

RE: ROBERT C. LEONARD, : ZONING HEARING BOARD OF
Applicant : THE BOROUGH OF CARLISLE
: :
: CASE NO. 19-06
: :
Request for Variances : **Date of Decision: 6/18/19**

DECISION OF ZONING HEARING BOARD

I. Procedural and Factual Background.

Applicant, Robert C. Leonard, is the owner of real property located at 560 N. Bedford Street in the Borough of Carlisle. The property is located in the Borough's R-4 Town Center Residential zoning district.

On April 24, 2019, the Applicant submitted to the Borough of Carlisle Zoning Hearing Board (the "Board") a request for variances seeking relief from Article VI, Section 255-42 of the Borough of Carlisle Zoning Ordinance (the "Zoning Ordinance") which sets forth that the minimum side yard setback for a semi-detached home is 5 feet. The Applicant is proposing a side yard setback of 4 feet, 2.5 inches. In addition, the Applicant requests a variance seeking relief from Article XXIV, Section 255-200.D.12.b.5, which sets forth that an 8 foot setback is required for a detached garage from any street line. The Applicant proposes to replace his existing garage with a new garage that would be located 4 feet, 6 inches from Specks Avenue (an alley). The Applicant proposes to demolish the existing garage/shed located at his property and replace it with a new garage that would be 13 feet, 6 inches by 22 feet in size. After proper advertisement and notice, a public hearing was held on June 6, 2019, in the Carlisle Borough Municipal Building, 53 West South Street, Carlisle, Pennsylvania, at which hearing Board Members Stephanie E. Chertok, Vincent Champion, Christopher Fowler, John Rovegno and Alternate Board Member Joel Hicks were present. Solicitor Jennifer B. Hipp was present on behalf of the Board. The hearing was stenographically recorded.

Mr. Leonard testified in support of his Application. He testified that he has resided in his home since 1983 and that the existing garage was present when he purchased his property. He noted that the existing garage is in very poor condition and will have to be demolished. He also noted that due to the garage's current dimensions that it is extraordinarily difficult, if not impossible, for him to park his car in the garage.

Mr. Leonard testified that he has no off-street parking for his car. He parks his car on North Bedford Street, which has become increasingly problematic since he purchased his home in 1983. Now, there are many more cars that park in this area of the Borough. Mr. Leonard testified that his car has been vandalized two times, side-swiped once, and that he often has to park anywhere from 50 to 75 feet from his house.

Mr. Leonard testified that the proposed garage is the smallest standard size garage with an automatic garage door in which he could park a compact car. He noted that, in this block of North Bedford Street, there are several other garages that are wider in size and located further into the setback than his current garage.

Mike Skelly, Planning, Zoning & Codes Manager, Borough, testified that none of the existing garages in this block of North Bedford street conform to the Zoning Ordinance's setback requirements. In addition, Mr. Skelly confirmed that the existing garage is in very poor condition.

Jonathan Elias, 525 N. Hanover Street, testified in favor of the Application. He noted that, in his opinion, all of the structures that abut Specks Avenue are out of compliance with the Zoning Ordinance and in poor shape. Any improvement to the garages would be an improvement to the neighborhood altogether.

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

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

II. Order and Decision of the Board

It is hereby ordered and decided as follows:

- A. The Board finds that the Applicant has met his burden of establishing those criteria necessary for the grant of variances to Zoning Ordinance Article VI, Section 255-42 to permit a side yard setback for an accessory structure of 4 feet and 2.5 inches, and to Zoning Ordinance Article XXIV, Section 255-200.D.12.b.5 to enable the Applicant to have a setback from Specks Avenue of 4 feet and 6 inches.
- B. The Board hereby decides by unanimous vote that the variances to Zoning Ordinance Article IV, Sections 255-42 and 255-200.D.12.b.5 are 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: 
Stephanie Chertok, Chairperson
Date: 6/18/19

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.