



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, May 7, 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., Robert F. Newton, Jr. and James E. Hershey
 - Township Representatives: Jackie Wilbern, Assistant Zoning Officer and Joe Price, Community Development Director/ Zoning Officer
 - Lancaster County Court Reporter: Angie Kilby
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
- 3) A motion was made by Robert F. Newton, Jr., and seconded by Gregory R. Hitz, Sr. to approve the minutes of the April 2, 2025 meeting. All members present voted in favor of the motion.
- 4) Jackie Wilbern stated that a Public Notice was published in the April 17th and 24th editions of the LNP. The subject property was posted on April 17, 2025.
- 5) Solicitor John P. Henry provided a procedural briefing for the meeting.
- 6) Old Business:

There was no old business for consideration by the Board.
- 7) Zoning Case #250010
 - a. Applicant/Landowner: Savaland, LLC
 - b. Property Location: 350 Old Hershey Road, Elizabethtown, PA 17022; Tax Parcel ID #460-70551-0-0000
 - c. Zoning District: R-3 – High-Density Residential
 - d. Variance Request:
 - 1) Chapter 135, Article XXII, §135-216.D – Minimum Lot Size
 - 2) Chapter 135, Article XII, §135-115.H – Maximum Impervious Coverage

The applicant proposes adding a 5th unit to an existing 4-unit apartment building on the property.

Prior to case proceedings, the following individuals were granted Party status and were sworn in accordingly: Lisa Heilner, Nancy Warbel, Leo Maguire, Cara DiBiasi. Nunzio DiBiasi was later sworn in.

Matt Lutrell, architect for Savaland, gave an overview of the application, including the attachments. He described the existing and proposed use of the property, reiterated the variance requests and restated the reasons for the requests as included on the application. The applicant is seeking to use a vacant 550 square foot space as a fifth apartment. Four apartments currently exist. The proposal includes the addition of two parking spaces. The lot is 21, 136 square feet in size which is why only 4 apartments are currently permitted. It was stated that 32,000 sq. ft. is the minimum lot area needed for a 5th apartment. The architect stated that due to the unique shape of the property, the lot is limited to 26,000 square feet. Although there will be a slight increase in impervious area from existing conditions, it still represents a reduction in overall impervious from when it was a church.

Mr. Hitz asked Mr. Ferrarelli if he received the April 16, 2025 letter sent from Assistant Zoning Officer Jackie Wilbern. He said that he was not sure. A copy of the letter was then provided to Mr. Ferrarelli. Hitz asked if he would agree to the conditions should the Board approve the requests. Mr. Ferrarelli agreed.

Members of the Board proceeded to ask a variety of questions pertaining to the existing parking situation as well as the proposed additional parking. Mr. Ferrarelli stated that access to parking can be by way of Hershey Road and Aberdeen Road. The total number of available parking spaces will be ten if the additional two spaces are approved. The limit on parking spaces per tenant is two. Mr. Hitz asked if it would make sense to assign parking spaces to tenants. Mr. Ferrarelli said that he can line spaces on pavement in the future but that right now it is gravel.

Mr. Hershey asked about sewer and water service. Mr. Ferrarelli said that the site is served by public water and sewer. Mr. Hershey asked if preliminary approval had been requested from the Township for sewer and water. Mr. Ferrarelli said no. He also stated that there is no toilet in the proposed apartment space. Mr. Hitz asks if conditions will be met if approved. Mr. Ferrarelli stated yes. Mr. Hershey asked about the location of the existing walkway. Mr. Ferrarelli explained.

Lisa Heilner asked if the existing parking lot was required to be paved. Ms. Wilbern stated that stone was permitted. She asked about access to the proposed spaces. Mr. Ferrarelli stated that there is an existing 9 ft. wide blacktop access in the area shown in Exhibit A-1 (off of Aberdeen Road).

Cara DiBiasi asks what are the intentions of the apartment (space) in question. Mr. Lutrell stated that it was intended to be a 5th apartment but that it couldn't go through due to zoning. Nunzio DiBiasi asked if the 5th apartment (originally) could not be used because it could not comply with zoning? Mr. Lutrell said that it was decided to just move forward with 4 apartments at the time.

