

**WHITE OAK BOROUGH
ZONING HEARING BOARD MEETING MINUTES
HELD SEPTEMBER 27, 2007**

Zoning Hearing Board Members Present:

Jack Myers
Tony Villinger
Phyllis Spiegel

Zoning Hearing Board Members Absent:

Others Present:

Wayne Washowich, Code Enforcement Officer
David Preece, Alternate
David Mignogna
Dr. Dan Agona
Edward G. Babyak, Council Representative

Mr. Myers: Welcome everyone to the regular monthly meeting of the White Oak Borough Zoning Hearing Board. We have a quorum of the Board present here tonight, so we're empowered to act on any matter that comes before us. The only item on tonight's agenda is a variance request by Doctor Daniel Agona dealing with uh, the uh, the floor area, the total, gross floor area based upon additions, which Doctor Agona would like to make to his existing structure. Doctor are you present here this evening? Would you come to the microphone please? We do need you to speak into the microphone because we're recording everything that's being said here tonight. Would you identify yourself for the record?

Dr. Dan Agona: Yes, I'm Doctor Dan Agona, 1802 Lincoln Way, Agona Chiropractic.

Mr. Myers: And you are the owner of the, that particular property?

Dr. Dan Agona: Yes I am.

Mr. Myers: And for the record tell us what, you know what your property is currently used for.

Dr. Dan Agona: Well my um, property is used, I've been in chiropractic practice for 12

years now. We've been serving the community for as long with the services we provide. Also I've been involved with the community itself, the Chamber of Commerce, with health fairs, expos, investing my time in the community. And we appreciate the opportunity of being in practice and business in the community for now over a decade.

Mr. Myers: And you have been in this location 12 years now?

Dr. Dan Agona: Yes 12 years already.

Mr. Myers: All right.

Dr. Dan Agona: Uh huh.

Mr. Washowich: Must have been right before I got here.

Dr. Dan Agona: Uh, in January of 1996.

Mr. Myers: Initially you obtained from this Board, I assume, a special exception to permit the use of that structure for your office, I would assume that's the case?

Dr. Dan Agona: Well back in 95 – 96, I took over from Doctor Lowery, so –

Mr. Myers: Okay.

Dr. Dan Agona: It was Lowery Chiropractic –

Mr. Myers: All right.

Dr. Dan Agona: -- I think 8 or 9 years, uh huh.

Mr. Myers: Okay. All right. And you took over his practice?

Dr. Dan Agona: His practice, yes.

Mr. Myers: Tell us a little bit of what you want to do and why you feel a variance is necessary here.

Dr. Dan Agona: Well um, over the years, uh, we've experienced great growth in the White Oak area with what we provide. Um, I've taken on a second doctor in my office. And it's really a matter of necessity, to accommodate, we've outgrown our capacity, to accommodate our growth and service the community. So um, it's just a matter of necessity.

Mr. Myers: You had provided to the Board here a site plan prepared by Deglau, James R.

Deglau, showing that the, there are really 2 separate additions you're making, is that correct?

Dr. Dan Agona: Yes, that's correct.

Mr. Myers: One of which according to the site plan here would be as you were facing the property from Lincoln Way would be to the right side thereof.

Dr. Dan Agona: That's correct.

Mr. Myers: And the plan indicates that that addition would be 628.7 square feet.

Dr. Dan Agona: Uh, yeah roughly, my surveyor can, he can confirm that, yes.

Mr. Myers: Okay. And then a very small second addition to the left front of your property uh, 4 1/2 feet by 9 1/3.

Dr. Dan Agona: Yeah, that's a minimal amount variance, yes.

Mr. Myers: Uh huh. The addition that's, that you're contemplating on on the right side of the property would, would involve uh, an existing porch, is that correct?

Dr. Dan Agona: Yes, there's an existing porch there at the present time. So with the um, addition, it would involve that porch, yes.

Mr. Myers: And the addition would, if granted, would permit you to, what, expand your examining and treating rooms and so forth?

Dr. Dan Agona: Yes, um, if you've been by my office where we're quite busy and what we're looking to do is just give us more room, so. At the present time, like I said, we added a second doctor, I anticipate hiring more staff, um, more or less at this time we're bumping into each other. So, you know, it's just a matter of, like I mentioned before, a matter of necessity so we can have more room. We have 1,800 square foot with space, actually my surveyor, it's about 1,600 square foot. And we had, I used to have an office in the back room, it's converted into a treatment room. The front room used to be a vitamin and herb shop, it's now converted to a treatment room. I mean, we have, if you walk in through my office we have cabinets, you know, in certain areas, and we just really have outgrown our capacity.

Mr. Myers: If uh, if we were inclined to grant the variance that you've requested, would you have any problem in meeting with the Planning Commission to uh, obtain their approval?

Dr. Dan Agona: Um, I'd rather not, you know, as far as that --- what does that entail, I'm not sure, you know, this is all new to me, so -

Mr. Myers: Well, yeah, the only point that we were talking about would be, um, maybe the requirement that there be some, buffer planting areas to the right and left sides.

Dr. Dan Agona: Oh okay, as far as –

Mr. Myers: Which the Planning Commission, the Planning Commission might now even want to review this, we don't know.

Dr. Dan Agona: Yeah, yeah.

Mr. Myers: If they did, they very well might look at the, the need maybe for a buffer area on either side, with some plantings and shrubs.

Dr. Dan Agona: Yes, sure, sure.

Mr. Myers: And that sort of thing.

Dr. Dan Agona: Yeah sure, I would be willing to meet with them yes.

Mr. Villinger: I don't have any other questions other than, this will remain your chiropractic clinic, this is not a sub-division of any sort?

Dr. Dan Agona: Absolutely not.

Mr. Villinger: As to what you're adding to the building, it will remain your sole business?

Dr. Dan Agona: Absolutely.

Mr. Myers: Stay there for one minute doctor, I'd like the record to show that there are a couple other people in the audience. I don't, does anyone here, here to address the Board in reference to this zoning application? Sorry. Would you identify yourself please?

Mr. David Mignogna: My name is David Mignogna, I'm a professional land surveyor, I work for Deglau, and I prepared the site plan. And I just would like a clarification here, uh, do we really have to have, my question is do we really need a variance, and the reason I ask that is that the Ordinance specifically states conversion of existing dwelling to various types of businesses, which was passed in 1993. And this, this site was uh, converted to a chiropractic office in 1988, I did a little work back then for Mr. Lowery, for Dr. Lowery at the time. And I don't even know, did they even have a Transitional District at that time. I don't recall that they –

Mr. Myers: In 88?

Mr. David Mignogna: Yes.

Mr. Myers: Um –

Mr. David Mignogna: Actually it was 87, I'm sorry, 1987. So the question I have is, does this really qualify as a uh, a uh, a (inaudible) request?

Mr. Myers: You're suggesting that a variance might not even be necessary, is that what you're saying?

Mr. David Mignogna: Well I mean I'm thinking that maybe if possible the Board can investigate that, (inaudible) possible opinion on that. I mean, of course we'll go along with whatever your decision is on that, but uh, it just seems to me that, I mean, it's already an office building based on the requirements of the (inaudible) it's not really a conversion at this point, it's –

Mr. Washowich: They're expanding, it –

Mr. David Mignogna: (inaudible) expansion.

Mr. Washowich: You have to read where it says enlargement.

Mr. David Mignogna: Yeah, but it's an expansion –

Mr. Washowich: So if you're expanding, you're putting an addition on, now this becomes an enlargement –

Mr. David Mignogna: Yes.

Mr. Washowich: And the Ordinance simply says you can't exceed 1,500 square feet.

Mr. David Mignogna: But I mean again, that would be for, if you were in the process of conversion, but it's pretty –

Mr. Washowich: I, I don't take it that way.

Mr. David Mignogna: (inaudible)

Mr. Washowich: And I don't, I mean, I never –

Mr. David Mignogna: I was hoping you might be able to take a look at it, I mean, it's just a possibility.

Mr. Villinger: It says modifications and alterations, I believe.

Mr. Washowich: Right, yeah.

Mr. Villinger: In the Code.

Mr. Washowich: Yeah, exterior alterations.

Mr. David Mignogna: Yeah, but that's under the conversion.

Mr. Washowich: Yeah, and that's –

Mr. David Mignogna: It says under conversions, and this is, again, does it really qualify as a conversion at this point?

Mr. Washowich: Well I would have taken it that it has been converted –

Mr. David Mignogna: Yes.

Mr. Washowich: And at that point you follow that –

Mr. David Mignogna: That was the only question I had. It seemed to me there was not clear area here, and I wanted to make sure that we were doing it properly.

Mr. Myers: I think you have a valid point, but I mean, if we are in fact here tonight to consider a variance application, and if, if we're inclined to grant it – then your

Mr. David Mignogna: That takes care of it.

Mr. Myers: - your point might be moved.

Mr. David Mignogna: Exactly. Thank you very much, that's all.

Mr. Myers: Okay, but I appreciate your thoughts:

Mr. David Mignogna: Do you have any questions on the site plan, any questions on that?

Mr. Myers: I don't. Is there anything more you would like to add that Doctor Agona has not?

Mr. David Mignogna: No I think he –

Mr. Myers: I don't have any questions of him. Councilman Babyak is in attendance. Is there anything you would like to offer?

Mr. Ed Babyak: Other than the buffer going down (inaudible)

Mr. Myers: He has suggested in case it didn't make it to the tape, that the buffer areas

might be something that would uh –

Mr. Wahowich: One of the sections in there Dave, if you read the next, or number, actually number 8 in that Ordinance.

Mr. David Mignogna: Okay.

Mr. Washowich: Talks about parking spaces. Where you have parking spaces, should be screened by a buffer area, some trees, or shrubs or something of that nature. And we notice that your shrubs and stuff are in place already. But you really don't have anything adjoining to where your front parking spaces are. So if Planning is going to review this, that may be one of their suggestions.

Mr. David Mignogna: Okay.

Mr. Myers: Anything else Doctor that you'd like to offer?

Dr. Dan Agona: No.

Mr. Myers: I think we're ready to vote. I'm going to make a motion that we grant the variance as requested, uh, with the condition that the matter be submitted to the Planning Commission for their approval. Those in favor of that motion, indicate by saying aye. Aye.

Mr. Villinger: Aye.

Mr. Myers: Unanimous decision by the Board to grant your variance with that condition that we mentioned about the Planning Commission.

Dr. Dan Agona: Thank you.

Mr. Myers: If there are no other matters to come before the Board this evening I believe that we can stand adjourned. Thank you.