



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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## Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, December 10, 2025

- 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., Robert F. Newton Jr., & Roni K. Clark
  - Members Absent: James E. Hershey
  - Township Representatives: Justin Evans, Assistant Zoning Officer
  - Lancaster County Court Reporter: Angela Kilby
  - 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 the minutes of the November 5, 2025 meeting. All members present voted in favor of the motion.
- 4) Mr. Evans confirmed that the public notice was published in the Wednesday, November 19, 2025 and Wednesday, November 26, 2025 editions of the LNP. The property was posted on Monday, December 1, 2025.
- 5) Solicitor John P. Henry provided a procedural briefing for the meeting.
- 6) Zoning Case #250018
  - a. Applicant/Landowner: Benjamin Lauver
  - b. Property Location: 2422 Cloverleaf Road, Elizabethtown, PA 17022, Tax Parcel ID #461-29809-0-0000
  - c. Zoning District: (A) Agricultural District
  - d. Special Exception Request: Chapter 135, Article IX, §135-83.F – echo housing
  - e. Variance Request: Chapter 135, Article XXII, §135-225.C – detached unit on a property smaller than two acres

Landowners Benjamin and Natasha Lauver presented the application. The echo housing unit is needed for their mother who is unable to live at home independently due to health issues. A manufactured unit will be brought to the property as a standalone structure with a connected porch for access to the main house. Adjoining properties near the echo unit are used agriculturally.

The decision to pursue a detached unit versus adding onto the home is based on the cost of major renovations. They have a family of four with one income. The unit will be removed once the family member no longer lives in it and the area will be restored in grass.

The Lauvers received the Zoning Officer's November 18, 2025 letter and have no issues with the proposed conditions. An existing well and on-lot sewage system will be utilized. Their mother does not drive, so her vehicle is parked on the side of the driveway. They confirmed the detached unit's dimensions of 13' x 40' and that it will be located approximately 120' from Cloverleaf Road, 53' from the nearest side property line, and 64' from the rear. They are aware that the unit cannot be rented out otherwise. Electric service will come from the home and they will work with the Township Sewage Enforcement Officer for the sewage system connection.

A motion was made by Robert F. Newton Jr. and seconded by Roni K. Clark to grant approval of the application subject to the following conditions:

1. The 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. The Applicant shall obtain all applicable permits to place the echo housing structure on the Property and obtain certificate for use and occupancy.
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 10, 2025 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

7) Zoning Case #250019

- a. Applicant: Etown IRE Associates
- b. Landowner: Pennsylvania CVS Pharmacy LLC
- c. Property Location: 1551 S. Market Street, Elizabethtown, PA 17022, Tax Parcel ID #460-63001-0-0000
- d. Zoning District: (C-2) General Commercial District
- d. Variance Request: Chapter 135, Article XIV, §135-135.F(2) – maximum impervious coverage

The application was presented by attorney Julie Bernstein of Kaplin Stewart, surveyor Joseph Wright of Blue Marsh Associates, and applicant Jeremy Fogel. An exhibit package was submitted containing the following:

- A-1: Zoning Hearing Board Application
- A-2: Joseph J. Wright, PLS Curriculum Vitae
- A-3: Illustrative Aerial
- A-4: Preliminary/Final Subdivision Plan

Attorney Bernstein generally described the existing shopping center layout and drive through restaurant building, which is intended to be subdivided from the main portion of the property. The property has an existing non-conforming 70.7% lot coverage as compared to the 65% maximum. The proposed plan would leave the remainder Lot 1 containing the shopping center with 75.8% lot coverage. A shared access easement will allow the new Lot 2 to continue using the existing access points to the site. Otherwise, the lots will meet zoning standards.

Joseph Wright is currently employed by Blue Marsh Associates as senior partner and owner. Exhibit A-2 is his curriculum vitae which includes his resume as a professional land surveyor in Pennsylvania. He has testified multiple times as an expert witness in front of municipal bodies. Attorney Bernstein offered Mr. Wright as an expert land surveyor.

A motion was made by Robert F. Newton Jr. and seconded by Roni K. Clark to accept Joseph Wright as an expert land surveyor. All members present voted in favor of the motion.

Referring to Exhibits A-3 & A-4, Mr. Wright reviewed the subdivision plan that his firm prepared. The site is located along the South Market Street commercial corridor and is surrounded by properties with compatible uses. The plan proposes the subdivision of a 0.87-acre lot containing the former Taco Bell building and a 2.9-acre lot containing the shopping center. No additional improvements are proposed by the plan. The site complies with zoning other than the existing impervious coverage issue. Setbacks, bulk restrictions, height, etc. are all in compliance.

70.7% coverage on the subject property exceeds the 65% maximum in the C-2 District. Lot 2 will have 54.1% lot coverage, but Lot 1 will exceed the maximum at 75.8%. Increased coverage for Lot 1 results from where the proposed lot line is drawn. The restaurant lot cannot be sold separately without increasing the impervious coverage nonconformity. The proposed subdivision plan is currently undergoing approvals from the Township. Mr. Wright stated that the requested variance will not alter the character of the neighborhood or create additional impacts thereon.

The applicant confirmed receipt of the Zoning Officer's letter dated November 18, 2025. Attorney Bernstein revised the proposed conditions with the surveyor who did not object to them. Mr. Fogel stated his intent to renovate the restaurant building and lease to another user. CVS is not interested in renovation, so he is undertaking the subdivision to purchase it. No specific tenant is identified due to the uncertain timeframe for gaining approvals. Mr. Fogel is generally looking for a restaurant, coffee shop, or something similar that is compatible with the building configuration.

Attorney Bernstein closed by saying the proposed plan does not contain further improvements to the site, and the requested variance is a function of where the new lot line is drawn.

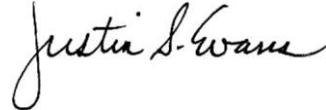
A motion was made by Robert F. Newton Jr. and seconded by Roni K. Clark to grant approval of the application subject to the following conditions:

1. The 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 be requested or granted.
2. The Applicant shall submit and gain approval of a subdivision plan from the Mount Joy Township Planning Commission;
3. The Applicant and any representatives of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on December 10, 2025 except to the extent modified by the conditions imposed by the Board herein.

All members present voted in favor of the motion.

- 8) Next regularly scheduled meeting is Wednesday, January 7, 2026 beginning at 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 6:35 P.M. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP  
Assistant Zoning Officer

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