

## **Salisbury Township Zoning Hearing Board Minutes from February 25, 2020 Meeting**

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Monday, February 28, 2020, at 7:00 PM in the Salisbury Township Municipal Building, White Horse.

Chairman Peter Horvath called the meeting to order at 7:00 PM

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

Members absent:

Meeting minutes of January 28, 2019 ZHB meeting were reviewed. A motion was made by John Wanner to approve the minutes as written. Motion was seconded by Larry Martin.

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:**

1. 11-19-01 E&J Family, LP c/o John Stoltzfus Jr of 112 Peters Road, New Holland, PA 17557 is requesting Variances from Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 206.7 to exceed maximum permissible building height with construction of a new structure, Section 206.8 to allow off-street loading to be located between the proposed building and a street and Section 206.14 to allow a dumpster to be located within a front yard. The Subject Properties are located at 5264 Lincoln Highway (Lot 3) and Lot 4 as shown on a subdivision plan titled, "Final Subdivision Plan for Houston Run Lots," recorded at the Lancaster County Recorder of Deeds as Instrument Number 2013-0243-J and assigned PIN 560-07283-0-0000, both of which are located within the GC – General Commercial district.  
Application was withdrawn

#### **New Business:**

1. 02-20-01 Withdrawn
2. 02-20-02 Samuel J. Stoltzfus of 832 Pequea Avenue, Gap, PA 17527 is requesting modification of a prior decision to expand an existing stove/heating supply store established as a non-conforming use under Chapter 27 of the Salisbury Township Code of Ordinances, Part 5, Section 503 and a variance from Section 503.2 to allow proposed expansion to exceed maximum permissible expansion of 25% as well as any other Special Exceptions and or Variances required to expand the use. The Subject Property is located within the R-1 – Residential district.  
Application Presented By: Samuel Stoltzfus  
Testimony: Withdrew variance request for 25%, wants to construct roof over truck storage area and connect, 1332 sf of roof proposed combined, previously removed 800 sf, 5870 sf is existing size of building utilized for business, approximately 75' to center line, nearest building is 40' from southern property line, 550 sf proposed expansion for storage of materials and equipment.  
Motioned by: John Wanner  
Seconded: Larry Martin  
Decision: Approved with standard conditions

3. 02-20-03 Gilbert D. and Christine Zink of 5624 Limeville Road, Gap, PA 17527 are requesting a Variance from Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.5 to be permitted to construct a single-family dwelling within minimum required setbacks. The Subject Property is located within the A – Agricultural district.

Application Presented By: PDK Builders and Gilbert Zink

Testimony: about ¼ mile from Limeville Rd, proposed structure will be set back further than existing dwelling but will still be located within min setback will be 9.9' within min required setback, three sheds are proposed to be removed along with deck, south east corner 40.2' north east corner 40.1'.

Motioned by: John Wanner

Seconded: Larry Martin

Decision: Approved with standard conditions

4. 02-20-04 Sam Lapp of 665 Kennedy Street, Honey Brook, PA 19344 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.E to be permitted to establish a Kennel for horses, subject to Section 444 and a Variance from Section 444.6 to allow the kennel to be established and operated from a property that does not meet minimum lot size requirements and a Variance from Section 201.5 to be permitted to encroach into minimum required property setbacks for an addition to the principal structure. The Subject Property is located at 238 Snake Lane, Kinzer, PA 17535 and is within the A – Agricultural district.

Application Presented By: Steve Gergely and Sam Lapp

Testimony: horse barn 18 stalls proposed, purchases and sells horses from racetracks, 2 horses are his personal horses, no more than 18 total horses on the property at once, pasture area for his horses only, he has his own truck and trailer, can haul 15 horses on trailer, stalls cleaned daily, waste stored on concrete slab in accordance with nutrient management plan, he will road train horses, vehicles are able to make movements without being on road, new driveway meets site distance, his small trailer in addition large one, approximately 150 horses bought and sold in a year, no breeding, does not allow people to ride/train/board his horses.

