

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
November 18, 2020**

CALL TO ORDER

The Wednesday, November 18, 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; Secretary Dean Morgan; Member Lindsay Drew;

Board member absent: Member Michael Angello

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

Public attendance (*via video conference*): Rich Ault; Donald Lewis, III

APPROVAL OF MINUTES

On a motion made by Member Drew, seconded by Vice Chairwoman Ballard, and a unanimous vote, the October 21, 2020 minutes were approved as written.

On a motion made by Vice Chairwoman Ballard, seconded by Secretary Morgan, and a majority vote, the October 26, 2020 minutes were approved as written. Member Drew abstained from voting because she was not in attendance at the special meeting.

OLD BUSINESS

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

Dave Habig read the terms of the Decision into the record as follows:

- “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.*

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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.”*

On a motion made by Vice Chairwoman Ballard, seconded by Secretary Morgan, and a unanimous vote, the Decision was adopted as written.

On a motion made by Secretary Morgan, seconded by Vice Chairwoman Ballard, and a unanimous vote, Chairman Seidl was authorized to execute the Decision on behalf of the Board.

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

Dave Habig read the terms of the Decision into the record as follows:

- “1. *The applicants’ request for a variance from §225-206.F.2.b.iii, regarding the side yard setback for an accessory use is **GRANTED**. The applicants may encroach to within 10.93 feet of the side yard property line for the detached garage.*
2. *The relief granted herein is strictly contingent upon the applicants obtaining approval of their storm water management plan.*
3. *The applicants shall maintain the improvements in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter.*
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.”*

On a motion made by Secretary Morgan, seconded by Vice Chairwoman Ballard, and a unanimous vote, the Decision was adopted as written.

On a motion made by Vice Chairwoman Ballard, seconded by Member Drew, and a unanimous vote, Chairman Seidl was authorized to execute the Decision on behalf of the Board.

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NEW BUSINESS

**A. Hearing in the Case of McDonald's USA, LLC (2020-12)
Property location: 611 East Main Street, Hummelstown**

This property, located in the General Commercial and General Sign Overlay zoning districts, is improved with a McDonald's restaurant and drive-through. The applicant is proposing to replace the existing outdoor manual change menu boards in the drive-through and add new outdoor digital menu boards. Relief is sought in the form of a Special Exception for total sign area and number of signs on a site, and in the form of Variances for the maximum number of drive-through menu reader boards per lane, permitted types of illumination for signage, intensity of illumination for signage, and total sign area.

Secretary Morgan stated that he serves as a legal representative for the adjacent KFC restaurant and offered to recuse himself from participating in this hearing. Attorney for the applicant Don Lewis stated that he approved of Secretary Morgan participating in the hearing; however, he will consult with his client after the hearing and if there is any concern at that point, he will let the Township know.

Rich Ault, employee of franchise owner Rawden Joint Ventures, LLC, was sworn in and gave testimony. Mr. Ault stated that the franchise owner has a total of 43 stores with 33 of them located in central Pennsylvania.

Mr. Ault stated that the existing store has a dual-lane drive-through and it is the franchise owner's intention to replace 3 manual menu boards with 4 digital menu boards, consisting of 2 small pre-sale boards and 2 menu boards. The proposed boards are all smaller than the existing manual boards. The proposed menu boards feature self-adjusting light levels according to time of day. The proposed boards would change up to three times a day for breakfast, lunch, and dinner items. The current boards contain a total of 95 square feet and the proposed boards will be 67 square feet in total.

Mr. Ault clarified that the menu board change is a nationwide directive by the McDonald's corporate office. Presently all franchise locations, with the exception of four, have the new digital boards. Mr. Ault added that finding parts to repair the existing manual menu boards is getting more difficult and one of the existing menu boards has damage due to a vehicle collision.

Chairman Seidl questioned whether the existing confirmation boards would be removed. Mr. Ault stated that those boards would be removed because the new digital boards will have a confirmation area located directly on them.

Chairman Seidl asked whether the existing awnings and height bars would remain. Mr. Ault responded that the awnings and height bars would remain as they are placed to prevent damage to the building overhang.

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Chairman Seidl questioned whether the smaller pre-sale boards could be reduced to a single board serving both lanes. Mr. Ault replied that while possible, a single board may not be visible to the driver on the inside lane.

No other person offered testimony.

Chairman Seidl 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.

Hearings closed at 7:25 p.m.

DELIBERATIONS

The Board met to deliberate in the case of McDonald's USA, LLC (2020-12) and directed the Solicitor to prepare the draft decision for formal action at the December 2020 meeting.

Submitted by:

Dean Morgan, Secretary