

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

IN RE:	:	
	:	
APPLICATION FOR SPECIAL EXCEPTIONS BY ROBERT AND KRISTEN TAYLOR	:	DOCKET NO.: 2022-012
	:	HEARING DATE: OCTOBER 25, 2022
	:	
<i>Applicants.</i>	:	
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FINAL DECISION

AND NOW, this 10 day of October, 2022, after consideration and hearing upon the application for two special exceptions by Robert and Kristen Taylor, the Zoning Hearing Board of Carroll Township hereby grants both of the requested special exceptions in relation to the reconstruction of an accessory structure (garage) in a location constituting a dimensional nonconformity and with a home occupation (administrative office) located on the second floor of the proposed garage.

FINDINGS OF FACT

1. Robert and Kristen Taylor (“Applicants”) are the owners of the real property situate at 508 South Baltimore Street, Dillsburg, PA 17019 (“Property”) (UPI#: 20-000-OC-0104.00-00000), which is located in the Residential Suburban-3 Zoning District (“RS-3”) of Carroll Township.
2. On September 27, 2022, the Applicants submitted an application for two special exceptions (“Application”), pursuant to § 450-205(B) and § 450-502(A) of the Zoning Ordinance, to Carroll Township’s Zoning Officer.
3. A hearing upon the Application was held before the Zoning Hearing Board of Carroll Township (“Board”) on October 25, 2022, at approximately 7:00 P.M.

4. The Board conducted this hearing at the Carroll Township Municipal Building located at 555 Chestnut Grove Road.

5. Each of the Board members were present and participated at the hearing – Chairman Gary Reihart, Vice-Chairman Richard Gensler, and Secretary Frank Setlak – as well as one of the Board’s Alternate members, Deana Weaver.

6. Brandon Slatt, Zoning Officer of Carroll Township, 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 Zoning Ordinance; and
- (c) the application fee was paid by the Applicants.

7. Next, Kristen Taylor, who appeared on behalf of the Applicants, was duly sworn in and provided testimony and evidence in support of the Application as follows:

- (a) Applicants have an existing one-story, two-car garage located behind the primary building on the Property.
- (b) The existing garage is located 4.5 feet from the property line to the south of the Property.
- (c) The foundation under the existing garage is sinking on one side.
- (d) Applicants have been reliably advised that having the foundation under the existing garage fixed is not an economically viable solution.
- (e) Therefore, Applicants desire to reconstruct a new two-story garage in the same location with an identical footprint, occupying the same square footage as the existing garage.

- (f) The proposed garage would also be 4.5 feet from the property line to the south of the Property.
- (g) The proposed garage will not be greater than 35 feet in height.
- (h) Applicants desire to use the second floor of the proposed garage as an administrative office for Applicants' business.
- (i) Applicants do have employees, but these employees would not be working out of the proposed office space located on the second floor.
- (j) Clients of Applicants' business will come to Applicants' proposed office space, but between the hours of 9:00 A.M. to 9:00 P.M. and only one at a time.
- (k) No signage would be necessary for purposes of advertising Applicants' business.
- (l) Applicants' proposed reconstruction of the garage would satisfy all of the requirements for continuation of a nonconformity set forth in § 450-502(A)(1)-(8) of the Zoning Ordinance.

8. The following exhibits were introduced by the Applicants and admitted by the

Board:

- (a) Exhibit A – List of Names/Addresses of Adjoining Properties;
- (b) Exhibit B – Images of Proposed Garage Construction;
- (c) Exhibit C-1 – Site Plan of Proposed Garage Demolition;
- (d) Exhibit C-2 – Site Plan of Proposed Replacement Garage; and
- (e) Exhibit D – Image of Existing Garage Structure.

9. The Applicants requested, and the Board permitted, that the information contained in the Application and the accompanying exhibits be incorporated into the Applicants' testimony.

10. No persons were present at the hearing to provide testimony or submit evidence in opposition to the Application.

11. Board member Setlak asked the Applicants whether any parking spaces are to be provided accompanying the proposed home occupation use. The Zoning Officer indicated that South Baltimore Street is a state route, and PennDOT would be the authorizing body for additional parking spaces, not Carroll Township.

12. Board member Gensler confirmed that the applicable setback requirement with which the existing garage is nonconforming is 15 feet in the RS-3 Zoning District, as opposed to the 4.5 feet currently being provided.

CONCLUSIONS OF LAW

13. The Board finds that the Applicants satisfy each of the criteria set forth at § 450-335(A)-(J) regarding home occupations in accessory structures.

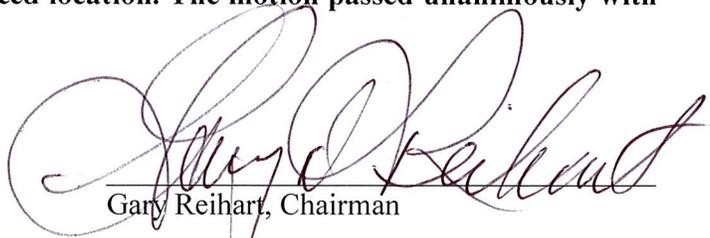
14. The Board finds that the Applicants satisfy each of the requirements set forth at § 450-502(A)(1)-(8) regarding the reconstruction of a nonconforming use.

15. The Board finds that the Applicants have offered sufficient evidence and testimony to warrant the grant of the requested special exceptions to § 450-205(B) and § 450-502(A) of the Zoning Ordinance.

A motion was made by Board member Setlak, and seconded by Board member Gensler, to approve the special exception request of § 450-205(B) (Permitted Uses) of the Carroll Township Zoning Code to reconstruct an existing detached garage with an office upper floor (Home Occupation) at the above-referenced location. The motion passed unanimously with a vote of 3-0.

A motion was made by Board member Setlak, and seconded by Board member Gensler, to approve the special exception request of § 450-502(A) (Continuation) of the Carroll Township Zoning Code to reconstruct an existing detached garage with an office upper floor (Home Occupation) at the above-referenced location. The motion passed unanimously with a vote of 3-0.

BOARD SIGNATURES:



Gary Reihart, Chairman



Richard Gensler, Vice-Chairman



Frank Setlak, Secretary

Dated: 11-10-22

Date of Mailing: 11-11-22

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.