

**FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETINGS
TUESDAY, DECEMBER 17, 2019
7:00 p.m.**

I. ATTENDANCE

The Zoning Hearing Board held a hearing on Tuesday, December 17, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board:

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

Staff

Jeff Ressler, Zoning Administrator

Others in attendance were: Summer Krape, Recording Secretary; Chris Fagan, Ferguson Township Resident; Rebecca Kay Moore, Ferguson Township Resident.

II. CALL TO ORDER

The Ferguson Township Zoning Hearing Board meeting was called to order by on Tuesday December 17, 2019 at 7:02 pm.

III. PLEDGE OF ALLEGIANCE

IV. CITIZENS INPUT

V. INTRODUCTION OF BOARD MEMBERS

VI. SWEARING IN OF THOSE THAT WISH TO TESTIFY

Mr. Ressler and Mr. Christopher Fagan 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. CHRISTOPHER J FAGAN/REBECCA KAY MOORE – VARIANCE REQUEST

Mr. Ressler stated that the property that is the subject of this hearing is located at 812 Science Park Road, tax parcel 24-433-033, lot size 1.09 acres. The property is owned by Rebecca Kay Moore and Christopher Fagan. The property is zoned R-1 and contains a single family dwelling and a detached accessory structure. The accessory structure consists of a garage on the first floor, and a work out area on the second floor, and a computer area/living space on the third floor. A zoning permit was applied for on May 28, 2002 to construct the garage/workspace building. A

zoning permit was issued again on June 6, 2002 to construct the garage and the plan that was approved showed a walkway connection between house and garage. Therefore the permit listed this as an addition to the house. Mr. Ressler stated that the garage was built without the connecting walkway therefore, what was built cannot be classified as an addition but as a separate detached structure. The ordinance in Chapter 27-721 B requires that the home occupation be carried completely within the dwelling unit.

Mr. Swamy Anantheswaran stated for the record Mrs. Moore was a colleague of his in his college but feels comfortable to make a decision. Mr. Ressler stated that Mr. Fagan and Mrs. Moore included pictures of the garage and house in the packet for the Board. Ms. Stefanie Rocco asked if a plan approval expires. Mr. Ressler stated that they have 2 years to start the work and no time limit to finish the work. Mr. Ressler stated that it was discussed that they could do an addition and construct a walkway if they want to make it all one building. Mr. Ressler stated that they aren't looking to do a connecting walkway. Mr. Michael Twomley asked what the Board is here to do. Mr. Ressler stated that a home occupation has to be carried out completely within the dwelling unit, they do not allow home occupation to be done in a detached garage.

Mr. Fagan gave a presentation to the Board, he stated that everything Mr. Ressler stated is correct. Mr. Fagan gave some background of the property, he stated that this is the only property they have ever bought. They have invested in the property to make it the best it can be. Mr. Fagan and Mrs. Moore are looking for a one level home and they put the home on the market. They realized that their home is a hard sale, it was listed for 6 months and was told that buyers would like to use the addition for a home occupation. Mr. Fagan stated that this is the only earth berm building in Central PA, the house is buried into the ground four feet and has a reinforced concrete foundation. They contacted numerous contractors to add an addition to the home, they were told that it was not feasible or practical to add the enclosed walkway from the existing house and the addition. They were able to find a contractor to build a free standing addition which is the cube you see in photos. They planned to include an enclosed walkway to the cube addition. However, during construction they were again told it wasn't practical due to complications to the poured concrete foundation and a steel beam that runs the length of the house.

They were left with the impression that it just needs to be architectural joined/physically attached walkway. They had a Penn State Architectural class come up with ideas that could be done that would meet Township regulations. Mr. Fagan stated that they are so serious about building this

that they even put in footers for the connecting walkway. What they're asking the Board for is to consider the open walkway that carries the roof line to the addition acceptable. Mr. Fagan went through all the points of granting a variance and explained why he feels they are eligible. Mr. Ressler explained that with the enclosed walkway it looks and feels like one dwelling. Mr. Twomley raised his concern that a new homeowner could remodel the cube addition and use it as a rental, the Board discussed this concern.


Mrs. Wetzel moved that the variance be granted for 812 Science Park Road State College PA, 16803 tax parcel 24-433-033 for Chapter 27-721 Home occupation with the condition that the walkway be covered but not enclosed and unheated. Mr. Anantheswaran seconded the motion. The vote was denied two to one. Mr. Anantheswaran abstained from voting. The variance was denied as written and presented tonight. Mr. Twomley stated that Mrs. Moore and Mr. Fagan can move forward with the appeal process or carry on with the covered, enclosed but not heated walkway.

X. APPROVAL OF MEETING MINUTES FROM OCTOBER 22, 2019

Mr. Twomley entertained a motion to approve the meeting minutes from October 22, 2019. Ms. Rocco made a motion to approve the meeting minutes and Mrs. Wetzel seconded the motion, 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