

|                               |   |                                                 |
|-------------------------------|---|-------------------------------------------------|
| RE: Community C.A.R.E.S.,     | : | ZONING HEARING BOARD OF                         |
|                               | : | THE BOROUGH OF CARLISLE                         |
| Applicant                     | : |                                                 |
|                               | : | CASE NO. 2023-02                                |
|                               | : |                                                 |
| Request for Special Exception | : | <b>Date of Decision: May<sup>10</sup>, 2022</b> |

## DECISION OF ZONING HEARING BOARD

### **I. Procedural and Factual Background**

Community C.A.R.E.S. (the “Applicant”), has applied for a special exception pursuant to §§255-8.B. and 255-197.D. of the Carlisle Zoning Ordinance (the “Ordinance”), to expand an existing nonconforming building with a preexisting special exception to provide a “Homeless services, including temporary housing, day services, overnight shelters, target programming and case management” use (the “Application”). The Application was filed with the Carlisle Borough Zoning Hearing Board on February 17, 2023, and proposes to expand an existing nonconforming building by 3,480 square feet for the use, which was previously granted by special exception on February 3, 2022. The Applicant is the lessee of a property located in the Borough’s C-3 General Commercial District, with an address of 230 S. Spring Garden Street, Carlisle, Pennsylvania (the “Property”). Pursuant to §255-99, the use proposed by the Application is not a by-right use in the C-3 District and is therefore not specifically permitted. Whenever a use is not permitted by right, by conditional use or by special exception anywhere in the Borough, the use is prohibited in the Borough, except by special exception pursuant to §255-8.B.

A public hearing on the Application was held at 6:30 p.m. on April 6, 2023, in the Carlisle Borough Hall. The Zoning Hearing Board (the “Board” or the “ZHB”) was represented by Kurt

E. Williams, Esq. of Salzmann Hughes, P.C., and the Applicant was represented Bradley L. Griffie, Esq. of Griffie & Associates, P.C. The hearing was stenographically recorded. Zoning Officer Jared Woolston testified that the public hearing was advertised in the *Sentinel* newspaper on March 23 and 30, 2023, that the Property was posted on March 24, 2023, and neighboring property owners were notified of the Application by mail on March 24, 2023.

Members of the Board participating in the hearing on the Application were: Christopher Fowler (Chair), John Rovegno, Dana Culbertson, Robin Guido, Britt Erney-Muniz, and alternate Anna Knych participated in the hearing (the "Board"). Alternate Board Member Anna Knych participated in the hearing, but not the decision. Aside from the Application submitted (Exhibit A-1), one other exhibit was accepted into the record by the Board (Exhibit Boro-1), the Staff Report for the Application. There were no objections to the admission of any exhibits. No other person or group requested party status.

Justin Doty, PE, the Applicant's engineer ("Mr. Doty"), having been sworn, presented testimony on behalf of the Applicant as follows:

1. Mr. Doty is a Professional Engineer with Frederick, Seibert & Associates located at 505 South Hanover Street.
2. The Property was formerly a commercial building that will be expanded by approximately 3,480 square feet, which is less than the 40% maximum impervious coverage set forth in the Ordinance for a nonconforming use.
3. The current building is nonconforming as it does not comply with setback requirements.
4. The proposed building expansion will not increase the setback nonconformity.

5. The current impervious coverage is 80.3%, which will not be increased under the proposed expansion, so there is no need for stormwater management.
6. The Property contains the requisite number of parking spaces for the use.
7. The building expansion is a land use that will require subdivision and land development review.

Beth Kempf, the Applicant's executive director ("Ms. Kempf"), having been sworn, presented testimony on behalf of the Applicant as follows:

1. The Applicant provides overnight shelters and other services to the area's homeless population.
2. The Applicant has provided temporary shelter to homeless persons at various locations throughout Carlisle and surrounding areas, but wishes to expand the Property to be a permanent location for such services.
3. The Applicant provides case management for those individuals staying at the shelter and those living unsheltered.
4. Up to fifty (50) men and women are temporarily housed at the Property as a congregational shelter.
5. The expanded space is not proposed to provide space for more people, rather it will provide more private bed space and private space for personal belongings for those housed at the Property.
6. The Applicant's goal is to transition people out of homelessness to suitable permanent housing and employment.

## **II. Order and Decision of the Board**

Based upon the Application as submitted and the testimony provided, the Board makes the above findings of fact and issues the following Order and Decision as set forth below.

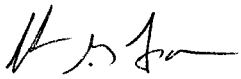
It is hereby ordered and decided as follows:

1. In accordance with Ordinance §§255-8.B. and 255-197.D., the Board finds that the Applicant has met its burden of establishing those criteria necessary for the grant of a special exception to expand an existing nonconforming building with a preexisting special exception to provide a “Homeless services, including temporary housing, day services, overnight shelters, target programming and case management” use.
2. The Application is consistent with the Borough’s March 2019 Comprehensive Plan, recognizing the Applicant as an entity that provides emergency housing shelter for individuals and families and identifies that there is insufficient housing and shelters for persons with special needs, e.g., those with disabilities, who are homeless or threatened with homelessness.
3. The representations made by the Applicant in the Application, the supporting documentation, and the testimony at the public hearing shall be considered conditions of the special exception granted. Changes from said representations, documentation, and testimony, other than minor technical changes, or failure to comply with the conditions of the variance approval, shall be considered a violation of the variance, and may result in revocation of the variance approval if not brought into full compliance within sixty (60) days of written notice of non-compliance from the Borough.
4. The Board is not approving or recommending the parking calculation shown on the plan provided as part of the Application submitted (Exhibit A-1).

5. The Board hereby decides by unanimous vote to grant the Application as presented, with the exception of the parking calculation.

In addition to the above, the Applicant shall comply with all applicable federal, state, local and Borough laws, ordinances, and regulations, including building code occupancy limits.

**Borough of Carlisle Zoning Hearing Board**

By: \_\_\_\_\_  
Chris Fowler, Chair

MAILING DATE: May 10, 2023

**Any person aggrieved by this decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Cumberland County. The appeal must be taken within thirty (30) days of the mailing date of this Decision.**