

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 18, 2016**

CALL TO ORDER

The May 18, 2016 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Secretary Luttrell in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Secretary Matthew Luttrell; Member Mark Shrift; Member Steve Moniak

Board members absent: Chairman Michael Kushner; Vice Chairman Philip Wood

Also Present: Megan Huff, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Diane Fultz, Court Reporter; Tracy Telesha, Stenographer

Public registering attendance: Jay Ann & William H. Edmonds, 678 Stoverdale Road; Randy Wright, 1342 E. Derry Road; Evan Pattishall, 198 Dogwood Drive; Esch McCombie, 122 Pine Street, Harrisburg; Robin & Orrin Wilson, 2506 Raleigh Road, Hummelstown; Timothy Price, DDS, 55 Half Street, Hershey; Edwana & Mary Jane Stuck, 36 Hockersville Road/817 Reese Avenue, Hershey; Ruth Anna Miller, 1335 Harding Avenue, Hershey; Brian Bingeman, Fishburn United Methodist Church; Bob Fox, ReMax Pinnacle; Dave Bowser, PO Box 7105, Lancaster; Michelle He, PO Box 7105 Lancaster

APPROVAL OF MINUTES

On a motion by Member Shrift, seconded by Member Moniak, the April 20, 2016 minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of John E. May, III (2016-08)
Property location: 435 West Granada Avenue**

- B. Adoption of Decision in the Case of Colin and Christa Callahan (2016-09)
Property location: 211 Maple Avenue, Hershey**

- C. Adoption of Decision in the Case of Charter Homes at Hershey, Inc. (2016-10)
Property location: Deer Run Commons, Hummelstown**

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On a motion by Member Shrift, seconded by Member Moniak, and a unanimous vote, the decisions for items 'A' through 'C' were adopted by consent agenda.

NEW BUSINESS

**A. Hearing in the Case of Evan Pattishall (2016-11)
Property location: 164 North Third Street, Hershey**

This property, located in the Village Residential zoning district, is improved with a detached storage garage. The applicant is proposing to construct a storage shed on the property. Relief is sought from front yard setback requirements.

Evan Pattishall was sworn in and gave testimony. Mr. Pattishall stated that his property is a small, triangular-shaped parcel with two front yard setbacks. Mr. Pattishall is proposing to place a 10-foot by 14-foot shed 18 feet from the property line. The shed will be placed on existing pavement.

Member Moniak questioned whether the plans had been shared with adjacent neighbors. Mr. Pattishall stated that he has not, as he has only recently purchased the property. Member Shrift questioned the purpose of the shed. Mr. Pattishall replied that it will be used for personal storage.

PUBLIC COMMENT

Ruth Miller, who lives adjacent to the property, stated that she has no concerns about the proposed shed.

Randy Wright, neighbor, stated that the lot was deeded separately from the adjacent residential dwelling and sold to two separate owners. Mr. Wright questioned the appearance and height of the proposed shed.

Mr. Pattishall replied that the shed would be a pre-fabricated wooden structure no taller than 10 foot.

Mr. Wright asked whether any additional storage structures could be placed on the property and whether a condition could be placed restricting outside storage. Brandon Williams replied that any additional improvements would likely require further relief to be granted by the Zoning Hearing Board. Mr. Williams added that a condition could be added as part of this relief to restrict any further development, if the application is approved by the Board.

No other persons provided testimony at this hearing.

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Secretary Luttrell 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.

B. Hearing in the case of Charter Homes at The Point, Inc. (2016-12)
Property location: North of Stoverdale Road and west of Buck Drive,
Hummelstown

This property, located in the Attached Residential zoning district, is currently vacant and has historically been identified as the Camp Stoverdale tract. In the future the property will consist of a portion of The Point residential subdivision. The applicant desires to construct 11 townhouse dwelling units on Lots 78 and 79 of the subdivision plan. Relief is sought from maximum building height.

Esch McCombie, McNeese Wallace & Nurick, and Josh Smith, Charter Homes, were sworn in and gave testimony. Mr. McCombie stated that 56 single family townhouses are proposed to be constructed with a maximum height of 40 feet. The additional height will allow for a design that includes 2-car garages for each townhouse in an effort to alleviate on-street parking concerns.

Upon being questioned by Mr. McCombie, Brandon Williams added that the Township has recently placed a draft revised Zoning Ordinance on the Township website for public review. The draft Ordinance shows this property potentially being rezoned from Attached Residential to an R-3 residential classification. The townhouse use would be permitted in the new district, but the maximum height would be increased from the current permitted height of 35 feet to a proposed height of 40 feet.

Member Moniak asked whether the proposed townhouse style known as the Garrison is the only model to be constructed and whether it can be modified to accommodate the current height restriction in the district. Mr. Smith replied that at this point, the Garrison is the only model but it cannot be modified to adjust the height.

