



Hellam Township Planning Commission Variance Application Briefing

| | | | |
|----------------------------|-------------------|-------------------------|--------------------|
| Application Number: | Z-2025-13 | PC Meeting Date: | September 11, 2025 |
| Applicant(s): | Kevin Stein | Tax Map Parcel: | KK-82-B0 |
| Property Owner(s): | Kevin Stein | Lot Size: | 7.3 Acres |
| Property Location: | 325 Ducktown Road | Zoning: | Rural Agriculture |

Project Narrative:

The applicant proposes construction of an accessory structure (pole barn) on a parcel located within the Rural Agricultural (RA) Zone. Due to the presence of the Kreutz Creek floodplain across much of the lot, the structure must be shifted closer to the side property line in order to avoid encroachment into the floodplain. This adjustment results in a request for variance relief from the required side yard setback. Applicant is seeking a variance from § 490-12, Table of Dimensional Requirements which require a side setback of 20 feet for accessory structures in the RA Zone. Applicant is seeking a side setback of 16 feet.

Attached Exhibits:

- A. Zoning Hearing Application – received August 29, 2025.
 - B. Floodplain Determination – 325 Ducktown Road (September 5, 2025) and accompanying FEMA and Township GIS maps, confirming FEMA Zone X status and inapplicability of Chapter 230 floodplain requirements.
-

Property Characteristics:

1. Total lot size: 7.3 acres
2. Zoning District: Rural Agricultural (RA)
3. Property is bordered by Kreutz Creek, with large portions located in the floodplain (FEMA Zone X).
4. The site includes frontage along an old railroad bed known locally as "Stoner Station."
5. Development opportunities are limited due to floodplain constraints, requiring placement of improvements closer to side lot lines.
6. Adjacent properties:

| | Use | Zoning |
|--------------|---------------------------|-------------------------|
| North | Residential / Agriculture | Rural Agricultural (RA) |
| South | Residential / Agriculture | Rural Agricultural (RA) |
| West | Agriculture | Rural Agricultural (RA) |
| East | Residential / Agriculture | Rural Agricultural (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.**

The applicant is requesting a variance from the minimum side yard setback requirement for an

accessory building in the Rural Agricultural (RA) Zone. Under § 490-12, which governs the RA Zone, and the associated Table of Dimensional Requirements, accessory buildings and structures must maintain a minimum side yard setback of 20 feet. The applicant is proposing a side setback of 16 feet, which is 4 feet less than the ordinance requires.

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 explains that the property borders Kreutz Creek and portions of the lot are located within the floodplain. To avoid building within the floodplain, the structure must be shifted closer to the side property line. This results in the requested variance of 4 feet from the required setback.

3. **Why the unnecessary hardship has not been created by the applicant.**

The applicant states that the hardship was not self-created, as the majority of the parcel lies within the floodplain of Kreutz Creek. This natural site condition restricts usable building area and necessitates placement of the structure outside the floodplain, closer to the property line.

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 applicant states that the pole barn will be situated along the old railroad bed at "Stoner Station." They contend that this placement will not alter the essential character of the RA Zone or the neighborhood, nor will it impair the use of adjoining properties or create detriment to the public welfare.

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 "1:1 setback" language has no basis in § 490-12; the applicable standard is the 20-foot side yard setback. The applicant is framing their request as the smallest modification possible.

6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.**

Because the proposed structure is outside of the Floodplain Overlay Zone, the requirements of § 490-19 do not apply in this case.

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. APPLICANT'S NAME: KEVIN L. STEIN
ADDRESS: 325 DUCKTOWN RD.
PHONE NUMBER: _____ EMAIL ADDRESS: _____

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

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

31-000-KK-0082.B0-00000
D. Tax Map: _____ Parcel: _____ Zoning District: _____
Property Address: 325 DUCKTOWN ROAD
Date purchased: AUG. 28, 1987
Lot size: acreage 7.3 - or - _____ sq. ft.
Present use: RESIDENTIAL
Proposed use: SAME
Date of previous application (if any): NONE

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 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:

FLOOD ZONE

* 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:

- 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:

ZONE - RA, BLDG TYPE - ACCESSORY, SETBACK SIDE
20'

- Brief description of nature of Variance requested:

MOST OF LOT 7.3 ACRES IS FLOOD PLAIN. WE
WOULD LIKE TO BUILD A POLE BARN UP-OUT
OF THE FLOOD PLAIN.
NEED SIDE SETBACK VARIANCE FROM 20' TO 16'

- 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:

MAJORITY OF PARCEL IS IN FLOOD PLAIN,

- 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:

I CAN NOT BUILD IN FLOOD PLAIN.
I BORDER KRENTZ CREEK.

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

MOST OF MY ACREAGE FLOOD PLAIN.

