



**Hellam Township
Zoning Hearing Board
Meeting Agenda
July 23, 2024
6:00 P.M.**

1. Opening Agenda

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

2. New Business

- A. **Z-2024-04:** Rexroth Limited Partnership, Lincoln Highway (LL-47), Variance Request

3. Old Business

4. Next Hearing:

- A. August 27, 2024

5. Adjournment



2A

Hellam Township Zoning Hearing Board Variance Application Briefing

Application Number:	Z-2024-04	Zoning Hearing Date:	July 23, 2024
Applicant(s):	Rexroth Limited Partnership LLC	Tax Map Parcel:	LL-47
Property Owner(s):	Rexroth Limited Partnership LLC	Lot Size:	50.6 Acres
Property Location:	Lincoln Highway near Blessing Ln	Zoning:	Rural Agricultural

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
 - B. Planning Commission Meeting Minutes Dated June 13, 2024
-

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 acre
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

Planning Commission Recommendation

The Planning Commission reviewed this application at its meeting on June 13, 2024. There was a brief discussion concerning the variance. There were no issues or concerns raised during this discussion. Planning Commission recommended approval and the motion passed unanimously. The minutes are attached hereto as **Exhibit B**.

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.



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

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

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

C. CONSULTANT'S NAME
 (If different than applicant): Timothy J. Rupp, CGA Law Firm
 ADDRESS: 135 N. George St York, PA 17401
 PHONE NUMBER: 717-864-8969 ext. 121 EMAIL ADDRESS: trupp@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
(Refer to Section 1) | <input type="radio"/> CONDITIONAL USE
(Refer to Section 2) | <input checked="" type="radio"/> VARIANCE
(Refer to Section 3) |
| | <input type="radio"/> SPECIAL EXCEPTION
(Refer to Section 2) | <input type="radio"/> OTHER – Curative or
Zoning Amendment
(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:

- Brief description of proposed use:

- 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:

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

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

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.)

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

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

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

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(F): 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 35 in the late 1970s, 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 across 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

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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:

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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.

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**SECTION 4
REQUEST FOR A ZONING OR CURATIVE AMENDMENT
(REFER TO ZONING ORDINANCE SECTION 490-151)**

Present Use _____ Proposed Use _____

Statement explaining need for amendment:

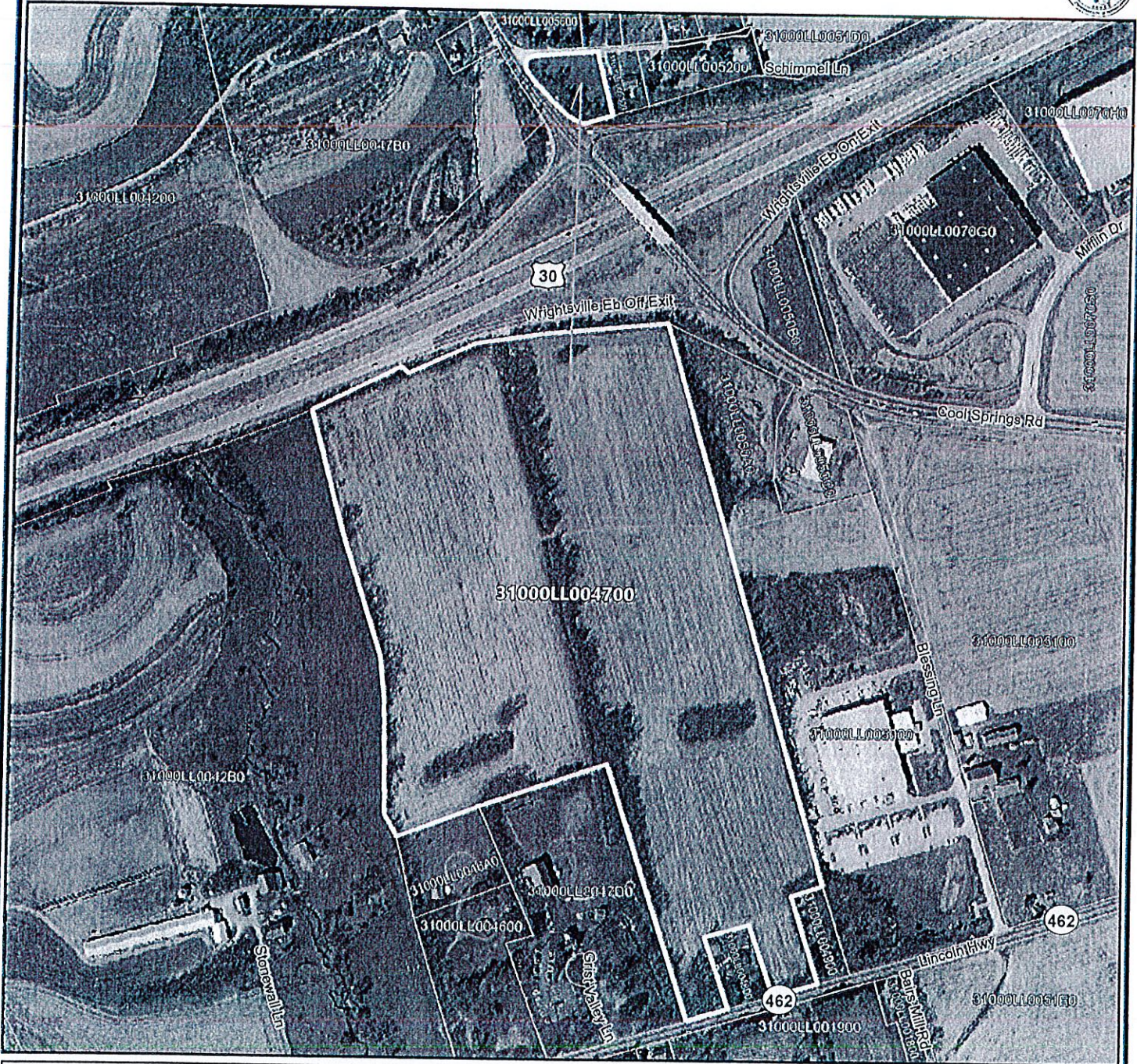
Additional Information Requested for Zoning Amendment (Rezoning):

- Legal description of property or proposed zoning district
- Names and addresses of owners of property within 500 feet of the boundaries of the area requested for zoning amendment.

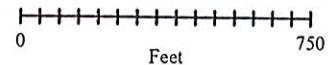
* Signature _____ Date

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

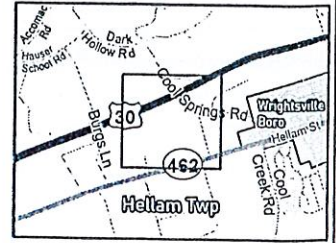
Layers should not be used at scales larger than 1:2400 (Note: Pixilation will occur at scales 1" = below 200 Ft.)

Mapping Provided by
YORK COUNTY
YPCP
 PLANNING COMMISSION

Aerial Photography - 2021

Last Updated: 2/20/2024

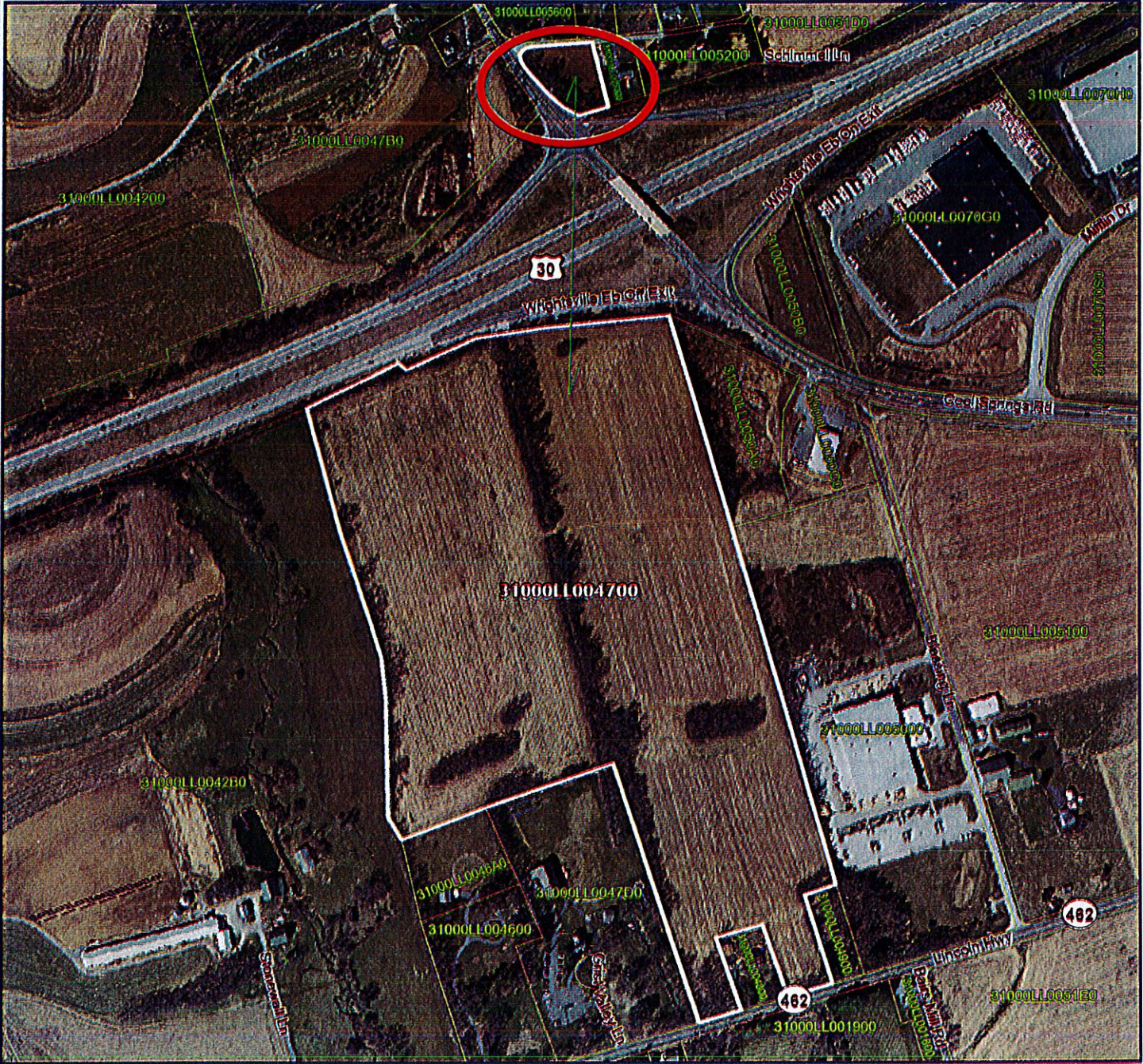
Inset Map



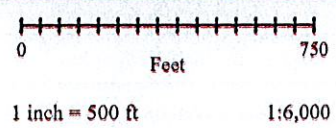
Disclaimer:
 The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information service. The Data is not a legally recorded plan, survey, official tax map, or engineering schematic and should be used for only general information.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



