BEFORE THE ZONING HEARING BOARD OF CARROLL TOWNSHIP
YORK COUNTY, PENNSYVLANIA

Re: 41 Carlisle Road, Dillsburg, PA 17019; UPI: 67-20-000-NC-0011-00-0000; Variance Request of Wendy Leathery from §§ 450-201.G, and 450-504	:	**Application #2026-001** **Hearing Date: March 23, 2026**

FINAL DECISION

AND NOW, this 23rd day of March, 2026 after a hearing on and consideration of Wendy Leathery's request for variances pursuant to §§ 450-201.G and 450-504 of the Carroll Township Zoning Ordinance, the Zoning Hearing Board of Carroll Township hereby GRANTS this request as set forth more fully herein.

FINDINGS OF FACT

1. On February 24, 2026, Wendy Leathery ("Applicant") submitted an application ("Application") to the Zoning Hearing Board of Carroll Township ("Board") requesting a variance from §§ 450-201.G of the Zoning Ordinance of Carroll Township ("Ordinance").

2. The Applicant owns and controls the real property situate at 41 Carlisle Road, Dillsburg PA 17019 (UPI #: 67-20-000-NC-0011-00-0000) ("Property").

3. The Property is located in the Agricultural-Conservation Zone ("AC") Zoning District of Carroll Township.

4. Currently, the 0.53-acre Property is principally-used as Applicant's residence, being improved with a single-family detached dwelling (the "Dwelling").

5. Applicant wishes to erect a twenty-four foot (24') by thirty-six foot (36') addition to the Dwelling (the "Proposed Addition"), as depicted on the site plan submitted contemporaneously with the Application.

6. The relief being sought by Applicant pertains to lot coverage and setback requirements associated with the AC Zoning District, of which the Proposed Addition may enlarge an existing or impose a new noncomplying use.

7. A hearing upon Application No. 2026-001 ("Hearing") was held before the Zoning Hearing Board of Carroll Township (hereinafter, "Board") on March 23, 2026 at 6:00 p.m.

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

9. Present at the hearing was Linda Fiscus (Chairwoman), Gregory Taylor (Vice-Chairman); and Richard Gensler (Secretary), together constituting a quorum of members that were able to attend the Hearing, participate in the proceeding, and vote on the Application.

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) Wendy Leathery (Applicant), 41 Carlisle Road, Dillsburg PA 17019; and
(b) Michael Brandt, occupant at 41 Carlisle Road, Dillsburg PA 17019; and
(c) 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;
(c) the application fee was paid by the Applicant; and
(d) that construction of the Proposed Addition would increase the degree of (or potentially create a new) nonconformity with regards to the regulations pertaining to the Proposed Addition.

12. Given the Zoning Officer's testimony, the Applicant requested that her Application be orally amended to include a request for variance from § 450-504 as well, relating to noncomplying buildings and structures.

13. Following Zoning Officer Slatt's testimony, Applicant provided testimony as follows:

(a) the Property is narrow towards the front of the lot and increases in width towards the back of the lot;
(b) that the Property is currently improved with the Dwelling;

(c) that the Dwelling currently sits 3.69 feet from the Property's northwestern boundary line;
(d) the Property's septic system is situated behind the Dwelling;
(e) the septic system was installed prior to the current ownership;
(f) the Proposed Addition has been sited such that the construction and placement of the Proposed Addition will not interfere with the septic system while still being attached to the Dwelling;
(g) the Proposed Addition would be located 20.26 feet from the Property's southeastern boundary line, at its closest;
(h) the Proposed Addition would result in impervious lot coverage of the Property in the amount of 21.8%;
(i) While the Applicant considered proposing smaller dimensions for the Proposed Addition, the size of the Proposed Addition is necessary to meet the Applicant's needs;
(j) that the Proposed Addition would be used as a living room and storage area;
(k) that the Dwelling was constructed around approximately 1940, prior to the current ownership;
(l) the septic system was installed prior to Applicant's acquisition of the Property in 2007;
(m) there are a number of challenges that prevent the Proposed Addition from being located further back on the Property (where a setback variance might be unnecessary), such as slopes, existing wooded area, electrical service access, and existing drain fields; and
(n) the cost of relocating the existing septic system would range between $15,000.00 and $20,000.00.