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 POLE BARN WILL SIT ALONG THE OLD RAILROAD
BED AT "STONER STATION"

A 1:1 SETBACK WILL NOT ENCRACH (16 FT SETBACK)

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:

A MINIMUM OF 1:1 SETBACK WILL BE MAINTAINED.

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

THE STRUCTURE WILL NOT BE IN THE FLOODPLAIN.

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

8-26-2025
Date

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

**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:

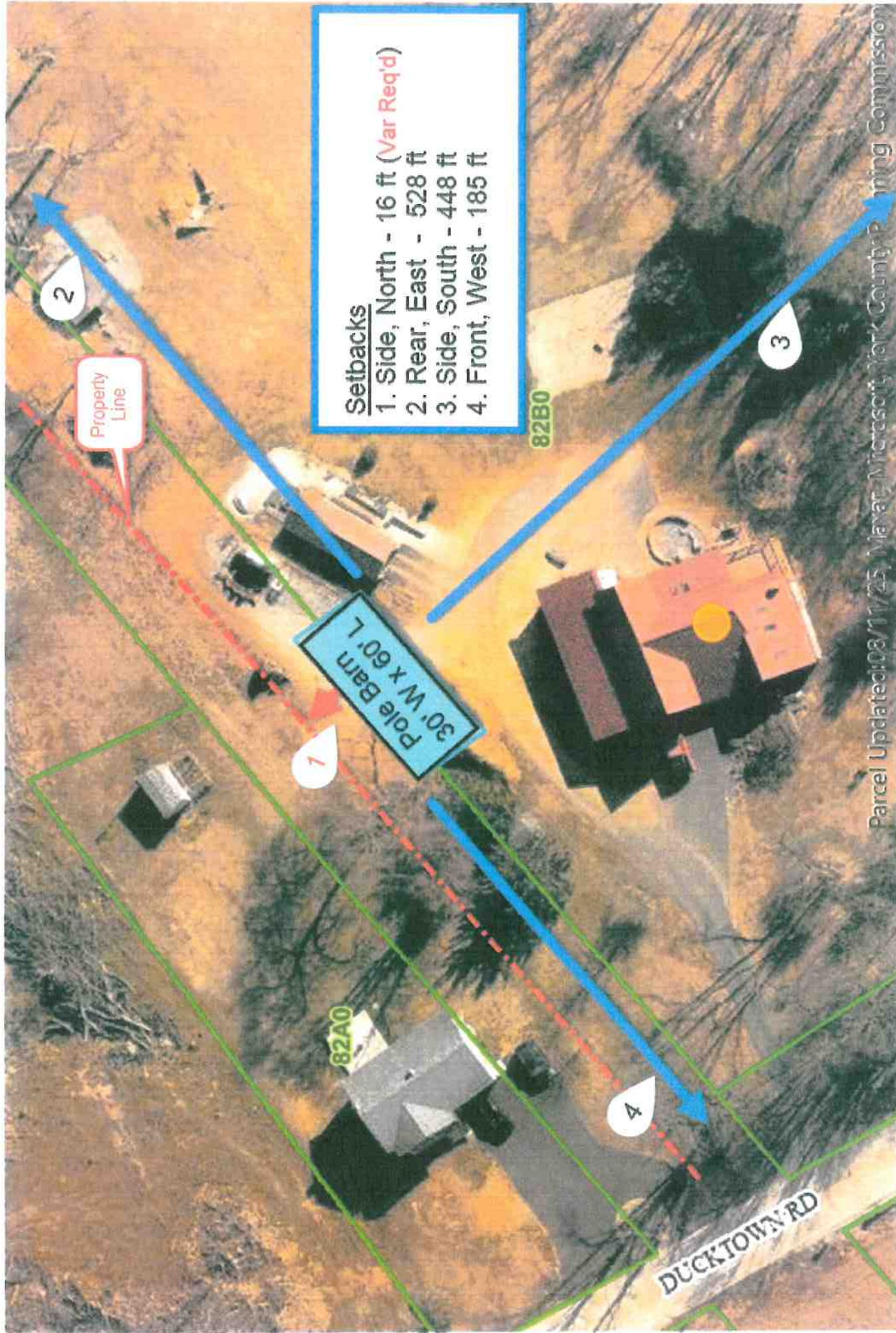
Additional Information Requested for Zoning Amendment (Rezoning):

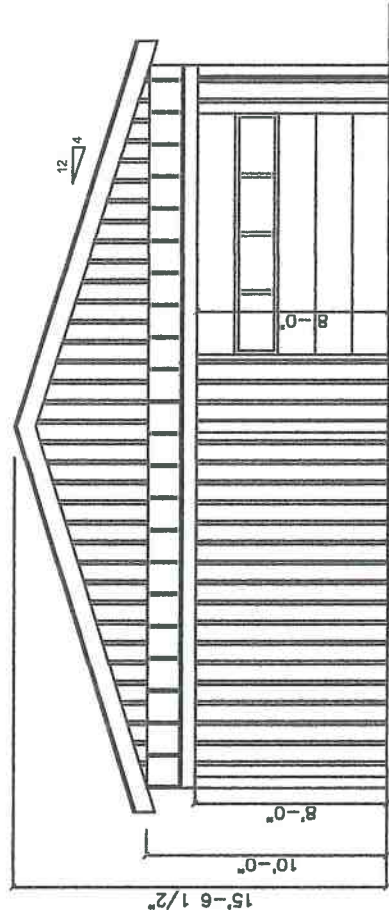
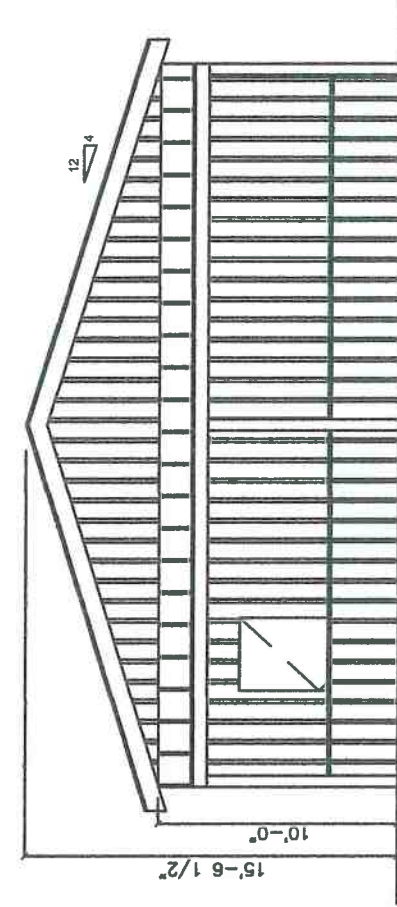
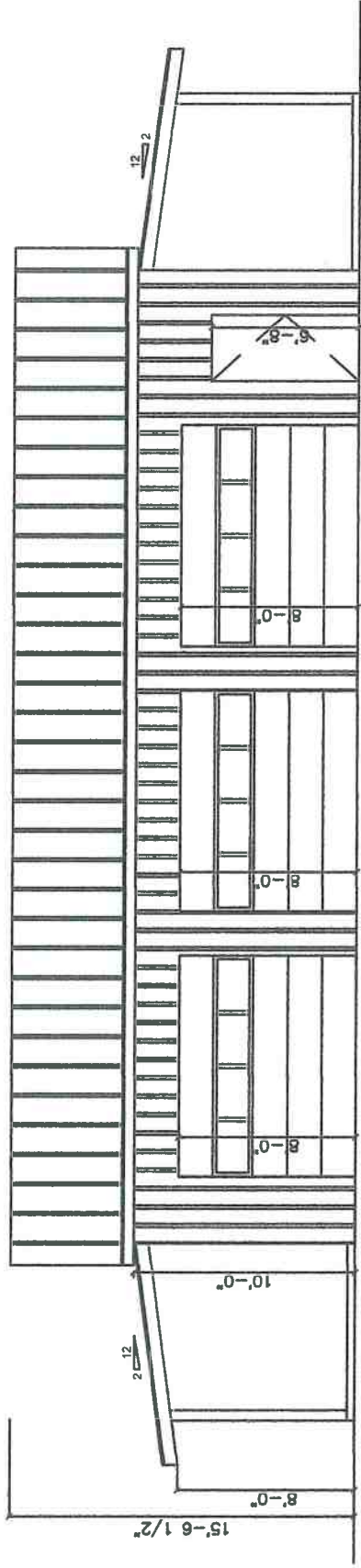
- Legal description of property or proposed zoning district
- Names and addresses of owners of property within 500 feet of the boundaries of the area requested for zoning amendment.

