

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, SEPTEMBER 24, 2019
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, September 24, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board:

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

Staff

Jeff Ressler, Zoning Administrator

Others in attendance were: Summer Krape, Recording Secretary; Susan Shields, Ferguson Resident and neighbor to the Charles Driscoll variance request; Ken & Delores Sills, Charles Driscoll.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order by Mr. Mark Twomley on Tuesday September 24, 2019 at 7:00 pm.

III. PLEDGE OF ALLEGIANCE

IV. CITIZENS INPUT

V. INTRODUCTION OF BOARD MEMBERS

Mr. Twomley stated that for the record, he is a past employee of Mr. Driscoll but currently has no financial ties. Ms. Stefanie Rocco stated that she has a personal relationship to Susan Shields who is a neighbor to the Charles Driscoll variance. Mr. Twomley explained to the audience that the Armen Sahakian variance request was cancelled last minute.

VI. SWEARING IN OF THOSE THAT WISH TO TESTIFY

Mr. Ressler, Ms. Shields, and Mr. Charles Driscoll were sworn in.

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.

VIII. ZONING OFFICER EXPLAINS THE BASIS OF VARIANCE/APPEAL REQUEST

IX. CHARLES DRISCOLL – VARIANCE REQUEST

Mr. Ressler explained that Charles Driscoll is requesting a variance for the property located at 127 Leisure Lane, State College PA, tax parcel 24-04-065, zoned general commercial. The property is owned by Driscoll Sliver Star Holdings, LLC. The applicant is proposing a 482 square foot addition to the building. Mr. Charles Driscoll is requesting a variance to chapter 27-1003.1E (3) requires that a land development plan be approved for a commercial building expansion. The applicant is requesting to NOT be required to complete a land development plan for the addition and to complete a minor alteration plan instead. Mr. Ressler stated that the addition would not create any more impervious area and would not reduce the number of parking spaces on site. The addition would require 1 additional parking space. Parking for automobile sales is based on 1 space per 350 square feet GFA or office, sales, or display area.

Mr. Driscoll took the stand and stated that Mercedes is requiring them to change the style of the building to house electronic cars that are coming in 2020. The addition will be very small, and it would house 1-2 vehicles and charging stations. Mr. Driscoll explained that currently there is a sidewalk and roof where this addition will be located. Ms. Buda asked if there is a land development plan for this site. Mr. Ressler stated that there is a land development plan. Ms. Buda asked if they submitted a plan for a minor alteration plan for anything else. Mr. Ressler stated that they have and it was for a change for the vehicle display area. Mr. MacNeely asked Mr. Stover to elaborate on the basis for a variance given that this is a land development plan. Mr. Stover stated that the Zoning Hearing Board has already seen a couple variance requests like this such as the Moyer case and the enclosure of a loading dock. This won't add to any impervious coverage and didn't increase number of parking so there was no real changes to the site and it was granted without showing a hardship.

Mr. Driscoll stated that they are not making any major changes or any other modifications. The Board asked Mr. Driscoll what his hardship is. Mr. Driscoll stated that the Township has approved other plans that have similar traits without a land development plan. Ms. Susan Shields took the stand for public comment, she stated that she lives at the end of Leisure Lane and is Mr. Driscoll's neighbor. She asked what the required set back from the corner would be. Mr. Ressler stated that the set back is 40 feet so it will meet requirements. Ms. Rocco asked Mr. Driscoll if there was any other place in the building that you could display the vehicles that wouldn't require this variance. MR. Driscoll explained that he can't expand to the east because it's already at a setback point the front is a fire access and the west is already to the setback line. Ms. Buda asked Mr. Ressler if

there is a current ordinance regarding deminimus coverage. Mr. Ressler stated that there is currently none. Ms. Buda moved that the property at 127 Leisure Lane, State College PA, tax parcel 24-04-065 be granted a deminimus variance to chapter 27-1003.1.E (3) that requires a land development plan be approved for commercial building expansion this variance will also include a substitution of current display space for customer parking as part of the minor alteration plan.

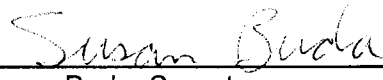
Ms. Rocco seconded. The motion passed unanimously.

X. APPROVAL OF MEETING MINUTES FROM AUGUST 27, 2019

Ms. Rocco made a motion to approve the August 27, 2019 Ms. Buda seconded the motion. The motion was passed unanimously.

XI. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 7:30 pm.



Susan Buda, Secretary
For the Zoning Hearing Board

