

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
July 18, 2018**

CALL TO ORDER

The July 18, 2018 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; Secretary Matthew Luttrell; Member Sandra Ballard; Member Philip Wood

Board members absent: Vice Chairman Steve Moniak

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

Public Registering Attendance: Kim and John Deiter, 2423 East Bayberry Drive, Harrisburg; Randy Wright, Hanover Engineering

APPROVAL OF MINUTES

On a motion by Member Wood, seconded by Member Ballard, and a unanimous vote, the June 19, 2018 minutes were approved as written.

OLD BUSINESS

**A. Adoption of Decision in the Case of U-Gro Learning Centres (2018-05)
Property location: 1223 Research Boulevard, Hummelstown**

On a motion by Member Ballard, seconded by Member Wood, and a unanimous vote, the decision was adopted as written.

**B. Continuance in the Case of NP 1 Ventures (2018-08)
Property location: 1338 East Chocolate Avenue, Hershey**

On a motion by Member Wood, seconded by Member Ballard, and a majority vote, the case was continued until the August 2018 meeting. Secretary Luttrell recused himself from voting.

NEW BUSINESS

**A. Hearing in the Case of John Deiter (2018-09)
Property location: 1076 Cocoa Avenue, Hershey**

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This property, located in the Hershey Mixed Use and Southern Core Overlay zoning districts, is improved with a single-family dwelling. The applicant is proposing to convert the building to a professional office. Relief is sought from parking location requirements.

John Deiter and Randall Wright, engineer for the applicant, were sworn in and gave testimony.

Mr. Wright stated that the applicant desires to convert an existing home into an office space. According to requirements, six parking spaces are needed. The applicant is proposing to create five spaces and maintain the garage parking space. The parking is proposed to be located in front of the building since the building location relative to side property lines would prevent construction of a 24-foot-wide driveway to the rear of the building. This would require additional variances for driveway width and setback, and potentially create unsafe conditions for access to parking. By creating a front parking area, it would bring the property's total impervious coverage to 2,400 square feet, which would be far less coverage than if parking would be located to the rear of the building. The applicant estimated that 4,800 square feet of impervious coverage would be required to create a rear parking area.

Member Wood questioned whether any discussion had taken place with the adjacent property owner to create a shared driveway. Mr. Wright stated that existing utility poles and access issues prohibit a share driveway.

Member Ballard questioned whether public sidewalk would be installed on the property. Mr. Wright replied that sidewalk is not required and due to the necessity to have it placed in the road right-of-way, it would require PennDOT's approval.

Mr. Deiter stated that the lot is narrow and with the structure close to property lines, any modifications would need relief. He feels this plan would require the least amount of relief.

Brandon Williams stated that a Class 5 landscape barrier consisting of three trees and twelve shrubs would be required.

Member Ballard stated that she would like to see shade-producing trees on the property. Mr. Deiter agreed with the use of greenery but he would need to take the neighboring properties' sight distance into consideration when choosing trees. Mr. Wright added that species and placement will depend on sight distance.

Chairman Kushner asked if the applicant had shared the plans with the neighbors. Mr. Deiter acknowledged that an attempt was made, but no conversation.

Secretary Luttrell questioned whether there will be any signage on the site. Mr. Deiter confirmed there will be signs and that he is currently working with the Township and a sign designer.

Chairman Kushner asked how many people will work at the proposed office. Mr. Dieter replied that he expects to have three employees at the site.

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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 6:32 p.m.

DELIBERATIONS

The Board met to deliberate in the case of John Deiter (2018-09) and directed the Solicitor to prepare the draft decision on the case for formal action at the August 2018 meeting.

Submitted by:

Matthew Luttrell, Secretary