

## ATHENS TOWNSHIP ZONING HEARING BOARD

July 26, 2011

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Diane Marvin, Walt Haggerty, Alternate, Cynthia Parrish, Assistant Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Linda Wettlaufer. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman, John Baird, called the meeting to order at 6:33PM. Motion by Diane Marvin to approve the minutes of June 28, 2011 as read, second by Rita Jo Swingle, and motion carried.

### **Dandy Mini Marts, Inc.** **Parcel #09-006.00-024-001-000**

Hearing began at 6:38PM regarding the application of Dandy Mini Marts, Inc. for property located at 78 White Wagon Road, zoned Interchange Commercial District. Applicant seeks a variance from the impervious coverage limit as stated in Section 307 of the Ordinance, and such other relief as determined by the Zoning Hearing Board. Cynthia Parrish, Assistant Zoning Officer, read an explanation of the application. Attorney R. Joseph Landy represented the applicant and introduced Duane Phillips who is the Operations Manager involved with Williams Oil Company for all site developments for Dandy Mini Mart, Inc. Testimony began immediately thereafter and concluded at 7:04PM. It was determined that this was a variance of 6.5 per cent. Executive session of the Zoning Hearing Board convened thereafter to render a Decision. The Board reconvened at 7:10PM. Attorney Zeller admitted to evidence a letter from Richard Prezelski, an adjoining property owner, along with a Land Development plan prepared by Larson Design Group dated July 13, 2011, and a letter received from the Athens Township Planning Commission who had reviewed the application. The applicant granted a waiver of receiving the written Decision within 24 hours. Diane Marvin made a motion to **approve** the variance application for the expansion plan as presented, second by Rita Jo Swingle, and motion carried. A unanimous roll call vote of "yes" to approval was received by the Board.

### **Michael Dinich** **Parcel No. 09-020.24-066-000-000**

Testimony began at 7:15PM in the matter of the application of Michael Dinich for property located at 2382 Elmira Street, zoned Commercial District. Cynthia Parrish, Assistant Zoning Officer, read an explanation of the application. Applicant seeks a variance(s) for an expansion project, requesting permission to erect an addition in excess of the expansion authorized by Section 900 D 2(a) and (b) of the Ordinance and without minimum off street parking, and such other relief as determined by the Zoning Hearing Board. The property is a non-conforming lot. Testimony of Andrew Harding, Architect, for and on behalf of the applicant, Michael Dinich began at 7:18PM. The applicant was not present. Adjoining property owners, Duane and John Danko, Roman Rosh, and John Pelchy offered testimony in the matter of the application. Testimony concluded at 8:03PM. Executive session of the Zoning Hearing Board convened thereafter to render a Decision and reconvened at 8:16PM. Motion was made by Diane Marvin to **deny** the application, based on the fact that the driveway does not meet driveway specifications and testimony that it could be other commercial use of business, second by Rita Jo Swingle, and motion carried. A unanimous roll call vote of "no" to denial was

received by the Board.

The meeting was adjourned at 8:24PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary