

Salisbury Township Zoning Hearing Board Minutes from May 24 + 25, 2021 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, May 24 + 25, 2021, at 1:00 PM and 6:00 PM.

Chairman Peter Horvath called the meeting to order at 12:57 PM and 6:05 pm.

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

Members absent: John Wanner

Meeting minutes of April 27, 2021 ZHB meeting was reviewed. A motion was made by Dennis Eby 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.

APPLICATIONS REVIEWED:

Hearing 1 – Monday, May 24, 2021, beginning at 1:00 PM

Old Business:

1. 02-21-03 John F. Blank of 173 Hershey Church Road, Kinzer, PA 17535 is requesting a Special Exception under §340-12.C(10) to subdivide two parent tracts, subject to §340-12.L and §340-110 to complete a lot add-on to a non-conforming size agricultural lot, a Variance from §340-12.L(1) to exempt portion of subdivided land from being considered a subdivision right, a Variance from §340-12.B to allow subdivision of a lot containing no subdividable rights to create a residential lot, a Variance from §340-12.E to allow both lots to exceed maximum permissible lot area, and to allow existing structures within minimum required setbacks, a Variance from §340-12.B to retain agricultural use on a residential lot and/or a Special Exception under §340-12.C(16) to be permitted additional residential accessory structure space, subject to §340-118 and §340-24.I and a variance from §340.F to exceed maximum permissible accessory structure space and a Special Exception under § 340-12.C(6) to establish a horse boarding stable, subject to § 340-015 and Variances from §340-105.A to allow the use on a lot not meeting minimum requirements and § 340-105.B to allow structure to be nearer a property line than required as well as any other Special Exceptions and/or Variances needed to complete the subdivision/add-on and retain structures. The Subject Properties are located at 173 Hershey Church Road, Kinzer, PA 17535, 5145 Martin Road, Kinzer, PA 17535 and 5158/5160 Old Philadelphia Pike, Kinzer, PA 17535 are all located within the A – Agricultural district.

Application Presented By: Mick Gard, John Blank and David Blank

Testimony: Hog barn 10x36' each, David has lived on property for 7 years, 8 stalls proposed, would be boarding other peoples horses, length of stay for a horse would be a week or two, would have to back in from street with larger vehicles, expecting one trip a day, no buying or selling horses, 40x30 area in barn on lot 2 is to be used for residential use space, three structures on lot 2, John has 6 horses for his personal use housed in other barn, 32' between buildings, manure storage for horse boarding and personal horses would be on lot 2, pigeons still remain.

Motioned by: Peter Horvath

Seconded: Dennis Eby

Decision: Approved with specific conditions, Denied #9 and #10

2. 04-21-03 Cornerstone Ministry dba "Cornerstone Retreat" of 5275 Lincoln Highway, Gap, PA 17527 (Subject Property) is requesting a Variance from §340-16.B to establish a Medical Clinic that provides inpatient services as well as any other Special Exceptions and/or Variances required to establish the use. The Subject Property is within the GC – General Commercial district.

Application Presented By: Seth Hiller, Kevin Engle, and Sam Fisher

Testimony: building will not need to go through a change of use as it will remain as medical office use, there are two work areas shown, adding overnight stays requires change of use, 10 rooms would be suitable for overnight accommodations, average overnight stay is 4-7 days, medical issues dealt with are rehabilitation and hospice, they provide non ambulatory care, one doctor there 8-5 daily, 4-5 non licensed nurses, caregiver would be there, a couple prepares meals for patients, 10 patients max overnight, if after care needed they would call emergency services, work with nutrition mostly, there are 68 parking spots on the property, not having overnight stays as of now.

Motioned by: Peter Horvath

Seconded: Dennis Eby

Decision: Denied

New Business:

1. 05-21-06 Raymond and Teresa Sheller of 5916 Timothy Drive, Narvon, PA 17555 (Subject Property) are requesting a Special Exception under §340-13.C(3) to establish a hair salon/boutique as a Home Occupation, subject to §340-88. The Subject Property is located within the OS – Open Space district.

Application Presented By: Raymond Sheller

Testimony: Will be utilizing his attached garage leaving 1 space remaining, proposing cocoa fiber for septic system to reduce drain field, residence 2084 sf, will have 5 spaces after renovations, no sign on property, by appointment only, 20 hrs/week three days, no clients past 9pm.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved

2. 05-21-07 Michael S. Esh of 5225 Diem Road, New Holland, PA 17557 (Subject Property) is requesting a Special Exception under §340-13-C.(7) to be permitted additional residential accessory structure space, subject to §340-24.I and 340-118. The Subject Property is located within the RR – Rural Residential district.

Application Presented By: Michael Esh

Testimony: Proposed 1651 sf, 2651 total residential accessory space, single story, would be at end of parking area behind house.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved

Hearing 2 – Tuesday, May 25, 2021, beginning at 6:00 PM

Old Business:

3. 04-21-01 David E. Beiler, Jr. of 5775 Buena Vista Road, Gap, PA 17527 is requesting a Variance from §340-12.B to complete a subdivision from an agricultural parent tract to add to a residentially-sized lot containing no subdivision rights, as well as the ability to perform a lot add-on, a Variance from §340-12.L to not utilize a subdivision right related to the subdivision, a Variance from §340-12.L(4) to increase the size of a lot used for residential purposes, a Variance from 340-12.E (Table/Attachment 1) to allow a residential lot to exceed maximum permissible lot size as well as any other Special Exceptions and/or Variances needed to perform the subdivision/add-on. The Subject Properties are located at 5741 and 5773/5775 Buena Vista Road, Gap, PA 17527 and are both within the A – Agricultural district.

Application Presented By: David Beiler and Emanuel Dienner

Testimony: After completion of lot lines 1.912 acres would be total lot size, land to be added to residential lot would be used for pasture, there would be 3 subdividable rights that would be remaining with the farm lot, lot was shifted to east when subdivision was completed to keep sewage.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved

New Business:

3. 05-21-01 Amos Jay Esh of 5259 Diem Road, New Holland, PA 17557 (Subject Property) is requesting modification of a prior decision and increase the size and location of a construction business established as a Rural Occupation under §340-13.C(6) which is subject to §340-106 and Variances from §340-106.B to allow a new building to be within minimum required setback and a Variance to allow outdoor storage to be nearer to a property line than required. The Subject Property is located within the RR – Rural Residential district.

Application Presented By: Amos Esh

Testimony: Existing 990 sf building he wants to remove and to construction a 2000 sf building at same location, wants up to 10 employees, they do residential construction, would use building for storage of material and equipment, there are two vehicles associated with business that would be stored, hours 6-5, employees are there 15-20 min at beginning and end of work day, proposed business shop would be 24' high, wants to use existing driveway area rather than creating more impervious by placing it elsewhere, items in outdoor storage would be 2 trailers and ladders and planks no building materials, no dumpster, no materials brought home, building is to be 24' from property line, no sign.

Motioned by: Dennis Eby

Seconded: Peter Horvath

Decision: Approved with specific conditions

4. 05-21-02 Daniel Esh of 220 Redwell Road, New Holland, PA 17557 is requesting modification of a prior decision and a Variance from §340.12.B to be permitted to establish a construction business within an existing building and a Variance from §340-30 to allow more than one principal use on a lot without having to meet individual lot requirements for each principal use as well as any other Special Exceptions and/or Variances required to establish the use. The Subject Property is located at 5113 Peters Road, Kinzer, PA 17535 and is located within the A – Agricultural district.

Application Presented By: Daniel Esh

Testimony: 6 employees, has one work truck, 3 employee vehicles are stored behind barn, no sign, there is a 15 yd dumpster used, there are 2 restrooms, approximately 3000 sf of building on second floor, sometimes 1 vehicle stored onsite, Beiler Spouting uses some of upstairs for material storage, cow stable in East end of 1st floor currently not used, hours of operation 6-5 M-F.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

5. 05-21-03 Ira G. Stoltzfus of 317/319 Spring Garden Road, Kinzer, PA 17535 (Subject Property) is requesting a Special Exception under §340-12.C(2) to be permitted to install an ECHO House, subject to §340-78 and a Variance from §340-79.G to allow the proposed ECHO home to be located within the front yard. The Subject Property is located within the A – Agricultural district.

Application Presented By: Ira Stoltzfus and Sam Stoltzfus

Testimony: Ira moving into one end of the double dwelling and parents going to move into echo house, echo house to be 864 sf, new sewage system required, echo home to be 250' from road.

Motioned by: Peter Horvath

Seconded: Larry Martin

Decision: Approved

6. 05-21-04 Emanuel K Beiler of 804 Evans Road, Narvon, PA 17555 is requesting a Variance from §340-21.B to be permitted to construct a private school on the Subject Property and a Variance from §340-33 to not have to meet access drive requirements for the proposed use as well as any other Special Exceptions and/or Variances needed to establish the use. The Subject Property is located at 832 Red Hill Road, Narvon, PA 17555 and is located within the OS – Open Space district.

Application Presented By: Emanuel Beiler and Gideon Lapp

Testimony: Wants to build a school on the property, would have a 500' driveway to serve school, access drive proposed to be 12' wide, ok with 14', there would be less than 1 acre of wooded area to be removed, school house will be 32'x36' in size, grades 1-8.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

7. 05-21-05 Dutchie Properties, LLC of 5512 Lincoln Hwy, Gap, PA 17527 (Subject Property) is requesting modification of a prior decision and Special Exception under §340-125 to expand a non-conforming use as well as a Variance from §340-125.B to exceed maximum permissible expansion. The Subject Property is located within the R-2 district.

Application Presented By: Bryan and Dave Byler

Testimony: Wants to build a building for scaffolding and mixers, proposing a 20'x40' building, will be located in parking lot, proposed to be a pole type building enclosed with overhangs and one side open, work done at job site, ok with condition limiting no work, building to be approximately 20' h.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

The meeting was adjourned at 3:40 PM and 8:15 PM.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer