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

Re: 555 Chestnut Grove Road, Dillsburg, PA 17019; UPI: 20-000-OD-0046.A0-00000; Variance Request of Carroll Township from §450-403(b)(1)	: : : : : :	Application #2026-004 Hearing Date: June 22, 2026
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FINAL DECISION

AND NOW, this 22nd day of June, 2026 after a hearing on and consideration of Carroll Township'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 29, 2026, Chief Thomas Wargo, Chief of Police of the Carroll Township Police Department on behalf of Carroll Township ("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. Carroll Township owns and controls the real property situate at 555 Chestnut Grove Road, Dillsburg, PA 17019 (UPI#: 20-000-OD-0046.A0-00000) ("Property").
3. The Property is located in the Agriculture Conservation Zone ("AC") Zoning District of Carroll Township.
4. Currently, the 18.43-acre Property is principally-used as a municipal building.
5. Applicant wishes to erect a six foot (6') security 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. 2026-004 ("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. Chief Thomas Wargo (Applicant), 555 Chestnut Grove 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 exempt.

12. Following Zoning Officer Slatt's testimony, Chief Wargo provided testimony as follows:

- a. the purpose of the six foot (6') security fence is to protect officer and employee vehicles;
- b. the current area is publicly accessible and trash has been found on officer vehicles;
- c. the security fence is designed to be anti-climb and a visual impairment;
- d. no razor wire or barb wire will be used;
- e. the area to be enclosed by the fence will not impact the ability of the public to access the Township Building for normal business.

13. One of the Board members asked whether the electric gate drawn on A-2 would fit a vehicle. In response, Chief Wargo provided the following testimony:

(1) the gate would be within a 40' section of the fence and would accommodate a vehicle to pass through, and

(2) there would be an access drive to a covered parking space that would be contained within the enclosed space.

14. One of the Board members made clarification of the cardinal directions in relation to the map A-2 and the physical structure of the hearing room to ensure understanding.

15. Chief Wargo also indicated that the area between the highway building and the main Township building would be enclosed but some employees would still need to park outside of the enclosed area.

16. Zoning Officer Slatt confirmed that no changes of the parking or access points would be changed with the fence installation.

17. One of the Board members asked if any access by emergency services would be limited by the fence.

18. In response, Chief Wargo testified that emergency services would not be limited.

19. Chief Wargo also testified that the fence was approved within his budget and the Township has authorized him to apply and pursue the installation of the fence.

20. Zoning Officer Slatt indicated that a four foot (4') fence would not require the variance and could be installed.

21. One of the Board members commented on behalf of the public that he feels he has greater access to police vehicles than he should and that the fence is necessary to protect police assets.

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

23. The Board admitted the following exhibits into the record:
- a. A-1: Application Exhibit with general depiction of fence;
 - b. A-2: Map with drawn dimensions;

24. The Board rendered its decision on the Application.

CONCLUSIONS OF LAW

25. 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."

26. The property is a corner property between Sunny Lane and Chestnut Grove Road.

27. 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).

28. 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.

29. Specifically, the Board finds that there are unique physical characteristics of the Property, as a corner property, with the heightened public access to and through the Property, that result in greater likelihood of security issues for the Police Department. Thus, the multiple factors weigh in favor of granting the variance as requested.

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

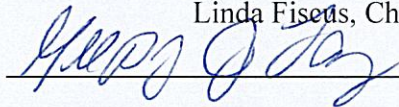
31. Applicant has established that the traditional variance criteria, as set forth in § 450-605.C of the Ordinance, are satisfied in relation to the Application.

A motion was made by Board Member Fiscus, and seconded by Board Member Gensler, 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.