

ZHB Case # 260014

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: Steve and Julie Hedgepeth
Address: 116 Trail Road N, Apt A City/State/Zip: Elizabethtown PA 17022
Phone: 717-471-6094 Fax: _____
E-mail: Stuckinaruth11@gmail.com

2. Landowner Information (if different from the Applicant)

Name: Same
Address: _____ City/State/Zip: _____
Phone: _____ Fax: _____
E-mail: _____

3. Property Information

Property Address: 116 Trail Road N
City/State/Zip: Elizabethtown PA 17022
Existing Use: residential Proposed Use: residential
Total Property Area (Sq. Ft. or Acres): 2 acres

FOR TOWNSHIP USE ONLY

Date Application Received: 10/07/2026
Date Application to be heard: 11/04/2026
Tax Parcel #: 460-82601-0-0000
Zoning District: Agricultural (AG)
Application Denied/Approved: _____

4. Request for Special Exception

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

135-315A(1)

135-301C

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:

We are requesting to install a fence on our property that would fall within the ultimate street right-of-way. Due to location of our house on our property the fence will come within feet of the house - please see attached explanation for further details.

This site is suitable for a Special Exception Use because:

~~Our request we have a simple request requiring nothing from~~
we would like a fence, yet would like to keep a yard suitable for our kids to play.

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

No affect

5. Expansion of Special Exception Uses

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

No

Existing and proposed square footage of the structure:

NA

Percentage of Expansion:

NA

Existing front, side and rear yard setbacks:

See attached plot plan

Proposed front, side and rear yard setbacks:

See attached plot plan

6. Request for a Variance

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

~~135-31~~ 135-315A(1)

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

We are requesting a variance to allow a functional area for our kids to play, as well as allow the vehicular access to our property after the installation of a fence. We are requesting an 8' Setback from the road edge. instead of the Please see attached documentation.

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.):

Location of ~~feet~~ house next to the road

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:

Current requirements would cut our side yard by 2/3, removing a functional play area for our kids, as well as remove vehicular access to the front of our yard. Please see attached documentation.

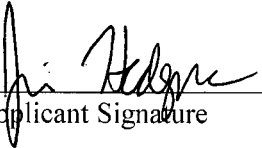
Explain how the granting of a variance will not be a substantial detriment to the public good or a substantial impairment of the intent and purpose of the Zoning Ordinance:

There will be absolutely no detriment to any parties. The fence will not cause any obstructions of view. And if, in the future, the township needs to ~~claim back the~~ expand the road, our fence could be easily moved/removed.

7. Certification

I/we, the undersigned, do hereby certify that:

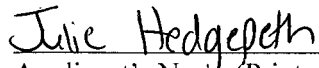
1. The information submitted here in is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable, and payment does not guarantee approval of the Zoning Hearing Board Application.
3. All additional required written graphic materials are attached to this application



Applicant Signature



Date Signed



Applicant's Name (Printed)

Landowner Sign (if different from Applicant)

Date Signed

Landowner's Name (Printed)

We are requesting a variance to allow our fence to be within the ultimate right of way. We would like to install a fence along the street for the safety of our 3 young children, as well as the two young grand-children of the couple in the attached unit. Our house sits close to the road, and our children enjoy riding bikes around the house, drawing with chalk on our porch steps, and playing in the shaded area of our yard which is on the side of the house. They are frequently playing out front of our house as well, and balls/toys accidentally go across the road. Cars come zipping around that corner, and drivers are blind to what is at the bottom of the hill until they are already there. Thankfully our children are very good about understanding the dangers of the road, and wait for an adult to retrieve things. But it would only take one mistake on their part, or one car who can't see a child until it's too late, for a tragedy to happen. We would like to install a 3 rail split fence to allow a barrier for the safety of the kids.

As currently written, our fence would need to be 25' from the centerline, which would bring our fence to 4' away from the corner of our house. This would take away 2/3 of the side yard. This leaves no room for the kids to play and would leave the side of our house useless. A yard without a fence is a safety concern for us. But a yard with a fence per current regulations is a pointless.

A secondary issue with the installment of the fence with current regulations is that we would be unable to have vehicle access to our summer kitchen. We often drive our vehicle around the front of the house to load/unload/store items in this building or to access the front porch/front yard as needed. To access the shed or front of the house by vehicle, we have to drive around the side. We are unable to drive lower in the front due to the hill and frequently soggy yard, and we are unable to drive on the side due to the hill and blind corner. A passable lane for a vehicle would still be possible if we were permitted to set back our fence 8' off the road edge.

We respectfully ask you to reconsider zoning regulation 135-315a(1) for the safety of our children and the function of their play area. These fence posts will not be cemented, and would be able to be removed easily. We recognize the risk of needing to remove our fence in the future if it is built within the ultimate right of way. It is a risk we are willing to take if it means our children can be better protected now.



Blind corner traveling south.



Blind corner traveling north.



