

Salisbury Township Zoning Hearing Board Minutes from November 23 & 24, 2020 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Monday and Tuesday, November 23 & 24, 2020, at 1:00 pm and 6:00 PM.

Chairman Peter Horvath called the meeting to order at 1:05 PM on Monday and 6:08 PM on Tuesday.

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

Members absent:

Meeting minutes of October 27, 2020 ZHB meeting was 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.

APPLICATIONS REVIEWED:

Old Business

1. 10-20-03 M&G Realty, Inc., of 2295 Susquehanna Trail, Suite C, York, PA 17404 is requesting a Variances from Article III, §340-37.B (Attachment 8) to be permitted to exceed the quantity of individual business signs allowed, to exceed maximum permissible sign area, as well as to exceed maximum permissible height for freestanding signs, a Special Exception under §340-37.D to be permitted to install a dynamic display, a Variance from §340-37.D(3) to be permitted installation of more than one dynamic display, a Variance from §340-37.D(1) to locate dynamic display(s) within minimum separation distance to an intersection, a Variance from §340-37.A(8) to allow a sign that is illuminated with red, green or yellow nearer to a traffic light than required as well as any other Special Exceptions and/or Variances required to obtain relief to install proposed signage. The subject property is located at 5267 Lincoln Hwy, Gap, PA 17527 and is within the GC – General Commercial district.

Application Presented By: Tyler Eshelman

Testimony: Request to withdraw application.

Motioned by: Peter Horvath

Seconded:

Decision: Withdrawn

New Business

Group 1 – Monday, November 23, 2020, beginning at 1:00 PM

1. 11-20-01 John S. Zook of 5065 Lincoln Hwy, Kinzer, PA 17535 (Subject Property) is requesting a Variance from, Article II, §340-12.B.(1)(c) to not have to demonstrate compliance with residential lot requirements as required by §320-12.E for a second single-family detached dwelling proposed to be constructed on the subject property. The Subject Property is located within the A – Agricultural district.

Application Presented By: John Zook

Testimony: Wants to place a double wide on property as a second dwelling, 48 acres, his children would live in the proposed home.

Motioned by: Peter Horvath

Seconded: John Wanner

Decision: Approved

2. 11-20-02 Christ L. Blank of 189 Churchtown Rd, Narvon, PA 17555 (Subject Property) is requesting a Special Exception under Article II, §340-12.C(5) to be establish a kennel subject to §340-93. The Subject Property is located at 175/189 Churchtown Road, Narvon, PA 17555 and is within the A – Agricultural district.
Application Presented By: Christ Blank
Testimony: Has a business on property that his dad operates, has 5 dogs total now, would have approximately 25 dogs on property at any given time, Alaskan Malamutes and Maltese, sells through website Lancaster Puppies, only breeds no stud service, currently has state license, composts dead animals, about 500 yards between kennel and runs, Lawrence Hume requested party status.
Motioned by: John Wanner
Seconded: Larry Martin
Decision: Approved with specific conditions
3. 11-20-07 Isaac S. Huyard of 6309 Plank Road, Narvon, PA 17555 is requesting variances from Article II, §340-12 to allow subdivision to occur to change the configuration of lots where the Subject Properties have no subdividable rights, and do not meet lot size requirements as well as a Variance from §340-12.E to allow a residential accessory structure to be located within the front yard of one of the newly configured lots. The Subject Properties are located at 6309 and 6313 Plank Road, Narvon, PA 17555 and are both located within the A – Agricultural district.
Presented by: Isaac Huyard and Jason Shaner
Testimony: Requesting variance to allow subdivision and add on from 6313 to 6309, each lot is generally 3 acres in size, proposing a 50' setback between property lines and proposed barn, land is very steep, removing 360 sqft of existing structures, barn would be approximately 20' height 1.5 stories.
Motioned by: John Wanner
Seconded: Larry Martin
Decision: Approved with specific conditions
4. 11-20-08 BREEO Ventures, LLC - Amos Stoltzfus of 5002 Lincoln Highway, Kinzer, PA 17535 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 208.3.D to establish a heavy industrial use manufacturing fire pits, a Variance from 208.8 to allow off-street loading on street-facing side of proposed building. 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.
Presented by: Amos Stoltzfus, Mark Henise, Jim Thomas, and Jason Shaner
Testimony: Manufacturer of smokeless firepits, sell direct to consumer, welding process creates smoke but is recycled indoors, no ventilation from the building, hours are 6am-5pm, all storage is inside, no doors are proposed on building face looking toward existing dwellings, no showroom or retail sales, waste metal is recycled, building is now approximately 100000 sf, it will meet residential buffer requirements, all development is within industrial zone, are of property in General Commercial zone will not be developed, not proposing any paving behind east side, trash waste would be outside building, new facility would be approximately 50000 sf of manufacturing and 45000 production and 5000 office, they use fedex primarily as shipper, building would be 35' high, Robin Heidbreder an Bill Rutter requested party status.
Motioned by: John Wanner
Seconded by: Larry Martin
Decision: Approved with specific conditions
5. 11-20-09 Houston Run Properties, LLC – Phil Weaver of 1324 Main Street, East Earl, PA 17519 is requesting modification of prior decisions to allow subdivision of a property to expand an existing use and allow existing buildings to be located within minimum required setbacks as well as Variances from Article II, §340-18.B to allow expansion of an educational use and §340-18.F(2) to allow existing buildings within minimum setbacks in relation to proposed lot lines as well as any other Special Exceptions and/or Variances needed

to allow subdivision and expand the use. The Subject Properties are located at 835 Houston Run Drive and 863 Brackbill Road, Gap, PA 17527 and are both located within the I – Industrial district.

Presented by: Brian Martin, Galen Beiler, and Jason Shaner

Testimony: Lot 10 rental property would be reduced in size, area to be taken from lot 10 is about ½ acre, school will hold about 145 students, downstairs of barn has office and venue space, barn would be big enough to hold large events, second floor is storage, no kitchen, there are 4 bathrooms, 9 teachers.

Motioned by: John Wanner

Seconded by: Larry Martin

Decision: Approved with specific conditions

Group 2– Tuesday, November 24, 2020, beginning at 6:00 PM

6. 11-20-03 Aaron S. Stoltzfus of 480 Jacobs Road, Narvon, PA 17555 (Subject Property) is requesting a Special Exception under Article II, §340-12.C(5) to establish a Kennel, subject to §340-93 and Variances from §340-93.B to allow the kennel structure nearer to property lines than required, §340-93.C to allow exercise yard fence nearer to property line than required and §340-93.E to allow kennel operation on a property not meeting minimum size requirement as well as a Special Exception under §340-12.C(13) to establish a market business as a Rural Occupation, subject to §340-106 as well as any other Special Exceptions and/or Variances required to establish the Kennel and Rural Occupation. The Subject Property is located within the A – Agricultural district.

Presented by: Aaron Stoltzfus

Testimony: Larry Martin recused himself from the decision. Kennel breeds bernese mountain dogs, has 1 male and 6 females, property is 1.9 acres, approximately 75' to nearest property line, 80'x110' exercise area, has a pending application with the state for a K2, composts waste and deceased animals, structure is 10'x 14' with 8'x14' lean to, puppies sold via web. Business has a market in Philadelphia, wants to use 8'x16' storage shed for storage of paper goods and some produce canned goods and raw ingredients, may need a cooler in it, no employees nonresidential, deliveries by box truck 3-5 times per week, no sign, no retail. Larry Martin requested party status.

Motioned by: Peter Horvath

Seconded by: Dennis Eby

Decision: Denied Kennel and Approved Business

7. 11-20-04 Omar and Sara Huyard of 6130 Spotts Road, Narvon, PA 17555 (Subject Property) are requesting a Special Exception under Article II, §340-12.C(5) to establish a Kennel, subject to §340-93 and Variances from §340-93.A to allow the Kennel to be located within the front yard, §340-93.B to allow the Kennel structure nearer to property lines than required and §340-93.E to allow kennel operation on a property not meeting minimum size requirements. The Subject Property is located within the A – Agricultural district.

Presented by: Omar Huyard

Testimony: Has 20 adults, mini and toy breeds, started kennel in 2009, uses the internet to sell, disposes of wastes with neighbor, has a K2 license from the state, has approximately 60 puppies per year, does stud service sometimes, has a female boxer that he would stud, has a 5 gallon bucket that he keeps waste in and disposes of weekly.

Motioned by: Larry Martin

Seconded by: John Wanner

Decision: Denied

8. 11-20-05 Melvin Kauffman of 98 Williams Run Road, Christiana, PA 17509 is requesting a Variance from Article II, §340-16.B to allow manufacturing of wooden structures including gazebos, pergolas and pavilions as well as §340-16.P to allow storage of products greater than six feet in height within one-hundred (100) feet of a street. The Subject Property is Lot 1 shown on a subdivision plan entitled "Final Subdivision Plan for Houston Run Lot 2," that was recorded as Instrument Number: 2019-0046-J at the Lancaster County Recorder of Deeds. The Subject Property is located between Martin Drive and Lincoln Highway, otherwise

identified by Property Identification Number (PIN) 560-92207-0-0000 and is within the GC – General Commercial district.

