

**Hellam Township
Zoning Hearing Board
Meeting Agenda
November 28, 2023
6:00 P.M.**

1. Opening Agenda

- A. Call to Order
- B. Pledge of Allegiance

2. New Business

Z-2023-14: Steve Moore, 1250 Shore Ln, Variance

Exhibit A: Zoning Hearing Application

Exhibit B: York County Property Viewer Tax Parcel Map of 1250 Shore Lane

Exhibit C: Planning Commission Meeting Minutes November 9, 2023

3. Old Business

4. Next Hearing:

5. Adjournment



Hellam Township Zoning Hearing Board Variance Application Briefing

Application Number:	Z-2023-14	Zoning Hearing Date:	November 28, 2023
Applicant(s):	Steve Moore	Tax Map Parcel:	08-68
Property Owner(s):	Kimberly Bucher	Lot Size:	0.787 Acres
Property Location:	1250 Shore Ln	Zoning:	Rural Agricultural

Project Narrative:

The applicant is requesting a variance from §490-12. F Lot Area Requirements. Minimum Lot Area. The minimum lot area in the Rural Agricultural Zone is 2 acres this parcel is 0.787 acres in area.

Variance from §490-12 Table of Dimensional Requirements Setbacks. Due to lot area the setbacks cannot be met. The proposed setbacks are front setback 26 ft and a rear setback is 19 ft

Table of Dimensional Requirements to allow 18% lot coverage where the maximum permitted lot coverage is 15%.

The applicant proposes to construct a single-family dwelling with an attached garage.

Attached Exhibits:

- A. Zoning Hearing Application (received October 30, 2023).
 - B. York County Property Viewer Tax Parcel map of 1250 Shore Ln
 - C. Planning Commission Minutes November 9, 2023
-

Property Characteristics:

1. The subject property contains about 0.787 acres in the Rural Agricultural Zone. This is a non-conforming lot as the minimum lot size is 2 acres in the Rural Agricultural Zone.
2. The subject property is located in the floodplain however the location of the proposed improvements is outside of the floodplain area.
3. The subject property is currently unimproved. The previous structure was destroyed in a fire.
4. Adjacent properties:

	Use	Zoning
North	River	River
South	Residential	RA
West	Residential	RA
East	Residential	RA

Variance Provisions

According to the variance application submitted, the applicant reports the following:

1. **The nature of the unique physical circumstances or conditions peculiar to the property in question and not shared by other properties in the vicinity.** This property is non-conforming for lot size as it is 0.787 acres. The minimum lot size in the Rural Agricultural Zone is 2 acres.
2. **Why there is no possibility that the applicant can develop or make reasonable use of the property**

in strict conformity with the provisions of the Zoning Ordinance. Due to the small lot size, no further development can occur on the property.

3. **Why the unnecessary hardship has not been created by the applicant.** The current Rural Agricultural regulations do not take into account for parcels that are under two acres.
4. **Why the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare.** This variance will not alter the essential character of the zone or neighborhood. Single-family dwellings are permitted in the RA Zone. The surrounding properties are residential.
5. **Why the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.** The variance, if authorized, will represent the minimum variance to allow a single-family dwelling to be constructed.
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** The proposed area of disturbance is not located in the floodplain.

Planning Commission Recommendation

The Planning Commission reviewed this application at its meeting on November 9, 2023. Total Lot coverage was discussed and the Planning Commission was pleased that Mr. Moore had reduced the lot coverage to 18% from 21.2% on his previous application. The Planning Commission recommended approval 6-0 The minutes are attached hereto as **Exhibit C.**

This briefing represents the views and comments of the Hellam Township staff only and should not be construed as a final approval or denial of this application. The Zoning Hearing Board Members may have additional questions and/or comments with regard to this proposal. The applicant and/or his/her representative should be prepared to address comments or concerns raised by the Zoning Hearing Board Members.

November 2023

A



APPLICATION FOR HEARING

FOR TOWNSHIP USE ONLY		
ZONING CASE # _____		
Application Filed	<u>10/30/23</u>	Planning Commission _____
Hearing Advertised	_____	ZHB/BOS Hearing _____
Notices Mailed	_____	Decision Rendered _____
Site Posted	_____	Notification Sent _____

A. APPLICANT'S NAME: Steve Moore
 ADDRESS: 435 W. Beaver St., Hallam, PA 17406
 PHONE NUMBER: 717-478-4559 EMAIL ADDRESS srossmoore@gmail.com

Property is for sale. Presently under contract to purchase by applicant. Original house burnt down. Lot is vacant. Looking to build a home. Sale of lot is contingent on there being enough buildable area on the lot.

B. PROPERTY OWNER'S NAME
 (If different than applicant): Kimberly A. Bucher
 ADDRESS: 1250 Shore Lane, Wrightsville, PA 17368
 PHONE NUMBER: -----

C. CONSULTANT'S NAME
 (If different than applicant): _____
 ADDRESS: _____
 PHONE NUMBER: _____ EMAIL ADDRESS _____

D. Tax Map: 31-000-08 Parcel: 0068-00-00000 Zoning District: Rural Agricultural
 Property Address: 1250 Shore Lane, Wrightsville, PA 17368
 Date purchased: Under Contract - Settlement 10/27/23
 Lot size: acreage 0.79 - or - _____ sq. ft.
 Present use: Residential
 Proposed use: Residential
 Date of previous application (if any): None

- E. Please choose the following:
- APPEAL (Refer to Section 1)
 - CONDITIONAL USE (Refer to Section 2)
 - VARIANCE (Refer to Section 3)
 - SPECIAL EXCEPTION (Refer to Section 2)
 - OTHER - Curative or Zoning Amendment (Refer to Section 4)

LOT COVERAGE WORKSHEET

Directions: Complete this worksheet after taking accurate measurements of all existing impervious surfaces. All dimensions should be consistent with the attached site plan. If this worksheet is not completed or if information is left off, the Zoning Officer may deny the application or complete the worksheet using aerial photographs, previous building permits and any available site information (which may be inaccurate).

ADDRESS: 1250 Shore Lane **PIDN:** 31-000-08-0068 **ZONING:** Rural Ag

1. **Lot Size (1 acre = 43,560 s.f.)** Lot size can be found on deed or tax assessment paperwork. Multiply the number of acres by 43,560 to obtain the total square feet (s.f.) of the lot.

0.79 ac. 34,412 s.f.

PROPOSED	<i>multiply</i>	<u>Dimensions</u>		<u>Square Feet</u>
2. House		48 ft x 57.6 ft		<u>2765</u>
3. Attached Garage		30 ft x 30 ft		<u>900</u>
4. Attached PORCH		12 ft x 40 ft		<u>480</u>
5. Driveway (including stone)		_____ ft x _____ ft		<u>1877</u>
6. Sidewalk/Patio		4 ft x 46.5 ft		<u>186</u>
7. Detached Garage(s)		_____ ft x _____ ft		_____
8. Decking (not attached to house)		_____ ft x _____ ft		_____
9. Shed(s) or other accessory buildings		_____ ft x _____ ft		_____
10. Pool (including surrounding concrete deck)		_____ ft x _____ ft		_____
11. Barn(s)		_____ ft x _____ ft		_____
12. Other _____		_____ ft x _____ ft		_____
13. Total Existing Lot Coverage (add lines 2-12)				<u>6208 s.f.</u>
14. Total % of Proposed Lot Coverage <i>ded by line 1, then multiply by 100)</i>				<u>18 %</u>

PROPOSED (Identify structure, i.e., addition, deck, garage, etc.)		<u>Dimensions</u>		<u>Square Feet</u>
15. _____		_____ ft x _____ ft		_____
16. _____		_____ ft x _____ ft		_____
17. Total Proposed Lot Coverage (add lines 15 & 16)				<u>s.f.</u>
18. Total Coverage in s.f. – existing & proposed (add lines 13 & 17)				<u>s.f.</u>
19. Total % Lot Coverage (line 18 divided by line 1, then multiply by 100)				<u>%</u>
20. Total % Lot Coverage permitted (provided on Page 2 of the application directions)				<u>15 %</u>
21. Total Coverage in s.f. – permitted (multiple line 20 by line 1)				<u>5,162 s.f.</u>

Lot Coverage is a percentage of the lot area which may be covered with an impervious surface. An **impervious surface** is made of materials which prevent the percolation of water into the ground. These materials include semi-impervious materials such as gravel stone and block. Examples of surfaces that should be included in lot coverage are buildings, driveways, parking areas, sidewalks, concrete pads, etc.

