

RE: HOFFMAN'S, LLC, : ZONING HEARING BOARD OF
Applicant : THE BOROUGH OF CARLISLE
: :
: CASE NO. 18-03
: :
Request for Special Exception : **Date of Decision:**

DECISION OF ZONING HEARING BOARD

I. Procedural Background and Findings of Fact

Applicant, Hoffman's, LLC, is the party to a Lease Agreement for property located at 219 North Hanover Street in the Borough of Carlisle. The property is located in the Borough's C-1 Central District 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 I, Section 255-8.B. of the Borough of Carlisle's Zoning Ordinance ("Zoning Ordinance"). The Applicant proposes to operate a banquet hall. A banquet hall is a use that that is not permitted by right, by conditional use or by special exception anywhere in the Borough. Whenever a use is not permitted by right, by conditional use or by special exception anywhere in the Borough, the use is prohibited, except that the Applicant can apply to the Board to permit the use as a special exception. See Zoning Ordinance, Article I, § 255-8.B. To obtain the approval of a special exception request, the Applicant must show that the proposed banquet hall will be compatible with the intent of the C-1 Central Business zoning district. The Zoning Ordinance prescribes that the Board shall evaluate the Application using the criteria listed in Zoning Ordinance Article XXIV, Section 255-197.D.

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 Kate Millikan, Esquire. The hearing was stenographically recorded.

Christopher Hoffman, the owner of Hoffman Funeral Home and Hoffman's, LLC, testified in support of the Application. Mr. Hoffman testified that he is a third generation business owner of the Hoffman Funeral Home, which recently relocated from 219 North Hanover Street to North Middleton Township. The property at 219 North Hanover Street is the subject of an installment sales agreement, with William W. Hoffman and Gretchen H. Hoffman as Grantors and Freehold Enterprises, LLC as the equitable owner.

Christopher Hoffman testified that he would like to lease the first floor of the main building, which was formerly used as the public area of the funeral home. The second floor of the building is a rental unit. There are other rental properties on the site, which were used as rental property when the funeral home operated from 219 North Hanover Street.

Mr. Hoffman testified that he would like to use this location as a place for his customers to hold a meal or gathering after a funeral service at the funeral home. He testified that there is a dearth of options for this type of use in the Borough of Carlisle.

Mr. Hoffman testified that, with tables, the space would hold approximately 75 to 100 people. All food served at these gathering would be brought in by outside sources, and no food would be prepared on-site. He testified as to his belief that adequate parking exists behind the

building and the surrounding areas. His only proposed modification would be to install ADA compliant bathrooms.

Mr. Hoffman testified as to his belief that he would be able to more easily control the number of people who attend a gathering than he could a funeral. At a funeral, the service is open to the public, and he is unable to control the number of people that attend. For the proposed after-funeral gathering, Mr. Hoffman will be able to advise his clients that the space holds a certain number of people and that the guest list for those who would attend the gathering must be limited.

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

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.

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 I, Section 255-8.B.
- B. The Board hereby decides by a unanimous vote that the special exception pursuant to Zoning Ordinance Article I, Section 255-8.B 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
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.