

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 17, 2015

CALL TO ORDER

The June 17, 2015 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Michael Kushner in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Chairman Michael Kushner; Vice Chairman Philip Wood; Secretary Matthew Luttrell; Member Mark Shrift; Member Catherine Wagner

Board members absent: None

Also Present: Anthony Nestico, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public registering attendance: Charles Huth, *The Sun*; Glen Bollinger, Bollinger Builders; Thomas Clements, 1125 Stonegate Road; Jeff Buchanan, 220 Cedar Avenue; Doug and Julie Erwin, 505 Sophia Circle; Carl and Sandie Pharmer, 150 W. Areba Avenue

APPROVAL OF MINUTES

On a motion by Secretary Luttrell, seconded by Member Shrift, and a unanimous vote, the May 20, 2015 minutes were approved as written.

OLD BUSINESS

A. Adoption of Decision in the Case of Peifer Brothers (2015-10)
Property location: 1512 Rear East Caracas Avenue, Hershey

On a motion made by Secretary Luttrell, seconded by Member Shrift, and a majority vote, the decision was adopted. Vice Chairman Wood abstained from voting.

B. Adoption of Decision in the Case of Cliff Myers (2015-11)
Property location: 1251 East Chocolate Avenue, Hershey

On a motion made by Secretary Luttrell, seconded by Member Shrift, and a majority vote, the decision was adopted. Vice Chairman Wood abstained from voting.

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- C. Adoption of Decision in the Case of Scott and Vickie Feinstein (2015-12)
Property location: 1319 Quail Hollow Road, Hummelstown**
- D. Adoption of Decision in the Case of Sherri Laurusevage (2015-14)
Property location: 1604 Bachmanville Road, Hershey**
- E. Adoption of Decision in the Case of Chafia Capital Partners, LLC (2015-15)
Property location: 515, 555, 565 East Chocolate Avenue, Hershey**
- F. Adoption of Decision in the Case of DSG Development Corporation (2015-16)
Property location: 794 Middletown Road, Hummelstown**

On a motion made by Secretary Luttrell, seconded by Member Shrift, and a majority vote, the decisions for items C-F were adopted by consent agenda. Vice Chairman Wood abstained from voting.

- G. Continuance in the Case of Douglas and Julie Erwin (2015-13)
Property location: 505 Sophia Circle, Hummelstown**

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The applicants are proposing to maintain the location of a patio that has been constructed in the side yard area. Relief was sought regarding the side yard setback requirements.

Douglas Erwin was sworn in and gave testimony. Mr. Erwin stated that he was unaware that the contractor he hired did not apply for a permit to construct his patio. Mr. Erwin stated that due to the narrowness of his lot, the patio encroaches 1 foot into the western side property line and 4 feet into the eastern side property line. Mr. Erwin added that due to a sewer easement located on his property, he has been in contact with the Derry Township Municipal Authority and expects a letter of agreement to be filed with the Township shortly. This agreement would provide consent from the Authority for the patio location within the easement.

No other persons provided testimony at this hearing.

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

NEW BUSINESS

- A. Hearing in the case of Carl and Sandie Pharmer (2015-17)**

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Property location: 150 West Areba Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to maintain the location of an approved basement egress window. Relief was sought regarding the side yard setback requirements.

Carl and Sandra Pharmer were sworn in and gave testimony. Mr. Pharmer stated that the location of the basement egress window was unintentionally left off the plan for their home which is currently under construction. The window well will encroach into the eastern side yard by 3 feet. Mr. Pharmer added that the window is required by the Township for safety reasons.

No other persons provided testimony at this hearing.

Chairman Kushner informed the applicants that the Board has 45 days to render a decision and if the applicants are aggrieved in any way, they have 30 days to appeal the decision.

B. Hearing in the Case of Bollinger Builders (2015-18)
Property location: 441 West Chocolate Avenue, Hershey

This property, located in the Downtown Commercial zoning district, is improved with a mixed-use building containing a nail salon, an office, and two apartment units. The applicant is proposing to construct a second story expansion on the front side of the building and to construct a two-story addition on the northeastern corner of the building to expand storage space for the salon and to provide additional living space to the second floor apartment. Relief was sought regarding maximum expansion limitations of a nonconforming building.

Glenn Bollinger and Amy Nguyen (property owner) were sworn in and gave testimony. Mr. Bollinger stated the purpose of the expansion in the front, which will be contained over an existing first floor, is to allow a larger, more practical kitchen for the second floor apartment. Mr. Bollinger added that the two-story addition in the rear will replace an existing deck and will be used to add a master bath and expanded bedroom to the second floor apartment. The additional space on the first floor will be used as storage for the nail salon. The proposed floor area expansion will be 32.79%.

Chairman Kushner questioned if the Design Advisory Board has seen the plans. Mr. Bollinger replied yes, and they have issued a Recommendation of Appropriateness for the proposal.

No other persons provided testimony at this hearing.

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

C. Hearing in the Case of Jeff and Jennifer Buchanan (2015-19)
Property location: 220 Cedar Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to construct a detached 2-car garage. Relief was sought regarding side and rear yard setback requirements and maximum height requirements for an accessory building.

Jeff Buchanan was sworn in and gave testimony. Mr. Buchanan stated that the side-entry garage will be located to the rear of the house, along the alley. The garage will be in line with the house which is 10 feet, 6 inches from the side property line. The location of the garage was determined by a mature tree located in the rear yard.

The garage will be two stories (24 feet, 6 inches) high to allow for storage. The style of the garage is similar to others in the neighborhood.

Brandon Williams stated that the second floor cannot be used as an apartment under present Township regulations. Mr. Buchanan stated that the second floor will not have plumbing installed and will be strictly used as a workshop and for storage.

No other persons provided testimony at this hearing.

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

D. Hearing in the Case of Misty Clements (2015-20)
Property location: 1125 Stonegate Road, Hummelstown

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The applicant is proposing to expand an existing patio. Relief was sought regarding maximum impervious coverage requirements.

Tom Clements was sworn in and gave testimony. Mr. Clements stated that he would like to replace an existing 252-square-foot rear patio with a 922-square-foot stamped concrete patio. The impervious cover would increase from 26.36% to 31.06%. Mr. Clements stated that the rear of the property slopes toward the house and he will be using landscaping to direct stormwater along the sides of the house and into the

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existing sewer drains along the street. Mr. Clements also added that he will be removing existing concrete steps in the front of the house to decrease impervious cover and to improve his home's aesthetics.

Mr. Clements also stated that he has shared his plans with his adjacent neighbors and they approve.

No other persons provided testimony at this hearing.

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

Hearings closed at 6:55 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Douglas and Julie Erwin (2015-13); Carl and Sandie Pharmed (2015-17); Bollinger Builders (2015-18); Jeff and Jennifer Buchanan (2015-19); and Misty Clements (2015-20) and directed the Solicitor to prepare the draft decisions on each case for formal action at the July, 2015 meeting.

Submitted by:

Matthew R. Luttrell, Secretary