



**Hellam Township Planning Commission  
Meeting Agenda  
February 9, 2023  
6:00 P.M.**

**1. Opening Agenda**

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

**2. Minutes Approval**

January 12, 2023

**3. New Business**

Z-2023-4: Benton/Fisher Variance Request for 4079 Deerhill Drive

**4. Ongoing Business**

- A. Hellam Township Vision Statement
- B. Short-term Rentals and Accessory Dwelling Units Ordinance Amendment
- C. Solar Ordinance Amendment
- D. Fee-in-lieu of Curbing and Sidewalks Ordinance
- E. Riverland Zone Ordinance

**5. Correspondence/Reports**

- A. January Zoning Report
- B. Costs of Community Services (from Bill Conaway)
- C. Status of Hellam Township (from Bill Conaway)

**6. Upcoming Meetings**

Next Planning Commission Meeting – 2/23/23

**7. Adjournment**

**Zoom Log In**

Meeting ID: 634 220 1697

Password: Hellam44

**HELLAM TOWNSHIP  
PLANNING COMMISSION MEETING  
Minutes of January 12, 2023**

2

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, Fred Owens, John Eifert, Rick Cooper, Jay Kokiko, Susan Enrico (alternate) and Michael Shillott. Other attendees included Rachel Vega, Zoning Officer, Corina Mann, Township Manager, Steve Fetrow, alternate and Nedette Otterbein, Supervisor.

**Re-Organization**

Upon a motion by Mr. Cooper, seconded by Mr. Owens, the Planning Commission appoints Devin Winand as Chairman and Jay Kokiko as Vice-chairman. Motion carried unanimously.

**Approval of Minutes**

The Planning Commission reviewed draft minutes from the December 22, 2022 meeting. Mr. Eifert asked for the word "from" to replace "out of" in the first line on page two. Upon a motion by Mr. Shillott, seconded by Mr. Kokiko, the Planning Commission approved the minutes with the above-mentioned change. Motion carried unanimously.

**New Business**

**Z-2023-1: Gambler Variance Request for 1085 Accomac Road**

Dan Gambler presented his application for a variance. He would like to construct a 15' x 16' addition to the house. They have two kids and his wife works from home so they are in need of more space. Due to the small, nonconforming size of the lot, they are unable to meet lot coverage requirements and are requesting a 1% increase in lot coverage from 23% to 24%.

Mr. Cooper stated that these are regulations designed for the Rural Agricultural Zone which require a minimum lot size of two acres. This lot is about half of an acre and is more like a lot in the Residential Zone. Mr. Owens further added that these regulations were not developed for this size property. A resident in the audience agreed. Mr. Winand asked for the location of the well and septic system and wondered if this addition would have an effect on them. Mr. Gambler stated that the septic is in the rear yard and the well is in the corner by the driveway. Neither would be affected by the addition. Mr. Eifert asked if the applicant explored the possibility of adding a second floor. Due to the amount of work needed to the house to create a second floor, Mr. Gambler feels the cost is prohibitive. Mr. Cooper asked if there are currently any stormwater management controls on the property. Mr. Gambler confirmed there are none. Mr. Cooper suggested, as a condition of approval, the applicant can control the stormwater of the area from 15% to 24% which would be 2,051 sf.

Upon a motion by Mr. Owens, seconded by Mr. Shillott, the Planning Commission recommends approval of variance application Z-2023-1 to increase the lot coverage from 23% to 24% with the condition that the property owner provides stormwater management for the area from 15% to 24% which is 2,051 sf. Motion carried unanimously.

**Z-2023-2: Kauffman Rezoning Request for Campbell Road, Parcel KK-2A**

Craig Sharnetzka, Esq. and John Wilson, Esq. from CGA Law Firm presented the application along with Nathan Kauffman. The applicant requests to rezone parcel KK-2A on Campbell Road from Rural Agricultural to Commercial/Industrial. The property is about 23 acres and is currently used for agriculture. The property is surrounded on three sides by Commercial/Industrial land and uses. This parcel was once part of a larger farm and when zoned was likely not included in Commercial/Industrial because of this. Water and sewer is close to the property and can be extended. Currently 89% of the Township is zoned Rural Agricultural and 3% is zoned Commercial/Industrial. Only about 6.5 acres remain undeveloped in the Commercial/Industrial Zone and some of the land is being preserved with the Mifflin House. There was a potential buyer for the property however they pulled out about six months ago. They were proposing a light industrial warehouse. Any development on this

property would be subject to land development and possibly conditional use approval.

Mr. Eifert commented that this proposal makes sense based on it being surrounded on three sides by Commercial/Industrial property but would have liked to see York County Planning Commission's Comments (YCPC). Ms. Vega responded that YCPC will review the proposal on February 21, 2023 so has scheduled the hearing before the Board of Supervisors on March 16, 2023 so they are able to review YCPC's comments.

Mr. Shillott commented that the Planning Commission should look at the uses allowed in the Commercial/Industrial Zone and see how they would impact Campbell Road. Ms. Vega pointed out that under the Specific Criteria in the Zoning Ordinance, road access is often addressed. Some uses require access to an arterial road and all uses require a traffic study in the land development process. Mr. Kokiko added that Campbell Road is a Township road and may need improvements to accommodate large trucks. Mr. Winand added that this property is in the TDR Sending District and is therefore prime agricultural land. It is also not included in the growth area on the Official Map so this proposal is not consistent with the Comprehensive Plan. Mr. Kokiko asked what will happen to the TDR Sending District designation for this property if it is rezoned. Ms. Vega is not sure and would need to address this at the hearing with the Solicitor. Mr. Shillott added that he does not feel that a warehouse is a good use for this location and stormwater issues should be looked at closely.

Jim Vaughn with Advanced Fluid Systems offered public comment. He is an adjoining property owner at 245 Campbell Road. He purchased his property in 1988. At that time his property was zoned Commercial/Industrial. Two years ago he purchased 10 TDRs for a proposed expansion which he hopes to resume once the economy is better. Mr. Vaughn supports this rezoning request as the Township needs a tax base somewhere and it comes from commercial development not residential. Additionally, development of this property would help offset the cost of extending public water down Campbell Road which would be beneficial to the surrounding commercial uses.

Barry Keller, representing the Craig Adams property, also offered public comment. He stated that the surrounding properties have perked well and will likely not have any issues with stormwater management. Development of this property may even help with the stormwater issues on Campbell Road since the property will be able to infiltrate the stormwater rather than it running off of the property. Mr. Keller agrees this rezoning will help increase the tax base in Hellam Township and supports this request.

Upon a motion by Mr. Shillott, seconded by Mr. Cooper, the Planning Commission recommends approval of application Z-2023-2 to rezone parcel K-2A on Campbell Road. Motion carried unanimously.

### **Z-2023-3: Riedy/White Clover Family Farm Variance Request for 327 Campbell Road**

Mr. Riedy presented his variance request for a 20' front yard setback for construction of a 30' x 48' greenhouse. White Clover Family Farm is a community farm that incorporates its customers into the farm. They would like to construct a small greenhouse that is accessible to customers to bring them closer to their food. They plan to grow seedlings in the winter for sale in the spring. They are currently unable to grow in the winter. Meeting the 100' front yard setback would place the greenhouse in the floodplain and riparian buffer. Placing the greenhouse further back, outside of the floodplain and riparian buffer, would require the addition of considerable impervious area as the customers would have to drive to the back of the property and separate parking would need to be provided. It would also require customers to drive over their culvert.

Mr. Owens asked what materials will be used for the construction of the greenhouse. Mr. Riedy responded that it will be constructed of double poly sheeting with glass or wood ends and will be placed on a gravel base. Stormwater management will be provided for the greenhouse. Mr. Eifert is concerned about having adequate parking for the greenhouse. It would not be a good idea to have customers park on Campbell Road. Mr. Riedy responded that currently there are parking spaces off of their driveway for the farm stand that will be used. This parking has been sufficient so far with the exception of Saturdays which are bread days. Ms. Vega added that the Zoning Ordinance requires one space per 1,000 sf of retail space for a greenhouse. Mr. Riedy's proposed greenhouse would have a total size of 1,440 sf. If the entire greenhouse was retail space, Mr. Riedy would be required to provide two parking spaces. He already has more than two parking spaces.

Upon a motion by Mr. Kokiko, seconded by Mr. Shillott, the Planning Commission recommends approval of application Z-2023-3, variance for a 20' front yard setback for an accessory structure at 327 Campbell Road. Motion carried unanimously.

