

RE: Tomorrow's Neighbors,	:	ZONING HEARING BOARD OF
	:	THE BOROUGH OF CARLISLE
Applicant	:	
	:	CASE NO. 2023-09
	:	
Request for Special Exception	:	Date of Decision: September <u>11</u>, 2023

DECISION OF ZONING HEARING BOARD

I. Procedural and Factual Background

Tomorrow's Neighbors (the "Applicant"), has applied for a special exception pursuant to §§255-8.B. and 255-197 of the Carlisle Zoning Ordinance (the "Ordinance"), to allow for a transitional re-entry housing facility use for male individuals returning to the community after being released from prison, which is a use not provided for in the Ordinance; in the alternative, if the Board does not determine that § 255-8.B. is applicable, the Applicant seeks a variance for its use pursuant to §255-250 of the Ordinance (the "Application"). The Application was filed with the Carlisle Borough Zoning Hearing Board on July 5, 2023, and proposes a re-entry housing facility for 14-16 individuals where a previous use as a group home previously existed. The Applicant is the lessee of a property called The Cumberland House located in the Borough's R-4 Town Center Residential District, with an address of 343 East North Street, Carlisle, Pennsylvania (the "Property"). Pursuant to §255-38, the use proposed by the Application is not a by-right use in the R-4 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 August 3, 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 Hubert X. Gilroy, Esq. of Martson Law Offices. The hearing was stenographically recorded. Zoning Officer Jared Woolston testified that the public hearing was advertised in the *Sentinel* newspaper on July 20 and 27, 2023, that the Property was posted on July 19, 2023, and neighboring property owners were notified of the Application by mail on July 17, 2023.

Members of the Board participating in the hearing on the Application were: Britt Erney-Muniz (Acting Chair), Dana Culbertson, Robin Guido, and alternate Anna Knych participated in the hearing (the “Board”). Alternate Board Member Anna Knych also participated in the decision. Aside from the Application submitted (Exhibit A-1), the Applicant offered a letter of support from the Borough Council (Exhibit A-2), and a Home Provider Agreement letter (Exhibit A-3) into the record. 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.

Kurt Danysh, the Applicant’s executive director and house director for The Cumberland House (“Mr. Danysh”), having been sworn, presented testimony on behalf of the Applicant as follows:

1. Mr. Danysh was incarcerated for 24 years and developed a reentry project with a college professor while incarcerated. Mr. Danysh developed the project as a community project once released from incarceration.
2. The Property was formerly a group home for 16 young girls and was subsequently rented to individuals by the current owner.

3. The Property has four individual bedrooms and four bedrooms that can each accommodate three people. It has an industrial kitchen, an addition to accommodate a group home setting, and three bathrooms, one of which has two toilets, a full shower, two standup showers, and four sinks.
4. The Applicant is a 501(c)(3) non-profit entity and received an ARPA grant to finance it for five years.
5. Mr. Danysh agreed with a condition of limiting the number of residents, who the Applicant calls "houseguests," to eight and to apply for another special exception if the Applicant decides to increase the number of residents in the future.
6. Mr. Danysh explained that potential houseguests must be granted parole and then participate in a six-month interview process with the Applicant before becoming a houseguest. There is a single parole agent assigned to the house and parole will remove any houseguests violating conditions.
7. Staff are at the Property from 9:00 a.m. until 5:00 p.m. every day and on call 24 hours a day.
8. Mr. Danysh volunteered additional conditions including no sexual offenders, arsonists, or those at high risk for addiction; zero tolerance for law or ordinance violations; no violence; no drug use; mandated community service; 10:00 p.m. curfew except for work; residents must maintain employment, pay rent, and adhere to parole conditions; no pets; and no loitering on the front porch.
9. The Applicant's goal is to help individuals be responsible and transition back into society.

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 use for a transitional re-entry housing facility for male individuals returning to the community after being released from prison.
2. The Application is consistent with the intent of the R-4 District as indicated by the prior use of the Property as a group home.
3. The Application is consistent with the Borough's March 2019 Comprehensive Plan, recognizing the Applicant as an entity that provides housing for individuals released from prison by providing a safe, inclusive, and welcoming community where every individual can strive to make a difference.
4. The proposed use will not create additional traffic congestions; it will not create a significant public safety hazard; and it will not negatively affect the character of the existing residential neighborhood to avoid negative influence on adjacent uses.
5. 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 special exception, shall be considered a violation of the special exception, and may result in revocation of the special exception approval if not brought

into full compliance within sixty (60) days of written notice of non-compliance from the Borough.

6. Conditions of approval:

- a. Applicant will be limited to eight houseguests;
- b. Staff will be on-call 24 hours a day;
- c. All houseguests shall be required to sign the Home Provider Agreement letter (Exhibit A-3) and a written lease with the Applicant;
- d. Applicant shall maintain connection to Eastside Neighborhood Association;
- e. No pets shall be allowed by the houseguests or Applicant;
- f. No loitering on the front porch and no loitering in the rear yard between 10pm and 6am daily;
- g. Houseguests shall be required to perform periodic community service;
- h. No drug use on the premises;
- i. Houseguests shall observe a 10pm curfew daily, except as required for work commitments;
- j. Houseguests shall not include sexual offenders or arsonists;
- k. All houseguests shall be subject to the jurisdiction of Cumberland County Office of Adult Probation and Parole.

7. The Board hereby decides by unanimous vote to grant the Application as presented with the above conditions of approval.

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: Britt E. Muniz
Britt Erney-Muniz, Acting Chair

MAILING DATE: September 11, 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.