

RE: ACB REALTY, LLC, t/a : ZONING HEARING BOARD OF
 AMISH COUNTRY BAKEHOUSE, : THE BOROUGH OF CARLISLE
 Applicant :
 : CASE NO. 18-02
 :
 Request for Special Exception and :
 Variances : **Date of Decision:**

DECISION OF ZONING HEARING BOARD

I. Procedural Background and Findings of Fact

Applicant, ACB Realty, LLC, t/a Amish Country Bakehouse, is a party to an Agreement of Sale for Real Estate for property located at 457 East North Street in the Borough of Carlisle. The property is located in the Borough's C-5 Entranceway Business zoning district.

On January 11, 2018, the Applicant submitted to the Borough of Carlisle Zoning Hearing Board ("Board") a request for a special exception seeking relief from Zoning Ordinance Article XIII, Section 255-92.A.(7) of the Borough of Carlisle's Zoning Ordinance ("Zoning Ordinance"). The Applicant proposes to use the property as a pretzel factory, which would consist of baking, packaging and distribution of pretzels and pretzel-related products. In addition, the Applicant appeals from the Zoning Officer's determination that Zoning Ordinance Article XIII, Section 255-93.J. applies, which sets forth any new or expanded loading area be landscaped or screened by a decorative masonry wall or in a manner that would minimize the loading area's visibility from any public street, residential district or primarily residential use. In the alternative, the Applicant requests a variance from the requirements of Article XIII, Section 255-93.J. In addition, the Applicant appeals from the Zoning Officer's determination that Article XIII, Section 255-93.L. applies, which sets forth that the minimum setback for new or expanded areas used for manufacturing or new tractor trailer loading docks

is 75 feet. In the alternative, the Applicant requests a variance of five feet from the 75 foot setback requirement.

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 Applicant was represented by Hubert X. Gilroy, Esquire. The hearing was stenographically recorded.

Richard Murphy, P.E., of Cumberland Design & Building Company, Inc., testified in support of the Application. Mr. Murphy testified that the Applicant has entered into an Agreement of Sale which is contingent upon the Applicant obtaining the requested zoning relief.

Mr. Murphy testified that the property is 2.36 acres in size. The existing building is approximately 23,000 square feet in size. The Applicant proposes to add an addition in the size of 2,310 square feet. Further, the Applicant proposes to add an 80 square foot cooler to the property. Mr. Murphy testified that there is an existing loading dock at the property which is 1,340 square feet in size. The Applicant proposes to modify the existing loading dock by reducing its size to approximately 420 square feet.

Mr. Murphy noted that the building's existing use is for The Sentinel's newspaper publishing facility. He noted his opinion that the proposed use would likely result in a decrease of traffic at the property. He testified that the traffic pattern would remain the same, in terms of where tractor trailer trucks enter and exit the property.

Nicholas Sarago, the owner of ACB Realty, LLC, t/a Amish Country Bakehouse, testified in support of the Application. He testified that the Applicant's manufacturing facility is currently located in Camp Hill. The current facility is approximately 8,500 square feet in size. The hours

of operation are Monday through Thursday, 6:00 a.m. to 5:00 p.m. Currently, the Applicant employs 14 employees at its Camp Hill facility.

Mr. Sarago testified that the operations at the proposed Carlisle facility would be Monday through Friday, 6:00 a.m. to 5:00 p.m. He hopes to increase the number of employees from 14 to 30 – 40 in the next few years.

There was no opposition from any person or organization to the Applicant's 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

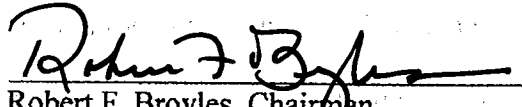
It is hereby ordered and decided as follows:

- A. The Board finds that the Applicant has met its burden of establishing those criteria necessary for the grant of a special exception pursuant to Zoning Ordinance Article XIII, Section 255-92.A.(7), and that the Applicant has met its burden of establishing those criteria necessary for the grant of a variance pursuant to Zoning Ordinance Article XIII, Section 255-93.J. and a variance of 5' from the minimum setback requirements pursuant to Section 255-93.L.
- B. The Board hereby decides by unanimous vote that the special exception pursuant to Zoning Ordinance Article XIII, Section 255-92.A.7, a variance pursuant to Zoning Ordinance Article XIII, Section 255-93.J., and a variance of 5' from the minimum setback requirements pursuant to Section 2 255-93.L. are hereby GRANTED.¹

¹ Given that the Board granted the Applicant's request for variances, the Board determined that rendering a decision on the Applicant's Appeals from the Zoning Officer's determinations is rendered moot.

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.