



# TOWNSHIP OF FERGUSON

3147 Research Drive · State College, Pennsylvania 16801

Telephone: 814-238-4651 · Fax: 814-238-3454

[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

February 24, 2021

VIA EMAIL

Legal Advertising Department  
CENTRE DAILY TIMES  
Post Office Box 89  
State College, Pennsylvania 16804

Please insert the following legal notice in your newspaper once on **Tuesday, March 9, 2021** and **Tuesday March 16, 2021**.

## LEGAL NOTICE

The Ferguson Township Zoning Hearing Board will hold a Public Hearing at a regular meeting scheduled for 7:00 p.m. on Tuesday, March 23, 2021 to act on the following Variance application.

**The variance application of Tussey Tracks LLC regarding their property at 1518 West College Avenue, State College PA 16801, Tax Parcels 24-019-074-0000 and 24-019-072-0000. The applicants are proposing to expand the existing Veterinarian Clinic and expand the parking lot on both parcels. The applicants are requesting the following 5 variances in order to complete the project: Variance to Chapter 27-304.2.E.2; Variance to Chapter 27-803.1.B.1; Variance to Chapter 27-304.3.A (2) (a); Chapter 27-304.3.D (1) (a); and Chapter 27-304.3.G.5. The properties are located in the Terraced Streetscape District.**

The Zoning Hearing Board will hold this Public Hearing online via Zoom.

To access the online Zoning Hearing Board Meeting scheduled for will require a URL to the Zoom meeting and a Meeting ID, both provided below:

Zoom Meeting URL: <https://us02web.zoom.us/j/81407143286>

Meeting ID: 814 0714 3286

For additional and specific information on how to participate in an online Zoning Hearing Board meeting, please visit [www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us), click on the 'Coronavirus' page, click on 'See upcoming meetings and learn how to participate in online meetings here' hyper linked text to find Zoom meeting details and instruction on how to join the Zoning Hearing Board meeting.

Meeting attendees are asked to dial 814-238-4651, press # and press 3799, to participate on a Township conference call for comment during citizen input.

Jeffrey S. Ressler, Zoning Administrator  
Ferguson Township

The Proof of Publication Notice and the invoice related to this advertisement should be sent to the attention of Ms. Traci Miller, the Township Accountant. Please call me if you should have questions or if you will be unable to process this request.

Sincerely,

**TOWNSHIP OF FERGUSON**

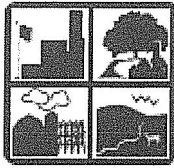
Jeffrey S. Ressler  
Zoning Administrator

c: Legal Notice File

**FERGUSON TOWNSHIP ZONING HEARING BOARD  
REGULAR MEETING AGENDA  
Tuesday March 23, 2021 7:00pm**

**AGENDA:**

- ❖ CALL TO ORDER:
- ❖ CHAIRPERSON OF THE ZONING HEARING BOARD EXPLAINS PROCEDURE FOR VIRTUAL MEETING.
- ❖ PLEDGE OF ALLEGIANCE:
- ❖ CITIZENS INPUT: LIMITED UP TO FOUR (4) MINUTES PER INDIVIDUAL
- ❖ INTRODUCTION OF BOARD MEMBERS:
- ❖ SWEARING IN OF THOSE THAT WISH TO TESTIFY:
- ❖ THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE:
- ❖ ZONING OFFICER EXPLAINS BASIS OF VARIANCE/APPEAL REQUEST
- ❖ TUSSEY TRACKS LLC - VARIANCE REQUEST
- ❖ APPROVAL OF THE MEETING MINUTES FROM FEBRUARY 23, 2021 ORGANIZATIONAL MEETING
- ❖ APPROVAL OF THE MEETING MINUTES FROM FEBRUARY 23, 2021 REGULAR MEETING



Township of

FERGUSON

22147

Planning & Zoning Department

Pennsylvania

**Ferguson Township, Centre County, Pa.  
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$300.00 (make check payable to Ferguson Township).
  - For an Appeal Hearing a filing fee of \$500.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
  - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$300.00 and the Appeal fee of \$500.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
  - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email thsmith@elagroup.com

**ENTRY OF APPEARANCE**

Name Todd H. Smith

Address 2013 Sandy Drive, Suite 103, State College, PA 16803

I am appearing on my own behalf  (Check if this is true.)

I am representing Tussey Tracks LLC

Please send me notice at the above address of any final decisions in this matter.

**WAIVER OF STENOGRAPHIC RECORD**

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant Tussey Tracks LLC

Address 1518 West College Avenue, State College, PA 16801

Phone FAX 238-5100

Owner Tussey Tracks LLC

Address 1518 West College Avenue, State College, PA 16801

Phone FAX 238-5100

1. Location of premises 1512 - 1518 West College Avenue

2. Centre County Tax Map Parcel Number 24-019-,074-,0000- & 24-019,072-,0000-

3. Present zoning Terraced Streetscape (TS)

4. How long has the applicant held an interest in the property? Jan. 2017 (24-19-74) Oct. 2020 (24-19-72)

5. Present use of the premises Veterinarian Animal Clinic & Vacant Office

6. Proposed use of the premises Veterinarian Animal Clinic

7. Explain extent of proposed alteration(s), if any: Demolition of existing office building, garage and sheds,

and additions and renovations to the existing veterinarian clinic building, expanded parking, and stormwater

management facilities.

8. Describe all existing structures, including type size and height: \_\_\_\_\_

One story with basement veterinarian clinic, one story shed, three story office, one story shed, one story garage

Veterinarian Clinic Size: First Floor 2,909.35 SF; Basement 2,909.35 SF; Total 5,818.70 SF

9. Has the property been involved in previous zoning hearing(s)? No If so, describe date of hearing, nature of hearing and outcome of hearing:

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? No
- b) Has he/she reviewed, approved, and signed the plans? No
- c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

See attached Exhibit A

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

N/A

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

See attached Exhibit A

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14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

Dean R. Blythe; Owner and Property Address: 1506 West College Avenue, State College, PA 16801; 814-237-2903

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Stacy A. Stewart; Owner and Property Address: 1523 Ash Avenue, State College, PA 16801; 814-238-7279

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Strawberry Fields, Inc., Owner Address: 3054 Enterprise Dr., State College, PA 16801; Property Address: 1517 Ash Avenue,

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State College, PA 16801; 814-234-6023

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Taricani Associates LP; Owner Address: 861 Walnut Spring Lane, State College, PA 16801; Property Address: 1511 Ash Avenue, State College, PA 16801; 814-234-4402

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

## **Exhibit A**

### **Applicant's Property and Proposed Plan**

Applicant owns two adjacent lots having the addresses 1512 and 1518 West College Avenue, State College, Pennsylvania 16801. The western lot, 1518 West College Avenue, consists of a one story veterinarian clinic and a shed. It has been used as a veterinarian clinic by Centre Animal Hospital for more than thirty years. The east lot, 1512 West College Avenue, consists of two sheds, a one story garage, and a three story office building. The lots exist on a corner of West College Avenue (PennDOT SR 26) and Owens Drive (Township T962). They are currently zoned in a Terraced Streetscape (TS) zone. The west lot is 0.586 acres and the east lot is 0.351 acres. In total both of the lots are approximately 0.94 acres. Please refer to the existing conditions survey of the Applicant's properties.

Applicant intends to expand the one story veterinarian clinic and the parking areas on both lots. The expansion is needed in order to provide space for newer technologies and services that are becoming standard in the veterinary healthcare industry. The three story office building, the two sheds, and the garage from the east lot and shed from the west lot will be demolished. The demolition will provide sufficient space to renovate and expand the size of the veterinarian clinic. Additional parking will be constructed both on the west lot and east lot once the east lot's structures are demolished. A storm water management facility will also be constructed. Please refer to the attached Site Plan for Applicant's proposed plan.

### **VariANCES Needed**

The proposed use of both of the lots will be for a veterinarian animal clinic and parking area. In order to carry out Applicant's proposed plan, five (5) variances are needed from the following Ferguson Township Zoning ordinance provisions: Chapter 27-304.2.E.2; Chapter 27-803.1.B.1; Chapter 27-304.3.A(2)(a); Chapter 27-304.3.D(1)(a); and Chapter 27-304.3.G.5. These variances are needed because the Applicant's proposed plan cannot be performed without being in violation of the aforementioned ordinances.

A variance from the conditional use ordinance for a TS zone under Chapter 27-304.2.E.2 is required because the current and proposed use of a veterinarian animal clinic is not specifically included or excluded in this zone. However, a requirement of granting a conditional use for this zone is that the combined lot size be one acre or larger. The lots combined do not meet this criteria and are only 0.94 acres.

Currently, the veterinarian clinic building is a nonconforming structure because it is not 55 feet in height as required by Chapter 27-304.3.A(2)(a) for a corner lot of .40 acres or larger. Additionally, the veterinarian clinic building is not located on the sidewalk line of West College Avenue nor on the sidewalk line of Owens Drive which makes it nonconforming under Chapter 27-304.3.D(1)(a). Variances are being sought from those two ordinances because the veterinarian clinic building will remain under 55 feet in height and not be located on the sidewalk line of primary streets after expansion.



Because the veterinarian clinic building is a nonconforming structure, the building can only be expanded in a certain way under the zoning ordinances. The veterinarian clinic building is going to be expanded in a way which is in violation of Chapter 27-803.1.B.1 because the expansion will exceed '50% of the existing ground floor area of the structure or other space occupied by the use.' The veterinarian use occupies the existing ground floor of the building at 2,909.35 square feet and the basement of the building at 2,909.35 for a total of 5,818.70 square feet of veterinarian use. The ordinance would allow an expansion of 2,909.35 square feet for a total of 8,728.05 square feet. The proposed expansion will increase the building's first floor to 6,288.39 square feet and the basement will remain the same 2,909.35 square feet providing an expanded total of 9,197.91 square feet of veterinarian use. This expansion calculates to be 469.86 square feet or 5.38% greater than the allowable expansion of building. Applicant seeks a variance from Chapter 27-803.1.B.1 for this reason.

The final variance Applicant seeks is from Chapter 27-304.3.G.5. The parking area of the proposed plan consists of two separate parking areas. The first area consists of 18 parking spaces located behind the building when first entering the site from Owens Drive. This area will be utilized by the clinic doctors, technicians, and staff. The second area consists of 16 spaces and is located to the side of the building. This area will be utilized for short term drop-off / pick-up of patients as well as for patients to have in-house clinic appointments. Individually, the two parking areas are well under the 30 permitted parking spaces for an on-site surface parking lot. However, when combined, the total number of spaces is 34 which exceeds the maximum number of permitted parking spaces for an on-site parking lot. Applicant is seeking a variance from this section of the ordinance assuming the parking areas are viewed as one parking lot greater than the maximum allowable number permitted.

### **Entitlement to Variances**

Variances in Ferguson Township are granted upon a showing of an unnecessary hardship meeting five criteria. First, the unnecessary hardship needs to be caused by unique physical circumstances in the size, shape or topography of the lot. Second, because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the zoning ordinance. Third, the unnecessary hardship cannot be created by the applicant. Fourth, the variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. Fifth, the variance would be the minimum necessary to afford relief and would be the least possible modification of the zoning ordinance.

The variances should be granted because an unnecessary hardship exists on the property which meets the five criteria. The unique lot size of the property causes an unnecessary hardship. The location and configuration of the existing parking area and veterinary clinic building contribute to this hardship. The location and configuration make it difficult to develop the property to be in strict conformity with the zoning ordinances. The reason for this is that the Applicant has an existing business in the building. The way the building and parking areas are being improved is done to allow the Applicant to maintain full operations during the improvements. If the proposed

plan was implemented any other way, Applicant would have to either shut down or relocate temporarily for more than eight months.

The unique lot size is an unnecessary hardship because the east and west lot combined do not equal the required one acre minimum for granting a conditional use from Chapter 27-304.2.E.2. The unique lot size of the property also requires that the veterinarian clinic building be at least 55 feet in height according to Chapter 27-304.3.A(2)(a). Because the building is not 55 feet in height, it is a nonconforming structure which can't be expanded by greater than 50% of the existing structure size under Chapter 27-803.1.B.1. The unique lot size also affects the inability to place the building on the sidewalk line. Because of the unnecessary hardship, the Applicant cannot develop it in strict conformity with the zoning ordinances. The Applicant cannot increase the lot size more than 0.94 acres because it is bounded on all sides either by a public right of way or private property.

This unnecessary hardship was not created by the Applicant since they did not cause the lot size to be under one acre. The west and east lots have always been under the one acre lot requirement for granting conditional uses in this area. Even after combining the lots to make the property more in conformity with the zoning ordinances, the property is still under the one acre requirement.

If the variances are granted they would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. The veterinarian building has always existed on the property and is only being expanded not changed. The property's current and proposed use as a veterinarian animal clinic are remaining the same as well. The only changes being made are expanding the building and the parking lot. This will not alter the essential character of the neighborhood or impair the development of adjacent property because the property is not being altered to a significant degree. Other properties in this zone have parking that is greater than the maximum 30 parking spaces and also do not have buildings on the sidewalk line.

The variances being sought would be the minimum necessary to afford relief and would be the least possible modification of the zoning ordinance. The variance from the one acre lot requirement under Chapter 27-304.2.E.2 is 0.06 acres which is the minimum that can be required because the lot cannot be expanded further. The variance from the height of the building under Chapter 27-304.3.A(2)(a) is the minimum necessary because the building is not being made any smaller in height. The other variances sought by the Applicant are the minimum necessary to afford relief and would be the least possible modification to the zoning ordinances.

Receipt 298416

Printed 01-03-2017 11:46:23

The Mazza Law Group, P.C.  
2790 W. College Ave., Suite 800  
State College Pennsylvania 16801

Joseph L. Davidson  
Recorder of Deeds - Centre County  
414 Holmes Street Suite 1  
Bellefonte, PA 16823

DEEDS - TAXABLE

R 02192-0768A 59 3 pages

1 Michelotti, Mark F

2 Tussey Tracks, LLC

\*\*\*\*\* RETURN TO \*\*\*\*\*

The Mazza Law Group, P.C.

2790 W. College Ave., Suite 800

State College Pennsylvania 16801

\*\*\*\*\*

County Fee	18.00
State Writ	.50
State RTT	7,750.00
RTT - FERGUSON TOW	9,687.50
RTT - STATE COLLEG	3,875.00
ATJ Fee	35.50
Affordable Housing	11.50

DEEDS - TAXABLE 21,378.00

Commonwealth of Pennsylvania }

County of Centre }

Recorded on Jan 03, 2017

By: JOSEPH L. DAVIDSON  
RECORDER OF DEEDS  
CENTRE COUNTY

This sheet includes required recording and tax information and is part of the official record.  
DO NOT DETACH



R 02192-0768 Jan 03, 2017

Michelotti, Mark F  
Tussey Tracks, LLC

01/03/2017  
11:46:23

DEED 3pgs RECORDER OF DEEDS  
Electronically Recorded / Submitted by Simplifile

Centre County Tax Parcel No. 24-19/74  
1518 W. College Avenue, Ferguson Township

DEED

This Deed is made this 3<sup>rd</sup> day of January, 2017

BETWEEN

MARK F. MICHELOTTI, an adult individual (Grantor"),

AND

TUSSEY TRACKS, LLC, a Pennsylvania limited liability company, located in State College,  
Centre County, Pennsylvania ("Grantee"):

WITNESSETH

That the Grantor, in consideration of Seven Hundred Seventy-Five Thousand Dollars (\$775,000.00), paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged, does hereby grant and convey to the Grantee:

ALL that certain message, tenement and tract of land situate, lying and being in the Township of Ferguson, County of Centre and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point marked by an iron pin along West College Avenue right-of-way (80-foot right-of-way), which point is at the southwest corner of Lot No. 1-CR, thence along Lot No. 1-CR, South 47° 41' 00" East, 172.00 feet to an iron pin set, along lands now or formerly of Centre Investors (Deed Book 431, Page 835); thence along Centre Investors lands and lands now or formerly of Pasqualino and Ines Greco (Deed Book 436, Page 953) South 42° 19' 00" West, 132.88 feet to an iron pin set along the northerly right-of-way of Blue Course Drive (60-foot right-of-way); thence continuing along Blue Course Drive right-of-way, North 59° 04' 00" West, 138.81 feet to an iron pin set; thence along a curve to the right, having a radius of 30.00 feet, a chord bearing of North 08° 22' 31" West, chord distance of 46.42 feet, an arc length of 53.08 feet to an iron pin set along the southerly right-of-way of West College Avenue (80 foot right-of-way); thence along the West College Avenue right-of-way North 42° 19' 00" East, 130.86 feet to an iron pin set, being the place of beginning.

