

**BEFORE THE ZONING HEARING BOARD OF CARROLL TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

IN RE:	:	
	:	
VARIANCE APPLICATION OF	:	Docket No.: 2022-008
RALPH MILLER	:	Hearing Date: August 22, 2022
	:	
<i>Applicant.</i>	:	
_____	:	

FINAL DECISION

AND NOW, this 22 day of September, 2022, after consideration and a hearing upon the variance application of Ralph and Tammy Miller, the Zoning Hearing Board of Carroll Township hereby grants this variance request to construct a porch within the front yard setback at 107 Warrington Road, Dillsburg, PA 17019.

FINDINGS OF FACT

1. The applicants for this variance to construct a porch within the front yard setback at 107 Warrington Road are Ralph and Tammy Miller (hereinafter, "Applicants").
2. The Applicants own and control the real property situate at 107 Warrington Road, Dillsburg, Pennsylvania 17019 (UPI #: 20-000-NC-0123.G0-00000) (hereinafter, "Property").
3. Applicants' Property is located in the Agricultural Conservation ("AC") Zoning District of Carroll Township.
4. A hearing upon Application 2022-008 was held before the Zoning Hearing Board of Carroll Township (hereinafter, "Board") on August 22, 2022, at approximately 7:00 P.M.
5. The Board conducted this hearing at the Carroll Township Municipal Building located at 555 Chestnut Grove Road.
6. Due to the absence of two Board members, the Board designated two alternate members as voting members, pursuant to 53 P.S. § 10906(b) of the Municipalities Planning Code,

to hear Applicants' request for a variance of § 450-201.G and § 450-201.A(6) of the Carroll Township Zoning Ordinance (hereinafter, "Zoning Ordinance").

7. Brandon Slatt, Zoning Officer of Carroll Township (hereinafter, "Zoning Officer Slatt"), was duly sworn in and provided the following testimony:

- (a) the Property was posted and notice was provided to the appropriate parties in accordance with the law;
- (b) the hearing was advertised in accordance with the Ordinance; and
- (c) the application fee was paid by the Applicants.

8. The Applicants were not represented by counsel and were duly sworn in.

9. The following exhibits were introduced by Applicants and admitted by the Board:

- (a) Exhibit A – list of adjoining property owners;
- (b) Exhibit B – statement of intent from Applicants;
- (c) Exhibit C – CAD image of front of dwelling with proposed porch cover;
- (d) Exhibit D – CAD image of front of dwelling with proposed porch cover;
- (e) Exhibit E – drawing of proposed development.

10. Applicants provided the following general testimony in relation to the proposed use as follows:

- (a) The single-family detached dwelling located on the Property was constructed in 1964;
- (b) The front of the Applicants' single-family detached dwelling is located approximately fifty (50) feet from Warrington Road;
- (c) A recent subdivision plan affecting Applicants' Property expanded the right-of-way so that the front of Applicants' single-family detached

dwelling is located only thirty-nine (39) feet from the existing right-of-way, as opposed to the fifty (50) feet required by the front yard setback requirements of § 450-201.G of the Ordinance;

- (d) Applicants recently purchased the Property on November 12, 2021, in hopes of revitalizing the single-family detached dwelling located thereon;
- (e) Applicants desire to construct an eight-by-sixteen (8 x 16) foot open porch with a roof coming off the front of their single-family detached dwelling;
- (f) If Applicants' porch construction is permitted as proposed, the front of Applicants' porch would be located thirty-one (31) feet from the existing right-of-way, a change of eight (8) feet from the current circumstances; and
- (g) Granting this variance request and allowing this front porch construction would be in keeping with the adjacent properties.

11. Followings the Applicants' testimony, the Board asked Zoning Officer Slatt whether the Applicants' request to expand a nonconforming use would preclude Applicants' from requesting any other expansion in the future, to which Zoning Officer Slatt responded that Applicants' request would have no such impact.

12. Attorney John Wilson, Solicitor for the Board (hereinafter, "Solicitor Wilson"), stated that if Applicants' proposed porch would constitute a nonconforming use, a variance should also be obtained for § 450-502.A(6), which prohibits the increase of existing dimensional nonconformities.

CONCLUSIONS OF LAW

13. The Board finds that the Applicants have offered sufficient evidence and testimony to establish each of the variance criteria set forth in § 450-605.C(1)-(6).

14. The Board finds that the Applicant has offered sufficient evidence and testimony to warrant the grant of the requested variances for § 450-201.G and § 450-502.A(6) of the Ordinance.

A motion was made and seconded to approve the variance request of Article 2, zoning regulation section 450-201.G of the Zoning Code of the Township of Carroll to construct a front porch addition with a front setback, as proposed, of thirty-one (31) feet .

The motion passed unanimously with a vote of 3-0.

A motion was made and seconded to approve the variance request of Article 2, Zoning Regulation Section 450-502.A(6) of the Zoning Code of the Township of Carroll to construct this porch addition with that front setback of thirty-one (31) feet.

The motion passed unanimously with a vote of 3-0.

BOARD SIGNATURES:



Frank Setlak, Secretary



Deana Weaver, Voting Alternate Member



Mark Heishman, Voting Alternate Member

Dated: 9-22-22

Date of Mailing: 9-23-22

Note: Any party aggrieved by this decision may appeal to the Court of Common Pleas of York County within thirty (30) days of the date of this written decision.