Parcel - 31000LL00470000000

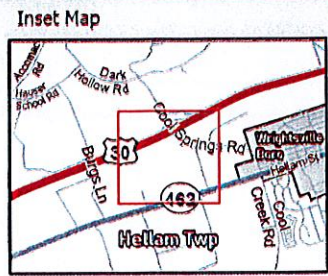


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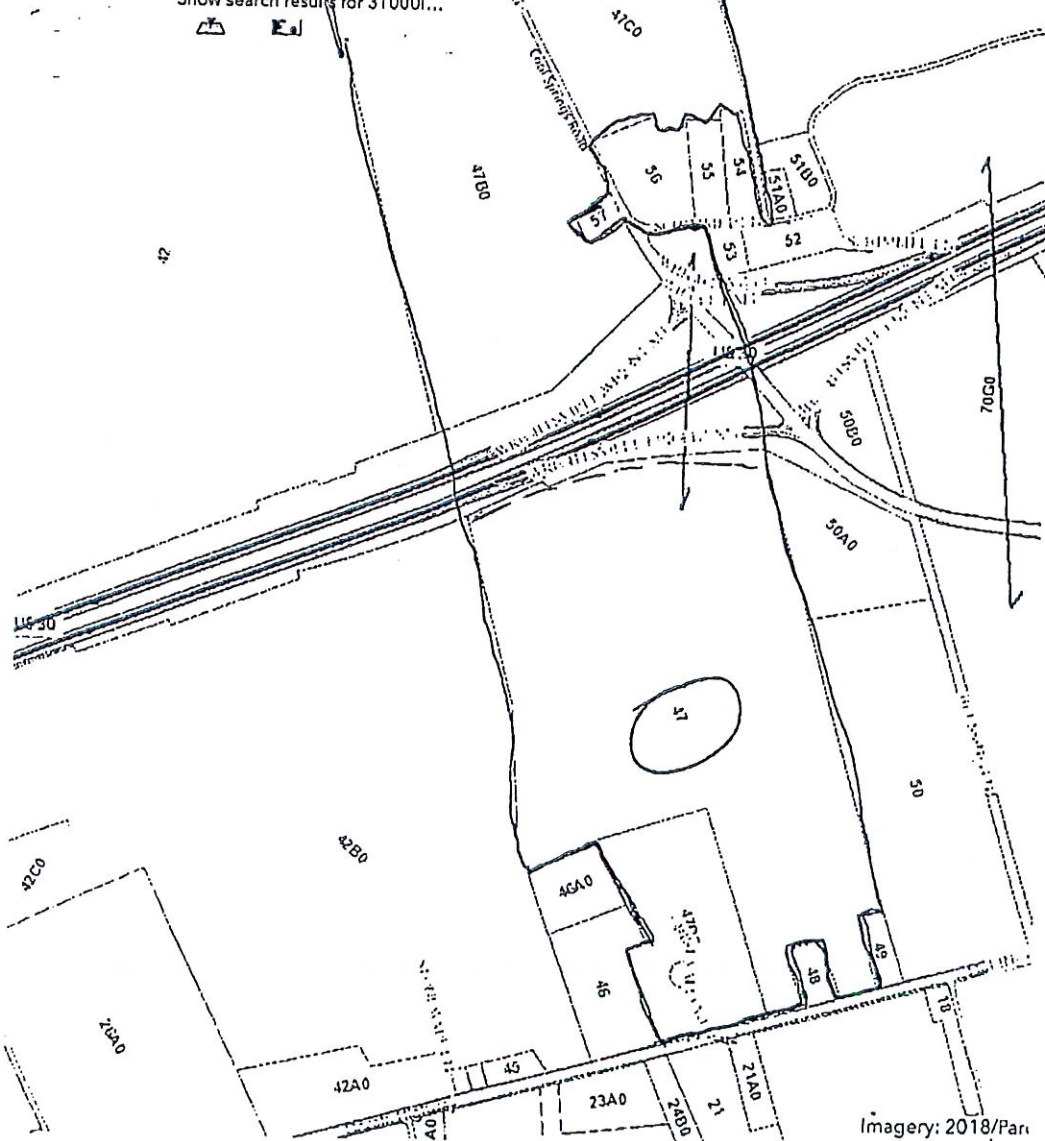


Last Updated: 2/20/2024

York County Property Viewer

31000110047c00

Show search results for 310001...



Imagery: 2018/Par

0 300 600ft

-76.556 40.032 Degrees

31-LL-47

ONLINE TAX MAP

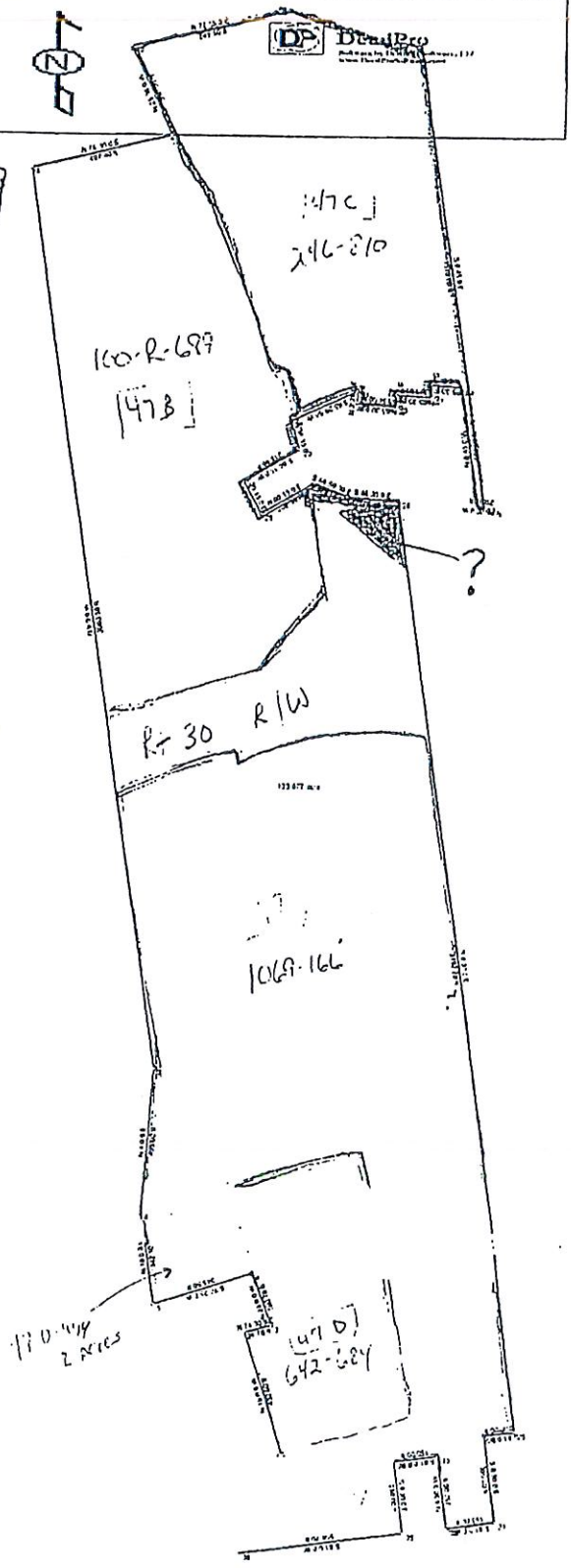
County: 1" = 400 R
 Doed:
 Page:
 Tract:
 User:



84-V-959

Parcel 1
 Area: 123.877 acre
 Perimeter: 15443.32 ft
 Closing: NE 20 Deg, 38 Min, 5 Sec
 Closing Distance = 374.74 ft
 Closing Error = 2.43 %

CALLS	BEARING	DISTANCE
1 2	NW 19 0 0	432.00
2 3	NE 74 30 0	94.70
3 4	NW 23 0 0	190.70
4 5	SW 70 25 0	345.50
5 6	NW 10 0 0	342.10
6 7	NE 4 0 0	495.00
7 8	NW 9 0 0	3080.50
8 9	NE 76 30 0	487.40
9 10	NW 23 30 0	330.00
10 11	NE 77 15 0	549.50
11 12	SE 76 45 0	462.00
12 13	SE 8 45 0	1570.80
13 14	NW 85 30 0	20.00
14 15	NW 8 45 0	400.00
15 16	NW 85 30 0	104.00
16 17	SE 3 36 0	42.77
17 18	NW 85 30 0	125.00
18 19	SE 3 36 0	40.00
19 20	NW 85 30 0	134.00
20 21	NE 2 29 0	40.00
21 22	SW 65 29 50	246.17
22 23	SE 18 36 30	100.00
23 24	SW 60 15 0	218.99
24 25	SE 29 45 0	125.00
25 26	NE 60 15 0	208.30
26 27	SE 68 59 30	119.79
27 28	SE 85 30 0	176.50
28 29	SE 8 30 0	3192.70
29 30	SW 81 0 0	100.00
30 31	SE 8 30 0	300.00
31 32	SW 81 0 0	163.00
32 33	NW 8 30 0	250.00
33 34	SW 81 0 0	150.00
34 35	SE 8 30 0	250.00
35 36	SW 81 0 0	558.70



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

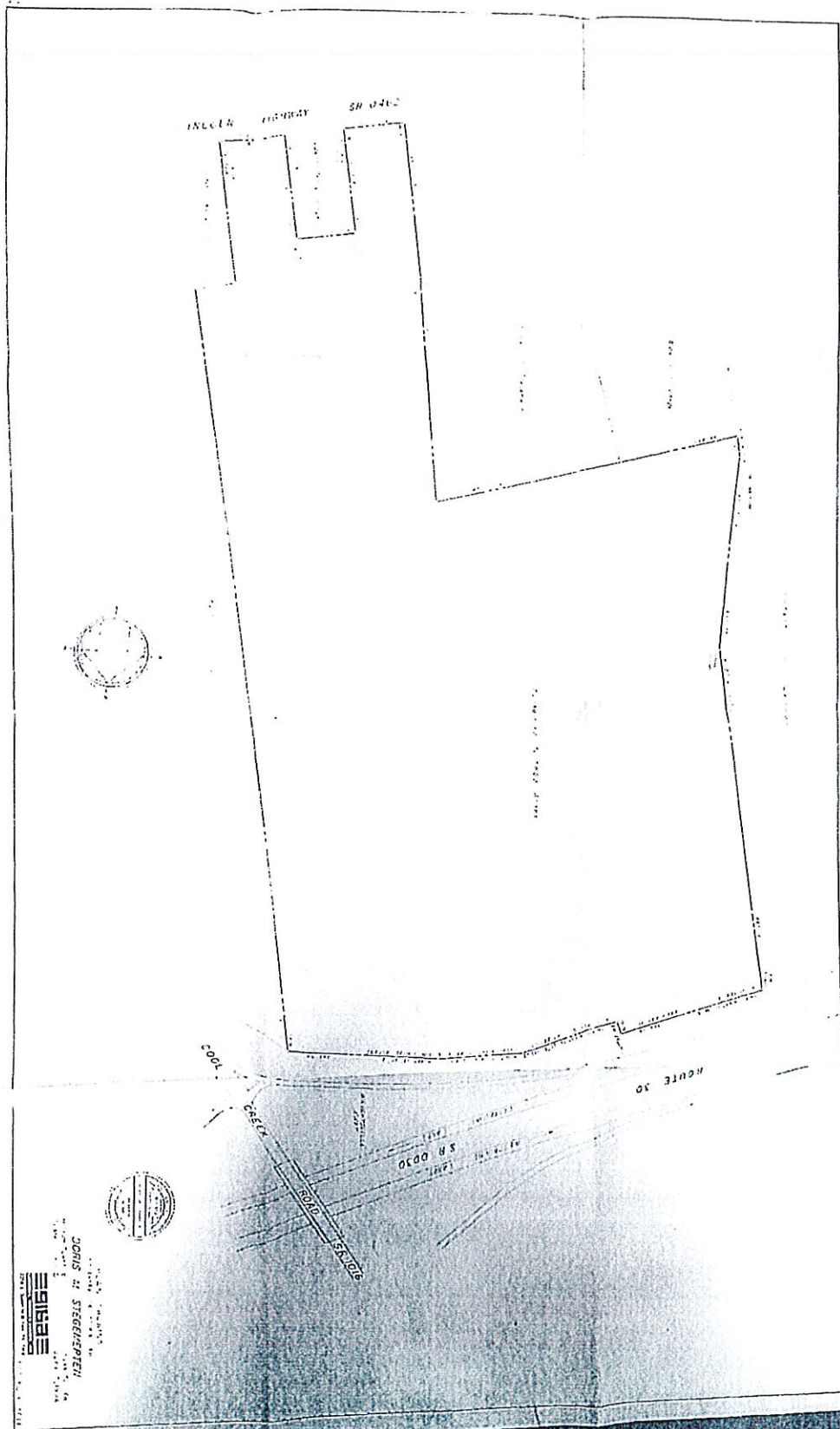


Parcel 1
Area: 0.810 acre
Perimeter: 1148.17 R
Closing Distance = 0.04 R
Closing Error = 0.00 %