**Correspondence/Reports**

Ms. Vega presented the December Zoning Report

**General Discussion**

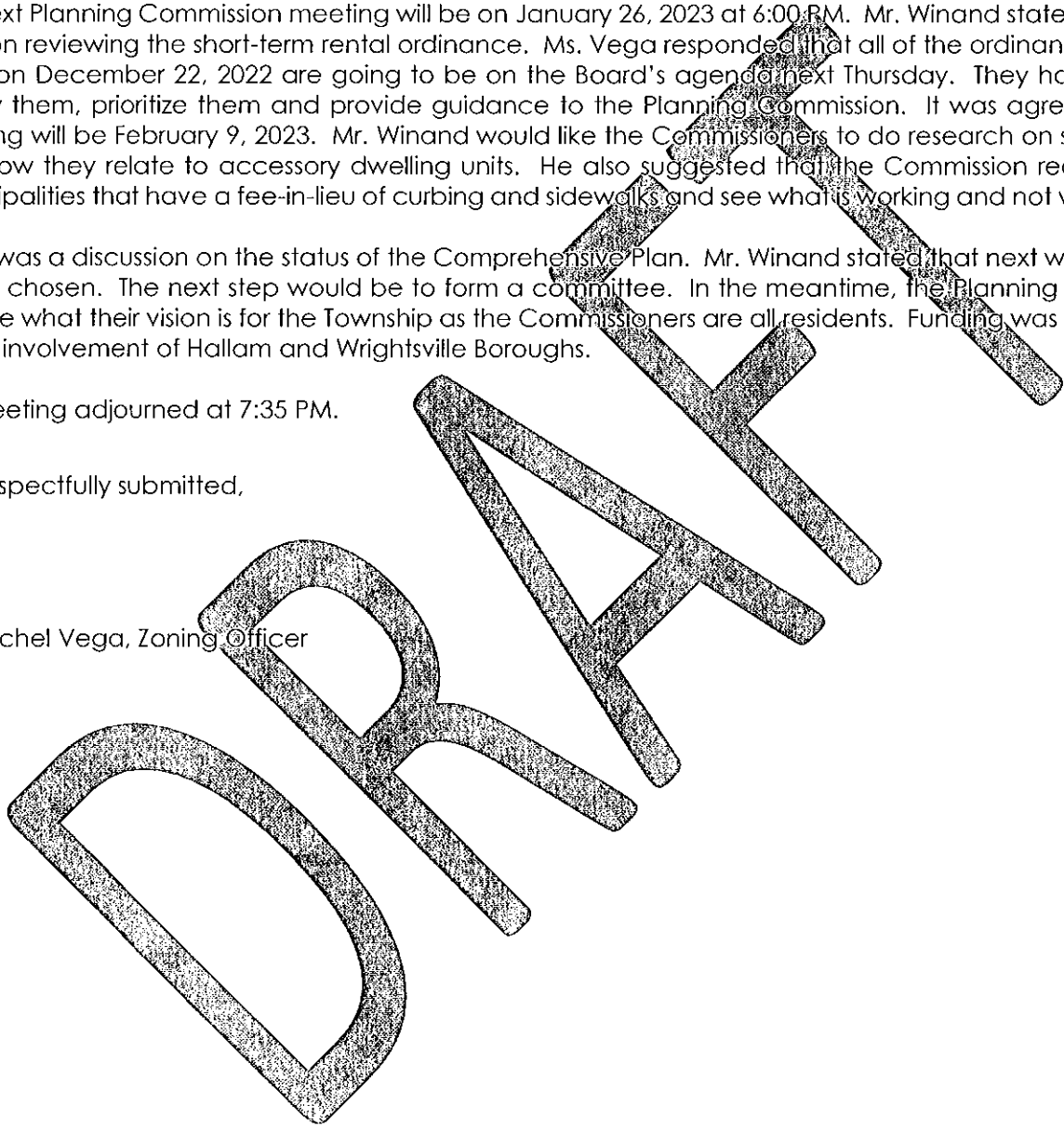
The next Planning Commission meeting will be on January 26, 2023 at 6:00 PM. Mr. Winand stated that we should work on reviewing the short-term rental ordinance. Ms. Vega responded that all of the ordinances presented to them on December 22, 2022 are going to be on the Board's agenda next Thursday. They have requested to review them, prioritize them and provide guidance to the Planning Commission. It was agreed that the next meeting will be February 9, 2023. Mr. Winand would like the Commissioners to do research on short term rentals and how they relate to accessory dwelling units. He also suggested that the Commission reach out to other municipalities that have a fee-in-lieu of curbing and sidewalks and see what is working and not working for them.

There was a discussion on the status of the Comprehensive Plan. Mr. Winand stated that next week a consultant will be chosen. The next step would be to form a committee. In the meantime, the Planning Commission can provide what their vision is for the Township as the Commissioners are all residents. Funding was discussed as well as the involvement of Hallam and Wrightsville Boroughs.

Meeting adjourned at 7:35 PM.

Respectfully submitted,

Rachel Vega, Zoning Officer





# Hellam Township Planning Commission Variance Application Briefing

# 3

<b>Application Number:</b>	Z-2023-4	<b>PC Meeting Date:</b>	February 9, 2023
<b>Applicant(s):</b>	Zane Benton & Tracy Fisher	<b>Tax Map Parcel:</b>	LJ-3Y
<b>Property Owner(s):</b>	Zane Benton & Tracy Fisher	<b>Lot Size:</b>	1.2 Acres
<b>Property Location:</b>	4079 Deerhill Drive	<b>Zoning:</b>	Rural Agricultural (RA)

**Project Narrative:**

The applicant is requesting a Variance from §490-21.F(1)(a) to construct a single-family dwelling on a property with slopes greater than 25%.

Attached Exhibits:

- A. Zoning Hearing Application (received January 30, 2023).
- B. Zoning Hearing Board Decision from Z-2010-03.
- C. Zoning Hearing Board Decision from z-2020-06.

**Property Characteristics:**

1. The subject property is a vacant wooded lot, approximately 1.2 acres in size. The topography shown on Applicant's Zoning Exhibit B Plan shows the majority of the property in the Steep Slope Overlay Zone. The proposed dwelling location is located in the area that has slopes greater than 25%.
2. The property is irregularly shaped in that it has five sides. Additionally, the property is longer than it is wide with a 233-foot width and 122-foot depth.
3. This is a nonconforming lot as the minimum lot size in the Rural Agricultural Zone is 2 acres and this lot is only 1.2 acres.
4. The subject property is part of the Deerhill Estates Subdivision, 9/16/1984. This subdivision, attached as Applicant's Exhibit C, designated parcel LJ-3Y as a buildable lot.
5. A permit for an on-lot sewage disposal system was granted in 2022 for a sandmound system.
6. Two variances were previously granted, Z-2010-03 & Z-2020-06 to grant relief from the setback requirements however these variances were not utilized and have since expired. The decisions are attached hereto as **Exhibit B & C.**
7. The subject property is shown on Hellam Township maps as being located within the Riparian Buffer Overlay however upon further examination the steep slope which puts this property in the Riparian buffer is about 3,500 feet uphill from the stream connected to the slope. It is not logical for stormwater to travel uphill for 3,500 feet to the stream.

8. Adjacent properties:

	Use	Zoning
North	Residential	RA
South	Residential	RA
West	Residential	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.** This property is a legally non-conforming lot for lot size. The lot is also irregularly shaped, narrow and steeply sloped.
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.** Due to the topographic conditions with interspersed areas of existing slopes exceeding 25%, the property cannot be developed in strict conformity with the provisions of the Zoning Ordinance.
3. **Why the unnecessary hardship has not been created by the applicant.** In 1984 this parcel was created as a single-family residential lot.
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.** Granting this variance will not alter the residential character of the neighborhood.
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.** Due to the topography of the parcel, it is impossible to construct a single-family dwelling without disturbing slopes greater than 25%.
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** This property is not located within a floodplain.

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***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 # <u>Z-2023-04</u>			
Application Filed	<u>1/30/23</u>	Planning Commission	<u>2/9/23</u>
Hearing Advertised	<u>2/13 &amp; 2/20</u>	ZHB/BOS Hearing	<u>2/28/23</u>
Notices Mailed	<u>1/31/23</u>	Decision Rendered	_____
Site Posted	_____	Notification Sent	_____

A. APPLICANT'S NAME: ZANE T. BENTON AND TRACY M. FISHER  
 ADDRESS: 900 CENTER STREET MOUNT JOY, PA 17552  
 PHONE NUMBER: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

B. PROPERTY OWNER'S NAME  
 (If different than applicant): SAME AS ABOVE  
 ADDRESS: \_\_\_\_\_  
 PHONE NUMBER: \_\_\_\_\_

C. CONSULTANT'S NAME  
 (If different than applicant): JOHNSTON AND ASSOCIATES, INC. - ATTN: ERIC JOHNSTON  
 ADDRESS: 2386 TAXVILLE ROAD YORK, PA 17408 P.E.  
 PHONE NUMBER: 717-793-9595 EMAIL ADDRESS: johnston7e.comcast.net

D. Tax Map: LJ Parcel: 3Y0 Zoning District: RA - RURAL AGRICULTURAL  
 Property Address: 4079 DEERHILL DRIVE HELLAM, PA 17406  
 Date purchased: 5/23/2022  
 Lot size: acreage 1.20 AC -or- 52,213 sq. ft. (NET AREA)  
 Present use: VACANT WOODLAND  
 Proposed use: SINGLE FAMILY RESIDENCE AND VACANT WOODLAND  
 Date of previous application (if any): NONE

- E. Please choose the following:
- APPEAL (Refer to Section 1)
  - SPECIAL EXCEPTION (Refer to Section 2)
  - VARIANCE (Refer to Section 3)
  - OTHER - Curative or Zoning Amendment (Refer to Section 4)

**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:

SEE ATTACHED EXHIBIT A

- Brief description of nature of Variance requested:

SEE ATTACHED EXHIBIT A

- 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:

SEE ATTACHED EXHIBIT A

- 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:

SEE ATTACHED EXHIBIT A



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

SEE ATTACHED EXHIBIT A

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:

SEE ATTACHED EXHIBIT A

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:

SEE ATTACHED EXHIBIT A

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

SEE ATTACHED EXHIBIT A

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.

