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Dec 04 2024

ZHB Case # 250001

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: DAVID E SHAY

Address: 3665 MILE HILL RD City/State/Zip: SUNBURY PA 17801

Phone: 717 415 0656 Fax: \_\_\_\_\_

E-mail: SHAYD6766@GMAIL.COM

### 2. Landowner Information (if different from the Applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### 3. Property Information

Property Address: 1104 BELLAIR RD

City/State/Zip: ELIZABETHTOWN PA 17022

Existing Use: APARTMENTS Proposed Use: \_\_\_\_\_

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

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**FOR TOWNSHIP USE ONLY**

Date Application Received: December 4, 2024

Date Application to be heard: January 8, 2025

Tax Parcel #: 460-30692-0-0000

Zoning District: Agricultural (A)

Application Denied/Approved: \_\_\_\_\_

**4. Request for Special Exception**

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

135 - 42  
\_\_\_\_\_  
\_\_\_\_\_

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:

I NEED SPECIAL EXCEPTION TO ADD 4TH APARTMENT  
\_\_\_\_\_  
\_\_\_\_\_

This site is suitable for a Special Exception Use because:

PROPERTY IS ZONE FOR 3 UNITS  
I WANT TO ADD 4 UNIT  
\_\_\_\_\_  
\_\_\_\_\_

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

NO AFFECTS  
\_\_\_\_\_  
\_\_\_\_\_

**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:

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**6. Request for a Variance**

Section(s) of the Zoning Ordinance for which a Variance is requested:

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

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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.):"

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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:

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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:

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**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

David E. Shay  
Applicant Signature

\_\_\_\_\_  
Date Signed

DAVID E SHAY  
Applicant's Name (Printed)

\_\_\_\_\_  
Landowner Sign (if different from Applicant)

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Landowner's Name (Printed)



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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

December 12, 2024

Certified Mail # 9407 1118 9876 5452 7120 25

David & Constance Shay  
3665 Mile Hill Road  
Sunbury, PA 17801

Re: Proposed Apartment Building Expansion  
Property Located at 1104 Bellaire Road, Elizabethtown, PA 17022  
Tax Parcel Account #460-30692-0-0000  
Case #250001

Dear Mr. & Ms. Shay:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on December 4, 2024. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, January 8, 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 aerial image and a Google Street View image. These will be provided to the Zoning Hearing Board along with your application package.
- The subject property is approximately 1.5 acres in area and is located in the A – Agricultural District. It contains a three-family dwelling and accessory structures. The property is served by on-lot water and sewer facilities.
- The application proposes to create a fourth dwelling unit within the existing three-family dwelling structure. Multi-family dwellings, or apartment houses, are not permitted in the Agricultural District. According to the Lancaster County Property Assessment Department, the structure dates back to 1860 and contains three dwelling units. Mount Joy Township recognizes this as a legal nonconforming use and has addressed the three dwelling units as 1104, 1106, and 1108 Bellaire Road.
- Standards for apartment houses are found in §135-216 of the Zoning Ordinance. Expansion from three to four dwelling units without physically expanding the structure requires compliance with §135-216.D, which states that a four-unit building must be situated on a lot containing at least 26,000 sf.
- 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 V, §135-42 – expansion of a nonconforming use

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 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 as set forth in §135-383.B.

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 apply for and obtain the appropriate permits from Mount Joy Township to create and occupy an additional dwelling unit.
3. Applicant shall confirm that the existing on-lot sewer system is suitable for four dwelling units. If it is determined to be substandard, applicant shall obtain the applicable approvals to modify the existing system or construct a new system.
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 January 8, 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.

