



Hellam Township Board of Supervisors Conditional Use Application Briefing

Application Number: Z-2025-02
Applicant(s): Samuel Yacoub
Property Owner(s): Samuel Yacoub
Property Location: 5670 Lincoln Highway

BOS Hearing Date: March 20, 2025
Tax Map Parcel: LK-127-C0
Lot Size: 0.25 Acres
Zoning: Mixed-Use 1

Project Narrative:

The applicant is requesting conditional use for the following:

§490-14.C.(11)

The applicant proposes to renovate the existing structure and operate a convenience store that sells groceries.

Attached Exhibits:

- A. Zoning Hearing Application approved January 29, 2025
- B. Planning Commission meeting minutes date February 13, 2025

Property Characteristics:

1. The subject property is improved with a structure, former flower shop, that is in disrepair
2. The parcel is serviced by well and septic.
3. The entire parcel is located in the Riparian Buffer Zone Two
4. Adjacent properties:

	Use	Zoning
North	Agriculture	RA
South	Agriculture	RA
West	Residential	MU-1
East	Unimproved Lot	MU-1

Conditional Use Provisions

According to the Conditional Use application submitted, the applicant reports the following:

1. **Comply with all applicable provisions and be consistent with the purpose and intent of the Zoning Ordinance.** The proposed retail sales use is a conditional use in the MU-1 Zone. There is an existing building that will require extensive renovations
2. **Not detract from the use and enjoyment of adjoining or nearby properties.** The applicant stated "his grocery store is to bring more welcomed business to the area and will not detract from the other businesses around the surrounding area." The property immediately west of this parcel is a residence. The other surrounding parcels are either unimproved at this time or used for agriculture.

3. **The proposed use will not affect a change in the character of the subject property's neighborhood;** Retail sales businesses are conditional use in the Mixed-Use 1 zone.
4. **Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);** The proposed use will be serviced by a well and on-lot septic system. The applicant did not provide the number of employees working during a shift. The business will not adversely affect fire, police, or ambulance services
5. **For development within the floodplain, that the application complies with those requirements listed in Chapter 230, Floodplain Management:** The subject property is not located within the floodplain.
6. **The proposed use shall comply with those criteria specifically listed in Article IV of this chapter. In addition, the proposed use must comply with all other applicable regulations of this chapter;** The proposed convenience store will meet applicable specific criteria in §490-110.2
7. **The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.** The proposed use will not substantially impair the integrity of the Township's comprehensive plan as retail sales is a use that is allowed via conditional use in the Mixed-Use 1 zone.

Planning Commission Recommendations:

The Planning Commission reviewed this application at their meeting on February 13, 2025 meeting minutes are attached hereto as **Exhibit B**. Concerns were raised about the parking requirements and constraints due to property size. Discussion about the compliance with riparian buffer zone regulations and restriction. One member raised a concern the parcel is not in the riparian buffer zone. A discussion was had concerning the delivery of merchandise.

The Planning Commission recommended approval of this conditional use with the condition that the retail space should be limited to 700 square feet.

- The applicant will have to seek approval in the reduction of required parking spaces. Section 490-35.H states that a convenience store must have 1 parking space per 1000 sq feet of gross floor space plus 1 space per employee on the two largest shifts. The gross floor space of this building is approximately 2800 square feet which would require 28 parking spaces plus employee spaces. Based on the number of required spaces and the dimensions for the spaces you would require a parking lot of approximately 4000 square feet. The current parking area is approximately 1400 square feet.

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 1
REQUEST FOR AN APPEAL
(REFER TO ZONING ORDINANCE SECTION 490-143.D)

Appeal of the Zoning Officer or Municipal Engineer's determination, dated _____, regarding
Section(s) _____ of the Zoning Ordinance.

Basis for appeal by applicant:

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.

* Signature

Date _____

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

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:

Retail stores and businesses

490-14 mix use 1 conditional uses

C II

- Brief description of proposed use:

Convenience store that will be selling groceries

- 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:

my grocery store is to bring more welcomed businesses to the area, and will not detract from the other businesses around the surrounding area.

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

my convenience store will not change the property's neighborhood, it will add and enhance for more welcomed customers for all in the area.

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.)

convenience store will not affect police, fire, or school services

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

not in flood plain




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

meet all requirements in article 4

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

My convenience store will not interfere with the Township's Comprehensive Plan, it will bring the community together and strengthen it

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.

 / Mary /  /  / Date 12/11/24

* 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:

- Brief description of nature of Variance requested:

Grocery store, Drinks, Snacks

- 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:

It will bring more welcomed customers to the
area

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:

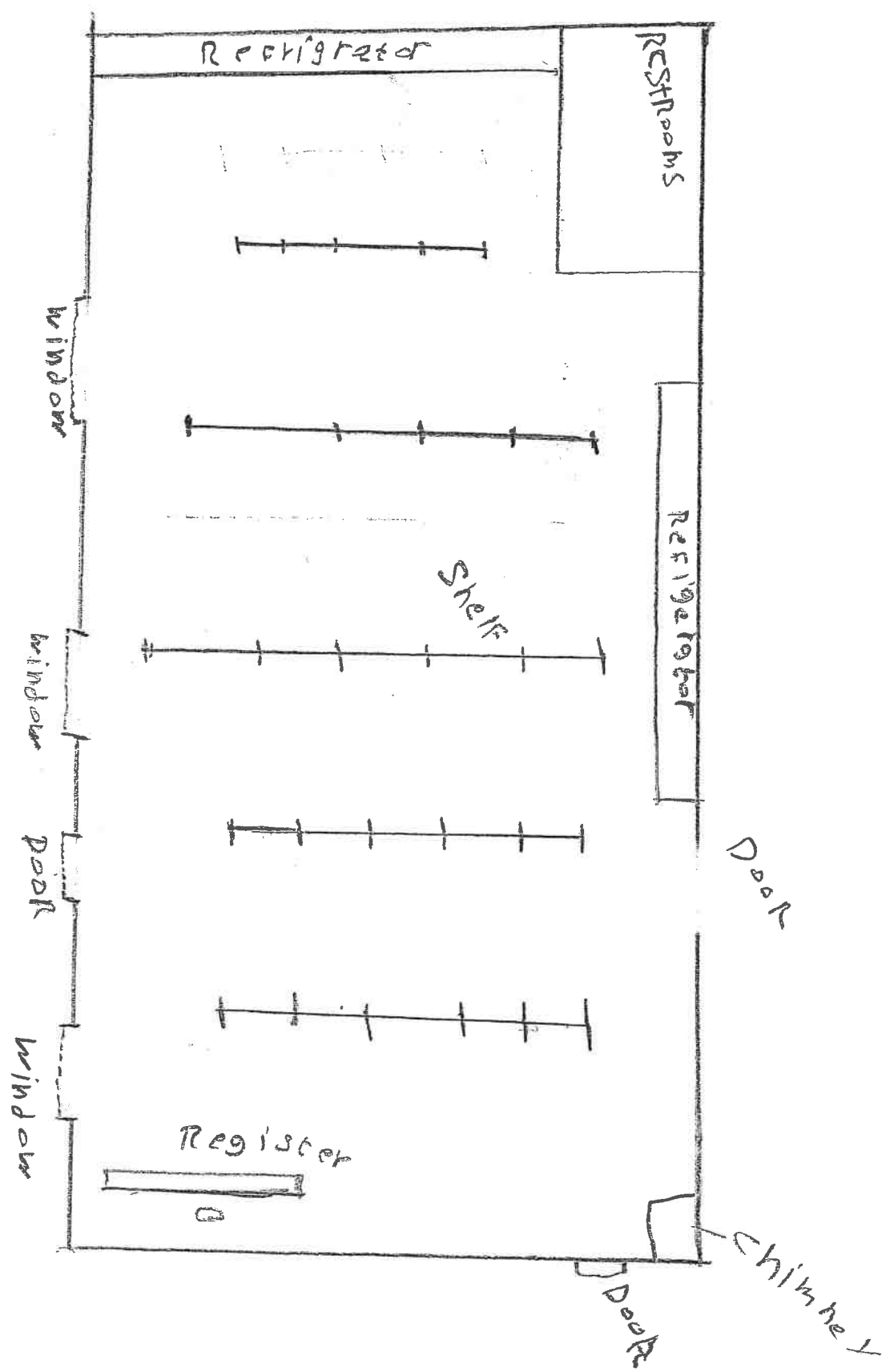
F. How the Variance, if within the Floodplain Overlay Zone, will comply with the Section 490-19 of the Zoning Ordinance:

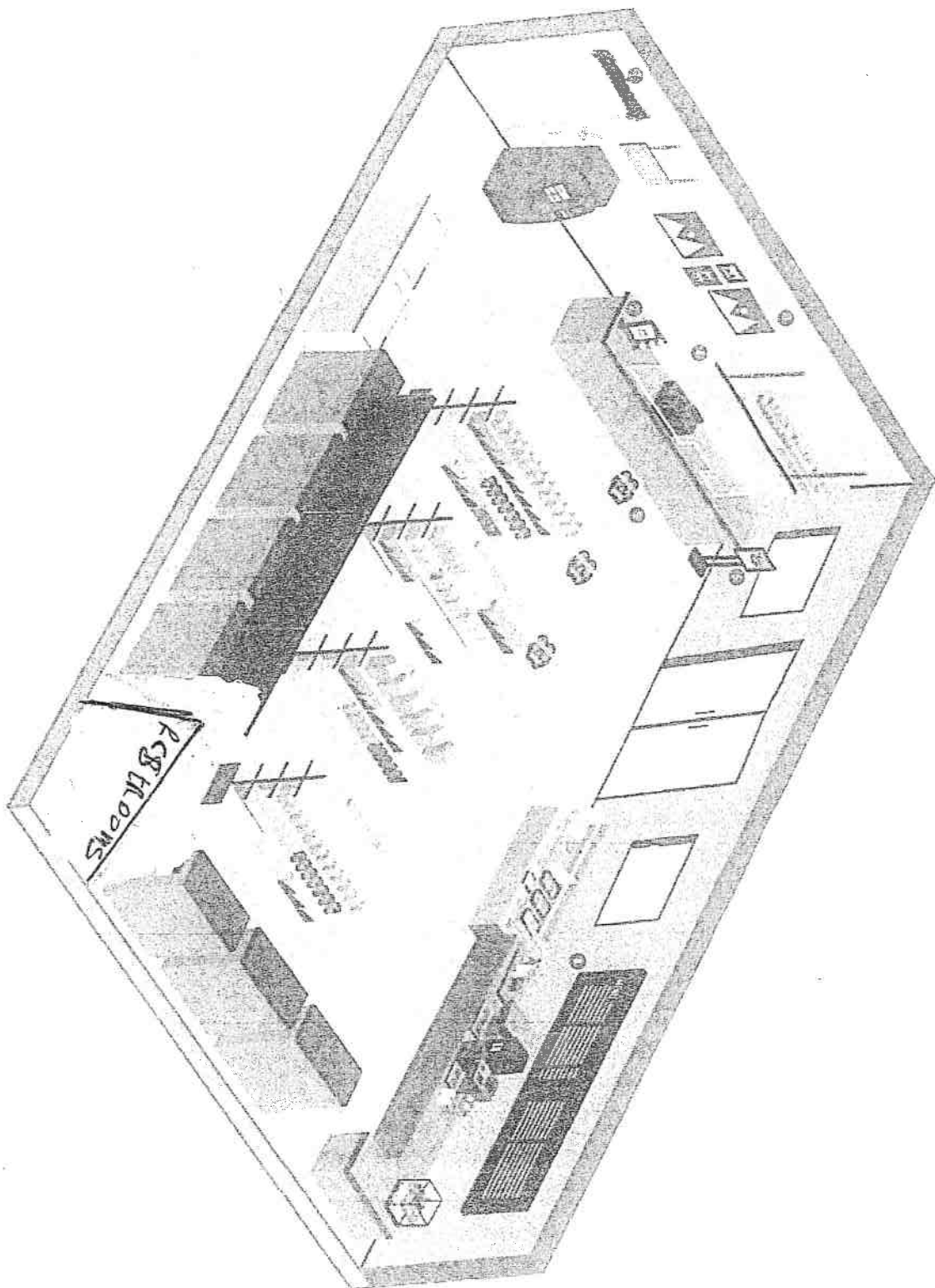
I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

* Signature

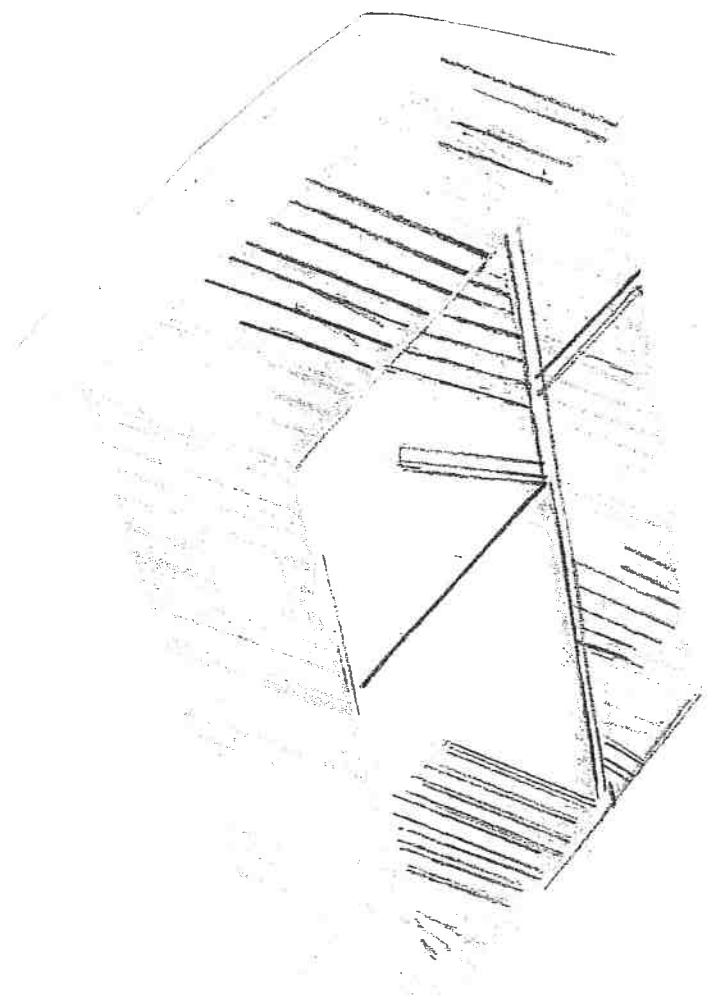
Date

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THE HOWARD COMPANY



HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of February 13, 2025

1. Call to Order

The meeting was called to order at 6:01 PM by Chairman Devin Winand, followed by the Pledge of Allegiance.

2. Roll Call

Members Present:

- Devin Winand, Chairman
- John Kokiko, Vice Chairman
- Michael Shillott
- Rick Cooper
- Steve Fetrow
- Chris Altland
- Bob Searer
- Corina Mann, Township Manager
- Jason Test, Zoning Officer

3. Approval of Minutes

The minutes from the January 23, 2025, meeting was reviewed. A correction was noted regarding attendance. A motion to approve the minutes with the correction was made by Michael Shillott and seconded by John Kokiko. The motion passed unanimously.

4. New Business

a. Special Exception Application – Z.2025-01 (351 Cool Springs Road)

Applicant: GN Realty, Wrightsville, LLC

Proposal: Special Exception request for a multi-tenant building, including a Dunkin' Donuts, Jimmy John's, and Little Caesars.

The applicant, represented by Joe Stein, Warehaus, presented the request, providing background on the zoning relief history and updates to the land development plan. The proposed changes classify the development as a strip mall, requiring a special exception under the zoning ordinance.

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PLANNING COMMISSION MEETING
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Key discussion points:

- Parking availability and concerns about access and stacking for the drive-through.
- Drive-through operations for Dunkin' Donuts only; Little Caesars and Jimmy John's are walk-in only.
- Compliance with zoning ordinance requirements for drive-through stacking and parking.
- Planned subdivision and stormwater management.
- Expected traffic flow and peak hours of operation.
- Delivery and loading logistics.

A motion to recommend approval of the special exception application to the Zoning Hearing Board was made by Rick Cooper and seconded by Steve Fetrow. The motion passed 5-2, with Michael Shillott and John Kokiko dissenting.

b. Conditional Use Application – Z-2025-02 (5670 Lincoln Highway)

Applicant: Samuel Yacoub

Proposal: Conditional Use request for a retail convenience store at a 2,800 sq. ft. building.

The applicant presented the proposal, outlining plans to operate a convenience store within a portion of the existing structure. Discussion included:

- Parking requirements and constraints due to property size and zoning regulations.
- Potential limitations on the retail space footprint to comply with parking availability.
- Compliance with riparian buffer regulations and restrictions on site modifications.
- Loading and delivery logistics.

A motion to recommend approval of the conditional use request with the condition that the retail space be limited to 700 sq. ft. was made by Michael Shillott and seconded by Rick Cooper. The motion passed unanimously.

5. Old Business

a. Short-Term Rental Ordinance Review

The Commission continued discussions on proposed revisions to the Short-Term Rental (STR) ordinance, including:

- Electrical safety requirements, including GFI outlet compliance.
- Adjusting occupancy limits based on bedrooms and lot size.
- Differentiating STR regulations by zoning district.

HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
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- Inspection and enforcement procedures for STR properties.
- Penalties for operating without required inspections.

No final decisions were made, and further review will continue at the next meeting.

6. Ongoing Business

The Commission discussed priorities for upcoming meetings, including:

- Short-Term Rental
- Solar
- Logistics and warehousing zoning regulations.
- Sign ordinance updates.
- Review of the Riverlands zoning district.

7. Adjournment

The meeting was adjourned at 7:42 PM.

Respectfully submitted,



Jason Test

Zoning Officer