of Occupancy to be complete until the property has been transferred to you. You're in the process of buying the property?

Mr. Lee stated. I am in the process. We close August 1st.

Ms. Garrison stated. I think you are a month to early.

Ms. Burton stated. So, that has changed since this particular staff report, the inspection has been completed. And has passed. We encourage everyone to have that done prior to the meeting.

Mr. Dyer closed the Public Hearing.

Ms. Garrison stated. On our map it lists the other SGRs in the area, there are none around this house I feel lie we've had homes on Schoolfield before.

Mr. Ray stated. Me too.

Mr. Dyer stated. They were further down the street.

Ms. Garrison stated. I know the one that coming up SGR that we approved is not on the map. I am concerned that there may be more that we are not seeing.

Ms. Burton stated. I will verify that. Thank you.

Mr. Ray stated. Inspection has been done and completed?

Ms. Burton stated. Yes, yesterday.

Ms. Evans stated. What is the occupancy?

Ms. Burton stated. No more than six.

Mr. Day stated. It is 4.

Ms. Evans stated. How many bedrooms is it. Something I would like to know is what is the occupancy with these applications rather than it's just been completed. I would like a little more detail.

Ms. Burton stated. Absolutely.

The applicant was filed by Sherry Cockman and she's the seller of the property. So. Is that? Correct. Shouldn't it be.

Mr. Dyer stated. The special exception permit goes with the property not the property owner.

Ms. Garrison stated. Okay.

Ms. Burton stated. It stays with the land and we have new applications with this.

Ms. Garrison made a motion to approve application PZ24-00263. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

5. *Special Exception Permit application PZ24-00270 filed by Lauren Smith requesting a Special Exception Permit at 241 Third Avenue West (Parcel 58044) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Smith stated. I am Lauren and I am applying for a short-term rental at that address, it has 4 bedrooms and 2 baths with 1830 square footage. I live right around the corner.

Mr. Dyer stated. You will be managing the property and looking after it. Be on call 24/7.

Ms. Smith stated. I am a real estate broker also.

Ms. Evans stated. Has the certificate of occupancy been completed?

Ms. Burton stated. It was scheduled for yesterday.

Mr. Day stated. Yes.

Mr. Hargrave stated. I live at 105 Windon lane in Stallmont Forest. I live very close to this property and let me say from the beginning that I am not against small businesses. I'm not against people making investments and real estate but the issue with me is where this property is located. It's located right in the middle of a well-established residential neighborhood. On the side where this property is, there are about 7 or 8 houses, 7 of those houses are being occupied by retirees and I'm one of those retirees, I don't live on that side, but I live in the area. So, it concerns me that eventually the street may become a place where there is nothing, but short-term rentals and I really don't want to see that happen. I'm concerned about compliance issues. For example, who will be responsible for making sure the owner of the property is in compliance with all the codes.

Mr. Dyer stated. That gentleman sitting right there on the end Mr. Arsenio Day.

Mr. Hargrave stated. And standards that we have regarding short-term rentals. Can some one answer that for me.

Ms. Burton stated. Certainly, So, Mr. Day is our short-term rental technician. He is responsible for ensuring compliance in the short-term rentals.

Mr. Hargrave stated. How often will that take place? For example, is it once a year? Is it twice a year? Will you go over as the applicant receive their business license for an example?

Mr. Day stated. The inspection itself is annual.

Mr. Hargrave stated. Have you been over to this property.

Mr. Day stated. Yes, I have.

Mr. Hargrave stated. Also, on of the other things that concerns me is this under article 2 section Y it says you can't have parties, luncheons or weddings at this property. Is that correct?

Mr. Day stated. That is correct.

Mr. Hargrave stated. Okay, I'm just concern that the street may become a place for short-term rentals and like I said, I'm not against businesses not against people making investments in real estate, small businesses, are the backbone of this economy, and I want to see people progress but I'm really concerned that this use of short-term rental will go negative and we might start having other problems as we try to rent out these properties.

Mr. Dyer stated. Sir what specific problems do you have with short-term rentals? What are you concerns.

Mr. Hargrave stated. My concern is you don't know who is going into these short-term rentals. You don't know whether they will be there for a day, you don't know whether or not they're going to be there for 30 days. You're never get to know who's going and coming. So, that's one of the issues that concerns me. With someone that's living there in that area for a long period of time. If you have an issue, you can go talk to them you don't have to come back to the Zoning Board to express a complaint.

Mr. Dyers stated. We do in fact have a hotline which is I think and email address you can use if you have any concerns at any point, it could be every day.