A5489885:1

	C.C.S.O.A.	PN#10	KEE
	Registry	12-21-16	
	24-19-74		
	Uniform Parcel Identifier		

CONTAINING 0.586 acre, more or less.

BEING known as Centre County Uniform Parcel Identifier Tax Parcel Number 24-19/74.

BEING Lot No. 2-CR as shown on the Preliminary & Final Plan, "Resubdivision of Lots 1C and 2C at Pine Hall Subdivision," prepared by Uni-Tec, Inc., dated October 20, 1986, and recorded in Centre County Plat Book 36, Page 165.

BEING the same premises which Lawrence F. McCormick and Docie A. McCormick, husband and wife, by Deed dated August 25, 1997 and recorded in Centre County Deed Book 0949, Page 0085, granted and conveyed unto Mark F. Michelotti and Georganna Michelotti, husband and wife. The said Georganna Michelotti died on September 13, 2004, wherein title became vested in the surviving spouse, Mark F. Micheolotti, Grantor herein.

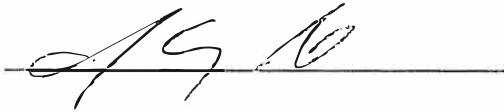
UNDER AND SUBJECT to the terms of two agreements for ingress and egress and parking rights which are recorded in Centre County Miscellaneous Book 198, Page 178 and Page 183.

UNDER AND SUBJECT to all existing easements, conditions and restrictions of record and particularly UNDER AND SUBJECT to all terms and conditions of the subdivision and re-subdivision affecting the premises as approved by Ferguson Township.

Grantor hereby covenants and agrees that Grantor will warrant SPECIALLY the property hereby conveyed.

IN WITNESS WHEREOF, the Grantor has hereunto set hand and seal, the day and year first written above.

WITNESS:



(SEAL)  
Mark F. Michelotti

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Centre

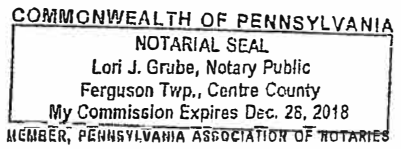
SS:

On this, the 3<sup>rd</sup> day of ~~December~~ <sup>January</sup> 2017, 2016, before me, the undersigned officer, personally appeared MARK F. MICHELOTTI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



(SEAL)

CERTIFICATION OF ADDRESS

I hereby certify that the precise address of the Grantee herein is as follows:

1518 W. College Ave  
State College, PA 16801

  
\_\_\_\_\_  
Attorney or Agent for Grantee

applicable to the extent that they are not in conflict with the above provisions.

H. Storage and Loading Areas.

(1) Standards.

- (a) **Visibility.** Service areas for nonresidential structures, including areas for storage and/or loading, shall not be visible from major pedestrianways or neighboring residential areas.
- (b) **Storage Areas.** Storage areas for live/work units, mixed-use buildings, civic uses and multifamily dwellings shall be integrated into overall building design.
- (c) **Screening.** Adequate capacity for the storage of trash, recyclables, and compostables shall be provided. Service, loading, and trash disposal areas shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such screening shall consist of a combination of architectural masonry (or fencing) and landscaping with a height of at least six feet.
- (d) **Service Entrances.** For commercial uses, service entrances shall be separate from those used by customers. When feasible, the location of service areas should be coordinated with adjacent properties so that the size and number of driveways and other paved surfaces can be minimized.
- (e) **Off-Street Loading Areas.** Off-street loading shall be accommodated whenever possible. Such spaces shall be a minimum of 12 feet in width, 45 feet in length, and have a vertical clearance of at least 14 feet. Every nonresidential use with a floor area of at least 5,000 square feet should provide at least one such off-street space. Curbside deliveries are permitted only so long as they do not occupy on-street parking spaces or block travel lanes.

**§ 27-304. Terraced Streetscape (TS) District. [Ord. No. 1049, 11/18/2019]**

1. **Specific Intent.** It is the intent of this district to encourage innovation and to promote flexibility, economy, and ingenuity in development within the TS District for the purpose of allowing for an increase in the permissible density or intensity of a particular use, based upon the standards, criteria and incentives set forth herein and in Chapter 22. The application of design standards and any permissible increases in density or mix of uses shall be dependent on the extent to which a project is consistent with and achieves the following design objectives and goals:

- A. Establishes a pedestrian-oriented district that accommodates and encourages pedestrian and other multimodal travel alternatives by including sidewalks, greenways, and/or bike path linkages and does not promote vehicular travel.
  - B. Promotes development that creates shared parking facilities through the use of either surface parking lots or structured parking and decreases curb cuts by encouraging a "park once" approach to servicing retail and residential development.
  - C. Promotes viable public transit by developing at an appropriate density with attention to transit routes and by providing transit stops or hubs within the proposed district.
  - D. Provides opportunities to integrate age and income groups through the provision of a wide range of housing alternatives that are suitably mixed throughout the zoning district.
  - E. Promotes development that, through the use of distinctive architectural elements and siting criteria, creates community character.
  - F. Utilizes increased building height and mixed uses to achieve a more compact development footprint and efficient pattern of development while utilizing existing infrastructure.
  - G. Promotes development that creates and retains a human-scaled context.
  - H. Encourages energy efficiency, sustainable development, and green construction.
  - I. Allows for small scale retail and entertainment uses that contribute to and enhance evening and weekend activity in the corridor.
2. Use Regulations. A building may be erected, altered, or used and a lot may be used, or occupied, for any of the following purposes and no other:
- A. Permitted principal uses, subject to the lot sizes as set forth below, as well as the maximum square footage criteria as specified.
    - (1) Conversion of an existing single-family detached dwelling unit to include accommodation of a nonresidential use such as art studio, gallery, handicraft or photography studio, or professional office(s).
    - (2) Conversion of an existing dwelling from apartment units back to a single-family dwelling.
    - (3) Reconstruction of a single-family dwelling unit that exists at the time of adoption of this section and is subsequently destroyed or partially destroyed by any means to an extent of



75% or more of the market valuation of all structures and other improvements on the lot as per the provisions of § 27-803, Subsection 1C, herein, only as long as such unit is designed to incorporate the nonresidential uses identified in § 27-304, Subsection 2A(1) above. All such properties shall be designed to comply with all provisions of the district when reconstructed.

