



# Hellam Township Planning Commission Variance Application Briefing

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<b>Application Number:</b>	Z-2024-04	<b>PC Meeting Date:</b>	June 13, 2024
<b>Applicant(s):</b>	Rexroth Limited Partnership LLC	<b>Tax Map Parcel:</b>	LL-47
<b>Property Owner(s):</b>	Rexroth Limited Partnership LLC	<b>Lot Size:</b>	50.6 Acres
<b>Property Location:</b>	Lincoln Highway near Blessing Ln	<b>Zoning:</b>	Rural Agricultural

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**Project Narrative:**

The applicant is requesting a variance from the following:

§490-12(F) Lot Area Requirements

Applicant wants to subdivide the parcel. The area that is to be subdivided from the parent track is located at Cool Springs Rd and Schimmel Ln. The piece of the property was separated from the majority of the parcel when Route 30 was constructed.

Attached Exhibits:

- A. Zoning Hearing Application received June 3, 2024
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**Property Characteristics:**

1. The subject property contains about 50.6 acres located in the Rural Agricultural Zone.
2. The majority of the subject parcel is used for agriculture
3. The area to be subdivided is separated from the parent tract. This occurred when Route 30 was constructed creating what is often called a de facto subdivision. The separated property is unimproved and vacant.
4. The subdivided parcel is approximately 1.1 acres
5. Adjacent properties:

	Use	Zoning
North	Route 30	RA
South	Residential	RA
West	Event Venue/Agriculture	RA
East	Commercial	C/I

**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.** The property is uniquely affected by the construction of a major highway, Route 30, which bisected the parcel creating the smaller tract of land separate from the majority of the parcel
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.** The orphaned parcel

cannot be used for agriculture because it is too small and remote. It is adjacent to other residential use tracts

3. **Why the unnecessary hardship has not been created by the applicant.** The unnecessary hardship was not created by the applicant. The hardship was created by Penn-DOT during the construction of Route 30.
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.** The parcel is adjacent to similarly small properties. The properties have residences on them.
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 requested variance is limited to adjustments necessary to accommodate the unique situation created by Penn-DOT during the construction of Route 30. There are no characteristic changes to the zone or the land around it
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** The parcel is not located in the floodplain

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***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.***



Noah C. Yeagley  
nyeagley@cgalaw.com  
Ext. 187

May 30, 2024

Hellam Township  
35 Walnut Springs Road  
York, PA 17406

Re: **Rexroth Limited Partnership Variance**

Dear Hellam Township Zoning Board:

Enclosed please find Rexroth Limited Partnership's application for a variance to the Hellam Township Zoning Hearing Board.

The variance we request will allow a section of the Rexroth parcel (31-LL-47) (the "Parcel"), which would be less than the required 2.0 acres, to be separated from the main parcel. We firmly believe that granting this variance would align with the broader interests of the community by allowing the small section of the parcel to be used as residential, in line with the other parcels immediately surrounding it. This section has no real agricultural use due to its size and proximity to a major highway.

We are fully committed to working collaboratively with the Township Zoning Hearing Board to ensure that this request is thoroughly evaluated and that any concerns are addressed comprehensively. Additionally, we are more than willing to provide any further information or clarification that the Board may require during the review process. We are confident that the Board will recognize the merit of our application and grant the variance accordingly.

Thank you for considering our request. Please do not hesitate to contact me at (717) 848-4900 ext. 187 or nyeagley@cgalaw.com if you require any further information or if there are any additional steps we should take in this process.

Sincerely,

/s/ Noah C. Yeagley





## HEARING APPLICATION & INSTRUCTIONS

An "APPLICATION FOR HEARING" form must be filled out completely and filed with the Township Zoning Officer for a hearing.

- 1) The Township strongly encourages scheduling a pre-application meeting with the Zoning Officer prior to submitting an application.
- 2) Only completed applications will be scheduled for a hearing. A completed application will be typed or written ink, legible and contain the following:
  - a) **Application (12 copies required):**
    - i) Complete all information for each item in sections A, B, C, and D on page 2 of the application.
    - ii) Complete the appropriate section(s) (1, 2, 3, or 4) depending on your request. **DO NOT LEAVE ANY INFORMATION BLANK.**
    - iii) The property owner must sign and date the appropriate section(s) of the application. If the applicant is using a representative, a signed letter must be attached indicating the right of the representative to make decisions for the property owner.
  - b) **Site Plan (12 copies required):**
    - i) Location and use of open spaces and structures and other improvements on the lot. Identifying required and existing setbacks, dimension of buildings, and lot coverage.
    - ii) The names, widths, and right-of-way of abutting streets and highways.
    - iii) Proposed off-street parking and loading areas, access drives, and walks.
    - iv) It is preferred to have a plan size no larger than 11" x 17". Larger plans may be submitted, but reduced copies must also be provided.
    - v) No rolled plans will be accepted.
  - c) **Additional information (12 copies required):**
    - i) Building plans, ground floor plans and elevations of existing and/or proposed (if applicable).
    - ii) Photographs showing site conditions.
  - d) **Names and addresses of adjoining property owners**, including properties across a public right-of-way and cater-corner from the property.
  - e) **Filing fee (this must be paid at the time of filing the application).**
    - i) An Appeal, Special Exception, Conditional Use or Variance is \$500.00. Each additional variance request for the same property is \$100.00. Up to a maximum of \$750.00.
    - ii) A Curative or Zoning Amendment is \$750.00
    - iii) Sign deposit of \$200 per sign. This will be returned to you as long as the signs are returned to the Township.
    - iv) The fee will be returned only if the Application for Hearing is withdrawn within twenty-four (24) hours of submission.
    - v) These fees help to offset the cost of required notifications.
- 3) Once all items are complete, the applicant will be notified of the scheduled hearing date.
  - a) The Planning Commission meets on the 2<sup>nd</sup> Thursday of the month at 6:00 pm.
  - b) The Zoning Hearing Board meets on the 4<sup>th</sup> Tuesday of the month at 6:00 pm.
  - c) The Board of Supervisors meets on the 1<sup>st</sup> and/or 3<sup>rd</sup> Thursday of the month at 6:30 pm.







**APPLICATION FOR HEARING**

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

A. APPLICANT'S NAME: Roxroth Limited Partnership ATTN: James Roxroth  
 ADDRESS: 1742 Winters Rd. Windsor, PA 17366  
 PHONE NUMBER: 717-244-4428 EMAIL ADDRESS jim@roxrothfarms.com

B. PROPERTY OWNER'S NAME  
 (If different than applicant): \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PHONE NUMBER: \_\_\_\_\_

C. CONSULTANT'S NAME  
 (If different than applicant): Timothy J. Bupp, CGA Law Firm  
 ADDRESS: 135 N. George St York, PA 17401  
 PHONE NUMBER: 717-864-8969 ext. 181 EMAIL ADDRESS tbupp@cgalaw.com

D. Tax Map: LL Parcel: 31-LL-47 Zoning District: Eastern S.D.  
 Property Address: Lincoln Highway  
 Date purchased: 02/08/2023  
 Lot size: acreage 50.6 - or - \_\_\_\_\_ sq. ft.  
 Present use: F - Vacant Agriculture  
 Proposed use: F - Vacant Agriculture / Residential  
 Date of previous application (if any): \_\_\_\_\_

- E. Please choose the following:
- |  |   |   |
|--|---|---|
| <input type="radio"/> APPEAL<br>(Refer to Section 1) | <input type="radio"/> CONDITIONAL USE<br>(Refer to Section 2)   | <input checked="" type="radio"/> VARIANCE<br>(Refer to Section 3)                     |
|  | <input type="radio"/> SPECIAL EXCEPTION<br>(Refer to Section 2) | <input type="radio"/> OTHER - Curative or<br>Zoning Amendment<br>(Refer to Section 4) |





SECTION 2

REQUEST FOR SPECIAL EXCEPTION  
(REFER TO ZONING ORDINANCE SECTION 490-143.B)

OR

REQUEST FOR CONDITIONAL USE  
(REFER TO ZONING ORDINANCE SECTION 490-152)

Applicant must provide the following information:

- Name of specific sections of the Zoning Ordinance under which application is being filed:

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- Brief description of proposed use:

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- Attach scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance. For Conditional Use applications for residential uses, show those areas of a lot or lots that can be built upon, in lieu of actual building placement.
- Ground floor plans and elevations of any proposed structures (excluding residential structures).
- Attach list of names and addresses of adjoining property owners including properties across a public right-of-way.
- Give a brief explanation of how the proposed use will:
  - A. Comply with all applicable provisions and be consistent with the purpose and intent of the Zoning Ordinance:

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- B. Not detract from the use and enjoyment of adjoining or nearby properties:

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- C. Not substantially change the character of the subject property's neighborhood:

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D. Have adequate public facilities available to serve the proposed use (e.g., schools, fire, police, and ambulance protection; sewer, water, and other utilities; vehicular access, etc.)

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E. Comply with requirements for development within the Floodplain Overlay Zone listed in Section 490-12 of the Zoning Ordinance:

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F. Comply with those criteria specifically listed in Article 4 and all other applicable regulations contained in the Zoning Ordinance:

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G. Not substantially impair the integrity of the Township's Comprehensive Plan:

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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.

\_\_\_\_\_  
\* Signature

\_\_\_\_\_  
Date

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

**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:

Section 490-12(E): Lot Area Requirements, which requires lots in this zone to be 2.0 to 2.5 acres.

- Brief description of nature of Variance requested:

A variance is needed so that a piece of the current parcel, which has been separated from the main parcel due to the construction of Route 30 in the late 1960's, can be separated from the main parcel.

- 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:

This minor piece of the property has been made inaccessible to the owner because of a major highway separating it. The small piece is not enough on its own because it is on the other side of a major highway.

- 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:

This orphaned parcel cannot be used for agriculture along with the main tract because it is too small and remote. It is adjacent to other residential-use tracts.



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

The separation was caused by Penn DOT condemnation, creating what is often called a de facto subdivision.

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 parcel is adjacent to and access from other similarly small properties which have residential use.

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:

No simpler way exists to divide off this small section of land than to issue the variance, and it changes no characteristics of the zone or land around it.

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

This property 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.

\_\_\_\_\_  
\* Signature

\_\_\_\_\_  
Date

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

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

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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:

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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:

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

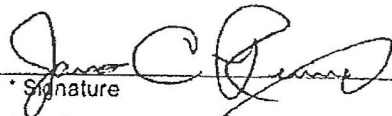
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I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

  
\* Signature

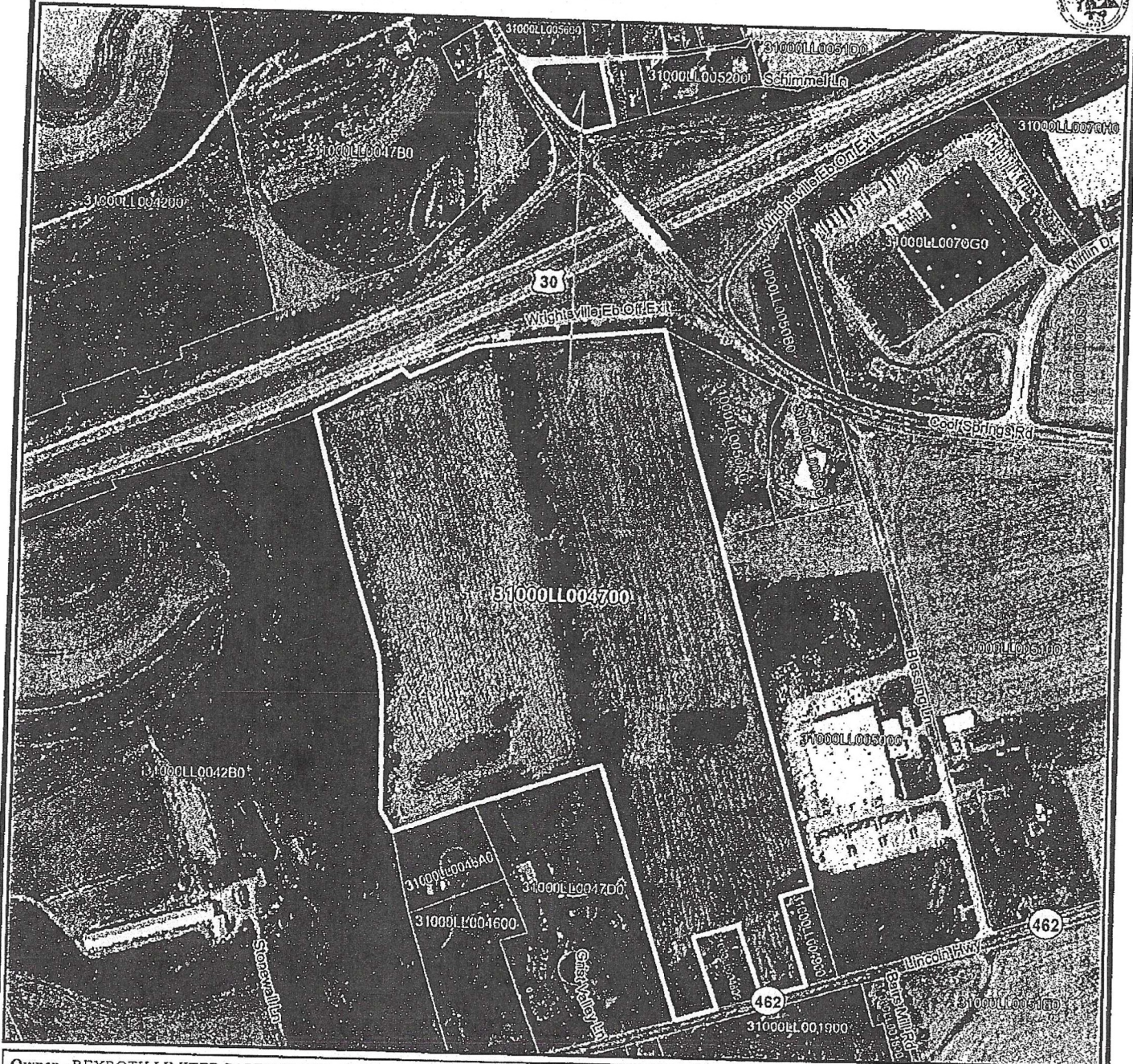
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\* If other than property owner, authorization from owner to sign  attached.

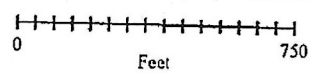




# Parcel - 31000LL0047000000

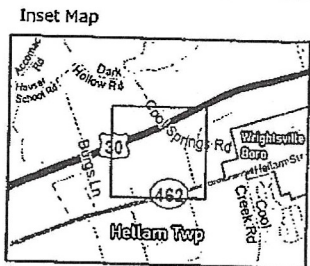


**Owner - REXROTH LIMITED PARTNERSHIP ATTN: JAMES C REXROTH**  
**Property Address - LINCOLN HWY**  
**Tax Municipality - Hellam Twp**  
**School District - Eastern School District**  
**Class - Farm**  
**Land Use - F - Vacant Agricultural**  
**Acres - 50.6**  
**Assessed Land Value - \$ 30,250**  
**Assessed Building Value - \$ 0**  
**Assessed Total Value - \$ 30,250**  
**Sale Date - Feb. 02, 2023**  
**Sale Price - \$ 607,000**  
**Deed Book - 2767, Page 4486**



1 inch = 500 ft 1:6,000

- Legend**
- Land Joins
  - Selected Parcel
  - Parcels
  - Municipal Boundary



Layers should not be used at scales larger than 1:2400 (Note: Pixilation will occur at scales 1" = below 300 Ft.)

Mapping Provided by  
**YPCP**  
 YORK COUNTY  
 PLANNING  
 COMMISSION

Aerial Photography - 2021  
 Last Updated: 2/20/2024

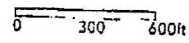
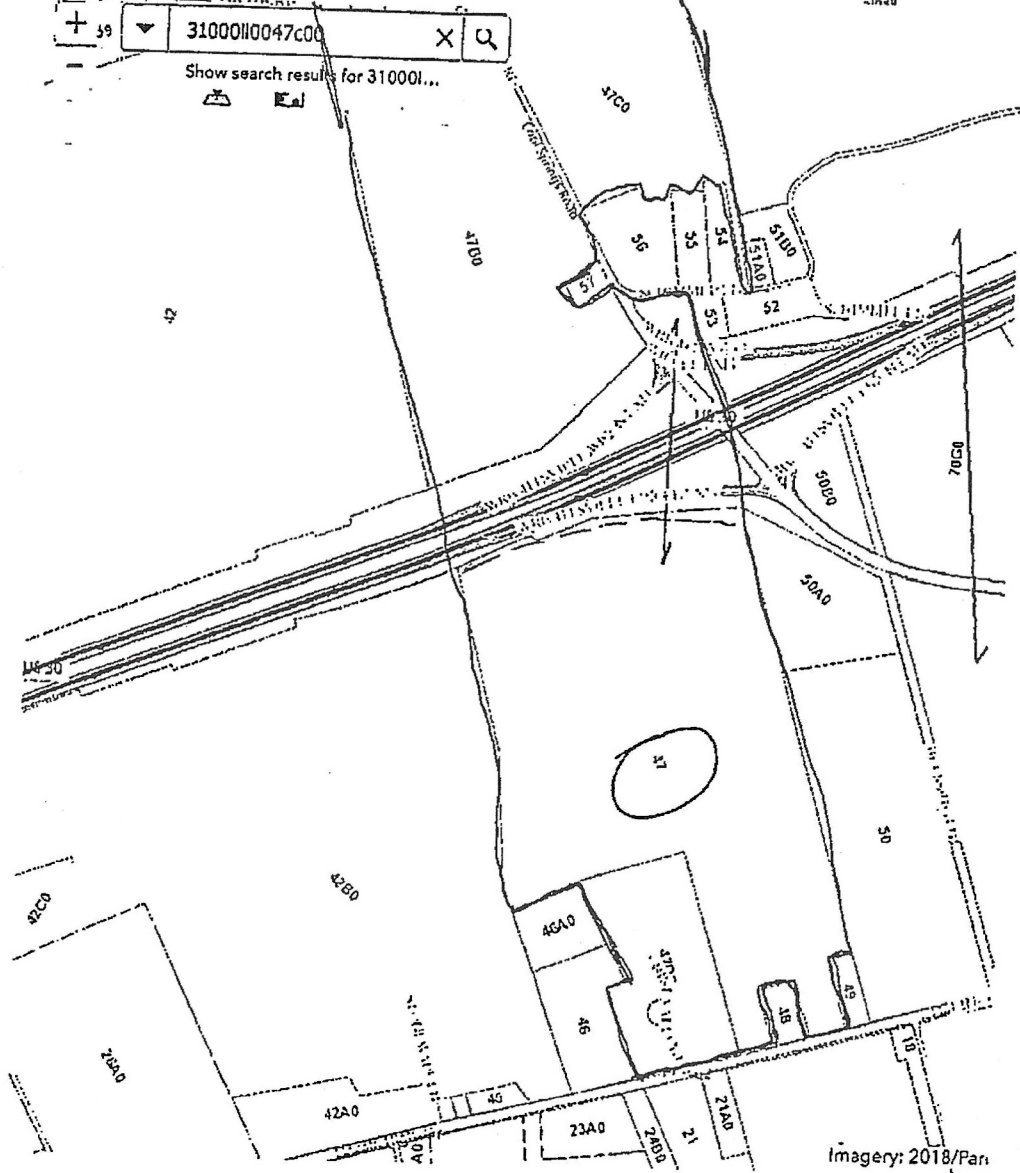


**Disclaimer:**  
 The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information service. The Data is not a legally recorded plan, survey, official tax map, or engineering schematic and should be used for only general 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.



York County Property Viewer

Show search results for 310001...



-78.556 40.032 Degrees

Imagery: 2018/Pan

31-LL-47

ONLINE TAX MAP

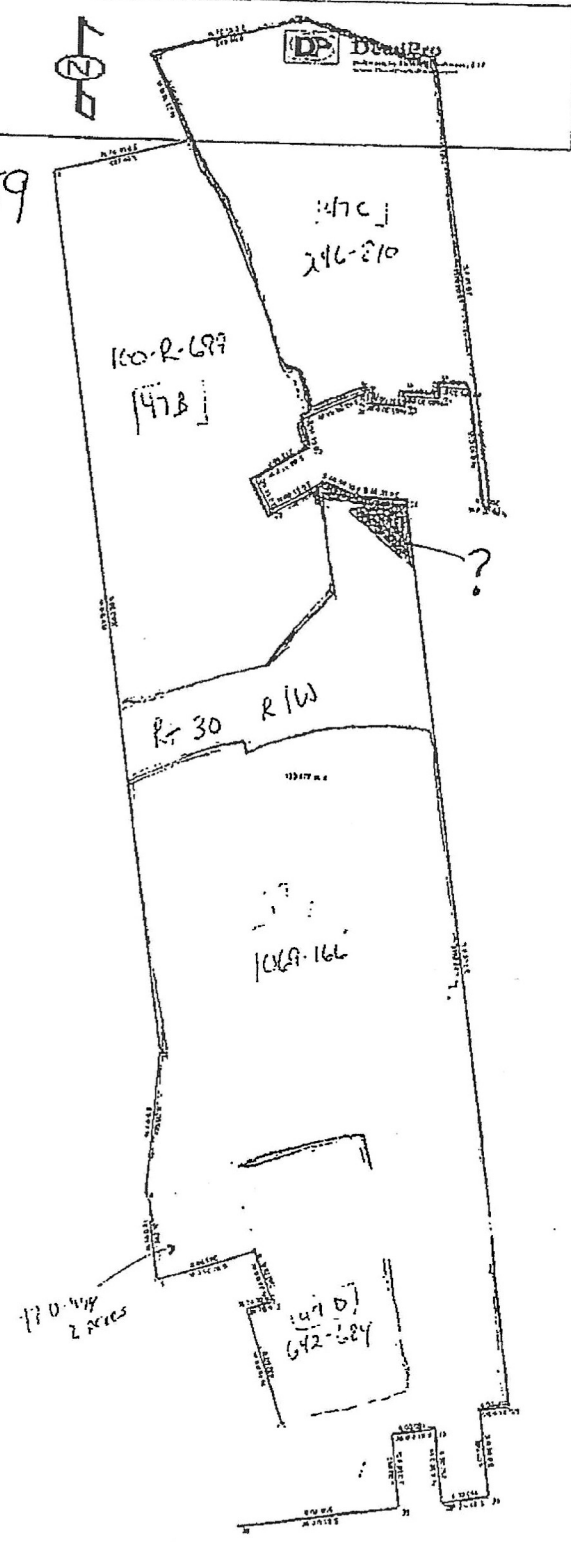
County: 1" = 400 R  
 Date:  
 Page:  
 Tract:  
 User:



84-V-959

Parcel 1  
 Area: 122.877 acrs  
 Perimeter: 15443.33 ft  
 Closing: NE 20 Csg, 38 1/2 Rn, 5 Sec  
 Closing Distance = 374.74 ft  
 Closing Error = 2.43 %

CALLS	BEARING	DISTANCE
1	NW 19 0 0	432.00
2	NE 74 30 0	84.70
3	NW 23 0 0	190.70
4	SW 70 25 0	343.50
5	NW 10 0 0	342.10
6	NE 4 0 0	495.00
7	NW 9 0 0	3080.50
8	NE 76 30 0	487.40
9	NW 25 30 0	330.00
10	NE 77 15 0	849.50
11	SE 78 45 0	482.00
12	SE 9 45 0	1570.93
13	NW 85 30 0	20.99
14	NW 8 45 0	409.00
15	NW 85 30 0	104.00
16	SE 3 36 0	42.77
17	NW 45 30 0	125.00
18	SE 3 35 0	40.00
19	NW 85 30 0	134.00
20	NE 2 29 0	40.00
21	SW 63 29 50	246.17
22	SE 18 38 30	100.00
23	SW 60 15 0	218.99
24	SE 29 45 0	125.00
25	NE 60 18 0	268.50
26	SE 89 59 30	119.79
27	SE 85 30 0	176.50
28	SE 8 30 0	3192.70
29	SW 81 0 0	100.00
30	SE 8 30 0	300.00
31	SW 81 0 0	163.00
32	NW 8 30 0	250.00
33	SW 81 0 0	183.00
34	SE 8 30 0	250.00
35	SW 81 0 0	558.70





County: 1" = 400 R  
Deed:  
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User:

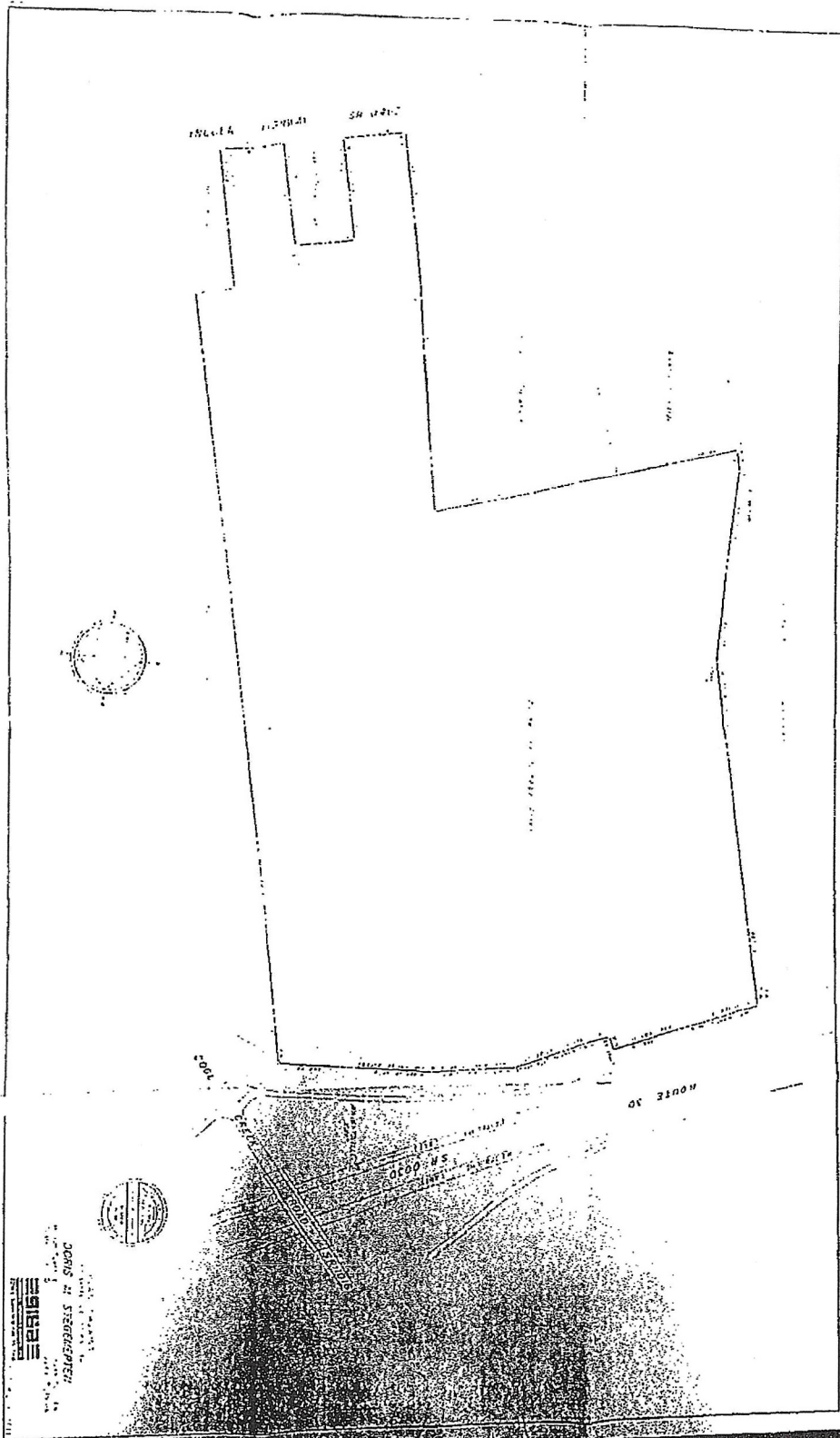


Parcel 1  
Area: 0.810 acre  
Perimeter: 1145.17 ft  
Closing Distance = 0.04 ft  
Closing Error = 0.00 %

CALLS	BEARING	DISTANCE
1 2	SE 88 50 30	119.79
2 3	SE 85 30 0	178.50
3 4	SE 8 30 0	230.00
4 5	NW 53 0 0	320.00
5 6	NE 69 0 0	59.00
6 7	NE 4 20 0	9.00
7 8	NW 85 30 0	150.00
8 9	NW 20 34 0	38.00
9 10	NE 69 20 0	44.88

Area still owned  
by  
G.J. Stegemerten  
Doris May Stegemerten  
PART of 84-V-959



