



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022
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March 9, 2023

Certified Mail # 9407 1118 9876 5836 4330 10

J. Leon Rutt
340 Stonemill Drive
Elizabethtown, PA 17022

Re: Proposed Expansion of an Engine Repair Shop
Property Located at 300 Jonlyn Drive
Tax Parcel Account #460-07479-0-0000
Case #230002

Dear Mr. Rutt:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on March 6, 2023. The hearing for the application is scheduled for 7:00 P.M. on Wednesday, April 5, 2023 at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- I have printed out an aerial image of the site so the Zoning Hearing Board can see the layout of the subject property.
- The subject property is located within the C-2, General Commercial District and consists of 13.224 acres. The property contains an existing non-residential building and areas used for outdoor storage.
- The applicant is proposing to expand an existing engine repair shop via an addition to the current facility and construction of two indoor storage buildings to replace outdoor storage areas.
- Such use is not permitted in the C-2 District but may be expanded by a special exception pursuant to §135-42.C subject to the criteria therein. You should be prepared to address those criteria as listed below:
 - (1) Expansion of the nonconforming use shall be limited to a distance of 250 feet in any direction from the existing area of the nonconforming use or to an area equal to 50% of the total usable floor area (or land area if not enclosed within a building) of the existing nonconforming use, whichever is the lesser amount.
 - (2) Expansion of the nonconforming use shall be limited to the lot upon which the nonconforming use was located at the time it became nonconforming.
 - (3) The limits set forth herein constitute the total permitted expansion of a nonconforming use. For example, if an applicant receives permission to expand to an area equal to 40% of the total usable floor area when the use became nonconforming, in the future the use will only be able to expand to an area equal to 10% of the total usable floor area when the use became nonconforming.
- 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 approvals have been requested pursuant to Chapter 135, as noted below:
 - (1) Special exception pursuant to Chapter 135, Article V, §135-42.C to expand a nonconforming use
 - (2) Special exception pursuant to Chapter 135, Article XXV, §135-343.G to reduce the number of required off-street parking spaces

- (3) Variance from Chapter 135, Article XXVIII, §135-383.B(7) to extend the expiration date of any special exception approvals granted for the application

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. The applicant and/or the owner(s) of the subject property 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 obtain approval of a land development plan from the Mount Joy Township Planning Commission.
3. Applicant shall obtain all applicable permits for the construction of the proposed structures, including Pennsylvania Uniform Construction Code permits.
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 5, 2023 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
Township Manager/Zoning Officer
Mount Joy Township

Copy: J. Leon Rutt – First Class Mail
MJT Zoning Hearing Board
File

Enclosures