

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, OCTOBER 22, 2019
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, October 22, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board:

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

Staff

Jeff Ressler, Zoning Administrator

Others in attendance were: Summer Krape, Recording Secretary; Joni Arrington, Ferguson Township; Dave Yoxthimer, Ferguson Township Resident; Mel Westerman, Ferguson Township Resident; Carrie Kauffman, Ferguson Township Resident.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order by Mr. Michael MacNeely on Tuesday October 22, 2019 at 7:00 pm.

III. PLEDGE OF ALLEGIANCE

IV. CITIZENS INPUT

V. INTRODUCTION OF BOARD MEMBERS

VI. SWEARING IN OF THOSE THAT WISH TO TESTIFY

Mr. Ressler, Mr. Armen and Sahakian, Ms. Joni Arrington, and Mr. Dave Yoxthimer were 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.

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

IX. ARMEN D SAHAKIAN – VARIANCE REQUEST

Mr. Ressler stated that the property is located between Meckley Drive and East Pine Grove Road, tax parcel 24-007-024E. The property is owned by Armen D. Sahakian and is zoned R-1. The property is bordered by Meckley Drive and East Pine Grove Road. The setbacks for the property are fifty feet from the right of way for East Pine Grove. The applicant is requesting a variance for

the required setbacks for the lot. Mr. Sahakian took the stand and gave the Board some history of RT 45 and the area where his property is located. Mr. Sahakian stated that there is a Verizon fiber optic hut that was built outside the setback on his property. Mr. Sahakian also explained that as of now there is no room to build a house, but his proposed setbacks will allow the possibility of building. Mr. Sahakian is proposing the setbacks be changed to ten feet from Meckley and 15 feet from RT 45. Mr. MacNeely asked where the proposed 10 feet came from. Mr. Sahakian stated that to be able to develop homes, you want 50-55 feet to just build a house and have a buffer zone for a yard/deck. Mr. Ressler stated that you need 10,000 square feet for offsite sewer, 80 feet at the building set back line for lot width, and 50 feet of street line.

Ms. Buda asked if he can build one house or two houses, what does the setback allow. Mr. Ressler stated that currently the property is only one lot so that would allow one house. If he subdivides he will be able to build more houses. Mr. MacNeely stated that if they grant the variance he will be able to subdivide. Mr. MacNeely stated that if the property was subdivided he would be able to grant a de minimis variance. Mr. Sahakian stated he wants to build more than one house but doesn't want to spend the time and money to subdivide for just for his variance request to be denied and then he has 5 worthless lots instead of one. Ms. Buda asked how big the area is now with the current setbacks, Mr. Sahakian stated that the area is very small. Ms. Rocco asked what the setbacks were when he bought the property in 2000. Mr. Ressler stated that the setback would be the same as they were back then. Ms. Buda asked why he would want to change the topography so drastically. Mr. Sahakian. Mr. Sahakian stated 8-10 feet, he stated that this is necessary to build a home's such as water runoff, helping with noise pollution.

Mr. MacNeeley opened the room for citizens input. Ms. Joni Arrington, took the stand and stated that she owns property on Meckley Road. Ms. Arrington stated that by buying this property and wanting to develop this small piece was a hardship brought on by the developer Mr. Arrington stated that there is a little watershed that crosses under the road by the property, and runs to the houses on the other side of the road and stated that this area does have a water runoff issues and she believes this small island helps with this water runoff into the other properties. Ms. Arrington stated that with the work that is being done with the Pine Grove Mills small area plan she would love to see the area used as a greenspace for the development/PGM small area plan. Ms. Buda asked for more information on the water shed that she stated. Ms. Arrington explained that there is a little stream that has been directed into a sinkhole. Mr. Ressler stated that it is actually a flood zone where the water goes.

Mr. Dave Yoxtheimer is another Ferguson Township resident and he stated that he has the same concerns as Ms. Arrington. Mr. Yoxtheimer stated that he lives directly across the street from Mr. Sahakian's property. Mr. Yoxtheimer stated that he thought it was used for a greenspace area, he stated that he understands that everyone needs a place to live but if the Township doesn't allow building it doesn't allow building. Mr. Yoxtheimer also asked for consideration on the greenspace/connectivity to PGM small area plan. Mr. MacNeely made a motion for executive session, Ms. Buda seconded, and the motion passed unanimously.

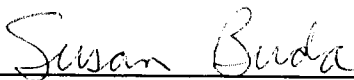
The Zoning Hearing Board returned from executive session and Mr. Sahakian took the stand again to show the Board what the property would look like with 3 houses. Mr. MacNeeley asked what the plan for the property is. Mr. Sahakian stated that it is to build houses. Mr. MacNeeley stated that without having a definite plan it's hard for the Board to grant a variance. Mr. MacNeeley asked Mr. Ressler if you can put a house with the existing setbacks. Mr. Ressler stated that without seeing the measurements. Ms. Buda asked can a house be built in the way that the property is now within that 30 feet. Mr. Sahakain stated that you would be able to build a very small house. Mr. MacNeely stated that without seeing the plan and the houses that need to be build, the Board in good faith can't grant a variance. Mr. McNeely stated that the Board would be able make a decision once they know the plan/kind of homes Mr. Sahakian would be building. Mr. MacNeely would like to do a continuation and let Mr. Sahakian to get a concrete plan. Ms. Buda moved that the hearing be continued to a date that would be confirmed with the applicant. Ms. Rocco seconded the motion, motion passed unanimously.

X. APPROVAL OF MEETING MINUTES FROM SEPTEMBER 24, 2019

Ms. Rocco stated that Susan Sheilds is spelled Sheilds not Sheild's. Mr. MacNeely made a motion to approve the September 24, 2019 as amended. Ms. Rocco moved to approve as amended and Ms. Buda seconded. The motion passed unanimously.

XI. ADJOURNMENT

The Zoning Hearing Board meeting was adjourned at 8:30 pm.



Susan Buda, Secretary
For the Zoning Hearing Board