

CONDITIONAL USE HEARING  
1 Park Way  
July 6, 2015

Members Present: Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor  
James Marshall  
Jennifer Morris  
Ryan Rudegear

Members Excused: Samuel Lyons  
Garnet Wood

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
Charles Gibbons, Code Enforcement Officer  
Mary Ann Benton, Recording Secretary  
Daniel Weiland, 1 Park Way  
Ann M. Haylett, 1149 Liberty Street, Apt. 413  
Richard Paul, 1525 Liberty Street  
Ally-Karen D. Miller, Franklin YMCA  
Terry Schultz, 620 Sibley Avenue  
Ruth Miller, 2 Park Way  
Joyce Bleakley, 1536 Buffalo Street  
Ken Barker, 973 Cherrytree Road, Franklin  
Deb Plyler, 130 Elm Street  
Susan Slutterback, 1510 Buffalo Street  
Abe Hobson, 2737 Conley Lane; Audubon, PA  
Steve Crawford, 720 Wiley Avenue  
Merralee Obenrader, 722 Wiley Avenue  
Ken Snyder, 1514 Chestnut Street  
Tim Brooks, Venango County Commissioner  
Marcia Crawford, 720 Wiley Avenue  
Jena Matthews, 1429 Buffalo Street  
Patty Keas, 1540 Elk Street  
Matt Beith, 324 Sixteenth Street  
Sheila Boughner, Venango Newspapers, Inc.

Mayor Baker opened the hearing at 7:00 PM.

Attorney Spaid, City Solicitor, introduced himself and advised the public of the rules of conduct for this type of hearing. Mr. Spaid then swore in those who planned to offer testimony during the hearing. Mr. Spaid concluded by advising that both Garnet Wood and Sam Lyons of City Council were excused from the hearing and that Ryan Rudegear had

requested to be excused from the hearing due to his family owning a bed and breakfast in town. Mayor Baker excused Mr. Rudegear and requested Mr. Gibbons begin his testimony.

Mr. Gibbons, Code Enforcement Officer, began by advising Council the request for a "Conditional Use" at a property zoned R-2 and located at 1 Park Way, Franklin, PA, Map ID #10219015, was presented to the City of Franklin Planning and Zoning Commission on June 16, 2015. He explained the applicant is requesting permission for a 'Bed and Breakfast,' as defined by the Franklin Zoning Ordinance. The Commission approved Mr. Weiland's request for a condition use by a vote of 2-1. The applicant is the listed owner of the property and is also the occupant of the current single family home. Mr. Gibbons entered Mr. Weiland's zoning hearing application as Exhibit #1.

On June 26, 2015, Mr. Gibbons mailed postcards to the adjacent property owners advising them of the hearing scheduled. Mr. Gibbons then entered into record the postcard and the mailing list of the adjacent property owners as Exhibits #2 and #3.

Mr. Gibbons then presented the legal ad advertising the conditional use hearing as published in The News-Herald on June 26, 2015, and entered the Proof of Publication into record as Exhibit #4.

On June 23, 2015, Mr. Gibbons posted a Notice of Hearing along the westerly property line of 1 Park Way. He then entered the Notice into record as Exhibit #5.

The hearing was then opened to questions by Mayor and Council to Mr. Gibbons.

Mr. Marshall noted that it appeared on the diagram for the parking plan there is a slight pull-off in the front of the home for one vehicle. He questioned Mr. Gibbons whether there is enough room for more than one vehicle at this point. Mr. Gibbons replied, "No." Mr. Marshall ascertained the diagram also showed room for three vehicles in the driveway and next to that is a fourth vehicle (determined to be Mr. Weiland's). Mr. Marshall continued by observing that one vehicle is parked close to the garage in the driveway and that behind that single vehicle are two more vehicles. He questioned that if the vehicle closest to the garage wanted to move, then someone parked behind would have to move and presumably park in the single vehicle's spot closest to the garage. This action would continue anytime the first vehicle in the driveway wished to move. Mr. Marshall questioned if this is how Mr. Gibbons saw the situation. Mr. Gibbons replied, "Yes," to which Mr. Marshall responded that he did not care for that.

Mr. Marshall then cited Paragraph 1304.06 Bed and Breakfast Subparagraph C of the Zoning Ordinance that no more than one (1) bed and breakfast facility shall be permitted in any one (1) block of the City. Mr. Marshall asked Mr. Gibbons that if this request were to be approved, there would be two bed and breakfast facilities within the block. Mr. Gibbons answered that this was not something he actually determined adding that Mr. Weiland had presented information to him that is to the contrary. Mr. Marshall advised that, on the City map, the subject property appears to be bound by a right of way indicated as Plumer Alley, which eventually became another name. He then asked Mr. Gibbons if, in his many years' experience with the City, had he ever seen any vehicles driving Plumer Alley to Liberty Street. Mr. Gibbons replied he had not.

Mr. Weiland then began his presentation explaining his proposal to open a bed and breakfast at his home to include three bedrooms, two currently and another one later. He then presented another parking plan he drew up for parking that he believed would address some of the issues. Mr. Spaid accepted the plan and entered it into the record as Exhibit #6. Mr. Weiland noted that he removed the vehicle from the small pull-off area adding that the driveway will hold four cars and a small area past the driveway will hold one car.

