



City of Carmel

Carmel Board of Zoning Appeals

Hearing Officer

Monday, January 28, 2019 Meeting Minutes

Location: Carmel City Hall Caucus Rooms, 2nd Floor, 1 Civic Square, Carmel, IN 46032

Hearing Officer: Mr. Alan Potasnik

Staff Present: Angie Conn, Planning Administrator
Joe Shestak, Administrative Assistant
Mike Hollibaugh, Director of DOCS

Legal Counsel: John Molitor

Time: 5:30 p.m.

Public Hearings

(SE) Li Short Term Residential Rental.

The applicant seeks the following special exception approval for an STRR:

1. **Docket No. 18120014 SE UDO Section 2.07 - Permitted Uses, Special Exceptions.**

The site is located at 11441 Scheel Dr. and zoned R1/Residence-ROSO II, on Lot 54 of Guilford Park Subdivision. Filed by Jennifer Wang, on behalf of Feng Li, owner.

Alan: Explained the BZA Rules of Procedure for a public hearing. The petitioner will have up to 15 minutes to speak. Comments from the public are allowed up to a total of 15 minutes. How many people are here to speak in favor or against? *6 people raised their hands.* Each individual will have 2.5 minutes each to speak.

Petitioner: Jennifer Wang:

- My parents are the homeowners of this property
- We will use the two spare bedrooms for Airbnb use.
- Up to two bedrooms would be rented out while my parents and brother are living there
- We will be able to monitor our guests who are renting out the rooms
- We only accept guests with good reviews from Airbnb
- Guests must review, follow, and accept the house rules that are listed on our Airbnb website
- We require guests to message their ETA, so my parents watch for them and greet them at the door
- There's a two car garage and room for two cars on the driveway
- Two cars are the most we've had park at our house
- There's plenty of room for parking on the street and driveway
- We've contacted the HOA and there's no regulations regarding street parking since the City owns the neighborhood streets
- This gives our guests the options to park in the street and it's common to see other cars parked on the street in the subdivision
- My mom works from home, so she is home most of the time
- We are willing to hear your concerns and address them here at this meeting
- Most of our guests are from Indiana and come for events such as weddings
- We have high Airbnb host ratings from our guests and have many repeated guests

- My parents are responsible homeowners and want to be good neighbors. We hope to get your approval.

Public Comments:

Larry Hillbrandt, 1033 Stansfield Drive: Who from the City of Carmel will be the decision maker on this process tonight? **Alan:** It's me. **Larry:** I'm for the way they are renting their home out while they are home. I oppose this request because I don't want to set a precedent that this will trend in my neighborhood. I don't want an in and out short term rental next to my home.

Kevin Heber, 994 Stansfield Drive: What are the criteria for this? Is there a City Ordinance for this? Or are you doing case by case? **Alan:** We have an Ordinance in regards for this. These Petitioners are asking for relief from the Ordinance, through the Zoning Appeals process. **Kevin:** We have concerns about the general usage as this home as an Airbnb. Are the current residents the ones renting it out or are they the one who are requesting this Special Exception?

Xenia Nachempa, 986 Stansfield Drive: I did send a letter to the Planning Department. My backyard is adjacent to the Petitioner. Our neighborhood is not very big and our houses are moderately priced compared to the rest of the houses in Carmel. The prices of our houses are not protected from being rented.

Rod Haywood, 11429 Scheel Lane: We are direct neighbors. Since June 2018, we have experienced issues such as nuisance, lack of quiet and enjoyment, people coming and going, increased traffic, driveways being blocked, and doorbell rings late at night. It has been a nightmare. We feel our homes have lost their value. We have put a lot of investment in our homes. We are against any Airbnb in Carmel.

Janet Hurlbut, 985 Stansfield Drive: We went around the neighborhood and had 52 people sign a petition against it. Our neighborhood is zoned single family residential. There are no limits on the length of stay on Airbnb. This is a public nuisance. This benefits one homeowner at the expense of everyone else's property values and livability. If you approve this Special Exception, you are more likely to approve others.

