

CONDITIONAL USE HEARING
Council Chambers, City Hall, Franklin, PA
October 4, 2021

Members Present: Douglas Baker, Mayor
Donna Fletcher, Deputy Mayor
James Johnson (arrived at 6:44)
Fred Mays (Via Teleconference)
Ryan Rudegeair (Via Teleconference)
Samuel Lyons (Via Teleconference)

Members Excused: Christian Marshall

In Attendance: Tracy Jamieson, City Manager
Brian Spaid, Esq., City Solicitor
Charles Gibbons, Code Enforcement Officer
James Wetzel, Fire Chief
Amanda Power, Community Development Director
Deb Eckelberger, Economic Development Director
T.J. Parks, Recording Secretary
Dillon Provenza, Venango Newspapers, Inc.
Julie LeGoullon, 416 Elk Street
Dustin LeGoullon, 416 Elk Street
Suzanne Chytil, 437 Elk Street
John Mitchell, 413 13th Street

Mayor Baker called the meeting to order at 6:31 P.M. and introduced Mr. Spaid, the City Solicitor, as legal counsel, who swore in witnesses that wished to speak. Mayor Baker then handed the floor to Mr. Gibbons, Code Enforcement Officer, to present the case and submit the evidence.

Mr. Gibbons opened his testimony by entering the application for a zoning hearing, asking for a "Conditional Use Permit," from LeGoullon Counseling Services, into evidence as Exhibit 1. The property to be considered is located at 416 Elk Street, further identified as Map No. 10103087, and is zoned as R-2 Medium Density Residential District. He further relayed that the applicant owns the property and intends to use it as a counseling service business, under the "Business-Financial Services" category, which would be permitted as a Conditional Use as described in the City's Zoning Ordinance on page 26, which Mr. Gibbons submitted as Exhibit 2.

Mr. Gibbons then presented as Exhibits 3 and 4 the post cards that were sent to the adjacent property owners and the list of property owners, respectively. He advised that a legal ad was published in the News-Herald on September 17 and September 24, identified as Exhibit 5, which notified residents of the hearing, and also entered as Exhibit 6, the Notice of Hearing that was posted along the westerly right-of-way of the subject property.

Upon completion of Mr. Gibbons's presentation, Mayor Baker asked Council members if they had any questions. Not having any, Mrs. Julie LeGoullon was invited to make her case and answer any questions.

Mrs. LeGoullon, a resident of 187 Phillips Drive, Franklin, PA, purchased the property at 416 Elk Street in April of 2021 with the intention of operating her counseling business at that location. She stated that LeGoullon Counseling Services is currently being operated in a suite at the Liberty Building, which, with its busy offices and heavy foot traffic, offers little privacy and not a calm atmosphere for clients. She further described her business as one that markets itself as a small agency, only consisting of two part-time counselors and a secretary, plus herself. She noted that the 416 Elk Street location is out of the downtown, near the river, and provides the type of atmosphere and neighborhood characteristics that would work well for her business. Mrs. LeGoullon further described their practice as one that does not prescribe prescription medication, such as methadone, suboxone, etc., and works primarily with middle-class families. She described the structure as a one-story dwelling, with all business to be conducted in the main living area of the home, and no business in the basement level. Mrs. LeGoullon was informed by the realtor that the house had been rental for about thirty years, and required much needed improvements. She reported that they started working on the house this past summer, being respectful of neighbors in regards to noise and have familiarized themselves with the neighbors.

At the conclusion of her discussion, Mrs. LeGoullon offered to answer questions and comments.

Mrs. Fletcher wanted to confirm that the number of staff that will be there during working hours consists of two part-time counselors, a full-time secretary, and Mrs. LeGoullon herself. Mrs. LeGoullon responded affirmatively and clarified that the two part-time counselors will be there on different days. In other words, there would normally only be Mrs. LeGoullon, the secretary, and one counselor at a time. Mrs. Fletcher also raised concerns about parking for employees and clients. Mrs. LeGoullon explained that the pictures attached to the Zoning Hearing Application indicate that the street is fairly vacant from 5th Street down. She stated that most of the houses in that neighborhood have driveways, and if necessary, her staff could park down towards the boat launch or on other nearby streets.

Mr. Spaid asked the following questions, to which Mrs. LeGoullon's answers appear in bold:

Is there is a driveway on the property? **No there is not.**

What are the business hours? **Monday through Thursday, 8 AM to 4 PM, during which time the secretary will be present. There will be evening sessions one evening a week, per each therapist, until about 6 or 7.**

So the office is closed on Friday and weekends? **Yes**

What is the square footage of the house? **About 700 square feet total.**

Is the intended use strictly for an office, or will it be used as a residence as well? **It might be used on weekends should they want to utilize the river since it is so close. Both neighbors on each side live in Pittsburgh and are there sparingly.**

Will there be any signage? **No, we do not want it to look like a business.**

Is the permit expected to be transferrable? In other words, if the property is to be sold in the future, the permit would go with it, so another could use it as a business or financial office? **No, we would expect any subsequent owner to repeat the conditional use process.**

Who is listed as the current owner of the property? **The property is owned by a limited liability corporation, an entity called Agape Cottage, LLC.**

When Mr. Spaid had no further questions, Mr. Gibbons, after confirming that the basement will not be used for business-related purposes, made note the square footage for the main first floor level is 364 square feet.

Next, Mayor Baker invited members of the public to ask questions or address concerns.

Suzanne Chytil, resident of 347 Elk Street, stated that Elk Street only has parking on one side, the side of the business. She stated that parking is already an issue when there is overflow parking. Ms. Chytil claims that there have been numerous occasions when her garbage has not been picked up because parked cars block access to her garbage cans, and the same issues go for snow plowing. She also mentioned that the school bus picks up and drops off at the intersection of 5th Street and Elk Street, creating additional congestion.

Mr. LeGoullon was invited to speak on behalf of his wife. He reiterated that the property was a rental house for many years, which, in theory, could have necessitated two vehicle spaces by previous tenants. This would not create a large increase to the amount of vehicles that would have been there previously. He agreed that vehicles can certainly create less parking, but did not feel it would impact the neighborhood as a whole because employees will be gone at peak hours.

Mrs. Jamieson inquired if employees could be asked to park away from the business? Mrs. LeGoullon stated that if that is necessary, then they would be willing to accommodate the neighborhood. Currently having an office downtown, it is often difficult for them to find parking and have to park away as it is.

Mrs. Chytil reiterated her parking concerns. She indicated that with two counselors, a secretary and a client for each counselor, five vehicles will then take up parking spaces.

There being no further question from the Council or the public, the hearing was adjourned at 6:58 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T.J. Parks", followed by a horizontal line extending to the right.

T.J. Parks,
Recording Secretary