Mr. Weiland explained his plan for two bedrooms to be located on the second floor and a third room on the third floor. He will offer vouchers to his guests for meals at the downtown restaurants, unless and until he would decide to offer full breakfasts..

Mr. Weiland offered his thoughts that the Zoning Code was written to limit the number of bed and breakfast establishments. He ascertained that the City has not had an explosion of these establishments. He advised that he believes the requirement of not having two facilities in one block is rather unfair. He also advised that he believed the Plumer Alley had not been officially abandoned. He asked that City Council take into consideration the limited rooms he is requesting and also that Miller Park is zoned as a separate area and his would be Miller Park's first bed and breakfast.

Ms. Fletcher questioned Mr. Weiland where the vouchers he planned to issue to his guests could be used ascertaining the choices would be limited. Mr. Weiland advised it was not that he would not serve limited choices of food to his guests, but merely would like to offer meals in town for them.

Mr. Marshall noted that Mr. Weiland had removed the one vehicle from the slight pull-off area. He questioned what Mr. Weiland would do if

the owner of the one vehicle did not wish to move. Mr. Marshall then advised that he knew that Mr. Weiland believed there should be two Bed and Breakfast facilities within the block, but the ordinance specifically stated that there will only be one per block. Mr. Marshall continued advising that he is aware the alley is there but would assume the alley is not accessible, leading him to believe that would constitute two Bed and Breakfast establishments in the same block. He advised that, at this point, he is leaning towards the ordinance unless someone tells him something otherwise. Mr. Weiland questioned if Mr. Marshall were objecting to the legality of two per block. Mr. Marshall answered yes, if the ordinance states one, then he is objecting to a second. Mr. Weiland asked if Mr. Marshall were receptive to another Bed and Breakfast in town. Mr. Marshall advised he would be if Mr. Weiland wished to open other Bed and Breakfast at another location in town. Mayor Baker advised, "I think you have made your point so let's move on."

Mr. Paul addressed Council advising that Plumer Alley is directly behind his garage noting that the only times the alley has been blocked was when a previous owner dumped a load of dirt there or when Mr. Weiland used it as a parking place. He expressed concern that when a guest of the proposed Bed and Breakfast cannot find a parking place in the evening, the guest would then park in the turnaround causing a liability issue for the City. He continued advising that it has been standard practice that the end of the public alley has been used by individuals who previously lived there for parking or as a turnaround. He is concerned for people who are not familiar with that area as it is very steep and the road is narrow. There also are line of sight issues.

Mr. Paul further questioned that had the people who have recently purchased homes in Miller Park known about the proposed Bed and Breakfast, would they have still bought their home? Also, should the Quality Inn at 1401 Liberty Street have known, would they still have made the investment?

Mr. Schultz advised those present that his concern is with the added traffic. He advised that for vehicles coming up Buffalo Street to turn onto Park Way, the roadway is only 13-1/2-feet wide. He concluded by adding that he believes also that there should only be one Bed and Breakfast per block.

Mr. Crawford addressed City Council advising that he believes there are many other Miller Park residents who are in support of the Bed and Breakfast. He added that Miller Park is not a typical type of residential layout. There is not one square block in that area. With the Bed and Breakfast, you are looking at three additional cars there. We are not looking at a major hotel. He advised he did not believe three cars

would make that much of a difference to the traffic, noting it would be much less than that of a family gathering. He closed by advising that there are many people at the hearing in support.

Mr. Beith advised that his residence is located very near Mr. Weiland's home and that he can appreciate both sides of the argument. He continued by asking and suggesting that the true focus would be whether Plumer Alley is a divider of a City block adding that there have been many arguments to that point. He requested the City keep that in mind.

Ms. Obenrader addressed those present by advising that she would support the notion of a Bed and Breakfast in Miller Park advising that the caliber of the clientele would be the type of people "we" are trying to draw to the area and to our downtown restaurants.

Ms. Slautterback advised she was aware of Plumer Alley and remembers cars driving up and down it, adding that residents in the area have always had a problem when the alley has been blocked making the lanes inaccessible. She concluded by advising that she does not oppose the Bed and Breakfast being in the neighborhood but only want to insure the integrity of the neighborhood.

Mr. Snyder advised that he had been born in Franklin, recently retired, and was very fortunate to return home and find an apartment at 2 Twin Gables in Miller Park. He continued by informing those present that he had become friends with Mr. Weiland and the Crawfords and developed an historic sense of Miller Park. He concluded by advising that there have been no accidents since his arrival to the neighborhood during social events at homes there and during the Christmas Open House at Mr. Weiland's home.

Ms. Matthews explained she had previously resided in Miller Park and continues to visit family regularly in the area. She agreed that the upper end of Elk Street is very narrow and that vehicles do need to pull over when meeting other vehicles on the street; however, she advised that this is a courtesy and not only happens in Miller Park but also in other areas of Franklin.

At this point City Solicitor Spaid advised that Mr. Weiland would have an opportunity to respond to all the comments. Mr. Weiland replied that he had nothing to add.

Without further comments, the hearing was adjourned at 7:54 PM.

Respectfully submitted,

Mary Ann Benton, Recording Secretary