Presented by: Brian Byler, Jason Shaner, Anthony Petershiem, and Melvin Kauffman

Testimony: Business is Honey Brook Woodworks, manufactures sheds and gazebos, only wholesale sales no retail, sold in kit form and completed structures, currently 12-15 employees, hours 6am-5pm M-F Saturdays 6-10, cuts and preps materials onsite, tractor and trailers 1-2 per week box trucks 5-10 per week for deliveries, lumber storage will be approximately 16' h and is to be 3 sided, no access to Lincoln hwy proposed, nearest dwelling would be 310' NE across Lincoln Hwy, most all storage would be inside proposed storage of palletted items and finished product, max height of finished product would be 11' for transport purposes, would provide 25 parking spaces, paint/stain onsite, has a roll off dumpster, millwork and assembly will take place in building, storage of finished product will be along western property line, will have approximately 20 finished units.

Motioned by: John Wanner

Seconded by: Larry Martin

Decision: Approved with specific conditions

9. 11-20-06 Daniel Kauffman – Zook's Polycraft of 1134 Bartville Road, Christiana, PA 17509 is requesting Variances from Article II, §340-16.B to allow manufacturing of cupolas in addition to §340-16.P to allow storage of products greater than six feet in height within one-hundred (100) feet of a street. The Subject Property is Lot 1A as shown on a subdivision plan entitled, "Final Subdivision Plan for Houston Run Lots," that was recorded as Instrument Number: 2013-0243-J at the Lancaster County Recorder of Deeds. The Subject Property is located on the south side of Martin Drive and is otherwise identified by Property Identification Number (PIN) 560-95249-0-0000 and is within the GC – General Commercial district.

Presented by: Brian Byler, Jason Shaner and Daniel Kauffman

Testimony: Wants to subdivide 3 acres off of 1A to develop with 18000 sf building, nearest dwelling is on Sunset Ln is 400' from property line, loading docks would be on SW side of building, would provide a minimum of 18 parking spaces, manufactures cupolas, would and pvc on site, has dust collection onsite, copper and aluminum sheeting is brought in on rolls and formed onsite, no painting or staining onsite, mostly wholesales products does want some retail, brings in weather vanes from another manufacturer, consigns as wholesale items with a number, show room will be approximately 500 sf, vinyl is stored outside would and copper inside, outside storage is proposed in NW corner of proposed lot, loads of vinyl, lumber and copper come in tractor trailers, box truck deliveries about once per day, maintains a delivery box truck, may have up to 14 employees, hours 6-5 M-F and 6-12 Sat, has roll of now and would continue this, max height of stored material to be 10', storage area will be 10' x 30' and screened.

Motioned by: John Wanner

Seconded by: Larry Martin

Decision: Approved with specific conditions.

10. 11-20-10 Robert Lee and Lisa Gillenwater of 5881 Limeville Road (Subject Property) are requesting modification of a prior decision to continue use of an ECHO Housing Unit established as a Special Exception under Article II, §340-13.C(2) and subject to §340-78 as well as any other Special Exceptions and/or Variances required to maintain the use. The Subject Property is located within the RR – Rural Residential district.

Presented by: Robert Gillenwater and John Stoltzfus

Testimony: His mother is in need of a place to stay, has been vacant for 6 years, heated with gas, built as a modular unit, John Stoltzfus testified he is ok with it being there and to be used again as an echo home.

Motioned by: John Wanner

Seconded by: Larry Martin

Decision: Approved with standard conditions

11. 11-20-11 Menno L. Riehl of 231 Springville Road, (Subject Property) are requesting a Special Exception under Article II, §340-12.C(5) to establish a kennel, subject to §340-93 and a Variance from §340-93.E to

allow use on a lot not meeting minimum lot size requirements as well as any other Special Exceptions and/or Variances required to establish the use. The Subject Property is located within the A – Agricultural district.

Presented by: Menno and Lavina Riehl

Testimony: Property is 1.2 acres, sells 30-35 dogs per year, kids run kennel, has a state license, has been selling dogs since 2015, sells via internet, poodles and cavapoos are bred, there is a large area for an exercise yard, 7' x 15' building, k1 license.

Motioned by: Larry Martin

Seconded by: John Wanner

Decision: Denied

The meeting was adjourned at 4:00 PM on Monday and 9:08 PM on Tuesday.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer