

**BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD**

IN THE MATTER OF:

: NO. 2024 - 11

Robert Yurick

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: PREMISES LOCATION:

: 535 Beech Avenue

: Hershey, Derry Township, PA

**MEMORANDUM, FINDINGS, OPINION AND ORDER**

This is the application of Robert Yurick with regard to the property he owns with his wife, Stephanie Harris, located at 535 Beech Avenue, Hershey, Derry Township. A hearing on this matter was held on May 15, 2024, after proper advertising. At that time, the applicant appeared, was sworn, and testified at the hearing. No members from the public testified at the hearing.

The application indicates that the subject property is located in the Hershey Mixed Use zoning district. The property is improved with a single-family residence with a shed, and the applicant proposes to continue that use. The application seeks a variance from the off-street parking requirements for a single-family detached dwelling.

The applicant testified that he resides at the property with his wife and two children. Because the children are growing, the family needs more space. They are constructing a 22 feet by 26 feet addition on the back of the house. In order to avoid having to incur the cost of a stormwater management plan due to an excess of impervious coverage, the applicant proposes to remove the 20 feet by 20 feet concrete parking pad in the rear of the property. The concrete parking pad was installed in the spring of 2022, but there is no walkway that accesses it. The applicant removed the walkway that existed when he purchased the property because it was uneven and

presented a tripping hazard. The parking pad would be replaced with gravel. The occupants of the property do not park on the parking pad. Instead, they have always parked in the front of the property. Currently, a 2005 camper is parked on the parking pad, and the applicant is trying to get rid of it. Other properties in the neighborhood have gravel areas for parking.

The Ordinance requires two off-street parking spaces per dwelling unit. *See Derry Township Zoning Ordinance, §225-402.5.A., Table 35.* 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

concrete pad without a walkway. 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:

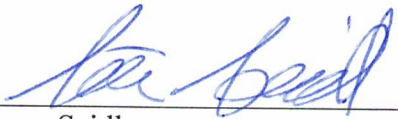
### **ORDER**

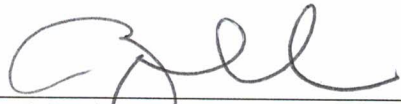
AND NOW, this 18<sup>th</sup> day of June, 2024:


1. The applicant's request for a variance from §402.5.A., Table 35, regarding the off-street parking requirements for a single-family detached dwelling is GRANTED. The applicant may provide zero off-street parking spaces.
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.

  
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Steven Seidl

  
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Michael Angello

  
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William Tafuto

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Joseph Nocera