

Village of New Concord

Planning Commission Meeting

Thursday, July 19, 2018- 7:00 PM

Roll Call

Members Present: Jim Dooley, Robert Dickson, Greg Wilson, Brett Essex, Colleen Heacock

Village Officers

Charlotte Colley - Village Administrator, Brent Gates-Zoning Officer

Visitors

Susan Piecynski, Tom Piecynski, Susan Dannemann, Kerry Geurard, Susan Waryve, Scott Guerated, Laurie Tucker, Jennifer Lyle, Jim Burson, Carol Shearer, Amber Rodland, Greg Brown, Janet Vejsicky, Mary Schlacks, Rob Zachrich, Tracey Zachrich, Nathan Kearns, Craig Redecker, Michael P. Kelley

Wilson motions, Dickson seconds, approval of the minutes from the December 5, 2017 meeting and to disperse with the reading of the minutes. Motion passes.

Old Business:

New Business:

- I. Application for site plan and zoning change for three homes in the R-2 zoning district owned by Turtlehead Investments/Susan Piecynski
 - A. 111 Thompson Avenue- Request to retroactively approve the conversion of a non-conforming multi-family dwelling by adding an accessory apartment to create two separate and independent dwelling units.
 - i. Dooley states that the conversion was completed in the spring
 - ii. Gates states that the home is licensed as a multi-family dwelling and that the conversion occurred without proper permission as stated in Ordinance C-6-10-1
 - iii. Colley states that the property had been a rental but had been empty for a period of time
 - iv. Gates states that there is nothing in the ordinance to determine vacancy or not as long as the fee is paid and a good faith effort is made to secure tenants
 - v. Colley states that the time period for the permit is from September to September of the calendar year
 - vi. S. Piecynski states that this property has created issues pertaining to parties, trash, and destruction, and that vacancies also create issues. By creating two separate dwelling units she feels that there will be a reduced number of tenants and that will lead to fewer issues.
 - vii. Gates states that there could only be 2 adults in each living space.
 - viii. S. Piecynski states that fewer tenants would also reduce the number of vehicles requiring parking.
 - ix. Vejsicky states that she lives across the street from 111 Thompson and that no one has been living in the house for one year and that it was her understanding that the ordinance would then allow for the home to be converted back to a single-family dwelling.

- x.** Essex states that the ordinance requires the fee to be paid and a good faith effort to be made to secure tenants. The fee was paid with one tenant in September 2017. Essex states that if the house is rented to a single family or if it is vacant for more than one year, it would lose its non-conforming status.
- xi.** Colley states that in the R2 district the zoning code allows for single family homes and conditionally allows for a second dwelling unit to be added on, meaning that the plan would have to come before the planning commission and a fee be paid.
- xii.** Lyle asks if the planning commission recommends allowing the additional dwelling unit, would it then proceed to council?
- xiii.** Colley states yes, it would come before council.
- xiv.** Dannemann states that the ordinance language is very precise in the words “continuously occupied.” She states that the ordinance was written as to be inclusive and embrace diversity in the community.
- xv.** Gates states that the house must be occupied within the calendar year.
- xvi.** Schlacks asks if there was only one tenant, doesn’t that make it a single-family dwelling?
- xvii.** Essex states that from past opinion there is a gray area in that regard.
- xviii.** Lyle states that the fact that this is a retroactive approval shows that there has not been a good faith effort on the part of the landlords to follow the ordinance.
- xix.** T. Piecynski states that the fee was paid on the unit and that he stopped all work on the conversion once he spoke with Gates.
- xx.** Gates states that he asked Piecynski to cease all work but told him it would be okay if he left the walls in place until the planning commission met, as he did not want to add to the expense of the owner tearing the walls out if then he would be putting them back in again after approval was given.
- xxi.** Essex states that once the work begin without the proper permit, it ceases the conformity to the ordinance, and the work is now before the planning commission
- xxii.** Lyle states that any work requires permission regardless of the dwelling.
- xxiii.** S. Piecynski states that she had not understood that a permit was needed to begin the conversion.
- xxiv.** Redecker asks if there is a supply and demand for housing for the university that is not being met?
- xxv.** Dooley states that there is a market for housing for the university students.
- xxvi.** Essex states that any additional apartments would be available to people from all sectors.
- xxvii.** Rodland states that ignorance of the law is a moot point as the ordinance was broken.
- xxviii.** T. Piecynski states that he has offered to remove the walls.
- xxix.** Gates states that removal of the walls is not an issue.
- xxx.** Vejsicky states that whatever is decided is setting a precedent for the future as far as tripling the number of people in neighborhoods, dealing with vehicles, and so on.
- xxxi.** Lyle states that the application package is extremely lean on details and that the Village needs to have in place requirements for the application process.

- xxxii.** S. Pieczynski states that she filled out the application as instructed and that she gave more information to the Planning Commission just prior to the meeting.
 - xxxiii.** Colley asks if there is a tenant currently living in 111 Thompson?
 - xxxiv.** S. Pieczynski states that there are four people living in 111 Thompson but that the conversion is not complete.
 - xxxv.** Colley clarifies that the work was stopped but the tenants remain.
 - xxxvi.** Gates states that the names of the tenants should be submitted.
 - xxxvii.** Kearns asks if the house remains the same?
 - xxxviii.** T. Pieczynski states that the outside of the house remains the same. Inside three doorways were filled in.
 - xxxix.** Wilson asks if there are separate entrances?
 - xl.** S. Pieczynski states that the separate entrances already existed and there in no intention to cut new doorways.
 - xli.** Brown states that he feels that allowing the conversion would address so many of the complaints of the neighbors (i.e, trash, parties, etc.). He states that he feels that tension from this issue needs to be addressed from a change in ordinances that would allow for new demographics and build the diversity of the Village.
 - xlii.** Colley states that both the Planning Commission and Village Council are committed to working on the ordinances moving into the future, but for now they must address this issue with the ordinance as it is currently written.
 - xliii.** T. Pieczynski states that the driving force of this conversion is to secure different demographics who are interested in renting two apartments.
 - xliv.** S. Pieczynski states that she is trying to address the complaints and to better the community.
- B.** 188 Montgomery Boulevard- Request to retroactively approve the conversion of a non-conforming multi-family dwelling by adding two accessory apartments to create three separate and independent dwelling units.
- i.** Dooley asks if this is indeed a retroactive request?
 - ii.** Gates states that nothing has been done to 188 Montgomery.
 - iii.** T. Pieczynski states that doors have been locked but no physical work has been done to the property.
 - iv.** Colley asks if locking the doors creates separate and independent living units?
 - v.** S. Pieczynski states that the locked doors create a separation for the tenants and that she didn't realize that was an issue.
 - vi.** Essex asks if there are separate kitchens and common areas?
 - vii.** T. Pieczynski says yes there are.
 - viii.** Essex asks how many tenants are living in the home currently?
 - ix.** T. Pieczynski states that there are currently four tenants upstairs and two downstairs. He states that Gates has explained that in order to use the top floor as an apartment they would need to provide a fire escape.
 - x.** Dooley questions that the permit states that they are applying for one apartment, but they are talking about two apartments.
 - xi.** S. Pieczynski states that they are applying for two apartments and that they brought this information and presented it to the Planning Commission prior to the meeting.
 - xii.** Colley states that there was miscommunication from the Village end of the permit process.

- xiii.** Gates states that the Planning Commission is able to study the information presented and come back at a later date to approve or not.
 - xiv.** T. Pieczynski states that they are applying to convert to three apartments, understanding that they will need to add a fire escape. No changes will be done to the exterior.
 - xv.** Tucker states that fire escapes are needed.
 - xvi.** Gates states that a new building code enacted last year allows for him to require that third floor bedrooms have fire escapes.
 - xvii.** Tucker states that there is an issue with parking at 188 Montgomery because of it being a one-way street.
 - xviii.** S. Pieczynski states that they are aware of the parking being an issue and offer their tenants to park at 181 Friendship, which they also own.
 - xix.** Kelley states that those parking at 181 Friendship who live at 188 Montgomery then walk through his yard. He states that the houses are poorly constructed and in disrepair.
 - xx.** Vejsicky asks who has the keys to the doors that are locked?
 - xxi.** T. Pieczynski states that the tenants have the keys. He states that he would like to board up the doors so that there would not be a need for keys.
 - xxii.** Lyle states that there is no ordinance in place to clarify this issue.
 - xxiii.** Burson asks how many total occupants could live in 188 Montgomery?
 - xxiv.** S. Pieczynski states that a total of six adults could live there.
 - xxv.** Burson asks if that number could go up?
 - xxvi.** S. Pieczynski states no, that there would be no space for more occupants than six.
 - xxvii.** Burson states that there will still be issues of parking and trash. He asks Gates if he inspects the non-conforming dwellings?
 - xxviii.** Gates states that he is working on an inspection form for the non-conforming dwellings and that they will be inspected.
 - xxix.** Kelley asks if there could be more than two adults in each living space?
 - xxx.** Colley states that the zoning code allow for a family (one or more persons related as a single household unit) or two unrelated persons to live in a single dwelling.
 - xxxi.** S. Pieczynski states that larger groups of people would not tend to want the smaller dwellings, and that she is selective about who she would rent to.
 - xxxii.** Brown states that the landlords need to understand what their responsibility as a landlord is and that the Village should require an agreement outlining such responsibilities when permitting such dwellings.
- C. 181 Friendship Drive- Request to approve conversion of a non-conforming multi-family dwelling by adding two accessory apartments to create three separate and independent dwelling units.**
- i.** Dooley clarifies that no work has been done to 181 Friendship.
 - ii.** S. Pieczynski states that there are eight bedrooms in the house, so they would create three separate entrances and put in fire escapes. She states that there are no tenants currently living in the house but that they do have a lease.
 - iii.** Vejsicky asks if there would be a point of entry for the third floor?
 - iv.** Gates states that the third floor must have another entrance that would be approved by an architect.
 - v.** Dannemann states that the ordinance states that a house must be continuously occupied. She states that the house has not had a tenant since June 27, 2017.
 - vi.** Guerard states that she has leased 181 Friendship as a single-family dwelling but that the conditions currently have made the home uninhabitable.

- vii. Heacock asks how many tenants have lived in 181 Friendship in the past year?
- viii. S. Piecynski states that there has been one tenant with good faith effort to rent to more.
- ix. Kearns states that if it isn't able to be rented as a single-family home, it will be a large home just sitting there.
- x. Vejsicky states that there is a preference for single family homes in neighborhoods.
- xi. T. Piecynski states that it is difficult to recoup the investment in the house to rent to a single family.
- xii. Kelley states that the people drawn to the property will not be good tenants with the disrepair occurring.
- xiii. T. Piecynski states that it is difficult to maintain the upkeep on the property when the house has been destroyed by former tenants.
- xiv. Brown states that in reality such a large home would need to have two to three renters and that there needs to be consistency within the ordinance.

Dickson motions, Essex seconds, to go into executive session. Motion is passed. Planning Commission goes into executive session at 9 PM.

Dickson motions, Heacock seconds, to come out of executive session. Motion is passed. Planning Commission adjourns executive session at 9:15 PM.

Dooley states that the Planning Commission needs additional information and verification that the proper process being used. Planning Commission recommends that the application be tabled until their next meeting on Thursday, August 23, 2018. Dooley states that the applicants must pay the appropriate fee one week prior to the Planning Commission meeting, have an inspection completed by the zoning officer, and that construction must be completely ceased until the final Planning Commission recommendation and Village Council approval is secured.

Miscellaneous Business:

Adjournment

Dickson makes a motion to adjourn, Wilson seconds, meeting is adjourned at 9:25 PM.