

ZHB Case # 99-23
260009

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: Richard Gates
Address: 235 OBERNOLTZER Rd City/State/Zip: Elizabethtown, PA
Phone: 717-439-1627 Fax: _____
E-mail: RCGATES58@GMAIL.COM

2. Landowner Information (if different from the Applicant)

Name: SAME
Address: _____ City/State/Zip: _____
Phone: _____ Fax: _____
E-mail: _____

3. Property Information

Property Address: _____
City/State/Zip: _____
Existing Use: Primary Home Proposed Use: _____
Total Property Area (Sq. Ft. or Acres): 6.9 ACRES

FOR TOWNSHIP USE ONLY

Date Application Received: 05/12/2026
Date Application to be heard: 7/1/2026
Tax Parcel #: 4606037900000
Zoning District: Agricultural
Application Denied/Approved: _____

4. Request for Special Exception

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

SECTION 135-83.F

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:

Narrative Next Page

This site is suitable for a Special Exception Use because:

APPROVED ORIGINAL REQUEST - ATTACHED

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

APPROVED ORIGINAL REQUEST - ATTACHED

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:

4

. Request for Special Exception

Sections of Zoning Ordinance for which a Special Exception is requested:

SECTION 135-83.F

Provide an explanation of your proposal , particularly , why you need to modify the decision of the previously approved special exception.

This requests a special exception to modify the decision of a prior special exception approval. M.J.T.Z.H.B. File #99-23.-ECHO HOUSE (Special Exception filing and decision ruling attached) The modification requested regards property transfer requirements.

Original Special Exception Language:

" The granting of the variance is contingent upon you as the applicant removing the ECHO housing unit at the time of the sale of the property unless the new property owner gets approval via the MJTZHB to retain the same prior to final settlement on the purchase of the property. At no time shall the home , i.e. the echo housing unit , be rented to persons who are not related to the occupants of the principal dwelling.

Proposed Special Exception Language :

" The granting of this variance will transfer with the sale of the property contingent upon the new property owners maintaining ECHO housing regulations. Specifically , at no time shall the home , i.e. the echo housing unit , be rented to persons who are not related to the occupants of the principal dwelling. "

When we decide to sell the property we want to eliminate transactional hurdles for potential buyers. The original language requires a potential buyer to file for an approval on the property prior to settlement. This adds significant uncertainty to the home buying process that is already complicated with inspections / financing approvals / insurance - etc. The proposed revised language will eliminate this complexity ,and allow a potential buyer to know that they are purchasing a property designed for an extended family.

This site is suitable for a Special Exception Use because:

Approved in original request - see attached narrative

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

Approved in original request - see attached narrative

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

Richard Gates
Applicant Signature

5/7/26
Date Signed

Richard Gates
Applicant's Name (Printed)

Landowner Sign (if different from Applicant)

Date Signed

Landowner's Name (Printed)

MOUNT JOY TOWNSHIP

159 MERTS DRIVE
ELIZABETHTOWN, PA 17022
717/367-8917 ■ 717/653-4959

FAX 717/367-9208

September 2, 1999

Richard C. & Nancy N. Gates
235 Oberholtzer Road
Elizabethtown, PA 17022

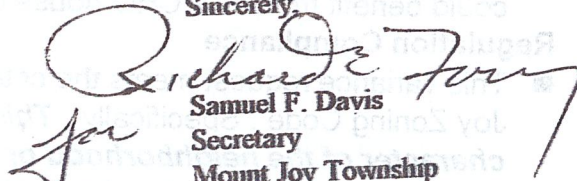
Re: M.J.T.Z.H.B. File #99-23.

Dear Mr. & Mrs. Gates,

Please be advised that the Mount Joy Township Zoning Hearing Board, Lancaster County, Pennsylvania, at a hearing held on Wednesday, September 1, 1999, properly motioned, seconded and voted in favor of a motion to grant your request for 1) a favorable interpretation of the definitions, i.e. a manufactured home is equivalent to a mobile home; 2) a variance of the requirement that the home be removed when not occupied by persons related by blood, marriage or adoption to the occupants of the principal dwelling, i.e. the echo housing unit need not be removed during those periods of time between occupancy by different relatives of the owner of the principal dwelling; and 3) a special exception for an echo housing unit, within the Agricultural District; pursuant to Chapter 135, Article IV, Section 135-32; Article XX, Section 135-220; and Article IX, Section 135-82.C, respectively, of the Mount Joy Township Zoning Ordinance of 1998, as amended. The granting of the variance is contingent upon you as the applicant removing the echo housing unit at the time of the sale of the property unless the new property owner gets approval via the Mount Joy Township Zoning Hearing Board to retain the same prior to final settlement on the purchase of the property. At no time shall the home, i.e. the echo housing unit, be rented to persons who are not related to the occupants of the principal dwelling.

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

Sincerely,



Samuel F. Davis
Secretary
Mount Joy Township
Zoning Hearing Board

pc: Mr. Marvin S. Stoner, SEO
File

■ SUPERVISORS
■ SEWER ENFORCEMENT OFFICE

■ AUTHORITY
■ ZONING OFFICER

■ PLANNING COMMISSION
■ ZONING HEARING BOARD

This application is for an **ECHO HOUSING SPECIAL EXECEPTION** , and A **VARIANCE TO REGULATION (G)** of the Echo housing criteria, regarding house removal.

I Echo Housing Special Exception

Situation

- During the past 2 years my father , and my wife's father passed away. Both of our mothers live alone in northern climates(south of Buffalo, NY and south of Erie, Pa.)
- We have extended invitations to both of our mothers to come live with us, and to date Nancy's mother, Mrs. Pat Needham has accepted.
- Our objective is to provide her with a high quality of life and independence , while at the same time providing her security and support.
- An ECHO house is the best method to accomplish this goal.

Regulation Compliance

- a) Our property is 6.9 acres which exceeds the minimum tract requirements .
- b) We have met with the Township Sewage Enforcement Officer and have drawn up approved plans to expand our existing on-lot system to meet state requirements.
- c) We have adequate off-street parking.
- d) The livable space of the proposed house(drawing attached) is less than 30% of our principle dwelling.
- e) The location of the ECHO house will exceed all setback requirements. (drawing attached)
- f) We do not wish to sub-divide the property
- g) We request a variance from regulation (G)

