

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
November 16, 2011**

CALL TO ORDER

The November 16, 2011 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Vice Chairman Davies in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Vice Chairman Matthew Davies; Secretary Frank Nardo; Member William Tafuto, Member Rick Hammer

Board members absent: Chairman Michael Angello

Also Present: Anthony Nestico, Solicitor to the Board; Charles Emerick, Acting Director of Community Development; Pam Packer, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Laurence Nelson, 306 Bahia Avenue; Kent Bachmann, Hershey Entertainment & Resorts Co.; Steve Klick, 457 W. Areba Avenue

APPROVAL OF MINUTES

On a motion by Secretary Nardo, seconded by Member Hammer, and a unanimous vote, the October 19, 2011 minutes were approved.

OLD BUSINESS

**A. Continuance in the Case of Laurence and Colette Nelson
(2011-11)
Property location: 306 Bahia Avenue, Hershey**

Laurence Nelson amended his proposed plan to now construct a wooden/composite deck rather than a concrete patio. The new needed side yard setback is 4 feet, 8 inches. Mr. Nelson requested that all previous testimony for Case No. 2011-11 be incorporated into the most recent hearing.

No other persons provided testimony at this hearing.

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Vice Chairman Davies informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, he has 30 days to appeal the decision.

B. Continuance in the Case of Ty J. Creamer (2011-24)
Property location: 240 Clark Road, Hershey

The applicant requested a continuance to allow time for a site survey to be completed.

C. Continuance in the Case of David A. Quillen (2011-33)
Property location: 1126 Sand Hill Road, Hershey

The applicant requested a continuance.

NEW BUSINESS

A. Hearing in the Case of Karen and Greg Drew (2011-51)
Property location: 105 Somerset Drive, Hershey

This property, located in the Village Residential zoning district, is presently improved with a single family dwelling. The applicant is proposing to install an in-ground pool.

Relief is sought as follows:

- a. A Variance from Article 8, Section 225-36.D(2)(a) regarding front yard setback

Karen Drew was sworn in and gave testimony. Ms. Drew stated that her property is unique in that it has three front yards. The yard area is shielded by mature evergreens and the pool will be completed fenced. The proposed pool would be 30 feet by 15 feet, and located 30 feet from Fishburn Road and 38 feet from the adjacent property.

No other persons provided testimony at this hearing.

Vice Chairman Davies informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, she has 30 days to appeal the decision.

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**B. Hearing in the Case of Site Enhancement Services (2011-52)
Property location: 305 Governor Road, Hershey**

The applicant withdrew their petition.

**C. Hearing in the Case of Steve Klick (2011-53)
Property location: 457 W. Areba Avenue, Hershey**

This property, located in the Village Residential zoning district, is presently improved with a single family dwelling. The applicant is proposing to construct a 1-car garage.

Relief is sought as follows:

- a. A Variance from Article 8, Section 225-36 regarding front yard setback.
- b. A Variance from Article 8, Section 225-36 regarding rear yard setback.

Steve Klick was sworn in and gave testimony. Mr. Klick is proposing to construct a 12 foot by 26 foot single car detached garage on his corner lot property. An existing shed will be removed. The proposed garage will be 27.5 feet from the side of the property (which is classified as a front yard setback) and 10 feet from the rear yard property line. Mr. Klick stated that similar single car detached garages are common in the neighborhood.

No other persons provided testimony at this hearing.

Vice Chairman Davies informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, he has 30 days to appeal the decision.

**D. Hearing in the Case of Kent P. Bachmann, Hershey Entertainment and Resorts Company (2011-54)
Property location: 27 W. Chocolate Avenue, Hershey**

This property, located in the Village Core and Chocolate Avenue Preservation Overlay zoning district, is presently improved with the structure known as the Hershey Press Building. The applicant is proposing to construct a large canvas awning spanning from the Press Building into the parking area.

Relief is sought as follows:

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- a. A Variance from Article 15, Section 225-64.D.(4) regarding minimum yard area depth
- b. A Variance from Article 27, Section 225-129.C.(1)(e) regarding maximum structure height

Kent Bachmann was sworn in and gave testimony. Mr. Bachmann is proposing to have an awning attached to the Press Building and extend over a walkway to the property edge and attach to two ballards in the parking structure owned by ICDA. ICDA has approved the improvements. The awning will slope from a maximum height of 13 feet 11 inches to 11 feet 4 inches to allow precipitation run off.

No other persons provided testimony at this hearing.

Vice Chairman Davies informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, he has 30 days to appeal the decision.

Hearings closed at 6:30 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Laurence and Colette Nelson (2011-11), Karen and Greg Drew (2011-51), Steve Klick (2011-53), and Kent P. Bachmann, Hershey Entertainment and Resorts Company (2011-54) and directed the Solicitor to prepare the draft decisions on each case for formal action at the December, 2011 meeting.

