

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
October 21, 2020

CALL TO ORDER

The Wednesday, October 21, 2020 Derry Township Zoning Hearing Board meeting, which was conducted via video conference (Zoom Webinar) due to COVID-19, was called to order at 6:00 p.m. by Chairman Steve Seidl.

ROLL CALL

Board members in attendance (*via video conference*): Chairman Steve Seidl; Vice Chairwoman Sandy Ballard; Member Lindsay Drew; Member Michael Angello

Board members absent: None

Also present (*via video conference*): Megan Huff, Solicitor to the Board; David Habig, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public attendance (*via video conference*): Robert & Diane Cerminara, 1014 Fairdell Drive, Hummelstown; Frank & Karen Paris, 1305 Edgewood Drive, Hummelstown; Allison Ong Shreffler; Wayne Ford & Dawn Carpenter, 1605 Landvater Road; Dorothy Bell; Jim Spade; Steve Allen; Steve Wible

APPROVAL OF MINUTES

On a motion made by Member Angello, seconded by Member Drew, and a unanimous vote, the September 16, 2020 minutes were approved as written.

OLD BUSINESS

A. Continuance in the Case of Robert J. and Diane T. Cerminara (2020-09)
Property location: 1014 Fairdell Drive, Hummelstown

This property, located in the R-1 zoning district, is improved with a single-family detached dwelling. The applicants are proposing to construct a two-car detached garage. Relief is sought from the minimum front yard setback and side yard setback requirements for an accessory structure.

Robert and Diane Cerminara were sworn in and gave testimony.

Mr. Cerminara stated his intention is to construct a 24-foot by 22-foot two-car detached garage. The proposed garage would be 10 feet from the front yard property line and five feet from the side yard property line. Mr. Cerminara added that his property is mostly sloped and has mature trees; therefore, the proposed location is the only level space on his property to be able to accommodate the new garage.

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Mr. Cerminara said that he has spoken with his adjacent neighbors and they have approved his plan. Mr. Cerminara added that the proposed garage would match the existing attached garage in both placement and appearance.

Chairman Seidl questioned if the garage could be shifted back to lessen the front yard setback encroachment. Mr. Cerminara explained that the property drops off dramatically the deeper it goes.

Chairman Seidl questioned whether any trees would be removed to complete the project. Mr. Cerminara replied that no trees will be removed.

No other person offered testimony.

Chairman Seidl 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.

NEW BUSINESS

A. Hearing in the Case of Frank P. Paris and Karen M. Paris (2020-10)
Property location: 1305 Edgewood Drive, Hummelstown

This property, located in the R-1 zoning district, is improved with a single-family detached dwelling. The applicants are proposing to expand the dwelling to accommodate a larger garage and a first-floor bedroom. Relief is sought from the minimum front yard setback requirement.

Frank and Karen Paris, and Allison Ong Shreffler, their architect, were sworn in and gave testimony.

Mr. Paris stated that the proposed plan to expand an existing one-car garage into a two-car garage is part of a larger remodeling project on the property to allow for the residents to age in place in their home. The proposed garage expansion will result in a 22-foot by 19.5-foot garage that will require two feet of relief from the front yard setback. Mr. Paris added that many other homes in the neighborhood have two- or three-car garages, and he believes his proposal will not alter the feel of the neighborhood and in fact will bring it more in line with other homes.

Chairman Seidl questioned if this development was built under a 25-foot setback. Mr. Habig confirmed that 25 feet was the required setback on the recorded plan.

Mrs. Paris added that she is passionate about remaining in her home which is why the remodeling project is necessary.

No other person offered testimony.

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Chairman Seidl 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.

B. Hearing in the Case of Wayne A. Ford and Dawn L. Carpenter (2020-11)
Property location: 1605 Landvater Road, Hummelstown

This property, located in the Conservation zoning district, is improved with a single-family detached dwelling and a detached garage. The applicants are proposing to retain a previously constructed detached garage. Relief is sought from the minimum side yard setback requirements for an accessory structure.

Wayne Ford, Dawn Carpenter, Dorothy Bell (adjacent neighbor), Jim Spade (attorney), Steve Allen (former owner), and Steve Wible (surveyor) were sworn in and gave testimony.

Mr. Spade stated that the garage is existing, and the encroachment was discovered when a survey was completed on the property.

Mrs. Bell, adjacent neighbor to the west, stated that the garage is about 60-70 feet from her home. She added that the garage was built by previous owners and she has no objections to the garage.

Dr. Allen, the former property owner, stated that he searched for the original contract agreement between him and the contractor and was unable to locate it. He further added that he believes the contractor is no longer in business. Dr. Allen stated when the garage was built, he was limited due to the topography of the property and the location of the septic system. Dr. Allen recalls the contractor marking the property line and assumed the contractor would locate the garage appropriately.

Mr. Ford stated that while applying for a permit to install a patio, it was discovered that a zoning permit had never been issued for the garage. The garage created a stormwater management violation and a side yard encroachment.

Mr. Spade asked what the applicant intends to do to rectify the stormwater management violation. Mr. Ford replied that he will speak with an engineer, conditional on the outcome of the variance request.

No other person offered testimony.

Chairman Seidl 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 7:41 p.m.

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DELIBERATIONS

The Board met to deliberate in the cases of Robert J. and Diane T. Cerminara (2020-09), Frank P. Paris and Karen M. Paris (2020-10), and Wayne A. Ford and Dawn L. Carpenter (2020-11) and directed the Solicitor to prepare the draft decisions on each case for formal action.

Submitted by:

Dean Morgan, Secretary