PREPARED BY and  
RECORD AND RETURN TO:  
Homesale Settlement Services, Ltd.  
215 S. Centerville Road  
Lancaster, PA 17603

File No.: **LCE22-31107KAM**  
Account No.: **31-000-LJ-0003.Y0-00000**  
Premises: **4079 DEERHILL DRIVE, HELLAM, PA 17406**

**This Indenture**, Made the 23rd day of May, 2022

**Between**

**JEFFERY C. STREMMEL AND JENNIFER J. STREMMEL, HUSBAND AND WIFE**

(hereinafter called the Grantors), of the one part, and

**ZANE T. BENTON AND TRACY M. FISHER,**

(hereinafter called the Grantees), of the other part,

**Witnesseth** That the said Grantors, for and in consideration of the sum of [REDACTED] lawful money of the United States of America, unto them, well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents, do grant, bargain and sell, release and confirm unto the said Grantees, as **JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON**, their heirs and assigns,

ALL THAT CERTAIN tract of land, situate, lying and being in Hellam Township, York County, Pennsylvania, being more particularly bounded and described in accordance with a Final Subdivision Plan of Deerhill Estates, by C. S. Davidson, Inc., Consulting Civil Engineers, dated August 22, 1984, and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania, in Plan Book EE, Page 700, as follows:

BEGINNING at a point in the centerline of Deerhill Drive and the Southeast corner of Lot No. 2; thence across Deerhill Drive, North fifty-nine (59) degrees fifty-two (52) minutes thirty-three (33) seconds West twenty-five (25) feet to a point; thence continuing along Lot No. 3, North sixty-nine (69) degrees nine (09) minutes forty-three (43) seconds West one hundred eight and thirteen hundredths (108.13) feet to a point at the Southeast corner of Lot No. 1; thence along Lot

No. 1 North eighteen (18) degrees twenty-two (22) minutes zero (00) seconds West one hundred seventy (170) feet to a point at the Northeast corner of Lot No. 1 and lands now or formerly of York Rifle Range; thence along lands now or formerly of York Rifle Range, North (70) degrees forty-five (45) minutes zero (00) seconds East two hundred thirty and nine hundredths (230.09) feet to a point at Lot No. 4; thence along Lot No. 4, South forty (40) degrees seventeen (17) minutes fourteen (14) seconds East one hundred twenty-two and seven hundredths (122.07) feet to a point on the North side of Deerhill Drive; thence across Deerhill Drive, South thirty-seven (37) degrees fourteen (14) minutes three (03) seconds East twenty-five (25) feet to a point in the centerline of Deerhill Drive; thence along the centerline of Deerhill Drive by a curve to the left having a radius of three hundred ninety-nine and sixty-three hundredths (396.63) feet an arc distance of one hundred forty-eight and four hundredths (148.04) feet the chord of which is South forty-one (41) degrees twenty-six (26) minutes forty-two (42) seconds West one hundred forty-seven and eight hundredths (147.08) feet to a point in the centerline of Deerhill Drive; thence continuing along the centerline of Deerhill Drive, South thirty (30) degrees seven (07) minutes twenty-seven (27) seconds West seventy-five and eight hundredths (75.08) feet to a point in the centerline of Deerhill Drive and the Southeast corner of Lot No. 2 the point and place of BEGINNING.

BEING Lot No. 3 on the aforesaid Plan.

BEING THE SAME PREMISES which Jeffrey P. Horn and Denise D. Horn, husband and wife by deed dated November 9, 2020 and recorded December 11, 2020 in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Record Book 2616, Page 3608, granted and conveyed unto Jeffery C. Stremmel and Jennifer J. Stremmel, husband and wife, their heirs and assigns.

**Together** with all and singular the buildings improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors, as well at law as in equity, of, in and to the same.


**To have and to hold** the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.


**And** the said Grantors, their heirs, executors and administrators do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that the said Grantors, their heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with appurtenances, unto the said Grantees, their heirs and assigns, against the said Grantors and their heirs, and against all and every person and persons whatsoever lawfully claiming or to claim the same or any part thereof, by, from or under or any of them, shall and will

SPECIALLY WARRANT and forever DEFEND.

**In Witness Whereof**, the parties of the first part hereunto set their hand and seal.  
Dated the day and year first above written.

Sealed and Delivered  
IN THE PRESENCE OF US:

  
\_\_\_\_\_  
Jeffrey C. Stremmel

  
\_\_\_\_\_  
Jennifer J. Stremmel

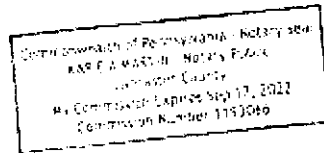
STATE OF PENNSYLVANIA

COUNTY OF LANCASTER

I, Karie Martin, a Notary Public for the of and State of Pennsylvania, do hereby certify that Jeffery C. Stremmel and Jennifer J. Stremmel, husband and wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 23rd of May, 2022.

Karie A. Martin  
Notary Public



My Commission Expires: September 17, 2022

(SEAL)

The address of the above-named Grantees is:  
900 CENTER STREET  
MOUNT JOY, PA 17552

Karie A. Martin  
On behalf of the Grantees

## EXHIBIT A - ATTACHMENT TO ZONING HEARING APPLICATION

Property Location : Deerhill Drive  
Tax Parcel 31-000-LJ-0003.YO

DATE : 1/11/2023

PREPARED BY: ERIC JOHNSTON, P.E.  
JOHNSTON AND ASSOCIATES, INC.  
2386 TAXVILLE ROAD  
YORK, PA 17408

**Background:** The applicant is currently the owner of an existing 1.10 acre tract of land located at 4079 Deerhill Drive through their purchase of the property in May 2022 . The site is located within the RA-Rural Agricultural and currently exists as a vacant partially wooded parcel.

The applicant desires to construct a single family residence and driveway on the property. Single Family Residential Use is a permitted use by right in the RA Zoning District.

The site is situated in an area of steeply sloped lands with slope areas between 15%-25% as well as slopes exceeding 25%. Section 490-21. F (1) (a)“ Residential Overlay Development District ( RDO) of the Hellam Township Zoning Ordinance requires conservation of steeply sloped lands whereby no site disturbance shall be allowed on slopes exceeding 25%.

Relief from Section 490-21. F (1) (a)“ Residential Overlay Development District ( RDO) of the Hellam Township Zoning Ordinance is required to accommodate the proposed layout of the site improvements and are summarized within this Exhibit. Although the Application to the Zoning Hearing Board addresses the traditional standards for variance review ( Section 490-143.C), the predicate language of Section 490-143.C “ that all of the findings are made where relevant in a given case “ may be applicable to reviewing the applicant’s variance requests.

**• A Variance to allow construction of a single family dwelling and associated site improvements within an area of slopes exceeding 25% is therefore required in accordance with Section 490-21. F (1) (a) of the Hellam Township Zoning Ordinance .**

**REPRESENTING ENGINEER FOR PROJECT:**

**ERIC JOHNSTON, P.E.  
JOHNSTON AND ASSOCIATES, INC.  
2386 TAXVILLE ROAD  
YORK, PA 17408  
PHONE: 717-793-9595**

**REPRESENTING ATTORNEY FOR PROJECT:**

**NONE AT THIS TIME**

**Variance No. 1 – 490-21. F (1) (a).** The applicant thinks a variance to allow the construction of a single family residential dwelling and associated site improvements within steep slope areas exceeding 25% should be granted because:

- a.** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood district in which the property is located.

*Response: As shown in the attached Site Plan ( Exhibit B), the applicant proposes to construct a new single family residential dwelling and associated driveway, on lot sewage system, on lot well, and required stormwater management facilities on the subject property. Section 490-12.B(12) of the Hellam Township Zoning Ordinance recognizes a Single-family detached dwelling as a Permitted Use in the R-A Zoning District.*

*The unique circumstances resulting by the location of interspersed areas of existing topographic slopes exceeding 25% does not allow the applicant to avoid these areas within the limits of the existing 1.10 Acre lot.*

*The proposed placement of the dwelling as shown represents a reasonable and logical location, allowing functional access from Deerhill Drive . The applicant is therefore requesting only for a reasonable adjustment of the zoning requirement to utilize the property consistent with the applicable regulations.*

- b.** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

*Response: The unique physical topographic conditions existing on the lot, involving the interspersed areas of existing topographic slopes exceeding 25% does not allow the applicant to avoid these areas within the limits of the existing 1.10 Acre lot. Due to this circumstance, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance.*



**Zoning Variance No. 1 – Variance No. 1 – 490-21. F (1) (a) ( cont'd.)**

- c. That such unnecessary hardship has not been created by the applicant.**

*Response: The applicant purchased the property in May 2022 as an approved single family residential lot. Exhibit C provides the approved recorded plan information from the original subdivision of residential lots in 1984. The newly added provisions of the Zoning Ordinance limiting development in steep slope areas was not created by the applicant. The applicant is therefore requesting only for a reasonable adjustment of the zoning requirement to utilize the property consistent with the applicable regulations.*

- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.**

*Response: As shown in Exhibit C, E, and E1, numerous single family residential building lots exist along Deerhill Drive adjoining the subject parcel. The variance, if authorized, to permit the construction of a single family residential family home that is a permitted use by right, will in no way alter the essential character of the neighborhood nor be detrimental to the public welfare.*

