

create 2 compliant lots with the minimum lot width required. The existing lot width for 74 Sipe Avenue (Lot 1) is 112.56 feet, and the existing lot width for 64 Sipe Avenue (Lot 2) is 73.82 feet. The applicant proposes to reduce the lot width of 74 Sipe Avenue (Lot 1) to 92.97 feet and increase the lot width of 64 Sipe Avenue (Lot 2) to 93.41 feet. There will be no construction or earth disturbance on either of the properties. There will only be a readjustment of the property line between the properties. Therefore, Mr. Toust argued that requested variance would have no impact on the neighboring properties and would not alter the essential character of the neighborhood.

The proposed adjustment of lot width would reduce the number of non-conformities currently existing on the properties. A shed is straddling both properties lines and encroaches into the side yard setback. If the requested relief is granted, however, the shed will be solely on 64 Sipe Avenue (Lot 2), and the setback encroachment will be eliminated. Moreover, the only driveway to access 64 Sipe Avenue (Lot 2) is through the church parking lot at 34 Sipe Avenue. If the requested relief is granted, there will be sufficient room south of the residence on 64 Sipe Avenue (Lot 2) to construct a new driveway with direct access to Sipe Avenue.

The Ordinance requires a minimum lot width of 100 feet. *See* Ordinance, §225-307, Table 13, Item A. 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 of the narrowness of the properties. There is no evidence on the record that the applicant created this hardship as the existing lots and structures were created prior to the enactment of the Ordinance. 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. 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. *See* Ordinance, §225-1007.9.B. Based on the Board's findings and conclusions, the Board adopts the following:

ORDER

AND NOW, this 17th day of November, 2021:

1. The applicant's request for a variance from §225-307, Table 13, Item A regarding the minimum lot width is GRANTED. The applicant shall provide a minimum width of 92.97 feet for 74 Sipe Avenue (Lot 1) and 93.41 feet for 64 Sipe Avenue (Lot 2) as depicted on the plan submitted to the Board during the hearing of this matter.


2. 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.



Steven Seidl




Sandra Ballard



F. Dean Morgan



Lindsay Drew



Michael Angello