

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
June 20, 2023**

CALL TO ORDER

The Tuesday, June 20, 2023, 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 Chairman Tom DeDonatis, Member Mike Angello

Board members absent: Secretary Lindsay Drew, Member Bill Tafuto

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

Public registering attendance: Thomas Boyle, 924 Parish Place; Chad Groff, Meridad Designs; Chris Matteson, 912 Bruton Cove; Colleen Sargent, 920 Burton Cove; Linda Tully, 938 Carter Cove; Clay Tully, 938 Carter Cove; David M. Kern, 147 Elm Avenue

APPROVAL OF MINUTES

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a unanimous vote, the May 17, 2023, minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Hershey Square 2014, LP (2023-03)**
Property location: Southeast corner of Hersheypark Drive and Mae Street

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

- 1. 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 and on May 18, 2022, to No. 2022-07 shall remain viable until May 19, 2024.*

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

NEW BUSINESS

- A. Hearing in the Case of Chad Groff (2023-04)**
Property location: 924 Parish Place, Hummelstown

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The property is located in the R-2 zoning district and is improved with a single-family detached dwelling. The applicant desires to convert an existing deck into a three-seasons room. Relief is sought from the minimum rear yard setback requirements and maximum impervious coverage requirements.

Chad Groff, Meridad Designs, and Tom Boyle, property owner, were sworn in. Mr. Groff explained that the homeowner wants to convert the existing deck into a three-seasons room, which would increase the property's total impervious coverage by 3.3%, or 288 square feet, and would require that the room be within the setback due to the unique shape of the property. The proposed work will not create a footprint change to the existing dwelling.

In response to a question from Member Angello, Mr. Boyle explained that he did not talk to his neighbors about the project. He does not see them having an issue with it because most of them already have three-seasons rooms at their houses, so the proposal would not change the character of the neighborhood. The proposal is currently being reviewed by the Homeowners Association.

No one else offered testimony.

Chairman Seidl 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.

**B. Hearing in the Case of Dave Kern (2023-05)
Property location: 147 Elm Avenue, Hershey**

The property is located in the Hershey Mixed Use zoning district and is improved with a single-family detached dwelling and detached garage. The applicant desires to install a swim spa and associated decking. Relief is sought from the minimum side yard setback requirements.

Dave Kern of 147 Elm Avenue, Hershey, was sworn in. Mr. Kern is seeking a variance of two and a half feet into the side setback for a swim spa he wishes to place next to his house. Mr. Kern explained where the spa would be placed on his property and why it would be in that position. Mr. Kern did speak with his neighbors, and they do not have a problem with anything he is proposing. They prefer the spa to be in the proposed location rather than anywhere else on the property. Mr. Kern will be placing a six-foot-high privacy fence that will replace the existing fence on the subject property, near the spa.

In response to questions from Vice Chairman DeDonatis, Mr. Kern explained how the concrete pad will be formed and that an addition was constructed onto the existing dwelling in 2007.

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Mr. Kern explained how he will be placing some trees on the property as well, in response to Chairman Seidl's question.

No one else offered testimony.

Chairman Seidl 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.

**C. Hearing in the Case of Clay Tully (2023-06)
Property location: 938 Carter Cove, Hummelstown**

The property is located in the R-2 zoning district and is improved with a single-family detached dwelling. The applicant desires to expand the first floor of the house. Relief is sought from maximum impervious coverage requirements.

Clay Tully of 938 Carter Cove, Hummelstown, was sworn in. Mr. Tully explained that he is looking to put an addition of a master suite on the first floor of his house to make it easier to move around the house at his advanced age. He is seeking a variance of 1% on impervious coverage requirements with the addition. His property is the smallest lot in the neighborhood.

To clarify some details of the plan, Mr. Tully said the deck is 11 feet off the house. A variance for the setback was not required for the deck approximately 11 years ago. Mr. Emerick confirmed what the setbacks were at the time of the original construction. The deck did not have any coverage on grade, so Mr. Tully had to put pavers down in order to keep water out of his garage.

Chris Matteson of 912 Brutton Cove, Hummelstown, was sworn in. Mr. Matteson asked what the distance is from the rear of the proposed addition to the property line. Mr. Emerick responded that the distance will be 25 feet, 10 inches. Mr. Matteson also asked about the easement between his property and the subject property. Mr. Emerick explained how easements work and what they are used for.

No one else offered testimony.

Chairman Seidl 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.

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ADJOURNMENT

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a unanimous vote, the meeting was adjourned at 6:50 p.m.

DELIBERATION

The Board met to deliberate in the cases of Chad Groff (2023-04), Dave Kern (2023-05), and Clay Tully (2023-06) and directed the Solicitor to prepare the draft decision on the cases for formal action at the July 2023 meeting.

Submitted by:

Lindsay Drew, Secretary