

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

IN RE: :
 :
DARYL ST. CLAIR : **Docket No.: 2023-001__**
 : **Hearing Date: April 24, 2023**
 :
Applicant. :
_____ :

FINAL DECISION

AND NOW, this 24th day of April, 2023, after consideration and a hearing upon the application for a variance from § 450-203(F) filed by Daryl St. Clair, the Zoning Hearing Board of Carroll Township hereby grants the requested variance in relation to a proposed accessory structure, which is to be located within the rear setback area of the property.

FINDINGS OF FACT

1. The applicant for this variance from the ten-foot rear setback requirement for accessory structures in the Residential Suburban – 1 Zoning District (“RS-1 Zone”) is Daryl St. Clair (hereinafter, “Applicant”).
2. The Applicant owns and controls the real property situate at 13 Northern Dancer Drive, Dillsburg, Pennsylvania 17019 (UPI #: 20-000-OC-0174.C0-00000) (hereinafter, “Property”).
3. Applicant’s Property is located in the RS-1 Zone of Carroll Township.
4. A hearing upon Application 2023-001 was held before the Zoning Hearing Board of Carroll Township (hereinafter, “Board”) on April 24, 2023, at approximately 6:05 P.M.
5. The Board conducted this hearing at the Carroll Township Municipal Building located at 555 Chestnut Grove Road.

6. A quorum of Board members were present to hear Applicant's request for a variance from the ten-foot rear setback requirement set forth in § 450-203(F) of the Carroll Township Zoning Ordinance (hereinafter, "Ordinance").

7. The Applicant was not represented by legal counsel, and as such, both the Applicant and the Zoning Officer Slatt were duly sworn in.

8. Zoning Officer Slatt 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 Applicant.

9. Applicant provided the following general testimony in relation to the requested variance from § 450-203(F)'s ten-foot rear setback requirement:

- (a) Applicant desires to install a storage shed on his Property in order to store his lawn mower.
- (b) The proposed storage shed would be 10.5' x 10.5' in size.
- (c) The Applicant's backyard consists of an enclosed swimming pool area adjacent to the dwelling, then a steep uphill slope, and then a 15' flat area with a pine tree buffer running the length of Applicant's rear property line.
- (d) The Applicant did not create the uphill slope through excavation, but rather, the Property contained this feature when Applicant purchased the Property.
- (e) The only location on Applicant's Property upon which this storage shed could reasonably be located without prohibitive expense is the 15' flat area at the rear property line.

- (f) Given the necessary size of the proposed storage shed, Applicant would need to place this shed within 5' of the rear property line.
- (g) Applicant also intends to extend the fence surrounding the pool area to the rear property line as well.
- (h) The narrowness of Applicant's lot, as well as the sloping character of the backyard, creates an unnecessary hardship for the Applicant.
- (i) If a 5' variance were granted, this would not alter the essential character of the neighborhood or the Township writ large.
- (j) A 5' variance is the minimum variance that will afford Applicant the needed relief.

10. Upon conclusion of the Applicant's testimony, the Board asked several follow up questions as follows:

- (a) Chairman Reihart asked the Applicant about the depth of the Property, as well as the relevant setback requirements for Applicant's dwelling. Zoning Officer Slatt indicated that the Property was approximately 200' from front to rear property line and that Applicant's residence is located approximately 75' from the front property line.
- (b) Board Member Setlak asked the Applicant whether the uphill slope extended the length of Applicant's Property, which the Applicant confirmed it did.

11. While Applicant's pool area fencing will be located in the rear setback area, Zoning Officer Slatt confirmed that § 450-419 of the Ordinance exempts fences from the setback regulations.

CONCLUSIONS OF LAW

12. The Board finds that the Applicant has offered sufficient evidence and testimony to warrant the grant of a variance from § 450-203(F) in this case.

13. The Board finds that, pursuant to § 450-203(F), Applicant's proposed storage shed would need to be setback at least ten (10) feet from the rear property line.

14. The Board finds that the narrowness of Applicant's Property, combined with the steepness of the slope in Applicant's backyard, creates an unnecessary hardship in relation to Applicant's placement of a storage shed in conformance with the 10' setback requirement.

15. The Board finds that the above-referenced hardship has not been created by the Applicant.

16. The Board finds that a 5' variance from this 10' setback requirement is necessary to enable the reasonable use of Applicant's Property – namely, to erect an accessory structure.

17. The Board finds that the requested 5' variance is a dimensional variance.

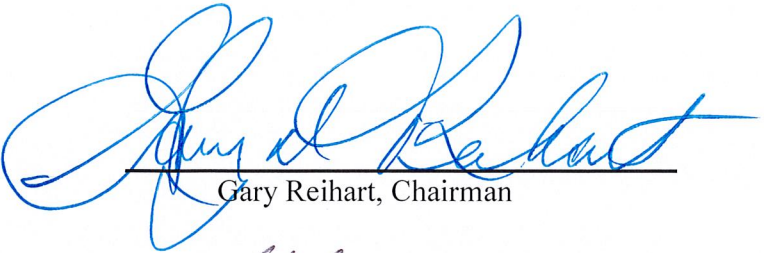
18. The Board finds that this 5' variance, if granted, will not alter the essential character of the neighborhood in which the Property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

19. Accordingly, the Board concludes that the Applicant satisfies each of the general criteria set forth in § 450-605(C) in relation to the Applicant's requested variance of § 450-203(F).

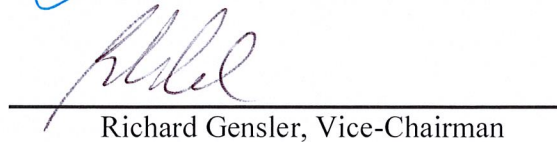
A motion was made and seconded to grant the Applicant's requested variance (not to exceed five feet) from § 450-203(F)'s ten-foot rear setback requirement for accessory structures.

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

BOARD SIGNATURES:



Gary Reihart, Chairman



Richard Gensler, Vice-Chairman



Frank Setlak, Secretary

Dated: 5-1-23

Date of Mailing: 5-1-23

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.