

today, Mr. Link argued that the applicant's request was reasonable. He confirmed he had no objection to the applicant's request and that the request would not change the character of the neighborhood. David Habig, the Assistant Director of Community Development, confirmed that the property is a corner lot.

The Ordinance requires a front yard setback of 50 feet for accessory uses. *See* Ordinance, §225-319, Table 29. The criteria for issuing zoning variances are set forth in §225-1007.9.A of the Derry Township Zoning Ordinance. The Zoning Board may grant a variance provided that all of the following findings are made where relevant:

1. There are unique physical circumstances or conditions of the lot in question, and due to these conditions, an unnecessary hardship results to the property owner;
2. That because of the physical circumstances, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of the variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the applicant;
4. The variance will not alter the essential character of the neighborhood or otherwise impair the appropriate use or development of adjacent property or be detrimental to the public welfare; and
5. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In this matter, the Board finds that the applicant is entitled to the requested relief.

Initially, the Board finds that the property is unique because it is a narrow, corner lot. There is no evidence on the record that the applicants created the hardship. Most significantly, the Board finds that the proposed relief will not have a detrimental impact on any other property in the area

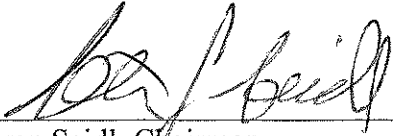
or the public welfare. The Board finds that the proposed relief will not alter the essential character of the neighborhood. There is no evidence in the record to indicate that the requested variance would negatively impact surrounding properties. No neighbors appeared to testify in opposition to the application. Indeed, Mr. Link, the applicant's neighbor, testified in support of the application. Finally, the Board finds that this represents the minimum relief necessary.

ORDER

AND NOW, this 15th day of June, 2020:

1. The applicant's request for a variance from §225-315, Table 29, regarding the front yard setback is **GRANTED**. The applicant may encroach to within 46 feet of the right-of-way on Valley Road to construct the proposed garage.
2. The applicant shall construct the improvements in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.
3. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicants have not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring permits, the relief granted herein shall be deemed to have expired, and the applicants shall be required to comply with the then existing terms of the Zoning Ordinance.
4. Any violation of any condition imposed herein shall be a violation of the Township Zoning Ordinance and shall be enforced as provided in the Ordinance.

Adopted by 4 – 0 vote as indicated by the Chairman's signature as authorized by the Zoning Hearing Board.



Steven Seidl, Chairman