

October 5, 2015

A special meeting of the Ligonier Borough Council was held Monday, October 5, 2015@ 6:30 PM in the Town Hall. The purpose of the meeting was to hold a **Conditional Use Hearing for Lucas Boyd and Renee Downing.**

Members Present: Robert Helterbran, James McDonnell, Margaret Garland, Judy Hoffer, Matt Smith, Pat Scanlon, & Terry Murphy.

Others Present: Secretary-Treasurer Paul A Fry, Mayor Ormond "Butch" Bellas, Solicitor Mark Sorice, Police Chief John Berger, Zoning Officer Rick Schwab.

Ligonier Borough Council will consider and take action on the application for Conditional Use filed by Lucas Boyd and Renee Downing to establish an apartment conversion of the residence located at 411 Washington Street from one to two dwelling units. Property is in the R-1 Zoning District and is known as Tax Map Number 16-01-16-0-292.

The Conditional Use hearing was conducted by Attorney Mark Sorice as Borough Solicitor George Welty recused himself from the hearing because of his involvement with parties in the hearing.

A motion was made by Margaret Garland and seconded by Pat Scanlon to have Attorney Mark Sorice as Solicitor of this Hearing. All of Council was in favor.

Attorney Mark Sorice introduced himself. Sorice stated that anyone giving testimony will be sworn in by Court Reporter Bonnie Bell.

Rick Schwab, Zoning Officer for the Borough stated that he has received the application and payment for conditional use from Lucas Boyd and Renee Downing. Schwab testified that there are no other multi-family structures located within a quarter-mile.

Attorney Sorice noted all exhibits; **Exhibit #1** Notice to Ligonier Echo. **Exhibit #2** picture of posting by Paul Fry. **Exhibit #3** advertisement of Hearing. **Exhibit #4** letter dated June 3, 2015 to Lucas Boyd from Zoning Officer Rick Schwab. **Exhibit #5** Pat Scanlon letter; **Exhibit #6** Conditional Use Application.

Renee Downing was sworn in and explained that they have passed the building inspection with no issues. The accessory building was already there, apartment was not added. Under current zoning the property is considered R1 single family. Downing believes this can be single family with a granny flat where the owner on said lot on which granny flat exists shall reside on said lot. Meaning that if the owner actually resides on one side the other can be rented. The home is also on a double lot. Owns lot 19 & 20; double lot. There are 7 parking spaces, six in driveway and one in garage. There were no structural changes to accessory building.

President Helterbran asked if this was once a residence as well as a doctor's office which was allowed because it was a home business. It was not originally built or used as a duplex.

Downing agreed it was once used as a residence as well as a doctor's office. Downing also agreed that it was not originally built or used as a duplex.

James McDonnell asked when she purchased the property. Downing stated that the property was purchased July of 2013.

Pat Scanlon asked how long it has been rented as two apartments. Downing replied that was also 2013 when they lived on one side and rented out the other side. Previous owner was Rita Shutter, Aunt of Lucas Boyd.

Pat Scanlon asked if she was not aware what the property was zoned when she purchased the property. Downing stated that she did not know it was R1.

Father of Lucas Boyd, William Jack Boyd was sworn in for testimony. Boyd testified that Rita Shutter was his sister.

Eric Wallace of 422 Washington Street feels that zoning helps maintain the integrity of the neighborhood. Wallace is concerned that if this passes it opens the door for other properties to be modified and up for discussion.

Jill Bevilacqua of 412 Washington Street wishes to see the property kept R1.

Richard Flickinger stated that he has not been able to see any plans. Flickinger questioned the parking that Downing stated was available. If you have to move a car for another to get out it does not count as two spaces.

Flickinger also pointed out that most houses in the area are double lots.

Bridget Horman of 303 N. Walnut Street formerly of Washington Street expressed her opposition for any change in zoning at 411 Washington Street.

Lee Price of 232 Washington Street stated that he would like the zoning to stay as is for fear of more variances.

Kathleen Acklin of 236 Summit Avenue stated she walks on Washington Street and that it is a nice quiet street. Feels that when you begin to get rentals on a street it can destroy the quality of life on the street.

Marissa Lynn of 411 Washington Street stated that the issue with the multiple cars has resolved itself because the people who lived there have left. Lynn feels the zoning should be voted on.

Councilman Pat Scanlon stated that the Planning Committee had a meeting September 23, 2015 and stated that they do not approve the apartment conversion because according to article 903 section C it is not in harmony with the neighborhood.

MOTION

A motion was made by Pat Scanlon and seconded by Margaret Garland to disapprove the application. All of Council was in favor.

The motion concludes the Conditional Use Hearing.