Received
October 20, 2026
Mount Joy Township

ZHB Case # 260015

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: Darrel Lehman Dump Truck Services, LLC

Address: 2474 Mount Gretna Road City/State/Zip: Elizabethtown, PA 17022

Phone: 717-917-4513 Fax: _____

E-mail: duane.lehman@dldumptruckservices.com

2. Landowner Information (if different from the Applicant)

Name: Same

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____

E-mail: _____

3. Property Information

Property Address: 2489 Mount Gretna Road

City/State/Zip: Elizabethtown, PA 17022

Existing Use: Commercial / Ag Proposed Use: Commercial/Ag/Residential

Total Property Area (Sq. Ft. or Acres): 28.69 acres

FOR TOWNSHIP USE ONLY

Date Application Received: October 20, 2026

Date Application to be heard: December 2, 2026

Tax Parcel #: ~~60-48304-0-0000~~ 460-26941-0-0000

Zoning District: Agricultural (AG)

Application Denied/Approved: _____

4. Request for Special Exception

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

N/A

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:

N/A

This site is suitable for a Special Exception Use because:

N/A

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

N/A

5. Expansion of Special Exception Uses

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

N/A

Existing and proposed square footage of the structure:

N/A

Percentage of Expansion:

N/A

Existing front, side and rear yard setbacks:

N/A

Proposed front, side and rear yard setbacks:

N/A

6. Request for a Variance

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

See Attached

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

See Attached

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.):"

See Attached

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:

See Attached

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:

See Attached

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

October 15 , 2026
Date Signed

Darrel Lehman Dump Truck Services, LLC, Attn: Duane Lehman
Applicant's Name (Printed)

Landowner Sign (if different from Applicant)

Date Signed

Landowner's Name (Printed)

ATTACHMENT TO ZONING HEARING BOARD APPLICATON

Darrel Lehman Dump Truck Services, LLC
Attn: Duane Lehman
Property Address: 2489 Mount Gretna Road, Elizabethtown, PA 17022

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

§135-85.B.(1)

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

Applicant proposed to construct a single-family detached dwelling on the property to serve as the principal residence of one of the Applicant's owners (Duane Lehman). §135-85.B.(1) limits the number of new lots based on parent-tract size (less than 30 acres in this case). A 2019 plan note (referencing §135-85.B.) limits additional subdivision of the current 28.69 acre tract.

The proposal is to subdivide the 28.69 acre tract into two (2) lots as follows:

1. A 26.19 acre commercial/agricultural tract containing the existing commercial building and all existing agricultural lands; and
2. A 2.5 acre residential lot for a single-family detached dwelling.

Appropriate cross-easements would be made part of any subdivision plan.

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.):"

The existing lot (28.69 acres) is bounded by the 100 year floodplain and the Conewago Trail to the north. The lot is relatively long and narrow and bounded by Mount Gretna Road to the south. The entire eastern half of the property is actively used for agricultural production. *Single-family detached dwellings are permitted in the Agricultural District by right.* §135.82.B. The variance is requested to construct such a residence, thereby allowing one (1) additional lot and single-family detached dwelling to the current property.

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:

§135-85.B.(1) limits the number of new lots based on parent-tract size (less than 30 acres in this case). While single-family detached dwellings are permitted in the Agricultural District by right, the Ordinance prevents subdivision and construction of such a dwelling. If the current lot were less than 1.5 acres larger, two (2) lots could be created with one containing a single-family detached dwelling as proposed. The western half of the property is vacant and not used for

commercial or agricultural uses. The proposed single-family detached dwelling represents an in-fill development opportunity.

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:

The surrounding neighborhood is predominantly agricultural and residential. The purpose of agricultural zoning is to encourage the preservation of productive farmland as a finite and valuable natural resource and, therefore, to protect farmland against incompatible development and uses that could adversely affect the long-term economic viability of these lands. §135.81.A. The proposed variance to allow for the subdivision and resulting construction of a single-family detached dwelling will preserve productive farmland and concentrate "development" to the western end of the property. The proposed residence (post-subdivision), being consistent with the neighborhood and zoning district, will not be a substantial detriment to the public good or a substantial impairment of the intent and purpose of the zoning ordinance.

Other:

- Please see enclosed Sketch Plan for Potential Subdivision.
- The specific variance requested is dimensional. The amount of proof which is required to establish an unnecessary hardship is less with a dimensional variance as opposed to a use variance. *Hertzberg v. Zoning Hearing Board of Pittsburg,* 721 A.2d 43 (Pa. 1998).
- The requested variance should be considered *de minimis*. The requested variance is to allow for the subdivision of one lot into two, thereby allowing the construction of a single-family dwelling (a permitted use). If the property were 1.5 acres larger, the proposed subdivision and residence would not require a variance. By adding a single-family residence, there will be minimal change to the nature of the Property. The variance should be considered *de minimis*. While there is no particular mathematical formula to determine whether or not a variance should be considered *de minimis*, courts have used percentage of deviance for guidance. Another factor courts look to is whether "rigid enforcement is not necessary to protect public policy concerns inherent in the ordinance." *King v. Zoning Hearing Board of the Borough of Nazareth,* 483 A.2d 505 (Pa. Cmwlth. 1983). Here, public policy in the form of in-fill development while preserving agricultural land and supporting existing business activity, would support granting the requested variance.
- Applicant reserves the right to present additional grounds for approval, evidence, and testimony at or before the hearing regarding this Application.

PLOTTED: September 25,2026 @ 09:43AM



ADJOINER LEGEND

(A) RONALD D. & KRISTINA W. KAYLOR
1080 BELLAIRE ROAD
DEED REF.-O-86053
LANCASTER COUNTY TAX ACCT. NO.
460-47020-0-0000

(B) ALEX M. HILLEBRAND
1074 BELLAIRE ROAD
DEED REF.-6521257
LANCASTER COUNTY TAX ACCT. NO.
460-48747-0-0000

(C) JAMES L. & JOYCE GOTSHALL
1066 BELLAIRE ROAD
DEED REF.-Z-570035
LANCASTER COUNTY TAX ACCT. NO.
460-49900-0-0000

(D) DENNIS WARNER
1056 BELLAIRE ROAD
DEED REF.-20250039870
LANCASTER COUNTY TAX ACCT. NO.
460-51052-0-0000

(E) JAKE KAUFFMAN
1046 BELLAIRE ROAD
DEED REF.-6503753
LANCASTER COUNTY TAX ACCT. NO.
460-52202-0-0000

(F) BARRY L. & LINDA S. PICKEL
2598 MOUNT GRETNA ROAD
DEED REF.-C-870206
LANCASTER COUNTY TAX ACCT. NO.
460-18841-0-0000

(G) M&G RENTALS LLC.
2590 MOUNT GRETNA ROAD
DEED REF.-5883184
LANCASTER COUNTY TAX ACCT. NO.
460-29572-0-0000

ZONING DATA

1. DISTRICT .... A-AGRICULTURAL
2. MIN. LOT AREA .... 1 ACRE
3. MAX LOT AREA .... 2.5 ACRES (RESIDENTIAL USE)
4. MIN LOT AREA .... 25 ACRES (AGRICULTURAL USE)
   2 ACRES (ALL OTHER USES)
5. MIN. LOT WIDTH .... 100' @ BUILDING SETBACK
6. MIN. LOT DEPTH .... 150'
7. MIN. FRONT YARD .... 35' FROM R/W (SINGLE FAMILY DETACHED)
   50' FROM R/W (ALL OTHER USES)
8. MIN. SIDE YARD .... 20'
9. MIN. REAR YARD .... 50'
10. MAX. LOT COVERAGE .... 20% BUILDING
    25% TOTAL IMPERVIOUS
11. MAX. NORMAL HEIGHT... 20'
    (NOT APPLICABLE TO SILOS AND FARM BUILDINGS)

ZONING DATA SHOWN AS PER ZONING ORDINANCES IN EFFECT AT THE TIME OF THIS SURVEY.

PLAN LEGEND

PROPERTY LINE
ADJOINER LINE
EDGE OF PAVEMENT OR GRAVEL
EXISTING CONTOUR
EXISTING DWELLING/STRUCTURE
TOWNSHIP BOUNDARY/ZONING LINE
100 YEAR FLOODPLAIN
CONEWAGO CREEK

PLAN NOTES

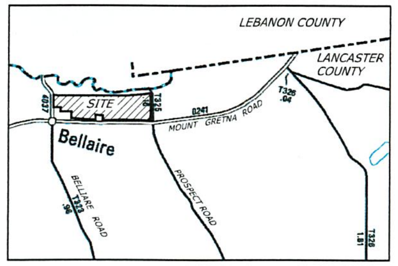
1. THIS SKETCH PLAN WAS COMPLIED FROM LANCASTER COUNTY COURTHOUSE RECORDS IN CONJUNCTION WITH OTHER ON-LINE DATA BASE INFORMATION. PROPERTY BOUNDARIES SHOWN ARE APPROXIMATE AND ARE BASED ON THE TAX PARCEL DATA.

