



Hellam Township Board of Supervisors Zoning Relief Briefing

4B

Application Number:	BOS-2024-08	ZHB Meeting Date:	February 25, 2025
Applicant(s):	David Esh	Tax Map Parcel:	ML-29-D0
Property Owner(s):	Roundtop Lane LLC	Lot Size:	77 Acres
Property Location:	6995 Roundtop Lane	Zoning:	Rural Agricultural (RA)

Project Narrative:

The applicant is requesting a relief from the following:

§382-7 A Short-term Rental Standards. Only one single structure on a parcel may be licensed and used as an short-term rental (STR)

Applicant wishes to use 3 separate structures as short-term rentals

Attached Exhibits:

- A. Zoning Hearing Application received December 16, 2024
- B. Planning Commission meeting minutes dated January 9, 2025

Property Characteristics:

- 1. The subject property contains about 77 acres located in the Rural Agricultural Zone.
- 2. The parcel is improved with a residence and two additional structures
- 3. Adjacent properties:

	Use	Zoning
North	Residential	RA
South	Residential	RA
West	Agriculture	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.** No physical circumstances or conditions peculiar to this property were provided. Applicant listed that the structures existed when the property was purchased and all building have been used as living areas
- 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 applicant stated that the construction of a 700 square foot dwelling would be out of character with the surrounding quality and value of the buildings and that 700 square feet in insufficient to accommodate the desired features in the ADU
- 3. **Why the unnecessary hardship has not been created by the applicant.** The structures were constructed prior to the Short-Term Rental Orida

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 77 acres and the location of the existing structures are private and not close to neighboring parcels or structures. T
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.** All structures were existing prior to the short-term rental ordinance being enacted. All three structures are designed for human occupancy.
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** No portion of the parcel is located in the floodplain

Planning Commission Recommendation

On January 9, 2025, at it's regularly scheduled meeting, the Hellam Township Planning Commission recommended not to approve this application. The Planning Commission recommended that the parcel be subdivided if the applicant would like to operate more than one short-term rental. 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.

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:

STR Rental

- Brief description of proposed use:

A Variance is needed since we have 3 STR Rentals on 1 Parcel

All were existing structures when we bought the property in 2023

- 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:

Intent of Property is For 8 Bedroom Mansion
16 guests / For STR Rental

Chalet-green cabin 1 bedroom 2 guests STR Rental
Pool cottage 1 bedroom / 2 beds 4 guest STR

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

NO this is on a 132 Acres of land all houses are existing and very Private
we do have our guest limits and Quiet hours

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

NO all structures are existing

- 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.)

yes all existing structures that have been
occupied in the past

All utilities are existing

All roads and access are good

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

This property is not within the Floodplain Overlay Zone

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

yes everything is existing and no proposed changes

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

Correct it will not 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

12-9-24

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:

- Brief description of nature of Variance requested:

- 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:

- 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:

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

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:

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:

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

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.

Present Use _____ Proposed Use _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

- 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.

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

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 77 acres and the location of the existing structures are private and not close to neighboring parcels or structures. T
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. All structures were existing prior to the short-term rental ordinance being enacted. All three structures are designed for human occupancy.
6. How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance. No portion of the parcel is located in the floodplain

Planning Commission Recommendation

On January 9, 2025, at it's regularly scheduled meeting, the Hellam Township Planning Commission ~~recommended not to approve~~ The Planning Commission recommended that the parcel be subdivided if the applicant would like to operate more than one short-term rental. 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.~~

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of January 9, 2025**

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

1. Approval of Minutes

- **Previous Meeting Date:** December 12, 2024
- **Discussion:**
 - One correction noted: Page 2, under egress compliance, should specify a requirement of two (window/door).
- **Action:** Motion to approve minutes with correction passed unanimously.

3. New Business

3.A. Zoning Case Z-2024-07

- **Location:** 391 Campbell Road.
- **Applicant:** Alex Gann.
- **Request:** Variance for an accessory dwelling unit (ADU) exceeding the 700 sq. ft. limit (proposed 1,250 sq. ft.).
- **Discussion Points:**
 - Concerns about size exceeding ordinance limits.
 - Suggestion to reduce size to 1,000 sq. ft. (historical precedent).
 - Potential alternative: attaching the structure to the primary residence as an addition rather than an ADU.
- **Action:** Mr. Shillott made a motion to recommend not to approve the variance due to size exceeding ordinance limits. Mr. Kokiko seconded. Motion passed unanimously.

3.B. Zoning Case Z-2024-08

- **Location:** 6995 Round Top Lane.
- **Applicant:** Amos King.
- **Request:** Variance to operate three short-term rental (STR) units on one parcel.
- **Discussion Points:**
 - Township ordinance prohibits multiple STRs on one property.
 - Suggestions to subdivide property for compliance.
 - Concerns about lack of onsite management and potential tenant conflicts.
- **Action:** Mr. Shillott made a motion to recommend not to approve the variance due to non-compliance with the current ordinance. Mr. Cooper seconded. Motion passed unanimously.

3.C. Zoning Case Z-2024-09

- **Location:** 245 Bairs Mill Road.
- **Applicant:** Nicholas Bair.

- **Request:** Variance to convert a historic flour mill into six STR units.
 - **Discussion Points:**
 - Property is in a floodplain and lacks existing water/sewer systems.
 - No STRs on the first floor
 - Concerns regarding parking, building accessibility, and alignment with current STR ordinances.
 - Proposal to amend the variance to allow property management onsite rather than within the building.
 - **Action:** Mr. Shillott made a motion to recommend approval with amended variance to permit onsite management. Mr. Cooper seconded. Mr. Fetrow recused himself due to being related to the applicant. Motion passed 6-0.
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4. Old Business

- **Short-Term Rental Ordinance:** Additional topics added for future discussion (Items 43 and 44).
 - **Solar Ordinance:** Awaiting corrections.
 - **EAC Checklist:** Progressing; no meeting scheduled yet.
 - **Comprehensive Plan:**
 - Public feedback and naming project paused.
 - Steering committee meeting scheduled for late January or early February.
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5. Other Notes

- Updates on logistics and warehouse ordinance development to incorporate freight advisory committee feedback.
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6. Adjournment

- Motion to adjourn passed unanimously. Meeting adjourned at 7:17 PM

Respectfully submitted,

Jason Test, Zoning Officer