CALLS	BEARING	DISTANCE
1 2	SE 88 50 30	119.78
2 3	SE 85 30 0	178.80
3 4	SE 8 30 0	230.00
4 5	NW 53 0 0	320.00
5 6	NE 69 0 0	58.00
6 7	NE 4 30 0	8.00
7 8	NW 85 30 0	190.00
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





INLET HIGHWAY SR 0302



JOHN H. STEIGERFELT
ENGINEER
REGISTERED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA
No. 12345
1234 Main Street
San Francisco, CA 94101
Tel. 415-555-1234

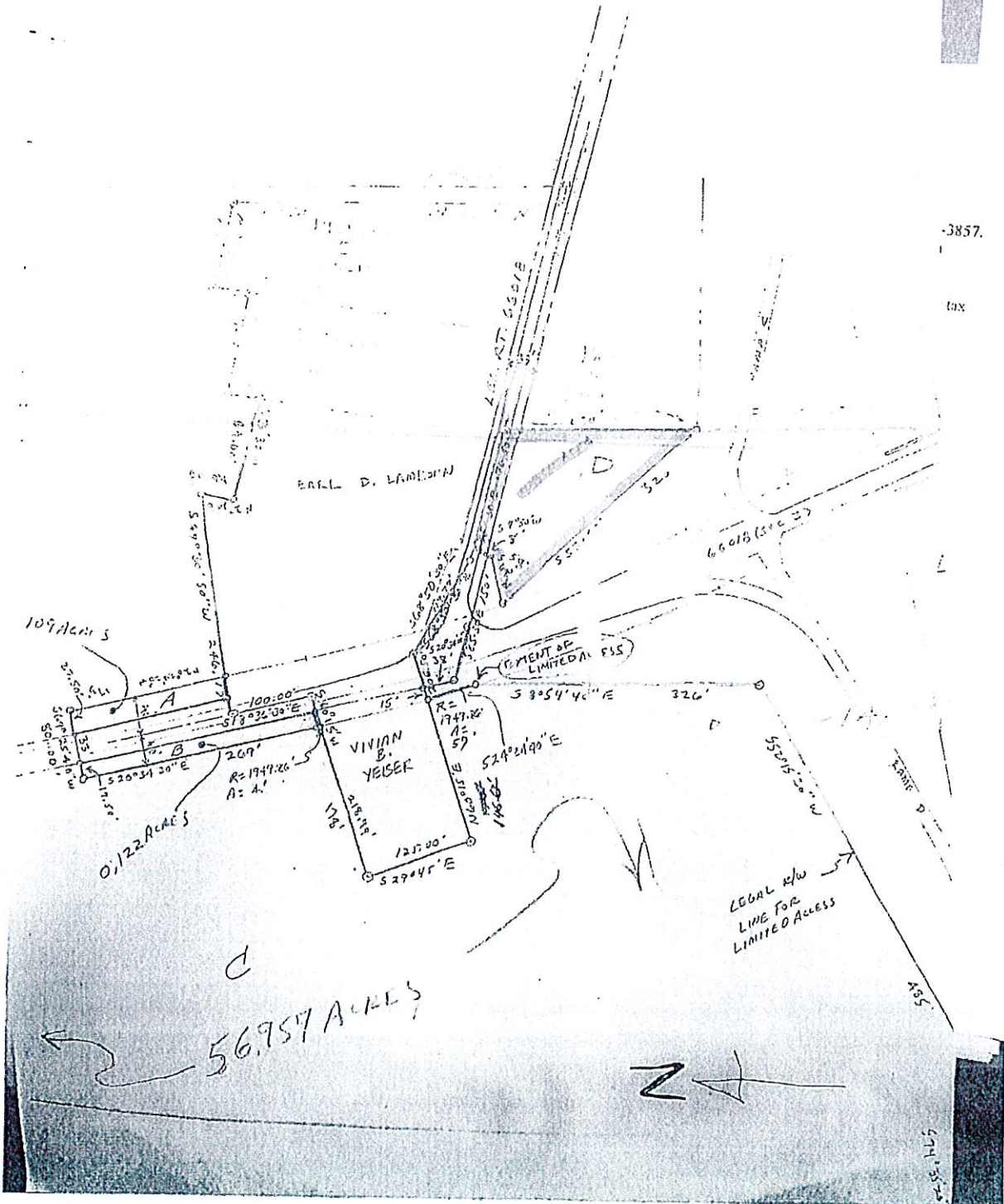
ROAD 3000

ROAD 3000

ROUTE 30

-3857-

TAX





Mr. Goldberg

Spotz

SPED BY PLOTTING
Necessary Backlog to

STEGEMERTEN

YORK CO., Pa.

JANUARY 15, 1970

For City Township

Section 11-100

GERTRUDE BROWN

County of Surry

1687, Pa.

Phone 241-1121

D.W.G. E-300-3

B

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of June 13, 2024**

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 Vice Chairman John Kokiko, Michael Shillott, Steve Fetrow, Rick Cooper, John Eifert, and Christopher Altland. Other attendees included Bob Searer, Planning Commission Alternate, Nedette Otterbein, Board of Supervisor member, J. Douglas Pollock, Police Chief, Jason Test, Zoning Officer, and Kate Nopulos, Administrative Secretary.

Minutes Approval:

Upon a motion by Mr. Shillott and seconded by Mr. Kokiko, the minutes from the May 23, 2024 meeting were approved. Motion carried unanimously.

New Business:

Variance Request: Z-2024-04 Lincoln Highway LL-47

Attorney Bupp, representing Rexroth Limited Partnership LLC, presented the briefing to the Planning Commission requesting a variance for lot area requirements for parcel LL-47. Mr. Bupp stated that they were asking for the dimensional variance in part because the parcel is divided by Route 30, causing the resulting 8/10-acre parcel located on the north side of Route 30 to have no economic value due to having very limited agricultural production capacity. He then referenced 1997 case law out of Lancaster referencing a farm that was divided by a major road, where they were granted a similar variance. Mr. Cooper asked that if the land is one parcel now, would subdividing it into two eliminate the parent tract's ability to subdivide in the future. Mr. Rexroth stated that they have no plans of subdividing the parent tract in the future. A motion was made by Mr. Shillott to make the recommendation to approve the variance request, which was seconded by Mr. Altland; motion carried unanimously.

Old Business:

Ordinance No. 2024-01- Regulations for Private Firearm Target Practice Areas

Chief Pollock made multiple suggestions that will be included in the revised edition of the ordinance that Ms. Mann will make available at a subsequent meeting.

On-going Business:

Mr. Shillott gave an update on the Environmental Advisory Council; says they are halfway through their checklist that Supervisor Otterbein reformatted. He continues, regarding Stormwater, that they are close to submitting the Growing Greener grant, after receiving 2 letters of support from property owners affected by the flooding, and is waiting on a third letter for grant submittal.

Chairman Winand reviewed the list of ongoing business, asking for the Champions of each item to be identified:

- A. Solar Ordinance Amendment (Mr. Shillott & Mr. Cooper)
- B. EAC Checklist (Mr. Shillott & Supervisor Otterbein)
- C. Riverland 1&2 Ordinance (Waiting until after the Comprehensive Plan to assign Champions)
- D. Ordinance review Restaurant, Drive-through §490-109 & Restaurant, Fast-Food §490-110 (Taking on as a group and asked Zoning Officer Test to put at the top of the Ongoing Business list for the June 27th Planning Commission meeting)
- E. Logistics/Warehouse Ordinance (Chairman Winand, Vice Chairman Kokiko & Mr. Fetrow)
- F. Understanding the Township (Unassigned)

Correspondence/Reports

Zoning Monthly Report for April 2024 was reviewed without notes. Zoning Officer Test gave an update on Short Term Rental status; says that applications are reviewed and now we're now in the phase of physical inspections.

Meeting adjourned at 7:17 PM.

Respectfully submitted,

Jason Test
Zoning Officer

DRAFT