

In order to keep the existing structure, Mr. and Mrs. Steier first renovated the existing home and are now seeking to construct an addition. The existing home is 3,381 square feet. The addition will be three stories. The addition will consist of a theater room of 433 square feet in the basement. The first floor will add a great room of 522 square feet. Lastly, the second floor will add an office of 368 square feet. In total, the addition will be 1,323 square feet or an expansion of 39.1% of the existing floor area.

According to Mr. Wenger, the grade of the property has caused some drainage and water issues. The homeowners are addressing that through a stormwater management plan. No other zoning relief is necessary. The addition will not further encroach into the front yard facing Valley Road.

The Derry Township Zoning Ordinance permits the Zoning Hearing Board to grant a special exception to expand a nonconforming use of land, a nonconforming building, and/or a nonconforming structure in excess of 25%, but not more than 50%, of the floor area that existed on January 26, 1993, if the Board finds that the proposed expansion:

1. Is limited to a distance of 250 feet from the existing nonconformity as it existed on January 26, 1993;
2. Is limited to an increase of floor area or land use of not more than 50% of the floor area which existed on January 26, 1993;
3. Is confined to the lot on which it was located on January 26, 1993;
4. Does not violate any parking, loading, minimum area, height, vegetative cover, impervious cover, floodplain and/or buffer requirements set forth in this Chapter,

unless additional relief in the form of a variance is requested and approved by the Zoning Hearing Board;

5. Existing nonconforming uses of land, buildings or structures that encroach upon current minimum front, rear or side yard areas may be expanded, provided the expansion is attached to the existing nonconforming use of land, building or structure.
6. The proposal includes adequate landscaping, buffering and is of such architectural design that nearby properties will not be more adversely affected than they were prior to the expansion of the nonconformity.

Ordinance, §225-602.B.

In addition, the applicant must also demonstrate compliance with criteria set forth in §225-502.B, Specific Criteria For Special Exception Uses:

1. The Township Zoning Hearing Board shall find that the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
2. The Township Zoning Hearing Board shall find that the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
3. The Township Zoning Hearing Board shall find that the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Board of Supervisors shall

consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.

4. The use shall meet all other requirements of this Chapter that may apply.
5. The minimum lot area shall be one acre when the use relies on an on-lot septic system.

Ordinance, §225-502.B.

The Board finds that the applicant is entitled to the requested relief with respect to the expansion of the nonconforming building. As this Board has often repeated, a special exception is neither special nor an exception. Instead, it is permitted provided the applicant can demonstrate compliance with the applicable criteria. In this case, the applicant satisfies all of the requirements set forth in §225-602.B.

The proposed addition will be on the property containing the nonconformity. The increase in floor space will be 39.1%. The proposed expansion is confined to the lot containing the existing single-family home. In addition, the proposed expansion does not violate any other Ordinance requirements. The Board finds there is adequate landscaping and buffering. The Board finds that the proposed expansion will not adversely affect the nearby properties.

Moreover, the Board finds that the relief sought will not adversely affect the health, safety, or welfare of residents of the area or be detrimental to or change the essential character of the neighborhood. In addition, the Board finds that the proposed addition will not overburden the public services. More importantly, the Board finds that the requested relief will not cause any parking problems because a driveway is being constructed. Lastly, the Board finds that there will

be no impact of increased light or noise as a result of the proposed addition. Because the Board finds that the applicant has complied with each of the requirements set forth in §225-602.B and §225-502.B, applicant is entitled to the special exception to increase the floor area by 1,323 square feet, or 39.1% of the building's existing floor area.

In granting a special exception, 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. *See* Ordinance, §1007.10.A. Based on the Board's findings and conclusions, the Board adopts the following:


ORDER

AND NOW, this 21st day of February, 2024:

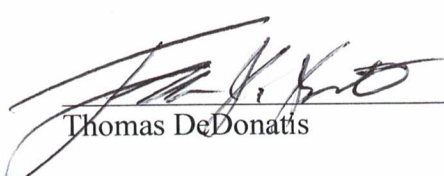
1. The applicant's request for a special exception from §225-602.B regarding expansion of nonconforming building by between 25% and 50% of the nonconforming of the floor area is GRANTED. The applicant may construct the proposed addition, containing 1,323 square feet, or 39.1% of the building's existing floor area.
2. 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.
3. 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.

4. 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

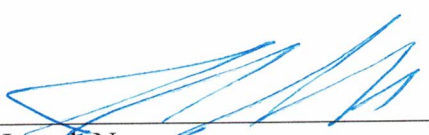


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