

## Salisbury Township Zoning Hearing Board Minutes from March 27, 2023 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Monday, March 27, 2023 at 6:00 PM.

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

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

Meeting minutes of February 28, 2023 ZHB meetings were reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by Dennis Eby.

Damian S. Clawser, Zoning Office for Salisbury Township was sworn in.

Zoning Hearing Board 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. 03-23-01

John D. Meck / Meadville Mennonite Church located at 5726 Meadville Road, Gap, PA 17527 (Subject Property) is requesting a Special Exception under and subject to §340-125 to expand a non-conforming use, a Variance from §340-125.B to allow proposed expansion to exceed maximum limit, a Variance from §340-34 to not be required to meet minimum off-street parking requirements as well as any other Special Exceptions and/or Variances required to expand and complete proposed improvements. The Subject Property is located within the A – Agricultural district.

Application presented by: John Meck and Eric Vosburgh – Vosburgh Architects

Testimony: Proposes 34% increase in size of building which exceeds NC limit of 25%. Addition is to be used as a Fellowship Hall/Gymnasium. Building addition to be 2,575 SF. Height of addition would equal that of existing building or less. Approx 24' – 1 story. Addition would include a warming kitchen that can be used for events. No full prep kitchen is proposed. Modular classrooms will be removed. Currently there are 26 P.S. 16 P.S. are to be added. Basement contains classrooms and first floor contains sanctuary and related uses. Addition will be used for gatherings (i.e. weddings, lunches, youth group activities). No mezzanine in classroom. Use of space limited to affiliated church use. No school use separate from what is used for church. Applicant withdraws the variance related to parking requirements.

Decision: Approved with standard conditions.

Motioned by Dennis Eby. Seconded by Larry Martin.

2. 03-23-04

David Zook of 402 Mt. Vernon Road, Gap, PA 17257 (Subject Property) is requesting a Special Exception under §340-12.C(5) to establish a kennel for breeding and raising game birds, subject to Section §340-93, a Variance from §340-93.D for the Subject Property to no meet minimum size requirements, a Variance from §340-93.E to allow placement of a building to house the animals within minimum required setbacks or in lieu of this, Variances from §340-12.B and §340-24.M to be permitted to establish an agricultural use breeding and raising game birds on a principal residential use property, including a Variance from 340-12.E (Attachment 1) place a structure to house the birds w/in minimum required setbacks as well as any other Special Exceptions and/or Variances needed to establish the use. The Subject Property is located within the A – Agricultural district.

Application presented by: David Zook

Testimony: Requests a 4'X4' building to house birds. 20' off southern and 80' from ROW proposed structure location. A 16'X24' area will be fenced in for yard. Shelter to be three sides and is used by the birds to lay their eggs. Raising pheasants for children's project. Wants 18 birds. Eggs are removed once laid and sold to others to hatch. Land is approx. 1.9 acre. Fence to be 6' in height with netting covering. Fenced area and building would be located on eastern portion of the property. Life span of birds – approx. three years. Eggs are picked up by outside party three weeks after being laid. Buggy is transportation. Deceased birds are composted. Applicant resides on property. ZO and Julie Miller recommended that the board consider this as a use variance. There is a business in shop building that currently exists on the property for light manufacturing.

Decision: Denied Special Exception and Granted variances 340.12.B and 340.4.4

Motioned by Dennis Eby. Seconded by Larry Martin.

Conditions: Number of birds is limited to 18.

3. 03-23-05

Steve Ebersol of 289 School Lane Road, Gap, PA 17527 (Subject Property) is requesting modification of a prior decision and Special Exception under §340-12.C(16) to exceed permitted residential accessory space, subject to §340-118 and §340-24.I as well as a Variance from §340-118.B to permit proposed accessory structure within min. required setbacks. The Subject Property is located within the A – Agricultural district.

Application presented by: Steve Ebersol and John Stoltzfus

Testimony: Proposing 28'X40' structure to be used for carriage space. Proposed building would be +/-450' from road. Lot coverage would be 12,000 SF +/- and 1 ½ story containing attic trusses. Height would be 21' and building would be 25' from western property line. There would be no dwelling or business use. A sink would be installed. Existing structures include 32'X50' barn w/addition 30'X28. Diesel shed 10'X10' and utility shed 10'X6'.

Decision: Variance Unnecessary. Special Exception Approved w/specific and standard conditions.

Motioned by Dennis Eby. Seconded by Larry Martin.

Conditions: Proposed structure must be at least 21' from western property boundary.

4. 03-23-06

Baldwin's Tire and Alignment, Inc. of 6105 Old Philadelphia Pike, Gap, PA 17527 is requesting a Special Exception under §340-125 to expand a non-conforming use and a Variance from §340-125.B to allow the proposed expansion to exceed maximum permissible expansion limit and including any modifications necessary to allow additional building space for the use. The Subject Property is located at 6103/6105 Old Philadelphia Pike, Gap, PA 17527 and is within the A – Agricultural district.

Application presented by: Barry Baldwin, Duane Shirk and Larry Shirk

Testimony: Addition to be used for storage – tire storage use. It was determined by way of testimony that non-conformity in western building space was 5703. Motorcycle use granted by prior decision has been vacated. Variance from 340-125.B is no longer required b/c this expansion along with proposed expansion do not exceed 25% allowance.

Decision: Approved with Special Exception.

Motioned by Dennis Eby. Seconded by Larry Martin

5. 03-23-10

David S. and Susan Stoltzfus of 5646 Umbletown Road, Gap, PA 17527 (Subject Property) are requesting a Special Exception under §340-14.C(6) to exceed permitted residential accessory space, subject to §340-118 and §340-24.I and to the extent necessary, a variance from §340-14.B to facilitate the use as a run-in shed for horses. The Subject Property is located within the R-1 – Residential district.

Application presented by: Sheila O'Rourke, Gibble, Kraybill & Hess and David Stoltzfus

Testimony: Applicant has recently purchased a 23 acre property in Paradise Twp is planning to move to it and for that reason feels his variance request is no longer necessary. His property is scheduled to sell on June 7, 2023 A 18'X40' (2520 SF) height 13' structure was built In January 2023. Applicant's attorney ran through residential accessory use requirements. There are 14 stalls in the new structure and 10 in the existing barn. Stall partitions are temporary. Applicant trains horses on weekends. He has a hauler that removes manure and is spread offsite.

Decision: Approved with Specific Conditions

Motioned by Dennis Eby. Seconded by Larry Martin

Conditions: No keeping horses for non-residential use. No training of horses allowed for commercial purposes. Time limitation on preparation of SWM Plan and Permits was discussed. Must file necessary applications within 30 days from date of hearing.

The meeting was adjourned at 8:30 PM

Respectfully Submitted,

Damian Clawser  
Zoning Officer