



Hellam Township Planning Commission Variance Application Briefing

Application Number:	Z-2023-11	PC Meeting Date:	June 8, 2023
Applicant(s):	Kevin Devery	Tax Map Parcel:	MK-19
Property Owner(s):	Kevin Devery	Lot Size:	1.4 Acres
Property Location:	5898 River Drive	Zoning:	Rural Agricultural

Project Narrative:

The applicant is requesting a variance from §490-12 Table of Dimensional Requirements to allow 19% lot coverage where the maximum permitted lot coverage is 15%. The applicant proposes to construct a sidewalks and two parking spaces.

Attached Exhibits:

- A. Zoning Hearing Application (received May 17, 2023).
 - B. Denied Permit Application.
-

Property Characteristics:

1. The subject property contains about 1.4 acres in the Rural Agricultural Zone. This is a non-conforming lot as the minimum lot size is 2 acres in the Rural Agricultural Zone.
2. The subject property is located in the floodplain however the location of the proposed improvements are outside of the floodplain area.
3. The subject property is improved with a single-family dwelling, garage and driveway.
4. Adjacent properties:

	Use	Zoning
North	River	River
South	Conservation	RA
West	Residential	RA
East	Conservation	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 non-conforming for lot size as it is 1.4 acres. The minimum lot size in the Rural Agricultural Zone is 2 acres.
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 small lot size, no further development can occur on the property.
3. **Why the unnecessary hardship has not been created by the applicant.** The current Rural Agricultural regulations do not take into account for parcels that are under two acres.
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. This variance will not alter the essential character of the zone or neighborhood. Single-family dwellings are permitted in the RA Zone. The surrounding properties are residential and conservation.

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 variance, if authorized, will represent the minimum variance as this is the most functional design.
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** The proposed area of disturbance is not located in the floodplain.

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>2-2023-11</u>			
Application Filed	<u>5/17/23</u>	Planning Commission	<u>6/8/23</u>
Hearing Advertised	<u>6/12 & 6/19</u>	<input checked="" type="checkbox"/> ZHB/BOS Hearing	<u>6/27/23</u>
Notices Mailed	<u>5/18/23</u>	Decision Rendered	_____
Site Posted	_____	Notification Sent	_____

A. APPLICANT'S NAME: KEVIN DEVERY
 ADDRESS: 5898 RIVER DR HELLAM PA 17406
 PHONE NUMBER: 267 798 5382 EMAIL ADDRESS: CWO.devery@YAHOO.COM

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

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

D. Tax Map: MK Parcel: 19 Zoning District: RA
 Property Address: 5898 RIVER DR HELLAM PA 17406
 Date purchased: 15 MAY 2019
 Lot size: acreage 1.44 - or - _____ sq. ft.
 Present use: Residential
 Proposed use: Residential
 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:

§490-12 RURAL AGRICULTURAL (RA) L4 TABLE
TABLE OF DIMENSIONAL REQUIREMENTS - RURAL AGRICULTURAL ZONE
MAXIMUM LOT COVERAGE 15%

- Brief description of nature of Variance requested:

I WOULD LIKE TO ADD 928 SF OF LOT COVERAGE TO MY
PROPERTY, TWO PARKING SPACES AND TWO SIDEWALKS.
THIS WOULD BRING MY TOTAL % LOT COVERAGE TO 18.97%.

- 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:

This property consists of 1.4 acres.
The minimum lot size in the RA zone is 2 acres.
This property is nonconforming for lot size.

- 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:

THE CURRENT ZONING ONLY PERMITS 15% LOT
COVERAGE.

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

The RA Zone regulations were developed for properties that consist of at least 2 acres.

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:

PARKING SPACES AND SIDEWALK WILL BE AT GROUND LEVEL. The use of the property will not change.

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 928 SF FOOTPRINT IS THE SMALLEST I COULD DESIGN AND STILL BE FUNCTIONAL.

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

The proposed location for the sidewalk and parking spaces is not located in the floodplain.

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

KV [Signature]

* Signature

15 MAY 2023

Date

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

Scaled map attached.

Ground floor elevation is less than 1 foot for entire project.

Names and Addresses of adjoining property owners:

North – Susquehanna River

East – Lancaster Conservancy

5914 River Dr Hellam PA 17406

South – Columbia Water Company

Furnace (Off) Road Hellam PA 17406

East – Ann Helton

5890 River Dr Hellam PA 17406

No unique physical circumstances or unnecessary hardships.

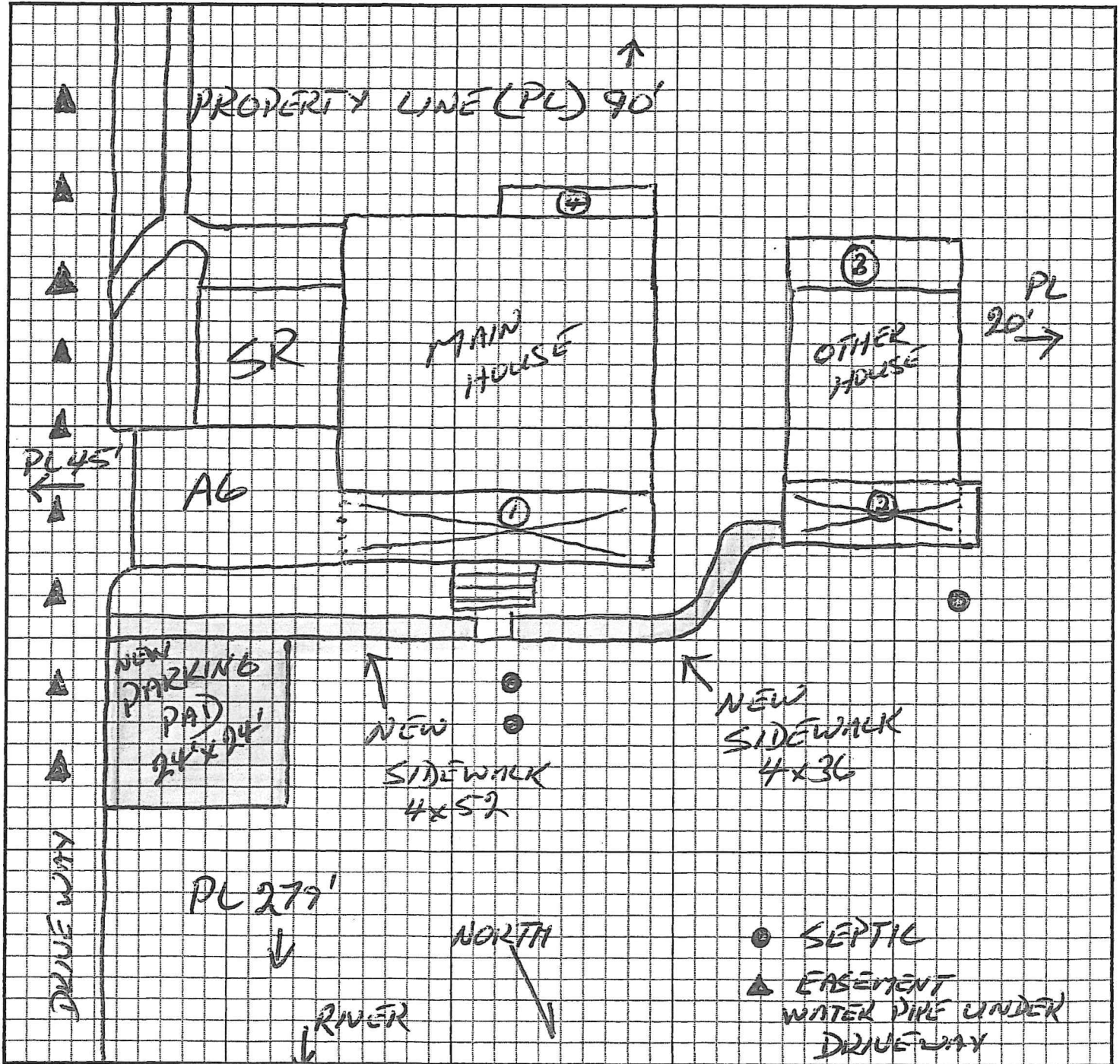
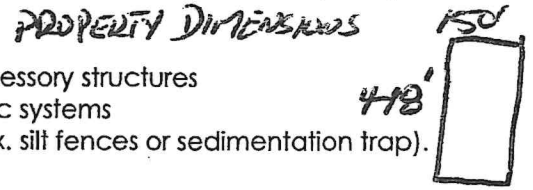
PROPERTY DRAWING

Provide a sketch in the box below (or on a separate sheet of paper) depicting the following information.

All information must be displayed or the Zoning Permit Application may be deemed incomplete and may be denied.

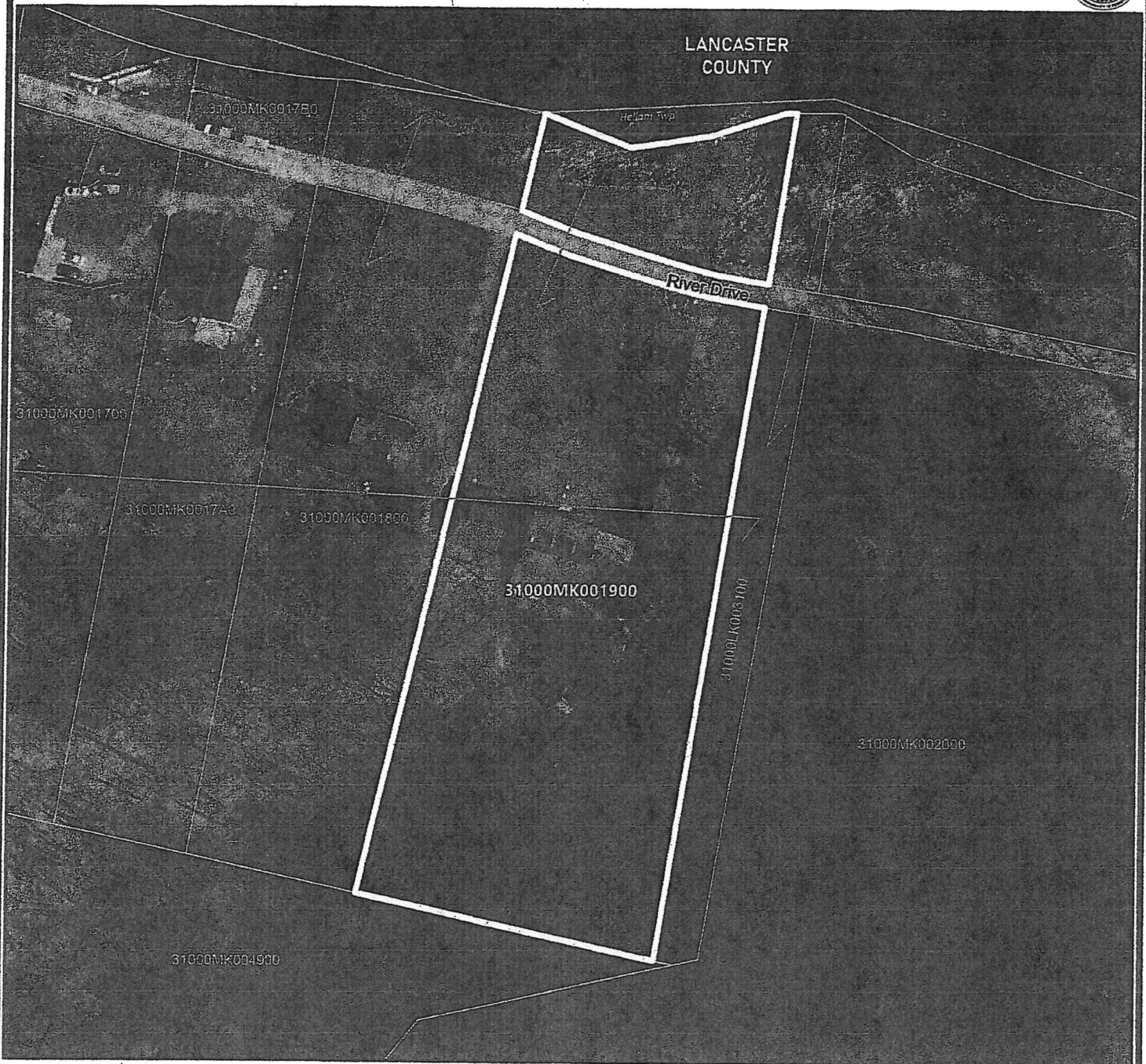
1. Rough sketch of the property boundary lines and dimensions, include any roads.
2. Depict all existing & proposed buildings, driveways and sidewalks. Include the location of well, septic system and any easements on the property.
3. Distance in feet from the proposed structure to:

<input type="checkbox"/> All property lines (front, rear, & both sides)	<input type="checkbox"/> Any other accessory structures
<input type="checkbox"/> The primary residence	<input type="checkbox"/> Well and septic systems
4. Outline the area of disturbance and provide location of E&S measures (ex. silt fences or sedimentation trap).
5. Draw the location of any proposed SWM facilities.

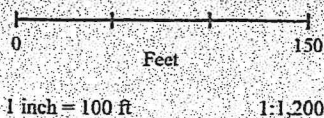


1 box = 3 feet (example 1 box = 2 feet)

Parcel - 31000MK0019000000



Owner - DEVERY KEVIN JOHN
Property Address - 5898 RIVER DR
Tax Municipality - Hellam Twp
School District - Eastern School District
Class - Residential
Land Use - R - One Story House
Acres - 1.44
Assessed Land Value - \$ 52,320
Assessed Building Value - \$ 109,730
Assessed Total Value - \$ 162,050
Sale Date - Nov. 04, 2019
Sale Price - \$ 1
Deed Book - 2544, Page 0408



Legend

- Land Joins
- Selected Parcel
- Parcels
- Municipal Boundary
- County Boundary

Aerial Photography - 2021

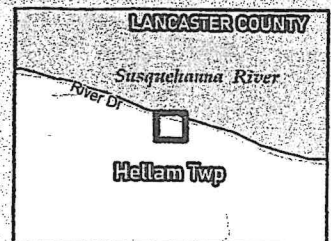
Last Updated: 12/22/2022

Layers should not be used at scales larger than 1:2400 (Note: Pixilation will occur at scales 1" = below 200 Ft.)

Mapping Provided by



Inset Map



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 current; 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."



DEVERY CORRECTED PERMIT

**HELLAM TOWNSHIP
ZONING PERMIT APPLICATION**

ZONING (office use)
 APPLICATION FEE: \$25
 DATE RECEIVED: _____
 DATE COMPLETE: _____
 PERMIT #: _____
 SENT FOR UCC: _____

TOWNSHIP FEES		BUILDING CODE FEES	
ZONING:	\$ _____	BUILDING:	\$ _____
SWM @ \$25	\$ _____	OTHER:	\$ _____
C of O:	\$25.00	TOTAL:	\$ _____
OTHER:	\$ _____		
TOTAL:	\$ _____		

PRINT LEGIBLY - USING BLUE OR BLACK INK

An incomplete application will not be reviewed until all missing information is submitted. This includes all signatures. If information is not submitted the application can be deemed incomplete and can be denied. Mark N/A if a section is not applicable.

CONTACT INFORMATION				
Check box to indicate main contact				
	Name	Address	Phone(s)	E-mail
<input checked="" type="checkbox"/> Property Owner	KEVIN DEVERY	5898 RIVER DR HELLAM PA 17406	267 798 5382	CWO.devery@ YAHOO.COM
<input type="checkbox"/> Applicant				
<input type="checkbox"/> Contractor				

PA Act 132 Registration # _____

Provide a list of sub-contractors if any are being used.

Indicate insurance and attach a copy:

- Self - provide copy of homeowners insurance
- Contractor's Workers Compensation or Waiver

EXISTING SITE INFORMATION

Site Address: SAME AS ABOVE Tax Parcel ID #: 31-000-MK-0019-00 Lot Area: 1.44 acres

Zoning District: Rural-Ag. Res. Comm/Ind MU-1 MU-2 Interchange Quarry
 Floodplain Historic Village TDR Steep Slopes Woodlands/Canopy Riparian

Overlay Zone: Buffer

Utilities: Sewer Service: Public Private Water Service: Public Private

- Are there any easements or right-of-ways on the property? Yes No
- Are any utility poles on your property? Yes No
- Are there any underground utilities through the property? Yes No
- Are there any deed restrictions or homeowner's association for the property? Yes No
- What type of road does the site access? Township State Private

Attach a copy of documents (deed, restrictions, HOP permits, driveway permits, etc).

PROPOSED IMPROVEMENTS

STRUCTURAL ACTIVITY	TYPE OF IMPROVEMENT	OTHER DEVELOPMENT ACTIVITIES	USE
<input type="checkbox"/> New Structure <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Replacement <input type="checkbox"/> Other _____	<input type="checkbox"/> Accessory Structure <input type="checkbox"/> Alternative Energy <input type="checkbox"/> Deck <input type="checkbox"/> Fence/Wall <input type="checkbox"/> Single Family Residence <input checked="" type="checkbox"/> Sidewalk/Patio/Pavers <input type="checkbox"/> Sign <input type="checkbox"/> Swimming Pool/Spa <input checked="" type="checkbox"/> Other <u>PARKING PAD</u>	<input type="checkbox"/> Fill, Grading, Excavation <input type="checkbox"/> Pond <input type="checkbox"/> Watercourse Alteration Drainage Improvements <input type="checkbox"/> Well <input type="checkbox"/> Timber Harvesting <input type="checkbox"/> Other _____	<input type="checkbox"/> Change of Use <input type="checkbox"/> Home Occupation <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary Use <input type="checkbox"/> Other _____

Exhibit B

SIZE OF IMPROVEMENT	DISTANCE FROM PROPERTY LINES	DESCRIPTION OF WORK
Length: <u>SEE</u>	Front: <u>279</u>	<u>2 CONCRETE SIDEWALKS 36'x4' AND 52'x</u> <u>TWO CAR PARKING PAD 24'x24'</u>
Width: <u>DESCRIPTION</u>	Rear: <u>90+</u>	
Height: <u>Ø</u>	Right: <u>20+</u>	
Total Area: <u>928</u>	Left: <u>45</u>	

- Is a construction entrance being utilized for this project? No Yes - provide details of location and method
- Is a Knox Box for Emergency Access installed at the site? Yes No- submit necessary paperwork (required for all business in the Township)

NOT A BUSINESS


"Total cost of construction" means the actual cost incurred by the owner, all contractors, subcontractors and other parties for labor, material, equipment, profit and incidental expenses for the entire project.

TOTAL COST OF CONSTRUCTION: \$ 3950⁰⁰

STATEMENTS AND VERIFICATION BY APPLICANT
Initial by each paragraph, then sign & date below

Initials	I hereby understand and agree to the following:
<u>KD</u>	This application authorizes any municipal representative of Hellam Township to access the above property as stated within this application during normal business hours, without an administrative warrant; to inspect and verify that any proposed use and/or structure contained within this application complies with all Hellam Township Zoning Ordinance.
<u>KD</u>	The Township office is not responsible for any property dimensions shown on the site plan and establishment of property lines is the sole responsibility of the property owner and applicant.
<u>KD</u>	The failure to adhere to any and all provisions of the Hellam Township Ordinances shall constitute a violation as to any Permit issued per this Application, which shall cause any Permit to become Null and Void, and revocable by Hellam Township via its Zoning Officer or other designated agent.
<u>KD</u>	No construction, including moving of earth, can begin until the appropriate permits are acquired.

The application, together with the signed site plan and construction documents, is made part of this application by the undersigned. I/We hereby certify that as applicants, owners, or others that I/we completed and read the foregoing Application, that the information and statements provided on this application is true and correct to the best of their knowledge or belief. I/We do hereby certify under penalty of perjury.

Signature of Applicant  Date 15 MAY 2023
 Signature of Property Owner _____ Date _____

The property owner(s) must sign this application to verify the contractor or tenant has permission from the property owner(s) to do all construction work authorized by the issuance of this permit.

ZONING OFFICER ACTION
(Office use only)

_____ The application is in accordance with the Hellam Township Zoning Ordinance and is hereby **approved**.

_____ The application is hereby **disapproved** for the following reason(s): _____

_____ in violation of §490-

Signature of Zoning Officer _____ Date _____

Special Instructions or Restrictions: _____

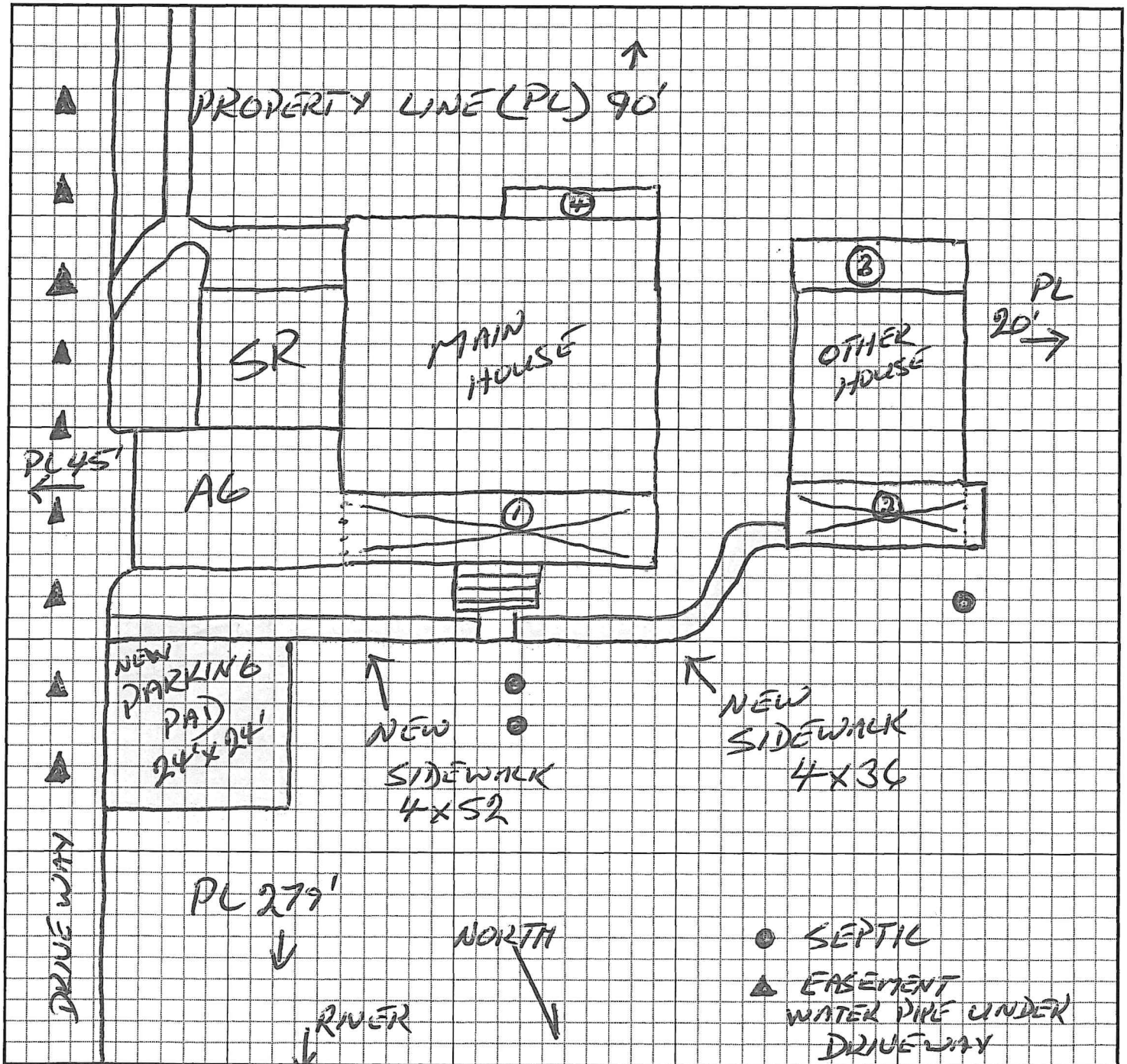
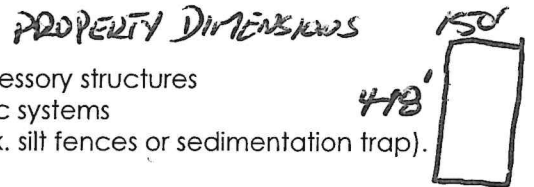
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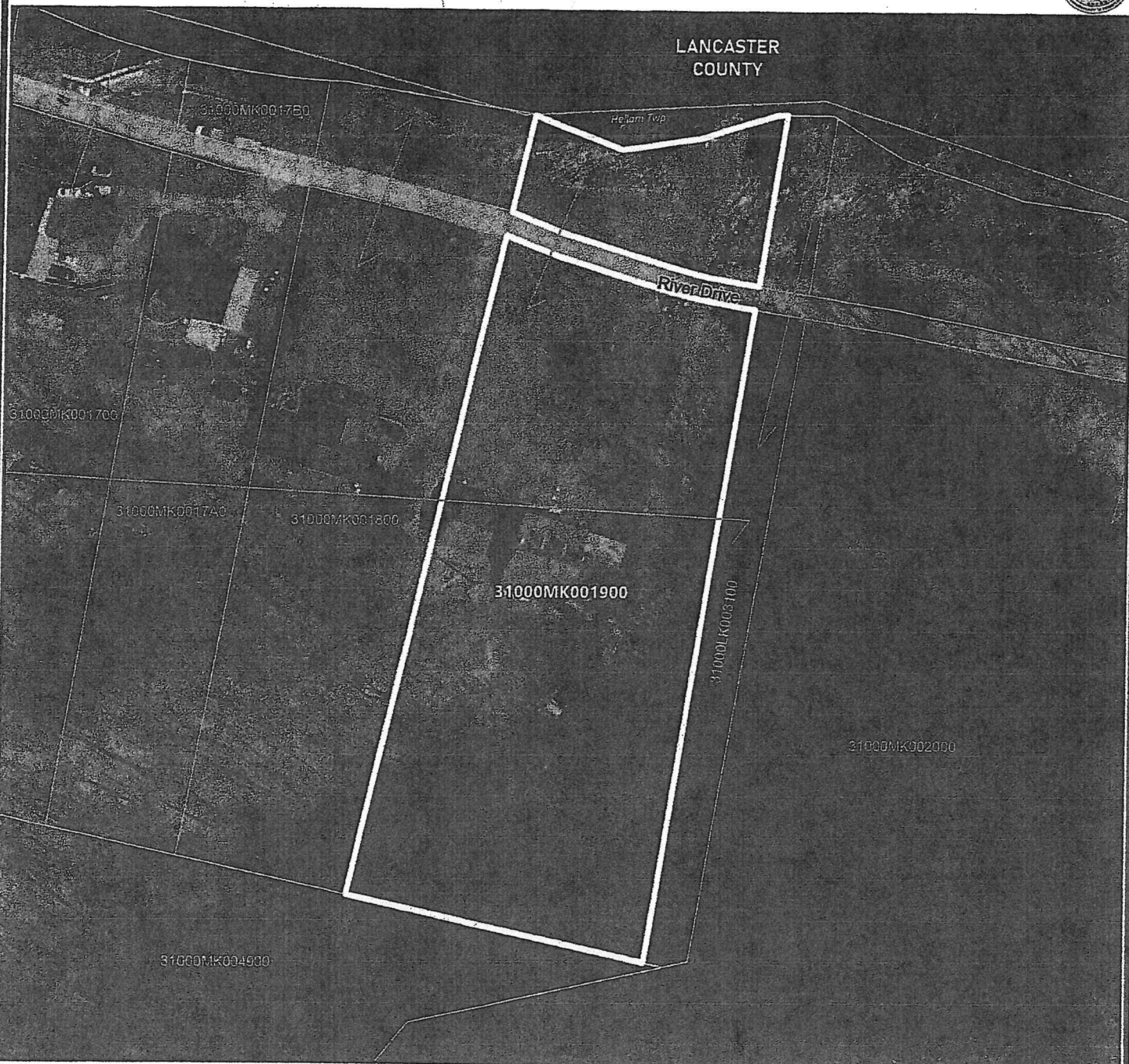
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Deed Book - 2544, Page 0408



