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

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Re: 247 Old York Road,	:	Application #: 2025-006
Dillsburg, PA 17019;	:	
UPI #: 20-000-OD-0006.L0-00000);	:	Hearing Date: November 24, 2025
Variance request of William and	:	
Kathryn Fisher	:	
	:	

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**FINAL DECISION**

AND NOW, this 24<sup>th</sup> day of November, 2025, after a hearing on and consideration of William and Kathryn Fisher's variance request, pursuant to Section 450-202 of the Code of Carroll Township, the Zoning Hearing Board of Carroll Township hereby GRANTS this request, as set forth more fully herein.

**FINDINGS OF FACT**

1. By filing dated September 19, 2025, William and Kathryn Fisher ("Applicant") submitted an application ("Application") to the Zoning Hearing Board of Carroll Township ("Board") requesting a variance from § 450-202.G of the Zoning Ordinance of Carroll Township ("Ordinance").
2. The Applicant owns and controls the real property situate at 247 Old York Road, Dillsburg, PA 17019 (UPI #: 20-000-OD-0006.L0-00000) ("Property").
3. The Property is located in the Rural Agricultural ("RA") Zoning District of Carroll Township.
4. Currently, the 2.05-acre Property is principally-used as Applicant's residence, being improved with a single-family residential dwelling.
5. Applicant requests approval for their already-constructed four hundred and eighty square foot (480 S.F.) accessory structure ("Garage") on the Property, located in the front yard of the Property and approximately thirty (30) feet from the Old York Road right-of-way.

6. A hearing upon Application 2025-006 ("Hearing") was held before the Board on November 24, 2025 at approximately 6:05 p.m.

7. The Board conducted the Hearing at the Carroll Township Municipal Building located at 555 Chestnut Grove Road, Dillsburg, PA 17019.

8. Present at the hearing was Gary Reihart (Chairman), Frank Setlak (Secretary), and Linda Fiscus (Alternate), together constituting a quorum of members that were able to attend the Hearing, participate in the proceeding, and vote on the Application.

9. Chairman Reihart appointed Linda Fiscus as a voting member of the Board for this Hearing pursuant to the Municipalities Planning Code ("MPC") § 906(b).

10. 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) Kathryn Fisher (Applicant), 247 Old York Road, Dillsburg, PA 17019; and
- (b) Brandon Slatt (Zoning Officer), 555 Chestnut Grove Road, Dillsburg, PA 17019.

11. 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.

12. Following Zoning Officer Slatt's testimony, Applicant provided testimony through its witness, as follows:

- (a) The Garage has already been constructed and/or installed on the Property; the Applicant's builder constructed and/or installed the Garage in April 2025.
- (b) The Applicant was of the mistaken belief that the permitting for the Garage was the responsibility of the builder and not the Applicant.
- (c) The Applicant became aware of the Garage's proximity to the right-of-way after the Garage was fully constructed and/or installed
- (d) There would be substantial hardships incurred by the Applicant if the Garage had to be moved from the front of the Applicant's home on the Property to another part of the Property in accordance with the Ordinance, namely:

- i. To the left of the Applicant's home on the Property is a sewer system and additionally that area is significantly sloped.
- ii. To the right of the Applicant's home on the Property is a propane tank and a drainage easement.
- iii. Behind the Applicant's home on the Property is a tall hill which would have to be leveled and a large amount of trees which would have to be felled.

13. The Board admitted the following exhibits into the record:

- (a) A-1: Application Narrative
- (b) A-2: Final Grading Plan
- (c) A-3 Photos of Existing Conditions

14. At this time, Chairman Reihart closed testimony, and then the Board rendered its decision on the Application.

#### CONCLUSIONS OF LAW

1. Pursuant to § 450-202.G of the Ordinance, "[n]o accessory building and structure (except a permitted sign) shall be located between the principal structure and the street (or access) right-of-way, unless it is set back at least 100 feet from the street (or access) right-of-way."

2. Accordingly, there is a 100' front setback requirement for an accessory building or structure within the RA Zoning District.

3. The Garage, as proposed, would not strictly comply with this requirement, as the Garage is accessory in nature, is located between a principal structure and the Old York Road right-of-way, and is setback only 30 feet from the Old York Road right-of-way.

4. Applicant is seeking a dimensional variance to allow the Garage to be constructed and located within this setback area.

5. The requested variance is dimensional in nature, in that, Applicant is asking only for a reasonable adjustment of the zoning regulations in order to utilize the Property in a manner consistent with the applicable regulations, as opposed to a use variance, which involves a proposal to use property in a manner that is wholly outside the zoning regulation. Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998).

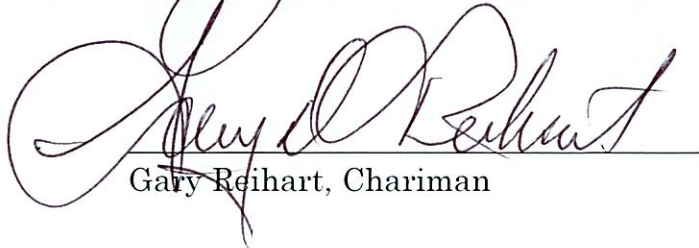
6. The quantum of proof required to establish unnecessary hardship is indeed lesser when a dimensional variance, as opposed to a use variance, is sought. Id. at 48.

7. Applicant has established that the traditional variance criteria, as set forth in § 450-605.C of the Ordinance, are satisfied in relation to the Application.

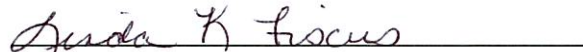
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A motion was made by Board Member Frank Setlak, and seconded by Board Member Linda Fiscus, to GRANT Applicant's request for a variance from § 450-202.G of the Ordinance to reduce the required setback for the Garage from the Old York Road right-of-way to thirty (30) feet. The motion was unanimously approved by the Board with a vote of 3-0.

**BOARD SIGNATURES:**



Gary Reihart, Chariman



Linda Fiscus, Alternate



Frank Setlak, Secretary

Dated: November 24, 2025

Date of Mailing: 12-23-2025

**Note:** Any party aggrieved by this decision may appeal to the Court of Common Pleas of York County within thirty (30) days of the above-referenced "Date of Mailing" for this written decision.