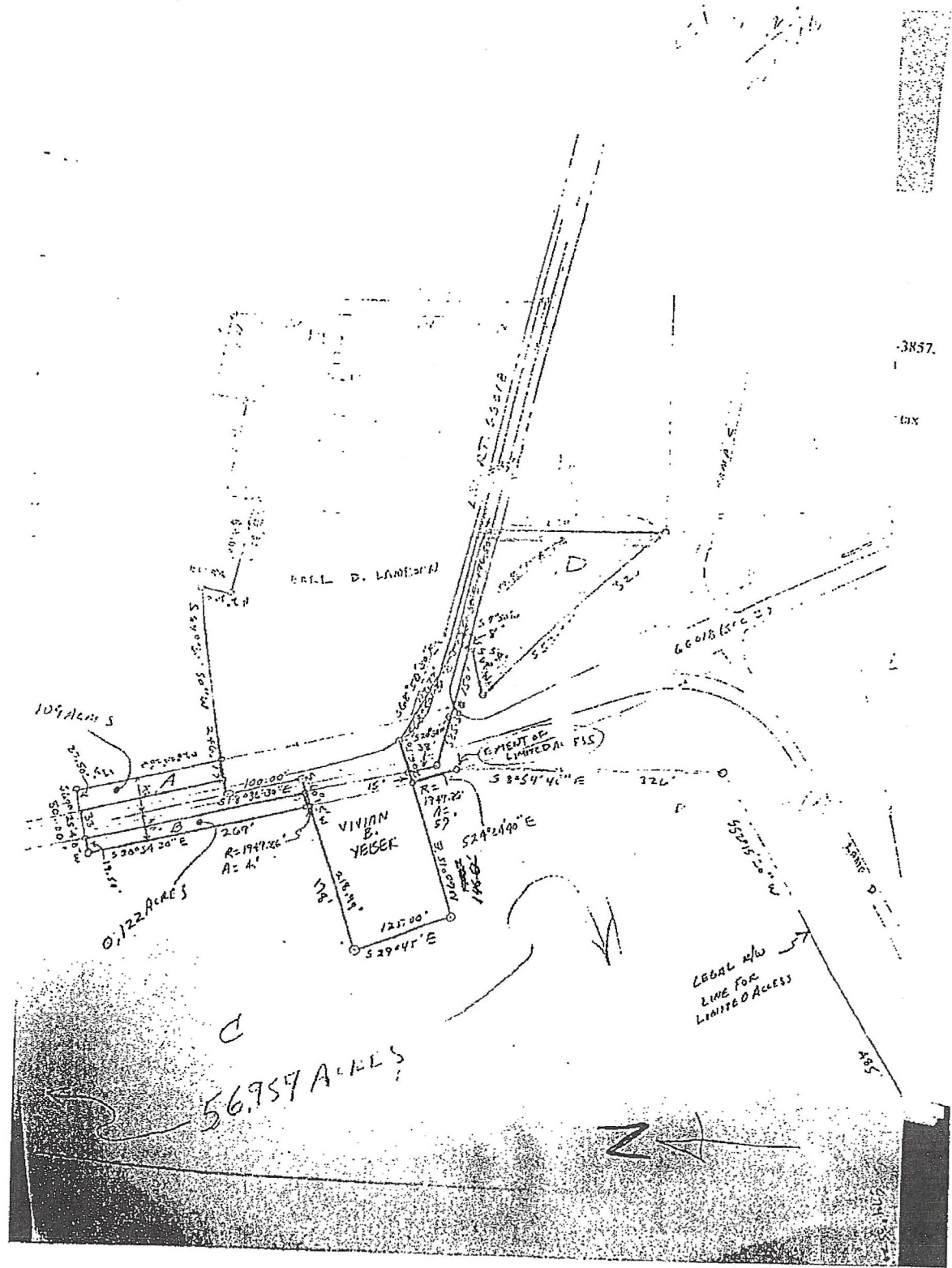


**ERISE**  
DOMS AT STEREOGRAPHY  
1214 1/2 W. 10th St.  
Wichita, Kansas 67202  
Tel. 620-261-1111

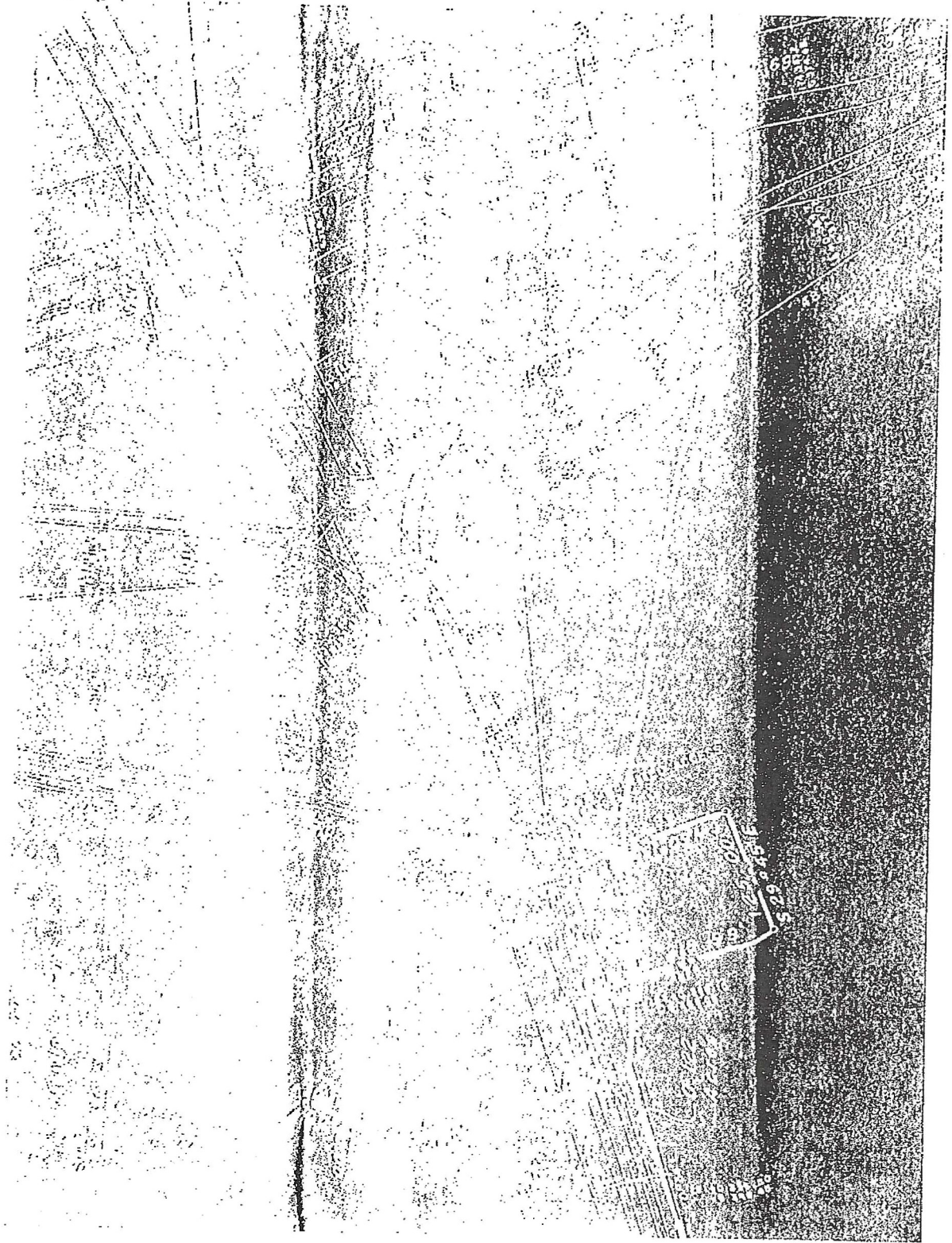
STATE NOTARY

3857

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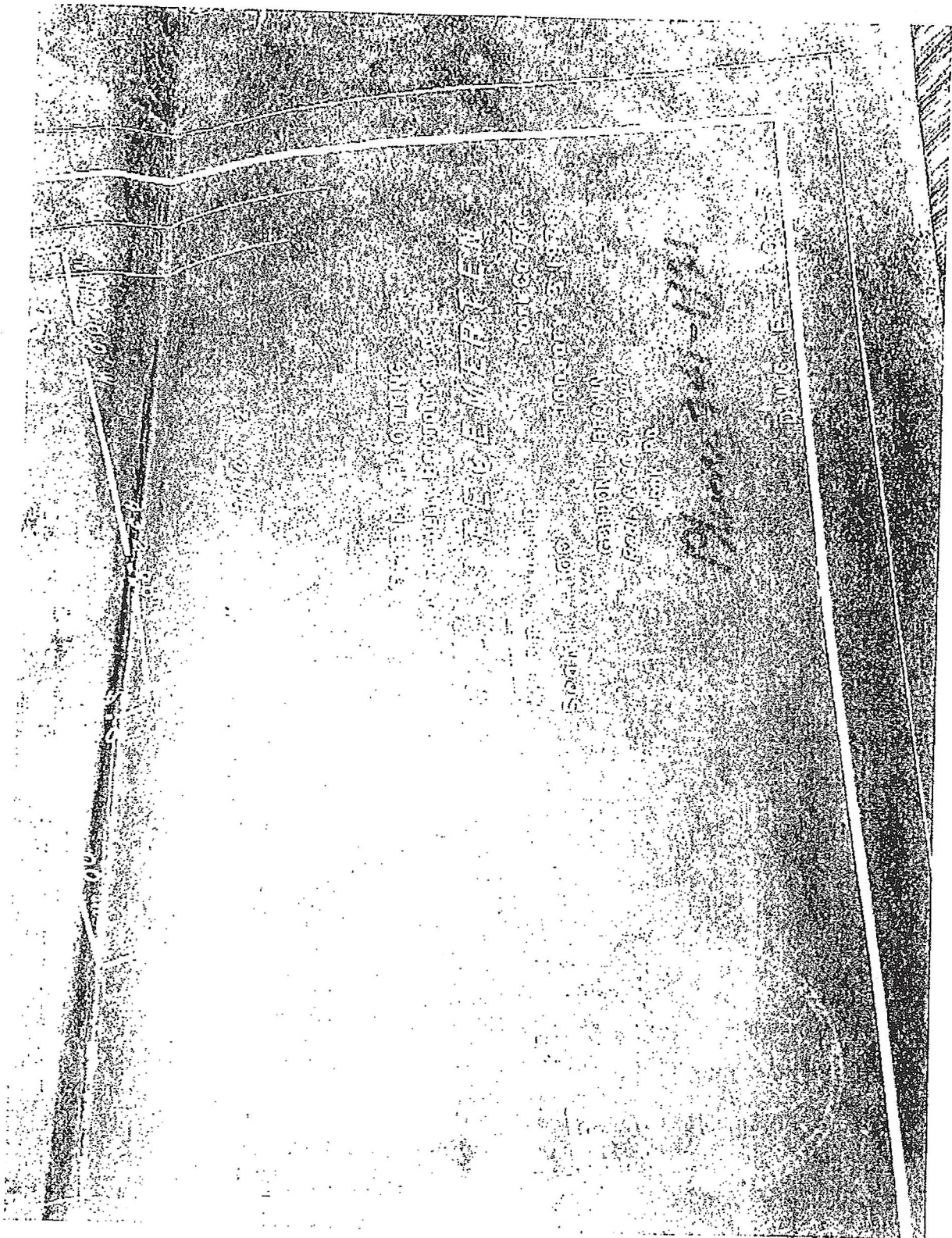


695  
27

1957-07  
\$29.45

695





STREET ADDRESS  
M. G. E. G.  
1911

STREET ADDRESS  
M. G. E. G.  
1911

1911

M. G. E. G.

Adjoiners to Rexroth Limited Partnership Parcel: 31-000-LL-0047.00-00000

- 1) Parcel 31-000-LL-0056.00-00000: 6559 Schimmel Lane  
Owners: Donald E. & Shelby A. Blessing  
Mailing address:  
6559 Schimmel Ln  
Wrightsville, PA 17368
  
- 2) Parcel 31-000-LL-0055.00-00000: 6571 Schimmel Lane  
Owners: Kenneth A. & Kimberly R. Herbst  
Mailing address:  
6571 Schimmel Ln  
Wrightsville, PA 17368
  
- 3) Parcel 31-000-LL-0053.00-00000: 6574 Schimmel Lane  
Owners: Robert A. & Tammy M. Mitzel  
Mailing address:  
6574 Schimmel Ln  
Wrightsville, PA 17368
  
- 4) Parcel 31-000-LL-0047.B0-00000: 529 Cool Springs Road  
Owners: Ellsworth E. Lehman, Jr.  
Mailing address:  
529 Cool Springs Road  
Wrightsville, PA 17368
  
- 5) Parcel 31-000-LL-0047.B0-T0001: 529 Cool Springs Road  
Owners: American Tower Corp. Attn: Property Tax Dept.  
Mailing address:  
American Tower Corp.  
Attn: Property Tax Dept.  
PO BOX 723597  
Atlanta GA 31139

6) Parcel 31-000-LL-0057.00-00000: 473 Cool Springs Road

