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

IN RE:	101 Lightfoot Lane;	:	Docket No.: 2025-004
	Request for Special Exception	:	
	by Robert and Michelle Woyshner	:	Hearing Date: 08/25/2025
		:	

FINAL DECISION

AND NOW, this 25th day of August, 2025, after consideration and a hearing upon the variance application, orally amended so as to be a special exception application, filed by Robert and Michelle Woyshner, the Carroll Township Zoning Hearing Board hereby approves the special exception application at 101 Lightfoot Lane as set forth more fully herein:

FINDINGS OF FACT

1. Robert and Michelle Woyshner ("Applicants") own and control the real property situate at 101 Lightfoot Lane, Dillsburg, PA 17019 (UPI #: 20-000-20-0015.00-00000) (the "Property").
2. By filing dated July 24, 2025, Applicant submitted an application ("Application") to the Zoning Hearing Board of Carroll Township ("Board") requesting two variances from § 450-403.B.1 and § 450-403.B.3 of the zoning ordinance (the "Ordinance").
3. Specifically, Applicants were seeking permission to construct a six-foot privacy fence within the front yard area of the Property, which is located in the Residential Agricultural ("RA") Zoning District.
4. On August 25, 2025, the Board conducted a hearing on this application (the "Hearing") at the Carroll Township Municipal Building located at 555 Chestnut Grove Road, Dillsburg, PA 17019.
5. Present at the hearing was Chairman Gary Reihart, Board Member Frank Setlak, and Alternate Board Member Linda Fiscus, together constituting a quorum of members that were able to attend the Hearing, participate in the proceeding, and vote on the application.

6. At the beginning of the Hearing, Chairman Reihart appointed Alternate Board Member Fiscus to function as a voting member for purposes of this application.

7. 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) Robert Woyshner, 101 Lightfoot Lane, Dillsburg, PA 17019;
- (b) Michelle Woyshner, 101 Lightfoot Lane, Dillsburg, PA 17019;
- (c) Brandon Slatt (Zoning Officer), 555 Chestnut Grove Road, Dillsburg, PA 17019; and
- (d) Tena Wasbers, 272 Ore Bank 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 Applicants.

9. Following this general testimony, there was discussion, and ultimately, a determination by the Board that the zoning relief needed by Applicants was a special exception, rather than a variance.

10. Accordingly, Applicants orally amended their original application to request a special exception, rather than a variance, in relation to the proposed fence height.

11. Furthermore, Applicants orally amended their application as to the length of the proposed fence, so that the fence no longer extended into a drainage easement, thereby obviating the need for a variance from § 450-403.B.3.

12. Mr. Woyshner provided the following testimony as to why he was seeking the special exception and its necessity:

- (a) The difference in fence height from the allowable 4' to the proposed 6' will not detract from the use and enjoyment of adjoining or nearby properties;
- (b) The difference in fence height from the allowable 4' to the proposed 6' will not substantially change the character of the subject property's neighborhood;
- (c) Applicants want there to be trees on both sides of the fence;
- (d) This fence will not impact public facilities at all;
- (e) The Applicants have spoken with many neighbors who agree to the plans;
- (f) This fence is not within any floodplain;

- (g) The difference in fence height from the allowable 4' to the proposed 6' will not substantially impair the integrity of the Township's plan;
- (h) The fence does not affect public health, safety, and welfare;
- (i) The fence will not overcrowd the land or create an undue concentration of population;
- (j) The fence will not impair an adequate supply of light and air to adjacent property, nor will it impact transportation in any way; and
- (k) The fence is for privacy, as there is a lot of noise that comes from Ore Bank Road, and the Property is highly visible from the road.

13. Following Applicant's testimony, Tena Wasbers, a party in standing and neighbor to Applicant, was provided the opportunity to present testimony and question the Applicants, which proceeded as follows:

- (a) Ms. Wasbers asked how far down the fence would extend towards the drainage easement and water basin;
- (b) Applicants attempted to showed Ms. Wasbers on the revised Site Plan how far down the fence would stop;
- (c) Ms. Wasbers still had questions, so Zoning Officer Slatt showed Ms. Wasbers on his computer an aerial view of the property and showed where the fence would extend down to; and
- (d) Ms. Wasbers said she understood and had no further questions.

14. Following Ms. Wasbers testimony and questions, the Board provided an opportunity for public comment, although none were given.

15. At this time, the Board 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.

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

17. The Board accepted the following exhibits into the record:
- (a) Applicants 1—Initial Site Plan Submission with Drawing;
 - (b) Applicants 2—Revised Site Plan Submission with Drawing; and
 - (c) ZHB 1 – Google "Street View" Image of Property from Road.

CONCLUSIONS OF LAW

18. Pursuant to § 450-403.B.1 of the Ordinance, the maximum permitted height of a fence located in a front yard area is four feet.

19. Applicants propose to erect a six-foot fence in the front yard area of the Property.

20. Pursuant to § 450-403.B.5 of the Ordinance, "a fence may be erected to a height in excess of that otherwise permitted only by special exception."

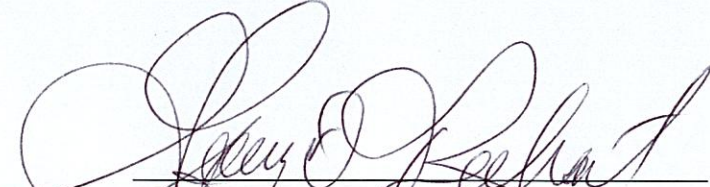
21. Applicants credibly testified and demonstrated compliance with the general criteria for a special exception, as enumerated in § 450-605.B.2 of the Ordinance.

22. Applicants met their burden of proof as it relates to compliance with the Ordinance, and as such, are entitled to a special exception.


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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 special exception from the fence height requirement pursuant to § 450-403.B.1 and § 450-403.B.5 of the Ordinance. The motion to approve was passed by the Board with a unanimous vote of 3-0.

BOARD SIGNATURES:



Gary Reinhart, 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.