



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022

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## **Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, April 2, 2025**

- 1) Chairman Gregory R. Hitz, Sr. called the meeting to order at 6:00 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. and Robert F. Newton, Jr.
  - Members Absent: James E. Hershey
  - Alternate Member Present: Roni K. Clark
  - Township Representatives: Jackie Wilbern, Zoning Officer and Kim Kaufman, Township Manager
  - Lancaster County Court Reporter: Veronica Johnston Gouck
  - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
- 3) A motion was made by Robert F. Newton, Jr., and seconded by Roni K. Clark to approve the minutes of the March 5, 2025 meeting, with the correction that Robert F. Newton, Jr., made the motion for agenda items 7 and 8. All members present voted in favor of the motion.
- 4) Jackie Wilbern stated that a Public Notice was published in the March 13<sup>th</sup> and 20<sup>th</sup> editions of the LNP. The subject properties were posted on March 7, 2025.
- 5) Solicitor John P. Henry provided a procedural briefing for the meeting.
- 6) Old Business:
  - a. Request for Extension of Time of Prior Approval – Case #230007: Lancaster Portfolio I, LLC (1444 Cloverleaf Road, Mount Joy). Approvals expire on June 9, 2025.

A motion was made by Robert F. Newton, Jr., and seconded by Roni K. Clark to approve the time extension to pull permits to June 9, 2026, and to complete construction by June 9, 2027. All members present voted in favor of the motion.
- 7) Zoning Case #250007
  - a. Applicant/Landowner: Paradise Energy Solutions/Debra Deis
  - b. Property Location: 1151 Grandview Road, Mount Joy, PA 17552; Tax Parcel ID #462-39302-0-0000
  - c. Zoning District: A – Agricultural
  - d. Variance Request:
    - 1) Chapter 135, Article IX, §135-313.C(4) – a variance of the requirement to provide vegetative screening around the ground-mount solar system. The applicant proposes to use existing vegetation on the property.

Jordan Wing and Debra Deis presented their application. They went through photos submitted with the application and addressed the Zoning Hearing Board's questions as to the location of the proposed solar array in each photo. Mr. Wing stated the vineyard next door blocks the view and that they won't see it because they sit lower than the subject property. The 9.5 kw system will be set back 300' off the road and there is no battery. Ms. Deis stated there is arborvitae planted along the property to the right. Ms. Deis explained she can't meet the requirement to plant additional vegetation because her sheep will eat the evergreen trees. Mr. Newton inquired if Ms. Deis would be open to a condition that if in the future, glare is visible to the neighbors, if she would be open to adding evergreen vegetation. Ms. Deis responded yes.

Robert F. Newton, Jr. made the motion, seconded by Roni K. Clark, to approve the variance from §135-313.C(4), conditioned upon the following:

1. Applicant shall apply for and obtain a zoning permit application showing compliance with all provisions located in §135-313.C.
2. 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.
3. Applicant shall apply for and obtain a building permit from Mount Joy Township to construct the ground-mount solar.
4. 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 April 2, 2025 and any continued hearings, if applicable, except to the extent modified by the conditions imposed by the Mount Joy Township Zoning Hearing Board herein.
5. Applicant shall plant evergreen vegetation in the future if glare becomes visible to the surrounding properties.

All members present voted in favor of the motion.

8. Zoning Case#250008

- a. Applicant/Landowner: John Stoltzfus
- b. Property Location: 2250 Mount Gretna Road, Elizabethtown, PA 17022; Tax Parcel ID #460-75659-0-0000
- c. Zoning District: A – Agricultural
- d. Special Exception Request:
  - 1) Chapter 135, Article IX, §135-83.J to permit a landscaping business
- e. Variance Request:
  - 1) Chapter 135, Article IX, §135-240.C - a variance of the requirement to provide vegetative screening around all components of the landscaping business. The applicant wishes to operate a landscaping business and utilize the existing vegetation of the property to screen the business.

Ken Updegraff of 63 Waldheim Road requested party status.

John Stoltzfus stated he operates a small landscaping business with 2 full-time employees and 1 part-time employee. He has 1 truck, multiple trailers, and 1 small avant machine, and parks the truck and trailers in the existing shop. Mulch is stocked at the property and is then taken to job sites. Mulch will not be sold to the public from the property. Mr. Stoltzfus agreed to the conditions of the Zoning Officer's March 7, 2025 letter.

Mr. Stoltzfus was assisted by Rich Wagner of 2198 Mt. Gretna Road as they went through photos submitted with the application and addressed the Zoning Hearing Board's questions as to the location of the mulch piles. Mr. Wagner stated nothing is visible from the road with Mr. Stoltzfus noting 7 oak trees line the 150' long driveway. Ken Updegraff stated he can see the mulch pits from his family room window.

Mr. Stoltzfus testified to the number of truck trips per day, stating the trucks are loaded in the morning, most days just once per day and sometimes a second time. Once or twice a month mulch gets delivered to the property, not more than 15 truck loads per year.

Rich Wagner stated he lives next door and can see the property, but the business doesn't bother him and is happy to have Mr. Stoltzfus as a neighbor. Mr. Stoltzfus stated he's lived at the property for 2 years. Mr. Wagner said he's lived at his property for 8 years noting that the prior owners of the subject property operated a crane business there.

Mr. Stoltzfus offered to put up a fence to shield the mulch piles from Mr. Updegraff's property, extending from the wooded area to the barn. Mr. Updegraff stated he doesn't have a problem with what Mr. Stoltzfus is doing, but is concerned everything was done before going through the approval process, noting they should have gotten permits ahead of time. He said he can see the tractor trailer deliveries and stated another neighbor told him the road was blocked on one occasion. He also inquired if the business would be expanded. Mr. Stoltzfus stated he plans to stay small, that he might get another truck and maybe grow strawberries there.

Robert F. Newton, Jr. made the motion, seconded by Roni K. Clark, to approve the special exception request §135-83.J and variance from §135-240.C, conditioned upon the following:

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 obtain the appropriate permits from Mount Joy Township to operate the landscaping business on the property.
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 March 5, 2025 and any continued hearings, if applicable, except to the extent modified by the conditions imposed by the Mount Joy Township Zoning Hearing Board herein.
4. Applicant shall construct a 6' tall privacy fence, 20' in length from the woods to the barn.

All members present voted in favor of the motion.

9. Zoning Case #250009

- a. Applicant/Landowner: Hunter King & Shaina Kulp/Gregory & Melody Kulp
- b. Property Location: 673 Church Road, Manheim, PA 17545; Tax Parcel ID #460-67851-0-0000
- c. Zoning District: A – Agricultural
- d. Variance Request:

- 1) Chapter 135, Article IX, §135-85.G – a variance from the minimum 20' side yard setback.

The applicant proposes to construct a residential addition encroaching 10' into the side yard setback. Hunter King testified that the Greg Kulp, present, is in the process of transferring the property to he and his fiancé. They would like to open the house up with a 400 SF addition on the North side, stating the East, South and West sides would be difficult to expand that way due to a steep embankment to the South and woods to the West. There is an easement for the septic field going onto Mr. Kulp's property next door. Only the North side is flat and accessible, and no one will see it except for Greg and Melody Kulp, the Applicant's future in-laws.

Robert F. Newton, Jr. made the motion, seconded by Roni K. Clark, to approve a variance from §135-85.G, conditioned upon the following:

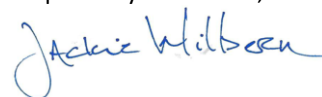
1. Applicant shall comply with all other provisions contained in Chapter 135 of the Code of Ordinances of the Township of Mount Joy for which relief has not been requested or granted.
2. Applicant shall apply for and obtain applicable permits from Mount Joy Township to construct the addition.
3. Applicant 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 April 2, 2025 and any continued hearings, if applicable, except to the extent modified by the conditions imposed by the Mount Joy Township Zoning Hearing Board herein.

All members present voted in favor of the motion.

9) Next regularly scheduled hearing will be held Wednesday, May 7, 2024, beginning at 6:00 p.m.

10) A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to adjourn the meeting at 7:14 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Jackie Wilbern  
Zoning Officer

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