Secretary Luttrell questioned whether construction has begun. Mr. Smith stated that only the grading and other site prep is being completed at this point. Member Shrift questioned whether the project allows for any off-street parking. Mr. Smith said that due to the topography, most of the off-street parking areas will be located on the western side of the parcel.

PUBLIC COMMENT

William Edmonds stated that he is OK with the 40 foot height if it helps alleviate some of the on-street parking. Mr. Edmonds further stated that he believes the location of the off-street parking areas is not really convenient to most of the townhomes and therefore will not be utilized.

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No other persons provided testimony at this hearing.

Secretary Luttrell 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 David Bowser (2016-13)
Property location: 102 Reese Avenue, Hershey

This property, located in the Downtown Commercial zoning district and the Downtown Commercial Sign Overlay and the Chocolate Avenue Preservation Overlay, is improved with single-family dwelling. The applicant is proposing to demolish the dwelling and construct a mixed-use building consisting of a commercial use (day spa) on the first floor and a residential apartment on the second floor. Relief is sought from the requirements pertaining to minimum lot width, minimum yard areas, maximum impervious coverage, minimum vegetative coverage, minimum off-street parking spaces, maximum floor area ratio, setbacks for a freestanding sign relative to the public right-of-way, and mixed use densities.

David Bowser and Fengxian (Michelle) He were sworn in and gave testimony. Mr. Bowser stated that he would raze the existing dwelling and using the same footprint to build a two-story building. The lot is very narrow and triangular in shape. The porch landing for the stairway to the second floor will encroach in the side yard setback by 3 feet. The proposed impervious cover will be 84% and the vegetative coverage will be 16%. Eleven parking spaces are proposed; two in a garage located within the building and nine additional spots in the lot in front of the building. The parking lot will have 10 feet of turning space. There is no proposed loading zone. The proposed freestanding sign will be 3 feet from the side property line.

Mr. Bowser added that in 2009, relief was granted (to a different owner/applicant) for a larger proposed office building.

Mr. Bowser added that eight regular parking spaces, including two garage spaces for the residential use and one handicapped-accessible space, would be sufficient for both of the uses. The day spa would have two operators servicing one client each at a time, which under zoning regulations would require six regular spaces. Signs and pavement markings will direct traffic one way through the parking lot.

Member Shrift questioned whether variances are needed for traffic control. Brandon Williams replied that no variance would be required for the one-way movement through the parking area, but drive aisle width and parking dimension variances are being requested.

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Member Shrift questioned whether interior landscaping is required. Mr. Williams stated that those requirements are only for lots with over 50 parking spaces.

Member Moniak questioned the location of the proposed freestanding sign; particularly, he expressed concern regarding possible sight obstruction issues at the intersection of Reese Avenue and Hockersville Road. Mr. Bowser testified that the proposed location of this sign would be 3 feet from the property line nearest the intersection. No documentation was presented to demonstrate whether there would be sufficient sight clearance around the sign. Mr. Bowser testified that wall signage is proposed on the building along the Chocolate Avenue and Hockersville Road street frontages.

PUBLIC COMMENT

Dr. Tim Price, adjacent property owner, stated his concerns about the lack of a trash removal plan and the tight parking area.

Bob Fox, realtor, stated that he believes the proposed plan is less impactful than the previously-approved office space.

No other persons provided testimony at this hearing.

Secretary Luttrell 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 Orrin R. Wilson (2016-14)
Property location: 1215 Fishburn Road, Hershey

This property, located in the Village Residential zoning district, is improved with a church and cemetery. The applicant is proposing to construct a masonry grill pit and barbeque. Relief is sought from maximum impervious coverage requirements.

Orrin Wilson was sworn in.

Brandon Williams indicated that this property was previously granted relief for impervious coverage in 2008. As a result of this application, the applicant was advised that in order to complete the barbecue pit as proposed, additional relief from the Board would be necessary. This advisement was based on the plans of record submitted for review under the 2008 hearing application, as well as the 2008 subdivision plan of record. During review of the application, Mr. Williams stated that the cemetery was originally included as part of the impervious coverage on the property. Mr. Williams indicated that cemeteries are considered sensitive environmental features under the Zoning Ordinance, but would not be required to be included in impervious coverage

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calculations as they were in 2008. Based on updated calculations excluding the cemetery from impervious coverage calculations, relief is no longer needed since the property would comply with the maximum 30% requirement, even after construction of the proposed barbecue pit. Mr. Wilson agreed with the Township's assessment of the application and withdrew the case.

Hearings closed at 7:45 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Evan Pattishall (2016-11); Charter Homes at The Point, Inc. (2016-12); and David Bowser (2016-13), and directed the Solicitor to prepare the draft decisions on each case for formal action at the June 2016 meeting.

Submitted by:

Matthew Luttrell, Secretary