

impervious coverage is 79%, and the minimum vegetative coverage is 21%. The second lot, 7,797 square feet, is wooded and, according to Mr. Brady, cannot be developed for commercial purposes.

The applicant intends to redevelop the property by combining both lots. Together, the lots are 110,019 square feet. The applicant will construct a 4,500 square feet retail/commercial building with parking. In addition, the applicant will construct a new access drive to the new retail building and modify the parking for the hotel. The parking spaces will increase to 138 while 137 parking spaces are required under the Ordinance. The hotel and new building will have different peak hours to achieve parking efficiencies. For example, a restaurant would not be suitable in the new building because it would share the same peak hours as the hotel. Under the applicant's proposal, there will be two areas of the maneuvering aisle of the parking associated with compact vehicles that will maintain a 16.5 feet width. As a result of the applicant's proposed redevelopment, the maximum impervious coverage will decrease to 78% and the minimum vegetative coverage will increase to 22%.

The applicant submitted photographs and a Fire Truck Turning Exhibit, all of which were admitted into the record.

The Ordinance requires the maneuvering aisle for parking to be at least 24 feet wide. *See* Derry Township Zoning Ordinance, §225-402.2., Table 34. The Ordinance limits the maximum impervious coverage to 60% and requires minimum vegetative coverage of 30%. *See* Ordinance, §225-307, Table 13. 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 the redevelopment of the property to reduce non-conformities. 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 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 variance 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 21st day of February, 2024:

1. The applicant's request for a variance from §225-402.2., Table 34, regarding the minimum width of the maneuvering aisle for parking is GRANTED. The applicant may maintain a maneuvering aisle for parking that is 16.5 feet wide as shown on the plans submitted at the hearing.

2. The applicant's request for a variance from §225-307, Table 13, regarding maximum impervious coverage is GRANTED. The impervious coverage shall not exceed 78%.

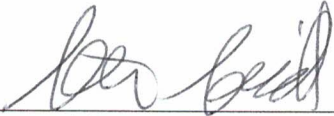
3. The applicant's request for a variance from §225-307, Table 13, regarding minimum vegetative coverage is GRANTED. The vegetative coverage shall be at least 22%.

4. 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.

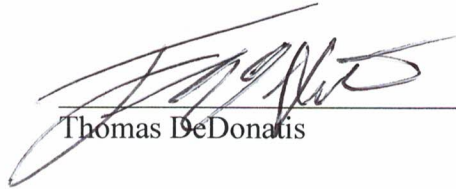
5. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the

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.

6. 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

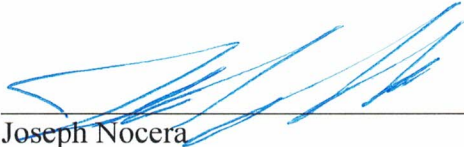


Thomas DeDonatis



Michael Angello

William Tafuto



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