

Salisbury Township Zoning Hearing Board Minutes from December 27, 2022 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, December 27, 2022 at 6:00 PM.

Chairman Peter Horvath called the meeting to order at 6:00 pm.

Members present: Larry Martin, Dennis Eby, and Peter Horvath. Also present was Julie Miller, ZHB Council and Damian Clawser, Township Zoning Officer and Allen Blank, Stenographer.

Members absent: John Wanner

Meeting minutes of November 22, 2022 ZHB meeting were reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by Dennis Eby.

Three exhibits were presented and requested that they be marked as Township Exhibits 1. Copies of ZHB Applications, 2. Newspaper publication certification and 3. Property posting certification sheets.

New Applications:

1. 12-22-01 Michael and Elizabeth Beiler of 383 Springville Road, New Holland, PA 17557 (Subject Property) are requesting a Variance from §340-11 to allow use of portion of a motor vehicle (truck trailer) as an accessory use to an agricultural use. The Subject Property is located within the A – Agricultural and RR – Rural Residential districts.

Application Presented By: Michael Beiler

Testimony: Need for storage due to product overage three months out of the year to store fruit from his farm, it is there now and is located just north of barn, would be permanent until business grows, powered by diesel, trailer is 8'x35' and self contained, is visible from the road, truck box is setting on block has had the wheels and frame removed, used strictly for farm storage.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

2. 12-22-02 Donna Marie DiPietro of 5860 Zook Lane, Gap, PA 17527 (Subject Property) is requesting a Variance from §340-14.G(1) to allow a residential accessory structure to be located within a minimum required setback, including a Special Exception under §340-14.C(6) to be permitted additional residential accessory space, subject to §340-118 and §340-24.I. The Subject Property is located within the R-1 – Residential district.

Application Presented by: Donna Dipietro.

Testimony: Accessory buildings detached garage two sheds L shaped barn detached garage 24'x24', adding the 768 sf with the detached garage put her above the 1176 sf allowed by right, Barry and Melanie Ray requested party status, DiPietro sews products for Johnson and Johnson has three commercial sewing machines no retail and hours are 10-4.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Denied

3. 12-22-03 David and Barbara Stoltzfus of 963 Narvon Road, Narvon, PA, 17555 (Subject Property) is requesting a Special Exception under §340-21.C(17) to convert and add residential accessory space, subject to §340-118 and §340-24.I as well as a Variance from §340-118.A to place a residential accessory structure within minimum required setback. The Subject Property is located within the OS – Open Space district.

Application Presented By: David Stoltzfus

Testimony: Wants to put in a shed and horse shed, has horse and auto body and wants to move it out to the proposed shed, area where sheds are proposed is gravel now, sewage system is behind house, there is a lean to in back of property, the 14'x18' that he is proposing had mentioned potential kennel but will use in compliance with ordinance, would eventually want to put business in shop building.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

4. 12-22-04 Camila Furches of 744 Lime Quarry Road, Gap, PA 17527 (Subject Property) is requesting a Special Exception under §340-14.C(2) to establish a hair salon as a Rural Occupation, subject to §340-88 and a Variance from §340-14.B and §340-40 to allow a travel trailer to be utilized for occupancy exceeding maximum time limits. The Subject Property is located within the R-1 – Residential district.

Application Presented By: Camila Furches

Testimony: Wants to establish single seat cosmetology studio, HC parking space needs to be painted, she would be the only employee, Monday through Friday, travel trailer is 30' long, trailer is aunts who has a permanent residence in North Carolina, she is Patricia Jones 80 yrs old, trailer is along eastern property line, water is supplied by hose, electric is connected to shed, she only stays there during summer.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

5. 12-22-05 Levi and Rebecca Stoltzfus of 5828 Old Philadelphia Pike, Gap, PA 17527 (Subject Property) are requesting a Special Exception under §340-12.C(16) to be permitted additional residential accessory space, subject to §340-118 and §340-24.I. The Subject Property is located within the A – Agricultural district.

Application Presented by: Levi Stoltzfus and Henry Esh Jr.

