



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, December 6, 2023

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: Justin S. Evans, Township Manager/Zoning Officer
 - Lancaster County Court Reporter: Veronica 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 and ratify the minutes of the November 1, 2023 meeting. All members voted in favor of the motion.
4. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the November 16, 2023 and November 23, 2023 editions of the LNP. The subject properties were posted on November 22, 2023.
5. Procedural briefing by the Zoning Hearing Board Solicitor
6. Zoning Case #230017
 - a. Applicant/Landowner: Trent & Allison DeArment
 - b. Property Location: 1410 Hickory Run Drive, Elizabethtown, PA 17022; Tax Parcel ID #460-62068-0-0000
 - c. Zoning District: R-2 – Medium Density Residential District
 - d. Variance Request:
 - 1) Chapter 135, Article XI, §135-105.H(2) to exceed the maximum impervious coverage on the property

Landowner Trent DeArment presented the case to the Board. His home was built in 1994 and since then the standards of impervious coverage have changed. The project includes installation of a permeable patio with a portion being under roof. Mr. DeArment owns Home Grown Outdoor Finishes, the company performing the work.

Runoff from the roof will be split into two areas. Part will flow into a water feature, the other part will connect to a downspout directed underground and out into a landscaped area. The roof covering the patio will increase the impervious coverage on the lot from the 30% maximum to 31.5%. Mr. DeArment's 0.35-acre corner lot has frontage on two slightly curved streets and rear lines not like a rectangular lot. The roofed area will provide some privacy for the patio since it is somewhat close to the neighboring home.

Mr. Newton asked Solicitor Henry if the proposed lot coverage exceeding the maximum by 1.5% constitutes a de minimus request. It does. Mr. DeArment confirmed receipt of the Zoning Officer's November 3, 2023 letter and agreed with the proposed conditions.

A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to approve a Variance from Section 135-105.H(2) to exceed the maximum impervious coverage on the Property, subject to the following conditions:

1. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted;
2. The Applicant shall submit for and gain approval of all applicable permits to construct the proposed improvements; and
3. The Applicant and any representative of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on December 6, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

7. Zoning Case #230018

- a. Applicant/Landowner: Mark E. Kleinfelter & Marian L. Fetter; and Frank & Honorata Libertore
- b. Property Location:
 - 1) 1005 Trail Road North, Elizabethtown, PA 17022; Tax Parcel ID #460-57248-0-0000 (parent tract)
 - 2) 955 Trail Road North, Elizabethtown, PA 17022; Tax Parcel ID #460-31272-0-0000 (receiving lot)
 - 3) 1015 Trail Road North, Elizabethtown, PA 17022; Tax Parcel ID #460-09784-0-0000 (receiving lot)
- c. Zoning District: A – Agricultural District
- d. Variance Request:
 - 1) Chapter 135, Article IX, §135-85.B(1) to permit two additional nonagricultural subdivisions of land

Landowners Mark E. Kleinfelter, Marian L. Fetter, Frank Libertore, and Honorata Libertore were present. Mr. Kleinfelter and Mr. Libertore presented the case to the Board. Mr. Kleinfelter stated that the area in which the subject properties are located is completely wooded and generally flat. Farming is not feasible due to these conditions, as well as the presence of rock throughout.

Mr. Kleinfelter noted that the exact property lines may shift slightly after being surveyed but will generally be consistent with what is shown on the plan submitted with the application. He wants to keep at least 10 acres for Clean and Green purposes. Mr. Libertore confirmed the wooded condition of the area and noted that the rocky, clay soil does not support much growth. They confirmed receipt of the Zoning Officer's November 8, 2023 letter and were acceptant of the conditions.

A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to approve a Variance from Section 135-85.B(1) to permit two additional nonagricultural subdivisions of land, subject to the following conditions:

1. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted;
2. The Applicant shall submit for and gain approval of all applicable permits to construct the proposed improvements; and
3. The Applicant and any representative of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on December 6, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

8. Next regularly scheduled hearing will be held Wednesday, January 3, 2024, beginning at 6:30 p.m. The Board confirmed a start time for all other regularly-scheduled 2024 meetings of 6:00 p.m.
9. A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to adjourn the meeting at 6:20 p.m. All members present voted in favor of the motion.

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin S. Evans". The signature is written in a cursive style with a large, looping initial "J".

Justin S. Evans, AICP
Zoning Officer

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