

ATHENS TOWNSHIP ZONING HEARING BOARD

December 23, 2014

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Diane Marvin, Walt Haggerty, Alternate, Cindy Parrish, Zoning Officer, and Secretary, Elaine Daddona. 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 6:30PM.

**Tariq Awan, A&S Imports LLC (Tobacco World)**  
**Parcels #09-007.10-030; #09-007.10-029**  
**Application for Variance**

The applicant seeks a variance to reduce the required minimum lot size for a permitted use of a retail shopping center, 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 2477 Elmira St., Athens Township, Pennsylvania, zoned Commercial.

Testimony began at 6:35PM with Andrew Harding of AJH Design, an Elmira Heights-based architectural design firm that drew up plans for the proposed expansion, and he spoke on behalf of the applicant, Tariq Awan, who was also present and testified. The applicant seeks to construct and rent out retail spaces at this location. Under the Township's Zoning Ordinance, any building that has three or more retail spaces is considered a retail shopping center and requires conditional use approval from the Board of Supervisors. The applicant seeks a variance due to the fact that the Zoning Ordinance states that a retail shopping center must be on a lot of at least three acres, and the proposed lot for development is 53,778 square feet totaling about 1.2 acres, and would only meet forty (40%) per cent of the minimum requirement. He would like to create three additional small retail spaces of between 800 and 1,000 square feet each. The existing house on the parcel, in which the applicant and his family currently reside, would be demolished and replaced with a new building for additional space.

Attorney Zeller, Zoning Hearing Board Solicitor, questioned whether the applicant had proven a hardship to develop the property, one of the conditions which is required for a variance to be granted. He explained that the difference between the properties' acreage and the required acreage for a retail shopping center is so great, the variance would go beyond a minimal deficiency.

It was suggested by both Mr. Zeller and the Board Chairman, John Baird, that the applicant and Mr. Harding might wish to request the Supervisors examine an amendment to the Zoning Ordinance that would allow for retail centers smaller than three acres.

There was testimony regarding the issues with the property that includes a steep grade and only one access point located close to the intersection of Elmira and Lockhart Streets. The applicant added that he had not contacted the Pennsylvania Department of Transportation regarding a better configuration for driveway access to and from the property. Testimony concluded at 7:10PM.

The Zoning Hearing Board agreed that the time constraints for a Decision on the hearing

would be waived to allow time for the applicant and Mr. Harding to address the issues with the property.

Roman Rosh, resident in attendance, testified and questioned as to whether or not there was a hardship created by a variance in order to meet the requirements of the Zoning Ordinance, and it was stated this would be addressed in a Conditional Use Hearing.

Motion by Diane Marvin to approve the Minutes of July 22, 2014 as read, seconded by John Baird, and motion unanimously carried.

The meeting was adjourned at 7:15PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary