

Borough Council Special Hearing
Zoning Ordinance Amendment - Bed and Breakfast

A Public Hearing of the Bedford Borough Council was held on the above date at the Bedford Area Ambulance Building at 6:30 p.m. regarding the amendment of the definition of “Bed and Breakfast” in Chapter 27 (Zoning) in the Code of Ordinances; To permit Bed and Breakfasts in Zones R1, R2 and R2T, in addition to existing zones; And to add a new Part 5 to Chapter 13 Titled “Bed and Breakfasts” for the Licensing and Regulation of the same in the Borough of Bedford.

The following Council Members were present, Tim Weaverling, Kenny Fetteiman, Sharon Turkovich, John Cessna, Jeff Rinscheid, William Blackburn and Patrick Neff. Mayor William Leibfreid, Borough Manager Barbara Diehl, Borough Secretary Beverly Geller, Assistant Borough Secretary Misty Hizer and Solicitor Dean Crabtree were also present.

Also, present were Will Deshong (The Bedford Gazette), Jeffrey S Wright, Jeffrey R Wright, Dave and Holly Howsare, Jason Itle-Clark, Kevin and Casey Chaney, James Wehling, James and Melony Lynch, Thomas and Mary Jane Salmon.

Solicitor Crabtree announced the reason for the Public Hearing.

James Wehling noted that if Council Members live in the R-1 Zoning District the amendment to the Ordinance would be a conflict of interest. Solicitor Crabtree noted a conflict of interest would not be created because the Council is not distinct from the general population.

Mr. Wehling submitted a list of eight questions for Council to address.

1. *Under the new definition, how do Bed and Breakfast establishments differ from boarding and lodging houses, and tourist homes? Are we now calling boarding houses and tourists homes Bed and Breakfast establishments?* **Council Member Neff shared that the definition has been revised to include places to stay without getting breakfast. Solicitor Crabtree noted that the definitions of boarding houses and tourist houses include different numbers of guests and indefinite stays. The Bed and Breakfast definition would limit a stay to 14 (fourteen) days.**

2. *Under the new definition, can an R-1 or R-2 residence owner rent (for temporary lodging) an accessory building, and what rules apply to this accessory building, such as bathroom facilities? It seems to me such use would require a “use” variance in R-1 areas since a second or third residential or dwelling unit is involved.*

Mr. Neff shared that a Zoning variance would be required for an accessory building to be used for a purpose other than an accessory building.

3. *An issue related to accessory buildings is the issue of RVs. Can a person park and RV on their lot and license it as a bed and breakfast? Can a person add and rent out an RV in addition to a single family residence licensed as a Bed and Breakfast or add an RV to such lot and make the RV their personal residence?* **Solicitor Crabtree noted that a Bed and Breakfast can only be housed in a location intended for housing and the site must comply with all Ordinances.**

4. *To what extent do the parking regulations in Chapter 17 apply to this revised definition of Bed and Breakfast establishments and related activities that will be authorized in areas zoned R-1, R-2 and R-2T?*

a. For example, section 1701, B., 1. requires at least 2 parking spaces for each dwelling unit (except for townhouses, which are covered in 1701, B., 2.), and section 1701, B., 4., requires boarding or lodging houses, hotels, motels, and tourist homes to have at least 1 parking space for each dwelling unit.

b. What are the parking requirements for Bed and Breakfast establishments in areas zoned R-1, R-2, and R-2T?

Mr. Neff shared that parking for Bed and Breakfasts remains the same as in the current Ordinance – off street parking with one (1) parking space for each guest room and two (2) parking spaces for resident owner or employees

5. *Do Bed and Breakfast establishments not in areas zoned R-1, R-2 and R-2T now have to apply for a license? The “specific standards” part of the new ordinance does not apply to them, but it appears as though the licensing part does apply to them.*

Mr. Neff shared that everyone would apply for a permit at no charge. The Borough would have contact information if a nuisance would occur.

6. *If the Borough licenses what turns out to be an unsafe Bed and Breakfast that results in a guest injured or dying in a fire, is it possible that the Borough has increased its liability exposure?*

Solicitor Crabtree shared that anyone can be sued, but there is no increase in liability since the Borough is not setting safety standards.

7. *Have you verified that mechanisms are in place to collect Borough resident earned tax and/or local services tax for these Bed and Breakfast establishments? How does Keystone find out about them?*

Solicitor Crabtree shared that a Bed and Breakfast is no different than any other business and reporting information to the taxing agency is not of Borough concern.

8. *Although not related to the ordinance per se, is the Borough concerned at all about making sure the Bedford County hotel tax is collected on this lodging? For example, will the Borough provide the County treasurer with the names of the establishments for which permits have been issued?*

A copy of the completed Bed and Breakfast application can be forwarded to the County.

Jeffrey S. Wright shared information on a PA Supreme Court case where a lower court decision in the Slice of Life vs. Hampton District was overturned noting that residential zones cannot be converted into Commercial properties or enterprises. Mr. Wright noted that the trend is not to become less restrictive. Mr. Wright noted that at the request of a select few the Ordinance change will cause problems for people who were in a residential area first. Mr. Wright shared that he does not feel residential neighborhoods are for transient housing or short-term real estate.

Council Member Rinscheid noted that when the Ordinance Review Committee started the process of looking at the Ordinance for Bed and Breakfasts, Council had no control over Air B&Bs.

Jason Itle-Clark spoke as a proponent of adding tourist home as a permitted use. Mr. Itle- Clark shared that he would think businesses would want places for tourists to stay noting there is currently a B & B on Juliana Street.

Jeffrey S Wright noted that the International Residential Code (IRC) looks at Transient Properties and how they work. Any property over five (5) units is considered a Commercial property and accessibility needs addressed at that time.

Valerie Schmidt noted that she voiced her concerns to Council previously in early October. Ms. Schmidt noted that she has a background in Architecture and asked Council to consider the effects of Bed and Breakfasts in neighborhoods including the loss to property values, dismantling of neighborhoods, prioritization of what matters, and how the amendment will affect Bedford's Master Plan. Ms. Schmidt asked what the Ordinance would prioritize – tourism, keeping population, etc. Ms. Schmidt states the population has declined over the last 10 to 15 years.

Ms. Schmidt noted that she spoke with State Representatives who are investigating and discussing the matter of dismantling neighborhoods. Valerie Schmidt noted that not every site needs to be a B and B. There are currently 99 B & Bs in Bedford County with 6 listed in Bedford Borough which is 1.1 miles wide.

Ms. Schmidt prepared a presentation for the meeting, but it was submitted after the Borough Office closed. Copies of the presentation were handed to members of Council during the meeting.

Ms. Schmidt also asked what justification Council had to entertain the amendment and shared her disappointment that it has come to this – rushing into an Ordinance change too quick. Ms. Schmidt shared that additional language is needed.

Jeffrey R. Wright asked if Council is considering Air B & Bs commercial or residential. Mr. Wright noted that he considers it commercial since they are in the business of making money and urged Council to thoroughly investigate the matter. Mr. Wright shared that when walking through town, he will ask people who they are and why they are in town. Mr. Wright noted that the introduction of Air B & Bs in town will attract more people he does not know. Mr. Wright noted that the advertisement was deceptive and should have included more information to include “residential” language.

Jason Itle-Clark noted that the Department of Defense (Federal Government) will not recognize or reimburse Air B & Bs as Commercial Properties and will not reimburse the stay of employees at such. Mr. Itle-Clark noted that there are a lot of historic properties in Bedford and it can be a large investment with few individuals lining up to preserve the integrity of the historic properties.

Mr. Itle-Clark noted that when the Dalesmen visited Bedford to research locating to this area they stayed at a Bed and Breakfast. Bed and Breakfasts can be supportive to individuals walking to town and attractive to individuals to come hang out by staying at a historic location.

Jeffrey S Wright noted that a commitment should be made to our hotels and we should invest in properties by putting money in places that are designed for that purpose. There is a hotel on the corner that is empty.

Holly Howsare noted that the Motel Townhouse has issues and is being used for short term rentals.

Kasey Chaney stated that she owned rental properties and that she welcomes Air B and Bs to get people into the businesses in town.

Mary Jane Salmon of the Golden Eagle Inn shared that there is room for additional B & Bs, and more people need to stay in town. Mrs. Salmon referenced information published by the Lancaster County Planning Commission providing guidance to Innkeepers. Mrs. Salmon noted that Lancaster County had lots of conflict prior to acknowledging Air B & Bs. Lancaster County Planning Commission now offers "Good Neighbor" suggestions to Air B & B owners. Mrs. Salmon noted that there should be a distinction between transient and guests. The word transient has a negative connotation where guests, tourists and visitors are positive terms.

Valerie Schmidt noted that not every site should be a B & B. Ms. Schmidt noted the Chancellor House at 341 S Juliana Street is in a perfect spot. The Chancellor House is flanked by the Cemetery on one side and the Coverlet Museum on the front. Ms. Schmidt noted that the proposed location of the Air B and B on E Penn Street is twenty (20) feet from her property and she would lose her privacy. Ms. Schmidt noted she is against B and Bs if not owner occupied. Ms. Schmidt noted that due to a second story porch sound would be trapped. Ms. Schmidt noted that noise from weddings, baby showers or parties would increase, and she would not know who was in the house or in the yard of the B & B.

Council Member Neff read two letters in support of the Amendment permitting Air B and Bs. One letter from Stephen McNamara and the second letter from Jason Itle-Clark.

Ms. Schmidt shared that when Doll House Designs and Ultimate Faces close, the cars parked in front of her house leave. Ms. Schmidt noted that with an Air B & B the traffic would increase 24/7. Ms. Schmidt stated it is inevitable that at some point an individual will come back from the Dalesmen drunk. Ms. Schmidt stated she is not a hater of B and Bs but does not think they should be scattered through residential neighborhoods.

President Weaverling noted that the Hearing had exceeded the time allotted.

Solicitor Crabtree noted that if there are no significant changes to the Ordinance it could be added to the December 22, 2020 Year End meeting for formal vote, but if there were significant changes another Public Hearing would have to be held.

December 7, 2020

Council adjourned the Public Hearing at 7:24 p.m.

Borough Secretary