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Nov 01 2023

ZHB Case # 230018

MOUNT JOY TOWNSHIP

Mount Joy Township

8853 Elizabethtown Rd

Elizabethtown, PA 17022

Phone: (717)367-8917 - Fax: (717)367-9208

Zoning Hearing Board Application

1. Applicant Information

Name: Frank Libertore

Address: 1015 Trail Rd N City/State/Zip: Elizabethtown PA 17022

Phone: (717) 575 7851 Fax: _____

E-mail: Libertore@Gmail.com

2. Landowner Information (if different from the Applicant)

Name: Mark Kleinfelter

Address: 955 Trail Road N City/State/Zip: Elizabethtown, PA 17022

Phone: (717) 449-0268 Fax: _____

E-mail: Kleinfelterm@comcast.net

3. Property Information

Property Address: 955/1015 Trail Road N 1005 Trail Road N.(Parent)

City/State/Zip: Elizabethtown, PA 17022

Existing Use: Residential/Agricultural Proposed Use: Residential/Agricultural

Total Property Area (Sq. Ft. or Acres): 2.4 acres

FOR TOWNSHIP USE ONLY

Date Application Received: November 1, 2023

Date Application to be heard: December 6, 2023

Tax Parcel #: 460-57248-0-000 (parent) - 460-31272-0-0000 - 460-09784-0-0000

Zoning District: Agricultural (A)

Application Denied/Approved: _____

4. Request for Special Exception

Section(s) of Zoning Ordinance for which a Special Exception is requested:

Provide an explanation of your proposal, particularly, why you need a special exception and for what type of use the special exception is being requested for:

This site is suitable for a Special Exception Use because:

How will the request affect adjacent properties? (Dust, noise, fumes, odors, glare, increased traffic, character of the neighborhood etc.):

5. Expansion of Special Exception Uses

Are there any existing nonconformities on the lot, if so list them:

Existing and proposed square footage of the structure:

Percentage of Expansion:

Existing front, side and rear yard setbacks:

Proposed front, side and rear yard setbacks:

6. Request for a Variance

Section(s) of the Zoning Ordinance for which a Variance is requested:

135-85-B(1)

Why do you need a variance and what is your proposed alternative from the requirements of the Township Zoning Ordinance?

we would like to add 7 acres to 955 + 1015 in order to qualify for clean & green. When the original subdivision was done we were at the maximum lot size.

What physical characteristics of the property prevent it from being used for any of the permitted uses in your zoning district? (Topography, size and shape of lot, environmental constraints, etc.):

N/A

Explain how the requirements of the Zoning Ordinance would result in difficulties or undue hardships in the use of your property, buildings and/or structures:

N/A

Explain how the granting of a variance will not be a substantial detriment to the public good or a substantial impairment of the intent and purpose of the Zoning Ordinance:

The use and number of lots will not change.

7. Certification

I/we, the undersigned, do hereby certify that:

1. The information submitted here in is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable, and payment does not guarantee approval of the Zoning Hearing Board Application.
3. All additional required written graphic materials are attached to this application

Les Tilt
Applicant Signature

10/31/23
Date Signed

Frank Libertore
Applicant's Name (Printed)

Mark E. Kleinfelter
Landowner Sign (if different from Applicant)

31 Oct. 2023
Date Signed

Mark E. Kleinfelter
Landowner's Name (Printed)

DATE	REVISIONS
10/03/02	R/W FOR DEDICATION DETAIL

OWNER/EQUITABLE OWNER-SUBDIVIDER
NAME: MARK E. KLEINFELTER & MARIAN L. FETTER
ADDRESS: 303 LAUSCHTOWN ROAD
DENVER, PENNSYLVANIA 17517
TELEPHONE: 215-849-5665
SOURCE OF TITLE: 6726-412
LANC. CO. TAX MAP: 6E-1-5
LANC. CO. TAX ASSESSMENT ACCOUNT NO.: 460-31272-0-0000

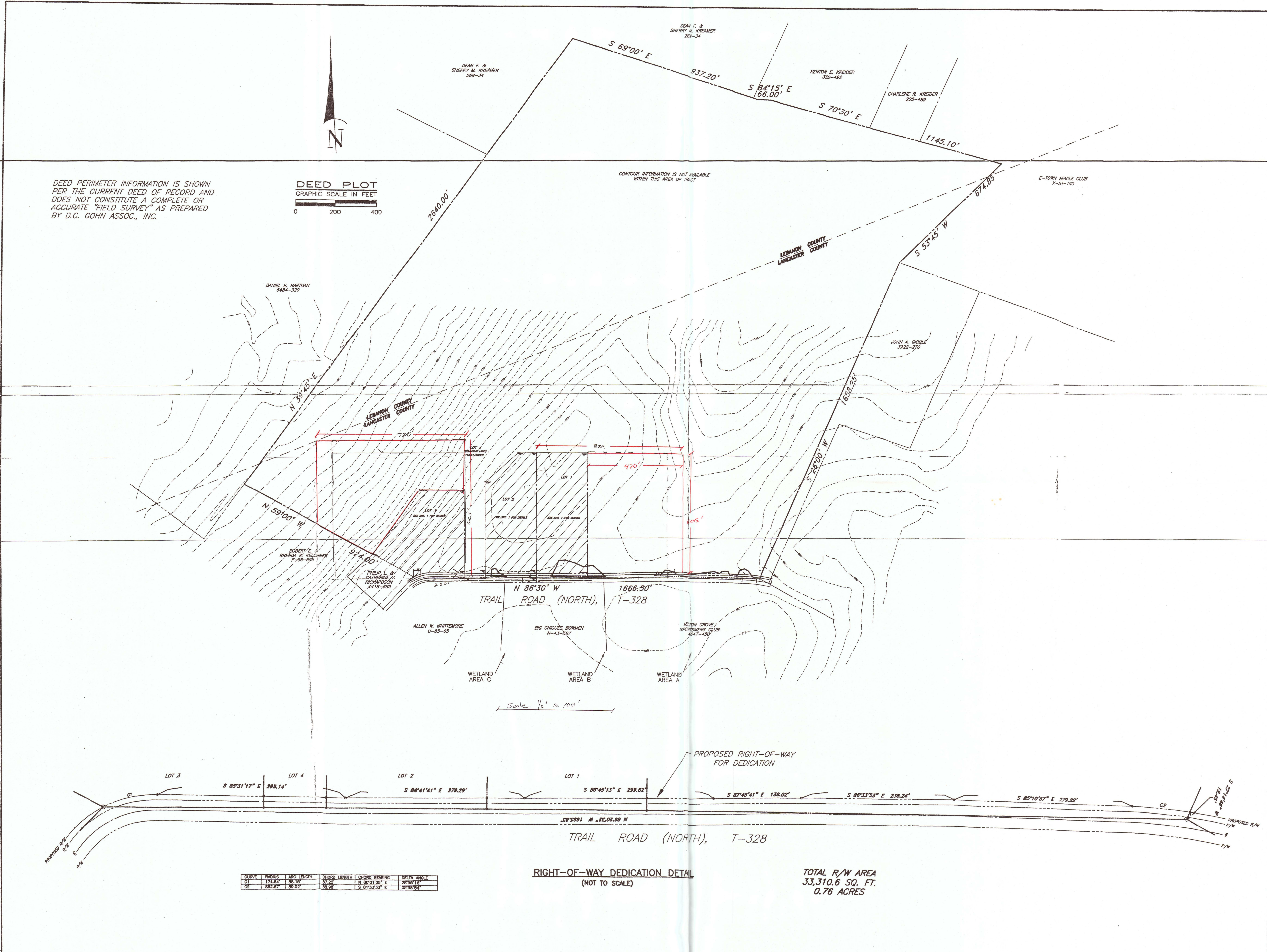
SIGNATURE: _____
DATE: _____

dc gohn
Associates, Inc.
Surveyors Engineers
Landscape Architects

32 MOUNT JOY STREET
MOUNT JOY, PA 17552-0128
(717) 653-5508
FAX: 653-1899

PROJECT NO.: 4059-20
SCALE: 1"=200'
DATE: 1-15-02
DRAWN BY: DAP
CHECKED BY:
DRAWING NO.: CG-2398
SHEET NO.: 2 OF 4

DEED PLOT
FOR
MARK E. KLEINFELTER & MARIAN L. FETTER
MOUNT JOY TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA





MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022
717.367.8917 • 717.367.9208 fax
www.mtjoytwp.org

November 8, 2023

Certified Mail # 9407 1118 9876 5497 2341 62

Mark E. Kleinfelter & Marian L. Fetter
955 Trail Road North
Elizabethtown, PA 17022

Certified Mail # 9407 1118 9876 5497 2343 84

Frank & Honorata Libertore
1015 Trail Road North
Elizabethtown, PA 17022

Re: Proposed Subdivision of Land
Property Located at 955, 1005, & 1015 Trail Road North, Elizabethtown, PA 17022
Tax Parcel Account #460-31272-0-0000, #460-57248-0-0000, & #460-09784-0-0000
Case #230018

Dear Sirs & Mss.:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on November 1, 2023. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, December 6, 2023** at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- I have printed out an aerial image for reference by the Zoning Hearing Board to supplement the plan sheets submitted as part of the application.
- The subject properties are located within the A – Agricultural District and have the following general characteristics:
 - 1005 Trail Road North (Kleinfelter/Fetter): 116.6 acres, unimproved woodlands
 - 955 Trail Road North (Kleinfelter/Fetter): 3.37 acres, improved with a single-family dwelling
 - 1015 Trail Road North (Libertore): 3.15 acres, improved with a single-family dwelling
- The application proposes the subdivision of approximately 14 acres from the parent tract located at 1005 Trail Road North and subsequently adding portions of this area to 955 and 1015 Trail Road North per the following:
 - 995 Trail Road North to receive a 470' x 605' parcel (284,350 sf., or 6.53 acres)
 - 1015 Trail Road North to receive an irregular, but similar-sized parcel to the above
- A subdivision plan was approved and recorded at Book J-215, Page 047 creating three residential lots from the parent tract at 1005 Trail Road North. These represent the remaining development rights under Section 135-85.B(1), therefore, relief from the Zoning Ordinance is required.
- Section 135-85.C(2) establishes a 2.5-acre maximum lot area for single-family dwelling lots within the Agricultural District. However, subsection (a) waives this maximum lot area where the land does not predominantly consist of Class I, II and/or III soils or is generally unsuitable for agricultural purposes. You should be prepared to testify to either or both of these conditions.

- The applicants are seeking and have requested approval of the proposed project via Chapter 135 of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Zoning Ordinance of 2012. The following variance has been requested pursuant to Chapter 135, as noted below:

(1) Chapter 135, Article IX, §135-85.B(1) to permit two additional nonagricultural subdivisions of land

General criteria for variances are found in §135-383.C of the Zoning Ordinance. I have enclosed a copy of §135-383 for your use in preparing for the scheduled hearing. You may wish to have an attorney present at the hearing to present your case to the Mount Joy Township Zoning Hearing Board. Additionally, you should be prepared to testify specifically to the general criteria for variances as set forth in §135-383.C.

In the event the Mount Joy Township Zoning Hearing Board would approve the application, the Township recommends the following conditions be applied to any approvals:

1. Applicants shall comply with all other provisions contained in Chapter 135 of the Code of Ordinances of the Township of Mount Joy for which relief has not been requested or granted.
2. Applicants shall submit and gain approval of a subdivision plan from the Mount Joy Township Planning Commission.
3. Applicants and any representatives of the Applicants shall comply with and adhere to the testimony and any evidence presented to the Mount Joy Township Zoning Hearing Board at the hearing held on December 6, 2023 and any continued hearings, if applicable, except to the extent modified by the conditions imposed by the Mount Joy Township Zoning Hearing Board herein.

The Township reserves its right to revise, amend and/or extend the aforementioned list of recommended conditions of approval based upon the testimony presented at the hearing. Please note that these conditions are a recommendation from the Township. If the Mount Joy Township Zoning Hearing Board approves the application, they may change or add conditions if they determine such actions are appropriate based on the testimony and evidence presented and submitted at the hearing.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Justin S. Evans, AICP
Zoning Officer
Mount Joy Township

Copy: Mark Kleinfelter & Marian Fetter – First Class Mail
Frank & Honorata Libertore – First Class Mail
MJT Zoning Hearing Board
File

Enclosures