*Signature

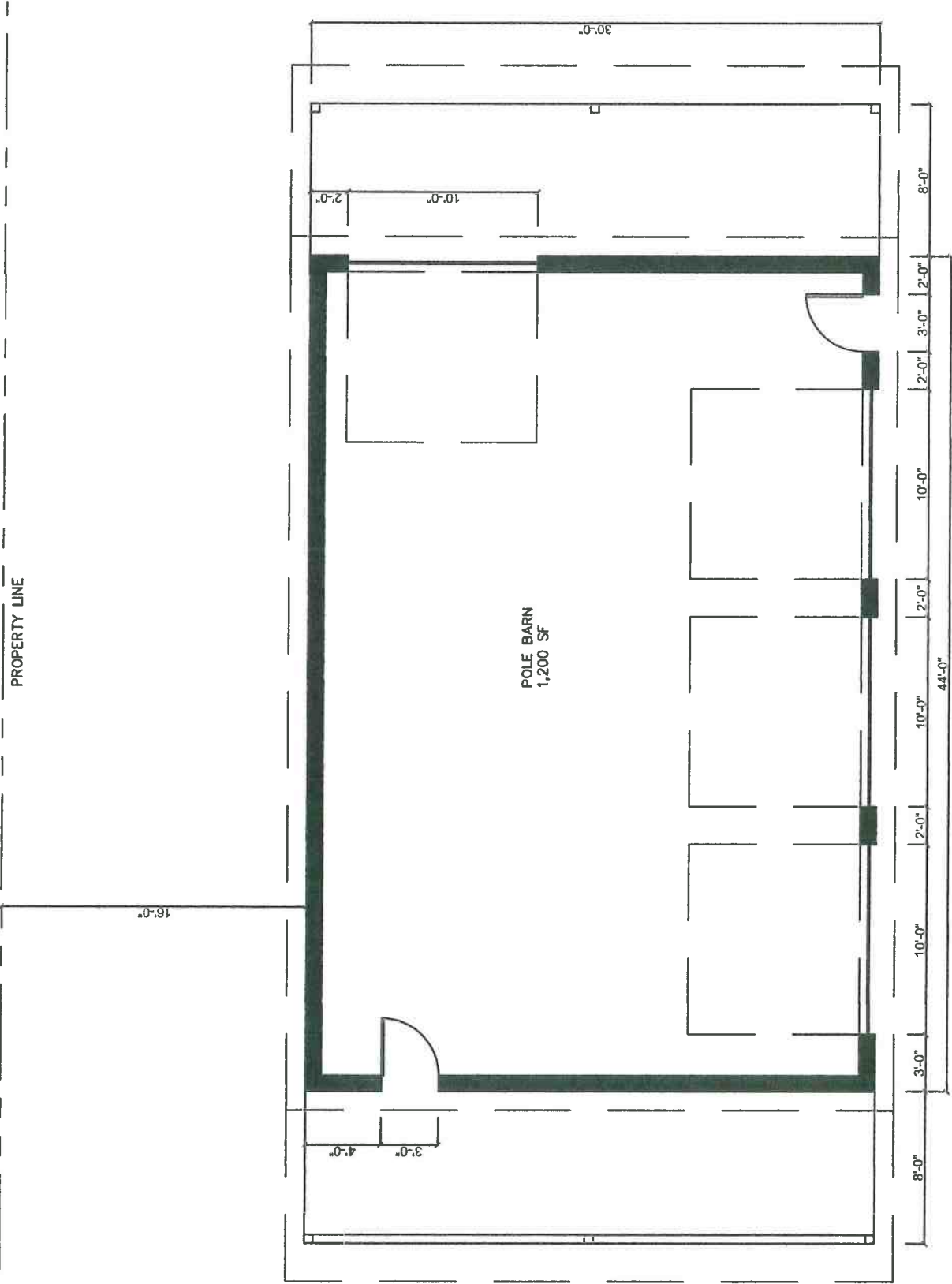
Date

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





POLE BARN ELEVS
 325 Ducktown Rd
 08.19.25
 SCALE 1/8"=1'-0"



POLE BARN PLANS
325 Ducktown Rd
08.19.25
SCALE 1/8"=1'-0"

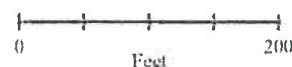
Parcel - 31000KK0082B0000000



Owner - STEIN KEVIN L
Property Address - 325 DUCKTOWN RD
Tax Municipality - Hellam Twp
School District - Eastern School District
Class - Residential
Land Use - R - Two Story House
Acres - 7.31
Assessed Land Value - \$ 58,930
Assessed Building Value - \$ 140,860
Assessed Total Value - \$ 199,790
Sale Date - Aug. 28, 1987
Sale Price - \$ 13,875
Deed Book - 096T, Page 0637

Layers should not be used at
 scales larger than 1:2,400
 (Note: Pixilation will occur
 at scales 1" = below 200 ft.)

Mapping Provided by



1 inch = 150 ft

1:1,800

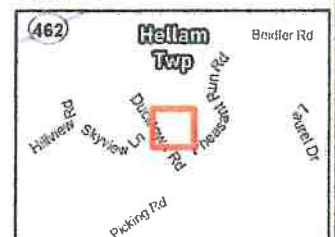
Legend

- Land Joins
- Selected Parcel
- Parcels
- Municipal Boundary

Aerial Photography - 2021

Last Updated: 12/22/2022

Inset Map



Disclaimer:
 The York County Planning Commission provides the
 Geographic Information System map and/or data reflectively
 the "Data" as a public information service. The Data is not a
 legally assessed plan, survey, official tax map, or instrument
 alternative 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.