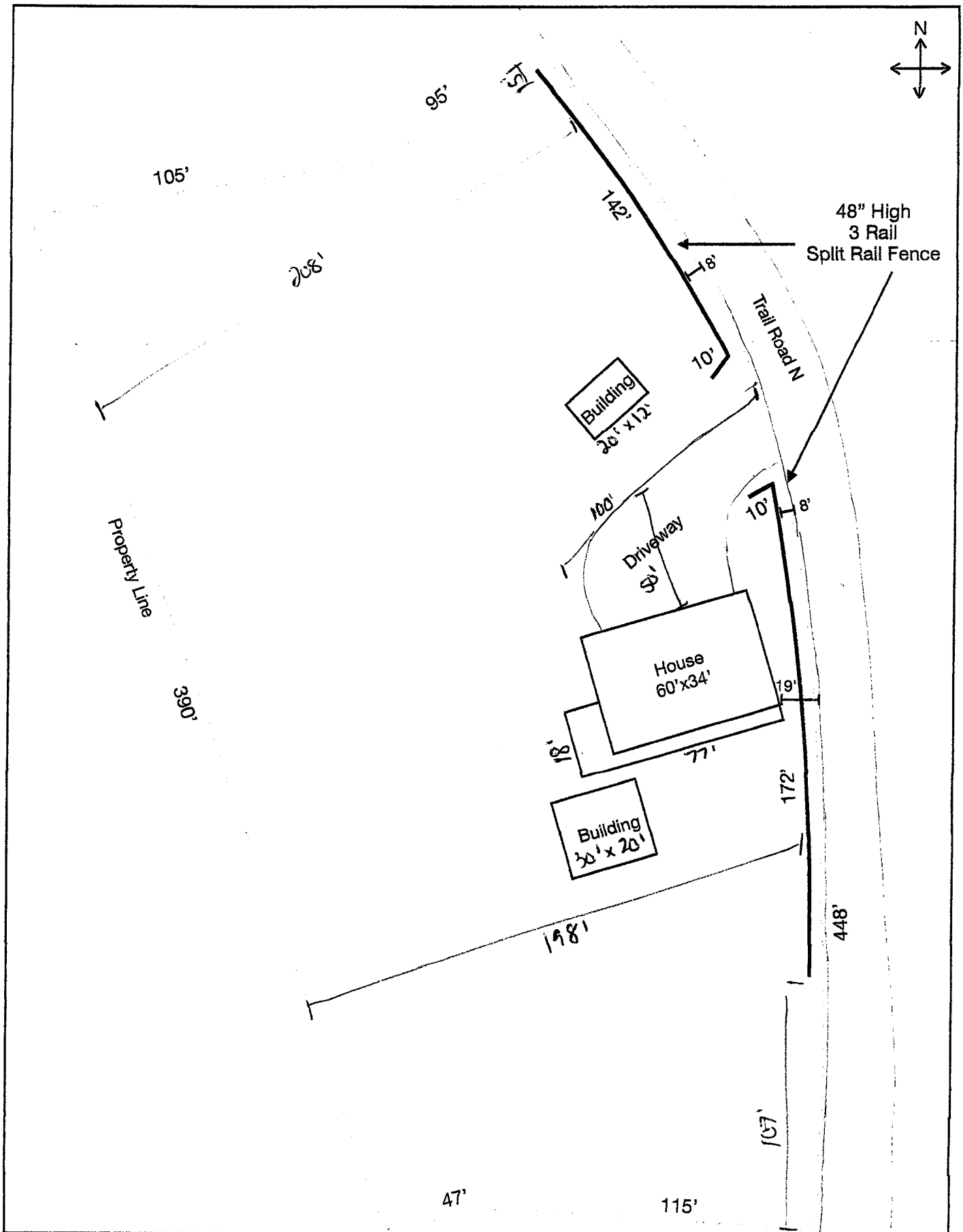
Fencing per current regulations in orange. Requested variance in red.



Red circle shows the blind area for traffic traveling south until the hill is crested.

Orange oval shows the area of the yard that is frequently wet and soggy due to poor drainage.

Plot Plan





MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022

717.367.8917 • 717.367.9208 fax

www.mtjoytp.org

October 14, 2026

Certified Mail # 9407 1118 9876 5590 2323 62

Steve & Julie Hedgepeth
116 Trail Road North, Apt. A
Elizabethtown, PA 17022

Re: Proposed Fence
Property Located at 116 Trail Road North, Elizabethtown, PA 17022
Tax Parcel Account #460-82601-0-0000
Case #260014

Dear Mr. & Ms. Hedgepeth:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on October 7, 2026. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, November 4, 2026** at the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022. I offer the following comments on the application:

- Your application proposes the construction of a fence in the front yard of the subject property. The proposed fence location would be within the ultimate road right-of-way. The subject property is 2 acres in size and is located in the (A) Agricultural District. It contains a two-family dwelling and customary accessory structures.
- Note that the application contains special exception requests in addition to a variance request. Only the variance request of Section 135-315A(1) is necessary given the circumstances.
- The subject property was created by a subdivision plan recorded at 2019-0373-J on September 24, 2019. Since the parent tract (inclusive of the subject tract at that time) is subject to an Agricultural Conservation Easement, additional right-of-way beyond the established 33' width could not be legally granted. You should confirm the location of the proposed fence as it relates to the existing right-of-way, which is approximately 16.5' from the center of Trail Road North.
- You are seeking and have 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 XXIII, §135-315A(1) – fence within the ultimate right-of-way

General criteria for variances are found in §135-383.C of the Zoning Ordinance. I have enclosed a copy of §135-383 with this letter for your preparation. Additionally, you may wish to have an attorney present at the hearing to present your case to the Mount Joy Township Zoning Hearing Board.

In the event the Mount Joy Township Zoning Hearing Board approves 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 obtain all applicable permits for the construction of the proposed fence.

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 November 4, 2026 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, flowing style.

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

Copy: Hedgepeth, Steve & Julie – First Class Mail
MJT Zoning Hearing Board
File

Enclosures