

ZHB Case # \_\_\_\_\_

**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: Crystal and Mark Underkoffler

Address: 1270 Mount Gretna Rd. City/State/Zip: Elizabethtown, PA 17022

Phone: 717-810-7612 Fax: \_\_\_\_\_

E-mail: Shellenberger.crystal1@gmail.com

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

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

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

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

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

### 3. Property Information

Property Address: 1270 Mount Gretna Rd.

City/State/Zip: Elizabethtown, PA 17022

Existing Use: residential with in-home daycare Proposed Use: residential with in-home daycare

Total Property Area (Sq. Ft. or Acres): 2.4 acres

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**FOR TOWNSHIP USE ONLY**

Date Application Received: \_\_\_\_\_

Date Application to be heard: \_\_\_\_\_

Tax Parcel #: \_\_\_\_\_

Zoning District: \_\_\_\_\_

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

#### 4. Request for Special Exception

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

N/A

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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:

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This site is suitable for a Special Exception Use because:

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

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#### 5. Expansion of Special Exception Uses

Are there any existing nonconformities on the lot, if so list them:

N/A

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Existing and proposed square footage of the structure:

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Percentage of Expansion:

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Existing front, side and rear yard setbacks:

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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:

§135-32 (to permit a home daycare with 10 children)

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

Please see attached Supplement.

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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.):"

Please see attached Supplement.

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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:

Please see attached Supplement.

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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:

Please see attached Supplement.

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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

Sheila V. O'Rourke, as attorney for Applicant  
Applicant Signature

8/5/2025  
Date Signed

Sheila V. O'Rourke, as attorney for Applicant  
Applicant's Name (Printed)

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

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

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

MOUNT JOY TOWNSHIP ZONING HEARING BOARD

In re: Application of  
Crystal and Mark Underkoffler

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:  
:  
:  
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No. \_\_\_\_\_

**SUPPLEMENT TO ZONING APPLICATION**

Applicants Crystal and Mark Underkoffler (“Applicants”) request zoning relief to allow an increase in the number of children in their home daycare program. Specifically, Applicants request a variance to § 135-32 of the Mount Joy Township Zoning Ordinance (“Ordinance”) to permit an increase in enrollment from six (6) to ten (10) children. In support thereof, Applicants provide:

**I. BACKGROUND**

1. The property that is the subject of this application is located at 1270 Mount Gretna Road, Mount Joy Township (Parcel ID No. 460-77690-0-0000) (“Property”).
2. An aerial image of the Property is attached as Exhibit “A.”
3. Mark Underkoffler is the title owner of the Property.
4. The Property consists of approximately 2.4 acres in the Township’s Open Space and Conservation (“OS”) District.
5. The Property is improved with a residential dwelling and accessory garage.
6. The dwelling contains approximately 3,000 square-feet of floor area, including a finished walk-out basement.
7. A photo of the Property is attached as Exhibit “B.”
8. The Property is served by public sewer and a private well.
9. Mr. and Mrs. Underkoffler reside at the Property.
10. Mrs. Underkoffler has been working in the childcare field for over 25 years.

11. Since in or around 2011, Mrs. Underkoffler began offering in-home childcare on the Property for children up to 5 years-old.

12. From 2011 to 2022, Mrs. Underkoffler cared for up to three (3) children in her home.<sup>1</sup>

13. In 2022, Mrs. Underkoffler obtained approvals to care for up to six (6) children in her home, including a daycare license from the Pennsylvania Department of Human Services (“DHS”) and an occupancy permit from the Township.

14. Pursuant to the DHS license, the daycare is subject to numerous health and safety requirements, as well as an annual inspection.

15. From 2022 to present, Mrs. Underkoffler has consistently enrolled six (6) children, between the ages of 2 and 5, in the program.

16. The children’s families are all working families from the local area.

17. The daycare operates Monday through Friday, from 6:30 a.m. to 4:45 p.m.

18. The majority of the childcare is provided indoors within the dwelling. There is also a small outdoor play area directly to the rear of the dwelling.