- (4) Playground, greenway, trail, square, commons, plaza, transit area, courtyard or public area, community gardens.
- (5) Bed-and-breakfast with no accessory services.
- (6) Farm market (seasonal).
- (7) Retail sale, service or rental of basic convenience commercial goods and services such as, but not limited to, books, flowers, antiques, gifts, jewelry, or music.
- (8) Business or professional office.
- (9) Vertical mixed use building involving a combination of uses authorized uses.
- (10) Hotel.
- (11) Eating establishment.
- (12) Brewery, cideries and craft distilleries (beverage production facilities).
- (13) Community theater or playhouse.
- (14) Nonprofit or civic service agency.
- (15) Pharmacy with no drive-through.
- (16) Health club.
- (17) Bank or financial office with no drive-through.
- (18) Eating and licensed drinking establishments with no drive-through.
- (19) Salon or spa.
- (20) Medical/dental office.
- (21) Structured parking when provided as part of or accessory to a proposed vertical mixed-use structure.
- (22) Multifamily dwelling units (other than university housing) only if part of a vertical mixed-use structure; no more than three unrelated individuals may reside in each dwelling unit.

- (23) Gallery, handicraft, art, or photography studio, professional office for accountant, architect, attorney or similar profession.
- (24) Uses associated with private or public institutes of higher education; in this zoning district, these shall be limited to the following principal uses: classrooms, research facilities and labs; administrative and faculty offices, and residence halls for graduate and undergraduate student housing only when staffed, owned and operated by the university which the students attend.
- B. Lots up to and Including .39 Acres. The permitted principal uses as set forth in § 27-304, Subsection 2A(1) through (6) only.
- C. Lots from .40 Acres, Up to and Including Lots of .99 Acres. The permitted principal uses as set forth in the chapter, subject to the following:
- (1) Any structure that will be located on the corner of a lot that is at least 0.40 acres in size and that involves an intersection with West College Avenue must address both frontages (no blank walls) and be a minimum of 55 feet in height. The structure shall be designed in accordance with the applicable provisions of Chapter 22. The facade of buildings on corner lots may be accentuated by towers, corner building entrances or other distinctive elements; however, all structures on such lots shall be designed to architecturally enhance the corner location and all effort shall be made to ensure that such structure is a signature building within the district.
  - (2) The entire first floor of all structures located on lots that have frontage on West College Avenue must be devoted to retail or commercial uses permitted in the district.
    - (a) To allow pedestrian access to office, hotel, or residential uses located above street level, lobbies may be allowed within the required retail storefront space, provided that street frontage of the lobby is limited relative to the property's overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.
  - (3) Any vertical mixed-use building not fronting on West College Avenue must dedicate a minimum of 50% of the first floor square footage of the building to nonresidential uses as specified.
- D. Lots or Combined Lots Totaling 1 Acre or Larger. All permitted principal uses as set forth above subject to the same criteria as identified in § 27-304, Subsection 2C(1) through (3) above.

- E. Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total one acre or larger upon approval by the Board of Supervisors:
- (1) Any use not specifically permitted within the TS District that is deemed to be an acceptable use due to its consistency with the stated intent of the district, and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
  - (2) Any use not specifically excluded in § 27-304, Subsection 2F, that would be deemed to be an acceptable use within the TS District and is consistent with the stated intent of the district and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
  - (3) Conference center subject to the following criteria:
    - (a) Maximum building footprint of 30,000 square feet.
    - (b) All parking must be provided in an on- or off-site parking structure.
    - (c) The building must adhere to the design requirements in Chapter 22 and must have lot frontage on West College Avenue.
    - (d) The center may include eating and sleeping accommodations if incorporated in a manner that is consistent with the intent of the district.
  - (4) Uses accessory to permitted principal uses, subject to the following criteria:
    - (a) The proposed accessory use is associated with a use specifically permitted in the district.
      - 1) The proposed accessory use is complementary to the specific intent of the TS Zoning District and the West College Avenue streetscape.
      - 2) Sufficient parking exists or can be established to support the proposed accessory use under the parking standards specified in this district.
      - 3) Conformance with the criteria found in § 27-204.
  - (5) Structured parking as a stand-alone structure subject to the following criteria:
    - (a) Conformance to the design requirements as stipulated in Chapter 22 as they pertain to architectural scaling elements; building materials and other design

considerations that minimize the monotony of repetitive structural elements by varying the facade treatments from bay to bay, integrating planter walls, and/or incorporating landscaping along long undifferentiated expanses of wall.

- (b) Must be wrapped at ground level with retail or other activity-generating use(s) permitted in the district. Any portion of the ground floor that does not incorporate retail or service-oriented uses must provide additional landscaping to create a separation from pedestrian activity.
  - (c) Minimize the dominance of the vehicular entrance and provide a human scale and pedestrian orientation along any street frontage.
  - (d) Must be established through a public-private partnership with the Township and/or developer of a separate site in the district.
  - (e) No access to the structure is permitted from the West College Avenue corridor. Access must be provided from a cartway that parallels the corridor. Vehicles may exit onto West College Avenue; however, depending on the location, may be prohibited from making a left turning movement.
  - (f) Maximum height 60 feet. Fifteen feet may be added through the use of incentives as specified in § 27-304, Subsection 3A(2)(c) below.
- (6) Structures (other than parking structures) above 55 feet subject to the following criteria:
- (a) The structure does not exceed 75 feet in height, including all rooftop appurtenances other than solar panels or rooftop wind energy conversion systems.
  - (b) The appearance of any portion of the facade between 55 feet and 75 feet is distinguished from the facade treatment/material of the portion of the structure between 35 feet and 55 feet per the design requirements in Chapter 22.
  - (c) Any vertical mixed-use structure that contains more than two floors devoted to residential units must provide full-time, on-site management.
  - (d) The application of sufficient incentives from § 27-304, Subsection 3B, below, to reach a height above the permitted 55 feet.
- F. Prohibited Uses. Only those uses specifically identified above or found to be consistent with the intent of the district are permitted

in the TS District. The following represent some, but not all, of the uses that are specifically prohibited in the TS District:

- (1) Convenience stores with fuel pumps.
- (2) Vehicle garages and repair shops.
- (3) Adult entertainment.
- (4) Equipment rental.
- (5) Motor vehicle display, repair, and sales.
- (6) Child day care/preschool.
- (7) Private and public K-12 schools.
- (8) Private recreation areas, arenas, and stadiums.
- (9) Car wash.
- (10) Motels.
- (11) Drive-through.
- (12) Surface parking lots that are not an accessory use to and required by a permitted principal use or approved conditional use on the same lot.

G. All development in the TS District is subject to the design standards found in Chapter 22.

3. Height, Area and Bulk Regulations. The following regulations shall be observed for all permitted principal uses:

A. Maximum Height.

- (1) Lots up to and including .39 acres and any lot that does not have lot frontage on West College Avenue (an arterial): 35 feet; incentives may not be applied to increase this height.
- (2) Lots of .40 acres and up with frontage on an arterial street:
  - (a) By right maximum of 55 feet; 55 feet required on corner lots of this size.
  - (b) Additional height up to 75 feet for lots of at least one acre may be obtained through the use of incentives set forth in § 27-304, Subsection 3B below; use of any incentive(s) other than Subsection 3B retains the requirement to obtain conditional use approval.
  - (c) Maximum height of parking structures is 60 feet, not including any underground parking levels. Additional height of up to 15 feet may be added specifically to this use if a minimum of 50% of the roof is planted as a green roof

or roof garden, or if a wind energy conversion system and/or solar panels are placed on the roof and provide energy for the parking structure and/or adjacent structures.

- (d) Minimum height of all structures on lots of this size other than corner lots which are subject to Subsection 2C(1) above: A street wall at least two stories or 30 feet in height (whichever is greater) shall be maintained for a minimum of 65% of the length of the lot frontage through placement of the principal structure or extension of its facade with an appropriate architectural element.

B. Building Height Incentives.

- (1) If a shared parking facility is provided or used to accommodate the use(s) on the lot, an additional 10 feet may be added to the permitted maximum.
- (2) If structured parking is provided to accommodate the use(s) on the lot and provides space for use by others, an additional 20 feet may be added to the permitted maximum without the need to obtain conditional use approval.
- (3) If 10% of the total residential units in a vertical mixed-use building are established and maintained as owner-occupied workforce units, an additional 20 feet may be added to the permitted maximum.
- (4) If 15% of the total residential units in a vertical mixed-use building are established and maintained as age-restricted units, an additional 20 feet may be added to the permitted maximum.

