

RE: Dickinson College, : ZONING HEARING BOARD OF
Applicant : THE BOROUGH OF CARLISLE
Request for Special Exception : CASE NO. 2020-08
: **Date of Decision: July 2, 2020**

DECISION OF ZONING HEARING BOARD

I. Procedural and Factual Background

Dickinson College, with a mailing address of P.O. Box 1773, Carlisle, Pennsylvania 17013 (the “Applicant”), has applied for a special exception pursuant to §255-46.C.(3) (Offices or outpatient or inpatient medical health care facility) of the Carlisle Zoning Ordinances (the Ordinance”), to allow the establishment of academic and faculty offices (the “Application”). The Applicant is the owner of a property located in the Borough’s R-5 Traditional Residential District, with an address of 41 Conway Street, Carlisle, Pennsylvania (the “Property”). Office uses are permitted by special exception and are therefore also decided in accordance with §255-197.

A public hearing on the Application was held on July 2, 2020, in the Carlisle Borough Hall. Zoning Hearing Board members participating in the hearing and decision were Chairman Vince Champion and members John Rovegno, Dana Culbertson and alternate Britt Erney-Muniz. The Zoning Hearing Board (the “Board” or the “ZHB”) was represented by Kurt E. Williams, Esq. of Salzman Hughes, PC. and the Applicant was represented by Kendall Isaac, Esq. The hearing was stenographically recorded. The hearing was advertised in the *Sentinel* newspaper on June 17 and

24, 2020.¹ Aside from the Application submitted, the Applicant offered one exhibit, a map of the Property and adjacent properties, marked as College Exhibit 1.

Ken Shultes, the Applicant's Vice-President for sustainability and facilities planning, having been previously sworn in for Application 2020-07, presented testimony on behalf of the Applicant as follows:

1. The existing use of the Property is faculty and student housing. The building on the Property is approximately 2,200 SF in size.
2. The Property's proposed use is for academic and faculty offices.
3. The building is served by six (6) parking spaces at the Property. Additional parking is available approximately 400 feet away at 50 Moreland Avenue at another building owned by the Applicant. Most visitors to the Property will arrive by foot. No traffic or parking issues are expected.
4. Ordinance §255-46.C. requires a minimum 20,000 SF building for an office. The Applicant proposes to meet that requirement by considering the Property to be "connected" to the building at 50 Mooreland Avenue, which is less than 30 feet from the Property.
5. Office uses already exist in the general neighborhood, thus the proposed use at the Property will not negatively impact the neighborhood.
6. The Property is in close proximity to other Dickinson College facilities.
7. The Applicant plans for four (4) full-time employees to be based at the Property.

There were no members of the public at the hearing and no public comment was voiced.

No other person or party requested party status.

¹ In accordance with 35 Pa.C.S.A. §5741(e), notice of proposed action on Application 2020-08 was posted on the Carlisle Borough public website on or before June 26, 2020.

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:


- A. In accordance with Ordinance §§255-46.C.(3). and 197., the Applicant has met its burden of establishing those criteria necessary for the grant to a special exception for an office use.
- B. 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 approval, 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
- C. The Board hereby decides by unanimous vote to grant the Application as presented.

[signature page follows]

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: 
Vincent Champion, Chair

MAILING DATE:  July 31, 2020

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.