

## **Salisbury Township Zoning Hearing Board Minutes from September 26, 2023 Meeting**

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, September 26, 2023 at 6:00 PM.

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

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

Minutes of the August 22, 2023 ZHB Meeting were read and approved.

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

Zoning Hearing Board exhibits were presented. 1. Copies of ZHB Applications, 2. Newspaper publication certification and 3. Property posting certification sheets.

Motion to accept: Peter Horvath Seconded: Dennis Eby

### Continued Applications:

#### 1. 08-23-01

Barbara S. King of 5465 Friendship Lane, Kinzer, PA 17535 (Subject Property) is requesting Variances from §340-12.B(5)(f), §340-110 and §340-12.L(1) to allow subdivision of lots not containing an existing dwelling as well as to exceed maximum allotted subdivision of a Parent Tract, a Variance from §340-110.G(2) to exceed maximum pole length for a proposed lot, a Variance from §340-12.E for a resultant lot to be under minimum size requirements, Variances from §340-19.B and §340-19.B(10) to allow construction (replacement) of a single-family dwelling and to not meet lot size and setback requirements, a Variance from §340-30 to not demonstrate compliance with lot requirements for two principal uses on a single lot, a Variance from §340-19.M to not be required a residential buffer strip as well as any other Special Exceptions and/or Variances needed to complete the subdivision and construct proposed improvements on the Subject Property and subdivide lots. The Subject Properties are as noted and also include 5466 Friendship Lane, Kinzer, PA 17535, being located within the A – Agricultural and RE – Rural Enterprise Districts.

Presenting: Jason Shaner, Impact Engineering; Barbara King, Property Owner; Gideon King, Jr., Mrs. King's son and Israel Beiler representing the King family.

Exhibit 8 Zoning Relief Letter and Exhibits 1-7 Plans were entered into evidence.

Testimony: Existing dwelling rear yard setback to be 33'5" for eastern most dwelling on north side of Friendship Lane. Lot 1 will be under minimum lot size for an agricultural lot. Proposed subdivisions (40.09) would reduce to this. They do propose to separate the 17 acres off for res/ag and are requesting the subdivision of Lot 3 to be the one that is considered to be the extra lot. Lots 3 & 4 are proposed to be 2 acres/net and are currently used for ag/crops. Individual subdivision plans to be submitted for each proposed lot. Demo'd farmhouse replacement dwelling to be a modular dwelling and would be 50' from proposed lot line along backside of Hardware Store. Replacement dwelling would comply with lot requirements. Nitrate area for Alvin Beiler's lot will either be addressed through infiltration of runoff or addition of easement area.

Conditions: No further subdivisions allowed for Lot 1 within ag zone. Sewage planning must be completed for each use in compliance with DEP.

Decision: Approved with specific conditions and recognized withdrawal of two variances presented at the August hearing.

Motioned by: Peter Horvath, Seconded by Dennis Eby

New Applications:

1. 09-23-01

Marvin F. Stoltzfus of 644 Narvon Road, Gap, PA 17527 (Subject Property) is requesting a Special Exception under §340-21.c(17) to be permitted additional residential accessory structure space, subject to §340-118 and §340-24.I. The Subject Property is located within the OS – Open Space district.

Presenting: Marvin Stoltzfus

Testimony: Existing barn and shed to be demolished. Proposed barn will be avg height of 26'. The barn would be 26' from property line. No business or residential use proposed. Barn will have water. Total residential accessory space 2204. 120 SF shed will remain.

Decision: Approved with specific conditions. Existing buildings to be removed within 30 days of issuance.

Motioned by: Dennis Eby, Seconded by Larry Martin

2. 09-23-02

Samuel S. Stoltzfoos of 5084 Usner Road, Kinzer, PA 17535 (Subject Property) is requesting a Variance from §340-12.E (Attachment 1) to be permitted to subdivide a lot not meeting lot size requirements for residential or agricultural uses. The Subject Property is located within the A – Agricultural district.

Presenting: Jason Shaner, Impact Engineering and Samuel Stoltzfoos

Testimony: Exhibit (plan) entered into evidence. Proposed Lot 2 would be 14.283 acres and would be developed most likely with a dwelling. The remaining lot (Lot 1) would then be 53.4 acres.

Decision: Approved with specific conditions. Recording perimeter deed within 60 days of recording plan. Remaining subdivision right to be assigned.

Motioned by: Dennis Eby, Seconded by Larry Martin

3. 09-23-03

Daniel F. Stoltzfus of 5556 Limeville Road, Gap, PA 17527 is requesting a Special Exception under 340-12.C(16) to be permitted additional residential accessory structure space, subject to §340-118 and §340-24.I. The Subject Property is located at 231 Spring Garden Road, Kinzer, PA 17353 and is located within the A – Agricultural district.

Presenting: Daniel Stoltzfus, Owner and Sam Stoltzfus, Tall Pine Builders

Testimony: Exhibit (site plan) entered into evidence. Existing accessory buildings to be removed. Proposed barn is to be two story, used for H & C barn and residential space. Will be 20' or less. Total residential accessory space to be 2160.

Decision: Approved with standard conditions.

Motioned by: Dennis Eby, Seconded by Larry Martin

4. 09-23-04

John Yoder of 5320 Hammond 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 §340-118 and §340-24.I. The Subject Property is located within the RR – Rural Residential district.

Presenting: John Yoder

Testimony: Existing barn and shed are to be removed. Garden shed and Pool Shed to remain. Proposed barn is 50'X38', two story (28-29' HT). No business use is proposed. Currently parks market vehicles on property that are used for transporting employees.

Decision: Approved with standard conditions

Motioned by: Dennis Eby, Seconded by Larry Martin

5. 09-23-05

Thomas Shirk and Diana Diem of 622 Cambridge Road, Narvon, PA 17555 (Subject Property) are requesting a Variance from §340-24.A to be permitted to build a fence exceeding maximum height limitations within the front yard. The Subject Property is located within the A – Agricultural district.

Presenting: Thomas Shirk

Testimony: Would like to install 6' vinyl fence along Buchland Road 20' from CL and would be 800' from Cambridge Road.

Decision: Approved with standard conditions.

Motioned by: Dennis Eby, Seconded by Larry Martin

6. 09-23-06

Amos L. and Mary A. Smucker of 5158 Old Philadelphia Pike, Kinzer, PA 17535 (Subject Property) are requesting Variances from §340-12.B(5)(g) and subsequently §340-12.L(1) to be permitted to complete a subdivision of an agricultural lot to add land to three adjoining residential use lots whereby no subdivision rights would be used for the proposed subdivision. The Subject Properties are as noted and also include properties at 5122, 5128 and 5140 Old Philadelphia Pike, Kinzer, PA 17353, all being located within the A – Agricultural district.

Presenting: Ron Hershey, Hershey Surveying and Amos Smucker

Testimony: Middle lot has a failing septic system. They are in need of additional land to install a new sewage system. B & A will be joined in common with Lot 2. Lot 3 will be added to Parcel C. All proposed lots (residential) will result in 2 acre lots. Parcel D to be joined with Lot 4. Two lots are sons and one lot a neighbor (Riehl). Currently existing Lot 2 has a septic system located on 5158/5160 Old Philadelphia Pike.

Decision: Approved with conditions. Soil testing must be recorded on each of the smaller lots. Recording of Deeds within 90 days of recording plan.

Motioned by: Dennis Eby, Seconded by Larry Martin

The meeting was adjourned at 8:36 PM

Respectfully Submitted,

Damian Clawser  
Zoning Officer