



ThYNK design, LLC

1332 East Chocolate Avenue

Hershey, PA 17033

Matthew R. Luttrell, AIA

Phone: 717-433-1410

Email: mrluttrell@thynkdesignllc.com

April 8, 2025

Mt. Joy Township

8853 Elizabethtown Road

Elizabethtown, PA 17022

RE: Zoning Variance Application – 350 Old Hershey Road, Elizabethtown, PA

On behalf of the property owner, please find enclosed six (6) copies of the following materials for submission to the Zoning Hearing Board:

- Completed Zoning Variance Application
- Application Attachment
- Exhibit 1 – Site Plan

This application is intended for inclusion on the agenda for the May 7th Zoning Hearing Board meeting at 6:00 p.m.

Please note that the \$750 variance application fee will be submitted separately by the owner and delivered by hand to your office.

Should you have any questions regarding the contents of this submission or require any additional information, please do not hesitate to contact me directly.

Thank you for your attention to this matter.

Sincerely,

Matthew R. Luttrell, AIA

ThYNK design, LLC

RECEIVED

Apr 09 2025

ZHB Case # 250010

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: SAVALAND

Address: 350 Old Hershey Rd City/State/Zip: Elizabethtown PA 17022

Phone: 717-490-0496 Fax: _____

E-mail: PIZZATOWNUSA@YMAIL.COM

2. Landowner Information (if different from the Applicant)

Name: SAVALAND

Address: 999 Northfield Dr City/State/Zip: Elizabethtown PA 17022

Phone: 717-490-0496 Fax: _____

E-mail: PIZZATOWNUSA@YMAIL.COM

3. Property Information

Property Address: 350 Old Hershey Rd

City/State/Zip: Elizabethtown PA 17022

Existing Use: APARTMENTS Proposed Use: OWNER APT.

Total Property Area (Sq. Ft. or Acres): 26,136 SF

FOR TOWNSHIP USE ONLY

Date Application Received: April 9, 2025

Date Application to be heard: May 7, 2025

Tax Parcel #: 460-70551-0-0000

Zoning District: High-Density Residential District (R-3)

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:

SEE ATTACHED.

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

SEE ATTACHED

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.):

SEE ATTACHED

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:

SEE ATTACHED

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:

SEE ATTACHED.

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

Giuseppe Ferrarelli
Applicant Signature

3-7-25
Date Signed

GIUSEPPE FERRARELLI
Applicant's Name (Printed)

Landowner Sign (if different from Applicant)

Date Signed

Landowner's Name (Printed)

Zoning Hearing Board Variance Application – Attachment

3. Property Information:

Project Address:

350 Old Hershey Road
Elizabethtown, PA 17022

Property Address: 350 Old Hershey Road, Elizabethtown, PA 17022

Existing and Proposed Use of the Property

- **Existing Use:** The property currently contains four (4) apartment units. The apartment units were constructed inside an existing, unoccupied building that was originally constructed as a church.
- **Proposed Use:** The applicant proposes to add a fifth (5th) apartment unit within the existing building footprint. This will be a single bedroom unit and will occupy approximately 550 square feet of unoccupied interior space. The space is fully sprinklered in accordance with the 2018 International Building Code (IBC).

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

- The existing property is 26,136 SF

6. Request for a Variance

Sections of the Zoning Ordinance for Which a Variance is Requested:

- **Section 135-216.D – Minimum Lot Size for Multi-Family Residential Use:**
The zoning ordinance requires a minimum lot size of 26,000 square feet to permit four (4) apartment units. A variance is requested to permit the addition of a fifth (5th) apartment unit within the existing building on the same lot.
 - The additional unit will occupy an existing, fully sprinklered, 550-square-foot area that is currently unused.
 - The unit will allow the sprinkler system to remain within conditioned space, eliminating the need for supplemental heating or other protective measures to maintain system functionality.
 - Eliminating unoccupied areas aids in the longevity of the building.
- **Section 135-115.H – Maximum Impervious Coverage:**
The zoning ordinance allows for a maximum impervious coverage of 30%, equating to approximately 7,841 square feet for the 26,136-square-foot lot.
 - When the property was used as a church, the site included 10,223 square feet of impervious coverage (asphalt and crushed stone).
 - During the apartment conversion, the impervious area was reduced by 391 square feet, resulting in a revised total of 9,842 square feet.

- o The proposed fifth apartment will require two (2) additional parking spaces, adding 384 square feet of new impervious coverage.
- o Even with this increase, the total coverage will be less impervious area than what existed prior to the conversion to apartments.
- o A variance is requested due to the increase beyond what was previously approved in the last conversion.

Why Do You Need a Variance and What Is Your Proposed Alternative from the Requirements of the Township Zoning Ordinance?

A zoning variance is required to allow for the complete and reasonable use of the existing building by converting unused interior space into a fifth residential unit. This space is currently unoccupied, but it is sprinklered and located within conditioned space, making it ideally suited for residential use without needing modifications to the exterior of the building.

There is no other viable use for this space, and utilizing it for an apartment:

- Provides consistency with the existing use of the building.
- Ensures code-compliant operation of life safety systems (sprinklers).
- Represents the highest and best use of the space given its configuration.

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.)*

- The existing structure was originally built as a church, and its internal layout is not conducive to standard commercial or institutional uses.
- The lot is L-shaped, which limits the efficient layout of parking and impervious surface.
- The topography is relatively flat, but the shape and orientation of the building on the lot make alternative land uses impractical without substantial reconstruction or demolition.
- These physical characteristics, including the building design and lot shape, support the current multi-family residential use as the most appropriate permitted use, with relief necessary to increase the unit count to five.

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

Strict application of the zoning ordinance results in:

- Underutilization of an existing building that is fully enclosed, conditioned, and sprinklered .

- Ongoing maintenance complications for the sprinkler system due to lack of consistent occupancy and heating.
- No feasible alternate use of the space has been identified due to its location within the existing structure and separation from other units.
- According to the National Trust for Historic Preservation and various facilities management studies, regular use and occupancy of interior space is one of the most effective ways to prolong the life of a structure. Occupied spaces benefit from consistent climate control, routine maintenance, and passive surveillance, all of which help preserve building systems and structural integrity.

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 zoning district allows for high-density residential use, which this proposal continues to support.
- The addition of a fifth unit is a minor internal modification and does not alter the building's footprint or character.
- Two new parking spaces will be provided to meet ordinance requirements, ensuring no negative parking impact on neighboring properties.
- The use is consistent with adjacent residential properties and will have no detrimental effect on the public good or community character.

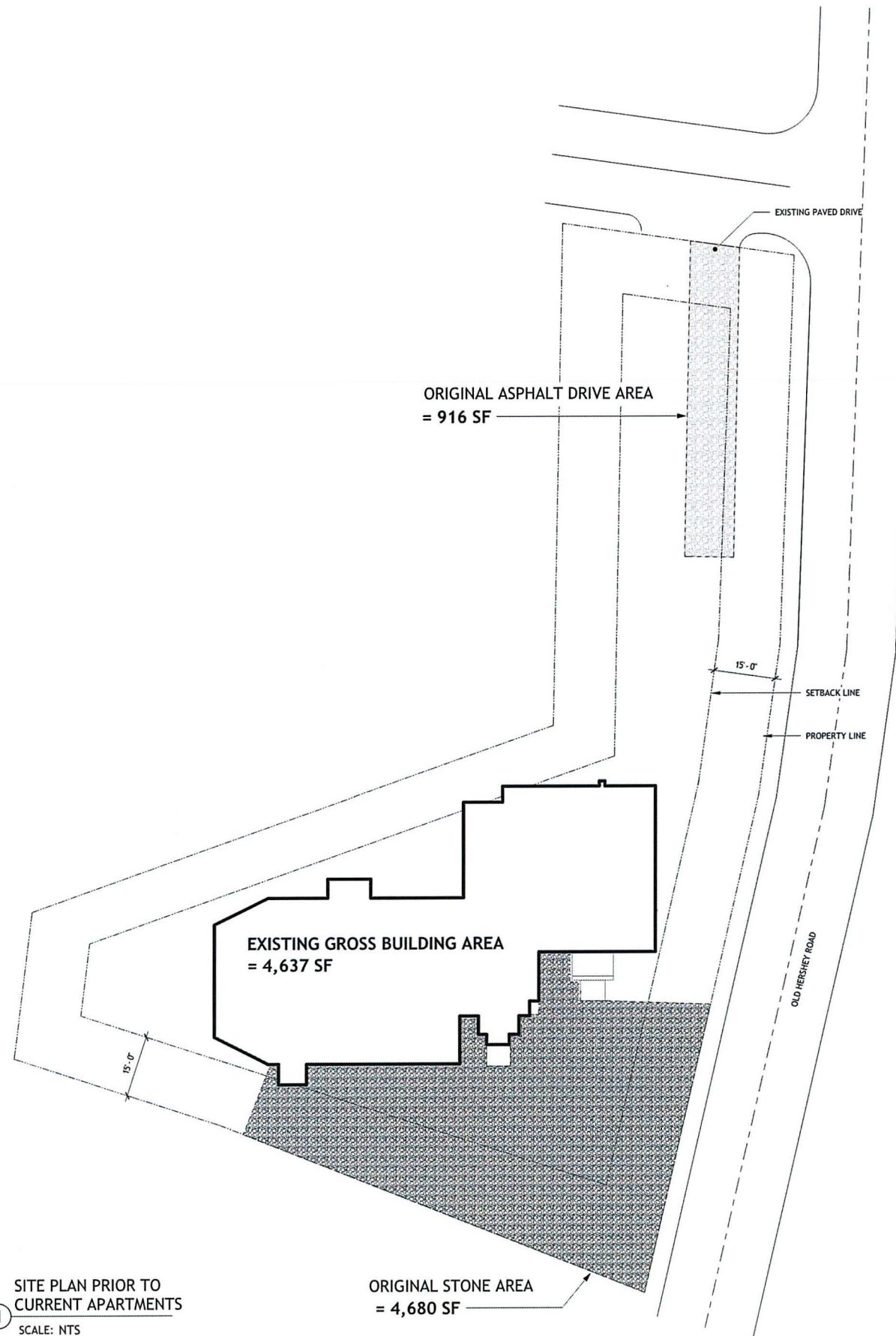
Explain How the Granting of a Variance Will Not Be a Substantial Detriment to the Public Good or a Substantial Impairment of the Intent and Purpose of the Zoning Ordinance

The granting of the requested variances will not be a substantial detriment to the public good nor a substantial impairment of the intent and purpose of the Zoning Ordinance because:

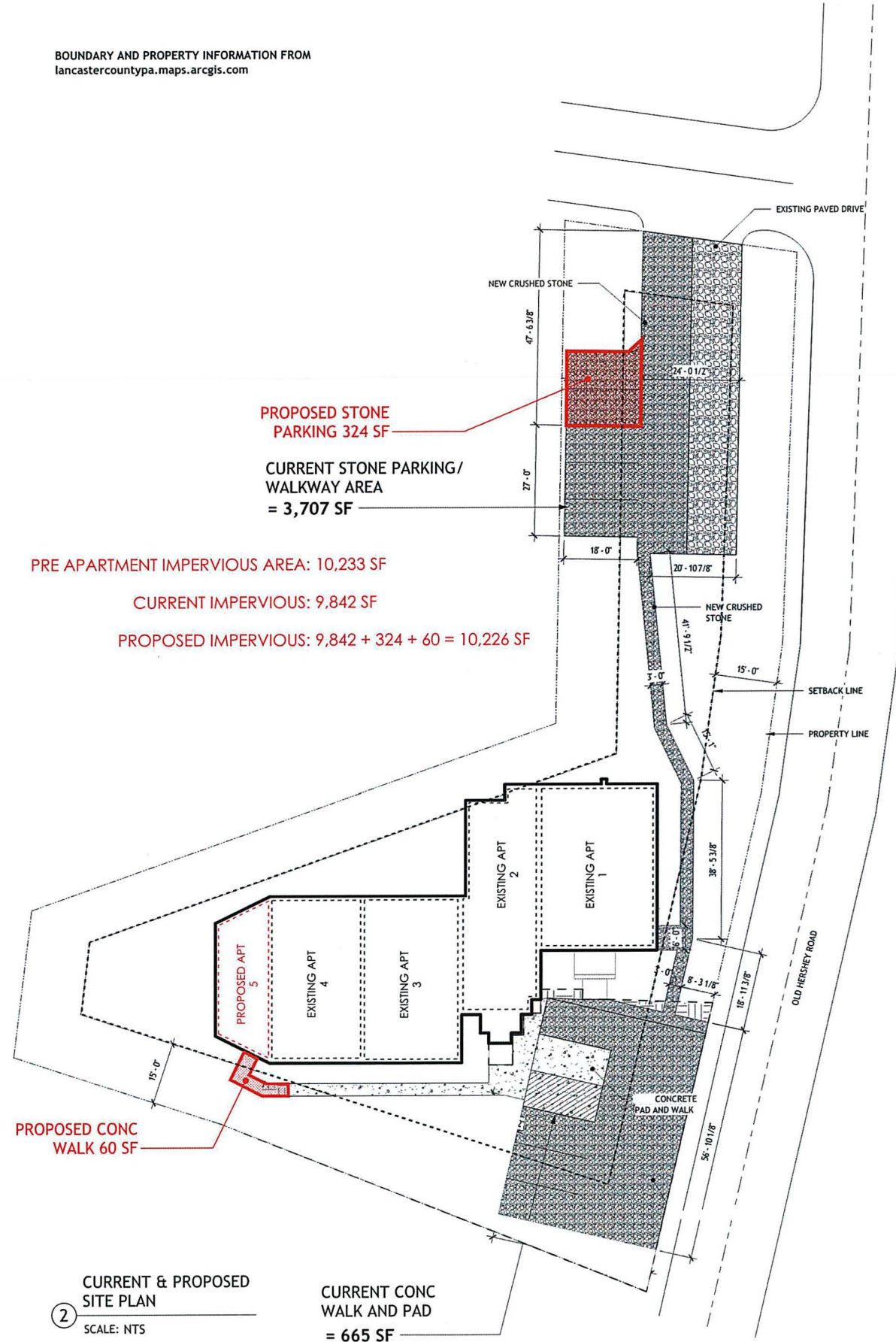
- The proposed fifth apartment unit maintains the existing residential character and density appropriate for this zoning district, which is intended to support high-density residential uses.
- The modification is entirely within the footprint of the existing building and will not alter the building's exterior or architectural appearance.
- The addition of two compliant parking spaces ensures that there will be no adverse impact to on-street parking or neighboring properties.
- The project continues to meet the broader objectives of the zoning ordinance by supporting safe, code-compliant housing while encouraging the productive use of existing structures.
- It provides a practical utilizing residual building space and enhancing life safety system functionality (i.e., keeping the sprinkler system in conditioned space).

- The proposed changes are minor in scale, respectful of surrounding uses, and help maintain the property in a viable and maintained condition, thereby supporting the long-term welfare of the neighborhood.
-

1 SITE PLAN PRIOR TO
CURRENT APARTMENTS
SCALE: NTS



BOUNDARY AND PROPERTY INFORMATION FROM
lanastercountypa.maps.arcgis.com



350 OLD HERSHEY ROAD - ZONING VARIANCE REQUEST:
EXHIBIT 1



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022

717.367.8917 • 717.367.9208 fax

www.mtjoytwp.org

April 16, 2025

Certified Mail # 9407 1118 9876 5449 0110 63

Savaland, LLC
Attn: Giuseppe Ferrarelli
999 Northfield Drive
Elizabethtown, PA 17022

Re: Variance Application
Property Located at 350 Old Hershey Road, Elizabethtown, PA 17022
Tax Parcel Account #460-70551-0-0000
Case #250010

Dear Mr. Ferrarelli:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on April 9, 2025. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, May 7, 2025** at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- Attached to this letter is a Google Street View image of the property to go along with the aerial image submitted with your application. Both will be provided to the Zoning Hearing Board.
- The subject property is approximately 0.6 acres in area and is located in the R-3 – High-Density Residential District. It contains a 4-unit apartment building and associated parking. The property is served by public water and sewer.
- The applicant/landowner desires to add a 5th apartment unit but cannot meet the following zoning requirements:
 - Minimum lot size: 32,000 SF required for 5 apartment units. Lot is 26,136 SF.
 - Maximum Impervious Coverage: 30% allowed
- 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 special exception request has been made pursuant to Chapter 135, as noted below:
 - (1) Chapter 135, Article XXII, §135-216.D – minimum lot size
 - (2) Chapter 135, Article XII, §135-115.H – maximum impervious coverage

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. 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 amend the plot plan at the time of zoning permit application submission to show compliance with parking requirements as per §135-343.A(1) – two parking spaces for each dwelling unit (total 10 required).

3. Applicant shall apply for and obtain the appropriate permits from Mount Joy Township to construct the additional unit.
4. Applicant shall apply for and obtain the appropriate connection permits from the Elizabethtown Area Water Authority (EAWA) for the additional dwelling unit.
5. 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 7, 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.

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,

A handwritten signature in blue ink that reads "Jackie Wilbern". The signature is written in a cursive, flowing style.

Jackie Wilbern
Zoning Officer
Mount Joy Township

Copy: Matthew Luttrell, ThYNK Design, LLC – First Class Mail
MJT Zoning Hearing Board
File

Enclosures

350 Old Hershey Road