Owners: Amanda K. & Adam L. Almoney

Mailing address:  
473 Cool Springs Road  
Wrightsville, PA 17368

7) Parcel 31-000-LL-0050.A0-00000: 351 Cool Springs Road

Owners: PTV XXV LLC

Mailing address:  
400 Penn Center Blvd  
Bldg 4 Ste 1000  
Pittsburgh PA 15235-5609

8) Parcel 31-000-LL-0050.00-00000: 6287 Lincoln Highway

Owners: SWF Realty LLC

Mailing address:  
6287 Lincoln Hwy  
Wrightsville PA 17368

9) Parcel 31-000-LL-0049.00-00000: 6275 Lincoln Highway

Owners: Timothy Z. & Cathy A. Keller

Mailing address:  
6275 Lincoln Hwy  
Wrightsville PA 17368

10) Parcel 31-000-LL-0019.00-00000: 6260 Lincoln Highway

Owners: Nancy C. Motter a/k/a Nancy S. Cook

Mailing address:  
6260 Lincoln Hwy  
Wrightsville PA 17368

**11) Parcel 31-000-LL-0048.00-00000: 6247 Lincoln Highway**

**Owners: Dylan B. Barto & Galia M. Nikolov**

Mailing address:  
6247 Lincoln Hwy  
Wrightsville PA 17368

**12) Parcel 31-000-LL-0047.D0-00000: 6219 Lincoln Highway**

**Owners: Jeffrey A. & Patricia S. Nadu**

Mailing address:  
21 Chateau Circle  
Wrightsville PA 17368

**13) Parcel 31-000-LL-0046.A0-00000: Lincoln Highway**

**Owners: Kyle J. & Lisa R. Schopf**

Mailing address:  
6163 Lincoln Hwy  
Wrightsville PA 17368

**14) Parcel 31-000-LL-0042.B0-00000: 6141-6143 Lincoln Highway**

**Owners: Brian E. & Laurie L. Lehman**

Mailing address:  
6141-6143 Lincoln Hwy  
Wrightsville PA 17368