

**BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD**

IN THE MATTER OF:   : NO. 2024 - 01  
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   :  
   :  
   :  
   : PREMISES LOCATION:  
   : 975 Eby Road  
   : Palmyra, Derry Township, PA

**MEMORANDUM, FINDINGS, OPINION AND ORDER**

This is the application of Glen R. Sponaugle with regard to his property located at 975 Eby Road, Palmyra, Derry Township. A hearing in this matter was held on February 21, 2024, after proper advertising. At that time, the applicant and his landscape architect, Randall Wright with Hanover Engineering, appeared, were sworn, and testified at the hearing. Prior to the applicant’s testimony, Solicitor, Megan Huff, disclosed that her firm represented the applicant on unrelated matters, and as such, no conflict exists. No members from the public testified at the hearing.

The application indicates that the subject property is located in the Conservation and Airport Hazard Overlay zoning districts. The property is improved with a single-family residence, and the applicant proposes to subdivide the property in order to construct a single-family home on the newly created lot. The application seeks a variance from the minimum lot width.

Mr. Wright testified that the subject property is 60 acres. The current lot width is 200 feet. In 1995, the subject property was part of a subdivision plan. According to Mr. Wright, the 1995 subdivision plan subdivided a family farm, and the 1995 subdivision plan allocated more street frontage to the lot containing the farmstead, which left the subject property with its current lot width and street frontage of 200 feet.

The applicant proposes to subdivide the lot such that the newly created lot will be approximately 11 acres, and the residual lot will be approximately 49 acres. Each lot will have a minimum lot width of 100 feet. Both lots will be serviced by an existing shared driveway so no additional road access is necessary. Grandview Road was not available as possible road access because it is a private road. Additionally, Mr. Wright argued that there would be no change in the appearance of the property from Eby Road.

Mr. Sponaugle testified that the farm has been in his mother's family for years. His mother lives in the farmstead lot. He lives in the subject property. He has two children, but there is only one other lot currently available. He wants to subdivide his property so his other child has a lot. The applicant submitted photos of the subject property, which were admitted into the record.

The Ordinance requires a minimum lot width of 200 feet. *See Derry Township Zoning Ordinance, §225-303, Table 5, Item A.* 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, creating an unnecessary hardship, because of the large size of the lot compared to the relatively small property frontage. There is no evidence on the record that the applicant created the hardship. The Board finds that the proposed relief will not have a detrimental impact on any other property in the area or 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 the 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 20 day of March, 2024:

1. The applicant's request for a variance from 225-303, Table 5, Item A, regarding the

minimum lot width is GRANTED. The applicant may maintain a minimum lot width of 100 feet for each the newly created lot and the residual lot.

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.

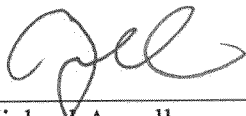
3. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary,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

Thomas DeDonatis



Michael Angello



Joseph Nocera