



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, June 4, 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 Clark and James E. Hershey
 - Township Representatives: Joe Price, Community Development Director/ Zoning Officer and Kim Kaufman, Township Manager
 - Lancaster County Court Reporter: Veronica Johnston Gouck
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
- 3) A motion was made by James Hershey and seconded by Robert Newton to approve the minutes of the May 7, 2025 meeting. All members present voted in favor of the motion.
- 4) Solicitor John P. Henry provided a procedural briefing for the meeting.
- 5) Old Business: Continuation of Zoning Case# 250010

Zoning Case #250010

- a. Applicant/Landowner: Savaland, LLC
- b. Property Location: 350 Old Hershey Road, Elizabethtown, PA 17022; Tax Parcel ID #460-70551-0-0000
- c. Zoning District: R-3 – High-Density Residential
- d. Variance Request:
 - 1) Chapter 135, Article XXII, §135-216.D – Minimum Lot Size
 - 2) Chapter 135, Article XII, §135-115.H – Maximum Impervious Coverage

The applicant proposes adding a 5th unit to an existing 4-unit apartment building on the property. Atty. Henry introduced the proposal and stated that he drafted a decision for the Board's consideration. Mr. Newton made a motion to approve the application subject to the conditions of the draft decision. Jim Hershey seconded the motion which carried unanimously.

Atty. Henry said that a copy of the signed decision would be given to the applicant and to the other parties present - Ms. Nancy Warbel/Mr. Maguire and Mr. DiBiasi - while the other parties will receive copies by mail.

- 6) Zoning Case #250011
 - a. Applicant/Landowner: TALCO Home Improvement, LLC/ Moran Estates, LLC
 - b. Property Location: 771 Greentree Road, Elizabethtown, PA 17022; Tax Parcel ID #461-97916-0-0000
 - c. Zoning District: A – Agricultural
 - d. Special Exception Request:
 - 1) Chapter 135, Article IX, §135-83.I to permit a home occupation

2) Chapter 135, Article IX, §135-83.J to permit a landscaping business

The applicant is seeking approval of the following sections of Chapter 135 of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Zoning Ordinance of 2012, as amended: (1) a special exception pursuant to §135-83.I to permit a home occupation and §135-83.J to permit a landscaping business.

Mr. Hitz introduced the application. Landowner, Austin Moran and applicant's representative, Lisa Dolan were sworn in.

Mr. Moran gave an overview of the application. The structure on the property is an old firehouse which is no longer used as such. There is also a shipping container on site at the rear of the property. Regarding the request for a Home Occupation (for a home improvement business), there followed an in-depth discussion regarding the difference between a Home Occupation and a No-Impact Home-Based Business. The applicant initially requested a "No-Impact Home-Based Business" on their application. Mr. Price explained that a No-Impact Home-Based Business is a use that is permitted by right in the Agricultural District. Such a request, therefore, is not something that is brought before the Zoning Hearing Board. However, because currently there is no dwelling on site, the Zoning Officer, the party who reviews by-right applications, would be compelled to deny any such application on the basis that there must be a dwelling from which to conduct the No-Impact Home-Based Business. He went on to explain that the zoning officer is the decision-maker regarding use by-right applications and that the Zoning Hearing Board is the sole authority regarding decisions pertaining to Special Exception Uses. Mr. Price further explained that because, in this case, a No-Impact Home-Based Business could not be approved he allowed that part of the application to be included as a Special Exception request for a Home Occupation. This puts the decision in control of the Zoning Hearing Board. Mr. Price noted that by applying for a Home Occupation, the applicant then at least has the chance to seek approval from the Zoning Hearing Board and that he cannot decide for the Board. He also stated that the proposed Landscaping Business is brought to the Board as a separate request for a Special Exception. He clarified that the Landscaping Business portion and the Home Occupation for a home improvement business cannot be considered one use but must be presented separately because they are different uses. Mr. Henry further clarified that Mr. Price had done the applicant a favor by allowing the slight adjustment so that the home improvement portion still had a chance for approval. Mr. Price added that it made sense to do so because the landscaping portion was already going to move forward to the hearing and that both could still then be considered during the same hearing.

This was followed by discussion about the possibility of having a dwelling inside the firehouse. Mr. Moran stated that the applicant intended for the structure to be used as a dwelling. Mr. Price explained that although there are bathrooms and other facilities in the structure, the Township does not have verification that it can be used as a dwelling. He went on to say that the Township would need an inspection/s performed by the Township's consultant (Commonwealth Code Inspection) prior to allowing the structure to be used as a dwelling.

Subsequently, the owner/ applicant requested to withdraw the application for the Home Occupation. Mr. Newton made a motion to accept the withdrawal. Mr. Hershey seconded the motion which carried unanimously.

The discussion then shifted to the consideration of the Landscaping Business application. Mr. Hershey asked if anything would be sold on-site. The applicant responded that no, there would not be. Mr. Hershey asked about storage of things related to the landscaping business. The owner/ applicant was not sure at this time.

There was some further general discussion initiated by the applicant's inquiry about different options available to them at this time. The Board suggested that the applicant could and should provide additional specifics regarding their proposal and bring it back to the Board at a later date. There was a brief recess to allow the applicants representative to contact the applicant by telephone and discuss matters with them.

Upon returning from the telephone call, the applicant chose to seek a continuance of the hearing until the August meeting and agreed to waive the time requirements for a Board decision as it pertains to their application. Mr. Newton made a motion to grant a continuance until the August 6 meeting. Mr. Hershey seconded the motion which carried unanimously.

Prior to the close of the meeting, Mr. Henry stated, for clarification purposes, that, pertaining to case #250010, Ms. Warbel and Mr. Maguire, a married couple, were considered to be one party in terms of serving them with a copy.

Mr. Hershey motioned to adjourn the hearing. The motion was seconded by Mr. Newton and carried unanimously. The hearing was adjourned at 7:09 pm.

Respectfully Submitted,



Joseph B. Price
Zoning Officer

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