



**Hellam Township Planning Commission
Meeting Agenda
October 12, 2023
6:00 P.M.**

1. Opening Agenda

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

2. Minutes Approval

- A. September 28, 2023 draft meeting minutes

3. New Business

None

4. Ongoing Business

- A. Z-2023-12: Variance 1250 Shore Ln
- B. Solar Ordinance Amendment
- C. Understanding the Township (review of prior research and tasks to continue and validate research)

5. Correspondence/Reports

None

6. Upcoming Meetings

Next Planning Commission Meeting – October 26, 2023

7. Adjournment

Zoom Log In

Meeting ID: 634 220 1697

Password: Hellam44

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of September 28, 2023**

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 Michael Shillott, Fred Owens, and Steve Fetrow. Other attendees included Corina Mann, Township Manager, and Jason Test, Zoning Officer.

It was noted that Christopher Altland had not attended the September 14 2023 Planning Commission meeting and he was listed as attending in the minutes for that meeting. A motion was made to approve the September 14, 2023 minutes with the correction. Motion was approved.

New-Business:

Z-2023-12 1250 Shore Ln Variance

Steve Moore was the presenter for this variance. Mr. Moore is a perspective buyer of this property and is attempting to obtain the variance prior to purchase to ensure that he can construct a residence to his liking. Mr. Moore stated that currently the lot is underutilized as the previous residence had been destroyed in a fire.

Mr. Moore was requesting a several variances. He requested a variance for minimum lot size as this parcel is not 2 acres and the current ordinance states that parcels must be 2 acres minimum. This parcel was created prior to the ordinance being enacted.

He also requested a variance for setbacks again due to lot size and configuration. Lastly, He requested a variance for lot coverage. The lot coverage for rural agricultural is 15% and Mr. Moore was requesting 30%.

The Commission noted that Mr. Moore did not provide any drawings or plans for his proposed residence. Due to the missing drawings or plans the Commission stated that it made it difficult for them to envision his plan. He was advised that variances need to be the minimum deviation to lessen the impact. It was also noted that he was asking for the lot coverage to be doubled and that without drawings or plans he had no justification for that request.

Mr. Moore was advised that 15% coverage of 1250 Shore Ln would be 5142 square feet and he was asking for that to be doubled. Mr. Moore stated that he was asking for 30% because that is the allowed coverage in the residential zone.

Mr. Moore was advised that he needed to submit drawings or plans detailing his construction. He informed that he needed to have the application signed by the property owner. He was advised that the drawings or plans and signed application would need to be submitted to the Zoning Officer by October 6, 2023 to be put on the October 12, 2023 Planning Commission agenda. Mr. Moore stated that he understood.

A motion was made by Mr. Shillott to table Z-2023-12 until the Planning Commission meeting on October 12, 2023 to allow Mr. Moore to complete the items that were explained to him. Mr. Fetrow seconded the motion which passed unanimously.

On-going Business:

Short Term Rental: There was discussion concerning this proposed ordinance that if a license was not renewed or revoked would an Accessory Dwelling Unit (ADU)DU being used as a short-term rental revert to an ADU. It was determined that it would revert to an ADU.

Discussion was had concerning the "fairness" mandatory time, three (3) years, before a newly constructed could be used as a short-term rental compared to constructing a tent and immediately using the tent as a short-term rental. It was stated that the purpose was to prevent the increased construction of ADUs to use as short-term rental. A question was posed concerning a yurt that is located at an address on Scenic Dr and if the yurt would be an approved use. It was determined that a yurt would be classified as a tent.

The Commission then discussed assessing a late fee for renewal it was determined that the Commission felt three months was fair with no late fee being assessed before the end of March.

They also discussed how many short-term rentals could be on a parcel. It was said that if the owner/operator is residing at the short-term rental individual rooms could be rented. It was then asked if the owner/operator is residing at the short-term rental could an ADU be used as a short-term rental. It was determined that you could not use an ADU as a short-term rental in this instance as you can only have one building being used as a short-term rental. The

The Commission spoke about required parking and determined that a short-term rental shall provide one (1) off street parking space. It was also stated that if changes occur with the ordinance the new changes take effect when licenses are issued or renewed.

There was a discussion about the survey that was posted about this ordinance. Katina Snyder asked the number of responses to the survey and she was told that there were seven (7) responses. She asked if the questions were focused on the discussion that the Planning Commission was conducting and she was told that the question were not focused on the specific conversation and that no one at the meeting had seen the responses.

Solar Ordinance Amendment: Ms. Mann asked the purpose of this ordinance. Mr. Shillott explained that this amendment was drafted to allow large solar/Principal Solar Energy Systems to be constructed in more areas of the Township. Mr. Shillott stated that the current solar ordinance to not consider agrivoltaics or the improvement of technology. It was stated that the Board of Supervisors requested that this be completed.

It was decided that no in-depth conversation would occur because most Commission members were not present. It was also asked that Mr. Test email the current solar ordinances to the Commission members.

Typical Flow for Ordinance Crafting: Mr. Shillott stated that he had crafted a typical flow chart for the crating of ordinances. Mr. Winand asked Mr. Shillott to email the chart to the Commission members and staff.

Correspondence/Reports

The next Planning Commission meeting is scheduled for October 12, 2023

Meeting adjourned at 8:17 PM.

Respectfully submitted,
Jason Test, Zoning Officer





Hellam Township Planning Commission Variance Application Briefing

Application Number: Z-2023-12	PC Meeting Date: October 12, 2023
Applicant(s): Steve Moore	Tax Map Parcel: 08-68
Property Owner(s): Kimberly Bucher	Lot Size: 0.787 Acres
Property Location: 1250 Shore Ln	Zoning: Rural Agricultural

Project Narrative:

The applicant is requesting a variance from §490-12. F Lot Area Requirements. Minimum Lot Area. The minimum lot area in the Rural Agricultural Zone is 2 acres this parcel is 0.787 acres in area.

Variance from §490-12 Table of Dimensional Requirements Setbacks. Due to lot area the setbacks cannot be met. The proposed setbacks are front setback 28.3 ft, east side setback is 29.9 ft, rear setback is 17.3 ft

Table of Dimensional Requirements to allow 21.2% lot coverage where the maximum permitted lot coverage is 15%.

The applicant proposes to construct a single-family dwelling with an attached garage.

Attached Exhibits:

- A. Zoning Hearing Application (received September 1, 2023, revised and received October 6, 2023).
- B. York County Property Viewer Tax Parcel map of 1250 Shore Ln

Property Characteristics:

1. The subject property contains about 0.787 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 is outside of the floodplain area.
3. The subject property is currently unimproved. The previous structure was destroyed in a fire.
4. Adjacent properties:

	Use	Zoning
North	Residential	River
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 non-conforming for lot size as it is 0.787 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.
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 to allow a single-family dwelling to be constructed.
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.

September, 2023
Revised Oct. 5, 2023



APPLICATION FOR HEARING

FOR TOWNSHIP USE ONLY			
ZONING CASE # <u>2-2023-12</u>			
Application Filed	<u>9-1-23/10-6-23</u>	Planning Commission	<u>9-28-23/10-12-23</u>
Hearing Advertised	<u>10-9-23/10-16-23</u>	ZHB/BOS Hearing	<u>10-24-23</u>
Notices Mailed	<u>9-22-23</u>	Decision Rendered	_____
Site Posted	<u>10-16-23</u>	Notification Sent	_____

A. APPLICANT'S NAME: Steve Moore
 ADDRESS: 435 W. Beaver St., Hallam, PA 17406
 PHONE NUMBER: 717-478-4559 EMAIL ADDRESS srossmoore@gmail.com

Property is for sale. Presently under contract to purchase by applicant. Original house burnt down. Lot is vacant. Looking to build a home. Sale of lot is contingent on there being enough buildable area on the lot.

B. PROPERTY OWNER'S NAME
 (If different than applicant): Kimberly A. Bucher
 ADDRESS: 1250 Shore Lane, Wrightsville, PA 17368
 PHONE NUMBER: -----

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

D. Tax Map: 31-000-08 Parcel: 0068-00-00000 Zoning District: Rural Agricultural
 Property Address: 1250 Shore Lane, Wrightsville, PA 17368
 Date purchased: Under Contract - Settlement 10/27/23
 Lot size: acreage 0.79 - 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)
- 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)

**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:

490-12/490-13 Rural Agricultural Zone: Maximum Lot Coverage, Required Setbacks

- Brief description of nature of Variance requested:

Rural Agricultural setbacks are too restrictive for this size lot.

See attached proposed plan.

Maximum Lot Coverage: From Rural Agricultural of 15% to proposed 21.2%.

See attached Lot Coverage Worksheet.

- 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 lot is irregular shaped for 0.79 acre property. Most properties in the area are more rectangular shaped and had homes built prior to the subdivision of the property and the re-zoning to "Rural Agricultural".

- 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:

Because of the large setbacks required and max. lot coverage required in the "Rural Agricultural Zone", presently the lot is unbuildable.

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

Property was subdivided prior to the present "Rural Agricultural Zone" for the area was adopted.

D. Why the Variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare:

The neighborhood is a nice residential area. Building on this lot will have not affect on the surrounding lots, except to possible raise their value.

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:

Granting a variance for this property, will allow a home to be built which is continuing the original intended use of this property. Relief is being requested to continue the original intended use for a residence.

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

Except for a very small portion of the lot to east, the buildable zone is not within the Floodplain Overlay Zone.

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.

See attached authorization from the owner to file a variance.

* Signature

Date

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

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: 1250 Shore Lane **PIDN:** 31-000-08-0068 **ZONING:** Rural Ag

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

0.79 **ac.** 34,412 **s.f.**

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

Dimensions **Square Feet**

2. House	50	ft	x	60	ft		3000
3. Attached Garage	30	ft	x	40	ft		1200
4. Attached PORCH	12	ft	x	40	ft		480
5. Driveway (including stone)		ft	x		ft		2412
6. Sidewalk/Patio	4	ft	x	48	ft		192
7. Detached Garage(s)		ft	x		ft		
8. Decking (not attached to house)		ft	x		ft		
9. Shed(s) or other accessory buildings		ft	x		ft		
10. Pool (including surrounding concrete deck)		ft	x		ft		
11. Barn(s)		ft	x		ft		
12. Other _____		ft	x		ft		

13. **Total Proposed Lot Coverage** -12) 7,284 **s.f.**

14. **Total % of Proposed Lot Coverage** ded by line 1, then multiply by 100) 21.2 **%**

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

Dimensions **Square Feet**

15. _____		ft	x		ft		
16. _____		ft	x		ft		

17. **Total Proposed Lot Coverage** (add lines 15 & 16) 7,284 **s.f.**

18. **Total Coverage in s.f. – existing & proposed** (add lines 13 & 17) 7,284 **s.f.**

19. **Total % Lot Coverage** (line 18 divided by line 1, then multiply by 100) 21.2 **%**

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) 5,162 **s.f.**

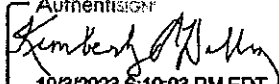
Lot Coverage is a percentage of the lot area which may be covered with an impervious surface. An **impervious surface** is made of materials which prevent the percolation of water into the ground. These materials include semi-impervious materials such as gravel stone and block. Examples of surfaces that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

October, 2, 2023

To whom it may concern at Hellam Township:

I Kimberly A Bucher NKA Kimberly A Willing give Steven R. Morre per mission to apply for a variance for the property I own located at 1250 Shore Lane Wrightsville PA 17368. If you have any questions or concerns you can reach me at (717) 826-5411 or Kimberlywilling@gmail.com.

Sincerely,

Authentisign

10/3/2023 6:10:03 PM EDT

10/03/2023

Kimberly A Willing