**SECTION 3
REQUEST FOR VARIANCE
(REFER TO ZONING ORDINANCE SECTION 490-143.C)**

Applicant must provide the following information:

- Name of specific sections in Zoning Ordinance for which Variance is requested:

490-12/490-13 Rural Agricultural Zone: Maximum Lot Coverage, Required Setbacks

- Brief description of nature of Variance requested:

Rural Agricultural setbacks are too restrictive for this size lot.

See attached proposed plan.

Maximum Lot Coverage: From Rural Agricultural of 15% to proposed 18%.

See attached Lot Coverage Worksheet.

- A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- Ground floor elevations of existing and/or proposed structures (excluding residential structures).
- Names and addresses of adjoining property owners, including property owners directly across a public right-of-way.
- If it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant due to unique physical circumstances or conditions peculiar to the property, then briefly explain or describe:
 - A. The nature of the unique physical circumstances or conditions peculiar to the property in question and not shared by other properties in the vicinity:

The lot is irregular shaped for 0.79 acre property. Most properties in the area are more rectangular shaped and had homes built prior to the subdivision of the property and the re-zoning to "Rural Agricultural".

- B. Why there is no possibility that the applicant can develop or make reasonable use of the property in strict conformity with the provisions of the Zoning Ordinance:

Because of the large setbacks required and max. lot coverage required in the "Rural Agricultural Zone", presently the lot is unbuildable.

C. Why the unnecessary hardship has not been created by the applicant:

Property was subdivided prior to the present "Rural Agricultural Zone" for the area was adopted.

D. Why the Variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare:

The neighborhood is a nice residential area. Building on this lot will have not affect on the surrounding lots, except to possible raise their value.

E. Why the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue:

Granting a variance for this property, will allow a home to be built which is continuing the original intended use of this property. Relief is being requested to continue the original intended use for a residence.

F. How the Variance, if within the Floodplain Overlay Zone, will comply with the Section 490-19 of the Zoning Ordinance:

Except for a very small portion of the lot to east, the buildable zone is not within the Floodplain Overlay Zone.

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

See attached authorization from the owner to file a variance.

* Signature

Date

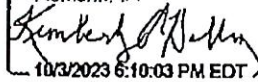
* If other than property owner, authorization from owner to sign must be attached.

October, 2, 2023

To whom it may concern at Hellam Township:

I Kimberly A Bucher NKA Kimberly A Willing give Steven R. Morre per mission to apply for a variance for the property I own located at 1250 Shore Lane Wrightsville PA 17368. If you have any questions or concerns you can reach me at (717) 826-5411 or Kimberlywilling@gmail.com.

Sincerely,

AuthentiSign

10/3/2023 5:10:03 PM EDT

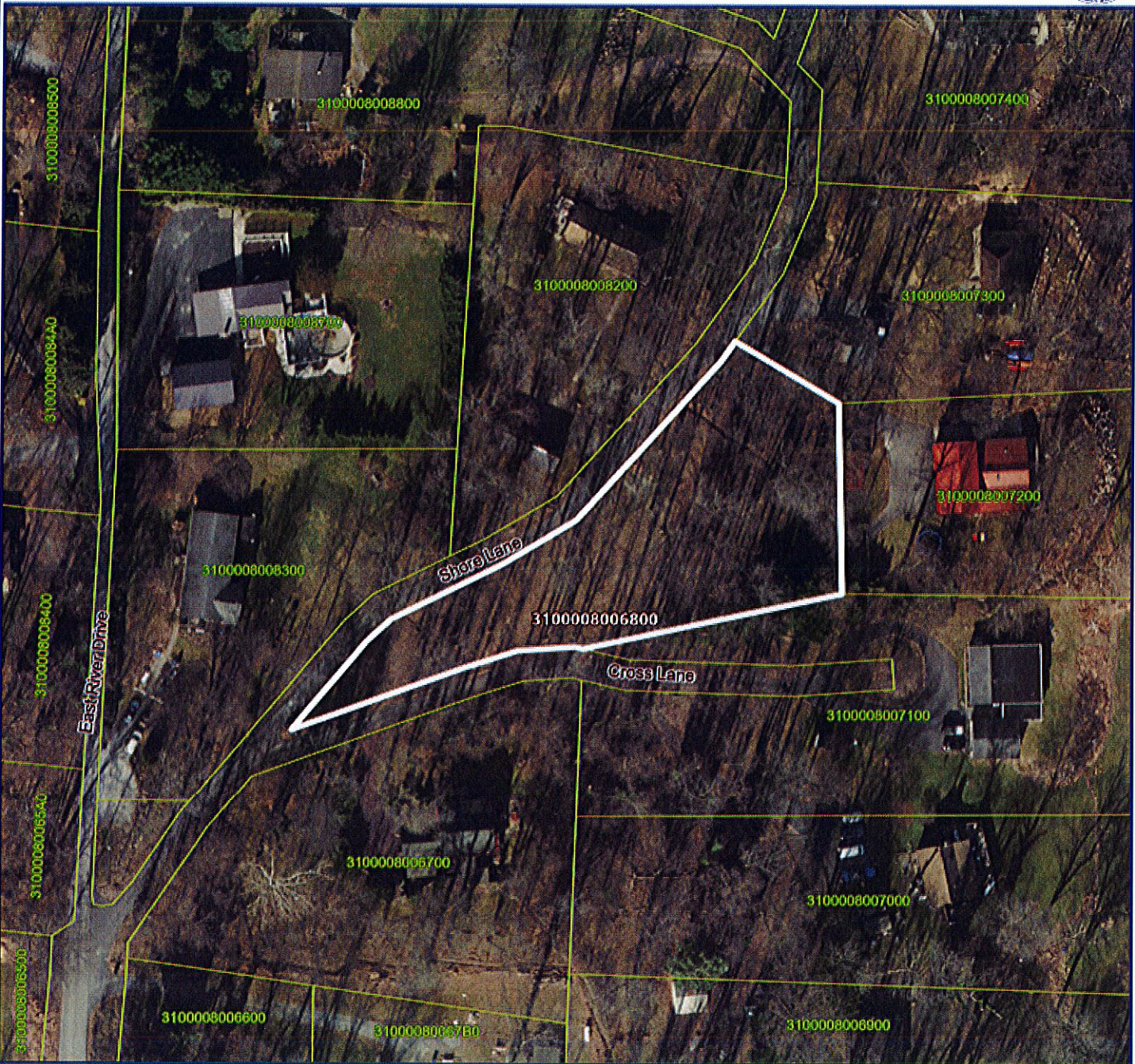
10/03/2023

Kimberly A Willing

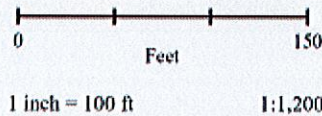
B



Parcel - 31000080068000000



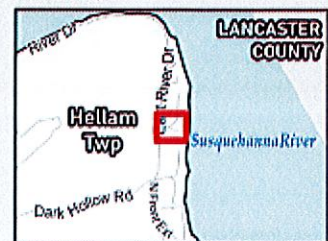
Owner - BUCHER KIMBERLY A NKA KIMBERLY A WILLING
Property Address - 1250 SHORE LN
Tax Municipality - Hellam Twp
School District - Eastern School District
Class - Residential
Land Use - R - Residential Vacant Land
Acres - 0.787
Assessed Land Value - \$ 34,110
Assessed Building Value - \$ 0
Assessed Total Value - \$ 34,110
Sale Date - Aug. 30, 2004
Sale Price - \$ 26,500
Deed Book - 1673, Page 6340



Legend

- Selected Parcel
- Parcels
- Municipal Boundary

Inset Map



Layers should not be used at scales larger than 1:2400 (Note: Pixilation will occur at scales 1" = below 200 Ft.)

