

will not have access to the owners' living quarters. More importantly, there would be no live music, bands, and the property would not host events or weddings.

According to the owners, the property has adequate parking to support a bed and breakfast. There will be 8 available parking spaces, including 4 spaces in the barn. No parking on Church Road will be permitted. Moreover, the front of the property would be used solely for loading and unloading. There would be no outdoor lighting. In addition, the witnesses verified they would comply with the Ordinance for any sign they install. They asserted that the bed and breakfast would have no affect on the surrounding area because it is mostly a transient area with tourists. No members of the public testified. The owners had a tree lighting party at Christmas, and none of the neighbors who attended the party voiced any objection to the owners' plans.

The Derry Township Zoning Ordinance permits the Zoning Hearing Board to issue a special exception to permit a bed and breakfast home in the Hershey Mixed Use zoning district when the applicant can demonstrate compliance with all applicable criteria. In this case, the record reveals that the applicant has demonstrated compliance with the criteria set forth in §225-502.1, addressed below:

- A. All lots to contain a Bed and Breakfast Home shall be compliant with all applicable lot criteria of the Zoning District. The applicant's lot is in compliance.
- B. To maintain consistency between established and proposed development, parking on the lot shall not be located between the front facade and front lot line when use of an alley for parking is available. The parking area shall retain a residential appearance. The applicant has sufficient parking to support a bed and breakfast.

- C. No more than 10 bedrooms may be available or used for such use in any building.
The applicant would have up to 5 bedrooms available to rent.
- D. Not more than 1 ground sign shall be permitted on the lot, and shall meet the dimensional requirements of this Chapter. The applicant would install a compliant sign.
- E. Meal service shall be limited to breakfast only to overnight guests of the facility. The applicant intends to limit meal service to breakfast and will not serve meals to the general public.
- F. All off-street parking spaces shall be provided on the lot. The number of off-street parking and loading spaces shall be provided as defined by this Chapter. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material. Seven parking spaces are required, and there are eight spaces available. There is adequate parking.
- G. The owner and/or manager of the facility shall reside therein. The applicant intends to reside at the property.
- H. An overnight guest shall not occupy the facility for more than 14 consecutive nights in a 30-day period. The applicant will not permit guests to exceed 14 consecutive nights.

In addition, the applicant must also demonstrate compliance with criteria set forth in §225-502.B, Specific Criteria For Special Exception Uses:

1. The Township Zoning Hearing Board shall find that the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
2. The Township Zoning Hearing Board shall find that the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
3. The Township Zoning Hearing Board shall find that the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Board of Supervisors shall consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.
4. The use shall meet all other requirements of this Chapter that may apply.
5. The minimum lot area shall be one acre when the use relies on an on-lot septic system.

The Board finds that the applicant is entitled to the requested relief with respect to the use of the subject property. As this Board has often repeated, a special exception is neither special nor an exception. Instead, it is a permitted use provided the applicant can demonstrate compliance with the applicable criteria. In this case, the applicant satisfies all of the requirements set forth in §225-502.1.

Moreover, the Board finds that the relief sought will not adversely affect the health, safety, or welfare of residents of the area or be detrimental to or change the essential character of

the neighborhood. Moreover, the Board finds that the bed and breakfast will not overburden the public services. More importantly, the Board finds that the requested relief will not cause any parking problems because the property has sufficient parking for the guests. In addition, by living at the property, the applicant will be able to limit any noise. Therefore, the Board specifically authorizes the operation of a bed and breakfast at the property.

In granting a special exception, 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, §1007.10.A. Based on the Board's findings and conclusions, the Board adopts the following:

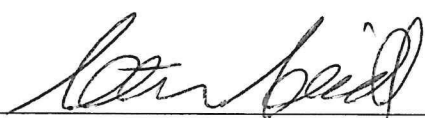
ORDER

AND NOW, this 16th day of March, 2022:

1. The applicant's request for a special exception from §225-502.1, regarding the operation of a bed and breakfast is GRANTED. The applicant may establish a bed and breakfast at the subject property as represented during the hearing of this matter.
2. The relief granted herein shall be strictly contingent upon there being no parking spaces on the lot between the front façade and the front lot line.
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.

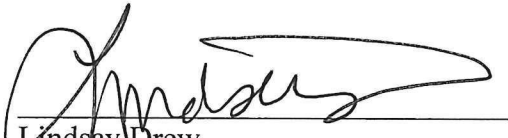
4. Any violation of any condition imposed herein shall be a violation of the Township Zoning Ordinance and shall be enforced as provided in the Ordinance.




Steven Seidl



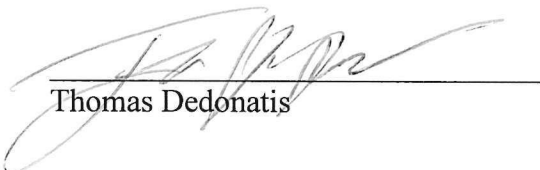
Sandra Ballard



Lindsay Drew



Michael Angello



Thomas Dedonatis