14. One of the Board members asked Zoning Officer Slatt whether he had any concerns regarding the relief being sought, specifically since the Property is approximately 0.5 acres, whereas the minimum lot size in the AC Zoning District for single-family detached dwellings is two acres, and the maximum lot coverage in the AC Zoning District (15%) is likely based on the 2-acre minimum lot size requirement.

15. In response, Zoning Officer Slatt testified that, prior to construction, Applicant would be required to get a building permit and would need to be able to satisfy stormwater management requirements as part of this process, and therefore, Zoning Officer Slatt did not have concerns regarding the requested relief.

16. Since there were no further questions for the Applicant or testimony to be provided by other parties, 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.

17. Prior to executive session, the Board admitted the following exhibits into the record:

(a) A-1: Site Plan (Lupold Surveying and Mapping);
(b) A-2: Floor plans, exterior elevations, and renderings (Meridad Designs);

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

CONCLUSIONS OF LAW

19. Pursuant to § 450-201.G of the Ordinance, a single-family detached dwelling in the AC Zoning District is subject to various setback requirements, including a side setback requirement of thirty feet (30').

20. The Proposed Addition, which is attached to the Dwelling, constitutes a single-family detached dwelling in the Township's AC Zoning District.

21. Since a portion of the Proposed Addition would be located only 20.26 feet from the southeastern property boundary line, a dimensional variance is needed.

22. Furthermore, pursuant to § 450-201.G of the Ordinance, a lot improved with a single-family detached dwelling in an AC Zoning District is subject to a maximum lot coverage limitation of 15%.

23. When the Proposed Addition is constructed/erected, the Property would exceed the maximum lot coverage requirement with 21.8% lot coverage.

24. Since the Proposed Addition would cause the Property to exceed the maximum lot coverage limitation, a dimensional variance is once again necessary.

25. Finally, pursuant to §450-504 of the Ordinance, a noncomplying building or structure is a building or structure which does contain a use permitted in the district, but does not conform to the district regulations for, *inter alia,* side setback and maximum lot coverage requirements.

26. The Dwelling is a noncomplying structure.

27. Noncomplying buildings and structures, under § 450-504 of the Ordinance, may be structurally altered or enlarged, so long as the alteration does not increase the degree of or create any new nonconformity with regard to the regulations pertaining to such buildings.

28. The construction/erection of the Proposed Addition would increase the degree of nonconformity, or in the alternative, create a new nonconformity.

29. Since the Proposed Addition would result in an increased degree of (or create an entirely new) nonconformity, a variance is needed.

30. The variances sought are 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).

31. 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.

32. Specifically, the Board finds that there are unique physical characteristics of the Property – such as the undersized and irregularly-shaped lot, the existing noncompliant Dwelling, the existing septic system, wooded area, slopes, drain fields, and electric infrastructure – all of which working together or individually create an "unnecessary hardship."

33. The Board finds that the unnecessary hardship has not been created by the Applicant.

34. 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 Gensler, and seconded by Board Member Fiscus, to GRANT Applicant's request for a variance from § 450-201.G, (a) to allow for a minimum setback of no less than 20.26 feet on the east side of the Property and (b) to allow for maximum impervious lot coverage of the Property not to exceed 21.8%, as testified to by the Applicant. The motion was unanimously approved by the Board with a vote of 3-0.

A motion was made by Board Member Taylor, and seconded by Board Member Gensler, to GRANT Applicant's request for a variance from § 450-504, to allow the construction of the Proposed Addition with a side setback of no less than 20.26 feet on the east side of the Property, and for maximum lot coverage not to exceed 21.8% on the Property, as testified to by the Applicant. The motion was unanimously approved by the Board with a vote of 3-0.

BOARD SIGNATURES:

Linda Fiscus, Chairwoman

Gregory Taylor, Vice Chairman

Richard Gensler, Secretary

Dated: March 23, 2026

Date of Mailing: 4-28-26

Note: **Any party in standing that is 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 decision, pursuant to 53 P.S. § 11002-A.**