PROPERTY OWNER
KEVIN STEIN
325 DUCKTOWN RD.

York County Property Viewer 2.0

325 Ducktown Rd, Hellam, PA... X

Search result

York County Assessment Office

TAX PARCEL INFORMATION:
STEIN KEVIN L

Property boundaries for this parcel are for display purposes only and not survey accurate.

Get the Available Property Report

Go to Print

(There are 1 properties associated with this parcel)

Property Information

| | |
|---------------------------|-------------------------|
| 18 Digit Parcel ID Number | 31 000 KK 0002 80 00000 |
| Owner Information | STEIN KEVIN L |
| Property Address | 325 DUCKTOWN RD |
| Acres | 7.31 |
| Municipality | Hellam Twp |
| School District | Eastern School Dist #1 |
| Class | Residential |
| Land Use Code | R Two Story House |
| Year Built | 1990 |
| Assessed Land Value | \$ 58,900.00 |
| Assessed Building Value | \$ 140,840.00 |
| Assessed Total Value | \$ 199,740.00 |

Tax Information

100%

-76.5747 40.0042 Degrees

MapSource | York County Planning Commission | Parcel updated 06/11/20 | Powered by Esri

SIDE, NORTH PROPERTY OWNER

York County Property Viewer 2.0

York County Assessment Office

325 Ducktown Rd, Hellam, PA... X

Search result

Zoom to

TAX PARCEL INFORMATION:
EID TALAAT & FERIAL

Property boundaries for this parcel are for display purposes only and not survey accurate.

Calculate Perimeter, Perimeter, Report

Calculate Photo

(There are 1 properties associated with this parcel)

Property Information

18 Digit Parcel ID Number

31 000 HK 0032 AD 00000

Owner Information

EID TALAAT & FERIAL

Property Address

301 DUCKTOWN RD

Acres

0.43

Municipality

Hellam Twp

School District

Eastern School District

Class

Residential

Land Use Code

R - High Ranch house

Year Built

1977

Assessed Land Value

\$ 37,140.00

Assessed Building Value

\$ 82,630.00

Assessed Total Value

\$ 119,770.00

Tax Information

100 ft

76.5762 40.0047 Degrees

FRONT, WEST PROPERTY OWNER

York County Property Viewer 2.0

325 Ducktown Rd, Hellam, PA... X

Search result

100 ft

74.5761 40.0045 Degrees

York County Assessment Office

TAX PARCEL INFORMATION:
KAUFFMAN KRISTEN D

Property boundaries for this parcel are for display purposes only and not survey accurate.

