



**Hellam Township
Zoning Hearing Board
Meeting Agenda
March 22, 2022
6:00 P.M.**

1. Opening Agenda

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

2. New Business

- A. **Z-2022-02** Crystal Nizza requests a variance from §490-12, Table of Dimensional Requirements to exceed the maximum height for accessory structures and §490-25.L(5) and §490-12 Table of Dimensional Requirements to allow an accessory structure, solar panels, in the front yard.

3. Old Business

4. Adjournment

Zoom Log In

Meeting ID: 634 220 1697

Password: Hellam44



Hellam Township Zoning Hearing Board Variance Application Briefing

Application Number:	2022-02	Zoning Hearing Date:	March 22, 2022
Applicant(s):	Crystal Nizza	Tax Map Parcel:	LK-2B
Property Owner(s):	Crystal Nizza	Lot Size:	4.3 Acres
Property Location:	1282 Tower Road	Zoning:	RA

Project Narrative:

The applicant is requesting a variance from §490-12, Table of Dimensional Requirements for accessory building height. The applicant proposes construction of a 28-foot-tall garage which exceeds the 20-foot height limitation in the RA Zone. The applicant is also requesting a variance from §490-25.L(5) and §490-12, Table of Dimensional Requirements which requires a small solar energy system to be located in the rear yard or 100 feet from the right-of-way in the RA Zone.

Attached Exhibits:

- A. Zoning Hearing Application (received February 28, 2022).
- B. Aerial map.
- C. Restricted development overlay map.
- D. March 10, 2022 Planning Commission minutes.

Property Characteristics:

1. The subject property contains about 4.3 acres in the Rural Agricultural Zone, Steep Slope and Riparian Buffer Overlay Zones. This parcel is developed with a single-family dwelling and associated structures.
2. The applicant is requesting construction of a detached garage that is 28-feet-tall to accommodate a camper. Accessory structures in the RA Zone are limited to 20-feet-tall.
3. The applicant is also requesting to install a small solar energy system in the front yard. The system will not be seen as the property is screened on all sides as shown on the aerial map attached hereto as **Exhibit B**. Also, the majority of the rear yard is located in the Steep Slope and Riparian Buffer Overlay Zones as show on the restricted development overlay map attached hereto as **Exhibit C**.
4. Adjacent properties:

	Use	Zoning
North	Residential, utility & woodlands	RA
South	Residential & woodlands	RA
West	Residential & woodlands	RA
East	Residential & woodlands	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 Zoning Ordinance does not anticipate the need for taller accessory structures for storage of larger vehicles and equipment. Also, the rear yard is wooded and located in the Steep Slope and Riparian Buffer Overlay Zones.

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.** To accommodate the camper, the accessory building will need at least a 14-foot-high door. This will require a 16-foot wall to allow clearance for the door track. The applicant would like to use a 5/12 pitch roof to accommodate the snow load on this size building. This cannot be accomplished with a 20-foot-tall structure. Additionally, because the lot is wooded and the roof is sloped in such a way that it would not receive the southern sun, solar panels on the roof are not optimal. Ground mounted solar panels in the front yard would capture the most sunlight without removing any trees and disrupting the wildlife.
3. **Why the unnecessary hardship has not been created by the applicant.** The Zoning Ordinance does not anticipate for the storage of large vehicles in accessory structures or the need for alternate locations for solar panels to get the required sunlight.
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 surrounding properties are residential with accessory structures. The addition of an accessory structure and solar panels is common in residential areas. Additionally, neither structure will be visible as the property is screened on all sides.
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 accessory building height is the least possible required to accommodate the storage of a large camper while having a roof to accommodate the snow load. Placement of the solar panels in the front yard is the best place to capture sunlight without removing any trees and disrupting the wildlife.
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** This property is not located in the Floodplain.

Planning Commission Recommendations:

The Planning Commission reviewed this application at their March 10, 2022 meeting, the minutes are attached hereto as **Exhibit D**. The main point of concern regarding the solar panels is that they are in the front yard and while there is a substantial landscape screen now the Planning Commission would like to see it maintained as long as the solar panels are in place. They recommended approval of this request with the condition that a 6-foot landscape screen is maintained while the solar panels are in place.

