

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
June 15, 2022**

CALL TO ORDER

The Wednesday, June 15, 2022, Derry Township Zoning Hearing Board meeting was called to order at 6:00 p.m. by Vice Chairwoman Sandy Ballard in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Vice Chairwoman Sandy Ballard, Secretary Lindsay Drew, Member Tom DeDonatis

Board members absent: Chairman Steve Seidl, Member Mike Angello

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: David Wertley, 1358 East Caracas Avenue, Hershey; Jonathan Zuck, 41 Clark Road, Hershey

APPROVAL OF MINUTES

On a motion made by Member DeDonatis, seconded by Vice Chairwoman Ballard, and a unanimous vote, the May 18, 2022, minutes were approved as written.

OLD BUSINESS

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

Vice Chairwoman Ballard read a portion of the terms of the Decision into the record as follows:

1. *The applicants' request for a variance from §225-315, Table 29, Item D, regarding the front yard setback for a principal structure is **GRANTED**. The applicants may encroach 8'5" into the front yard setback along Sylvania Avenue for the proposed addition.*

2. *The applicants' request for a variance from §225-602.B.5, regarding an expansion of an existing nonconforming structure into a nonconforming yard area that exceeds 75% of the horizontal length of the building wall that already encroaches into the yard area is **GRANTED**. The applicants may extend the eastern wall of the existing structure an additional 28'8" for an increase of the horizontal length of the*

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structure of 83.1%.

3. *The applicants' request for a variance from §225-602.B.2, regarding the expansion in the floor area of a nonconforming structure is **GRANTED**. The applicants may expand the floor area an additional 573 square feet to a total of 3,348.50 square feet, representing a total increase of 79.5% of the structure's square feet as of January 26, 1993.*

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

NEW BUSINESS

**A. Hearing in the Case of David Wertley (2022-09)
Property location: 1358 East Caracas Avenue, Hershey**

The property is located in the Palmdale Mixed Use zoning district. It is improved with two single-family detached dwellings. The applicant desires to demolish and reconstruct one of the dwellings. Relief is sought in the form of a special exception regarding the reestablishment of a nonconforming use.

David Wertley was sworn in. Mr. Wertley testified to his plans regarding the trailer on his property. He would like to remove the trailer and replace it with a single-family dwelling and attached garage. Mr. Wertley's son had lived in the trailer until October 2020. Mr. Wertley and his wife used it during renovations to their dwelling from September 2021 until November 2021. Mr. Wertley stated no action was taken during this time to remove or replace the nonconforming use with a conforming use, and he pays the utility bills for the mobile home. No action was taken that would have caused the use to be conforming or to otherwise change the existing conditions of the nonconformity as it originally existed, as he and his wife have used it as a dwelling unit while painting their dwelling. Mr. Wertley confirmed with David Habig and Chuck Emerick that there are no existing violations on the property. Reestablishing the nonconformity will be no more of an intense use than what had originally existed as he will be replacing an existing single-family dwelling with a new single-family dwelling and attached garage. The existing dwelling has three bedrooms, and the new dwelling will have no more than three bedrooms.

In response to a question from Secretary Drew, Mr. Wertley confirmed there will be two single-family dwellings on the property. One dwelling will be his residence and the other dwelling will house his son, who is a disabled veteran.

In response to a question from Vice Chairwoman Ballard, Mr. Wertley stated that he believes the property would look better with a single-family dwelling rather than a mobile home, due to the nature of the neighborhood.

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David Habig confirmed the size of the lot for Vice Chairwoman Ballard.

Mr. Wertley confirmed that the garage will be underneath the proposed dwelling, so the footprint of the dwelling will be no larger than the mobile home.

No one else offered testimony.

Vice Chairwoman Ballard 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.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Secretary Drew, seconded by Vice Chairwoman Ballard, and a unanimous vote, the meeting was adjourned at 6:18 p.m.

DELIBERATION

The Board met to deliberate in the case of David Wertley (2022-09) and directed the Solicitor to prepare the draft decision on the case for formal action at the July 2022 meeting.

Submitted by:

Lindsay Drew, Secretary