1 inch = 100 ft 1:1,200

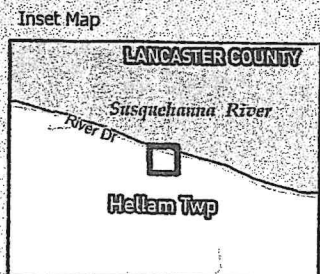
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Aerial Photography - 2021

Last Updated: 12/22/2022

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LOT COVERAGE WORKSHEET

Directions: Complete this worksheet after taking accurate measurements of all existing impervious surfaces. All dimensions should be consistent with the attached site plan. If this worksheet is not completed or if information is left off, the Zoning Officer may deny the application or complete the worksheet using aerial photographs, previous building permits and any available site information (which may be inaccurate).

ADDRESS: 5898 RIVER DR
HELLAM PA 17406 PIDN: _____ ZONING: RA

1. **Lot Size (1 acre = 43,560 s.f.)** Lot size can be found on deed or tax assessment paperwork. Multiple the number of acres by 43,560 to obtain the total square feet (s.f.) of the lot.

1.44 ac. 62,726 s.f.

EXISTING (Indicate dimensions of existing structures/surfaces then multiply the dimensions to obtain s.f.)

2. House 39x43 + SUNROOM(SR) 18x20
3. Attached Garage (AG)
4. Attached Deck 10x43 ① 8x31 ② 8x28 ③ 4x21 ④
5. Driveway (including stone) 110x10 106x36 37x21
6. Sidewalk/Patio 18x10 4x76 6x7 20x14 9x11
7. Detached Garage(s)
8. Decking (not attached to house)
9. Shed(s) or other accessory buildings
10. Pool (including surrounding concrete deck)
11. Barn(s)
12. Other HOUSE 26x28

Dimensions	Square Feet
_____ ft x _____ ft	_____
<u>17</u> ft x <u>28</u> ft	<u>476</u>
_____ ft x _____ ft	<u>986</u>
_____ ft x _____ ft	<u>5805</u>
_____ ft x _____ ft	<u>905</u>
<u>N/A</u> ft x _____ ft	_____
<u>N/A</u> ft x _____ ft	_____
<u>8</u> ft x <u>12</u> ft	<u>96</u>
<u>N/A</u> ft x _____ ft	_____
<u>N/A</u> ft x _____ ft	_____
<u>26</u> ft x <u>28</u> ft	<u>728</u>

13. **Total Existing Lot Coverage** (add lines 2-12) 10,973 s.f.
14. **Total % of Existing Lot Coverage** (line 13 divided by line 1, then multiply by 100) 17.49 %

PROPOSED (Identify structure, i.e. addition, deck, garage, etc.)

15. SIDEWALK 4x36 AND 4x52
16. PARKING PAD 24x24

Dimensions	Square Feet
_____ ft x _____ ft	_____
<u>4</u> ft x <u>88</u> ft	<u>352</u>
<u>24</u> ft x <u>24</u> ft	<u>576</u>

17. **Total Proposed Lot Coverage** (add lines 15 & 16) 928 s.f.
18. **Total Coverage in s.f. – existing & proposed** (add lines 13 & 17) 11,901 s.f.
19. **Total % Lot Coverage** (line 18 divided by line 1, then multiply by 100) 18.97 %
20. **Total % Lot Coverage permitted** (provided on Page 2 of the application directions) 15 %
21. **Total Coverage in s.f. – permitted** (multiple line 20 by line 1) 9409 s.f.

VARIANCE NEEDED →

Lot Coverage is a percentage of the lot area which may be covered with an impervious surface. An **impervious surface** is made of materials which prevent the percolation of water into the ground. These materials include semi-impervious materials such as gravel stone and block. Examples of surfaces that should be included in lot coverage are buildings, driveways, parking areas, sidewalks, concrete pads, etc.