

to construct a commercial, multi-tenant building with associated parking on the lower portion (the “2021 Relief”). In 2022, by the Zoning Hearing Board’s decision, dated May 18, 2022, filed to No. 2021 – 07, the applicant obtained a variance to maintain a landscape buffer of 17’10” from the right-of-way of Hersheypark Drive (the “2022 Relief”). In 2023, by the Zoning Hearing Board’s decision, dated June 20, 2023, filed to No. 2023 – 03 (erroneously stated as 2023 – 07), the 2021 Relief and 2022 Relief (collectively the “Relief”) was extended to remain viable until May 19, 2024. The current application seeks an extension for the Relief to remain viable for one additional year.

Since the extension for the Relief granted by the Zoning Hearing Board last year, the applicant has continued working on obtaining approval for its land development plan. The Township, as the applicant, submitted the PennDOT Highway Occupancy Permit application. The land development plan has been amended to incorporate the required roadway improvements, including to the intersection of Mae Street and Hersheypark Drive. The proposed tenants for the building may change, and the project may be a little smaller than initially anticipated. The applicant does not anticipate needing any dimensional relief if the project changes. The applicant argued that it was diligently working and that the project is ongoing. The applicant anticipates the project being finished in no more than a year, but hopefully sooner. The applicant introduced various exhibits at the hearing, all of which were introduced into the record.

In this matter, the Board finds that the applicant is entitled to an extension of one year, until May 15, 2025, to complete the development of the lower portion to construct the multi-tenant building as permitted in the Relief. The Board finds that the permitting process has caused the

applicant a hardship. The Board previously found that the Relief would not have any detrimental impact on the use or development of any surrounding properties or generally in the neighborhood. Therefore, the Board finds that an extension will not have a detrimental impact on any surrounding properties or the neighborhood. The Board further finds that the one year extension represents the minimum relief requested. As a result, the Board finds that the applicant is entitled to a one year extension, until May 15, 2025, for the Relief.

Based on the Board's findings and conclusions, the Board adopts the following:

ORDER

AND NOW, this 15 day of May, 2024:

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, on May 18, 2022, to No. 2022-07, and on June 2023, to No. 2023 – 03 (erroneously stated as 2023 – 07) shall remain viable until May 15, 2025.

2. All other terms, conditions, and limitations set forth in the decisions of May 19, 2021, May 18, 2022, and June 20, 2023, shall remain in full force and effect and are incorporated herein by reference.

Adopted by 4 – 0 vote as indicated by the Chairman's signature as authorized by the Zoning Hearing Board.



Steven Seidl, Chairman