Mr. Newton briefly clarified the variance requests under consideration.

Mr. Hitz asked Mr. Lutrell what the problem was in trying to get the 5th apartment. Mr. Lutrell stated that he spoke with Justin (previous Zoning Officer) and he informed Mr. Lutrell of the minimum lot size requirement. Mr. Hershey clarified that the 4 apartments were permitted by right. Ms. Heilner asked why not just design everything to have 4 apartments? Mr. Lutrell clarified. Mr. Hitz asked if the entrance from Aberdeen Road was currently in use. Mr. Ferrarelli stated that yes it was. John Henry asked when the entrance (from Aberdeen Road) was approved. Mr. Ferrarelli said that it was there when he bought it. Mr. Hitz further queried Mr. Ferrarelli about tenant parking.

Ms. Heilner then testified that she considers the property to be a detriment to the neighborhood. She also mentioned that she has never seen the access drive (from Aberdeen Road) used by vehicles. She also submitted photos for the record.

Mr. Hitz asked if the sidewalk shown on the plot plan as existing does exist as shown near the building. Mr. Ferrarelli stated that it does not. Mr. Newton asked when the photos were taken and Ms. Heilner responded that they were taken in the last week or so. Mr. Hitz asked her how the cars are parked and she stated that they were parked "every which way".

Mr. Lutrell stated that he felt that testimony pertaining to some of Ms. Heilner's photos, which were illustrating property maintenance issues, was not relevant.

Ms. Warbel asked more about where cars are currently parked. She said that she doesn't see cars parked where parking is shown. Mr. Ferrarelli asked Ms. Warbel where she lives and whether or not she could see this property from there. She responded that yes, she can see it. Mr. Maguire explained that he has witnessed

parking all over the place but not near the proposed parking area. Cara DiBiasi explained where she lives and said that she is concerned with the parking. She went on to say that two of the vehicles shown in Exhibit 1A are parked next to her shed which is also shown in the photo. She mentioned that the vehicles are sometimes in her yard. She asked where cars for a 5th apartment would park. She also said that she believes that the concrete curbs shown in the photo are situated in the neighboring yards.

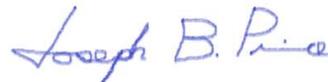
Mr. DiBiasi asked Mr. Ferrarelli if he was aware of his property lines. Mr. Henry clarified that Mr. Ferrarelli's plot plan (as prepared by Mr. Lutrell) is his attestation as to the existing and proposed conditions. Mr. DiBiasi said that what they want is conformance regarding parking on their own property as well as other areas. Cara mentioned that there is also clutter in the area and mentioned that she believed that the 5th space was supposed to be for storage.

Mr. Stitz asked Mr. Lutrell to clarify what was shown on the plot plan as existing and proposed parking. Specifically, he asked if what is shown as existing is what was previously approved. Mr. Lutrell affirmed. Mr. Henry asked Mr. Lutrell when the access to the north parking area (access from Aberdeen Road) was approved as a driveway. Mr. Henry stated that he thinks that a driveway would not be approved now if newly proposed at that location. He would like to see if there is a plan that has a record of that driveway. Mr. Lutrell stated that the driveway/ access exists with a curb cut but he cannot confirm when the driveway was approved. Mr. Ferrarelli stated that they were previously allowed to use the parking spaces accessed by the driveway.

Mr. Henry asked the applicant if he would like to have the case continued during a future meeting (continuation of the hearing) of the Board or entertain a motion of the Board during this hearing. Mr. Newton made a motion to close the testimony for the evening. Mr. Hershey seconded the motion which carried unanimously.

Mr. Newton made the motion to allow for up to 45 days to make a decision on the application. The motion was seconded by Mr. Hershey and carried unanimously. Mr. Hershey motioned to adjourn the hearing. The motion was seconded by Mr. Newton and carried unanimously. The hearing was adjourned at 8:15pm.

Respectfully Submitted,



Joseph B. Price
Zoning Officer

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