

ATHENS TOWNSHIP ZONING HEARING BOARD

December 17, 2013

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Walt Haggerty, Alternate, Cindy Parrish, Zoning Officer, and Secretary, Elaine Daddona. Diane Marvin was unable to attend. Stenographer was Caitlyn Jurek of Verbatim Reporting. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman, John Baird, called the meeting to order at 6:06PM. Motion by Rita Jo Swingle, second by John Baird to approve the minutes of November 27, 2012 as read, and motion unanimously carried.

Tammy Kinner

Parcel #09-020.13-002-000-000

Application for Use Variance

The applicant seeks relief in the alternative: a variance in use and/or a change or expansion of a non-conforming use to permit automotive sales; also, applicant seeks variance(s) to sign size and paved parking requirements and such other relief as determined by the Zoning Hearing Board.

Cindy Parrish, Zoning Officer, presented the application to the Zoning Hearing Board members for the property located at 562 Riverside Drive, zoned Woodland Conservation.

Attorney Jonathan Foster presented a Memorandum In Support of Adding Limited Auto Sales to the Applicant's property in the Woodland/Conservation District, along with photocopies of twenty (20) exhibits to support the testimony of the applicant, Tammy Kinner. Mr. Foster stated that the applicant was proposing to sell ten (10) vehicles at the existing site of her Commercial Greenhouse and Landscaping business which has been in operation since 1996. However, Mrs. Kinner was now requesting that she be allowed to sell five (5) vehicles at this site. Testimony of Mrs. Kinner began at 6:18 PM and concluded at 7:03 PM. She stated that she had been selling the vehicles on-line previously and was looking to generate some added income and purchase a license from the State of Pennsylvania to operate this type of business at her existing location.

Executive session of the Zoning Hearing Board members began at 7:24 PM and concluded at 7:52 PM to reach a Decision in this matter.

Attorney Zeller asked Mr. Foster if the applicant would be willing to waive receipt of the written Decision within the 24-hour period, and he stated she would. Mr. Zeller then stated that the Board was prepared to act on the application to consider **approval** of a Variance with the following stipulation of conditions: A) No reasonable view of any of the vehicles to be housed or sold from Riverside Drive; B) That there be compliance with the Athens Township Subdivision and Land Ordinance prior to any exercise of the use on the premises. Chairman Baird asked for a role call vote on the Decision as stated and it was a unanimous "yes" from each member of the Board.

Attorney Zeller also explained to the applicant that there is a 30-day appeal period following the Decision of the Board.

It was agreed by the Board previously that the meeting dates for 2014 would remain the fourth Tuesday of the month at 6:30PM.

The meeting was adjourned at 8:15PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary