

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF: : NO. 2023 – 04
:
Chad Groff (Meridad Designs) :
:
:
: PREMISES LOCATION:
: 924 Parish Place
: Hummelstown, Derry Township, PA

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of Chad Groff of Meridad Designs with regard to the property owned by Thomas P. Boyle located at 924 Parish Place, Hummelstown, Derry Township. A hearing in this matter was held on June 20, 2023, after proper advertising. At that time, the applicant and Mr. Boyle appeared, were 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-2 zoning district. The property is improved with a single family residence with attached deck, and the applicant proposes to continue that use. The application seeks variances from the rear yard setback and maximum impervious coverage to convert the existing deck into a 3-seasons room.

The existing deck was constructed 33 years ago, prior to Mr. Boyle’s ownership of the property. The deck, 288 square feet, was constructed without a permit and is 15 feet from the rear yard property line. Mr. Boyle will not increase the footprint of the deck to construct the proposed 3-seasons room such that the 3-seasons room would also be 15 feet from the rear yard property line and 288 square feet. Further, the structure of the deck would not change substantially to convert to the 3-seasons room. A structural engineer, James A. Cieri, P.E.,

reviewed the plans for the 3-seasons room and recommended replacing rotting 4x4 posts with 6x6 posts. New footers may need to be installed. The construction of the 3-seasons room would increase the maximum impervious coverage to 33.10%. The applicant argued that the enclosing of the deck would not change the essential character of the neighborhood because Mr. Boyle would match the siding of the 3-seasons room with the house.

According to the applicant, the subject property is the smallest lot in his phase of the subdivision for South Point of Hershey. The average lot in the subdivision is 9,579 square feet, and this property is 7,245 square feet. In addition, the applicant testified that the property is irregularly shaped due to the curve of Parish Place, which also reduces the building envelope on the property such that the existing house barely fits in the building envelope.

Mr. Boyle had not talked to his neighbors prior to the application being submitted. However, after the notice of the hearing was posted, he spoke with some neighbors. No one objected to the requested relief. Most of his neighbors already have enclosed sunrooms or 3-seasons rooms. Mr. Boyle thought he was finally catching up to his neighbors by converting his deck to the 3-seasons room. The homeowner's association is reviewing his plans for the 3-seasons room.

The Ordinance requires a rear yard setback of 25 feet as that is the rear setback required in the recorded South Point of Hershey Subdivision. *See* Ordinance, §225-206.G.2. The Ordinance limits the maximum impervious coverage to 30%. *See* Ordinance, §225-305, Table 9. 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 its irregular shape due to the curve of the road and its small lot size. 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 to the public welfare. The proposed 3-seasons room will not expand the footprint of the existing deck. 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 variances would negatively impact surrounding properties. No neighbors testified in opposition to the application. Finally, the Board finds that this represents the 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. *Ordinance*, §225-1007.9.B. Based on the Board's findings and conclusions, the Board adopts the following:


ORDER

AND NOW, this 19th day of July, 2023:

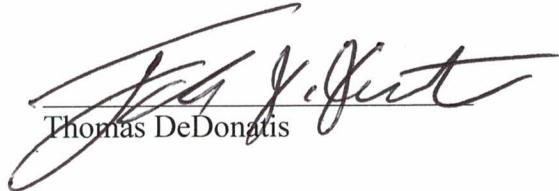
1. The applicant's request for a variance from §225-206.G.2, regarding the rear yard setback for a principal structure is GRANTED. The applicant may encroach to within 15 feet of the rear yard property line for the proposed 3-seasons room.
2. The applicant's request for a variance from §225-305, Table 9 regarding increased impervious coverage on the property is GRANTED. The applicant may increase impervious coverage to 33.10%.
3. The applicant shall construct the improvements in strict compliance with the 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.
4. 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.

5. 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



Thomas DeDonatis

Michael Angello