

**HELLAM TOWNSHIP BOARD OF SUPERVISORS  
YORK COUNTY, PENNSYLVANIA**

**IN RE: APPLICATION OF GN REALTY HALLAM, LLC  
599 WEST MARKET STREET (PARCEL NO. 31-06-01.A)**

**APPLICATION NUMBER: Z-2026-01**

**DECISION**

**NATURE OF APPLICATION**

The Applicant requests approval of a proposed conditional use pursuant to Sections 490-16(C)(31) and 490-109 of the Zoning Ordinance of Hellam Township to permit a restaurant, drive-through, upon the subject Property.

**HEARING**

A hearing was held by the Hellam Township Board of Supervisors at 6:00 PM on Thursday, April 2, 2026, at the Hellam Township Administrative Building, 35 Walnut Springs Road, York, Pennsylvania. The Applicant's representative appeared with counsel and its consulting engineer to present evidence in support of the Application. Several members of the public appeared to offer general concerns about the proposal, but no one offered objective evidence in opposition to the Application. Based upon all of the testimony and evidence presented, the Board makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. The Applicant is GN Realty Hallam, LLC, an entity that is under contract to purchase 599 West Market Street in the Township, Parcel No. 31-06-01.A (the "Property"); the Property is currently owned by Fulton Bank and is improved with a drive through banking facility, associated parking and existing landscaping features.
2. The Applicant is seeking a conditional use to allow the Property and the existing structure erected thereupon to be converted to use as a restaurant, drive through, as defined in the Zoning Ordinance.
3. The Property is comprised of a total of 1.37 acres and is located entirely within the Commercial/Industrial (C/I) Zone.
4. The Zoning Officer submitted his Conditional Use Application Briefing to the Board in advance of the hearing, and the Board accepted the information contained therein, including the Application and related materials submitted by the Applicant to the Zoning Officer, into the record as accurate, true and correct.
5. Applicant's counsel and its consulting engineer presented a site plan drawing of the Property showing the changes proposed to enable it to be used as a drive-through

restaurant; in this case, the specific proposal is to convert the Property to a drive-through Dunkin' Donuts location.

6. The Applicant's drawing evidenced a planned dumpster to be located to the rear of the Property and surrounded by a physical enclosure to screen it from view. The proposed location of the dumpster is intended to accommodate trash removal vehicle access to the dumpster.
7. The Applicant confirmed that employees will be deployed to assist with litter removal and management on a daily basis.
8. The Applicant confirmed that the order station will be placed at the northeastern side of the existing building, and that it will face existing, mature tree and landscape screening that will minimize the amount of sound leaving the Property.
9. The Applicant confirmed that the pick-up window will be on the side of the building facing Kreutz Creek Road and should direct no sound toward existing homes.
10. The Applicant confirmed that any outdoor seating areas will be enclosed as required by the Zoning Ordinance and that no outdoor play areas are proposed.
11. The Applicant has requested a variance from the Township Zoning Hearing Board to reduce the 200-foot distance required between the Property and any adjoining R or R/A zone uses.
12. The Applicant confirmed that the existing bank use includes mature screening and landscape buffering between the proposed use and existing residential uses and that the Applicant will improve that screening and buffering to ensure compliance with the Zoning Ordinance.
13. The Applicant confirmed and demonstrated on its drawing that the proposed drive-through lane will have no less than 200 feet of stacking.
14. Katina Snyder of the Kreutz Creek Valley Preservation Society appeared to request the Applicant to make accommodations to house and display the old Lincoln Highway mile-marker intended for location on the Property, and the Applicant agreed to do so.
15. Several nearby residents appeared to raise general concerns about traffic and noise, but none of them presented any specific evidence to support their concerns.
16. In response to questioning by the Supervisors, the Applicant agreed to (a) allow customer traffic to exit to the right (to the west) onto West Market Street if it is reasonably determined to reduce exiting backlogs and not be detrimental to traffic safety, (b) erect signs directing stacking vehicles in the drive-through lane to form a second circle around the Property to allow for additional stacking, and (c) plant additional trees along the eastern boundary line of the Property to improve screening for the residences on Alliance Avenue.

## CONCLUSIONS OF LAW

1. Under Subsections 490-16(C)(31) of the Township Zoning Ordinance, a Restaurant, Drive-Through, is permitted as a conditional use in the Commercial/Industrial (C/I) Zone.
2. Section 490-109 of the Zoning Ordinance imposes the following specific conditions applicable to any proposed Restaurant, Drive-Through:

*“Drive-through restaurants are permitted as provided in Article II herein and subject to the following criteria:*

*A. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;*

*B. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;*

*C. All exterior seating/play areas shall be completely enclosed by a minimum three-foot high fence;*

*D. No part of the subject property shall be located within 200 feet of any R or R-A Zone;*

*E. A twenty-foot-wide landscape buffer planting strip D shall be provided between this use and any abutting residential use in accordance with the requirements of Ch. 280, Landscaping; and*

*F. Each drive-through lane shall have a minimum of 200 feet of on-site stacking preceding the order location.”*

3. The Board concludes that the applicable requirements of Section 490-109 have all been met by the Applicant as confirmed by the Findings of Fact set forth above, with the caveat that Applicant must obtain a variance from the Zoning Hearing Board from the requirements of Section 490-109(D).
4. No objector appeared to present specific objective evidence of non-compliance with the specific or general criteria applicable to the proposed use, and thus the Board concludes that the Applicant has met each applicable general requirement for a conditional use as set forth in Section 490-152 of the Township Zoning Ordinance.
5. The Applicant has met its burden to receive the requested conditional use approval, subject to the conditions set forth in the Disposition of Case section below.
6. The Applicant, therefore, is entitled to approval of the requested conditional use, subject to the conditions set forth in the Disposition of Case section below.

**DISPOSITION OF CASE**

Accordingly, it is the decision of the Hellam Township Board of Supervisors, as confirmed by a vote of 3-0 by the Board of Supervisors, that Application Z-2026-01 for a conditional use to allow a Restaurant, Drive-Through upon the Property is hereby GRANTED, subject to the following conditions: (1) the Applicant must obtain a variance from the Zoning Hearing Board from the distance requirements of Section 490-109(D), (2) the Applicant will work in good faith with the Kreutz Creek Valley Preservation Society to house and display upon the exterior of the Property an historic Lincoln Highway mile-marker that was intended for location on the Property, (3) the Applicant will allow customer traffic to exit from the Property to the right (the west) onto West Market Street if it is reasonably determined to reduce exiting backlogs and not be detrimental to traffic safety, (4) the Applicant will erect signage directing stacking vehicles in the drive-through lane to form a second circle around the Property to allow for additional stacking, and (5) the Applicant will plan additional trees along the eastern boundary of the Property to improve screening for the residences on Alliance Avenue.

ATTEST:

BOARD OF SUPERVISORS OF  
HELLAM TOWNSHIP:

Corina L. Mann  
Corina Mann, Secretary

BY: David Cox  
David Cox, Chairman

Date: April 29, 2026