

Oakwood, Ohio

May 2, 2018

The Planning Commission of the city of Oakwood met in regular session at 4:30 p.m., in the council chambers of the City of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419.

The Chair, Mr. Jeffrey Shulman, presided and the Clerk, Lori Stacel, recorded.

Upon call of the roll, the following members responded to their names:

MR. JEFFREY B. SHULMAN .....PRESENT  
 MR. ANDREW AIDT .....PRESENT  
 MRS. HARRISON GOWDY .....PRESENT  
 MRS. E. HEALY JACKSON.....PRESENT  
 MR. STEVE BYINGTON.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
 Mr. Robert F. Jacques, City Attorney  
 Mrs. Jennifer S. Wilder, Personnel and Properties Director  
 Mr. Ethan M. Kroger, Code Enforcement Officer

The following visitors were present:

Mrs. Anne Hilton, 900 Harman Avenue, Oakwood, OH 45419

Mr. Shulman called the meeting to order at 4:30 p.m., and then conducted a brief organizational meeting to select the chair and vice chair for 2018. Mrs. Gowdy moved to retain Mr. Shulman as chair, seconded by Mrs. Jackson. Mrs. Gowdy moved to retain Mr. Aidt as vice-chair, seconded by Mrs. Jackson. Upon a viva voce vote on the question, both motions passed unanimously and it was so ordered.

City Manager Norbert Klopsch introduced Jennifer Wilder, who started in Oakwood on February 12, 2018, as the new Director of Personnel and Properties. Mrs. Wilder has 18 years of experience in local government and comes to Oakwood from the city of Centerville. She holds a Bachelor of Arts degree in Political Science from Miami University and a Master of Business Administration from Wright State. Mr. Klopsch also noted that moving forward, Code Enforcement Officer Ethan Kroger will be taking on a larger role at the Planning Commission meetings.

Mr. Shulman asked if there were any questions or concerns with the minutes from the October 18, 2017 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mr. Aidt that the minutes of the Planning Commission meeting held October 18, 2017 be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Shulman opened the public hearing for Application #18-1 to consider proposed Zoning Code text amendments to clarify certain definitions pertaining to single family residential uses and to adopt regulations pertaining to residential group rentals. He asked Mr. Jacques to make a staff report.

Mr. Jacques explained that the proposed Zoning Code text amendments clarify definitions and guidelines that are potentially vague or open to subjective interpretation. He asked the Planning Commission to follow the decision standard as listed in Section 1003.6(B) of the Oakwood Zoning Code. The Code states "Text amendments shall be reviewed for consistency with the

purposes of this (Zoning) Ordinance, the Comprehensive Plan, and the interests of the City of Oakwood as a whole.”

Mr. Jacques briefly explained that the proposed changes include some minor corrections to make the text more consistent throughout. He then reviewed the definition of a “Dwelling” and a “Family” in the proposed amendment. He explained that the idea is to continue to limit single family homes so the Oakwood family-oriented community does not turn into student housing. In other cities, there has been litigation questioning the rules of what constitutes a family. Outside Counsel reviewed the Oakwood Zoning Code and provided an opinion based on past experience with this topic. The Attorney came back with a few suggested changes. The recommended changes help eliminate the possibility of the City falling into a discriminatory trap.

Mrs. Gowdy inquired if a garage could be considered a “Dwelling”.

Mr. Jacques responded that a garage would not be considered a “Dwelling”.

Mr. Byington added that a garage is considered an accessory structure. The primary structure would be considered a “Dwelling”.

Mrs. Gowdy suggested that the definition of “Dwelling” be clarified to ensure that people do not consider accessory structures, such as a garage, as a “Dwelling”.

Mr. Jacques agreed. He said that he could add to the definition of “Dwelling Unit” that the unit shall have sleeping/bathing/cooking facilities.

Mr. Jacques shared that the definition of a “Family” is very fact-specific, and the proposed ordinance builds in criteria to help define this. Under the proposed definition, groups of people would either be classified as a traditional blood or marriage based family, or as a household that is the functional equivalent of a family.

Mrs. Gowdy shared some experiences with Irving Avenue. She explained that things are definitely not getting better and illegally housing more than two unrelated individuals is no longer being hidden.

Mr. Klopsch explained that the ultimate objective is to ensure that Oakwood’s approach to this issue remains tightly drawn, but defensible in court and in tune with the realities of modern life. The City is adjusting to today’s world and will continue to enforce the Code.

Mr. Jacques said that it is difficult to prove who lives in a home, or who is just visiting. The proposed code builds in a new Section providing an objective process allowing different ways to analyze situations. He then reviewed the list of factors that can help determine family status.

Mr. Klopsch shared that if these text amendments are adopted, the City will strictly enforce the Code and will issue citations if needed.

Mr. Jacques confirmed that cases would go before Judge Quinn in the Oakwood Municipal Court, and in some cases where there are repeat offenders, they could also go before the Montgomery County Common Pleas Court.

Mrs. Gowdy asked if information regarding these amendments will be sent to property owners.

Mr. Jacques explained that this information is, and the new updated information will be, provided in a packet that property owners complete when they alert the City of tenant changes.

Mr. Klopsch said that the City will send information to property owners regarding these changes.

Mrs. Gowdy shared that she is glad to see these changes.

Mr. Shulman asked if the proposed amendments would consider an unmarried couple living together with an adopted child as a family.

Mr. Jacques said yes, absolutely.

Mrs. Gowdy asked if property owners could appeal this new process.

Mr. Klopsch responded that Oakwood's law has always been no more than two unrelated persons may occupy a dwelling. The only thing that is changing is incorporating a clarified way of enforcing it.

Mr. Shulman asked what type of notice residents will receive.

Mr. Jacques shared that if the ordinance is adopted, there will be publication in the *Oakwood Register*, and other notifications may be done as well.

Mrs. Gowdy inquired about how this will impact summer rentals.

Mr. Jacques explained that it depends on the group that occupies the premises. The same rules apply.

Mr. Klopsch reported that Personnel & Properties Director Jennifer Wilder, Code Enforcement Officer Ethan Kroger, and Captain Mike Jones attend the Irving Avenue Community Council meetings hosted by UD Housing. Unfortunately, very few students who are Oakwood residents attend. He spoke with UD Officials and asked that they encourage the Oakwood resident students to attend these meetings.

Mr. Jacques explained that he prepared a form for Planning Commission to submit their written findings of fact to City Council along with their recommendation. He prepared it as a fill-in-the-blank form so they could decide either way and write in their specific factual findings.

It was then moved by Mr. Aidt and seconded by Mr. Shulman that application #18-1, for Zoning Code text amendments to clarify certain definitions pertaining to single family residential uses and to adopt regulations pertaining to residential group rentals with the condition that the suggested typos are corrected in the ordinance, and additional information about sleeping/bathing/cooking facilities be added to the definition of "Dwelling Unit", be recommended for approval to Oakwood City Council. The Planning Commission has considered the evidence and has reviewed the proposal for consistency with the purposes of the Zoning Code, the 2004 Comprehensive Plan, and the interests of the city of Oakwood as a whole, and finds that that same is consistent therewith for the following reasons: 1.) Consistent with community character, and maintaining it; 2.) Preserves public health, safety and welfare; and, 3.) Maintains property values.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. JEFFREY B. SHULMAN .....	YEA
MR. ANDREW AIDT .....	YEA
MRS. HARRISON GOWDY .....	YEA
MRS. E. HEALY JACKSON.....	YEA
MR. STEVE BYINGTON.....	YEA

There being five (5) YEA votes, thereon, said motion carried.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:45 p.m.

  
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 CHAIR

ATTEST:

  
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 CLERK

**FINDINGS OF FACT AND DECISION**

Whereas, Oakwood City Council initiated a proposal for text amendments to clarify certain definitions pertaining to single family residential uses and to adopt regulations pertaining to residential group rentals within the city of Oakwood; and

Whereas, on May 2, 2018, the Oakwood Planning Commission conducted a public hearing thereon for the purpose of reviewing the same, with notice and an opportunity to present testimony as provided by law; and

Whereas, pursuant to Section 1003.6(B) of the Zoning Code, the Planning Commission has considered the evidence and has reviewed the proposal for consistency with the purposes of the Zoning Code, the 2004 Comprehensive Plan, and the interests of the city of Oakwood as a whole, and finds that the same  IS /  IS NOT consistent therewith for the following reason(s):

- 1. Consistent w/ community character, maintains it;
- 2. Preserves public health, safety, & welfare;
- 3. Maintains property values

(City Atty to correct 2 typos and add sleeping/bathing/cooking facilities to definition of "Dwelling Unit")

**IT IS HEREBY MOVED:**

- 1. Pursuant to Section 1003.6 of the Zoning Code, the foregoing recitals are hereby adopted as the factual findings of the Oakwood Planning Commission.
- 2. The Oakwood Planning Commission hereby recommends  APPROVAL /  DENIAL of the proposed text amendment, and directs City Staff to forward a certified copy of this recommendation to Oakwood City Council. The original shall be appended to the approved minutes of the Commission's May 2, 2018 meeting.

Adopted by a vote of 5-0, on 2 May, 2018.

**OAKWOOD PLANNING COMMISSION**

By: Jeffrey B. Shulman  
Jeffrey B. Shulman, Chair