19. The large driveway on the Property can accommodate multiple vehicles. It usually takes around 5 minutes for parents to pick-up or drop-off their children, and Applicants have never had any traffic problems or conflicts in their years of operating the daycare.

20. Mrs. Underkoffler operates the daycare, and there are no outside employees.

21. Applicants have never had any neighbor complaints or concerns about the daycare.

22. There is currently a waitlist of 22 children for the daycare program.

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<sup>1</sup> Providing childcare for three children or fewer does not require a state license.

## **II. PROPOSED USE**

23. By this Application, Applicants are proposing to increase the number of children in the daycare program to a maximum of ten (10) children in response to community demand and for the economic sustainability of the program.

24. Children would be between the ages of 3 and 5 years-old.

25. Mrs. Underkoffler would continue to be the sole care provider.

26. Applicants would utilize the home's first floor and day-light basement for the daycare use.

27. The current hours and general operations of the daycare would not change except for the increase from six to ten children.

28. Applicants do not propose any modifications to the footprint or exterior appearance of the dwelling structure.

29. Applicants would continue to maintain their state license, submit to regular inspections, and comply with all applicable regulations.

## **III. PROPOSED ZONING RELIEF**

30. Home daycares are permitted by right in the OS District. § 135-72.D.

31. Applicants meet all of the specific use regulations for a home daycare, set forth at § 135-232, as follows:

32. The daycare is operated within Applicants' single-family detached dwelling. § 135-232.A.

33. The daycare will continue to be licensed by DHS and comply with all applicable state and local regulations. § 135-232.B.

34. Applicants agree to submit to inspection by the Township Building Code Official to ensure compliance with the Uniform Construction Code. § 135-232.C.

35. Drop-off and pick-up of children will continue to occur on-site within Applicants' driveway, and families will not have to walk across any roadways or access drives. § 135-232.D.

36. Applicants do not propose a sign for the daycare. § 135-232.E.

**A. Variance to maximum number of children**

37. The Zoning Ordinance defines a "home day-care center" as "[a]n accessory use to a single-family detached dwelling in which four to six individuals, who are not related to the residents of the principal dwelling, are cared for or supervised during any calendar day." § 135-32.

38. Applicants' proposed use meets the definition in that the daycare will continue to function as an accessory to Applicant's primary residential use of the Property, however, Applicants request a variance from § 135-32 in order to care for up to ten (10) children.

39. Applicants submit that they have met the requirements for a variance of § 135-383.C.

40. The Property has unique physical circumstances including that it is exceedingly narrow and deep with woodlands to the rear of the dwelling. The dwelling itself is a large approximately 3,000 square-foot residence.

41. The physical circumstances of the Property result in a hardship that was not created by Applicants.

42. The requested increase in capacity from six to ten children will not alter the essential residential character of the surrounding neighborhood or harm the public welfare. Due to the physical layout and functional capacity of the Property, as well as the proven history of



Applicants' existing daycare operation, the dwelling is well-suited to safely accommodate ten children without structural modifications or appreciable increased intensity of use.


43. The requested variance represents the minimum relief necessary to allow for the continued, viable operation of a licensed home day-care facility, consistent with demonstrated community needs and in a manner that is safe, professional, and consistent with DHS regulations.

44. An exhibit listing adjoining property owners is attached as Exhibit "C."

WHEREFORE, Applicants respectfully request that the Mount Joy Township Zoning Hearing Board grant the requested variance to permit Applicants' home daycare to enroll up to ten (10) children.

