

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF: : NO. 2024 - 19
:
Samuel S. McCorkel, Jr. and :
Nancy J. McCorkel :
:
:
: PREMISES LOCATION:
: 309 McCorkel Road and Church Road L-5
: Hummelstown, Derry Township, PA

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of Samuel S. McCorkel, Jr. and Nancy J. McCorkel with regard to their properties located at 309 McCorkel Road and Church Road L-5 (collectively the “property”), Hummelstown, Derry Township. A hearing in this matter was held on August 21, 2024, after proper advertising. At that time, Nancy J. McCorkel and her engineer, Mark Jones of Hartech Engineering & Consulting, LLC, appeared with the applicants’ attorney Claudia Shank, were sworn, and testified at the hearing.

The application indicates that the subject property is located in the Conservation zoning district. The property is unimproved, and the applicant proposes to subdivide the property into four lots. The application seeks a variance from the minimum lot width and the minimum lot depth for proposed lots 3 and 4.

The property is comprised of two adjoining lots. According to a 1995 survey, the property abuts McCorkel Road with 310.7 feet of road frontage and abuts Church Road with 528.6 feet of road frontage. One lot is 50 acres whereas the smaller lot is .35 acres. Both lots are unimproved, and the applicants use them for recreation. Mr. Jones testified that the larger lot is long and narrow. There is a substantial change in elevation along Church Road to the northwest, such that Church

Road is protected by a guardrail along the property's frontage just before the property's Church Road access.

Proposed lots 1 (4.03 acres) and 2 (4.56 acres) would be accessed from McCorkel Road whereas proposed lots 3 (11.38 acres) and 4 (29.91 acres) would be accessed from Church Road. Lot 4 includes the existing .35 acre lot and the residual portion of the 50 acre lot. The applicant proposes a perpetual access easement over the access drive on lot 4 to ensure access to lot 3. The applicants intend to retain lot 4 and continue to use it for recreation. The applicants plan to sell the remaining lots, but they do not have any plans to construct houses on the lots prior to the sale. Lots 1 and 2 do not require any zoning relief. The applicants propose that lot 3 have a width of 50 feet and a depth of 190 feet. Lot 4 is proposed to have a width of 105 feet and a depth of 148 feet. The applicants contemplated different layouts for the proposed subdivision, including one with more frontage for lot 3, but that was not deemed functional for access because of the steep grade. The applicants submitted an aerial depiction of the lots as well as drawings for the proposed subdivision, all of which were admitted into the record.

Stephen Thurston, 2030 Church Road, testified at the hearing of this matter. He was concerned that multi-use dwelling units were contemplated on the lot. He was advised that single-family dwelling units are the only permitted residential use without further zoning relief.

The Ordinance requires a minimum lot width of 200 feet and a minimum lot depth of 200 feet. *See* Derry Township Zoning Ordinance, §225-303, Table 5, Item A and Item B. 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 irregular size, narrowness, and topography. There is no evidence on the record that the applicants 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. Instead, Mr. Thurston wanted confirmation

that multi-use dwelling units were not contemplated. 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 18th day of September, 2024:

1. The applicants' requests for variances from 225-303, Table 5, Item A and Item B, regarding the minimum lot width and minimum lot depth are GRANTED. The applicant may maintain a minimum lot width and minimum lot depth for the proposed lots as follows:

A. Proposed lot 3 may have a minimum lot width of 50 feet and a minimum lot depth of 190 feet.

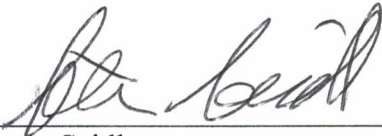
B. Proposed lot 4 may have a minimum lot width of 105 feet and a minimum lot depth of 148 feet.

2. The applicants 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.

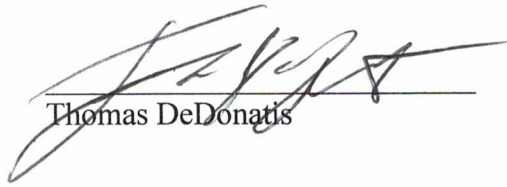
3. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicants have not, within the time period

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 applicants 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



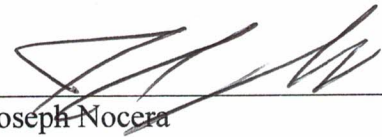
Thomas DeDonatis



Michael Angello



William Tafuto



Joseph Nocera