The Planning Commission also had concerns regarding the height of the accessory structure. They feel a 4/12 pitched roof would be sufficient and would reduce the variance to a 26-foot-tall accessory structure rather than a 28-foot-tall accessory structure. This would be the minimum variance necessary to meet their goals. The Planning Commission recommended approval of a 26-foot-tall accessory structure.

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>7-2022-02</u>			
Application Filed	<u>2/28/22</u>	Planning Commission	<u>3/10/22</u>
Hearing Advertised	<u>3/7 & 3/14/22</u>	ZHB/BOS Hearing	<u>3/22/22</u>
Notices Mailed	<u>3/1/22</u>	Decision Rendered	_____
Site Posted	_____	Notification Sent	_____

A. APPLICANT'S NAME: Cristel Nizza
 ADDRESS: 1283 Tower Rd. York, PA 17406
 PHONE NUMBER: _____ EMAIL ADDRESS: _____

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

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

D. Tax Map: _____ Parcel: 31-000-116-0001.B0-00000 Zoning District: _____
 Property Address: 1283 Tower Rd. York, PA 17406
 Date purchased: 11-5-21
 Lot size: acreage 4.3 - or - _____ sq. ft.
 Present use: Residential
 Proposed use: Residential
 Date of previous application (if any): N/A

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

Exhibit A

**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:

Section 490-13 Table of Dimensional requirements

- Brief description of nature of Variance requested:

Current zoning requirement for an accessory building height is 20 feet. I am requesting a variance for up to 28 foot height personal to use.

- 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:

The requested variance does not necessarily affect the property. It is for the proposed accessory building.

- 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 will be using the proposed accessory building for personal storage of vehicles, including a motorhome and travel trailer. It would need at least a 14 foot high garage door to accommodate these vehicles to be stored inside.

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

The ~~area~~ ordinance does not anticipate for solar panels being within the 100 foot accessory structure setbacks

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:

Since the property is wooded, no one else will be able to see the solar panels. The solar panels will not be visible from the road, because the front of the property is lined with large pine trees.

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:

The location at the front of the property is the only location that solar panels could be installed because it allows for the maximum amount of sunlight. With the increase in electric bills, solar would be a cost effective savings and environmentally friendly. Solar panels are also environmentally friendly.

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

Property is not in a flood plain.

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.

Arnell A. Pizza

* Signature

2-27-22

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:

Ordinance 490-25 L(5) & 490-12 Table of dimensional requirements.

- Brief description of nature of Variance requested:

I would like to add solar panels to my property. Because the property is wooded, the only viable option is to put free standing solar panels at the front of the property that would be less than the 100 foot setback requirement.

- 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:

The property is wooded and there is only one viable area that is cleared enough to get the maximum amount of sunlight needed for solar panels.

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:

With the property being wooded, putting solar panels on the roof would not allow for the most optimal amount of sunlight.

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

The ordinance does not anticipate for the storage of large vehicles in accessory structures.

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:

Property is mostly wooded. The property on the adjacent side closest to the proposed building is owned by WBAK and not a residential property, therefore will not be a detriment to public welfare. All other adjacent properties will not be able to visually see the building due to the property being wooded.

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:

The variance will provide the ability to put in a 14 foot garage door to allow for larger vehicles to be stored indoors. Without the variance, vehicles will need to be stored outdoors and it will require additional maintenance and the possibility of damages from wildlife and trees.

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

Property is not located in a flood plain.

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.

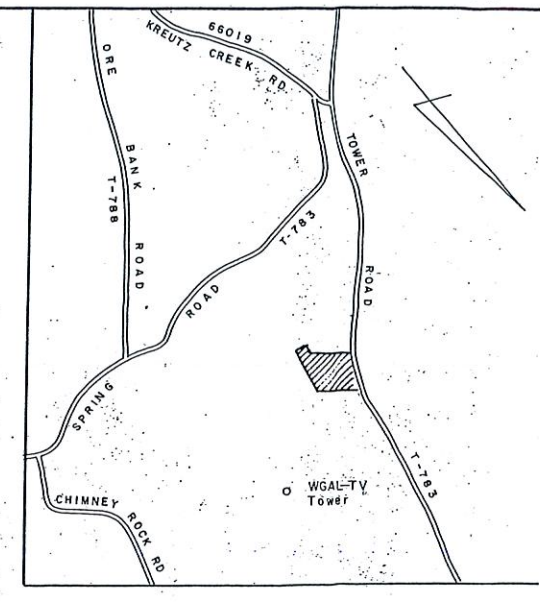
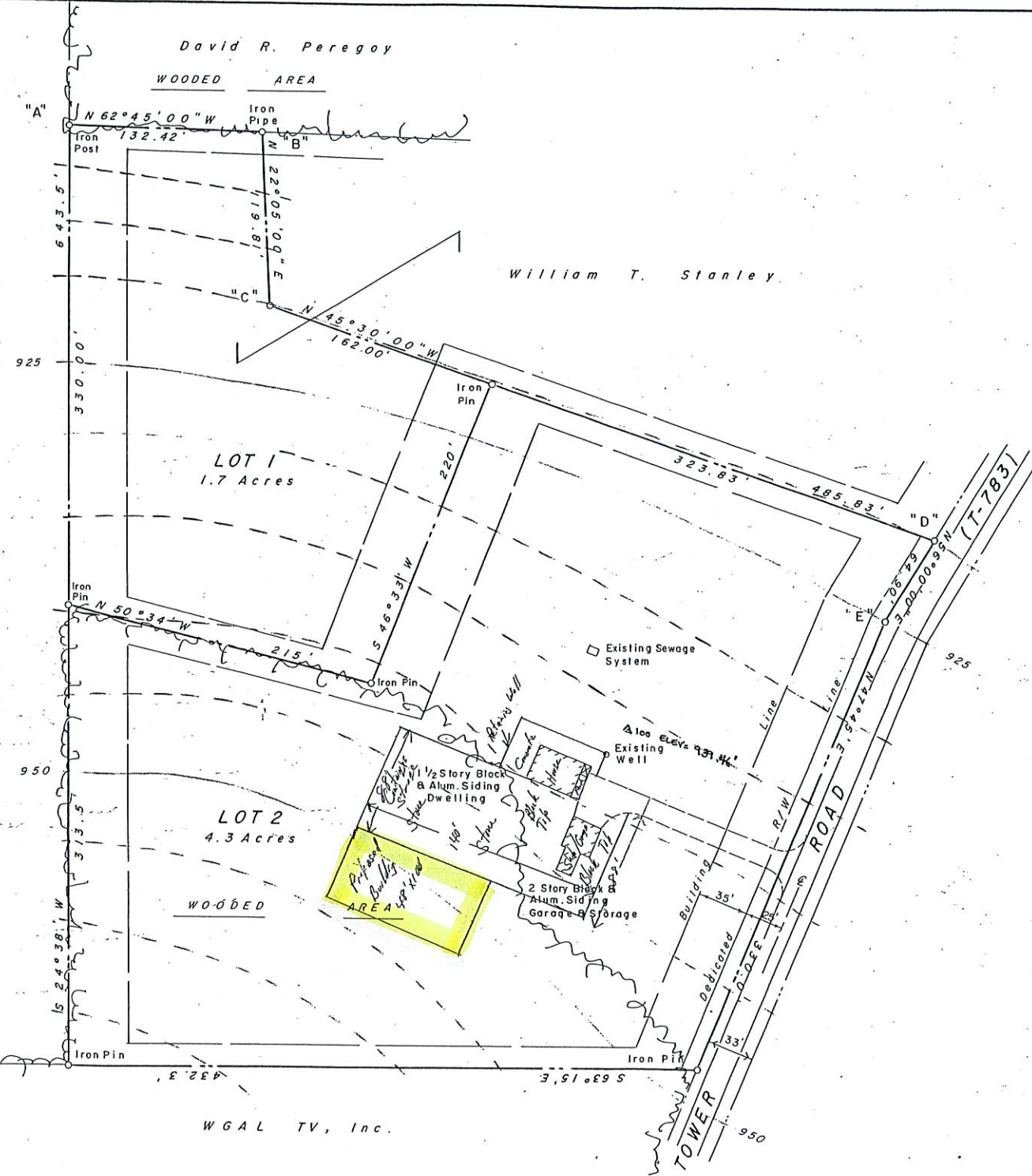
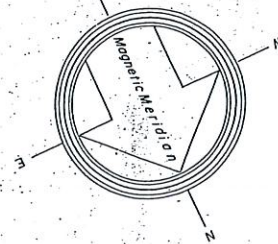
Cynthia A. Dizza

* Signature

2-22-22

Date

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



KEY MAP
Scale: 1" = 1000'

Druck Valley
Auto Rebuilders, Inc.

