

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
May 18, 2022**

CALL TO ORDER

The Wednesday, May 18, 2022, Derry Township Zoning Hearing Board meeting was called to order at 6:00 p.m. by Chairman Steve Seidl in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Chairman Steve Seidl; Vice Chairwoman Sandy Ballard; Member Mike Angello; Member Tom DeDonatis

Board members absent: Secretary Lindsay Drew

Also present: Megan Huff, Solicitor to the Board; David Habig, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Valerie Wood, Community Development Secretary

Public registering attendance: Charlie Beckley, Beckley & Madden; Jonathan Zuck, 41 Clark Road; Kimberly Zuck, 41 Clark Road

APPROVAL OF MINUTES

On a motion made by Member DeDonatis, seconded by Vice Chairwoman Ballard, and a unanimous vote, the April 20, 2022, minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Hershey Square 2014, LP (2022-07)**
Property location: The southeast corner of the intersection of Mae Street and Hersheypark Drive, Hummelstown

Chairman Seidl read a portion of the terms of the Decision into the record as follows:

1. *The applicant's request for a variance from §225-401.1.C, regarding the landscape buffer is GRANTED. The applicant may maintain a landscape buffer of 17'10" from the right-of-way of Hersheypark Drive.*
2. *The applicant's request for an extension from §225-1007.9.C is GRANTED. The relief granted by the Zoning Hearing Board on May 19, 2021, to No. 2021 – 02, shall remain viable until May 19, 2023. All other terms, conditions, and limitations set forth in the decision of May 19, 2021, shall remain in full force and effect and are incorporated herein by reference.*

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
May 18, 2022**

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

NEW BUSINESS

**A. Hearing in the Case of Jonathan A. and Kimberly S. Zuck (2022-08)
Property location: 41 Clark Road, Hershey**

The property is located in the Hershey Mixed Use zoning district and is improved with a single-family detached dwelling. The applicants desire to expand the footprint of the dwelling. Relief is sought from the requirements for the expansion of the horizontal length of a nonconforming structure, encroachment into the front yard area of Sylvania Road, and the maximum floor area expansion for a nonconforming structure.

Jonathan Zuck was sworn in.

Charlie Beckley, lawyer with Beckley & Madden of Harrisburg, provided additional exhibits to the Board.

In response to questions from Mr. Beckley, Mr. Zuck described the lot his dwelling sits on and what structures are on the lot. Mr. Beckley had Mr. Zuck explain the additional exhibits that were provided to the Board. Mr. Zuck explained that the existing dwelling is a nonconformity in that it extends into a portion of the setback on Sylvania Road. The house has two front yards because it is a corner lot. This nonconformity is the only one that exists on the lot.

Mr. Zuck is seeking to build a 573-square-foot addition onto the existing dwelling that will include a bedroom, bathroom, and laundry area. The addition also includes a proposed patio. The existing impervious coverage on the lot is 4,970 square feet. After the addition, the impervious coverage would be 5,662 square feet. A permit has been issued for a pool deck that has not been constructed yet. The pool deck will add an additional 760 square feet of impervious coverage. The total percentage of impervious coverage for the lot if the deck and addition are constructed would be 22.5%. The Zoning Ordinance allows a maximum of 40% impervious coverage in this zoning district. Mr. Zuck confirmed that if the construction of the deck were to require a stormwater management plan, he is willing to complete one.

Mr. Zuck confirmed that the addition will require an extension into the required setback. The addition that will encroach on the setback varies in distances between three feet, seven inches and eight feet, five inches. The proposed patio will be between the existing house and the addition. The addition will not extend into the yard farther than the existing dwelling already does. The proposed location of the addition is so the family will have access to it from the existing living space. In 2011 there was an addition made to the home. The kitchen was enlarged and the second floor was added, which included a master suite.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
May 18, 2022**

Mr. Zuck confirmed that they are seeking a variance to allow the proposed addition to extend into the setback along Sylvania Road. They are asking for a more than 50% increase in the floor area of the original structure. The previous addition added 48.9%, and the proposed addition would add an additional 20.6%. They are also asking for relief to allow a more than 75% increase in length of the horizontal encroachment. The existing encroachment is approximately 34.5 feet, and they are asking for an additional 28 feet, 8 inches for an 83.1% increase.

Mr. Zuck spoke with his neighbors and explained the plans for the addition. Submitted with the application are several letters from neighbors confirming that the Zucks spoke with them and they have no objections to the proposal.

In response to a question from Member Angello, David Habig confirmed that the floor space allowed is cumulative and started being calculated in 1993. Mr. Beckley confirmed that the size of the original structure was 1,865.4 square feet. The previous owners added a 910.10-square-foot addition, and the Zucks are requesting a 573-square-foot addition.

No one else 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.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairwoman Ballard, seconded by Chairman Seidl, and a unanimous vote, the meeting was adjourned at 6:25 p.m.

DELIBERATION

The Board met to deliberate in the case of Jonathan A. and Kimberly S. Zuck (2022-08) and directed the Solicitor to prepare the draft decision on the case for formal adoption at the June 2022 meeting.

Submitted by:

Lindsay Drew, Secretary