- e. That 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.**

*Response: : As shown in the attached Site Plan ( Exhibit B), the applicant proposes to construct a new single family residential dwelling and associated driveway, on lot sewage system, on lot well, and required stormwater management facilities. The unique circumstances resulting by the location of interspersed areas of existing topographic slopes exceeding 25% does not allow the applicant to provide an alternative layout of improvements to avoid these areas within the limits of the existing 1.10 Acre lot.*

*The proposed placement of the dwelling as shown represents a reasonable and logical location, allowing functional access from Deerhill Drive, and represents the least modification possible of the regulations in issue.*

**Exhibit C - Approved/Recorded Plan Creating  
4079 Deerhill Drive ( Lot 3 )**

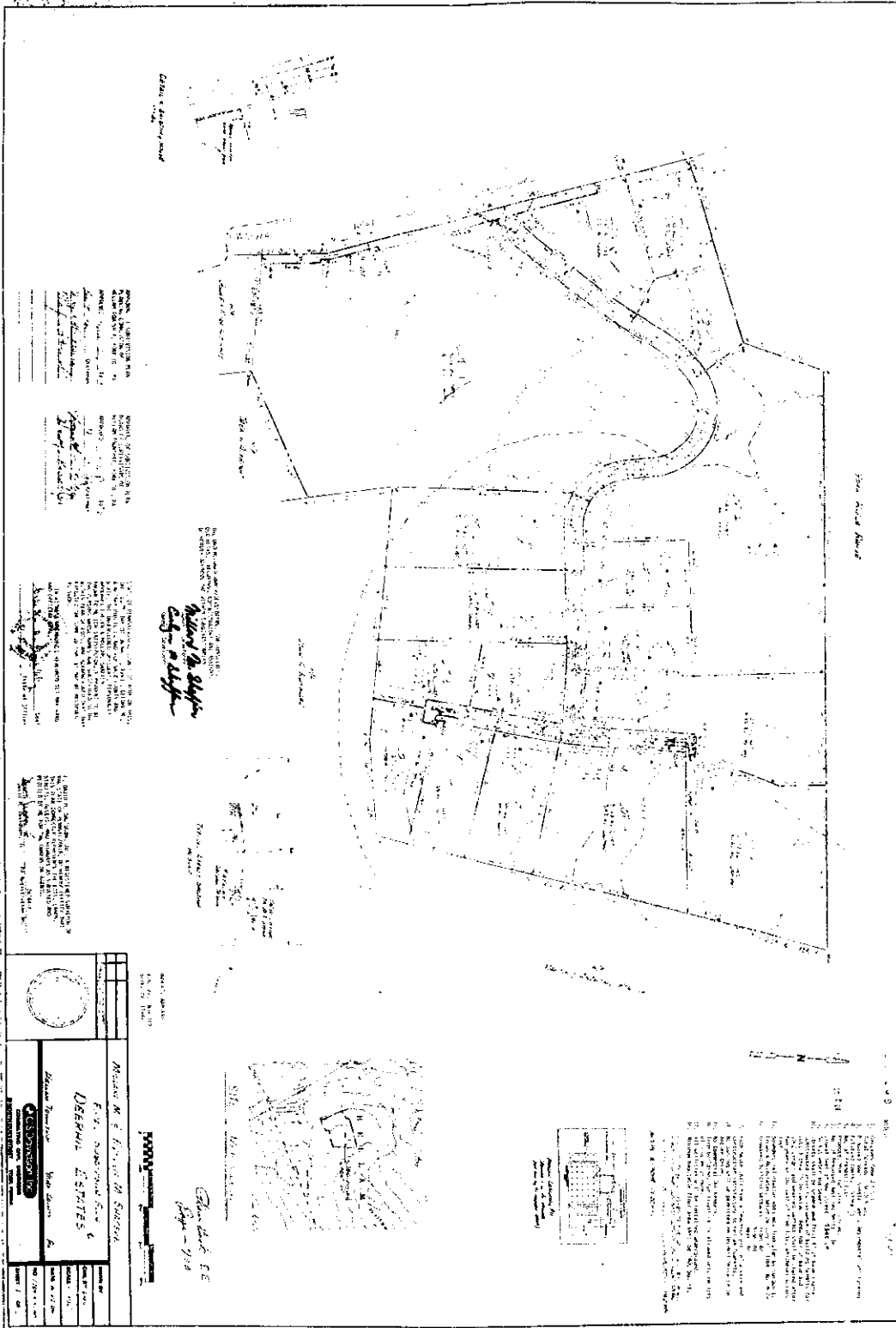


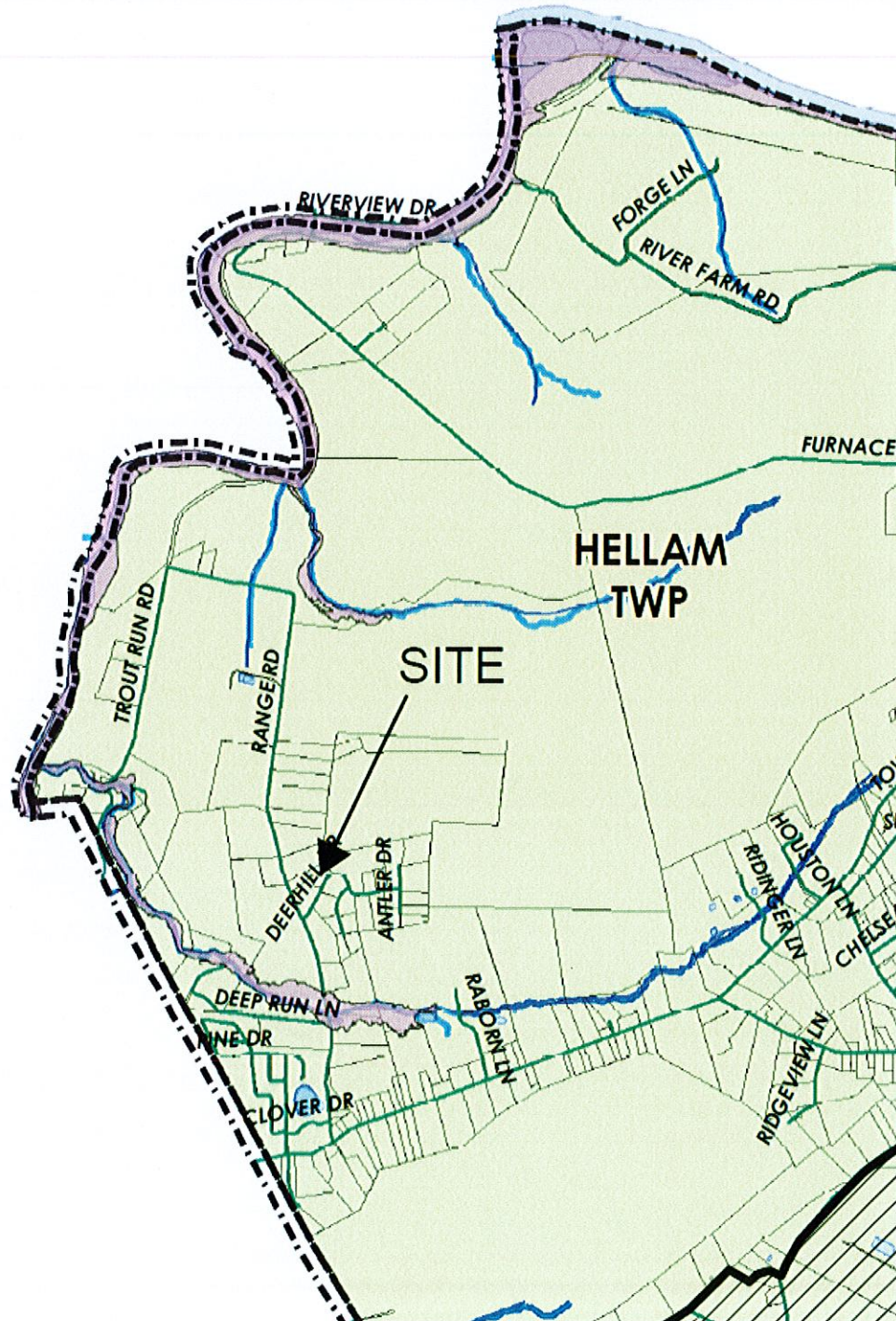
Exhibit C - Approved/Recorded Plan Creating  
4079 Deerhill Drive ( Lot 3 ) - cont'd.

Recorded Plan Notes

NOTES:

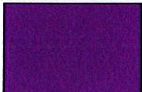
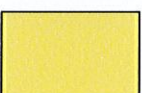
1. Conours from U.S.G.S.
  2. Total Acreage: 50,019 Ac.
  3. Proposed Use: Single-Family Residential and Farming
  4. Existing Zoning: S1one (5)
  5. No. of Proposed Lots: 17
  6. Proposed Min. Lot Size: 1.0 Ac.
  7. No. of Proposed Dwelling Units: 16
  8. Lineal Feet of New Street: 2540 LF
  9. On Lot Water and Sewer
  10. Streets shall be graded and first 4" of base course constructed prior to issuance of Building Permits for Lots 3 thru 15 inclusive. Remainder of base and 10-2 binder and wearing surface shall be placed after two years or the sale of five lots, whichever occurs last.
  11. Boundary information obtained from plan by Gordon L. Brown & Associates, dated January 11, 1964; No. M-29
  12. Required Building Setbacks: Front 40'  
Side 40'  
Rear 40'
  13. Each house shall have a leaching pit, of a size and construction satisfactory to Hellam Township.
  14. No parking will be permitted on Deerhill Drive or on Antler Drive.
  15. No Commercial Dog Kennels.
  16. Farm buildings for livestock is allowed only on lots of 3 acres or more.
  17. All utilities will be installed underground.
  18. Minimum habitable floor area shall be 1400 Sq. Ft.
- \* ALL LOTS TO BE CONSIDERED TO THE CENTER LINES OF ALL LOTS. WHEN THE CONVEYED LOTS REFLECTS LOTS AREA.  
\* FOR LINE & CORNER PLACEMENT, ALL PROPERTY CORNERS  
::: PERC & PROBE LOCATION.

Exhibit D - Partial Zoning Map



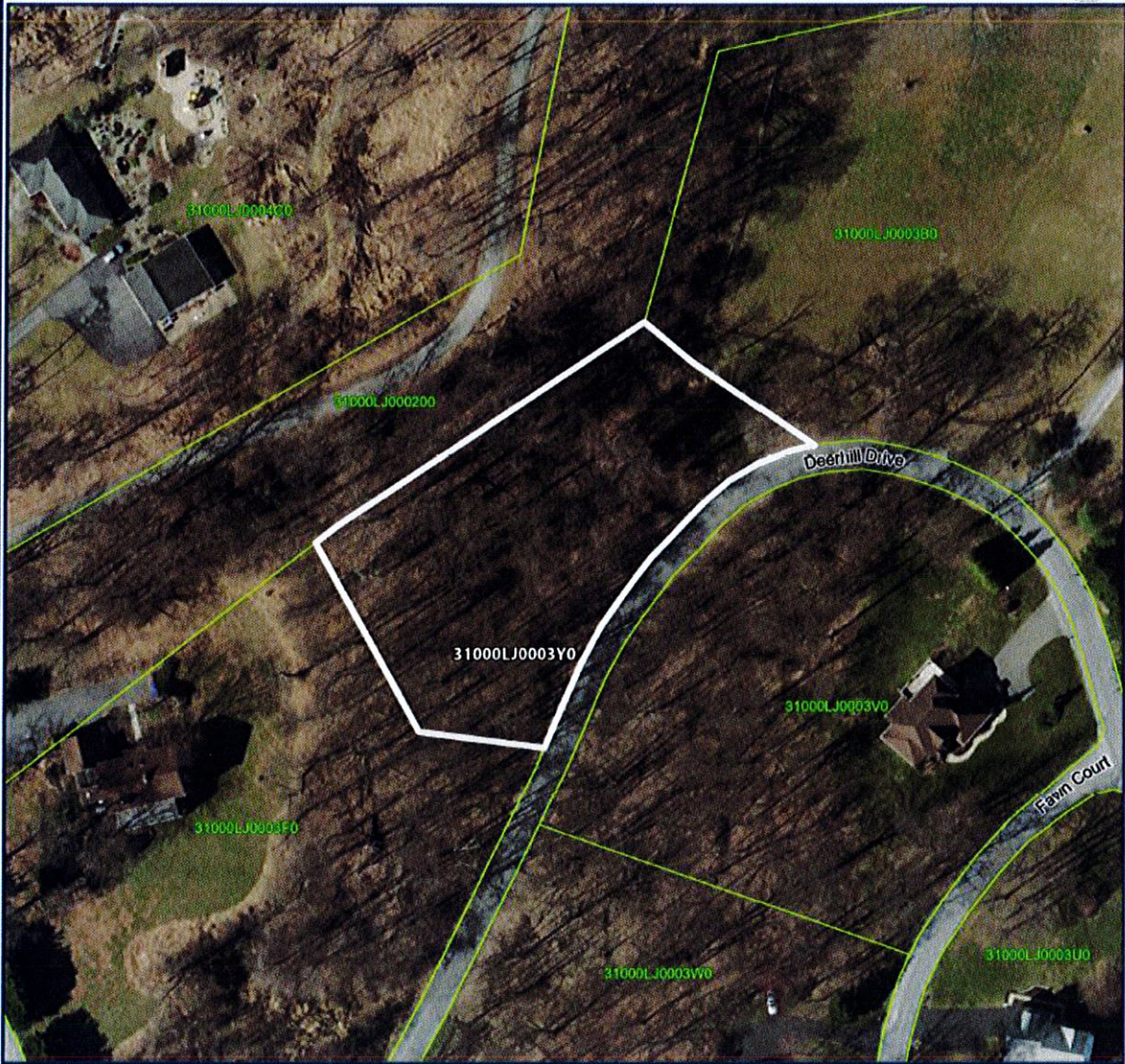
**Exhibit D - Partial Zoning Map ( cont'd.)**

**Zoning**

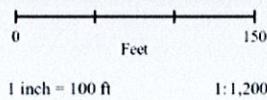
	C/I - Commerical/Industrial
	KCI - Kreutz Creek Interchange
	INT - Interchange; I
	MU1 - Mixed Use 1; MU 1
	MU2 - Mixed Use 2; MU 2
	Q - Quarry
	R - Residential
	RA - Rural Agricultural

# Exhibit E - Tax Map

## Parcel - 31000LJ0003Y000000



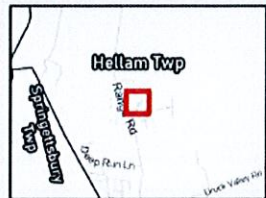
**Owner - BENTON ZANE T & FISHER TRACY M**  
**Property Address - 4079 DEERHILL DR**  
**Tax Municipality - Hellam Twp**  
**School District - Eastern School District**  
**Class - Residential**  
**Land Use - R - Res. Vacant Land Split Baby**  
**Acres - 1.07**  
**Assessed Land Value - \$ 40,140**  
**Assessed Building Value - \$ 0**  
**Assessed Total Value - \$ 40,140**  
**Sale Date - May 24, 2022**  
**Sale Price - \$ 60,000**  
**Deed Book - 2729, Page 7060**



**Legend**

- Selected Parcel
- Parcels
- Municipal Boundary

**Inset Map**



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



Aerial Photography - 2021

Last Updated: 12/22/2022



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.

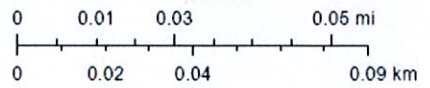
Exhibit E-1 - Expanded Tax Map  
Tax Parcel Information



1/18/2023, 6:06:03 AM

1:2,257

- Land Join
- County PA\_MD Boundary
- Roads
- State Road
- Local Road
- Tax Parcel



**Exhibit F - Photograph Summary**



**Photograph 1 - View Looking at east side of subject property from Deerhill Drive**



**Photograph 2 - View Looking at west side of subject property from Deerhill Drive**



Exhibit F - Photograph Summary ( cont'd.)



Photograph 3 - View Looking toward Deerhill Drive from rear of subject property



Photograph 4 - View Looking toward Deerhill Drive from rear of subject property

**Property Owners & Addresses within 200 Ft. of  
Property:**

Parcel 31 000 LJ 0003.BO  
Thomas P. and Kathryn A. Sanders  
4097 Deerhill Drive  
York, PA 17406

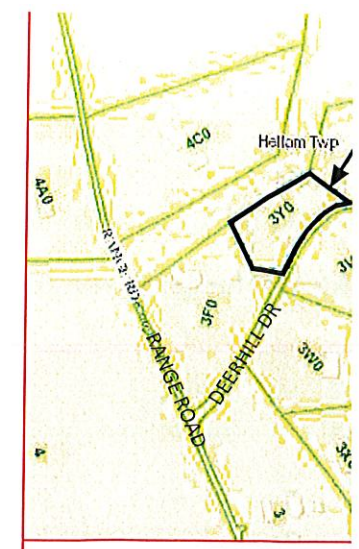
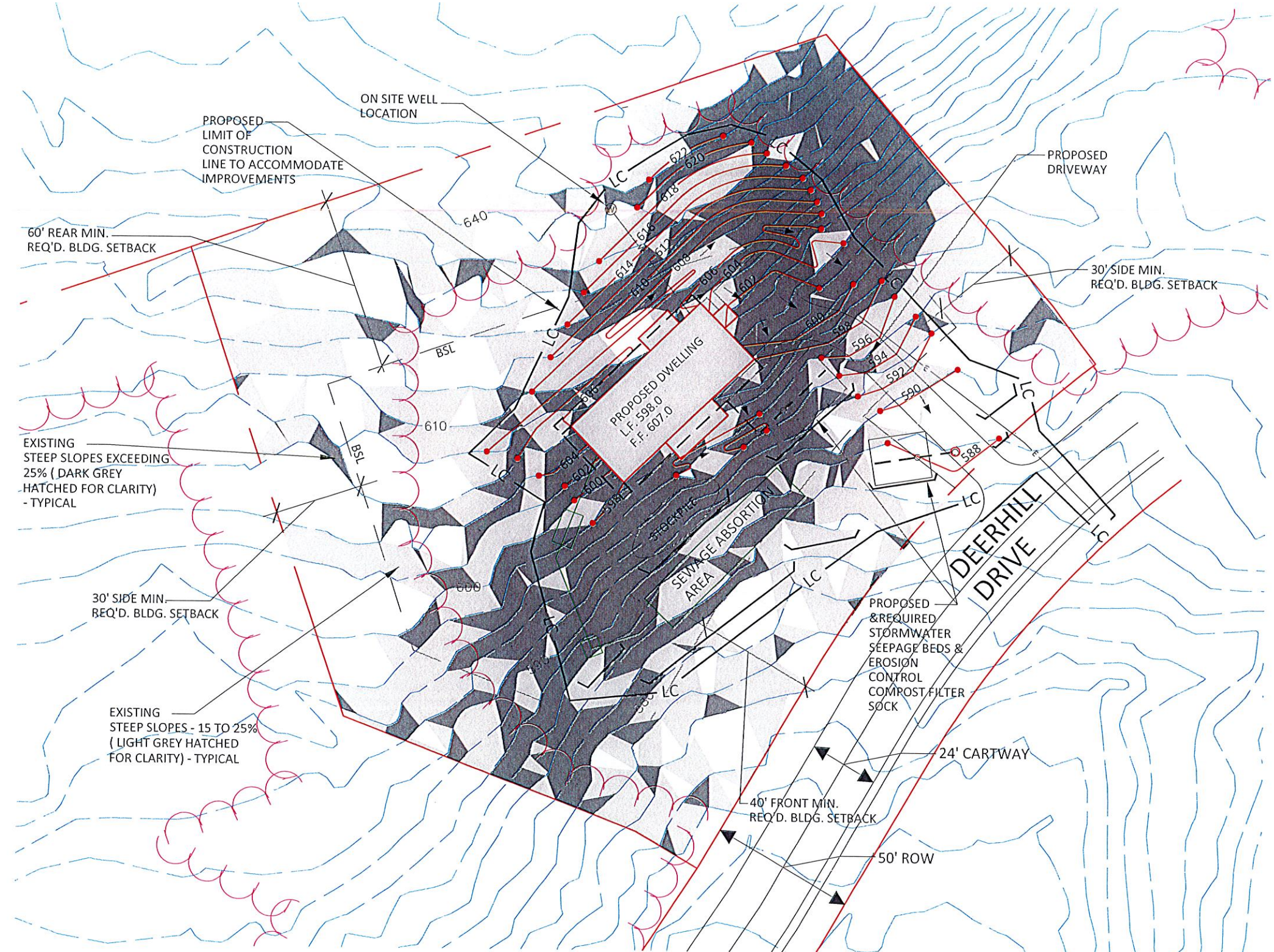
Parcel 31 000 LJ 0003.VO  
Tony L. and Pamela M. Hougentogler  
4098 Deerhill Drive  
York, PA 17406

Parcel 31 000 LJ 0003.FO  
Jeffrey P. and Denise D. Horn  
4065 Deerhill Drive  
York, PA 17406

Parcel 31 000 LJ 0002  
York Rifle Range Association  
1190 Range Road  
York, PA 17406

Parcel 31 000 LJ 0004.CO  
Steve A. and Kerri Jo Strom  
1210 Range Road  
York, PA 17406

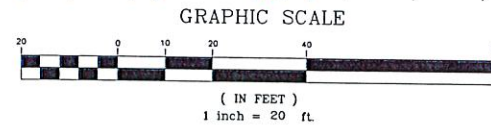
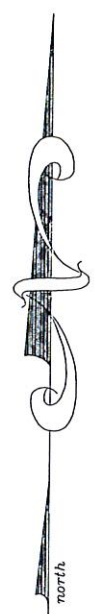
Parcel 31 000 LJ 3WO  
David J. and Laura A. Gruno  
1135 Fawn Court  
York, PA 17406



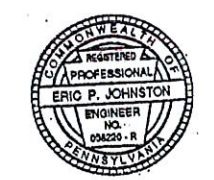
LOCATION MAP (SCALE)

LEGEND:

- PROPERTY LINE
- EXISTING TREELI
- 766 EXISTING CONTC
- W PROPOSED WAT
- SL PROPOSED SEW
- OE/U EXISTING OVERI
- UE PROPOSED UND
- GS= ABBREVIATION I
- 766 PROPOSED GRAI
- LC LIMITS OF CONS
- BSL BUILDING SETBA
- EXISTING UTILIT
- EXISTING WELL
- EXISTING TREE/S
- ROOF LEADER DI



Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	15.00%	25.00%	18352.01	
2	25.01%	99.99%	18570.15	



*Eric P. Johnston*

NO.	DATE	DESC

**ZONING EXHIBIT B P**

**4079 DEERHILL DR**  
 ZANE BENTON & TRACY FISHI  
 4079 DEERHILL DRIVE  
 YORK, PA 17406

HELLAM TOWNSHIP  
 SCALE: AS SHOWN  
 DATE: 1/15/13

**JOHNSTON AND ASSOCIATE**  
 2386 TAXVILLE ROAD

**THE ZONING HEARING BOARD OF HELLAM TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

IN RE:	:	Application No. Z-2010-03
	:	Zoning Hearing Board Proceeding
APPLICATION OF JEFFREY HORN	:	of June 22, 2010
TAX MAP PARCEL: LJ-03Y;	:	Dimensional Variance in the
PROPERTY LOCATION AT 4079 DEERHILL	:	Form of a Reduction of the
ROAD, ZONING DISTRICT RURAL	:	Mandated Rear Setback for a
AGRICULTURAL (RA) ZONING DISTRICT	:	Principal Structure

**DECISION**

**NATURE OF APPLICATION**

This is an Application by Mr. Jeffrey Horn requesting a variance pursuant to Section 490-12—the Table of Dimensional Requirements in the form of a variance request to reduce the required sixty (60) foot rear setback to a forty (40) foot rear setback for a principal structure -- a residential dwelling. The property is located in the Rural Agricultural (RA) Zoning District. Mr. Jeffrey Horn is also the property owner requesting the variance.

**HEARING**

A hearing was held before the Hellam Township Zoning Hearing Board on June 22, 2010 at 7 o'clock p.m. at the Township Offices located at 44 Walnut Springs Road, York,

Pennsylvania. Present on behalf of the Zoning Hearing Board were Mr. Leonard Leiphart, Chairman, Ms. Debra Livingston, Vice Chairman, Ms. Katina Snyder, Secretary, Mr. Roy Campbell, Member and Mr. Stuart Leland, Member. Also present on behalf of the Zoning Hearing Board was Ms. Betsy Logan, Zoning Officer of Hellam Township. The Township Manager, Ms. Corina Mann was also present. The Zoning Hearing Board was represented in legal capacity by its Solicitor, Gavin W. Markey, Esquire of the Law Firm of Ream, Carr, Markey & Woloshin, LLP. Mr. Jeffrey Horn represented himself relative to Case No. Z-2010-03.

### **PLANNING COMMISSION REVIEW AND RECOMMENDATION**

On May 13, 2010, the Hellam Township Planning Commission reviewed the application and offered the following recommendation as memorialized in the Minutes:

- A. Variance Z-2010-03: Jeffrey Horn, vacant lot on Deerhill Road – request for a forty (40) foot rear yard setback in an RA Zone. Sixty (60) is required.....the Planning Commission reviewed the request and asked multiple questions of Mr. Horn. Mr. Eifert had issues with the topography of the land, and believed the request was not the minimal variance needed to build a principal structure. Mr. Sloat made a motion to recommend to the Zoning Hearing Board to approve the request. Ms. Campbell seconded the motion. The motion passed 2–1, with Mr. Eifert voting in opposition.

## **NOTICE**

Notice of the hearing was published, posted on the premises and delivered to the Applicant and other interested parties in accordance with the Pennsylvania Municipalities Planning Code 53 P.S. §10101, et seq. and the Hellam Township Zoning Ordinance requirements.

## **FINDINGS OF FACT**

1. The Applicant in this matter is Mr. Jeffrey Horn, who proposes construction of a principal structure in the form of a residential dwelling property which he owns identified as Tax Map Parcel LJ-03Y located within the Rural Agricultural (RA) Zoning District.
2. The property is located at 4079 Deerhill Road within the municipal limits of Hellam Township.
3. The Applicant proposes to construct a principal structure in the form of a residential dwelling on the site and has indicated that the actual house size at this time is unknown.
4. The Applicant, Mr. Jeffrey Horn, represented himself and offered evidence and testimony regarding the application request.
5. The Application request within Zoning Case Z-2010-03 was for a single variance related to the mandatory rear setback for a principal structure.

6. Within the Rural Agricultural (RA) Zone, pursuant to Section 490-12 the principal dwelling is mandated to maintain and have a sixty (60) foot rear setback. This requirement is called out within the "Table of Dimensional Requirements" found within that section.
7. The Applicant's variance request was for a reduction from the required sixty (60) feet to allow for a forty (40) foot rear setback for a principal structure in the form of a residential dwelling.
8. The subject parcel is a vacant wooded lot and consists of 1.2 acres more or less. Testimony offered to the Zoning Hearing Board was that the property is irregularly shaped and that it has multiple sides over and above the typical four and has a property frontage of 233 feet +/- . The property frontage as it was testified to was longer than the depth of the eastern property line which is about 122 feet.
9. It was indicated that the property was sloped with a higher bank on the western side of the property, yet the property does not fall within the steep slope requirements of the zoning ordinance.
10. The parcel in question is part of the Deerhill Estates subdivision and at the time of approval of the underlying subdivision the setbacks noted on the plan allocated a rear setback of forty (40) feet.
11. With the advent of zoning ordinance amendments 2007-01, the rear setback allocated within the Rural Agricultural (RA) Zoning District was increased to sixty (60) feet—thus the request for a variance from the sixty (60) foot requirement. The Pennsylvania Municipalities Planning Code 53 P.S. §10101, et seq. within Section 10508, et seq. mandates

that changes to the zoning ordinance cannot be applied adversely to an approved subdivision for five (5) years. The five (5) year protection offered by the Pennsylvania Municipalities Planning Code has expired in 1989, thus the new setback mandates apply.

12. The Applicant offered multiple computer generated photographs and site data in support of his application which are a part of and incorporated into this Decision.

13. The Applicant's evidence and testimony without citing specific to each and every one of the variance criteria touched on those criteria as the Applicant found relevant to presenting the case before the Zoning Hearing Board.

14. The Zoning Hearing Board found the variance should be granted as requested by the Applicant.

### **DISCUSSION OF LAW**

The Applicant requesting a dimensional variance has the burden of proof to come forward with evidence and testimony to demonstrate to the Zoning Hearing Board Members that the criteria found within Section 490-142C.(1-8) are satisfied "where relevant in a given case". The burden of proof placed on the Applicant for a variance is to demonstrate that there are unique physical circumstances or conditions imposed upon the land including irregularity or narrowness of lot size or shape or other exceptional topographical or other physical features. Additionally and generally as well, the Applicant must demonstrate that because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions and therefore the variance is necessary to enable reasonable use of the property.



The unnecessary hardship cannot be created by the Applicant. The variance, if authorized, should not alter the essential character or zone of the property where it is located. In addition and generally the variance, if authorized, must represent the least modification to the variations of the Zoning Ordinance involved.

The Zoning Hearing Board found based on an application of the above-referenced principals that the Applicant had carried its burden of proof with respect to the law to be applied and that the variance request was therefore appropriate. Thus, the Zoning Hearing Board approved the variance request for a reduction in the sixty (60) foot rear setback to a forty (40) foot setback for the principal structure on the property which was subject to the proceedings.


**DISPOSITION OF CASE**

It was the Decision of the Zoning Hearing Board of Hellam Township in a vote of 4-1, with Ms. Katina Snyder, Secretary dissenting to approve the variance request as presented. Ms. Katina Snyder dissented and opposed the approval based on the variance criteria that requires that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible to the regulations in issue.

**HELLAM TOWNSHIP  
ZONING HEARING BOARD:**

DATE: \_\_\_\_\_

  
Leonard Leiphart, Chairman

  
Debra Livingston, Vice Chairman

  
Roy Campbell, Member

  
Stuart Leland, Member

Katina Snyder, Secretary  
Voting in Opposition to the Variance  
Request

DATE OF MAILING: \_\_\_\_\_

**NOTE:** Any party aggrieved by this decision may appeal to the Court of Common Pleas of York County within thirty (30) days of the date of this written decision.

## DECISION OF THE HELLAM TOWNSHIP ZONING HEARING BOARD

**Application Number:** Z-2020-06

**Hearing Date:** July 28, 2020

**Applicant:** Jeffrey Horn

**Property Owner:** Jeffrey Horn

**Property:** 4079 Deerhill Drive

**Existing Zoning District:** Rural Agricultural (RA Zone)

**Relief Requested:** Applicant is seeking a variance from Section 490-12, Table of Dimensional Requirements, of the Hellam Township Zoning Ordinance (the "Ordinance").

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### FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witnesses, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. The Applicant is Jeffrey Horn (the "Applicant").
3. The Applicant is the owner of property located at 4079 Deerhill Drive (the "Property") which is located in Hellam Township.
4. The Property can be identified in the indices of York County Tax Map Parcel LJ-3Y.
5. The Property is located in the RA Zone.
6. The Applicant appeared and testified at the public hearing.
7. The Applicant has applied for a Variance to Section 490-12 to reduce the rear yard setback from 60 feet to 40 feet (the "Variance").
8. The Applicant previously applied for and was granted a variance to reduce the rear setback from 60 feet to 40 feet pursuant to application Z-2010-03.

9. The prior granted variance was not utilized within one year as required by the Ordinance.
10. The Applicant appeared at the hearing and testified as follows:
  - a. The Property is a vacant wooded lot.
  - b. The Property is approximately 1.2 acres.
  - c. The Applicant proposes to construct a single-family dwelling on the Property.
  - d. The subdivision plan, which originally created this lot, shows a seven percent slope on the western side and a twelve percent slope on the eastern side.
  - e. The Property has five sides and is irregularly shaped.
  - f. The Applicant would only have 35 feet to build a dwelling if the required setbacks were utilized.
  - g. The Property's length is 122 feet deep and its width is 233 feet wide.
  - h. The minimum lot size in the RA Zone is two acres, and therefore, the Property is a nonconforming lot.
  - i. When the Property was subdivided in 1984, the plan showed forty foot front, side, and rear setbacks.
  - j. In 2007, the Ordinance was amended to require a 60 foot rear setback in the RA Zone.
  - k. The facts are identical to the last request for a variance presented in application Z-2010-03, which was granted by the Hellam Township Zoning Hearing Board.
11. The Board finds the following in response to the variance criteria:
  - a. There are unique physical circumstances or conditions of the Property, including the unique shape and existing slopes on the Property, and the requested variances are necessary to enable the reasonable use of the Property.
  - b. The unnecessary hardship is not being created by the Applicant.
  - c. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent properties. If the roads were dedicated to the Township, a variance would not be necessary.
  - d. The variance, if authorized, is believed to be the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
12. No interested citizens appeared to oppose the Application.
13. The Planning Commission recommended that the Zoning Hearing Board grant the variance requested in the Application.

## **CONCLUSIONS OF LAW**

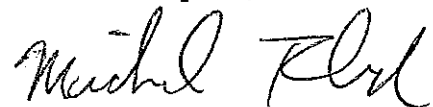
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

1. It is the finding of the Hellam Township Zoning Hearing Board that the Applicant has offered sufficient testimony to justify the grant of a variance from Section 490-12 of the Ordinance to reduce the rear yard setback required in the Rural Agricultural Zone.
2. A dimensional variance, as opposed to a use variance, justifies a relaxed or less stringent application of the variance criteria.<sup>1</sup>
3. The Applicant has demonstrated that its variance request is dimensional and meets the variance criteria for the requested variance from Section 490-12.
4. The Board finds that the grant of a variance will not alter the character of the zone, nor constitute a risk to the general health, safety and welfare of the community.


Accordingly, a motion was made and seconded to grant the Variance to Section 490-12 of the Ordinance to reduce the rear yard setbacks from 60 feet to 40 feet as requested in the application. The motion passed with a vote of 5-0.

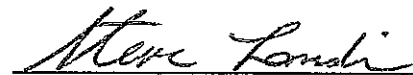
**BOARD SIGNATURES:**

  
\_\_\_\_\_  
Leonard Leiphart, Chair

  
\_\_\_\_\_  
Michael Rhoads, Vice Chair

\_\_\_\_\_  
Debra Livingston

  
\_\_\_\_\_  
Roy Campbell

  
\_\_\_\_\_  
Steve Landis

Dated: 8/7/2020

<sup>1</sup> *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998).  
{01806835/1}

The variance granted herein shall expire if the Applicant fails to, where required to do so, obtain the necessary permit and commence work within one year of the date of the authorization of the variance, pursuant to Section 490-142(1)(a) of the Zoning Ordinance.

**Note: Any party aggrieved by this decision may appeal to the Court of Common Pleas of York County within thirty (30) days of the date of this written decision.**



Abstracts of Building Permits  
for the month (s) of January 2023

Hellam Township - County #67  
Building Permits for Hellam Township

Property Owner	Property Address	Parcel ID	Permit #	Date	Improvement	Total Cost
Comcast Cable	5304 Tracey School Road	31000LK004700	75-23	1/19/23	Electric meter	\$500.00
Crystal Nizza	1282 Tower Road	31000LK000280	2022-19	1/5/23	Permit Extension #1	\$0.00
Andrew Krape	4710 Libhart Mill Road	31000JK008400	2023-01	1/10/23	Addition	\$100,000.00
Yorklyn Construction - Ben	5895 Lincoln Highway	31000LL003780	2023-02	1/10/23	Sign	\$800.00
Nancy Floyd	906 Eagle Lane	31000LL0016A0	111-23	1/19/23	Replace heat pump & air handler	\$11,914.60
1st Class Storage	4464 Lincoln Highway	31000KK0004B0	110-23	1/19/23	Electric service to unit	\$0.00
Ed & Michele Gainer	781 Strickler School Road	31000KL0035K0	2023-03	1/12/23	Detached Garage	\$80,000.00
Lauren and Weston Speicher	590 Rudy Road	31000LK0104E0	2023-04	1/12/23	Deck extension with roof	\$15,000.00
Gregory Taylor	1575 Tower Road	31000LK018900	In Process	In Process	Electric	\$5,000.00
Horn Farm Center	4945 Horn Road	31000KK0134A0	2023-05	1/18/23	Temporary banner sign	\$400.00
Dan Cooper	500 Scout Ridge Lane	31000KJ0127E0	2023-06	1/19/22	Pole barn	\$28,787.00
George & Colleen Solomon	929 Hillview Road	31000KK0068A0	179-23	1/31/23	Electric	\$11,800.00
Children's Home of York	77 Shoe House Road	31000KJ0100B0	123-23	1/19/23	Door inspection	\$0.00
Dan Gambler	1085 Accomac Road	31000LK0152A0	2023-07	1/25/23	Addition to SFD	\$60,000.00
John Holden Jr.	327 Campbell Road	31000KK000100	2023-08	1/26/23	Well	\$0.00
Nathan Riedy	327 Campbell Road	31000KK000100	2023-09	1/26/23	Greenhouse	\$13,387.00



## Costs of Community Services

5 B

The term costs of community services (COCS), usually refers to a growing body of literature that focuses on how various types of land use affect local government taxation and spending. In general, this body of literature summarizes studies that use fiscal impact analysis to determine whether various forms of land use contribute to or detract from local government budgets.