Roger Hurlbut, 985 Stansfield Drive: They have been running an Airbnb in violation of the Ordinance. They are not following the rules even though the Department Report states the Zoning Dept. is considering a positive consideration. There's no position to enforce Airbnb in Carmel. The Ordinance is clearly against it. There's no limit in how many bunk beds are placed in the two rooms and how many cars that can park in the streets. Our property values will decrease.

Rebuttal to Comments: Jennifer Wang

- Many of the neighbors who spoke tonight are new to Airbnb
- The neighbors are only hearing one side of the story
- We kept our Airbnb operation as quiet as possible
- We experienced hiccups when we first started our Airbnb
- Over time, we have been improving our house rules, to minimize the impact on the neighborhood
- We have plenty parking for our guests on our driveway, and we can manage the parking to only our driveway
- I'm surprised to hear about the late doorbell ringing, because we greet our guests at the door when they arrive
- My parents and brother will be living in the house along with the guests, so we can't use the other rooms for rent
- We have no intention of adding bunk beds
- Many of our guess have their own transportation and won't require using Lyft or Uber
- Our guess simply come here for a place to sleep
- They leave early in the morning and are low maintenance
- My parents are not aware of the HOA rules that were stated tonight in regards to weeds in the yard and trashcans placed outside. We ask our neighbors to let the HOA know of this so they can notify my parents.

Department Report: Angie Conn:

- The STRR Ordinance was enacted by the City in the response to the State Legislature. The State wasn't going to give Cities the authority to regulate Airbnb. We have an Ordinance in place and there's a required due process.
- The Petitioner has met all our requirements for their submittal.
- Today, we found a clause in the Guilford Park neighborhood covenants and restrictions and it states the lots shall be used exclusively for single family residential uses
- If approved, the use is only allowed for one year, and has to be renewed after the one year

Mike Hollibaugh:

- When the City enacted the rules for STRR, there was a lot of concerns the City had about locating an Airbnb inside a subdivision or neighborhood
- I hope the Hearing Officer gives serious consideration with Staff's comment on the neighborhood's covenants and restrictions, as well with the negative feedback from the neighbors. I don't think this is a good idea.
- The Department of Community Services (DOCS) is the department who enforces Airbnb

Board Comments: Alan Potasnik:

- Do you live in this house? **Jennifer Wang:** I do not
- Do you parents own any other property in Carmel? **Jennifer:** They do not
- How long have they owned this property? **Jennifer:** Since June 2018
- How long have they used this property as an Airbnb? **Jennifer:** Since August 2018
- How many bedrooms are in this property? **Jennifer:** Four bedrooms
- How many rooms do they rent out: **Jennifer:** Two rooms max, but usually it's just one room
- How many guests have stayed there since August 2018: **Jennifer:** I don't have the specific numbers for that. I can tell you, for one bedroom, we allow up to two guests. Each week, we had three days where we had guests
- How many days a week? **Jennifer:** 3 days a week, max.
- How many days since August 2018 has your house been used: **Jennifer:** 3 days a week, 12 days in each month. We started in August and stopped in December.
- Did the City notify you to stop this? **Jennifer:** We received notice in December, and stopped then.
- Have you had any guests since this notice? **Jennifer:** No, we took the Airbnb listing down in December
- Have you applied for an Indiana Tax Certificate? **Jennifer:** We haven't

John Molitor: The State Legislature has delayed the effected date of the tax requirement and should go in effect on July 1, 2019. **Alan:** Is that in our Ordinance? **John:** Yes, it's in our Ordinance because we thought it would be passed by now by the State. **Alan:** Since it's in our Ordinance, we can't be more restrictive on it? **John:** We can't enforce something the State is going isn't going to provide anything.

Denied 1-0

John Molitor: Anyone has five business days to appeal this decision and then it would come in front of the full BZA, at next month's BZA meeting

Meeting Adjourned at 6:06 p.m.

Alan Potasnik – Hearing Officer

Joe Shestak – Recording Secretary