



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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## Minutes of a Special Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, September 13, 2023

1. Chairman Gregory R. Hitz, Sr. called the meeting to order at 7:00 P.M. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
2. Meeting Attendance:
  - Members Present: Gregory R. Hitz, Sr., James E. Hershey, and Robert F. Newton, Jr.
  - Members Absent: None
  - Alternate Member Present: None
  - Township Representatives: Justin S. Evans, Township Manager/Zoning Officer
  - Lancaster County Court Reporter: Veronica Gouck
  - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
3. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the August 24, 2023 and August 31, 2023 editions of the LNP. The subject properties were posted on August 28, 2023.
4. Procedural briefing by the Zoning Hearing Board Solicitor
5. Swearing-in of all potential witnesses by the Court Reporter
6. ZHB Case #230010
  - a. Applicant/Landowner: 1475 Gretna LLC, c/o Judy Grillo
  - b. Property Location: 1475 Mount Gretna Road, Elizabethtown, PA 17552; Tax Parcel ID #460-68590-0-0000
  - c. Zoning District: R-2 – Medium Density Residential District
  - d. Variance Requests:
    - (1) Chapter 135, Article XI, §135-105.H: maximum lot coverage for the R-2 District
    - (2) Chapter 135, Article XXII, §135-262.C: public water service for townhouses
    - (3) Chapter 135, Article XXII, §135-262.K: minimum lot area for townhouses
    - (4) Chapter 135, Article XXIII, §135-295.A: minimum lot size for more than one principal use on a lot
    - (5) Chapter 135, Article XXIII, §135-295.C: demonstration that multiple principal uses on a lot can be subdivided onto individual lots
    - (6) Chapter 135, Article XXIII, §135-299.D(3): parking lot screening
    - (7) Chapter 135, Article XXIII, §135-325.D(1): side yard dumpster setback

Penny Pollick spoke on behalf of Gary Ruth, property owner of 1491 Mount Gretna Road, requesting party status as an adjoiner to the subject property. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to grant Mr. Ruth party status in the case. All members present voted in favor of the motion.

Applicant Judy Grillo and consultant Steve Gergely from Harbor Engineering presented the application. Mr. Gergely provided an overview of the property that currently contains a 2-story, 4-unit apartment building with a garage in the

rear. It has 27% lot coverage with the structures and parking lot along the frontage. The applicant proposes to construct a building containing 4 townhouses to the north of the garage, which is downhill and behind the apartment building. The site plan shows the front parking lot being removed and replaced between the apartments and proposed townhouses. This will improve the property frontage and create safer access. 11 parking spaces are shown as compared to the existing 8-space parking lot. Townhouse units will have garages and parking spaces in front of them.

The entire site containing eight total dwelling units will remain under common ownership. Most of the townhouse standards prescribed in the Zoning Ordinance are satisfied by the proposal. However, public water service is not provided in the vicinity of the property as opposed to public sewer, to which the apartment house is already connected.

Mr. Gergely noted that the minimum lot size required for 4 townhouses can be met, but the 2-acre minimum for the use cannot. Total lot coverage would increase to 47%, exceeding the R-2 District's 30% maximum. Due to the lot's dimensions, the only way to subdivide it is to create a flag lot that is not permitted in this district. The applicant intends to keep the entire property under common ownership.

A single dumpster for all 8 units is provided instead of having individual curbside trash pickups. The dumpster location on the west side does not meet the 50' setback, though the applicant intends to install a fenced enclosure and landscape screening to mitigate the proximity. Screening is proposed for the west side of the new parking lot but cannot be added on the east side due to the access drive configuration.

Mr. Gergely had the property boundary and topography surveyed in order to prepare rough grading and a preliminary stormwater management design. This is more than what is typically done for a zoning hearing but they wanted to ensure the proposed layout was feasible. Ms. Grillo acknowledged receipt of the August 21, 2023 letter from the Zoning Officer and agreed to the proposed conditions therein.

He clarified the lot size, which will decrease from 1.022 acres net of the Mount Gretna Road right-of-way to 0.982 net acres once additional right-of-way is dedicated during land development. Public water service does not extend east of the Route 283 bridge, which is approximately 0.5 miles away. A discussion took place regarding the dumpster location. The lot width is only 130', making adherence to the 50' setback difficult. It would require the dumpster to be in the center portion of the parking lot.

Exhibit A-1 was submitted into the record, a zoning exhibit containing two plan sheets. The Board and applicant discussed shifting the driveway and parking lot to reduce the dumpster setback encroachment. A landscape buffer should be installed for the neighboring homes. Mr. Gergely proposed to add screening on both sides of the driveway and/or parking lot in the upper portion of the property near the joiners.

On behalf of Mr. Ruth, Ms. Pollick cross-examined the applicant.

- Is the proposed lot coverage 47%? Yes. What is the maximum lot coverage allowed? 30%
- Will grinder pumps be needed to convey sewage to the main in Mount Gretna Road? Each dwelling unit's sewer lateral will feed into one pump. A backup pump may be needed.
- Is the property served by a single well? Yes, though they may need to drill another. Is there enough water pressure for fire suppression? This will be evaluated during the land development process and a cistern can be installed if needed.
- How will the stormwater management basin infiltrate with ironstone in the area? This has not yet been evaluated but the stormwater facilities will be designed to meet the Township's standards.

Mr. Gergely noted that the Zoning Ordinance has two different lot coverage maximums applicable to this situation. The R-2 District maximum is 30% but the townhouse use has a 60% maximum. The applicant discussed their basis for the variance requests, referring to the long and narrow lot configuration that creates design challenges.

Ms. Pollick and Mr. Ruth made their statements regarding the proposal. Concerns include stormwater runoff, fire suppression, the lack of green space for children, potential low infiltration rates due to ironstone, and noise from additional dwellings. They did not believe that the applicant proved a hardship for the variance requests. The lot is simply not large enough to accommodate what the applicant wants to build.

The Board went into Executive Session at 8:04 p.m. then returned at 8:31 p.m.

Robert Miller of Stauffer Road asked for a general orientation of where the property is located.

Jesse Crum of 1518 Mount Gretna Road expressed concerns for the existing wells in the area losing capability with more dwellings drawing from the underground water supply.

A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to deny the request for variances from Sections 135-262.K, 135-295.A, and 135-295.C due to the failure to meet the general variance criteria. All members present voted in favor of the motion.

A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to deny the request for variances from Section 135-105.H, 135-262.C, 135-299.D(3), and 135-325.D(1) as moot. All members present voted in favor of the motion.

7. ZHB Case #230011

- a. Applicant/Landowner: Timothy Taylor
- b. Property Location: 1458 Cloverleaf Road, Mount Joy, PA 17552; Tax Parcel ID #461-05543-0-0000
- c. Zoning District: LI – Light Industrial District
- d. Variance Request:
  - (1) Chapter 135, Article XVII, §135-165.E(4): minimum side and rear yard setback from lots used for residential purposes

Applicant Timothy Taylor and consultant Charles Hurst presented the application. The proposal is to replace an existing 30' x 30' nonresidential building with a larger 52' x 52' building for the storage of vehicles and equipment used by Mr. Taylor's tree service. They acknowledged receipt of the Zoning Officer's August 21, 2023 letter and agreed to the proposed conditions.

The existing building is only 14' high as opposed to the proposed 25'4" building, which will meet the Ordinance's 20' minimum building height. The applicant's hardship pertains to the lot being 0.49 acres in the Light Industrial District. Properties to the north and east are used residentially, so a greater 80' setback from those boundaries is required. The 25' setback to the south will remain, but the larger building will be between 28.2' and 35' from the eastern boundary and 33.5' to the northern boundary. These meet the base standards but not the additional setback. The 127' distance to the centerline of Cloverleaf Road will stay the same. They demonstrated that the building envelope constrained by these setbacks is less than 1,000 sf. and not suitable for a nonresidential building in the LI District.

A discussion took place regarding the proposed setbacks and whether the new building could be shifted to the south more so the northern encroachment can be reduced. Since the applicant needs to circle around the building with his equipment, the 25' separation from the southern boundary is needed. Mr. Taylor presented letters of affirmation from three adjoining residential property owners and confirmed the existing landscaping screen to the north and woodlands to the east creating a suitable buffer.


A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to grant a variance from Section 135-165.E(4) of the Ordinance to encroach upon the minimum side and rear yard setback from lots used for residential purposes, subject to the following conditions:

1. The Applicant shall comply with all materials and representation submitted with the Application, including, without limitation, the site plans and correspondence with the Zoning Officer.
2. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted.
3. The Applicant shall file and obtain approval of a land development plan, or waiver thereof, from the Mount Joy Township Planning Commission.
4. The Applicant and any representative of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on September 13, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

8. Next regularly scheduled hearing will be held Wednesday, October 4, 2023, beginning at 6:00 P.M.
9. A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to adjourn the meeting at 9:00 p.m. All members present voted in favor of the motion.

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin S. Evans". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Justin S. Evans, AICP  
Township Manager/Zoning Officer

For: Robert F. Newton, Jr., Secretary  
Mount Joy Township Zoning Hearing Board