During the period immediately following World War II, many communities sought to attract business, industrial, and residential growth for a number of reasons. Among these was that economic growth would raise the property tax base and generate increased revenues for local infrastructure, including schools, roads, and fire/police protection. During the 1980s, however, many skeptics began to question whether economic development in rural areas "paid its own way" in terms of local taxation. For example, when farmland, open space, and woodlands are converted to residential development, local tax revenues increase substantially because property values increase. But the local government and the school district are also required to provide added services to the new residents. Does the increased revenue cover the costs of the new services? That is the question the COCS studies set out to answer.

### The COCS Ratio

It has become conventional in COCS studies to divide land use into three categories: residential, commercial/industrial, and farmland/open space. One of the most common procedures for analyzing fiscal impact is to calculate a COCS ratio for each land use category. The ratio compares how many dollars worth of local government services are demanded for each dollar collected. A ratio greater than 1.0 suggests that for every dollar of revenue collected from a given category of land, more than one dollar is spent.

Many of the early studies providing estimates of COCS ratios were either sponsored or conducted by the American Farmland Trust. But in recent years researchers from a variety of backgrounds have undertaken such studies. Regardless of who conducted the research, the results have been consistent. Virtually all of the studies show that the COCS ratio is substantially above 1 for residential land, demonstrating that residential land is a net drain on local government budgets. The average estimate ranges from about 1.15 to 1.50, which means that for every dollar collected in taxes and non-tax revenue, between \$1.15 and \$1.50 gets returned in the form of local government and school district services. On the other hand, the COCS ratios for the other two land use categories are both substantially below 1. For commercial/industrial, the ratio usually ranges from 0.35 to 0.65, indicating that for every dollar collected, the local government provides only about 35 to 65 cents worth of services. For agriculture and open space, the ratios are only slightly smaller, usually ranging from 0.30 to 0.50.

According to the COCS studies, the largest single expenditure category for communities is the public school system, accounting for 61.4 percent of spending. Since open space and commercial development in themselves do not place any burden on the schools, it should not be surprising that their ratios are lower than those for the residential category.

Several questions emerge from these results, including (1) are these studies reliable, and (2) why do the numbers vary?

The studies appear to be reliable because of the way in which taxes and service expenditures are calculated and imputed. The methods used in the studies have been laid out clearly, and the variation in the COCS ratios is relatively small. The studies are unanimous in showing that

residential land use ratios are above 1 and that the other types of land uses are below 1. The primary reason that the ratios vary somewhat is that not all communities are identical. If many homes in a community are in an extremely high price range and occupied by "empty nesters," for example, the COCS ratio should be expected to be relatively low. On the other hand, low- or middle-income property occupied by families with numerous children would produce a higher ratio. Some communities have gone beyond simply calculating a COCS ratio and have actually calculated the "break even" home value for their community. Not surprisingly, these values tend to be substantially higher than the median (average) home value.

#### Another Approach

Other researchers have attempted to measure the costs of growth simply by measuring the statistical relationship between population growth rates and per capita local government spending. Most of these results have shown that in areas with very small growth rates (in the range of 1 to 2 percent per year), costs do not escalate rapidly. For communities with higher growth rates (above 3 percent per year), however, per capita spending begins to increase very dramatically.

The findings of the various types of studies on costs of services seem to support the conclusion that local public per capita spending increases when farmland and open space are converted to residential development.

#### Criticisms of the COCS Approach

Initially, critics of the COCS studies argued that it may be difficult to generalize from these studies. This criticism has lost some credibility, however, because many studies have been conducted in a wide range of communities nationally. The results seem to be unambiguous.

More recently, critics have developed the argument that looking only at the fiscal impacts on local governments and school districts is too limited in scope. They maintain that new residents do much more than simply pay taxes and demand services. Residents work, earn money, and spend much of it locally, thus contributing to the economic base of the community in a substantial way that is not captured in the COCS studies. The critics argue that future work should include these impacts.

But if COCS studies do not include these "multiplier" effects, it also must be said that they do not include non-economic costs to the community, such as loss of scenic landscape, increased traffic congestion, and other variables associated with quality of life.

Another argument against COCS studies is that they are based on a "cost theory of taxation" and do not consider how growth, even with increased taxation, increases the values of properties. The rival "benefit theory of taxation" states that as new taxes pay for better infrastructure such as schools and roads, property values (and thus the net worth of property owners) increase. Such considerations have not been measured within the context of COCS.

#### Summary

One of the most important implications of the COCS literature is that proponents of farmland and open space preservation now have an important economic argument on their side. Some proponents of economic development have argued that a system that allows land to go to the highest bidder provides the most efficient economic results. The COCS findings, however, indicate that residential development often brings costs to the community that are not fully borne by the new residents but are instead distributed throughout the community. Local leaders should

be aware that efforts to "promote growth" in their communities will have substantial impacts on revenues and expenditures. They should be able to estimate these impacts when planning for the future.

Two conclusions emerge when reflecting on the COCS issue. The first is that residential development in any area invariably leads to increased per capita demand for publicly provided services, placing increased burdens on local infrastructure and public agencies. As a result, increases in local tax rates to fund additional services tend to follow growth. Second is that it is important for members of any community to ask themselves the broader question, "How do we manage growth in our community, along with all of the impacts (both positive and negative) that it brings?"

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# Status of Hellam Township

(Data from Wikipedia or GIS Mapping System)

**Population** 5905 (estimated for 2021)

Population Density 212.64/ sq mile

Housing units 2538

Households 2395

Families 1726

29.0 % of households had children < 18 years

7.6 % of households had someone living alone

## Population Spread

29.9 % < 18

5.3 % 18 – 24

31.4 % 25 -44

28.2 % 45 – 64

12.1 % 65 and older

## Median income

per household 49,750.00

per family 55,700.00

per male 40,000.00

per female 28,558.00

**Per capita income** 22,345.00

3.6 % of families and 5.8 % of population were below the poverty line.

This includes 9.1 % of those < 18 and 5.8 % > 65

<b><u>Hellam Township Total Land</u></b>	<b>27.7 square miles</b>
<b>Total available acres</b>	<b>16,748.74 acres</b>
<b>Total Parcels</b>	<b>2555</b>

**ZONING**

<b><u>Zone</u></b>	<b><u>Acres</u></b>	<b><u>% of Total Acres</u></b>
<b>Commercial / Industrial Zone</b>	567.85 acres	3.39 % of total
Preserved – 68.1 acres for Mifflin House		
Resulting in 499.75 acres available in zone - 3.03 % available		
6.49 acres vacant C/I land - or 1.14 % of C/I land remaining		
<b>Interchange Zone</b>	47.44 acres	0.28 % of total
5.92 acres vacant land in zone, or 1.11 % of Interchange land		
<b>KC Interchange Zone</b>	36.04 acres	0.21 % of total
Most of the KC Interchange is available		
<b>MU-1 Zone</b>	234.12 acres	1.4 % of total
About 5 acres of MU-1 land is available, or 2.14 %		
<b>MU – 2 Zone</b>	277.26 acres	1.7 % of total
About 112.91 acres of MU – 2 land is available, or 40.7 %		
<b>Quarry Zone</b>	290.63 acres	1.74 % of total

## Zoning (continued)

**Residential Zone**                      304.0 acres                      1.8 % of total

Minimal vacant land may be available

Total acres used as residential is 304.0 residential zone plus 3133.136 RA zone land equaling 3437.136 or 20.52% of total land.

**Rural Agricultural Zone**              14,991.4 acres                      89.5 % of total

3133.136 acres of Rural Ag land is used as residential, or 20.9 % of Rural Ag land

2151.82 acres of Rural Ag land is preserved as public, or 14.35 %. Lancaster Conservancy, Susquehanna Heritage Foundation, and the State of Pennsylvania own these acres.

1516.97 acres of Rural Ag land is preserved as private Rural Ag through TDR, 321.71 acres or conservation easement, 1195.26 acres, or 10.12 % of RA zone.

## Conclusions

- 1) 3133.136 acres (20.9 %) plus 2151.82 acres (14.35) of the original 14991.4 acres are no longer available for agricultural use.
- 2) However, 2151.82 open space acres (14.35%) plus the remaining 9706.44 acres or 64.7 % of RA form 11858.26 acres or 79.1 % of farm and open space land.
- 3) Future zoning and land use decisions will need to be carefully considered to provide for growth in residential and commercial land to support jobs and housing for our youth and care of our older population.