Testimony: Total accessory space after construction 4920 sf, proposed barn to be < 29' will be 1.5 story, 56.5" to house and to barn but drawing not completed, applicant will match setback to dwelling addition, plan shows that proposed barn will be a minimum of 25' from eastern property line but will at least equal to height of proposed barn.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

6. 12-22-06 Prestige Real Estate Group c/o Shawn Stoltzfus of 85 N. Kinzer Road, Kinzer, PA 17535 are requesting a Variance from §340-18.B - to allow a retail service business in the form of a painting contractor to be established on the property, a Variance to allow multiple principal uses to be established on a single lot without having to meet individual lot requirements for each structure as well as a Special Exception under §340-18.C(1) to establish a mini warehouse, subject to §340-95 and a Variance from 340-95.E to not retain an onsite manager as well as any other Special Exceptions and/or Variances to establish requested uses. The subject property is lot 5A shown on a subdivision plan entitled, "Houston Run Lots 1, 5 and 6," recorded as Instrument No. 2019-0045-J at the Lancaster County Recorder of Deeds and is located on the east side of Newport Avenue being partially within the GC – General Commercial and I – Industrial districts.

Application Presented by: Shawn Stoltzfus and Jason Shaner

Testimony: Breco not pursuing development of lot any more, Prestige under agreement of sale with Breco, Shawn is owner of Prestige Painting residential and commercial painting contractor, Lancaster Prefinishing finishes siding onsite, contractor storage would be either storage for contractors or for parts, proposed building is smaller than what was proposed by Breco, Prestige has 25-30 employees, about two customers daily, hours 6:30-5, Lancaster Prefinishing has 15 employees, the mini warehouse would have 75 employees, majority of customers for Prestige are online or written inquiry, there will be an onsite manager who will be responsible for operation of mini warehouse space, there would be no overhead doors facing residential development, they are unsure of rental ordinance, contractor storage wouldn't be open after normal operating hours of other businesses, not expecting anymore than 100 trips per day, contractor painting has bucket ladder trucks, foreman take home their trucks and vans, 26' flat bed, all vehicles and equipment will be stored in fenced area on plan, they obtain paints for jobs only, no retail, expecting 2-5 storage units in contractor storage space, height of proposed building would be approx. 25', Janet Hardy Karen Stark and Derreck Heidbreder requested party status.

Decision to be made at next months meeting.

7. 12-22-07 Ivan and Barbara Smoker of 722 Gault Road, Narvon, PA 17555 (Subject Property) are requesting a Special Exception under §340-21.C(10) to construct a building to establish a Butcher Shop as a Rural Occupation, subject to §340-106, a Variance from §340-106.B to allow the proposed building to be located within required setback and to exceed maximum height requirements, a Variance from §340-106.E to allow outdoor storage to be located within required setback, a Special Exception under §340-21.C(17) to allow additional residential accessory space, subject to §340-118 and §340-24.I and including a Variance from 340-24.I(2) to allow proposed building to exceed maximum height requirements. The Subject Property is located within the OS – Open Space district.

Application Presented by: Ivan Smoker and Jason Shaner

Testimony: Ivan is in butchering business with his dad and is looking to establish his own on his property, would have 2-4 employees that would be nonresidents, average 6-8 customers per day, hours 6-7 M-F and Sat 7-12, would have an outdoor dumpster to house and hold waste, animal byproduct stored in barrels sealed and stored inside and will be removed weekly, there will be two tanks, one for septic waste and one for industrial waste, proposed building height 22.2' to eave and 33' to peak, dumpster would be on east side of proposed building, existing residential space 2053 sf proposed 2976 sf for total of 5029 sf, business would include refrigerated unit and would be powered by diesel generator, customers would be hunters and farmers, hogs would be smallest animal butchered, residential accessory space to stay the same, stables shown on plan are not correct, one is not to be on plan and other stable is existing but to be relocated, there are six accessory structures, no new accessory space proposed, as a result the request for additional residential accessory space is withdrawn, live animals that are brought in are taken directly into building not stored outside until they are dispatched, no retail sales of product.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

The meeting was adjourned at 11:00 pm.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer