

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF: : NO. 2020 – 10
:
Frank P. Paris and :
Karen M. Paris :
:
:
: PREMISES LOCATION:
: 1305 Edgewood Drive
: Hummelstown, Derry Township, PA

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of Frank P. Paris and Karen M. Paris with regard to the property they own, located at 1305 Edgewood Drive, Hummelstown, Derry Township. A hearing in this matter was held on October 21, 2020, by video conference due to the COVID-19 emergency, after proper advertising and after proper notice to allow for public participation. The applicants appeared, were sworn, and testified at the hearing. In addition, their architect, Allison Ong-Shreffler, appeared but did not testify. No other members of the public testified.

The application indicates that the subject property is located in the R-1 zoning district. The property is improved with a single family residence, and the applicants propose to continue that use. The application seeks a variance from the front yard setback to expand their existing garage and front porch.

The subject property is at the corner of Edgewood Drive and Greenhill Drive. The depth and width of the lot is less than currently required by the Ordinance. In addition, there is a fire hydrant located on Edgewood Drive in front of the garage near the corner with Greenhill Drive. The proposed expansion of the garage and front porch is part of a larger home remodeling project to alter the house to accommodate the applicants' future needs based on their desire to

age in place and remain living at the property for the rest of their lives. The first part of the home remodeling project includes an addition at the rear of the house to include an enlarged kitchen and breakfast area, laundry room, office, and a first floor master suite to accommodate accessibility requirements and clearances. This part of the project does not require a variance.

The second part of the project that does require a variance is a 6 feet enlargement of the existing garage over the 32' 4 1/4" length of garage and front porch for 64.7 square feet. However, only 2 feet of the expansion would encroach into the front yard setback. The expanded garage and front porch would be 32 feet from the street. The existing one car garage would become a two car garage. The applicants argued this was the minimum expansion to have a functional 2 car garage. The applicants argued this was the minimum expansion to have a functional 2 car garage. The expansion of the garage will allow for weather protected access to the applicants' vehicles reducing the need for the applicants to be exposed to inclement weather conditions to travel independently. Moreover, it would provide storage for property maintenance equipment. Lastly, it would provide space for using a wheelchair or specialized vehicle, or parking for caregivers, should the need arise.

The applicants testified that they considered other alternatives, such as relocating the garage to a different location adjacent to the house, expanding the garage into the current living space, or expanding the existing garage only 4 feet so as not to encroach into the setback. However, none of these alternatives would allow the applicants to efficiently accomplish their goal of aging in place while maintaining the essential character of their home. In addition, their options were limited due to underground utilities, existing barriers on their home, and other setback requirements.

For aesthetic continuity, the applicants' proposed design includes extending the roofline of the garage to include the front porch, similar to the way it exists today. Currently, the subject property is the only two-story home in the neighborhood with a one car garage. Therefore, the applicants argued that the requested relief would not change the character of the neighborhood. As part of their application, the applicants submitted letters from four neighbors who did not object to the applicants' requested variance.

The Ordinance requires a front yard setback of 30 feet. *See* Ordinance, §225-304, Table 7. However, as confirmed by David Habig, Assistant Director of Community Development, because the subject property was depicted on a recorded final subdivision plan with more than 4 lots under a prior Ordinance with a front yard setback of 25 feet, the applicants are permitted a front yard setback of 25 feet. *See* Ordinance, §225-206.G.2. 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 applicants are entitled to the requested relief.

Initially, the Board finds that the property is unique because it is a corner lot that is smaller in width and depth than the current lot requirements. There is no evidence on the record that the applicants created these hardships. 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 testimony in the record to indicate that the requested variance would negatively impact surrounding properties. No neighbors testified in opposition to the application. In fact, four of the applicants' neighbors indicated no objection to the project in letters submitted with the application. Finally, the Board finds that this represents minimum relief necessary.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, and the Ordinance. *Ordinance*, §225-208.B. Based on the Board's findings and conclusions, the Board adopts the following:

ORDER

AND NOW, this 18th day of November, 2020:

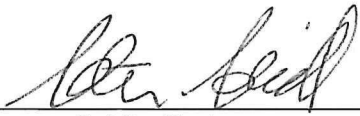
1. The applicants' request for a variance from §225-304, Table 7, regarding the front yard setback for the expansion of the existing garage and front porch is **GRANTED**. The applicants may encroach to within 23 feet of the front property line to expand the existing garage and front porch.

2. The applicants 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