

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

**CALL TO ORDER**

The April 18, 2018 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Vice Chairman Steve Moniak in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Vice Chairman Steve Moniak; Secretary Matthew Luttrell; Member Sandra Ballard; Member Philip Wood

Board member absent: Chairman Michael Kushner

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: Gregory Biscoe, PA Sunrooms, Inc.; Darlene and James Dawes, 2044 Southpoint Drive, Hummelstown; Charles Rausch, Blakey, Yost, Bopp & Rausch, LLP; Saurabh Shah, 521 Lopax Rd., Harrisburg

**APPROVAL OF MINUTES**

On a motion by Member Wood, seconded by Vice Chairman Moniak, the April 2, 2018 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Troegs Brewing Company (2018-02)**  
**Property location: 200 East Hersheypark Drive, Hershey**
- B. Adoption of Decision in the Case of Milton S. Hershey Medical Center (2018-03)**  
**Property location: 500 University Drive, Hershey**

On a motion by Member Wood, seconded by Vice Chairman Moniak, with Member Ballard and Secretary Luttrell abstaining, the Decision for items 'A' and 'B' were adopted by consent agenda.

**NEW BUSINESS**

- A. Hearing in the Case of James T. Dawes and Darlene A. Dawes (2018-04)**  
**Property location: 2044 Southpoint Drive, Hummelstown**

This property, located in the R-2 zoning district, is improved with a single-family dwelling. The applicants constructed a sunroom addition onto the dwelling which was determined during

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inspection to be too close to the rear property line. Relief was sought from rear yard setback requirements.

Attorney Charles Rausch represented the applicants. Contractor Gregory Biscoe and homeowners James and Darlene Dawes were sworn in and gave testimony.

The Dawes recently installed a 12-foot by 16-foot sunroom addition to the rear of their home over an existing patio. The patio is 20 feet from the rear property line; the minimum required setback distance is 25 feet.

Mr. Dawes stated that the rear and side adjacent neighbors have approved the new sunroom and have no concerns. In addition, neighbors Gail and Jim Forney submitted a letter of support and confirmed that the home was originally constructed with the existing patio and in fact, many homes in the neighborhood have sunrooms or enclosed porches.

Member Wood questioned whether it is typical for a patio structure to be built with a foundation. Mr. Biscoe responded that this patio was indeed built with a foundation and that it is not common. Mr. Biscoe believes the original intention was to be able to use the patio for a future addition such as a sunroom.

Member Wood questioned the feasibility of replacing the existing patio to accommodate a sunroom that would be in compliance. Mr. Biscoe stated that a smaller sunroom would not be effectively useable and re-doing the patio foundation would be more expensive than using the existing patio that would accommodate a larger sunroom. Mr. Biscoe also noted that the existing materials could not be salvaged and reused.

Mr. Biscoe apologized and accepted that the oversight on the setback was on behalf of his company.

Brandon Williams added that the original building permit showed a 23-foot setback, but the updated plan showed a 25-foot setback. Also, since there was no need for a foundation inspection due to the patio already having been constructed, the setback issues was not noticed until construction was complete.

No other persons provided testimony at this hearing.

Vice Chairman Moniak 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.

Hearings closed at 6:55 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the case of James T. Dawes and Darlene Dawes (2018-04) and directed the Solicitor to prepare the draft decision on the case for formal action at the May, 2018 meeting.

Submitted by:

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Matthew Luttrell, Secretary