WGAL TV, Inc.

- NOTES & SITE DATA:**
- Total Area = 6.0 Acres ±.
 - Total Number of Lots = 2.
 - Zoned Farming.
 - Minimum Lot Size = 1.7 Acres.
 - Building Setbacks: Front 35', Side 15', Rear 40'.
 - Deed of Record: 50-0-409.
 - Contours Plotted from U.S.G.S. Maps.
 - Lot 1 Containing 1.7 Acres Shall Become a Part of Land of William T. Stanley as Shown and Shall Not be Separated Therefrom.
 - Lines "A" to "E" Inclusive are by Actual Field Survey and the Remainder are from Deeds.

I, GORDON L. BROWN, JR. A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS THE LOTS, LAND, AND HIGHWAYS AS SURVEYED AND PLOTTED FOR THE OWNERS OR AGENTS.

Gordon L. Brown, Jr.
LAND SURVEYOR 166A



FINAL
SUBDIVISION PLAN OF
Property Belonging to

WILLIAM B. HAVERCAMP

Hellam Twp. York Co., Pa.
Scale 1" = 50'
June 16, 1981

GORDON L. BROWN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
YORK, PENNSYLVANIA

STATE OF PENNSYLVANIA COUNTY OF YORK

On this, the 18th day of June, 1981, before me, a Notary Public in and for said county and state, the undersigned officer, personally appeared William B. Havercamp known to me (or satisfactorily proved) to be the person whose name is subscribed to the within plan of lots and acknowledged that they executed the same so that it may be recorded as such.

In Witness Whereof, I have unto set my hand and Official Seal.

Notary Public

APPROVED BY THE OWNER

DATE June 17, 1981

OWNER'S ADDRESS:
P.O. Box 6127 Hellam, Pa. 17406.

APPROVED BY THE PLANNING COMMISSION OF HELLAM TWP.

DATE June 25, 1981

Chairman
Chairman
Member
Member
Member

APPROVED BY THE SUPERVISORS OF HELLAM TWP.

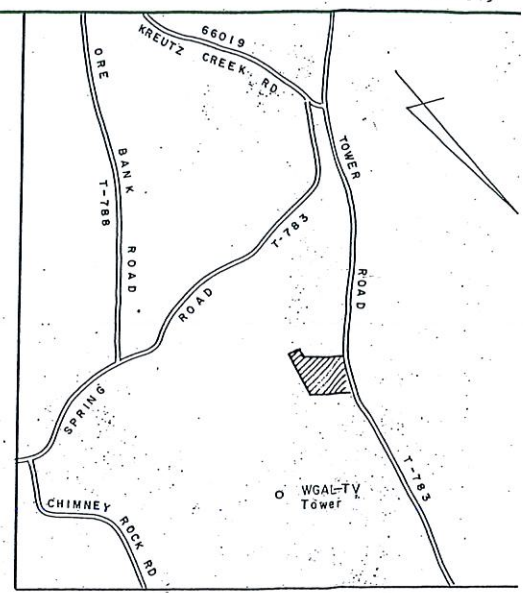
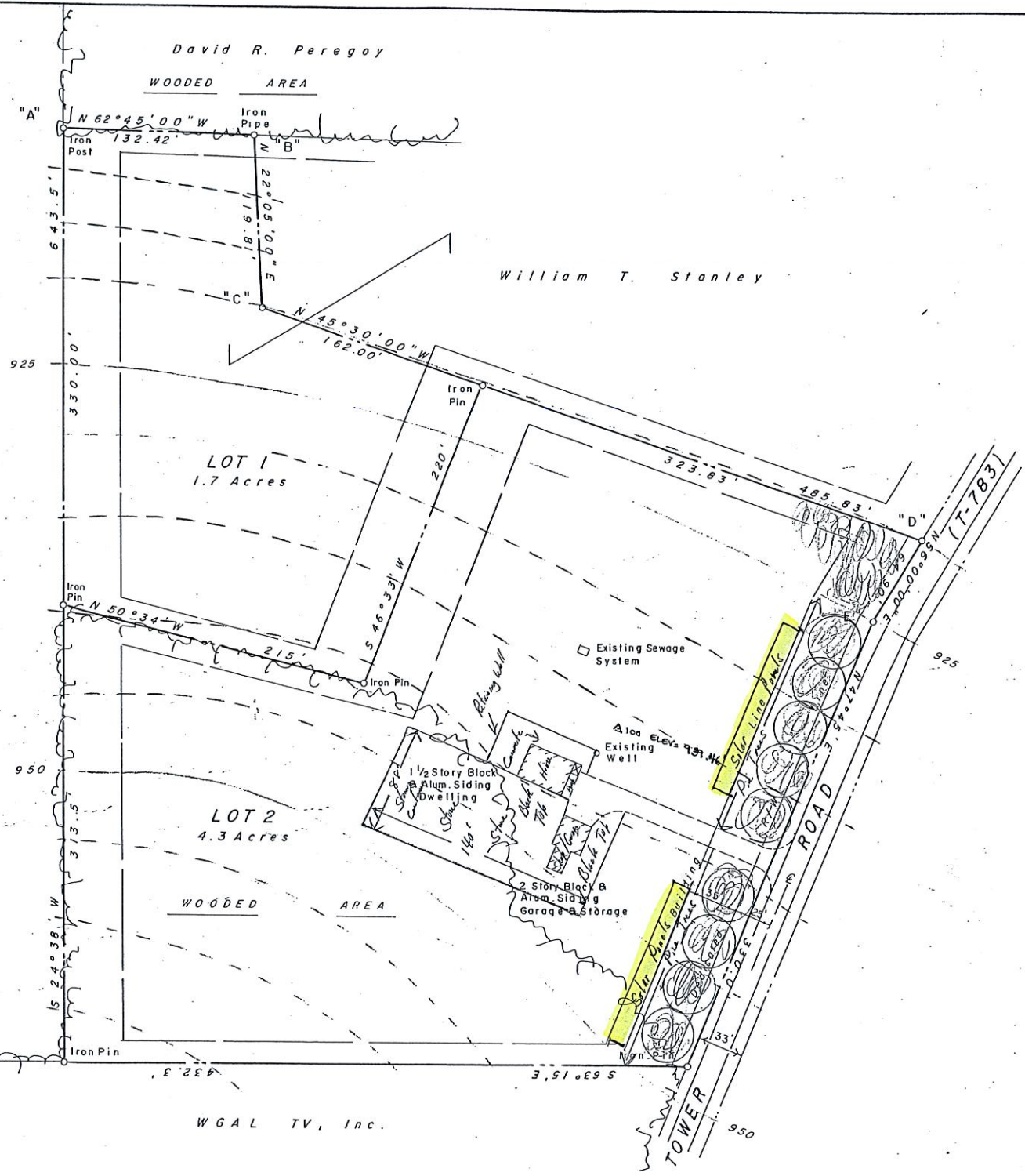
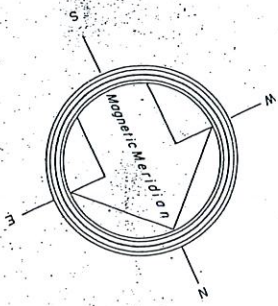
DATE July 2, 1981

Chairman
Member
Member

Engineer

PLAN REFERENCE:
TWP. HELLAM TWP. COURT HOUSE





KEY MAP
Scale: 1" = 1000'

Druck Valley
Auto Rebuilders, Inc.

WGAL TV, Inc.

- NOTES & SITE DATA:**
- Total Area = 6.0 Acres ±
 - Total Number of Lots = 2
 - Zoned Farming
 - Minimum Lot Size = 1.7 Acres
 - Building Setbacks: Front 35', Side 15', Rear 40'
 - Deed of Record: 50-0-409
 - Contours Plotted from U.S.G.S. Maps
 - Lot 1 Containing 1.7 Acres Shall Become a Part of Land of William T. Stanley as Shown and Shall Not be Separated Therefrom
 - Lines "A" to "E" Inclusive are by Actual Field Survey and the Remainder are from Deeds

I, GORDON L. BROWN, JR. A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS THE LOTS, LAND, AND HIGHWAYS AS SURVEYED AND PLOTTED FOR THE OWNERS OR AGENTS

Gordon L. Brown, Jr.
LAND SURVEYOR 166A

STATE OF PENNSYLVANIA, COUNTY OF YORK

On this, the 13th day of June, 1981, before me, a Notary Public in and for said county and state, the undersigned officer, personally appeared William B. Havercamp known to me (or satisfactorily proven) to be the person whose name is subscribed to the within plan of lots and acknowledged that they executed the same so that it may be recorded as such.