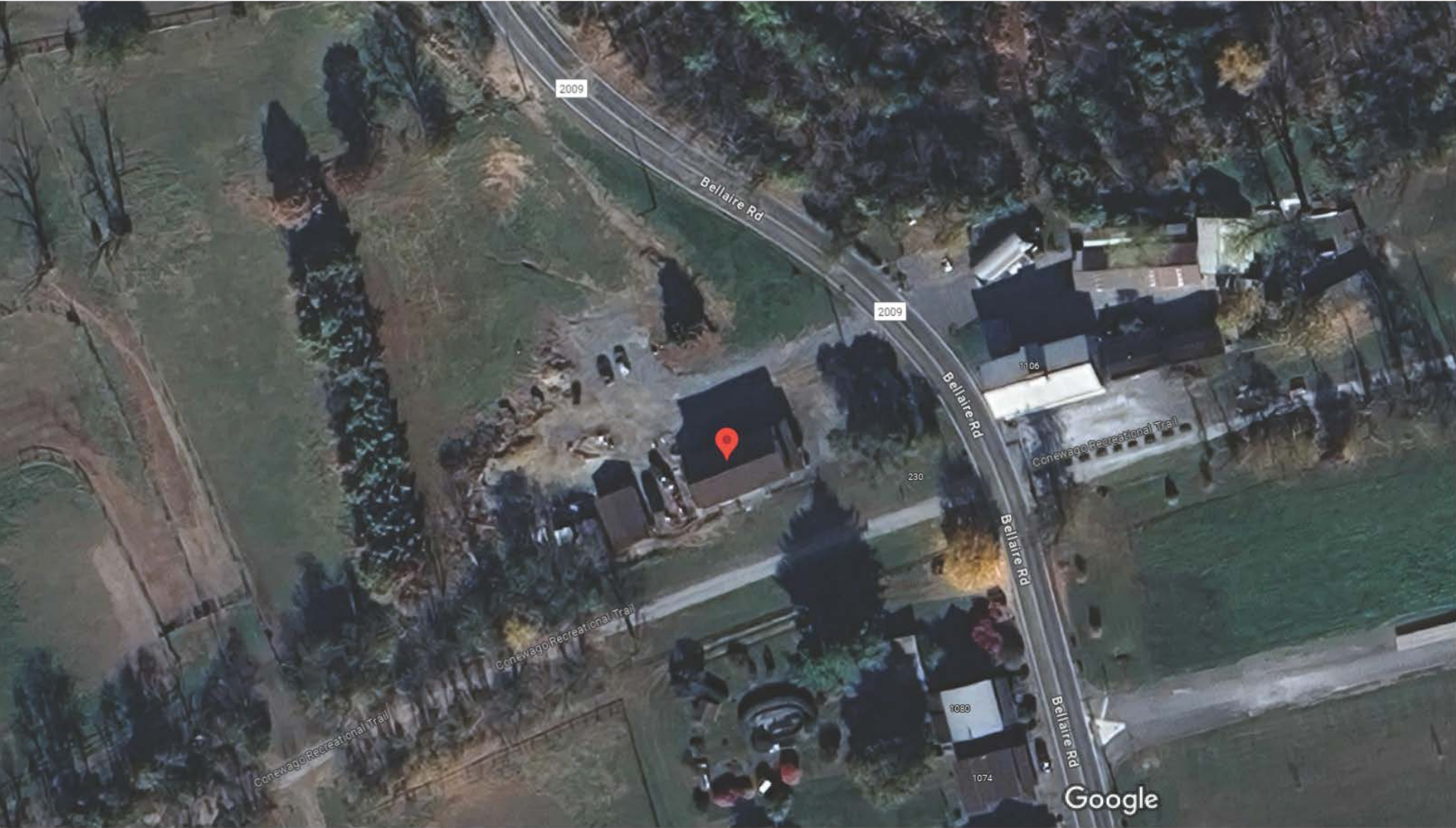
Sincerely,



Justin S. Evans, AICP  
Zoning Officer  
Mount Joy Township

Copy: David & Constance Shay – First Class Mail  
MJT Zoning Hearing Board  
File

Enclosures



Elizabethtown, Pennsylvania

Google Street View

Jan 2024 [See more dates](#)

