

PUBLIC HEARING  
ON REZONING REQUEST FOR  
PROPERTIES ALONG EAST COLLEGE AVENUE  
MARCH 5, 1979

The hearing was called to order at 7:40 p.m. by Chairman J. Carroll Dean in the College Township Municipal Building.

Members present: J. Carroll Dean, Dolores A. Taricani and John H. Ziegler

Members absent: Donald E. Bailey and Clarence E. Trotter

Others present: Manager Elwood G. Williams, Sr.

Chairman Dean asked if there was any objection to the proceedings of the hearing being recorded; there were no objections.

Chairman Dean swore in Richard Campbell, 1500 S. Atherton Street, State College, PA (business address). Mr. Campbell testified on behalf of the Boron Corporation. He indicated the property they were interested in was a 1+ acre parcel at the intersection of Pike Street and East College Avenue in College Township, owner of the property is Elizabeth Jodon. The property is under lease to the Boron Corporation (lease dated in 1971) with two 5-year options to renew the lease. Boron Corporation would like to consign that lease to Benchmark Realty for the purpose of building an office building at that location and terminating the existing use, which is a non-conforming use, of an auto body repair shop. Boron has no local office as such and was not aware of the rezoning to Residential; the property was zoned Commercial until 1977. Boron had applied to the Zoning Hearing Board to allow for the use of the office building for Benchmark Realty. That request was denied and is on appeal to the Centre County Court. Mr. Campbell indicated that Boron would prefer that the property be zoned Commercial for financial reasons as well as giving the property more flexibility and providing

more potential for the property. Mr. Campbell indicated that Boron would be satisfied with the R-0 Zoning but prefers C-1. He then requested that the property be rezoned to C-1, if that is not possible then rezoned to R-0.

Chairman Dean asked if Mr. Campbell represented any of the other property owners in addition to Boron. Mr. Campbell answered that he only represented Boron.

Chairman Dean swore in Robert Foust, 2042 East College Avenue, State College (store address). Mr. Foust expressed his appreciation to the Council for the meeting and an opportunity to present his case. Mr. Foust indicated that he has been operating an appliance store in the area for 25 years and hopes to continue. He stated he had not been aware until recently that the property had been rezoned Residential. Mr. Foust had Mr. Rudolph, of Rudolph Realty, conduct a study on the worth of his property as zoned Commercial and the worth as zoned Residential; the results, \$49,000 as Commercial, \$23,900 as Residential. Mr. Foust added he tries to keep an attractive business and since the property had been zoned Commercial for 24 of the 25 years he has operated it, he feels it should be zoned Commercial again and requested the Council to act favorably on his rezoning request.

Mr. Ziegler asked if there had been a change in the tax assessment since the rezoning. Mr. Foust indicated there had not been.

Chairman Dean swore in Richard Duck, 2200 E. College Avenue, State College (business address). Mr. Duck indicated that he has operated a heating and air conditioning and sheet metal business since 1961. He expressed concern about the rezoning of his property to Residential and hardships it could invoke. He requested Council to change the zoning to I-1. Mr. Duck indicated Mrs. Getz

also preferred that the property be zoned I-1 and explained that he had the right-of-way into her property which is adjacent to his (Mr. Duck had purchased his lot from Mrs. Getz). Mr. Duck continued explaining that he manufactured and sold many items and requested the Council rezone the property to I-1 which would be more compatible with his operation.

Mrs. Taricani indicated that a lot of time and publicity had been involved in the revision of the Zoning Ordinance and the subsequent rezoning of properties and there had been ample opportunity for the property owners to come before the Council concerning the proposed zoning changes. Mr. Duck assured the Council that he had not been aware of the change to Residential. Chairman Dean indicated that the Council recognized the need for improved communications and that there are now signs posted.

Mr. Foust asked why the property owners had not received a letter indicating the change to Residential. Chairman Dean explained that when the properties were changed to Residential it was part of the revision to the entire Township zoning and notifying everyone was just too much. Mrs. Taricani added that not only was much of the land rezoned but a new zoning ordinance was adopted and a whole new concept in addition to the land use plan.

Chairman Dean swore in Dan Axline, Boron Oil Company, 9800 McKnight Road, Pittsburgh. Mr. Axline reiterated what Mr. Campbell had said in representing Boron. He added that after obtaining the lease in 1971 a permit was acquired for building on the property. Subsequently, Boron became involved in other business ventures and, even though several renewals on the permit were obtained, did not progress with their initial plans. Mr. Axline indicated Boron's surprise to find that the zoning had been changed to Residential. He requested, on Boron's

behalf and in view of the types of businesses conducted in that area, that the property be rezoned to Commercial.

Mr. Campbell added that with the rezoning from Commercial to Residential that Boron is "stuck" with an undesirable use of the property and one that is not compatible with the area and undesirable for the Township and the property.

Chairman Dean swore in Francis J. Billetts, 2072 East College Avenue, State College. Mr. Billetts indicated that he wanted to go on record as being in favor of the change to Commercial. His property was commercial when he purchased it and he had no objection to it being zoned Commercial again.

Mr. Foust indicated that his was a good location and rezoning to Commercial would assist in the future success of his business.

Chairman Dean indicated that the Council had heard from four property owners directly and one indirectly and had received a letter from Mr. Beamer which Chairman Dean did not feel could be used as sworn testimony. Chairman Dean expressed concern over the number of properties that were shown in the area without anyone present to represent the property owners.

Discussion followed wherein the property owners identified the location of each lot involved for Council. Mr. Ziegler expressed concern that the individuals residing on their properties and not conducting businesses would be hurt by reassessment and increased taxes. Mr. Campbell indicated that in his experience this had not happened — as long as the property was being used as a residential dwelling.

Mrs. Taricani stated for those present that a zoning decision could not be made on purely financial reasons; the decision had to be based on the best

use of the land in the area. Items such as use of the land, ultimate use and potential use could, however, be considered. Mr. Campbell replied that considering the traffic in the area, the present general use, and the topography creating a natural barrier between the residences in the area that it would be difficult to develop the area as a residential one.

Discussion followed on the non-conforming rule and the various facets thereof.

Chairman Dean indicated that the Council had a recommendation from the Planning Commission, Township and Regional, which in effect recommended the changing of the zoning classifications of all the properties from the Boron property on the corner up to Limerock Terrace as R-0 and the two pieces of property on the other side of Limerock Terrace to I-1.

Chairman Dean read that portion of the Zoning Ordinance that related to the R-0 Zone. The businesses of Mr. Foust and SKAT would still be non-conforming.

Mr. Foust asked if his parcel could be rezoned Commercial. Mr. Ziegler answered not too easily—that would be considered "spot zoning".

Discussion followed on various aspects of the zoning revision that had changed these properties to Residential.

Mrs. Taricani indicated that she was not satisfied with the recommendation of the Planning Commission; that she felt the use of these properties would remain basically the same, and would like additional information before acting on a final decision. Other Council Members expressed similar feelings.

Mrs. Taricani moved that the Council postpone their decision on this request until their next regular meeting on Thursday, March 8, 1979. Mr. Ziegler seconded the motion and it was carried.

The hearing was adjourned at 8:40 p.m.

EGW:lf:bh

Respectfully submitted,  
Elwood G. Williams, Sr.  
Secretary