GIBBEL KRAYBILL & HESS LLP

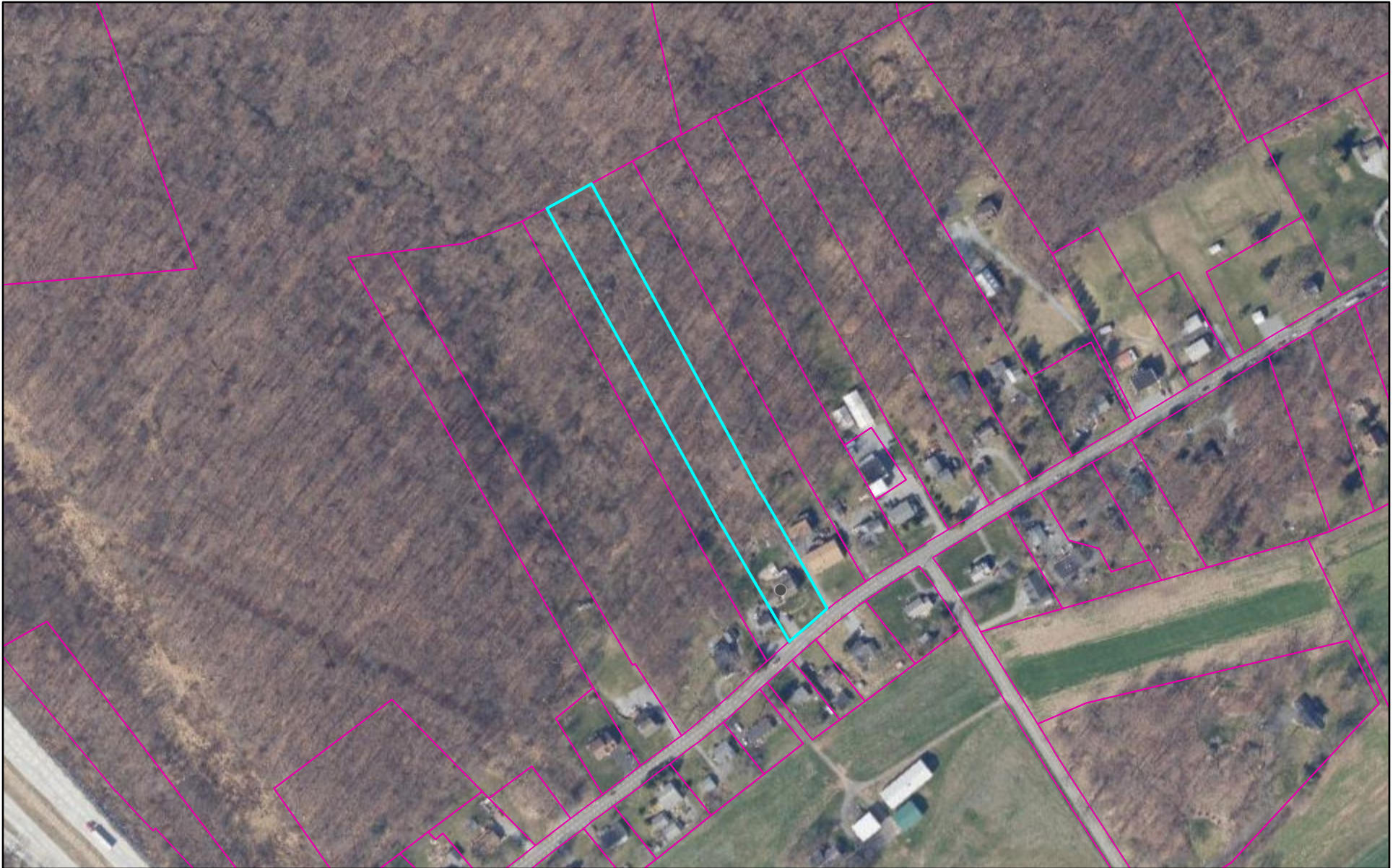
Date: August 5, 2025

By: 

Sheila V. O'Rourke  
Attorney for Applicants  
Sup. Ct. Atty. I.D. #313842  
2933 Lititz Pike, P.O. Box 5349  
Lancaster, PA 17606  
(717) 291-1700  
sorourke@gkh.com

