

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, JUNE 25, 2019
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a Zoning hearing on Tuesday, June 25, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board:

Michael Twomley
Michael MacNeely
Swamy Anantheswaran-Absent
Susan Buda
Irene Miller
Stefanie Rocco, Alternate-Absent
Jeff Stover, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator

Others in attendance were: Summer Krape, Recording Secretary; Thomas Rutherford Ferguson Township resident, Terry Williams Attorney representing Mr. Rutherford; Teresa Soler variance applicant, and Jesse Barley Ferguson Township resident.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order by Mr. Mark Twomley on Tuesday June 25, 2019 at 6:59 pm.

III. PLEDGE OF ALLEGIANCE

IV. CITIZENS INPUT

V. INTRODUCTION OF BOARD MEMBERS

VI. SWEARING IN OF THOSE THAT WISH TO TESTIFY

Mr. Thomas Rutherford was sworn in to testify.

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

Mr. Jeff Stover the Zoning Hearing Board Solicitor explained the criteria for a variance to the audience.

passes with the real estate and not the owner. Mr. Stover stated that if the Board revisited the 1991 variance it would be a variance request for the use of a professional office it would not have been specific. Ms. Buda wanted to note that if this building was located in a more residential area it would be a bigger issue but it is surrounded by parking.

Mr. MacNeely made a motion to grant a variance to tax parcel 24-012-026 to modify the previous variance granted on April 12, 1991. To replace the phrase "real estate office" to permit the structure to be used for "business/professional office" as outlined in use category three in section 502-C. Ms. Buda seconded the motion.

IX. TERESA SOLER – VARIANCE REQUEST

Mr. Ressler stated that the Teresa Soler variance request is for 331 Selders Circle the zoning district is R1. The parcel is 24-09-304 owned by Ms. Teresa Soler. The applicant is proposing to construct a building addition that encroaches the ten foot side yard setback in two locations. One location the addition will encroach by approximately three feet and the other location the addition will encroach by approximately five feet.

Mr. Jesse Barley is Ms. Solers significant other and stated that their neighbor's house is located about thirty feet from their line which would provide ample room for emergency services. The storm drain system is located on the other side of the house which is why they cannot put the addition on that side. The purpose of the addition is to give her family more room. Ms. Soler has two teenage sons that are big. The family likes to cook and be together and they need more space. They thought about moving but both of her sons are autistic and she needs to keep them in the State College Area School District so this is the only way to help her family. Mr. Barley stated that currently their dining room is about seven feet wide and the addition will give them more room to have family time.

Mr. Stover stated that this would be considered de minimus as this would not have any adverse effect on the neighborhood. Mr. MacNeely made a motion to grant a variance to the property as the board has decided the encroachment is de minimus located at 331 Selders Circle, tax parcel 24-09-304 to allow the applicant to add an addition to the house that would encroach three feet in the required setback in one location and five feet in the other location as drawn in exhibit A. Mrs. Miller seconded the motion. Mrs. Miller made a motion to table the SBA Towers LLC hearing until