

FERGUSON TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING MINUTES
Tuesday, April 25, 2023
7:00 p.m.

ATTENDANCE

The Ferguson Township Zoning Hearing Board held a regular meeting on Tuesday, April 25, 2023, at the Ferguson Township Municipal Building. In attendance were:

Board

Susan Buda, Chair
Stefanie Rocco, Vice Chair
Swamy Anantheswaran, Secretary
Jeff Stover, ZHB Solicitor

Staff

Jeff Ressler, Zoning Administrator
Liza Ruhf, Recording Secretary

Others in attendance were: Derek Lucas, property owner and representing the applicant; Jason Kunkle, neighboring property owner

I. CALL TO ORDER

The Ferguson Township Zoning Hearing Board Regular Meeting was called to order on Tuesday, April 25, 2023, at 7:10 p.m.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN INPUT

No citizen input was heard.

IV. INTRODUCTION OF BOARD MEMBERS

V. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Derek Lucas and Jeff Ressler were sworn in to testify.

VI. ZONING HEARING BOARD SOLICITOR EXPLAINS THE BASIS FOR GRANTING A VARIANCE

Mr. Jeff Stover, Esquire, presented the standards for granting a variance.

VII. ZONING ADMINISTRATOR EXPLAINS THE BASIS OF THE VARIANCE

Mr. Ressler stated that there were two properties involved in the hearing; the first was tax parcel 24-008-008A, along W. Whitehall Road, and owned by the David G. Burket Living Trust, and the second was tax parcel 24-008-005 at 3189 W. Pine Grove Road, owned by Derek Lucas. The properties were 22.58 acres, a nonconforming farm tract (minimum was 50 acres), and 1.2 acres, used for residential purposes, respectively. The properties were zoned RA – Rural Agricultural. The applicant for the David G. Burket Living Trust property was represented by Derek Lucas; the authorization letter was included in the file. The applicant was requesting a variance to Chapter 27-803.1.B to subdivide 0.17 acre from the 22.58 acre nonconforming property, tax parcel 24-008-

008A, which would make it more nonconforming, and to complete a lot consolidation to the 1.2 acre property, tax parcel 24-008-005, which was owned by Mr. Lucas. Mr. Ressler explained that the Subdivision Ordinance, Chapter 22-504.3, read that lot dimensions and areas shall be not less than specified by the provisions of Chapter 27, Zoning, unless a variance is first granted under provisions of said chapter and that no parcel may be subdivided which will create a nonconforming lot or building setback; the applicant was not requesting a variance to the Subdivision Ordinance, it just specified that it could not be accomplished under the subdivision rules. Mr. Ressler further stated that Chapter 27-803.1.B read that no such nonconforming use or structure shall be altered or extended except if such complies with the following criteria and standards, which he explained, as it would not permit making a non-conforming lot smaller, nor could any parcel be subdivided. Mr. Ressler then stated that Chapter 27-208.1.A read that all lots created after the effective date of this chapter shall be no less than the minimum lot size and width requirements stipulated for each use in the district regulations, except for uses otherwise regulated under the cluster option for rural districts or a planned residential development district and that Chapter 27-205.1 indicated that the minimum lot size was 50 acres in the RA District. Mr. Ressler explained that if the first variance were to be granted to subdivide the 22.58 acre farm tract, then a variance to Chapter 27-205.1 to the rear fifty (50) foot, and the side thirty (30) foot, setback requirements would be requested for the existing sheds on what would be the expanded lot at 3189 W. Pine Grove Road, tax parcel 24-008-005, to encroach into the setbacks. Mr. Ressler stated that Chapter 27-209.1 read that no structure shall be placed in the front, side or rear yard setback areas specified for each use, except where specifically permitted below or in other sections of this chapter. Mr. Ressler provided some history to the property in that the 2 sheds had been permitted years prior, but that the information had not been correct that they had given to the Zoning Administrator at the time; the smaller shed would be approximately ten (10) feet away from the proposed property boundary and the larger one would be approximately thirty (30) feet away from the proposed boundary.

VIII. VARIANCE REQUEST OF DAVID G. BURKET ,TRUSTEE, THE DAVID G. BURKET LIVING TRUST, W. WHITEHALL ROAD

Mr. Lucas stated that he had bought the property at 3189 W. Pine Grove Road eight (8) years ago and he had assumed that the sheds were on his property; Mr. Burket had later surveyed his property and then had informed Mr. Lucas that the sheds were on the Burket land. They had come to an agreement that if Mr. Lucas would pay for the necessary zoning applications that the property where the sheds sat would be given to Mr. Lucas. Mr. Lucas reported that he had bought the property in 2015 and that he had found a plan dated circa 1996 with the proposed sheds on it. Mr. Ressler stated that at least one of the sheds had been permitted. Mr. Lucas reported that the

large shed had a cement floor with electricity and that the smaller one was a chicken coop with electric.

Ms. Buda stated that both parties were amenable and that Mr. Burket was willing to part with the 0.17 acre of his property. Ms. Buda further commented that the Burket property was under a conservation easement agreement and that Centre County had been supportive of the subdivision.

Ms. Rocco moved that the Ferguson Township Zoning Hearing Board grant a variance to Chapter 27-803.1.B, in addition to Chapter 27-208.1.A and Chapter 27-205.1 for lot size, to subdivide 0.17 acre from the nonconforming farm tract, tax parcel 24-008-008A, and add that 0.17 acre to tax parcel 24-008-005, 3189 W. Pine Grove Road, Pennsylvania Furnace, on the basis that the 0.17 acre subdivision satisfied the elements necessary for a de minimis variance. Mr. Anantheswaran seconded the motion. The motion passed unanimously.

Ms. Rocco moved that the Ferguson Township Zoning Hearing Board grant a variance to Chapter 27-205.1 setback regulations and Chapter 27-209.1 yard requirements, for existing sheds on tax parcel 24-008-005, 3189 W. Pine Grove Road, Pennsylvania Furnace, to encroach into the side and rear yard setbacks of the newly expanded lot, with the condition that if/when either or both sheds would be replaced that they would be replaced within the appropriate setbacks. Mr. Anantheswaran seconded the motion. The motion passed unanimously.

IX. APPROVAL OF THE MEETING MINUTES FROM NOVEMBER 16, 2022

Mr. Anantheswaran moved that the Ferguson Township Zoning Hearing Board approve the November 16, 2022, Regular Meeting Minutes. Ms. Rocco seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

The Ferguson Township Zoning Hearing Board Regular Meeting was adjourned on Tuesday, April 25, 2023, at 7:40 p.m.

RESPECTFULLY SUBMITTED,



Swamy Anantheswaran, Secretary
Ferguson Township Zoning Hearing Board