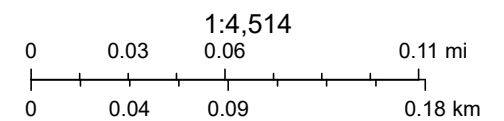
# Exhibit A

# LanCo View Parcel Map



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 Properties



Dauphin County, York County Planning Commission, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, Lancaster County 2024 photos

Lancaster County GIS  
Esri, HERE, Garmin, USGS, EPA, NPS | Lancaster County 2024 photos |

# Exhibit B





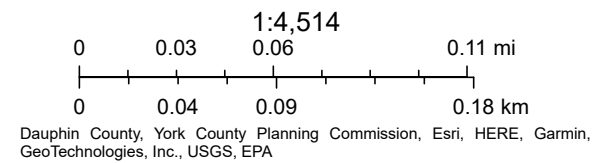
# Exhibit C

# LanCo View Parcel Map



8/1/2025, 12:41:36 PM

 Properties



Adjoining Property Owners

1. Parcel: 460-85946-0-0000  
Property Address: 1306 Mount Gretna Road  
Owners: John F., & Candance C. Aston
2. Parcel: 460-00828-0-0000  
Property Address: Mount Gretna Road  
Owners: Lancaster County Conservancy  
Mailing Address: 117 S. West End Ave., Lancaster, PA 17603
3. Parcel: 460-69854-0-0000  
Property Address: 1254 Mount Gretna Road  
Owner: Ronald G. Fry
4. Parcel: 460-03605-0-0000  
Property Address: 1247 Mount Gretna Road  
Owners: Michael and Lori McNeil
5. Parcel: 460-08848-0-0000  
Property Address: 1301 Mount Gretna Road  
Owner: Nye Coleson
6. Parcel: 460-16409-0-0000  
Property Address: 1303 Mount Gretna Road  
Owner: Scott D. Schwanger





# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022

717.367.8917 • 717.367.9208 fax

www.mtjoytp.org

August 8, 2025

Certified Mail # 9407 1118 9876 5475 6212 05

Crystal & Mark Underkoffler  
1270 Mount Gretna Road  
Elizabethtown, PA 17022

Re: Proposed Home Day Care Expansion  
Property Located at 1270 Mount Gretna Road, Elizabethtown, PA 17022  
Tax Parcel Account #460-77690-0-0000  
Case #250015

Dear Ms. & Mr. Underkoffler:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on August 5, 2025. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, September 3, 2025** at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- You have provided multiple images of the subject property that will be provided to the Zoning Hearing Board with your full application package.
- The 2.4-acre subject property is occupied by a single-family dwelling and detached garage, and is located in the OS – Open Space and Conservation District. A home day care for no more than 6 individuals is currently permitted to take place in the dwelling (via Zoning Permit #220002).
- The proposed expansion of the day care use from 6 to 10 individuals is beyond what is permitted by right for a home day care service.
- 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 variance request has been made pursuant to Chapter 135:

(1) Chapter 135, Article IV, §135-32 – to increase enrollment of a home day care service to 10 individuals

General criteria for variances are found in §135-383.C of the Zoning Ordinance. You have addressed these criteria in the supplement to the hearing application.

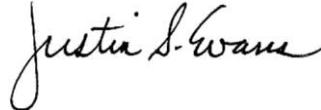
In the event the Mount Joy Township Zoning Hearing Board would approve the application, the Township recommends the following conditions be applied to any approvals:

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 a use and occupancy permit for the expanded home day care use. Proof of licensure through the Pennsylvania Department of Human Services shall be provided with the permit application, as applicable.
3. 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 September 3, 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,

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

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

Copy: Underkoffler, Crystal & Mark – First Class Mail  
Sheila V. O'Rourke, Esq. – via Email  
MJT Zoning Hearing Board  
File

Enclosures