

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
January 15, 2020**

**CALL TO ORDER**

The January 15, 2020 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Member Steve Moniak in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Member Steve Moniak; Member Dean Morgan; Member Steve Seidl

Board members absent: Member Sandy Ballard; Member Lindsay Drew

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

Public registering attendance: Adam and Erin Buerk, 1630 Nottingham Drive, Hummelstown; Bob Barker, 591 Lovell Court, Hummelstown

**APPROVAL OF MINUTES**

On a motion by Member Morgan, seconded by Member Moniak, and a unanimous vote, the December 18, 2019 minutes were approved as written. *(Correction: the minutes were approved by a majority vote. Member Seidl abstained from voting because he was not a member of the Board in December.)*

**REORGANIZATION**

On a motion by Member Morgan, second by Member Moniak, and a unanimous vote, the following officers were appointed:

Chairman: Steve Moniak  
Vice Chairwoman: Sandy Ballard  
Secretary: Dean Morgan

**OLD BUSINESS**

**A. Adoption of Decision in the Case of William B. and Caitlin M. Duncan (2019-17)  
Property location: 146 West Granada Avenue, Hershey**

On a motion by Secretary Morgan, second by Chairman Moniak, and a unanimous vote, the decision was adopted as written. *(Correction: the minutes were approved by a majority vote.*

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*Member Seidl abstained from voting because he was not a member of the Board in December.)*

**NEW BUSINESS**

**A. Hearing in the Case of Adam and Erin Buerk (2019-18)**  
**Property location: 1630 Nottingham Drive, Hummelstown**

This property, located in the R-1 zoning district, is improved with a single-family dwelling. The applicants are proposing to build a new pool house/garage. Relief was sought from the maximum height of an accessory structure.

Adam Buerk was sworn in and gave testimony. Mr. Buerk stated that he would like to construct a structure to be used as a pool house and garage storage. The structure originally submitted to the Township would have a height of 22 feet 9 inches, which would be 2 feet 9 inches over the maximum allowable height. Chuck Emerick added that because of the grade dropping off in the rear, the structure would appear compliant with the 20 feet height from the front side. Mr. Buerk added that it would not appear out of character with the neighborhood.

Member Seidl questioned whether the structure with height of 22 feet 9 inches is what was submitted with the application to the Zoning Hearing Board. Mr. Emerick added that the Township suggested centering the roof to lower the pitch. The designer and Mr. Buerk wanted to retain the dormer look, so by centering the roof, it increased the overall height to 24 feet 9 inches rather than reducing the height.

Secretary Morgan questioned whether there are any plans to develop the adjacent empty lot to the rear. Mr. Buerk replied that there were no known plans at this time.

Secretary Morgan asked how far the proposed structure would be from the house on the other lot behind the applicant's home. Mr. Emerick responded that the proposed pool house/garage would be 400 feet from this existing home.

Chairman Moniak questioned what the ramifications to the proposal would be if the 22 feet 9 inches relief was granted. Mr. Buerk stated that the space above the garage would be shortened and change ability to put a future room there. While he has no plans to finish that area at the present, he would like the option for the future.

Chairman Moniak asked if the plans were shared with the neighbors. Mr. Buerk replied that his neighbors are supportive of the plans.

Member Seidl asked the distance from the back of the proposed building to the property line. Mr. Buerk and Mr. Barker indicated it is approximately 25 feet as measured from the existing fence line to a proposed 26 ft building.

No other person offered testimony.

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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.

The hearing closed at 6:45 p.m.

**DELIBERATION**

The Board met to deliberate in the case of Adam and Erin Buerk (2019-18) and directed the Solicitor to prepare the draft decision for formal action at the February 2020 meeting.

Submitted by:

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Dean Morgan, Secretary