

CONDITIONAL USE HEARING  
August 7, 2017

Members Present: Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor  
James Johnson  
Samuel Lyons  
James Marshall

Members Excused: Jane Dlugos

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
Darla Hawke, Recording Secretary  
Michelle & Nick Hingl  
Jan Michael, 641 Egbert Avenue (owns 448 Elk Street)  
Jean Johnston, 448 Elk Street  
Monica & Nathan Beatty, 441 Elk Street  
Joe Frawley, 307 Fifth Street  
James Foy, 312 Fifth Street  
Marissa Dechant, Venango Newspapers, Inc.

Mayor Baker opened the hearing at 6 PM by advising the public of the rules of conduct for this type of hearing. Mr. Spaid proceeded to swear in those who planned to offer testimony. Mayor Baker then asked Mr. Gibbons to begin his testimony.

Mr. Gibbons explained that the request was for a Conditional Use Permit under the City of Franklin Zoning Ordinance to operate a Boarding House and a variance permitting rentals of less than a week. He then proceeded to enter into evidence the following exhibits:

- **Exhibit #1** - Zoning Hearing Application, received on July 6, 2017, from Nick & Michelle Hingl, requesting a Conditional Use Permit under the requirements of the Franklin Zoning Ordinance and a variance permitting rentals of less than a week. If granted, the applicant would be permitted to operate a Boarding House on a property located at 442 Elk Street, Franklin, PA, Map #10103080, which is zoned R-2 Medium Density Residential. The property would be permitted as a conditional use as defined in the City of Franklin Zoning Ordinance
- **Exhibit #2** - Definition of a Boarding House and its Permitted Uses.
- **Exhibit #3** - Copy of the letter sent to all parties.
- **Exhibit #4** - Mailing list of the adjacent property owners.

- **Exhibit #5** - Postcards advising adjacent property owners of the hearing mailed out on July 12, 2017.
- **Exhibit #6** - Legal Ad advertising the Conditional Use Hearing, which was published on July 28 & July 31, 2017 in The News-Herald, and the Proof of Publication.
- **Exhibit #7** - Notice of Hearing, which was posted at the easterly berm of said property on July 28, 2017 and again on August 3, 2017 when it was found the notice missing.
- **Exhibit #8** - Letter from the Planning & Zoning Commission Chairperson informing the Council that by a vote of 3-1, the Commission recommended approval be given for the operation of a Boarding House and to permit the applicants to rent to a tenant for less than one week.

Mrs. Hingl testified that the property has been a rental since 1996. In 2009, what was then know as Joy Manufacturing Company signed a long-term lease to use it as a guesthouse for out-of-town personnel. Due to economic reasons, that lease was cancelled in 2015. Since that time the property has been used as a long-term rental. The Hingls advised that Komatsu Mining Corporation may be interested in it for a short-term rental as well. However, she and her husband want to expand their options to include the possibility of renting the home for less than a week, which is the definition of a Boarding House, on an "as needed" basis.

Mr. Marshall ascertained that, if the Boarding House is approved, the house would be used for short-term rentals on a weekly basis with no contract. Should someone want to use it as an extended stay facility, for at least 12 months, a contract would be required.

Mr. Marshall asked the number of parking spaces available. Mrs. Hingl advised there is an off-street garage and 1-2 parking spaces on the street located in front of the house.

Mayor Baker asked the number of bedrooms. Mrs. Hingl noted there are two bedrooms. Mr. Frawley ascertained that it would be impossible, due to the lot size, for the Hingls to add an addition to the house to create more bedrooms.

Mrs. Jean Johnston, an adjoining property owner, had no objections to the Hingls' request.

Mr. Spaid informed the Council that a Boarding House is defined as such: *"A dwelling containing a single dwelling unit and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one (1) week.* Mr. Spaid noted the Council cannot change the definition of a Boarding House at this time; however, the City Planning Commission is open to changing the current definition to allow for nightly rentals.

Mr. Spaid would recommend that, if the Council so desires, to approve the Boarding House request at this time. Then, should the Planning Commission change the definition, a Public Hearing could be scheduled by the October or November meeting and then acted upon at the regular Council meeting. After doing so, the definition would change, and it would be applicable to the Hingls' boarding house.

Mr. Marshall ascertained that the Hingls will be given a checklist of items that will need to be done prior to Mr. Gibbons inspection and permission given for them to operate.

Mr. Spaid noted that the new potential definition would not allow anyone to open their property for short-term rentals, such as Applefest® weekend, and recommended that language be included that the Conditional Use be periodically reviewed and if it is misused, it could then be revoked. Mr. Gibbons advised that Section 1304.02 (i) of the Franklin Zoning Ordinance, reads as follows: *"A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the City Council."*

**Resolution No. 101** - Mr. Marshall then moved to approve the Hingls' request and adding the language that the permit be revoked, if necessary. Mr. Johnson seconded the motion, which passed unanimously.

There being no further business to come before the board, the hearing was adjourned at 6:32 PM.

Respectfully submitted,

Darla Hawke, Recording Secretary