Generate Printable Property Report

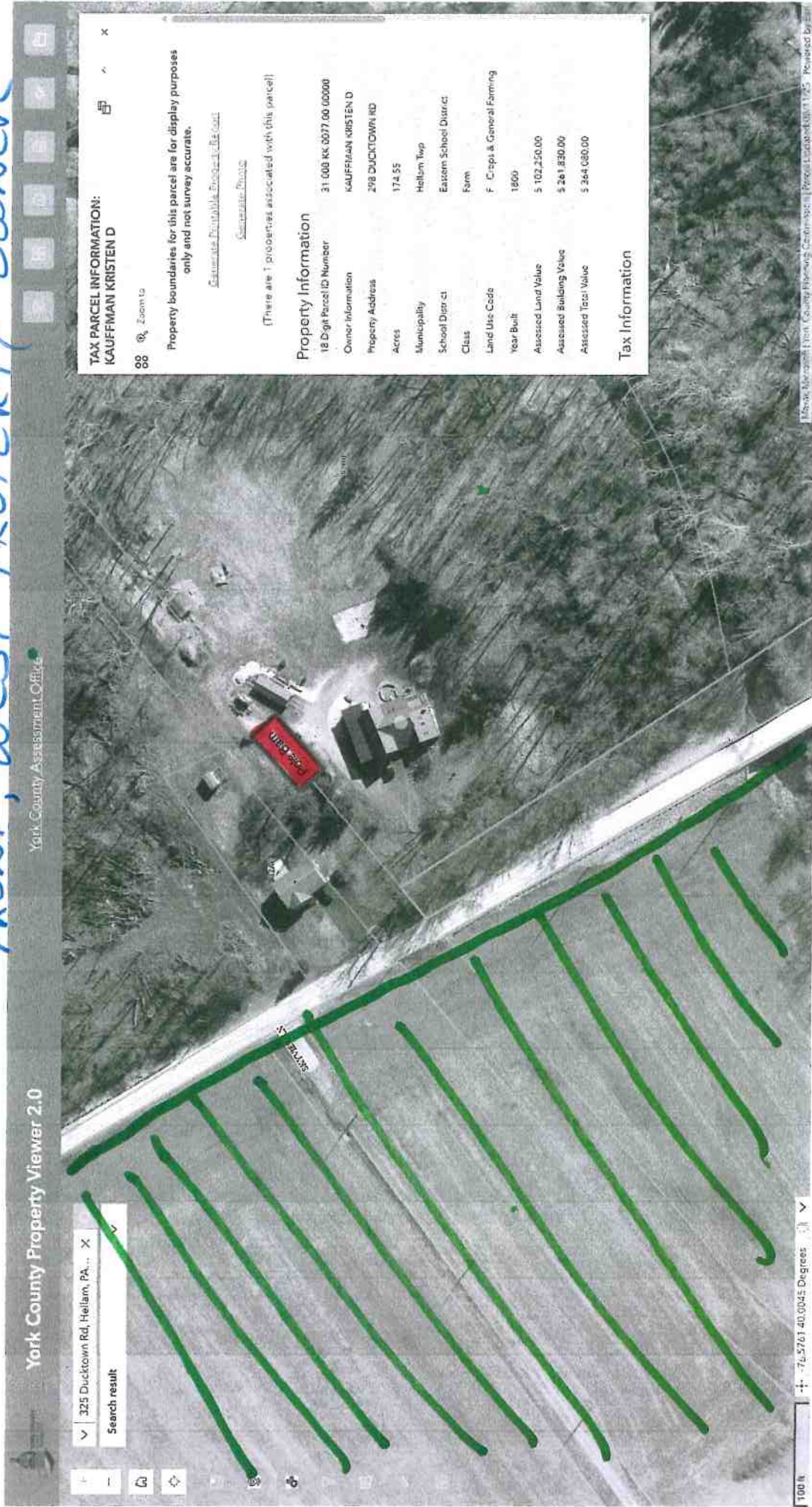
Generate Photo

(There are 1 properties associated with this parcel)

Property Information

| | |
|---------------------------|-----------------------------|
| 18 Digit Parcel ID Number | 31 000 KK 0077 00 00000 |
| Owner Information | KAUFFMAN KRISTEN D |
| Property Address | 298 DUCKTOWN RD |
| Acres | 174.55 |
| Municipality | Hellam Twp |
| School District | Eastern School District |
| Class | Farm |
| Land Use Code | F - Crops & General Farming |
| Year Built | 1800 |
| Assessed Land Value | \$ 102,250.00 |
| Assessed Building Value | \$ 261,830.00 |
| Assessed Total Value | \$ 364,080.00 |

Tax Information



REAR, EAST & SIDE, SOUTH PROPERTY OWNER

York County Property Viewer 2.0

York County Assessment Office

325 Ducktown Rd, Hellam, PA...

Search result

Zoom to

Property boundaries for this parcel are for display purposes only and not survey accurate.

Generate Report

(There are 1 properties associated with this parcel)

Property Information

18 Digit Parcel ID Number

Owner Information

Property Address

Acres

Municipality

School District

Class

Land Use Code

Year Built

Assessed Land Value

Assessed Building Value

Assessed Total Value

TAX PARCEL INFORMATION:

YANAVITCH WILLIAM T II & KIMBERLY V

31 000 04 0001 00 00000

YANAVITCH WILLIAM T II & KIMBERLY V

DUCKTOWN & PHEASANT RUN RD

6.20

Hellam Twp

Eastern School District

Farm

F Less 104C Vac Baby Forest

\$ 3,850.00

\$ 0

\$ 3,850.00

76.5720 40.0032 Degrees

100'

Floodplain Determination – 325 Ducktown Road

Summary of Requirements

| Item | Requirement for This Site (Zone X) |
|---------------------------------|--|
| Chapter 230 floodplain permit | Not required |
| Elevation or floodproofing reqs | Not applicable |
| FEMA flood insurance | Not mandatory (optional per property owner) |
| FEMA flood zone designation | Zone X (Panel 42133C0239F, Eff. 12/16/2015) |
| General zoning/building permits | Still required for development or improvements |

Additional Notes

- While Zone X is not regulated under Chapter 230, applicants are encouraged to review best practices for construction in low-risk flood areas.
- Property owners should remain aware of potential map revisions by FEMA that may affect flood zone designation in the future.

Attachments

- FEMA FIRMette (Panel No. 42133C0239F, Effective 12/16/2015)
- Hellam Township GIS Map showing parcel overlay

Prepared by:

Jason Test

Zoning Coordinator

Hellam Township

Date: September 5, 2025

Floodplain Determination – 325 Ducktown Road

Prepared by: Hellam Township Zoning Officer

Subject: Confirmation of Floodplain Status – Chapter 230 Applicability

Reference: Zone X – FEMA Panel 42133C0239F, Effective December 16, 2015

Project Location

This determination is issued for the following property:

325 Ducktown Road

York, PA 17406

Hellam Township, York County

Based on a review of the following official sources:

- Hellam Township GIS floodplain overlay, and
- FEMA FIRMette, Panel No. 42133C0239F, Effective Date: December 16, 2015

It is confirmed that the above-referenced parcel lies within FEMA Flood Zone X, and is not located within the Special Flood Hazard Area (SFHA) or any area defined as an Identified Floodplain Area under Hellam Township's Chapter 230 – Floodplain Management Ordinance.

Applicability of Chapter 230




Pursuant to § 230-20 and § 230-38 of the Hellam Township Code:

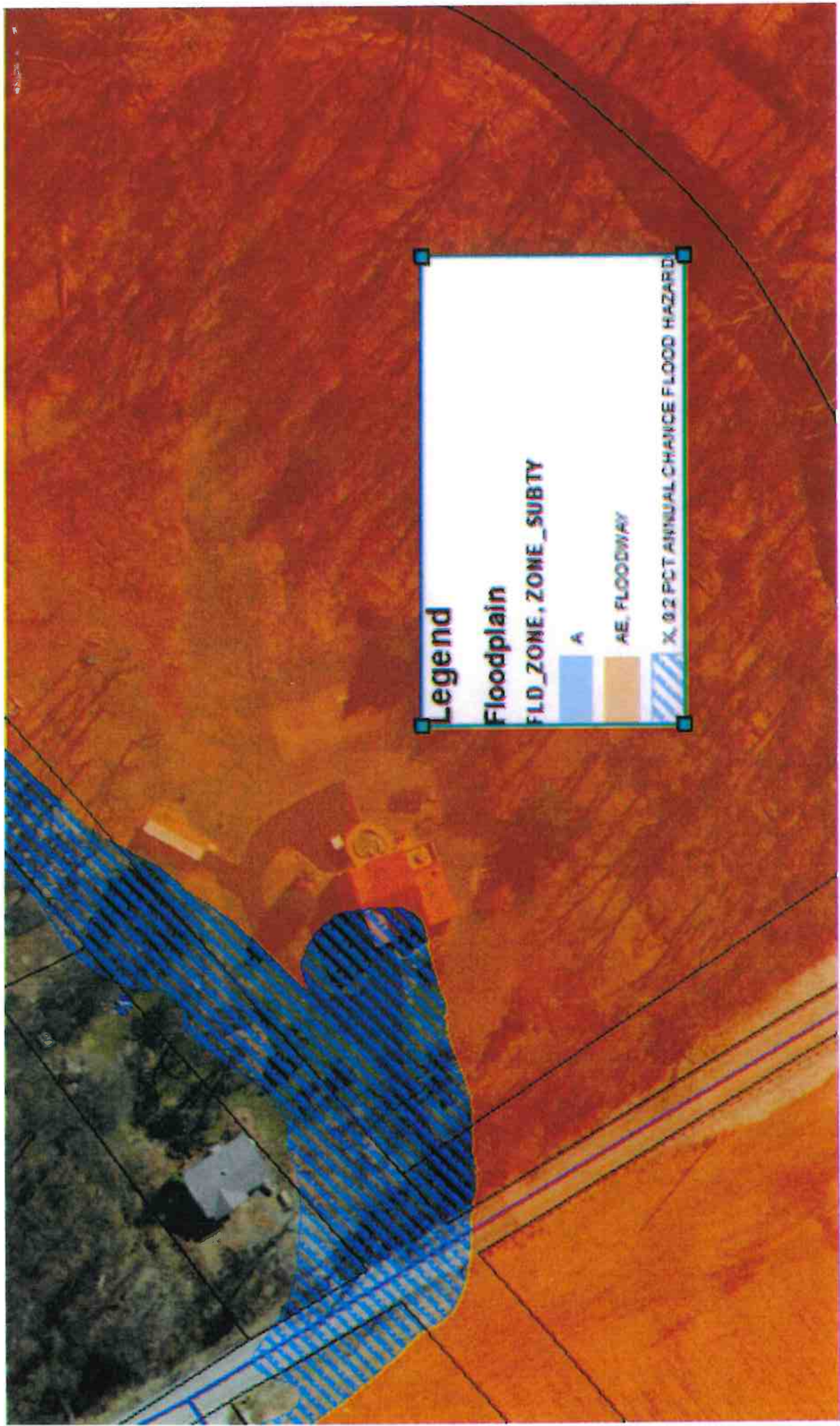
- Zone X is not classified as a Special Flood Hazard Area (which includes only Zones A, AE, AO, AH, A1-A30).
 - Zone X is not included in the "Identified Floodplain Area" adopted for regulatory enforcement under Chapter 230.
 - Therefore, no floodplain development permit, elevation certificate, or other Chapter 230-related compliance measures are required for this site.
-