In Witness Whereof, I hereunto set my hand and Official Seal.

Lynda E. Zimm
Notary Public

APPROVED BY THE OWNER
DATE June 13, 1981
William B. Havercamp

OWNER'S ADDRESS:
P.O. Box 6127 Hellam, Pa. 17406.

APPROVED BY THE PLANNING COMMISSION OF HELLAM TWP.
DATE June 25, 1981
Thomas Knauth Chairman

Lee Kordon
Wayne B. Blessing
Richard M. Michael
Robert D. Buehl

APPROVED BY THE SUPERVISORS OF HELLAM TWP.
DATE JULY 2, 1981
William P. Gensch Chairman

Garold R. Betts
Thomas E. Knauth, Jr.
Engineer

FINAL
SUBDIVISION PLAN OF
Property Belonging to

WILLIAM B. HAVERCAMP

Hellam Twp. York Co., Pa.
Scale 1" = 50'
June 16, 1981

GORDON L. BROWN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
YORK, PENNSYLVANIA

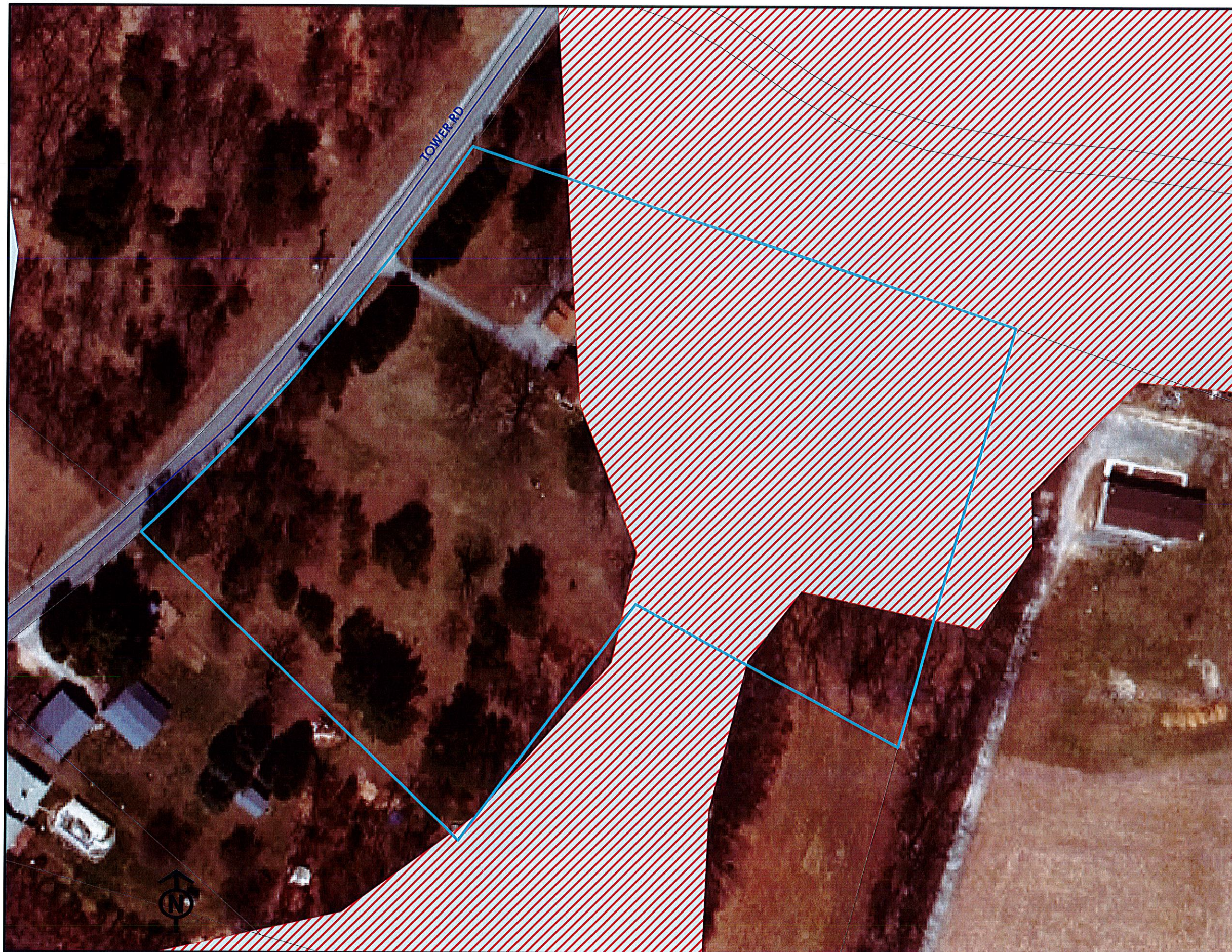


Hellam Township
York County, Pennsylvania

0 20 40 80

Map Data Source: York County F

Exhibit B



Legend

- 75 ft Stream Buffer
- 75 ft Wetlands Buffer
- Steep Slopes within 75 ft
- 150 ft Stream Buffer
- 300 ft Stream Buffer
- Steep Slopes

**Hellam Township
York County, Pennsylvania**

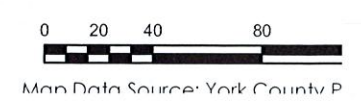


Exhibit C

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of March 10, 2022**

The meeting was called to order at 6:00 PM by Chairman Devin Winand. He led the Pledge of Allegiance. Other members present were John Eifert, Rick Cooper, Michael Shillott, Christopher Alland (Zoom), Fred Owens and Jay Kokiko. Other attendees included Rachel Vega, Zoning Officer; Corina Mann, Township Manager; Chris Milsom (alternate) and Susan Enrico (alternate).

Approval of Minutes

The Planning Commission reviewed draft minutes from the February 24, 2022 meeting. Mr. Owens pointed out, on page two, sentence six, "off street" should be "on street." Upon a motion by Mr. Shillott, seconded by Mr. Owens, the Planning Commission approved the February 24, 2022 minutes with the above-mentioned change. Motion carried unanimously.

New Business

Z-2022-02, Nizza Variance, 1282 Tower Road

Crystal Nizza presented her variance application for 1282 Tower Road. She is requesting two variances. One variance is for a 28-foot-tall accessory structure to accommodate storage of a large RV/camper. The second variance is to allow an accessory structure, solar panels, in the front yard. The solar contractor proposed two different locations in the front yard to place freestanding solar panels so they would receive optimal sunlight.

Mr. Shillott asked why they needed a garage 28 feet tall. Ms. Nizza explained that due to the size of her RV she needs 14-foot garage doors. George Nizza added, having 14-foot garage doors means the wall will be 16 feet tall plus adding the roof pitch would bring the building to at least 25 feet tall. They are in the planning phase and are adding an extra 3 feet to give them some extra room. Mr. Shillott asked if they are adding a second floor. Ms. Nizza responded that they are not adding a second floor but maybe an attic space.

Mr. Shillott began a discussion about the pine trees along the front of the property. This will act to screen the solar panels. He suggested moving the solar panels to the right side of the property. Ms. Nizza responded that the well and septic system are located in that area. Mr. Winand asked what happens if the trees are taken down, then the solar panels would be visible to the neighbors? Ms. Vega suggested adding a condition that a vegetative screen should be maintained as a condition of approval.

Mr. Shillott asked how the garage would be accessed, if a driveway will be installed? The applicant explained that there is a large gravel pad on the property now. The garage will be placed next to that gravel pad and they will access the garage using the existing driveway. No new driveway surface will be added.