II VARIANCE REQUEST

Situation

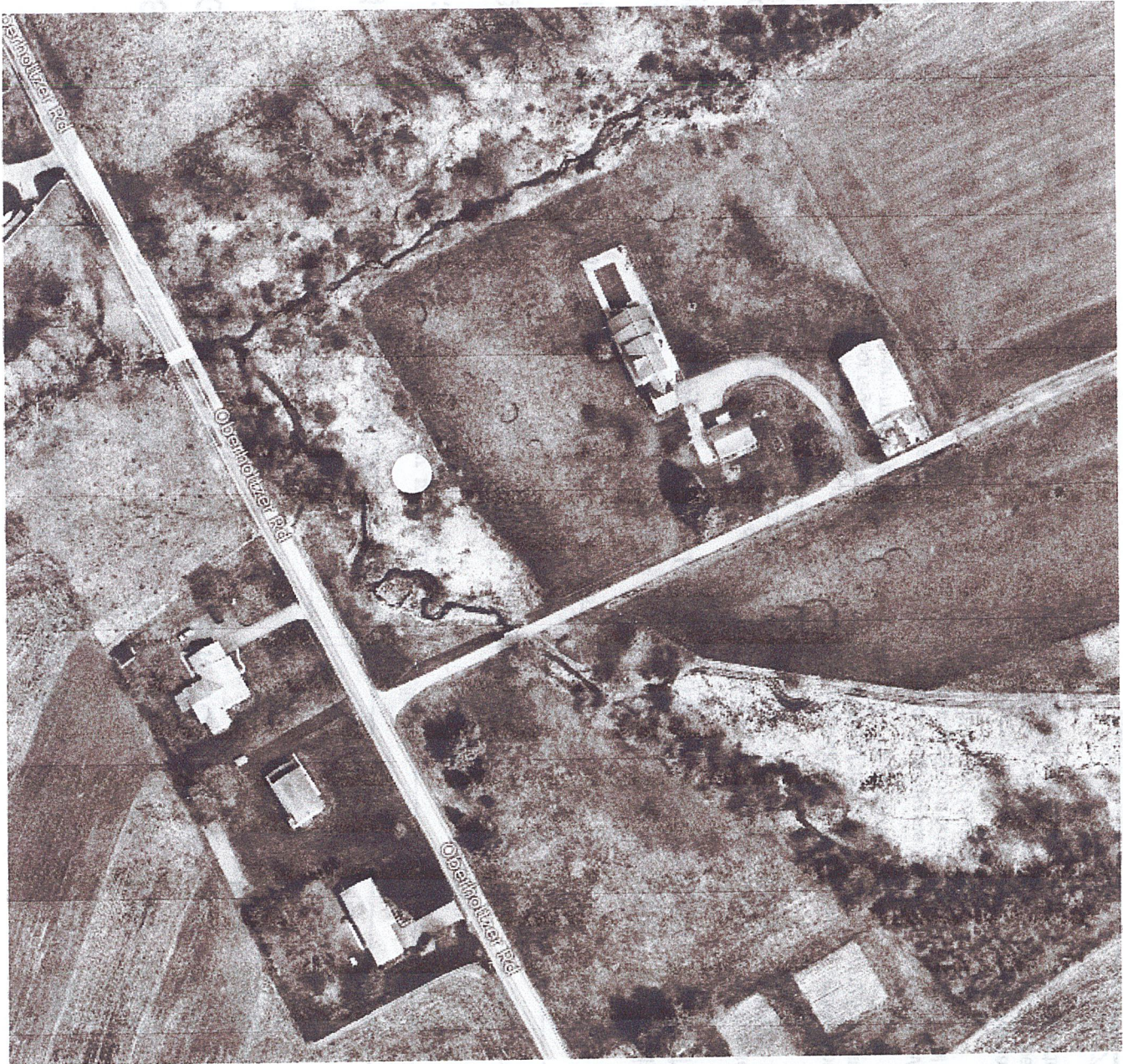
- The investment required to upgrade our septic system and construct a manufactured house is significant.
- If and when Mrs. Needham no longer lives in this house we would like to have the opportunity to maintain the house on the property. This would provide a potential home for my mother , or any of our other relatives that could benefit from an ECHO house opportunity.

Regulation Compliance

- This variance request meets the criteria outlined in article 1 D of the Mount Joy Zoning Code . Specifically: ***This variance will not alter the essential character of the neighborhood or district...***as indicated in the plot map our property is not in a neighborhood. We are surrounded on three sides by pastures , fields and farms most of which have multiple buildings on site.
- This variance ***will not substantially or permanently impair the appropriate use or development of adjacent property nor will it be detrimental to the public welfare.*** The adjacent properties are agricultural. The properties are fully developed as pastures for cows and horses and fields for crops. The addition of this house onto our property will not negatively impact any other property in any shape or form ,nor will it present any threat to the public welfare.



235 Oberholtzer rd. - Richard C. and Nancy N. Gates - 6.9 acres - Single family residence , Barn and ECHO house.



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(1-888-461-3625)

MOUNT JOY TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

BUILDING / ZONING PERMIT NO. 185-1199

THIS BUILDING / ZONING PERMIT HAS BEEN ISSUED BY THE MOUNT JOY TOWNSHIP
ZONING OFFICER IN ACCORDANCE WITH THE MOUNT JOY TOWNSHIP ZONING ORDINANCE

WORKERS' COMPENSATION DISCLOSURE

APPLICANT: Richard C. & Nancy N. Gates

LOCATION: 235 Oberholzer Rd., Elizabethtown, PA 17022

PURPOSE: Construct 26.4'x36' single family modular house

DATE: 11-8-99 SEWAGE PERMIT NO.: 025068

Federal or State Employer Identification No. is _____
Workers' compensation insurance coverage is being provided by _____

Policy No. _____
OR
Workers' compensation insurance coverage is not required for the following reasons

THIS PERMIT EXPIRES ONE YEAR FROM THE ABOVE DATE.

THIS PERMIT MUST BE POSTED AT ALL TIMES AT A LOCATION VISIBLE TO THE TRAVELING PUBLIC.
THIS PERMIT MUST BE PROTECTED FROM THE WEATHER AND MUST REMAIN LEGIBLE.

ACT 222 DISCLOSURE: The Pennsylvania Building Energy Conservation Act, Act of December 15, 1980, No. 222, sets forth various extensive standards for building construction or renovation which must be strictly complied with. Should you have any questions on the requirements of the Building Energy Conservation Act, contact the Pennsylvania Department of Labor and Industry or the Pennsylvania Department of Community Affairs.

The issuance of this Permit is based upon the facts stated by the applicant. This permit may be revoked if the use, construction or development for which it has been issued violates any applicable Township, County, State or Federal law or regulation, including but not limited to the Mount Joy Township Zoning Ordinance. This Permit may also be revoked if it has been issued in error or if issuance was based upon any misrepresentations or errors made by the applicant.

The permit holder is advised that persons aggrieved by a use or development permitted on the land of another may file an appeal with the Mount Joy Township Zoning Hearing Board seeking revocation of any permits issued or approvals granted within 30 days from the issuance of such permit or the grant of such approval, or at a later date if such aggrieved person alleges and proves that he had no notice, knowledge or reason to believe that the permit or approval had been given.

Notice is hereby given that if the property described in this Permit will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945, P.L. 1242, No. 428, known as the State Highway Law, before a driveway access to a state highway is permitted. Access to a state highway shall be only as authorized by a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation.

Richard C. Gates
ZONING OFFICER



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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

May 28, 2026

Certified Mail # 9407 1118 9876 5528 0611 32

Richard Gates
235 Oberholtzer Road
Elizabethtown, PA 17022

Re: Echo Housing Unit
Property Located at 235 Oberholtzer Road, Elizabethtown, PA 17022
Tax Parcel Account #460-60379-0-0000
Case #260009

Dear Mr. Gates:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on May 12, 2026. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, July 1, 2026** at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- The Mount Joy Township Zoning Hearing Board granted approval of a detached echo housing unit via written decision of Case #99-23, dated September 2, 1999. You have included that written decision with the current application. This application requests to modify the prior decision being conditioned upon “the applicant removing the echo housing unit at the time of sale of the property unless the new property owner gets approval via the Mount Joy Township Zoning Hearing Board to retain the same prior to final settlement on the purchase of the property.” As an alternative, the Board may consider new approvals for the detached echo housing unit.
- The subject property is 6.9 acres in size and is located in the (A) Agricultural District. It is occupied by the principal dwelling as well as the detached echo housing unit.
- You 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 special exception request has been made pursuant to Chapter 135:
 - (1) Chapter 135, Article IX, §135-83.F – echo housing

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

In the event the Mount Joy Township Zoning Hearing Board approves 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 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 July 1, 2026 and any continued hearings, if applicable, except to the extent modified by the conditions imposed by the Mount Joy Township Zoning Hearing Board herein.

Gates, Richard
MJTZHB File #260009
May 28, 2026
Page 2 of 2

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,



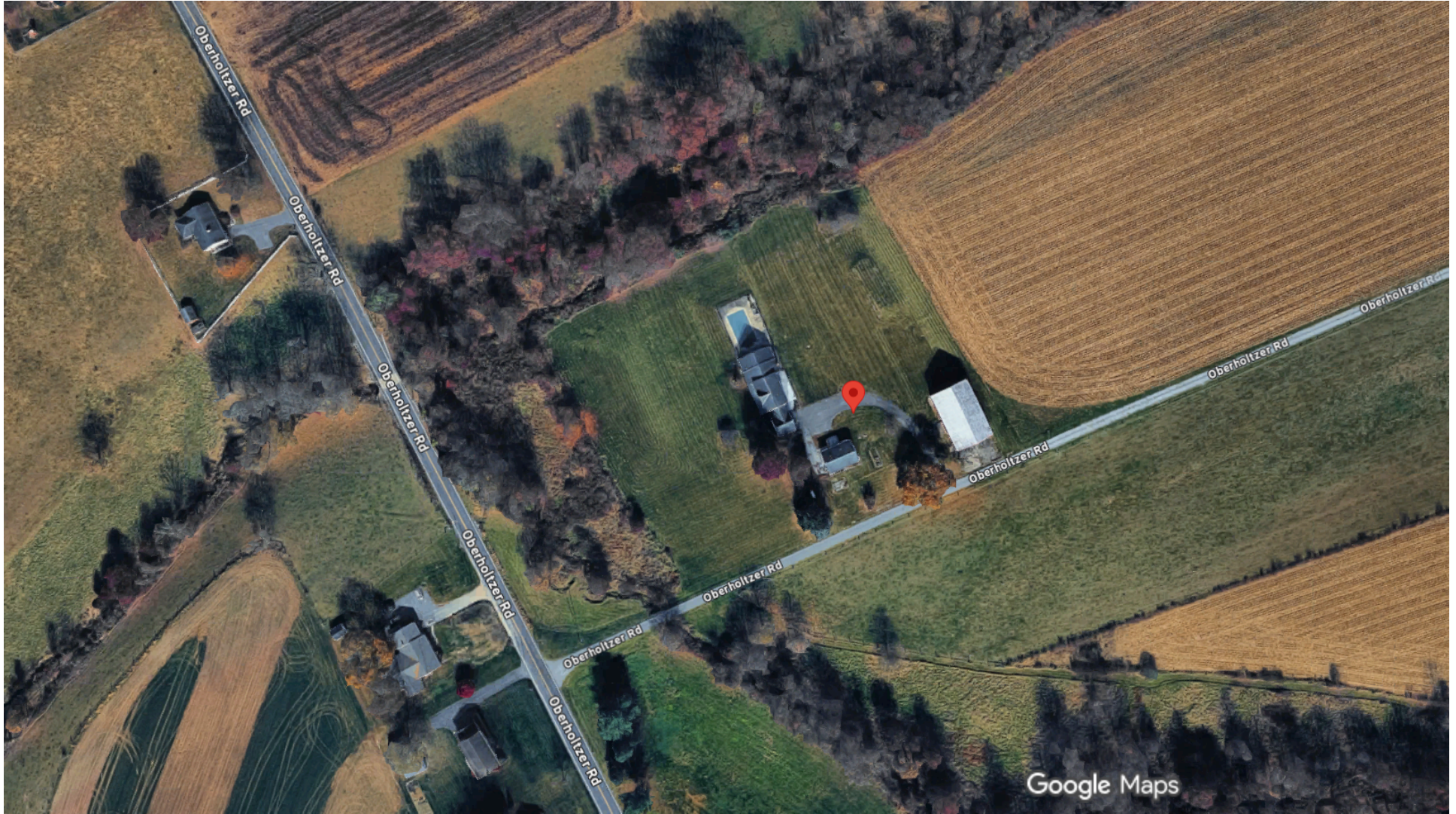
Justin S. Evans, AICP
Assistant Zoning Officer
Mount Joy Township

Copy: Gates, Richard – First Class Mail
MJT Zoning Hearing Board
File

Enclosures



235 Oberholtzer Rd



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