Legend

Floodplain

FLD_ZONE_ZONE_SUBTY

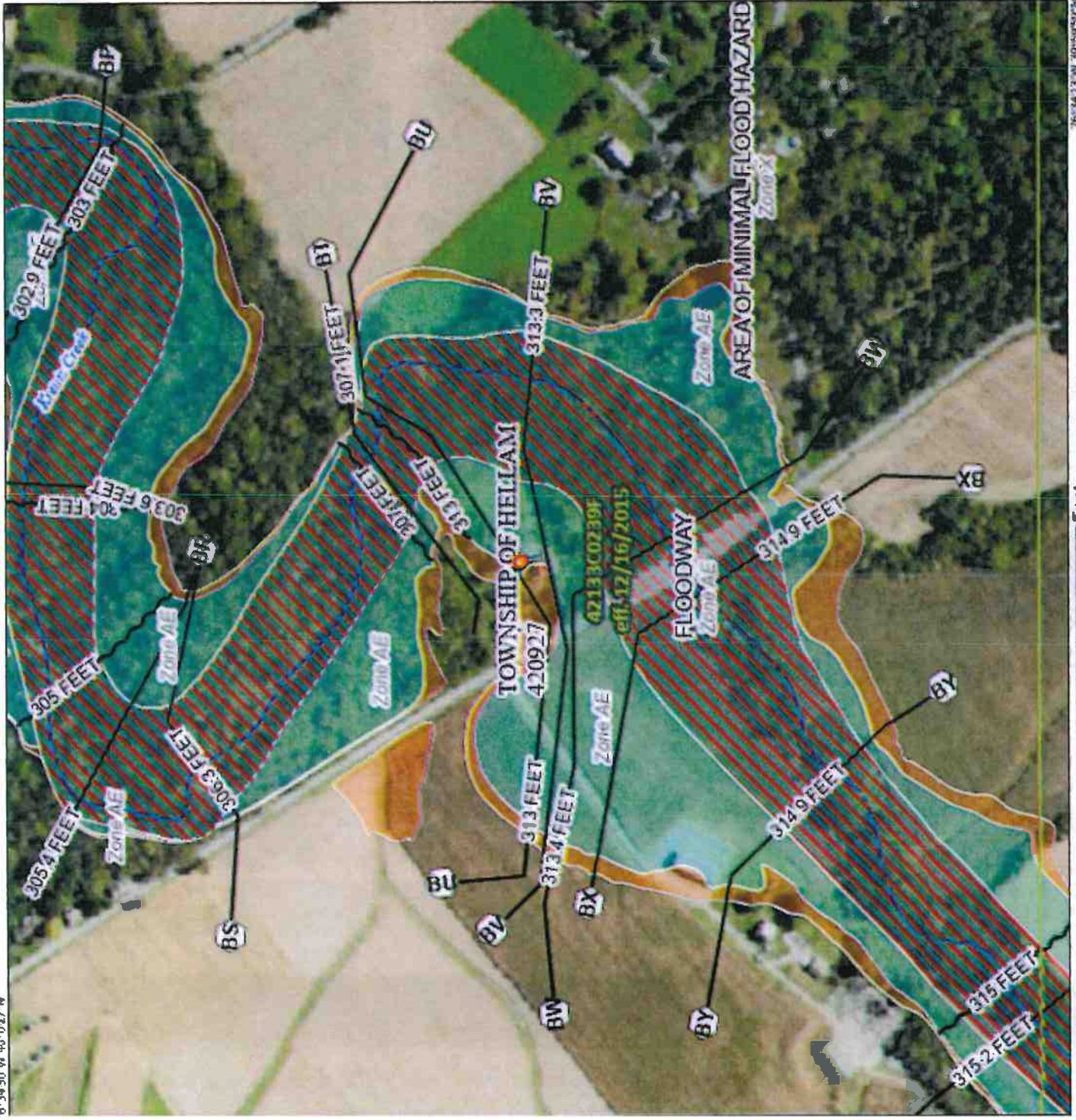
| | |
|---|---------------------------------------|
|  | A |
|  | AE, FLOODWAY |
|  | X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD |



National Flood Hazard Layer FIRMette



6°34'50"N 40°02'7"W



1:6,000

Feet

2 000

1 000

500

250

0

Legend

SEE FIRM REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



The pin displayed on the map is an approximate point selected by the user and does not represent authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was reported on 9/5/2020 at 3:05 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.