

**BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD**

IN THE MATTER OF: : NO. 2021 – 12  
Thaddeus Stager :  
: :  
: :  
: PREMISES LOCATION:  
: 8 Edgehill Drive  
: Hershey, Derry Township, PA

**MEMORANDUM, FINDINGS, OPINION AND ORDER**

This is the application of Thaddeus Stager with regard to his property located at 8 Edgehill Drive, Hershey, Derry Township. A hearing in this matter was initially scheduled for October 20, 2021, but was continued at the request of the applicant. The continued hearing was held on November 17, 2021, after proper advertising. At that time, the applicant appeared, was sworn, and testified at the hearing. No members from the public testified at the hearing.

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 applicant proposes to continue that use. The application seeks a variance from the maximum height of an accessory structure.

Mr. Stager has lived at the property with his wife and four children since 2005. Mr. Stager testified that the subject property is wooded and secluded. The property is located on the side of a hill such that the natural topography of the property results in an approximate 13.5 feet decrease in elevation from his front porch to the corner of the lot.

He wishes to construct a detached garage, designed as a two-story bank barn, for storage, parking of additional vehicles due to his children aging, parking of a boat, and restoration of a vehicle. The upper level of the garage, with overhead doors that are 9 feet wide and 8 feet high,

would be at the same elevation as the existing house, and the lower level, with overheard that are 12 feet wide and 10 feet high, would be an exposed basement. There is another bank barn on Sand Hill Road that he and his wife liked so they retained the same builder, Yingst Homes, to design their garage. The proposed design maximizes the natural topography of the property while allowing the applicant and his family to access the proposed garage without too much of a slope. If there was no slope on the property, the applicant could build a one-story garage without any zoning relief. However, with the slope, a one-story garage would result in the applicant walking out of the house to the garage's roof. Further, the placement of the allows the applicant to utilize the existing driveway. The height of the proposed garage would be 25.51 feet, requiring a variance of 5.51 feet. According to the applicant, this design will minimize the amount of earth disturbance, storm water, erosion and sediment control. The height of the proposed garage would be higher if it was placed anywhere else on the property. Initially, when the applicant submitted his application for zoning relief, the proposed garage set back from the front footprint of the house. However, since the filing of the application, the applicant shifted the garage forward 2 feet so that it is now aligned with the house.

The applicant, in consultation with Yingst Homes, tried to decrease the height of the garage but that would make it too steep to get the applicant's vehicles in and out of the garage. While the garage would be visible from the road, the garage would match the existing house would match the existing character of the neighborhood. The garage is similar in size to others in the neighborhood, which are approximately one-quarter of a mile away. The garage would meet the required setbacks, and no further relief is necessary. The applicant submitted

photographs, drawings, and aerial photograph of the property, which were admitted into the record.

The Ordinance limits the maximum height of an accessory structure to 20 feet. *See* Ordinance, §225-304, Table 7, Item H. 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 natural topography of the property. There is no evidence on the record that the applicant created this 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 alter the essential character of the neighborhood. There is no testimony in the record to 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:

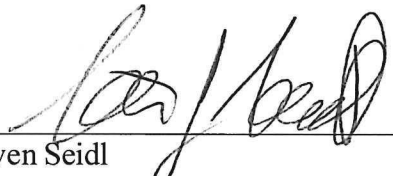
**ORDER**

AND NOW, this 15<sup>th</sup> day of December, 2021:

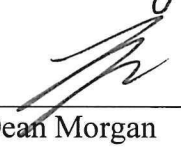
1. The applicant’s request for a variance from §225-304, Table 7, Item H, regarding the maximum height of an accessory structure is GRANTED. The applicant may construct the proposed garage to a maximum height of 25.51 feet.
2. The applicant shall construct the improvements in strict compliance with the revised 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.

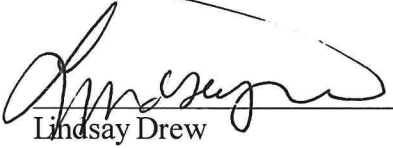
3. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring permits, the relief granted herein shall be deemed to have expired, and the applicant 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.

  
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Steven Seidl

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Sandra Ballard

  
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F. Dean Morgan

  
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Lindsay Drew

  
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Michael Angello