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

IN RE:	10 Palamino Parkway; Request for Variance by Chris McClean	: : : :	Docket No.: 2025-003 Hearing Date: 08/25/2025
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FINAL DECISION

AND NOW, this 25th day of August, 2025, after consideration and hearing upon the variance application filed by Chris McLean, the Carroll Township Zoning Hearing Board hereby approves the variance application at 10 Palamino Parkway, Dillsburg, PA 17019 as set forth more fully herein.

FINDINGS OF FACT

1. Christopher McLean ("Applicant") and his wife own and control the real property situate at 10 Palomino Parkway, Dillsburg, PA 17019 (UPI #: 20-000-0D-0029.P0-00000) (the "Property").
2. By filing dated July 20, 2025, Applicant submitted an application (the "Application") to the Zoning Hearing Board of Carroll Township (the "Board") for a variance.
3. Applicant is seeking approval to construct a garage addition to a single-family home on the Property, which is located in the Residential Agricultural (RA) Zoning District.
4. Applicant is seeking a variance from § 450-202.G of Carroll Township's Zoning Ordinance (the "Ordinance") in order to construct a garage addition on the Property with a rear setback of seventeen and ½ (17.5') feet, as opposed to the required thirty (30') feet.
5. A hearing upon Application 2025-003 (the "Hearing") was held before the Board on August 25, 2025, at the Carroll Township Municipal Building located at 555 Chestnut Grove Road, Dillsburg, PA 17019.
6. Present at the hearing was Chairman Reihart, Board Member Setlak, and Alternate Board Member Fiscus, together constituting a quorum of members that

were able to attend the Hearing, participate in the proceeding, and vote on the Application.

7. At the beginning of the Hearing, the following individuals expressed the intention to become a party to this Hearing and/or were sworn in for the purpose of providing testimony:

- (a) Christopher McLean, 10 Palomino Parkway, Dillsburg, PA 17019; and
- (b) Brandon Slatt (Township Zoning Officer), 555 Chestnut Grove Road, Dillsburg, PA 17019.

8. Once the parties were sworn in, Zoning Officer Slatt provided the following general testimony regarding this Application:

- (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 testimony as to why he was seeking the variance and its necessity:

- (a) Applicant wants to build an attached garage at the end of his driveway;
- (b) The garage will attach to his single-family home;
- (c) Because of the way the house and driveway were constructed on the lot, the location of the new garage could not feasibly be placed on the lot and still meet the current requirements on that side of the house;
- (d) There is a sand-mound preventing the garage from being built on the other side of the house;
- (e) The garage will go at the end of the driveway;
- (f) The driveway will not need to be extended;
- (g) The garage addition will be a 24'x24' structure, in addition to a 6' entryway that attached the garage to the home;
- (h) There is a 30' agriculture setback behind the proposed garage;
- (i) The corner of the garage would encroach into the setback by 12.5'; and
- (j) There is a tree-line behind the property, so the new garage would not interfere with any scenic views.

10. No additional testimony either in favor of or in opposition to the Application was provided.

11. Kathleen Wagner of 12 Palomino Parkway, Dillsburg, PA 17019, who is one of the adjoining property owners, provided public comment as follows:

- (a) That the Applicant is planning to build the structure in the most aesthetically pleasing way possible; and
- (b) That the tract behind 10 Palomino Parkway is zoned as residential, meaning that development cannot be done behind the Property without a rezoning.

12. Once an opportunity for public comment was provided, Chairman Reihart closed testimony, and pursuant to 65 Pa.C.S.A. § 708, the Board recessed the Hearing to hold an executive session for purposes of quasi-judicial deliberations.

13. Following this executive session, the Board reconvened the Hearing and rendered its decision on the Application.

14. The Board accepted the following exhibits into the record:

- (a) Applicant Exhibit 1—Tax parcel map of 10 Palomino Parkway;
- (b) Applicant Exhibit 2—Retracement plat;
- (c) Applicant Exhibit 3—Enlarged version of retracement plat;
- (d) Applicant Exhibit 4—Hand-sketched site plan; and
- (e) Applicant Exhibit 5—Aerial photos of proposed garage footprint.

CONCLUSIONS OF LAW

15. Pursuant to § 450-202.G of the Ordinance, the minimum rear setback required for a single family detached residential dwelling in the RA Zoning District is 30'.

16. The proposed garage construction would encroach into the setback area by 12.5', and as such, a variance from § 450-202.G is needed.

17. The variance being sought by Applicant is a dimensional variance, and as such, the property owner is asking only for reasonable adjustment of zoning regulations in order to utilize property in manner consistent with applicable regulations; thus, grant of dimensional variance is of lesser moment than grant of "use variance," since latter involves proposal to use property in manner that is wholly outside zoning regulation. *Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh*, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998).

18. Under the relaxed, *Hertzberg* standard for granting a dimensional variance from a zoning ordinance, when addressing the element of unnecessary hardship, the quantum of proof needed to establish an unnecessary hardship as would support an application for a variance is lower for dimensional variances, and courts may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work

necessary to bring the building into strict compliance with the zoning requirements, and the characteristics of the surrounding neighborhood. *Pequea Twp. v. Zoning Hearing Bd. of Pequea Twp.*, 180 A.3d 500 (Pa. Commw. Ct. 2018); *McCarry v. Haverford Twp. Zoning Hearing Bd.*, 113 A.3d 381, 385 (Pa. Commw. Ct. 2015).

19. The Board finds the testimony provided by the Applicant to be credible.

20. The Board finds that an unnecessary hardship does exist to the Applicant, because the Property is a corner lot and the current driveway, improvements, and sand-mound location restrict Applicant's ability to build the proposed garage in a manner that conforms with the Ordinance.

21. The Board finds that the unnecessary hardship mentioned above was not created by the Applicant, but by the placement of the sand-mound and the corner-lot status of the tract.


22. The Board finds that this variance is the minimum variance that will afford relief and will represent the least modification possible.

23. The Board hereby approves the Applicant's variance application and grants the requested variance.

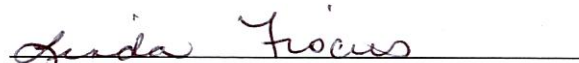
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A motion was made by Board Member Setlak, and seconded by Board Member Fiscus, to approve Applicant's application for a variance from § 450-202.G's 30' rear setback requirement to allow an encroachment of up to 12.5' into this setback area as testified to by the Applicant. The motion to approve was passed by the Board with a unanimous vote of 3-0.

BOARD SIGNATURES:



Gary Reihart, Chairman

Frank Setlak, Secretary

Linda Fiscus, Alternate Board
Member

Dated: August 25, 2025

Date of Mailing: 9-24-25

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 mailing of this written decision.