

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
September 18, 2019

CALL TO ORDER

The September 18, 2019 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by 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: Chairman Steve Moniak; Vice Chairman Matthew Luttrell; Secretary Sandra Ballard; Member Dean Morgan, Member Lindsay Drew

Board members absent: None

Also present: Megan Huff, Solicitor to the Board; Chuck Emerick, Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public registering attendance: Kevin and Francine Walker, 1166 Sand Hill Road, Hershey; Paul Hepler, Yingst Engineers; John Zervanos, Yingst Engineers; Carol Schneidereit and Alan Brechbill, 479 English Ivy Court, Hummelstown

APPROVAL OF MINUTES

On a motion by Vice Chairman Luttrell, seconded by Member Drew, and a majority vote, the August 21, 2019 minutes were approved as written. Secretary Ballard abstained from voting due to being absent from the August meeting.

OLD BUSINESS

A. Adoption of Decision in the Case of Cecil McQuain (2019-11)
Property location: 1419 Shopes Church Road, Hummelstown

On a motion made by Member Morgan, seconded by Member Drew, and a majority vote, the decision was adopted as written. Secretary Ballard abstained from voting due to being absent from the August meeting.

B. Adoption of Decision in the Case of Kelly L. Kovach (2019-12)
Property location: 504 Maple Avenue, Hershey

On a motion made by Vice Chairman Luttrell, seconded by Member Drew, and a majority vote, the decision was adopted as written. Secretary Ballard abstained from voting due to being absent from the August meeting.

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NEW BUSINESS

A. Hearing in the Case of Kevin E. Walker (2019-13)
Property location: 1166 Sand Hill Road, Hershey

This property, located in the R-1 and Sand Hill Road Overlay zoning districts, is improved with a single-family dwelling. The applicant is proposing to build an accessory building on the property for storage and workshop uses. Relief was sought from the maximum height of an accessory structure.

Kevin Walker and John Zervanos, Yingst Engineers, were sworn in and gave testimony. Mr. Walker stated that he would like to construct a bank-barn style building on his sloped property. In order to comply with the Zoning Ordinance and to gain access to the lower level of the proposed structure, retaining walls would need to be created and eight feet of backfill would need to be brought on the site. The retaining walls and backfill would alter the slope and negatively affect stormwater runoff.

The proposed structure would be built into the existing slope and the roof line will not exceed the existing house. Mr. Walker further explained that lowering the roof line on the proposed barn would not allow full usefulness for storage purposes.

Mr. Walker stated that the shortest part of the building would face the road. Mr. Walker also added that he has shared his plans with the neighbors and they approve.

Chuck Emerick added that the end result as proposed with an approved variance would have less impact on the property and neighborhood than a building that would adhere to the Zoning Ordinance.

No other persons offered testimony.

Chairman Moniak 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 Todd Houck (2019-14)
Property location: 1089 Derry Woods Drive, Hummelstown

This property, located in the R-1 zoning district, is improved with a single-family dwelling. The applicant is proposing to install a generator. Relief was sought from the minimum front yard setback requirement for an accessory use.

The applicant did not attend the hearing. No testimony was given.

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PUBLIC COMMENT

Alan Brechbill and Carol Schneidereit, who are the adjacent neighbors, attended the hearing and asked to make comments. They stated that they are not opposed to the plan; however, they are curious as to the location of the proposed generator and would like to confirm that it will be for emergency use only.

No other persons offered testimony.

On a motion made by Member Drew, seconded by Vice Chairman Luttrell, and a unanimous vote, this hearing was continued to the October 2019 meeting.

Hearings closed at 6:30 p.m.

DELIBERATIONS

The Board met to deliberate in the case of Kevin Walker (2019-13) and directed the Solicitor to prepare the draft decision for formal action at the October 2019 meeting.

Submitted by:

Sandra Ballard, Secretary