

RE: Freehold Enterprises, LLC, : ZONING HEARING BOARD OF
Applicant : THE BOROUGH OF CARLISLE
Request for Special Exception : CASE NO. 2020-05
: **Date of Decision: June 4, 2020**

DECISION OF ZONING HEARING BOARD

I. Procedural and Factual Background

Freehold Enterprises, LLC (the “Applicant”), has applied for a special exception pursuant to §255-62.E. (Apartments, subject to compliance with §255-199.A.(5)) of the Carlisle Zoning Ordinances (the Ordinance”), to allow the establishment of a second story apartment building (the “Application”). The Applicant is the owner of a property located in the Borough’s C-1 Central Business District, with an address of 217-219 N. Hanover Street, Carlisle, Pennsylvania (the “Property”).

A public hearing on the Application was held on June 4, 2020, in the Carlisle Borough Hall.¹ 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 *pro se.* The hearing was stenographically recorded. The hearing was advertised in the *Sentinel* newspaper on May 20 and 27, 2020.² Alternate Board Member Britt Erney-Muniz participated in the hearing, but not the

¹ The public hearing having taken place during the pendency of the COVID-19 pandemic, and in conformity with Pennsylvania Department of Health requirements to limit gatherings of more than twenty-five (25) people, the hearing was also broadcast via Zoom in accordance with 35 Pa.C.S.A. §5741(f).

² In accordance with 35 Pa.C.S.A. §5741(e), notice of proposed action on Application 2020-05 was posted on the Carlisle Borough public website on or about May 26, 2020.

decision. Aside from the Application submitted, the Applicant offered two (2) additional exhibits into the record:

- A-1 Summary of special exception requirements and compliance, photos and interior floor plan sketches; and
- A-2 Parking layout plan dated February 27, 2020.

Michael Adler, the Applicant's Managing Member, having been sworn, presented testimony on behalf of the Applicant as follows:

1. The Property is the site of the former Hoffman-Roth Funeral Home and is now owned by the Applicant.
2. The Applicant is proposing to redevelop the Property into mixed-use professional office, retail and high-end apartment units to connect the downtown area to the new development taking place at the former Lear Plant.
3. The building proposed for the apartment use has been empty since the 1960's. The proposed apartment is 1,312 SF.
4. Exhibit A-1 outlines how the Application complies with the requirements of Ordinance §255-199.A.(5) for apartments.

At the conclusion of the Applicant's testimony, Chairman Champion opened the hearing for public comment. There was none, either in person or received online.

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 §255-62.E., the Board finds that the Applicant has met its burden of establishing those criteria necessary for the grant of a special exception for an apartment in the C-1 zone, pursuant to §255-199.A(5).
- 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 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 variance 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.

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: June 24, 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.