Mapping Provided by:



Aerial Photography - 2021

Last Updated: 12/22/2022



Disclaimer:
 The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information service. The Data is not a legally recorded plan, survey, official tax map, or engineering schematic and should be used for only general information. Reasonable effort has been made to ensure that the Data is correct; however, the Commission does not guarantee its accuracy, completeness, timeliness. The Commission shall not be liable for any damages that may arise from the use of the Data.

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of November 9, 2023**

The meeting was called to order at 6:00 PM by Chairman Devin Winand. The meeting was held at the Hellam Township Municipal Building. Chairman Winand led the Pledge of Allegiance. Other members present were John Kokiko, Michael Shillott, Steve Fetrow, John Eifert, and Fred Owens. Other attendees included Corina Mann, Township Manager, and Jason Test, Zoning Officer.

Minutes Approval:

Upon a motion by Mr. Shillott and seconded by Mr. Eifert, the minutes from the October 26, 2023 meeting were approved with corrections. Motion carried 6-0.

New-Business:

Z-2023-14: Variance 1250 Shore Ln

Steven Moore presented his variance application to the Planning Commission. During this discussion Mr. Moore had a question concerning the setback distances on the plans. It was explained to him that he could not have any setbacks closer than what are documented on his application. Mr. Moore stated that he understood. It was also noted that Mr. Moore had reduced the overall lot coverage from his previous application.

Mr. Moore asked why no dimensions were provided for the driveway and Mr. Moore answered that due to the shape it is difficult to provide line measurements. He stated that he used a CAD program which provided the area measurement for the proposed area.

Mr. Shillott made a motion to approve application Z-2023-14 for 1250 Shore Ln. Mr. Owens seconded and the motion passed 6-0.

On-going Business:

Solar Ordinance Amendment:

Mr. Shillott reviewed the updated Solar Survey. It requested that the Board of Supervisors complete the survey prior to the November 16, 2023 Board of Supervisors Meeting. Mr. Shillott is attending the meeting to discuss the survey with the Board of Supervisors.

The Planning Commission members were asked to complete the BOS survey and have their completed surveys to the Zoning Officer by November 15, 2023 and Mr. Shillott will collect the survey. It was also suggested that spouses/significant others could complete the resident survey.

Mr. Fetrow asked Supervisor Otterbein for direction on the proposed ordinance. Supervisor Otterbein stated that the current ordinance should be reviewed and potentially updated due to advancements in technology and practices concerning solar power generation. Supervisor Otterbein stated that the current

effort has not been in vain and that the survey will help determine if updating the solar ordinance is necessary.

Mr. Shillott then provided information on agrivoltaics and that this practice is relatively young in the United States and that the practices continue to evolve. Mr. Shillott stated that the Penn State Extension is currently conducting a survey concerning agrivoltaics.

Typical Flow for Ordinance Crafting:

Mr. Shillott reviewed the typical flow chart. There was a discussion on the number of steps provided in the flow chart. There was also a discussion of the order of the steps in the flow chart, specifically when a survey should be present to the public. Supervisor Otterbein stated that the survey should be generated with input from the Staff and the Planning Commission and that there is no need for Board of Supervisors approval. Mr. Shillott and Ms. Mann are going to work together to streamline the flow chart and ensure that the steps are in the correct order.

It was agreed that the public needs to be educated on a proposed ordinance, but the question remained of how much education should be provided and how that would be delivered. There was a discussion on increasing the Township's social media presence and how this could be used to disseminate information to the public.

State of the Township:

No discussion on this topic

Correspondence/Reports

Ms. Mann provided information on the Comprehensive Plan. She said that the first meeting will be scheduled sometime after January 2024. Ms. Mann stated that the meeting had not been scheduled due to the recent elections.

Information was provided concerning the recent stakeholder meeting concerning the Riverlands Park. Ms. Mann and Supervisor Otterbein attended a recent meeting and they provided information that the master plan is currently being drafted for the Riverlands Park. Supervisor Otterbein said that she provided feedback that communication needs to improve between the park and the municipality.

Supervisor Otterbein said that a public meeting for the Riverlands Park is to be scheduled in February 2024.

The next Planning Commission meeting is scheduled for December 7, 2023

Meeting adjourned at 7:39 PM

Respectfully submitted,

Jason Test, Zoning Officer