

## **Salisbury Township Zoning Hearing Board Minutes from December 27, 2018 Meeting**

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Thursday, December 27, 2018, at 7:00 PM in the Salisbury Township Municipal Building, White Horse.

Chairman Peter Horvath called the meeting to order at 7:02 PM

Members present: Larry Martin, John Wanner, Dennis Eby, and Peter Horvath. Also present was Julie Miller, Solicitor and Damian Clawser, Township Zoning Officer and Allen Blank, Court Reporter.

Members absent:

Meeting minutes of December 12, 2018 ZHB meeting were reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by John Wanner.

Damian Clawser was sworn in and presented three exhibits and requested that they be marked as Township Exhibits 1. Copies of ZHB Applications, 2. Newspaper publication certification and 3. Property posting certification sheets. A motion was made by Peter Horvath and seconded by John Wanner to accept the Exhibits. Motion carried unanimously.

### **APPLICATIONS REVIEWED:**

#### **Old Business:**

#### **New Business:**

1. 12-18-01 - Fran and Paul Sakelarides of 5151 Laurel Lane, New Holland, PA 17557 are requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 202.3.G to be permitted additional residential accessory structure space, subject to Section 302.9 and 469 and a Variance from Section 469.3 to allow the proposed structure nearer property lines than required as well as a Variance from Section 202.4 to be permitted to exceed maximum permissible lot coverage. The subject property is within the R – Rural Residential district.

Application Presented By: Paul Sakelarides

Testimony: Requested Party status: Jeffrey Bologa, Amaly Shaughnessy and Scarlett Mcentire, Ronald Smoker. Motion to approve party status for all requesting made. Motion seconded and approved unanimously. Applicant wants to store garden equipment (trailer, skid loader, etc.) in structure. Proposing 30' from property lines rather than what was proposed to be 20' on sketch plan. Applicant requests modification of application to withdraw Variance regarding setbacks. Peter Horvath motioned and John Wanner seconded approval to modify. Approved unanimously. Structure to include second floor, which would most likely be attic storage trusses, 1.5 story, no business, existing lot coverage is 8.02%, old shed was 10' x 20' and destroyed by trees. Applicant would comply with any necessary stormwater management requirements for construction of structure.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Denied

2. 12-18-02 - Ronald E. Burkholder of 631 Narvon Road, Gap, PA 17527 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.T to be permitted to construct an accessory structure as a related use, subject to Section 473 and a Special Exception under Section 201.3.P to be permitted additional residential accessory structure space, subject to Sections 302.9 and 469 and a Variance from Section 469.3 to allow the proposed structure within minimum required setbacks. The subject property is a vacant tract of land identified as Lot 1 on a plan titled, "Preliminary/Final Plan for Mahlon E. King" recorded at the

Lancaster County Recorder of Deeds as Instrument Number: 2016-0205-J, otherwise identified as PIN 560-95884-0-0000 and is located within the A – Agricultural district.

Application Presented By: Ron Burkholder and David Weaver

Testimony: hobby/storage building for vehicles, trailers, shop for personal use, camper, wants 40' x 80', lot is 1.213 ac, height is proposed to be 21'7" to peak and one story, would not be putting in bathroom, only hose bib for washing vehicles.

Motioned by: John Wanner

Seconded: Larry Martin

Decision: Approved with specific conditions

3. 12-18-03 - Elmer S. Esh of 139-A Colonial Road, Gordonville, PA 17529 is requesting a Variance from Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.5 to be permitted to construct residential accessory structure (horse barn) space within a front yard. The subject property is located at 5094 Peters Road, Kinzer, PA 17529 and is located within the A – Agricultural district.

Application Presented By: Elmer Esh

Testimony: structure would be 14' high, 14' x 28' with two 10' x 14' stalls, it would be as near as 74' 6" to center line of the road.

Motioned by: John Wanner

Seconded: Larry Martin

Decision: Approved with standard conditions

4. 12-18-04 - Jonathan K. King of 615 Hensel Road, Kinzer, PA 17535 is requesting modification of a prior decision to increase space associated with a small engine repair business established as a Rural Occupation under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.M and subject to Section 457, a Special Exception under Section 201.3.P to be permitted additional residential accessory structure space, subject to Sections 302.9 and 469 as well as any other Special Exceptions and/or Variances needed to allow proposed improvements to occur. The subject property is within the A – Agricultural district.

Application Presented By: Jonathan King and Simeon King

Testimony: needs more room for engine repair business, new structure would be 34' x 60' and be partly over existing 30' x 50' barn. Addition would be to end of existing barn nearest Hensel Road. Second floor to be used for equipment repair business while first floor is to be additional residential use space. No additional impervious proposed, new building over existing driveway, shed to be removed is 504 sf.

Motioned by: Larry Martin

Seconded: Dennis Eby

Decision: Approved with standard conditions

5. 12-18-05 - Gap Hill Properties, LLC of 946 Simmontown Road, Gap, PA 17527 is requesting modification of a prior decision and a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 5, Section 504 to substitute one non-conforming use for another or in lieu of this, a Variance from Section 203.2 to establish an office and storage space for a construction company as well as separate rentable office (tenant) space on a property previously occupied by an environmental remediation company, as well as any other Special Exceptions and/or Variances needed. The Subject Property is located at 5745 Lincoln Highway, Gap, PA 17527 and is within the R-1 – Residential district.

Application Presented By: Neal Rice of Rice Law Firm and Ervan King

Testimony: 3900 sf western building used for storage of construction vehicles, small equipment, welding equipment and fuel for equipment, center part of structure (breezeway) would be used for construction business offices, 9 employees in business now (steel erection business) House is around 5000 sf and two story. Would desire to have two separate businesses in the house structure. There are no customers that visit construction business, barn would be used for storage of construction vehicles trucks and small equipment, would store welding materials and diesel and gas, both buildings total 6600 sf and would be used for construction business.

Parking adequate for proposed uses.

Motioned by: Peter Horvath

Seconded: John Wanner

Decision: Denied substitution of non-conformity and approved use variance with specific conditions.

The meeting was adjourned at 9:30 pm.

Respectfully Submitted,

Kara Shoemaker

Assistant Zoning Officer