

CONDITIONAL USE HEARING
Council Chambers, City Hall, Franklin, PA
October 2, 2023

Members Present: Douglas Baker, Mayor
Donna Fletcher, Deputy Mayor
James Johnson
Todd Zahner
Ryan Rudegeair
Samuel Lyons
Christian Marshall

Members Excused: None

In Attendance: Tracy Jamieson, City Manager
Brian Spaid, Esq., City Solicitor
Charles Gibbons, Code Enforcement Officer
Harmony Motter, Finance Director
James Wetzel, Fire Chief
T.J. Parks, Recording Secretary
Cindi Power, City of Franklin
Amanda Power, Community Development Director
Alex Spaid, Dale, Woodard, Gent, McFate
Deb Eckelberger, FICDA
Jake and Ashley Smith, 1346 Elk Street
Helen Fielding, The Derrick
Mr. and Mrs. Sam Posey, 514 Elk Street
Andy Narlee, 5676 State Route 308, Kennerdell
Chuck and Brenda Greska, 734 Liberty Street
Steve Kerlin, 508 Elk Street
Brenda Greska, 734 Liberty Street
Jeff Hawke, 121 Summit Drive
David Miller, 426 Elk Street
Deb Eckelberger, FICDA

Mayor Baker called the meeting to order at 6:00 P.M. and introduced Mr. Spaid, the City Solicitor, as legal counsel, who swore in witnesses that wished to speak on the matter of the conditional use request of Steven and Elizabeth Kerlin, owners of Rustic Wood Designs, LLC, the applicants for the conditional use. Mayor Baker then handed the floor to Mr. Gibbons, Code Enforcement Officer, to present the City's case and submit the evidence.

Mr. Gibbons described the location of the property as Parcel #10,105.-195, situated at 508 Elk Street, zoned R-2 Residential District, and introduced the application for a zoning hearing, dated August 6, 2023 as Exhibit One. Mr. Gibbons explained that the property is intended to be owned by Steven and Elizabeth Kerlin of Rustic Wood Designs, LLC, and is proposed to be used as a "boarding house" as defined under the Zoning Ordinance. He then submitted, as Exhibit Two, the specific portion of the Zoning Ordinance, which indicates that such use is permitted as a Conditional Use. As Exhibit Two A, Mr. Gibbons submitted the notice of the hearing that was sent to the Venango County Planning Commission, the Franklin City

Conditional Use Hearing

October 2, 2023

Manager and the City Solicitor. A copy of the post cards that were mailed to neighboring property owners and the mailing list were submitted as Exhibits Three and Four, respectively. On September 19th and September 25th, a legal ad was published in the News Herald; Mr. Gibbons submitted a copy of that legal ad as Exhibit Five. Finally, Mr. Gibbons submitted the notice of the hearing that was posted on the westerly right-of-way of 508 Elk Street on September 18th as Exhibit Six.

Mr. Steven Kerlin introduced himself as the applicant and stated that this property would be under the ownership of Rustic Woods, LLC, which he owns jointly with his wife, Elizabeth. Mr. Kerlin explained that he is originally from this area with many relatives still here. He continued that they would use the residence as a place to stay when they come to visit the area and possibly live when they retire. In the meantime, they would rent it out as an Air B n' B when they are not staying there themselves. The interior of the house is currently gutted and will receive plumbing and electrical upgrades, in addition to interior and exterior renovations.

Mayor Baker asked if the house is a single family dwelling and if there is off-street parking. Mr. Kerlin responded that it is a single family dwelling. Despite its small square footage, however, he is considering design ideas to accommodate two separate units. He further explained that there is no off-street parking and no space to put in a driveway.

Mr. Marshall asked if the unit will be pet friendly, to which Mr. Kerlin responded that renters would not be permitted to have dogs.

Mr. Spaid requested clarification on the number of units that would be available for rent. Mr. Kerlin responded that there could possibly be two (2) units, split between the first floor and the second floor, with up to five (5) people renting the first floor and up to two (2) people renting the second floor. If Council approves the conditional use request, Mr. Kerlin would like approval for two (2) units if it could be designed to accommodate the extra unit; otherwise, Mr. Kerlin indicated that he would be satisfied with making the whole house one (1) unit, available to accommodate five (5) people.

David Miller, of 426 Elk Street, stated that parking is already an issue in the area with the existing Air B and B's and a three (3) unit apartment building; he asked how the Kerlins would handle parking for their tenants. Mr. Kerlin anticipates only one vehicle per family which wouldn't occupy any more spaces than if the house were to be use as a full time residence. Additionally, Mr. Miller asked if landlords are required to provide off-street parking. Mr. Gibbons replied that the zoning ordinance does not require a boarding house to provide off-street parking.

Andy Narlee, a landlord who owns properties on either side of the subject property, inquired as to how many Air B and B's Mr. Kerlin currently owns and also expressed his concerns about parking. Mr. Kerlin explained that he is currently renovating an apartment above his garage at his primary residence with the intentions of renting it out as an Air B n' B.

Conditional Use Hearing

October 2, 2023

Terry Schultz, resident at 620 Sibley Avenue, requested clarification from Mr. Spaid on the requirements for Bed and Breakfasts versus Boarding House. Mr. Spaid advised that a Bed and Breakfast requires that the owner lives in the facility or is managed by a third party. Because an Air B and B is a short-term rental, it falls under the definition of a Boarding House.

Mayor Baker asked if there was anyone local, since the Kerlins live outside of Philadelphia, that could perform routine maintenance on the property. Mr. Kerlin explained that he has family in the area that could provide management of the facility. Otherwise, they would work with Shawgo Real Estate to hire a rental management company.

Sam Posey, of 514 Elk Street, asked if there would be any changes, either an increase or decrease, on the neighboring property taxes. Mr. Spaid advised that the County is responsible for assessing the taxes and he is not aware of any changes in the tax values of neighboring properties. Mr. Posey also recommended making the 500 block of Elk Street one way to allow for two-sided parking. Mayor Baker said that could be taken into consideration.

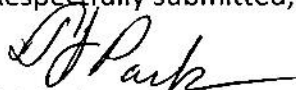
Chuck Greska, the current owner of 508 Elk Street, has never noticed issues regarding parking when he has been at the property during the daytime with a large construction vehicle.

Dana Shawgo, of Shawgo Real Estate, mentioned that a family on vacation is more likely to bring only one (1) car with them, whereas full-time residents would be more likely to own multiple vehicles, thus occupying multiple parking spaces.

Mr. Spaid regretfully informed Mr. Kerlin that his request should have gone to the Planning and Zoning Commission to provide a recommendation prior to coming before Council. To remedy the clerical error, Mr. Spaid advised to hold the hearing open until the next City Council meeting on November 13, 2023 so a new hearing date does not need to be set. In the meantime, the conditional use request will be presented to the Planning and Zoning Commission at its next meeting on October 17, 2023, at which time they would make a recommendation of approval or disapproval, and/or conditions to provide to City Council.

There being no further comments or questions, the hearing closed at 6:41 P.M. to be continued on November 13, 2023.

Respectfully submitted,



T.J. Parks,
Recording Secretary