

RE: Dickinson College, : ZONING HEARING BOARD OF
 : THE BOROUGH OF CARLISLE
Applicant :
 : CASE NO. 2020-07
 :
Request for Special Exception and Variances : **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 §255-40.B. (Public or private primary or secondary schools, subject to compliance with §255-199.A.(38)) of the Carlisle Zoning Ordinances (the Ordinance”), to allow the establishment of academic department auxiliary space (faculty offices as well as teaching space) (the “Application”). The Applicant is the owner of a property located in the Borough’s R-4 Town Center Residential District, with an address of 46 South West Street, Carlisle, Pennsylvania (the “Property”). Public or private primary or secondary school uses are permitted by special exception and are therefore decided in accordance with §255-197.D. The Applicant is also seeking relief from several area and bulk regulations of §255-199.A.(38)(a).

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 sworn, presented testimony on behalf of the Applicant as follows:

1. The existing use of the Property is student special interest housing.
2. The Property's proposed use is for faculty offices and teaching space for the Dickinson College Music Department.
3. The building is served by two (2) parking spaces in the rear of the Property. Most people coming to the Property will arrive by foot so the existing parking should be adequate. No traffic issues are expected.
4. The Music Department currently or recently occupied space at 50 South West Street for the same purpose as the one proposed. However, the Applicant's lease on that building expired and thus the desire to move the use to the Property. Since the use has already existed in the neighborhood, the proposed use at the Property will not negatively impact the neighborhood.
5. The Property is in close proximity to other Dickinson College facilities such as the Weiss Center, the President's House, and another building three doors down the street.
6. The Applicant also presented testimony regarding the requested variances from §255-199.A.(38)(a) (area and bulk regulations).

At the conclusion of the Applicant's testimony, Chairman Champion opened the hearing for public comment. There was none. 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 2020-07 was posted on the Carlisle Borough public website on or 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 §§255-40.B. and 197.C., the Applicant has met its burden of establishing those criteria necessary for the grant to a special exception for public or private primary or secondary schools, subject to compliance with §255-199.A.(38) of the Ordinance.
- B. The Board finds that the Applicant has met its burden of establishing those criteria set forth in 53 P.S. §10910.2. necessary for the grant of variances from the area and bulk regulations of Ordinance §255-199.A.(38)(a).
- C. In accordance with Ordinance §255-199.A.(38), the Board finds that the Applicant has met its burden of establishing those criteria necessary for the grant of a special exception for a public or private primary or secondary school.
- D. 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 and variance granted. Changes from said representations, documentation and testimony, other than minor technical changes, or failure to comply with the conditions of the variance approval, shall be considered a violation of the variance, and may result in revocation of the special exception and/or variance approval if not brought into full compliance within sixty (60) days of written notice of non-compliance from the Borough
- E. The Board hereby decides by unanimous vote to grant the Application as presented.

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.