Mr. Eifert commented that a garage door height of 14 feet is reasonable for a large RV with an additional 2-foot clearance above for the track and a 4/12 roof pitch would be a 25-foot-tall building. This would be the minimum variance necessary which is the standard for granting a variance. Mr. Nizza commented that he is hoping to use a 5/12 roof pitch to accommodate the snow load on this size building. Having a 5/12 roof pitch would be taller than 25 feet. Having less roof pitch could cause problems with the roof when it snows. Mr. Shillott suggested using sliding doors to reduce the height by 2 feet. Ms. Nizza does not feel this is ideal because sliding doors are not tight and do not provide adequate security.

Mr. Eifert asked why the solar panels cannot be located in one of the side yards. The applicant responded that the left side yard is wooded and the right side yard is where the well and septic system is located. The contractor said the ideal location is in the front yard on either side of the driveway. Mr. Shillott asked if the proposed location of the panels would interfere with the drain field. Ms. Vega responded that there are setback requirements for the septic system that need to be met. Ms. Nizza further explained that the plan before them shows two different scenarios. The solar panels on one side of the driveway or the other side. The plan is not to place solar panels on both sides of the driveway. Mr. Kokiko asked if there are trees hanging over the house and if sun light hits the house. The applicant said there are no trees hanging over the house however the roof is constructed in such a way that the side that could accommodate the panels is not the side that receives the sun light. Mr. Kokiko suggested putting roof mounted panels on the proposed garage. Ms. Nizza said this is not an option because

that is the wooded portion of the property.

Bob Hale, Township resident asked if the applicant was aware of the Township's height requirements when they purchased the property because they purchased the property in November of 2021 and these ordinances were in place when the property was purchased. Mr. Hale asked if she intends to run a business because this is the Rural Agricultural Zone and not the appropriate place for a business use. The applicant does not intend to run a business from her property. Mr. Hale does not feel the applicant is meeting the criteria of the ordinance. There was a lengthy commentary regarding following Township Ordinances.

Upon a motion by Mr. Eifert, seconded by Mr. Cooper, the Planning Commission recommends approving the variance from §490-12 table of dimensional requirements for a 26-foot-tall accessory structure and not a 28-foot-tall accessory structure. Motion carried unanimously.

Mr. Owens commented that he supports the variance request for solar panels. We should encourage the use of solar energy.

Upon a motion by Mr. Eifert, seconded by Mr. Shillott, the Planning Commission recommends approval of the variance from §490-25.L(5) and §490-12 Table of Dimensional Requirements to allow an accessory structure, solar panels, in the front yard with the condition that a six foot tall landscape screen is maintained throughout the duration of use of the solar panels. Motion carried unanimously.

Z-2022-03, Strategic Logistics, Conditional Use at 5989 Susquehanna Plaza Drive

Robert Marquette, Jr. presented his conditional use application. He recently purchased the property at 5989 Susquehanna Plaza Drive, the former radio station, and he proposes to use the building for his corporate office. There is no plan to expand the building and no large trucks will be on the property. Mr. Owens asked if there is adequate parking to support the use. Mr. Marquette responded that there are 21 employees and 55 parking spaces. Mr. Shillott asked if there is adequate sewage to support 21 employees. Mr. Marquette responded that the building was constructed to accommodate 60 people.

Upon a motion by Mr. Kokiko, seconded by Mr. Shillott, the Planning Commission recommends approval of Z-2022-03 for use of 5989 Susquehanna Plaza Drive as a professional Office in the MU-1 Zone. Motion carried unanimously.

Correspondence/Reports

Ms. Vega presented the February 2022 zoning report.

General Discussion

Several residents were present to discuss the Love's Travel Plaza. Ms. Vega explained that they have not filed anything with the Township yet except an H&H study for a culvert replacement under Lee's Lane. Mrs. Mann advised everyone that Love's will be at the Board of Supervisors meeting on March 17, 2022 at 6 PM to give the Board an update on the status of their project and to answer any questions that anyone has. Citizens are encouraged to attend and ask questions.

There are no items on the agenda for the 3/24/22 Planning Commission meeting. Mr. Eifert and Mr. Shillott discussed beginning to work on the Comprehensive Plan. Mrs. Mann commented that it is not time yet. There is a meeting on March 30, 2022 at 5 PM with the adjoining municipalities and DCED. This meeting should occur before work begins on the Comprehensive Plan. Everyone is allowed to attend this meeting.

Meeting adjourned at 6:56 PM.

Respectfully submitted,

Rachel Vega, Zoning Officer