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

Re: 733 Mumper Lane, Dillsburg, PA	:	Application #2026-003
17019;	:	
UPI: 20-000-OD-0012.A0-00000;	:	Hearing Date: June 22, 2026
Variance Request of Nathaniel	:	
Brown from §450-403(b)(1)	:	
	:	

FINAL DECISION

AND NOW, this 22nd day of June, 2026 after a hearing on and consideration of Nathaniel Brown's request for variance pursuant to § 450-403.B(1) 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 May 12, 2026, Nathaniel Brown ("Applicant") submitted an application ("Application") to the Zoning Hearing Board of Carroll Township ("Board") requesting a variance from § 450-403.B(1) of the Zoning Ordinance of Carroll Township ("Ordinance").
2. The Applicant owns and controls the real property situate at 733 Mumper Lane, Dillsburg, PA 17019 (UPI#: 20-000-OD-0012.A0-00000) ("Property").
3. The Property is located in the Residential Agriculture Zone ("RA") Zoning District of Carroll Township.
4. Currently, the 0.54-acre Property is principally-used as Applicant's residence.
5. Applicant wishes to erect a six foot (6') privacy fence as depicted on the site drawing submitted contemporaneously with the Application.
6. The relief being sought by Applicant is a variance from the front yard fence height limitation of four feet (4').
7. A hearing upon Application No. 2026-003 ("Hearing") was held before the Zoning Hearing Board of Carroll Township (hereinafter, "Board") on June 22, 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. Felicia Davis, alternate was also present.

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. Nathaniel Brown (Applicant), 733 Mumper Lane, Dillsburg, PA 17019; and
- b. Jody Brown, occupant at 733 Mumper Lane, 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; and
- c. the application fee was paid by the Applicant.

12. Following Zoning Officer Slatt's testimony, Nathaniel and Jody Brown provided testimony as follows:

- a. the purpose of the six foot (6') fence is for their son, A.S. who is at-risk for elopement and said fence is a medical necessity for his safety and security;
- b. a six foot (6') foot fence would also prevent A.S. from seeing out of the property, limiting his distractions that result in elopement;
- c. A.S.'s treating physician assistant wrote a letter in support of the fence as a medical necessity due to his disability;
- d. A.S. is of an age and size that a four foot (4') fence does not contain him; and
- e. due to neighbor's property and location of the roadways, there is a high risk of A.S. being hurt after wandering off the property;

12. One of the Board members asked why the variance was needed if the fence permit was granted.

13. In response, Jody Brown explained that the permit would not allow her to enclose the full yard with a six foot (6') fence and would require certain portions to remain four foot (4').

14. One of the Board members asked what the reference to the thirty-foot right-of-way written on the permit application meant.

15. Zoning Officer Slatt explained that the thirty foot (30') depiction in the drawing was meant to indicate the PennDOT right-of-way from the center of the roadway to the about a third or halfway into the home and to show that the house was previously grandfathered.

16. One of the Board members asked for clarification on the permit request and what was before the Board to decide.

17. Zoning Officer Slatt and Jody Brown explained that the fence was pre-existing and the new fence will exist in the same location. The permit allowed the modification to the location of the fence. Thus, the only decision before the Board was regarding the fence height.

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

19. The Board admitted the following exhibits into the record:
- a. A-1: Letter from Nathaniel Brown to Zoning Officer;
 - b. A-2: Redacted Letter from UPMC Physician Assistant;
 - c. A-3: Drawing of Fence
 - d. T-1: Fence Permit

20. The Board rendered its decision on the Application.

CONCLUSIONS OF LAW

21. Pursuant to § 450-403(b)(1), fences may be erected within a front yard, "provided that such fence or wall shall not exceed four feet in height in the required front yard."

22. The property is a triangle-shaped, corner property between Mumper Lane and Chestnut Grove Road.

23. The variance sought is dimensional in nature, in that Applicant is only asking 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).

24. 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.

25. The Board finds that the unnecessary hardship presented by the strict compliance of the fence height regulation has not been created by the Applicant.

26. Further, allowing a variance of the fence height requirement would be a reasonable accommodation of the Zoning Ordinance in accordance with the United States Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., or the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and the federal regulations adopted pursuant to such statutes.

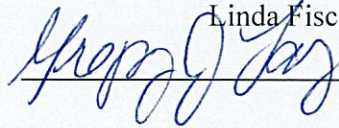
27. Applicant has established that the traditional variance criteria, as set forth in § 450-605.C of the Ordinance, are satisfied in relation to the Application.

A motion was made by Board Member Gensler, and seconded by Board Member Taylor, to GRANT Applicant's request for a variance from § 450-403(b)(1) to allow for a six foot (6') fence. The motion was unanimously approved by the Board with a vote of 3-0.

BOARD SIGNATURES:

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Linda Fiscus, Chair

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Gregory Taylor, Vice Chair

Richard Gensler, Secretary

Dated: June 22, 2026

Date of Mailing: 8-6-26

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.