C. Building Occupancy. The maximum square footage per individual nonresidential use is 10,000 square feet/floor. The maximum achievable through use of the incentives set forth below in Subsection 3C(1) through (4) is a maximum of 15,000 square feet/use/floor.

- (1) Incorporation of day lighting through clerestories, roof monitors, light shelves, or other technologies throughout 30% of the building allows the maximum square footage/individual use to expand 2,500 square feet/floor.
- (2) If structured parking to meet the parking requirement of the site is provided on- or off-site, the maximum square footage per individual use may expand by 5,000 square feet/use/floor.
- (3) Incorporation of on-site drainage retention, such as bioswales or rain gardens. Into the landscaping design and the use of gray water for site irrigation allows the maximum square footage/individual use to expand 2,500 square feet/floor.

- (4) Use of on-site, nonpolluting, renewable technologies (solar, geothermal, wind or biomass) for self-supply energy for a minimum of 5% of the total projected energy use allows the maximum square footage/individual use to expand 2,500 square feet/floor.

D. Yard Regulations.

(1) Front Yard.

- (a) Buildings shall be located on the sidewalk line of the primary street. Sidewalks shall be 12 feet deep from the back edge of the curb on West College Avenue, and a minimum of five feet deep from the back edge of the curb on all side streets and cross streets off of West College Avenue. This area is subject to all sidewalk and streetscape requirements as specified in the design regulations of Chapter 22 or officially adopted streetscape plan for the Township. A standard five-foot sidewalk shall be installed for the length of any portion of a lot that abuts an existing alley.
- (b) Building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, or other articulation so as to provide pedestrian scale to the first floor.
  - 1) The building facade may recede from the street wall by as much as 18 inches to allow for columns or other architectural elements as parts of the street wall.
  - 2) A setback not to exceed 15 feet measured from the back of the sidewalk is permitted, provided that no less than 65% of the street wall is maintained. Recesses on the ground floor to accommodate entryways, display windows, planters, or similar features shall not be considered as setbacks provided that the directly adjacent upper stories (to a minimum of 30 feet) have been built to the street wall.
- (c) All structures on a lot must maintain a minimum of 65% of their facade along the sidewalk line and 50% of the length and 50% of the ground level wall height or 15 feet above finished grade, whichever is less, of any building facade facing and/or adjacent to a public street, or facing into a park, plaza or other public outdoor space shall be transparent.
  - 1) Darkly tinted windows and mirrored windows which block two-way visibility are prohibited as ground floor windows required under this subsection. Storefront

windows may not be completely obscured with display cases or signage that prevents customers and pedestrians from seeing inside.

- 2) Continuous window walls shall be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.

(2) Side Yard.

- (a) A side yard of 10 feet will be applicable except in the circumstances set forth below.

- 1) In the event that the side of a building would have frontage on a cross street, this shall be considered as a front yard and will be subject to the setback and design requirements as set forth above. However, the depth of sidewalk from back of curb may be maintained at five feet along the cross street.
- 2) In the event that the side yard is adjacent to another lot that fronts on West College Avenue, there will be no required side yard setback and new buildings may be constructed with a zero lot line.
- 3) In the event that the side yard is adjacent to a structured parking facility, there will be no side yard setback required and new buildings may be constructed with a zero lot line.
- 4) In the event that the side yard abuts an alley which coincides with the district boundary, this side yard shall be established as a rear yard consistent with the provisions for a rear yard as indicated below.

- (b) Pavement to accommodate surface parking may not encroach within the required setbacks.

(3) Rear Yard.

- (a) On each lot there shall be a rear yard, the depth of which shall be five feet. However, if the rear yard is adjacent to a property with a single-family residential dwelling unit, or a property outside of the TS District, a twelve-foot landscaped buffer shall be provided at the property line and shall constitute the required setback. Surface parking may not encroach within the required setback.

- 1) The required buffer shall be composed of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of the lot line.



(b) If the rear yard of a lot abuts an alley, whether in or out of the district, a five-foot concrete sidewalk shall be provided along the entire length of the property adjacent to the alley. Buildings may directly abut this sidewalk. If the alley coincides with the district boundary, the twelve-foot landscaped buffer required above shall be provided in addition to the five-foot sidewalk, establishing a total seventeen-foot setback.

(4) Building Separation.

(a) All buildings built on a zero lot line shall be independent and no structural wall may be shared by buildings on adjacent lots. Buildings on the same lot may be connected by enclosed walkways or covered walks.

E. Impervious Lot Coverage.

- (1) Lots up to and including .39 acres: 50%, up to a maximum of 60% permitted for each lot by way of the incentives set forth at Subsection 3F below.
- (2) Lots from .40 acres up to and including lots of .99 acres: 60%, up to a maximum of 75% for each lot by way of the incentives set forth at Subsection 3F below.
- (3) Lots one acre or larger: 75%, up to a maximum of 95% for each lot by way of the incentives set forth at Subsection 3F below.

F. Impervious Coverage Incentives. In no event shall the maximum total impervious coverage, with any of the incentives provided for within this section, exceed 95% of the site as measured within all existing or proposed lot lines.

- (1) If a green roof or roof garden(s) covering a minimum of 60% of the roof is provided on the structure(s) on the lot, an additional 10% coverage is permitted.
- (2) If an approved pervious parking surface is provided for a least 50% of the required on-site parking, an additional 10% coverage is permitted.
- (3) If the proposal is for vertical expansion of an existing use, an additional 10% coverage is permitted.
- (4) If the proposal is to add upper floor office or residential units to create a mixed-use structure out of an existing single-use building, an additional 10% coverage is permitted.
- (5) If the entire roof is a cool roof that reduces cooling loads, an additional 5% coverage is permitted.

- (6) If the proposal is to undo a previous conversion of a single-family dwelling from apartments back into a single-family dwelling an additional 10% coverage is permitted.

G. **Parking Requirements.** The regulations set forth herein are intended to apply within the TS District and may differ from the provisions of Chapter 22.

- (1) The required parking may be met through the use of on-site, off-site, and remote or structured parking, or any combination thereof.
- (2) When an on-site surface parking area is proposed, it shall be located underneath or to the side or rear of the structure(s) it is intended to serve and shall have vehicular access from the side or rear of the lot. On-site parking in the front yard is specifically prohibited.
- (3) When surface parking is located to the side of a structure, it must be set back from the sidewalk edges a minimum of 10 feet. This additional setback shall be used to accommodate screening composed of a low architectural wall, masonry piers, fencing, or a combination thereof, and a continuous four-foot high (at time of planting) shrub hedge that screens the parking and defines the sidewalk edge. Additional deciduous and evergreen trees may be used to supplement the required plantings.
- (4) Surface parking located to the side of a structure may not extend to a side street. The corner lots are subject to the use and yard requirements as stipulated above.
- (5) The maximum number of permitted spaces in an on-site surface parking lot is 30. However, if acceptable pervious paving is used for the entire parking area, this number may be increased to 45.
- (6) Parking areas shall be designed so as to optimize the potential to serve more than one building or more than one use on a site or adjoining sites as long as the location and design remain consistent with the other criteria of this section.
- (7) To be counted toward the minimum number of required spaces, off-site parking must be located within two blocks or 1/4 mile of the main entrance to the use that requires the spaces. If the off-site spaces are not in a publicly owned and operated parking structure, documentation of the reservation of such spaces for each use must be provided in the form of a shared parking agreement.
- (8) Residential parking within the TS District shall be provided at the rate of 1.0 space for each studio or one-bedroom unit and

1.5 spaces for each unit that is two bedrooms or larger, subject to the following criteria:

- (a) To utilize this parking standard, all surface parking on the site shall be priced separately from the cost of the unit. Such fee structure would not be applicable to the use of driveways, attached garages, or underground and understructure parking spaces on-site but would be applicable to the use of off-site parking spaces in a structured parking facility.
  - (b) The use of incentives cannot reduce this required parking ratio.
- (9) Parking for nonresidential uses within the TS District shall be provided at the rate of 1/500 square feet, subject to the following criteria:
- (a) Where shared parking can be arranged, the amount of required parking shall be dictated in accordance with the provisions of the ULI Shared Parking Handbook, Second Edition (2005).
  - (b) Where either on- or off-site shared parking is utilized, an agreement establishing the rights to use of the spaces shall be prepared, submitted and, upon approval by the Township, recorded.
  - (c) Additional reductions may be considered through the use of incentives as listed elsewhere in this section.
- (10) Every nonresidential use with a floor area of 10,000 square feet or more must provide a loading/unloading area. Curbside deliveries are permitted so long as they do not block travel lanes.
- (11) All uses shall provide bicycle parking accommodations on site. See § 22-502, Subsection 3.
- (12) All egress from a parking area shall be designed so that motor vehicles leaving the parking area will enter the public street traveling in a forward direction.
- (13) All surface parking lots must be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as enhance the environment and ecology of the site and surrounding area. At a minimum, all surface parking areas shall be landscaped in accordance with the provisions of § 27-707, Subsection 14B and C and shall demonstrate that a minimum of 5% of the internal surface parking area has been devoted to landscaping area.

- (14) Surface parking space dimensions shall be in accordance with the provisions of § 27-601.
4. Plan Processing and Procedure. The following general requirements shall apply to any proposal for development within the TS District:
- A. Eligibility. The site proposed for development shall be under single ownership and shall be developed according to a single master plan that depicts full build-out of the site with common authority and responsibility.
- (1) The site shall be served by both public sewer and public water and notice of capacity and intent to serve shall be provided prior to approval of any final plan.
- (2) Any subdivision or land development proposal within the TS District that involves multiple phases of development shall follow the procedures outlined below, including each of the following steps:
- (a) Initial conference.
- (b) General master plan.
- (c) Final plan.
- B. Initial Conference. An initial conference shall be scheduled to discuss the proposed development. The conference shall include appropriate representative(s) of the developer and the Township. The goal of the conference is to review the development proposal and to establish its consistency with the intent and purpose of the TS District as established by this section and associated design manual (Chapter 22, Part 5A). The applicant may submit any information they deem necessary to substantiate conformance with the objectives of the TS District. This step shall be required regardless of whether the development will be phased.
- C. General Master Plan. A master plan shall be required whenever a development is proposed to be phased or where the developer wishes to obtain a preliminary level of approval prior to preparation of a final plan. Where such circumstances do not exist, the project may be submitted as a final plan. Review of the general master plan shall proceed as outlined in the Subdivision and Land Development Ordinance, Chapter 22, § 22-303, Subsections 3 and 6, including review by the Township Planning Commission, review by the Centre County Planning Commission or its designee, and review by the Board of Supervisors.
- (1) The general master plan shall cover the entire tract, regardless of any intended phasing of the proposed development. The plan shall show the size and location of all access locations, parking facilities, public space, and service areas. Accompanying the

**Part 8**  
**NONCONFORMITIES**

**§ 27-801. Intent. [Ord. No. 1049, 11/18/2019]**

It is the intent of this chapter to recognize the right of nonconformities to continue, but to encourage that such lots, uses and structures be brought into conformity with this chapter as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Part 8.

**§ 27-802. Nonconforming Lots of Record. [Ord. No. 1049, 11/18/2019]**

1. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area and/or width that are applicable in the district; provided, that all other yard dimensions and requirements of the lot shall conform to the regulations for single-family detached dwellings in the Single-Family Residential District. Such nonconforming lot must be in separate ownership and not abut other lots under the same ownership.
2. If two or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of said parcels be used or sold in a manner which diminishes compliance with lot width or area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter. This subsection shall only apply when neither of the lots involved, which abut each other, contains a building. This subsection shall not apply to lots which are conforming to the zoning in effect as of the time of passage of this chapter.
3. Lots which fail to meet minimum width or area requirements may be expanded to include abutting lots under the same ownership.
4. To uphold the long-established character and the district purpose of the Township's Rural Agriculture Zoning District, for any lot in the Rural Agriculture District between the acreage of 2.01 acres and 49.99 as established on record as of 2019, any agriculturally oriented land use identified as permissible within the Rural Agriculture Zoning District shall be permissible as designated on Table § 27-205.1.<sup>76</sup>

**§ 27-803. Nonconforming Uses and Structures. [Ord. No. 1049, 11/18/2019]**

1. Where a lawful use or structure exists which, on the effective date of this chapter or subsequent amendment thereto, becomes nonconforming, such use or structure may be continued as long as it remains otherwise lawful, including subsequent sales of the property, subject to the following provisions:
  - A. The existing nonconforming use shall not be changed to a different nonconforming use.
  - B. No such nonconforming use or structure shall be altered or extended except if such complies with the following criteria and standards:
    - (1) To provide for a natural expansion which is not detrimental to public health, safety and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
    - (2) Provided such does not constitute the addition of a new nonconforming use or structure.
    - (3) Provided such does not decrease yards when such already fail to meet minimum yard setback areas.
    - (4) Provided that the alteration or extension meets the district regulations for such use or structure as if same were being altered or extended in the district where such use is permitted. In cases where the use is permitted in two or more districts, the most restrictive district regulations shall apply.
  - C. In the event that any nonconforming structure is destroyed or partially destroyed by any means to an extent of 75% or more of the market valuation of all structures and other improvements on the lot, as determined to be the fair market value as of the date of destruction, pursuant to an appraisal by a professional real estate appraiser licensed in the Commonwealth of Pennsylvania, and selected by the Board of Supervisors; such nonconforming structure and use thereof shall terminate and the lot shall thereafter be used only for conforming uses and structures, except if the use or structure is a farm use as herein defined. Essential services are exempt from the provisions of this subsection.
  - D. When a nonconforming use or structure is discontinued or abandoned for a period of one year or more continuously, or replaced by a conforming use or structure, the premises shall not thereafter be used except in conformity with the regulations of the

district in which it is located, except if the use is a farm use as herein defined.

- E. Provided that the requirements of § 27-803, Subsection 1B(1) through (4), are satisfied, a landowner need not obtain a variance prior to altering or extending a nonconforming structure if such alteration/extension would extend the nonconformity but not aggravate it. In such cases, the landowner would be required to obtain a fee zoning permit. An example of the type of alteration permitted by zoning permit pursuant to this subsection is as follows: a twenty-foot front yard setback requirement exists and the structure is already constructed two feet into the setback. The landowner proposes an addition to the nonconforming part of the structure which would continue along the line of that portion of the structure which is two feet into the setback.

**§ 27-804. Registration of Nonconforming Uses, Structures and Lots. [Ord. No. 1049, 11/18/2019]**

In administering and enforcing this Part 8 and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Administrator may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the lot owner.

**§ 27-805. New Construction. [Ord. No. 1049, 11/18/2019]**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Receipt 345445

Printed 10-01-2020 15:03:14

Nittany Settlement Company  
218 W. Hamilton Ave.  
State College Pennsylvania 16801

Joseph L. Davidson  
Recorder of Deeds - Centre County  
414 Holmes Street Suite 1  
Bellefonte, PA 16823

DEEDS - TAXABLE

R 02258-0500A            91        4 pages  
1 MEISER AND EARL PARTNERSHIP  
2 TUSSEY TRACKS LLC  
\*\*\*\*\* RETURN TO \*\*\*\*\*

Nittany Settlement Company  
218 W. Hamilton Ave.  
State College Pennsylvania 16801  
\*\*\*\*\*

County Fee	18.50
State Writ	0.50
State RTT	5250.00
RTT - FERGUSON TOW	6562.50
RTT - STATE COLLEG	2625.00
ATJ Fee	40.25
Affordable Housing	11.50

DEEDS - TAXABLE	14508.25
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Commonwealth of Pennsylvania }

County of Centre }

Recorded on Oct 01, 2020

By: JOSEPH L. DAVIDSON  
RECORDER OF DEEDS  
CENTRE COUNTY

This sheet includes required recording and tax information and is part of the official record.  
DO NOT DETACH





R 02258-0500 Oct 01, 2020

MEISER AND EARL PARTNERSHIP  
Tussey Tracks LLC

10/01/2020  
15:03:14

DEED 4pgs RECORDER OF DEEDS  
Electronically Recorded / Submitted by Simplifi

**THIS DEED,**

MADE the 10<sup>th</sup> day of August in the year two thousand and twenty  
(2020)

**BETWEEN EDGAR W. MEISER, JR. and MARTY LEE AMELING MEISER, his wife, of Greene Township, Clinton County, Pennsylvania, and THOMAS A. EARL, widower, of Mesa, Arizona, d/b/a MEISER AND EARL PARTNERSHIP, parties of the first part, Grantors,**

**-AND-**

**TUSSEY TRACKS, LLC, a Pennsylvania limited liability company, of Ferguson Township, Centre County, Pennsylvania, party of the second part, Grantee.**

**WITNESSETH, That in consideration of the sum of ONE AND 00/100 Dollars (\$1.00), the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee its heirs and assigns,**

**ALL that certain messuage, tenement and tract of land with improvements thereon erected, situate, lying and being in the Township of Ferguson, County of Centre and Commonwealth of Pennsylvania, bounded and described as follows:**

**BEGINNING** at the westernmost corner of the land herein described, at an iron pin set in the southeasterly line of the 80 foot right-of-way of West College Avenue; thence along the southeasterly line of West College Avenue, North 42° 19' 00" East, 116.90 feet to an iron pin set; thence along lands now or formerly of Barry D. and Patricia A. Phillips and continuing along lands now or formerly of Jonathan E. and Lorinda L. Brader, South 36° 27' 00" East, 152.93 feet to an iron pin found; thence along lands now or formerly of Centre Investors, South 42° 19' 00" West, 87.11 feet to an iron pin set; thence along a new lot line established between Lot 1CR and Lot 2CR, North 47° 41' 00" West, 150.00 feet to the iron pin at the place of beginning.

**BEING** known as Centre County Uniform Parcel Identifier Tax Parcel No. 24-19/72.

**CONTAINING** 15,301 square feet, or 0.351 acre, and **BEING** Lot 1CR of a plan prepared by Uni-Tec, Inc., entitled "Preliminary & Final Plan, Resubdivision of Lots 1C and 2C at Pine Hall Subdivision," dated October 20, 1986 and recorded in Centre County Plat Book 36, page 165; and

	C.C.B.O.A. Registry <b>07-22-20 CAS</b>
	<b>24-19/72</b>
	Uniform Parcel Identifier

**BEING** the same premises which became vested in Edgar W. Meiser, Jr. and Marty Lee Ameling Meiser, his wife, and Thomas A. Earl, widower, by deed of Edgar W. Meiser, Jr. and Marty Lee Ameling Meiser, his wife, and Thomas A. Earl, widower, dated June 14, 2012, and recorded July 3, 2012, in Centre County Record Book Vol. 2104, page 534.

**COMPRISING** a portion of that certain tract of land known as Lot 1 C, which was conveyed to Edgar W. Meiser, Jr. and Marty Lee Ameling Meiser, his wife, as tenants by the entireties, as to an undivided one-half interest, and Thomas A. Earl and Susan G. Earl, his wife, as tenants by the entireties, as to an undivided one-half interest, with each of the married couples being tenants in common as to the other Grantees, by deed dated April 18, 1987 and recorded in Centre County Deed Book 452, page 781. The said Susan G. Earl died on December 27, 2005, at which time full title to an undivided one-half interest became vested in her husband, Thomas A. Earl, widower.

**TOGETHER** with all and singular the tenements, hereditaments and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof,

**AND ALSO** all the estate, right, title, interest, property, claim and demand whatsoever, both in law and in equity, of the said parties of the first part, of, in to or out of the said premises, and every part and parcel thereof.

**TO HAVE AND TO HOLD** the said premises, with all and singular the appurtenances, unto the said party of the second part, its heirs and assigns, to and for the only proper use and behoof of said party of the second part, its heirs and assigns forever.

**AND** the said Grantors, on behalf of their heirs and assigns, do by these presents covenant, grant and agree to and with the said party of the second part, its heirs and assigns, that they the said Grantors, on behalf of their heirs and assigns, shall warrant all and singular the hereditaments and premises herein above described and granted or mentioned and intended so to be, with the appurtenances unto the said party of the second part, its heirs and assigns, against the said parties of the first part and their heirs and assigns, and against all and every other person or persons whomsoever, lawfully claiming or to claim the same or any part thereof, shall and will, by these presents, **SPECIALY WARRANT AND FOREVER DEFEND.**



COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF CENTRE )

On this, the 17<sup>th</sup> day of August, 2020, before me, a notary public, the undersigned officer, personally appeared MARTY LEE AMBLING MEISER, individually and as partner, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires 

Commonwealth of Pennsylvania - Notary Seal Lizabeth A. Guenot, Notary Public Centre County My commission expires August 01, 2023 Commission number 1063946
--

Lizabeth A. Guenot  
Notary Public

STATE OF Maine )  
 ) SS:  
COUNTY OF Hancock )

On this, the 10<sup>th</sup> day of August, 2020, before me, a notary public, the undersigned officer, personally appeared THOMAS A. EARL, widower, individually and as partner, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires June 27, 2024 Rachel A. Dow  
Notary Public  
RACHEL A. DOW  
Notary Public, Maine  
My Commission Expires  
June 27, 2024



**REV-183**  
BUREAU OF INDIVIDUAL TAXES  
PO BOX 280603  
HARRISBURG, PA 17128-0603

**REALTY TRANSFER TAX  
STATEMENT OF VALUE**  
COMPLETE EACH SECTION

State Tax Paid: \_\_\_\_\_  
Book: \_\_\_\_\_ Page: \_\_\_\_\_  
Instrument Number: \_\_\_\_\_  
Date Recorded: \_\_\_\_\_

**SECTION I TRANSFER DATA**

Date of Acceptance of Document  
10/01/2020

Grantor(s)/Lessor(s) Edgar W. Meiser, Jr.	Telephone Number (814) 234-0813	Grantee(s)/Lessee(s) Tussey Tracks, LLC	Telephone Number (814) 238-5100
Mailing Address 6 Saddle Rock Lane		Mailing Address 1518 W College Avenue	
City Loganton	State PA	ZIP Code 17747	City State College
			State PA
			ZIP Code 16801

**SECTION II REAL ESTATE LOCATION**

Street Address 1512 W College Avenue, State College, PA 16801	City, Township, Borough Ferguson Township
County Centre	School District State College
	Tax Parcel Number 24-019-,072-,0000-

**SECTION III VALUATION DATA**

Was transaction part of an assignment or relocation?  YES  NO

1. Actual Cash Consideration 525,000.00	2. Other Consideration + 0.00	3. Total Consideration = 525,000.00
4. County Assessed Value 94,920.00	5. Common Level Ratio Factor x 4.13	6. Computed Value = 392,019.60

**SECTION IV EXEMPTION DATA - Refer to instructions for exemption status.**

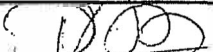
1a. Amount of Exemption Claimed \$	1b. Percentage of Grantor's Interest in Real Estate %	1c. Percentage of Grantor's Interest Conveyed %
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2. Fill in the Appropriate Oval Below for Exemption Claimed.
- Will or intestate succession. \_\_\_\_\_  
(Name of Decedent) (Estate File Number)
  - Transfer to a trust. (Attach complete copy of trust agreement and all amendments.)
  - Transfer from a trust. (Attach complete copy of trust agreement and all amendments.)
  - Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
  - Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
  - Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
  - Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
  - Statutory corporate consolidation, merger or division. (Attach copy of articles.)
  - Other (Provide a detailed explanation of exemption claimed. If more space is needed attach additional sheets.)

**SECTION V CORRESPONDENT INFORMATION - All inquiries may be directed to the following person:**

Name Desiree F. Fralick, The Mazza Law Group, PC	Telephone Number (814) 237-6255
Mailing Address 2790 W College Avenue, Suite 800	City State College
	State PA
	ZIP Code 16801

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party  Date 10-1-2020

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.



**FERGUSON TOWNSHIP ZONING HEARING BOARD  
ORGANIZATIONAL MEETING  
TUESDAY, FEBRUARY 23, 2021  
7:00 p.m.**

**I. ATTENDANCE**

The Zoning Hearing Board held its Organizational Meeting on Tuesday, February 23, 2021, at the Ferguson Township Municipal Building. In attendance were:

**Board:**

Michael Twomley  
Michael MacNeely-Absent  
Swamy Anantheswaran  
Susan Buda  
Irene Wetzel  
Stefanie Rocco, Alternate

**Staff**

Jeff Ressler, Zoning Administrator  
Jeff Stover, ZHB Solicitor

Others in attendance were: Ken Beldin, Gwin Dobson & Foreman; Heather Boring, Court Reporter; Brian Heiser, SCBWA;

**II. CALL TO ORDER**

Mr. Twomley called the Organizational Meeting of the Zoning Hearing Board to order. This is the first Zoning Hearing Board Meeting of the New Year; therefore, the meeting was turned over to Mr. Ressler for nomination of a Chairperson.

**III. ELECTION OF OFFICERS FOR 20**

Mr. Ressler opened the floor for Chairperson nominations.

Mr. Swamy Anantheswaren made a motion to nominate Michael Twomley as Chairperson. Ms. Susan Buda seconded the motion. No other nominations were made. The motion passed unanimously.

The meeting was turned over to Mr. Twomley, the appointed Chairperson. Nominations were opened for Vice Chairperson and Secretary.

Mr. Anantheswaren made a motion to nominate Susan Buda as Vice Chairperson. Mr. Twomley seconded the motion. No other nominations were made. The motion passed unanimously.

Ms. Buda made a motion to nominate Mr. Anantheswaren as Secretary. Mr. Twomley seconded the motion. Discussion followed. No other nominations were made. The motion passed unanimously.

**IV. SELECTION OF MEETING DATES AND TIMES FOR 2021**

Mr. Twomley stated the Zoning Hearing Board typically meets on the fourth Tuesday of every month. Exceptions noted for this year will be for thanksgiving and Christmas. The motion passed unanimously.

**V. ADJOURNMENT**

The Organizational Meeting was adjourned by Mr. Twomley.

Respectfully Submitted,

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Swamy Anatheswaren, Secretary  
For the Zoning Hearing Board

**FERGUSON TOWNSHIP ZONING HEARING BOARD  
REGULAR MEETINGS  
TUESDAY, FEBRUARY 23, 2021  
7:00 p.m.**

**I. ATTENDANCE**

The Zoning Hearing Board held a hearing on Tuesday, February 23, 2021, via ZOOM. In attendance were:

**Board:**

Michael Twomley- Chair  
Susan Budá – Vice Chair  
Swamy Anantheswaran- Secretary  
Mike MacNeeley  
Irene Wetzel  
Stefanie Rocco, Alternate  
Jeff Stover, ZHB Solicitor

**Staff**

Jeff Ressler, Zoning Administrator  
Summer Brown, Recording Secretary

Others in attendance were: Heather Boring, Court Reporter; Ken Beldin, Gwin Dobson & Foreman; Brian Heiser, SCBWA; Robert Nix, representing SCBWA.

**II. CALL TO ORDER**

The Ferguson Township Zoning Hearing Board meeting was called to order on Tuesday, February 23, 2021 at 7:00 pm.

**III. CHAIRPERSON OF THE ZONING HEARING BOARD EXPLAINS PROCEDURE FOR VIRTUAL MEETING**

**IV. PLEDGE OF ALLEGIANCE**

**V. CITIZENS INPUT**

**VI. INTRODUCTION OF BOARD MEMBERS**

**VII. SWEARING IN OF THOSE THAT WISH TO TESTIFY**

Mr. Jeffrey Ressler, Brian Heiser and Mr. Ken Beldin were sworn in to testify.

**VIII. THE ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE/APPEAL**

Mr. Jeff Stover, Zoning Hearing Board solicitor went over the criteria for a variance.

**IX. ZONING OFFICER EXPLAINS THE BASIS OF VARIANCE/APPEAL REQUEST**

**X. STATE COLLEGE BOROUGH WATER AUTHORITY – VARIANCE REQUEST**

Mr. Ressler stated that State College Borough Water Authority variance request located at 3795 W College Ave, State College, PA. Zoned RA, tax parcel 24-004-096-0000 owned by Jennifer C. McCauley. The applicants are proposing to relocate a water main as part of the Pennsylvania Department of Transportation bridge replacement on SR 0026 (W College Ave) near the



intersection of SR 0026 and SR 0045 (Shingletown Rd) The water main will be a 12ft main. The area of the water main replacement is a zoned AE mapped FEMA floodplain and is regulated by the Townships flood plain conservation regulations of Chapter 27-701. Mr. Ressler stated that the applicants are requesting a variance to chapter 27-701.3C, Chapter 27-701.3H, and Chapter 27-701.3.1.

Mr. Robert Nix representing SCBWA asked Mr. Ken Beldin to introduce himself to the Board and asked Mr. Beldin to provide the Board with background on the project. Mr. Beldin explained that this water main is the sole source that supplies 591 customers water for fire use and potable water for the Pine Grove Mills area. Mr. Beldin explained why SCBWA is doing at the request of PennDot. PennDot will be increasing the grading and replacing the bridge which is why the water main needs to be relocated. Mr. Beldin displayed a map to the Board and described where the main is now located and where they are proposing it to be moved, he also explained PennDot's project and where the new bridge will be located. Mr. Beldin stated that the hardship is SCBWA will be able to repair any issues with their crews and equipment with minimal downtime, and the relocation has been done as best possible to minimize any disruptions to the flood plain. Mr. Beldin explained that other routes were considered but the depth of the water main in these routes would make it dangerous for SCBWA crew to work.

Mrs. Wetzel stated the plan looks good but asked for an explanation on the other routes that were considered. Mr. Brian Heiser stated that the project was evaluated and this is the only route that is financially feasible for the water authority and the Pine Grove Mills citizens. Ms. Buda asked if the Township will inspect this after the project is finished, Mr. Ressler stated that yes he will do an inspection once the project is finished to make sure it was returned to predevelopment conditions.

Mr. Twomley entertained a motion to approve the variance request. Ms. Buda moved that State College Borough Water Authority be granted 3 variances regarding the property at 3795 W College Ave, tax parcel 24-004-096-0000. The variance is to chapter 27-701.3C for construction encroachment upon flood plain, Chapter 27-701.H to encroach upon a flood way, Chapter 27-701.3.I for encroachment upon the use buffer, this variance be granted under the condition that the disturbed areas be returned to predevelopment condition contingent upon a Township inspection and attached the four conditions that get attached to a flood plain variance. Mrs. Wetzel seconded the motion and the motion passed unanimously.

**XI. APPROVAL OF MEETING MINUTES FROM NOVEMBER 17, 2020 MEETING**

Mr. Twomley entertained a motion to approve the meeting minutes for November 17, 2020. Mrs. Wetzel made a motion to approve, Ms. Buda seconded the motion, and the motion passed unanimously.

**XII. ADJOURNMENT**

The Zoning Hearing Board meeting was adjourned at 8:05 pm.

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Swamy Anantheswaren, Secretary  
For the Zoning Hearing Board