

RECEIVED

ZHB Case # 240004

Apr 03 2024

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: CGA Architects, Inc.

Address: 134 W Main St City/State/Zip: Leola PA 17540

Phone: 717-656-4183 Fax: \_\_\_\_\_

E-mail: office@cgaarchitects.com

### 2. Landowner Information (if different from the Applicant)

Name: Giuseppe Conigliaro

Address: 377 Rumford Road City/State/Zip: Lititz PA 17543

Phone: 717-333-5313 Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### 3. Property Information

Property Address: 840 N. Hanover Street

City/State/Zip: Elizabethtown PA 17022

Existing Use: Shopping Center Proposed Use: Shopping Center

Total Property Area (Sq. Ft. or Acres): 116,954 sq. ft.

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**FOR TOWNSHIP USE ONLY**

Date Application Received: April 3, 2024

Date Application to be heard: May 1, 2024

Tax Parcel #: 460-12848-0-0000

Zoning District: General Commercial (C-2)

Application Denied/Approved: \_\_\_\_\_

**4. Request for Special Exception**

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

135-133.L - Retail Stores in Excess of 10,000 Sq. Ft.

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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:

The existing site contains an excess of asphalt parking compared to the size of the existing building (18,700 sq. ft.). The addition of 7,000 Sq. Ft. of Retail is a good use of infill development on a site that has existing parking to support the expanded building.

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This site is suitable for a Special Exception Use because:

The addition of 7,000 sq. ft. of retail is a good use of infill development on a site that has existing parking to support the expanded building. The proposed addition will also offer better screening of the dumpster area and loading dock from the public and neighbors.

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

No additional dust, noise, fumes, odors will be created. The proposed retail expansion will not have a negative affect on the character of the commercial neighborhood.

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**5. Expansion of Special Exception Uses**

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

Landscape screening adjacent to residential.

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Existing and proposed square footage of the structure:

18,700 sq. ft. existing with 7,000 additional proposed.

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Percentage of Expansion:

37.4%

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Existing front, side and rear yard setbacks:

Front - 96'/Side - 15'/Rear - 71'

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Proposed front, side and rear yard setbacks:

Front - 35'/Side - 15'/rear 71'

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**6. Request for a Variance**

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

135-256.A(2) - More than 15% Building Coverage, 135-256.B(1) - 80' Buffer Adjacent to Residential District, 135-256.B(2) - Parking Within Buffer Strip, 135-326(D) - Shipping Within 600' of Residential, 135-325(D)(1) - Dumpster Within 50' of Residential

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

**Please refer to attached Narrative**

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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.):"

**Please refer to attached Narrative**

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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:

**Please refer to attached Narrative**

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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:

**Please refer to attached Narrative**

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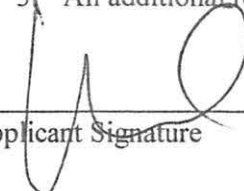
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**7. Certification**

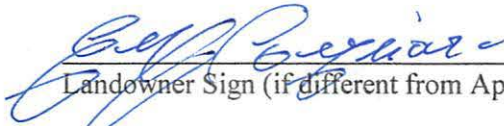
I/we, the undersigned, do hereby certify that:

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

  
\_\_\_\_\_  
Applicant Signature

4/2/24  
\_\_\_\_\_  
Date Signed

Keith Good, CGA Architects, Inc.  
Applicant's Name (Printed)

  
\_\_\_\_\_  
Landowner Sign (if different from Applicant)

4-3-24  
\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Landowner's Name (Printed)



RECEIVED

APR - 3 2024

MOUNT JOY TOWNSHIP

240004

**PROJECT: DOLLAR GENERAL ELIZABETHTOWN**

**PROJECT #: 210108**

**RE: PROJECT NARRATIVE**

**DATE: APRIL 2, 2024**

The existing site located in the C-2 Zoning District in Mount Joy Township is currently improved with a multi-tenant building of approximately 18,700 sq. ft. There is an excess amount of asphalt paving and parking on the property beyond what is required in the Zoning Ordinance. The Owner of the property wishes to construct a 7,000 sq. ft. multi-tenant addition on the existing asphalt area to allow for additional retail tenants. There will be a slight reconfiguration of parking spaces along with the installation of two landscape islands to help improve the aesthetic of the property.

In the C-2 Zoning District, a Shopping Center about 10,000 sq. ft. requires a Special Exception. Section 135-256 of the Zoning Ordinance list the general requirements for a Special Exception. Most of these requirements will be met on this property with a few exceptions. These requirements are as follows:

- A(1). The area of the Shopping Center is approximately 25,700 sq. ft.
- A(2). The existing building exceeds the required 15% of the total tracked area and the proposed addition will increase this to approximately 22%. A Variance is requested of this requirement. The hardship for this Variance is that the existing site is currently covered by asphalt well in excess of 80%. The proposed building expansion is necessary to help reduce the impervious coverage and provide better aesthetics for the site.
- A(3). The proposed Uses of the Shopping Center will be in compliance with the Permitted Uses within the Zoning District.
- A(4). There is only one (1) building.
- A(5). There are no proposed shopping carts for the proposed addition.
- A(6). The site is currently served by public Water and Sewer.
- A(7). There is no proposed drive-through facility.
- A(8). The existing parking lot contains existing parking lot pole lights. We are proposing two additional parking lot lights that will be shielded from adjacent properties with lighting cut-off collars.
- B(1). The requirement of an 80' wide buffer yard along the rear property line adjacent to a residential district is an existing non-conformity. However, there is a heavy line between the existing parking lot and the adjacent residential which will remain. There will be no increase in this non-conformity with this development.
- B(2). The existing parking areas shall remain. Additional landscape strips shall be installed to the south adjacent to the residentially used property in the Commercial Zoning District.
- B(3). There are no drainage swales proposed in any buffer or screening areas.
- C(2). The site will not have an excess of 30,000 sq. ft.; therefore, a traffic study is not required.

- C(3). The site will not have an excess of 50,000 sq. ft. of gross area.
- C(4). The site will not have an excess of 50,000 sq. ft.
- C(5). There are proposed pedestrian walkways adjacent to the new addition.
- D(1). The property is not located in the C1 Zoning District.
- D(2). The building does not exceed 30,000 sq. ft. of gross leasable floor area.
- E(1). The Developer is not applying for any design incentives to increase density.

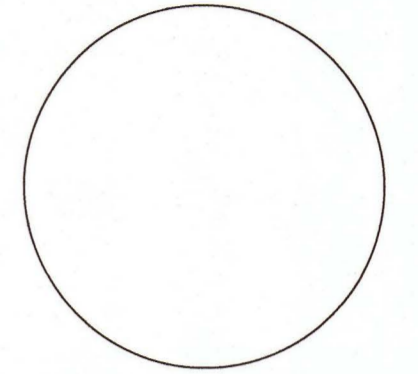
There are several existing nonconformities on the previously developed site which will require Variances. These Variances are as follows:

- Section 135-256.A(2) – More than 15% Building Coverage
- Section 135-256.B(1) – 80' Buffer Adjacent to Residential District
- Section 135-256.B(2) – Parking Within Buffer Strip
- Section 135-326.(D) – Shipping Within 600' of Residential
- Section 135-325.(D)(1) – Dumpster Within 50' of Residential

All of the Variances are hardships due to existing physical circumstances of the property which have not been created by the Owner who purchased this property in the last several years. The proposed development, in our opinion, will actually improve the essential character of the neighborhood as the proposed building will screen an unattractive end of a building which contains a loading dock and dumpster area. In addition, the proposed square footage of new building will be developed on an unused macadam parking area and is an excellent example of an infield development which allows square footage to be built on impervious coverage not being used. The size of the addition represents the minimum Variance that will afford relief as it will leave the perfect amount of remaining parking to meet the Zoning Ordinance.

ZONING APPROVALS REQUESTED

- SPECIAL EXCEPTION FROM SECTION 135.133.L TO ALLOW THE EXPANSION OF RETAIL ABOVE 10,000 SF.
- VARIANCES:
  - SECTION 135-256.A.(2): TO ALLOW MORE THAN 15% OF THE TRACT TO BE OCCUPIED BY BUILDING (15.8% EXISTING AND 22.0% PROPOSED).
  - SECTION 135-256.B.(1): 80' BUFFER ADJACENT TO RESIDENTIAL DISTRICT (EXISTING NON-CONFORMITY).
  - SECTION 135-256.B.(2): PARKING ADJACENT TO RESIDENTIAL USE (EXISTING NON-CONFORMITY).
  - SECTION 135-326.D: SHIPPING AND RECEIVING WITHIN 600' OF RESIDENTIAL (EXISTING NON-CONFORMITY).
  - SECTION 135-326.D.(1): DUMPSTER WITHIN 50' OF RESIDENTIAL.



REVISIONS NO.	DATE	REMARKS
1		

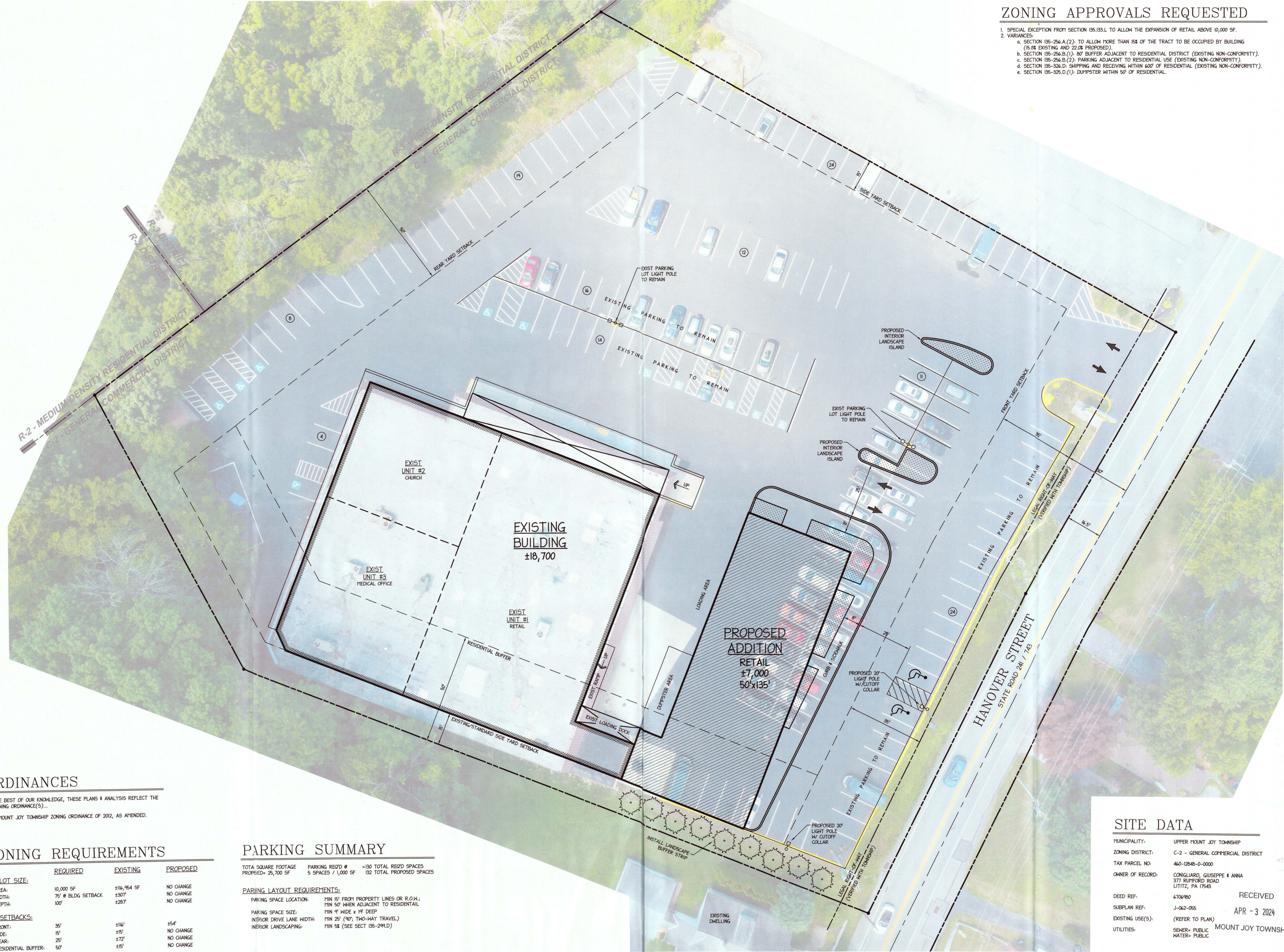
SKETCH PLANS FOR:  
**DOLLAR GENERAL ELIZABETHTOWN**  
UPPER MOUNT JOY TOWNSHIP  
840 N HANOVER ST ELIZABETHTOWN, PA 17022

CONCEPT PLAN

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DRAWN BY: SPARKS  
CHECKED BY: GOOD  
APPROVED BY: CALABRESE  
JOB NO.: 240108  
SCALE: AS NOTED  
DATE: 04/02/24

DRAWING TITLE: SITE PLAN  
DRAWING NO.: SP1.1



ORDINANCES

TO THE BEST OF OUR KNOWLEDGE, THESE PLANS & ANALYSIS REFLECT THE FOLLOWING ORDINANCE(S)...  
-THE MOUNT JOY TOWNSHIP ZONING ORDINANCE OF 2022, AS AMENDED.

ZONING REQUIREMENTS

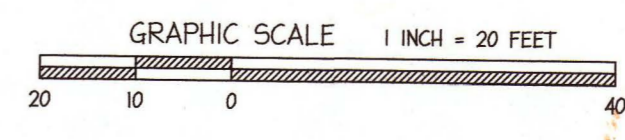
	REQUIRED	EXISTING	PROPOSED
<b>MIN LOT SIZE:</b>			
AREA:	10,000 SF	116,954 SF	NO CHANGE
WIDTH:	75' @ BLDG SETBACK	1307'	NO CHANGE
DEPTH:	100'	1287'	NO CHANGE
<b>MIN SETBACKS:</b>			
FRONT:	35'	116'	154'
SIDE:	15'	115'	NO CHANGE
REAR:	25'	172'	NO CHANGE
RESIDENTIAL BUFFER:	50'	115'	NO CHANGE
<b>MAX BLDG HEIGHT:</b>			
PRINCIPAL:	40'	725'	NO CHANGE
<b>MAX COVERAGE:</b>			
IMPERVIOUS COVERAGE:	65%	184%	183%
BLDG COVERAGE:	50%	163%	(SEE ZONING APPROVALS REQUESTED)

PARKING SUMMARY

TOTA SQUARE FOOTAGE	PARKING REQ'D @	=130 TOTAL REQ'D SPACES
PROPOSED= 25,700 SF	5 SPACES / 1,000 SF	132 TOTAL PROPOSED SPACES
<b>PARKING LAYOUT REQUIREMENTS:</b>		
PARKING SPACE LOCATION:	MIN 15' FROM PROPERTY LINES OR R.O.W.; MIN 50' WHEN ADJACENT TO RESIDENTIAL	
PARKING SPACE SIZE:	MIN 9' WIDE x 19' DEEP	
INTERIOR DRIVE LANE WIDTH:	MIN 25' (90' TWO-WAY TRAVEL)	
INTERIOR LANDSCAPING:	MIN 5% (SEE SECT 135-299.D)	

SITE PLAN SKETCH

SCALE: 1" = 20'-0"





# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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

April 4, 2024

Certified Mail # 9407 1118 9876 5406 0912 20

Giuseppe & Anna Conigliaro  
377 Rumford Road  
Lititz, PA 17543

Re: Proposed Shopping Center Expansion  
Property Located at 840 N. Hanover Street, Elizabethtown, PA 17022  
Tax Parcel Account #460-12848-0-0000  
Case #240004

Dear Mr. & Ms. Conigliaro:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on April 3, 2024. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, May 1, 2024** at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- You provided a site plan with an aerial image of the property and surrounding area in the application package that will be provided to the Zoning Hearing Board. I have provided a street view image of the property attached to this letter that will also be provided to the Board.
- The subject property is approximately 2.68 acres and is located in the C-2 – General Commercial District. It is improved with a commercial structure containing three tenant spaces. The use currently meets the definition of a shopping center per the Township Zoning Ordinance.
- The application proposes to construct a 7,000-sf. addition for more retail tenant spaces. Expansion of a shopping center within the C-2 District requires special exception approval pursuant to Section 135-322 of the Zoning Ordinance.
- The applicant is seeking and has 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 requests have been made pursuant to Chapter 135, as noted below:
  - Special Exception Request:
    - (1) Chapter 135, Article XIV, §135-133.L – shopping centers in excess of 10,000 sf.
  - Variance Requests:
    - (2) Chapter 135, Article XXII, §135-256.A(2) – building coverage
    - (3) Chapter 135, Article XXII, §135-256.B(1) – residential buffer
    - (4) Chapter 135, Article XXII, §135-256.B(2) – parking within buffer strip
    - (5) Chapter 135, Article XXIII, §135-325.D(1) – dumpster within 50' of a residential use
    - (6) Chapter 135, Article XXIII, §135-326.D – shipping and receiving within 600' of a residential use



General criteria for special exceptions and variances are found in §135-383 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 special exceptions and variances as set forth in §135-383.

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. Applicant 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. Applicant shall apply for and gain approval of a Land Development Plan from the Mount Joy Township Planning Commission.
3. Applicant and any representatives of the Applicant 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 May 1, 2024 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: Giuseppe & Anna Conigliaro – First Class Mail  
CGA Architects, Inc. – via email  
MJT Zoning Hearing Board  
File

Enclosures

Elizabethtown, Pennsylvania

Google Street View

Jan 2024

See more dates



Image capture: Jan 2024 © 2024 Google