Mr. Hargrave stated. Like I said this is concerning to me when you issue these short-term rentals that something could go wrong, and we want to keep the neighborhood positive. It's quiet. It's peaceful and almost crime free, we don't have an issue and I just don't want to see the street full of short-term rentals.

Mr. Dyer stated. Yes, sir. Okay.

Ms. Smith stated. I have lived in Starmont for 28 years. I live on Blair Place which is in walking distance to the property. I think there's also a short-term rental on Elon and I've never heard any commotion and I don't even know of any robbery or anything that has occurred in our area. I do care about our community.

Mr. Ray stated. With you being in the neighborhood, I would much rather have a short-term rental as opposed to a long-term you can take care of them quickly in a long-term you have no control. I think there is a misconception of what a short-term rental is. They are thinking it's a hotel or horny house and what not and I think if you convey to him how to get in touch with you, he can be in contact all the time.

Ms. Smith stated. Starmont is the kind of neighborhood that look out for you, but they don't get into your business.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Is there a short-term rental on Elon?

Mr. Day stated. Yes, 160

Mr. Dyer stated Yes, we approved one on Elon. That was the one where there was concerns multiple people in the house that didn't know each other, maybe Nurses.

Ms. Evans stated. We have done to many.

Ms. Evans made a motion to approve application PZ24-00270. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

6. *Special Exception Permit application PZ24-00279 filed by Thurman Realty LLC requesting a Special Exception Permit at 128 Brantley Place (Parcel 54530) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Eaglund stated. I am the owner of the property. It was previously a long-term rental. The tenant moved out about a month ago and I submitted the application for short-term rental.

Mr. Dyer stated. So, Thurman Realty LLC is your company?

Ms. Eaglund stated. Yes.

Mr. Dyer stated. Does it own any other short-term rentals?

Ms. Eaglund stated. Yes.

Ms. Garrison stated. Do you live in the area?

Ms. Eaglund stated. No, I live in Durham NC.

Mr. Dyer stated. Who will be your property manager?

Ms. Eaglund stated. Katie Newcomb.

Mr. Dyer stated. At least you came to speak on behalf of yourself.

Mr. Dyer closed the Public Hearing

Ms. Garrison stated. This is the house where there is a short-term rental right next door that we approved a couple months ago.

Ms. Evans stated. There is two next-door on Holland Circle and one around the corner.

Mr. Dyer stated. Yeah, I think we have several instances with multiple.

Ms. Garrison stated. I just don't want it to start. I mean, this could start becoming a problem we are staring to have two, three, or four next door or directly across the street and that could become a problem going down the road.

Mr. Dyer stated. I would agree with that and also, I'm conflicted by how you can tell one guy he can do it and the guy next door he can't do it. If it the first person to ask, then we need to state that. So, the people who might be considering this then maybe they need to be at the head of the line, they need to be. Once again market will determine which of these houses will remain short-term rental and which will be converted back to long-term rentals or be sold on the open market and sort of went into this thing with assumption and I still believe that. I am concern about fairness and giving everybody and equal chance. To succeed or fail.

Mr. Ray stated. I'm assuming the applicant may not know if there is an short-term rental in the neighborhood.

Mr. Dyer stated. Right.

Mr. Ray stated. That's their issue to deal with. Ms. Burton are all the applicants given the packet as far as those fees and what the new fees are they paying that ahead with the other fees.

Ms. Burton stated. Yes, since we have just started the short-term permit that will be added to the packet that they receive each applicant, but they are receiving a packet on how to obtain a business license, what's required, and how to move forward with a SEP process. So, it all is being taken care of.

Mr. Ray stated. There were some discussions possibly of a permit number.

Ms. Burton stated. Yes.

Mr. Ray stated. Is that something explained on the property so they would know that's a short-term rental.

Ms. Burton stated. It is displayed on the advertisement. So, when an individual decides to advertise a short-term rental, the RBO, Airbnb, whatever they decide to advertise, the requirement is that they display that short-term rental number that they have been given by the City of Danville.

Ms. Garrison stated. Who monitors that.

Ms. Burton stated. Mr. Day.

Ms. Garrison stated. He going to need an assistant.

Ms. Garrison made a motion to approve application PZ24-00279. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

7. *Special Exception Permit application PZ24-00281 filed by Emma Olivarria requesting a Special Exception Permit at 46 Milton Avenue (Parcel 56408) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Olivarria stated. I would like to turn my house into a short-term rental.

Mr. Dyer stated. Are you going to manage the property yourself.

Ms. Olivarria stated. Yes.

Ms. Evans stated. Where do you live?

Ms. Olivarria stated. Providence.

Ms. Burton stated. Unfortunately, this house did not pass it plumbing inspection and so it has not received all final inspection at this time in order to receive a certificate of occupancy.

Mr. Dyer stated. Perhaps it should be delayed.

Ms. Evans stated. I agree, but I will also agree parking is a bear.

Ms. Garrison stated. Parking on the street is a bear, the little street. We went down on trash day and between the parking and the trash cans it was terrible.

Mr. Dyer stated. On our aerial map it appears it's a vehicle parked off street. Is that in the yard? Is there a driveway with this house?

Ms. Burton stated. Yes.

Mr. Dyer stated. I couldn't tell whether that driveway went with the house or the one next door, one of them does not have a driveway.

Ms. Evans stated. Looks like it goes with the house next door.

Mr. Dyer stated. That is what I thought but on our aerial map, it shows the vehicle is actually on this property. It is closer to the house next door, but I think it actually goes with this property.

Ms. Evans stated. I think the driveway is up one. On the other side of the house. I think that looks like a curb cut.

Ms. Garrison stated. The car that in the back I think it the one that's goes to this property.

Mr. Ray stated. That looks like an apron on both sides. What side is the driveway if you are facing from the street.

Ms. Olivarria stated. The right side.

Mr. Dyer stated. There is off street parking. The back of the house is an addition.

Ms. Evans stated. When do you plan on getting the plumbing corrected?

Ms. Olivarria stated. I was having a trouble because they are a little behind, but I have one for tomorrow. If not, tomorrow I have one for Monday and I am pretty sure this one for tomorrow will work. We have most of the plumbing done just a few things that wasn't right.

Ms. Evans stated. You understand the city request we postpone because of this.

Ms. Olivarria stated. Its okay if you guys postpone it.

Mr. Jones stated. I'm the newest person here but how does it get before us when it does not have the proper permit.

Mr. Dyer stated. You can make an application at any time you want, and you know, that's sort of a question, you know, are you putting the cart before the horse. Do you assume you're going to get permission to operate a short-term rental and you make a huge investment or do you seek your approval for short-term rental before you make your investment realizing that may endanger your ability to get that because the property is not well maintained. I think most of the applications we've gotten they have gone ahead and renovated the property and then have come back for a short-term rental. We have had a few where the applicant has not met all the requirements that we have gone head and approved it, because in fact, even though if we grant the special exception permit, they cannot operate as a short-term rental if they do not meet the inspection report. So, you have to have both and we're one and inspection is the other. So, you have to have two, in general we like to see the first part done before we make approval but that's not been a solid rule so far.

Mr. Jones stated. So, if we postpone it who make the decision of when it will be back on our schedule?

Mr. Dyer stated. I think that would be the applicant. And realizing we would like the occupancy permit, and everything approved before we make a judgement on them.

Ms. Garrison stated. The occupancy permit if for basic or in things like hot water and flushing toilets.

With the plumbing issue we should probably postpone.

Ms. Evans stated. What is the occupancy?

Mr. Day stated. Four.

Ms. Evans stated. Meanwhile, Ms. Burton will the clock start ticking for her year if we approve it today, but the plumbing hasn't been completed?

Ms. Burton stated. That's correct. It will.

Ms. Evans stated. Another thing to consider if we are approving houses as we have in the past, that aren't ready, their clock start ticking that day.

Mr. Dyer stated. And if they run into issue, it cost them six months or something like that it basically limits their time. I am open to approving this knowing it will have to pass the plumbing inspection before she can actually operate.

Mr. Jones stated. We have no way of knowing what the plumbing issue is. It's just on the checklist.

Mr. Day stated. I think her hot water wasn't as hot as it needed to be according to plumbing code and something about the pipe not installed up to plumbing code as well.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. The city is recommending postponing this correct. From the revised packet.

Ms. Burton stated. Yes, we have stated postponement due to the lack of completion for the certificate of occupancy. You as a board may vote to make a motion to approve with the condition that these items be complete. It would be what ever is the pleasure of the board.

Ms. Garrison stated. I think this plumbing issue is more serious than not having a fire extinguisher but if anyone has tried to get any home improvement done and find people to do it, they're actually could take some time. We may need to consider postponing.

Ms. Garrison made a motion to postponed application PZ24-00281. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

III. APPROVAL OF MINUTES FROM June 20, 2024

The June 20, 2024, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:59 AM.

s/Cynthia Lester
APPROVED