2. THIS SITE DATA SHOWN WAS OBTAINED FROM PASDA WEBSITE WWW.PASDA.PSU.EDU AND LANCASTER COUNTY GIS. THE LOCATION DATA IS BASED UPON NAD83 SPC ZONE PA SOUTH. THE ELEVATION DATA IS BASED ON NAVD88 VERTICAL DATUM.

3. THIS PLAN IS FOR PLANNING AND PERMIT APPLICATION. IT IS NOT TO BE USED FOR CONSTRUCTION.

4. 100 YEAR FLOODPLAIN LOCATION IS BASED UPON FEMA FLOOD INSURANCE RATE MAP NUMBER 42071C10104F, PANEL 104 OF 780, REVISED APRIL 5, 2016.

5. BEARINGS AND DISTANCES ARE BASED UPON A SUBDIVISION AND LOT CONSOLIDATION PLAN FOR RICHARD MCGRATH, PREPARED BY KAIROS DESIGN GROUP, LLC, DATED APRIL 21, 2006, AND RECORDED IN THE LANCASTER COUNTY RECORDER OF DEEDS IN BOOK J-234, PAGE 16; AND A SUBDIVISION PLAN FOR LESTER A. AND LEAH C. RISSER, DATED NOVEMBER 15, 1991, AND RECORDED IN THE LANCASTER COUNTY RECORDER OF DEEDS IN SUBDIVISION PLAN BOOK J-180, PAGE 57.



LOCATION MAP
GRAPHIC SCALE IN FEET
0 2000 4000

FILENAME: P:\5208\CADD\Duane Lehman GIS Map.dwg XREFS: IMAGES:

REVISIONS	DATE

OWNER/EQUITABLE OWNER-SUBDIVIDER
NAME: DARREL LEHMAN DUMP TRUCK SERVICES, LLC
C/O: DUANE LEHMAN
ADDRESS: 2489 HIGH STREET, ELIZABETHTOWN, PA 17022
TELEPHONE: 717-917-4513
SITE:
ADDRESS: 2489 MOUNT GRETNA ROAD, ELIZABETHTOWN, PA 17022
SOURCE OF TITLE: DEED REF.-6456913
LANC. CO. TAX ACCT.: 460-46941-0-0000

dc gohn Associates, Inc.
Surveyors - Engineers - Landscape Architects
32 Mount Joy Street
Po Box 128
Mount Joy, PA 17552
Ph- (717) 653-5308
www.dcgohn.com

PROJECT NO.: 5208-06
DATE: AUGUST 25, 2026
DRAWN BY: GRN
CHECKED BY: TES
SCALE: 1"=100'
100 0 50 100
SCALE IN FEET

SKETCH PLAN FOR POTENTIAL SUBDIVISION
FOR
DUANE LEHMAN
DARREL LEHMAN DUMP TRUCK SERVICES
2489 MOUNT GRETNA ROAD
MOUNT JOY TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

DRAWING #: CG-4092
SHEET #: 1 OF 1

MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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

November 4, 2026

Certified Mail # 9407 1118 9876 5596 9893 83

Darrel Lehman Dump Truck Services, LLC
2474 Mount Gretna Road
Elizabethtown, PA 17022

Re: Proposed Subdivision of a Residential Lot
Property Located at 2489 Mount Gretna Road, Elizabethtown, PA 17022
Tax Parcel Account #460-26941-0-0000
Case #260015

Dear Sir or Ms.:

I have reviewed the above-referenced zoning hearing application submitted to Mount Joy Township on October 20, 2026. The hearing for the application is scheduled for **6:00 P.M. on Wednesday, December 2, 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 subdivision of a 2.5-acre lot from the 28.69-acre subject property for the construction of a single-family home. The subject property is located in the (A) Agricultural District and is occupied by an agricultural use and the Darrel Lehman Dump Truck Services facility.
- According to Section 135-85.B(1), no further subdivision or non-agricultural development rights remain with the property. The property was the subject of Zoning Hearing Board Case #180008, which granted zoning approvals to establish the dump truck business. A land development plan for the dump truck business was approved by the Township Planning Commission and recorded on December 4, 2019 as Instrument #2019-0499-J.
- 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 IX, §135-85.B(1) – subdivision limitations

General criteria for variances are found in §135-383.C of the Zoning Ordinance. 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 approval of a Subdivision Plan from the Mount Joy Township Planning Commission and record the approved plan at the Lancaster County Recorder of Deeds.
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 December 2, 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,

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

Copy: Darrel Lehman Dump Truck Services, LLC – First Class Mail
MJT Zoning Hearing Board
File

Enclosures