Motioned by: John Wanner

Seconded: Larry Martin

Decision: Approved with standard conditions

5. 02-20-05 Chris Stoltzfus of Triple S Estates, LP of 5080 Leike Road, Parkesburg, PA 19365 is requesting modification of a prior decision and a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 5, Sections 504 to allow substitution of a nonconforming use and Section 503 to allow expansion of the proposed non-conforming use as well as a Variance from 503 to allow the expansion to exceed maximum permissible expansion of 25%, or in lieu of this, a Variance from Section 203.2 to allow a construction and design company to be established on and operate from the Subject Property where once a plumbing company and cable installation company were once located. Additionally requested are a Variance from Section 203.5 to exceed maximum permissible lot coverage, a Variance from Section 203.6.B to exceed maximum permissible accessory structure height, a Variance from Section 315 with regards to limitations on outdoor signs and Section 308 to allow two principal uses on a single lot without the need to meet individual lot requirements for each as well as any other Special Exceptions and/or required to establish the use and other requests. The Subject Property is located at 5847 Lincoln Highway, Gap, PA 17527 and is located within the R-1 – Residential district.

Application Presented By: Seth Hiller and Steve Gergely

Testimony: Proposed lot coverage is 60% currently is 32%, number of parking spaces met 24 provided, proposing to narrow down access drives, structures no to exceed 35', Triple S real estate holding co. will own and rent lot to WH construction and Black Horse Design, main shop is maintenance and storage of equipment, second structure is storage of misc equipment and materials, there are 4 ft and 2 pt employees and 3 partners and 12-15 field employees, proposing 12 employees onsite, trucks are standard pickups no dump trucks, hours 6-5:30 Mon-Sat, waste mostly handled at job sites, currently used for auto repair, lot has compound for storage of vehicles, customers would come to site but is unusual, no manufacturing/fabrication, no outdoor storage, no digital at this point proposed and would conform with design proposed at hearing.

Motioned by: Peter Horvath

Seconded: John Wanner

Decision: Motion made to defer making a decision

6. 02-20-06 Nathan Smucker of 5847 Old Philadelphia Pike, Gap, PA 17527 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 208.3.C to be permitted to install a billboard, subject to Section 468 and to include a Special Exception under Section 315.4, to install a dynamic display on the proposed billboard, subject to Section 315 and a Variance from Section 315.4.A to allow the dynamic display closer to residential zone or use and a Variance from Section 468.4 to allow a billboard within minimum separation distance to another billboard. The Subject Property is located at 4992 Lincoln Highway, Gap, PA 17527 and is within the I – Industrial district.

Application Presented By: Nate Smucker and John Mateyak

Testimony: Proposing static billboard facing west bound traffic and east bound would be dynamic display, his side would be 530' from billboard on Urban Outfitters property, billboard 10'x30', night mode is 4% of its capability photo electric eye will automatically adjust intensity of light, internal light is only meant to light the sign not project, they suggest a condition that municipality or local organization could use the billboard, proposing V shape sign and will comply with 468.5, sign would be 15' from center line and right of way, would be controlled remotely by Mr. Smucker ads uploaded to cloud and downloaded to sign.

Motioned by: Peter Horvath

Seconded: Larry Martin

Decision: Tabled

7. 02-20-07 Amos F. Beiler of 483 Buchland Road, Narvon, PA 17555 is requesting modification of a prior decision and a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.P to be permitted additional residential accessory structure space, subject to Section 302.9 and 469. The Subject Property is located within the A – Agricultural district.

Application Presented By: Amos Beiler

Testimony: Existing structures are 3695 sf, adding 340 sf, total of 4035 sf, board discussed the overage, options were given that Mr. Beiler could pursue including removal of shed, lessening lean to or readvertising. Property owner was ok with any option that keeps him under maximum accessory structure space.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with condition

The meeting was adjourned at 10:10 pm.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer