

RE: WILLIAM SPRUILL and : ZONING HEARING BOARD OF
LILLIAN WONG, : THE BOROUGH OF CARLISLE
Applicants :
: CASE NO. 18-01
: Request for Special Exception : **Date of Decision:**

DECISION OF ZONING HEARING BOARD

I. Procedural Background and Findings of Fact

Applicants, William Spruill and Lillian Wong, are the owners of real property located at 520 South Pitt Street in the Borough of Carlisle. The property is located in the Borough's R-4 Town Center Residential zoning district.

On January 5, 2018, the Applicants submitted to the Borough of Carlisle Zoning Hearing Board ("Board") a request for a special exception seeking relief from Article XXVII, Section 255-234.E.(4) of the Borough of Carlisle's Zoning Ordinance ("Zoning Ordinance"). The Applicants propose a change in the existing nonconforming use of a dental office to another nonconforming use of a financial planning business. The Zoning Ordinance sets forth that a nonconforming use may be changed to another nonconforming use only if permitted as a special exception. The Zoning Ordinance prescribes that the Board evaluate the Application using the criteria listed in Zoning Ordinance Article XXVII, Section 255-234.E.(4).

After proper advertisement and notice, a public hearing was held on February 1, 2018, in the Carlisle Borough Municipal Building, 53 West South Street, Carlisle, Pennsylvania, at which Hearing Board members Robert F. Broyles, Vincent Champion, Stephanie E. Chertok, Christopher Fowler and John Martin were present. Solicitor Jennifer B. Hipp was present on behalf of the Board. The Applicants were represented by their real estate agent, Justin Hovetter. The hearing was stenographically recorded.

Mr. Hovetter testified in support of the Application. He is the Applicants' real estate agent. He testified that the property has been marketed for both residential and commercial uses due to its zoning classification.

Mr. Hovetter testified that a party was interested in purchasing the property to use as a residence. In conducting due diligence prior to the purchase, the prospective purchasers learned that significant structural modifications to the building to accommodate emergency egress from each of the bedrooms would be required. The cost prohibitive nature of the required modifications is largely due to the building's stone construction. Mr. Hovetter testified as to his understanding that the modifications would be required pursuant to the applicable provisions of the International Residential Code requirements.

Mr. Hovetter testified that a party would like to purchase the property for use as a general office space to operate the SWC Wealth Management business, a financial planning business. The proposed use would accommodate three occasional employees. Further, most meetings with clients would be held off-site. Mr. Hovetter noted that the prospective purchaser estimates that one or two client meetings will be held at the property each day. Currently, the dental office receives between 18 and 20 clients each day. In addition to the two dentists, the dental office employs three full time employees. Mr. Hovetter testified that the proposed use would result in a drastic reduction of traffic generated by the property's use.

Mr. Hovetter testified that the proposed use will not generate any noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration. Further, he noted that the proposed use will not employ any outdoor storage or waste disposal. He stated that the proposed use will not operate during late night or early morning hours.

Finally, Mr. Hovetter testified that the proposed use is equally compatible to the neighborhood as the existing use. He testified that two nonconforming uses exist adjacent to the property, a family medicine practice and a tax and payroll services business.

There was no opposition from any person or organization to the Applicants' request.

Based upon the Application as submitted and the testimony presented, the Board makes the above Findings of Fact and issues the following Order and Decision.

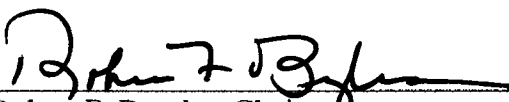
II. Order and Decision of the Board

It is hereby ordered and decided as follows:

- A. The Board finds that the Applicants have met their burden of establishing those criteria necessary for the grant of a special exception pursuant to Zoning Ordinance Article XXVII, Section 255-234.E.(4).
- B. The Board hereby decides by unanimous vote that the special exception pursuant to Zoning Ordinance Article XXVII, Section 255-234.E.(4) is hereby GRANTED.

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

Borough of Carlisle Zoning Hearing Board

By: 
Robert F. Broyles, Chairman
Date:

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 date of this Decision.